

HOW CAN ATTORNEYS PARTICIPATE?

Cases are referred to private, volunteer attorneys who assist individuals to file a Chapter 7 case. Referral is accomplished in 2 ways:

- (1) through our joint program with the bankruptcy bench/bar and The Honorable Judith H. Wizmur Bankruptcy Pro Bono Project at Rutgers Law-Camden where attorneys work with law students to help clients file Chapter 7, and
- (2) through direct individual referrals to a separate panel of volunteer, private attorneys.

WHAT IS EXPECTED OF YOU?

- ◆ The same, high quality service provided to your paying clients.
- ◆ Status updates every three months.
- ◆ Communication with the PAI Program when issues arise with clients or cases.

WHAT ARE THE BENEFITS FOR YOU?

- ◆ The satisfaction of donating your time and talents to help disadvantaged individuals in need in your community.
- ◆ Enhanced exposure for your firm's pro bono work through SJLS's various social media platforms.
- ◆ Time towards satisfaction of your annual *Madden* requirement.
- ◆ Malpractice insurance at no cost for the duration of the client's case.
- ◆ All reasonable case-related costs covered by SJLS or exempt by court rule.

If you would like to volunteer for this Project, please contact:

Michelle T. Nuciglio, Esquire
Director of Pro Bono Services
856-403-8620
MNuciglio@lsnj.org

WHO WE ARE

South Jersey Legal Services, Inc. (SJLS) is a private non-profit law firm whose mission is to provide high quality civil legal services to low-income residents of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Monmouth, Ocean and Salem Counties.

WHAT WE DO

SJLS provides free legal services aiding low-income clients in selected civil cases based on established priorities. SJLS most often provides advice, brief services or extended representation in the following areas: Supplemental Security Income Benefits, Temporary Aid to Needy Families, General Assistance, Food Stamps, Medicaid, Unemployment Benefits, Domestic Violence, Landlord/Tenant Disputes, Public Housing Rights, Section 8 Housing Assistance, Migrant Farmworker Rights, Rights of the Elderly, Bankruptcy, Foreclosure and Consumer Issues.

The Bankruptcy Project handles only individual Chapter 7 bankruptcy cases.

**This brochure is not intended to serve as legal advice and any information contained herein should be verified with your legal counsel if a case is filed.*



South Jersey Legal Services, Inc. Private Attorney Involvement Program



Interested Individuals Can Contact the:
Centralized Intake Unit
1- (800) 496-4570

THE BANKRUPTCY PROJECT

Chapter 7
Debtor Representation

Basic Bankruptcy
Information



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for Equal Justice
LEGAL SERVICES CORPORATION



WHAT ASSISTANCE IS AVAILABLE THROUGH THE BANKRUPTCY PROJECT?

If you feel you are eligible for bankruptcy assistance through South Jersey Legal Services, Inc., you may contact the Centralized Intake Unit at (800) 496-4570 to be screened for eligibility. Intake hours are Monday through Friday from 8:30am to 4:00pm. At the initial review, intake will decide if you are financially eligible. An intake staff member will ask for information about your income, family size, assets and the matter for which you are seeking help. All information you provide SJLS remains confidential. If you are financially eligible, we then decide whether your case is one which meets our established guidelines for representation.

Individuals who satisfy the SJLS eligibility guidelines are sent a packet of information to complete and return. Once all of the information is received by SJLS, your case is referred to either the Rutgers Bankruptcy Pro Bono Project or to one of our volunteer private attorneys. Once referred, the attorney will review your case and, if appropriate, assist you with a Chapter 7 bankruptcy filing and representation.

DO YOU HAVE TO GO TO COURT?

In most cases, you will not have to appear before a judge in court. However, you are required to attend a 341(a) Meeting of Creditors before a bankruptcy trustee. At this meeting, the trustee will question you as to the accuracy of the information you provided in your bankruptcy petition and schedules including your income, assets and household composition.

SJLS ONLY ACCEPTS CHAPTER 7 BANKRUPTCY CASES!

THE BANKRUPTCY PROJECT



WHAT IS BANKRUPTCY?

Bankruptcy is a means to obtain a “fresh start”, protect the equity in your property and discharge some of your unsecured debt. This includes credit cards, medical debt, and utility bills. Upon the filing of a bankruptcy petition, (the bankruptcy filer is known as the “debtor”), all collection activity, with few exceptions, stops – this is called the “automatic stay”. All bill collection activity must immediately stop. Lawsuits are stayed. Wage executions must cease. Levies cannot move forward. (There are some exceptions to the automatic stay; for example, it does not stop criminal proceedings or the withholding of a debtor’s income under a domestic support order.) Most debtors will get to keep all their property and still get rid of their debts – however secured debts such as car loans and home mortgages must continue to be paid if the person intends to keep the property. Personal bankruptcy should be filed with the assistance of a lawyer to make sure that you are protecting your property and that bankruptcy is otherwise advisable.

WILL BANKRUPTCY DISCHARGE ALL OF YOUR DEBTS?

Bankruptcy will discharge most “unsecured” debts including credit card bills, utility bills, and medical bills. Certain debts such as child and spousal support, many tax obligations, debts obtained by fraud, student loans (generally) and debts resulting from willful and malicious injury by the debtor to another or to another’s property are not dischargeable. If you have a secured debt such as a car loan or a home mortgage, your discharge would remove your personal obligation; however, you would have to continue paying the loan if you want to keep the property. For example, if you have a secured car loan, file a Chapter 7 bankruptcy and choose not to continue paying the loan, your car would be repossessed but you would not be personally liable to pay the “deficiency” if any.

WHAT ARE THE DIFFERENT TYPES OF BANKRUPTCY?

There are several different types of individual bankruptcy cases:

Chapter 7 - also referred to as a liquidation, is the most commonly filed type of case. In most of the cases filed with SJLS, there is no equity in the individual’s assets beyond his/her allowed exemption amounts. This means that he/she gets to keep all of his/her property. The unsecured debt typically gets discharged; however, secured debts such as car loans and mortgages must continue to be paid if the collateral is to be retained.

Chapter 11 - is a business bankruptcy and is rarely used by individuals.

Chapter 13 - is known as a “debt repayment” or “reorganization” case, and it requires the debtor to pay back some of his or her debt over time. It is often used by debtors to catch up on missed mortgage or car payments.

WHAT DOES IT COST TO FILE FOR BANKRUPTCY?

If you qualify, there is no attorney fee that will be charged for you to participate in this Project. However, the Bankruptcy Court filing fee for a Chapter 7 case is \$338.00. It may be possible to waive the filing fee, pay the fee in installments, or obtain other assistance depending on your financial circumstances.

HOW LONG DOES THE BANKRUPTCY PROCESS TAKE?

Generally, you will receive a discharge of your debts in a Chapter 7 bankruptcy about 4-6 months after you file the bankruptcy petition. If you file a Chapter 13 bankruptcy, you would make monthly payments to a Chapter 13 trustee for a period of time, usually between 3-5 years. Then after all the payments are completed, you receive a discharge.