AUDIENCE POLL

Please raise your hand virtually if you represented a borrower in a dischargeability adversary proceeding involving federal student loans since November 17, 2022

Student Loan Discharge Litigation 12 Tips for Practitioners

Honorable Sage M. Sigler
U.S. Bankruptcy Judge for the
Northern District of Georgia

Vivieon Kelly Jones
Assistant U.S. Attorney,
Northern District of Georgia

Lauren A. Drayton, Esq.
The Semrad Law Firm

DOJ's New Process for Federal Student Loan Bankruptcy Discharge Cases

In November 2022, the U.S. Department of Education and U.S. Department of Justice issued Student Loan Bankruptcy Litigation Guidance

justice.gov

NDGA Federal Student Loan Dischargeability Adversary Proceedings since November 17, 2022

- ➤ ~57 adversary proceedings in NDGA involving federal student loans since 11/17/22

    - ➤ 33 consent judgments discharging student loans

- ➤ ~$3.7 million in student loan debt discharged through operation of the Guidance

1. Collect Information in Advance

National Student Loan Data System: (NSLDS): Review your client's student loan history

Current Income: Gather information about current household size and current income

Current Expenses: Collect information on current household expenses

2. Understand the undue hardship narrative

3. Identify the proper defendants

4. Present a well-drafted complaint

5. Serve the summons and complaint

UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF GEORGIA

ATTORNEY GENERAL OF THE UNITED STATES

UNITED STATES DEPARTMENT OF EDUCATION

OTHER NAMED DEFENDANTS

6. Contact the U.S. Attorney's Office

Vivieon Kelly Jones
Assistant U.S. Attorney
75 Ted Turner Drive, SW, Suite 600
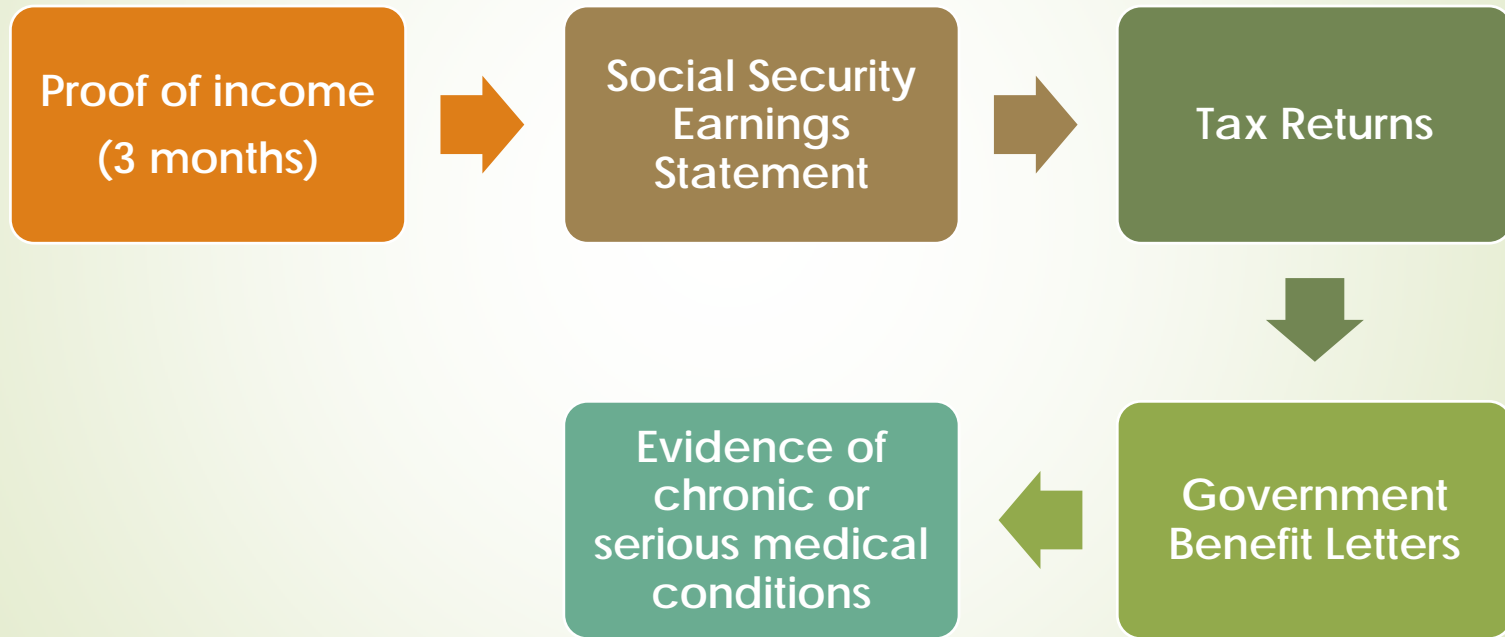Atlanta, GA 30303
Phone: 404-581-6312
vivieon.jones@usdoj.gov

7. Seek litigation stays, as appropriate

8. Prepare the attestation

9. Produce supporting documents

Proof of income (3 months)	→	Social Security Earnings Statement	→	Tax Returns

Evidence of chronic or serious medical conditions	←	Government Benefit Letters

10. Keep the court generally informed

11. Consider Alternative Resolutions

* Litigation

* Administrative Discharge Options

studentaid.gov

12. Present stipulations and a proposed consent judgment discharging the borrower's student loans

QUESTIONS?