

Bankruptcy Law
Prof. Zvi Rosen, Spring 2021
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Overview

This course covers the basics of bankruptcy law and related areas of law including debt collection and insolvency, as well as relevant provisions of secured transactions law. The goal of this class is to give students an introduction to bankruptcy as a practice area, and also to give them a general sense of bankruptcy law so they can understand its implications in a wide array of other practice areas.

Class will meet on Mondays and Wednesdays from 9 am to 10:15 am via zoom.

Required Reading

The book for this course is Germain, Bankruptcy Law and Practice. It is freely available here: <https://www.cali.org/books/bankruptcy-law-and-practice>. The relevant statutory and rule sections are in the back of the book and the book is fully hyperlinked.

Students may also want to get a copy of the Collier Portable Pamphlet, which is the standard reference bankruptcy lawyers bring to court – it includes Title 11 of the US Code, the Federal Rules of Bankruptcy Procedure, and a few other sections. Any version since 2008 will be fine, as is simply using the free versions on the internet.

Attendance Policy

The course is being held online via Zoom, and attendance is mandatory. If you miss more than six classes you will not be able to take the final exam.

Participation

Students are expected to be prepared for class – you’ve paid to be here and the way to get the most out of this class is to do the reading before class so you understand what’s going on in class. Excellent participation can result in a one-step raise in your grade in this class, and notably poor participation can result in a one-step reduction in your grade. Although I’ll often ask for volunteers, I may call on people “cold.”

Class Website

There is a class website on TWEN, which is part of your Westlaw account. I will be endeavoring to share as much as possible there, including slides and other materials. Students are expected to monitor the TWEN site, although I’ll also alert students in class and electronically of when materials are added there.

Video Recordings of Lectures

All classes will be recorded and posted, subject to the caveat that there may be technical glitches. A recording of a class is not a substitute for real-time participation, and you may also want to ask another student to take notes for you.

Grading

Your grade is determined by a combination of participation (15%), midterm (20%) and final exam (65%). The final exam schedule will be posted to the law school website. Both the midterm and final exam will be administered electronically.

Office Hours

I encourage everyone schedule a conversation with me, whether to talk about class material, career goals, or anything else. Too often, students who are struggling don't come to office hours until the end of the semester. Remember—don't be ashamed, and ask me your questions as they come up – waiting until days before the final is hazardous.

That said, the current pandemic has resulted in a change where all office hours will be virtual (via Zoom) this spring. It's not ideal but I'm going to be flexible about timing to be sure I'm available to students – just email me to set up a meeting and we'll arrange a time.

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 two 75-minute blocks of time together each week (scheduled for Wednesday and Friday, except for the initial class scheduled during Orientation Week). The amount of assigned reading and out of class preparation should take you about 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.

Emergency Procedures

We ask that you become familiar with **Emergency Preparedness @ SIU**. Emergency response information is available on posters in buildings on campus, on the Emergency Preparedness @ SIU website, and through text and email alerts. To register for alerts, visit: <http://emergency.siu.edu/>.

Disability Policy

SIU Carbondale is committed to providing an inclusive and accessible experience for all students with disabilities. Disability Support Services coordinates the implementation of accommodations. If you think you may be eligible for accommodations but have not yet obtained approval please contact DSS immediately at 618-453-5738 or disabilityservices.siu.edu. You may request accommodations at any time, but timely requests help to insure accommodations are in place when needed. Accommodations and services are determined through an interactive process with students and may involve consideration of specific course design and learning objectives in consultation with faculty. Upon completion of a Disability Accommodation Agreement with DSS, students should bring the agreements for each course to the School of Law Registrar's Office to ensure the School of Law provides the proper classroom and examination accommodations. Accommodation [request](#) and [renewal](#) forms can be found here: <https://law.siu.edu/academics/>.

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) 453-2461, 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.

COVID-19

As a condition of on-campus enrollment, all SIUC students are required to engage in safe behaviors to avoid the spread of COVID-19, including the requirement that all students wear a mask in campus buildings, including classrooms, laboratories, and studios when others are present, regardless of social distancing. Students are expected to follow physical or social distancing guidelines by keeping at least 6 feet from others, and practicing good hand hygiene. Failure to comply with this policy may result in dismissal from the current class session. If the student refuses to leave the classroom after being dismissed, the student may be referred to the Office of Student Rights and Responsibilities. SIUC will follow federal, state and county public health recommendations and mandates in all decisions relating to university operation. Students should regularly review the link for the [SIUC COVID-19 response](#).

Provisional Reading

This reading is tentative—updated syllabuses will be posted to the TWEN class website. I’ve left the last four classes as TBD, and there will also be one video makeup for the 18th. Given that enrollment is fairly small, if there’s a bankruptcy topic someone wants covered, I’m happy to include it as a class session. There’s also a few classes with a fair bit of reading that can be stretched into two classes fairly readily if needed.

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| January 20 | Introduction and basics of debt collection1-19 |
| January 25 | Secured Claims 19-42 |
| January 27 | Bankruptcy and the Constitution 42-61 |
| February 1 | Bankruptcy Jurisdiction 61-84 |
| February 3 | The Bankruptcy Estate 84-95 |
| February 8 | Exemptions 95-114 |
| February 10 | The Automatic Stay 114-120 |
| February 15 | The Estate 117-138 |
| February 17 | Executory Contracts 138-152 |
| February 22 | Fraudulent Transfers 152-171 |
| February 24 | Preferences 171-193 |
| March 1 | Clawbacks 193-213 |
| March 3 | Secured Claims 213-232 |
| March 8-12 | Relief from the Automatic Stay 232-243 |
| March 15 | Midterm Week – Date TBD |
| March 17 | Unsecured Claims 242-269 |
| March 22 | More on Claims 269-294 |
| March 24 | The Discharge 294-331 |
| March 29 | Chapter 13 331-352 |
| March 31 | Business Bankruptcy 352-370 |
| April 5 | Confirming Chapter 11 370-382 |
| April 7 | Attempts to Bypass Confirmation 382-394 |
| April 12 | TBD |
| April 14 | TBD |
| April 19 | TBD |
| April 21 | TBD |
| TBD | Optional Review Session |
| April 27 through May 7 - finals weeks – exam TBD | |