Brook E. Gotberg

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***Academic Experience* University of Missouri School of Law**

*Associate Professor* (2016 – present)

**J. Reuben Clark Law School**

*Academic Fellow* (2012-2014)

**Brigham Young University, Marriott School of Business**

*Instructor* (Spring 2014)

***Legal Experience* United States Bankruptcy Court** **for the Central District of California**

*Law clerk* to the Honorable Thomas Donovan (2011-2012)

**United States Court of Appeals for the Ninth Circuit**

*Law clerk* to the Honorable Milan D. Smith, Jr. (2008-2009)

**Sullivan & Cromwell LLP,** Los Angeles, CA

*Litigation Associate* (2009-2011)

***Publications*** *A No-Contest Discharge for Uncollectable Student Loans*, 91 U. Colo. L Rev. 183 (2020) (co-authored with Matthew Bruckner, Dalie Jimenez, and Chrystin Ondersma)

*Preference Law Perpetuates Preferences in Chapter 11*, 38 Amer. Bankr. Inst. J. 30 (Sept. 2019)

*Moving Beyond Medical Debt*, 27 ABI L. Rev. 93 (2019) (co-authored with Michael D. Sousa)

*Relational Preferences in Chapter 11 Proceedings,* 71 Okla. L. Rev. 1013 (2019)

*Optimal Deterrence and the Preference Gap*, 2018 B.Y.U. L. Rev. 559 (2018)

*Technically Bankrupt*, 48 Seton Hall L. Rev. 111 (2017)

*Conflicting Preferences in Business Bankruptcy: The Need for Different Rules in Different Chapters*,100 Iowa L. Rev. 51 (2014)

*Preferences Are Public Rights*, 2013 Wis. L. Rev. 1355

*Restructuring the Bankruptcy System: A Strategic Response to* Stern v. Marshall, 87 Am. Bankr. L.J. 191 (2013) (peer reviewed)

*The End of Conquest: Consolidating Sovereign Equality*, in International Norms and Cycles of Change (Wayne Sandholtz & Kendall Stiles, eds. Oxford University Press 2008)

***Grants*****American Bankruptcy Institute Anthony H.N. Schnelling Endowment Fund**

*Consumer Bankruptcy and The Patient Protection and Affordable Care Act: Placebo or Panacea?* with Michael D. Sousa, University of Denver Sturm School of Law (2017 – present)

***Selected Presentations* National Business Law Scholars Conference**

Delivered Online; *Bankruptcy & COVID-19: Saving Small Businesses* (June 19, 2020)

**BYU Law Winter Deals Conference**

Park City, UT; *Creditor Voting in Chapter 11* (March 5, 2020)

**Southeastern Association of Law Schools New Scholars Workshop**

Boca Raton, FL; *Creditor Voting* (July 31, 2019)

**2019 Annual Bankruptcy Institute for the Missouri Bar**

Columbia, MO; *Case Law Update and Current Developments* (March 20, 2019)

**St. Louis Chapter of the JRCLS Meeting**

St. Louis, MO; *Bibles and Bankruptcy* (February 22, 2019)

**Iowa Law School Faculty Colloquium**

Iowa City, IA; *Relational Preferences in Chapter 11 Proceedings* (February 8, 2019)

**BYU Law School Faculty Colloquium**

Provo, UT; *Relational Preferences in Chapter 11 Proceedings* (October 25, 2018)

**Young Scholars’ Bankruptcy Workshop**

New York, NY; *Relational Preferences in Chapter 11 Proceedings* (October 12, 2018)

**Chicagoland Junior Scholars Works in Progress Conference**

Chicago, IL; *It Cuts Both Ways: How Preference Avoidance Actions Can Harm Business Relationships Between Debtors and Creditors* (October 5, 2018)

**Washburn University School of Law Faculty Colloquium**

Topeka, KS; *It Cuts Both Ways: How Preference Avoidance Actions Can Harm Business Relationships Between Debtors and Creditors* (September 27, 2018)

**2018 Annual Bankruptcy Institute for the Missouri Bar**

Columbia, MO; *Case Law Update and Current Developments* (March 23, 2018)

**University of Missouri-Kansas City Law School Faculty Colloquium**

Kansas City, MO; *Optimal Deterrence and the Preference Gap* (Feb. 2, 2018)

**Saint Louis University School of Law Faculty Colloquium**

St. Louis, MO; *Optimal Deterrence and the Preference Gap* (Nov. 10, 2017)

**Southeastern Association of Law Schools New Scholars Workshop**

Boca Raton, FL; *Well-Behaved Creditors: How Bankruptcy Law Can Positively Shape Debtor/Creditor Interactions* (Aug. 4, 2017)

**J. Reuben Clark Law Society Faculty Conference**

San Francisco, CA; *Deterring Bad Behavior in Trade Creditors Through Preference Litigation* (Jan. 3, 2017)

**20th Annual Rocky Mountain Bankruptcy Conference**

Denver, CO; *Constitutional/Jurisdictional/Standing Issues* (Jan. 22-23, 2015)

**American Bankruptcy Institute 32nd Annual Spring Meeting**

Washington, DC; *Student Loan Update* (Apr. 26, 2014)

**J. Reuben Clark Law Society Faculty Conference**

New Orleans, LA; *Bankruptcy Court Jurisdiction and the Larger Conundrum of Conflicting Purposes for Bankruptcy Courts* (Jan. 4, 2013)

**Porterville College Cultural Historical Awareness Program**

Porterville, CA; *Last Call for Justice: The Constitutional Right of Habeas Corpus*   
(Sept. 17, 2010)

***Other Public Output* Harvard Law School Bankruptcy Roundtable**

*What Small Business Need Most is a Little More Time* (June 23, 2020)

**The Conversation**

*What do struggling small businesses need most? Time – and bankruptcy can provide it* (June 18, 2020)

**Patently-O**

*Maximizing Licensee Interests to the Detriment of the Bankruptcy Estate* (May 21, 2019)

**Harvard Law School Bankruptcy Roundtable**

*Optimal Deterrence and the Preference Gap* (June 12, 2018)

**The CLS Blue Sky Blog**

*Toys ‘R’ Us and Bankruptcy: Death by Disruption, Not Debt* (April 23, 2018) (co-authored with Anthony J. Casey)

**Oxford Business Law Blog**

*Optimal Deterrence and the Preference Gap: Preference law doesn’t do what you think it does* (March 12, 2018)

***Media Appearances* American Bankruptcy Institute Podcast Series**

abi.org; *Podcast Examines ABI Endowment-Funded Research that Found Individuals with Gap in Medical Coverage Twice as Likely to File for Bankruptcy* (September 30, 2019)

**BYU Radio – Top of Mind**

Provo, UT; *Puerto Rico Bankruptcy* (November 5, 2015)

**BYU Radio – The Morning Show**

Provo, UT; *The Morality of Bankruptcy* (June 2, 2014)

***University and*** **Clerkship Committee – Missouri Law School**

***Community Service*** Liaison between students and judges (2019 – present)

**J. Reuben Clark Law Society Student Chapter – Missouri Law School**

Faculty Advisor (2016 – present)

**Admissions Committee – Missouri Law School**

Review law school applications; attend recruitment conferences (2016 – present)

**Credit Abuse Resistance Education Program (C.A.R.E.)**

Faculty Advisor and Presenter to college and high school student groups (2016 – 2017)

**Self-Study Committee – Missouri Law School**

Prepare and compile materials in compliance with 2018 American Bar Association Site (2016 – 2018)

**UM Faculty Scholar Program**

Faculty development conference for new scholars in the University of Missouri System (2017-18)

**Duberstein Moot Court Competition**

Faculty Advisor (2013)

***Education*** **Harvard Law School**, J.D., 2008 *cum laude*

Solicitations Co-Editor, Harvard Negotiation Law Review

Research Fellow, Program on Negotiation: Thesis - *Bias in the UN: A Case for Establishing the International Mediator* (2008)

Massachusetts Department of Unemployment Assistance, Intern: *The Inner Workings of Unemployment Hearings in Massachusetts: A Statistical Approach* (2008)

Assistant Coordinator, International Negotiation Initiative

President, Harvard Law Latter-Day Saints

Music Director, Scales of Justice

**Brigham Young University**, B.A. in Political Science, 2005 *magna cum laude*

Valedictorian, Department of Political Science; Arabic Minor

Honors Program: Thesis – *Suicide Bombing/Life Sacrifice: Reasons Behind Support for Palestinian Resistance Among Muslim Arabs* (2005)

Heritage Scholarship, full tuition (2001-2005)

Phi Kappa Phi Honor Society

Pi Sigma Alpha Political Science Honors Society

***Affiliations*** American Bankruptcy Institute

Missouri State Bar

New Mexico State Bar (Inactive)

California State Bar (Inactive)

***Languages*** Proficient in Spanish. Some Arabic.