HAMLINE UNIVERSITY SCHOOL OF LAW-- BANKRUPTCY

Professor George H. Singer **2010 (Spring)**
3.0 Credits **8:00-9:15 M & W**

Required Materials:

(1) William D. Warren & Daniel J. Bussel, Bankruptcy (8th ed. 2009).
(2) United States Bankruptcy Code, Title 11 United States Code.
(3) Federal Rules of Bankruptcy Procedure.
(4) 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., M & W) 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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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.

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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ASSIGNEMENTS
(Subject to Modification)

Wednesday, January, 20, 2010

Introduction to Bankruptcy
Review of Article 9 Issues

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

Monday, January 25, 2010

The Bankruptcy Estate

Text pp. 29-56

Wednesday, January 27, 2010

The Bankruptcy Estate, Claims

Text pp. 56-92

Monday, February 1, 2010

Claims

Text pp. 93-127

Wednesday, February 3, 2010

Discharge

Text pp. 129-156(6)

Monday, February 8, 2010

Discharge; Stays and Injunctions

Text pp. 156(7)-185

Wednesday, February 10, 2010

Stays and Injunction

Text pp. 185-228

Monday, February 15, 2010

Executory Contracts and Leases

Text pp. 229-266

Wednesday, February 17, 2010

Executory Contracts and Leases

Text pp. 266-305

Monday, February 22, 2010

Executory Contracts and Leases; Avoiding Powers

Text pp. 306-346

Wednesday, February 24, 2010

The Avoiding Powers of the Trustee

Text pp. 346-368

Monday, March 1, 2010

The Avoiding Powers of the Trustee

Text pp. 368-396

Wednesday, March 3, 2010

The Avoiding Powers of the Trustee

Text pp. 396-430

Monday, March 8, 2010

Equitable Subordination and Substantive Consolidation

Text pp. 431-464

Wednesday, March 10, 2010

The Consumer Debtor in Chapter 7 and 13

Text pp. 465-496

Monday, March 15, 2010

The Consumer Debtor in Chapter 7 and 13

Text pp. 496-536

Wednesday, March 17, 2010

The Consumer Debtor in Chapter 7 and 13

Text pp. 536(f)-574

Monday, March 22, 2010

Reorganizing in Chapter 11

Text pp. 575-615

Wednesday, March 24, 2000

Reorganizing in Chapter 11

Text pp. 615(b)-647

Monday, March 29, 2010

NO CLASS – SPRING BREAK

Wednesday, March 31, 2010

NO CLASS – SPRING BREAK

Monday, April 5, 2010

Reorganizing in Chapter 11

Text pp. 648-682

Wednesday, April 7, 2010

GUEST LECTURER(S) – 363 SALES

Monday, April 12, 2010

Reorganizing in Chapter 11

Text pp. 682(b)-719

Wednesday, April 14, 2010

Confirming Chapter 11 Plan

Text pp. 719(B)-757

Monday, April 19, 2010

Confirming Chapter 11 Plan

Skip Text pp. 757(2)-767

Text pp. 767(D)-810

Wednesday, April 21, 2010

Confirming Chapter 11 Plan; Bankruptcy Court Jurisdiction

Text pp. 810(E)-860

Monday, April 26, 2010

Bankruptcy Court Jurisdiction

Text pp. 860(B)-900

Wednesday, April 28, 2010

NO CLASS – FIRST MEETING OF CREDITORS

Monday, May 3, 2010

REVIEW

Wednesday, May 5, 2010

REVIEW

Monday, May 10, 2010

FINAL