



## Is “Full Representation” Bankruptcy the Same As “Total Representation?”

You may have seen attorney websites and Google ads touting “full representation” bankruptcy for \$599, or other such claims that the attorney is providing “full representation.” **These claims are word games.** After all, attorneys are essentially word-smiths; we parse and narrow the meanings of words and phrases.

*Full Representation* actually has a specific—not common sense—meaning in the bankruptcy world. *Full Representation* only means the following

- Analysis of the debtor’s financial situation, and rendering advice to the debtor in whether to file a petition in bankruptcy;
- Preparation and filing of any petition, schedules, statement of affair and plan which may be required;
- Representation of the debtor at the meeting of creditors and confirmation hearing, and any adjourned hearing thereof.

You may be asking yourself, what else is there? First, those descriptions come right off the official Disclosure of Compensation form that every attorney must file in bankruptcy. Attorneys often block out the 4<sup>th</sup> line of that form.

- Representation of the debtor in adversary proceedings and other contested bankruptcy matters.

The United States Trustee and the Bankruptcy Courts consider *full representation* the mere basic financial analysis as to whether to file bankruptcy, preparing of the bankruptcy petition, and attendance at the 341 meeting of creditors.

So, what else is there that *full representation* DOES NOT cover:

- Pre bankruptcy planning: how to maximize your asset exemptions (e.g. did you lose your tax refund in bankruptcy, you didn’t have to?); assisting you with



collection activity prior to filing bankruptcy, answering questions beyond whether you should file bankruptcy, and overall being a counselor to you and not just a paper pusher.

- Unrestricted access to attorney
- Pre bankruptcy planning, helping you actually qualify for chapter 7 bankruptcy instead of only telling you that you can only do chapter 13 bankruptcy (assuming it is possible)
- Creditor objection to discharge
- Trustee objection to exemption
- Trustee motion to value an asset
- Trustee request and motion to turn over property
- Trustee motion to deny discharge
- US Trustee audit
- US Trustee objection to discharge and motion to convert to chapter 13.
- US Trustee filing a Notice of Presumed Abuse
- Negotiation and representation to redeem assets
- Negotiation and representation to reaffirm debts
- Adversary proceedings to determine discharge of debt
- Motion to remove liens filed against your property
- Attendance and rigorous representation at any hearing beyond the meeting of creditors
- 2004 Exam (a deposition)
- Ongoing contact and access to attorney after case is filed
- Advice on rebuilding credit after bankruptcy
- Advice on dealing with your incalcitrant mortgage company
- Facilitating the exchange of necessary documents between you and the trustee/US Trustee
- Taking phone calls from your creditors prior to filing bankruptcy
- Helping stabilize your financial situation when you are facing imminent judgments prior to filing
- The list goes on...



That list is just for chapter 7 bankruptcy, it doesn't even scratch the surface of what is required for a successful chapter 13 bankruptcy.

If you hire an attorney for *full representation* you are typically on your own for all of the above items unless you pay an hourly fee or a pre-set charge on the *what if* menu.

So, now that you know the limits of *full representation*, is that what you thought you were getting? Does that \$599, \$1,200, or \$1,600 fee really look that appealing?

There is a difference between **Total Representation** and *Full Representation*. There is a difference between an attorney that actually tries to maximize the benefit of your bankruptcy for you and looks at every way for you to get the most out of it and those that just file a basic bankruptcy because that is what you asked them to do. There is a difference between attorneys that actually work on your case and work with you as opposed to shuffling you off to a paralegal that does 90% of the work.

Service levels do differ among firms. Almost without exception, cheap firms are not doing nor offering to do the same thing as dedicated, total representation, firms. The choice is your, but at least make it an informed choice.

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