

BANKRUPTCY LAW

Law 577

Spring 2019
Room 206
T & TH 1:30 – 2:45 p.m.

Professor: Dana S. Frazier
Tel: (work) 618-687-5707
Email: danasuefrazier@frontier.com
Office Hours: by appt. or email

Required Texts:

Warren & Westbrook; *The Law of Debtors and Creditors* (Aspen, 7th Ed., 2014)
ISBN 978-1-4548-2238-7

Reference Material:

Warren; *Bankruptcy and Article 9*, Statutory Supplement, 2017 Edition (Aspen Publishers) ISBN 978-1-4548-8244-2 (or newest edition)

Bankruptcy Code, Rules, and Official Forms, 2018 Law School Edition (West Academic)
ISBN 978-1-64242-059-3

Attendance:

Attendance will be taken in class by circulating an attendance sheet for you to sign. If you collect more than six absences, as indicated by the attendance sheets, you will receive a grade reduction for the class. Do not sign the attendance sheet if you are not prepared, i.e. required reading and completion of any problem sets. I will call on students randomly to discuss the materials/cases contained in the text and to work the problems assigned in the text in class.

Notes:

You are responsible for all assigned reading even though we may not discuss the readings in class. Exam questions may include issues from all the readings even if we have not specifically discussed them in class.

Exams:

Please do not submit email questions concerning exam issues less than 24 hours before the exam.

Grading:

Your final grade will be based on:
50% Final Exam
40% Quizzes (Best 10 will be counted)
10% 341 Meeting Attendance

In March, students will have to complete a Writing Across the Curriculum assignment. The assignment will consist of a legal memorandum after interviewing a bankruptcy debtor. The exercise will give students the opportunity to interview a debtor to discover assets and potential causes of actions.

Syllabus

Please check TWEN each week for your reading and problem assignments as the Syllabus is subject to change.

Workload Expectations

The American Bar Association standards for accrediting law schools contain a formula for calculating the amount of work that constitutes one credit hour. According to ABA Standard 310(b)(1), “a “credit hour” is an amount of work that reasonably approximates: (1) not less than one hour of classroom or direct faculty instruction and two hours of out-of-class student work per week for fifteen weeks, or the equivalent amount of work over a different amount of time.” This is a 3-credit hour class, meaning that we will spend a 100-minute block each Tuesday and Thursday. The amount of assigned reading and out of class preparation should take you about 3 hours for each class session and 6 hours for the week. All told, applying the ABA standard to the number of credits offered for this class, you should plan on spending a total of **9 hours per week (3 in class and 6 preparing for class) on course-related work.**

Student Learning Objectives

At the end of this course, students will be able to:

- Find and review bankruptcy law and analyze scenarios to determine which chapter of bankruptcy should be used and whether a debtor should file bankruptcy.
- Explain an overview of bankruptcy courts, its jurisdiction and proceedings as well as the roles of the officers of the court and the parties in interest in a bankruptcy proceeding.
- Explain the reasons for filing bankruptcy and which debts are dischargeable and which debts are nondischargeable.
- Identify applicable exemptions and what property the bankruptcy may keep and calculate a liquidation analysis.
- Analyze the steps in Chapter 7 and 13 bankruptcy proceedings and the administration of the bankruptcy estate and the process and outcomes of the first meeting of creditors.
- Describe property of the estate and avoidance actions by the Trustee or debtor-in-possession.
- Analyze secured and unsecured creditor’s rights, remedies and claim procedures as well as the priorities in claim distributions.

Plagiarism and Collaboration

Plagiarizing another's work, in whole or in part, is a violation of the Honor Code and can lead to serious penalties, including expulsion. An Honor Code investigation much also be reported to the Bar Examiners, even if you are cleared of any violation. The Honor Code defines plagiarism as:

Passing off another's ideas, words, or work as one's own, including written, oral, multimedia, or other work, either word for word or in substance, unless the student author credits the original author and identifies the original author's work with quotation marks, footnotes, or other appropriate designation in such a way as to make clear the true author of the work.

You are allowed to discuss assignments with any other student, but you are not allowed to rely on any written materials from another student (such as a written answer to an assignment submitted in a previous semester).

Emergency Procedures

Southern Illinois University Carbondale is committed to providing a safe and healthy environment for study and work because some health and safety circumstances are beyond our control; we ask that you become familiar with the SIUC Emergency Response Plan and Building Emergency Response Team (BERT) program. Emergency response information is available on posters in buildings on campus, available on BERT's website at www.bert.siu.edu, Department of Safety's website www.dps.siu.edu (disaster drop down) and in Emergency Response Guideline pamphlet. Know how to respond to each type of emergency.

Instructors will provide guidance and direction to students in the classroom in the event of an emergency affecting your location. It is important that you follow these instructions and stay with your instructor during an evacuation or sheltering emergency. The Building Emergency Response Team will provide assistance to your instructor in evacuating the building or sheltering within the facility.

Illinois Eavesdropping Act

If students are not going to be attending class, for good cause, then Judi Ray can be contacted so that particular class session can be taped and watched by that student(s). The student must make all the arrangements to tape the class session. Students are not permitted to record classes on their own.

Disability Policy

Disability Support Services provides the required academic and programmatic support services to students with permanent and temporary disabilities. DSS provides centralized coordination and referral services. To utilize DSS services, students must come to the DSS to open cases. The process involves interviews, reviews of student-supplied documentation, and completion of Disability Accommodation Agreements.

<http://disabilityservices.siu.edu/>. Upon completion of a Disability Accommodation Agreement with DSS, students should bring the agreement to the School of Law Registrar's Office to ensure the School of Law provides the proper classroom and examination accommodations.

Recording Policy

All classes will be automatically recorded. Student must receive professor authorization to access the recordings unless students has been an approved accommodation for disability.

Saluki Cares

The purpose of Saluki Cares is to develop, facilitate and coordinate a university-wide program of care and support for students in any type of distress—physical, emotional, financial, or personal. By working closely with faculty, staff, students and their families, SIU will continue to display a culture of care and demonstrate to our students and their families that they are an important part of the community. For Information on Saluki Cares: (618) 453-5714, or siucares@siu.edu, <http://salukicare.siu.edu/index.html>. At the School of Law, Assistant Dean Judi Ray is also available to help students access university resources. Her email is judiray@siu.edu, and her phone number is 618-453-3135.

Final Exam

Saturday May _____, 2019 at _____

SYLLABUS

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|-------------------------------------|---|
| Class 1)
1/15/2019 | Assignment 1. Fighting Over Money
Casebook: Pages 1 – 18
Prepare Problems 1.1 (in class), 1.2 |
| Class 2)
1/17/2019 | Assignment 2. Collecting from Consumer Debtors
Casebook: Read pgs. 23-48
Problems 2.1, 2.2, 2.6 |
| Class 3)
1/22/2019 | Assignment 3. Bankruptcy Estate and The Automatic Stay
Casebook: Read pgs. 57-73
Problems 3.1, 3.2, 3.4, 3.6 |
| Class 4)
1/24/2019 | Assignment 4. Property Exempt from Seizure
Casebook: Read pgs. 79-102
Problems 4.1, 4.2, 4.4 (Use Illinois Exemption Statutes) |
| Class 5)
1/29/2010 | Assignment 5. Exemption Planning
Casebook: Read pgs. 105-126
Problems 5.1, 5.2, 5.3B |

- Class 6)** **Assignment 6. Claims and Distributions**
1/31/2019 Casebook: Read pgs. 129-150
 Problems 6.1, 6.2, 6.3, 6.4
- Class 7)** **Assignment 7. Priority Among Unsecured Creditors**
2/5/2019 Casebook: Read pgs. 153
 Problems 7
- Class 8)** **Assignment 8. Discharge**
2/7/2019 Casebook: Read pgs. 155-181
 Problems 8.1, 8.2, 8.3, 8.4, 8.5, 8.6
- Class 9)** **Assignment 9. The Debtor's Position After Bankruptcy**
2/12/2019 Casebook: Read pgs. 185-203
 Problems 9.1, 9.2, 9.3, 9.4, 9.5
- Class 10)** **Assignment 10. Secured Creditors in Chapter 13**
2/14/2019 Casebook: Read pgs.205-225
 Problems 10.1, 10.2, 10.4, 10.5
- Class 11)** **Assignment 11. Unsecured Creditors in Chapter 13**
2/19/2019 Casebook: Read pgs. 229-251
 Problems
- Class 12)** **Guest Lecturer: Attorney Lyndon Willms**
2/21/2019 Representing Bankruptcy Clients
- Class 13)** **Assignment 12. The Means Test**
2/26/2019 Casebook: Read pgs. 253-278
 Problems
- Class 14)** **Guest Speaker: Ron Buch**
2/28/2019 **Chapter 13 Issues, Plan and Plan Requirements**
- Class 15)** **Assignment 13**
3/5/2019 **Chapter Choice**
 Pages 281-302
- Class 26)** **Assignment 20**
3/7/2019 **Avoiding Liens**
 Pages 455-467
 Guest Speaker: Cindy Hagan- Chapter 7 Trustee

SPRING BREAK 3/9/2019- 3/17/2019