

## **2015 Access to Justice Conference**

June 19, 2015

2:15 - 3:30: **Bankruptcy Law and Consumer Debt Issues**

**Johnathan Bolton and David Farmer**

Recommended resources:      Access Room and Legal Aid Materials  
   Hawaii Collection Law Manual

1.    Identify Debt Problems: Q&A
  - (a)    Loans (Lender and Borrower)
  - (b)    Credit Cards (Borrower)
    - (i)    Ex-spouse not paying
  - (c)    Vehicles (Borrower)
  - (d)    Mortgages (Borrower)
    - (i)    Deficiencies
    - (ii)    Foreclosures
  - (e)    Condo Association Fees
  - (f)    Garnishment (Creditor and Debtor perspectives)
  - (g)    Landlord/Tenant (LL and Tenant perspectives)
  - (h)    Divorce Proceedings
2.    Debt Collection Practices
  - (a)    FDCPA: 15 USC § 1692 et seq.

# ANSWER KEY

1. *Which of the following are right parties with whom you can always discuss the debt?*
  - A. The consumers' parents.
  - B. The consumers' employer.
  - C. The consumers' accountant.
  - D. The executor of the estate of a deceased consumer. ✎
  
2. *A debt collector may not:*
  - A. Use an alias when attempting to collect a debt.
  - B. Use a post card to attempt to collect a debt. ✎
  - C. Disclose the debt to a consumer's attorney.
  - D. Contact a consumer during the validation period.
  
3. *When communicating with a consumer, a debt collector:*
  - A. Can be rude to a consumer if the consumer is rude first.
  - B. Can demand immediate payment during the Validation Period.
  - C. Can imply that the consumer will be sued if it will influence the consumer to pay.
  - D. Can contact the consumer at work if it is not inconvenient for the consumer. ✎
  
4. *When communicating with a consumer, a debt collector:*
  - A. Must disclose that the communication is from a debt collector. ✎
  - B. Must only communicate with the consumer once unless the debt collector believes the consumer has updated information.
  - C. Must communicate with the consumer during business hours.
  - D. Must not disclose his employer unless specifically requested.
  
5. *The FDCPA is:*
  - A. A random set of letters.
  - B. A federal law governing the ethical collection of past due debts. ✎
  - C. The federal government agency enforcing debt collections laws.
  - D. A trade association for credit and collection professionals.

6. ***A written refusal to pay a debt:***
- A. Requires no follow up action by a debt collector.
  - B. Requires a debt collector to communicate with a consumer in writing.
  - C. Must clearly indicate that the consumer is refusing to pay by using the words "Refusal to Pay" or "15 U.S.C. Section 1692c(c) Refusal to Pay" or "Cease and Desist".
  - D. Requires a debt collector to cease communicating with a consumer regarding the debt except to advise the consumer that the debt collector's further collection efforts are being terminated or to notify the consumer that the debt collector or creditor may invoke specified remedies which are ordinarily invoked by such debt collector or creditor or to notify the consumer that the debt collector or creditor intends to invoke a specified remedy. ✎
7. ***A debt collector can overshadow the Validation Period by:***
- A. Extending an offer of settlement that will expire 2 weeks after the validation period.
  - B. Demanding immediate payment during the validation period. ✎
  - C. Not offering a settlement.
  - D. Requesting payment in the first collection call.
8. ***A debt collector must:***
- A. Provide written notice of the intent to deposit a check post dated by more than 5 days. ✎
  - B. Contact a consumer between 10:00 a.m. and 7:00 p.m. in the collector's time zone.
  - C. Contact a third party repeatedly to obtain location information.
  - D. Increase the amount of the debt if the consumer does not pay.
9. ***When a consumer disputes a debt, the debt collector must:***
- A. Continue regular collection efforts.
  - B. Not apply payments to the disputed portion of the debt. ✎
  - C. Explain the consumer's wages will be garnished.
  - D. File suit to collect the debt.
10. ***A debt collector who violates the FDCPA can be liable for:***
- A. A minimum of \$1,000 in statutory damages.
  - B. Actual damages of \$1,000 per violation.
  - C. Any actual damages as well as statutory damages of up to \$1,000 and attorney's fees. ✎
  - D. Debt collectors cannot be sued under the FDCPA.
11. ***The Fair Debt Collection Practices Act is designed to:***
- A. Make debt collection more difficult.
  - B. Allow consumers to discharge their past debts.
  - C. Handcuff debt collectors with onerous provisions.
  - D. Eliminate abusive collection efforts. ✎

12. *A consumer's telephonic request for a debt collector to cease communication:*
- A. Provides notice that the time or place of the communication might be inconvenient for the consumer.
  - B. Has no impact on debt collection efforts.
  - C. Has the same impact as a written cease communication request.
  - D. Has the same impact as a written refusal to pay.
13. *When a consumer is represented by an attorney,*
- A. A debt collector may communicate with the consumer or the attorney and attempt to obtain location information from third parties.
  - B. A debt collector may communicate with the attorney only.
  - C. A debt collector may communicate with the consumer but only with the prior express consent of the consumer's attorney.
  - D. A debt collector must cease all communications regarding the debt.
14. *To require a debt collector to cease collection attempts at the place of employment, a consumer:*
- A. Must notify a debt collector orally or in writing that he cannot take calls at work.
  - B. Must send a written notice enclosing the employer's policy regarding personal calls at work.
  - C. Must have his employer contact the debt collector to provide notice.
  - D. Cannot stop collection attempts at the place of employment.
15. *A consumer's written dispute during the Validation Period:*
- A. Has no impact on collection efforts.
  - B. Requires the debt collector to cease collection efforts until verification of the debt has been provided.
  - C. Requires the debt collector to provide verification of the debt, but collection efforts may continue.
  - D. Requires the creditor to contact the consumer to provide verification of the debt.
16. *Which of the following statements would not constitute overshadowing if made within the first 5 days of the validation period?*
- A. If you do not pay this debt immediately we will bring suit against you.
  - B. You can avoid having a lawsuit brought against you if settle your account with a 50% payment within 5 days.
  - C. This debt is seriously delinquent. The balance in full is due.
  - D. You have to request validation or pay within 20 days.

17. **The Fair Debt Collection Practices Act:**
- A. Applies to first party creditors.
  - B. Applies to written communications, but not oral communications.
  - C. Was enacted to eliminate abusive, deceptive and unfair debt collection practices.
  - D. Was enacted to encourage consumers to file bankruptcy.
18. *If a debt collector has no reason to believe that a third party previously contacted by the debt collector has better location information for the consumer, how many more times can a debt collector contact that third party to request location information regarding the consumer?*
- A. 0
  - B. 2
  - C. 3
  - D. 1
19. *A debt collector may call a consumer as many times in a day as it takes to get establish contact with the consumer so long as the debt collector does not leave a message.*
- True
  - False
20. *A debt collector may imply he is an attorney if the account will be forwarded to an attorney for collection.*
- True
  - False
21. *A consumer can dispute the debt after the Validation Period has expired.*
- True
  - False
22. *An individual debt collector can be personally sued under the FDCPA.*
- True
  - False
23. *A debt collector can provide information regarding a debt to a third party if the consumer gives permission to disclose the information.*
- True
  - False

24. *A debt collector may tell a consumer he has committed a crime by failing to pay the debt.*
- True
  - False
25. *When communicating with a consumer, a debt collector must identify herself and disclose the purpose of the communication.*
- True
  - False
26. *A debt collector can overshadow the validation period in collection letters, but not in collection calls.*
- True
  - False
27. *A debt collector can avoid FDCPA liability by having procedures in place to avoid FDCPA violations and errors.*
- True
  - False
28. Write down the Mini Miranda Statement:
- This is an attempt to collect a debt by a debt collector;  
any information obtained will be used for that purpose.*
29. What information should be obtained from a consumer, once you have learned they have filed for Bankruptcy?
- a. *Attorney information*
  - b. *Filing date*
  - c. *Chapter*
  - d. *Case number*
  - e. *Court/District*

	<b>a - FDCPA Basic Definitions</b>
§ 1692 a(3)	Definition of a Consumer as any natural person obligated on or allegedly obligated on a debt
§ 1692 a(5)	Definition of a Debt as an obligation for money, goods, insurance, or services for primarily personal, family, or household purposes
§ 1692 a(6)	Definition of a Debt Collector as collectors, collection agencies, lawyers, forms writers
	<b>b – Contacting Third Parties</b>
§ 1692 b(1)	Contact of Third Party: Failed to identify themselves, or failed to state that collector is confirming or correcting location information
§ 1692 b(2)	Contact of Third Party: Stated that the consumer owes any debt
§ 1692 b(3)	Contact of Third Party: Contacted a person more than once, unless requested to do so
§ 1692 b(4)	Contact of Third Party: Utilized postcards
§ 1692 b(5)	Contact of Third Party: Any language or symbol on any envelope or communication indicating debt collection business
§ 1692 b(6)	Contact of Third Party: After knowing the consumer is represented by an attorney
	<b>c – Prohibited Communications Practices</b>
§ 1692 c(a)(1)	At any unusual time, unusual place, or unusual time or place known to be inconvenient to the consumer, before 8:00 am or after 9:00 pm
§ 1692 c(a)(2)	After it knows the consumer to be represented by an attorney unless attorney consents or is unresponsive
§ 1692 c(a)(3)	At place of employment when knows that the employer prohibits such communications
§ 1692 c(b)	With anyone except consumer, consumer's attorney, or credit bureau concerning the debt
§ 1692 c(c)	After written notification that consumer refuses to pay debt, or that consumer wants collector to cease communication
	<b>d - Harassment or Abuse</b>
§ 1692 d	Any conduct the natural consequence of which is to harass, oppress, or abuse any person
§ 1692 d(1)	Used or threatened the use of violence or other criminal means to harm the consumer or his/her property?
§ 1692 d(2)	Profane language or other abusive language?
§ 1692 d(3)	Published a list of consumers who allegedly refuse to pay debts?
§ 1692 d(4)	Advertised for sale any debts?
§ 1692 d(5)	Caused the phone to ring or engaged any person in telephone conversations repeatedly
§ 1692 d(6)	Placed telephone calls without disclosing his/her identity?
	<b>e - False or Misleading Representations in Communications</b>
§ 1692 e	Any other false, deceptive, or misleading representation or means in connection with the debt collection
§ 1692 e(1)	Affiliated with the United States or any state, including the use of any badge, uniform or facsimile
§ 1692 e(2)	Character, amount, or legal status of the alleged debt
§ 1692 e(3)	Any individual is an attorney or that any communication is from an attorney
§ 1692 e(4)	Nonpayment of any debt will result in the arrest or imprisonment of any person or the seizure, garnishment, attachment
§ 1692 e(5)	Threaten to take any action that cannot legally be taken or that is not intended to be taken
§ 1692 e(6)	Sale or transfer of any interest in the debt will cause the consumer to lose any claim or defense to payment of the debt
§ 1692 e(7)	Consumer committed any crime or other conduct in order to disgrace the consumer
§ 1692 e(8)	Threatens or communicates false credit information, including the failure to communicate that a debt is disputed
§ 1692 e(9)	Represent documents as authorized, issued or approved by any court, official, or agency of the United States or state.
§ 1692 e(10)	Any false representation or deceptive means to collect a debt or obtain information about a consumer
§ 1692 e(11)	Communication fail to contain the mini-Miranda warning: "This is an attempt to collect a debt... communication is from a debt collector."
§ 1692 e(12)	Debt has been turned over to innocent purchasers for value
§ 1692 e(13)	Documents are legal process when they are not
§ 1692 e(14)	Any name other than the true name of the debt collector's business
§ 1692 e(15)	Documents are not legal process forms or do not require action by the consumer
§ 1692 e(16)	Debt collector operates or is employed by a consumer reporting agency
	<b>f - Unfair Practices</b>
§ 1692 f	Any unfair or unconscionable means to collect or attempt to collect the alleged debt
§ 1692 f(1)	Attempt to collect any amount not authorized by the agreement creating the debt or permitted by law
§ 1692 f(2)	Accepted or solicit postdated check by more than 5 days without 3 business days written notice of intent to deposit
§ 1692 f(3)	Accepted or solicited postdated check for purpose of threatening criminal prosecution
§ 1692 f(4)	Depositing or threatening to deposit a post-dated check prior to actual date on the check
§ 1692 f(5)	Caused any charges to be made to the consumer, e.g., collect telephone calls
§ 1692 f(6)	Taken or threatened to unlawfully repossess or disable the consumer's property
§ 1692 f(7)	Communicated with the consumer by postcard
§ 1692 f(8)	Any language or symbol on the envelope that indicates the communication concerns debt collection
	<b>h – Multiple Debts</b>
§ 1692 h	Collector must apply payments on multiple debts in order specified by consumer and cannot apply payments to disputed debts
	<b>g – 30 Day Validation Notice</b>
§ 1692 g	Failure to send the consumer a 30-day validation notice within five days of the initial communication
§ 1692 g(a)(1)	Must state Amount of Debt

§ 1692 g(a)(2)	Must state Name of Creditor to Whom Debt Owed
§ 1692 g(a)(3)	Must state Right to Dispute within 30 Days
§ 1692 g(a)(4)	Must state Right to Have Verification/Judgment Mailed to Consumer
§ 1692 g(a)(5)	Must state Will Provide Name and Address of original Creditor if Different from Current Creditor
§ 1692 g(b)	Collector must cease collection efforts until debt is validated
<b>i – Legal Actions</b>	
§ 1692 i(a)(2)	Brought any legal action in a location other than where contract signed or where consumer resides
<b>j – Deceptive Forms by Creditor</b>	
§ 1692 j	Forms been designed, compiled and/or furnished to create the false belief that a person other than creditor is collecting.

(b) Hawaii Statute:

Hawaii also has a “Collection Practices Act,” enacted in 1987. HRS Chapter 480D. In addition, Hawaii’s “Collection Agencies” statute Chapter 443B regulates collection agencies and specifically exempts attorneys, real estate brokers, salespersons, financial institutions, escrows, in-house employees collecting debt of the employer and public officer from its reach.

Unlike the federal Act, the Collection Practices Act applies only to a collector’s attempts to collect the consumer debt of a natural person owed to the collector, not to a third party. The statute is designed to police in-house debt collectors. It has no notice, moratorium, venue, or validation requirements. Instead, Chapter 480D proscribes eleven enumerated practices, the violation of which is an unfair trade practice under HRS § 480-2, supporting an award of treble damages.

The Hawaii law also differs from the federal statute as it contains a generic standing provision for a private cause of action. The FDCPA does not have a similar private cause of action. However, only a consumer can maintain an action under the Hawaii Collection Practices Act and only a consumer, the attorney general or the director of the office of consumer protection can maintain a claim for unfair or deceptive acts or practices under the Hawaii Deceptive Trade Practices Act. HRS §§ 480D and 480-2(d). A business may sue a debt collector for an act of unfair competition, if the facts support such a claim, or the attorney general or the director of the office of consumer protection may step into the shoes of the business to prosecute an action for unfair or deceptive acts or practices on behalf of the business.

Collecting or attempting to collect any interest, late fee or other charge not authorized by the agreement or by law is a common Chapter 480D violation.

Some creditors tack on interest charges or late fees on overdue accounts in the absence of a prior agreement or statutory authority. Also, misrepresenting that an existing debt may be increased by attorney’s fees or other fees and charges for non-payment when not authorized by law constitutes a violation.

The statute also provides a bona fide error defense where false information is communicated due to clerical error or computer malfunction. If the error is proven, the sanctions of treble and statutory damages are eliminated, provided that the debt collector



corrects the error and its consequences as expeditiously as possible. However, the court may still award actual damages, together with attorney's fees and costs.

### 3. Collecting Judgments

- (a) Basic Litigation: is it collectable?
- (b) Perfection of Judgments
- (c) Writs of Attachment and Execution
- (d) Exemptions: debtor's safety zones.

#### **A. Judgment Lien (Real Property)**

Any state or federal court money judgment becomes a lien on real property in the regular system when a certified copy is recorded in the Bureau of Conveyances. HRS § 636-3; 28 USC § 1962. To lien Land Court property, a certified copy of the judgment must be recorded in the Land Court. HRS §§ 501-102 and 501-151; Rules of Land Court Rule 62.

Both regular system and Land Court recordation statutes require that the judgment reflect the judgment debtor's social security number or other tax identification number, or be accompanied by a certificate attesting that information is not available. Also, both statutes specifically provide that failure to disclose, or an erroneous disclosure, will not in any way impair the judgment lien. As a practical matter, however, documents will likely be rejected unless they at least have the required certificate.

An open question is whether a judgment may be recorded at the Bureau of Conveyances or Land Court during this ten-day automatic stay period. Although the majority of decisions hold that recordation is appropriate and valid within the ten-day period, other courts have suggested that recording within the ten-day period does not create a valid lien. There is no Hawaii or 9<sup>th</sup> Circuit decision on point.

#### **B. Lien on Personal Property**

No Hawaii statute specifically determines when a judgment becomes a lien on personal property.

To perfect a judgment lien as against other creditors, a levy of execution or recording of the writ of execution in the Bureau of Conveyances might be advisable, although there is no statutory authority for this practice.

Where possession is necessary to perfect an Article 9 security interest in personal property, a levy would be appropriate. HRS §651-42, which dates to 1859. Recordation of the writ is may be sufficient where filing is required, together with a description of the property to be liened. No statute or case authorizes such a practice.

Although an actual levy clearly perfects a judgment lien in personal property, the recordation of the writ to obtain such a lien has never been challenged in any written decision. The only certain method to obtain a judgment lien in personal property is through an actual levy on and possession of the property.

To affect the interest of the owner or the legal owner of a motor vehicle, a “notice of seizure in accordance with law of any registered motor vehicle upon any writ of attachment, execution, or other process issued under authority of law” must be entered on the appropriate county director of finance’s tax lien and encumbrance record. HRS § 286-46.

### **C. Pre-judgment Remedies**

FRCP Rule 64 provides that state statutory remedies – including arrest, attachment, garnishment, replevin, sequestration -- are available in federal court.

#### **Attachment**

Attachment is a pre-judgment provisional remedy that affects real or personal property, but not money, that is in the possession of the debtor. HRS § 651-1 et seq. The plaintiff can have a defendant’s property levied upon as security for the later satisfaction of any judgment that the plaintiff may recover. This remedy is statutory, and the procedures must be strictly followed.

An attachment only reaches property located in the state and requires the existence of a contract, express or implied.

#### **Post-judgment**

FRCP Rule 69(a) provides post-judgment remedies -- including examinations of judgment debtors and persons having knowledge, garnishment (HRS § 652-1 et seq), --apply to enforcement and execution proceedings in federal court.

**Garnishment** HRS § 651-1 et seq.

The garnishee fund is limited by Title III of the Consumer Protection Credit Act. 15 USC § 1673. Also subject to exemptions.

The Hawaii Supreme Court has adopted the majority rule in holding that a judgment creditor may garnish a joint bank account owned by the debtor and others.

Special rules govern garnishment of debtors receiving salaries and wages from the state and any municipal subdivision. HRS § 653 et seq.

**Garnishment by Affidavit:** available only from a district court judgment.

**Duration:** snap shot rule upon service.

**Set Off:** A garnishee may retain and deduct all liquidated demands and set-offs it had against the defendant but has the burden of proof in establishing its claim.

**Execution:** Execution on a money judgment is the legal process of enforcing the judgment, usually by seizing and selling property of the debtor. HRS Chapter 651.

**Serving or Levying Officers' Fees** (HRS § 607-8 (as amended 2015)).

The fees for service of executions, attachments and collection of judgments, together with all costs incurred after judgment, can be collected in addition to the sum to be levied and collected in the writ, pursuant to HRS § 607-8.

(a) For all necessary travel in making the service, per mile for every mile more than one...60 cents provided that:

(1) No allowance shall be made where the serving individual uses a conveyance furnished the serving individual by the State, or any political or municipal subdivision thereof;

(2) Where the serving individual serves more than one person in the course of one trip, the serving individual shall not charge, in the aggregate for all services more than the mileage for the entire trip; and

(3) As far as practicable, in order to minimize the mileage fees for the service, the sheriff or chief of police of the serving police officers, or independent civil process server from the department of public safety's list under section 353C-10 shall cause the process to be transmitted to the sheriff, deputy sheriff, the chief of police, a police officer, or an independent civil process server upon the island of service who shall make the service upon receipt of the process; and the service shall be valid, notwithstanding that the

process may not be addressed to the individual actually making the service or to the individual's superior.

For serving criminal summons or any other criminal process except a subpoena, for each person served therewith.. \$30 effective July 1, 2001. Service of criminal summons or any other criminal process shall be made only by persons authorized to serve criminal summons.

For serving civil summons, subpoena, subpoena duces tecum, or any other civil process, except a garnishee summons, for each person served therewith...\$43 effective July 1, 2015.

For serving: garnishee summons, for each person.. \$30 effective July 1, 2015.

For returning as unserved after due and diligent search any process when it has been found that the person to be served has left the State .... \$10 effective July 1, 2015.

For serving any execution or other process for the collection of money, for every dollar collected up to \$10,000..... 5 cents.

And for every dollar over \$10,000 ... 2-1/2 cents.

All fees paid to any printer for publishing an advertisement of the sale of any property.

For every bill of sale..... \$4.

For executing and acknowledging a deed pursuant to a sale of real estate to be paid by the grantee in the deed..... \$10.

For drawing any bond required by law..... \$4.

For serving writ of possession or restitution, putting any person entitled into the possession of premises, and removing a tenant pursuant to order of court..... \$40.

Together with all necessary expenses incurred by the individual serving the writ, incident to the eviction.

For selling any property on an order from the court other than an execution, the same allowance as for service and sales by execution.

The fees for service of executions, attachments, and collection of judgments, together with all costs incurred after judgment rendered, not included in the judgment, in all courts of the State, shall be collected in addition to the sum directed to be levied and collected in the writ.

In lieu of any fee under this subsection, the fee may be an hourly rate of not less than \$50 per hour agreed upon in advance between the party requesting the service and the sheriff, deputy sheriff, police officer, or independent civil process server performing the service.

## **Exempt Property**

### **Real Property Exemptions**

Real property owned by a debtor is exempt to the extent of its fair market equity, as determined by appraisal, up to \$30,000 if the debtor is a head of household or 65 years or older and up to \$20,000 otherwise. HRS § 651-92(a)(2). The exemption has priority over a judgment lien, but is junior to voluntary liens such as a mortgage or to tax liens.

This exemption applies only to property in which the debtor resides, since the statute defines “real property” as a dwelling house in which the owner resides, together with a parcel of land no larger than one acre.

### **Personal Property Exemptions**

The execution statute for personal property also provides for an appraisal process similar to that for real property. HRS 651-121. Personal property exempt from attachment and execution includes:

- (1) household furnishings and appliances, books and wearing apparel, jewelry and items of personal adornment in an aggregate cash value not to exceed \$1,000;
- (2) up to \$2,575 of equity in a motor vehicle, as measured by established wholesale used car prices found in dealers’ guides;
- (3) any combination of tools, equipment, one motor vehicle, and other personal property used in a debtor’s trade or profession by which debtor earns a living;
- (4) a niche or burial plot;
- (5) proceeds of sale or insurance on exempt property for a six month period from receipt of the proceeds; and
- (6) wages, salaries, commissions and compensation due a debtor for services rendered during the 31 days before the date of the proceeding.

None of these exemptions applies to an attachment or execution issued on a judgment recovered for moneys owed to purchase property encumbered by the subject debt, as in a mortgage, or for taxes, fines or a debt due the State. HRS § 651-122

Proceeds from the sale of the judgment debtor’s property are applied first in the amount of the exemption, then to the satisfaction of the execution costs, attorney’s and appraiser’s fees, and other fees and of the lien under which the sale was made. Additional

sales proceeds are used to discharge subsequent liens and encumbrances according to their priority and the balance, if any, goes to the judgment debtor. HRS § 651-123

## Legislative Updates

During Hawaii's 28<sup>th</sup> legislative session in 2015, two measures (HB 375 H.D.1 and SB 993) titled "Relating to Property" proposed to (1) amend the threshold amount for the exemption of real property from attachment or execution<sup>1</sup> initially to the fair market value of the property (essentially giving debtors an unlimited exemption as do Florida and Texas exemption statutes); (2) completely exempt a debtor who is not delinquent in income taxes, real property taxes, or mortgages; (3) amend the personal property exemption for an automobile be based on fair market values;<sup>2</sup> and (4) exempt child support, EITC refunds, and child support tax credit from attachment and execution.

The purpose of the bills was stated to be "to create a safety net of assets for Hawaii families who struggle to earn a living under heavy debt obligations."

After receiving only one supporting testimony in favor and opposition from several others in both House and Senate hearings, including the Department of Taxation and the Attorney General, the House bill was amended to provide a blank amount to presumably raise the real property exemption from \$30,000, the amount in effect since 1978.

Both measures died in committee but remain to be considered next session.

## 4. Bankruptcy Law

### (a) Basics

- (i) Chapters, 7, 13 and 11
- (ii) What bankruptcy can and cannot do for your client

---

<sup>1</sup> Since 1978, Haw. Rev. Stat. § 651-92 has provided exemptions of \$30,000/\$20,000. Prior to 1978, the amounts were \$20,000/\$10,000.

<sup>2</sup> Haw. Rev. Stat. § 651-121 provides specific dollar amounts for vehicles.