



Lane County Law Library

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BANKRUPTCY RESEARCH GUIDE

GENERALLY: “A bankruptcy discharge releases the debtor from personal liability for certain specified types of debts. In other words, the debtor is no longer legally required to pay any debts that are discharged.” United States Courts website. The most common Bankruptcy proceedings are Chapter 7, Chapter 9, Chapter 11 and Chapter 13.

Bankruptcy laws are generally found in Title 11 of the United States Code. Bankruptcy proceedings occur in federal court and are governed by the Federal Rules of Bankruptcy Procedure and the local rules of the Oregon District.

Disclaimer: It is against state law for library staff members to engage in any conduct that might constitute the unauthorized practice of law (ORS 9.160 and 9.21.) They may not interpret statutes, cases, or regulations, perform legal research, recommend or assist in the preparation of forms, or advise patrons regarding their legal rights. They may, however, assist patrons in locating materials or links that would aid individual research.

SUGGESTED RESOURCES:

BOOKS:

NCLC Consumer Bankruptcy Law and Practice –NCLC is published in many consumer related areas and publishes with both attorneys and non-attorneys in mind. It is located in the Treatise area under number KF 1600.A53 2012.

NOLO – We have three books from NOLO on Bankruptcy, all are located behind the reference desk. Chapter 7 Bankruptcy, Chapter 13 Bankruptcy, and The New Bankruptcy.

Colliers Bankruptcy Practice Guide – A combination of practical procedural guidance, legal analysis and practice aids; it is intended for bankruptcy practitioners. (Located in the Treatise area under number KF 1524.C63)

Bankruptcy Law – Publication by the Oregon State Bar on Bankruptcy Law, “discusses the relationship between the bankruptcy court and federal district court, alternatives to filing bankruptcy, how to commence a

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bankruptcy case, litigation tactics, rights and remedies of secured creditors, strategies for unsecured creditors, automatic stays, and plans for reorganization.” Located in the Oregon Collection area under number KFO 2621.B6.

See Also: USCS: The United States Code is the law passed by the U.S. Legislature and is available in the USCS located in the library in Aisle 8B; and may also be accessed online at the link below, see generally Title 11: <http://www.gpo.gov/fdsys/browse/collectionUSCode.action?collectionCode=USCODE>

OTHER PRINT ITEMS: *Federal Practice Digest, ALR, Past CLE materials.*

The library catalog may direct you to other helpful resources related to Bankruptcy (see search terms below):

<http://www.libraryworld.net/cgi-bin/opac.pl?command=signin&libraryname=lanecountylib&guest=allow>

WEBSITES:

U.S. Courts Website on Bankruptcy; includes a FAQ, explanation of different Bankruptcy options and explanation of bankruptcy procedure.

<http://www.uscourts.gov/FederalCourts/Bankruptcy.aspx>

U.S. Courts Forms: The U.S. Courts provides an ample amount of forms to navigate bankruptcy.

<http://www.uscourts.gov/FormsAndFees/Forms/BankruptcyForms.aspx>

Bankruptcy Basics: Publication of the Bankruptcy Judges Division

<http://www.uscourts.gov/uscourts/FederalCourts/BankruptcyResources/bankbasics.pdf>

COMPUTER SUBSCRIPTIONS:

HeinOnline – over 15 journals, law reviews, and magazine publications on bankruptcy and related issues.

NCLC – A web version of their useful print publication, many forms, and information meant for both practicing attorneys and non-attorneys.

Lexis – 9th Circuit District Court and Bankruptcy Cases.

Westlaw – All circuit case law, and see “suggested resources” once you have found a case.

SUGGESTED SEARCH TERMS: Bankruptcy, Chapter (7, 9, 11, 13), discharge, debts, creditors, home, property, automatic stay, credit cards.

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