CONSUMER BANKRUPTCY

SECOND EDITION

Susan Jensen-Lachmann, Esq.

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ISBN: 1-57969-289-3
Product Number: 40456

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PREFACE

In the 20 years since the first edition of this book was published, there have been many major substantive and procedural developments in the area of consumer bankruptcy law and practice. In 1994, a commission was established to study and make recommendations to Congress about the need for any reforms. Three years later, the commission filed its voluminous report which, in turn, spurred a seven-year legislative initiative, resulting in the enactment of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005. The act instituted the most comprehensive legislative and procedural overhaul of consumer bankruptcy law in nearly 30 years. Against this backdrop, various technological developments involving the internet and computerization have moved consumer bankruptcy practice into the 21st century.

These developments explain not only the reason for this latest edition of *Consumer Bankruptcy* but also its substantial reorganization. The second edition provides practitioners with an integrated explanation of consumer bankruptcy from both debtor and creditor perspectives. It includes the most recent changes to the Federal Rules of Bankruptcy Procedure as well as links to official websites where the latest developments may be found. The loose-leaf format of this edition is intended to facilitate future updates.

In writing this edition, I want to acknowledge the very thoughtful suggestions of my editor, Terri Porter, and the guidance of Daniel McMahon, Director of Publications for the Continuing Legal Education Department of the New York State Bar Association. Additionally, Lewis D. Wrobel shared his expertise as a longtime bankruptcy practitioner in the Hudson Valley. Last, but of course not least, I am indebted (in a nonbankruptcy sort of way) to my husband, David, and son, Walter, for their support throughout this endeavor.

ABOUT THE AUTHOR

Susan Jensen-Lachmann has authored law review articles and contributed to various treatises on bankruptcy law and practice. In 2006, Ms. Jensen-Lachmann received the Editor's Prize for her article, *A Legislative History of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005*, which was published in *The American Bankruptcy Law Journal* and which is included as an appendix to this edition.

She co-authored, together with the Honorable Jeremiah Berk, the prior edition of this book. Currently, Ms. Jensen-Lachmann is counsel to the Committee on the Judiciary of the U.S. House of Representatives, where she is primarily responsible for bankruptcy and commercial legislation.

Previously, she was general counsel for the National Bankruptcy Review Commission. Before joining the commission, Ms. Jensen-Lachmann was a senior attorney-advisor with the U.S. Trustee program in Newark, New Jersey. Ms. Jensen-Lachmann began her career in bankruptcy law as a law clerk for bankruptcy judges in the Eastern and Southern Districts of New York. She obtained her undergraduate, law degree and LL.M. from New York University.