
Preface to Abridged Edition

This book has evolved from a need to develop a nuts-and-bolts description of the bankruptcy system written to be understood by nonlawyers.

Our primary intent has been to design this text as a basic primer for legal assistants or paralegal students to help them grasp the practical aspects of representing debtors or creditors within the bankruptcy system. To meet this challenge, we have explained practice and theory together in as concise a format as possible. We have chosen this approach because practice is almost always dictated by underlying theory, and it is easier to learn a practice when one has been provided with the basic theory behind it.

This Abridged Edition of *Basic Bankruptcy Law for Paralegals* reflects the many thoughtful comments of paralegal instructors and students from all over the country, some of whom have gone to exceptional effort to make sure their thoughts were heard, to enhance the practical nature of the text, and to further simplify the subtleties and nuances of the Bankruptcy Code and system. This edition focuses primarily upon consumer bankruptcy in that the vast majority of bankruptcy cases are consumer Chapter 7 or Chapter 13 cases. The primarily business material has been significantly edited to provide just enough material to expose a consumer practitioner to terms and concepts since they occasionally do appear in consumer practice. The Abridged Edition contains some new features as well, such as the Practice Pointers and Practice Exercises.

Paralegals are invaluable in the bankruptcy system. Under proper legal supervision, paralegals can efficiently perform various tasks for clients at a substantial savings. Because much of bankruptcy practice is routine, presenting these routines and the reasons for them will help a paralegal be properly prepared to assist in a debtor or creditor bankruptcy practice. The introduction describes the role of paralegals in the bankruptcy system. The student should read the introduction twice, once at the beginning of the course and again at the end. In this way, the material will act as both an introduction and final review of the course.

It has not been our intent to analyze the complex subtleties of the Bankruptcy Code and its attendant case law interpretation, but rather to describe the routine events that occur in all bankruptcy proceedings, events that normally occur without dispute or litigation. These events account for a majority of

bankruptcy practice, much of which is not problematic. Thus, law students and nonbankruptcy attorneys may also find this text a useful reference tool for finding answers to common bankruptcy questions.

For example, by reading chapter 4 of the Abridged Edition, the forms accompanying chapter 4 in the Forms Manual, and Appendix 1, any student or practitioner can quickly learn the basic principles of providing notices to documents and timing involved, and receive some guidance as to the existence of applicable local rules in a given district.

Our philosophical goal in undertaking this work has been to describe the Bankruptcy Code as a comprehensive system of debtor relief and debt system. We are honored to have been given the opportunity to evolve the original work from the laboratory of actual use.

Upon completing this undertaking we have reached the inescapable conclusion that the Bankruptcy Code exists first and foremost as a tool of debt collection and not of debtor relief. Conversely, the debtor relief afforded by the Bankruptcy Code has been among the most liberal such relief ever provided in the evolution of bankruptcy laws in Western civilization. The 2005 legislation will be perceived by many to restrict debtor relief while enhancing the debt collection aspects of the Code. This edition has also been prepared with the secondary purpose of aiding creditor representatives in understanding how the bankruptcy system may be properly utilized as a debt collection device to increase overall recovery rates. We are optimistic that having described the Bankruptcy Code in this manner we may aid, however slightly, in enhancing the efficiency of the system.

Finally, we hope you find the text useful and practical as the teaching device it is intended to be.

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