

**Bankruptcy**  
**Professor Zywicki**  
**Fall 2009**

**Assigned Reading:**

DOUGLAS G. BAIRD, THOMAS H. JACKSON, AND BARRY E. ADLER, CASES, PROBLEMS, AND MATERIALS ON BANKRUPTCY (4<sup>th</sup> ed. 2007).

BANKRUPTCY CODE, RULES, AND OFFICIAL FORMS: 2009 LAW SCHOOL EDITION (West 2009).

**Recommended Reading:**

DOUGLAS G. BAIRD, THE ELEMENTS OF BANKRUPTCY.

**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:** Your grade 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 reserve the right to increase student grades for exemplary class participation.

**The Class:** 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.

**Other Information:** Class meets Monday and Wednesday 10:00-11:15 in Room 329. The Exam is scheduled for December 15 at noon. My office is Room 419. 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](mailto: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.

## **Reading Assignments**

### **Bankruptcy Fall 2009**

#### **Chapter I**

All

#### **Chapter II**

All

#### **Chapter III**

All

#### **Chapter IV**

**Section IV.A.:** Read pages 103-06, including Exercises. *Omit Official Bondholders Committee v. Chase Manhattan Bank* (page 104-12). Read *A.H. Robins v. Piccinin* from handout. Do Problems, pages 112-13.

**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 154-157, including Exercises. *Omit Bittner v. Borne Chemical Co.* (pages 157-65). Read pages 166-76.

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

#### **Chapter VI**

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

**Section VI.B.:** Read pages 213-17, 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 255-57, including Exercises. *Omit Leasing Services Corp. v. First Tennessee Bank, In re Register, and Northwest Airlines v. AFA-CWA* (pages 257-270). Read Notes 7C.2. and 7C.4., *omit other Notes*. Read *In re Udell* and *In re Ward* from handout materials.

## **Chapter VIII**

**Section VIII.A.:** Read 275-289, including exercises. *Omit In re Ozark Restaurant Equipment Co.* (pages 289-299).

**Section VIII.B.:** Read 299-302, including exercises. *Omit in re Walter* (pages 302-309).

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

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

**Section VIII.E.:** Read pages 387-91, including Exercises. *Omit Braniff Airlines v. Exxon Co.* (page 391-399). *Omit* Note 8E.1. Read Notes 8E.2. and 8E.3 and Problem 8E.

## **Chapter IX**

All

## **Chapter X**

523-540. *Omit* 540-558

## **Chapter XI**

All as time permits

## **Chapter XII**

As Time Permits