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DAVID G. EPSTEIN

8TH EDITION


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BANKRUPTCY AND RELATED LAW IN A NUTSHELL

Eighth Edition

By

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To the people teaching bankruptcy law
who make this book necessary

PREFACE

This is a new version of a student text that I first wrote 40 years ago in Chapel Hill when I was a “baby” professor of law in the “Southern part of heaven.” Since then I have taught bankruptcy or creditors rights at sixteen other law schools and worked as a lawyer on the bankruptcy team of King and Spalding and then Haynes and Boone.

More important, since then there have been significant changes in what happens in law school classrooms and what happens in lawyer offices and courts. More people are doing bankruptcy more. Accordingly, more of this book is bankruptcy. Like the prior editions, this book attempts to summarize bankruptcy and state debtor-creditor law. It sets out the rules, the problems, and the answers to those problems that I can answer. It does not attempt to develop the history of the law, to evaluate the law critically or to propose reform of the law. In short, I have attempted to follow West’s statement that a nutshell is “a succinct exposition of the law to which a student or lawyer can turn for reliable guidance.”

Relatively few cases are mentioned by name. Essentially this book contains citations only to leading, recent or illustrative cases. Virtually no secondary sources are cited. There are, however, numer-

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ous references to statutory provisions—particularly Article 9 of the Uniform Commercial Code and the Bankruptcy Code. Provisions in both the Bankruptcy Code and Article 9 are generally referred to as “section”; however, the different numbering schemes of the two acts should prevent your confusing the two.

This book reflects the helpful suggestions of law students, bankruptcy judge clerks, and lawyers who have used this book. Chris Towery, University of Richmond class of 2011, and Mona Railan, University of Richmond class of 2012, who worked as my research assistants, were particularly helpful.

I hope this book will help you review or learn bankruptcy law. Bankruptcy law is not always easy, and this is not always an easy book. However, doing bankruptcy law is—or at least should be—challenging, interesting and even enjoyable. Writing this nutshell has been all of these things. I hope that, to at least some extent, reading it is.

DGE

Richmond, Virginia
October 2012

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