

5 Questions to Ask Before Hiring a Bankruptcy Attorney

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ABOUT THE AUTHOR

Rand is the principal attorney of Zumwalt Law Group, PLLC. He provides a full range of debt management counsel for individuals and businesses, ranging from debt settlement to bankruptcy.

Rand Zumwalt

Zumwalt Law Group, PLLC

4408 Spicewood Springs Rd., Ste. 403

Austin, Texas 78759

P: 512.777.4099

www.My-Austin-Bankruptcy-Attorney.com

How Can I Figure Out Whether My Bankruptcy Attorney Will Do a Good Job Before I Pay Him?

As in any profession, the experience and skill of any particular bankruptcy attorney can vary widely. Fortunately, there is no shortage of options when it comes to bankruptcy attorneys right now. Unfortunately, this makes it even harder to decide which attorney to choose from the masses.

Filing bankruptcy is a decision that requires much thought and discussion. While the bankruptcy system can provide extreme relief, the powers of the Court over your belongings and financial affairs is quite extensive during the pendency of your bankruptcy case.

You need a bankruptcy attorney that you can trust and who has the legal knowledge to guide you safely through the process. Below is a list of 5 questions I recommend asking a potential bankruptcy attorney prior to signing a fee agreement. Her answers to these questions will tell you a great deal about her qualifications and comfort with the Court in her District.

What Percentage of Your Law Practice is Dedicated to Bankruptcy?

Bankruptcy is a very specialized area of law and not one that can be dabbled in. You really want your attorney to devote at least 50% of his practice to bankruptcy.

How Many Bankruptcy Cases Have You Completed in the Past 5 Years?

There is no hard line rule regarding this question, but obviously the more the better.

How Long Have You Been Certified in This District?

Federal law required that an attorney be certified in each District in which she wishes to file bankruptcy cases on a regular basis. The answer to this question can help you determine how well the bankruptcy attorney knows the Local Rules and bankruptcy Court staff.

How Many Cases Have You Filed Under This Particular Chapter in the Past Year?

Chapter 7, 11, and 13 are the most common types of bankruptcy cases filed in consumer and business cases. They vary widely in complexity and applicable rules. You will want to make sure your attorney has experience filing under the chapter you are considering using.

Can You Name All of the Local Chapter 7 and 13 Trustees and Do They Know Who You Are?

The answer to this question and the bankruptcy attorney's comfort in addressing the question will tell you a lot about his experience filing cases in your District. The Chapter 7 trustee's a usually assigned at random and, depending on the size of the District, any attorney who has filed more than a couple dozen or so cases has probably encountered all of them at least once. Receiving a blank stare in response to this question is a big red flag

Trust Your Gut

At the end of the day, your gut reaction to the attorney's answers and interview will tell you how comfortable you are with the attorney and her expertise. If you do not trust the bankruptcy attorney or just receive a bad impression, move on. There are plenty of competent, compassionate bankruptcy lawyers in every District and you deserve nothing less.