MARYLAND VOLUNTEER LAWYERS SERVICE

Nuts and Bolts of Bankruptcy

David Sommer and Cynthia M. Eyler | Gallagher LLP | June 18, 2026

Today's Agenda

- Receiving a Referral from MVLS
- Initial Client Meeting & Screening
- Preparing the Bankruptcy Petition
- Filing the Case
- Preparing for the 341 Meeting
- Post-341 & Case Completion
- Questions, Resources & Support

MVLS Mission

MVLS removes barriers to justice through free civil legal help, community engagement, and advocacy for equitable laws.

Our vision is for a fair legal system that is free of injustice and equitably serves underrepresented Marylanders.

MVLS Service Area

- Statewide, with exceptions:

  Montgomery, Prince George's, Allegany and the five Mid-Shore counties have their own pro bono programs, but often refer cases to MVLS due to lack of capacity

- Most MVLS pro bono cases are from Baltimore City and County as well as the surrounding Central Maryland counties.

Receiving a Referral from MVLS

- MVLS staff reviews applications and matches cases with pro bono volunteers
- You receive a case pitch via the MVLS Pro Bono Portal or from a Legal Advocate
- Review the case summary carefully before accepting
  - Consider client location, language needs, and case complexity
- Accept through the portal — you become counsel of record
- MVLS provides a case file with intake information and key documents
- Pro bono representation = full representation (not limited scope)

Chapter 7 Process: Overview

- What Chapter 7 Accomplishes
- What Bankruptcy Can Do and Cannot Do
- Chapter 7 vs. Chapter 13
- Eligibility Requirements
- The Means Test
- General Timing Considerations Before Filing

Initial Client Meeting & Screening

- Confirm eligibility: individual debtor, primarily consumer debts
- Run the Means Test — compare current monthly income to Maryland median
  - Below median: qualifies for Chapter 7
  - Above median: complete Form 122A-2 (full expense analysis)
- Review assets and exemptions to assess what debtor may keep
  - MD exemptions: $25,150 homestead; $6,000 personal property; 75% wages
- Confirm debtor has completed pre-filing credit counseling (required)
- Gather documents: 2 years of tax returns, 60 days of pay stubs, bank statements
- Advise debtor: non-dischargeable debts, asset exposure, credit impact

Preparing the Bankruptcy Petition

- Complete all Official Forms: Schedules A/B through J, SOFA, Form 101
  - Schedule A/B: All assets — real property, vehicles, accounts, household goods
  - Schedule C: Claimed exemptions — critical to protect debtor's property
  - Schedules D–F: Secured, priority, and general unsecured creditors
  - Schedules I/J: Current income and monthly expenses
- Means Test: Form 122A-1 (and 122A-2 if above median income)
- Statement of Financial Affairs (Form 107): transfers, lawsuits, accounts
- Compile complete creditor mailing matrix — every creditor must be listed
- Debtor reviews and signs all schedules under penalty of perjury
- Form 108 (Statement of Intention): surrender, redeem, or reaffirm secured debts

Filing the Case

- File via CM/ECF — U.S. Bankruptcy Court, District of Maryland
- Filing fee: $338 (waiver: Form 103B; installments: Form 103A)
- Automatic stay takes effect immediately upon filing (11 U.S.C. ŧ 362)
  - Halts collections, wage garnishments, and foreclosure proceedings
  - Give debtor case number to share with creditors and employers
- Court assigns Chapter 7 Trustee and sets 341 Meeting date (21–40 days out)
- Missing schedules must be filed within 14 days (Bankruptcy Rule 1007)
- Send trustee documents before the 341 Meeting
  - Tax returns (2 years), bank statements, pay stubs, photo ID, Social Security card

Preparing for the 341 Meeting

- 341 Meeting of Creditors: held 21–40 days after filing (11 U.S.C. ŧ 341)
- Typically 5–10 minutes; conducted by Chapter 7 Trustee
  - Trustee verifies identity, accuracy of schedules, checks for non-exempt assets
  - Typical questions: income, assets, prior bankruptcies, recent transfers
- Debtor must bring: government-issued photo ID and original Social Security card
- Creditors may appear but rarely do in consumer Chapter 7 cases
- In Maryland: currently conducted by phone or video — confirm format with court
- Remind debtor to complete financial management course before discharge
  - $20–$50 fee; waivers typically available for pro bono clients

Post-341 & Case Completion

- Trustee reviews for non-exempt assets — most Ch. 7 consumer cases are “no asset”
- Address any trustee follow-up requests promptly
- Monitor for objections to discharge (creditor deadline: 60 days after 341 Meeting)
- File Financial Management Course Certificate (Form 423)
- Resolve secured debts per Statement of Intention
  - Reaffirmation agreements must be filed within 60 days of 341 Meeting
  - Coordinate surrender or redemption with trustee and creditors
- Discharge typically entered 60–90 days after 341 Meeting in no-asset cases
- Complete MVLS case closure form on the Pro Bono Portal when case is closed

Questions, Resources & Support

- American College of Bankruptcy Pro Bono Legal Resource List.
  - https://www.americancollegeofbankruptcy.com/foundation/grantees/pro-bono-resources/
- MVLS Staff Attorneys: available for questions on every case you accept
  - Monthly office hours; drop-in Q&A for all program areas
- MVLS Pro Bono Portal: cases, documents, and closure forms (mvlslaw.org/volunteer)
- Contact:
  - David G. Sommer | dsommer@gallagherllp.com | 410-951-1414
  - Cynthia M. Eyler | ceyler@gallagherllp.com | 410-951-1403

Volunteer Supports

- Mentor opportunities
  - Each volunteer can request a mentor for any case they accept with MVLS.
- Staff Attorney Office Hours
  - Once a month each program hosts office hours for staff attorneys to answer volunteers' questions
- Free Trainings
  - MVLS offers trainings in every case type we serve. All trainings are recorded and published on our website
- Volunteer Resources (on website)
  - All the resources you could need are on our website. From form templates to tips for how to best communicate with clients.

NOT A VOLUNTEER? SIGN UP TODAY!

https://mvlslaw.org/volunteer/volunteer-sign-up/