

**Tompkins Cortland Community College**  
**Master Course Syllabus**

**Course Discipline and Number: PARC 226**  
**Course Title: Bankruptcy**

**Year: 2021-2022**  
**Credit Hours: 3**

**Attendance Policy:** *To maintain good grades, regular attendance in class is necessary. Absence from class is considered a serious matter and absence never excuses a student from class work. It is the responsibility of all instructors to distribute reasonable attendance policies in writing during the first week of class. Students are required to comply with the attendance policy set by each of their instructors. Students are not penalized if they are unable to attend classes or participate in exams on particular days because of religious beliefs, in accordance with Chapter 161, Section 224-a of the Education Law of the State of New York. Students who plan to be absent from classroom activity for religious reasons should discuss the absence in advance with their instructors. See college catalog for more information.*

**Services for Students with Disabilities:** *It is the College's policy to provide, on an individual basis, appropriate academic adjustments for students with disabilities, which may affect their ability to fully participate in program or course activities or to meet course requirements. Students with disabilities should contact the Coordinator of Access and Equity Services, to discuss their particular need for accommodations. All course materials are available in alternate formats upon request.*

### **Course Description**

Topics covered are terminology, US Bankruptcy Code, fact and case analysis, pleadings and documents, procedures and remedies, bankruptcy petition and plan preparation, debtor and creditor rights and remedies, consumer protection, fraudulent conveyances, preferences, stays, reorganization plans, ethics, and policy considerations in the development of statutory and decisional law on these topics. Students become familiar with the common forms and pleadings used. Although the course is general, the primary focus is on the applicable New York and federal laws and practices. Students acquire an understanding of the similarities and differences in federal bankruptcy practice in New York and other jurisdictions. Prerequisites: ENGL 101; MATH 090 and RDNG 116 if required by placement testing; C or better grade in BUAD 201, PARC 101, and PARC 130. 3 Cr. (3 Lec.) Occasionally.

### **Course Context/Audience**

This course is an elective course for the second semester of the Post-Bachelor's Paralegal Certificate. It is generally taken after completion of PARC 101 Introduction to Paralegalism, PARC 130 Legal Research and Drafting and BUAD 201 Business Law I.

This course teaches the theory and practice of bankruptcy deemed necessary for a paralegal in a law office or other law environment.

Further, this course may be of interest to anyone with an interest in legal procedure including pre-law students, court clerks, county clerks, paralegals, legal secretaries and the like.

### **Basic Skills/Entry Level Expectations**

**Writing:** WC College level writing skills are required. See course co-requisites or pre-requisites.

**Math:** M2 Completed MATH 090 (if needed) - Course requires only the use of basic mathematical skills.

**Reading:** R4 Before taking this course, students must satisfactorily complete RDNG 116 or have assessment indicating that no reading course was required.

### Course Goals

In reaching the goals of this course, the student should develop an ability to address a simple bankruptcy matter from start to finish; to gather information and to draft, complete and file necessary documents and forms. In addition, each student should develop an ability to recognize legal problems; to distinguish between routine problems and those which require the direct attention of a lawyer; to distinguish between relevant and irrelevant information in legal problem situations; to apply legal concepts and rules to both familiar and unfamiliar situations; to communicate legal concepts and procedures in clear and concise written form; and to critically analyze other legal information.

### Course Objectives/Topics

Objective/Topic	% Course
Overview-- federal law, chapters/types of bankruptcy, how bankruptcy effects collections and foreclosures, origins and development, trends.	10%
Invoking Bankruptcy Relief- overview	8%
Jurisdiction and Procedure	8%
Property of the Estate	8%
Client interview and Case analysis--focus on Chapters 7 and 13	8%
Preparation of Petition and schedule-s--Ch 7 and 13--including budgets, plan. exemptions-identification of priority, secured, unsecured debt; identification of exceptions to discharge.	8%
Automatic Stay--definition, order, response Reaffirmation Agreements Other- motions,-vacate judgments, liens Discharge ability issues--draft complaint and answer-contrast federal rules and procedure with state practice.	8%
Role of the Bankruptcy Trustee--additional pleadings objections to exemptions, approval of sale Other topics-- Creditor's representatives, non-attorney petition preparers.	8%
Payment of Claims	8%
Exemptions	8%
Discharge- Process	8%
Reorganization Under Chapter 11	10%

### General Education Goals - Critical Thinking & Social/Global Awareness

CRITICAL THINKING OUTCOMES	HOW DOES THE COURSE ADDRESS THE OUTCOMES (Include required or recommended instructional resources, strategies, learning activities, assignments, etc., that must or could be used to address the goal/outcomes)
<p>Students will be able to</p> <ul style="list-style-type: none"> <li>➤ develop meaningful questions to address problems or issues.</li> <li>➤ gather, interpret, and evaluate relevant sources of information.</li> <li>➤ reach informed conclusions and solutions.</li> <li>➤ consider analytically the viewpoints of self and others.</li> </ul>	<p>Students will learn to critically read and digest legal information from various legal authority and secondary materials, and will develop legal research and drafting skills that require the acquisition, understanding, and application of legal knowledge as it relates to Bankruptcy, Collections and Foreclosure.</p>
SOCIAL/GLOBAL AWARENESS OUTCOMES	HOW DOES THE COURSE ADDRESS THE OUTCOMES

	(Include required or recommended instructional resources, strategies, learning activities, assignments, etc., that must or could be used to address the goal/outcomes)
<ul style="list-style-type: none"> <li>➤ Students will begin to understand how their lives are shaped by the complex world in which they live.</li> <li>➤ Students will understand that their actions have social, economic and environmental consequences.</li> </ul>	Students will become more aware of social issues by reviewing legal issues while conducting legal research throughout the semester with a focus on a deeper understanding of bankruptcy, foreclosure, and collection law.

### Instructional Methods

Methods to teach this class include written lecture, reading assignments, which include reading materials in the class, from the text and from outside sources, and weekly assignments and periodic exams.

Assignments are a mix of assignments from the texts, legal memos and drafting pleadings and documents. Actual forms are required to be drafted and found by students.

Weekly discussions are conducted throughout the semester.

### Methods of Assessment/Evaluation

Method	% Course Grade
Weekly assignments, including document preparation (typically best 10 of 12)	60%
Participation in module discussions, Current Events discussions, asking questions, and other Web interaction	10%
Exams	30%

### Text(s)

Basic Bankruptcy Law for Paralegals (w/CD), Buchbinder, 8th Edition, © 2011, Aspen Publishers, ISBN: 9780735507869

### Bibliography

Jacqueline Varma, Bankruptcy Desk Reference, Integrated Code and Rules, Shepard's McGraw Hill

Anderson, Bankruptcy for Paralegals, Prentice Hall

Buchbinder, Basic Bankruptcy for Paralegals, Little & Brown, 2nd Edition

Statsky, Wernet, CASE ANALYSIS and FUNDAMENTALS of LEGAL WRITING, West

Brand, White, LEGAL WRITING, The STRATEGY OF PERSUASION, St. Marin's Press

Block, EFFECTIVE LEGAL WRITING, Foundation Press

Charrow and Erhardt, CLEAR and EFFECTIVE LEGAL WRITING, Little and Brown

### Other Learning Resources

<b>Audiovisual</b> No resources specified
<b>Electronic</b> No resources specified
<b>Other</b> Internet, Westlaw and LEXIS