

Debtor-Creditor Law and Bankruptcy (BUS 6327 01) - Fall 2024

13 August 2024

**Oakes Room 211
Monday 9:30-11:10 a.m.**

Class	Date	Topic Outline	Primary Text	Assigned MATERIALS Statute/Code Sections	Class updates to be posted on CANVAS
General Points	Fall	Weekly	Warren, et al., The Law of Debtors and Creditors, 8th Ed. Text, Cases and Problems	See: CANVAS for uploaded materials Suggested: Nutshell, Art. 9, Secured Transactions	<p>Note: For those who have not taken, or need a refresher on Article 9 UCC, your reading should include Appendix B “Secured Credit Basics” in the Warren Casebook, page 931.</p> <p>Further Note: A mandatory class requirement will include attending a session of the U.S. Bankruptcy Court for the District of Vermont and a §341 meeting. This will constitute one class. More to follow on this.</p> <p>See: https://www.vtb.uscourts.gov/index.php</p>
Class 1	Aug. 26, 2024	Consumer Debt - How it originates; How it goes bad; Judgment basics; pre and post judgment proceedings; Consumer Protections; FDCPA	Casebook 21-44 pp	Credit Card Application Bank/Credit Card Account Agreements; Student Loan Agreement; Auto Purchase; Auto Lease Terms & Conditions	12 V.S.A. §§ 2740, 2901, 2904
No Class	Sept 2, 2024	Labor Day			

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Class 2	Sept. 09, 2024	Evidencing the Debt - Secured and Unsecured Interests; Mortgages/liens; Creating Security Interests; Perfecting; Effectiveness of Perfection	Casebook Problems 2.1, 2.2	Promissory Note; Mortgage; Security Agreement; UCC-1 Financing Statement.	
Class 3	Sept. 16, 2024	Enforcing the Debt- Priority and Subordination of Claims; Default Enforcement	Casebook 317-328 333-336 15.1,15.2		
Class 4	Sept. 23, 2024	Bankruptcy Intro - Theory Development; Role of attorneys, Trustees, Judge, Creditors and Debtors	Casebook 1-19 73-95 1.2,1.3	11 U.S.C. § 707(b)(2) § 109(e) §§ 704, 1202, 1302	Form B122A-1; B122A-2 Form 122C-1; 122C-2 Form B106I ("Schedule I") Form B106J ("Schedule J")
Class 5	Sept. 30, 2024	Chapter Choice; Means Test; Property of the Estate; Exemptions; Turnover of Property;	Casebook 243-264 267-289 13.1,13.2 6.1-6.3, 7	11 U.S.C. §§ 502, 503, 506, 507, 522, 542, 726 27 V.S.A. § 101	<u>In re Mead</u> (Bankr. D. Vt. 2013) Form B106C <u>Law v. Siegel</u> , 571 U.S. 415 (2014)

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Class 6	Oct. 7, 2024	Bankruptcy Claims TENTATIVE	Casebook 121-141 6.1 – 6.5	Guest Lecture: Hon. Cecelia G. Morris, USBJ, SDNY	Not to be missed under any circumstances. https://www.nysb.uscourts.gov/news/distinguished-bankruptcy-judge-retire-southern-district-bench-3
No Class	Oct. 14, 2024	VLS Fall Recess			
Class 7	Oct. 21, 2024	The Automatic Stay; Relief from Stay; Violations of Stay; Reaffirmations; Discharge	Casebook 51-67, 71 293-305 145-168 Problems 6.4, 6.5	11 U.S.C. §§362(a), (b), (k); 523(a); 524, 365(p), 525, 727(a), 1141(d), 1328	<u>Taggart v. Lorenzen</u> , 587 U.S. ____ (2019) <u>Chicago v. Fulton</u> , 141 S. Ct. 585 (2020)
Class 8	Oct. 28, 2024	Adversary Proceedings; Avoiding Powers; Preferences; and, Fraudulent Transfers	Casebook 435-446 453-466 475-486	Bankruptcy 7001, 7004	<u>Lamar v. Appling</u> , 138 S. Ct. 1752 (2018)

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Class 9	Nov. 4, 2024	Role of the UST Office in the Bk process TENTATIVE		<p>Guest Lecture:</p> <p>William K. Harrington, Esq. U.S. Trustee, Region 2</p> <p>Lisa M. Penpraze, Esq. Assistant U.S. Trustee, N.D.N.Y.</p>	<p>Not to be missed under any circumstances.</p> <p>Annual Report of UST</p> <p><u>Harrington v. Purdue Pharma L.P.</u> 603 U.S. __ (2024)</p>
Class 14	Nov. 6, 2024	Time set aside for Court and /341 meeting attendance	No physical class	Individuals to set and attend. Report of observations to be submitted.	This is the Wednesday class schedule per the VLS Fall calendar.
Class 10	Nov. 11, 2024	Jurisdiction of the Bankruptcy Courts TENTATIVE	Materials to be supplied	<p>Guest Lecture:</p> <p>Hon. Heather Z. Cooper, Chief Judge, U.S. Bankruptcy Court, D. Vt.</p>	Not to be missed under any circumstances.
Class 11	Nov. 18, 2024	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	Casebook 195-216 10.2,10.4	<p>11 U.S.C. §§ 1302(a) and (b), 1304, 1305, 1306, 1321, 1328, 362(d), 361, 506(a)(1), (2)</p> <p>11 U.S.C. § 1322, especially (a)(2), (b)(2), (b)(5)</p> <p>11 U.S.C. § 1325, especially (a)(4), (a)(5), and (b).</p>	Form 113 (chapter 13 plan)

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<p>Class 12</p>	<p>Nov. 25, 2024</p>	<p>Ch 13 Plans Confirmation standards; role of non-Debtor spouse; plan modification</p> <p>Executory Contracts</p> <p>Ch 12 Overview; Contrast to Ch. 13 history & policy considerations; Ch 12 timing; filing & contents of a plan; adequate protection; plan confirmation; feasibility; plan modification</p>	<p>Casebook 171-190 219-238 543-555</p> <p>Problems 11.2, 11.3, 11.5</p>	<p>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)</p> <p>Guest Lecture: Rebecca A. Rice, Esq.</p>	<p>Form 113 (chapter 13 plan)</p> <p><u>United Student Aid Funds, Inc. v. Espinosa</u>, 559 U.S. 260 (2010)</p> <p>11 U.S.C. §§ 1205, 1222, 1225, 1227 11 U.S.C. §§ 1206, 1208</p>
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Class 13	Dec. 2, 2024	Subchapter V of Chapter 11 SBRA TENTATIVE	Materials to be supplied	<p>Guest Lecture:</p> <p>Robert Keach, Esq. Business Restructuring & Insolvency, Climate Change</p> <p>https://www.bernsteinshur.com/who/attorney-directory/robert-j-keach/</p>	<p>Chapter 11 Sub V will not appear on the final exam.</p> <p>See also:</p> <p>Judge Paul Bonapfel – SBRA Analysis & Materials Judge Robert Drain, <i>A Brief Summary of Ch 11</i></p> <p><u>Mission Product Holdings v. Tempnology</u>, 139 S. Ct. 951 (2018)</p>
Class '15'	Dec. 09, 2024	Review Class Open Q&A	Optional Event		Reading period session, to be offered if requested or interest shown
Exam	TBA				