

PROBLEMS AND MATERIALS ON
BANKRUPTCY LAW
AND PRACTICE

Stephen L. Sepinuck
Linda J. Rusch

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PROBLEMS AND MATERIALS ON BANKRUPTCY LAW AND PRACTICE

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To Doug, Kari, and Anna

LJR

To Sandra, Ben, and Jacob, who make life worth living.

SLS

PREFACE

This book is designed for an introductory, three-credit course on bankruptcy. In creating it, we have drawn on our three decades of collective experience in teaching this course, our experience teaching other commercial law and statutory courses, as well as our work in private practice and in various commercial law reform projects.

Our general approach to teaching code-based subjects is to focus on problems, rather than cases. However, because this course is typically populated by students who have already had one or more other commercial-law, statutory courses, we do not focus heavily on imparting the skills necessary for statutory construction. We expect students to come into this course having experience with reading statutory text in order to identify ambiguities and construct possible interpretations. Instead, we concentrate on the substance of bankruptcy law and its effect on bankruptcy and commercial practice. There is more than enough there to fill many books.

We love this area of law. Bankruptcy cases directly or indirectly affect tens of millions of Americans every year and employ thousands of attorneys. The law governing them is extraordinarily dynamic, as a result of both thousand of judicial decisions each year and frequent legislative tinkering. Bankruptcy law also has a profoundly broad impact: affecting commercial activity at virtually every level, from structuring a transaction to collecting a debt. And it is filled with fascinating policy issues. We hope that our affection is evident, at least occasionally, in the pages that follow and that some of our affection for this area might even be infectious as you work your way through these materials.

We invite all who use this book – teachers and students alike – to send us their comments about this book. Only with them can we possibly improve it.

ACKNOWLEDGMENTS

A book such as this, which is intended not as a treatise but as a teaching tool, needs input from a variety of people with different levels of experience and different learning styles. We are therefore deeply grateful to all our students who provided suggestions and noted errors on earlier drafts of this book. We also appreciate their willingness to be the test subjects of a work in progress.

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