



10 Things Every Lawyer Should Know About Bankruptcy: #3 Claims May Be Lost If Not Pursued

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If you have a client who is listed as a creditor in a bankruptcy, the debt may be discharged automatically, even if it falls into one of the categories of non-dischargeable debt. If a debtor lists your client's claim as a general unsecured claim, it could be discharged unless your client asserts his or her rights to it being classified as non-dischargeable.

Some of the most common scenarios where this occurs are debts arising from breach of a fiduciary duty, damages from injuries caused by drunk driving, or debts arising from a divorce settlement.

If you are unsure whether or not your client's claim will be discharged in a bankruptcy case, you should refer your client to a lawyer who is experienced in the representation of creditors in bankruptcy, so the proper treatment of your client's claim can be determined.

Kraft & Associates
2777 Stemmons Freeway
Suite 1300
Dallas, Texas 75207
Toll Free: (800) 989-9999
FAX: (214) 637-2118
E-mail: info@kraftlaw.com