

PELLISSIPPI STATE COMMUNITY COLLEGE  
MASTER SYLLABUS

**SPECIAL TOPICS: BANKRUPTCY  
LAW 2600**

**Class Hours: 3.0**

**Credit Hours: 3.0**

**Lab Hours: 0.0**

**Revised: Spring 2011**

NOTE: This course is not designed for transfer credit.

**Catalog Course Description:**

Study and discussion of a selected topic in law. Content will vary. May be repeated with program advisor's consent.

**Entry Level Standards:**

College-level competencies in logic, reading, and English are required.

**Prerequisite:**

LAW 1000

**Corequisite:**

None

**Textbook(s) and Other Course Materials:**

David L. Buchbinder and Robert J. Cooper, *Basic Bankruptcy Law for Paralegals, Abridged Edition*, Aspen Publishers, 2009. ISBN: 978-0-7355-7239-3

*United States Bankruptcy Code & Rules Booklet*, LegalPub.com, 2010. ISBN: 978-1-934852-13-2

**I. Week/Unit/Topic Basis:**

| <b>Week</b> | <b>Topic</b>   |
|-------------|--|
| 1           | History of bankruptcy and debtor relief (1.5 hours); role of paralegal aiding in bankruptcy practice (.5 hour); introduction to Bankruptcy Code (.5 hour); overview of Chapters 7, 11, 13 (.5 hour)                          |
| 2           | Filing a bankruptcy petition (1 hour); voluntary v. involuntary debtor (.5 hour); debt counseling; jurisdiction, local rules (.5 hour); automatic stay and relief from automatic stay (.5 hour); motions (5 hour)            |
| 3           | Who may file for bankruptcy protection (1.5 hours); UCC-1 property and deductions (.5hour); liens (1.0 hour)   |
| 4           | Chapter 7: employment and compensation of professionals rendering bankruptcy services, fines and penalties (1.5 hours); 341 creditors' meeting and examination (.5 hour); reaffirmation, conversion and dismissal (1.0 hour) |

- 5 Federal and state exemptions, “fresh start” (2.0 hours); objections (1.0 hour)
- 6 Players in Bankruptcy system: U. S. Trustee, examiners, creditor committees, tax appraisers, trustees; duties (1 hour); Automatic stay: what is and what is not subject to stay, duration, motion for relief (2.0 hours)
7. Dischargeability of individual debts, adversary proceedings, complaints (1.5 hours); objecting to a discharge (1.5 hours)
- 8 Estate property, burden of proof (1.5 hours); trustee’s avoiding powers: preferences (1.5 hours)
- 9 Liquidating estate property (1.0 hours); Claims: filing proofs of claim, secured, unsecured creditors (.5 hour); Statement of Intention, redemption, distribution (.5 hour); bankruptcy administration timeline (1.0 hour)
- 10 Chapter 13: liquidation and reorganization (1.0 hour); dismissal or conversion (1.0 hour); confirmation hearings and conditions; feasibility, cramdown, discharge (1.0 hour)
- 11 Chapter 11: business reorganization (1.0 hour); documents and deadlines (1.5 hours); Chapter 12: family farmer reorganization (.5 hour)
- 12 Bankruptcy Courts, jurisdiction (1.5 hours); core and noncore proceedings, removal, appeal, jury trial (1.5 hours)
- 13 Statements and Schedules: Bottomline hypothetical in Chapter 7 (1.5 hours); Means Testing: Form 22 (1.5 hours)
- 14 Electronic filing: CM/ECF, hardware and software (1.0 hour); traditional and internet research (1.0 hour); future role of paralegals (1.0 hour)
- 15 FINAL EXAMINATION

## **II. Course Goals\*:**

The course will:

- A. Expand student understanding of legal ethics. I, III, IV
- B. Develop awareness of basic legal principles when assisting an attorney with debt collection, debtor/creditor matters, and bankruptcy cases. I, II, III, V
- C. Foster the ability of students to conduct effective factual and legal research when assisting with bankruptcy cases. III, V
- D. Build skills to prepare basic forms and documents used in collection and bankruptcy cases. II, III, IV, V
- E. Enhance student understanding of bankruptcy terminology. I, II, III, IV

\*Roman numerals after course objectives reference goals of the Paralegal Studies program.

## **III. Expected Student Learning Outcomes\*:**

The student will be able to:

1. Demonstrate a complete and thorough understanding of legal ethics. (A)
2. Identify the parties involved in a bankruptcy. (B,E)
3. Define and properly use basic bankruptcy terminology. (B,C,D,E)
4. Explain the differences between the major chapters under which bankruptcies are filed. (B,C,D)
5. Describe the process followed in filing a bankruptcy. (B,C,D)
6. Complete the forms used in a bankruptcy. (B,C,D)
7. Communicate effectively and appropriately with bankruptcy clients, creditors and trustees. (B,C,E)
8. Gather relevant factual data for bankruptcy cases from clients. (C,E)
9. Research substantive bankruptcy questions. (C,E)
10. Distinguish between secured and unsecured debts. (B,C,D)
11. Apply UCC Article 9 to determine priority in secured transactions. (B,C,D)
12. Explain how to perfect a security interest. (B,C,D)
13. Identify debtor's and creditor's concerns. (B,C,D)
14. Identify the procedures and practices of the Bankruptcy Court. (B,D)
15. Draft collection letters to comply with the Fair Debt Collection Practices Act. (D,E)
16. Prepare General Sessions warrants for collections. (D,E)
17. Prepare Affidavit on Sworn Account. (D,E)

\* Capital letters after Expected Student Learning Outcomes reference the course goals listed above.

#### **IV. Evaluation:**

##### A. Testing Procedures:

Students are evaluated primarily on the basis of tests.

##### B. Laboratory Expectations:

N/A

##### C. Field Work:

Students will complete several out-of-class skills projects. These may include:

- Checklists and other forms
- Bankruptcy petition
- Bankruptcy schedules
- Collections documents

#### D. Other Evaluation Methods:

- Class participation, group work, and homework will also comprise the final grade for the course. The instructor will provide full details the first week of class via a syllabus supplement.
- All tests and papers will be graded for spelling and English usage in addition to content and format.
- Any student encountering academic difficulty during the term is strongly encouraged to meet with the instructor to discuss options and solutions.

#### E. Grading Scale:

|    |              |
|----|--------------|
| A  | 93-100       |
| B+ | 88- 92       |
| B  | 83- 87       |
| C+ | 78- 82       |
| C  | 73- 77       |
| D  | 65- 72       |
| F  | 64 and below |

### V. Policies:

#### A. Attendance Policy:

Pellissippi State expects students to attend all scheduled instructional activities. As a minimum, students in all courses (excluding distance learning courses) must be present for at least 75 percent of their scheduled class and laboratory meetings in order to receive credit for the course. Individual departments/programs/disciplines, with the approval of the vice president of the Learning Division, may have requirements that are more stringent. In very specific circumstances, an appeal of the policy may be addressed to the head of the department in which the course was taken. If further action is warranted, the appeal may be addressed to the vice president of the Learning Division.

#### B. Academic Dishonesty:

Academic misconduct committed either directly or indirectly by an individual or group is subject to disciplinary action. Prohibited activities include but are not limited to the following practices:

- Cheating, including but not limited to unauthorized assistance from material, people, or devices when taking a test, quiz, or examination; writing papers or reports; solving problems; or completing academic assignments.
- Plagiarism, including but not limited to paraphrasing, summarizing, or directly quoting published or unpublished work of another person, including online or computerized services, without proper documentation of the original source.
- Purchasing or otherwise obtaining prewritten essays, research papers, or materials prepared by another person or agency that sells term papers or other academic materials to be presented as one's own work.

- Taking an exam for another student.
- Providing others with information and/or answers regarding exams, quizzes, homework or other classroom assignments unless explicitly authorized by the instructor.
- Any of the above occurring within the Web or distance learning environment.

C. Accommodation for Disabilities:

Students who need accommodations because of a disability, have emergency medical information to share, or need special arrangements in case the building must be evacuated should inform the instructor immediately, privately after class or in her or his office. Students must present a current accommodation plan from a staff member in Services for Students with Disabilities (SSWD) in order to receive accommodations in this course. Services for Students with Disabilities may be contacted by going to Goins 127, 132, 134, 135, 131 or by phone: 539-7153 or TTY 694-6429. More information is available at [www.pstcc.edu/departments/swd/](http://www.pstcc.edu/departments/swd/).

D. Other Policies:

Late Work:

Late papers will not be accepted nor will make-up tests be given without specific approval of the instructor.

Computer Usage Guidelines:

College-owned or –operated computing resources are provided for use by students of Pellissippi State. All students are responsible for the usage of Pellissippi State’s computing resources in an effective, efficient, ethical and lawful manner.