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www.BankruptcyFreshStart.com

## AGENDA

In order to prepare you for your bankruptcy filing, we will need go through the following steps:

1. **Initial consultation:** We discuss whether you qualify for a chapter 7, which involves: your income, whether you are married, whether your spouse has income, how many dependents you have, and other circumstances that could affect your eligibility.
2. **L.O.J.B. Financial Emergency Consultation:** Here, we do an in-depth interview about your situation.
  - i. We take your personal information, including getting copies of your social security card and state-issued identification card
  - ii. We counsel you about the differences between the different types of bankruptcy and how each type of bankruptcy works
  - iii. We inventory your assets, discuss your expenses/income, then ask a number of financial history questions. Here, we get a full picture of what your financial situation looks like.
  - iv. We determine whether any assets would be liquidated in a chapter 7 bankruptcy.
  - v. We explain how each type of bankruptcy would affect your situation
  - vi. We determine whether you can do a chapter 7 or not (chapter 7 is generally preferred by most clients)
  - vii. We explain the potential land mines in bankruptcy
  - viii. We go over your responsibilities in a bankruptcy
  - ix. We give you instructions on what we need from you in order to represent you in a bankruptcy case
  - x. We counsel you about our lessons-learned, having counseled hundreds of bankruptcy clients in the past. We attempt to give you our insight into how this process can improve your life.
3. Client Pays Legal Fee and Drops Off Documents
  - i. These items can be left at our office, any time 9-5, Monday through Friday

- ii. If the client cannot make it to the office during these times, we will make other arrangements
4. Signing the Petition -- Filing the Petition
    - i. We prepare the bankruptcy petition. Client signs it and then we file it.
  5. Post filing documents
    - i. After the petition is signed, we send you an email or mailing that contains all the documents you need to take advantage of your bankruptcy.
    - ii. This will have detailed information about what the client needs to know about the upcoming Trustee meeting.
  6. Meeting with the Trustee
    - i. We meet at the Court and prepare for the meeting together
  7. Loose ends
    - i. After the Trustee meeting, we will discuss if there is anything else left to do in your case.

*Always feel free to call us with any questions or concerns: (614) 284-4394 or  
josh@joshbrownesq.com*

## **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. I will ask you to value certain items you own. You must undertake a reasonable inquiry to establish the replacement value of any item, before you provide that value.
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. You never required to hire or retain me as your attorney, but the following will govern the representation I provide for you.

### Termination of Representation

Once I accept your legal fees payment (fees discussed in the form below) and return this form signed, I agree to represent your interests regarding this filing of bankruptcy. 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.

### Services Covered in Representation

My representation will include: 1) preparing and filing the petition, 2) representing you with the bankruptcy court regarding your petition, 3) representing you with the US Trustees 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, 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, 9) one free phone consultation, 10) one free 45 minute in-person consultation, 11) preparation of a bankruptcy petition, 12) arrangements to review and sign that petition with you, and 13) one trustee-meeting appearance.

Several filings and consultations may be required as the case unfolds. Generally, this representation will be part of the basic representation package. The representation does not include matters unrelated to achieving a discharge of your debts through your bankruptcy petition, including: 1) "adversary cases" that may be filed against you — these are very rare, and I will explain them to you during your entrance interview; and 2) court filings or other work done outside of bankruptcy court.

### Conflicts of Interest

You are responsible for notifying me of any potential conflicts of interest. I am also 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.

### Retention of Records

I will hold an electronic copy of all file information pertaining to your case 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 and is forbidden by law to provide any sort of advice or guidance. 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 a "Case Trustee." Your creditors may also ask questions, but this is very rare. Normally, no creditors will appear. 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.

Your bankruptcy case may also involve litigation. You are generally permitted to represent yourself in litigation in bankruptcy court, but only attorneys 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 Josh Brown of Graff & McGovern LPA 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:**

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 make payments on time, 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 a legal fee of \$300 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 (meaning in-court resolution of disputes). Normally, for additional fees, I will represent you



\_\_\_\_\_(Client),

In order to file your bankruptcy petition for you, the Federal Court requires the documents listed below. **Please remember that I have to scan all these documents and deliver them to multiple parties as part of a court case.** All documents should be:

- 1) put in a folder or envelope,
- 2) paper-clipped (not stapled),
- 3) organized with tabs, and
- 4) in order (newest documents on top, oldest on the bottom).

Debtor 1	Debtor 2 (Spouse)	Required Documents
		<u>Pay Stubs / Advices:</u> for last 7 months <i>(include any special bonuses)</i>
		<u>Income tax returns or transcripts:</u> for last two years filed
		<u>Property titles:</u> car / boat / motorcycle / trailer / other
		<u>Retirement Accounts:</u> (401(k) or pension: most recent statement
		<u>Statements for any investments:</u> stocks, bonds, mutual funds, etc.
		<u>Domestic Support:</u> Child Support Statement, Alimony
		<u>Non-employment income:</u> Self-employment (income and expenses), Lottery, Inheritance, unemployment, social security, etc.
		<u>Depository Accounts:</u> all accounts you have access to - Three months of bank statements <input type="checkbox"/> _____ - Health Care Savings Accounts <input type="checkbox"/> _____ - Pay Pal, Venmo, Online Services <input type="checkbox"/> _____
		Additional Item 1:
		Additional Item 2:
		Additional Item 3:

- |                                 |                          |  |
|---------------------------------|--------------------------|--|
| Social Security Card:           | <input type="checkbox"/> | Legal Fee: \$ _____                                      |
| State-issued ID:                | <input type="checkbox"/> | Court Fee: \$ _____ <i>(may be paid in installments)</i> |
| Contract Signed:                | <input type="checkbox"/> | Other Fee(s): \$ _____                                   |
| Online credit counseling class: | <input type="checkbox"/> |  |