



# GRAFF & MCGOVERN, LPA

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## BANKRUPTCY REPRESENTATION CONTRACT

**PLEASE READ THIS DOCUMENT CAREFULLY AND IN ITS ENTIRETY**

### **Part 1: Your Responsibilities:**

1. All information you are required to provide in your bankruptcy papers must be complete, accurate, and truthful to the best of your knowledge. You will be required to sign all submissions under criminal penalty of perjury.
2. You must completely and accurately disclose your assets and liabilities in the documents you file to begin your case
3. You must undertake a reasonable inquiry to establish the replacement value of any item you plan to keep, before you provide that value on any forms.
4. Your current monthly income, the amounts you provide in the means test, and your computation of projected disposable income (in a Chapter 13 case), as stated in your bankruptcy papers, must be based on reasonable inquiry into their accuracy
5. Your case may be audited, and your failure to cooperate in the audit may result in dismissal of your case or some other sanction, including a possible criminal penalty
  - The Court may subpoena records if you refuse to disclose them. You do have a 5<sup>th</sup> Amendment right to refuse to disclose documents that could be used against you, however, the Court will deny your discharge for doing so and such actions could become a serious problem for you. You should plan on making your personal records open to inquiry. This would include financial records of a spouse if he/she lives with you.

### **Part 2: Your Attorney's Responsibilities:**

You have made a request that I represent your interests in this matter involving filing for bankruptcy. Once you pay me (fees discussed in the form below) and return this form signed, I agree to represent your interests regarding this filing of bankruptcy. At this time my representation of you will include a free 30 minute consultation and one filing, and one court appearance. We will also go over some basic bankruptcy requirements and your options for help in filing and pursuing your case, including filing yourself without an attorney.

I retain the right to refuse representation until I have signed and returned this document myself. At that time, I may only withdraw for good cause. You may terminate the representation at any time, for any reason.

My services under these circumstances would include making public records requests for documents, reviewing applicable case law on the legal challenges that can be made, reviewing documents, drafting pleadings and correspondence, consulting with opposing counsel, interviewing witnesses, conducting discovery, including but not limited to depositions, attending pre-hearings and participating in hearings/trials, as well as keeping you informed of the progress of this case. I will also consult with you as this matter progresses.

I am responsible for identifying conflicts of interest and advising you of them. If at any time you have a concern about a conflict of interest in your case you should discuss your concern with me. If a conflict of interest exists that cannot be resolved, I may be forced to withdraw from the representation.

I will hold all an electronic copy of all file information pertaining to these matters for a period of seven (7) years following the conclusion of this matter. At the expiration of that period, all material in your file will be destroyed pursuant to my record retention policy. If you desire a copy of any or all of the material in your file before it is destroyed, you agree to contact me before the expiration of the three year period to make arrangements to obtain copies and to pay copying costs.

### **Part 3: Important Information About Bankruptcy Assistance Services From An Attorney as a Debt Relief Agency**

If you decide to seek bankruptcy relief, you can represent yourself, you can hire an attorney to represent you, or you can get help in some localities from a bankruptcy petition preparer who is not an attorney. The law requires an attorney or bankruptcy petition preparer to give you a written contract specifying what the attorney or a bankruptcy petition preparer will do for you and how much it will cost. Ask to see the contract before you hire anyone (this is the contract required by Josh Brown, Esq.).

The following information helps you understand what must be done in a routine bankruptcy case to help you evaluate how much service you need. Although bankruptcy can be complex, many cases are routine. Before filing a bankruptcy case, either you or your attorney should analyze your eligibility for different forms of debt relief available under the Bankruptcy Code and which form of relief is most likely to be beneficial for you. Be sure you understand the relief you can obtain and its limitations.

To file a bankruptcy case, documents called a petition, schedules and statement of Financial Affairs, as well as in some cases a Statement of Intention need to be prepared correctly and filed with the bankruptcy court. It is a crime to provide incorrect information in a bankruptcy petition. So you and your

attorney must make every effort to ensure that there are no mistakes. You will have to pay a filing fee to the bankruptcy court.

Once your case starts, you will have to attend the required first meeting of creditors where you may be questioned by your creditors. Normally, no creditors will appear. In that case, you will be asked a series of questions by a Trustee. The Trustee is a private lawyer who the Court hires to manage the affairs of your “bankruptcy estate.” Normally, this meeting lasts about 5 minutes. I send you all the questions in advance, go through them with you before the meeting, and sit with you during the meeting to ensure no abuse by the Trustee.

If you choose to file a Chapter 7 case, you may be asked by a creditor to reaffirm a debt. You may want help deciding whether to do so. A creditor is not permitted to coerce you into reaffirming a debt (meaning, they can’t put pressure on you to do so). Your attorney should explain your options to you.

If you choose to file a Chapter 13 case in which you repay your creditors what you can afford over three to five years, you may also want help with preparing your Chapter 13 plan and with the confirmation hearing on your plan which will be before a bankruptcy judge.

If you select another type of relief under the Bankruptcy Code other than Chapter 7 or Chapter 13, you will want to find out what should be done from someone familiar with that type of relief. Josh Brown does provide this service, but many other agencies and lawyers do as well.

Your bankruptcy case may also involve litigation. You are generally permitted to represent yourself in litigation in bankruptcy court, but only attorneys, not bankruptcy petition preparers, can give you legal advice.

#### **Part 4: Normal Fees Required to Hire Josh Brown as Your Bankruptcy Attorney:**

This is a general statement of how the Law Office of Josh Brown, LLC. normally assesses fees for bankruptcy cases, and an explanation of what costs are involved. All fees that I charge will be reviewed by the U.S. Trustee, who will not allow me to charge my fee unless it is reasonable. There are two things you have to pay for: legal fees and court costs.

#### **Legal Fees:**

I will pay the legal fee agreed to with this law firm before any documents are filed with the Court. This legal fee covers: 1) preparing and filing the petition, 2) representing you with the bankruptcy court regarding your petition, 3) representing you with the US Trustee’s Office, 4) representing you with your case Trustee, and 5) preparing and sending required documents to the case Trustee, 6) representing you in the event of a case audit, 7) making amendments as necessary, and 8) being your legal counsel during the

process which involves keeping you apprised of the case on-goings and advising you on your best legal options.

**The legal fee pays to have Josh Brown prepare a bankruptcy petition. Once the petition is prepared and ready to file, Josh Brown will be entitled to the entire legal fee.** You are entitled to withdraw representation at any time or instruct Josh Brown not to file your case. If you do so, Josh Brown will be entitled for reasonable fees for work performed, amounting to \$120 per hour. This does not include time invested in the initial phone call or free consultation.

**Possible Additional Fees:**

1. There is an addition fee of \$90 for making only one type of amendment to your petition, the adding of creditors (\$30 dollars for court filing fee and \$60 legal fee). It is my responsibility to make sure that I include—in your bankruptcy petition—all creditors that you provide to me and that are on your credit report. It is your responsibility to provide all creditors that should be included. I will give you a copy of the petition before it is filed. You should review it at that time and make sure I know if any creditors need to be added to what is in it at that time.
2. Second, if you opt to pay your court filing fee in installments and you do not do so, your case will be dismissed first and then it will be closed about a week after that. If your case is closed, the Court requires a \$250 fee to reopen the case. However, if your case is dismissed but not closed, there is no court fee to reopen. I will require an extra \$150 to reopen your case regardless of whether the case is just dismissed or if it is closed (in addition to the \$250 court fee that is required if the case is closed).
3. \* Another possible additional fee is if your case requires litigation. Normally, I will represent you in litigation if it is necessary, which is very rare. However, I also may need to hire another lawyer to help me with the case. If that happens, we may need to discuss paying the fees of that lawyer. Again, this is very rarely necessary.

The legal fee does NOT cover services that are not related to the petition or representing you in your bankruptcy case. Services that are not covered by the legal fee are billed at \$120 per hour. You will never be billed for services you did not approve in advance.

**Court Costs:**

Court costs for a Chapter 7 are \$335. See:  
<https://www.ohsb.uscourts.gov/generalinformation/filingfee2007.aspx>

However, you may be able to pay the filing fee in 4 monthly installments of \$83.75, with the first payment being due 30 days after you file the bankruptcy petition.

**What You Do Not Have to Pay For:**

I do not charge for mistakes or wasted time. I am extremely careful and attentive to detail. I very rarely make mistakes. However, if there are mistakes or wasted time in my work, you will not have to pay for it.

**DISCLAIMERS:**

*The Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 Requires the following notice: We are a Debt Relief Agency. We help people file for bankruptcy relief under the Bankruptcy Code. This web site is not an offer to provide bankruptcy assistance services to any assisted person as defined under Section 527(a)(2) of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005.*

**I have read all 5 pages and asked any questions before signing:**

APPROVED:

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Client 1 Signature \_\_\_\_\_ Date \_\_\_\_\_

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Client Name (Please Print Clearly) \_\_\_\_\_ Address \_\_\_\_\_

**I have read all 5 pages and asked any questions before signing:**

APPROVED:

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Client 2 Signature (If applicable) \_\_\_\_\_ Date \_\_\_\_\_

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Client Name (Please Print Clearly) \_\_\_\_\_ Address \_\_\_\_\_



Dear Client,

In order to file your bankruptcy petition (aka bankruptcy case) for you, I will need the documents listed below. I cannot file your case without all these documents in advance.

**All documents must be printed, organized with tabs, and delivered to me in a neat and manageable way.**

Please deliver this form with your initials in the appropriate box below. Do not ask me to file your case or ask me if I have already filed it until all these boxes are taken care of.

<b>Debtor 1 (husband)</b>	<b>Debtor 1 (husband)</b>	<b>Debtor 2 (Wife)</b>	<b>Debtor 2 (Wife)</b>	<b>What I need</b>
Initial if Provided	Initial if Not Applicable	Initial if Provided	Initial if Not Applicable	
				7 months of your pay stubs (include any special bonuses)
				Copy of your driver's license and social security card (if I do not have it)
				Income tax returns for last two years filed
				Property titles, including titles to your car, boat, motorcycle, trailer etc.
				Documentation of leases / rentals
				Copies of any separation or divorce agreements
				Statements for any retirement accounts you own
				Statements for any healthcare / flexible spending accounts
				Statements for any investments—stocks, bonds,
				Online credit counseling class
				Statements for non-employment income, such as: businesses, lottery winning, inheritance
				Child Support / Alimony Statements
				Additional Item 1:
				Additional Item 2: