

Bankruptcy
Professor Zywicki
Fall 2005

Assigned Reading: DOUGLAS G. BAIRD, THOMAS H. JACKSON, AND BARRY E. ADLER, CASES, PROBLEMS, AND MATERIALS ON BANKRUPTCY (rev. 3d ed. 2001); MINI-CODE SPECIAL REDLINED EDITION (American Bankruptcy Institute).

Recommended Reading: DOUGLAS G. BAIRD, THE ELEMENTS OF BANKRUPTCY (3d ed. 2001).

Administrative Matters: Reading assignments are listed below. Unless otherwise specifically noted, you will be responsible for all cases, Notes, Exercises, and Problems in the units of the course that we will be covering. Keep in mind, however, that due to time constraints some of this material may not be specifically discussed in class or will be discussed in an abbreviated fashion. I may reappraise the status of the syllabus and the reading assignments as the semester proceeds. *The primary emphasis of the semester will be on the Bankruptcy Code itself. Thus, you should make certain to read the relevant Code sections very carefully and to bring your statutory supplement with you to every class session.*

Grading: You grade primarily will be based on a final examination at the end of the semester. The final exam will be “open Code,” meaning that you may bring in your statutory supplement, annotated in any way that you would like to annotate it, but no additional sheets of paper may be added. I also reserve the right to increase student grades for exemplary class participation.

The Class: This Spring Congress enacted the most comprehensive bankruptcy reform legislation since the enactment of the current Bankruptcy Code in 1978. Most of the reforms will take effect in the middle of the semester this October. Knowledge of both consumer and business bankruptcy has become essential for every lawyer. Litigators need to know bankruptcy because it affects their ability to enforce and collect judgments. Transactional lawyers must arrange transactions with an eye toward the consequences of bankruptcy. This course will thus seek to introduce you to the bankruptcy code as it impacts on all aspects of legal practice.

The objectives of this class will be: (1) To learn the Bankruptcy Code, (2) To learn the policies of the Code, and (3) To learn where the Code and policies are ambiguous, thereby leaving room for lawyering and advocacy skills to advance the interests of the law, the court, and your client. In addition, Congress is currently on the verge of possibly passing a comprehensive bankruptcy reform act. This legislation could be enacted at any time, including during this semester. As a result, please be aware that the material presented during the semester is subject to revision in light of legislative developments.

Other Information: Class meets Tuesday and Thursday, 10:00-11:15 in classroom 224. The Exam is scheduled for December 15 at noon. My office is 322. My office phone number is 703-993-9484. Unless a matter is urgent or otherwise requires immediate personal attention, I encourage you to contact me by email at tzywick2@gmu.edu. I especially encourage you to contact me by email if you have a discrete question about classroom or reading material. I will post office hours, but occasionally circumstances will require me to rearrange my office hours schedule. Thus, if you anticipate that you will be stopping by, please drop me an email, note, or let me know after class that you will be coming. If my door is open, feel free to drop in. If I am not in my office, I encourage you to call me at my home office, at 703-241-4947.

Reading Assignments
Bankruptcy
Fall 2005

Chapter I

All

Chapter II

All

Chapter III

All

Chapter IV

Section IV.A.: Read pages 88-92, including Exercises. *Omit Official Bondholders Committee v. Chase Manhattan Bank* (page 92-97). Read *A.H. Robins v. Piccinin* from handout. Do Problems, page 97-98.

Section IV.B.: All of Section IV.B.

Section IV.C.: All of Section IV.C.

Chapter V

Section V.A.: All of Section V.A.

Section V.B.: Read pages 137-144, including Exercises. *Omit Bittner v. Borne Chemical Co.* (pages 144-149). Read pages 149-160.

Section V.C.: All of Section V.C.

Chapter VI

Section VI.A.: All of Section VI.A.

Section VI.B.: Read pages 189-192, including Exercises. *Omit remainder of Section VI.B.*

Chapter VII

Section VII.A.: All of Section VII.A.

Section VII.B.: All of Section VII.B.

Section VII.C.: Read pages 229-231, including Exercises. *Omit Leasing Services Corp. v. First Tennessee Bank* and *In re Register* (pages 231-237). Read Notes 7C.2. and 7C.4., *omit Notes 7C.1. and 7C.3.* Read *In re Udell* and *In re Ward* from handout materials.

Chapter VIII

Section VIII.A.: Read pages 241-255. *Omit remainder of Section VIII.A.* (pages 255-265).

Section VIII.B.: Read pages 265-268, including Exercises. *Omit remainder of Section VIII.B.* (page 268-275).

Section VIII.C.: All of Section VIII.C.

Section VIII.D.: All of Section VIII.D.

Section VIII.E.: Read pages 342-345, including Exercises. *Omit Braniff Airlines v. Exxon Co.* (page 346-352). *Omit Note 8E.1.* Read Notes 8E.2. and 8E.3 and Problem 8E.

Chapters IX-XIII

All of remainder of book (as time permits).