

PARALEGAL EXAM SPECIFICATIONS FOR BANKRUPTCY LAW

PURPOSE OF THE EXAM. The purpose of the certification exam is to require an applicant to demonstrate substantial knowledge of significant legal concepts and corresponding paralegal skills in bankruptcy law.

EXAM FORMAT. The exam is 4 hours in length and is divided into two sessions. Part I consists of 3 essay questions with a total value of 150 points (50 points per essay). This portion of the exam requires the identification of critical or substantive issues and knowledge of procedures. Applicants will have 2-1/2 hours to complete Part I. Part II consists of 90 multiple-choice questions with a total point value of 90 points (1 point per question). Applicants will have 1-1/2 hours to complete Part II.

OVERALL KNOWLEDGE. An applicant in bankruptcy law is expected to understand the process by which individuals or businesses seek relief under the Bankruptcy Code, the application of homestead and exemption laws to the process, and the rights and obligations of creditors in the process. An applicant is expected to know some substantive law and statutory requirements for bankruptcy law and be able to practically apply legal concepts in the area and should be able to conduct factual analyses, identify issues, solve problems, evaluate cases and effectively communicate about bankruptcy law matters. A more detailed list of required knowledge is set out below.

ESSAY QUESTIONS. Essay questions consist of a fact pattern followed by a series of questions (usually 4-6) for an applicant to answer. Essays are designed to require an applicant to recognize and analyze issues in the fact pattern and explain how those issues should be resolved. The fact patterns will involve situations you would likely encounter in your work as a paralegal. Applicants should make sure to provide the specific information each question asks for and to communicate as clearly as possible. An organized, clearly written answer using complete sentences will almost always receive a higher score than a choppy, disorganized one. In order to pass the exam, applicants must be able to clearly express answers in a manner that would be persuasive to the decision-maker in a case.

MULTIPLE CHOICE QUESTIONS. These questions are designed to test a breadth of issues in the specialty area and require an applicant to select the **best** available answer option.

REQUIRED KNOWLEDGE, SKILLS AND ABILITIES. The knowledge, skills and abilities required of a bankruptcy law applicant are set out below.

NOTE: NOT ALL TOPICS LISTED BELOW WILL BE COVERED ON ANY GIVEN EXAM. APPLICANTS WILL BE TESTED ON RULES AND LAWS IN EFFECT AT THE TIME OF THE EXAM UNLESS OTHERWISE SPECIFIED.

- A. From the Debtor's Perspective
 - 1. Attorney Compensation Disclosure Requirements
 - 2. Pay Advice Requirements
 - 3. Tax Return Filing Requirements
 - 4. Social Security Number Requirements
 - 5. Credit Counseling Requirements
 - 6. Exemptions
 - 7. Money in Bank Accounts
 - 8. Real Property
 - 9. Personal Property
 - 10. Chapter 7, Chapter 9, Chapter 11, Chapter 12, Chapter 13
 - 11. Preference Issues and Actions

12. Good Faith vs. Abusive Filings
 13. Chapters 12 and 13 Plans and Confirmation Requirements
 14. Small Chapter 11 Plans
 15. Cramdown
 16. Cash Collateral
 17. Automatic Stay issues (including the refiling of a bankruptcy case)
 18. Removal and Remand
 19. Reaffirmations
 20. Co-debtors and Guarantors
 21. Appeals, general
 22. B22 Requirements
 23. Chapter 7, 11 and 13 Discharge Standards and Issues
 24. 11 USC § 526
 25. Executory Contracts
 26. Pre-Bankruptcy Due Diligence Research
- B. From the Creditor's Perspective
1. Claim Filing Procedures, Claim Actions
 2. Objection to Dischargeability Actions
 3. Objection to Confirmation Actions
 4. Adversary Proceedings – Types, Code Sections
 5. Chapter 7, Chapter 9, Chapter 11, Chapter 12, Chapter 13
 6. Objections to Discharge
- C. From the Trustee's Perspective
1. Duties as Fiduciary
 2. Estate Administration, Estate Liquidation
 3. Estate Assets
 4. Ethical Issues
 5. Chapter 7, Chapter 9, Chapter 11, Chapter 12, Chapter 13
 6. Conversion
 7. Adversary Proceedings – Types, Code Sections
 8. Retention of Professions
 9. Priorities
- D. Unauthorized Practice of Law
1. Bankruptcy Petition Preparation
- E. Title 18

STUDY MATERIALS. There is not an exam preparatory course provided by the TBLS. Past exams are not available for review.

SCORING/RESULTS. TBLS has not predetermined the passing score. An applicant's score from Part I and Part II will be added together to determine the applicant's overall performance. Examination credits will be given for accuracy, clarity, brevity, reasoning, recognition of problems presented, knowledge of the principles of law involved and a correct application of those principles. Grades are established by using a variation of the bell curve, which measures an applicant's performance in relation to other applicants' performance. Exam results are mailed in late December. Due to the confidentiality of our applicants, exam results are not available over the phone or on the web site.