Professor Scarcella’s contact information:
Email: Louis.A.Scarcella@hofstra.edu
Telephone: 631-712-6278
Faculty Assistant: Ms. Jennifer Calautti – Office 223

Class times and location:
Tuesdays and Thursdays, 6:10 p.m. – 7:30 p.m.
Room 308
No Class on Tuesday, October 11; rescheduled for Friday, Oct. 14, 2:10 p.m.-4:00 p.m.

Learning Objectives:
By the end of this course, students should:
• Have acquired knowledge of business and consumer bankruptcy law, policy, and practice, and of fundamental legal concepts relating to debtor-creditor relationships, and have acquired an ability to apply such knowledge to advising financially distressed individuals and companies, as well as their creditors and other interested parties.
• Have advanced their proficiency in using, analyzing and interpreting a comprehensive statute, i.e., the Bankruptcy Code.
• Have acquired a general awareness of some of the current events, trends, politics, and developments relating to bankruptcy law and practice.

Course Materials:
• Epstein, Markell, Nickles & Ponoroff, BANKRUPTCY: DEALING WITH FINANCIAL FAILURE FOR INDIVIDUALS AND BUSINESSES (4th ed.) (West 2015)
• 2015 Collier Portable Pamphlet (LexisNexis)

Attendance Policy:
The rules of the New York State Court of Appeals, the American Bar Association, and the Law School all require law students to be in good and regular attendance in the courses for which they are registered. To comply with these rules, you must attend at least 85% of your regularly-scheduled classes in this course. There are 28 regularly-scheduled classes for this course during the semester. Thus, you may miss no more than four regularly-scheduled classes during the semester.

Sign-in sheets will be provided for each regularly-scheduled class, which shall be the dispositive evidence regarding your absence from a given class. Each student is responsible for signing in. Falsification of sign-in sheets is a violation of the Code of Academic Conduct. If you exceed the permitted absences by failing to sign in, you will be administratively withdrawn from the course. No prior notice may be given, and you will receive notification
from the Office of Academic Records indicating withdrawal. Any such withdrawal may have serious ramifications for your financial aid, academic standing, and date of graduation.

If you are excessively absent from several classes, you may face additional sanctions, including but not limited to denial of certification of good and regular attendance to the New York State Board of Law Examiners or other state bar examiners. That sounds If you believe you must be absent from class for more than the permitted number of classes, you should contact the Office of Student Affairs as soon as possible. Accommodations may be made for students who must be absent for religious reasons and in cases of truly compelling hardship. Any request for an exception must be made to the Office of Student Affairs and must be accompanied by appropriate documentation.

**Lateness:**
Students are expected to be on time to class. However, it is better to come to class late than not at all. You may walk in late if you have a good reason, as long as you don’t abuse this privilege.

**TWEN (The West Education Network):**
This course uses “TWEN.” Important course information, materials, and announcements will be available via TWEN. Please sign up for TWEN as soon as possible. The email feature on TWEN will be used to let students know when a scheduled class must be cancelled unexpectedly.

**Expected Student Workload:**
The American Bar Association requires that you spend at least six hours per week on average outside of class studying for this 3-credit course. This is in addition to the three hours per week we spend in class. You will meet this requirement by doing the assigned reading and working through the problems in advance of class.

**Final Grade for the Course:**
The final grade for the course will be determined by an in-class examination. The exam will be open book. “Open book” means you may bring and use the assigned texts, your notes, outlines, and any other materials you may have prepared. Class will be more enjoyable with your participation. I reserve the option to adjust your grade upward for class participation.

**Final Exam:**
The final exam may consist of essays and/or short answer questions. I will provide more information about the final exam later in the semester. The final exam is scheduled for Wednesday, December 14, 2016 at 6:00 p.m.

**Computer Policy:**
Computers are to be used during class for taking notes and no other purpose. They are not to be used to “surf the net” or send email or instant messages. Violations of this rule may lead to you being prohibited from using a laptop during class.
Communications:
The best way to communicate with me is by email. I will do my best to get back to you within 24 hours. While I do not maintain regular office hours at the law school, if you need to speak with me in person, we can set up an appointment time either before or after class.

Assignments by Class (28 classes):
All reading assignments listed below are in Epstein, Markell, Nickles & Ponoroff, BANKRUPTCY: DEALING WITH FINANCIAL FAILURE FOR INDIVIDUALS AND BUSINESSES (4th ed.) (West 2015). Also read the Bankruptcy Code sections discussed in the reading materials. The Code sections are in Collier Portable Pamphlet. These assignments are subject to change during the semester.

The reading assignments are intended as background for the concepts that we will be discussing in class. Please do not feel obligated to outline the cases in the textbook. For the most part, we will spend a lot of our class time doing what lawyers do--working through problems to see how various rules apply to realistic fact scenarios. I strongly encourage you to spend some working through the problems in advance. We will work through a number of these problems in class, although we will not have time to address every problem in the assigned reading.

Omit problems: 3-12, 3-16, 4-1, 4-2, 4-11, 4-12, 4-13, 5-7, 5-8, 5-10, 5-11, 5-23, 5-27, 6-1 to 6-6, 6-14, 10-1, 11-29, and 11-36 to 11-38.

1. Aug. 23 Alternatives to Bankruptcy pp. 1-14
3. Aug. 30 Fresh Start pp. 37-48
   Equality of Distribution pp. 51-52
4. Sept. 1 Property of the Estate pp. 52-57
   Turnover pp. 57-58
   Claims pp. 58-59
5. Sept. 6 Claims(cont’d) pp. 67-72
   Secured Claims & Creditors pp. 73-86
6. Sept. 8 Involuntary Filings pp. 87-90
   Voluntary Filings pp. 90-92
   Dismissal of Cases pp. 94-103
   Conversion pp. 103-104
   Exceptions to the Stay pp. 115-116
   Violations of the Stay pp. 118-120
   Termination of the Stay pp. 120-121
8. Sept. 15 Relief from Stay pp. 121-124
   Adequate Protection pp. 124-131
9. Sept. 20
    Disallowance of Claims pp. 131-134
    Priorities pp. 136-142, 146-47
    Subordination pp. 148-151

10. Sept. 22
    Discharge pp. 159-163
    Exemptions pp. 164-170
    Exemptions (lien avoidance) pp. 179-181
    Dischargeability pp. 182-194

11. Sept. 27
    Dischargeability (cont’d) pp. 195-210

12. Sept. 29
    Chapter 7 pp. 211-213
    Means Test pp. 213-215
    Denial of Discharge pp. 219-222

13. Oct. 6
    Discharge Denial (cont’d) pp. 222-230
    Preserving the Debtor’s Property pp. 230-236

    Overview of Chap. 13 pp. 237-241
    Dealing With Unsecured Claims pp. 241-242

15. Oct. 14
    Unsecured Claims (cont’d) pp. 259-260
    Treatment of Secured Claims pp. 264-274

16. Oct. 18
    Home Mortgages pp. 274-276
    Car Loans pp. 276-278
    Add’l Confirmation Requirements pp. 282-285

17. Oct. 20
    Business Cases Chapter 11 pp. 291-297
    Financing the Case pp. 297-299
    Cash Collateral Use pp. 302-305
    DIP Financing pp. 305-309

18. Oct. 25
    End Game 1: Selling the Business pp. 309-321
    Sale of Encumbered Property pp. 322-323
    After the Sale - Dismissal or Conversion pp. 332-337

19. Oct. 27
    End Game 2: Plan Preparation pp. 340-345
    Plan Approval by Creditors p. 347 prob. 9-14
    Plan Approval by Court pp. 351-52, 357-59
    pp. 392-395

20. Nov. 1
    Small Business Cases pp. 414 up to prob. 9-33
    Single Asset Real Estate Cases pp. 416-417
    Chapter 11 Cases for Individuals pp. 423-428, 429-441

21. Nov. 3
    Avoiding Powers pp. 445-449
    Fraudulent Transfers pp. 449-454
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