

BANKRUPTCY CLINIC

A project of The Volunteer Lawyers Project of Legal Aid Services of Oregon, Multnomah County Office & the Debtor-Creditor Section of the Oregon State Bar

FREQUENTLY ASKED QUESTIONS

Who Comes to the Bankruptcy Clinic?

Anyone may attend one of the classes. There are 15-20 appointments available for low-income clients following each class. In order to make an appointment, the client's income must be within 125% of the Federal Poverty Income Guideline (FPIG).

Who Makes the Appointments?

People who want appointments call the Multnomah County Office of Legal Aid Services of Oregon at (503) 224-4086. Callers who say that they need help to file bankruptcy are screened for financial eligibility. The appointments fill up quickly.

What Happens at the Bankruptcy Clinic?

A staff person greets the people coming to the clinic and has clients complete the intake paperwork.

The Bankruptcy Clinic begins with a 45-minute class on consumer bankruptcy taught by a member of the Bankruptcy Court Bench or a volunteer attorney. The class provides basic information on Chapter 7 bankruptcies. A volunteer attorney who represents debtors helps to screen the clients based on their completed Bankruptcy Questionnaires, and matches clients with lawyers. Following the class volunteer lawyers meet with clients. Each volunteer attorney meets with two clients. Each client meeting takes approximately thirty minutes.

What Paperwork Is Involved?

You will be asked to fill out a Volunteer Attorney Information Form if you have not previously done so. An intake person from Legal Aid Services of Oregon (LASO) does the paperwork and puts together files for the people who have appointments. Each client file contains a LASO Pro Bono Program Intake Form, two copies of the Bankruptcy Clinic retainer agreement (one for the lawyer and one for the client), a petition typing request form, an interview form, a consultation worksheet, document checklists, a mini-means test, and a Section 527(b) statement to assist the lawyer, an evaluation form for the client and a case closure form. When you complete work on the case, please fill out the Case Closure Form, letting us know how the case was completed and how many hours you worked on the case. Please return this form to our office.

How Are Clients Screened for Conflicts?

Clients receive a Bankruptcy Questionnaire to fill out and bring to the clinic. They are asked to list all of their creditors and/or bring copies of all of their bills. Volunteer lawyers review the creditor information before they meet with potential clients. If there is a conflict, the client will be seen by another attorney at the clinic.

What Happens During the Half-Hour Appointment?

During the appointment, the client should identify what he or she wants to achieve by filing bankruptcy. You should use the interview and the Bankruptcy Questionnaire to get the information necessary to advise the client whether filing a Chapter 7 bankruptcy will achieve that goal.

How Do I Decide Whether to File a Bankruptcy for the Client?

If the client wants to file for bankruptcy, and a Chapter 7 bankruptcy would achieve the client's goals, take the steps necessary to file the petition. If you believe that the client may not be eligible for free services because he or she has income or assets not listed on the intake form, Legal Aid can re-screen the client. Ask the staff person at the clinic or call Andreea Szabo at 503-224-4086. If you have other concerns about the client's situation, please check with the lawyer who screened the client or call one of the consulting attorneys listed below.

What Fees Does the Client Pay?

The client is responsible for paying the \$299 filing fee. Do not charge the client for the legal services involved in the Chapter 7 bankruptcy. However, you may ask the client to pay out-of-pocket costs such as long distance charges.

What Should I Do if the Client Does Not Follow Through?

The Bankruptcy Clinic Retainer Agreement states that the client is responsible for providing the attorney with complete and honest information, attending court dates, etc. The attorney has the authority to end the agreement if the client does not meet his or her responsibilities. The lawyer must give the client written notice of the reason before terminating the agreement. Confirmation letters about those responsibilities may be helpful.

What if I Determine that the Client Should File Under Chapter 13?

If you determine that the client should file for bankruptcy under Chapter 13 instead of Chapter 7 because of the need to restructure secured debt, dischargeability concerns or other issues, explain your conclusion to the client. You are not expected to provide free legal services in a fee-generating Chapter 13 case. Explain to the client that he or she will need to hire an attorney, and give the client the telephone number of the Oregon State Bar Lawyer Referral Program (503-684-3763). The client may choose to hire you to file the Chapter 13 bankruptcy if you are willing to handle the case.

What if the Client Should Wait to File Under Chapter 7?

If you decide that the client would get relief under Chapter 7, but should wait to file for up to six months (due to concerns about health or car insurance, etc.), you should

represent the client, if possible. The confirmation letter that you send to the client should include your advice, specify when the client should contact you to prepare the petition and explain what the client should and should not do in the interim.

Is There Software Available to File Chapter 7 Petitions?

The Clerk of the U.S. Bankruptcy Court has approved several software programs for Chapter 7 petitions. The Pro Bono Committee has obtained a copy of one of the programs, and has permission to use it for pro bono cases handled through the Bankruptcy Clinic. If you would like to borrow the software, call Valerie Tomasi at 503-228-6044.

The Pro Bono Committee has made arrangements with Todd Trierweiler's office to assist volunteer attorneys who do not have one of the programs by typing the Chapter 7 petition. If you want to use this service for a case, please complete the Petition Typing Request Form.

Are There Experts Available to Answer Questions About Bankruptcy?

An experienced debtors' attorney from Todd Trierweiler's law firm will be at each of the clinics, and will be available to answer questions. The following members of the OSB Debtor-Creditor Section have also offered to consult with lawyers who volunteer at the Bankruptcy Clinic:

Richard Slottee	503-768-6500
Ann Chapman	503-241-4869
Valerie Tomasi	503-228-6044

What Should I Do When the Case Is Over?

When you have completed your work on a Bankruptcy Clinic case, please fill out the Case Closure Form and mail the form to the Volunteer Lawyers Project at Legal Aid, 921 S.W. Washington St., Suite 500, Portland, OR 97205. There is a space to mark the service rendered (e.g. counsel and advice, court decision, etc.) and one for the amount of time that you donated to the client. The statistical information is important to the Debtor-Creditor Section and to Legal Aid. Legal Aid will report your volunteer hours to the Oregon State Bar for recognition.

Where Should I Call if I Have Questions?

If you have other questions, comments or suggestions, please contact Andreea Szabo, Staff Attorney at the Multnomah County Office of Legal Aid Services of Oregon, 503-224-4086 or Andreea.Szabo@lasoregon.org.

**THANK YOU FOR MAKING THE TIME TO MAKE A DIFFERENCE IN THE LIVES OF
LOW INCOME CLIENTS THROUGH THE OSB DEBTOR-CREDITOR SECTION
BANKRUPTCY CLINIC.**

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