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New Florida Decision Continues Strong Trend of Courts Validating Bifurcated Chapter 7 Bankruptcy

Americans in Financial Distress Stand to Benefit from Legal, Ethical Zero-Down and Low-Down Filings

MIAMI, Florida -- The Southern District of Florida Bankruptcy Court recently issued an opinion that expands access to a fresh start to substantially more Americans in financial distress. Chief Judge Laurel M. Isicoff wrote the opinion for the entire court in the case of *In re Cheryl Brown, et al.* and endorsed the practice of bifurcation, which lets clients get financial relief and then pay their attorney over time. The opinion provides further reassurance that the bifurcation of fees for chapter 7 bankruptcy cases is neither a violation of the bankruptcy laws nor an unethical practice.

In the decision, the Court highlights a continuing access problem for Americans. Judge Isicoff writes, "Without access to counsel, a consumer chapter 7 debtor must either file a case with no help or, perhaps even worse, file with the assistance of a bankruptcy petition preparer, many of whom charge more than lawyers, and who are prohibited from providing any legal assistance... The access to justice issues are troubling and compelling." Judge Isicoff continues that "[p]ractitioners have tried to develop ways... to provide a debtor who cannot pay all or part of the attorney fees up front, with the opportunity to pay additional fees over time after the case is filed... These three cases present this Court with the opportunity to provide a framework for when and under what circumstances bifurcation of chapter 7 fees is allowable." The Court continues to examine some of the major considerations and endorse solutions.

Bifurcation has become increasingly mainstream over the past few years as courts nationwide have commented on the practice's viability and even enacted local rules governing its use. Bifurcation is valuable to attorneys because it makes them affordable and accessible to more clients who cannot otherwise afford to hire counsel. "It's a sad fact that many Americans are, frankly, too broke to declare bankruptcy," says Matt Hartley, Co-Founder of Fresh Start Funding, a Tempe, Arizona-based company that helps clients access zero-down legal services. Hartley, formerly one of the largest chapter 7 filers in the country, continues, "The *Brown* opinion is another big step toward putting bankruptcy within reach of people who urgently need help."

Fresh Start Funding Co-Founder and national counsel Dan Garrison adds, "The *Brown* decision reinforces the procedure for effective bifurcation of chapter 7 cases, not only in the Southern District of Florida but also across the country. Attorneys can legally and ethically offer an option to file now and pay over time — subject to some specific business practices and disclosures to the court and the client. We work tirelessly to provide firms with the expertise to ethically bifurcate cases, including tested agreements, form templates, and ongoing guidance as new questions arise."

Attorneys who need more information on how to successfully bifurcate a chapter 7 bankruptcy should visit www.freshstartfunding.com. If you need to stop garnishment and collector calls and access the fresh start of bankruptcy, ask your attorney if they offer zero-down bankruptcy through Fresh Start Funding.

About Fresh Start Funding

Fresh Start Funding helps attorneys grow their practices by offering payment plans to clients who can't pay up-front fees. We provide everything firms need to offer clients payment plans for your fees: financing so you get paid first, payment management so you're not chasing clients for fees, and proven marketing support to attract and retain more clients. Over 500 firms nationwide and thousands of clients use our service. For more information about Fresh Start Funding, please visit www.freshstartfunding.com | Twitter: @zerodownlegal | Facebook: facebook.com/FreshStartFunding | Instagram: @freshstartfunding.