

Instructor's name	GIANNELLI GIANVITO
BA	BUSINESS PROFESSIONAL CONSULTING
Academic year	2015-2016
Term	First
Credits	8
Subject area	Ius/04

Course of BANKRUPTCY LAW (a.a. 2015-2016)
(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