

[Bankruptcy](#)



Consumer Bankruptcy Law and Practice

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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

- 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

- [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
- 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 Bankruptcy Code, forms and rules changes, by Henry Sommer, the nation’s leading author on consumer bankruptcy.
- [Bankruptcy Basics](#)- Who’s Afraid of the 2005 Bankruptcy Act? This one package provides everything attorneys new to bankruptcy need to file their first case, with examples of forms to

file, easy-to-use software, and more

GM and Chrysler Bankruptcies

- [The Status of Product Liability, Warranty and Lemon Law Claims for New GM and Chrysler](#)