

# **Bankruptcy**

Law 889, Spring 2026

Professors Stephen Ware & Malissa Walden

<https://sware.ku.edu/bankruptcy>

**Course Description.** This survey of bankruptcy and debtor-creditor law covers topics such as: Chapters 7, 11, and 13 of the Bankruptcy Code and enforcement of money judgments outside of bankruptcy. Prerequisite: Business Organizations.

**Learning Outcomes.** This course should serve at least three purposes. One is to study the law and practice of bankruptcy and related debtor-creditor law. Successfully completing this course will advance students' knowledge of both individual and business bankruptcy. Another purpose of this course is to develop students' skills. Among these skills are legal analysis, problem-solving, and communication, both written and spoken. The third purpose of the course is to introduce students to bankruptcy lawyers' professional and ethical responsibilities to clients and others in the legal system.

**Class Meetings.** Our three-credit, in person course is scheduled for 11:25-12:20 on Wednesdays, Thursdays, and Fridays in Green Hall 107. In addition to our regularly scheduled classes, we will meet in Room 107 on Feb. 6, 13, 20, and 27 from 12:30 to 1:25. Our class will not meet April 17-24.

**Two instructors.** This course has two instructors. Professor Ware is the main instructor with ultimate responsibility for the course. Professor Walden is an experienced adjunct professor and practitioner of bankruptcy law, as well as a KU Law alum.

**Talking with Professor Ware Outside of Class.** Prof. Ware intends to be fully available to students after our class and then 1:30 – 5:00 on Wednesdays and Fridays. He will be available plenty of other times as well, and you are always welcome to schedule an appointment or stop by his office (414C), call 785-864-9209, or email [ware@ku.edu](mailto:ware@ku.edu).

**Talking with Professor Walden Outside of Class.** You may contact her at [MLWalden@WaldenLegalSolutions.com](mailto:MLWalden@WaldenLegalSolutions.com) or schedule a phone appointment [KU Student Phone Call](#) if she is otherwise unavailable.

**Attendance and lateness.** Accreditation standards governing the Law School say that “[a] law school shall require regular and punctual class attendance.” Perfection is not required, so you may miss a class or two because you have transportation problems, a job interview, illness, a death in the family, or something similar. This sort of absence is no worry, and you do not need to contact the instructor about it. Just borrow class notes from a classmate and then let the instructor know if you have any questions about the material we covered. Similarly, you may be late to class or leave early once or twice for reasons like those listed above. Again, this is no worry and no need to contact the instructor about it.

By contrast, if you are going to miss class or be late or leave early more than a couple of times during the course that is a worry. If that happens, you should contact Professor Ware to discuss

how we can address the situation and keep you on track with the course and your classmates. If you miss some or all of a class session three or more times, Prof. Ware may send you an email warning. If after he does that, you miss some or all of a class session two more times, he may exclude you from the final exam.

**Computers and other electronics in class.** Subject to exceptions the instructors will announce, you may use a computer in class, but only for working on this course. Audio or video recording of class is prohibited without written permission from that day's instructor.

**Required Reading.** The required casebook is GREGORY GERMAIN, *BANKRUPTCY LAW AND PRACTICE* (5th ed. 2024). This book is free and available at <https://www.cali.org/books/bankruptcy-law-and-practice#>

**Grading.** 100 points are available in this course:

- 50 from the final exam written, administered, and graded by Ware,
- 25 from Ware graded assignments and classroom performance, and
- 25 from Walden graded assignments and classroom performance.

**Classroom performance.** Key to your classroom performance in this course is frequently raising your hand and contributing your thoughts when the instructor asks questions to the entire class, as well as when the instructor directs questions to you individually. Questions to the whole class invite all students to volunteer, so the more hands that go up, the more smoothly our discussions can regularly include a variety of voices and viewpoints. You will individually benefit from contributing frequently, not only in your grade, but also in practicing the important professional skill of speaking about the law. Ideally, each student will answer several questions, after volunteering, each day. But if you need a pass once or twice during the semester, that is fine.

**Accommodations.** Classroom and testing accommodations are available to eligible students registered with the Student Access Center. You may contact [access@ku.edu](mailto:access@ku.edu) or Associate Dean for Academic and Student Affairs, Leah Terranova, [leaht@ku.edu](mailto:leaht@ku.edu) or 785-864-4357.

**Required links.** KU's [syllabus policy](#) requires each syllabus to include these links:

- Explanation of instructional time expected for out-of-class student work per credit (see [Credit Hour Definition](#) policy)
- Statement on accommodations and/or information for students with disabilities (see or use):
  - KULC: [Student Access Center Syllabus Statement](#)
  - KUMC: [Syllabus Statement for Accommodations](#)
- Links to the following policies:
  - [Sexual Harassment](#)
  - [Nondiscrimination, Equal Opportunity, and Affirmative Action](#)
  - [KU Statement on Diversity and Inclusion](#)
  - Academic Misconduct
    - KULC: [Academic Misconduct \(USRR 2.7.1\)](#)
    - KUMC: [Academic Misconduct](#)
  - Change of Grade
    - KULC: [Change of Grade Policy](#) and [Change of Grade \(USRR 2.4.1\)](#) (i.e., grade appeal)
    - KUMC: [School of Health Professions Grade Policy](#); [School of Nursing Grade Policy](#); [School of Medicine \(MD\) Grade Policy](#); and [Graduate Studies Grade Policies](#)
  - KULC: [Code of Student Rights and Responsibilities](#)
  - KULC: [Commercial Note-Taking](#)
  - KULC: [Mandatory Reporting](#)
  - KULC: [Racial and Ethnic Harassment Policy](#)

<b>CLASS</b>	<b>ASSIGNMENT</b>
<b>Non-Bankruptcy Debt Collection Law</b>	
<b>Debt Collection</b>	
1. Jan. 21	Germain Casebook Sections 1.1 – 1.3.2 (do Problems 1-4), skim Heintz v. Jenkins, 514 U.S. 291 (1995)
<b>Judicial Liens and Exempt Property</b>	
2. Jan. 22	Read the abstract of <a href="#">Assembly Line Plaintiffs</a> , a Kansas <a href="#">story</a> , Casebook 1.4 – 1.7.2, and the excerpt from Eyes on the Prize in Canvas. <b>Graded assignment</b> in Canvas. Read Kan. Stat. §§ 60-2301 – 60-2311. Do 1.4.5.1 in Kansas
<b>Fraudulent Transfers</b>	
3. Jan. 23	1.8, do 1.8.1 (Problems 1-3) with KS Statutes Chapter 33, 1.9 – 1.11
<b>Consensual and Statutory Liens</b>	
4. Jan. 28 (Ware & Walden)	2.1 – 2.6 (Problems 1-3)
5. Jan. 29	2.7 – 2.11, 2.13 (not In re Fabers); do Problem 4 of 2.13

<b>Bankruptcy</b>	
<b>Bankruptcy Jurisdiction</b>	
6. Jan. 30	3.1 – 3.7
<b>The Bankruptcy Estate and Trustee</b>	
7. Feb. 4	7.1 – 7.4, 7.6 (Problem 1), 4.1, Revised 4.5 in Canvas. Do 4.4 Problems 2-8, 10
<b>Exemptions</b>	
8. Feb. 5	11 U.S.C. § 302, 5.1 (skip Problem 2) – 5.2, 5.4.2, 5.5 – 5.6.2, 5.7, 5.8 (Problem 1)
<b>The Automatic Stay</b>	
9. Feb. 6	6.1, 6.2 (Problems 1, 3-4, 9-13, 15), 6.3.2
<b>Claims</b>	
10. Feb. 6 12:30	10.1, 10.3, 10.4 (Problems 1-3)
11. Feb. 11	10.2.8, 10.6, 10.7 (Problems 1-2)
<b>Secured Claims</b>	
12. Feb. 12	9.1, 9.3 (Problems 4-6), 9.4 (Problems 1-3)
13. Feb. 13	9.7 – 9.11, 11.9, <a href="#">Hall v. Ford Motor Credit</a> ,
<b>Discharge</b>	
14. Feb. 13 12:30	10.12, 11.1 – 11.4 (skip Davis), 11.10 (Problems 1-2, 4, and 6)
15. Feb. 18 (Walden & Ware)	11.5 - 11.7, 11.8.1 - 11.8.5, 11.8.8 Read 11/17/22 <a href="#">DOJ Guidance</a> ; we will discuss bankruptcy + student loans in class – history, Brunner Test, current insights
<b>The Means Test</b>	
16. Feb. 19 (Walden)	3.11 – 3.12, 3.14 - 3.15, 3.21 – 3.25.1 3.22 (Problems 1–4)
17. Feb. 20 (Walden)	Professor Walden shows example of converting an intake into Official Forms 122A-1, 122A-1Supp, and 122A-2.
18. Feb. 20 12:30 (Walden)	Professor Walden provides new intake for students’ <b>graded assignments</b> of answering issue-spotting questions and completing above forms. Students may do the exercises during class time and until the assignments are due.

<b>Chapter 13 Bankruptcy</b>	
19. Feb. 25	3.10 (Problems 7, 9, 10, 11), 12.1 – 12.6.4.
20. Feb. 26	12.7 – 12.9
21. Feb. 27	<b>Graded assignment, part a.</b> Attend U.S. Bankruptcy Court for at least two hours by March 3. Grading for this assignment values in-person attendance over remote attendance. Our class will not meet for either of the Feb. 27 sessions.
22. Feb. 27 12:30	
23. March 4 (Ware & Walden)	<b>Graded assignment, part b.</b> At least an hour before class, submit 1000-1500 words discussing what you observed in court. How did what you observed relate to material we have studied in this course. Any observations seem inconsistent with that material? The first paragraph of your writing should state the date(s), time(s), and location(s) of your court attendance.
24. March 5 (Walden & Ware)	Professor Walden shows example of converting an intake into Chapter 13 petition and plan.
25. March 6 (Walden & Ware)	12.10. Professor Walden provides new intake for students' <b>graded assignment</b> of completing Chapter 13 petition and plan. Students may do the exercise during class time and until the assignment is due.

<b>Business Bankruptcy</b>	
<b>Eligibility, Dismissals</b>	
26. March 11	3.10 (Problems 1, 4, 5, 8). <b>Graded assignment</b> in Canvas.
27. March 12	14.4 – 14.4.1
28. March 13	3.16 – 3.17, 6.4, <a href="#">LTL</a> case
<b>Use, Sale, and Abandonment of Property of the Estate</b>	
29. March 25	7.5, 7.8, 9.12, 14.3, 10.9 – 10.10
<b>Executory Contracts</b>	
30. March 26	7.11, 7.13.1,
31. March 27	7.16 (Problems 1-4, 7)
<b>Voidable (“Fraudulent”) Transfers and Strong Arm Clause</b>	
32. April 1	8.1 – 8.4 (do Problems 6-7), 8.6 - 8.6.1 (Problems 1-2)
<b>Preferences</b>	
33. April 2	8.7, 8.8 (Problems 1-5, 7-10)
34. April 3	8.10, 8.12 (Problems 2-4), 8.13 - 8.14
<b>Business Reorganization</b>	
35. April 8	10.11 – 10.11.1, 13.1 – 13.6, 13.8.1-2, 13.9
36. April 9	13.10.1 – 13.10.2, 13.10.3.2, 13.10.4 Problem 1-2
37. April 10	13.11 – 13.13, 14.2
<b>Transnational Insolvency</b>	
38. April 15	See Canvas
39. April 16	Review