



BANKRUPTCY

Professor George H. Singer
3.0 Credits

2011 (Spring)
Tuesday and Thursday
8:00 a.m. – 9:15 a.m.

COURSE SYLLABUS

Required Materials

- (1) William D. Warren & Daniel J. Bussel, Bankruptcy (Foundation Press, 8th ed. 2009);
- (2) David G. Epstein & Steve H. Nickles Bankruptcy Code and Related Source Materials, 2010-2011 (West – April 14, 2010 ed.);
- (3) United States Bankruptcy Code, Title 11 United States Code;
- (4) Federal Rules of Bankruptcy Procedure; and
- (5) Supplemental materials to be made available on a periodic basis.

Supplementary Reading

It is not necessary to do any reading beyond that assigned. In fact, thoughtful consideration of the assigned materials is preferable to seeking other material. For those who want to go beyond the assigned materials, there is no single text or hornbook to recommend but West's *Bankruptcy Treatise/Hornbook*, authored by Epstein, Nickles and White, may be helpful. A more detailed multi-volumed treatise, entitled *Collier on Bankruptcy*, is generally regarded as the preeminent source of secondary authority.

The subject matter for this class is based upon the statutory scheme set forth in Title 11 of the United States Code (the "Bankruptcy Code") and related Federal Rules of Bankruptcy Procedure (the "Rules"). It will therefore be extremely important for you to carefully review the specific statutes and Rules covered in class and referenced in the reading in conjunction with your work. You should note that the Bankruptcy Code was amended on April 20, 2005 (with an effective date for most provisions of October 20, 2005) by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005. As such, you should ensure that you have a current version of the Bankruptcy Code and Rules and do not rely upon any former versions. The textbook provides some detail, particularly in the consumer materials, of the former law. You should understand that this history (i.e. how the law was) can prove to be useful in understanding current statutory provisions.

Office Hours and Contact Information

I usually arrive at class at least a half an hour before class (i.e. 7:30 a.m., Tuesday & Thursday) and have set this time as my official office hours. I would encourage you to come at this time if you have questions or would like additional assistance. In addition, I am available by telephone and e-mail and can arrange to make myself available at other times, so feel free to contact me if you would like to discuss any issues.

You can reach me at:

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4200 IDS Center, 80 South Eighth Street
Minneapolis, Minnesota 55402
Work Telephone: 612/371-2493 (Direct)
Facsimile: 612/371-3207
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Preparation, Attendance and Participation

Each of you is expected to be prepared for discussion of the materials assigned for each day. While there may be materials assigned to a specific student on a given day, each of you is expected to be prepared to contribute. If you are called upon and are not well-prepared, this will result in a waste of your classmates' time as well as your own.

As the Academic Rules and Attendance Policy provide, regular and punctual class attendance and preparation are required. Your absence, particularly in light of this class size, will be noticed and excessive absences will be addressed. You should notify me in advance, to the extent possible, if you anticipate being absent from class. If you anticipate being absent on any day that you are responsible for any portion of the assignment or class discussion, it will be your responsibility to find another student to cover your assigned materials.

Potential sanctions for failure to meet these requirements are set forth in the Student Handbook and below under "Grades." At my discretion, lateness to class may be deemed an absence.

Computer Policy

The use of laptop computers during class time for the purpose of taking notes (i.e. word processing) is permitted. A note of caution, however, it is important for you to participate in classroom discussion and give adequate thought to the material covered in class. Experience has shown that those who utilize their computers to copy down everything that is said in class and fail to spend sufficient time to thinking about the material discussed and responding in class may not be as well prepared as others. Also, it is never appropriate to use your laptops during class to send e-mails, surf the internet or for any other purpose unrelated to the class. If you have any questions about the use of your laptop, do not hesitate to contact me to address them.

Grades

This course is a three (3.0) credit course with one examination. The examination will be given at the end of the course and you will be graded upon the examination. All materials covered in the textbook, related Bankruptcy Code and Rules sections, or addressed in class are fair game for the examination.

The only qualifications to the foregoing are as follows: The right is reserved pursuant to the Academic Rules (Rule 1-107 C.5(a)), to instruct the Registrar's Office to enter a grade as much as one grade increment *lower* (e.g., from a B- to a C+) than your exam grade for any consistent apparent lack of preparation by a student without legitimate excuse. ("Legitimate excuse" entails such matters as illness, childbirth, or family emergencies. It does not include such matters as working on a paper or some other project for another course). Similarly, the right is reserved, to the extent permitted pursuant to the Academic Rules, to instruct the Registrar's Office to enter a grade as much as one increment *higher* (e.g., from a B to a B+) than your exam grade to recognize extraordinary classroom participation that demonstrates a knowledge of the subject matter and materials beyond that which is demonstrated in your examination.

Assignments

I will let you know at the end of each class session the actual assignment for the next class. You can generally expect that we will cover between 25 to 30 pages for each assignment and I attempt to leave off at various defined sections or natural breaks in the textbook that are somewhat obvious.

Although on occasion specific Rules or statutory provisions will be stated as part of the next assignment, I will usually only assign page numbers of the textbook. You should assume that Bankruptcy Code, Rules, statutes, and constitutional provisions mentioned in the assigned pages are also part of the assignment, and you should therefore study them as well as the assigned pages. (You need not read the Advisory Committee Notes to the Bankruptcy Code Rules unless they are specifically assigned.)

Many of the assignments in this course will include a reading of one or more Bankruptcy Code Sections or Rules. However, you should be aware of the fact that we will not be covering all of the Bankruptcy Code Sections or Rules. Rather, we will focus on the more major issues involved in bankruptcy and the Bankruptcy Code Sections and Rules that are pertinent to these issues. Even though some of the Bankruptcy Code sections and Rules will not be specifically assigned, however, you should at some point during the year (preferably early on) skim through the entire Bankruptcy Code and all of the Rules.

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ASSIGNMENTS
(Subject to Modification)

Tuesday, January 18, 2011

Introduction to Bankruptcy
Review of Article 9 Issues

Text pp. 1-28
(Review Form of Petition and Schedules Posted)

Thursday, January 20, 2011

The Bankruptcy Estate

Text pp. 29-56

Tuesday, January 25, 2011

The Bankruptcy Estate, Claims

Text pp. 56-92

Thursday, January 27, 2011

Claims

Text pp. 93-127

Tuesday, February 1, 2011

Discharge

Text pp. 129-156(6)

Thursday, February 3, 2011

Discharge; Stays and Injunctions

Text pp. 156(7)-185

Tuesday, February 8, 2011

Stays and Injunction

Text pp. 185-228

Thursday, February 10, 2011

Executory Contracts and Leases

Text pp. 229-266

Tuesday, February 15, 2011

Executory Contracts and Leases

Text pp. 266-305

Thursday, February 17, 2011

Executory Contracts and Leases; Avoiding Powers

Text pp. 306-346

Tuesday, February 22, 2011

The Avoiding Powers of the Trustee

Text pp. 346-368

Thursday, February 24, 2011

The Avoiding Powers of the Trustee

Text pp. 368-396

Tuesday, March 1, 2011

The Avoiding Powers of the Trustee

Text pp. 396-430

Thursday, March 3, 2011

Equitable Subordination and Substantive Consolidation

Text pp. 431-464

Tuesday, March 8, 2011

NO CLASS – SPRING BREAK

Thursday, March 10, 2011

NO CLASS – SPRING BREAK

Tuesday, March 15, 2011

The Consumer Debtor in Chapter 7 and 13

Text pp. 465-496

Schwab v. Reilly, 130 S.Ct. 2652 (2010)

Thursday, March 17, 2011

The Consumer Debtor in Chapter 7 and 13

Text pp. 496-536

Tuesday, March 22, 2011

The Consumer Debtor in Chapter 7 and 13

Text pp. 536(f)-574

Thursday, March 24, 2011

Reorganizing in Chapter 11

Text pp. 575-615

Tuesday, March 29, 2011

Reorganizing in Chapter 11

Text pp. 615(b)-647

Thursday, March 31, 2011

Reorganizing in Chapter 11

Text pp. 648-682

Tuesday, April 5, 2011

GUEST LECTURER(S) – 363 SALES

Thursday, April 7, 2011

Reorganizing in Chapter 11

Text pp. 682(b)-719

Tuesday, April 12, 2011

Confirming Chapter 11 Plan

Text pp. 719(B)-757

Thursday, April 14, 2011

Confirming Chapter 11 Plan

Skip Text pp. 757(2)-767

Text pp. 767(D)-810

Tuesday, April 19, 2011

Confirming Chapter 11 Plan; Bankruptcy Court Jurisdiction

Text pp. 810(E)-860

Thursday, April 21, 2011

Bankruptcy Court Jurisdiction

Text pp. 860(B)-900

Tuesday, April 26, 2011

NO CLASS – FIRST MEETING OF CREDITORS

Thursday, April 28, 2011

REVIEW

Tuesday, May 3, 2011

REVIEW

Friday, May 6, 2011

FINAL