

5 Ways to Be Sure Your Bankruptcy Case Goes Smoothly

By Arizona Bankruptcy Attorney John Skiba

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Hiring a bankruptcy attorney will help you tremendously as you navigate the bankruptcy process. However, it is important to understand that there are many things you can do to help your bankruptcy lawyer that will make the process go much more smoothly.

1. **Don't Wait Until the Last Minute to File Bankruptcy**

With most people who file bankruptcy financial struggle has been ongoing for some time. If you are headed towards bankruptcy, or if you have a pending foreclosure sale you need to stop, or have judgment entered against you and are worried your wages may soon be garnished, go see a bankruptcy attorney now. Don't wait until your employer receives the wage garnishment documents. Don't wait until the week before your house is set to be auctioned off.

While I am happy to help you in these situations – I have filed more bankruptcies on the morning of a foreclosure sale that care to admit –your case will proceed much smoother is you and your bankruptcy lawyer have sufficient time to prepare your case and review all of your financial information. A well planned out bankruptcy case will be able to avoid many of the pitfalls in bankruptcy. It takes time to do this, not a lot, but at least a week or two.

Meeting with a bankruptcy attorney early on will provide you with the information you need to make an informed decision and allow your attorney time to properly prepare your case.

2. **Be Honest With Your Bankruptcy Attorney**

The easiest way to encounter problems in your bankruptcy case is to fail to disclose all the necessary information to your lawyer, or worse to purposefully withhold information from your client. Like I tell my clients, if you tell me everything I need to know prior to the filing of your bankruptcy case there is very little we can't deal with. However, if information comes out after the filing that should have been provided before filing, my hands may be tied at that point, and what could have been a minor issue is now a major issue that will either jeopardize your bankruptcy case or cost you more money.

Be honest with your lawyer. You are a team in this process and fully disclosing information will make process go much smoother.

3. **Provide Your Bankruptcy Lawyer With All Requested Documents**

This one goes hand in hand with disclosing all information to your attorney. When you file for bankruptcy there is a substantial amount of information that has to be provided to the bankruptcy court. I provide all clients with a list of documents that are needed to assist in preparing your

bankruptcy petition and schedules. If I don't have these documents, I can't prepare the bankruptcy petition to get your case filed.

It is not uncommon for a client to contact me frustrated that the process is taking so long however they have failed to provide me with any of the documentation I need to get the case done. It is a pain to go through your files and find old tax returns, vehicle registrations, information on life insurance policies...I get that part of it. But all of these items are necessary to not only file your case but make sure you don't encounter any problems once your bankruptcy case is filed.

The cases where clients provide me documents in a timely manner get filed much more quickly than those where I am chasing down information and documents for weeks on end.

4. Respond to The Trustee's Request for Documents

When you file for bankruptcy in Arizona, your case will be assigned a trustee whose job it is to oversee your case, review your bankruptcy filing, and review documents that substantiate what you filed with the court.

About a month after your bankruptcy case is filed you and your attorney are required to attend a meeting with your trustee known as the Meeting of Creditors or the "341" meeting. This is an opportunity for the trustee to ask you questions about your case and your creditors can appear and ask you questions if they like (creditors rarely show up).

Prior to the Meeting of Creditors the trustee will send you a letter with a request for some bank statements, tax returns, etc. and may have a questionnaire he/she would like you to complete. The bankruptcy trustee's letter will give you a deadline by which you are to return all of these documents to his/her office.

The typical Meeting of Creditors is about a 5 minute meeting. If you want this meeting to go smoothly make sure you return the information and documents requested by the trustee in a timely manner. If you have not returned the requested documents prior to the meeting most trustees will continue your meeting to a later date. And you usually don't find this out until you taken time off work, driven to downtown Phoenix, finally found a parking spot, only to hear the trustee say "sorry, you will have to come back in a couple of weeks once I have your documents."

Getting the documents to the trustee is another way to help your case proceed smoothly through the bankruptcy process.

5. Bring Photo I.D. and Your Social Security Card to the Meeting of Creditors

Along with providing the needed documents to the trustee, your Meeting of Creditors will proceed much more smoothly if you have brought your photo I.D. and your social security card. The trustees are required to verify you are who you claim you are, and the way they do that is by checking your identification and your social security number.

You must have both of these items with you at the Meeting of Creditors if you want to proceed. Nearly every bankruptcy trustee in Arizona will continue to your meeting to a date when you can bring those items.

If you have lost your social security card it will be necessary to go order a new one. You can do that through the local social security office but you may not get your new card in time for the meeting of creditors. When you order your new card they will give you a receipt. If you ask them they will print your social security number on the receipt, but you must ask them to do this. The trustees will accept this as proof of your social security number or in the alternative you can bring an employer issued W-2.

The events leading up to bankruptcy have likely been some of the most stressful of your life. The bankruptcy process doesn't have to add to this stress. The above tips can help the process proceed smoothly and get you the fresh start you are seeking.

I offer a free bankruptcy consultation where we can discuss your situation in detail and help you put together a plan to bring financial peace back into your life.

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