

Class No. 2081 01

Instructor: Tim Hill

Text: Casebook (provided), Statute (*Bankruptcy & Insolvency Act*) & Powerpoints

Evaluation: 100% Final Examination (open book)

Course Description

The course will cover an introduction to Bankruptcy, Insolvency and Restructuring including a review of the administrative structure of the BIA, and the roles of the Superintendent, Official Receivers, Trustees, the Courts, Administrators, Creditors, Inspectors, Bankrupts, Interim Receivers, Receiver Managers and Estate Solicitors; a review of the methods by which a debtor may be either voluntarily or involuntarily made a bankrupt; establishing "dates" in bankruptcy; grounds for a Bankruptcy Order; the Assignment process; the Petition process; Annulling Assignments; the meaning of "Property"; classes of exempt property; the treatment of income; the status of unsecured creditors; the ranking of preferred creditors; the status of wage earners; successor employers under labour laws; the *Wage Earners Protection Program Act*; the status of Landlords; the position of Secured Creditors; types of security; acting on security and duties of Receivers; Crown Claims generally and the "Super Priority"; Discharge of the Bankrupt; debts not discharged; conditional and suspended discharges; special cases on discharge; review of transfers at undervalue; review of the Proposal provisions of the BIA and of the *Companies Creditors Arrangements Act*, and a restructuring case study under the BIA.

Special Accommodation

Students seeking special accommodation with regard to course evaluation, such as exam deferral and extensions to deadlines, should consult with Associate Dean Michael Deturbide or Assistant Dean Elizabeth Hughes as soon as possible, and before an exam is scheduled to be written or an assignment is due. Requests for special accommodation for reasons such as illness or personal circumstances will require an application to the Law School Studies Committee. Students should contact Associate Dean Michael Deturbide or Assistant Dean Elizabeth Hughes if they require more information about the Studies Committee process. Students wishing to discuss arrangements for classroom assistance should see Professor Wildeman, the law faculty advisor to students with disabilities.

Students may request accommodation as a result of barriers related to disability, religious obligation, or any characteristic under the Nova Scotia Human Rights Act. Students who require academic accommodation for the writing of tests, quizzes and exams should make their request to the Office of Student Accessibility & Accommodation (OSAA) prior to or at the outset of each academic term (with the exception of X/Y courses). Please see www.studentaccessibility.dal.ca for more information and to obtain Form A – Request for Accommodation. Students may also contact the Office of Student Accessibility & Accommodation directly at 494-2836, and they may contact Associate Dean Michael

Deturbide or Assistant Dean Elizabeth Hughes for more information.

Plagiarism and Academic Honesty

All students in this course must read

the University policies on plagiarism and academic honesty referenced in the Policies and Student Resources sections of the plagiarism.dal.ca website, and

the Law School policy on plagiarism, as set out in the law school regulations (available in hard copy from the Associate Dean's office and online at [http://law.dal.ca/Current Students/Course Selection Materials/Regulations Handbook/index.php](http://law.dal.ca/Current_Students/Course_Selection_Materials/Regulations_Handbook/index.php))

Any paper or assignment submitted by a student at Dalhousie Law School may be checked for originality to confirm that the student has not plagiarized from other sources. Plagiarism is considered a serious academic offence which may lead to loss of credit, suspension or expulsion from the law school, or even revocation of a degree. It is essential that there be correct attribution of authorities from which facts and opinions have been derived. Prior to submitting any paper or other assignment, students should read and familiarize themselves with the policies referred to above.

Ignorance of the policies on plagiarism will not excuse any violation of those policies.