

Subject Guide for Bankruptcy

Fall 2021

Course Instructor:

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Subject Outline

Introduction and Subject Aims

Welcome to Bankruptcy. Bankruptcy is an increasingly important field of law, at the personal and corporate level. From an ex ante perspective, lawyers must design contracts with bankruptcy rights in mind to protect the (future) interests of their clients. From an ex post perspective, bankruptcy lawyers must work within the bounds of the code to extract the maximum recovery for creditors of debtors in bankruptcy.

This subject will introduce students to the basics of the bankruptcy code, as well as many of the more nuanced aspects of bankruptcy. We will cover the rights of creditors and debtors related to bankruptcy filings, the definition and importance of claims, and the implications of secured vs. unsecured claims. We will also discuss the policy that motivates bankruptcy and the code's various provisions.

Prescribed References

The **prescribed text** for this subject is

DOUGLAS G. BAIRD, THOMAS H. JACKSON, AND BARRY E. ADLER, CASES, PROBLEMS, AND MATERIALS ON BANKRUPTCY (4th edition).

BANKRUPTCY CODE, RULES, AND OFFICIAL FORMS: 2018 LAW SCHOOL EDITION (most recent).

The **recommended** reading is

DOUGLAS G. BAIRD, THE ELEMENTS OF BANKRUPTCY (6th edition)

Academic Staff Contact Details

Subject Coordinator/Lecturer Contact Details

Your coordinator for the course and instructor of Bankruptcy is Dr. Jordan Neyland.

Questions should be directed to the following:

Email: jneylan2@gmu.edu

Room: 450B (Hazel)

Phone: (703) 993-8639

Virtual ONLY Consultation Hours: 3:15pm to 4:00pm Wednesdays or by appointment

Email Protocol

Please note that I am only able to respond to student emails coming from a University email address. Do not use personal email addresses such as Yahoo, Hotmail, or even business email addresses. Emails from non-University email addresses may be filtered by the University's spam filter, which means that I may not receive your email. All correspondence relating to this subject will only be sent to your university email address. Note that you must first activate your university email address before you can send or receive emails at that address.

While I endeavour to address queries received via email, it is more appropriate to resolve substantive questions during lectures and consultations. With this in mind, I encourage students to attend all lectures and to familiarize themselves with the consultation hours offered by the lecturer in this subject.

Lectures

Lecture Times

Monday	1:50pm – 3:15pm
Wednesday	1:50pm – 3:15pm

Lecture Schedule

Lecture Dates: Aug 23, 2021 – Nov 22, 2021

Class Number	Pages
Class 1:	1-20
Class 2:	21-66
Class 3:	66-69, <i>Omit Exercises 3B(1)-3B(3)</i> , Do Exercises 3B(4)-3B(5). Read 70-79
Class 4:	79-86. <i>Omit In re Ross-Tousey</i> (pages 86-91). Read <i>Ransom v. MBNA</i> from handout. Read 92-102.
Class 5:	103-106, including Exercises. <i>Omit Official Bondholders Committee v. Chase Manhattan Bank</i> (pages 104-12). Read <i>A.H. Robins v. Piccinin</i> from handout. Do Problems, pages 112-15, including Exercises.
Class 6:	115-129
Class 7:	129-147
Class 8:	148-166
Class 9:	166-190
Class 10:	191-213
Class 11:	213-235, including Exercises (<i>Omit In re L. Lou Allen and remainder of section</i>).
Class 12:	235-254
Class 13:	Read pages 255-57, including Exercises. <i>Omit Leasing Services Corp. v. First Tennessee Bank, In re Register, and Northwest Airlines v. AFA-CWA</i> (pages 257-270). Read Notes 7C.2. and 7C.4., <i>omit other Notes</i> . Read <i>In re Udell</i> and <i>In re Ward</i> from handout materials. Do Problems 7C-1 and 7C2 (pages 273-74). <i>Omit Problem 7C-3</i> .
Class 14:	Read 275-289, including exercises. <i>Omit In re Ozark Restaurant Equipment Co.</i> (pages 289-299). Read 299-302. Do Exercises 8B(1), 8B(2), and 8B(5). <i>Omit Exercises 8B(3) and 8B(4). Omit in re Walter</i> (pages 302-309).

Class 15:	309-324
Class 16:	324-351
Class 17:	352-374
Class 18:	374-391, including Exercises. <i>Omit Braniff Airlines v. Exxon Co.</i> (page 391-399). <i>Omit</i> Note 8E.1. Read Notes 8E.2. and 8E.3 and Problem 8E.
Class 19:	401-430
Class 20:	430-447
Class 21:	447-467
Class 22:	467-477, pages 477-79 Exercises 9D(1), 9D(2), 9D(3), 9D(5), Read pages 479-494.
Class 23:	494-522, pages 477-79 Exercises 9D(4), 9D(6).
Class 24:	523-527. <i>Omit In re Dana Corp.</i> (pages 527-538). Read 538-540 (including Exercises). <i>Omit 541-558.</i>
Class 25:	559-583
Class 26:	Exam Review and/or 583-620

Lecture Slides

Lecture slides (if any) will be placed on the TWEN page for this subject after each lecture. The lecture slides are located under the heading “Lectures”. Lecture slides may be updated or revised before or after lectures. Be sure to check periodically for the most recent slides.

Recorded lectures: any lecture recordings will be made and released at the discretion of the lecturer. Any such recordings will be available via TWEN. If students require recordings due to illness or disability, appropriate documentation may be required. See below for policies on special consideration and disabilities.

Assessment

Assessment Overview

Assessment Task	Due Date	Weighting
Final Exam	TBD	100%*

*Note that the final grade can incorporate any exemplary/dissatisfactory class participation.

Exam Policy

The exam can cover **anything** in the **assigned** readings or in materials covered in lectures. While the focus is generally on materials discussed in class, students are expected to read all assigned materials in preparation for the exam (not to mention class!).

Students may use a copy of the statutory supplement on the final exam, including any personal annotations. Extra papers, texts, or other materials are not permitted.

Students must be available for the entire examination period. Supplementary/make-up exams will not be provided in cases of absence during the examination period, unless the absence is due to major illness or other serious circumstances. Special circumstances and conflicting schedules are handled by the Law Records Office, **NOT** the instructor. I encourage students to read the complete exam policy here.

https://www.law.gmu.edu/records/exams_policies

Plagiarism and Collusion

Presenting material from other sources without full acknowledgement (referred to as plagiarism) is heavily penalised. Penalties for plagiarism can include a mark of zero for the piece of assessment or a fail grade for the subject.

Plagiarism is the presentation by a student of an assignment or exam identified as his or her own work even though it has been copied in whole or in part from another student's work, or from any other source (e.g. published books, web-based materials, or periodicals), without due acknowledgement in the text.

Collusion is the presentation by a student of an assignment or exam as his or her own work when it is, in fact, the result (in whole or in part) of unauthorised collaboration with another person. Both the student presenting the assignment and the student(s) willingly supplying unauthorised material are considered participants in academic misconduct.

GMU Honor Code Pledge: https://www.law.gmu.edu/academics/honor_code

Special Consideration and Disabilities

If there are unexpected or unique circumstances that a student faces, please contact the Director of Student Academic Affairs (Christine Malone). In spite of any serious family or health concerns, students are required to miss no more than 20% of the lectures. Students with disabilities or chronic medical conditions who are seeking in-class and/or exam accommodations should contact the Office of Disability Services (ODS, ods.gmu.edu). This is the only office that can make a determination as to whether accommodations are required. The law school and instructors work with ODS to implement any approved accommodations.

Special Circumstances and COVID-19

For the duration of the semester, I recommend all students maintain a physical distance of at least six feet during class and adhere to mask-wearing guidance. I ask that students do not speak with me before or after class other than through virtual means.

In case I am unable to attend class due to illness, I will hold class virtually or schedule a makeup. If students are unable to attend, contact me ASAP about how to make it up.

I hope everyone stays safe. Please let me know if you have any questions.