Bankruptcy

Law 926-01
Prof. Ford Elsaesser

Mondays & Wednesdays, 8 AM – 9:15 AM
Office Days & Hours

Room 105 Menard Law Building

Contacting the Professor: My e-mail is ford@eaidaho.com. This is the best way to reach me if you have questions. Please contact me if you want to schedule a meeting with me.

Description:

Welcome to the Moscow campus class: **Bankruptcy, LAW 926, Section 1.**

Set out below is the syllabus. We will be using David G. Epstein’s book, Fourth Edition, *Bankruptcy: Dealing with Financial Failure for Individuals and Businesses.*

We will also be using supplemental materials, including:

- *Bankruptcy in Practice, Fifth Edition,* by Michael Bernstein *which will be delivered electronically—no hard copy unless you choose to print it yourself*

- *Mini-Code & Mini-Rules* which include the full text of the Bankruptcy Code and the Federal Rules of Bankruptcy Procedures, which are also available online from the American Bankruptcy Institute

- A one-year student membership in the American Bankruptcy Institute, which gives you access to all of their online resources and is a substantial benefit in helping with the Courts.

Please have the attached ABI flyer filled completely out on the first day of class with either a check or credit card information on the sign-up sheet, and I will submit them to the ABI.

In addition to the broader introductory themes on our first day, I am sending along a copy of a decision by the Second Circuit Court of Appeals with regard to attempts by General Motors to avoid liability for the faulty ignition switches that now have admittedly caused deaths and substantial injuries. Please try to read through this case beforehand.

Also attached are the second and third chapters of *A Man In Full* by Tom Wolfe. Please read them before our first class.

If you have any questions, please do not hesitate to drop me an email. Please use this email address: ford@eaidaho.com

Best regards,
Ford Elsaesser
**Required Text:** *Bankruptcy in Practice, 5th Edition*, Michael L. Bernstein and George W. Kuney, Edited by Charles J. Tabb, Published by the American Bankruptcy Institute.

**Assignments, Exams and Grading:**

- **Course Grade:** Your grade will be determined by your performance on the final exam.

- **Final Exam:** The final exam will be a take-home exam of essay questions and will require you to write answers to approximately five questions regarding bankruptcy law, based on scenarios I will give you. You will be permitted to use any materials that you like to answer the questions. The final will test your ability to apply the law, and to write clear and persuasive arguments.

- **No Credit will be given or class participation, nor will students be allowed to do additional assignments not listed on the syllabus in order to improve their final grades.**

**Reading Assignments:**
Please do the reading assigned for each week before the first class meeting of that week (except for the first week, of course). Please catch up with the first week’s readings as soon as possible. The readings are intended to provide a detailed discussion of the law of remedies, and of cases that illustrate the application of that law.

**Credit Hours for Coursework:**
In accordance with ABA Standard 310, the College of Law awards one credit hour for experiences that are reasonably designed to involve 50 minutes of classroom or direct faculty instruction and two hours of out-of-class student work per week, or at least the equivalent amount of work for academic activities including simulation, field placement, clinical, and other academic work leading to the award of credit hours.

The Course requirements outlined above with respect to materials and assignments, in my professional judgement, are complex enough in nature that it is expected that the amount of out-of-class time it will take students to complete the assignments will meet the rule.

**Course Website:**
This course will NOT have an accompanying website on TWEN. If you have any questions during the course, please email me at ford@ejame.com

**Case Briefing**
In most classes, as described in the syllabus, a case from the assigned readings will be discussed in class that illustrates an important concept that will be covered in class that week. All students should come to class that week with the cases briefed and ready to present. The presentation should include the basic facts of the case and the court’s holding. The presentation will be oral only; there is no need to prepare written materials or a PowerPoint presentation. The professor will call on a randomly selected student in each class to present the assigned case. If the called upon student is not prepared, she/he will have the opportunity to brief the case in the next class, and the professor will call upon another student. If a student fails to brief a case twice, she/he will suffer a 10 point
penalty (out of possible 100 points) in calculating her/his final course score. Students may be called upon more than once in a semester. Cases and the dates that they are to be discussed will appear in bold below.

**Attendance:**
ABA rules specify that students should not miss more than 20% of the class meetings. It is a good practice for students who anticipate missing two or more consecutive classes to inform the affected faculty members. Students may also contact the Academic Support Director (885-6211 or lawsupport@uidaho.edu), who can notify affected faculty members.

**Policy for Disabled Students:**

**Center for Disability Access and Resources (CDAR) Reasonable Accommodations Statement:**
Reasonable accommodations are available for students who have documented temporary or permanent disabilities. Ideally, students in Moscow and Boise should meet with CDAR by the end of the first week of class to assess if any accommodations are needed for courses and/or examinations. All accommodation requests are then submitted by CDAR to Dean Dodge for final approval. CDAR serves as the sole evaluator of medical documentation and determines reasonable accommodations on a per semester basis. The College of Law does not have the authority to evaluate or grant disability accommodations without CDAR first submitting a recommendation. You may contact CDAR by:

- Calling 208-885-6307
- Emailing cdar@uidaho.edu

It is ultimately the student’s responsibility to seek a disability accommodation, and until an accommodation is approved by CDAR and Dean Dodge, no student will be entitled to receive any accommodations. To learn more about CDAR, visit its website at http://www.uidaho.edu/current-students/cdar. Moscow students may also visit CDAR in suite 127 of the Pitman Center. Please review the College of Law Catalog and Student Handbook for more information on the disability accommodation process.

**Recording Class Sessions:**
Students may not electronically record classes unless they have the express consent of the instructor, except where the Dean of Students has allowed recording as a disability accommodation pursuant to a recommendation by CDAR. Recording classes without the instructor’s express consent violates the Honor Code. Students recording classes as a disability accommodation must follow procedures set down by CDAR. Students who are unable to attend class for reasons of illness or other exigencies must receive permission from the instructor before classes are recorded on their behalf. Contact the Law Library for recording equipment and information on recording procedures.

**Civility**
In any environment in which people gather to learn, it is essential that all members feel as free and safe as possible in their participation. To this end, it is expected that everyone in
this course will be treated with mutual respect and civility, with an understanding that all of us (students, instructors, professors, guests, and teaching assistants) will be respectful and civil to one another in discussion, in action, in teaching, and in learning.

Should you feel our classroom interactions do not reflect an environment of civility and respect, you are encouraged to meet with your instructor during office hours to discuss your concern. Additional resources for expression of concern or requesting support include the Dean of Students office and staff (885-6757), the UI Counseling & Testing Center’s confidential services (885-6716), or the UI Office of Human Rights, Access, & Inclusion (885-4285).

Changes to the Syllabus:
The professor reserves the right to make changes to the syllabus during the semester. Students will be notified of all changes in a timely manner.

Class Rescheduling:
The professor might need to cancel or reschedule classes during the semester to accommodate professional commitments. Students will receive notice of these changes as soon as practicable.
<table>
<thead>
<tr>
<th>Class</th>
<th>Topic</th>
<th>Reading Materials</th>
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<tbody>
<tr>
<td>8/20/18 &amp; 8/22/18</td>
<td>Overview</td>
<td>Epstein, Units 1 &amp; 2; BIP, Chapter 1; excerpt from <em>A Man in Full</em></td>
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<tr>
<td>8/27/18 &amp; 8/29/18</td>
<td>Bankruptcy basics</td>
<td>Epstein, Unit 3; BIP, Chapter 5</td>
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<td>9/05/18 &amp; 9/10/18</td>
<td>Automatic stay</td>
<td>Epstein, Unit 5; BIP, Chapter 7</td>
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<td>9/12/18 &amp; 9/17/18</td>
<td>Discharge, exemptions, and dischargeability</td>
<td>Epstein, Unit 6; BIP, Chapter 17</td>
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<tr>
<td>9/19/18</td>
<td>Chapter 7</td>
<td>Epstein, Unit 7</td>
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<td>9/24/18</td>
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<td>9/26/18 &amp; 10/01/18</td>
<td>Chapter 13</td>
<td>Epstein, Unit 8</td>
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<td>10/03/18, 10/08/18 &amp; 10/10/18</td>
<td>Overview of Chapter 11 business cases and Chapter 11 for individuals</td>
<td>Epstein, Units 9 &amp; 10; BIP, Chapters 6, 9 &amp; 10</td>
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<td>10/15/18, 10/16/18 &amp; 10/22/18</td>
<td>Avoiding powers</td>
<td>Epstein, Unit 11; BIP, Chapter 14</td>
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<tr>
<td>10/24/18</td>
<td>Review</td>
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<tr>
<td>10/29/18, 10/31/18 &amp; 11/05/18</td>
<td>Executory contracts and leases</td>
<td>Epstein, Unit 12; BIP, Chapter 11</td>
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<tr>
<td>11/07/18, 11/12/18 &amp; 11/14/18</td>
<td>Bankruptcy jurisdiction and venue</td>
<td>Epstein, Unit 13; BIP, Chapters 3 &amp; 4</td>
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<td>11/26/18 &amp; 11/28/18</td>
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<td>12/03/18 through 12/14/18</td>
<td>Final exam will be a take-home exam; additional information will follow</td>
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