

Ten Questions

To Ask Your Bankruptcy Lawyer

What type(s) of law do you handle?

The days of the “general practitioner” are gone. Today most lawyers only handle one or two types of law. If the lawyer you are interviewing lists more than two practice areas of law, that is a red flag. The bankruptcy laws are very complex and changing all the time. To hire a lawyer that does not concentrate his practice in bankruptcy law would be a serious mistake.

How long have you been handling bankruptcy cases?

I urge you to not ask “How long have you been practicing law?”. What is important is how long the attorney has been practicing bankruptcy law. Some lawyers change the type of work they do throughout their career. For instance, currently there are many Illinois lawyers who very recently began practicing bankruptcy law because their real estate or divorce practice dried up and they had no work. Now they are practicing bankruptcy and have little or no experience or knowledge in bankruptcy law. They may have been an attorney for 20 or more years...but do they know bankruptcy law?

Have you had any bankruptcy cases like mine in the past? If so, how many?

Within any area of law there are many types of cases. In bankruptcy there is Chapter 7, Chapter 9, Chapter 11, Chapter 12 and Chapter 13. Each chapter has its unique bankruptcy procedures and complications. It is important that the attorney you hire has experience with these bankruptcy procedures and complications and can advise you on the probable outcome of your bankruptcy discharge.

How regularly are you in the bankruptcy court where my case will be heard?

Of course it is important to know the law, but it is equally important to know the local judges, trustees, clerks, and other attorneys. Your bankruptcy attorney needs to know what these bankruptcy judges and bankruptcy trustees will and won't allow as well as what they like and don't like. The attorney who is a regular in the court where your case will be heard is in a better position to get the best outcome for you.

What is the bankruptcy procedure for this type of case?

Although each case is different, most cases follow a general outline. Your bankruptcy attorney should be fluent enough in bankruptcy law to give you an outline of how your case will flow, including timelines and possible variations for Chapter 7, Chapter 13 and chapter 11.

Will you be handling my case, or will it be someone else in your office or even someone not from your office?

Sometimes, the experienced attorney you meet with will not be the attorney handling your case or even the attorney going to court with you. You should know up front who will be working on your case, answering your questions, going with you to court and ultimately responsible for your case. Particularly in bankruptcy, it is common practice for the bankruptcy lawyer you hired to pay another lawyer a small fee to “show up” at your creditor's meeting where the trustee will be questioning you under oath. Do you really want someone you have never met representing you in such an important meeting?

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How often can I expect to hear from you during my case?

You need to keep informed about your case and how it is proceeding. Ask what you can expect as far as regular communication from your bankruptcy attorney. You should expect to hear from your bankruptcy lawyer during the time your case is being prepared, before your meeting of creditors, regarding reaffirmations and when your case is discharged. The last thing you want is to pay your lawyer and never be able to contact them again.

What is the best way to contact you when I have questions?

Communication is key. Avoid frustration by getting a clear idea of the best way to communicate with your attorney. Some lawyers love email, others like telephone calls, and still others like in person meetings. Hire an attorney that communicates the way you like to communicate.

What is your fee, how and when do I pay it?

Although you should not entirely base your decision on the fee (remember, you get what you pay for), you should ask what the bankruptcy lawyer's fee will be, what it includes and when it needs to be paid. Your bankruptcy lawyer should provide you with a written fee agreement before any services are rendered. The fee agreement should outline whether the fee is a flat fee or an hourly fee and should include costs, such as filing fees. If you are filing Chapter 7 bankruptcy then the fee must be paid in full before your case is filed. If it is not paid in full prior to filing you do not have to pay your attorney any money after your case is filed because that fee is a debt and discharged (wiped out) by your bankruptcy discharge.

Do you enjoy your job?

Any lawyer that enjoys his/her job is a lawyer that is more likely to do a good job and care about the outcome. Try to get a sense of whether the attorney is burned out and just going through the motions or whether they seem enthusiastic and ready to represent you to the best of their abilities.

I would urge you to interview a couple attorneys to gain some perspective and find the right fit for you and your situation.

For a free consultation please contact us now

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Covey Bankruptcy Law Firm, P.C. is a debt relief agency and helps people file for relief under the bankruptcy code.