

**SAN DIEGO COMMUNITY COLLEGE DISTRICT
CITY, AND MIRAMAR COLLEGES
ASSOCIATE DEGREE COURSE OUTLINE**

SECTION I**SUBJECT AREA AND COURSE NUMBER:** Legal Assistant 160**COURSE TITLE:** Bankruptcy Law**Units: 3**
Grade Only**CATALOG COURSE DESCRIPTION:**

This course is a specialty elective in the Legal Assistant program that focuses on bankruptcy law and procedures. It covers commencement of a case, preparing of schedules, operating and liquidating procedures, adversary matters and litigation in bankruptcy court, and debtors' and creditors' rights and obligations.

REQUISITES:**Advisory: Completion of or concurrent enrollment in:**

LEGL 105 with a grade of "C" or better, or equivalent

or

LEGL 110 with a grade of "C" or better, or equivalent

Limitation on Enrollment:

This course is not open to students with previous credit for BUSE 265: Bankruptcy Law

FIELD TRIP REQUIREMENTS: May be required**TRANSFER APPLICABILITY:** Associate Degree Credit & transfer to CSU and/or private colleges and universities**TOTAL LECTURE HOURS:** 48 - 54**TOTAL LAB HOURS:****STUDENT LEARNING OBJECTIVES:**

Upon successful completion of the course the student will be able to:

1. Prepare and file petitions, schedules, and budgets for Chapters 7 and 13 bankruptcy
2. Draft notice of Motion, supporting declarations
3. Formulate and document legal notification of all "parties in interest" including all creditors
4. List creditor rights and responsibility
5. Identify statute provisions for debtor exemptions
6. Employ legal research techniques to locate supporting case law found in bankruptcy court calendar deadlines
7. Locate websites for obtaining bankruptcy court information and legal forms.
8. Diagram the process of navigating an action through litigation.

SECTION II

1. COURSE OUTLINE AND SCOPE:

A. Outline Of Topics:

The following topics are included in the framework of the course but are not intended as limits on content. The order of presentation and relative emphasis will vary with each instructor.

- I. Nature of Bankruptcy
 - A. History of bankruptcy
 - B. Amendments to bankruptcy laws
 - C. Researching bankruptcy laws
 1. United States Code and other government sources
 2. Searching bankruptcy websites
 - D. Litigation procedures in bankruptcy and the proper court
 1. Article I judges vs. Article III judges
 2. Motion action vs. complaint action
- II. Parties to the bankruptcy action
 - A. Who qualifies as a debtor in bankruptcy
 - B. Creditor qualifications and designations
 - C. Court staff
- III. Federal rules and official forms
 - A. Local rules for 9th circuit
 - B. District court rules for filing actions
 - C. How to prepare official forms for bankruptcy
- IV. What are the creditors' claims and interest in bankruptcy
 - A. Filing claims for secured claims
 - B. Filing claims for priority claims
 - C. Filing claims for unsecured claims
- V. Interviewing clients
 - A. What they must know to collect appropriate paperwork
 - B. List of things you never do or say to a bankruptcy client
- VI. The first meeting of creditors
 - A. Examination of the debtor
 - B. Election of a trustee or a creditor's committee
- VII. Voluntary and Involuntary Petitions
 - A. Who qualifies as involuntary petitioner
 - B. Paperwork necessary to start action
- VIII. Motions and Complaints
 - A. The automatic stay injunction
 - B. Motions by debtor and creditor
 - C. Complaints filed by a creditor for litigation
- IX. Discharge in Bankruptcy
 - A. Chapter 7 discharge hearing
 - B. Chapter 13 payments under the plan

B. Writing Assignments:

Writing assignments are required and may include, but are not limited to, the following:

- I. 1. Preparing petition and related schedules relating to bankruptcy
- II. 2. Formulating wage earner plans, motions, and pleadings for a bankruptcy case
- III. 3. Responding to essay examinations.

C. Reading Assignments:

Reading assignments are required and may include but, are not limited to, the following:

- I. 1. Assigned textbook and study guide
- II. 2. Reviews of filed bankruptcy cases and case law
- III. 3. Supplemental readings in the bankruptcy field from other printed or electronic sources
- IV. 4. Readings from bankruptcy code books.

D. Appropriate Assignments that Demonstrate Critical Thinking:

Critical thinking assignments are required and may include, but are not limited to, the following:

- I. 1. Analyzing bankruptcy related cases to current facts.
- II. 2. Preparing bankruptcy forms for filing.
- III. 3. Cross-referencing bankruptcy forms.
- IV. 4. Assembling final bankruptcy project.

E. Appropriate Outside Assignments:

Outside assignments may include, but are not limited to, the following:

- I. 1. Researching bankruptcy projects in the law library
- II. 2. Visiting the federal court
- III. 3. Attending a first meeting of creditors to a bankruptcy hearing.

2. METHODS OF EVALUATION:

A student's grade will be based on multiple measures of performance unless the course requires no grade. Multiple measures may include, but are not limited to, the following:

- I. Essay examinations Semester research project that diagrams the process of a bankruptcy action through litigation Out-of-class writing assignments that tests application of technical terminology and bankruptcy law Participation in group activities Oral presentations on various bankruptcy procedures.

3. METHODS OF INSTRUCTION:

Methods of instruction may include, but are not limited to, the following:

- * Lecture
- * Lecture Discussion
- * Computer Assisted Instruction
- * Discussion Seminar
- * Audio-Visual
- * Collaborative Learning
- * Distance Education
- * Distance Education

4. REQUIRED TEXTS AND SUPPLIES:

Textbooks may include, but are not limited to:

TEXTBOOKS:

- 1. Epstein. Debtor-Creditor law in a Nutshell, 4th ed. West Publ. Co., 1991,
- 2. Frey. Introduction to Bankruptcy Law, 3 ed. West Publ. Co., 1999, ISBN: 031409377X

MANUALS:

PERIODICALS:

SOFTWARE:

SUPPLIES:

- 1. Chapter 7 bankruptcy forms on disk

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