

PARL 362: Syllabus

Commercial Law

Fall 2009

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Office Hours: 1:00 to 2:30 pm, T/R

Lecture: Library 214

Time: T/R, 11:30 am to 12:45 pm

Catalog Description

Commercial law constitutes a study of the paralegal's role in a commercial practice with emphasis on such topics as contracts, remedies, bankruptcy, business formation and organization.

COURSE PREREQUISITE: Introduction to Law, PARL 101.

COURSE OBJECTIVES:

This course is intended to provide the student with:

- detailed knowledge regarding general debtor-creditor relationships established by contract, quasi-contract and operation of law;
- a practical understanding of bankruptcy filings under Chapters 7, 11 and 13 of the U.S. Bankruptcy Code;
- the ability to draft statements, schedules and properly notice bankruptcy court papers;
- the ability to research U.S. bankruptcy law
- a complete understanding of the roles of bankruptcy case participants;

- the ability to identify objections to discharge, avoidance powers, and liquidation issues in bankruptcy cases.
- the ability to apply a “means test” in an individual bankruptcy case.

TEXTS:

D. Buchbinder & R. Cooper, Basic Bankruptcy Law for Paralegals
Required.

Pocket Edition of the U.S. Bankruptcy Code: Optional

BLACKBOARD SITE:

The URL for the portal to Blackboard is:

<http://technology.uaa.alaska.edu/blackboard>. If you haven't been there previously, that means you haven't had the prerequisite to this course and should withdraw. You must have the ability to use Blackboard to succeed in this course. If it has been a problem for you in the past, you are strongly urged to take a training course through IT Services. Information about these training sessions is available on the page linked above.

System problems have been known to occur. When the system is down, system administrators normally post that fact on the main Blackboard page. Your questions or comments about the system should be directed to the IT Services' Help Desk at 786-4646.

COURSE REQUIREMENTS:

You are required to demonstrate specific competencies at the conclusion of Commercial Law to complete the course with a passing grade. Students must demonstrate the ability to:

- Read and complete all assignments in advance of the class period for which they are due.
- Draft bankruptcy schedules and statements, motions and adversary complaints
- Conduct “means test” analysis for Chapter 7 filings
- Prepare an accurate set of schedules/statements for a specific individual

In addition, through examinations students will be required to demonstrate firm understanding of commercial law concepts: executory contracts, liens, fraudulent transactions, contract avoidance, preferential transfers, statutory exemptions.

Each week, students are expected to read the assigned text, the Bankruptcy Code or Rules referenced in the text, and check to Blackboard in advance of the class. Assignments are due at the start of class on the date indicated and are normally required to be submitted via Blackboard’s Assignment feature. No late assignments will be accepted¹. Students are **also expected to participate in class and to demonstrate respect for one another when they do so.**

¹ Professor Kelley’s policy on late assignments mirrors that of trial court’s practice on late filings. This means that *if you’re going to be late and you anticipate that*, you should submit a written request for extension of time to submit your assignment. The key thing is to submit your request before the original assignment is due, and to submit it just as if it were the real assignment. *If you can’t ask permission for a late filing*, then you’ll have to ask for permission after the fact. Don’t submit the homework. Submit the request, with a full explanation for why she should accept it. There are no guarantees that late work will be accepted. In fact, if it’s not based on some emergency that can be proven, it’s unlikely that it will. In pre-trial practice, it is easier to ask permission than forgiveness. ***Remember That!***

Also, students are required to comply with the University's stated policies on academic honesty. In this course, there will be group assignments as well as individual assignments. When an individual assignment is given, that means each student does individual work. Collaborative work on individual assignments will result in zero points for all participants. Any student uncertain whether an assignment is individual or collaborative should contact Prof. Kelley, check the Assignments page on Blackboard, post a question on the Discussion Board or find another way to ascertain a reliable answer. Do not assume; seek verification.

Finally, students are expected to adhere to the Alaska Rules of Professional Responsibility. At a 300-level course in the program, paralegal students should have familiarity with the professional ethics associated with the practice of law. Remember that you are not qualified to give anyone legal advice.

GRADING:

Exams:	40%
Exam 1	20%
Exam 2	20%
Assignments:	60%
Stay Relief	10%
Discharge	15%
Means Test	10%
Ch. 7 Filing	25%

ASSESSMENT:

As you can see, this course is more heavily weighted toward your written work than toward your ability to perform well on any examination. The two examinations in this course rely heavily on bankruptcy concepts rather than direct memorization of the Bankruptcy Code and Rules. These exams will be closed book, closed note exams. To the extent that you will be required to restate basic information found in the rules or code, it will be information that is constantly used by a commercial law paralegal in a bankruptcy practice and should be committed to memory. These are terms like: R.2004 exam; §341 hearing, “notice & hearing”. .

Regarding the assignments, you will be drafting – just once – documents that advance a civil case toward resolution. At least one of these assignments, the CBR Project, is a group assignment. I understand that group work generally is loathsome to students, yet it occurs frequently in a litigation practice. You will have to accept that and adapt to it. The CBR Project will be done as a class, with the work reported out in the form of a special blog on the topic, and is a part of the community engagement portion of the course.

Grading will be based on the A-F scale set forth in the UAA Catalog. An A is emblematic of extraordinary work. Prof. Kelley fervently hopes you all earn an A.

COURSE SCHEDULE:

Date	Assignment	Topic
8/25	None	Introduction to Course
8/27	Text: Chapter 1	History of Bankruptcy The Recession of 2009
9/1	Text: Chapter 2	Bankruptcy Code as Amended
9/3	Text: Chapter 3	Bankruptcy Petitions
9/8		NO CLASS
9/10	Text: Chapter 4, 6	Bankruptcy Code Sections Common to All Chapter Filings. Definitions
9/15		Who May File a Petition?

9/17	Text: Chapter 5	Individual Debtors' Choices
9/22	Text: Chapter 5	Means Testing
9/24	Text: Chapter 22 Complete Mean Testing Worksheet per Bb Instructions.	Means Testing Work Session
9/29	Exam Preparation	Exam 1
10/1	Text: Chapter 7	Chapter 7 Cases
10/6		Individuals in Chapter 7
10/8		Enterprises in Chapter 7
10/13	Text: Chapter 8	Early Exit in Chapter 7 Conversions, Dismissals
10/15	Text: Chapter 9	Exemptions Alaska Practice
10/20	Text: Chapter 9	Exemptions Workshop
10/22	Text: Chapter 10	Key Case Participants: Trustees, Creditors Committees, Secured Creditors
10/27		Trustee Work: Where the Action Is
10/29	Exam Preparation	Exam 2
11/3	Text: Chapter 11	Automatic Stay in Bankruptcy
11/5	Written Assignment 1 – Prepare Motion for Relief from Stay in Chapter 7 Due: 11/12/09	Obtaining Stay Relief
11/10	Text: Chapter 12	Discharge Debts Surviving Discharge Denial of Discharge
11/12	Written Assignment 2 – Prepare Objection to Discharge Due: 11/19/09	Working Session: Objections to Discharge
11/17	Text: Chapter 13	The Bankruptcy Estate Property of the Estate Recovering Estate Property
11/19	Text: Chapter 14	Avoidance Powers

11/24	Text: Chapter 15	Liquidation
11/26		Thanksgiving Holiday, No Class
12/1	Text: Chapter 17	Wage Earner Reorganization Cases, Chapter 13
12/3	Text: Chapter 18	Reorganization under Chapter 11
12/10	Final Assignment Complete Ch. 7 Filing Due in Lieu of Final Exam	4 PM Deadline No Exeptions

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Academic Dishonesty

Academic integrity is a basic principle that requires that you take credit only for ideas and efforts that are your own. Cheating, plagiarism, and other forms of academic dishonesty are defined as the submission of materials in assignments, exams, or other academic work which is based on sources prohibited by the faculty member.

In this course, your writing assignments are **individual efforts**. You are required to read and analyze select cases, and then to summarize those cases in a prescribed format **in your own words**. Changing a few words from the text of the court's decision is a form of plagiarism. Changing a few words from the text of a classmate's submission is also plagiarism. If you submit an assignment that is plagiarized, it will result in a grade of zero for the assignment. If you take the time to read and understand the cases, you should be able to put the analysis in your own words. If you do not understand the limits of what plagiarism is and what is not, see Professor Kelley for additional instructions.

Cheating on exams will result in a grade of zero for that exam.

Campus Safety

We care about your safety on campus. While relatively safe, our campus is NOT a sanctuary from crime, and accidents occur no matter how hard we try to prevent them. You are encouraged to be responsible for your own safety, and to bring safety concerns to the attention of UAA faculty or staff, or to contact Campus Police at 876-1120 when you observe an unsafe environment. For your own safety, please also take the time to locate the nearest exit and emergency telephone when you are in campus buildings.

Finally

This syllabus is a kind of implied contract between Prof. Kelley and you. She intends to deliver what is promised here, based on the expectation that you will do the same by meeting her requirements. However, every class has its unique features and pace based on student population. Therefore, Prof. Kelley reserves the right to make changes to this syllabus in her discretion, in the best interests of student success. Such changes will be posted on Blackboard at the first available opportunity to provide you with adequate notice. Suggestions for changes from students are welcome, and will be considered. Decisions regarding implementation of such changes, however, rest with Professor Kelley.

