

# Bruce Grohsgal

Helen S. Balick Professor in Business Bankruptcy Law  
Delaware Law School, Widener University  
4601 Concord Pike  
Wilmington, Delaware 19803  
302-477-2138  
[bgrohsgal@widener.edu](mailto:bgrohsgal@widener.edu)

## **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  
*Committees:* Honor Council Chair (2021-present); Faculty Development Committee (2020-  
present); University 403(b) Investment Committee (2020-present); Site Inspection/Self-Study  
(Reaccreditation) Committee (2019-present)  
*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); Revstone Industries  
Creditors' Committees: Jevic Transportation; Freedom Communications (Orange County Register)  
Chapter 11 Trustee: Le-Nature's

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

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

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

## **Editorships**

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

## **Recent Publications**

### Law Review Articles:

*The Alteration of Ex Ante Agreements by the Bankruptcy Code* (forthcoming), 95 Am. Bankr. L. J. \_\_\_\_ (2021)

*The Long Strange Trip to a Certainty of Hopelessness: The Legislative and Political History of the Nondischarge of Student Loans in Bankruptcy* (forthcoming), 95 Am. Bankr. L. J. 443 (2021)

*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).

*Can Student Loans be Discharged in Bankruptcy?* 90 Miss. L. J. 35 (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:

*Why Student Loans Are Nearly Impossible to Discharge in Bankruptcy* (forthcoming), American Bankruptcy Institute Journal, \_\_ JAN Am. Bankr. Inst. J. \_\_ (Jan. 2022).

*A Bad Bargain: The Legislative and Political History of the “Undue Hardship” Requirement for the Discharge of Student Loans in Bankruptcy*, 2021 No. 8 Norton Bankr. L. Adviser NL 1 (1921).

*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* (2021), 2021 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* (2021), 2021 Ann. Surv. of Bankr. Law 26

*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/](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.

### **Education**

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

*Brandeis University, Waltham, MA* B.A. 1977  
Magna Cum Laude, High Honors 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*