Life After Law School:



Loan Repayment & Forgiveness



by Elena McSwiggen and Amanda Prasuhn Berkeley Law Financial Aid Office February 2019

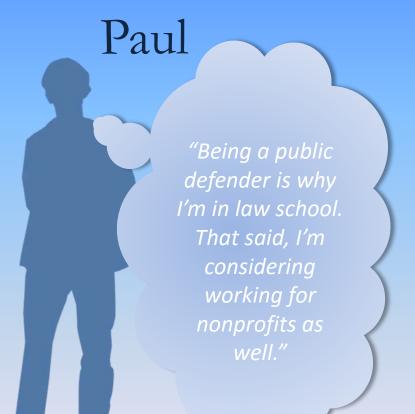


Road Map

- How you can afford loan repayment
 - 1. Federal Income-Driven Repayment
 - 2. Federal Public Service Loan Forgiveness (PSLF)
 - → Current climate of PSLF
 - 3. Berkeley Law LRAP
- Resources and borrower rights
- Real-life examples



Meet the Graduates



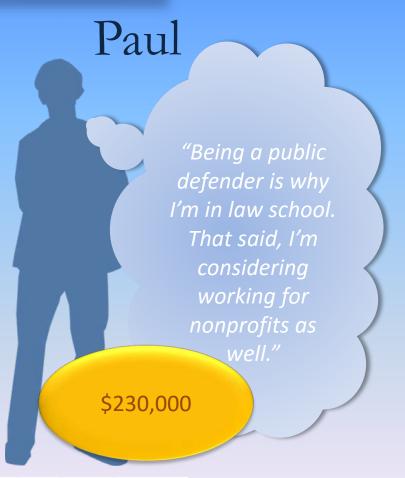
Ida

"I'm not certain what I want to do. I might work at a large firm, maybe do some nonprofit work internationally. I haven't decided."



Graduate Scenarios

Loan Debt







What options do Paul and Ida have?

- > What will their monthly payments be after graduation?
 - Can they get their loans forgiven after a period of time?
 - ➤ How much will Berkeley Law's LRAP cover?



The federal government offers multiple repayment plans for Federal student loans, regardless of career choice



What will their payments be?

\$0

STANDARD

10 yr. repayment plan

- Monthly payments are a fixed amount for a period of time (standard is 10 years)
- Not based on income, but loan debt (aka "debt-driven")
- There are "extended" plans that are debt-driven and allow you to repay over a longer period of time. But, you pay more in interest over time.

vs.

INCOME-DRIVEN

- Based on income; payment amount changes each year
- You certify your income with the federal government annually
- Payments are calculated based on percentage of discretionary income (using federal metrics) → 10% 15%

Paul:

Ida:







Paul:

Ida:



STANDARD 10 yr

• \$2,700 per mo.

INCOME-DRIVEN

• If earning \$65k, \$390 per mo.

\$80,000

STANDARD 10 yr

• \$930 per mo.

INCOME-DRIVEN

If earning \$65k, \$390 per mo.



Paul:

\$230,000

STANDARD 10 yr

• \$2,700 per mo.

INCOME-DRIVEN

• If earning \$65k, \$390 per mo.

"I can afford \$390!

So how long will it take to pay off my loans?"



How much will my payment be?

STANDARD

10 yr. repayment plan

Portion of payments go towards principal and interest, but...

Payments may not be affordable depending on debt level and earnings potential.

vs.

INCOME-DRIVEN

Lower payments, but...

Depending on debt level, payments may only cover a portion of the interest accruing

... may qualify for loan forgiveness!



Paul:

\$230,000

STANDARD 10 yr

• \$2,700 per mo.

INCOME-DRIVEN

• If earning \$65k, \$390 per mo.

"So instead of paying my loans off, I can apply to have them forgiven?"



What options do Paul and Ida have?

- > What will their monthly payment be after graduation?
 - Can they get their loans forgiven?
 - ➤ How much will Berkeley Law's LRAP cover?



Plans Built Into Federal Student Loans

25-year loan forgiveness

- No employment requirements
- May be 20 years if you qualify for certain IDR plans
- Forgiven amount is taxable income 🕾

10-year loan forgiveness (PSLF)

- Qualifying public interest employment
- 10 years
- Forgiven amount is not taxable income





Program created by Congress in

PSLF

2007 to encourage individuals to

enter, and continue in, full-time

employment in public service jobs



"Borrowers may qualify for forgiveness

of the remaining balance of their Direct

PSLF

Loans after they have made 120

qualifying payments while employed full

time by certain public service

employers"



120 qualifying payments

PSLF

Equivalent to 10 years of on-time

payments while in a qualifying

repayment plan such as IBR or PAYE



"Borrowers may qualify for forgiveness of

the remaining balance of their Direct

Loans after they have made 120 qualifying

payments while employed full time by

certain public service employers"





Qualifying Employment

PSLF

Full Time

Nonprofit (501(c)(3)) or Government



"Borrowers may qualify for

forgiveness of the remaining balance

of their Direct Loans after they have

made 120 qualifying payments while

employed full time by certain public

service employers"

PSLF



Qualifying Loans

PSLF

Federal Direct Loans

 FFEL and Perkins Loan must be consolidated

Private Loans not eligible



Know Your Loans



UNIVERSITY OF CALIFORNIA

Federal loans:

nslds.ed.gov or studentaid.ed.gov

Private Loans:

annualcreditreport.com



Would they qualify for PSLF?



"I'm committed to public interest and plan to work in government or at a 501(c)(3) nonprofit."

Ida

"Maybe I'll do some nonprofit work internationally or work for a plaintiffs'-side firm"



Would they qualify for PSLF?



Unlikely. But can still use Income-driven repayment without

pursuing PSLF

Ida





Grim Statistics on PSLF... so far



Keep in mind... several requirements:

- ✓ on time payments,
- ✓ on qualifying loans,
- ✓ in qualifying repayment plan,
- ✓ while in qualifying employment,
- ✓ for 120 months



Grim Statistics on PSLF... so far

Reasons for denial:

- Not accumulating 120 payments
- Loans that don't qualify (Perkins, FFEL, private)
- Consolidated loans after making payments
- Non qualifying employment: 501(c)(6), 501(c)(5), 501(c)(4), plaintiffs'-side/union
- Lump sum payments
- Payments too small
- Payments made but not while in qualifying employment, or employment not documented
- Older borrowers had multiple loan servicers
- Hard to get ahold of payment information before online accounts were widespread
- Lack of guidance (or incorrect counseling) from loan servicers
- Confusion of PSLF employment certification form vs.
 application form





PUBLIC SERVICE LOAN FORGIVENESS (PSLF): APPLICATION FOR FORGIVENESS

William D. Ford Federal Direct Loan (Direct Loan) Program

Certification Form

OMB No. 1845-0110 Form Approved Exp. Date 5/31/2020 PSFAP - XBCR

PSLF Application

the determination was made, and the steps I need to take to correct the form or make qualifying payments.

I certify that all of the information I have provided on this form and in any accompanying document is true, complete, and

8. The Department will retain this certification form until I submit my application for forgiveness.

WARNING: Any person who knowingly makes a false statement or misrepresentation on this form or on any accompanying document is subject to penalties that may include fines, imprisonment, or both, under the U.S. Criminal Code and 20 U.S.C. 1097.

SECTION 1: BORROWER INFORMATION		
Please enter or correct the follow Check this box if any of you		
	information has changed.	
SSN		
Date of Birth	PUBLIC SERVICE LOAN FORGIVENESS (PSLF): OMB No.	. 1845-0110
Name	EMPLOYMENT CEPTIFICATION FORM	•
Address	William D. Ford Federal Direct Loan (Direct Loan) Program PSECF -)	e 5/31/2020 XRCR
City Sta		
Telephone - Primary	PSLF ECF any accompanying document is subject to penalties that may include fines, imprisonment, or	both, under
Telephone - Alternate	the U.S. Criminal Code and 20 U.S.C. 1097.	
Email (Optional)	SECTION 1: BORROWER INFORMATION	
For more information on PSLF, visit <u>StudentAid.gov/publicservice</u> . Use this form only if you (Please enter or correct the following information. Check this box if any of your information has one of the control of the co	changed.
120 qualifying payments on the Direct Loans for which you are seeking forgiveness, and (3)	orked	
full-time at a qualifying employer when you made the qualifying payments. If the employme and/or prior approved Employment Certification Forms does not cover all 120 qualifying pay		
employment certification for each qualifying employer that covers the rest of your qualifying	navm	
SECTION 2: BORROWER REQUEST, UNDERSTANDINGS, CERTIFICATION, AND AUTHORIZ	ATIOI Address	
I request (1) that the U.S. Department of Education (the Department) forgive the remaining	aland	
(2) if I submit employment certification covering 10 years of qualifying employment after Oc my Direct Loans while the Department determines my eligibility for forgiveness, unless I indi	,	2
By checking this box, I am indicating that I do not want a forbearance while my applic	· · · · · · · · · · · · · · · · · · ·	
I understand that:	Email (Optional)	
1. To qualify for PSLF, I must have made 120 qualifying payments on my Direct Loans wh		
qualifying employer or employers. Neither the 120 qualifying payments nor employments	nt hav Before signing, carefully read the entire form. For more information on PSLF, visit StudentAid.gov/publicse	ervice.
2. To qualify for PSLF, I must be employed full-time by a qualifying employer when I appl	for ar Lauthorize:	
3. By submitting this form, my student loans held by the Department will be transferred to	 My employer or other entity having records about the employment that is the basis of my request to make 	e information
 If the Department determines that I appear to be eligible for forgiveness, the Department before granting forgiveness to ensure that I continue to work for the employer. 	nt ma from those records available to the U. S. Department of Education (the Department) or its agents or control	actors.
5. If I am eligible for forgiveness, the amount forgiven will be the principal and interest the	2. The entity to which I submit this request and its agents to contact me regarding my request or my loans a	
Loans when I made my final qualifying payment. Any amount that I pay on those loans	after I rerecorded voice or text messages	rtificial or
qualifying payment will be treated as an overpayment. I must continue to make payment	nts on	
If I am not eligible for forgiveness, I will be notified of the determination and why it wa and unpaid interest may be capitalized (added to my loan's principal balance).	made 1. To qualify for PSLF, I must make 120 qualifying payments on my Direct Loans while employed full-time by	a qualifying
I certify that all of the information I have provided on this form and in any accompanying di	employer or employers. Neither the 120 qualifying payments nor the employment have to be consecutive	
correct to the best of my knowledge and belief and that if I cease to be employed by a qualif		ilf.
	3. If I qualify for forgiveness, only the remaining balance on my Direct Loans will be forgiven.	
	4. By submitting this form, my student loan(s) held by the Department will be transferred to FedLoan Servici	ing.
	5. The Department may request supplemental documentation substantiating my employment.	
PSLF Employment	6. The Department will notify me in writing or electronically of the number of qualifying payments I have me employed full-time by a qualifying employer and how many more I must make before I am eligible to app	
1 3Li Lilipioyilicite	7 Lyvill be notified if the form that I submit is incomplete, or if my employment or payments do not qualify f	or DSI E why

... Anticipate to see more people qualify for PSLF as time goes on and as communication has improved



PSLF Q&A

studentaid.ed.gov/sa/repay-loans/forgivenesscancellation/public-service/questions

- General Information
- Eligible Loans
- Qualifying Repayment Plans
- Qualifying Payments
- Qualifying Employment
- Application Process







"What if PSLF is discontinued?"

Your Rights:

- PSLF is built into your Master Promissory
 Note, but Congress also reserves the right to
 amend the Higher Education Act
- However, legislation introduced to date includes grandfathering provisions

Considerations:

- Many government agencies (including military)
 have difficulty hiring without PSLF
- Many borrowers relying on PSLF are lawyers and doctors



PSLF Language included in Master Promissory Notes (MPNs) since 2007:

Public Service Loan Forgiveness

A Public Service Loan Forgiveness (PSLF) program is also available. Under this program, we will forgive the remaining balance due on your eligible Direct Loan Program loans after you have made 120 payments on those loans (after October 1, 2007) under certain repayment plans while you are employed full-time in certain public service jobs. The required 120 payments do not have to be consecutive. Qualifying repayment plans include the REPAYE Plan, the PAYE Plan, the IBR Plan, the ICR Plan, and the Standard Repayment Plan with a 10-year repayment period.

The terms of this Master Promissory Note (MPN) will be interpreted in accordance with the HEA (20 U.S.C. 1070 et seq.), ED's regulations, any amendments to the HEA and the regulations in accordance with the effective date of those amendments, and other applicable federal laws and regulations. Throughout this MPN, we refer to these laws and regulations collectively as the "Act".



How does the LRAP fit into this?

- > What will their monthly payment be after graduation?
 - Can they get their loans forgiven?
 - ➤ How much will Berkeley Law's LRAP cover?



How does LRAP fit into this?

Once enrolled in an incomedriven repayment (IDR) plan, Berkeley's LRAP will help cover up to 100% of IDR monthly payments for up to 10 years



Who is eligible for LRAP?



Who is eligible for LRAP?

Berkeley Law Grads who:

- ✓ Apply and enroll in LRAP within 3.5 years after graduation
- ✓ Have a total income less than \$100K
- ✓ Are employed in a qualifying position



LRAP Eligible employment

Greater than half-time and paid

Law-related (must make substantial use of legal skills)

501(c)(3) nonprofit or government agency

Other positions that may qualify for LRAP but <u>not</u> Public Service Loan Forgiveness:

- United Nations (only PSLF-eligible if U.S. employment)
- NGOs & International
- ➤ Low Bono & Union



"What if I work for a firm for two years after graduation, but I might go into public interest after?"

LRAP:

3.5 year initial eligibility window after graduation (no deadline for PSLF)

How much will LRAP cover?

If income is:

\$70K or less

\$70K - \$100K

LRAP Support is:

This means:

100% of IDR payment

No out of pocket payments for you

Prorated

You contribute 35% of your income over \$70K to your loan payments



LRAP Support: Examples

Paul:

\$230,000

Ida:

\$80,000

- Income: \$55,000 as a public defender
 - IDR monthly payment: \$300/month
- Imputed contribution: Income < \$70K, so no imputed contribution
- LRAP support: LRAP covers100% = \$300/month(\$3,600/year)

• **Income**: \$75,000 at an international nonprofit

- IDR monthly payment: \$475/month
- Imputed contribution: Income is \$5K over \$70K, so she pays \$1,750 out-of-pocket to loans each year (\$145/month)
- LRAP support: LRAP covers the remainder of her IDR payment = \$330/month (\$3,960/year)

Berkeley Law

But time doesn't count towards PSLF because not a domestic 501(c)(3)

Example: Paul the Public Defender



Paul is employed as a public defender. He applies for and is eligible for LRAP.

He makes 12 monthly IDR payments with the help of LRAP.

What should he do to apply for PSLF?



... Paul should document his employment by submitting a PSLF Employment Certification Form to FedLoan Servicing



Borrower Name	Borrower SSN				
SECTION 3: EMPLOYER INFORMATION (TO BE COMPLETED BY	THE BORROWER OR EMPLOYER)				
2. Federal Employer Identification Number (FEIN) Your employer's Federal EIN may be found on your Wage and Tax Statement (W-2). Employer Address:	10. Is your employer tax-exempt under Section 501(c)(of the Internal Revenue Code (IRC)? If your employer is tax-exempt under another subsection of 501(c) of the IRC, such as 501(c)(4) or 501(c)(6), check "No" to this question. Yes - Skip to Section 4. No - Continue to Item 11.				
anjurger reactions	not tax-exempt under Section 501(c)(3) of the Inter Revenue Code? Yes - Continue to Item 12. No - Your employer does not qualify.				
Fmployer Website (if any):	12. Is your employer a partisan political organization or labor union?				
Employment Begin Date:	No - Continue to Item 13.				
6. Employment End Date: OR Still Employed	13. Which of the following services does your employe provide as its primary purpose? Check all that apply and then continue to Section 4. If you you check "None of the above", do not submit this form.				
7. Employment Status: Full-Time Part-Time	Military service (See Section 6)				
Hours Per Week (Average)	☐ Public safety				
Include vacation, leave time, or any leave taken under the Family Medical Leave Act of 1993. If your employer is a 501(c)(3) or a not-for-profit organization, do not include any hours you spent on religious instruction, worship services, or proselytizing.	Law enforcement Public interest legal services (See Section 6) Early childhood education (See Section 6) Public service for individuals with disabilities				
Is your employer a governmental organization?	Public service for the elderly				
A governmental organization is a Federal, State, local, or Tribal government organization, agency, or entity, a public child or family service agency, a Tribal college or university, or the Peace Corps or AmeriCorps. Yes - Skip to Section 4. No - Continue to Item 10.	Public health (See Section 6) Public education (See Section 6) Public library services School library services Other school-based services None of the above - the employer does not				
SECTION 4: EMPLOYER CERTIFICATION (TO BE COMPLETED B	qualify.				
By signing, I certify (1) that the information in Section 3 is true, c belief, (2) that I am an authorized official (see Section 6) of the or named in Section 1 is or was an employee of the organization na Note: If any of the information is crossed out or altered in Section	complete, and correct to the best of my knowledge and ganization named in Section 3, and (3) that the borrower med in Section 3.				
-	Official's Phone				

We recommend to submit annually, or every time you change jobs

Can be submitted any time you have a start and end date for any position





As long as he made his payments ontime, Paul is 1 year closer to being able to apply for 10 year Public Service Loan Forgiveness (PSLF).





Example Bill After PSLF Employment Certification Form is approved (once employer can certify start <u>and</u> end date)

September 1, 2018

MONTHLY DIRECT DEBIT BILL

Name Paul the Public Defender

Payment Summary					
Last Payment Received	08/22/2018				
Current Payment Due	\$207.99				
Total to be Extracted on 09/22/2018	\$207.99				

YOUR LOAN DETAILS

Date Disbursed	Loan Program	Original Balance	Current Balance	Outstanding Interest	Interest Rate	PSLF*	Monthly Payment	Current Due
08/13/2012	DLPLGB	\$31,558.00	\$31,558.00	\$12,888.58	7.650%	12	\$39.60	\$39.60
11/21/2012	DLPLGB	\$1,650.00	\$1,650.00	\$655.92	7.650%	12	\$2.07	\$2.07
08/19/2013	DLPLGB	\$10,000.00	\$10,000.00	\$2,582.80	6.160%	12	\$12.55	\$12.55
08/19/2013	DLPLGB	\$10,000.00	\$10,000.00	\$2,582.80	6.160%	12	\$12.55	\$12.55
10/09/2013	DLPLGB	\$10,260.00	\$10,260.00	\$2,604.81	6.160%	12	\$12.87	\$12.87
09/03/2014	DLPLGB	\$1,346.00	\$1,346.00	\$302.11	6.960%	12	\$1.69	\$1.69
09/03/2014	DLPLGB	\$30,328.00	\$30,328.00	\$6,817.49	6.960%	12	\$38.05	\$38.05
04/06/2015	DLPLGB	\$1,140.00	\$1,140.00	\$222.10	6.960%	12	\$1.43	\$1.43
07/08/2005	DLSCNS	\$11,817.00	\$7,985.33	\$162.57	2.625%	12	\$10.02	\$10.02
08/13/2012	DLUNST	\$20,500.00	\$20,500.00	\$7,143.20	6.550%	12	\$25.72	\$25.72
08/19/2013	DLUNST	\$20,500.00	\$20,500.00	\$4,362.81	5.160%	12	\$25.72	\$25.72
09/03/2014	DLUNST	\$20,500.00	\$20,500.00	\$3,868.00	5.960%	12	\$25.72	\$25.72

Since you are enrolled in Direct Debit, we will automatically extract your monthly payment amount totaling \$207.99.

*This number represents the total number of qualifying payments you have made (out of the required 120) on your eligible loans for Public Service Loan Forgiveness (PSLF). This number only includes full, on-time payments that you have made during a period of qualifying employment that has been certified by your employer on the PSLF Employment Certification Form (ECF). We will update this number each time you submit a new, approved ECF if you made additional qualifying

"What if I want to travel the world for a year?"

PSLF and LRAP:

cumulative 10 years, not

consecutive



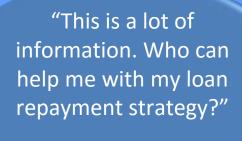
PSLF Requirements

- Qualifying full-time employment: government or 501(c)(3)
 nonprofit
- * Qualifying loans: Federal Direct Loans only

- ✓ On-time
- ✓ Correct amount
- ✓ Scheduled
- 120 qualifying payments through IBR, PAYE or Standard Repayment
- * After 10 cumulative years payments and employment, apply for loan forgiveness
- Submit proof of qualifying employment

Amount forgiven is not considered taxable income











Who can help?



☐ Berkeley Law Financial Aid Office

1:1 counseling sessions, phone appointments, email



Who can help?

If you think you'll pursue PSLF and/or LRAP, schedule an LRAP appointment to discuss:

- Repayment strategy given loan indebtedness and income
- Types of loans and whether you need to consolidate
- Marriage and dependents and impact on LRAP/IDR
- Non-PSLF qualifying jobs like plaintiffs'-side firm employment or international work
- Whether it makes sense to make payments on top of LRAP support
- → An LRAP appointment is <u>required</u> prior to enrolling in LRAP







"Who do I contact if I have a dispute with my loan servicer?"





CFPB & ED in Context

Information and Record Sharing

- Under Obama Administration, ED and CFPB agreed to share information and records in cases of potential loan servicer violations.
- Betsy DeVos has rescinded that agreement. CFPB needs ED to authorize servicers to release documentation for lawsuits.
- Dodd Frank (2010) CFPB as a "watchdog" agency; took action against lenders and servicers under Richard Cordray's leadership.
- 2017 Mick Mulvaney named Interim director of the CFPB (formally known as Bureau of Consumer Financial Protection) Aims to scale back enforcement; concerns that Bureau been overreaching it's power under the law.
- Seth Frotman resigned from position as CFPB's student loan ombudsman in 2018.
 Responsibilities included processing complaints from borrowers against loan servicers



That's Why it's More Important Than Ever to...

- ✓ Use your legal skills to read and understand the rules, and advocate for yourself
- ✓ Read emails from loan servicer
- ✓ Recertify income for IDR every 12 months
- ✓ Submit PSLF Employment Certification Form annually and when changing jobs
- ✓ Download and save payment history at least every 6 months
- ✓ Enroll in auto-pay
- ✓ Keep a separate bank account for loan payments?
- ✓ Track months of qualifying payments and contact FedLoans if you see any discrepancies
- ✓ Continuing working in qualifying employment until PSLF approved
- ✓ Document everything!
- ✓ Know your options: no reason to ever default on a federal student loan

Who can help?

- ☐ Berkeley Law Financial Aid Office
 - Can answer common questions
- ☐ Loan servicer
 - Online portal, or call and ask for a supervisor
 - Every loan servicer also has their own ombudsman for serious issues
- ☐ FSA (Dept. of Ed) Ombudsman
 - Resolve discrepancies, collect information, act as mediator
 - Open a case through FSA Feedback system



Other Resources

Repayment & Consumer Information:



- National Consumer Law Center's SLBA www.StudentLoanBorrowerAssistance.org
- AccessLex
 www.accesslex.org
 "The Road to Zero"
- ☐ Heather Jarvis askheatherjarvis.com





Questions?

Schedule an appointment or e-mail:

LRAP@law.berkeley.edu (public interest, PSLF, LRAP-specific)

or

financial-aid-law@berkeley.edu (general)



Thank You!



More LRAP Information



Who makes the loan payments?

Berkeley gives you lump sum of money in the form of a forgivable LRAP loan to cover 6-12 months of payments

You use that money to make your loan payments to your loan servicer every month

We forgive (cancel) the LRAP loan if you were employed, had no salary changes over \$70K, and made your payments on time



1

2

2

Medical/Family Leave & Dependents

Medical/Family Leave:

- Can receive LRAP support during paid and unpaid medical and family leave while employed
- Up to 6 months of support for each incidence, 24 months total

Dependents:









Income Deduction \rightarrow





International Employment

Many foreign jobs do NOT qualify for PSLF. International jobs do count as qualifying employment include:

- Working outside of the U.S., but for a U.S.-based 501(c)(3)
 nonprofits
- A foreign not-for-profit organization that provides public services as its primary functions, so long as the organization operates in the U.S.

What does NOT count:

- Foreign government employment
- International or intergovernmental organization employment (e.g., United Nations, NATO)
- Foreign not-for-profits that do not operate in the U.S.

Clerkships

Clerkships that are 2+ years in length (one or multiple clerkships) qualify for LRAP support.

Clerkships that are 1 or fewer years in length qualify for LRAP support **only if** the participant enters qualifying public interest employment immediately after the clerkship.





If Paul's federal loan servicer is not already FedLoan Servicing, his loans will be transferred there after submitting the PSLF Employment Certification Form.

→ Typically takes 1-2 months: No payments due during this time.





Where are Participants Employed?

American Diabetes Association

Center for International Environmental Law

PETA Foundation

Federal Trade UC Berkeley Law School

Commission East Bay Community Law Center

Alameda County

Bay Area Legal Aid Society

Public Defender U.S. Army JAG Corps

The Bronx Defenders

Prison Law Offices

State Coastal

Conservancy

National Immigration
Law Center

Disability Rights

California California Appellate

Project

California Rural Legal Assistance

International Rights Advocates



...and many more!