

LAW C155: BANKRUPTCY LAW AND PROCEDURES

Item	Value
Top Code	140200 - Paralegal
Units	3 Total Units
Hours	54 Total Hours (Lecture Hours 54)
Total Outside of Class Hours	0
Course Credit Status	Credit: Degree Applicable (D)
Material Fee	No
Basic Skills	Not Basic Skills (N)
Repeatable	No
Grading Policy	Standard Letter (S), • Pass/No Pass (B)

Course Description

An overview of federal bankruptcy law and procedures for the paralegal; introduction to the functions and working of bankruptcy court, United States Trustee, Chapters 7 and 13, and bankruptcy counsel; examination of Chapters 7, 11 and 13, schedule preparation; creditor representation and bankruptcy research. ADVISORY: LAW C100; LAW C127 or LAW C105; or instructor permission. Transfer Credit: CSU.

Course Level Student Learning Outcome(s)

1. Collect, analyze, and assess initial client information that will facilitate preparation of schedules and statements for a specified fact pattern.
2. Assess, compare, and evaluate exemptions offered to debtors through applicable state law which will provide debtors with an optimal fresh start.
3. Prepare bankruptcy schedules, statement of affairs, and other required elements of the bankruptcy petition given specific facts.
4. Describe the bankruptcy structure, the role of court personnel, the role of the paralegal, and assist the attorney in all aspects of a Chapter 7 no-asset bankruptcy practice.

Course Objectives

- 1. Define and explain fundamental terms of bankruptcy law.
- 2. Explain the organization of the bankruptcy code.
- 3. Describe the difference between liquidation and reorganization.
- 4. Explain the objectives of a client interview.
- 5. Compare and contrast the initiation of bankruptcy through a voluntary or involuntary petition.
- 6. Describe the basic motion procedures used in bankruptcy courts.
- 7. Explain the qualifications to be a debtor under the various chapters of the bankruptcy code.
- 8. Explain the details of the means test.
- 9. Discuss and describe the core activities which occur in all bankruptcy proceedings.
- 10. Explain basic principles governing the conversion of a bankruptcy proceeding from one Chapter of the Bankruptcy Code to another.
- 11. Describe the basic principles governing the dismissal of a bankruptcy proceeding.
- 12. Define and explain the concept of exemptions.

- 13. Describe the role and basic duties of the bankruptcy trustee.
- 14. Define the concept of the debtor-in-possession in Chapter 11 proceedings.
- 15. Describe the concept of the automatic stay as an element of debtor relief.
- 16. Describe those debts which are not dischargeable.
- 17. Define and describe the concept and purpose of the trustees avoiding powers.
- 18. Describe fraudulent transfers as they exist in the Bankruptcy Code.
- 19. Describe the procedures and forms used in filing creditor claims in bankruptcy proceedings.
- 20. Describe the elements of a Chapter 13 Plan.
- 21. Explain a Chapter 11 bankruptcy proceeding.
- 22. Prepare basic forms for bankruptcy proceedings as assigned by the instructor.
- 23. Explain the process for a Chapter 7 bankruptcy proceeding.

Lecture Content

INTRODUCTION TO THE HISTORY OF BANKRUPTCY AND OVERVIEW OF FEDERAL JURISDICTION (3.5 hours) ANALYSIS OF CHAPTERS 7, 11, AND 13 (3.5 hours) REVIEW OF RELEVANT MATERIALS (7 hours) Bankruptcy code Bankruptcy rules Local bankruptcy rules Other federal statutes CLIENT INTERACTION (7 hours) Interview Investigation Pre-petition planning Voluntary v. Involuntary Automatic stay SPECIAL CHAPTER 7 ISSUES (9 hours) Exemptions Reaffirmation Discharge Creditor meetings Role of trustee Preparation for forms Exceptions to Discharge Ethical considerations SPECIAL CHAPTER 11 ISSUES (7 hours) Plan Confirmation Payout to creditors Exceptions to discharge Preparation of forms Ethical considerations SPECIAL CHAPTER 13 ISSUES (7 hours) Plan Confirmation Payout to creditors Exceptions to discharge Conversions of Chapter 7, confirmation and termination Preparation of forms Ethical considerations BANKRUPTCY LITIGATION (3.5 hours) Jurisdiction Motions Complaints Local rules Appellate process Ethical considerations ROLE OF BANKRUPTCY PARALEGAL (3.5 hours) Client interaction Trustee interaction Working with the bankruptcy court Ethical considerations EXAMINATIONS (3 hours)

Method(s) of Instruction

- Lecture (02)
- DE Live Online Lecture (02S)
- DE Online Lecture (02X)

Instructional Techniques

Multiple methods of instruction will be used to enhance student understanding of bankruptcy law. Lectures, discussions, forums, interactive activities, and group projects will be utilized to facilitate the learning process. This class requires the use of various methods of audio visuals such as PowerPoint presentations, audio, and video.

Reading Assignments

Students will read from the course textbook as well as any other primary and/or secondary readings assigned by the instructor.

Writing Assignments

Students will be required to complete written homework assignments, prepare documents for a basic Chapter 7, analyze a bankruptcy fact pattern, write essays on the exams, and/or prepare a project discussing a topic related to bankruptcy as assigned by the instructor.

Out-of-class Assignments

Outside of the classroom students will complete the required readings; work on assigned documents, papers, reports, and projects; study for tests; conduct research; and communicate with the instructor and/or fellow students through telephone, email, discussion boards, or virtual chat.

Demonstration of Critical Thinking

Critical thinking will be demonstrated through written assignments, essays on exams, papers, and projects.

Required Writing, Problem Solving, Skills Demonstration

Analysis of bankruptcy rules as they relate to specific fact situations in oral and written assignments including the means test.

Eligible Disciplines

Law: J.D. or LL.B NOTE: Courses in aspects of law for application to a particular discipline may be classified, for minimum qualifications purposes in the discipline of the application. Masters degree required.

Textbooks Resources

1. Required Buckbinder. Basic Bankruptcy Law for Paralegals, 11th ed. Wolters Kluwer, 2020 Rationale: -

Other Resources

1. or a comparable text selected by the instructor and approved by the paralegal department. 2. Coastline Library