COURSE OVERVIEW

When individuals and businesses are unable to pay their debts as they come due, society requires an organized means of determining the method through which creditors will be satisfied. In the United States, the federal bankruptcy code establishes the rules for such a determination. Bankruptcy law is applicable to all students who anticipate serving clients or making policy in the general commercial marketplace, where bankruptcy laws play an indelible role in business practices, contract-making, and the use and extension of credit. Whether a client must file bankruptcy, participate as a creditor in bankruptcy, or simply plan for the possibility of a bankruptcy filed by others, that client’s attorney should be prepared to advise on the laws and policies applicable in this field.

In this course, you will:

- Gain a working knowledge of the general provisions of the Bankruptcy Code;
- Learn the requirements associated with filing bankruptcy and the consequences for failing to meet those requirements;
- Develop an understanding of the bankruptcy process from the perspectives of both debtor and creditor; and
- Explore the policy rationale behind key bankruptcy provisions.

Bankruptcy is a rich and fascinating field, highly associated with issues of social justice, business relationships, and economic policy. The bankruptcy code has recently been amended, expanding bankruptcy relief for family farmers and improving the prospect of successful reorganization for small business owners. As an introductory course, this class will touch on many of these issues, but also leave ample opportunity for further exploration. This class will provide the basic building
blocks for understanding and evaluating bankruptcy principles, and encourage students to continue in their study of bankruptcy law moving forward.

**COURSE MATERIALS**

The following materials are *required* for the course:


- **Statutory Supplement:** E. Warren, Bankruptcy and Article 9, Wolters Kluwer – 2019 version or later.

Keeping the Statutory Supplement close at hand during your readings is highly recommended, so that you can refer directly to the Bankruptcy Code when applicable. You might also consider coming up with your own tabbing system to facilitate your access to different sections of the Code during class, and in preparation for the final, when quick reference to various Code sections will be valuable. For very recent amendments, handouts explaining the changes to the law will be provided.

At various times during the semester, additional reading may be assigned. Depending on length, these materials will be handed out in class or available as a course packet at the Mizzou Bookstore. You may also be expected to look up and review cases outside those found in the casebook. (You may use any reliable search engine to do so, including Westlaw or Lexis).

**COVID-19 CONSIDERATIONS**

It is no secret that the global pandemic sparked by the emergence of the novel coronavirus known as COVID-19 has provoked considerable change and the ongoing repercussions of the pandemic drive significant uncertainty. This is an exciting time to be studying financial failure, and there is much to discuss. However, it is a difficult time to predict and state with certainty what learning environment will be most conducive to students and professor alike. At present, this class is set up to meet in person, two days a week. To provide safe, high-quality education amid COVID-19, we will follow several specific campus policies in accordance with the advice of the Center for Disease Control and Boone County health authorities. These policies are as follows:
• If you are experiencing any COVID-related symptoms, or are otherwise feeling unwell, do not attend in-person classes and contact your health care provider and/or student health immediately. COVID symptoms include: fever greater than 100.4 or chills; cough, shortness of breath or difficulty breathing; fatigue; unexplained muscle or body aches; headache; new loss of taste or smell; sore throat; congestion or runny nose; nausea or vomiting; diarrhea.

• We will all wear face coverings while in the classroom, unless you have a documented exemption due to a disability or medical condition.

• We will maintain a 6-foot distance from each other at all times.

• Online office hours will be available for all students.

Compliance with these guidelines is required for all; anyone who fails to comply will be subject to the accountability process, as stated in the University’s Collected Rules and Regulations, Chapter 200 Student Code of Conduct. If you do not have a face covering, one will be provided to you.

I anticipate transitioning this course to be fully online beginning the second week of October. It may be necessary to accomplish this transition earlier, depending on the spread of the virus and local health regulations, but even if not, I anticipate that our class will be online by mid-October. I anticipate that we will continue to conduct class synchronously, through Zoom, although I may prepare some materials for review asynchronously, depending on the level of Zoom burnout in the group. Zoom classes will take place at the regularly scheduled time. The Meeting ID is 983 6419 6462, and the passcode is GotbergB.

ATTENDANCE

Regular and punctual class attendance is required of all law students as a matter of school policy. Students are strongly encouraged to make every effort to attend all classes. In a time of COVID, attendance may mean something different than it has historically. At core, my priority will be on class engagement, which is possible even if classes must be taught remotely. So long as this course continues to be taught in person, you will be expected to attend. However, if for some reason you are unable to attend in person, you should let me know in advance. If you are able to attend remotely, we will set up a Zoom meeting in the classroom in order to permit your continued engagement. You will be expected to participate at the same level as if you were in the classroom. Note: you are not required to inform me why you are unable to attend in person, but you should inform me as soon as practicable, so that I can plan accordingly.
Once we have transitioned to online learning in mid-October, engagement will likely shift from an expectation of in-person attendance to one of engaging in discussion boards, group emails, Slack chats, remote group projects, Zoom meetings, and other mechanisms.

**CLASS PARTICIPATION/ENGAGEMENT**

Between the uncertainty introduced by COVID-19 and the small class size, this class will be very different than the traditional lecture-based classroom experience to which we are all accustomed. For in-person class experiences, the small size of the class permits the possibility of tailoring class discussion precisely to the interests of individual class members. To that end, I will present the class with three possible Course Schedules, each with a slightly different emphasis. Furthermore, this class will involve more assignments and group projects intended to help students to engage with the material more effectively than sitting and listening to a professor talk. A portion of your final grade will reflect your own self-assessment of your levels of engagement with the course and course materials. Your grade will be informed by factors such as:

- Class attendance (in person and remotely);
- Class participation (e.g., asking questions in class and volunteering answers);
- Participation in group assignments; and
- Engagement in online discussion groups (if made available).

A portion of your final grade will also come from a peer review filled out by other class members, and informed by your levels of engagement and participation in group projects. This will be separate and apart from the group’s grade for the final product.

**GRADING AND FINAL EXAM**

From my perspective, with a class size of less than 8 people, there is functionally no reason to impose an artificial curve on final grades. This is good news for you, because my preference to assign high grades to students who have worked hard in my class and demonstrate a good grasp of the material. That said, I want to encourage student engagement with the materials, particularly in a year when it may be easier to disengage as a coping mechanism to the chaos and
uncertainty in daily life. Accordingly, your grade in this class will be calculated as follows:

1. **Midterm Exam (30%)**: There will be a written 90-minute exam in the middle of the semester that will test your knowledge and understanding of subjects covered in the first half of the class. The exam will be “open book,” such that you will have access to your casebook, the statutory supplement, and any of your own notes. You may not use commercial outlines or materials prepared by other students.

2. **Final Exam (30%)**: There will be a written 90-minute exam at the end of the semester that will test your knowledge and understanding of subjects covered in the second half of the class. The exam will be “open book,” such that you will have access to your casebook, the statutory supplement, and any of your own notes. You may not use commercial outlines or materials prepared by other students.

3. **Group Assignments (20%)**: There will be six opportunities for students to work together as a group to prepare a project for a grade. These projects will take the form of an assignment to a junior attorney from a senior attorney, a legislative official, or a client, related to a bankruptcy topic. The group will receive one grade, which will reflect the presentation of the project, the accuracy of the research required, and the creativity of the response.

4. **Group Assessments (10%)**: Twice during the semester, after the third group assignment and the sixth group assignment, students will have the opportunity to grade the other group members according to a rubric that I will provide, based on their contributions to the group effort.

5. **Self-Assessments (10%)**: Twice during the semester, students will have the opportunity to provide a self-assessment, according to a rubric that I will provide, of their engagement in the class, characterized by their involvement in class discussion and contributions to group assignments. I will accept a student’s self-assigned score so long as there is no significant deviation from my own observations.

**PRELIMINARY CLASS SCHEDULE**

Prior to the first week of class, I will circulate three distinct proposed course schedules. The first assignment for each will be identical. At our first class on
August 25, 2020, we will come to an agreement, as a class, as to which of the course schedules we will follow.

There will be no class on October 29th. Instead, the midterm will be held on that date. During the semester there may also be opportunities to “observe” bankruptcy court proceedings, either in person in Jefferson City (if safety permits) or via Zoom or telephone. I am in contact with all three of the bankruptcy court judges in the Western District of Missouri, based in Kansas City, and all three have agreed to alert me to potential hearings or proceedings that might be particularly interesting or instructive during the semester. You may be asked to tune in to these proceedings and to write a brief responsive paper. Your engagement in this opportunity will inform your self-assessment grade.

OFFICE HOURS/RESPONSIVENESS

Because I have small children, my time in the office can be unpredictable. Accordingly, rather than assign set office hours, I will maintain an open door policy, meaning I will be generally available to visit with students while in the office. (Even if my door is shut.) On occasion, I may be tied up and unable to entertain student questions, in which case I will try to schedule an alternative time. It is always a good idea to contact me in advance if you would like to drop by with questions or thoughts. My office phone number is (573) 882-3914. My email address is gotbergb@missouri.edu.

The most convenient way to communicate with me is through email. I will commit to respond to all messages promptly (within 48 hours). If more than 2 business days have passed since sending me a message, you should assume that something has gone wrong, and feel free to ping me again. I do not check my email on Sunday, accordingly, messages received on that day will have a delayed response.

ACADEMIC HONESTY

Academic integrity is fundamental to the activities and principles of a university. All members of the academic community must be confident that each person’s work has been responsibly and honorably acquired, developed, and presented. Any effort to gain an advantage not given to all students is dishonest whether or not the effort is successful. The academic community regards breaches of the academic integrity rules as extremely serious matters. Sanctions for such a breach may include academic sanctions from the instructor, including failing the course for any violation, to disciplinary sanctions ranging from probation to
expulsion. When in doubt about plagiarism, paraphrasing, quoting, collaboration, or any other form of cheating, consult the course instructor.

RECORDING CLASS

University of Missouri System Executive Order No. 38 lays out principles regarding the sanctity of classroom discussions at the university. The policy is described fully in Section 200.015 of the Collected Rules and Regulations. In this class, students may make audio or video recordings of course activity. However, the redistribution of audio or video recordings of statements or comments from the course to individuals who are not students in the course is prohibited without the express permission of the faculty member and of any students who are recorded. Students found to have violated this policy are subject to discipline in accordance with provisions of section 200.020 of the Collected Rules and Regulations of the University of Missouri pertaining to student conduct matters.

INFORMATION REGARDING DISABILITIES

If you anticipate barriers related to the format or requirements of this course, if you have emergency medical information to share, or if you need to make arrangements in case the building must be evacuated, please contact Associate Dean David Mitchell as soon as possible. If disability-related accommodations are necessary (for example, a note taker, captioning), please register with the Disability Center (http://disabilitycenter.missouri.edu), S5 Memorial Union, 573.882.4696, and then notify Dean Mitchell or Law School Registrar Denise Boessen of your eligibility for reasonable accommodations. (Please do not discuss examination accommodations with me. Notice of special accommodations may impair the “blind grading” policy we use at the law school.) For other MU resources for persons with disabilities, click on “Disability Resources” on the MU homepage.

UNIVERSITY STATEMENT ON INTELLECTUAL DIVERSITY

The University community welcomes intellectual diversity and respects student rights. Students who have questions or concerns regarding the atmosphere in this class (including respect for diverse opinions) may contact the departmental chair or divisional director, the director of the Office of Academic Integrity, the MU Equity Office, or equity@missouri.edu. All students will have the opportunity to submit an anonymous evaluation of the instructor at the end of the course.