

UČNI NAČRT PREDMETA / COURSE SYLLABUS	
Predmet:	
Course title:	U.S. Bankruptcy Law

Študijski program in stopnja Study programme and level	Študijska smer Study field	Letnik Academic year	Semester Semester
First-cycle University Study Programme in Law	Law		Spring

Vrsta predmeta / Course type

Elective (Special elective course for Erasmus students)

Univerzitetna koda predmeta / University course code:

Predavanja Lectures	Seminar Seminar	Vaje Tutorial	Klinične vaje work	Druge oblike študija	Samost. delo Individ. work	ECTS
20	20			70	60	6

Nosilec predmeta / Lecturer:

Prof. Dr. Leslie Ann Burton

Jeziki /
Languages:

Predavanja /
Lectures: English
Vaje / Tutorial:

Pogoji za vključitev v delo oz. za opravljanje študijskih obveznosti:

Prerequisites:

None.

Vsebina:

Content (Syllabus outline):

	<p>This course will cover the basics of American Bankruptcy Law, including eligibility to file, exemptions, claims, and liens. It will include the trustee's powers to avoid transactions and transfers.</p> <p><i>Introduction; history of bankruptcy law; structure of the Bankruptcy Code.</i></p> <p><i>Debt collection practices; secured transactions; eligibility requirements; voluntary bankruptcy.</i></p> <p><i>Involuntary bankruptcy.</i></p> <p><i>Appointment of trustee; property of the estate</i></p> <p><i>Exemptions. Exemption planning; avoiding liens on exempt property.</i></p> <p><i>Avoiding liens on exempt property (cont.); the automatic stay.</i></p> <p><i>Terminating the automatic stay; use and sale of estate property; cash collateral.</i></p> <p><i>Assumption or rejection of executory contracts and unexpired leases.</i></p> <p><i>Avoiding powers; avoiding post-petition transfers; avoiding preferential transfers.</i></p> <p><i>Avoiding fraudulent conveyances.</i></p> <p><i>Unsecured claims; priorities; distribution rules.</i></p> <p><i>Secured claims; redemption; reaffirmation; strong arm powers.</i></p> <p><i>Denial of discharge; dischargeability of debts.</i></p>
--	---

Temeljni literatura in viri / Readings:

Prof. Dr. Burton will prepare materials for the students to read, as well as weekly quizzes. Some of the readings will be from Bankruptcy (5th edition) by Jordan, Warren & Bussel (Foundation Press); The Elements of Bankruptcy by Douglas G. Baird (Foundation Press; and of course the Bankruptcy Code and Rules (Law School Edition)(West).

Cilji in kompetence:

Objectives and competences:

My objective is for the students to learn the basics of US Bankruptcy Law so that they will understand what can happen in a bankruptcy case in the US and how the claims process works.

Predvideni študijski rezultati:

Znanje in razumevanje:

Intended learning outcomes:

Knowledge and understanding of the basics of US Bankruptcy Law, including how to read and interpret bankruptcy statutes; how to file a claim; what »rights« a creditor may lose in a bankruptcy case; what powers the trustee is given over the debtor's property; which debts can be »discharged« (forgiven) and which can't; so that they will understand what can happen in a bankruptcy case in the US and how the claims process works. They will learn how to interpret American statutes and case law, and also the substance of the law.

Metode poučevanja in učenja:

Learning and teaching methods:

Lecture and class discussion. Some power points. Also quizzes.

Načini ocenjevanja:	Delež (v %) / Weight (in %)	Assessment:
Način (pisni izpit, ustno izpraševanje, naloge, projekt)		Type (examination, oral, coursework, project): Students will be expected to be prepared to answer questions in class, will do quizzes, and will have a final written exam.

Reference nosilca / Lecturer's references:

- [*An Overview of Insolvency Proceedings in Asia*](#), 6 Annual Survey of Int'l. & Comp. L. 113 (2000).
- [*Toward an International Bankruptcy Policy in Europe: Four Decades in Search of a Treaty*](#), 5 Annual Survey of Int'l. & Comp. L. 205 (1999).
- [*Limitations on Use of the California Homestead Exemption in Bankruptcy Cases: The Case for Following In re Pladson*](#), 21 Calif. Bankruptcy J. 323 (1993). With Jeffrey C. Wurms.