

Debtor-Creditor Law and Bankruptcy (BUS 6327 01) - Fall 2019

**Debevoise Hall (MAP Room)
Mon. 2:10 - 3:50 p.m.**

| Class Number | Date | Topics | Primary Text (Warren, Westbrook, et. al.) | Assigned Statute/Code Sections | Additional Readings to be Posted to Course Website |
|---------------------|-----------------|--|--|--|---|
| No Class | August 26, 2019 | | | | Note there is to be a court visit in lieu of this class: To attend 341 Meetings of Creditors and Hearing Calendar at the U.S. Bankruptcy Court, District of Vermont Rutland, VT on November 15, 2019; see below. https://www.nytimes.com/2019/08/05/business/economy/russia-consumer-debt.html?searchResultPosition=1 https://www.nytimes.com/2018/08/05/business/bankruptcy-older-americans.html https://www.forbes.com/sites/andrewbiggs/2018/08/10/does-america-face-a-boom-in-retiree-bankruptcies/#6c2e6c7b2fbb https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3226574 |
| Class 1 | Sept. 9, 2019 | Consumer debt How it originates How it goes bad; Judgment basics, pre-judgment, post judgment, ADR Exemptions Consumer Protections, FDCPA | Casebook Assignment 2 Casebook: 22-46 | <ul style="list-style-type: none"> 12 V.S.A. §§ 2740, 2901, 2904, | |
| Class 2 | Sept. 16, 2019 | Secured and Unsecured Interests. Real and Personal. Mortgages/liens Creating Security Interests and Perfecting; filing and effectiveness; UCC-9 | Casebook Assignment 2, Continued | <ul style="list-style-type: none"> UCC § 1-201(27); §§ 9-102(a)(7),(12); §§ 9-201 to 9-208; §§ 9-301 to 9-316 §§ 9-501, 502, 512, 515 | <ul style="list-style-type: none"> Official Form 106D; Form UCC-1 |
| Class 3 | Sept. 23, 2019 | Priority and Subordination of Claims; default Enforcement | Casebook333-344 <ul style="list-style-type: none"> Problems 15.1, 15.2 | <ul style="list-style-type: none"> UCC §§ 9-317 to 9-342; §§ 9-601 to 9-612 | <ul style="list-style-type: none"> |

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| | | Bk Court resolution of state law Debtor - Creditor transactions issues and role of state law issues in bk filings | | | | |
| Class 4 | Sept. 30, 2019 | Bankruptcy Intro – Different Chapters (7, 13, 12, 11); Chapter choice; Means Test; Role of Trustee & Judge (ct of equity) | <ul style="list-style-type: none"> Casebook: 1-18; 253-258; 274-302 Problems 1.3; 2.1; 13.1, 13.2 | <ul style="list-style-type: none"> 11 U.S.C. § 707(b)(2) 11 U.S.C. § 109(e) 11 U.S.C. §§ 704, 1202, 1302 | <ul style="list-style-type: none"> Form B122A-1; B122A-2 Form 122C-1; 122C-2 Form B106I (“Schedule I”) Form B106J (“Schedule J”) | |
| No Class | Oct. 7, 2019 | VLS CLOSED | | | | |
| Class 5 | Oct. 14, 2019 | Consumer Bankruptcy: Estate Property; Claims; Turnover, Exemptions | <ul style="list-style-type: none"> Casebook: 305-322; 57-64; 79-155 Problems 6.1–6.4, 7.7 | <ul style="list-style-type: none"> 11 U.S.C. §§ 502, 503, 506, 507, 522, 542, 726 27 V.S.A. § 101 12 V.S.A. § 2740 | <ul style="list-style-type: none"> <u>In re Mead</u> (Bankr. D. Vt. 2013) Form B106C <u>Law v. Siegel</u>, 571 U.S. 415 (2014) | |
| Class 6 | Oct. 21, 2019 | The Automatic Stay; Relief from Stay; Violations of Stay and Discharge; Reaffirmations; Discharge and D’s Position after Bk | <ul style="list-style-type: none"> Casebook: 67-77; 155-203 Problems 3.4, 4.5 | <ul style="list-style-type: none"> 11 U.S.C. §§ 362(a),(b),(k); 523(a); 524, 365(p), 525, 727(a), 1141(d), 1328 | <ul style="list-style-type: none"> <u>Taggart v. Lorenzen</u>, ___ S.Ct. ___ (2019) <u>Kirby v. 21st Mortg. Corp.</u>, 599 B.R.427 (2019) | |
| Class 7 | Oct. 28, 2019 | Chapter 7 Generally; Adversary Proceedings generally; Avoiding Powers; Preferences and Fraudulent Transfers | <ul style="list-style-type: none"> Casebook 469-532 Problems 22.4; 24.2 | <ul style="list-style-type: none"> 11 U.S.C. §§ 544(a), (b), 546, 547, 548, 553, 707(a), Bankruptcy Rules 7001, 7004, | <ul style="list-style-type: none"> <u>Lamar v. Appling</u>, 138 S. Ct. 1752 (2018) | |
| Class 8 | Nov. 4, 2019 | Guest Lecturer | <ul style="list-style-type: none"> To be announced | | | |

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| Class 9 | Nov. 6, 2019 | Hon. Colleen A. Brown, U.S. Bankruptcy Judge District of Vermont | <ul style="list-style-type: none"> Jurisdiction of the Bankruptcy Courts | | <p><u>Event not to be missed under any circumstances!</u></p> |
| Class 10 | Nov. 11, 2019 | Ch 13 Intro – differences from ch 7; sec'd and unsec'd claims; home mortgages and car payments; motions to determine value of sec'd claim/allow sec'd claim; embedded motions | <ul style="list-style-type: none"> Casebook: 203-227 Problems 10.2, 10.4 | <ul style="list-style-type: none"> 11 U.S.C. §§ 1302(a) and (b), 1304, 1305, 1306, 1321, 1328, 362(d), 361, 506(a)(1),(2) 11 U.S.C. § 1322, especially (a)(2), (b)(2); (b)(5) 11 U.S.C. § 1325, especially (a)(4), (a)(5), and (b), | <ul style="list-style-type: none"> Form 113 (chapter 13 plan) |
| Class 11 Court Day | Nov. 15, 2019 | U.S. Bankruptcy Court, U.S. Post Office Building Rutland Vermont | <ul style="list-style-type: none"> Court day ~10:00 a.m. – 4:00 p.m. | <ul style="list-style-type: none"> 341 Meetings to be observed Ch. 13 Confirmation Hearings to be observed Post hearings visit with Judge Brown. Analysis of days events | <ul style="list-style-type: none"> If any student has travel issues, to advise <u>immediately</u> |
| Class 12 | Nov. 18, 2018 | The Ch 13 Plan; conf standards; confirmation; role of non-Debtor spouse; plan modification | <ul style="list-style-type: none"> Casebook 229-251 Problems 11.2; 11.3; 11.5 | <ul style="list-style-type: none"> 11 U.S.C. §§ 512(f)(4), 1306, 1307, 1322(a), 507, 1328 1325(a)(3), (a)(4), (b)(1)(B), (b)(2), (b)(3) | <ul style="list-style-type: none"> United Student Aid Funds, Inc. v. Espinosa, 559 U.S. 260 (2010) Form 113 (chapter 13 plan) |

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| Class 13 | Nov. 25, 2019 | Ch 13 Plan Confirmation continued; executory contracts, leases | <ul style="list-style-type: none"> Casebook 561-592 Problems 25.4, 25.5.A, 26.1-26.3 | 11 U.S.C. §§ 365, 503, 502(g) | <ul style="list-style-type: none"> Aiken, <i>Chapter 12 Family Farmer Bankruptcy</i> (1987) Peiffer, <i>Thirty Years of Asking, 'Are we there Yet?'</i> (2017) Sample Chapter 12 Plan |
| Class 14 | Dec. 2, 2019 | Ch 12 Overview; history & policy considerations; comparison to other chapters | | 11 U.S.C. §§ 1205, 1222, 1225, 1227 | <ul style="list-style-type: none"> Van Patten, <i>Chapter 12 in the Courts</i> (1993), p. 71-90 Sample Adequate Protection Motion, Objection, & Order |
| Note: If time allows or as makeup or review session | Dec. 9, 2019 | Ch 12 Continued: timing; filing & contents of a plan; adequate protection; plan confirmation; feasibility; plan modification | | 11 U.S.C. §§ 1206, 1208 | <ul style="list-style-type: none"> |
| | | DSO's and Discharges. Overlap and effect | <ul style="list-style-type: none"> | | <ul style="list-style-type: none"> |
| | | Ch 11 – Intro, What is a Debtor-in-Possession?; Running the Business, Comparison of forms (small biz, single asset real estate, individuals; review) | <ul style="list-style-type: none"> Casebook 381-433; 294; 631-635, 660-661 Problems 17.2, 17.5, 18.1, 18.2, 18.4 | 11 U.S.C. §§ 363(a)-(e), 553, 361, 362(d), 552, 1104, 1106, 1107, 1108, 1121(e) Bankruptcy Rules 4001(a), 6003 | <ul style="list-style-type: none"> Judge Robert Drain, <i>A Brief Summary of Ch 11</i> |
| | | Ch 11 – Negotiating, Confirming Plan, Adequate Protection; Cramdown | <ul style="list-style-type: none"> Casebook 597-631 Problems 28.1, 28.4, 29.1 | 11 U.S.C. §§ 1121, 1122, 1123, 1124, 1125, 1126, 1129(a),(b),(c) Bankruptcy Rules 3016, 3018, 3019 | <ul style="list-style-type: none"> <u>Mission Product Holdings v. Tempnology</u>, 139 S.Ct. 951 (2018) |
| Exam | TBA | | | | |