

# **The *DeLano* Case**

a hands-on, role-playing,  
fraud investigative and expository course  
for law, journalism, and business  
school students

**WITH**  
**A SYLLABUS**

setting forth  
the work for the Classroom and  
the Organization of the Public Presentation  
for each of a semester's 15 weeks

[http://Judicial-Discipline-Reform.org/DeLano\\_course/14Law/5DrCordero\\_syllabus.pdf](http://Judicial-Discipline-Reform.org/DeLano_course/14Law/5DrCordero_syllabus.pdf)

by

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# **A. Presentation to the Dean, the Faculty, and the Students of The *DeLano* Case**

a hands-on, role-playing  
fraud investigation and expository course  
for law, journalism, and business school students

**Objectives of the oral presentation.** It is to show how the students can benefit personally, academically, and professionally from the course. *DeLano* is one of 12 related federal cases dealing with a subject that will affect them, their employers, and clients for years to come: financial fraud that leads to bankruptcy fraud. This case has made it from the bankruptcy, to the district, to the circuit court, and is now pending before the U.S. Supreme Court. Along that journey, it has revealed such fraud compounded by precisely those charged with the duty to combat fraud and uphold legality, i.e., insiders of the bankruptcy and legal systems involved in a bankruptcy fraud scheme.

**Takeaway concepts.** Academically the students will benefit from a course that will teach concepts and how to use them to handle documents in the state in which they will find those that they will work with out there in the real world: The key course documents are a selection from the vast *DeLano* record; thus, they are raw and disjoint by comparison with a textbook and in need to be processed and pieced together critically to create a picture that accurately and reliably reflects the situation to which they refer. Some of the concepts and techniques necessary to vet and synthesize them into a statement of facts will be illustrated at the presentation, such as:

1. dynamic analysis of conflicting and harmonious interests that undermine or reinforce objectives
  2. skeptical analysis of a text by an author who uses declared interests to protect hidden ones
  3. mosaic building of declared and hidden realities by piecing together bits of information
  4. “Plutonic” thinking to profile what must exist given the characteristics of what is known to exist
  5. boomerang use of the author’s statements to impeach his credibility or hold him to his word
  6. salami slicing to establish a progression or reasoning by extremes to leap to a logical conclusion
- These concepts are integrated into a system for critical and methodical thinking. Students will be able to apply them in all their classes, on any job, and in analyzing every situation of their lives where the observant, analytical, and synthesizing skills of an educated mind are needed.

**Illustration of the students' own presentation.** The author's presentation will also illustrate the other component of the *DeLano* Case course, one that will equally benefit students academically and professionally and can also offer them an inspiring prospect: the organization of their own public presentation in the university auditorium of their findings and conclusions from their study of *DeLano*. Students will realize that depending on their ingenuity, hard work, and persuasiveness they can attract influential decision-makers from the university as well as the business and government communities in order to enhance their audience's understanding of the institutional underpinnings of fraud and the operation of a fraud scheme. On that basis, they will set forth their recommendations for effective action to expose and punish fraudsters and protect their victims. Hence, students are likely to recognize the course as a special means for them to render a significant service in the interest of the public, who bears the material and moral cost of fraud. By the time they do that, they will have gained the invaluable, hands-on, school clinic-like experience of cooperating in a simulated corporate environment and proceeding in a step by step methodic way to put on a first rate public event, which will serve them well when entering a tight job market. The presentation will also be an opportunity for the dean, the faculty, and the students to assess Dr. Cordero's capacity to teach the course at their schools and the usefulness of his course materials.

**Making presentation or teaching arrangements.** To arrange for Dr. Cordero to make an oral presentation to your faculty and students of the *DeLano* case or the course based on it; to interview him to teach the course at your university or school; or to purchase the materials and instructions for a member of your faculty to teach it there, please contact Dr. Cordero.

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A. The DeLanos' bankruptcy petition.....D:23  
B. The DeLanos' IRS 1040 forms for 2001-03 .....D:186  
C. Mortgage record submitted by the DeLanos' attorney to  
the Chapter 13 trustee.....D:478-491  
D. The trustee's Report to the bankruptcy judge..... Add:937  
E. Table of the DeLanos' income, mortgages, and credit card  
borrowing ..... SApp:1654

## **B. Course Description**

### **The *DeLano* Case**

#### **A hands-on, role-playing fraud investigation and expository course for law, journalism, and accounting school students**

*DeLano* is a case that went from a U.S. bankruptcy court to the Supreme Court and dealt with top national concerns: Financial fraud, its sources, impact, and measures to combat it. Part of a cluster of federal cases that originated in 2001, it has produced a wealth of documents.

In this course, you and your classmates will analyze some of those documents to answer the questions that creditors and investors, your ‘clients’, asked when they hired you as consultants: Has fraud been committed and, if so, how does it operate and who is involved? So the course is structured as a role-playing exercise where you will team up in small consulting firms that will be pitted against each other to earn their fee from the toughest of clients: their classmates. The latter will play your clients when your firm professionally presents to them in oral and written reports its findings, conclusions, and recommendations expressed in proper English and concisely, logically organized and supported by an easily understandable display of large amounts of data to achieve its goal: to persuade the clients to adopt the firm’s views and proposed course of action.

Underpinning those course objectives is the development of the ability to perform dynamic analysis of interests and skeptical text analysis. The former requires you to identify what debtors, creditors, trustees, judges, and lawyers want and do not want and how each party may or may not satisfy its interests because of the other parties’ interests. So you must be skeptical of their written or transcribed statements because their declared reality may mask the hidden real interests that they want to advance. Hence you must read case documents critically to ascertain where the parties’ statements lie along the true-false continuum, for you will not be reading the textbook of an expert, reasonably assumed to be knowledgeable and truthful. Thus you need to engage in mosaic building: use your common sense, knowledge, and logic to identify scattered and seemingly unimportant bits of information as potentially relevant; determine their suspiciousness, plausibility, and internal consistency and external congruity; and integrate them into a coherent theory that explains events at the declared and hidden parallel planes of reality.

A demanding course<sup>1</sup>, it will develop analytical and synthesizing skills that you can apply whenever you need to reason methodically while paying keen attention to detail, pierce appearances to reach the substance, and express your findings convincingly. It will also teach you to work to high professional standards in a simulated corporate environment, using electronic means of communication to coordinate activities on a tight schedule with the members in your ‘department’ as well as the other departments of a large consulting company organizing an extraordinary event.

Fun in itself and apt to have a significant impact on your personal and professional life, it will be the organization and presentation of The *DeLano* Case in your auditorium. You will enlighten your audience about the insidiousness of financial fraud and recommend measures to combat it. A presentation in the public interest!, and yours too, for you will address not only all other students and faculty in your university, but also the representatives of the law, media, and accounting firms, judges, and others that you and your classmates would like to turn into your employers and clients...a job interview the size of a job fair where you will showcase your superior knowledge and skills and stand out as the best candidate thanks to having taken this course.

## C. The Salient Facts of The *DeLano* Case

**Will the students find them on their own and draw the same conclusions?**

*DeLano* is a federal bankruptcy fraud case. As part of 12 such cases, it reveals fraud conducted through coordinated wrongdoing that is so egregious as to betray overconfidence born of a long standing practice: Fraud has been organized into a [bankruptcy fraud scheme](#). This case was commenced by a bankruptcy petition filed with Schedules A-J and a Statement of Financial Affairs on January 27, 2004, by the DeLano couple. (04-20280, WBNY) Mr. DeLano, however, is a most unlikely candidate for bankruptcy, for at the time of filing he was already a 39-year veteran of the banking and financing industry and was and continued to be employed by M&T Bank precisely as a bankruptcy officer. He and his wife, a Xerox technician, declared:

1. that they had in cash and on account only \$535 (D:31)<sup>1</sup>, although they had declared that their monthly excess income was \$1,940 (D:45); and in the FA Statement (D:47) and their 1040 IRS forms (D:186) that they had earned \$291,470 in just the three years prior to their filing;
2. that their only real property was their home (D:30), bought in 1975 (D:342) and appraised in November 2003 at \$98,500, as to which their mortgage was still \$77,084 and their equity only \$21,416 (D:30)...after making mortgage payments for 30 years! and receiving during that period at least \$382,187...through a string of [eight](#)<sup>2</sup> mortgages! (D:341) *Mind-boggling!*
3. that they owed \$98,092 –spread thinly over 18 credit cards (D:38)- while they valued their household goods at only \$2,810 (D:31), less than 1% of their earnings in the previous three years! Even couples in urban ghettos end up with goods in their homes of greater value after having accumulated them over their worklives of more than 30 years.
4. Theirs is one of the trustee's [3,907 open](#) cases and their lawyer's [525](#) before the same judge.

These facts show that this was a scheming bankruptcy system insider offloading 78% of his and his wife's debts (D:59) in preparation for traveling light into a golden retirement. They felt confident that they could make such incongruous, implausible, and suspicious declarations in the schedules and that neither the other co-schemers would discharge their duty nor the creditors exercise their right to require that bankrupts prove their petition's good faith by providing supporting documents. Moreover, they had spread their debts thinly enough among their 20 institutional creditors (D:38) to ensure that the latter would find a write-off more cost-effective than litigation to challenge their petition. So they assumed that the sole individual creditor, who in addition lives hundreds of miles from the court, would not be able to afford to challenge their good faith either. But he did! The Creditor analyzed their petition and documents and estimated that the DeLano Debtors had concealed assets worth at least [\\$673,657!](#)

The Creditor requested that the DeLanos produce documents as obviously pertinent to prove the good faith of a debtors' bankruptcy petition as their bank account statements. Yet the trustee, whose role is to protect the creditors' interests, tried to prevent the Creditor from even meeting with the DeLanos. After the latter denied [every single document](#) requested by the Creditor, he moved for orders of production. Contrary to their duty to determine whether the Debtors had engaged in bankruptcy fraud by concealing assets, the [bankruptcy judge](#), the [district judge](#), and the [Court of Appeals](#) also denied him [every single document](#) requested. Then [they](#) eliminated him by disallowing his claim in a [sham evidentiary hearing](#). Revealing how incriminating these documents are, to oppose their production the DeLanos, with the trustee's recommendation and the bankruptcy judge's approval, have been allowed to pay their lawyers [\\$27,953](#) in legal fees... although they had declared only \$535 in cash and on account! To date \$673,657 is still unaccounted for. [Where did it go](#) and for whose benefit? How many of the trustee's [3,907 open](#) cases have unaccounted for assets? How big is the scheme and how far up does it [reach](#)? [[US:2442§IX](#)]

## D. Bionote

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Dr. Richard Cordero holds a Ph.D. in law from the University of Cambridge in England, where his doctoral thesis dealt with the legal and technical aspects of creating a banking system spanning the European Union. He also holds a law degree from La Sorbonne in Paris, where he concentrated on monetary regulation and financial integration in the Union. Likewise, he earned an MBA from the University of Michigan, where he emphasized the study of the new technologies of telecommunications and the use of computer networks. He worked researching and writing analytical annotations on federal business regulatory law as a member of the editorial staff of Lawyers Cooperative Publishing. He is a member of the bar of the State of New York.

For the past seven years, Dr. Cordero has prosecuted a cluster of federal bankruptcy cases, which he has appealed from the U.S. Bankruptcy Court, WBNY, to the U.S. District Court, WDNY, to the U.S. Court of Appeals for the 2<sup>nd</sup> Circuit, CA2, and to the Supreme Court of the United States, where *DeLano*, the cluster's representative case, is now pending.

He has discovered, gathered, and analyzed considerable evidence that underpins his current academic and law-related activities, i.e., to demonstrate to the players in the legal system and the public at large that the integrity of our judicial system has been fundamentally undermined by the federal judges' disregard of their duty to process according to law misconduct and disability complaints that any person may file against any of them under the Judicial Conduct and Disability Act<sup>1</sup>, which established the statutory system of judicial self-discipline.

Those complaints are serious, for they are classified by the judges themselves under categories such as conflict of interests, bribery, corruption, abuse of judicial power, bias, prejudice, incompetence, neglect, undue decisional delay, or mental or physical disability that prevents the discharge of all the duties of office.<sup>1</sup> Nevertheless, the judges' own statistics show that during the 12-year period 1996-2008, there were filed 9,140 complaints, but the judges had only 9 investigated by special committees and disciplined only 11 of their peers.<sup>1</sup> This proves that with no investigation and despite the seriousness of their allegations, the judges systematically dismissed 99.88% of all complaints against them! Through explicit or implicit coordination, they self-immunized from any discipline and assured their impunity to continue their wrongdoing.

Thereby the judges have turned cases before them into the riskless opportunity to wield with disregard for the law and the facts their vast power over people's property, liberty, and even life as the means of conducting their business. Deciding claims worth tens of billions of dollars annually and driven by two insidious corruptive motives, to gain money and avoid exclusion by peers, they have engaged in or tolerated a bankruptcy fraud scheme.<sup>1</sup> Dr. Cordero seeks to expose the fraud so that an outraged public may force Congress to enact judicial reform legislation.

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<sup>1</sup> [http://Judicial-Discipline-Reform.org/JNinfo/25Committee/2DrCordero-petition\\_25feb9.pdf](http://Judicial-Discipline-Reform.org/JNinfo/25Committee/2DrCordero-petition_25feb9.pdf)

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## **Work Experience and Education**

**RESEARCHER AND WRITER**, 1995-to date New York City, NY  
**LAWYERS COOPERATIVE PUBLISHING**, 1991-1993 Rochester, NY  
**THE UNIVERSITY OF CAMBRIDGE**, Ph.D. of the Faculty of Law, 1988 Cambridge, England  
**THE UNIVERSITY OF MICHIGAN**, MBA of the Business School, 1995 Ann Arbor, Michigan  
**LA SORBONNE**, French law degree of the Faculty of Law and Economics, 1982 Paris, France  
**BAR MEMBERSHIP**, lawyer admitted to the NY State Bar

## **Publications**

- ◆ Judicial Conference's Reforms Will Not Fix the Problem of Abusive Judges Who Go Undisciplined, Letter to the Ed., Nat.LawJ., March 3, 2008, <http://www.law.com/jsp/nlj/PubArticleNLJ.jsp?id=1204212424055>
- ◆ Brief in the Supreme Court, [http://Judicial-Discipline-Reform.org/docs/DrCordero\\_to\\_Justices\\_4aug8/.pdf](http://Judicial-Discipline-Reform.org/docs/DrCordero_to_Justices_4aug8/.pdf)
- ◆ Comments on the Revised Rules of the Committee on Judicial Conduct and Disability of the Judicial Conference of the U.S., [http://Judicial-Discipline-Reform.org/judicial\\_complaints/DrCordero\\_revised\\_rules.pdf](http://Judicial-Discipline-Reform.org/judicial_complaints/DrCordero_revised_rules.pdf)
- ◆ Competition Strategies Must Adapt to the Euro, 17 Amicus Curiae of the Institute of Advanced Legal Studies, London, 27 (May 1999)
- ◆ Why Business Executives in Third Countries and Non-participating Member States Should Pay Attention to the Euro, European Financial Services Law 140 (March 1999).
- ◆ Some Practical Consequences for Financial Management Brought About by the Euro, 5 European Financial Services Law 187 (1998).
- ◆ Impending Conversion to the Euro Prompts New Guidelines from the IRS, New York Law Journal, pg. 1, Friday, October 2, 1998.
- ◆ The Creation of a European Banking System: A study of its legal and technical aspects, Peter Lang, Inc., New York, XXXVI, 390 pp., 1990; this book earned a grant from the Commission of the European Communities and was reviewed very favorably in [32 Harvard International Law Journal 603 \(1991\)](#) and [24 New York University Journal of International Law and Politics 1019 \(1992\)](#).
- ◆ A Strict but Liberalizing Interpretation of EEC Treaty Articles 67(1) and 68(1) on Capital Movements, 2 Legal Issues of European Integration 39 (1989); article proposing a novel interpretation and application of European Communities provisions on capital movements.
- ◆ The Development of Video Dialtone Networks by Large Phone and Cable Companies and its Impact on their Small Counterparts, 1 Personal Technologies no. 2, 60 (Springer -Verlag London Ltd., 1997).
- ◆ Video Dialtone: Its Potential for Social Change, 15 Journal of Business Forecasting 16 (1996).
- ◆ Video Dialtone Network Architectures, by Richard Cordero and Jeffery Joles, 15 Journal of Business Forecasting 16 (Summer 1996)
- ◆ Availability of an Implied Right of Action under the Tender Offer Provisions of §14d-f of the Securities Exchange Act of 1934 (15 USCS §78n(d)-(f)), added to the Exchange Act by the Williams Act of 1968, and Rules Promulgated thereunder by the SEC, 120 ALR Federal 145.
- ◆ Venue Provisions of the National Bank Act (12 USCS §94) As Affected By Other Federal Venue Provisions and Doctrines, 111 ALR Federal 235.
- ◆ Construction and Application of the Right to Financial Privacy Act of 1978 (12 USCS §§ 3401-3422), 112 ALR Federal 295.
- ◆ Exemption or Immunity From Federal Antitrust Liability Under the McCarran-Ferguson Act (15 USCS §§1011-1013) and the State Action and Noerr-Pennington Doctrines for the Business of Insurance and Persons Engaged in It, 116 ALR Federal 163.
- ◆ Who May Maintain an Action Under §11(a) of the Securities Act of 1933 (15 USCS §77k (a)), in Connection With False or Misleading Registration Statements, 111 ALR Fed. 83.

# **E. Instructions for the Instructor for teaching The *DeLano* Case**

## **a Hands-on, Role Playing Course for Law, Journalism, and Accounting Students**

*DeLano* is a real life, on-going federal bankruptcy fraud case. It is the representative case of a cluster of 12 related cases that have been litigated at all levels of the federal judiciary since 2001. Along its progression from the bankruptcy, to the district, to the circuit court, and to the Supreme Court of the United States, where it is now pending on petition for a writ of certiorari, a wealth of documents has been produced. Some of these have been selected for students to conduct a series of activities to determine whether fraud through false financial statements and concealment of assets has been committed and, if so, how and by whom; and for an instructor to use as the instrument for developing specific academic and professional skills in the students. These instructions describe how to organize those activities and explain the nature of those skills and the process for their development.

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2. Students' permanent, course role
3. Teams of students forming consulting firms to provide legal, investigative journalism, and accounting advice
4. Educational objectives
5. Educational technique: Dynamic analysis of conflicting interests
6. Students' performance of the analysis
7. Example of the analysis
8. Students' transient, class roles
9. The bankruptcy petition as the first and key document to analyze
10. Method and objective of analyzing the bankruptcy petition
11. The petition's importance for the course's academic objectives
12. Reading to find the hidden reality behind the declared reality
13. Skeptical text analysis

14. 'Plutonic thinking' or the postulation of what should exist
15. From skepticism to a three dimensional presentation of information
16. Divide and integrate as a technique to understand a complex system
17. The Bankruptcy Code as a system and its disruption by the fraud scheme of coordinated wrongdoers
18. Mosaic building: from bits of information to the theory of the case
19. Progressive release of documents
20. Rewarding necessary, insightful, and timely questions of facts
21. The Statements of Facts as a script for the instructor
22. Analytical documents as a manual for the instructor
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23. The importance of the writing exercises
24. Writing exercises
25. Types of analyses
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  - B. Boomerang scrutiny
  - C. Broth reduction
  - D. Database creation
  - E. Visual display of analyses on tables, charts, and timelines
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27. Evaluating criteria applicable to written reports and oral presentations
28. Evaluating criteria for oral presentations
29. Business attire at presentations
30. Evaluation through the checklist of a payment form
31. Evaluation of written communications
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33. Final presentation before an audience
34. Use of the course materials
35. Suggestion for a follow up course
36. Table of Contents of Materials Reserved for the Instructor

## **F. Role-playing structure of the class**

1. Permanent roles
  - a. lawyers, investigative journalists, and accountants teamed in consulting firms
  - b. the clients that hired them to find out: Were they defrauded as creditors?; before investing in the bankrupt company, are the court and parties to the bankruptcy involved in fraud?
2. Transient roles:
  - a. debtor
  - b. institutional or individual creditor or investor
  - c. the private or U.S. trustee
  - d. the bankruptcy or appellate judge
  - e. the lawyer for a party
  - f. an interested party, as referred to by the Bankruptcy Code
  - g. an unrelated third party
  - h. an investigative authority, e.g., the FBI, a Congressional committee, and their state counterparts
  - i. a law enforcement authority, e.g. a DoJ U.S. attorney and a state district attorney
  - j. a member of Congress or of a state legislature

## **G. Documents for hands-on analysis**

1. A federal bankruptcy petition, publicly filed under oath, with its A-J Schedules and Statements
2. Briefs, motions, letters, court orders and decisions publicly filed in court
3. Public records in county clerks' offices and other government offices
4. The Bankruptcy Code, 11 U.S.C.
5. The Judicial Code, 28 U.S.C.
6. The Federal Rules of Bankruptcy Procedure, 28 U.S.C.
7. The Federal Rules of Civil Procedure, 28 U.S.C.
8. The Criminal Code, 18 U.S.C.
9. Code of Federal Regulations
10. Publications of the:
  - a. Administrative Office of the U.S. Courts
  - b. Federal Judicial Center

- c. Judicial Conference of the U.S.
- 11. Articles on Fraud and Forensic Accounting
- 12. Standards of ethical and investigative journalism:
  - a. The New York Times Statement on Integrity
  - b. Washington Post Standards and Ethics, February 17, 1999
  - c. Jim Lehrer’s Rules of Journalism
  - d. American Society of Newspaper Editors Statement of Principles
- 13. Articles written for the course on:
  - a. the structure of the federal judiciary
  - b. the operation of the bankruptcy system
  - c. critical reading for understanding between the lines and outside the paper
  - d. methodical thinking based on the scientific method
  - e. good writing that is grammatical correct and achieves stylistic elegance through unambiguous, accurate, concise, and meaningful expression and aims at eloquence and poetic beauty

## **H. Parts of a federal bankruptcy petition under Chapter 13**

### **Adjustment of debts of an individual with regular income**

Analyzed as two sets of conflicting interests:

**assets v. liabilities; and debtors v. creditors**

1. The notice of the meeting of creditors .....	D:23
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8. Disclosure of compensation of attorney for the debtor(s) .....	D:54
9. Verification of creditor matrix .....	D:55
a. Creditor address matrix.....	D:56
10. Chapter 13 Plan [debtor’s plan for debt repayment.....	D:59

## **I. Documents to be produced during the course**

1. Letters: in the nature of executive summaries
  - a. Letterhead with name, title, address, and qualifications or logo
  - b. Date
  - c. Complete name and address of the addressee and email to which sent or fax number to which faxed, and telephone number
  - d. Greeting with appropriate form of address
  - e. Subject or reference line
  - f. First paragraph:
    - i) recalls what has occurred before
    - ii) summarizes the letter, phone call, or other communication to which the letter is responding
    - iii) indicates the gist of the author’s position or response
  - f. Middle paragraphs sets forth:
    - i) reasonable arguments based on factual or documentary evidence
    - ii) summary of statements developed in accompanying document or exhibits
    - iii) references to:
      - (a) accompanying document containing detailed statements
      - (b) exhibits consisting of previously submitted documents or new supporting

materials

- g. Last paragraph with requests to the addressee that are:
  - i) concrete by stating the action to take, to what extent, when or by when, where
  - ii) clearly identified
    - (a) as entries in separate lines a of list
    - (b) series of clauses separated by numbers in bold in the same paragraph
- h. Signature on first page
- i. Page X of Y, particularly when a multipage letter is faxed
- j. Footer, particularly after the first page of a multipage letter, stating in abbreviated form:
  - i) sender's name
  - ii) date
  - iii) addressee's name and location, e.g., of a court or company branch
  - iv) subject matter

## 2. Reports

- a. Name of reporting entity
- b. Title that summarizes the nature of the report
  - i) if title is figurative, subtitle providing a literal statement of the report's nature
  - ii) subtitle that clarifies or defines more precisely the report's nature
- c. Typographical highlights: in title and paragraphs
- d. Introduction that summarizes the fundamental proposition of the report
- e. Headings that summarize the section(s) that each covers
- f. Numbered paragraphs
- g. Table of contents
- h. Different left and right footers
- i. Indented bulleted points and numbered lists
- j. Explanatory footnotes and referential endnotes
- k. Conclusion
  - i) recapitulates the essential points
  - ii) sets forth requests for action
  - iii) makes recommendations
- l. Table of exhibits:
  - i) with title identifying the main document, date and author
  - ii) exhibits summarized in descriptive entries

- iii) entries highlighting author, addressee, date and key terms of content
- iv) as a single list of numbered entries
- v) as a hierarchical list
  - (a) with headings identifying categories of exhibits
  - (b) indentation of attachments to main exhibits
  - (c) the main headings of key documents
- vi) with table of category headings to overview along table of exhibits
- vii) page numbers hyperlinked to a file containing the exhibits

### 3. Graphs to show, not tell

- a. title verbalizing the point illustrated by the graph
- b. columnar table with colors to set out columns, rows, or cells
- c. with axes and values either together with corresponding pictorial device inside the graph area or gathered outside the area in a legend table
- d. with legend and footnotes
- e. with links and link banks to sources and other supporting materials

## **J. Key Concepts**

### **1. Dynamic analysis of conflicting interests**

What each of the parties wants and does not want is identified and integrated into a system of opposite or harmonious forces, reconfigured by new and changing interests

### **2. Skeptical text analysis**

Documents represent the parties' declared reality of interests that covers their hidden reality of interests, both of which are matched up in a 3-D mosaic

### **3. "Plutonic" thinking**

Specific knowledge of the declared reality, general knowledge of what makes people tick and how the world turns, common sense, and logic to extrapolate from the declared reality and postulate what must exist in the hidden reality

### **4. Mosaic building with bits of information**

Gathering and integrating bits of scattered information into Plutonic profiles of parties, events, and dynamic systems of interests to portray declared and hidden realities

### **5. Boomerang use of a person's words**

Turning against him his inconsistencies, incongruities, and implausibilities to impeach his credibility or hold him to his declarations against self-interest

### **6. From salami slicing to reasoning by extremes**

Increasing values and adding elements that render a system more complex and describe a progression that reveals patterns and trends or system evaluation by leaping to its logical conclusion

### **7. Coordinated wrongdoing as institutionalized modus operandi**

Involvement in wrongful activity through active participation based on explicit agreements or reciprocal three-monkey passivity whereby everyone sees, hears, and says nothing concerning the others' wrongdoing on the expectation that they will return the same complicity

### **8. Confluence of causes**

Causes that individually are insufficient to have a given effect may nevertheless have it when their respective effective forces cumulate serially or simultaneously; their collective sufficiency can only be realized by integrating the bits of information about each of them.

### **9. To run the scene**

A static scene of objects and people are described individually in terms of their appearance and true nature—declared and hidden interests known or reasonably assumed—and then the dynamics of their relations is narrated to create a drama that explains how the event in question could have happened. This calls for tridimensionalizing each bit of information by describing its surface appearance of declared interests, postulating its internal composition of hidden interests, establishing how the appearance was able to cover the composition of motives and in turn was determined by it, and then explaining the process through which over time that bit of information came into being in the context of other bits of information and gave rise to a mosaic.

## **10. To structure a problem by outlining modules**

The description of a situation evokes the static, two-dimensional presentation of the elements composing a snapshot. By contrast, the statement of a problem assumes the subsequent search for a solution; it is inherently a dynamic process that calls for a tri-dimensional presentation. First the element of the problem must be described as they interact with each other on the visible surface of declared interests and the assumed background of hidden interests. A problem – which if worth dealing with at university level is a complex one- is hardly ever resolved by taking a single action, as if one unplugged a pool and its dirty water drained away.

Rather, a solution comes by dealing with one element or a cluster of related elements, whether serially or simultaneously with other individual elements or clusters thereof. Each attempt to deal with an element or a cluster is conceived of as a module that forms part of the total structure of the problem and its solution.

As one deals with a module, single concepts or a group of concepts forming an idea may come to mind. They are neither discarded as unrelated nor put in the back of the mind, where they run the risk of fading away, for by nature they are ethereal. Instead, they are jotted down as if they were a grocery list on which they take physical form; as relations are seen among elements, they are grouped under a heading expressing such relation; then the nature of their interrelation becomes ever more apparent, they are organized hierarchically in outlines of main and subsidiary entries. At the appropriate moment, each relation among the outlined elements of a module is developed into prose. Then the resulting module is integrated into the overall structure of the presentation of the problem and its solution.

## **11. The integration of a method of thinking**

From the empirical observation, academic learning, and historical knowledge of what makes a person tick and the world turn to strategizing how to deal with a complex situation.

## **12. Psychological manipulation through profiling for button pushing**

From what makes the world turn and a person tick to get to know a person so well as to be able to profile how he or she will react if a certain placed in a giving situation and a sensitive interest is put at stake, that is, the right button is pushed to cause the desired conduct.

## **K. Syllabus**

Outline of the week by week

**Classwork**

and

**Work of Organizing  
the Public Presentation of  
The *DeLano* Case**

v.3

based on a 15 week semester

and

illustrating the practical application of  
The Instructions for the Instructor

## **1<sup>st</sup> Week of Classwork**

1. Discussion of course objectives, structure, and rules
2. Introduction to dynamic analysis of conflicting interests, how such interests give rise to declared and hidden realities, and fraud as intentional distortion of reality to advance one's interests and safeguard them from conflicting ones
3. Overview of the bankruptcy system and the Bankruptcy Code
4. Discussion of the parts of a bankruptcy petition using the DeLanos' petition
5. Introduction to skeptical text analysis
  - a. Intrinsic consistency: compare among themselves the declarations in the DeLanos' petition for bankruptcy relief
  - b. Extrinsic congruity: compare their declarations with the rest of the world, including other writings and general knowledge of what makes people tick and how the world turns: Do the declarations make sense?
6. Form & substance: Elements of an analytical report & its evaluating criteria
7. Formation by teams of three to five students of their consulting firms to provide legal, investigative journalism, and accounting advice
8. Assignment to establish a baseline: The firms prepare a report on the petition using keen observation to detect bits of information, and general knowledge, common sense and logic to integrate them into mosaics of realities

## **2<sup>nd</sup> Week of Classwork**

1. Discussion of the formal elements of a professional presentation
2. Presentation of firms' reports & composition of best of reports' elements report
3. List of questions that Investigative Journalists (IJ) would want to pursue
4. Extrinsic congruity
  - a. Who are the DeLanos? From facts to a socio/psychological profile
  - b. Proximate causes of people's and the DeLanos' bankruptcy
  - c. What corrective and preventive action could they have taken to avoid it?
  - d. Timeline of debt accumulation: What were debtors & creditors thinking?!
5. Elements & method of professional letter (re)writing...revising, letting it sit,...
6. Assignment: The firms request information, i.e. answers and documents, depositions, and interviews necessary to ascertain the petition's good faith

### **3<sup>rd</sup> Week of Classwork**

1. The system of peer evaluation and the use of points
2. Firms' presentation of their information requests
3. Clients critique the firms' presentation
  - a. clarity of expression: proper use of language
  - b. precision that avoids ambiguity: X is requested, but Y is produced
  - c. conciseness: go to the point
  - d. usefulness of the information for the intended purpose
  - e. appearance and delivery that inspires confidence & retains attention
4. Composition of model request and integration of information into a system
5. Legal, practical, and ethical differences between depositions & interview
6. Identification and role of the players in the bankruptcy system
  - a. The role of the U.S. trustee and the appointed panel trustee
  - b. The judge's role: former power to appoint trustees v. current power to approve her recommendations and remove her for cause as trustee
7. Assignment: Identify and prepare to discuss the key bankruptcy concepts

### **4<sup>th</sup> Week of Classwork**

1. Listening, observing, classifying, conceptualizing, static system building, interests as drivers of dynamic model, reconfigured after exit/entry of elements
2. Bankruptcy Code as a dynamic system of conflicting & harmonious interests
  - a. Key concepts as conflicting interests: assets v liabilities; debts v claims
  - b. Actors: debtors v creditors; lawyers, trustees, & court officers as insiders
  - c. Life-cycle events: petition filing, approval, discharge, revocation, appeal
4. The use and development of information presentation devices
  - a. to organize and present at a glance large amounts of information
  - b. to discover and present relations and patterns
  - c. types: hierarchical lists, tables, charts, graphics, clip-art, animations
  - d. incremental display: from the schematic to the whole picture
5. Assignment: Make a graphic of the bankruptcy system's concepts, actors, and life-cycle events and display it in a slide show or with a flip chart

## **5<sup>th</sup> Week of Classwork**

1. Charting to organize the known and guide the discovery of the unknown
2. Presentation of the firms' graphics and composition of a model graphic
3. Model graphic that identifies breakdown of a dynamic system due to:
  - a. inchoate development v. overwhelming complexity
  - b. lack of training, incompetence, imperfect transmission of information, ambiguity, failure to foresee consequences, fraud
  - c. slackening controls: overconfidence in honesty & machine performance
4. Analysis of the process by which systems grow in complexity
  - a. addition of tasks and more extensive and deeper coverage
  - b. who controls the controllers?
  - c. fail-proof system v. complexity that bogs down its operation
5. Murphy's law: system failure, known accident, act of God, the unforeseen
6. Plutonic thinking: unknown variables, reasonable assumptions, value ranges
7. Practice: Sue wants to earn money selling lemonade to ride the rollercoaster
8. Assignment: Build a system with objectives, people, internal processes and external interactions using only general knowledge, common sense, and logic

## **6<sup>th</sup> Week of Classwork**

1. Presentation of firms' systems and their evaluation in light of their objectives, cost/effectiveness, checks and balances, risks/rewards ratio, novelty
2. Categories and types of elements of dynamic systems
  - a. driving interests: need, desires, fame, principles, ego, obsession, tradition
  - b. measuring elements: of performance, capacity utilization, waste
  - c. control: to detect, prevent, remedy malfunctions, & learn from experience
3. Undermining in-, outside interests: benefit from system exploitation/defeat
4. The dynamics of corruption in a functional network
  - a. development of friendship, belongingness and interdependability
  - b. material gains, the benefits of camaraderie and moral IOUs
  - c. treason, exclusion, pariah status and material and moral loss
5. Assignment: As per the allotted role, prepare a statement of interests to be distributed before, and defended at, the meeting of creditors

## **7<sup>th</sup> Week of Classwork**

1. Enactment of the meeting of creditors: one partly eaten pie of assets and too many liabilities to finish it off
  - a. dynamic play of conflicting and consonant interests
2. Scope and purpose of discovery upon the debtors
  - a. the instructor uses his materials as the ultimate source of facts
  - b. non-contradicting facts can be made up if not contained in the documents
  - c. to point out inaccuracies, incongruities, implausibilities, and lies by comparing information in documents and made up
3. Assignment: Draw up and send a request for information:
  - a. from parties other than the DeLanos
  - b. with statement of justification and intended benefit

## **8<sup>th</sup> Week of Classwork**

1. Comparison of requests for documents and documents produced
2. Model request for documents
  - a. Plutonic thinking used to postulate the occurrence of events and the existence of documents and data and request their production
3. Mosaics of declared and hidden realities built with seemingly unimportant and unrelated bits of information scattered over many documents
4. Analysis of the Equifax credit reports on the DeLanos
5. Assignment: Prepare a comparative table of the DeLanos' financial data
  - a. collect data from various documents and present it in one
  - b. annotate it with factual and evaluative comments
  - c. draw the timeline of data and debt production to show patterns and trends

## **9<sup>th</sup> Week of Classwork**

1. Presentation of the annotated comparative tables
2. Model table that draws on the best features of the other tables:
  - a. data most useful to establish the petition's good faith or fraud
  - b. annotations most insightful, accurate, and clearly expressed
  - c. graphical aspects most helpful to the understanding of data
3. Lists of the types of information derived from the analysis of data
4. Mortgages' purpose, actors, cost, life-cycle events, expectations
  - a. Plutonic thinking applied to the DeLanos' string of 8 mortgages and closing costs but only one real property declared
5. Assignment: Report on the DeLanos' mortgages, proceeds and their application, mortgage payments, real property valuation, and income

## **10<sup>th</sup> Week of Classwork**

1. Presentation of the mortgage and income reports
2. Model report that draws on the best information to answer the queries:
  - a. Who needed to do what for the mortgage applications to be approved and the proceeds applied as they were?
  - b. What system of interests does the mortgages analysis reveal?
3. Methods for tracing concealed assets
  - a. title search and search for property in county clerk's offices
  - b. subpoena for financial institutions to produce account documents
  - c. trustee's accounts and annual judicial financial disclosure reports
4. Assignment: Report on the second batch of mortgage documents to determine the role of the trustees and the DeLanos' attorney

## **11<sup>th</sup> Week of Classwork**

1. Presentation of the 2<sup>nd</sup> batch of reports on mortgages documents
2. Model report to ascertain:
  - a. How useful for the lawyers and the trustees were the produced documents compared with those available in the county clerk's office?
  - b. How should the bankruptcy judge have handled the produced mortgages documents when they were filed in court?
  - c. What inferences can be drawn from the production of those documents?
3. Assignment: Report on the second batch of documents denying document production for the evidentiary hearing
  - a. Analysis of conflicting interests, Plutonic thinking and integration of bits of information to build the mosaic: the documents were produced
  - b. Is there still a need for documents and, if so, why and which?

## **12<sup>th</sup> Week of Classwork**

1. Discussion of the reports on the denial of documents
2. Model report to identify the trustee and the court's interest in not requiring document production, yet approving the petition
3. The fees of the DeLanos' attorney: amount and nature of services
  - a. Inferences from an attorney rendering such services and a bankrupt incurring such fees to avoid producing documents
4. Discovery of a theme during writing, its function, and rewriting to emphasize it
  - a. An idea common to key points that allows them to reinforce each other and gives it unity so as to deliver a focused message
  - b. Key words; summarizing headings and title; in- or deductive structure of the written piece
5. Assignment: Report on the appearance, content, purpose, and reliability of the "Trustee's Report"

## **13<sup>th</sup> Week of Classwork**

1. Presentation of the reports on the “Trustee’s Report” and its theme
2. Model report to discuss how form and content of a written piece reinforce each other and reflect on the author’s professionalism and credibility
  - a. the “Trustee’s Report” and its place in his work and the *DeLano* case
  - b. how the “Report” helps determine the petition’s good faith or fraud
3. The bankruptcy judge’s approval of the “Trustee’s Report”
  - a. whether the “Report” allowed the judge to determine that the trustee had investigated the DeLanos and found no fraud
  - b. reverse Plutonic thinking: had there been a proper trustee-judge relationship, what should have been in the report and its approval?
4. Assignment: Prepare to present evidence and argue whether the DeLanos committed fraud, if so, what kind, and whether alone or with others

## **14<sup>th</sup> Week of Classwork**

1. Final presentation of the consulting teams to their clients, if possible in the auditorium as rehearsal of the Public Presentation to be held there
  - a. Were the clients defrauded; if so, in what amount and what should they do?
2. Model report to identify:
  - a. consonant interests that induce and allow bankruptcy fraud and conflicting interests that work against exposing it
  - b. interests and structural changes that should be introduced in the bankruptcy system to dissuade fraud and detect and expose it
3. Selection by the clients of the best presenters:
  - a. to address the media at the press conference
  - b. to present The *DeLano* Case at the Public Presentation

## **15<sup>th</sup> Week of Classwork**

1. Rehearsals of:
  - a. the press conference
  - b. the Public Presentation of The *DeLano* Case
2. A single large consulting company holds:
  - a. the press conference
  - b. the Public Presentation

## **1<sup>st</sup> Week of Organizing the Public Presentation of The *DeLano* Case**

1. Discussion in class of PP objectives, contents, and organization
2. Selection of dates to reserve the auditorium for rehearsals and PP
3. The class is the board of directors of the single large consulting company organizing the PP of The *DeLano* Case; each student is an officer of it
4. Division of labor among teams of officers that group themselves to take on primary responsibility for running the following departments
  - a. Financing & Budget
  - b. Accounting, reception
  - c. Public Relations Artists
  - d. Invitation & PP brochure
  - e. PP stage script
  - f. Auditorium & catering
  - g. Audio/Visual
  - h. Information Technology
5. Depending on the company size, a&b, c&d, e&f, & g&h may be merged

## **2<sup>nd</sup> Week of Organizing the Public Presentation**

1. A bidding contest is held for primary responsibility for a department, with a run-off if necessary
  - a. programmatic proposal: each team writes a description of its members' qualifications to, and how it would, run its two preferred departments
2. The winning programmatic proposals are announced and the departments choose and announce their directors
3. Each department discusses how to coordinate its programmatic proposal with the other winning proposals; and makes suggestions for
  - a. a website for making, archiving, and retrieving inter-departmental communications, for commenting on submissions and voting on them
  - b. PP's stationery: logo, letterhead, envelopes and typography
  - c. categories of guests to invite to the PP presentation and the reception

### **3<sup>rd</sup> Week of Organizing the Public Presentation**

1. Financing sources are identified and contacted and bank accounts are opened
2. Based on suggestions, PP stationery is developed and distributed for use
3. Industry standards to measure sizes, quantities, timeframes, expectations and feasibility are researched to make proposals for, and lists of:
  - a. forms, e.g., purchase requests, payment authorization, payables
  - b. receiving and disbursing funds and making financial reports
  - c. guests to invite to PP and/or reception, contact information, attendance registration, food and place for reception, advertising campaign
  - d. kinds of contents and layouts for the invitation and PP brochure
  - e. desired and available A/V items, i.e. equipment, props and programs
4. The website and its secure communications are tested and set up

### **4<sup>th</sup> Week of Organizing the Public Presentation**

1. The first estimate is drawn up of the in-hand and expected funds within which the departmental budgets will have to fit
2. A PR campaign is drawn up to invite the mass media and the specialized media, e.g. accounting, auditing, financial, law and educational publishers
3. Estimates are obtained with ranges of firm and contingent numbers of
  - a. print runs, paper size and quality & colors of the PP brochure templates
  - b. eaters at the reception, catering staff, food types and delivery options
4. A catalog is compiled of A/V items, instructions, tutorials and examples for
  - a. classwork presentations and recording and replaying them for practice
  - b. PP in the auditorium and recording it, cutting and splicing to make a video
5. The departments draw up their preliminary expense items and budgets

## **5<sup>th</sup> Week of Organizing the Public Presentation**

1. The departments submit for comment and suggestions their draft proposals for
  - a. their budgets
  - b. accounting forms and procedure for requesting and making payment
  - c. the PR campaign, master list of guests and their registration system
  - d. the invitation and PP brochure templates (to add contents to later on)
  - e. the script of PP on stage
  - f. management of the auditorium, reception and catering
2. The A/V catalog so far compiled is distributed and proposals are made for
  - a. refining, and adding to, it throughout the course as necessary
  - b. terms and procedure for borrowing A/V items for practicing presentations

## **6<sup>th</sup> Week of Organizing the Public Presentation**

1. An updated financial report is presented to inform about the funds in-hand or on account, pledged, or expected from known or new sources
2. The comments, suggestions and classwork learning are discussed by each department, which draws up three final proposals for:
  - a. a general budget and the departmental budgets
  - b. accounting forms and funds management
  - c. the PR campaign, master list of guests and registration system
  - d. the invitation and PP brochure templates
  - e. the PP stage scripts
  - f. management of the auditorium, reception and catering
  - g. updating the A/V catalog and borrowing items for class presentations

## **7<sup>th</sup> Week of Organizing the Public Presentation**

1. An updated financial report is presented
2. Each department submits to the board of directors three final proposals for choosing among them the final departmental program
3. The departments discuss the proposals
4. The officers vote on the proposals and any necessary run-off is conducted
5. The winning proposals are announced

## **8<sup>th</sup> Week of Organizing the Public Presentation**

1. The accounting forms are used to request payment authorization and to grant it or in a reasoned statement to deny it
2. Three press releases are drafted to extend an invitation to the media to a press conference on PP and to it and the public to attend PP
3. Plans are drawn up for, with description of A/V items to use at:
  - a. a press conference to inform and answer questions about PP and invite the media to announce and attend it
  - b. PP script rehearsals with volunteers and their recording to determine the right number of cameras and angles for making the PP video
4. Content for the PP brochure is selected from course documents, consulting firms' classwork, officers' proposals, press clips, and laid out on the template
5. The auditorium, reception, catering and A/V officers may volunteer to help in other activities in order to gain experience

## **9<sup>th</sup> Week of Organizing the Public Presentation**

1. The drafts of the press release and the plans for rehearsing the press conference and PP and making the PP video are submitted
  - a. for comment and suggestions
  - b. to announce rehearsals and full-dress rehearsal schedules and venues
  - c. to call for volunteer presenters, journalists and audience to critique their performance
  - d. with a list to be added to of media representatives and organizations to whom to send the press release
2. Three PP brochures with contents, in digital form and ready to be sent to the printer are submitted for comment and suggestions
3. The A/V items are made available for practicing for the press conference and PP rehearsals and the PP video making

## **10<sup>th</sup> Week of Organizing the Public Presentation**

1. The departments submit an updated list of expense items and budgets with contingency margins
2. An updating financial report is presented
3. The PP invitations and envelopes are printed and mailed to the guests
4. The comments and suggestions made are used to revise
  - a. the press release drafts
  - b. the press conference and PP rehearsal plans
  - c. the three proposed PP brochures
  - d. the plan for using A/V items at the rehearsals and recording them to make the PP video

## **11<sup>th</sup> Week of Organizing the Public Presentation**

1. An updated general budget is presented
2. Submission to the board of directors of the revised proposals and discussion of them in each department
3. Voting by the officers is held to choose the final version of
  - a. the press release
  - b. the press conference and PP rehearsal plan
  - c. the PP brochure
  - d. the plan for using the A/V items
3. Follow-up emails and phone calls are used to obtain feedback from the PP guests and encourage them to register their intent to attend

## **12<sup>th</sup> Week of Organizing the Public Presentation**

1. An updated financial report is presented
2. Follow-up emails and phone calls are used to obtain feedback from the PP guests and encourage them to register
3. The press conference and PP are rehearsed to improve as need be
  - a. the presenters' command of the subject and the accuracy, relevance and fairness of the information presented
  - b. the A/V items' understanding-assisting value and proper use
  - c. the number of recording items and the optimal recording angles for shooting the PP video
4. The brochure is sent to the printer
5. Drafts are drawn up for signs, i.e. flyers, posters and banners, to advertise PP in campus and direct to, and in, the auditorium and reception
6. Forms are drafted for the evaluation
  - a. by the PP guests of the presenters, PP, and The *DeLano* Case
  - b. by the departments of their own organizational and presenting performance

## **13<sup>th</sup> Week of Organizing the Public Presentation**

1. The press release is sent out to inform the media and the public about PP and invite the media to attend the press conference on it
2. The second rehearsal of the press conference and PP is held
  - a. the A/V items, i.e., props, equipment, and programs, are tested to ensure their availability, effectiveness, and ease of use
3. The draft signs are submitted for comment and suggestions
4. A call is made for officers to help prepare the auditorium before PP and clean it up afterwards and to serve as ushers at PP
5. The printed brochure is collected and inspected for quality and completeness and any necessary corrective measure is taken
6. Contingency planning: the departments v. a gang of Murphy's Law psychos that raise obstacles to which workarounds must be devised
7. The draft PP evaluation forms are submitted for comment and suggestions to the departments, which meet to discuss them

## **14<sup>th</sup> Week of Organizing the Public Presentation**

1. An updated financial report is presented
2. After the classwork final presentations and the choosing of PP presenters
  - a. a PP full-dress rehearsal is held for accuracy of information, on and back stage coordination and professional appearance and performance
3. The press conference is held
  - a. a follow-up critique is held to determine what the media found interesting or in need of clarification and modify the PP script as appropriate
4. Firm arrangements are made with the caterers for the reception in light of the number of guests that have registered or are expected
5. Guests not yet registered are contacted
  - a last time by phone and email
6. The signs are revised in light of the comments and suggestions, produced, and the advertising ones are posted or handed out while the directional ones are stored
7. The PP evaluation forms are revised in light of the comments and suggestions and then printed

## **15<sup>th</sup> Week of Organizing the Public Presentation**

1. Possession of the auditorium is taken before and surrendered after PP
2. The signs directing to, and in, the auditorium and the reception are displayed and the PP brochure and evaluation form are distributed to the guests
3. The Public Presentation of The *DeLano* Case is held
4. The reception is held as an opportunity to
  - a. thank the sponsors and gain feedback on The *DeLano* Case and PP
  - b. network with the guests, inquire about jobs and ask for job interviews
  - c. collect the PP evaluation form from the guests
5. Preliminary accounts and a balance sheet are presented:
  - a. the final accounts are presented a week later to the board and university authorities, who issue the release or investigate
6. PP evaluation forms and Report
  - a. the forms filled out by the guests are copied and distributed to the departments
  - b. the departments discuss the PP guest evaluation forms, evaluate themselves, and fill out their forms
  - c. the board meets to discuss the evaluation forms and outline a report of negative and positive points about PP and The *DeLano* Case
  - d. three reporters are elected to write the official Evaluation Report on the Public Presentation of The *DeLano* Case
  - e. the reporters issue their Report and distribute it to the officers and university authorities

### **NOTES**

1. Given the amount of work involved in the theoretical and practical learning experience of the classwork and the organization to professional standards of the Public Presentation of The *DeLano* Case, it may be considered to attach more credits to this course than those attached to an otherwise regular one semester course.
2. Throughout the course it may be necessary to ask officers who have proved to be most capable to take over the directorship, or become members of, other departments whose officers have proved to be less so.

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