

MICHAEL D. SOUSA

University of Denver Sturm College of Law
2255 East Evans Avenue
Denver, Colorado 80208
Office Phone: 303.871.6292
Cell Phone: 303.301.4824
Email: msousa@law.du.edu

PRESENT ACADEMIC APPOINTMENT

UNIVERSITY OF DENVER STURM COLLEGE OF LAW

Associate Professor of Law (tenured) August 2014 – Present
Assistant Professor of Law (tenure-track) August 2008 - 2014

Courses: Bankruptcy Law, Corporate Reorganizations, Commercial Law Survey, Debtor-Creditor Rights and Remedies, Sales, Business Planning

Research Areas: Bankruptcy Law and Commercial Law

PRIOR ACADEMIC TEACHING EXPERIENCE

RUTGERS UNIVERSITY SCHOOL OF LAW

Adjunct Professor of Law September 2007 (Fall Semester)

Course: Introduction to the Uniform Commercial Code

SETON HALL UNIVERSITY SCHOOL OF LAW

Adjunct Professor of Law June 2003 – December 2006

Course: Appellate Advocacy (advanced legal research and writing course)

EDUCATION

UNIVERSITY OF COLORADO – BOULDER

Doctor of Philosophy (Ph.D.) Sociology (Present)

Areas of Concentration: Qualitative and Interpretive Methodology
Social Psychology
Law & Punishment

Courses Taught: Introduction to Sociology
Deviance in U.S. Society
Sociology of Law
Crime & Society
Self in Modern Society

UNIVERSITY OF DENVER

Master of Arts (M.A.), Cultural Anthropology, December 2014

ST. JOHN'S UNIVERSITY SCHOOL OF LAW

Master of Laws (LL.M.) in Bankruptcy, May 2008

Honors

American Bankruptcy Institute (ABI) Scholar Award
CALI Award for Excellence in Partnership Bankruptcy

Activities

Guest Lecturer, Partnership Bankruptcy Course
Drafting Committee Chair, Duberstein National Bankruptcy Moot Court Competition
Competition Judge, Duberstein National Bankruptcy Moot Court Competition

RUTGERS UNIVERSITY SCHOOL OF LAW

Juris Doctor (J.D.), May 1999

Honors

Dean's List Fall 1997, Spring 1998, Fall 1998
Irene and William Hull Memorial Prize in the History of American Jurisprudence
Pro Bono Award for Significant Service

Activities

Business and Commercial Law Society – President and Founding Member
Hunter Advanced Moot Court Competition
Rutgers Civil Law Practice Clinic
Community Dispute Resolution Clinic – Certified Mediator

FLORIDA ATLANTIC UNIVERSITY

Bachelor of Arts, Highest Honors, May 1995

Major: English

Minor: Political Science

Honors

Phi Beta Kappa
English Honors Award
English Departmental Award
Excellence in Writing Award
National Dean's List
National President's List

JUDICIAL CLERKSHIP EXPERIENCE

UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF NEW JERSEY

Court Term 2004-2005

Judicial Law Clerk to the Honorable Rosemary Gambardella, Chief Judge, United States Bankruptcy Court for the District of New Jersey.

UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF NEW JERSEY

Court Terms 2003-2004 and 2005-2006

Judicial Law Clerk to the Honorable Donald H. Steckroth, United States Bankruptcy Court for the District of New Jersey.

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

Court Term 2002-2003

Judicial Law Clerk to the Honorable William J. Martini, United States District Court for the District of New Jersey.

NEW JERSEY SUPERIOR COURT – APPELLATE DIVISION

Court Term 1999-2000

Judicial Law Clerk to the Honorable John E. Wallace, Jr., New Jersey Superior Court – Appellate Division (currently an Associate Justice of the New Jersey Supreme Court).

PRIVATE PRACTICE EXPERIENCE

DUANE MORRIS LLP

September 2006 – June 2008

Associate Attorney in the Business Reorganization and Financial Restructuring Practice Group.

HERTEN, BURSTEIN, SHERIDAN, CEVASCO, BOTTINELLI & LITT, LLC

January 2002 – November 2002

Associate Attorney concentrating in commercial litigation, bankruptcy law, and employment law.

PORZIO, BROMBERG & NEWMAN, P.C.

September 2000 – December 2001

Associate Attorney concentrating in commercial litigation, employment law, and education law.

SCHOLARSHIP

Moving Beyond Medical Debt: The Connection Between Health Insurance and Consumer Bankruptcy (currently in progress) (co-author Brook E. Gotberg)

Continuity of Coverage Matters: The Connection Between Health Insurance and Consumer Bankruptcy (currently under peer review) (co-authors Brook E. Gotberg, Tim Wadsworth, and Phil Pendergast)

The Persistence of Bankruptcy Stigma, 26 AMERICAN BANKRUPTCY INSTITUTE LAW REVIEW 217 (2018)

Debt Stigma and Social Class, 41 SEATTLE UNIVERSITY LAW REVIEW 965 (2018)

Uncertainty Remains: The “Insured vs. Insured” and “Bankruptcy Exclusion” Provisions, NORTON ANNUAL SURVEY OF BANKRUPTCY LAW (2018) (invited submission).

Legitimizing Bankruptcy Petition Preparers: A Sociolegal Prescription for Change, 89 AMERICAN BANKRUPTCY LAW JOURNAL 269 (2015) (peer-reviewed journal)

Bankruptcy Stigma: A Socio-Legal Study, 87 AMERICAN BANKRUPTCY LAW JOURNAL 435 (2014) (peer-reviewed journal)

Just Punch My Bankruptcy Ticket: A Qualitative Study of Mandatory Debtor Financial Education, 97 MARQUETTE LAW REVIEW 391 (2014)

A Casus Omissus in Preventing Bankruptcy Fraud: Ordering a Search of a Debtor’s Home, 73 OHIO STATE LAW JOURNAL 93 (2012).

A Delicate Balancing Act: Satisfying the Fourth Amendment While Protecting the Bankruptcy System from Debtor Fraud, 28 YALE JOURNAL ON REGULATION 367 (2011)

The Principle of Consumer Utility: A Contemporary Theory of the Bankruptcy Discharge, 58 UNIVERSITY OF KANSAS LAW REVIEW 101 (2010)

Making Sense of the Bramble-Filled Thicket: The “Insured vs. Insured” Exclusion in the Bankruptcy Context, 23 EMORY BANKRUPTCY DEVELOPMENTS JOURNAL 2 (2007)

OTHER ARTICLES

Of Prologue and Present: Selected Recent Developments in the Rejection of Collective Bargaining Agreements in Bankruptcy, 16 JOURNAL OF BANKRUPTCY LAW AND PRACTICE 3 (2007)

The Jurisprudential Underpinnings of the Uniform Commercial Code: A Reflection of the Realist Theorists, VOL. XXVI AMERICAN BANKRUPTCY INSTITUTE JOURNAL NO. 5 (2007)

Much Ado About Nothing? Collateral Fractionalizing and In re Commercial Money Center, Inc., VOL. XXVI AMERICAN BANKRUPTCY INSTITUTE JOURNAL NO. 3 (2007)

The Crime of Concealing Assets in Bankruptcy: An Overview and an Illustration, VOL. XXV AMERICAN BANKRUPTCY INSTITUTE JOURNAL NO. 12 (2007)

Recent Developments in Chapter 11, NORTON ANNUAL SURVEY OF BANKRUPTCY LAW (2007)

The Examiner's Report and the Hearsay Rule: Are Both Mutually Inclusive? – Part II, VOL. XXV AMERICAN BANKRUPTCY INSTITUTE JOURNAL NO. 11 (2007)

The Examiner's Report and the Hearsay Rule: Are Both Mutually Inclusive? – Part I, VOL. XXV AMERICAN BANKRUPTCY INSTITUTE JOURNAL NO. 10 (2007)

Are You Your Produce Vendor's Keeper? PACA and § 523(a)(4) of the Code, 15 JOURNAL OF BANKRUPTCY LAW AND PRACTICE 6 (2006)

Recent Developments in Chapter 11, NORTON ANNUAL SURVEY OF BANKRUPTCY LAW (2006)

A Circuit Split: Does the Bankruptcy Code Implicitly Repeal the Fair Debt Collection Practices Act? VOL. XXV AMERICAN BANKRUPTCY INSTITUTE JOURNAL NO. 7 (2006) (cited by *Miller v. Ameriquest Mortgage Co. (In re Laskowski)*, 384 B.R. 518 (Bankr. N.D. Ind. 2008) and *Smith v. Butler & Assocs. (In re Smith)*, 2008 WL 4148923 (Bankr. D. Kan. Aug. 29, 2008))

Equitable Powers of a Bankruptcy Court: Federal All Writs Act and § 105 of the Bankruptcy Code – Part II, VOL. XXV AMERICAN BANKRUPTCY INSTITUTE JOURNAL NO. 6 (2006) (cited by *In re Xpedior Inc.*, 354 B.R. 210 (Bankr. N.D. Ill. 2006))

Equitable Powers of a Bankruptcy Court: Federal All Writs Act and § 105 of the Bankruptcy Code – Part I, VOL. XXV AMERICAN BANKRUPTCY INSTITUTE JOURNAL NO. 5 (2006)

A Morass of Federal Policy: Enforcing Arbitration Agreements in Bankruptcy, 15 JOURNAL OF BANKRUPTCY LAW AND PRACTICE 3 (2006)

Scrivener's Error or Congressional Intent? Section 522(p) and the Homestead Exemption, 15 JOURNAL OF BANKRUPTCY LAW AND PRACTICE 2 (2006)

The Declaratory Judgment Act, Successor Liability, and § 524(g) of the Bankruptcy Code: An Imperfect Fit, VOL. XXIV AMERICAN BANKRUPTCY INSTITUTE JOURNAL NO. 9 (2005)

A Panel Trustee's Ability to Uncover Potential Debtor Abuse: Bankruptcy Law and the Fourth Amendment, VOL. XXIV AMERICAN BANKRUPTCY INSTITUTE JOURNAL NO. 7 (2005)

The Nondischargeability of Partners' Debts Under § 523(a)(4): The Unresolved Collision Between the Bankruptcy Code and Partnership Law, 14 JOURNAL OF BANKRUPTCY LAW AND PRACTICE 3 (2005)

Reconciling the Otherwise Irreconcilable: The Rejection of Collective Bargaining Agreements Under Section 1113 of the Bankruptcy Code, 18 LABOR LAWYER 453 (2003)

TREATISES

NORTON BANKRUPTCY LAW AND PRACTICE 3D (published by Thomson-West)(Author of the chapter: *Arbitration Agreements in Bankruptcy*)

CONSUMER BANKRUPTCY MANUAL (co-author) (published by Thomson-West)

BAR JOURNALS/PRACTICE MANUALS

NEW JERSEY BANKRUPTCY MANUAL (2006 Edition) (Contributing Author)

Selling Real Property in Chapter 13: Who Receives the Benefit of Any Appreciation in Value? VOL. 234 NEW JERSEY LAWYER BANKRUPTCY SUPPLEMENT (2005)

Plan Proponent Beware! The Doctrine of Res Judicata and Post-Confirmation Avoidance Actions, VOL. 4 No.1 AMERICAN BANKRUPTCY INSTITUTE BUSINESS REORGANIZATION COMMITTEE NEWSLETTER (2005)

The (Non)Removal of Third-Party Claims to New Jersey Federal Court, VOL. 12 No. 25 NEW JERSEY LAWYER (2003)

No More Doubt About Different Terms: Appellate Division Adopts "Knock-out" Doctrine for Interpreting Contracts Formed Under Article 2 of the UCC, 168 NEW JERSEY LAW JOURNAL 108 (2002)

Revising Model Jury Charge § 2.21, 163 NEW JERSEY LAW JOURNAL 1188 (2001)

RESEARCH GRANTS

Hughes-Ruud Research Grant (Spring 2015) (\$3,000 grant awarded to conduct a qualitative study of consumer debtors engaging the services of non-lawyer practitioners to assist them in filing for bankruptcy relief)

University of Denver Faculty Research Fund (January 2012) (\$3,000 grant awarded by the University of Denver to conduct qualitative empirical research in consumer bankruptcy law)

Hughes-Ruud Research Professorship (Spring 2011) (\$13,500 grant awarded to conduct qualitative empirical research in consumer bankruptcy law)

PROFESSIONAL ASSOCIATIONS

Editorial Board, AMERICAN BANKRUPTCY LAW JOURNAL (2017-2019 appointment)

Advisory Board Member, AMERICAN BANKRUPTCY INSTITUTE LAW REVIEW

Faculty Committee, AMERICAN BOARD OF BANKRUPTCY CERTIFICATION

Contributing Editor and Author, JOURNAL OF BANKRUPTCY LAW AND PRACTICE

Contributing Editor and Author, NORTON ANNUAL SURVEY OF BANKRUPTCY LAW

Contributing Editor and Author, NORTON BANKRUPTCY LAW AND PRACTICE 3D

Co-author, CONSUMER BANKRUPTCY MANUAL

Contributing Editor and Author, AMERICAN BANKRUPTCY INSTITUTE JOURNAL

UNIVERSITY OF DENVER ADMINISTRATIVE SERVICE

Faculty Member, Promotion & Tenure Committee (elected by faculty) (2017-2018)

Advisory Committee for Promotion & Tenure (Professor Lindsey Webb) (appointed by Dean) (2016-2017)

Faculty Member, Promotion & Tenure Committee (elected by faculty) (2015-2016)

Faculty Member, Faculty Executive Committee (elected by faculty) (2011-2015)

University of Denver Daniels College of Business Dean Search Committee (appointed by Dean and Provost) (2013-2014)

Faculty Member, Adjunct Support Committee (appointed by Dean) (2012-2013)

Faculty Member, Curriculum Committee (appointed by Dean) (2012-2013)

Faculty Member, Judicial Clerkship Assistance Committee (appointed by Dean) (2011-2012)

Faculty Member, Appointments Committee (appointed by Dean) (2010-2011)

Faculty Member, Judicial Clerkship Assistance Committee (appointed by Dean) (2010-2011)

Faculty Member, Law School Planning for Excellence Committee (elected by faculty) (2009-2010)

Faculty Member, Appointments Committee (appointed by Dean) (2009-2010)

Faculty Member, Judicial Clerkship Assistance Committee (appointed by Dean) (2009-2010)

Faculty Advisor, Business Law Society (Student Organization at the University of Denver College of Law) (appointed by Dean) (2009-present)

Dual Degree Advisor for Daniels College of Business and the College of Law (appointed by Dean) (2009-present)

PRESENTATIONS

Bankruptcy Stigma: A Socio-Legal Study, George Washington University Law School, Center for Law, Economics & Finance (C-LEAF), February 7, 2014

The Top Ten "Must Know" Cases for Consumer Attorneys, 19th Annual American Bankruptcy Institute Rocky Mountain Bankruptcy Conference, January 24, 2014

Access to the Bankruptcy System for Consumer Debtors, 2nd Annual American College of Bankruptcy Tenth Circuit Conference, November 21, 2013

How Fresh is the Fresh Start?, 18th Annual American Bankruptcy Institute Rocky Mountain Bankruptcy Conference, January 25, 2013

GM/Chrysler and Chapter 11, 15th Annual American Bankruptcy Institute Rocky Mountain Bankruptcy Conference, January 22, 2010

The Treatment of Collective Bargaining Agreements and Pension Plans in Bankruptcy, New Jersey Institute for Continuing Legal Education, October 2007

Debt Recharacterization and Equitable Subordination, Pennsylvania Bankruptcy Institute, February 2007

The "Insured vs. Insured" Exclusion in the Bankruptcy Context, American Bankruptcy Institute Winter Leadership Conference, December 2006

Bankruptcy Law for Paralegals, New Jersey Institute for Continuing Legal Education, December 2006

MEDIA APPEARANCES

Denver Post (August 5, 2010), quoted with respect to the possible bankruptcy filing of a Colorado restaurant chain

Fox Business News (National Television) (June 1, 2009), discussing the Chapter 11 bankruptcy of General Motors

Denver Business Journal (May 22-28, 2009 issue), quoted with respect to the benefits of filing Chapter 11 bankruptcies in Colorado

Fox Business News (National Television) (April 29, 2009), discussing the financial restructuring efforts of General Motors and Chrysler LLC

BAR ADMISSIONS

State of New Jersey (Inactive)

United States Supreme Court

United States District Court for the District of New Jersey

EXPERT WITNESS ENGAGEMENTS

Winter Park Station, LLC v. Lindquist-Kleissler & Company, LLC (District Court for the City and County of Denver, State of Colorado, Case No. 2014cv034145)

McWhinney Holding Company, LLLP, et al. v. Poag & McEwen Lifestyle Centers-Centerra, LLC, et al. (District Court for the County of Larimer, State of Colorado, Case No. 11 CV 1104-Div. 4A)