

Bruce Grohsgal
Helen S. Balick Professor
in Business Bankruptcy Law
Delaware Law School
Widener University
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Present Position

Delaware Law School, Widener University July 2014 – Present
Helen S. Balick Professor in Business Bankruptcy Law
Wilmington, DE
Courses Taught: Bankruptcy; International Bankruptcy; Contracts I; Contracts II; Sales and Leases;
Secured Transactions; Financial Regulation
Institutes: Director, Institute of Delaware Corporate and Business Law;
Faculty Liaison to Planning Committee, Delaware Tax Institute
Committees: Budget Committee (2017-present); Site Inspection/Self-Study (Reaccreditation)
Committee (2019-present); Faculty Development Committee (2020-present); University 403(b)
Committee (2020-present)
Previous Committees: Bar Passage Committee; Legal Education Committee; Development
Director Search Committees; S.J.D. Admissions Committee; University Campaign Planning
Committee
Faculty Advisor: Transactional Law Honor Society
Bar Review: Delaware Bar Review Lecturer on Uniform Commercial Code
Pro Bono Representations: Official Committee of Medical Benefits Retirees in the Chapter 11
Bankruptcy Case of ASHINC Corporation (f/k/a Allied Systems Holding, Inc.) (Bankr. D. Del.)
Awards: Douglas Ray Faculty Scholarship Award 2018; Outstanding Faculty Award 2017

Prior Experience

Partner – Pachulski Stang Ziehl & Jones, LLP January 2000 – June 2014
Wilmington, DE
Chapter 11 Business Bankruptcy and Litigation
Representative Cases:
Chapter 11 Debtors: Solyndra, Trans World Airlines, Chi Chi's, Global Home Products (Anchor
Hocking/Mirro/WearEver), and Revstone Industries
Creditors' Committees: Jevic Transportation, and Freedom Communications (Orange County
Register)
Chapter 11 Trustee: Le-Nature's

Senior Fellow – Americans for Financial Reform
Washington, DC
Financial Institution Insolvency and Regulation
October 2012 – January 2013
(During Law Firm Sabbatical)

Partner – Wolf Block Schorr and Solis-Cohen LLP
Wilmington, DE and Philadelphia, PA
Chapter 11 Business Bankruptcy and Litigation;
Commercial Transactions
June 1983 – January 2000

Associate - Sage Gray Todd & Sims,
New York, NY
Commercial Transactions
August 1980 – May 1983

Editorships

Editor-in-Chief – *Norton Annual Survey of Bankruptcy Law* (Thomson Reuters)
July 2020 – Present

Editor-in-Chief – *Norton Journal of Bankruptcy Law and Practice* (Thomson Reuters)
December 2019 – Present

Co-Editor – Bankruptcy Update Column, *Delaware State Bar Association Journal*
December 2019 – Present

Publications and Congressional Testimony – Since Joining Faculty, July 1, 2014

Law Review Articles:

The Argument for a Federal Rule of Decision for a Bankruptcy Court’s Recharacterization of a Claim as Equity, 98 Am. Bankr. L. J. 681 (2020).

Absolute Priority Redux: Chapter 11 First Day Orders and Pre-Plan Settlements Post-Jevic, 10 Wm. & Mary Bus. L. Rev. 61 (2018), also available at SSRN: <https://ssrn.com/abstract=3384377>.

How Absolute is the Absolute Priority Rule in Bankruptcy? The Case for Structured Dismissals, 8 Wm. & Mary Bus. L. Rev. 439 (2017), also available at SSRN: <https://ssrn.com/abstract=2845430>.

Colder Than a Landlord’s Heart? Reconciling a Debtor’s Authority to Sell Property Free and Clear of a Lease Under Bankruptcy Code Section 363(f) with the Tenant’s Right to Remain in Possession on a Lease Rejection under Section 365(h), 100 Marq. L. Rev. 295 (2016), also available at SSRN: <https://ssrn.com/abstract=2845369>.

Short Articles and Editorials:

Must Bankruptcy Courts Apply the Punitive Gloss of Brunner for the Discharge of a Student Loan?, American Bankruptcy Institute Journal, 39-MAY Am. Bankr. Inst. J. 14 (May 2020).

Should the Appointment of a Committee of Unsecured Creditors Be Made Optional in Chapter 11 Cases?, with Hon. Christopher S. Sontchi, American Bankruptcy Institute Journal, 38-NOV Am. Bankr. Inst. J. 12 (Nov. 2019).

Absolute Priority Redux: Chapter 11 First Day Orders and Pre-Plan Settlements Post-Jevic, Harvard Bankruptcy Roundtable (May 7, 2019), available at <https://blogs.harvard.edu/bankruptcyroundtable/?s=redux>, with a link to the Wm. & Mary Bus. L. Rev. 61 (2018) article listed above.

Does the Financial Institution Bankruptcy Act of 2017 (FIBA) Undermine the Effective Restructuring of a Failing Financial Institution? Harvard Bankruptcy Roundtable (June 13, 2017), available at <http://blogs.harvard.edu/bankruptcyroundtable/>, with a link to the March 23, 2017 House written testimony listed under “Publications and Congressional Testimony – July 1, 2014 to Present” above.

How a GOP Bill Could Cause the Next Financial Crisis, Politico (April 26, 2017), with Simon Johnson, available at <http://www.politico.com/agenda/story/2017/04/26/how-a-gop-bill-could-cause-the-next-financial-crisis-000428>.

How Absolute is the Absolute Priority Rule in Bankruptcy? The Case for Structured Dismissals, Harvard Bankruptcy Roundtable (November 1, 2016), available at <http://blogs.harvard.edu/bankruptcyroundtable/2016/11/01/how-absolute-is-the-absolute-priority-rule-in-bankruptcy-the-case-for-structured-dismissals/>, with a link to the 8 Wm. & Mary Bus. L. Rev. 439 (2017) article listed above.

Why Recent SPOE Bills for SIFIs Fail, American Bankruptcy Institute Journal, 33-DEC Am. Bankr. Inst. J. 10 (December 2014).

Book Chapters:

Sections 363 and 364 – Use, Sale or Lease of Property and Obtaining Credit, Chapter in print edition of *Norton Annual Survey of Bankruptcy Law* (2020), 2020 Ann. Surv. of Bankr. Law 16 (with Joseph M. Mulvihill and Katelyn M. Crawford).

Sections 542 and 543 – Turnover of Property of the Estate, Chapter in print edition of *Norton Annual Survey of Bankruptcy Law* (2020), 2020 Ann. Surv. of Bankr. Law 27 (with Sophie E. Macon).

Sections 363 and 364 – Use, Sale or Lease of Property and Obtaining Credit, Chapter in print edition of *Norton Annual Survey of Bankruptcy Law* (2019), 2019 Ann. Surv. of Bankr. Law 17 (with Joseph M. Mulvihill and Katelyn M. Crawford).

Sections 542 and 543 – Turnover of Property of the Estate, Chapter in print edition of *Norton Annual Survey of Bankruptcy Law* (2019), 2019 Ann. Surv. of Bankr. Law 25 (with Gregory J. Flasser and Katharina Earle).

Sections 363 and 364 – Use, Sale or Lease of Property and Obtaining Credit, Chapter in print edition of *Norton Annual Survey of Bankruptcy Law* (2018), 2018 Ann. Surv. of Bankr. Law 18 (with Peter J. Keane and Joseph M. Mulvihill).

Sections 542 and 543 – Turnover of Property of the Estate, Chapter in print edition of *Norton Annual Survey of Bankruptcy Law* (2018), 2018 Ann. Surv. of Bankr. Law 27 (with Gregory J. Flasser and Katharina Earle).

Sections 363 and 364 – Use, Sale or Lease of Property and Obtaining Credit, Chapter in print edition of *Norton Annual Survey of Bankruptcy Law* (2017), 2017 Ann. Surv. of Bankr. Law 19 (with Peter J. Keane and Joseph M. Mulvihill).

Sections 542 and 543 – Turnover of Property of the Estate, Chapter in print edition of *Norton Annual Survey of Bankruptcy Law* (2017), 2017 Ann. Surv. of Bankr. Law 29 (with Gregory J. Flasser).

Sections 363 and 364 – Use, Sale or Lease of Property and Obtaining Credit, Chapter in print edition of *Norton Annual Survey of Bankruptcy Law* (2016), 2016 Ann. Surv. of Bankr. Law 17 (with Peter J. Keane).

Sections 542 and 543 – Turnover of Property of the Estate, Chapter in print edition of *Norton Annual Survey of Bankruptcy Law* (2016), 2016 Ann. Surv. of Bankr. Law 26 (with Gregory J. Flasser).

Sections 363 and 364 – Use, Sale or Lease of Property and Obtaining Credit, Chapter in print edition of *Norton Annual Survey of Bankruptcy Law* (2015), 2015 Ann. Surv. of Bankr. Law 17 (with Peter J. Keane).

Sections 542 and 543 – Turnover of Property of the Estate, Chapter in print edition of *Norton Annual Survey of Bankruptcy Law* (2015), 2015 Ann. Surv. of Bankr. Law 26 (with Margaret E. Juliano).

Sections 363 and 364 – Use, Sale or Lease of Property and Obtaining Credit, Chapter in print edition of *Norton Annual Survey of Bankruptcy Law* (2014), 2014 Ann. Surv. of Bankr. Law 17 (with Peter J. Keane).

Sections 542 and 543 – Turnover of Property of the Estate, Chapter in print edition of *Norton Annual Survey of Bankruptcy Law* (2014), 2014 Ann. Surv. of Bankr. Law 26.

Congressional Testimony:

Statement on Hearing on “Big Bank Bankruptcy: 10 Years After Lehman Brothers,” and S. ____ the “Taxpayer Protection and Responsible Resolution Act” (November 13, 2018), invited by and submitted to the United States Senate Committee on the Judiciary, available at <https://www.judiciary.senate.gov/imo/media/doc/Grohsgal,%20Bruce%20-%20Statement.pdf>.

Written Testimony on H.R. 1667, the “Financial Institution Bankruptcy Act of 2017,” before the House Judiciary’s Subcommittee on Regulatory Reform, Commercial and Antitrust Law (March 23, 2017). The written testimony and a recording of the oral testimony from the hearing are available at https://judiciary.house.gov/hearing/subject-h-r-____-financial-institution-bankruptcy-act-2017/.

Written Responses to Questions for the Record submitted to the House Judiciary’s Subcommittee (May 17, 2017), following the March 23, 2017 hearing on H.R. 1667, the “Financial Institution Bankruptcy Act of 2017.

Seminars and Presentations – Since Joining Faculty, July 1, 2014

Panel Leader, Delaware Bankruptcy Inn of Court, “Important Commercial Cases from 2020,” Wilmington, DE – January 12, 2021.

Panel Leader, Mississippi Bankruptcy Conference, “The Discharge of Student Loans by Individuals in Bankruptcy,” (via Zoom) – Scheduled for August 13, 2020.

Co-Course Planner and Moderator, “Bankruptcy Nuts and Bolts: A Primer for Chapter 11 Cross-Training,” Delaware State Bar Association, Bankruptcy Section, Wilmington, DE (via Zoom) – Scheduled for June 23, 2020.

Panelist, Delaware Consumer Bankruptcy Program, “Student Loans Dischargeability in Bankruptcy,” Wilmington, DE – February 25, 2020.

Faculty and Panel Leader, Eastern District of Pennsylvania Bankruptcy Conference’s 31th Annual Forum, Commercial Session – Philadelphia, PA – January 24, 2020.

Panel Leader, Delaware Bankruptcy Inn of Court, “Eight Cases (and Five Runners-Up) from 2019,” Wilmington, DE – January 21, 2020.

Speaker, Dedication of Official Portrait of U.S. Bankruptcy Judge (Ret.) Helen S. Balick, Bankruptcy Courthouse, Wilmington, DE – December 6, 2019.

Moderator, Delaware Views from the Bench, “Ask the Judges” Plenary Session, with U.S. Bankruptcy (D. Del.) Judges Sontchi (C.J.), Walrath, Shannon, Gross, Silverstein, Dorsey and Owens, American Bankruptcy Institute and Delaware State Bar Association – Wilmington, DE – October 17, 2019.

Judicial Debates (v. Hon. Christopher S. Sontchi), “Should the Appointment of a Committee of Unsecured Creditors Be Made Optional in Chapter 11 Cases?” – American Bankruptcy Institute Mid-Atlantic Conference – Hershey, PA – August 2019.

Faculty and Panel Leader, Eastern District of Pennsylvania Bankruptcy Conference’s 30th Annual Forum, Commercial Session – Atlantic City, NJ – January 2019.

Panel Leader, Delaware Bankruptcy Inn of Court, “Significant Cases from 2018” – Wilmington, DE – January 2019.

Judicial Debates (v. Hon. Christopher S. Sontchi), “Are Make-Whole Prepayment Premiums Payable if the Debt Was Accelerated Due to the Issuer’s Bankruptcy Filing?” – American Bankruptcy Institute Mid-Atlantic Conference – Hershey, PA – August 2018.

Faculty, National Institute for Trial Advocacy (NITA), Deposition Skills: Delaware – Wilmington, DE – February 2018.

Faculty and Panel Leader, Eastern District of Pennsylvania Bankruptcy Conference’s 29th Annual Forum, Commercial Session – Philadelphia, PA – January 2018.

Panel Leader, Delaware Bankruptcy Inn of Court, “Significant Cases from 2017” – Wilmington, DE – January 2018.

Faculty, National Institute for Trial Advocacy (NITA), Deposition Skills: Delaware – Wilmington, DE – February 2017.

Faculty and Panel Leader, Eastern District of Pennsylvania Bankruptcy Conference’s 28th Annual Forum, Commercial Session – Atlantic City, NJ – January 2017.

Panel Leader, Delaware Bankruptcy Inn of Court, “60 in 90:” Significant Commercial Bankruptcy Cases from 2016” – Wilmington, DE – December 2016.

Panelist, Delaware Law School Faculty 2016 U.S. Supreme Court Preview – Wilmington, DE – September 2016.

Faculty Leader, Eastern District of Pennsylvania Bankruptcy Conference’s 27th Annual Forum, Commercial Session – Atlantic City, NJ – January 2016.

Panelist – “Can Regulators End Too Big to Fail?” with Sen. Sherrod Brown, Ranking Member Senate Banking Committee; Prof. Simon Johnson, Prof. Ronald Kurtz Professor of Entrepreneurship, MIT Sloan School of Management; Prof. Stephen J. Lubben, Harvey Washington Wiley Chair in Corporate Governance, Seton Hall Law; Timothy P. Clark, Senior Associate Director, Division of Banking Supervision and Regulation, Federal Reserve Board; and Arthur J. Murton, Director, Office of Complex Financial Institutions, Federal Deposit Insurance Corporation – Dirksen Senate Building, Washington, DC – November 2015.

Guest Lecturer, University of Pennsylvania Law School – “First Day Motions in Chapter 11,” in Course on Business Bankruptcy – Philadelphia, PA – October 2015.

Guest Lecturer, University of Pennsylvania Law School – “First Day Motions in Chapter 11,” in Course Business Bankruptcy – Philadelphia, PA – October 2014.

Panelist, Delaware Law School Faculty 2014 U.S. Supreme Court Preview – Wilmington, DE – September 2014.

Selected Publications – Prior to July 1, 2014

Treatise Chapters:

Contributing Editor and Author, *Chapter 13, Abandonment of Property of the Estate*, Norton Bankruptcy Law and Practice, 3rd ed. 2008.

Contributing Editor and Author, *Chapter 74, Power of the Court*, Norton Bankruptcy Law and Practice, 3rd ed. 2008.

Contributing Editor and Author, *Chapter 102, Elections for Secured Claimants*, Norton Bankruptcy Law and Practice, 3rd ed. 2008.

Contributing Editor and Author, *Chapter 109, Plan Contents and Classification*, Norton Bankruptcy Law and Practice, 3rd ed. 2008.

Book Chapters:

Sections 363 and 364 – Use, Sale or Lease of Property and Obtaining Credit, Chapter in print edition of *Norton Annual Survey of Bankruptcy Law* (2004-2013) (with Peter J. Keane in 2013).

Sections 542 and 543 – Turnover of Property of the Estate, Chapter in print edition of *Norton Annual Survey of Bankruptcy Law* (2003-2013).

Short Articles:

The Case in Brief Against Chapter 14, Harvard Bankruptcy Roundtable (June 17, 2014), available at <http://blogs.harvard.edu/bankruptcyroundtable/2014/06/17/the-case-in-brief-against-chapter-14/>.

Executive Compensation and the Great Recession, Delaware Lawyer, 28-FALL Del. Law. 24 (Fall 2010) (with Gregg M. Galardi).

Chrysler: A One-off, or the Shape of Things to Come? Norton Bankruptcy Advisor, September 2009 (with Judge Lawrence S. Walter, Judge Leif M. Clark and Rob Charles).

Vendors Win New Protections in Bankruptcy Amendments, The Journal of Corporate Renewal (August 2005).

New Law Deals Severe Blow to KERPs, Severance Programs, The Journal of Corporate Renewal (August 2005).

Hotel Revenues under the Bankruptcy Reform Act, 14-APR Am. Bankr. Inst. J. 20 (April 1995).

Landlord's Lease Rejection Under the Bankruptcy Reform Act of 1994, 13-JAN Am. Bankr. Inst. J. 20 (January 1995).

The Twilight Zone of HMO Insolvencies, 13-MAY Am. Bankr. Inst. J. 22 (May 1994).

Whose Pension is it Anyway? – ERISA and the Bankruptcy Code, 97 Com. L.J. 12 (1992) (with Marvin Krasny).

Critical Issues in Single-Asset Real Estate Bankruptcies, Real Estate Review, vol. 22, no. 2 (Summer 1992) (with Robert A. Silverman).

Education

Columbia University School of Law J.D. 1980
New York, NY
Harlan Fiske Stone Scholar 1980 and 1979

Brandeis University B.A. 1977
Waltham, MA
Magna Cum Laude
High Honors in History and Sociology

Bar Admissions

Delaware, Pennsylvania and New York
United States Supreme Court
Third Circuit Court of Appeals
U.S. District Courts for Districts of Delaware, E.D. Pa.,
and W.D. Pa.

Professional Associations

Delaware Bankruptcy Inn of Court
American Bankruptcy Institute
Chair, Bankruptcy Section, Delaware State Bar Association, 2008-2009