

# MICHAEL D. SOUSA

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University of Denver Sturm College of Law  
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## CURRENT ACADEMIC APPOINTMENT

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<b>UNIVERSITY OF DENVER STURM COLLEGE OF LAW</b>	Denver, CO
Director, Corporate and Commercial Law Program	2025-Present
Professor of Law	2025-Present
Associate Professor of Law	2014-2024
Assistant Professor of Law	2008-2014
<ul style="list-style-type: none"><li>▪ <b>Law School Courses:</b> Bankruptcy Law, Secured Transactions, Sociology of Debt Seminar, Poverty Seminar, Commercial Law Survey (UCC Articles 1, 2, 3, 5, and 9), Corporate Reorganizations, Debtor-Creditor Rights &amp; Remedies</li><li>▪ <b>Research Interests:</b> Consumer Debt, Class Inequality, Bankruptcy, Problem-Solving Courts (subject matter of Ph.D. dissertation)</li><li>▪ <b>Undergraduate Teaching (Sociology Department):</b> Sociology of Consumer Debt, Methods of Socio-Legal Inquiry (a qualitative empirical methods course)</li></ul>	

## EDUCATION

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<b>UNIVERSITY OF COLORADO-BOULDER</b>	Boulder, CO
Doctor of Philosophy (Ph.D.) – Sociology (with Honors)	
<ul style="list-style-type: none"><li>▪ <b>Areas of Concentration:</b> Stratification and Inequality, Punishment, Law &amp; Society, Social Psychology, Qualitative &amp; Interpretive Methods</li><li>▪ <b>Dissertation:</b> “Therapeutic Discipline: The Governance of Addicted Criminal Offenders in Adult Drug Treatment Court” (five-year empirical case study)</li><li>▪ <b>Courses Taught:</b> Introduction to Sociology; Deviance in U.S. Society; Sociology of Law; Crime &amp; Society; Self in Modern Society; Race, Class, Gender &amp; Crime; Punishment, Law &amp; Society</li></ul>	
<b>UNIVERSITY OF DENVER</b>	Denver, CO
Master of Arts (M.A.) – Cultural Anthropology (with Honors)	
<ul style="list-style-type: none"><li>▪ <b>Area of Concentration:</b> Qualitative Methods</li><li>▪ <b>Thesis:</b> “Bankruptcy Stigma: A Socio-Legal Study”</li></ul>	

**ST. JOHN'S UNIVERSITY SCHOOL OF LAW**

Queens, NY

Master of Laws (LL.M.) – Bankruptcy (with Honors)

- **Thesis:** “Making Sense of the Bramble-Filled Thicket: The ‘Insured vs. Insured’ Exclusion in Bankruptcy”
- American Bankruptcy Institute (ABI) Scholar Award

**RUTGERS UNIVERSITY SCHOOL OF LAW**

Camden, NJ

Juris Doctor (J.D.) (with Honors)

**FLORIDA ATLANTIC UNIVERSITY**

Boca Raton, FL

Bachelor of Arts (B.A.) (with Honors)

- English Literature (Major) / Political Science (Minor)

**PUBLICATIONS**

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**LAW REVIEW ARTICLES & PEER-REVIEWED JOURNALS**

- *Protecting Dependent Children in Bankruptcy*, \_\_\_\_ VILLANOVA LAW REVIEW \_\_\_\_ (2026) (co-authored with Alexis L. Whitley)
- *The Thorny Intersection Between Adult Drug Treatment Courts and Medical Marijuana Criminal Immunity Laws*, 95 SOCIOLOGICAL INQUIRY 335 (2025)
- *Personal Debt and Disciplinary Power*, 53 SOUTHWESTERN LAW REVIEW 504 (2025) (invited submission for the annual ClassCrits Conference Symposium)
- *Seizing Welfare from the Bankrupt*, 93 UNIVERSITY OF CINCINNATI LAW REVIEW 350 (2024)
- *When the Entrepreneurial Subject Fails: The Neoliberal Governance of Consumer Debtors*, 101 DENVER LAW REVIEW 817 (2024) (invited submission for the annual *Denver Law Review* Symposium)
- *Consumer Bankruptcy in the Neoliberal State*, 39 EMORY BANKRUPTCY DEVELOPMENTS JOURNAL 199 (2023)
- *Foreshadowing an Inevitable Clash: Criminal Probation, Drug Treatment Courts, and Medical Marijuana*, 56 SUFFOLK LAW REVIEW 521 (2023)
  - Cited by All Rise, ADULT DRUG TREATMENT COURT BEST PRACTICE STANDARDS (2d ed. 2024) (publication of the national association on drug treatment courts)
- *Procedural Due Process, Drug Courts, and Loss of Liberty Sanctions*, 14 NYU JOURNAL OF LAW & LIBERTY 733 (2021)
- *Therapeutic Discipline: Drug Courts, Foucault, and the Power of the Normalizing Gaze*, 2021 MICHIGAN STATE LAW REVIEW 143 (2021)
- *Health Insurance and Bankruptcy Risk: Examining the Impact of the Affordable Care Act*, 86 BROOKLYN LAW REVIEW 975 (2021) (co-authored with Tim Wadsworth & Philip M. Pendergast)
- *Moving Beyond Medical Debt*, 27 AMERICAN BANKRUPTCY INSTITUTE LAW REVIEW 93 (2019) (co-authored with Brook E. Gotberg)
- *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)
- *Legitimizing Bankruptcy Petition Preparers: A Sociolegal Prescription for Change*, 89 AMERICAN BANKRUPTCY LAW JOURNAL 269 (2015)

- *Just Punch My Bankruptcy Ticket: A Qualitative Study of Mandatory Debtor Financial Education*, 97 MARQUETTE LAW REVIEW 391 (2014)
- *Debt Stigma: A Socio-Legal Study*, 87 AMERICAN BANKRUPTCY LAW JOURNAL 435 (2013)
- *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)
- *Reconciling the Otherwise Irreconcilable: The Rejection of Collective Bargaining Agreements Under Section 1113 of the Bankruptcy Code*, 18 LABOR LAWYER 453 (2003)

#### ACADEMIC BOOK REVIEWS

- CAPITAL & CLASS, 48(2):322-324 (2024) (reviewing Ian Greer & Charles Umney, *Marketization: How Capitalist Exchange Disciplines Workers and Subverts Democracy*)
- CAPITAL & CLASS, 47(2):336-338 (2023) (reviewing Robert Ovetz, *We the Elites: Why the U.S. Constitution Serves the Few*)
- SOCIOLOGICAL INQUIRY 93(3):690-693 (2023) (reviewing Rueben Jonathan Miller, *Halfway Home: Race, Punishment, and the Afterlife of Mass Incarceration*)

#### OTHER ARTICLES & ESSAYS

- *Abolishing the "Freeze Rule" for Secured Creditors*, 43 AMERICAN BANKRUPTCY INSTITUTE JOURNAL 20 (2024) (co-authored with Jana Reznickova)
- *Consumer Bankruptcy and Capitalist Exploitation*, 42 AMERICAN BANKRUPTCY INSTITUTE JOURNAL 16 (2023)
- *Recent Developments to § 523 of the Bankruptcy Code: Exceptions to Discharge*, 2020 NORTON ANNUAL SURVEY OF BANKRUPTCY LAW 23 (2020) (invited submission)
- *Uncertainty Remains: The "Insured vs. Insured" and "Bankruptcy Exclusion" Provisions*, 2018 NORTON ANNUAL SURVEY OF BANKRUPTCY LAW 10 (2018) (invited submission)
- *Recent Developments in Chapter 11*, 2009 NORTON ANNUAL SURVEY OF BANKRUPTCY LAW 38 (2009) (invited submission)
- *Recent Developments in Chapter 11*, 2008 NORTON ANNUAL SURVEY OF BANKRUPTCY LAW 38 (2008) (invited submission)
- *Of Prologue and Present: Selected Recent Developments in the Rejection of Collective Bargaining Agreements in Bankruptcy*, 16 JOURNAL OF BANKRUPTCY LAW & PRACTICE 3 (2007)
- *Recent Developments in Chapter 11*, 2007 NORTON ANNUAL SURVEY OF BANKRUPTCY LAW 35 (2007) (invited submission)
- *The Jurisprudential Underpinnings of the Uniform Commercial Code: A Reflection of the Realist Theorists*, 26 AMERICAN BANKRUPTCY INSTITUTE JOURNAL 44 (2007)
- *Much Ado About Nothing? Collateral Fractionalizing and In re Commercial Money Center, Inc.*, 26 AMERICAN BANKRUPTCY INSTITUTE JOURNAL 28 (2007)
- *The Crime of Concealing Assets in Bankruptcy: An Overview and an Illustration*, 26 AMERICAN BANKRUPTCY INSTITUTE JOURNAL 20 (2007)
- *The Examiner's Report and the Hearsay Rule: Are Both Mutually Exclusive? – Part II*, 26 AMERICAN BANKRUPTCY INSTITUTE JOURNAL 20 (2007)

- *The Examiner's Report and the Hearsay Rule: Are Both Mutually Exclusive? – Part I*, 25 AMERICAN BANKRUPTCY INSTITUTE JOURNAL 20 (2007)
- *Are You Your Produce Vendor's Keeper? PACA and § 523(a)(4) of the Code*, 15 JOURNAL OF BANKRUPTCY LAW & PRACTICE 6 (2006)
- *Recent Developments in Chapter 11*, 2006 NORTON ANNUAL SURVEY OF BANKRUPTCY LAW 35 (2006) (invited submission)
- *A Circuit Split: Does the Bankruptcy Code Implicitly Repeal the FDCPA?*, 25 AMERICAN BANKRUPTCY INSTITUTE JOURNAL 20 (2006)
- *Equitable Powers of a Bankruptcy Court: Federal All Writs Act and § 105 of the Bankruptcy Code – Part II*, 25 AMERICAN BANKRUPTCY INSTITUTE JOURNAL 28 (2006)
- *Equitable Powers of a Bankruptcy Court: Federal All Writs Act and § 105 of the Bankruptcy Code – Part I*, 25 AMERICAN BANKRUPTCY INSTITUTE JOURNAL 38 (2006)
- *A Morass of Federal Policy: Enforcing Arbitration Agreements in Bankruptcy*, 15 JOURNAL OF BANKRUPTCY LAW & PRACTICE 2 (2006)
- *Scrivener's Error or Congressional Intent? Section 522(p) and the Homestead Exemption*, 15 JOURNAL OF BANKRUPTCY LAW & PRACTICE 2 (2006)
- *The Declaratory Judgment Act, Successor Liability, and § 524(g) of the Bankruptcy Code: An Imperfect Fit*, 24 AMERICAN BANKRUPTCY INSTITUTE JOURNAL 26 (2005)
- *A Panel Trustee's Ability to Uncover Potential Debtor Abuse: Bankruptcy Law and the Fourth Amendment*, 24 AMERICAN BANKRUPTCY INSTITUTE JOURNAL 30 (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 & PRACTICE 3 (2005)

#### **TREATISE CHAPTER**

- *Arbitration Agreements in Bankruptcy*, NORTON BANKRUPTCY LAW AND PRACTICE 3d (Thomson-West)

#### **BAR JOURNALS**

- *Selling Real Property in Chapter 13: Who Receives the Benefit of any Appreciation in Value?*, 234 NEW JERSEY LAWYER 32 (2005)
- *Plan Proponent Beware! The Doctrine of Res Judicata and Post-Confirmation Avoidance Actions*, 14 AMERICAN BANKRUPTCY INSTITUTE BUSINESS REORGANIZATION COMMITTEE NEWSLETTER 1 (2005)
- *The (Non)Removal of Third-Party Claims to New Jersey Federal Court*, 12 NEW JERSEY LAWYER 25 (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)

#### **SELECTED PRESENTATIONS**

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- *Governance Practices of the Neoliberal State* (Law & Society Association Annual Conference 2025)
- *Seizing Welfare from the Bankrupt* (Law & Society Association Annual Conference 2025)
- *Consumer Bankruptcy in the Modern Economy* (Keynote Address, Middle District of Pennsylvania Bench/Bar Conference, June 12, 2024)
- *Debt and Social Identity* (DENVER LAW REVIEW Annual Symposium, Apr. 12, 2024)

- *Debt and Disciplinary Power* (ClassCrits XIV Conference, Feb. 10, 2024)
- *Research Methods in Bankruptcy: A Panel Discussion* (Association of American Law Schools Annual Meeting, Jan. 6, 2024)
- *Litigating Consumer Fraud* (Panelist, Annual American Bankruptcy Institute Winter Leadership Conference, Dec. 1, 2023)
- *Consumer Bankruptcy in the Modern Economy* (Department of Justice, EPA National Bankruptcy Workgroup Annual Meeting, Oct. 25, 2023)
- *Neoliberal Governmentality and the Subjectification of Bankruptcy Debtors* (Law & Society Association Annual Conference 2023)
- *Foucault and the Law in Socio-Legal Studies* (Panelist, Law & Society Annual Conference, June 1-4, 2023)
- *Discipline Beyond Restraint: Understanding Drug Treatment Courts from a Foucauldian Framework* (American Society of Criminology Annual Meeting, Nov. 2022)
- *Therapeutic Discipline, Drug Courts, and the Power of the Normalizing Gaze* (BELMONT CRIMINAL LAW JOURNAL Annual Symposium, Mar. 5, 2021)
- *The Governance of Participants in Drug Treatment Courts* (Law & Society Annual Conference, May 28, 2020)
- *Health Insurance, Medical Debt, and Bankruptcy Risk* (University of Denver Sturm College of Law Webinar, May 5, 2020)
- *Bankruptcy Stigma: A Socio-Legal Study* (George Washington University Law School, Center for Law, Economics & Finance, Feb. 7, 2014)
- *The Top Ten “Must Know” Cases for Consumer Attorneys* (Annual American Bankruptcy Institute Rocky Mountain Bankruptcy Conference, Jan. 24, 2014)
- *Access to the Bankruptcy System for Consumer Debtors* (2nd Annual American College of Bankruptcy Tenth Circuit Conference, Nov. 21, 2013)
- *How Fresh is the Fresh Start?* (Annual American Bankruptcy Institute Rocky Mountain Bankruptcy Conference, Jan. 25, 2013)
- *GM/Chrysler and Chapter 11* (Annual American Bankruptcy Institute Rocky Mountain Bankruptcy Conference, Jan. 22, 2010)
- *The “Insured vs. Insured” Exclusion in the Bankruptcy Context* (Annual American Bankruptcy Institute Winter Leadership Conference, Dec. 2006)

## **SELECTED PROFESSIONAL ACTIVITIES AND MEMBERSHIPS**

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- Editorial Advisory Board, AMERICAN BANKRUPTCY INSTITUTE LAW REVIEW
- Associate Editor, AMERICAN BANKRUPTCY INSTITUTE JOURNAL
- Founder and Organizer, Foucault and Sociolegal Studies (CRN 51), Law & Society Association
- Executive Committee Member, *Section on Creditors’ and Debtors’ Rights*, Association of American Law Schools (2024-2026)
- Program Committee, *Law & Society Association Annual Conference* (2024)
- Editorial Advisory Board Member, AMERICAN BANKRUPTCY LAW JOURNAL (2017-2019)
- Faculty Committee, American Board of Bankruptcy Certification (2007-2012)

## **SELECT RESEARCH GRANTS RECEIVED**

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- Hughes-Ruud Research Professorship (\$14,500 grant awarded to conduct qualitative empirical research on adult drug treatment courts) (2020)
- American Bankruptcy Institute Anthony H.N. Schnelling Endowment Fund (\$28,000 grant awarded to conduct qualitative empirical research on bankruptcy debtors' behaviors) (2018)
- CCESL "Public Good" Award (\$14,541 grant to conduct qualitative empirical research on drug treatment courts) (2018)
- Hughes-Ruud Research Grant (\$3,000 pilot grant awarded to conduct qualitative empirical research on consumer debtors accessing the bankruptcy system) (2015)
- Hughes-Ruud Research Grant (\$3,000 pilot grant awarded to conduct qualitative empirical research on consumer debtor identity/stigma) (2012)
- Hughes-Ruud Research Professorship (\$13,500 grant awarded to conduct qualitative empirical research on bankruptcy stigma) (2011)

## **PEER REVIEWER**

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- LAW & SOCIAL INQUIRY
- FEMINIST CRIMINOLOGY
- JOURNAL OF DRUG ISSUES
- EUROPEAN POLITICS AND SOCIETY

## **AMICUS CURIAE BRIEFS**

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- Cohen v. Garcia-Morales (*In re Garcia-Morales*) (United States Court of Appeals for the Tenth Circuit, No. 24-1384) (Jan. 13, 2025) (written on behalf of the National Association of Consumer Bankruptcy Attorneys and the National Consumer Bankruptcy Rights Center)

## **SELECTED LAW SCHOOL AND UNIVERSITY SERVICE**

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- Examinations, Standing & Readmissions Committee (2025-2026)
- Appointments Committee (2024-2025)
- Faculty Senate (2023-2026)
- Faculty Advisor, DENVER LAW REVIEW Annual Symposium (*Debt & Financial Security in the Modern Economy*, Apr. 12 & 13, 2024)
- Advisory Committee Member (Wyatt Sassman, 2024)
- Advisory Committee Member (Catherine Dunn, 2024)
- Curriculum Committee (2021-2022)
- Curriculum Committee (2020-2021)
- Examinations, Standing and Readmissions Committee (2019-2020)
- Promotion and Tenure Committee (2017-2018)

- Advisory Committee (Lindsey Webb, 2016)
- Promotion and Tenure Committee (2015-2016)
- Faculty Executive Committee (2011-2015)
- University of Denver Daniels College of Business Dean Search Committee (2013-2014)
- Adjunct Support Committee (2012-2013)
- Curriculum Committee (2012-2013)
- Judicial Clerkship Assistance Committee (2011-2012)
- Appointments Committee (2010-2011)
- Judicial Clerkship Assistance Committee (2010-2011)
- Law School Planning for Excellence Committee (2009-2010)
- Appointments Committee (2009-2010)
- Judicial Clerkship Assistance Committee (2009-2010)
- Dual Degree Advisor for Daniels College of Business and the College of Law (2009-2012)
- Faculty Advisor, Business Law Society (student organization) (2009-2012)

## SELECTED JUDICIAL CITATIONS

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- *Avellone v. United States Liability Insurance Company*, 653 B.R. 420 (Bankr. N.D. Ill. 2023) (*Uncertainty Remains*)
- *In re Sultan*, 2021 WL 117173 (Bankr. E.D. Va. Jan. 7, 2021) (*Just Punch My Bankruptcy Ticket*)
- *Philadelphia Indemnity Insurance Co. v. Providence Community Action Program, Inc.* (D.R.I. Jan. 24, 2017) (*Making Sense of the Bramble-Filled Thicket*)
- *Indian Harbor Insurance Co. v. Zucker*, 860 F.3d 373 (6th Cir. 2017) (dissent, Judge Donald) (*Making Sense of the Bramble-Filled Thicket*)
- *Indian Harbor Insurance Co. v. Zucker*, 553 B.R. 633 (W.D. Mich. 2016) (*Making Sense of the Bramble-Filled Thicket*)
- *In re Bernard L. Madoff Investment Securities, LLC*, 2016 WL 3892765 (S.D.N.Y. July 14, 2016) (*A Casus Omissus in Preventing Bankruptcy Fraud*)
- *In re Arkuszewski*, 550 B.R. 374 (N.D. Ill. 2015) (*Just Punch My Bankruptcy Ticket*)
- *Biltmore Associates v. Twin City Fire Insurance Co.*, 572 F.3d 663 (9th Cir. 2009) (*Making Sense of the Bramble-Filled Thicket*)
- *Miller v. Ameriquest Mortgage Co. (In re Laskowski)*, 384 B.R. 518 (Bankr. N.D. Ind. 2008) (*Circuit Split*)
- *In re Xpedior, Inc.*, 354 B.R. 210 (Bankr. N.D. Ill. 2006) (*Equitable Powers of a Bankruptcy Court*)

## LEGAL EXPERIENCE

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## **JUDICIAL CLERKSHIPS**

### **UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF NEW JERSEY**

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**

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

### **UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF NEW JERSEY**

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**

Judicial Law Clerk to the Honorable John E. Wallace, Jr., New Jersey Superior Court – Appellate Division

## **LAW FIRMS**

### **DUANE MORRIS LLP**

Associate Attorney in the Business Reorganization and Financial Restructuring Practice Group

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

Associate attorney concentrating in commercial litigation, bankruptcy law, and employment law

### **PORZIO, BROMBERG & NEWMAN, P.C.**

Associate attorney concentrating in commercial litigation, employment law, and education law

## **SELECTED MEDIA APPEARANCES**

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- *Courthouse News Service*  
“American Bankruptcy Filings Hit First Post-Pandemic Rise” (Jan. 26, 2024)
- *American Bankruptcy Institute Podcast Series* (abi.org)  
“Bankruptcy Filing Isn’t Allowed for Marijuana Businesses – So Now What?” (Oct. 7, 2015)
- *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, 2009) (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)



## **EXPERT WITNESS ENGAGEMENTS**

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- *Winter Park Station, LLC v. Lindquist-Kleissler & Company, LLC* (District Court for the City and County of Denver, State of Colorado, Case No. 2014-cv-034145) (retained expert regarding Chapter 11 bankruptcy practice)
- *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) (retained expert regarding Chapter 11 bankruptcy practice)