

Rhode Island Bankruptcy Legal Clinic

Purpose

The Rhode Island Bankruptcy Legal Clinic (RIBLC) is a free bankruptcy clinic formed to assist current and potential pro se debtors in chapter 7 and/or chapter 13 cases. One of the goals of the RIBLC is to reach out to debtors at or before case filing, to prevent unnecessary filings and to give debtors a first-hand look at the importance of working with an experienced bankruptcy attorney. The RIBLC provides debtors with the opportunity to pre-schedule an appointment to meet with an attorney for a free half-hour consult. Volunteer attorneys staff the RIBLC from 11:00 AM-12:00 PM twice a month.

Hours of Operations

The RIBLC operates twice a month for a one hour period. The clinic is open the first and third Wednesday of each month from 11:00 AM-12:00 PM. Each appointment is scheduled for thirty minutes, thus allowing for two appointments per clinic day. Appointments can be made on-line via the court's website or by calling the court.

Location

The RIBLC operates from the Rhode Island Bankruptcy Court's space on the 6'th Floor of The Federal Center building, 380 Westminster Street, Providence, RI 02903. The attorney conference room serves as the clinic office and has a telephone, computer, printer and Internet connectivity available for use by volunteer attorneys. The Court's library serves as a furnished waiting area for debtors to sit and wait until their scheduled appointment. The area has informational materials about bankruptcy and 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.

Scope of Legal Help

The RIBLC 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 RIBLC 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 lawyer volunteers at the Clinic can help the pro se debtor understand the bankruptcy process and provide limited case-specific advice, but they cannot represent the debtor in court or file pleadings.

Client Expectations

Individuals serviced by the RIBLC are required to complete 2 documents prior to being served by the volunteer attorney – an Intake Form and a Liability Waiver form. In addition, in order for the volunteer attorney to make the best use of the 30 minute timeframe, the clinic has created a list of useful documents for the debtor to bring to the appointment and a brochure with additional meeting preparation suggestions.

Volunteer Attorney Requirements/Expectations

All attorneys staffing the RIBLC 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 RIBLC, 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 RIBLC volunteer must also be a member in good standing of the Rhode Island Bar and admitted to practice before the District of Rhode Island federal court. 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 RIBLC at least two times per year for the one hour clinic period (two total hours per year). At the appointment, volunteer attorneys should be available to answer questions, review filings, and address other matters that pro se debtors may encounter. Please note that attorneys are not expected to answer all debtor questions. The RIBLC 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 Clinic volunteers but all attorneys are required to provide proof of their own current insurance by way of a cover sheet. However, all pro se parties 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 RIBLC. During consultations, Clinic volunteers are permitted to give referral suggestions that are available in the Clinic. However, this does not prevent an attorney who is individually contacted by a client, after a Clinic appointment, from taking on representation of that individual. Additionally, the Clinic volunteer may give their contact information to a client if the client specifically asks for it.