

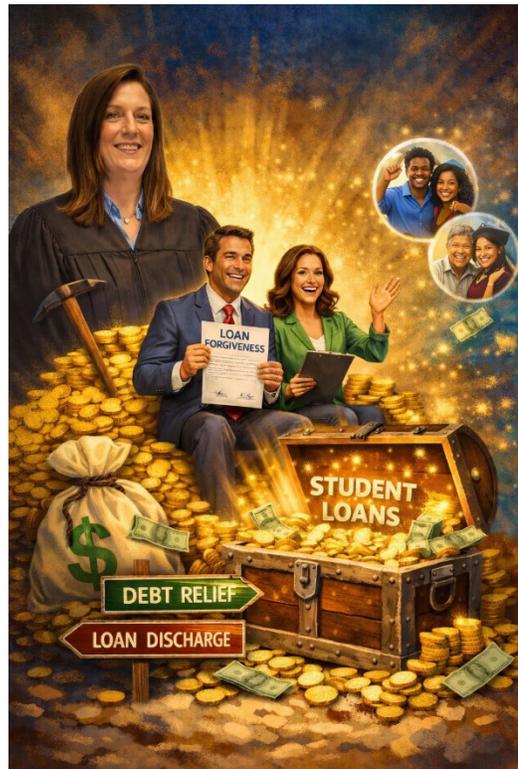
## **Note to Debtor’s Counsel: Are You Sitting on a Gold Mine of Goodness for Your Past and Current Clients With Student Loans? By Hon. Catherine Peek McEwen**

A real telephone call placed by me to a pro se debtor late in the day on the last day of 2025:

“Mr. Smith (his real last name), this is the bankruptcy judge in your bankruptcy case. I am pleased to tell you that I just signed a judgment discharging almost \$75,000 of your student loan debt. Happy New Year!”

Mr. Smith participated in the widely popular Department of Justice/Department of Education federal student loan discharge program for debtors who are or were in bankruptcy. He filed his chapter 7 case in 2020. He learned about the program five years later through a thread on Reddit! He asked that his case be reopened so that he could file an adversary proceeding seeking a determination that his student loans are dischargeable under 11 U.S.C. § 523(a)(8). And he figured out what to do from there on his own.

Unless you’ve been living in a cave, surely you know about the program and what a great success it has been. If not, the CLE corner at the Court’s website resource portal titled The Source has a how-to segment within the program titled *Hodge Podge for \$400*, and last year’s American Bankruptcy Institute/Paskay seminar materials on the program are available online and accessible to ABI members. Further, the Tampa Bay Bankruptcy Bar Association recently presented on the program during the February brown bag seminar. Soon that recording will be posted in our CLE corner, too. The DOJ/DOE guidance memo is available here: [Student Loan Discharge Guidance -- Guidance Text](#). An ABI article on the program is available here: [StudentLoans DOJ Guidance.pdf](#).



The end result in *In re Smith* is just one of many success stories these days. Need more evidence of success? Consider these recent examples in cases I presided over:

*In re Joe (pro se)*: Final judgment entered December 1, 2025, discharging more than \$123,000.

*In re Moss* (represented by Edward Miller): Final judgment entered December 1, 2025, discharging more than \$77,000.

*In re Jeffers* (represented by Eric Barksdale): Final judgment entered December 5, 2025, discharging almost \$283,000(!).

*In re Mendez* (represented by Eric Barksdale): Final judgment entered December 16, 2025, discharging almost \$85,000.

*In re Vargas* (pro se): Final judgment entered January 7, 2026, discharging almost \$150,000.

The DOJ/DOE program is non-adversarial and gets real results, even if only a partial discharge. If you, as a consumer debtor counsel, have any past or present clients who could possibly qualify for a student loan discharge, you should look into this program. If the debtor succeeds with a federal loan, sometimes private lenders will “ride coattail” and agree to a discharge, too. Icing on the cake.

If not for your clients, do it for yourself. If the going rate for this kind of work is, say, a flat rate of \$1,500 – 3,000 and you have a portfolio of perhaps as many as 100 former clients who might qualify, well, do the math. Seems like a bargain price for a debtor to pay to be relieved of the burden of \$75,000 or more in debt. And our Court has a liberal policy on reopening old cases. As Wayne Gretzky is quoted as saying, “you miss 100 percent of the shots you don’t take.” Take one. Take many. Mine that gold in the cave you’ve been living in.