



If you're filing for bankruptcy, the right bankruptcy attorney can make all the difference. Attorneys are often willing to provide a free initial consultation to help you determine whether the services they offer are a good fit for your needs. Take advantage of these opportunities by asking the right questions.

To get the most out of a consultation, prepare ahead of time by identifying what you need to know in order to decide whether an attorney's right for you. To aid your planning, here's a list of eight questions you should ask during an initial meeting with a bankruptcy attorney.

1. Is filing for bankruptcy a good idea for me?

A skilled attorney should be able to recommend one or more specific courses of action to you, based on your particular situation, as well as clearly explain bankruptcy procedures in general. They should talk to you about Chapter 7 and Chapter 13 bankruptcy and thoroughly describe the differences between these two paths, as well as the implications for you of choosing one over another. They should also be able to provide a convincing, understandable rationale for any recommendations they offer.

2. What are the pros and cons of filing for bankruptcy?

You should hire an attorney who's able to provide you with a realistic, detailed picture of the advantages and drawbacks to declaring bankruptcy, not someone who focuses exclusively on either perspective or gives you a short, general answer.

A prospective attorney should be able to identify any debts you'd still be responsible for paying after filing for bankruptcy, as well as the implications of filing under Chapter 7 versus Chapter 13 for you in the short and long-term. An attorney should also be able to describe the positive and negative consequences of filing for bankruptcy versus choosing not to file for someone in your particular situation.

3. What percentage of your practice is dedicated to bankruptcy cases, and how long have you been a bankruptcy attorney?

Many attorneys handle other types of cases, such as divorce and personal injury, in addition to bankruptcy cases. Since bankruptcy laws are complex and constantly changing, you want to hire a lawyer who knows the state and federal bankruptcy laws from top to bottom. It's also a good idea to hire an attorney who has been practicing bankruptcy law for at least five years.

4. What information do you need to get started on my case?

A good attorney will ask you for specific information and documentation before beginning the bankruptcy process. Having everything ready and available will minimize the likelihood of receiving a dismissal in bankruptcy court. Your attorney should be able to give you a detailed list, preferably in writing, of everything you'll need to provide to complete your bankruptcy.

5. How do you prefer to communicate?

It's important to ensure that you and a prospective attorney are a good fit when it comes to communication. When you're in the thick of filing for bankruptcy, convenient, reliable communication with your attorney will reduce your stress significantly.

Some attorneys communicate with clients primarily by email, while others prefer to use the phone. Some like to be accessible after hours, in case a last-minute issue comes up, while others feel more equipped to help clients during regular business hours. If email is easier for you and phone calls would be hard to take on a regular basis, it's a good idea to bring this up in advance to avoid miscommunication. It's also important to know up front how to get in touch with an attorney quickly should the need arise.

6. How much do you charge, and what does your fee cover?

While attorney fees can vary dramatically depending on where you live and how experienced your lawyer is, the attorney fee should generally include the cost of filing your case in court. Keep in mind that paying less in attorney fees does not mean you will be paying less overall; if you decide to save a few bucks by hiring an inexperienced attorney, you risk having your case delayed or rejected, and you may end up owing more to your creditors. You also need to be aware that some of these "NO MONEY DOWN" offers will end up costing you MORE over the payment plan term and

you can also have your loan for the bankruptcy sold to a third party collection company.

Your attorney should tell you how much you'll be paying in attorney's fees and how much in federal filing fees, as well as describe any additional costs you'll be responsible for. You should know exactly what's covered by your attorney's fees, how your attorney will handle it if unforeseen expenses arise, and whether your attorney is open to working out payment arrangements with you if needed.

8. Will you use a written fee agreement?

A prospective attorney should answer yes to this question. Do not rely on oral agreements when hiring a bankruptcy lawyer. The financial and practical consequences of doing so could be severe. To protect both of you, any attorney you hire should prepare a formal agreement that specifies how much you will be paying and what services are – and are not – covered by this amount. The agreement should be type-written and signed by and your attorney. You should be given a copy of your own for your records.

One final note

Hiring a bankruptcy attorney is an important investment that should ease your stress during the bankruptcy process, not increase it. To ensure you find the best attorney for you, don't be afraid to be honest about your finances and needs, ask tough questions and request additional information or clarification if you need it.

A good attorney will put you at ease during a consultation and help you feel comfortable communicating openly and directly. Armed with the right questions, you shouldn't have trouble finding an attorney who will treat you with respect and put their expertise to work for you in and out of bankruptcy court.