

**Robinson & Rylander, P.C.**

**James L. Robinson, Jr.  
Daniel J. Rylander**

**4340 N. Campbell Ave., Suite 266  
Tucson, Arizona 85718  
520-299-4922  
Toll Free: 1-800-218-3516  
<http://www.robrylaw.com>  
[staff@robrylaw.com](mailto:staff@robrylaw.com)**

*This information is furnished to you by ROBINSON & RYLANDER, P.C.,  
a regional law firm assisting consumers with their debt and tax problems.*

## **What is “bankruptcy reform” and how does it effect me?**

Do not believe anyone who tells you that you cannot file a bankruptcy and get relief in the United States Bankruptcy Court or that you can no longer discharge credit card debt. THAT IS SIMPLY NOT TRUE!

Now, more than ever, you need experienced attorneys to represent you and lead you safely through these convoluted changes in the law. If you are honest, thorough and can follow directions and we decide to represent you our office can get you a court ordered discharge of your debts!

“The Bankruptcy Reform and Consumer Debt Protection Act” is not a reform at all. It certainly offers no protection for the consumers. It was the label that the banks used to lobby the United States Congress to change the bankruptcy laws and it went into effect on October 18, 2005. It is a very complicated change in the law to give the banks even more advantages over you the consumer or small business. It was sponsored by the Republican Congress and President George W. Bush.

The purpose of the change in the law was to discourage ordinary people, such as yourself, from exercising their rights to get out of hopeless debt situations, stop foreclosures and repossessions, stop IRS collections, stop garnishments and stop creditor harassment.

In the final analysis this change in the law will not keep you from filing either a Chapter 7 or Chapter 13 Bankruptcy. In fact bankruptcy filings are starting to rise again because of the trouble with the economy.

The lawyers and staff at Robinson & Rylander, P.C., have attended numerous seminars not only in Arizona but also in Orlando, Florida and San Francisco, California, to get current on these developments and we will continue to do so. We are as prepared as we can be to assist our clients.

## **Can I still file bankruptcy?**

Absolutely!

These changes took place in October 18, 2005 and are very, very complicated and far too complex to try to explain in detail in a web site. What you as a potential candidate for bankruptcy need to know is that you can keep most if not all of your assets and discharge most if not all of your debts if you are honest and can follow directions. The new law also requires that you attend two credit counseling sessions, one before you file and one before you obtain a discharge. See "Credit Counseling" under FAQ.

So what is the big deal? The big deal is that there are now a vast number of tests that a debtor must meet in order to save assets and obtain a discharge. The failure of you and your attorney to recognize and satisfy these tests can have serious consequences, and you can lose assets, fail to discharge important debts, and even be denied a discharge!

Cases filed after the change in the law now require more time and work by your attorney and your attorney's staff for proper investigation and allocation of assets and debts. The bottom line is that you need competent and experienced lawyers to guide you safely through the bankruptcy jungle.

## **What is this “credit counseling” all about?**

Under the changes to the bankruptcy law, you are required to take two “credit counseling courses.” At the completion of each, you will receive a Certificate which our office will file with the Bankruptcy Court. One of the courses is called “CREDIT COUNSELING” and the other is “DEBTOR EDUCATION.”

ROBINSON & RYLANDER, PC., will arrange for you to take both of these courses and help you through the process. Rather than have you meet with a stranger in an office building both the CREDIT COUNSELING and DEBTOR EDUCATION courses can be taken either online in our office, or at home with a computer or by telephone, depending on your personal circumstances. As your lawyers we want to be in charge of the process so that you do not feel at the mercy of these requirements. Don't worry, no one has failed these courses yet. The courses cost are generally \$50.00-\$85.00 each although the costs seem to be coming down.

For the “Credit Counseling” you are required to spend approximately 30 minutes with a counselor, providing information about your financial circumstances. Current statistics compiled in the first eight months after the law changed are that 97% of the applicants have passed the test! Those who don't pass this test are permitted to file a Chapter 13.

For the “Debtor Education” you are required to attend either in person, by the telephone or on the Internet, and you will receive information on how to create a budget, balance a check book, protect yourself from high interest rates, and abuse by creditors. Actually, this could be beneficial for you.

You must take the CREDIT COUNSELING course before you file your bankruptcy and the DEBTOR EDUCATION course after you file. You cannot receive a discharge of your debts unless you have completed the DEBTOR EDUCATION course. You only have 45 days after your first meeting of creditors to do this so do not let it get away from you!

## **Why do you need a lawyer to file a bankruptcy?**

At ROBINSON & RYLANDER, P.C., we often see people who filed their own bankruptcy cases and unnecessarily lost valuable property. This is very sad and did not need to happen. For you to start over, you need to keep all the property to which you are legally entitled.

A so-called "document preparer" is specifically prohibited by law from giving you legal advice or answering your questions. Absolutely any questions! If a document preparer gives you legal advice, that person is breaking the law. Ask yourself "Do I want to put my affairs in the hands of someone who would willingly break the law?".

The easiest part of a bankruptcy case is filling out the forms. It is the legal thought and experience behind those forms that count. That is what you get when you retain our firm.

Bankruptcy is a complicated process. If you do not do it correctly you will lose property, i.e. houses, tax refunds, vehicles, furniture, retirement plans, your children's vehicles, checking and savings accounts, personal injury lawsuits and just about any kind of property that has not been handled in a legally correct manner in your bankruptcy. Most of the time, a competent lawyer can prevent your losing these kinds of property.

If you do not have a lawyer, you are at the mercy of your creditors and the trustees. Only a competent lawyer can stand up with you in Court and help you save your property from your creditors or the trustee appointed to oversee your case. Without a lawyer, you have no one to stand up with you in Court and assist you if things go wrong.

At ROBINSON & RYLANDER, P.C., we understand that if you are thinking about filing bankruptcy, you are under serious financial pressure. The problem is that your situation might get a lot worse if you file your own case. Almost always a competent lawyer can save you various pieces of property which would be more valuable than the attorney fees that you might pay for that lawyer. ROBINSON & RYLANDER, P.C., has installment plans to help you pay your bankruptcy fees.

If you are thinking about trying to file your own case and represent yourself, it would be worth your while to take a trip to the First Meeting of Creditors Hearing and see what happens to unrepresented Debtors. Every Debtor has to appear at one or more Meeting of Creditors. In Tucson the First Meeting of Creditors is held on Monday, Tuesday and Wednesday at 38 South Scott Avenue, Tucson, Arizona ([click for map](#)).

Do yourself a favor and get a free consultation from ROBINSON & RYLANDER, P.C. The two lawyers in our firm have over 45 years of experience. Our fees are affordable. You need someone who knows what they are doing and has been doing it for a very long time. We know how to lead you successfully through the bankruptcy maze.

## What are the steps to file a bankruptcy?

- Set up a free consultation and evaluation of your financial circumstance with an attorney at Robinson & Rylander, P.C., and develop initial strategy to resolve debt and discuss attorney's fees and court costs.
- Decide to retain Robinson & Rylander to proceed with preparing a Chapter 7 or Chapter 13 Bankruptcy and set up appointment with attorney to receive a customized financial/bankruptcy information questionnaire to be filled out by you. You pay some or all of your fees at that time.
- Return the questionnaire to the office and meet with your paralegal to review your questionnaire, discuss any omissions that need to be addressed, and answer any questions.
- Continue to pay on your attorneys fees and costs.
- Your paralegal inputs your questionnaire and information from your file into the bankruptcy program and prints out a rough draft to be reviewed by your attorney, usually after all or most of your fees have been paid.
- Your paralegal sends you a status letter requesting any missing information and/or explanation of any items that need to be addressed. We do this to make certain you are in compliance with the law.
- Your petition is finalized and the paralegal sends you the information and your credit report for you to take the "credit counseling course."
- When all of your fees are paid and your petition is signed, your petition is filed with the United States Bankruptcy Court. The paralegal will need up to date pay stubs at that time. It is the filing of your petition that puts you into safe territory.
- Your First Meeting of Creditors will be about six weeks later. If you have been honest in your answers in your bankruptcy petition this should be routine.
- If your case is a Chapter 7, in about four to six months you will receive an Order signed by the Bankruptcy Judge discharging your debts.
- If your case is a Chapter 13, you will have filed a Chapter 13 Plan prepared by your attorney and reviewed by you. You will be making monthly payments to the Chapter 13 Trustee.
- In about six months your Chapter 13 Plan will be confirmed. When you have completed all of your payments to the Chapter 13 Trustee, you will receive an Order signed by the Bankruptcy Judge discharging your debts.

- Before you receive either a Chapter 7 or Chapter 13 Bankruptcy discharge, you must take a second credit counseling course and furnish our office with a copy of the certificate so our office can file it with the Bankruptcy Court. This is a must or you will not get your discharge.
- All during this process you should keep our office informed of any changes of address, telephone numbers and employment.
- Keep your Bankruptcy Petition and all of the paperwork that our office has given you for at least ten years.
- Always promptly comply with any requests from the Bankruptcy Trustee.
- If questions arise after your discharge, the staff of Robinson & Rylander will assist you.