

Western State University
Bankruptcy §414A
Professor Erin P. Moriarty
Fall 2010 Schedule*

Week	Title	Date	Topics Covered	Required Reading**
1	The Debtor-Creditor Relationship Before Bankruptcy	08/24/10	Review of state law of debtor/creditor relations, including lien formation and judgment collection	<ul style="list-style-type: none"> • Packet of materials: The Debtor/Creditor Relationship.
2	Introduction to Bankruptcy; Elements Common to Consumer Bankruptcies	08/31/10	Policy issues in bankruptcy 2005 BAPCPA History of bankruptcy Procedural summary Introduction to general concepts: commencement, the estate, the automatic stay	<ul style="list-style-type: none"> • CB 101-167.
3	Consumer Bankruptcy I: The Debtor's Perspective	09/07/10	Eligibility: Means Test Exemptions	<ul style="list-style-type: none"> • CB 167-217. • Petition Forms. • Forms/Rules/General Orders>Petition Forms • OUST "means test" charts. • State Exemption Provisions: Cal.C.C.P. §§ 703.140(b), 704.010-704.200, 704.710-704.850. • Exemption summary sheet.
4	Consumer Bankruptcy II: The Creditor's Perspective	09/14/10	Claims Equitable subordination Discharge Reaffirmation/ redemption/surrender Relief from stay	<ul style="list-style-type: none"> • CB 217-273, 406-427, 576-594. • Forms in Class 4 File on WebCourse: Proof of Claim Discharge Reaffirmation Agreement and Order Motions for Relief from Stay
5	Consumer Bankruptcy III: The Trustee's Perspective	09/21/10	Abstention (305, 1334) Administration (701, 702, 704) Abandonment (554) Avoidance actions	<ul style="list-style-type: none"> • CB 471-576 (don't work problems). • 11 U.S.C. § 305, 554, 701, 702, 704 • 28 U.S.C. § 1334 • Cal.C.C.P. § 3439 <i>et seq.</i>
6	Chapter 13	09/28/10		<ul style="list-style-type: none"> • CB 275-356.

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7	Ethical Issues Consumer Bankruptcy Wrap-up	10/05/10	Putting the case together Writing exam answers	<ul style="list-style-type: none"> • CB 767-795. • FRCP 9011. • 11 U.S.C. §§ 110, 526, 707(b). • Review CB 136-38.
8	Involuntary Bankruptcy Introduction to Business Bankruptcy Basic Concepts of Chapter 11	10/12/10	Involuntary cases Chapter 7 business cases Overview of Chapter 11 Operating in Chapter 11	<ul style="list-style-type: none"> • CB 361-406, review 406-427 (Class 4), 427-438. • 11 U.S.C. § 303
9	Chapter 11: Phase 1 Getting Up and Running	10/29/10	Operation Financing First Day Orders	<ul style="list-style-type: none"> • CB 438-471. • Article
10	Chapter 11: Phase 2 Shaping the Estate	10/26/10	Asset side: Avoidance Powers Executory Contracts Claims side: Categorizing and objecting to claims	<ul style="list-style-type: none"> • Review 217-229; 471-576, working problems.
11	Chapter 11: Phase 3 Basic Plan Requirements and Negotiations	11/02/10		<ul style="list-style-type: none"> • CB 596-661. • Forms in Class 4 File on WebCourse: Local Rules Plan, Disclosure Statement and Ballot Summary Forms
12	Chapter 11 Plan: Phase 4 Cramdown	11/09/10	Cramdown Special Issues: Small Business Public Companies Special Claimants Single Asset Real Estate	<ul style="list-style-type: none"> • CB 403, 661-750.
13	Chapter 11 Plan: Phase 5 Post-Confirmation Jurisdiction	11/16/10		<ul style="list-style-type: none"> • CB 751-767, 799-840.
14	Review	11/30/10		
	Reading Week	12/02/10 – 12/05/10	<ul style="list-style-type: none"> • I will be available at school at the regular class time on 12/07/09 to address any 	

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			<p>questions you have.</p> <ul style="list-style-type: none"> • If you need assistance at any other time, please contact me for an appointment. 	
	Final Exam	TBA	See the official final schedule.	

* This schedule is a “best estimate” of the pace of coverage of the material. Assignments may be adjusted throughout the semester to meet the needs of the class. The adjustments may include shifting assignments around, eliminating some portions of an assignment, or supplementing an assignment with additional reading material. The finalized assignment for each class will be given during the previous class, and will be posted online by the day following the previous class. It is your responsibility to remain current on your assignments.

** “CB” refers to the casebook for the course, Elizabeth Warren and Jay Lawrence Westbrook, *The Law of Debtors and Creditors: Text, Cases, and Problems* (Sixth Edition, Aspen Publishers). Assignments include all statutory references within the reading, even if not listed separately.

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