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## Access to Justice: A Roadmap to Creating and Launching Consumer Bankruptcy Experiential Programs in Law Schools

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**ACCESS TO JUSTICE: A ROADMAP TO CREATING AND  
LAUNCHING CONSUMER BANKRUPTCY EXPERIENTIAL  
PROGRAMS IN LAW SCHOOLS**

*Ishaq Kundawala\**

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## INTRODUCTION

It is increasingly difficult for people who need consumer bankruptcy relief to access it. Ironically, many of the people who most need it cannot afford it, and oftentimes they come from underserved communities.<sup>1</sup> Large-scale solutions to this access to consumer bankruptcy problem have been discussed, and even proposed, but not yet implemented.<sup>2</sup> While law schools cannot solve the access problem without congressional intervention, they can, at least, take steps to improve the status quo. One way law schools can address this problem is to create experiential programs focusing on consumer bankruptcy.

These types of programs offer a dual benefit. They offer a partial solution to the access problem by providing free or low-cost bankruptcy assistance to qualified members of the community on one hand, and practical learning opportunities for law students on the other. Right now, only seventeen law schools approved by the American Bar Association (the “ABA”) across nine states offer consumer bankruptcy experiential opportunities to their students.<sup>3</sup> There is incredible potential for growth in this area. To be more specific, there are 180 other ABA-approved law schools that do not currently have such a program.<sup>4</sup> By creating one, these law schools can add to the experiential

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<sup>1</sup> See, e.g., Pamela Foohey, *Access to Consumer Bankruptcy*, 34 EMORY BANKR. DEV. J. 341 (2018) (examining the state of access to justice in the context of consumer bankruptcy); Robert J. Landry, III & David W. Read, *Erosion of Access to Consumer Bankruptcy’s “Fresh Start” Policy in the United States: Statutory Reforms Needed To Enhance Access to Justice and Promote Social Justice*, 7 WM. & MARY POL’Y REV. 51 (2015); Richard I. Aaron, *Access to Justice: Consumer Bankruptcy*, 2006 UTAH L. REV. 925 (2006); A. Mechele Dickerson, *Race Matters in Bankruptcy Reform*, 71 MO. L. REV. 919 (2006).

<sup>2</sup> See, e.g., Hon. Terrence L. Michael, *There’s a Storm a Brewin’: The Ethics and Realities of Paying Debtors’ Counsel in Consumer Chapter 7 Bankruptcy Cases and the Need for Reform*, 94 AM. BANKR. L.J. 387, 417 (2020) (noting other experts who have proposed legislative solutions to the access problem); Ishaq Kundawala, *Biting the Bullet: A Bipartisan Solution To Increase Debtors’ Access to Chapter 7 Relief While Exempting Firearms in a Bankruptcy Case*, 56 IND. L. REV. 33 (2022) (discussing the access to justice problem in consumer bankruptcies and proposing a bipartisan solution to the problem).

<sup>3</sup> Upon our independent research across all online materials of each ABA-approved law school in America, we found that only seventeen law schools offer experiential programs in consumer bankruptcy where students can assist individual debtors with the filing of their bankruptcy cases. These law schools include: Mercer University School of Law, Barry University School of Law, Campbell Law School, Creighton University School of Law, Florida International University College of Law, Florida State University College of Law, George Mason University Antonin Scalia Law School, University of Maryland Carey School of Law, University of Miami School of Law, Nova Southeastern University College of Law, University of the Pacific McGeorge School of Law, St. John’s University School of Law, St. Thomas University Crump College of Law, University of St. Thomas School of Law, Southern University Law Center, Syracuse University College of Law, and Touro Law Center. This research is available upon request. I created two of these programs, one at Nova Southeastern University College of Law and the other at Mercer University School of Law.

<sup>4</sup> There are 197 total accredited-law schools. See *ABA-Approved Law Schools*, AM. BAR ASS’N, [https://www.americanbar.org/groups/legal\\_education/resources/aba\\_approved\\_law\\_schools/](https://www.americanbar.org/groups/legal_education/resources/aba_approved_law_schools/) (last visited May 23, 2024).

opportunities available to their students while simultaneously increasing their communities' access to bankruptcy relief.

Ideally, each law school in the country should offer limited bankruptcy legal services to their communities. In Part I of this Essay, I explore the role of consumer bankruptcy experiential programs in law schools. These programs offer an ideal mix of transactional and litigation experiences, which help students become more practice-ready upon graduation while giving back to their community. In Part II of this Essay, I offer to law schools my tried-and-true formula for creating consumer bankruptcy experiential programs. I have created two of these programs to date, one in Florida, and the other more recently in Georgia. These programs can be surprisingly resource-neutral and quite simple for law schools to implement. If this Essay inspires just one more law school to create their own consumer bankruptcy program, then I have accomplished my central purpose for writing it.<sup>5</sup>

#### I. THE ROLE OF CONSUMER BANKRUPTCY EXPERIENTIAL PROGRAMS IN LAW SCHOOLS

Experiential programs in law schools are a critical and required component of student learning.<sup>6</sup> Experiential learning involves active engagement with real-world legal problems, which allows law students to apply their knowledge of a particular subject in practical settings. This pedagogical approach is being touted in law schools across the country especially as legal employers are demanding students to be more practice-ready upon graduation.<sup>7</sup> Creating practice-ready lawyers is a goal that many law schools are actively pursuing to better prepare graduates for the demands of the legal profession.<sup>8</sup> Practice-ready law graduates

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<sup>5</sup> I would be happy to send my materials to anyone who is interested in creating this type of program at their law school. I can also answer any questions and assist as much as possible in the formation of the program.

<sup>6</sup> STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS Standard No. 303(a)(3) (AM. BAR ASS'N 2023–24), [https://www.americanbar.org/content/dam/aba/administrative/legal\\_education\\_and\\_admissions\\_to\\_the\\_bar/standards/2023-2024/23-24-standards-ch3.pdf](https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/standards/2023-2024/23-24-standards-ch3.pdf).

<sup>7</sup> See, e.g., WHITE PAPER: HIRING PARTNERS REVEAL NEW ATTORNEY READINESS FOR REAL WORLD PRACTICE, LEXIS NEXIS (2015), [https://www.lexisnexis.com/documents/pdf/20150325064926\\_large.pdf](https://www.lexisnexis.com/documents/pdf/20150325064926_large.pdf); Gary S. Gildin, *Practice-Ready Legal Education: The Four New Demands Law Schools Must Satisfy*, PA. LAW., May/June 2015; Margaret Martin Barry, *Practice Ready: Are We There Yet?*, 32 B.C. J.L. & SOC. JUST. 247 (2012).

<sup>8</sup> The push for law schools to develop more programs aimed at producing more practice-ready graduates comes directly from the ABA House of Delegates in a Resolution adopted during its 2011 Annual Meeting. See *Annual Meeting: Recommendation 10B*, 2011 A.B.A. HOUSE DELEGATES, [https://www.americanbar.org/content/dam/aba/administrative/house\\_of\\_delegates/resolutions/2011\\_hod\\_annual\\_meeting\\_daily\\_journal\\_FINAL.authcheckdam.pdf](https://www.americanbar.org/content/dam/aba/administrative/house_of_delegates/resolutions/2011_hod_annual_meeting_daily_journal_FINAL.authcheckdam.pdf) (urging legal education providers to implement curricular

possess a combination of legal knowledge, practical skills, and professional attributes that make them more attractive to legal employers and better suited to transition smoothly into the practice of law.

The ABA requires each law student to satisfactorily complete at least six credit hours in one or more experiential courses.<sup>9</sup> It is quite possible that this six-credit requirement will be increased to fifteen credits in the near future.<sup>10</sup> The ABA defines an experiential course as:

- (a) [S]imulation courses, law clinics, and field placements that must be primarily experiential in nature and must:
- (1) integrate doctrine, theory, skills, and legal ethics, and engage students in performance of one or more of the professional skills identified in Standard 302;
  - (2) develop the concepts underlying the professional skills being taught;
  - (3) provide multiple opportunities for performance;
  - (4) provide opportunities for student performance, self-evaluation, and feedback from a faculty member, or, for a field placement, a site supervisor;
  - (5) provide a classroom instructional component; or, for a field placement, a classroom instructional component, regularly scheduled tutorials, or other means of ongoing, contemporaneous, faculty-guided reflection; and
  - (6) provide direct supervision of the student's performance by the faculty member; or, for a field placement, provide direct

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programs intended to develop practice-ready lawyers including, but not limited to, enhanced capstone and clinical courses that include client meetings and court appearances). This push became a reality in 2014 when the ABA implemented the six-credit experiential credit graduation requirement. STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS Standard No. 303(a)(3) (AM. BAR ASS'N 2023–24) (stating that law schools must offer a curriculum that requires each student to complete at least six credit hours of experiential courses).

<sup>9</sup> STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS Standard No. 303(a)(3) (AM. BAR ASS'N 2023–24).

<sup>10</sup> See Karen Sloan, *ABA Eyes Increasing Hands-On Learning Requirement for Law Schools*, REUTERS (Nov. 21, 2023, 2:53 PM), <https://www.reuters.com/legal/legalindustry/aba-eyes-increasing-hands-on-learning-requirement-law-schools-2023-11-21> (describing the American Bar Association's recent development of a proposal to increase the number of experiential credits students must take to graduate); Zach Hales, *ABA Looking To Change Requirements for Experiential Learning*, PRELAW (Dec. 4, 2023, 10:15 AM), <https://nationaljurist.com/national-jurist/news/aba-looking-to-change-requirements-for-experiential-learning/> (indicating that the proposal is to expand the six credit requirement to fifteen).

supervision of the student's performance by a faculty member or a site supervisor.<sup>11</sup>

The ABA explains the differences between simulation courses, law clinics, and field placements.<sup>12</sup> “A simulation course provides substantial experience not involving an actual client, that is reasonably similar to the experience of a lawyer advising or representing a client or engaging in other lawyering tasks in a set of facts and circumstances devised or adopted by a faculty member.”<sup>13</sup> Simulation courses can be a highly valuable learning tool in law schools. In contrast, “[a] law clinic provides substantial lawyering experience that involves advising or representing one or more actual clients or serving as a third-party neutral.”<sup>14</sup> Finally, a field placement takes the student even further into real client representation and:

provides substantial lawyering experience that (1) is reasonably similar to the experience of a lawyer advising or representing a client or engaging in other lawyering tasks in a setting outside a law clinic under the supervision of a licensed attorney or an individual otherwise qualified to supervise, and (2) includes the following:

- (i) a written understanding among the student, faculty member, and a person in authority at the field placement that describes both (A) the substantial lawyering experience and opportunities for performance, feedback and self-evaluation; and (B) the respective roles of faculty and any site supervisor in supervising the student and in assuring the educational quality of the experience for the student, including a clearly articulated method of evaluating the student's academic performance;
- (ii) a method for selecting, training, evaluating and communicating with site supervisors, including regular contact between the faculty and site supervisors through in-person visits or other methods of communication that will assure the quality of the student educational experience. When appropriate, a school may use faculty members from other law schools to supervise or assist in the supervision or review of a field placement program;
- (iii) evaluation of each student's educational achievement by a faculty member; and

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<sup>11</sup> STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS Standard No. 304(a)(1)–(6) (AM. BAR ASS'N 2023–24).

<sup>12</sup> *Id.* at No. 304(a).

<sup>13</sup> *Id.* at No. 304(b).

<sup>14</sup> *Id.* at No. 304(c).

(iv) sufficient control of the student experience to ensure that the requirements of the Standard are met. The law school must maintain records to document the steps taken to ensure compliance with the Standard, which shall include, but is not necessarily limited to, the written understandings described in Standard 304(d)(i).<sup>15</sup>

While each of these three ways of satisfying the ABA's experiential learning requirements has remarkable educational value, I vastly prefer clinics and field placements to simulation classes because clinics and field placements offer students the opportunity to help actual people in their communities. These people are usually at or below the poverty line. When students interact with and help those who are less fortunate in their communities, they have a better chance of developing a desire to continue serving vulnerable populations when they enter the practice of law in the future.<sup>16</sup> Some of the most prestigious law firms even offer billable credit for associates who undertake such work as an incentive for them to give back to their communities.<sup>17</sup>

Clinics and field placements also further the ABA's long-standing aspirational goal for all lawyers to provide at least fifty hours of pro bono services annually.<sup>18</sup> By providing pro bono services in law school, students can get a taste for the value of public service and the impact their work can have on others. These students will hopefully continue doing pro bono work as licensed members of the bar.<sup>19</sup>

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<sup>15</sup> *Id.* at No. 304(d).

<sup>16</sup> See, e.g., John Erbes & Rebecca J. O'Neill, *Assessment of Professional Values in Experiential Education in Law: Becoming Who We Are Through Practice*, 62 N.Y.L. SCH. L. REV. 103, 113-114 (2018) (hoping that students who serve vulnerable communities in law school clinics will develop a desire to continue serving those communities in their legal careers).

<sup>17</sup> See, e.g., Hannah Roberts, *More Law Firms Opt To Count Pro Bono Hours Towards Utilisation Targets*, LAW.COM INT'L (Nov. 1, 2021, 7:47 AM), <https://www.law.com/international-edition/2021/11/01/more-law-firms-opt-to-count-pro-bono-hours-towards-utilisation-targets/>. Some law firms go even further and require their associates to do pro-bono work. See, e.g., *A World of Good: Dechert's Pro Bono Program*, DECHERT LLP, <https://www.dechert.com/about/pro-bono.html> (last visited May 23, 2024) (requiring associates to do at least twenty-five hours of pro bono work per year).

<sup>18</sup> MODEL RULES OF PRO. CONDUCT r. 6.1 (AM. BAR ASS'N 2019) (urging all lawyers to provide a minimum of fifty hours of pro bono services annually).

<sup>19</sup> Cf. Melissa H. Weresh, *Service: A Prescription for the Lost Lawyer*, 2014 PROF. LAW. 45, 63, 68 (indicating that public service is an ideology that defines the legal profession and opining that a commitment to public service should begin in law school through clinical, experiential, and service-learning courses). But see Margaret E. Reuter & Joanne Ingham, *The Practice Value of Experiential Legal Education: An Examination of Enrollment Patterns, Course Intensity, and Career Relevance*, 22 CLINICAL L. REV. 181, 200 (2015) (indicating that doing a public service clinic will likely not change a law student's career path if they entered law school with other goals).

This Essay will focus on the field placement or externship<sup>20</sup> approach for three reasons: (1) I created bankruptcy externship programs at two law schools in two different states and it is my preferred pedagogical approach; (2) externships are simpler for law schools to implement; and (3) they are more resource-neutral than launching full-fledged consumer bankruptcy clinics. Part of the reason they are simpler to implement is because they are more resource-neutral. Externship programs do not require the dedicated physical space and allocation of financial resources that in-house legal clinics typically need. They also do not require the expense or commitment of a full- or part-time licensed faculty member or clinician to supervise students' legal work.

The other important pedagogical choice that needs to be made is what type of bankruptcy cases the externship program should focus on. There are several chapters under the Bankruptcy Code through which debtors can seek relief, but the two primary chapters that consumer debtors choose are either chapter 7 or chapter 13. There are major differences between these two chapters. In his recent paper in the *American Bankruptcy Law Journal*, Northern District of Oklahoma Bankruptcy Judge Terrence L. Michael provided a good overview of chapter 7 and chapter 13 bankruptcy cases:

Chapter 7 cases are often referred to as “straight liquidation” cases. They are designed to be relatively simple and straightforward and comprise the majority of bankruptcy cases filed. A debtor lists all of her assets and liabilities, and a trustee is appointed to investigate her financial affairs. The debtor is entitled to claim certain property as exempt and, in the event there are any unencumbered, nonexempt assets, the trustee sells those assets and distributes the net proceeds to unsecured creditors. The vast majority of chapter 7 cases do not contain any such assets. Those cases are referred to as “no asset” cases. Unless grounds exist to deny the debtor's discharge or determine that a particular debt should not be discharged, the debtor receives a discharge of all secured and unsecured debt.

Chapter 13 cases are referred to as “individual wage earner” cases. In a chapter 13 case, a debtor is required to surrender his or her disposable income to a chapter 13 trustee for distribution to secured and unsecured creditors under the terms of a chapter 13 plan that must be approved, or “confirmed,” by the bankruptcy judge. Chapter 13 plans commonly

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<sup>20</sup> The terms field placement and externship are frequently used in law schools and will be used interchangeably in this Essay. See *Frequently Asked Questions*, UNIV. IOWA COLL. L., <https://law.uiowa.edu/experiential-learning/field-placement-program/frequently-asked-questions#heading10191> (last visited May 23, 2024) (“[T]he terms ‘field placement’ and ‘externship’ are used interchangeably to refer to legal work experiences where students earn academic credit by meeting various requirements imposed by the ABA.”).



focus on saving an asset valued by the debtors, such as a house or an automobile. There are detailed requirements for confirmation of a chapter 13 plan and equally stringent definitions of “disposable income.” Upon successful completion of a chapter 13 plan, a chapter 13 debtor receives a discharge.<sup>21</sup>

A few critical points are worth adding to this summary. Chapter 7 cases are far less complicated, expensive, and time consuming than chapter 13 cases. Attorneys’ fees for basic chapter 7 cases average about \$1,229 and must be paid in full, up-front, before an attorney will work on the case.<sup>22</sup> Chapter 7 cases also take much less time than chapter 13 cases. Uncomplicated “no asset” chapter 7 cases can be completed from start to finish in about four to six months, with the debtor receiving a discharge of most unpaid debts at the conclusion of the case.<sup>23</sup> This short turnaround period is ideal for one semester’s worth of student work, which is another reason why it is my preferred pedagogical choice. There is little to no student work remaining at the conclusion of the semester.

On the other hand, chapter 13 cases are more than twice as expensive and, on average, take up to ten times as long to complete as chapter 7 cases. Attorneys’ fees for chapter 13 cases average about \$3,217.<sup>24</sup> These attorneys’ fees can be paid out over the length of the plan instead of up-front as in chapter 7 cases. Chapter 13 cases are more profitable to practitioners and filers do not suffer as much from the access to bankruptcy problem since the fees for those

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<sup>21</sup> Michael, *supra* note 2, at 389, 389 n.7 (noting in a footnote that his summary of the two chapters is intentionally oversimplified).

<sup>22</sup> Pamela Foohey et al., “No Money Down” *Bankruptcy*, 90 S. CAL. L. REV. 1055, 1058 (2017). Note that this figure reflects data from 2007 and 2013–2015. *Id.* at 1058 n.10. Inflation and time have most likely increased this average. *See, e.g.*, Michael, *supra* note 2, at 411 n.77 (noting that fees for filing chapter 7 cases in the author’s district range from \$500 to \$1,500).

<sup>23</sup> *See Discharge in Bankruptcy - Bankruptcy Basics*, U.S. COURTS, <https://www.uscourts.gov/services-forms/bankruptcy/bankruptcy-basics/discharge-bankruptcy-bankruptcy-basics> (last visited May 23, 2024) (noting that the discharge usually occurs within four months after the date the debtor files the bankruptcy petition); Maureen Milliken, *How Long Does Chapter 7 Bankruptcy Take?*, DEBT.ORG (Feb. 8, 2022), <https://www.debt.org/bankruptcy/chapter-7/how-long-does-it-take/> (noting that a chapter 7 bankruptcy usually takes about four to six months from the debtor filing to the final discharge). It is also worth noting that student loans comprise a substantial portion of consumer debt and are not dischargeable in bankruptcy absent a showing of undue hardship. *See, e.g.*, Hillary Hoffower, *An Astounding Number of Bankruptcies Are Being Driven by Student Loan Debt*, BUS. INSIDER (June 13, 2019, 3:30 PM), <https://www.businessinsider.com/people-filing-for-personal-bankruptcy-carry-student-loan-debt-2019-6> (noting that almost one-third of consumers filing for chapter 7 bankruptcy carry student loan debt, and of those, the student loan debt comprises almost half of their total debt); *see* 11 U.S.C. § 523(a)(8). Additionally, there are many other categories of debts that are not dischargeable in bankruptcy. *See, e.g.*, 11 U.S.C. § 523(a).

<sup>24</sup> Foohey et al., *supra* note 22, at 1058. Like the figure for chapter 7 data above, note that this cost reflects figures from 2007 and 2013–2015. The average amount is likely much higher now due to inflation and the passage of time. *See id.* at 1058 n.10. *See also* Michael, *supra* note 2, at 411 n.77 (noting that the fees for filing chapter 13 cases in the Northern District of Oklahoma are \$3,500 as a matter of course).

cases can be spread out over the chapter 13 plan, which makes them less than ideal for their focus in an externship program. Chapter 13 payment plans range from three to five years, and the debtor only receives a discharge after completing all the plan payments.<sup>25</sup> In other words, a successful debtor in a chapter 7 case will obtain a discharge within four to six months, while a successful debtor in a chapter 13 case will obtain a discharge within thirty-six to sixty months.<sup>26</sup>

Another important point to consider is the overall success rate of debtors under each type of chapter. The evidence is clear that debtors in chapter 7 cases have a much higher rate of successful outcomes than their counterparts in chapter 13 cases. Debtors in chapter 7 cases have a success rate of over ninety-five percent, while debtors in chapter 13 cases have a success rate hovering around fifty percent.<sup>27</sup> This is a significant difference in debtors' eventual case outcomes.

For these reasons, I strongly recommend that bankruptcy externship programs focus solely on chapter 7 bankruptcy cases. These cases will not only provide the greatest benefit to the vast majority of potential clients that seek assistance, but they are simpler to handle for law students and conclude in a much shorter period, which is ideal for one semester's worth of work. They will also have the least amount of resistance from the local bankruptcy bar. You certainly do not want not-for-profit law school programs directly competing with for-profit local members of the bar who are relying on new cases to keep their lights on—especially when some of them are your own law school's graduates.<sup>28</sup>

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<sup>25</sup> See 11 U.S.C. § 1328(a).

<sup>26</sup> See Foohey et al., *supra* note 22, at 1062.

<sup>27</sup> Walter Metzen, *How Much Does It Cost To File Bankruptcy?*, NAT'L BANKR. F. (Aug. 17, 2023), <https://www.natlbankruptcy.com/how-much-does-it-cost-to-file-bankruptcy-2/> (noting that the success rate for debtors filing chapter 7 cases who are represented by counsel is over ninety-five percent); see *BAPCPA Table 6*, U.S. COURTS (Dec. 31, 2022), [https://www.uscourts.gov/sites/default/files/data\\_tables/bapcpa\\_6\\_1231.2022.pdf](https://www.uscourts.gov/sites/default/files/data_tables/bapcpa_6_1231.2022.pdf) (showing that more than fifty percent of chapter 13 cases were dismissed without the debtor receiving a discharge).

<sup>28</sup> At a bankruptcy conference in Macon, Georgia, where I spoke a few years ago, I had a local bankruptcy attorney approach me and tell me that my consumer bankruptcy externship program will take too much business away from local bankruptcy attorneys. I responded by telling him that if the eight to ten pro bono chapter 7 cases that we take in one semester each year impact his firm's bottom line, then he should rethink his business model. I also told him that we are only taking those clients who would not be able to afford to hire an attorney at all, so we would not be taking away from the pool of paying clientele that would hire any of the local firms. Last but not least, I emphasized to him that we are training law students to be more practice-ready upon graduation, which reduces the overall training costs for law firms. It makes the law graduates more profitable, more quickly, which is ultimately better in the long-term for a firm's profitability. Eventually, this same attorney came around to the idea that offering such a program is good for the local bankruptcy bar. He even took me out to lunch!

Through a consumer bankruptcy externship program, students will develop legal skills, ethical insights, and a deeper appreciation of the legal profession's role in addressing social challenges. Students develop legal skills in client interviewing, investigating facts, document review, legal analysis, drafting legal documents, arguing motions, and applying legal ethics. When the students accomplish their clients' objectives, they begin to see and fully understand the transformative power of the law in solving actual social problems. They can use their position of privilege (by having a legal education) toward the betterment of society (by improving access to bankruptcy relief and helping real people).

While a consumer bankruptcy externship program is designed to provide students with specialized skills in consumer bankruptcy, it will also provide students with the ability to apply their knowledge and skills in a professional work environment and to acquire new knowledge and skills relevant to the general practice of law. Bankruptcy law is the last bastion of the generalist.<sup>29</sup> The reason for this is that bankruptcy attorneys juggle between many different areas of law in their practice, from contracts, real property, employment law, family law, wills, trusts and estates, environmental law all the way to criminal law.<sup>30</sup> The specialized skills one learns in bankruptcy practice translate well to transactional, litigation, or even in-house corporate practices. This should appeal to a variety of law students who may or may not be interested in pursuing bankruptcy law as a full-time career path.

In the next part of this Essay, I will describe a tried-and-true approach for law schools who wish to create and launch consumer bankruptcy externship programs. I will focus on the approach I used most recently to create the program at Mercer Law. These programs bridge the gap between classroom learning and the practice of law, providing students with the opportunity to apply their theoretical knowledge in a real-world setting that benefits real people. This program will offer a valuable opportunity to bring the students full circle from theory to practice.<sup>31</sup> Through experiential learning initiatives tailored to consumer bankruptcy practice, law schools can play a pivotal role in shaping

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<sup>29</sup> See, e.g., William Wagner, *AMPED: Perpetually Moving Bankruptcy Attorney James Sprayregen Can't Be Outworked*, SUPER LAWS. MAG. (Jan. 2016), <https://www.kirkland.com/-/media/news/press-mention/2016/01/amped-perpetually-moving-bankruptcy-attorney-james/super-lawyers-profile-sprayregen-jan-2016.pdf> ("I consider restructuring the last bastion of the generalist . . .").

<sup>30</sup> See, e.g., Stanley M. Spracker & James D. Barnette, *The Treatment of Environmental Matters in Bankruptcy Cases*, 11 [EMORY] BANKR. DEV. J. 85 (1995); Susan Jensen-Conklin, *Nondischargeable Debts in Chapter 13: "Fresh Start" or "Haven for Criminals"?*, 7 [EMORY] BANKR. DEV. J. 517 (1990).

<sup>31</sup> See Allison Korn & Laila L. Hlass, *Assessing the Experiential (R)evolution*, 65 VILL. L. REV. 713, 757–8 (2020) (indicating that true learning occurs when the experiential opportunity intersects with the theories taught in the classroom).

competent and practice-ready law graduates while also serving their communities.

## II. ROADMAP TO CREATING BANKRUPTCY EXTERNSHIP PROGRAMS IN LAW SCHOOLS

The creation of a consumer bankruptcy externship program is a thoughtful and methodical approach that involves a series of steps. It need not be a daunting process at all. Instead, it is a simple, formulaic approach. To guide law schools in implementing such a program, I will outline and discuss each key step in the process, drawing from my own experiences in creating these types of programs.

Part II.A discusses the first step: community collaboration and buy-in. This is by far the most important step. With the proper support system in place, the program will be destined for success. You will need to create buy-in for the program by collaborating with your law school administrators, faculty colleagues, local bankruptcy judges and lawyers, and non-profit legal aid organizations. Part II.B covers the second step: course proposal and curriculum integration. You will need to create a course proposal that will seamlessly integrate into your existing curriculum and factor in the timing of the course offering and faculty availability to teach it. Part II.C examines the third step: selection of law students and coordination with attorney supervisors. You must select students who you think will be successful in the program and you will need to coordinate their involvement with external attorney supervisors. Part II.D addresses the final step: promoting the program in the broader community. You need to let your community know about the new program to get your clients. In Part II, I provide specific details on how to tackle each step in the process to successfully create and launch a consumer bankruptcy externship at your law school. Let's turn to the first step.

### *A. Community Collaboration and Buy-In*

The first and most important step in the process is to collaborate with key stakeholders. These stakeholders include your Dean, Associate Dean for Academic Affairs, faculty colleagues (especially those colleagues on your curriculum committee), local bankruptcy judges and lawyers, and at least one non-profit legal aid organization. Each of these constituents has something important to contribute to the program.

The law school administrators will want to know why the law school needs to offer an additional experiential learning opportunity, what it will cost, and

who will be responsible for it. These are all easy answers. An experiential program in consumer bankruptcy law will afford students an opportunity to learn the practical aspects of an in-demand area of law while helping people in the community. With long-lasting COVID-related financial difficulties,<sup>32</sup> and the high costs of living (including but not limited to housing, health care, and transportation),<sup>33</sup> bankruptcy law promises to be a strong field for law graduates. Giving the students this level of exposure to real bankruptcy practice in law school will increase their marketability to employers and add overall value to their legal education. It will also position them to start their own consumer bankruptcy practice, if so desired. It's a win-win for the law school.

The cost answer is an easy one, too. It should cost nearly nothing to implement, other than the commitment of a faculty member to create the program and teach the classroom portion of the course once per year. Once you get the green light from the law school administrators to further explore this option, then speak with your faculty colleagues to garner additional support. With your faculty colleagues, you need to emphasize the benefits of creating this new program, especially to those colleagues on the curriculum committee. Get as much information as you can about how to propose the course, the process for doing so, and the timeline for faculty approval.

At both law schools where I created these programs, the administration and faculty were incredibly supportive of the program. They offered to help by giving me some samples of course proposals for previously approved experiential courses.<sup>34</sup> Upon completing the course design and proposal, I submitted it to the curriculum committee for consideration. After I answered the committee's questions, the committee decided to recommend the course for approval to the full faculty. Once the proposal was before the full faculty, they approved it unanimously with applause afterwards. I would imagine that most law faculties will be supportive of the program, so long as it does not take resources away from other valuable programs and if the faculty member proposing the course is willing to take the lead on creating and implementing it. Of course, all law faculties have unique politics in addition to specific policies,

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<sup>32</sup> See David Leonhardt, *What's Going on with the U.S. Economy?*, N.Y. TIMES (Feb. 14, 2024), <https://www.nytimes.com/2024/02/14/briefing/us-economy-inflation-covid.html> (discussing the COVID-crash and post-COVID measures to provide financial relief, leading to inflation causing high costs of living).

<sup>33</sup> See Robin Rothstein, *Examining the Cost of Living by State in 2024*, FORBES (Jan. 17, 2024, 12:01 PM), <https://www.forbes.com/advisor/mortgages/cost-of-living-by-state/> (discussing the rising cost of living across the United States).

<sup>34</sup> Likewise, I would be happy to share my course proposal, syllabus, course materials, and any other information that would be helpful in creating this program at your law school.

so I would encourage you to carefully navigate the politics and policies so that you can get the administrators and faculty to buy into the new program.

The next part of this process will be to speak with the local bankruptcy judges and bankruptcy attorneys. Hopefully, and unlike me, you will know exactly who to contact to get started on this part of the process. When I arrived at Mercer Law from South Florida, I did not know anyone personally or professionally in the local bankruptcy bar and bench. Fortunately, a few of my new colleagues were more than happy to introduce me to several of them. Once we were introduced, I let them know that I was interested in starting a new experiential program at the law school that would enable students to get hands-on experience in consumer bankruptcy law. They were very interested and incredibly helpful.<sup>35</sup> In particular, the local bankruptcy clerk of court took the initiative to introduce me to the local bankruptcy judges so that I could share my vision with them as a special guest at one of the judges' quarterly meetings. Once the local bankruptcy judges took an interest in the program and offered their support, I was able to hit the ground running.

After speaking with your local bankruptcy judges, you will need to find one or two local bankruptcy attorneys who are willing to serve as supervising attorneys in the program. This is much easier said than done. It can be a difficult task to find the right practitioner-partners for the program. After all, the supervising attorneys will be the ones who take full responsibility for the pro bono cases, train the students in the practical aspects of consumer bankruptcy law, review and supervise the students' legal work, report to you periodically about the students' work product, and use their office space, personnel, and resources for each of the client matters—all without any fees or reimbursement for costs. The supervising attorneys' voluntary participation is what makes this program resource-neutral. In addition to doing all these tasks, the supervising attorneys will need to be people you can trust completely and rely upon to give the students a truly special educational experience.

Talk with members of the local bankruptcy bar to get a short list of folks that may be well-suited to help you launch the program. Bankruptcy bars are quite unique. They are small, close-knit groups of attorneys that mostly get along well with each other. I was fortunate to find two incredible supervising attorneys to partner with.<sup>36</sup> They were completely committed from the very beginning to

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<sup>35</sup> What they say about southern hospitality is mostly true—the saying goes, “in the South there are no strangers, just friends we haven’t met yet.”

<sup>36</sup> Recently, I lost one of my supervising attorneys. He accepted the opportunity of a lifetime to become a bankruptcy judge. I am honored and grateful that he played an integral part in the successful launch and operation

delivering exceptional service to the law school, the students, and the community.

Last but not least, you will want to partner with a local, non-profit legal aid organization.<sup>37</sup> It is likely that your law school already has excellent relationships with the organizations in your community. Find out whom to contact and make the calls to get together with them to discuss your vision for adding a consumer bankruptcy program at your law school. Many legal aid organizations do not offer consumer bankruptcy assistance to their communities due to the specialized nature of bankruptcy practice. That said, most of them will be excited about the chance to increase the variety of services they can offer to their communities by partnering with your law school to handle consumer bankruptcy work.

Partnering with a legal aid organization provides many mutual benefits. For example, the legal aid organization can be a source of clients, they may agree to do client intake work, and they can offer to your supervising attorneys no-cost malpractice insurance coverage for their pro bono work. The externship program can also benefit the legal aid organization. The clients that come into the program through the legal aid organization can be counted as part of the legal aid's clientele which can result in increased funding and support for them in the future.

Community collaboration is an enjoyable part of this process. You will build upon your existing professional and personal relationships and make many new connections. It is an ongoing collaboration, and through it you will learn so much about what your colleagues, local attorneys and judges, and legal aid organizations value and want for the community. They will also get to learn a good bit about you and your goals for the program. You will find some of the most supportive individuals who will bend over backwards to help you form and maintain this program for many years to come. I have been fortunate to call many of the collaborators my friends as well as colleagues. Once you get community buy-in, you will move on to the next step, which is to design the course and integrate it into your law school's curriculum.

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of the program at Mercer Law and I know he will support the program from the bench. While this type of loss is certainly unique, you should be prepared with a contingency plan to add or replace a supervising attorney when necessary.

<sup>37</sup> I am thankful that Mercer Law has a great working relationship with Georgia Legal Services Program, a local legal aid organization. Georgia Legal Services Program has been an excellent partner and source of support for Mercer Law's consumer bankruptcy externship program. We could not do it without them.

### *B. Course Proposal and Curriculum Integration*

Here I describe my own preferred pedagogical method for designing and implementing a consumer bankruptcy externship program and how you can integrate it into your existing curriculum. It may not be the best way for you or your particular law school, but it should at least provide a starting point for guidance and further reflection. To start, I would recommend the consumer bankruptcy externship course be offered in only one semester, preferably the one following the semester in which the general bankruptcy course is offered. This course sequence is an ideal way to seamlessly integrate the experiential course into your law school's curriculum. Students who are interested in learning more about practicing bankruptcy law can transition from the general bankruptcy course (let's say in the Fall) right into the consumer bankruptcy externship program (in the Spring).

Of course, not all of those interested students will be able to move from the bankruptcy course to the consumer bankruptcy externship program. The course enrollment for the externship program should be capped at a manageable size to ensure that all participating students will have adequate opportunities to represent clients and learn valuable skills. I recommend a cap of three students per supervising attorney.<sup>38</sup> My current course is capped at six students because I have two supervising attorneys. With time, I hope to have more supervising attorneys in the program so I can expand student enrollment.

The course should combine a numerically-graded classroom component with a pass/fail experiential component. I implemented a four-credit course with two numerically-graded classroom credits and two pass/fail graded experiential credits. These four credits will all count toward the six required experiential learning credits under the ABA standards.<sup>39</sup> Of course, the classroom and experiential components could easily be expanded to three credits each, for six credits total, to fully satisfy the six-credit experiential learning requirement. Structuring the course as a six-credit course may appeal more to law schools that can only allot to the students one experiential opportunity during their academic career.

If you decide to use a four-credit approach, then the classroom component can meet once per week for two hours per session. I usually hold this class in the

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<sup>38</sup> You do not want to overburden each supervising attorney with more than two or three law students. Training each student is a significant time commitment for each supervising attorney.

<sup>39</sup> See STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS Standard No. 303(a)(3) (AM. BAR ASS'N 2023–24).



late afternoon to early evening, so I can accommodate guest speakers. The class offers students an opportunity to examine the legal, social, and ethical dimensions of consumer bankruptcy law practice. It should also include instruction in the necessary legal skills and knowledge involved in consumer bankruptcy practice, such as, interviewing clients, investigating facts, analyzing applicable law, negotiating disputes, drafting legal documents, preparing clients for meetings and court appearances, providing ethical advice, handling motions for relief from the automatic stay, and responding to objections to discharge and motions to dismiss. In the final twenty to thirty minutes of each class session, it is very useful for the students to do “case rounds” to discuss various issues they are having with their clients.<sup>40</sup> The case round discussion gives each of the students the opportunity to listen and learn from the other students’ unique client experiences.<sup>41</sup>

I also find it particularly helpful to bring in guest speakers throughout the semester to add more of a practical perspective. These guests can include chapter 7 trustees, local bankruptcy judges and their law clerks, the bankruptcy clerk of court, and the supervising attorneys. Each of these guests can add their wealth of experience to shape the students’ learning. The visits from the guest speakers also serve as a valuable networking opportunity. Our class also has one meeting at the bankruptcy court where the students learn directly from court staff about the electronic case filing system. There are many innovative ways to integrate practical learning opportunities within the classroom component of the program.

The experiential component of the program will involve students working on real chapter 7 bankruptcy cases. Students enrolled in the program will represent actual clients in federal bankruptcy proceedings under the supervision of licensed attorneys as permitted by state and federal rules on student practice. It is important to keep in mind that students must spend at least 42.5 hours per credit for their client work to satisfy the ABA standards.<sup>42</sup> If there is not enough

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<sup>40</sup> Juliet Brodie, *Students Exercise Creativity in Case Rounds*, MILLS LEGAL CLINIC STAN. L. SCH. (Apr. 14, 2014), <https://law.stanford.edu/2014/04/14/students-exercise-creativity-in-case-rounds/>.

<sup>41</sup> There will be many unique and interesting client experiences. One of my students had a client who would not listen to his advice. Despite the student’s strong advice to the contrary, this client hid their car in the woods to avoid it from being repossessed and then subsequently threatened the repossession agent with a loaded shotgun. Unfortunately, once we learned about that, we had to drop the client from our bankruptcy program. It was a good learning moment for the students to see the full range of client behavior. Through the case round discussion, the student was able to share the story and get feedback from the other program participants. As you can imagine, this example generated a lively and rich discussion on how to handle clients who will not listen to sound legal advice.

<sup>42</sup> See STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS Standard No. 310(b) (AM. BAR ASS’N 2023–24).

client work for the students to obtain the amount of experiential credits needed, then you can assign simulated client work to the students to make up the difference. For example, you can require the students to draft a response to a motion for relief from stay or draft a response to an objection to discharge to make up some of the time. In my experience though, there is always enough client work to go around.

It is also helpful for the students to work in teams.<sup>43</sup> A team consists of two to three students who have the same supervising attorney. One member of that team would take the lead for each client. Ideally, each member of the team would be the lead student for two to three cases per semester. The team approach provides each student adequate exposure to varied client situations and enriches each of their experiences in the program. I use two teams of three students each. Since the students in those two teams are working for different supervising attorneys, the students must be careful during case rounds to not reveal the clients by name when sharing experiences.

You should create a plan detailing how the students will be assessed during the course. I recommend that the classroom credits be numerically graded while the experiential credits be graded on a pass/fail basis. This is consistent with how some law schools across the country assess experiential type courses. Grades for the classroom component could be based on a combination of a take home final examination, weekly journal entries detailing the students' experiences, and the overall quality of classroom participation, with various percentages assigned to each component. Evaluation of whether a student has passed or failed the experiential component could be based on: (1) the student meeting the minimum hour requirement or a suitable alternative, (2) timely completion of all work, and (3) a comprehensive evaluation of student performance, which would include the supervising attorney's evaluation of student work product.

Last but not least, you need to think about the course materials for the program. There are many consumer bankruptcy texts to choose from.<sup>44</sup> However, since this is a hands-on, practical course, I prefer to use texts that attorneys regularly refer to in consumer bankruptcy practice. Students should be able to keep the books and use them in bankruptcy practice if they choose to go

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<sup>43</sup> Before coming to Mercer Law, I did not use the team approach. Each student worked individually on their own cases. One of my excellent colleagues who runs Mercer Law's Domestic Violence Clinic encouraged me to try the team approach. It is now my preferred approach. Through this approach, the students can collaborate with and learn from each other and experience a higher volume of cases.

<sup>44</sup> See, e.g., DANIEL BUSSEL, DAVID SKEEL JR., & HON. MICHELLE HARNER, *BANKRUPTCY* (Univ. Casebook Series, 11th ed. 2020); ELIZABETH WARREN, JAY L. WESTBROOK, KATHERINE PORTER, & JOHN POTTOW, *THE LAW OF DEBTORS AND CREDITORS: TEXT, CASES, AND PROBLEMS* (Aspen Publ'g, 8th ed. 2020).

in that direction. I highly recommend the adoption of *Consumer Bankruptcy Law and Practice*, which is a two-volume set published by the National Consumer Law Center.<sup>45</sup> It has both print and online materials that fully and comprehensively cover consumer bankruptcy issues in a digestible, readable format. The students rated the materials very highly and complimented my decision to use a practical text. Once you have the plan completed for your course, it is time to select students to join the program and coordinate with their attorney supervisors.

### C. *Student Selection and Coordination with Attorney Supervisors*

There will hopefully be many students at your law school who are interested in participating in the consumer bankruptcy program. However, not all students will be able to enroll and succeed in the program. The program will demand much of their time and attention. The students should be carefully selected through a fair application process based on interest and ability. I would recommend that the students have satisfactorily completed as prerequisites all first-year required courses, bankruptcy law, legal ethics, and evidence. Occasionally, I may approve of a third-year student who is taking either legal ethics or evidence concurrently. The students should also not have competing work obligations for the semester in which they would like to participate in the program. This eliminates the possibility of both ethical conflicts of interest and professional conflicts with the students' time.

If the law school has collaborated with a non-profit legal aid organization for client intake, the students can obtain pre-screened clients to work with directly from the organization. That said, you should still double-check the data from the legal aid organization's intake form to make sure the client qualifies for your program. You can set the specific parameters for client intake. I would recommend that you set the parameters for income at a level where potential clients would be eligible for chapter 7 relief through the income bypass of the means test.<sup>46</sup> If you are not utilizing a legal aid organization for client intake, then you and your students will have to screen the clients for program eligibility.

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<sup>45</sup> HENRY J. SOMMER ET AL., CONSUMER BANKRUPTCY LAW AND PRACTICE (Nat'l Consumer L. Ctr., 13th ed. 2023). You can negotiate a discount with the publisher if your students purchase the materials directly from the publisher. Just to be clear, I do not obtain any financial benefit from my recommendation of this text.

<sup>46</sup> If the potential client's income is below the median income for the state, they can file for chapter 7 relief without completing the rest of the means test. In other words, the client's below-the-median income allows for a bypass of the means test. *See* 11 U.S.C. § 707(b)(2); *see also* Official Bankruptcy Form 122A, U.S. COURTS, [https://www.uscourts.gov/sites/default/files/b\\_122a-1.pdf](https://www.uscourts.gov/sites/default/files/b_122a-1.pdf) (last visited May 22, 2024).

These clients will come directly from your efforts to promote the program within the community.

There will likely be plenty of interested clients from your community, but not all should be accepted into the program. These pre-screened clients should be suitable for non-complex, no-asset chapter 7 cases, which are ideal for the novice law student. Some clients may qualify for the program but should not be accepted (or dropped from the program afterwards) if they will not produce required documentation, not show up to scheduled meetings, indicate a desire to hide or transfer assets, or want you to proceed in an unethical or illegal way.

Once a potential client is accepted, that client will be assigned to a supervising attorney. The supervising attorney will then assign the case to one of the students on her team who will be the student lead for that client. As the student lead, she will be primarily responsible for undertaking all tasks to prepare the case for filing under the attorney's direct supervision. The other team members should also be fully prepared on all aspects of the case even when they are not the lead student. This maximizes each students' experience in the program.

With a case assigned to a lead student and her team, each of those students are then required to participate in extensive off-campus activities related to the representation of the pro bono client. Such activities include: client interviews and meetings, meetings with opposing counsel and the trustee, attendance at the first meetings of creditors, attendance at any hearings, and regular meetings with the supervising attorney. The lead student will be "first chair" for that client but each of her team members should participate in developing the case. Of course, all this work by the students will be completed under the direct supervision of the supervising attorney.

The supervising attorneys will be akin to externship supervisors (rather than adjunct faculty), and accordingly, you will need to follow all ABA requirements regarding their participation in the program.<sup>47</sup> This includes implementing a method for selecting, training, evaluating, and communicating with the supervising attorneys, regular contact between the faculty member and supervising attorneys through in-person visits or other methods of communication that will assure the quality of the student educational experience.<sup>48</sup>

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<sup>47</sup> See STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS Standard No. 304(d) (AM. BAR ASS'N 2023–24).

<sup>48</sup> *Id.*

If you have followed the collaboration advice above, then you have carefully selected the right practitioner-partner for your program. When you find the right fit, you will minimize any problems that could arise during the semester. All throughout the program, you will have regular contact with the supervising attorneys to check in on them and the students. I also recommend visiting the supervising attorneys' office in-person each semester to evaluate the students' working spaces and express your appreciation and gratitude to the supervising attorneys and their staff for taking on this extra responsibility.<sup>49</sup>

As a final, technical point, the supervising attorneys' malpractice liability insurance will need to cover the client matters because the supervising attorneys will be the attorneys of record for each client accepted into the program. If you are working with a legal aid organization, its malpractice liability insurance may cover the supervising attorneys in their handling of the pro bono matters. This is yet another reason to partner with a legal aid organization. It is also another example of how the bankruptcy program can be resource-neutral when using the externship method instead of the clinic approach. In the clinic approach, the faculty member or clinician will need the law school to incur the expense of procuring and maintaining the legal malpractice insurance.

Once you have secured your students and developed a plan to coordinate the students with their supervising attorneys, you can turn to the final step. You are now ready to promote the program within your community. Once you promote the program, be ready, because the clients will come calling. They have been waiting a long time for a program like this to come to their communities and they are eager to benefit from all the help you can offer.

#### *D. Promoting the Program*

This is the final step to launching the consumer bankruptcy externship program and it must be done each semester you run the program. This is how you will let the community know about the program and garner interest from qualified clients. You can only promote the program within the community after each of the other steps has been completed. I would also strongly recommend that you set up a separate email address and phone number for your program before your media launch.<sup>50</sup> If you do not do this, then your email and voicemail

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<sup>49</sup> It never hurts to show up at the supervising attorneys' offices with some law school swag and lunch.

<sup>50</sup> For example, in our media rollout, we use Georgia Legal Services' toll-free intake phone number because they handle the preliminary client intake for our program, and we use [freshstart@law.mercer.edu](mailto:freshstart@law.mercer.edu) for the program's official email address. It is much easier for potential clients to use than trying to spell my first and last name.

will be full of messages from potential clients. In fact, your Dean's email and voicemail may also fill up with messages from potential clients.<sup>51</sup>

Prior to the media roll-out, you want to make sure that: (1) your supervising attorneys are ready to go and fully briefed about the timing of the media announcements; (2) your students have been selected and enrolled in the course; and (3) the semester in which your course is offered has just recently begun. You do not want to promote the program even one minute before you have reached this point. The reason is simple. Once you promote the program in the community, the clients will come to you with expectations and you must be ready to help them.

You should work closely with your law school's media director, who may decide to involve the university's media team. The media team should have good working relationships with local media contacts to get you started. You should reach out to any print, online, radio, and television media contacts to help with promotion. In particular, I think local television media provides the best and broadest outreach to the community.<sup>52</sup> Your own law school or university can also promote the program on their social media platforms.<sup>53</sup> Regardless of the method of promotion, your media launch should include, at a minimum, a description of the program, the various qualifications for potential clients to be accepted, the duration of the program, any associated costs or expenses, and who to contact to get started.

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<sup>51</sup> Yes, sadly, this happened to me. We had a local media partner who decided to publish the story before we gave them our approval and without all the information, including the contact information for interested potential clients to call or email. As a result, people were calling the Dean's office, the University President's office, and showing up at all places on campus. We had to ask this unnamed news partner to immediately withdraw the story. After that debacle, we decided to roll out with a different media partner who was more accommodating.

<sup>52</sup> For example, I did an interview for our city's local 41NBC station. See 41NBC, *Mercer Law Offers Free Bankruptcy Help*, YOUTUBE (Jan. 24, 2023), <https://www.youtube.com/watch?v=ooJsSE7pkf8>. We received a lot of calls from community members after this story ran at different times and on a few different days. While I did not get any autograph requests, I did feel like a local celebrity for a few minutes. See also Solan Aref, *Program with Mercer Law School Helps People Apply for Bankruptcy for Free*, 13WMAZ (Jan. 30, 2024, 4:08 PM), <https://www.13wmaz.com/article/news/local/mercerc-law-school-students-help-people-apply-for-bankruptcy/93-ee4c4d10-e3dc-4e8e-84da-af3af8c23d19>.

<sup>53</sup> Mercer University promoted the program in The Den, the school's online newspaper, and through social media. See Maggie Reimer, *Mercer Law School Launches New Bankruptcy Program*, THE DEN (Jan. 23, 2023) <https://den.mercer.edu/mercerc-law-school-launches-new-bankruptcy-program/>. Mercer Law also promoted the program on its website. See *Consumer Bankruptcy Externship Program*, MERCER UNIV. SCH. L., <https://mercerc-law.university-tour.com/practice-makes-purpose/consumer-bankruptcy-externship-program> (last visited May 22, 2024).

The media launch should describe the program as a low-cost<sup>54</sup> consumer bankruptcy program that allows students to represent qualified members of the community in chapter 7 cases under the supervision of licensed attorneys. The qualifications will need to be described clearly so that not everyone thinks they can get free legal assistance.<sup>55</sup> You should set clear guidelines, including annual income limitations. You will need to let people know when the cutoff date is for contacting the program for assistance. For example, since we run the program in only the Spring semester, which begins in mid-January, we usually do a cutoff date for new client intake in early-March, so that the students have adequate time to prepare and file any new clients' cases before the end-of-semester in early-May. You need to tell people what they will be responsible for paying. While we provide free legal services, we require the client to pay the chapter 7 filing fee (\$338)<sup>56</sup> and the fees for the required credit counseling (\$20–\$50). We want the client to have some “buy-in” for their case. This makes our program a low-cost program, not a free one. Last but not least, you need to provide the phone number and email address to let interested people know who to contact. This will conclude the last step. Once you finish it, get ready to help a lot of people who would not have otherwise had access to bankruptcy relief without your efforts.

#### CONCLUSION

Law schools should strongly consider integrating consumer bankruptcy law into their experiential program offerings to prepare students for law practice and to nurture socially conscious lawyers who are committed to service. Consumer bankruptcy externship programs play a crucial role in expanding access to justice by offering low-cost legal assistance to those in need while providing law students with invaluable hands-on learning opportunities. These programs bridge the gap between theory and practice, empower clients to navigate the complex bankruptcy system, and contribute to a more accessible legal system.

I hope you agree that consumer bankruptcy law offers fertile ground for law students to engage in experiential learning, develop practical skills, gain valuable ethical insights, and appreciate our profession's role in giving back to our communities. Through this Essay, I have demonstrated the many strengths

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<sup>54</sup> You should avoid using the word “free” in your media launch, especially if you require the clients to pay the filing fees and the fees for the required credit counseling.

<sup>55</sup> Believe it or not, we had to turn away a medical professional who made over \$200,000 per year. He just wanted free legal help for some of his secured debts that were in default. This program is certainly not for everyone. You want to target those individuals who cannot afford to pay for legal services.

<sup>56</sup> See Fees, U.S. BANKR. CT. N.D. GA., <https://www.ganb.uscourts.gov/fees> (last visited May 22, 2024).

of adding bankruptcy experiential programs to law schools' curricula, from helping students become more practice-ready to increasing community access to bankruptcy relief. Students will reap tremendous benefits from the program regardless of whether they decide to practice bankruptcy law as a career.

I have also provided my step-by-step, proven approach for creating and launching consumer bankruptcy externship programs in law schools. I have demonstrated that with a good plan and at least one passionate and committed faculty member, any law school in the country can implement a consumer bankruptcy externship program with minimal resources. It is my hope that several law schools across the country will be inspired to give it a try—you will not regret it. Your students and your community will thank you, and so will I.