

Should I Hire A Bankruptcy Lawyer To Prepare And File My Petition? What About A Legal Document Preparer? Can I File My Own Bankruptcy Petition?

Should I hire a Phoenix bankruptcy lawyer? This is an interesting question, which comes up fairly often. And for good reason – the attorney’s fees associated with filing for chapter 7 or chapter 13 consumer bankruptcy are pretty substantial. And for those individuals already drowning in debt, it can seem nearly impossible to come up with the couple grand it will likely cost. Regardless, having witnessed the outcome of countless filings first hand, I can attest that in most cases hiring a bankruptcy attorney will pay for itself in retained assets and maximized exemptions.

Let me explain. The subtleties of the law are complex and difficult to fully grasp. I think most law students will tell you that, after 4 years as an undergraduate and 3 years in law school, they still enter the legal professional confused as ever. It is only after many more years apprenticing in their area of intended practice that things finally click. If anything, bankruptcy law is a most extreme example of this.

See, bankruptcy law is complex and constantly changing. Furthermore, there is a degree of subjectiveness that can only be fully grasped after participating in filings within a certain district, after working with certain judges and trustees. You cannot predict what a specific trustee will allow and what they will object to without having some level of acquaintance with them.

Remember when I said that hiring a qualified bankruptcy attorney to guide you through your chapter 7 or chapter 13 bankruptcy filing will pay for itself? This is why. The majority of cases I deal with have some assets to consider. Your house, your car (or even harder to deal with - multiple cars), the few thousand dollars sitting in your savings account? These are all assets that must be handled in a specific manner, or you risk losing them to the bankruptcy estate. All it takes is for the bankruptcy trustee to seize the cash in your saving account or your second automobile, for you to be kicking yourself over not hiring a qualified Phoenix bankruptcy attorney. If an attorney could have prevented this loss, they would have in essence paid for themselves.

What about hiring a Phoenix legal document preparer to complete your bankruptcy petition? This is one question that really gets me riled up. It is not because I am losing business to them but, instead, I am often the one called in to clean up their mess – and believe me it is messy. These companies are neither allowed nor qualified to offer you sound legal advice, they are hired simply to complete your petition based on the information you provide (hence the name ‘document preparer’). Thus the same argument I provided above against completing your own petition also argues against hiring a document preparation company. What can I say; you get what you pay for.

That being said, I will admit that I am not universally against preparing your own petition and there are rare cases in which I will even suggest it to a potential client. These are the cases in which the debtor has no assets at risk – they live at home, ride the bus, you get the picture. These are the cases in which the debtor has both the time and ambition to navigate the paperwork required. These are the cases in which the debtor feels comfortable and confident in their ability to represent their self. Think you fall into this group? Feel free to give me a call at my Phoenix office, and I can give you a few pointers.

Again, regardless of whether you are planning on hiring an Arizona bankruptcy attorney or a legal document preparer, or if you are considering representing yourself, I recommend sitting down with a qualified bankruptcy attorney for a free bankruptcy consultation. This will give you the chance to

bounce ideas off someone qualified to give legal advice. If you have more complex questions, you may also consider hiring an attorney on an hourly basis to answer your questions more specifically. As always, if you are in need of an Arizona bankruptcy attorney, feel free to contact me at my convenient Phoenix location to set up a consultation.