SYLLABUS

LAW 5365: Bankruptcy
Fall 2022 — University of Missouri

Class meets Tuesdays from 5 to 6:15 p.m., in Hulston Hall, Room 5 and Thursdays from 5:00 to 6:15pm via Zoom

Last Updated: August 11, 2022

Instructor Contact Information
Name: Garrett Pratt
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Office hours: By appointment

Course Overview
The course focuses on the rights of both secured and unsecured creditors under state and federal law. State law covers collective actions and individual actions such as execution, attachment, garnishment, and the law of fraudulent conveyances. Federal law concentrates on liquidation proceedings under Chapter 7 of the Bankruptcy Code and reorganizations for wage earners under Chapter 13 of the Code. The course will include, as time permits, an introduction to the business reorganization provisions of Chapter 11.

Required Texts
2. The 2022 Annotated MiniCode/MiniRules Central Edition (Circuits 6, 7, 8 & 11) (the “Mini Code/Mini Rules”)

Canvas Information
The course will have a Canvas course web page. The syllabus and other class materials will be posted on the site. I will occasionally send email messages to the email account that you designate when you register with Canvas. It is your responsibility to check this account regularly and to make sure that the account remains functional.

Attendance, Participation, and Grading
It is important you attend class and participate in class. Volunteers are always welcome, and I will call on students to answer questions at random throughout the semester. If, for whatever reason, you have been unable to prepare for particular class session, please let me know before class; I will not call on you that day. Please do not make a habit of coming to class unprepared.

Grading will be based on a timed final examination and on your class participation. I reserve the right move anyone’s final grade one (1) to three (3) points on the basis of participation, in either direction.

American Bar Association Accreditation Standard 311(f) requires your regular class attendance (“A law school shall adopt, publish, and adhere to a written policy requiring regular class attendance”). No distinction is made in this class between excused and unexcused absences.
You may miss up to 20% of classes without penalty. With 28 scheduled class meetings this semester, you may miss five without penalty. If you miss six or more classes, you will be dropped from the course barring extraordinary circumstances. It is your responsibility to keep track of your absences. **If you miss no more than one class, you will also earn a bonus point for your final grade.**

**Final Exam Date, Time, and Location**
As announced. All final exam schedule-related questions must be directed to Denise Boessen.

Your final exam will be a three-hour, timed exam, consisting of multiple choice, short answer, and essay questions. You will be permitted to bring in your Casebook, your Mini Code/Mini Rules, and a printed, course outline that is entirely your own work product. You will not have electronic access to any materials.

**Zoom Classroom Expectations**
When our class meets via Zoom, I expect you to be in a quiet location where you can take notes and participate in class as if we were meeting in person. All students must have their videos on for the first five minutes of class for attendance purposes and when asking or answering questions. Otherwise, you do not need to have your video or audio on during Zoom sessions.

During Zoom sessions, please also refrain from driving, running errands, cooking, playing video games, getting ready to board an airplane (all examples I and other professors have encountered), or any other distracting activity. I will call on students in the same manner as I do in our regular in-person sessions.

If weather conditions prevent me from traveling to Columbia to teach in person, we will hold class via Zoom. I will email the class via Canvas as promptly as possible if weather conditions will prevent us from holding class in person and provide the necessary Zoom link via email.

**Assigned Readings and Problems**
As you complete your assigned reading, I expect you to locate and read each statute and rule cited in your reading assignment. I also recommend that you skim the cited circuit court decisions included in your Mini Code/Mini Rules for the relevant statute/rule to prepare for class. You must have your Casebook and Mini Code/Mini Rules with you for each class session because we will regularly flip through both to facilitate and supplement our discussion.

For our first class session, please complete the assigned reading and prepare the assigned problems for Class Assignment A in the “Assigned Readings and Problems” document. I will announce in class which assignments to prepare for the following class session.

**Guest Lectures, Bankruptcy Court Observation, and Review Sessions**
We will have two guest lecturers this semester. Reading assignments for each guest lecture will be distributed prior to the guest lecture class session.

We will also utilize two class sessions for a mid-semester review (approximately as we finish Class Assignment K) and a final review (likely during the last week of class). I will distribute problems to prepare for those class sessions, and you should plan to email the questions you would like to ask twenty-four (24) hours ahead of that class review session.
Please block off the mornings (8 am to noon) of Thursday September 29 and October 27 from your schedule to the extent you do not have class. Judge Dow will be holding his Jefferson City motions docket in Hulston Hall’s courtroom on one of these dates. I will let you know as soon as we have a date confirmed. **To earn a bonus point on your final grade, plan to attend at least two hours. I will announce an alternative way to earn the bonus point if you are unable to attend the docket due to class conflict.**

**Email Correspondence**
I expect professional email communication from all students, and I will offer all students the same level of courtesy. Because I am an adjunct professor and am employed full-time as an attorney, I will aim to respond to all student emails within forty-eight (48) hours. In the weeks leading up to the final exam, I will aim to respond within twenty-four (24) hours.

**Learning Objectives**
Revised ABA Standard 301 requires that the law school collectively publish a set of learning outcomes. The law school’s statement in this regard is posted online. In addition, the standard requires that “learning outcomes for individual courses must be published in the course syllabus” (Managing Director’s Guidance Memo, June 2015). The learning outcomes for this course are set forth below.

By the end of the semester, students will be able to:

- Analyze the relative strengths and weaknesses of a creditor’s debt collection rights under state and federal law
- Decide whether a debtor is eligible to file a Chapter 7, 11, 12, or 13 bankruptcy case
- Identify what constitutes property of the bankruptcy estate
- Differentiate between federal and state property exemption laws and determine how each applies to consumer debtors
- Understand the basics of claim priority in the administration of Chapter 7, 11, and 13 bankruptcy cases
- Determine the effect of discharge on a creditor’s rights and major exceptions to discharge
- Apply the means test to determine consumer debtor eligibility for filing a Chapter 7 bankruptcy petition
- Assist a consumer debtor in determining whether they should file for bankruptcy and under which chapter the debtor should file
- Understand key considerations of business stakeholders when a business files a Chapter 11 bankruptcy
- Review creditor claims to determine whether a trustee may utilize its powers under the Bankruptcy Code to disallow or avoid those claims

**Other Academic Statements:**

**Statement on Students with Disabilities**
If you anticipate barriers related to the format or requirements of this course, if you have emergency medical information to share with me, or if you need to make arrangements in case the building must be evacuated, please let me know as soon as possible.
If disability related accommodations are necessary (for example, a note taker, extended time on exams, captioning), please establish an accommodation plan with the MU Disability Center, S5 Memorial Union, 573-882-4696, and then notify me of your eligibility for reasonable accommodations. For other MU resources for persons with disabilities, click on “Disability Resources” on the MU homepage.

**Statement for Academic Dishonesty**
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.

**Statement for Intellectual Pluralism**
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 Students Rights and Responsibilities; the MU Equity Office, or equity@missouri.edu.

All students will have the opportunity to submit an anonymous evaluation of the instructor(s) at the end of the course.

**Recordings**
Each class session will be recorded and available on Canvas. You may not share class recordings with anyone outside of our class. You will violate your fellow student’s FERPA rights if you share the recording with anyone outside of our class unless you first obtain every student’s written consent prior to distribution. Violating another student’s privacy rights under FERPA may subject you to academic discipline.

**Final Notes Related to COVID-19**
Students must follow all applicable COVID-19-related rules. Additionally, 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.