

Jason J. Kilborn

The John Marshall Law School (Chicago)

315 S. Plymouth Court

Chicago, IL 60604

email: jkilborn@jmls.edu

SSRN Author Page: <http://ssrn.com/author=95989>

Homepage: <http://home.comcast.net/~jason.kilborn>

Education: **University of Michigan Law School**, Ann Arbor, MI
J.D. Magna Cum Laude, Order of the Coif, December 1996
Note Editor, Michigan Law Review

Moscow State University, Moscow, Russia
Summer 1995 Touro Law Center program in Russian law

University of Northern Iowa, Cedar Falls, IA
B.A. Summa Cum Laude, double major in French and Russian, May 1994
Presidential Scholar

Russian State Pedagogical University named for A. I. Herzen, St. Petersburg, Russia
Summer 1992 and spring semester 1993 study abroad
Summer 1993 research for senior thesis in Kuibyshev Regional Court

Centre International des Etudes Françaises, Angers, France
Independent study summer abroad, 1990

Publications:

Books

INTERNATIONAL COOPERATION IN BANKRUPTCY AND INSOLVENCY MATTERS: ON THE ORIGINS, DEVELOPMENT AND FUTURE OF COMMUNICATION AND COOPERATION IN CROSS-BORDER INSOLVENCY CASES (with Bob Wessels & Bruce Markell) (Oxford University Press 2009), <http://www.oup.com/us/catalog/general/subject/Law/BankruptcyInsolvency/?view=usa&ci=9780195340174>, for an excerpt, *see* <http://ssrn.com/abstract=1305320>

COMPARATIVE CONSUMER BANKRUPTCY (Carolina Academic Press 2007), <http://www.cap-press.com/books/1534>

LOUISIANA SECURITY DEVICES—A *PRÉCIS* (Carolina Academic Press 2006), <http://www.cap-press.com/books/1536>

THE CHALLENGES OF INSOLVENCY LAW REFORM IN THE 21ST CENTURY – FACILITATING INVESTMENT AND RECOVERY TO ENHANCE ECONOMIC GROWTH (Henry Peter, Nicolas Jeandin & Jason Kilborn eds., Schulthess Verlag: Zurich, Switzerland, 2006), http://www.schulthess.com/de/suche/detail.cfm?AR_ID=44398

Articles &

Book Chapters *Bankruptcy Law*, in WESTERN RESEARCH IN THE HUMANITIES AND SOCIAL SCIENCES: JURISPRUDENCE (_____ trans., Hong Lu & Bin Liang eds., *forthcoming* China Renmin University Press 2010) [in Chinese, 《西方人文社科前沿述评》丛书]

Twenty-Five Years of Consumer Bankruptcy in Continental Europe: Internalizing Negative Externalities and Humanizing Justice in Denmark, 18 INT'L. INSOL. REV. ____ (*forthcoming* 2009), <http://ssrn.com/abstract=1419488>

Bankruptcy Law, in GOVERNING AMERICA: MAJOR POLICIES AND DECISIONS OF FEDERAL, STATE, AND LOCAL GOVERNMENT (Paul J. Quirk & William Cunion, eds., *forthcoming* Facts on File 2009), <http://ssrn.com/abstract=1302388>

Two Decades, Three Key Questions, and Evolving Answers in European Consumer Insolvency Law: Responsibility, Discretion, and Sacrifice, in CONSUMER CREDIT, DEBT AND BANKRUPTCY: COMPARATIVE AND INTERNATIONAL PERSPECTIVES (Johanna Niemi, Iain Ramsay & William Whitford eds., Hart Publishing 2009), <http://ssrn.com/abstract=1080252>

Comparative Cause and Effect: Consumer Insolvency and the Eroding Social Safety Net, 14 COLUMBIA J. EUROPEAN L. 563 (2008), <http://ssrn.com/abstract=926203>

Out with the New, In with the Old: As Sweden Aggressively Streamlines Its Consumer Bankruptcy System, Have U.S. Reformers Fallen Off the Learning Curve?, 80 AM. BANKR. L.J. 435 (2007) [peer reviewed], <http://ssrn.com/abstract=913096>

Continuity, Change, and Innovation in Emerging Consumer Bankruptcy Systems: Belgium and Luxembourg, 14 AM. BANKR. INST. L. REV. 69 (2006), <http://ssrn.com/abstract=690802>

The Hidden Life of Consumer Bankruptcy Reform: Danger Signs for the New U.S. Law From Unexpected Parallels in the Netherlands, 39 VAND. J. TRANSNAT'L L. 77 (2006), <http://ssrn.com/abstract=772705>

Behavioral Economics, Overindebtedness, and Comparative Consumer Bankruptcy: Searching For Causes and Evaluating Solutions, 22 EMORY BANKR. DEV. J. 13 (2005), <http://ssrn.com/abstract=690826>

La Responsabilisation de l'Economie: What the United States Can Learn From the New French Law on Consumer Overindebtedness, 26 MICH. J. INT'L L. 619 (2005), <http://ssrn.com/abstract=703961>

The Innovative German Approach to Consumer Debt Relief: Revolutionary Changes in German Law, and Surprising Lessons for the United States, 24 NW. J. INT'L L. & BUS. 257 (2004) <http://ssrn.com/abstract=452620>

Mercy, Rehabilitation, and Quid Pro Quo: A Radical Reassessment of Individual Bankruptcy, 64 OHIO STATE L.J. 855 (2003)

Who's In Charge Here?: Putting Clients In Their Place, 37 GEORGIA L. REV. 1 (2002)

Thou Canst Not Fly High With Borrowed Wings: Airline Finance and Bankruptcy Code Section 1110, 8 GEO. MASON L. REV. 41 (1999)

Note, *Securing Russia's Future: A Plea for Reform in Russian Secured Transactions Law*, 95 MICH. L. REV. 255 (1996)

Reviews &

Short Works *Cayman Hedge Fund Liquidators Not Welcome In U.S.?*, CAYMAN FINANCIAL REVIEW, forthcoming 4th Quarter 2009, at 16:___

The Gathering Storm of Consumer Debt (translated as *Italia attenta alla tempesta-debiti*), IL SOLE 24 ORE, Mar. 9, 2008, at 8.

Suggested Reading (review of NATHALIE MARTIN, THE NEW BANKRUPTCY CODE AND YOU: ACHIEVING FINANCIAL FITNESS AFTER FINANCIAL FAILURE), AM. BANKR. INST. J., vol. 24, no. 8, Oct. 2005, at 42.

Electronic Invited guest blogger on CreditSlips, <http://www.creditslips.org>, Feb. 16 – Mar. 20, 2009
Permanent contributor to Commercial Law Blog, <http://ucclaw.blogspot.com>

Invited guest blog posts on Credit Slips, <http://www.creditslips.org>, April 2-6, 2007 (*Welcome to Jason Kilborn*, http://www.creditslips.org/creditslips/2007/04/welcome_to_jaso.html):

Making America Better, http://www.creditslips.org/creditslips/2007/04/making_america_.html

Setting the Comparative Record Straight,

http://www.creditslips.org/creditslips/2007/04/setting_the_com.html

Shameless Americans, http://www.creditslips.org/creditslips/2007/04/shameless_ameri.html

Subprime Lending, Default Risk, and Personal Bankruptcy Reform,

http://www.creditslips.org/creditslips/2007/04/subprime_lendin.html

Why Can't We All Just Agree?, http://www.creditslips.org/creditslips/2007/04/why_cant_we_all.html

Bankruptcy for the Chronically Destitute,

http://www.creditslips.org/creditslips/2007/04/bankruptcy_for_.html

Consumer Debt Relief, Harmonization, and Human Rights,

http://www.creditslips.org/creditslips/2007/04/consumer_debt_r.html

Presentations: **ABA CLE Teleconference**, “The Bankruptcy Bailout,” moderator (Aug. 19, 2009)

INSOL International 8th World Congress, Vancouver, Canada, Panel: How Poor Are You? Means Testing for Insolvent Individuals (June 24, 2009)

Chemnitz University of Technology, Department of Sociology Conference, Overindebtedness: Everyday Risk in Modern Societies? Theoretical Aspects and Empirical Findings in International Perspective, Chemnitz, Germany, Paper: Consumer Bankruptcy Reforms in Denmark and U.S.A. (Mar. 27, 2009) (also moderated panel on Overindebtedness and Private Bankruptcy in International Perspective)

John Marshall Law School Faculty Works-In-Progress Scholarship Roundtable, Chicago, IL, Paper: The Debate Between Territorial and Universal Perspectives on Value Sharing in International Insolvency Cases (Sept. 18, 2008)

University of Houston Center for Consumer Law Conference, Teaching Consumer Law, Houston, TX, Presentation: Bankruptcy Update (May 23, 2008)

Harvard University-University of Texas Conference “Commercial Law Realities,” Cambridge, MA, Presentation: Empirical Data on European Debtors in Consumer Insolvency (Feb. 29, 2008)

John Marshall Law School Faculty Works-In-Progress Scholarship Roundtable, Chicago, IL, Paper: Comparative Cause and Effect: Consumer Insolvency and the Eroding Social Safety Net (Jan. 31, 2008)

Illinois Institute for Continuing Legal Education, Seminar: Secured Transactions: Documentation & Enforcement Under Article 9, Chicago, IL, Presentation: Special Topics: Equipment Leasing & Other Types of Collateral (Jan. 16, 2008)

AALS Section on Creditors' and Debtors' Rights Meeting, Orlando, FL, Panel Presentation: Learning and Teaching International and Comparative Insolvency Law (Oct. 13, 2007)

Law & Society Association Annual Meeting, Berlin, Germany, Paper: Comparative Cause and Effect: Consumer Insolvency and the Eroding Social Safety Net (July 26, 2007)

Third Annual Consumer Bankruptcy Practice Seminar, Galveston, TX, Presentation: Chapter 13: What Works and What Doesn't—What do the Numbers Show (June 28, 2007)

University of Texas-Harvard University Conference “Commercial Law Realities,” Austin, TX, Paper: U.S. Implications of 2006 Reform of Swedish Consumer Bankruptcy Law (April 14, 2007)

Law & Society Association Annual Meeting, Baltimore, MD, Roundtable Participant: Comparative Perspectives on Prevention and Treatment of Overindebtedness (July 9, 2006)

INSOL International Annual Regional Conference, Academics Meeting, Scottsdale, AZ, Paper: Consumer Bankruptcy Reform in the U.S. and the Netherlands (May 20, 2006)

University of Houston Center for Consumer Law Conference, Teaching Consumer Law, Houston, TX, Panel presentation: Classroom Benefits of a Comparative Perspective on Consumer Bankruptcy (May 19, 2006)

Harvard University-University of Texas Conference “Commercial Law Realities,” Cambridge, MA, Paper: Consumer Bankruptcy Reform, U.S., Netherlands, Sweden (April 28, 2006)

Working paper presentation, University of San Diego School of Law: Consumer Bankruptcy Reform in the U.S. and the Netherlands (Sept. 16, 2005)

Professional Development Workshop “Bankruptcy Reform Legislation,” Louisiana Bankers Association, Monroe, LA (Sept. 14, 2005)

Presentation by teleconference to graduate-level course, Univ. de los Andes, Bogotá, Colombia: Developments in consumer bankruptcy in Europe, U.S., and South America (May 20, 2005)

Presentation to litigation group, McGlinchey Stafford PLLC, Baton Rouge, LA: Bankruptcy Reform Act issues of interest to litigators (May 13, 2005)

International Association of Consumer Law Annual Conference, Lima, Peru, Paper: Consumer Bankruptcy in Belgium and Luxembourg (May 6, 2005)

Joint University of Texas-Harvard University Conference “Commercial Law Realities,” Austin, TX, Paper: Consumer Bankruptcy in Belgium and Luxembourg (April 8, 2005)

Symposium, Bicentenary of French Civil Code, Presentation on Civil Law and Economics, “Civil Law Systems and Consumers,” LSU Law Center, Baton Rouge, LA (Sept. 7, 2004), published as *Civil Codes and Consumers*, 51 LOYOLA L. REV. 11 (2005)

Presentation to the Baton Rouge Bankruptcy Bar Association: “Means Testing” and other current bankruptcy reform developments (April 1, 2003)

Special

Projects:

Adviser to Hungarian Ministry of Justice on development of new individual debt relief law

Employment:

The John Marshall Law School, Chicago, IL

Associate Professor of Law, academic year 2008 to present (tenured effective academic year 2009)

Assistant Professor of Law, academic year 2007

- Bankruptcy, Secured Transactions, Payment Systems, Corporations

- **Bar/Bri Bar Review program** (summer 2001 – present)

Lecturer for Louisiana Negotiable Instruments, UCC Article 9, and Civil Law Security Devices

Lecturer for Illinois Commercial Paper and Secured Transactions

University of North Dakota School of Law, Grand Forks, ND

Visiting Assistant Professor of Law 2006-07

- Business Associations I & II, Conflict of Laws, Comparative Law

Chapman University School of Law, Orange, CA

Visiting Assistant Professor of Law (Spring 2006, Secured Transactions and Commercial Paper)

- commuted weekly from Baton Rouge, also teaching Bankruptcy and Commercial Paper at LSU

University of Texas at Austin, School of Law, Austin, TX

Visiting Assistant Professor of Law (Spring 2005, Secured Credit)

- commuted weekly from Baton Rouge, also teaching Bankruptcy and Commercial Paper at LSU

Louisiana State University, Paul M. Hebert Law Center, Baton Rouge, LA
Assistant Professor of Law (August 2000 – June 2006)

Courses:

Bankruptcy (including other state and federal debtor-creditor law)
UCC Security Devices (UCC Article 9)
Louisiana Security Devices (UCC Article 9, Mortgages, Statutory Privileges/Liens, Suretyship)
Commercial Paper (UCC Arts. 3, 4, 4A, 5 and 8, Credit and Debit Cards, and Wire/ACH Payments)
Business Associations I (Agency/Mandate, Partnerships, Corporations, LLCs)

Wilmer, Cutler & Pickering, Washington, DC
Associate (June 1999 – July 2000)

Cleary, Gottlieb, Steen & Hamilton, New York, NY, and Washington, DC
Associate (September 1998 - June 1999)

Clerkship: **Hon. Walter K. Stapleton, U.S. Court of Appeals for the 3d Circuit**, Wilmington, DE
June 1997 - June 1998

Professional

and Bar

Memberships:

Ass'n of American Law Schools, Section on Creditors' and Debtors' Rights
Chair 2009
Chair Elect 2008
Secretary/Treasurer 2006-07
Treasurer 2005

Louisiana State Law Institute, UCC Committee, member, 2001-2007

Louisiana Society of Civil Law Scholars

American Bankruptcy Institute

Admitted in New York (retired), the District of Columbia (inactive), U.S. Court of Appeals for the 3rd Circuit, U.S. District Courts for Southern and Eastern Districts of New York and District of Maryland

Languages:

Native: English

Fluent: Russian, French

Basic Speaking, Listening, and Reading: Arabic (MSA and North Levantine dialect)

Reading Knowledge: German, Dutch (and Afrikaans), Swedish, Norwegian, Danish, Spanish, Italian

Rudimentary: Portuguese, Latin, Czech, Japanese