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## DEALING WITH CREDIT AND BANKRUPTCY

### INTAKE QUESTIONNAIRE: HIRING AN ATTORNEY—ADVERSARY PROCEEDING

In most cases, a personal bankruptcy will be relatively straightforward. In some cases, however, someone may object to a portion of the bankruptcy. This occurs most often where a creditor is alleging that a debt should not be forgiven (or "discharged") because of fraud, but it can also happen if a creditor thinks you are abusing the system, have not disclosed assets, or have not fairly characterized its claim.

The procedure by which the court determines whether or not a creditor should be discharged if it objects is called an "adversary proceeding." An adversary proceeding is like regular litigation, but it takes place in the bankruptcy court and is tried by the bankruptcy judge.

Because adversary proceedings are legally complicated and time-consuming, most attorneys who specialize in bankruptcy are not prepared to get involved in them. In fact, many "bankruptcy specialists" explain in their retainer agreements that they will *not* help you with an adversary proceeding. That means you are again faced with finding an attorney.

You will want to meet with any attorney you are considering hiring, to see if you and the attorney can work together. You will really be interviewing the attorney just like you are interviewing a job applicant.

In order to do the best possible job on your behalf, your attorney needs your input and cooperation. At your first meeting with your attorney, you should be prepared to provide the following information:

#### **INFORMATION ABOUT YOU**

Name \_\_\_\_\_

Address, Including County

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Length of Time at that Address \_\_\_\_\_ years

Previous Address(es) (for last ten years)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Your Work Telephone Numbers \_\_\_\_\_

Your Home Telephone Numbers \_\_\_\_\_

Facsimile Number \_\_\_\_\_

E-mail Address \_\_\_\_\_

Web Page (if any) \_\_\_\_\_

Where do you work?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Your Position \_\_\_\_\_

Who is your direct superior at work, and his or her position, address, and phone number?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Other litigation you *have been* involved in

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Other adversary proceedings, or other litigation, you are *currently* involved in

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Bankruptcy Case File No. \_\_\_\_\_

Judge Assigned \_\_\_\_\_

Trustee Assigned \_\_\_\_\_

Date Filed \_\_\_\_\_

**INFORMATION ABOUT THE OTHER PARTIES**

Who is making the adversary claim (your opponent)?

Name \_\_\_\_\_

Is your opponent a business? \_\_\_\_\_

Form of your opponent's business (corporation, partnership, sole proprietorship, etc.)

\_\_\_\_\_

Place of Doing Business \_\_\_\_\_

Address, Including County

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Length of Time at that Address \_\_\_\_\_ years

Previous Address(es) (for last ten years)

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Their Work Telephone Numbers \_\_\_\_\_

Their Home Telephone Numbers \_\_\_\_\_

Facsimile Number \_\_\_\_\_

E-mail Address \_\_\_\_\_

Web Page (if any) \_\_\_\_\_

Former Name(s) \_\_\_\_\_

\_\_\_\_\_

Related Business(es) \_\_\_\_\_

\_\_\_\_\_

Your Contact Person at the Opponent \_\_\_\_\_

Other Officers or Officials of the Business

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Are you aware of any litigation you opponent has been involved in?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

What does your opponent or your opponent's business make or do?

\_\_\_\_\_

***INFORMATION ABOUT THE INCIDENT- WHY IS THIS GOING TO COURT?***

Describe the incident that occurred that resulted in your opponent bringing this adversary proceeding:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

How much is your opponent claiming should be excepted from discharge?

\$ \_\_\_\_\_

Are there written documents which relate to any agreements you have with your opponent?

\_\_\_\_\_

Are you aware of any claims you may have against your opponent? If so, please explain them.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_