

# Bankruptcy Law

## Attorneys

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## Overview

We represent creditors in Chapter 7, Chapter 13, and Chapter 11 bankruptcy proceedings, ensuring that your interests are protected, your claims are properly positioned, and your recovery is maximized.

A debtor's bankruptcy filing does not eliminate your claim. It changes the forum where that claim is resolved. The creditors who recover the most in bankruptcy proceedings are the ones who engage early, file accurately, and assert their rights at every procedural stage. The creditors who recover the least are the ones who assume the process will take care of itself.

Cohen Cleary represents [businesses](#), lenders, landlords, [healthcare facilities](#), and individual creditors in bankruptcy cases filed in the U.S. Bankruptcy Court for the District of Massachusetts and the District of Rhode Island. From the moment a petition is filed, deadlines begin running that affect your ability to participate in asset distributions, challenge discharge, or recover collateral. Having a bankruptcy creditor lawyer evaluate the case immediately is not optional. It is the difference between preserving your rights and forfeiting them by default.

## Creditor Representation in Bankruptcy Proceedings

Cohen Cleary provides creditor-side representation across the full range of bankruptcy proceedings in Massachusetts and Rhode Island:

### Proof of Claim Preparation and Filing

A claim that is late, improperly documented, or incorrectly classified can be disallowed entirely. We prepare proofs of claim that withstand trustee objections and position clients for maximum recovery.

### Motions for Relief from the Automatic Stay

The automatic stay halts all collection activity the moment a debtor files. For secured creditors with depreciating collateral or landlords with tenants in arrears, we pursue stay relief to protect time-sensitive interests.

### Objections to Discharge

Under 11 U.S.C. Section 523, debts arising from fraud, willful injury, embezzlement, and other specified conduct can survive bankruptcy. We prosecute adversary proceedings to preserve our clients' claims against discharge.

### Preference and Fraudulent Transfer Defense

Trustees may seek to claw back payments made to creditors before filing under Sections 547 and 548. We assert ordinary course of business and other statutory defenses to protect funds already received.

## Creditor Committee Representation and Chapter 11 Plan Analysis

In complex reorganizations, creditors who participate in plan confirmation shape the outcome. We represent creditors and committees in evaluating and objecting to proposed plans.

## How Cohen Cleary Protects Creditor Interests in Bankruptcy

We tell our clients that bankruptcy is not the end of the collection process. It is a different process, governed by federal rules that reward participation and punish delay. The Bankruptcy Code distributes limited assets among competing claims, and creditors who understand the framework recover more than those who do not.

Our approach begins with triage. When a debtor files, we evaluate the type of proceeding, what assets may be available, whether the debtor's exemption claims are defensible, and whether the debt at issue may be nondischargeable. That assessment drives every subsequent decision: whether to file a proof of claim, seek relief from the automatic stay, challenge discharge, or determine that the cost of litigation is not justified by the potential recovery.

This analysis is particularly important for secured creditors. A lender holding a mortgage or security interest in equipment has rights that unsecured creditors do not, but those rights must be actively asserted. Adequate protection motions, stay relief motions, and reaffirmation negotiations all require timely action. A creditor rights attorney familiar with how bankruptcy courts in Massachusetts and Rhode Island handle these matters can identify the right procedural path before the window closes.

## Why Clients Choose Cohen Cleary

At Cohen Cleary, our practice teams combine deep subject-matter experience with disciplined execution and responsive client service. We do not take a one-size-fits-all approach. Every matter is handled with careful preparation, clear communication, and a strategy tailored to the client's goals and the realities of the forum.

Clients choose Cohen Cleary because we deliver:

### Practice-Focused Legal Experience

Our attorneys work in defined practice areas, allowing us to develop practical insight into the legal, procedural, and regulatory nuances that matter most in each case. This focus allows us to anticipate issues, avoid unnecessary delays, and position matters for efficient resolution.

### Clear Guidance and Proactive Communication

We prioritize clarity at every stage. Clients receive straightforward explanations of their options, timely updates on developments, and practical advice grounded in real-world outcomes.

### Strategic Advocacy with Trial Readiness

Whether a matter calls for negotiation, mediation, or litigation, our attorneys prepare every case with discipline and foresight. We pursue efficient resolution when possible and are fully prepared to advocate aggressively when necessary to protect our clients' interests.

## Regional Knowledge and Local Presence

With offices throughout Massachusetts and experience across New England courts and agencies, we bring local insight and regional reach to every matter.

## Client-Centered Service

We treat every matter with urgency and respect. Our clients rely on us for responsive service, sound judgment, and steady counsel through complex legal challenges.

In our creditor rights work, this approach helps clients protect their financial interests in bankruptcy proceedings with clarity, efficiency, and confidence.

## The Cost of Passivity in Bankruptcy Proceedings

Most creditors receive notice of a debtor's bankruptcy filing and do nothing. They assume the system will eventually deliver a check. That assumption is one of the most expensive mistakes a creditor can make.

The Bankruptcy Code operates on deadlines, and none of them are flexible. A creditor who misses the bar date forfeits the right to participate in distributions entirely. Objections to discharge under Section 523 must be filed before the court-imposed cutoff, or the debt is discharged regardless of how it was incurred. We have seen trade creditors owed six figures receive nothing because no proof of claim was filed, and debts arising from fraud were discharged because the objection deadline passed. Creditors who treat bankruptcy as someone else's problem end up subsidizing the debtor's fresh start with their own losses.

## Creditor Representation Across Massachusetts, Rhode Island, and the Greater Boston Area

Cohen Cleary represents creditors in proceedings filed in the U.S. Bankruptcy Court for the District of Massachusetts and the U.S. Bankruptcy Court for the District of Rhode Island. Our attorneys are familiar with the procedural practices, trustee expectations, and local rules in both districts, including how each court handles contested proofs of claim, stay relief motions, and adversary proceedings. With offices in [Taunton](#) and [Plymouth](#), we represent creditors throughout southeastern Massachusetts, the Greater Boston area, Bristol County, Plymouth County, and Norfolk County, with the capacity to serve clients across New England.

## Protect Your Claims in Bankruptcy With Guidance From a Trusted Attorney

When a debtor files for bankruptcy, your window to act is limited, and the deadlines are unforgiving. [Contact](#) a creditor rights lawyer at Cohen Cleary to discuss your position, evaluate your claim, and develop a strategy that protects your right to recover what you are owed under Massachusetts or Rhode Island law.

## Frequently Asked Questions About Creditor Rights in

## Bankruptcy

### What should I do when I receive notice that a debtor has filed for bankruptcy?

Contact a creditor rights attorney promptly. The filing triggers the automatic stay, which prohibits all collection activity, and starts the clock on critical deadlines, including the bar date for filing a proof of claim and the deadline for objecting to discharge. Early engagement allows us to assess the case, determine whether your claim has priority or security, and develop a strategy before options expire.

### Can I still collect a debt after a debtor files for bankruptcy?

Direct collection activity must stop immediately under the automatic stay. However, you retain the right to file a proof of claim and participate in the distribution of estate assets. If you hold a security interest, you may seek relief from the stay to recover your collateral. If the debt arose from fraud, willful injury, or other specified conduct, you may establish that the debt is nondischargeable and survives the bankruptcy. The path to recovery depends on the nature of the debt, the type of filing, and the assets available.

### What is a preference action, and can a trustee recover payments I already received?

A trustee can seek to “claw back” payments a debtor made to creditors during the 90 days before filing (or one year for insiders) under 11 U.S.C. Section 547. Statutory defenses exist, including the ordinary course of business defense, the contemporaneous exchange defense, and the subsequent new value defense. We evaluate the circumstances of each payment and assert every available defense.

### What is the difference between a secured and an unsecured claim in bankruptcy?

A secured claim is backed by collateral, such as real property, equipment, or inventory subject to a lien. Secured creditors have priority rights to the value of their collateral and can seek adequate protection or stay relief if that value is diminishing. Unsecured claims have no collateral backing and are paid from whatever assets remain after secured claims and administrative expenses. The classification of your claim directly affects your recovery prospects.

### When should a creditor consider objecting to a debtor’s discharge?

You should consider an objection whenever the underlying debt may fall within the nondischargeable categories listed in 11 U.S.C. Section 523: debts obtained through false pretenses, fraud, or actual deception; debts for willful and malicious injury; and debts arising from embezzlement or larceny. You may also challenge the debtor’s right to receive any discharge at all under Section 727 if there is evidence of concealed assets, destroyed records, or other bad-faith conduct. These objections require filing an adversary proceeding before the court-imposed deadline, which is why early case evaluation is critical.