

# Bankruptcy: Automatic Stays Research Guide

## Overview

This research guide includes information and resources on automatic stays in bankruptcy cases. An automatic stay is “a bar to all judicial and extrajudicial collection efforts against the debtor or the debtor’s property, subject to specific statutory exceptions. The policy behind the automatic stay, which is effective upon the filing of the bankruptcy petition, is that all actions against the debtor should be halted pending the determination of creditors’ rights and the orderly administration of the debtor’s assets free from creditor interference.” (*Black’s Law Dictionary, 11<sup>th</sup> ed.*) The resources listed below are not exhaustive and may not include the most up-to-date information. It is for information purposes only and should not be construed as legal advice or act as the substitute for legal counsel.

## Statutes and Codes

Texas Statutes Online [www.statutes.capitol.texas.gov](http://www.statutes.capitol.texas.gov)

U.S. Bankruptcy Code

- 11 USC 362 Automatic Stay  
<https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title11-section362&num=0&edition=prelim>

## Secondary Resources in Print

**United States Code Service KF 62.5 L49**

- Title 11 Bankruptcy §362 Automatic Stay

**Texas Legal Practice Forms REF KFT 1268 .S85**

- Vol. 5, Ch. 69 Bankruptcy
  - Section III. Automatic Stay in Bankruptcy

**Texas Litigation Guide REF KFT 1730 .T4**

- Vol. 1, Ch. 2 §1:2.03 Stay of proceedings in bankruptcy

**Collier Bankruptcy Manual KF 1524 .C6455**

- Vol. 2, Ch. 362 Automatic Stay

**Collier Bankruptcy Practice Guide KF 1524 .C63**

- Vol. 2, Ch. 38 Automatic Stay/Relief from Stay
- Vol. 2, Ch. 39 Injunctions

**Federal Procedure Lawyers Edition KF 8835 .F43**

- Vol. 5A, Ch. XV. Automatic Stays; Other Procedures Maintaining Status Quo §9:1065 *et seq*
- Vol. 6, §9:1877 to §9:1883 Stay Pending Appeal, Approval of Supersedeas Bond, or Other Relief Pending Appeal

**Federal Procedure Forms Lawyers Edition KF 8836 .F4**

- Vol. 4B, Ch. 9B Bankruptcy Practice and Procedure §9B:650 to §9B:743 Automatic Stay and Other Proceedings for Preservation of Status Quo

## CLE Materials

**Advanced Consumer and Commercial Law KFT 1352 .A75 C6**

- 2021 Ch. 20 Bankruptcy: Creative Ways to Protect Consumers – Section II. Automatic Stay

## Online Resources

The Automatic Stay in Bankruptcy: An Overview (ABA)

[https://www.americanbar.org/groups/gpsolo/publications/gpsolo\\_ereport/2022/september-2022/automatic-stay-bankruptcy-overview/](https://www.americanbar.org/groups/gpsolo/publications/gpsolo_ereport/2022/september-2022/automatic-stay-bankruptcy-overview/)

## Legal Assistance

### **Legal Lines – Ask Attorneys simple legal questions (free service)**

- Tarrant County LegalLine Sign-up  
<https://www.tarrantbar.org/>
- Dallas County LegalLine Sign-up  
<https://www.dallasbar.org/index.cfm?pg=legalline>

**Tarrant County Bar Association Lawyer Referral Service:** 817-336-4101 (\$20 for the first 30 minutes)

