**Southern District of New York Bankruptcy Legal Clinic**

# Purpose

The Southern District of New York Bankruptcy Legal Clinic is a free bankruptcy clinic formed to assist current and potential litigants in chapter 7 and/or chapter 13 cases. One of the goals of the Clinic is to reach out to unrepresented individuals ("individuals") at or before case filing, to prevent unnecessary filings and to give those individuals a first-hand look at the importance of working with an experienced bankruptcy attorney.

The Clinic provides individuals with the opportunity to pre-schedule an appointment to meet with an attorney for a free 30-minute consult. Volunteer attorneys staff the Clinic from 11:00 AM-1:00 PM twice a month.

# Hours of Operations

The Clinic operates twice a month for a two-hour period, 11:00 AM - 1:00 PM. Each appointment is scheduled for thirty minutes, thus allowing for four appointments per Clinic day. Appointments can be made on-line via the Court’s website or by calling the court.

# Location

The Clinic operates from the Southern District of New York Bankruptcy Court’s space on the 6th Floor of the Alexander Hamilton United States Customs House, One Bowling Green, Room 606, New York, New York 10004. The Clinic is located on the same floor as the Clerk’s office which provides public computer terminals for use by debtors including access to bankruptcy topic videos and bankruptcy filing information.

# Scope of Legal Help

The Clinic serves individuals considering filing for either Chapter 7 or 13 bankruptcy. Volunteer attorneys provide limited legal advice and information on bankruptcy issues including, but not limited to (1) petition and schedule preparations; (2) the reaffirmation process; (3) individual exemptions and (4) other bankruptcy topics. The volunteer attorney may assist you in preparing court documents and may provide referrals and other resource information. The Clinic does not give legal advice on criminal matters, state court cases or non-bankruptcy related issues.

The Clinic is staffed by experienced bankruptcy attorney volunteers and offers free, on-site information and guidance to individuals who are representing themselves in the U.S. Bankruptcy Court. The volunteer attorneys at the Clinic can help the unrepresented individual understand the bankruptcy process and provide limited case-specific advice.

# Client Expectations

Individuals serviced by the Clinic are required to complete 2 documents prior to being served by the volunteer attorney – an Intake Form and a Liability Waiver form. In addition, for the volunteer attorney to make the best use of the 30-minute time frame, the Clinic has created a list of useful documents available on the Court's website for the debtor to bring to the appointment and a brochure with additional meeting preparation suggestions.

# Volunteer Attorney Requirements/Expectations

All attorneys staffing the Clinic should have at least 3 years of bankruptcy experience, ideally representing consumer debtors. If a volunteer has less than 3 years of experience but feels competent to staff the Clinic, a waiver of this policy may be granted. The decision to grant a waiver may be based on personal experience with the attorney, discussions with past mentors (if any), the number of cases the attorney has handled, the quality of work of the attorney, completion of bankruptcy-related training, and any other factors the Clinic Committee finds relevant in assessing the attorney’s ability to provide sound legal advice.

In addition to meeting (or receiving a waiver of) the experience requirement, a volunteer attorney must also be a member in good standing of the New York State Bar and admitted to practice before the Southern District of New York. If any of these requirements are not met or cause is given to disqualify a volunteer from participation, a volunteer will be notified of the circumstance and informed of what is needed to qualify them for participation in the future.

Volunteer attorneys are required to participate in the clinic at least two times per year for the two-hour clinic period (four total hours per year). At the appointment, volunteer attorneys should be available to answer questions, review filings, and address other matters that individuals may encounter. Please note that attorneys are not expected to answer all questions. The Clinic hopes to answer questions that can reasonably be answered within a half-hour consultation and to provide direction and guidance to debtors on how to proceed after the consultation (i.e. what to expect in their case if they continue without an attorney).

Malpractice coverage is not provided to volunteer attorneys, but all attorneys are required to provide proof of their own current insurance by way of a cover sheet. However, all individuals are required to sign a form acknowledging that no attorney-client relationship is formed during their clinic appointment. To maintain a clear understanding that no attorney-client relationship is being formed and to protect the integrity of the program, attorney volunteers are not permitted to solicit clients nor are they permitted to discuss representation during a consultation at the Clinic. During consultations, Clinic volunteers are permitted to give referral suggestions. However, this does not prevent an attorney who is individually contacted by an individual after a Clinic appointment, from taking on representation of that individual. Additionally, the Clinic volunteer may give their contact information to an individual if the individual specifically asks for it.