

UCLA Extension

Business, Management,
and Legal Programs

UCLA EXTENSION

**PARALEGAL
TRAINING PROGRAM**

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WINTER 2009
LITIGATION/CORPORATIONS

BANKRUPTCY LAW

INSTRUCTOR:

DAVID JORDAN

MATERIALS DEVELOPED BY:

LORRAINE ANDERSON & BRIAN DAVIDOFF

DATES:

5/15/2009, 5/18, 5/19, 5/20



BANKRUPTCY LAW	
YOU WILL LEARN ABOUT THE CHARACTERISTICS OF BANKRUPTCY, STATUES AND CODES THAT GOVERN BANKRUPTCY PROCEEDINGS, TYPES OF BANKRUPTCY, FILING FOR BANKRUPTCY PROCEDURES, AND THE ROLE OF THE PARALEGAL IN BANKRUPTCY PRACTICE.	
DATES:	5/15/2009, 5/18, 5/19, 5/20
HOURS:	8:45 – 11:45 AM
ROOM:	G33E
TOTAL CLOCK HOURS:	4 SESSIONS, 12 HOURS

DAVID JORDAN	
INSTRUCTOR INFORMATION	
EMAIL:	
PHONE:	
OFFICE HOURS:	BY APPOINTMENT

BOOK REQUIREMENTS: None, Custom Materials Provided

READING REQUIREMENTS:

- Selected Bankruptcy Statutes and Rules, provided to students
- Glossary and bankruptcy definitions shorthand, provided
- Federal Bankruptcy Forms, provided
- Sample filed Petition, provided
- U.S. Trustee Program Means Testing Information, provided
- U.S. Trustee Bankruptcy Petition Preparer Guidelines, provided
- List of California Exemptions, provided

COURSE OBJECTIVES: Litigation / Corporation Program Participants will:

- 1) Acquire understanding of basic Bankruptcy vocabulary, i.e. terms of art, and an introduction to the concepts upon which they are based;
- 2) Learn to use the statutory bankruptcy timeline;
- 3) Be aware of the tasks you would be expected to perform in a Bankruptcy practice:
 - 95% - interview clients who wishing for bankruptcy protection, collect information, and prepare petitions for filing, understanding the ethical requirements of counsel
 - 5% - prepare creditor forms for:
 - a) Relief from stay
 - b) Adversary proceeding (mini-trials within bankruptcy case)

- c) Requests for adequate protection for secured creditor
- d) Foreclosures
- e) Evictions

INSTRUCTIONAL METHODS: Lecture, class writing project, open forum for questions and clarification of concepts, and usage of written material for learning to help clients or attorneys who serve them, 25 question multi-choice quiz.

GRADING POLICY:

- A written assignment will be due on the fourth day of class, September 14, 2009, but as 1/4 of the class is taught the last class, assignments are acceptable for full credit until September 21, 2009 --- 45% of grade
- A final open book, open notes quiz of multiple-choice questions will be given on the fourth day of class, September 14, 2009 - 50%
- Participation - 5 % of grade
- Grade(s) of zero will be assigned for an omitted assignment or quiz, as is applicable.
- Student Behavior involving cheating, copying other's work, and plagiarism is not tolerated and will result in disciplinary action. Students are responsible for being familiar with the information on Student Conduct in the General Information Section of the UCLA Extension Catalog or on the website at www.uclaextension.edu.
- Students are expected to be on time and should be familiar with PTP policy concerning attendance. Students are reminded attendance in class is critical to their success in the program and as a professional. Excused absences are granted only in cases of medical emergencies or similar circumstances and will be handled on an individual basis by the PTP Representative and/or Program Director. At that time, the instructor must rewrite a quiz for the student, or vary the writing assignment.

ADDITIONAL RECOMMENDATIONS: to succeed in this course:

This is a demanding course that will move rapidly through all aspects of the bankruptcy practice. Successful completion of the course will require both extensive memorization of the nomenclature and vocabulary necessary for an understanding of bankruptcy practice as well as the development of a conceptual understanding of the origins, mechanisms, and interactions of the parties, forms, codes, and rules. Plan to spend 2-3 hours of studying for every hour of lecture.

Here are five suggestions to help you get the most out of this course (adapted from notes by Dr. L. Profant):

1. **Read the assigned Codes, Rules, and Materials before class.** Come to class prepared to assimilate new perspectives on the reading material and to ask questions about topics that remain unclear after the lecture. There will always be an opportunity to participate in class by asking or answering questions. Don't be afraid to take part in this give-and-take.
2. **Attend every lecture and take written notes.** Make a point of flagging anything you do not understand so that these can be clarified by re-reading the text, by consulting with your classmates, or by discussion with the instructor.
3. **Study regularly and without distractions.** It is now clear from Seymore Benzer's work on fruit flies that cramming is not nearly as effective a way to learn as is studying

in smaller chunks and is regular intervals. This applies to humans as well - and we have the benefit of a hippocampus! One of the reasons the exams are cumulative is to encourage long-term learning rather than a cram-and-forget strategy.

4. **Study with a partner or in a group.** Active learning, in which you generate statements, questions, and explanations, is much more effective than passive learning-listening or reading only. Besides, it's more fun.
5. **Review your lecture notes.** If you find it useful, re-write them in summary form or on flash cards for later re-review.

CLASSROOM POLICY:

Student Behavior involving cheating, copying other's work, and plagiarism is not tolerated and will result in disciplinary action. Students are responsible for being familiar with the information on Student Conduct in the General Information Section of the UCLA Extension Catalog or on the website at www.uclaextension.edu.

Students are expected to be on time and should be familiar with PTP policy concerning attendance. Students are reminded attendance in class is critical to their success in the program and as a professional. Excused absences are granted only in cases of medical emergencies or similar circumstances and will be handled on an individual basis by the PTP Representative and/or Program Director.

COURSE OUTLINE:

First Session

1. Basic Concepts (1.0 hr)
 - a. Purpose of and Characteristics of bankruptcy
 - b. Bankruptcy Abuse Prevention and Consumer Protection Act of 2005
 - c. The players in different bankruptcy cases
 - d. Types of debt
2. Pre-petition Planning (0.5 hr)
3. The Case (0.25 hr)
Created by filing of petition
4. Different Chapters available (0.25 hr)
Chapter 7
Chapter 11
Chapter 13
5. Basic Definitions- Sections 101 and 102 (0.25 hr)
6. Voluntary/Involuntary petitions Section 301 and 303
Joint cases Section 302 (0.25 hr)
7. Eligibility for Bankruptcy Section 109 (0.25 hr)
8. Role of the paralegal (0.25 hr)
Bankruptcy petition preparer- Section 110
Limits on compensation, function performed

Second Session

1. Important Bankruptcy Code Sections
 - a. Meeting of creditors Section 341 (0.25 hr)
What does it apply to
What does it not apply to
Relief from stay
 - b. Automatic Stay Section 362 (0.4 hr)
 - c. Use of the estate Section 363, 364 (0.2 hr)
 - d. Creditors (0.5 hr)
Allowance of claims Section 502
Secured Section 506
Priority Section 507, 503
General unsecured
 - e. Executory Contracts Section 365 (0.25 hr)
Assumption
Rejection
 - f. Exemptions Section 522 (0.5 hr)

g. Discharge	Section 727 Section 1328	(0.5 hr)
Exception to dischargeability	Section 523	
Exception to discharge	Section 727(d)	
h. Reaffirmations	Section 524	(0.2 hr)
i. Employment of professionals	Section 327, 328 FRBP 2014	(0.2 hr)

Third Session

1.	<u>Collection of Information</u> Schedules Meeting of creditors Rule 2004 examination US Trustee filings	Section 341 (a)	(0.5 hr)
2.	<u>Bankruptcy Procedure</u> a. The "case" Created by a petition b. Adversary Proceedings How initiated Applicability of FRBP c. Motions and Contested Matters How initiated Applicability of FRBP d. Motions for Relief from Stay e. Objections to claims f. Concealment of Assets	FRBP 7001 (liquidation)	(1.3 hr)
3.	<u>Bankruptcy Jurisdiction</u>	28 USC §1334	(0.2 hr)
4.	<u>Review of Sample Chapter 7 petition</u>		(1.0 hr)

Fourth Session

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|----|---------------------------------------|--------------------|-----------|
| 1. | <u>Preferences</u> | Section 547 | (0.2 hr) |
| 2. | <u>Fraudulent transfers</u> | Section 548, 544 | (0.3 hr) |
| 3. | <u>Chapter 13</u> | | (0.5 hr) |
| | Eligibility | Section 109 | |
| | Overview of procedure - flow chart | | |
| | Chapter 13 plan | Section 1322, 1326 | |
| 4. | <u>Chapter 11 issues</u> | | (0.5 hr) |
| 5. | <u>Questions</u> | | (0.4 hr) |
| 6. | <u>Quiz</u> (last hour-plus of class) | | (1.1 +/-) |

Instructor will stay for any student taking longer for quiz.



GRADING REMINDER:

Reminders:

- All assignments and quizzes are graded on a scale of 1 to 5, with 5 being highest.
- Grade(s) of zero will be received for an omitted assignment or missed quiz, as is applicable.

Activity	Session	Date
Written Assignment due by:	4	5/20/2009
Quiz (25 multiple-choice questions) administered during:	4	5/20/2009