



Professor Katherine Porter
School of Law

401 E. Peltason Dr., Ste. 3500-B
Irvine, CA 92697-8000
(949) 824-9558

February 15, 2012

Dear Colleague:

Thank you for considering teaching a course using Broke: How Debt Bankrupts the Middle Class as a text. I taught such a class in the fall of 2011, and it was a great success. This letter gives you more details on the class.

The course was simply called "Consumer Bankruptcy Seminar." It was a 2-credit course that met one time per week for 2 hours. Because UCI Law is just getting off the ground, a basic bankruptcy course had not yet been offered when I taught my class. So, there was no prerequisite for the seminar. About half of the students had a bit of exposure to bankruptcy, through externships, work at firms, or doing intake for our local legal aid organization with prospective clients wanting to file bankruptcy.

The primary means of assessment were six writing assignments that were designated for specific weeks in the course. I did allow a couple of students to fulfill the "long paper" writing requirement that my school has in conjunction with the seminar, but I think the smaller writing assignments really are preferable. The students actually LIKED them, they helped provide content for class discussion, and they were a snap to grade.

On the book's website (www.sup.org/broke), you will find the following:

- syllabus and list of readings
- all six writing assignments
- some in-class exercises
- a summary of my course evaluations from Fall 2011 offering

I have the readings ready for duplication. I can send it to you as a hard copy and you can make any changes that you wish and then duplicate it for distribution. The total copyright charges were \$35.06 for this fall according to the service my university uses to prepare reading packets. Based on student feedback, the readings that I would recommend eliminating are the Department of Education regulations and the Center for Responsible Lending foreclosure snapshot. I would also try to shorten the excerpt from Jean Braucher's *One Code, Many Cultures*. As the course evaluations indicate, a few students thought the course was too much work, which to me means the reading load and assignments were probably about right.

I have made all six writing assignments available to you on the Broke webpage. You simply need to modify the header to put in your course title, number, and name, and insert submission information. I have copies of my students' completed assignments with their names redacted if anyone would like to see how the finished assignments turned out and how I graded them. I simply marked them with a 4.0, 3.8, etc. on our grading scale, and weighted them per the syllabus. Grading was fast, and the assignments did differentiate students on ability and effort.

I have posted in-class exercises for some of the classes. Some classes were devoted to a typical seminar “discussion of the readings.” But I varied that quite a bit. Warm-up exercises opened several classes. For Week 2, students were given a ladder (posted to the [Broke](#) webpage) and asked to imagine the ladder represented the rungs of class status in America. They marked themselves and bankrupt people, and we compiled the results on the board. That exercise is on the webpage. For Week 7, students were given one of two homeownership fact patterns (on the [Broke](#) webpage) and an index card. On the front of the card, they had to answer Yes/No to whether they would advise the family to file bankruptcy to save their house. On the back of the card, they had to list two data points from the readings to support their recommendation. And at the end of Week 9’s class, in preparation for Week 10, the class replicated the survey on chapter choice that Bob Lawless, Jean Braucher and Dov Cohen that picked up racial difference in attorney counseling between chapter 7 and chapter 13.

In other classes, I reviewed the writing assignments. This worked particularly well for the students’ statutes. I displayed several statutes (with names removed) and we evaluated them for content and drafting. The students were amazed at the variety of approaches taken. We did something similar with writing assignment on the forms. I put up the new model forms and went over several of the better student observations/suggestions for improvement. Another very fun class involved one of the chapter authors appearing as class guest via Skype and the students engaging in an “Ask the Author” session.

Please get in touch with me if you’d like more information about the course, or if you adopt it, to let me know how it goes.

Very truly yours,

A handwritten signature in black ink that reads "Katherine Porter". The signature is written in a cursive, flowing style.

Katherine Porter

Consumer Bankruptcy Law Seminar

Syllabus

Instructor: Professor Katherine Porter
UCI Law

Course Description

This course uses consumer bankruptcy as a lens to study the role of consumer credit in the U.S. economy and society. The class will focus on the key aspects of the consumer bankruptcy system, including who files bankruptcy, what causes bankruptcy, the consequences of bankruptcy, and the operation of the bankruptcy system. We will discuss each of these issues in the larger context of consumer debt and consumer law. The readings will come from law and non-law sources, including the work of a variety of social scientists. The class will discuss issues relevant to the legal system and the study of law generally, including the use of data to measure legal problems, the role of lawyer and non-lawyer actors, and the nature of modern policymaking. Students will gain only a basic familiarity with the Bankruptcy Code and the practice of bankruptcy law; these are taught in a 3 or 4 unit bankruptcy class to be offered in 2012-2013.

Class Meetings

This class is scheduled to meet from 1:10-3:10pm.

Course Materials

The primary reading for this course is *BROKE: HOW DEBT BANKRUPTS THE MIDDLE CLASS*, ED. KATHERINE PORTER, Stanford University Press, 2012. The basic structure is one chapter per week for the seminar. The chapter is supplemented each week with a few other readings, drawn from both law and non-law scholarship, and sometimes from other sources such as newspaper articles or government documents. I included the major readings in the course reader, but I may also post additional readings to the class website and revise the syllabus accordingly. The reading for this seminar is fairly light—by law seminar standards. The intent is to give you ample time to complete both the reading and the assignment/project for the week/weeks. Because there is no final exam/paper, you should expect to spend slightly more time during the semester than typical because you will not have an end of semester workload.

Preparation and Participation

Participation in class has both an out-of-class and in-class component. To be prepared for class, you must complete the assigned reading *and* think about it. This latter part can be difficult; it can be easy to just highlight along and space out (I was a student not that many years ago). To

help with this, the readings will often be accompanied by a written assignment but I strongly encourage you to take a page or two of notes while you read. It can consist of your understanding of the readings' key points, any questions or confusion you have, any connections to other, related issues you identify, or anything else that you would like to discuss in class.

Class participation is required. This is a seminar, and the principal purpose is to create and sustain a dialogue between all of us about consumer debt and bankruptcy. If necessary, and at the beginning to get to know all students, I will call on you to contribute to the class discussion.

Assessment and Grades

The grade for this course will be based on a combination of the assessment of your written assignments, completion of the field trip and other projects, and your participation in class, weighted as follows:

Class participation:	15 percent
Writing assignments:	70 percent
Other projects/field trips:	15 percent

There is no final exam in this course.

Writing Assignments, Field Trips, and Other Projects

The class features the preparation and completion of several assignments and projects. As described above, these assignments are a major portion of the assessment for the class. You will have six writing assignments during the semester.

These assignments will be graded on their analytical rigor, writing quality (including organization, clarity, and style), depth of research, and originality.

I will provide a handout with a detail of the writing assignments and deadlines on the first day of class. You will also be given detailed instructions for most of the assignments.

There is a field trip for this course to the "meeting of creditors" for either chapter 7 or chapter 13 cases. It is self-scheduled at your convenience but must be completed between the first day of classes and the end of the second week of class. You should plan to attend for one hour. The assignment sheet has more details on location, decorum, etc. There is a handout that you will complete at the meeting.

Consumer Bankruptcy Seminar
Law 5235

Syllabus of Readings

- Week 1 Driven by Debt: Bankruptcy and Financial Failure in American Families
Chapter 1 in BROKE: HOW DEBT BANKRUPTS THE MIDDLE CLASS
Katherine Porter
- FINANCING THE AMERICAN DREAM: A CULTURAL HISTORY OF CONSUMER CREDIT
Lendol Calder
- Effects of the Financial Crisis and Great Recession on American Households
Michael Hurd and Susan Rohwedder
- Week 2 A Vulnerable Middle Class: Bankruptcy and Class Status
Chapter 2 in BROKE: HOW DEBT BANKRUPTS THE MIDDLE CLASS
Elizabeth Warren & Deborah Thorne
- 2007 Consumer Bankruptcy Project Methodology
Appendix in BROKE: HOW DEBT BANKRUPTS THE MIDDLE CLASS
- Less Stigma or More Financial Distress: An Empirical Analysis of the Extraordinary
Increase in the Bankruptcy Filings
Teresa Sullivan, Elizabeth Warren & Jay Lawrence Westbrook
- Bankrupt Children
Elizabeth Warren
- Week 3 Out of Balance? Financial Distress in U.S. Households
Chapter 3 in BROKE: HOW DEBT BANKRUPTS THE MIDDLE CLASS
Brian Bucks
- Financially Fragile Households: Evidence and Implications
Annamaria Lusardi, Daniel J. Schneider & Peter Tufano
- Building a Better America—One Wealth Quintile at a Time
Michael Norton and Dan Ariely
- Week 4 Home Burdens: The High Costs of Homeownership
Chapter 4 in BROKE: HOW DEBT BANKRUPTS THE MIDDLE CLASS
Jerry Anthony
- Snapshot of a Foreclosure Crisis
Center for Responsible Lending
- Resolving the Foreclosure Crisis: Modification of Mortgages in Bankruptcy

Adam Levitin

- Week 5 College Lessons: Financial Risks of Dropping Out
Chapter 5 in BROKE: HOW DEBT BANKRUPTS THE MIDDLE CLASS
Katherine Porter
- An Empirical Assessment of Student Loan Discharges and the Bankruptcy Undue Hardship Standard
Jason Iuliano
- Obama Administration Announces New Steps to Protect Students from Ineffective Career College Programs
US Department of Education
- Week 6 Striking Out on Their Own: The Self Employed in Bankruptcy
Chapter 6 in BROKE: HOW DEBT BANKRUPTS THE MIDDLE CLASS
Robert Lawless
- Medical Bankruptcy in the U.S., 2007: Results of a National Study
David Himmelstein, Deborah Thorne, Elizabeth Warren & Steffie Woolhandler
- Week 7 No Forwarding Address: Losing Homes in Bankruptcy
Chapter 7 in BROKE: HOW DEBT BANKRUPTS THE MIDDLE CLASS
Marianne Culhane
- The Homeownership Experience of Households in Bankruptcy
Sarah W. Carroll & Wenli Li
- Going at it Alone in a Two-Income World; Chapter 5 from THE TWO-INCOME TRAP
Elizabeth Warren & Amelia Warren Tyagi
- Week 8 Women's Work, Women's Worry: Debt Management in Financially Distressed Families
Chapter 8 in BROKE: HOW DEBT BANKRUPTS THE MIDDLE CLASS
Deborah Thorne
- Managing the Stigma of Personal Bankruptcy
Deborah Thorne & Leon Anderson
- The Failure of Bankruptcy's Fresh Start
Katherine Porter & Deborah K. Thorne
- Week 9 The Do-It-Yourself Mirage: Complexity in the Bankruptcy System
Chapter 9 in BROKE: HOW DEBT BANKRUPTS THE MIDDLE CLASS
Angela Littwin

Saving Up for Bankruptcy
Ronald J. Mann & Katherine Porter

Lawyers and Consumer Bankruptcy: One Code, Many Cultures
Jean Braucher

Week 10 Less Forgiven: Race and Chapter 13 Bankruptcy
Chapter 10 in BROKE: HOW DEBT BANKRUPTS THE MIDDLE CLASS
Dov Cohen & Robert Lawless

Race Matters in Bankruptcy
Mechele A. Dickerson

The Ideal of Individualized Justice: Consumer Bankruptcy as Consumer Protection and
Consumer Protection in Consumer Bankruptcy
William C. Whitford

Week 11 Borrowing to the Brink: Consumer Debt in America
Chapter 11 in BROKE: HOW DEBT BANKRUPTS THE MIDDLE CLASS
Kevin Leicht

Unsafe at Any Rate
Elizabeth Warren

Week 12 Middle Class at Risk
Chapter 12 in BROKE: HOW DEBT BANKRUPTS THE MIDDLE CLASS
Jacob Hacker

Annual Report of the White House Task Force on the Middle Class
Joseph Biden

Household Wealth in Freefall: Americans' Private Safety Net in Tatters
Christian E. Weller & Jessica Lynch

Addendum -- Notes to all chapters, BROKE: HOW DEBT BANKRUPTS THE MIDDLE CLASS
Bibliography for BROKE: HOW DEBT BANKRUPTS THE MIDDLE CLASS