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<b>BA</b>	BUSINESS PROFESSIONAL CONSULTING
<b>Academic year</b>	2014-2015
<b>Term</b>	First
<b>Credits</b>	8
<b>Subject area</b>	Ius/04

**Course of BANKRUPTCY LAW (a.a. 2014-2015)**  
**(Prof. GIANNELLI GIANVITO)**

Università degli Studi di Bari Aldo Moro  
BA Master in Business Professional Consulting

**Aims of the course**

The course aims to show bankruptcy procedures' regulation and to provide a wide knowledge about financial crisis and enterprises' and companies insolvency in order to acquire professional capability and to solve problems

**Course outline**

**ENTERPRISE'S FINANCIAL CRISIS AND BANKRUPTCY PROCEDURES**

Enterprise's financial crisis and entrepreneur's insolvency – Bankruptcy and individual voluntary arrangement – Application limits of bankruptcy regulation

**BANKRUPTCY PREREQUISITES**

Subjective prerequisite – Fully liable members bankruptcy – Silent partners' bankruptcy – Dead entrepreneur bankruptcy – Bankruptcy of entrepreneur went out of business – Can the bankrupt entrepreneur go bankrupt again? – Objective prerequisite

**DECLARATION OF BANKRUPTCY**

Bankruptcy petitions – Competent court to declare bankruptcy – The procedure – Bankruptcy order – Rejection of bankruptcy petition – The claim against bankruptcy order – Interruption of bankruptcy assets' liquidation – Claim against rejection of bankruptcy petition

**BANKRUPTCY'S AUTHORITIES**

Functions and powers of bankruptcy's authorities – The court – Examiner – Trustee in bankruptcy – Creditors' committee

**EFFECTS OF BANKRUPTCY ON BANKRUPT AND ON CREDITORS**

Effects of bankruptcy on bankrupt – Effects of bankruptcy on creditors

**EFFECTS OF BANKRUPTCY ON ACTS DETRIMENTAL TO CREDITORS**

Bankruptcy rescindment action – Claw-back action – Praesumptio muciana

**EFFECTS OF BANKRUPTCY ON EXISTING LEGAL RELATIONSHIPS**

Legal relationship existing at the time of bankruptcy order – Contracts relatives to real estates to build, financial agreements for specific business, finance leases, sale with reservation of ownership, contracts with periodic or continued execution, return of not paid properties, stock exchange contract, joint venture,

account, mandate, commission, rental company, lease, contract insurance, publishing contract, arbitration clause

### **BANKRUPTCY ASSETS' CUSTODY AND ADMINISTRATION**

Seals – Delivery of money, accountings and other documents – Inventory – Lists of creditors and holders of rights in rem and balance – Procedure file

### **ASSESSMENT OF LIABILITIES AND OF THIRD PARTS' RIGHTS IN REM**

Bankruptcy claim condition: composition and verification – Claims – Laters proofs of debt – Inadequate realizable's calculation – Order about delivery requests

### **CONTINUATION OF ENTERPRISE DURING BANKRUPTCY AND BANKRUPTCY ASSETS' LIQUIDATION**

Continuation of enterprise during bankruptcy – Rental company – Settlement program – Sale of bankruptcy goods – Allocation of bankruptcy assets

### **TERMINATION OF BANKRUPTCY PROCEDURE AND DISCHARGE FROM BANKRUPTCY**

Causes of bankruptcy closing – Final decree – Effects of bankruptcy closing – Re-opening of closed bankruptcy – Competition of older and new creditors – Effects of re-opening upon atcs detrimental to creditors – Post-bankruptcy composition with creditors: notion, legal nature and regulation – Discharge from bankruptcy

### **COMPANIES' BANKRUPTCY**

Companies' bankruptcy regulation – Companies bankruptcy and assets to be allocated to a specific business

### **INDIVIDUAL VOLUNTARY ARRANGEMENT AND DEBT RESTRUCTURING AGREEMENTS**

Individual voluntary arrangement: notion, prerequisites and regulation – Debt restructuring agreements

Recommended reading - study material

AA.VV., Diritto fallimentare. Manuale breve, Giuffrè, Milano, ult. ediz.

Or, as an alternative

L. GUGLIELMUCCI, Lezioni di diritto fallimentare, Giappichelli, Torino, ult. ediz.

Teaching methods

Direct contact

Lectures: No

Tutorials: Yes

Personal work

Case studies – in group: No

Assessment methods

Assignment: No

Written without oral presentation: No

Oral presentation: Yes

This course is in e-learning Web Site area: No