

Bruce Grohsgal

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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: Contracts I; Contracts II (formerly Sales and Leases); Bankruptcy;
International Bankruptcy; Bankruptcy Workshop; Secured Transactions; Financial Regulation;
Advanced Concepts in U.S. & Delaware Corporate Law (Summer)
Teaching Interests: Bankruptcy; International Bankruptcy; Contracts; Secured Transactions;
Financial Regulation; Business Organizations and Corporate Law
Recent Faculty Administrative and Committee Positions: Budget Committee (2022-present);
AALS Representative (2022-present); University 403(b) Investment Committee (2020-present);
Appointments Committee (2023-present); Promotion Evaluation Team (for promotion to
associate professor) (2023-present); Promotion Evaluation Team Chair (for promotion to full
professor) (2022-2023); Honor Council Chair (2021-2023); Site Inspection/Self-Study
(Reaccreditation) Committee (2019-2022)
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.)
Director: Delaware Institute of Corporate and Business Law
Awards: Douglas Ray Faculty Scholarship Awards 2022 and 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
Wilmington, DE and Philadelphia, PA*

June 1983 – January 2000

Chapter 11 Business Bankruptcy and Litigation;
and Commercial Transactions

*Associate - Sage Gray Todd & Sims,
New York, NY*
Commercial Transactions

August 1980 – May 1983

Editorships

Co-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-in-Chief
to 2020)

Co-Editor – Bankruptcy Update Column,
The Journal of the Delaware State Bar Association

December 2019 – Present

Recent Publications

Law Review Articles:

*From Referees to Robes: The Establishment of a U.S. Bankruptcy Bench and the Battle for
Article III Status as Told in the Bankruptcy Oral Histories*, 31 J. BANKR. L. & PRAC. (2023)

The Alteration of Ex Ante Agreements by the Bankruptcy Code, 95 AM. BANKR. L. J. 713 (2021)

*The Long Strange Trip to a Certainty of Hopelessness: The Legislative and Political History of
the Nondischarge of Student Loans in Bankruptcy*, 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*, 94 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:

Achieving Chapter 11 Bankruptcy's Purposes by Procedural Innovation: The Case of Delaware, THE JOURNAL OF THE DELAWARE STATE BAR ASSOCIATION (July/Aug. 2022) (with Hon. Kevin Gross (Ret.))

How Student Borrowers Lost the Promise of a Fresh Start, 41 AM. BANKR. INST. J. 58 (Jan. 2022)

A Bad Bargain: The Legislative and Political History of the "Undue Hardship" Requirement for the Discharge of Student Loans in Bankruptcy, 2021 8 NORTON BANKR. L. ADVISER NL 1 (2021)

Must Bankruptcy Courts Apply the Punitive Gloss of Brunner for the Discharge of a Student Loan?, American Bankruptcy Institute Journal, 39 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, 38 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 (Nov. 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, 33 AM. BANKR. INST. J. 10 (Dec. 2014)

Case in Brief Against “Chapter 14,” 33 AM. BANKR. INST. J. 44 (May 2014)

Recent Book Chapters:

Sections 363 and 364 – Use, Sale or Lease of Property and Obtaining Credit, Norton Annual Survey of Bankruptcy Law (2022), 2022 ANN. SURV. OF BANKR. LAW 17

Sections 542 and 543 – Turnover of Property of the Estate, Norton Annual Survey of Bankruptcy Law (2022), 2022 ANN. SURV. OF BANKR. LAW 27

Sections 363 and 364 – Use, Sale or Lease of Property and Obtaining Credit, 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, 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, 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, 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, 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, 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, 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, Norton Annual Survey of Bankruptcy Law (2018), 2018 ANN. SURV. OF BANKR. LAW 27 (with Gregory J. Flasser and Katharina Earle)

Other Book Chapters:

Sections 363 and 364 – Use, Sale or Lease of Property and Obtaining Credit, Norton Annual Survey of Bankruptcy Law (2004-2017 eds.), with co-author(s) or as sole author

Sections 542 and 543 – Turnover of Property of the Estate, Norton Annual Survey of Bankruptcy Law (2003-2017 eds.), with co-author(s) or as sole author

Selected Invited Presentations

Speaker, “Third Party Releases in Chapter 11,” Education Committee of the U.S. Bankruptcy Court for the Central District of California (via Zoom) – August 1, 2023

Co-Panelist, “A Conversation About Mental Health and the Practice of Law,” American Bankruptcy Institute Mid-Atlantic Bankruptcy Conference, Cambridge, MD – August 5, 2022

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

Moderator, “A View from the Trenches: Practitioners Negotiating and Litigating NDAs,” at “Silence for Sale: The Uses And Abuses Of Non-Disclosure Agreements, Non-Disparagement Clauses, And Secret Settlements,” Widener Law Review, Delaware Law School, Wilmington, DE – March 5, 2020

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

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 Bankruptcy Conference, Hershey, PA – August 2019

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.”

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

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