

**ANTONIN SCALIA LAW SCHOOL**  
at  
**GEORGE MASON UNIVERSITY**

**BANKRUPTCY LAW: 167-001**  
**Fall 2024**

**SYLLABUS**

**Craig B. Young, Adjunct Professor**

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This Syllabus is subject to change. Students will be advised timely of any changes.

Course Schedule: The course meets Tuesdays and Thursdays at 6:05 p.m. until 7:30 p.m.

Office Hours: I am available to meet before or after classes or to schedule a telephone or Zoom conference with individual students upon request. You may request a conference by email or text. Students also may send questions or comments by email or text at any time. I will always try to respond within 24 hours. I reserve the right to share with the entire class any individual questions or discussions I deem to be helpful to everyone (I will not identify the person who asks the question or makes the comment).

Text: ***Bankruptcy Law – Principles, Policies, and Practice*** (“*Bankruptcy Law*”) Charles J. Tabb, Ralph Brubaker. 2021 Lexis-Nexis. (5th Edition). (ISBN 978-1-5310-1362-2; e-ISBN 978-1-5310-1363-9). Any Supplement I receive from the authors will be provided to you; **U.S. Bankruptcy Code** (“*Bankruptcy Code*” or “*BC*”) and **Federal Rules of Bankruptcy Procedure** (“*Bankruptcy Rules*” or “*BR*”) (dated 2022 or later). (The Bankruptcy Code and Bankruptcy Rules can be accessed online; but beware – many sites are not up to date); you will also need **Internet** access to <http://www.vaeb.uscourts.gov>

Course Overview: This course covers the basics of bankruptcies filed by individuals and entities including liquidation under chapter 7 of the Bankruptcy Code, reorganization for individuals under chapter 13 of the Bankruptcy Code and reorganization for entities under chapter 11 of the Bankruptcy Code.

Learning Outcomes: By the end of this course students will:

- Understand the philosophy of bankruptcy as applied to individuals and entities facing serious financial hardships;
- Understand the relationship between bankruptcy law and other laws related to financial transactions and issues such as real estate law or the Uniform Commercial Code;
- Be able to identify when and why an individual or an entity should consider using bankruptcy as a solution to financial hardships;
- Know how to use bankruptcy to resolve financial hardships encountered by individuals and entities; and
- Know how to use the Bankruptcy Code and Bankruptcy Rules to protect the rights of creditors.

Instructor Expectations and Course Structure:

- Students are expected to read assigned Text materials in advance of each class and are encouraged to participate during class by way of discussion and questions.
- This is an advanced course and not taught using the Socratic Method. Students will not be called on specifically but will be encouraged to volunteer their participation.
- Additional materials will be shared during the course by way of TWEN and email. Students are encouraged to use their MasonLive email accounts but may request email communications using other email addresses.

Attendance: Regular and punctual attendance is required to earn academic credit. Attendance requirements for academic credit will follow the policies set forth in Academic Regulation 4-1. Should a student anticipate missing a substantial number of class sessions (*e.g.* because of a serious illness), the student should immediately contact the Assistant Dean, Student Academic Affairs.

I will keep attendance during the course and will mark a student as absent if not seen visually. In accordance with Academic Regulation 4-1.1, “A student who is not present for at least 75 percent of a session of the course is absent from that session.” If a student misses more than four class sessions, I am obligated to report such absences to the Assistant Dean, Student Academic Affairs.

Class Recordings Prohibited: Pursuant to Academic Regulation 4-2.2, no portion of a class session or an examination may be preserved by means of a recording device such as an audio recording device or camera. Any exceptions to this policy must be expressly permitted in writing by me.

- There is no plan or expectation for this course to be recorded.

Exam: The exam for this course is take-home with open book. Any resources may be used during the taking of the exam EXCEPT other students, friends, colleagues or any other persons may not be used. Students may take the exam at any time during the exam period (December 3 – December 18, 2024) provided (i) each student must pick up the exam from and return the exam and answer to the Records Office within a 24-hour

period; and (ii) the exam must be returned before the end of the exam period (COB December 18). The exam will be two fact patterns with three or four questions for each fact pattern. In accordance with Academic Regulation 4-4.1, excuses and requests for permission not to sit for an examination when scheduled must be presented, with appropriate documentation, to the Assistant Dean, Student Academic Affairs. Except in emergencies, such requests should be presented no later than two weeks before the date the exam period begins.

University Life provides student support resources such as Counseling and Psychological Services (<https://caps.gmu.edu/>), Student Health Services (<https://shs.gmu.edu/>), and the Student Support and Advocacy Center (<https://ssac.gmu.edu/>). For more information about University Life on the Arlington Campus, please visit: <https://ularlington.gmu.edu/>

### COURSE SCHEDULE AND ASSIGNMENTS:

**Class 1 August 22, 2024 – Introduction. What is Bankruptcy? Read:** *Bankruptcy Law* Chap. 1, pgs. 1-77; You may **SKIP:** *Vitale v. Hotel California*, pg. 25; *Illi, Inc. v. Margolis*, pg. 29; *U.S. v. McDermott*, pg. 36; *Grupo Mexicano v. Alliance Bond Fund, Inc.*, pg. 48; (You may skip Introduction to Bankruptcy, pg. 56, but you are encouraged to read the history of bankruptcy, pg. 59, at some point); read *Henson v. Santander Consumer USA Inc.*, 582 U.S. \_\_\_, 137 S. Ct 1718 (2017) (Text pg. 8) (TWEN); review *Bankruptcy Code* §§ 101, 109.

**Class 2 August 27, 2024 – Commencement of Bankruptcy Read:** *Bankruptcy Law* Chap. 2 pgs. 79-94, skim 161-170 (involuntary bankruptcy); You may **Skip** *In Re SGL Carbon Corporation*, pg. 94-105; read *In re: National Rifle Association et al.*, Case No. 21-30085 (HDH), Order dated May 11, 2021 (TWEN); review *Bankruptcy Code* §§ 101, 109, 301, 303, 521, 522; 28 U.S.C. §157; 28 U.S.C. §§ 1408, 1409; *Bankruptcy Rules* 1002, 1004, 1007, 4003. STOP

**Class 3 August 29, 2024 – “Good Faith” and the “Means Test” Read:** *Bankruptcy Law* Chap. 2, pgs. 109 -161 (*see* Supplement pgs. 3-22); review *Bankruptcy Code* §§ 305, 707, 1112, 1208, 1307; *Bankruptcy Rule* 1017.

**Class 4 September 3, 2024 – Property of the Bankruptcy Estate Read:** *Bankruptcy Law* Chap. 3, pgs. 171-199; *Bankruptcy Code* §§ 541, 542, 543.

**Class 5 September 5, 2024 – The Automatic Stay Read:** *Bankruptcy Law* Chap. 4, pgs. 201-237; *Bankruptcy Code* §§ 362; *Bankruptcy Rule* 4001.

**Classes 6, 7 & 8 September 10, 12 & 17, 2024 – Unsecured Claims Read:** *Bankruptcy Law* Chap. 5, pgs. 239-300; *Bankruptcy Code* §§ 101(5), 726, 727, 501, 502, 503, 507; 28 U.S.C. 959(a) and (b). You may **SKIP** *Alabama Surface Mining Comm. v. N.P. Mining Co. (In re: N.P. Mining Co.)*, text pg. 286.

**Classes 9 & 10 – September 19 & 24, 2024 -- Secured Claims Read:** *Bankruptcy Law* chap. 6, pgs. 301-350; You may **SKIP** *Hartford Underwriters Ins. Co. v. Union Planters Bank*, pg. 345; review *Bankruptcy Code* §§ 506(a), (c), (d), 362(c), (d), 363, 554, 521, 101, 102(2).

No class on September 26 – Professor Young on travel.

**Class 11 – October 1, 2024 -- Relief from Stay and Adequate Protection Read:** *Bankruptcy Law* Chap. 7, pgs. 351-386; *Bankruptcy Code* §§ 361, 362.

**Classes 12, 13 & 14 October 3, 8 and 10, 2024 – Executory Contracts & Unexpired Leases: Read:** *Bankruptcy Law* pgs. 387-470; *Bankruptcy Code* §365; SKIP *In re Enron Corp.*, pg. 401, *In re Klein Sleep Products, Inc.*, pg. 436. For Class 12 read through pg. 397; for Class 13 read through 427; finish chapter for Class 14.

**Classes 15, 16 & 17 October 15, 17 and 22, 2024 – Avoiding Powers: Read:** *Bankruptcy Law* pgs. 471-596; *Bankruptcy Code* §§ 544, 545, 546, 547, 548, 550.

**Class 18 October 22, 2024 – Discharge. Read:** *Bankruptcy Law* pgs. 597-668; *Bankruptcy Code* §§ 101(5), 101(12), 523, 524, 525, 552, 727, 1141, 1328.

**Classes 19 & 20 October 29 & 31, 2024 – Exemptions.**

**Read:** *Bankruptcy Law* pgs. 669-716; *Bankruptcy Code* § 522, 727. For Class 19 read to pg. 684; for Class 20, finish the chapter.

No Class on November 5 – Election Day.

**Classes 21, 22 & 23, November 7, 12 and 14, 2024 – Chapter 11 Reorganization – Read:** *Bankruptcy Law* pgs. 717-852; *Bankruptcy Code* § 105(a), 363, 364, 1102, 1103, 1104, 1106, 1107, 1108, 1121, 1122, 1123, 1124, 1125, 1126, 1128, 1141; *Bankruptcy Rule* 9019. Class 21 read to pg. \_\_; Class 22 read to pg. \_\_; Class 23 the rest of the chapter.

**Class 24 November 19, 2024 – Jurisdiction and Procedure Read** *Bankruptcy Law* Chap. 13, pgs. 853-970.

No Class on November 21

**Class 25 November 22, 2024 – Review**