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Criminal law definition quizlet

Photo Courtesy: Jernej Furman/Flickr Financial laws around the world can vary from those found in the U.S. In Australia, insolvency laws regulate the affairs of a company that can no longer pay its financial obligations. The most common procedures in the country for handling insolvency are voluntary administration, liquidation and receivership. Governed by the Corporations Act of 2001, Australian insolvency laws primarily exist to establish and maintain a balance between the interests of a company that has become insolvent, its creditors and the general community that could also be affected by the company's financial difficulties. Australian law uses the term "insolvency" to refer to companies and bankruptcy in reference to individuals. Warning Signs for Insolvency A company becomes insolvent when it no longer has the resources to pay its creditors when credit payments or lump sum amounts become due. This inability to fulfill its financial obligations quickly leads to mounting financial troubles if the issue isn't quickly addressed. Australian law establishes specific criteria for insolvency, and business experts point to several signs that a company could soon face insolvency. These signs include continuing quarterly and annual financial losses, overdue tax liabilities and liquidity ratios that are below one. Photo Courtesy: @FOX5Vegas/Twitter Another sign that a company could become insolvent is deteriorating relationships with banking institutions. When these relationships become strained, it makes it very difficult for the company to obtain additional funding when they need it. Companies that are insolvent also usually lose the ability to raise equity capital, and their suppliers may only honor collect-on-delivery (COD) transactions or require "ransom" payments before transactions can proceed. Establishing a Presumption of Insolvency In some instances, creditors can rely on presumptions of insolvency if providing proof of the insolvency is next to impossible. This paves the way for the company to apply for bankruptcy proceedings for the company. During the three months prior to the filing of the application, at least one financial issue must have occurred with the company. Photo Courtesy: Aymanejed/Pixabay One qualifying factor is the failure of the debtor company to comply with the statutory demand from the creditor. Another factor would be an unsatisfied — in part or in full — judgment granted by a court in favor of the creditor. Another situation where a company could be presumed to be insolvent is if an order was issued to appoint a receiver to enforce a floating charge, and that individual was appointed to assume possession of a company asset. Basic Elements of Australian Insolvency Laws Once a company is determined to be insolvent, the company's assets and finances are evaluated to see if the company can recover and weather the financial slump or if it has no realistic chance of regaining its financial viability. If the company is deemed to be salvageable, it can enter into a nonliquidation agreement with its creditors, or it can choose to proceed with formal insolvency proceedings. Photo Courtesy: @giamboscars/Unsplash One of the provisions in Australian insolvency laws aims to provide equal, fair, organized means of handling insolvency proceedings. It ensures that there's an equitable distribution of the company's assets to its creditors and other claimants. Australian insolvency laws are supposed to ensure that the debts are satisfied and that the insolvency proceedings are resolved as quickly — and with as little expense — as possible. Australia's insolvency laws also have mechanisms in place to help the company recover if officials determine there's a chance for the company to move beyond its financial distress. Likewise, the laws provide that both the company and its creditors should have equal and fair involvement and contribution in the resolution of the insolvency issue. The laws also dictate that the company's directors, officers and associates be investigated to determine why the company became insolvent. Common Insolvency Provisions in Australia According to Australian laws, insolvent companies may choose to undergo a number of procedures, the most common of which are voluntary administration, liquidation and receivership. Voluntary administration is a restructuring option for companies facing insolvency to help them stave off liquidation or a winding-up procedure. Companies that have a realistic chance of recovering often initiate proceedings for this option. A deeds of company arrangement (DOCA) is another type of voluntary restructuring option. Photo Courtesy: @cytonn_photography/Unsplash Liquidation, on the other hand, occurs when all the remaining assets of the company are collected, appraised and then sold. The proceeds of the sale are used to satisfy the company's debts and obligations. Any balance that remains after the payment of the debts and any costs incurred while liquidating the company are equitably divided among the owners according to their rights and interests. The liquidation process may be voluntary or could be compulsory. The process of receivership involves a receiver who "receives" the assets that secured the debt, sells them and then uses the proceeds to satisfy the debt. In the Corporations Act of 2001 this person is referred to as the controller. A secured creditor pursuant to a security arrangement with the debtor company usually initiates this insolvency procedure. The secured creditor appoints two or more receivers in the event that one cannot fulfill the duties of the appointment due to ill health or death. Some financial experts view Australia as a creditor-friendly jurisdiction where the interests of creditors are given more weight. Australian insolvency laws actually help strike a balance between the interests of debtor companies and their creditors. The purpose is for the laws to encourage companies to engage in healthy risk-taking but discourage them from reckless borrowing. MORE FROM ASKMONEY.COM Snapwire/Pexels If you want to expand your areas of expertise as an attorney, a number of highly esteemed institutions offer online law programs for distance learners who aspire to take their legal careers to the next level. The catch is that only the state of California permits graduates from online law schools to take the bar exam. That means that those who have not yet passed the exam can only practice in California if they use one of these programs to start a new legal career. With a recent median income of nearly \$130,000 annually, lawyers often find their careers to be financially rewarding as well as intellectually challenging, which makes this limitation still very inviting for some newcomers. Whether you plan to practice in California or you just want to expand your legal expertise with a new degree, these highly rated online law schools can get you started with a Master of Laws degree. University of Southern California University of Southern California's (USC's) Gould School of Law is one of the most highly esteemed law programs in the United States and internationally. The school boasts approximately 10,000 law school alumni globally, and online law students now have a chance to be in this exclusive group of lawyers. With accreditation for the American Bar Institution, it ranks 17th among the best law schools in the U.S. @USCGouldLaw/Twitter USC makes even more sense for online law students who are planning to practice in California, as joining the university's online law program can help jump-start their future legal careers in the state. Even an online degree at this school does not come cheap, and prospective online law students should expect to shell out about \$53,000 per semester. Apart from the prestige that comes with the degree, USC's online law program has a 93% passing rate that also makes it worth the cost. Villanova University Villanova University's Charles Widger School of Law is one of the highest rated law schools in the U.S. Maintaining a maximum of just 565 law students annually helps the school consistently rank among the best law schools in the country. Villanova's online law program is of particular advantage to students who want to specialize in tax law. @VillanovaU/Twitter The university's online law program offers three graduate degrees and the same number of certificate programs in taxation. Those who are already working in the legal field can specifically earn a Master of Laws in Taxation degree. Non-lawyers can also earn a Master of Taxation, which is a degree that will serve them well if they choose to become accountants. Online students should expect to shell out around \$41,000 as a student in Villanova's online law program. Seton Hall University Seton Hall University offers several online law programs for practicing lawyers who want to earn master's degrees in law to expand their areas of expertise. The options include the Master of Science in Jurisprudence and the online Master of Laws degree. @SetonHallLaw/Twitter One of the reasons Seton Hall's online law program made this list is the flexibility that comes with its online program that allows students — who are also working legal professionals — to complete courses without taking a break from their practice. Distance learners also have full access to the same faculty as the students who attend the classes on campus. The university's online law program is also one of the most affordable at approximately \$27,000 per year. University of Tulsa The University of Tulsa's College of Law maintains just 255 students per semester in its programs. Law students who attend classes on campus can complete their Juris Doctor (J.D.) in three years. Online students can complete their Master of Jurisprudence degree in 18 to 24 months, depending on the pace of the student. The school's online law program is also one of the most affordable at about \$24,000 per year. @TULaw/Twitter Washington University (St. Louis) Washington University's on-campus law program is one of the most comprehensive, offering degrees in various legal fields. Options include constitutional law and civil rights, labor and employment law, and criminal law. Online students can work on their Master of Legal Studies, Master of Taxation as well as other law degrees. Online classes are interactive and conducted in a streaming format, which enables distance students to interact with their on-campus counterparts. Students should expect to pay around \$28,000 per semester for this school. @WashULaw/Twitter Another catch that goes with earning an online legal degree is that the American Bar Association (ABA) doesn't currently accredit any online degree programs. That means that students who earn online degrees won't be able to take the bar — outside California — to receive a legal license to practice. They can expand their fields of expertise with online degrees, but they must earn the right to take the bar exam by attending law school in the traditional way. MORE FROM ASKMONEY.COM

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