

## **International & Comparative Bankruptcy Program Spring 2011**

### **Introduction**

In Spring 2011 Legal Houdini Academy gave the course International & Comparative Bankruptcy Program for the Thomas Jefferson School of Law in San Diego. The purpose of this note is to give some information on the course.

### **Purpose and general content of the course**

The purpose of the program is to give students a general information of bankruptcy law, both for businesses and for natural persons. Furthermore, it allows students to obtain insight in existing differences between bankruptcy laws in different countries in the world and the practical problems which occur as a result thereof (including issues of cross borders insolvencies).

The course also deals with the economic aspects of debt restructuring and with out of court debt restructuring. The course not only deals with the existing laws, but also takes a look at initiatives to change the existing laws going forward.

Special emphasis is put on the bankruptcy law of the US. In addition to that Dutch law, Chinese law and the laws of Mexico were being dealt with in depth. For comparative purposes, some bankruptcy law issues of other countries will be mentioned. In the globalised world of today, cross border bankruptcy are becoming more and more important. The course therefore will also cover the relevant legal issues in relation to cross border insolvencies.

It was a 10 week program. Each week two sessions were available: one two hour live session and one 1,5 hour pre-recorded session.

### **Details of the program**

#### **Week 1**

Live session: Economic drivers behind restructuring and bankruptcy

Pre-recorded session: Restructuring Across Borders

#### **Week 2**

Live session: Purpose of Bankruptcy: Basic Concepts

Pre-recorded session: How to avoid bankruptcies of too big too fail institutions and governments going forward, suggestions and alternatives?

#### **Week 3**

Live session and pre-recorded session: Bankruptcy law in US

**Week 4**

Live session: Claims Issues: Treatment of secured creditors, priorities, claim procedure  
Pre-recorded session: EU Initiative on harmonisation of Bankruptcy law

**Week 5**

Live session: Consumer bankruptcy in Europe and US  
Pre-recorded session: Business Bankruptcy Systems Comparisons and Consumer Insolvency Systems Comparison

**Week 6**

Live session: Fraudulent Treatment, Voidable Preferences and Set off  
Pre-recorded session: Third Party Issues (Corporate Officers, Directors, Shareholders and Related Entities; Spousal Liability)

**Week 7**

live session: Bankruptcy in the Netherlands  
Pre-recorded session: Bankruptcy in China

**Week 8**

live session: Cross Border Insolvency (Chapter 15)  
Pre-recorded lecture: Cross Border Insolvency EU

**Week 9**

live session Mexico (including cross border aspects)  
Directors and other in the twilight zone, the Dutch Experience

**Week 10**

Restructuring of business (including EU perspective and forum shopping and cross border work outs)  
Pre-recorded session: Samples of Cross borders cases