

Debtor & Creditor  
Spring 2022  
Classroom: 301  
Class times: Tuesday & Thursday, 10:50am to 12:20pm  
Professor Aaron Simowitz ([asimowitz@willamette.edu](mailto:asimowitz@willamette.edu))  
Office: 456

## Syllabus

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## **Required Texts**

All page references are to WARREN, WESTBROOK, PORTER, & POTTOW, THE LAW OF DEBTORS AND CREDITORS (8th ed. 2021). (Please get a used copy and save some \$\$). Just be sure to get the right edition.) If we use additional readings, they will be posted on the WISE site. I also suggest getting a Bankruptcy Code supplement.

## **Learning Objectives**

This course is a survey of bankruptcy law. The goal of the course is to acquaint you with the fundamental elements of bankruptcy as they relate to the liquidation or reorganization of the debts of individuals and business entities. The course will also examine the economic and social policies behind creditor-debtor relationship in bankruptcy and under state law.

The course will focus on the three main types of bankruptcy relief that you will encounter in practice: Chapter 7 (liquidation); Chapter 13 (individual debt adjustment); and Chapter 11 (reorganization). Relief under Chapter 9 (municipalities), Chapter 12 (family farm reorganization), and Chapter 15 (cross-border insolvency) will not be discussed in detail.

## **Class Meeting Times and Office Hours Summary**

Class times: Tuesday & Thursday, 10:50am to 12:20pm

Office hours: Tuesdays & Fridays, 1:40pm to 3:10pm (sign-ups below).

Please note that all our class meetings and office hours for the first two weeks of the semester will be **remote**. Thereafter, we will meet in Room 301. Office hours will be remote unless otherwise agreed in advance.

## **Class Topic/Reading**

Please have a look at the googledoc linked below:

<https://docs.google.com/spreadsheets/d/1OudwIO5ecV3m72VPgjQD6mNhVXR56DLLeEPLHEqrdQBM/edit?usp=sharing>

As you can see, this googledoc contains our scheduled readings for the semester, broken out by week and class day (as much I can predict). To the far right of the googledoc, you will find some additional information. Our schedule is subject to change over the semester. I will do my best to let you know in class and by e-mail if and when there are changes.

Please find below our Zoom link for classes and our password:

Zoom link:

<https://willametteuniversity.zoom.us/j/96575651608?pwd=OEJrcUpjdEx2NFZ4Q0M5YIBLZFY3QT09>

Password: BK2022

Meeting ID: 965 7565 1608

## **Office Hours (and other ways to chat outside class)**

Tuesdays & Fridays: 1:40pm to 3:10pm

Zoom link:

<https://willametteuniversity.zoom.us/j/95887163417?pwd=YVhLTDFpOXJ5dG5DVmU5bDM0M1AzUT09>

Please sign up in groups or individually on the googledoc:

<https://docs.google.com/spreadsheets/d/1dSZIRpa3J8-OH34EasJGNwDjdy1VFspNx14jhwpNiFc/edit?usp=sharing>

Please feel free to contact me at [asimowitz@willamette.edu](mailto:asimowitz@willamette.edu). I will make every effort to respond to your e-mail within one business day. Please include “\*\*\* DEBTOR & CREDITOR \*\*\*” in the subject line of your e-mail so that I do not miss it. Please also include a phone number where you can generally be reached. (I find it easier to discuss complicated legal concepts by phone than by e-mail. Actually, I feel that way about pretty much every topic.) If you do not hear back from me within one business day, please email me again, as I may have missed your email.

## Attendance

We will be taking attendance for this course in each meeting.

For remote meetings, as a baseline, I will count you as attending only if you have signed into the proper zoom link for the course on time, and your video is on. I will use Zoom’s tools to determine who is present in the course. Note that while you can change your screen name in zoom, I’d ask that you use your preferred first and last names for this in order to help me know who’s who.

It’s a lot harder to gauge participation in a remote environment. For that reason, unless you communicate with me in advance or I instruct otherwise, I will only count you as being in attendance if your video is on during the entire class. I know that there will be occasional times when you will need to turn off your video if something is going on in the background, etc. (though you should feel free to use the virtual backgrounds liberally), and that’s fine (though you really shouldn’t worry about your pet or child introducing themselves). But if you anticipate that you are going to have regular issues with your internet or your webcam working, for instance, please let me know. WITS and other resources can help a lot, and we will work to make sure you can participate fully in the course.

I know that there are other ways to actively participate in class even if your video is off – asking questions in the chat, for instance – but I expect you to actively participate. Worst of all will be if your video is off and I call on you and you are not present; that circumstance is grounds for marking you absent from the class, and if it’s a repeated issue, can be grounds for a one-half grade downgrade in your final grade. If you are realizing that you are having technology problems in a class, just send me a private chat or email to let me know. If the problem repeats itself, we’ll connect you with WITS to help.

## Signing into Zoom from your Willamette profile (i.e. not as a “guest”)

WITS recommends the following:

“We’ve found the following steps are the best way to insure that you are signing into Zoom correctly:

1. Make sure you’ve downloaded and installed the latest version of the **"Zoom Client for Meetings"**: [Zoom downloads](#)
2. Before attempting to join a Zoom session from WISE, a calendar invite, or elsewhere, open the Zoom application now installed on your computer.
3. Click the **"Sign in with SSO"** option.
4. In the company domain box, type **"willametteuniversity"**, and then click the "Continue" button.

5. You will be redirected to the standard Willamette login page in your web browser, where you should sign in as usual.
6. You'll then be redirected back to the Zoom application as a signed-in user. Your browser may ask you to approve the redirect back to Zoom or the re-launch of the Zoom application.”

If you have any questions, please feel free to contact me or WITS.

## **Casebook Problem Sets**

For every class, we will discuss one or several problems in the casebook, as indicated on the syllabus. Please review and work through the assigned problems before class.

## **Information for students with disabilities**

Willamette Law is committed to making sure that everyone is able to participate fully in our courses. If you have particular needs for access to this course that you need in order to do that, please contact Dean Mac Alpine or Sue Minder, Director of Accessible Education Services, at [sminder@willamette.edu](mailto:sminder@willamette.edu) or 503-370-6737.

## **Grading**

Your grade will be divided 60%/40% between the final paper and class participation. If you are not prepared, or if your work on the problem sets displays a lack of effort, your class participation grade may be reduced.

## **Papers**

Final papers must be approximately 15-pages, double-spaced. If you are using this paper for your Graduate Writing Requirement, the paper must comply with those higher requirements. Throughout the semester, we will have a series of interim deadlines. You will find them listed in the class reading googledoc. Please email me your interim assignments before class. I will give you comments on each interim assignment. (It has been my practice to provide comments on first drafts, but not on final drafts—though I am happy to discuss them after grading is over.) An outstanding paper will identify a focused and interesting issue or problem, accurately and clearly summarize the relevant authority, and provide an original analysis or solution. Final papers will be due on the last day of finals period.

## **Make-up Classes**

I do not anticipate needing to cancel any classes at this time. Should that change, we may use our office hours time slot for make-up classes (zoom information will be the same as our regularly scheduled classes).

## **Podcasts**

Totally optional, but kinda fun. Good listening if you (like me) have a lot of dishes and laundry to do. You will find them in the class reading googledoc, listed at the point in the semester where I think they make sense (although that determination is sometimes arbitrary and definitely capricious).

## **ABA 310 Standard for Out-of-class Work Expectations**

In order to receive credit for this course, the ABA expects that you will be conducting at least two hours of out-of-class work for every hour you are meeting with your instructor.