

Bankruptcy Archive

Policy Analysis

Policy Briefs, Reports and Press Releases

- NCLC and NACBA Amicus Brief: This brief addresses the issue of what should be the appropriate “undue hardship” standard for bankruptcy courts to apply when a debtor requests a discharge of student loans under section 523(a)(8) of the Bankruptcy Code, July 29, 2015.
- NCLC & NACA Statement re: the Consumer Reporting Fairness Act, July 15, 2015
- NCLC & NACBA Statement: Dept. of Education Fails to Respond to White House Call for Student Debt Relief in “Undue Hardship” Bankruptcy Cases, July 13, 2015
- The Truth About Student Loans and the Undue Hardship Discharge, April 2013
- New Burdens but Few Benefits, An Examination of the Bankruptcy Counseling and Education Requirements in Massachusetts Report, June 2007

Testimony, Comments and Letters

- NCLC and NACBA Comments to CFPB regarding Proposed Regulations on Mortgage Statements for Borrowers in Bankruptcy and the Results of Consumer Testing of Sample Forms, May 26, 2016
- NCLC & NACBA Comments to CFPB Regarding Student Loan Servicing Issues Related to Borrowers in Bankruptcy, July 13, 2015
- Comments to CFPB Regarding Proposed Amendments Dealing with the Bankruptcy Exemptions to Mortgage Servicing Regulations, March 16, 2015
- Foreclosure Mediation Programs: Can Bankruptcy Courts Limit Homeowner and Investor Losses? Testimony of John Rao before the Senate Committee on the Judiciary, Feb. 2011
- Mandatory Mediation Programs: Can Bankruptcy Courts Help End the Foreclosure Crisis? Testimony of John Rao before the Senate Committee on the Judiciary, Subcommittee on Administrative Oversight and the Courts, Oct. 28, 2010
- The Private Student Loan Bankruptcy Fairness Act of 2010 Testimony of Deanne Loonin for the U.S. House of Representatives Committee on the Judiciary Subcommittee on Commercial and Administrative Law regarding, April 22, 2010
- Is There a Role for Bankruptcy Courts? Testimony of John Rao before Senate Judiciary Subcommittee: Mortgage Modifications During the Foreclosure Crisis
- The United States Trustee’s Notice of Proposed Rulemaking on Application Procedures for Approval of Providers of a Personal Financial Management Instructional Course Comments of the National Association of Consumer Bankruptcy Attorneys and the National Consumer Law Center
- Credit Cards and Bankruptcy: Opportunities for Reform Testimony of John Rao at Senate Committee on the Judiciary field hearing on “Credit Cards and Bankruptcy: Opportunities for Reform”, at Rhode Island College

Additional Resources

- **Questions and Answers about the Mortgage Modification Bankruptcy Bills (H.R. 200 and S. 61)**, What is the status of the bills? What is the most significant feature of the bills which would make modification for home mortgages different than under current law for other loans? Q&A
- Six Things Legal Services and Pro Bono Lawyers Should Know About the Attorney Provisions

in the 2005 Act

Related Publications

- Consumer Bankruptcy Law and Practice - The definitive consumer bankruptcy treatise, updated with the latest case law and changes to the Bankruptcy Code, Forms, Fee Schedules, Rules, and case law written by Henry Sommer, the nation's leading consumer bankruptcy author, and edited by John Rao, a former member of the federal Judicial Conference Advisory Committee on Bankruptcy Rules.