

# Giving the Gift of Dignified Forgiveness

By Prince Altee Thomas

THE CONSUMER BANKRUPTCY ASSISTANCE PROJECT (CBAP) is an organization of bankruptcy professionals who have provided free bankruptcy counseling since 1992 to individuals in Philadelphia at or near the poverty level. As a member of its board and a CBAP volunteer, I welcome this opportunity to highlight the traits that have brought CBAP so much praise in the Philadelphia community and admirers throughout the nation.

While corporate bankruptcy filings may be viewed as a sign of business acumen, for an individual at or near the poverty level and heavily in debt, the legal system itself is often intimidating, and filing for bankruptcy is often seen as a badge of shame. Some of the most courageous clients I have met have been CBAP clients. Serious personal or family medical issues, unemployment, oppressive legal judgments and debt collection efforts, consumer fraud or just poor financial planning are some of the causes for a client to seek bankruptcy relief. It takes courage to admit to a stranger that one needs help. I emphasize to my clients that due to the vicissitudes of life, anyone may someday need bankruptcy relief and there should be no shame. Dignity has been defined as the quality or state

of being worthy, honored or esteemed. At every step of the bankruptcy process, CBAP and its volunteers provide clients with a dignified process for obtaining debt forgiveness. There is no personal judgment or shaming, just an eagerness to help.

CBAP volunteers assist their CBAP clients in filing a Chapter 7 case in the United States Bankruptcy Court

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for the Eastern District of Pennsylvania and obtaining a discharge (forgiveness) of their debts. At the first meeting with the attorney volunteer, the client signs a retainer agreement that retains the volunteer and CBAP as his or

her legal representatives. The volunteer will inform any aggressive creditor who may be threatening the client that such actions are a violation of the Bankruptcy Code and can be sanctioned by the court. There are many personal rewards for a CBAP volunteer, but protecting a client from such threats is a salient one. Most salient, however, is when the Bankruptcy Court has issued an Order of Discharge, concluding the case with debt forgiveness.

A Chapter 7 bankruptcy trustee once expressed to me his admiration of CBAP and the work of its volunteers. Individuals who are drowning in oppressive debt and without the means to afford an attorney will often file a bankruptcy petition and try to represent themselves. Pro se cases move very slowly in the bankruptcy system and easily lead to more individual frustration ending with dismissal of the case because of failure to comply with bankruptcy procedures. CBAP volunteers are bankruptcy professionals, and their representation of debtors help the system give bankruptcy relief more efficiently. They provide to their clients the gift of dignified forgiveness.

*Prince Altee Thomas (pthomas@foxrothschild.com) is counsel to Fox Rothschild LLP.*

## Chancellor's Forum

*continued from page 7*

greater prospect of discrimination. Though Pennsylvania law requires employers to notify job applicants in writing if they have been turned down due to their criminal record, many employers neglect to do so. If an individual is incapable of filing a lawsuit against the employer, this type of discrimination occurs without consequence.

The Chancellor's Forum came at an opportune time, as several recent events in addition to the passage of Senate Bill 166 demonstrate the progress legislators have made regarding this issue. Another significant step came with the recent Commonwealth Court decision in *Peak v. Commonwealth*, holding that lifetime bans on hiring people with criminal records in health care is unconstitutional.

As of March 14, 2016, employers in Philadelphia will be subject to the Fair Hiring Law, that stipulates the criteria employers must meet when hiring an individual with a criminal record. If an employer violates this law, individuals can seek help from several different organizations.

A complaint can be filed with the Philadelphia Commission on Human Relations within 300 days of the violation and Community Legal Services provides assistance for individuals experiencing employment discrimination, unemployment compensation issues and a variety of issues that come up for low-income workers. The Public Interest Law Center also assists individuals with criminal records. More information about these organizations is available in the Directory of Public Interest Legal Organizations, available at PhiladelphiaBar.org.

Though Philadelphia is making great strides regarding barriers to reentry, stigmatization resulting from a criminal record is not something legislation can quickly remedy. The panelists suggest that corporate champions take a stand by publicizing their willingness to hire employees with criminal records. This may help transform the negative perceptions surrounding individuals who have overcome their pasts and created a new life.

*Deanna Crusco (dcrusco@philabar.org) is the Delivery of Legal Services Committee intern for the Philadelphia Bar Association.*



**Benjamin D. Geffen, staff attorney, Public Interest Law Center (left to right); Janet Ginzberg, senior attorney, Community Legal Services; and Laurie A. Malone, deputy district attorney, Philadelphia District Attorney's Office; answer audience questions at the Chancellor's Forum on Jan. 27.**

Photo by Thomas E. Rogers

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