

Bankruptcy

Consumer Litigators' Interactive Guide to Corporate Bankruptcy, July 2021

People overwhelmed with debt problems can get a fresh financial start by filing for bankruptcy relief. Bankruptcy can stop foreclosure on a house or mobile home, prevent repossession of a car or other property, stop wage garnishment or debt collection harassment, and prevent termination of utility services. In some bankruptcy cases, a plan can be approved to pay over time some or all of an individual's debts. After years of intense debate, Congress enacted an overhaul of the nation's consumer bankruptcy laws in 2005. The changes have made the process more complicated, but the basic right to file bankruptcy and most of the benefits remain the same for most individuals.

Pro Bono Bankruptcy Training Program Material

Intended to help pro bono programs, legal services programs, local bar associations, and other organizations provide high-quality trainings for volunteer attorneys on representing consumers in bankruptcy cases.

Policy Analysis

Policy Briefs, Reports and Press Releases

- Research Article: Sentenced to a Life of Debt: It Is Time for a Reassessment of How Bankruptcy Law Intersects with Fines and Fees to Keep People in Debt, Federal Sentencing Reporter, Volume 34, Issue 2-3, December-February 2022
- Chart: Summary of Covid-19 Bankruptcy Relief Provisions, March 2021
- Report: Clearing the Path to a New Beginning: A Guide to Discharging Criminal Justice Debt in Bankruptcy and press release, October 2020
- Guide to the HAVEN Act, November 2019
- Final Report of the ABI Commission on Consumer Bankruptcy. (NCLC attorneys' John Rao and Tara Twomey were Commissioners), April 2019

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Testimony, Comments and Letters

- NCLC comments to the Advisory Committee on Bankruptcy Rules concerning proposed changes to the mortgage claim rule, Rule 3002.1, Feb. 15, 2022
- NCLC comments to DOJ re: Policy Initiatives Concerning the Ability of Americans in Financial Distress to Access the Bankruptcy System, Jan. 6, 2022
- Support letter for H.R.4777 - Nondebtor Release Prohibition Act of 2021, October 25, 2021
- Support letter for the Consumer Bankruptcy Reform Act of 2020, December 9, 2020
- Group letter urging Congress to adopt amendments to the Bankruptcy Code in response to the COVID-19 pandemic, March 24, 2020
- Testimony of NCLC attorney John Rao at the U.S. House Judiciary Subcommittee hearing on

“Oversight of Bankruptcy Law and Legislative Proposals,” held on June 25, 2019, and focusing on the discharge of student loans in bankruptcy

- Testimony of National Consumer Law Center (NCLC) attorney John Rao on behalf of the NCLC and the National Association of Consumer Bankruptcy Attorneys (NACBA) before the U.S. House Judiciary Subcommittee on Regulatory Reform, Commercial and Antitrust Law re: H.R. 3553: Bankruptcy Administration Improvement Act of 2017, September 26, 2018
- NCLC comments in response to the Department of Education’s Request for Information on factors student loan holders should consider in deciding whether to consent to a consumer’s request for discharge of student loans in bankruptcy based on undue hardship, May 18, 2018
- NCLC and NACBA Letter to CFPB: This letter urges the CFPB to reject a trade association’s request that the CFPB abandon or delay the final rule on providing mortgage statements to consumers in bankruptcy, Feb. 15, 2018
- NCLC and NACBA Urge Credit Counseling Waivers for Hurricane Victims, Sept. 27, 2017

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Related Publications

- Consumer Bankruptcy Law and Practice – The definitive consumer bankruptcy treatise, updated with the latest case law and Bankruptcy Code, forms and rules changes, by Henry Sommer, the nation’s leading author on consumer bankruptcy.

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GM and Chrysler Bankruptcies

- The Status of Product Liability, Warranty and Lemon Law Claims for New GM and Chrysler

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