

**Florida A&M University College of Law
Bankruptcy and Creditor's Rights 6050 Syllabus
Fall 2015**

**Judge Arthur B. Briskman
United States Bankruptcy Court
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407-237-8120

- Course Goal:** To gain a fundamental and practical knowledge of bankruptcy
- Credit Hours:** Three
- Office Hours:** No regular hours; available at a time of mutual convenience
- Text:** Problems and Materials on Bankruptcy Law and Practice by Sepinuck & Rusch
United States Bankruptcy Code and Rules
- Course Strategy:** 20 class lectures, with case presentations & problem exercises,
four visiting lectures on the workings of the bankruptcy system,
two mid-course and two review classes to prepare for the final.
- Grading:** One final exam of short answer questions, (last semester it was a four hour exam with 62 questions)
Class participation will be graded to increase or decrease grade ½ grade. No grading scale.
CFBLA Book Award for highest final exam.
- Attached:** Class assignment; text, cases & code sections; select Supreme Court and significant Decisions; current code
monetary amounts; significant code sections; general overview of Bankruptcy; Court activities.

FAMU Academic Honor Policy Applies

University's Americans with Disabilities Act (ADA) Policy Statement:

Individuals who need a reasonable accommodation must notify and send appropriate documentation to:

The Center for Disability Access and Resources (CeDAR),
667 Ardelia Court, Tallahassee, FL 32307;
ATTN Dr. Dannette Saylor.
Fax: (850) 561-2513. Phone: (850) 599-3180.

College of Law's Non-discrimination Policy Statement:

Florida A&M University College of Law does not discriminate on the basis of race, creed, color, religion, age, disability, sex, sexual orientation, marital status, national origin, political opinions or affiliations, and veteran status as protected under the Vietnam Era Veteran's Readjustment Assistance Act in the administration of its education policies, admissions and placement policies, and other school administered programs.

Fall 2015 Bankruptcy and Debtor-Creditor Rights
Judge Arthur B. Briskman
Syllabus—Sections and Cases

Class	Date	Ch	1 st Ed.	2 nd Ed.	Description	Code Section(s)	Assigned Problems	Case
1	Aug 11	1-2	1-45	1-54	Bankruptcy Overview	101-103, 105, 109, 157, 303	2-2	Students with last name A-J: <i>Northern Pipeline Co v. Marathon Pipe Line Co.</i> , 458 S. Ct. 50 (1982) ; <i>Stern v. Marshall</i> , 131 S. Ct. 2594 (2011). Students with Last name K-Z: <i>Executive Benefits</i> , 134 S. Ct. 2165 (2014); <i>Wellness Int’l Network Ltd. V. Sharif</i> , 135 S. Ct. 1932 (2015); <i>In re Talib</i> , 335 B.R. 417 (Bankr. W.D. Mo. 2005).
2	Aug 13	3	49-76	57-89	Property of the Estate	363(b)(1), (c)(1), (H), (J), 541, 542	3-1; 3-2; 3-3	<i>United States v. Whiting Pools, Inc.</i> , 462 S. Ct. 198 (1983).
3	Aug 18	7	249-268	257-279	The Automatic Stay	362(a) & (b)	7-6; 7-8	
4	Aug 20	7	268-282	280-288	Relief from the Automatic stay	108, 362(c), (d), 366 & 525	7-13	
5	Aug 25	4	125-144	129-146	Exemptions	522(a)-(2), (g)-(n)		<i>Taylor v. Freeland & Kronz</i> , 503 U.S. 638 (1992).
6	Aug 27	4	145-166	146-172	Exemptions	522(o), (p)		<i>Havaco of America, Ltd. v. Hill</i> , 255 F.3d 1321 (11th Cir. 2011); <i>Clark v. Rameker</i> , 134 S. Ct. 2242 (2014); <i>In re Sholdan</i> , 217 F. 3d 1006 (8th Cir. 2000); <i>In re Hanson</i> .848 F. 2d 866 (8th Cir. 1988).

Class	Date	Ch	1 st Ed.	2 nd Ed.	Description	Code Section(s)	Assigned Problems	Case
7	Sep 1	8	285-311	291-308	Starting a Consumer Case	521		
8	Sep 3	11	411-429	395-413	Chapter 13 Overview	109(e), 1301, 1302, 130, 1306 & 1321-1326, 707(b), 727(a)(9), 1328, 101(30)		
9	Sep 8	11	429-441	413-432	The Chapter 13 Plan	109, 1301, 1302, 1305, 1306 & 1321-1326		<i>Nobleman v. American Sav. Bank</i> , 508 U.S. 324 (1992); <i>Ass. Comm. Corp. v. Rash</i> , 520 U.S. 953 (1997); <i>Till v. SCS Credit Corp.</i> , 541 U.S. 465 (2004).
10	Sep 10	11	442-470	432-458	Chapter 13 Post Confirmation	1307 & 1327-1329		<i>Hope v. Acorn Financial</i> , 731 F.3d 1189 (11th Cir. 2013).
11	Sep 15	10	351-362	341-353	Dismissal	523, 727		<i>Law v. Siegel</i> , 134 S. Ct. 1188 (2014); <i>In re Piazza</i> , 719 F.3d 1253 (11th Cir. 2013); <i>Harris v. Viegelahn</i> , 135 S. Ct. 1829 (2015).
			394-407	383-392	Discharge Injunction, Conversion, and Appeals	524 & 707, 18 U.S.C. 151, 152, 154, & 157		

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12	Sep 17				Review			
13	Sep 22				Chapter 13 Speaker			
14	Sep 24	12	471-506	459-499	Starting a Chapter 11 Case	1102-1108, 112, 115, 1121-1123		<i>In re Saybrook Manufacturing</i> , 963 F. 2d 1490 (1992).
15	Sep 29	12	506-539	510-557	The Chapter 11 Plan	1126, 1129, 1141		<i>Northwest Bank Worthington v. Ahlers</i> , 485 U.S. 197 (1988); <i>Bank of America Nat. Trust and Sav. Ass'n v. 203 North LaSalle</i> , 526 U.S. 434 (1999); <i>In re DBSD North America, Inc.</i> , 634 F. 2d 79 (2d Cir. 2011).
16	Oct 1				Chapter 11 Speaker			
17	Oct 6		77-100	90-111	Preferential Transfer	101(31), (32), & (54)		<i>In re Craig Oil</i> , 785 F. 2d 1563 (11th Cir. 1986); <i>Union Bank v. Wolas</i> , 502 U.S. 151 (1991)
18	Oct 8	3	100-123	111-127	Fraudulent Transfer	544(b) & 548		
19	Oct 13	3	363-395	353-382	Non-dischargeability	523	10-2; 10-3; 10-4; 10-6	<i>Field v. Mans</i> , 516 U.S. 59 (1995).
20	Oct 15	10			Review			

Class	Date	Ch	1 st Ed.	2 nd Ed.	Description	Code Section(s)	Assigned Problems	Case
21	Oct 20				Chapter 7 Speaker			
22	Oct 22				TBD			
23	Oct 27	5	167-195	173-202	Claims	101(5), 365, 502		<i>Ohio v. Kovacs</i> , 469 U.S. 274 (1985).
24	Oct 29	6	197-227	203-237	Treatment of Secured Claims	101(36), (37), (51) & (53), 361, 363(d), (f), (k), 506, 544(a), 551, 552 & 722, 547		<i>Bank of Am., N.A. v. Caulkett</i> , 135 S. Ct. 1995 (2015); <i>Dewsnup v. Timm</i> , 502 U.S. 410 (1992); <i>In re McNeal</i> , 477 F. App'x 562 (11th Cir. 2012); <i>In re Tanner</i> , 217 F. 3d 1357 (11th Cir. 2000).
25	Nov 3	6	227-248	237-256	Treatment of Secured Claims	522(f), 545, 546(b), 553 & 724(a)		
26	Nov 5	9	313-350	309-340	Professional Persons and Priority of Claims	327(a), 328(a), 329, 330(a), 530, 507, 546(c) & 527		<i>Baker Botts v. ASARCO</i> , 135 S. Ct. 2158 (2015).
27	Nov 10				TBD			
28	Nov 12				Review			

Class	Date	Ch	1st Ed.	2nd Ed.	Description	Code Section(s)	Assigned Problems	Case
29	Nov 17				Review			
Final Exam Scheduled for Thursday, December 3, 2015 @ 6:00 p.m.								