

Norwell Office
167 Washington Street
Norwell, MA 02632
781.660.8665



Cape Cod Office
1550 Falmouth Road, Ste 10
Centerville, MA 02632
866.263.5972



WHAT TO EXPECT AT YOUR FIRST MEETING WITH A BANKRUPTCY LAWYER

It is normal to feel apprehensive about meeting with an attorney to talk about bankruptcy. Most of the anxiety arises out of a fear of the unknown, coupled with all of the other stresses associated with being in debt. Rest assured that our attorneys know this is a difficult time for you, and we are here to make the process easier for you. Let's start by explaining what to expect during your first meeting with a bankruptcy lawyer, what will be expected of you, and some simple things you can do to prepare.

BEFORE THE MEETING

This initial meeting is an information-gathering session for both you and your attorney. You are there to learn about bankruptcy and how a bankruptcy may help you. Your attorney is there to learn about you and your goals, to evaluate your situation, and to make recommendations. To ensure the meeting is productive, you will want to do the following:

[1] GATHER DOCUMENTS

When you schedule your initial consultation, ask what documents you should bring with you. In most cases, you will be asked to bring the following:

DOCUMENT	REASON
Paystubs for the past 6 months for you and spouse	Helps determine eligibility for Ch. 7, plan payments for Chapter 13
Self-employment income and expenses for past 6 months	Helps determine eligibility for Ch. 7, plan payments for Chapter 13
Lawsuits, judgments and garnishments	Helps determine extent of debt, timing, and dischargeability issues
Tax returns for the past two years	Helps determine eligibility, household size, and expenses
Foreclosure notices	Helps determine timing, extent of mortgage arrears, and debt load
Divorce settlements/child support documents	Helps determine dischargeability issues and extent of debt
Photo identification	Needed to pull credit report

All of these documents will help your attorney give you the best advice. Don't worry if you can't locate all of the items on the list. Do your best and bring what you can find.

[2] CONSIDER YOUR PRIORITIES AND FINANCIAL GOALS

Think about how your monthly budget looks now and how it may look after a bankruptcy. Imagine a monthly budget that allowed you to create a savings account for emergencies, or gave you a lower monthly car payment. Decide what sacrifices you would be willing to make to achieve this budget. Your attorney can advise you on how bankruptcy can help you achieve this.

A list helps keep you focused and reduces the chances that you will forget to address concerns that are important to you.

[3] CREATE A LIST OF QUESTIONS AND CONCERNS YOU HAVE ABOUT FILING BANKRUPTCY

Taking the time to formulate this list before the meeting forces you to consider all of the ramifications of filing bankruptcy, good and bad. A list also helps keep you focused and reduces the chances that you will forget to address concerns that are important to you. Here are some sample questions that may be helpful to ask:

- Can I keep my home and car?
- Will bankruptcy stop foreclosure or repossession?
- Can I keep my tax refund?
- How long will it take to stop a garnishment?
- What happens to my co-signer if I file bankruptcy?
- How much does it cost to file bankruptcy?
- Do I have to go to court?
- Will my spouse's credit be affected if I file for bankruptcy?
- How will this impact my credit?
- How long will it be before I can get a credit card? A car loan? A mortgage?

AT THE MEETING

Arrive on time, with your documents and photo identification in hand. You may be asked to fill out some preliminary paperwork, much like at a doctor's office.

Expect some intrusive questions about you and your spouse or significant other, even if he or she is not planning on filing a bankruptcy. Try not to take this personally or be offended. These questions are a necessary part of the fact-gathering process. Questions about a non-filing spouse are relevant because many components of bankruptcy are based on the household income, household expenses, and family size.

You may be asked about other lawsuits. It is extremely important to tell your attorney about any lawsuits or claims that you have or could bring against another party for money. This includes any class action lawsuits that you have joined.

You may be asked to provide your Social Security number. At some point, you are going to have to provide this to your attorney if you want to file bankruptcy. It is mandatory information that must be listed on your filing. Your attorney may ask for this information during your initial meeting to check the court's electronic case filing system (ECF) to see if there are any previous bankruptcy filings under your Social Security number. The number of prior filings impacts the attorney's advice to you. Also, your Social Security number is needed to pull a credit report.

It is important to be completely honest with your bankruptcy attorney. Conversations between you and your attorney are confidential. If you do not supply complete and accurate information, the advice that you receive may not be the best for your particular situation.

AFTER THE MEETING

Once the initial meeting is concluded, you will have to make some decisions. An experienced bankruptcy attorney can guide you in the right direction and help you determine the best way forward for you and your family.