



Grafton Firm  
Attorneys at Law

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# 10 QUESTIONS YOUR BANKRUPTCY ATTORNEY MUST ANSWER

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**W**e are confident that we can provide you the best client service of any law firm in Maryland. But, if you are still considering other firms, make sure your bankruptcy attorney can answer these questions before you trust him or her to handle your case. Filing for bankruptcy is one of the most important things you will do in your life. Make sure it's done right.

**1. HOW MUCH OF YOUR WORK IS DEVOTED TO BANKRUPTCY & HOW LONG HAVE YOU BEEN PRACTICING BANKRUPTCY LAW?**

It is critical to hire a firm that works primarily in bankruptcy law – not one that seems to do “everything”. Bankruptcy is extremely specialized, and it is not the type of law that can be dabbled in. Especially when your home, life savings, and your future are at risk. It is also important to determine how long the attorney has been practicing bankruptcy law to ensure they have the appropriate level of knowledge and expertise to handle your case.

**2. WILL I MEET WITH THE ATTORNEY OR A STAFF MEMBER?**

While experienced staff members can certainly help answer questions and help you navigate the paperwork necessary for bankruptcy, make sure your case is managed by an experienced attorney. You should be meeting with the attorney and it should be the attorney deciding the best strategy for your case. Bankruptcy is not just about filing out forms. The Bankruptcy Code is thousands of pages long and an experienced bankruptcy attorney can use those laws to protect your assets. Did you know you can file bankruptcy, wipe out all of your debt, and still keep all the money in your 401(k)? A good bankruptcy attorney knows how to do that.

**3. WHO WILL COME WITH ME TO COURT?**

Your 341 Meeting of Creditors or Plan Confirmation Hearing are big deals for your case. Far too often we see attorneys meeting their “clients” for the first time in the lobby before these court appearances because the client only ever spoke to staff members. Wow. Make sure the attorney that you have been working with is the one who will be by your side in court.

**4. DOES THE ATTORNEY HAVE ANY PUBLISHED MATERIALS ON BANKRUPTCY OR SPEAKING EXPERIENCE ON BANKRUPTCY?**

Publishing a book on bankruptcy shows that the attorney has dedication to the practice of consumer bankruptcy law. Likewise, if the attorney is invited to speak to groups about bankruptcy, it shows that their knowledge of bankruptcy law is recognized and appreciated by the community. Also, ask if the attorney has ever received any awards from fellow attorneys or attorney groups for their work – that also says a lot about the attorney and his work.

**5. HOW MANY OF THE ATTORNEY’S CASES GET CONFIRMED?**

Filing a chapter 13 bankruptcy probably does you no good if the plan never gets confirmed. Most chapter 13 cases in Maryland fail to get confirmed. That’s not only a waste of time, but it’s a waste of your money, and can cost you some chances to protect your assets. Don’t risk it. Ask the attorney what their track record is. Are most of their cases confirmed?

**6. IS BANKRUPTCY A GOOD OPTION FOR ME? WHY OR WHY NOT?**

This covers a lot of ground, but an attorney should be willing to discuss all your options and explain why they may or may not be right for you, even if that includes not hiring their firm. Don’t pick a law firm that only offers one solution.

## **7. WHAT IS THE BEST WAY TO CONTACT THE ATTORNEY?**

Let's be honest. Attorneys are not known for their excellent ability to return calls. In their defense, most of their day is spent in client meetings and at court, making it difficult to promptly return calls. Regardless of the reason, an attorney must make every effort to stay in communication with their clients. Ask the attorney what processes they have implemented to ensure the client has access to their attorney and the ability to get answers to the questions they have. Is there a special email address for clients only? Is there a staff member they can speak with that can help when the attorney is in court? It is imperative that your attorney has thought about ways to make the client experience as seamless as possible.

## **8. HAVE YOU TRIED A CASE IN BANKRUPTCY COURT?**

You may be surprised, but sometimes, bankruptcy cases go to trial. You need to make sure your attorney would be competent to handle that trial to ensure your rights and assets are protected. It does happen, and when it does, you need the best attorney possible at your side.

## **9. WHY DID YOU RECOMMEND A CHAPTER 13 INSTEAD OF A 7?**

A chapter 13 is often a great option to save your home, or your car, or when you don't qualify for a chapter 7. However, in our district some firms are beginning to push chapter 13 cases because they can be set up so that you pay little or no money down to the attorney. But the actually ends up costing up to 3 times as much as a chapter 7 because you pay the attorney for years through the chapter 13 plan. This ability to file with little to no money down helps attorneys "make the sale" while increasing their fees substantially. The point is this: there are many times when a 13 is necessary and in your best interest. However, the decision to file a chapter 13 should be based on legal analysis rather than the attorneys' profit margin. If an attorney is offering to file your case for little or no money down – ask them what the catch is.

## **10. WHAT IS INCLUDED IN THE ATTORNEY FEES?**

Note how far down the list this question is. This is the first question most people ask, often on the phone before even setting an appointment. No experienced bankruptcy attorney will give you a quote over the phone without first discussing your case in detail. Cases are not all the same. You wouldn't call your dentist and make them tell you over the phone whether your sore tooth requires a root canal, right? They need to see you, to look at your tooth, and then figure out how to fix that tooth. Only then can they tell you the price.

The same is true with bankruptcy. An *attorney* (not a paralegal or staff member) has to review your financial situation and decide what chapter you qualify for, how simple or complex a case is, and what you can afford. This can only be done with a thorough consultation with an experienced attorney.

Remember, if you're getting a low fee quote, there's probably a catch. Either the price will go up with hidden fees or the attorney will be getting an even bigger fee later in the case. And, don't forget the old saying – you get what you pay for. You wouldn't trust your life to the cheapest surgeon; don't trust your financial future on the cheapest attorney. Find the best attorney for your case.