

XAD-Bankruptcy

Spring 2018

Syllabus

OVERVIEW: Bankruptcy is a two-credit course which meets Thursdays from 3:35 p.m. to 5:15 p.m. First class is January 11, 2018.

CONTENT: This course will provide an overview and introduction to consumer bankruptcy law. The course will introduce students to the various types of bankruptcy relief available under Title 11 of the United State Code. This course will cover fundamental bankruptcy concepts including choice of chapter, the bankruptcy estate, claims of creditors, the automatic stay provision, and the discharge order. Students will engage in practical exercises aimed at teaching students to make choice of chapter decisions through a mock client intake interview. Based on the information gathered in the mock interview, students will prepare a bankruptcy petition using the Federal Bankruptcy forms. Students will also be introduced to motion practice in bankruptcy court and be given an opportunity to prepare and argue a motion before the District of Vermont Bankruptcy Judge.

LEARNING OUTCOMES: At the end of this course students should be able to:

1. Distinguish between Chapter 7, 11, 12, and 13 of the United States Bankruptcy Code.
2. Describe the automatic stay and discharge provisions of the United States Bankruptcy Code.
3. Understand and identify property of the bankruptcy estate and how the bankruptcy estate is created.
4. Understand how creditors recover from the debtor's bankruptcy estate through the proof of claims process.
5. Understand, identify, and apply federal and state bankruptcy exemptions.
6. Demonstrate an ability to conduct a client intake interview including the ability to identify issues that may inform the choice of chapter decision making process.
7. Demonstrate an ability to draft and argue a motion in bankruptcy court.

TWEN SITE: There is a TWEN site for this course. Students are required to register for the site. Materials and assignments will be posted via TWEN.

GRADES: There is no final exam for this course. Grades will be determined by students' performance in the class apportioned as follows:

Class Participation:	25%
Client Intake Interview and Petition Preparation:	25%
Preparation and Argument of Motion:	30%
Exercise Assignments:	20%

TEXTS AND OTHER MATERIALS: Text and materials for this class will be available through the TWEN site. Students will use materials prepared by Chapter 13 Trustee, Jan Sensenich. The course materials will be supplemented by postings to the TWEN site as the course develops.

SCHEDULE: Please see below for a schedule of classes and topics.

ATTENDANCE: Students are expected to attend all classes except in the case of illness or family emergency. Every student will be allowed ONE (1) unexcused absence which may be used for interviews, conferences, personal business, etc., so long as you provide notice of your intended absence.

CONTACT INFORMATION: I can be reached by email at don@hayeslawvt.com or by telephone at 802-565-1905. I am available for conferences on request.

Class	Date	Topic	Outcome	Assignment/Deliverable
1	1/11/2018	History and Overview of the Bankruptcy Code; Introduction to Consumer Bankruptcy	Develop a basic understanding of the origins of the bankruptcy code; develop a basic understanding of the foundational principals surrounding the bankruptcy.	Read and be prepared to discuss Chapters 1, 2, and 15
2	1/18/2018	Foundational Bankruptcy Concepts: Creation of the Bankruptcy Estate	Expand on foundational principals to develop a basic understanding of how the bankruptcy code is applied.	Read and be prepared to discuss Chapter 3
3	1/25/2018	Foundational Bankruptcy Concepts (con't); Claims, Automatic Stay, Discharge	Expand on foundational principals to develop a basic understanding of how the bankruptcy code is applied.	Read and be prepared to discuss Chapters 4, 5, and 6; Review Proof of Claim; Review Notice of Chapter 7 Case
4	2/1/2018	Distinguishing Between Chapter 7 and Chapter 13: Introduction to Choice of Chapter Analysis; Exemptions; Liquidation Analysis	Develop a basic understanding of the difference between Chapter 7 and Chapter 13 relief; develop a basis understanding of how to apply exemptions; develop a basic understanding of liquidation analysis.	Review CH13 Supplement; Review discussion on Exemptions in Chapter 3; Read Section 522(d) of the Code; Read 12 VSA Section 2740 and 27 VSA Section 101; Read and be prepared to discuss Chapters 11 and 12
5	2/8/2018	Distinguishing Between Chapter 7 and Chapter 13 (con't); Introduction to the Bankruptcy Petition; Introduction to the Client Interview	Expand on basic understanding of the difference between Chapter 7 and Chapter 13 relief; introduction to the Bankruptcy Petition; introduction to client interview.	Review Sample Chapter 7 Petition; Read and be prepared to discuss Interviewing the Bankruptcy Client. Group Assignment: Work on Developing a client interview questionnaire
6	2/15/2018	Introduction to the Client Interview	Develop a basic understanding of how to issue spot in a client interview; review client intake	Group Assignment DUE: Draft client interview questionnaire

			questionnaires.	
7	2/22/2018	Client Interview (con't);	Refine client intake questionnaires; develop a basic understanding of how to conduct a client intake interview.	Group Assignment DUE: Final client interview questionnaires; Team Assignment: Conduct Client Interview, Prepare Petition
8	3/1/2018	Petition Preparation; Introduction to Bankruptcy Motion Practice; Introduce Motion Assignment	Develop a basic understanding of how to prepare a bankruptcy petition; develop a basic understanding of motion practice in bankruptcy court.	Review Sample Chapter 7 Petition; Read and be prepared to discuss Chapter 17; Review Sample Motions. Team Assignment: Conduct Client Interview, Prepare Petition
	3/8/2018	SPRING BREAK		Team Assignment: Conduct Client Interview, Prepare Petition
9	3/15/2018	Review Client Interviews;	Provide feedback and critique on client intake interviews	Team Assignments DUE: Draft Bankruptcy Petition
10	3/22/2018	Review Petitions; Introduction to Bankruptcy Motion Practice (con't)	Further knowledge of petition preparation; develop a basic understanding of how motion practice works in bankruptcy court.	Review Draft Petitions; Review Sample Motions
11	3/29/2018	Motion Practice (con't); Conversion	Develop a basic understanding of motion practice.	Read and be prepared to discuss Chapter 15. Draft Motion DUE
12	4/5/2018	Motion Practice (con't); Practice Oral Arguments	FINAL DUE	FINAL Motion DUE
13	4/12/2018	Dischargeability Issues and Famous Bankrupts	Develop further understanding of dischargeability issues	
14	4/20/2018	ORAL ARGUMENTS		
15	4/26/2018	Evaluation and Conclusion		