

Bankruptcy

University of Florida Levin College of Law

Fall 2025 Syllabus - Law 6052 (3 Credits)

Instructor: Professor Lynn M. LoPucki

Office: Holland Hall 317

Phone: (310) 694-2718

Email: lopucki@law.ufl.edu

Office Hours: Tuesdays (Office) and Thursdays (Zoom), 11:00-12:00

Class meeting time: Tuesdays and Thursdays, 4:30 pm - 5:55 pm

Meeting location: Holland Hall 382

1. Course Description: The bankruptcy course covers creditors' remedies and debtors' rights under state law and in federal bankruptcy proceedings. The course dives into the complex world of financial distress, the relative priority given to different classes of creditors, and the law, policy, and ethics of insolvency in the American federalist system. State law topics include execution, attachment, garnishment, and proceedings in aid of execution. Bankruptcy topics include liquidations, reorganizations, sales, and clawback actions. Students focus not only on what the rules are, but also the strategies lawyers pursue.

2. Student Learning Outcomes: By the end of this course, students will be able to:

1. Explain bankruptcy concepts
2. Solve basic bankruptcy problems that arise in practice
3. Formulate legal strategies on behalf of clients regarding the preparation for, avoidance of, and participation in bankruptcy cases
4. Read and understand bankruptcy court-file documents
5. Apply provisions of the Bankruptcy Code, lien laws, and related statutes to facts.

3. Required Materials. The required materials for this course are:

ELIZABETH WARREN, ET AL., THE LAW OF DEBTORS AND CREDITORS: TEXT, CASES, AND PROBLEMS (8th ed.) Aspen Publishing.

BANKRUPTCY AND ARTICLE 9: 2024 STATUTORY SUPPLEMENT (Elizabeth Warren & Robert Lawless, editors, 2025 ed.), Aspen Publishing.

You must have your own hard copies for use on the open-book final exam.

4. Workload: ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every "classroom hour" of in-class instruction. Bankruptcy has 3 "classroom hours" of in-class instruction each week, requiring at least 6 hours of preparation outside of class reading, preparing, and reviewing material for our class meetings each week. Build this time into your schedule.

5. Course Expectations and Grading Evaluation: Your grade in the course will be based principally on a four-hour, in-class, open-book exam, completion of the written assignments, class attendance, and class participation. The exam will cover (1) the assigned reading, including statutory text referenced in the casebook, (2) the PowerPoints displayed in class, and (3) any matter discussed in class. To assure that information about the nature and contents of the exam is accurate and equally available to all:

1. I do not answer questions or make statements about the nature or contents of an exam except in class or in an email addressed to all members of the class.
2. I do not answer questions or make statements about the contents of an exam until after I write the exam. Typically, that will be about one week before the exam.

6. Panels: Beginning in the second week of classes, I will appoint a panel of six students for each assignment. For each problem in the assignment, each panelist must write a 75 to 125-word answer and email it to me by 3:00 p.m. of the day on which we begin our discussion of the assignment. I will grade the answers pass/fail. A pass is the equivalent of one point on the exam (the same as a multiple-choice question on the exam). Plagiarism will be dealt with ruthlessly!

7. Study aids: Study aids are not necessary. But if you want to use them, I recommend these:

DANIEL KEATING & NATHALIE MARTIN, *THE GLANNON GUIDE TO BANKRUPTCY* (Aspen 5th ed. 2023)

BRIAN A. BLUM & SAMIR D. PARIKH, *BANKRUPTCY AND DEBTOR/CREDITOR* (Aspen 8th ed. 2023) Examples and Explanations series.

8. Class Attendance Policy: Class attendance is required. You may have up to six (6) absences (almost 24% of the scheduled classes) without penalty. These are absences for all causes, including illness, religious observances, family emergencies, and all other causes. I make no distinction between "excused" and "unexcused" absences. If you are absent from more than that number of classes, your grade in the course will be reduced by one grade (e.g. B+ to B). If you are absent from more than eight (8) classes, your grade in the course will be reduced by an additional grade. I will attempt to provide notice to any student who reaches four (4) absences. My assistant keeps the count. She can tell you how many classes you have missed. Her contact information is below. The law school's policy on attendance can be found [here](#).

9. Respectful Presence: Please do not arrive late, leave early, or leave to take a break during class absent extenuating circumstances. Please refrain from eating or drinking in

class, apart from water and any food you may need for medical reasons. Please refrain from wearing cologne or perfume in class, as strong scents can create problems for your colleagues with allergies. I reserve the right to lower your final grade if you engage in behavior that disrupts the learning environment for your classmates. Should you choose to use a laptop or tablet to take notes, please close all software and browser windows that do not relate to this course. Please mute all devices.

10. Video Recordings: I have asked that our class sessions be video-recorded.

- a. *Availability.* The recordings are available for viewing only by students enrolled in the class and only until the final exam. The recordings are not available for download.
- b. *Permission to use.* I hereby grant permission for students currently enrolled in the course to access the video-recordings solely for the purpose of the course. You do not need any further permission to access the recordings.
- c. *Recording tails.* Recording is remotely controlled. As a result, the recordings may include events in the classroom before the class begins, during class breaks, and after the class ends. Please do not discuss any confidential matters during those periods.
- d. *Consent.* By enrollment in this course, each student consents to the recording and use described above.

11. Problem Method: This course relies on the problem method. You learn by reading about the system, seeing the material applied in examples in the text, and then applying the material in new situations as you work the problems. For the problem method to work, you must be an active participant. Reading the solutions to the problems from last year's slides or the notes of former students will prepare you neither for the final exam nor for practice. It may interfere with class discussions, because the student called on knows the answer, but not how to derive the answer. For those reasons, use of notes made by someone other than yourself regarding the answer to any problem, prior to the discussion of that problem in class, is prohibited. I encourage you to form study groups to solve the problems before class. The answers you turn in must, however, be your own.

12. Contacting Me Outside of Class: There are four ways to contact me outside of class.

- 1. *After class:* Except when I have a conflicting appointment, I will stay after class until all questions are answered.
- 2. *Phone:* You can call me at (310) 694-2718 (mobile).
- 3. *Email:* My address is lopucki@law.ufl.edu.
- 4. *Office:* My office hours are the Tuesdays (Office) and Thursdays (Zoom) when classes meet, from 11:00 am to 12:00 noon. I am generally in my office from 1:30 p.m. to 6:00 p.m. on Monday, Wednesday, and Friday. Please feel free to stop by during those hours without an appointment.

Victoria A. Redd is my assistant. Her email address is red dva@law.ufl.edu and her telephone number is (352) 273-0906.

13. PowerPoint Presentations: I use PowerPoint presentations to guide class sessions. After class, my assistant will post the presentation on Canvas. The slides are numbered so that you can easily reference them if you take notes. If the presentation for a class has not been posted to Canvas by 10 a.m. the next day, please feel free to remind me.

Each semester a few students request that I post the presentations prior to class so they can take notes on the presentations. That is not feasible for three reasons:

1. I modify slides as I prepare for class each day. If I posted the presentation in advance, it would not be the same version as the presentation used in class or the one posted after class. The slide numbers might change. The result would be confusing for everyone.
2. Some presentations use multiple slides to produce animation. They consist of large numbers of slides. If you took notes in the file, you might have difficulty accessing them later.
3. Short answers to problems and class questions appear on the presentations. Availability of this information prior to and during class would interfere with the class discussion.

14. Assignments: These are the assignments in Warren, et al. We will cover them in the order shown here, at the rate of about three per week. I will adjust the coverage as necessary to accommodate our actual progress.

- 2 Formal Remedies for Nonpayment, read pages 37-46, including Appendix B. Omit problems 2.1, 2.2, and 2.4.
- 3 Bankruptcy Estate and Automatic Stay
- 4 Property Exempt from Seizure
- 5 Property Exemptions II
- 6 Claims and Distributions
- 7 Priority Among Unsecured Creditors
- 8 Discharge
- 9 The Debtor's Position After Bankruptcy
- 10 Secured Creditors in Chapter 13
- 11 Unsecured Creditors in Chapter 13
- 12 The Means Test
- 13 Chapter Choice

- 14 Policy and Practice
- 15 Recovering from Business Debtors
- 16 Reorganizing Businesses
- 17 Getting Started
- 18 Running the Business
- 19 Financing the Reorganization
- 20 Avoiding Liens
- 21 Preferences I
- 22 Preferences II
- 23 Fraudulent Conveyances I
- 24 Fraudulent Conveyances II
- 25 Executory Contracts I
- 26 Executory Contracts II
- 27 Negotiating the Plan
- 28 Confirming the Plan
- 29 Cramming Down Unsecured Creditors
- 30 Cramming Down Secured Creditors
- 31 Sales and Beyond I
- 32 Sales and Beyond II
- 33 Governance in Chapter 11
- 34 Practicing in Chapter 11

15. Other Information:

Other information about UF Levin College of Law policies, including compliance with the UF Honor Code, Grading, Accommodations, and Course Evaluations can be found at this [link](#).

16. Information on UF Law Grading Policies:

The Levin College of Law's mean and mandatory distributions are posted on the College's website and this class adheres to that posted grading policy. The following chart describes the specific letter grade/grade point equivalent in place:

Letter Grade	Point Equivalent	Letter Grade	Point Equivalent
A (Excellent)	4.0	C (Satisfactory)	2.0
A-	3.67	C-	1.67
B+	3.33	D+	1.33
B	3.0	D (Poor)	1.0
B-	2.67	D-	0.67
C+	2.33	E (Failure)	0.0

The law school grading policy is available [here](#).

17. Observance of Religious Holidays:

UF Law respects students' [observance of religious holidays](#).

Students, upon prior notification to their instructors, shall be excused from class or other scheduled academic activity to observe a religious holy day of their faith.

Students shall be permitted a reasonable amount of time to make up the material or activities covered in their absence.

Students shall not be penalized due to absence from class or other scheduled academic activity because of religious observances.

As applied to this course, religious holidays are "absences," which, along with sick days, and other absences, may not exceed six (6), as stated in section 8, above.

18. Exam Delays and Accommodations:

The law school policy on exam delays and accommodations can be found [here](#).

19. Statement Related to Accommodations for Students with Disabilities:

Students requesting accommodations for disabilities must first register with the Disability Resource Center (<https://disability.ufl.edu/>). Once registered, students will receive an accommodation letter, which must be presented to the Assistant Dean for Student Affairs (Assistant Dean Brian Mitchell). Students with disabilities should follow this procedure as early as possible in the semester. It is important for students to share their accommodation letter with their instructor and discuss their access needs as early as possible in the semester. Students may access information about various resources on the UF Law Student Resources Canvas page, available at <https://ufl.instructure.com/courses/427635>.

20. Student Course Evaluations:

Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals. Click [here](#) for guidance on how to give feedback in a professional and respectful manner. Students will be notified when the evaluation period opens and may complete evaluations through the email they receive from GatorEvals, in their Canvas course menu under GatorEvals, or via <https://ufl.bluer.com/ufl/>. Summaries of course evaluation results are available to students [here](#).

21. Student Recordings of Class:

Students are allowed to record video or audio of class lectures. However, the purposes for which these recordings may be used are strictly controlled. The only allowable purposes are (1) for personal educational use, (2) in connection with a complaint to the university, or (3) as evidence in, or in preparation for, a criminal or civil proceeding. All other purposes are prohibited. Specifically, students may not publish recorded lectures without the written consent of the instructor. A “class lecture” is an educational presentation intended to inform or teach enrolled students about a particular subject, including any instructor-led discussions that form part of the presentation, and delivered by any instructor hired or appointed by the University, or by a guest instructor, as part of a University of Florida course. A class lecture does not include lab sessions, student presentations, clinical presentations such as patient history, academic exercises involving solely student participation, assessments (quizzes, tests, exams), field trips, private conversations between students in the class or between a student and the faculty or guest lecturer during a class session. Publication without permission of the instructor is prohibited. To “publish” means to share, transmit, circulate, distribute, or provide access to a recording, regardless of format or medium, to another person (or persons), including but not limited to another student within the same class section. Additionally, a recording, or transcript of a recording, is considered published if it is posted on or uploaded to, in whole or in part, any media platform, including but not limited to social media, book, magazine, newspaper, leaflet, or third-party note/tutoring services. A student who publishes a recording without written consent may be subject to a civil cause of action instituted by a person injured by the publication and/or discipline under UF Regulation 4.040 Student Honor and Student Conduct Code.

