

**BANKRUPTCY: SPRING 2024**  
Prof. Alexander Gouzoules  
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Office: Hulston Hall Room 310

Class Meeting Times: Tues/Thurs, 2:00 pm  
Classroom: Room 7

**Course Description:**

Bankruptcy issues arise throughout the course of many lawyers' careers. You are likely to encounter them when advising individual clients seeking to escape the burdens of unsustainable debt, when representing businesses or municipalities that seek to reorganize during negative business cycles, or when attempting to recover money from a defendant that has sought bankruptcy protection. In these and other circumstances, you will benefit from an understanding of the purpose, structure, and logic of the United States Bankruptcy Code.

This course will provide a fundamental introduction to bankruptcy principles and debtor-creditor relationships, equipping students to advise debtors and creditors about their rights and obligations. Our focus will be on the operations of the Bankruptcy Code—particularly on Chapters 7, 11, and 13. Our discussions will also touch on more theoretical questions. Why does the legal system forgive otherwise valid debts? Can the bankruptcy system embody values such as forgiveness and the importance of second chances, while at the same time remaining fair to creditors? And to what extent should debtor businesses be entitled to the kind of “second chances” that are extended to individual debtors?

**Learning Outcomes:**

Through this course, we will strive to achieve the following learning outcomes:

1. Understand the fundamental components of bankruptcy law.
2. Learn to advise clients dealing with their own insolvency.
3. Learn to advise clients affected by the insolvencies of others.
4. Develop the skill to interpret and work with complex statutes.
5. Demonstrate the ability to recognize and resolve ethical dilemmas in the legal context.

**Texts:**

**Required:** Tabb and Brubaker, *Bankruptcy Law: Principles, Policies, and Practice*, **Fifth Edition** 2021, LexisNexis (“Textbook”).

**Optional but encouraged:** A copy of the U.S. Bankruptcy Code and Rules (“Code & Rules”). Our readings regularly include sections of the Bankruptcy Code. Although the Code provisions themselves are available on Westlaw or Lexis, you will benefit from an accessible and abridged copy. Any recent code book will suffice; one will be available as

an optional text at the bookstore.

Other reading materials will be posted to our course website.

**Attendance:**

This material is complex and challenging—you will not be able to master it through readings alone. Regular attendance is necessary to perform well in this class and is a baseline expectation. Students will be asked to sign in during class sessions, and a penalty may be applied to a student’s final grade for more than three unexcused absences (see “Final Grade” below). For emergencies and illnesses see the “Slides, Recordings, and Illnesses” section below.

**Final Grade:**

Ninety percent (90%) of your grade will be based on the final exam given in person at the Law School, using the standard Law School grading scale published in the Bulletin. It will be a three (3) hour, open book and note exam consisting of multiple choice and issue spotters. No access to the internet or use of commercially prepared study materials will be allowed.

Ten percent (10%) of your grade is awarded for class attendance and participation. By default, all students receive full credit for this portion. I may subtract from this credit for more than three unexcused absences. In rare situations, I may also deduct from this credit if a student’s in-class performance demonstrates total unpreparedness. You will never lose points for “wrong” answers in our class discussions, and you are never expected to come with everything figured out. You are expected to have done the reading and to come to class prepared to explore, question, and learn.

**Meeting and contacting me:**

I am reachable by email and (outside of emergencies and holidays) will respond to all emails within 24 hours. Feel free to email questions to me. Please use the email address listed on the syllabus rather than the messaging function within Canvas. For complex questions, my response may be to ask you to come by my office so we can discuss in person.

I am generally on campus during business hours, Monday through Thursday, and you should feel free to visit anytime my door is open. My formal office hours are Wednesday, from 2:00 pm to 4:00 pm. If you have another class (or childcare obligation, etc.) during that time, please email me to confirm an alternative meeting time—or simply drop in when my door is open.

**Slides, Recordings, and Illnesses:**

All slides will be posted to Canvas after each class session. Take advantage of this

resource to supplement your notes—but be aware that slide decks are not substitutes for attendance, classroom engagement, or careful preparation.

It is also my general policy to record lectures and post them to Canvas (so long as classroom technology systems and network status permit on any given day). Again, take advantage of this resource to review our coverage of topics you find challenging. On any day on which you are not feeling well, please stay home, watch the recording, and then email me to let me know that you have completed it. You will not receive any attendance penalty if you watch the recording and email me before the next class session. The same policy extends to genuine emergencies (inclement weather, unexpected childcare obligations, etc.), but outside of illness or emergency you are expected to attend in person.

Please do not share our slides or recordings, record our lectures on personal devices, or take pictures of in-class content. All relevant material will be posted to Canvas and made available to everyone who needs it.

### **Disability Accommodation:**

If I can reduce disability-related barriers to the course and you feel comfortable sharing your needs with me, please contact me. Some accommodations require time to provide—the sooner you tell me, the better. If you require disability-related accommodations that I cannot individually provide (such as a notetaker, extended time on exams, or professional captioning), please contact the Law School’s Registrar Denise Boessen (Room 203) and the Associate Dean for Academic Affairs Ben Trachtenberg. They will advise you as to the steps you need to take, such as establishing an Accommodation Plan with the Disability Center.

### **Intellectual Pluralism:**

The School of Law community welcomes intellectual diversity and respects student rights. Students who have questions concerning the quality of instruction in this class may address concerns to either the Dean or Director of the Office of Student Rights and Responsibilities (<http://osrr.missouri.edu>). All students will have the opportunity to submit an anonymous evaluation of the instructor at the end of this course.

### **Policy on the Use of “Artificial Intelligence”:**

Large language models, such as ChatGPT, implicate a variety of ethical and practical issues in the legal context. They can generate inaccurate or outdated answers and, in some cases, have led to attorneys being sanctioned. (*See, e.g.*, Benjamin Weiser & Nate Schweber, [The ChatGPT Lawyer Explains Himself](#), N.Y. Times (June 8, 2023)). At a minimum, you should never use them for any task where you have not been authorized to do so—and do not assume that you are allowed to use them in the absence of express authorization.

We will not be using these tools in our class. Their use to generate answers to any

questions (regardless of how that question is asked or whether that question is graded) is prohibited and implicates the Honor Code. See below.

**Academic Integrity:**

Academic integrity is fundamental to the activities and principles of the School of Law. Moreover, awareness of and full compliance with all ethical rules is mandatory for practicing lawyers. The law school community (and state bar associations) regard breaches of the School of Law's Honor Code as extremely serious matters. In the event that you violate Academic Integrity rules on *any* portion of the work required for this class, you may expect a failing grade in this course as well as possible disciplinary sanctions ranging from probation to expulsion. Note that Honor Code proceedings are generally reported to state bar associations as part of character and fitness review.

When in doubt about *any* aspect of the Honor Code, feel free to email me or talk to me after class or during office hours. Always err on the side of asking before acting

## **Schedule of Assignments**

An updated version of this syllabus with a complete schedule of assignments, along with our first day's readings, will be posted to our Canvas site, which will open on or around Friday, January 12.