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Employment

1981-2025 Professor, Associate Professor, and Assistant
Professor, Benjamin N. Cardozo School of Law,
Yeshiva University, 55 Fifth Avenue, New York
City 10003

2006, 2009 Visiting Professor, University of Miami Law
School

2002 Visiting Professor, George Washington
University Law School, Washington D.C.

1991-2001 Of Counsel, Squadron, Ellenoff, Plesent &
Sheinfeld, New York City

1996 Visiting Professor of Law, Washington & Lee
University School of Law, Lexington, Va.

1993 Visiting Scholar, Georgia State University School
of Law, Atlanta, Ga.

1990 Lecturer, Eotvos Lorand University, Budapest,
Hungary

1989 Visiting Professor of Law, Michigan Law School

1977-81 Associate, Cravath, Swaine & Moore, New York
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Education

Legal: J.D., 1977, University of California (San
Francisco); Order of the Coif; Thurston Society;
Editor-in-Chief, Hastings L.J., 1976-77

College: B.A., 1974, University of California, Santa

Barbara; Editor-in-Chief, UCSB Daily Nexus

Bibliography

Books

1. CONSUMER BANKRUPTCY (2013) (3d edition) (Vandelplas Publishing).
2. THE LAW OF DEBTORS AND CREDITORS (2010) (Vandelplas Publishing).
3. A COMMENTARY TO HEGEL'S *SCIENCE OF LOGIC* (2007) (Palgrave MacMillan).
4. HEGEL'S THEORY OF THE SUBJECT (D. Carlson ed. 2006) (Palgrave MacMillan).
5. G. GILMORE & D. CARLSON, GILMORE AND CARLSON ON SECURED LENDING: CLAIMS IN BANKRUPTCY (Aspen Law & Business 2d ed. 2000) (two volumes).
6. LAW AND THE POSTMODERN MIND: ESSAYS ON PSYCHOANALYSIS AND JURISPRUDENCE (D. Carlson & P. Goodrich eds.) (U. Mich. Press 1998).
7. DECONSTRUCTION AND THE POSSIBILITY OF JUSTICE (D. Carlson, D. Cornell & M. Rosenfeld eds.) (Routledge, Chapman & Hall, Inc. 1992).
8. HEGEL AND LEGAL THEORY (D. Carlson, D. Cornell & M. Rosenfeld eds.) (Routledge, Chapman & Hall, Inc. 1991).

Articles and Essays

1. *Fraudulent Transfers and Sovereign Immunity*, 24 AM. BANKR. L. REV. 1 (2026).
2. *Preemption of State Fraudulent Transfer Law by the Bankruptcy Code*, 24 AM. BANKR. L. REV. (2026) (forthcoming).
3. *Property and Information*, WASH U. JURIS. REV. 1 (2025) (with Schroeder).
4. *The Safe Harbor for Leveraged Buyouts in Bankruptcy*, 99 AM. BANKR. L.J. 306 (2025).
5. *Foreclosure Sales as Fraudulent Transfers*, 13 AM. U. BUS. L. REV. 39 (2024).
6. *Murder on the Chapter 13 Express*, 23 AM. BANKR. INST. L. REV. 1 (2024).

7. *Collusive Mortgage Foreclosures: The Forgotten Lesson of Northern Pacific v. Boyd*, 98 AM. BANKR. L.J. 174 (2023).
8. *Commercially Reasonable Sales in the 21st Century*, 50 Ohio N.U.L. Rev. (2023) (forthcoming).
9. *Third Party Releases Under the Bankruptcy Code After Purdue Pharma*, 31 AM. BANKR. INST. L. REV. 1 (2023).
10. *The Housing Bubble and Consumer Bankruptcy (Parts I and II)*, 97 AM. BANKR. L.J. 394 (2023).
11. *The Housing Bubble and Consumer Bankruptcy (Parts III and IV)*, 97 AM. BANKR. L.J. 646 (2023).
12. *Article 9 Foreclosures: When Is a Sale Not a Sale?*, 85 U. PITTS. L. REV. 67 (2022).
13. *Generalized Creditors and Particularized Creditors: Against A Unified Theory of Standing in Bankruptcy*, 96 AM. BANKR. L.J. 505 (2022) (with Schroeder).
14. *The Eleventh Circuit and the "Tort" of Making a Fraudulent Transfer*, 41 Bankr. Law Letter Issue 6 (2021).
15. *Fraudulent Transfers as a Tort*, 2021 Mich. St. L. Rev. 1093.
16. *Fraudulent Transfers and Juries: Was Granfinanciera Rightly Decided?*, 95 AM. BANKR. L.J. 209 (2021).
17. *Fraudulent Transfers: Void and Voidable*, 28 AM. BANKR. INST. L. REV. 1 (2021).
18. *Giving Back a Fraudulent Transfer: A Defense to Liability?*, 94 AM. BANKR. L.J. 639 (2020).
19. *Tuition as a Fraudulent Transfer*, 36 EMORY BANKS. DEV. J. 15 (2020).
20. *Ponzi Liquidations and Constructive Trust Theory: The First Circuit Misspeaks*, 40 BANKR. L. LETTER Issue 1 (January 2020).
21. *Fraudulent Transfers and Constructive Trusts: When Worlds Collide*, 103 MARQ. L. REV. 365 (2019).
22. *The Supreme Court, Dischargeability, and Actual Fraud*, 28 AM. BANKR. INST. L. REV. 205 (2020).
23. *Mere Conduit*, 93 AM. BANKR. L.J. 475 (2019).

24. *Three Against Two: On the Difference Between Property and Contract*, 35 EMORY BANKR. DEV. J. 417 (2019) (with Schroeder).

25. *Check Clearing and Voidable Preference Law Under the Bankruptcy Code*, 73 BUS. LAW. 627 (2018).

26. *Loan Proceeds and Article 9 Proceeds and the Example of Deposit Accounts in Bankruptcy*, 48 U.C.C.L.J. 155 (2018) (with Schroeder).

27. *The Federal Law of Property: The Case of Inheritance Disclaimers and Tenancy by the Entireties*, 75 WASH. & LEE L. REV. 3 (2018).

28. *Review of "The Idea of Hegel's Science of Logic," by Stanley Rosen*, MIND (2015) (document no. fzv057).

29. *Postdefault Interest Rates in Bankruptcy*, 2015 ILL. L. REV. 617.

30. *Critique of Money Judgment (Pt. 3): Restraining Notices*, 77 ALBANY L. REV. 1489 (2014)

31. *Introduction* (to a symposium on the Critique of Judgment), 6 WASH. U. JURIS. REV. 1 (2013) (with Nuzzo).

32. *Effect Precedes Cause: Kant and the Self-In-Itself*, 6 WASH. U. JURIS. REV. 161 (2013).

33. *Legal Positivism and Russell's Paradox*, 5 WASH. U. JUR. REV. 257 (2013).

34. *Money as Measure*, 33 CARDOZO L. REV. 2531 (2012).

35. *Where Corporations Are: Why Casual Visits to New York Are Bad For Business*, 76 ALBANY L. REV. 1141 (2012) (with Schroeder).

36. *Cars in Chapter 13: Does Negative Equity Destroy the Jurisdiction of the Hanging Paragraph?*, 20 AM. BANKR. INST. L. REV. 535 (2012).

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38. *The Federal Rules of Bankruptcy Procedure in Reorganization Cases: Do They Have a Constitutional Dimension?*, 84 AM. BANKR. L.J. 251 (2010).

39. *The Role of Valuation in the Federal Bankruptcy Exemption Process: The Supreme Court Reads Schedule C*, 18 AM.

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41. *The Chapter 13 Estate and Its Discontents*, 17 AM. BANKR. INST. L. REV. 233 (2009).

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43. *Hart avec Kant: On The Inseparability of Law and Morality*, 1 WASH. U. J. JURIS. 21 (2009).

44. *Critique of Money Judgment (Part I: Judicial Liens on New York Real Property)*, 82 ST. JOHNS L. REV. 1291 (2008).

45. *Critique of Money Judgment (Part II: Judicial Liens on New York Personal Property)*, 83 ST. JOHNS L. REV. 43 (2009).

46. *Psychoanalysis as the Jurisprudence of Freedom*, in ON PHILOSOPHY IN AMERICAN LAW 139 (Francis J. Mootz ed. Cambridge University Press 2008).

47. *Hegel and the Becoming of Essence*, 3 COSMOS & HISTORY: J. NAT. & SOC. PHIL. 61 (2007), *reprinted in* THE SPIRIT OF THE AGE: HEGEL AND THE FATE OF THINKING 118 (Melbourne U. Press 2008).

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51. *Does God Exist?: Hegel and Things*, 4 J. CULTURE & THE UNCONSCIOUS (2005) (with Schroeder).

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53. *Introduction*, 3 CARDOZO J. L., POLICY & ETHICS 1 (2004) (introduction to "Hegel's Logic of the Subject" symposium issue).

¹ Winner of the Hon. Wesley W. Steen Prize, Best Article 2010, American Bankruptcy Institute.

54. *Why Are There Four Hegelian Judgments?*, 3 CARDOZO J. L., POLICY & ETHICS 143 (2004).

55. *The Antepenultimacy of the Beginning in Hegel's Science of Logic*, 2 CARDOZO J. L. POLICY & ETHICS 225 (2004).

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68. *The Truth About the New Value Exception to Bankruptcy's Absolute Priority Rule*, 21 CARDOZO L. REV. 1303 (2000) (with Williams).

69. *Duellism in Modern American Jurisprudence*, 99 COLUM. L. REV. 1908 (1999).

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71. *Letters of Credit, Voidable Preferences, and the "Independence" Principle*, 54 BUS. LAW. 1661 (1999) (with Widen).

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76. *Secured Lending as a Zero Sum Game*, 19 CARDOZO L. REV. 1635 (1998).

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78. *Voidable Preferences and Proceeds: A Reconceptualization*, 71 AM. BANKR. L.J. 517 (1997).

79. *Turnover of Collateral in Bankruptcy: Must a Secured Party in Possession Volunteer?*, 6 J. BANKR. L. & PRAC. 483 (1997).

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92. *Debt Collection as Rent Seeking*, 79 MINN. L. REV. 817 (1995).

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94. *Jurisprudence and Personality in the Work of John Rawls*, 94 COLUM. L. REV. 1828 (1994).

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101. *The Classification Veto in Single-Asset Cases under Bankruptcy Code Section 1129(a)(10)*, 44 S. CAR. L. REV. 565 (1993).

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109. *Secured Creditors and Expenses of Bankruptcy Administration*, 70 N. CAR. L. REV. 417 (1991).
110. *Time, Value, and the Property Rights of Secured Creditors in Bankruptcy, or When Does Adequate Protection Begin?*, 1 J. BANKR. LAW & PRAC. 113 (1991).
111. *Secured Creditors and the Eely Character of Valuations in Bankruptcy*, 41 AM. U. L. REV. 63 (1991).
112. *Security Interests Under Article 8 of the Uniform Commercial Code*, 12 CARDOZO L. REV. 557 (1990) (with Schroeder).
113. *Oversecured Creditors Under Bankruptcy Code Section 506(b): The Limits of Postpetition Interest, Attorneys' Fees, and Collection Expenses*, 7 EMORY BANKR. DEV. J. 381 (1990).
114. *Bulk Buyers Under Article 9: Some Easy Cases Made Difficult*, 41 ALA. L. REV. 729 (1990).
115. *Undersecured Claims under Bankruptcy Code Sections 506(a) and 1111(b): Second Looks at Judicial Valuations of Collateral*, 6 EMORY BANKR. DEV. J. 253 (1989).
116. *Contradiction and Critical Legal Studies*, 10 CARDOZO L. REV. 1833 (1989).
117. *Postpetition Interest Under the Bankruptcy Code*, 43 U. MIAMI L. REV. 577 (1989).
118. *Philosophy in Bankruptcy*, 85 MICH. L. REV. 1341 (1987).
119. *Is Fraudulent Conveyance Law Efficient?*, 9 CARDOZO L. REV. 643 (1987).
120. *Successor Liability in Bankruptcy: Some Unifying*

Themes of Intertemporal Creditor Priorities Created by Running Covenants, Products Liability and Toxic Waste Cleanup, 50 LAW & CONTEMP. PROBS. 119 (Spring 1987).

121. *Reforming the Efficiency Criterion: Comments on Some Recent Suggestions*, 8 CARDOZO L. REV. 39 (1986).

122. *Rationality, Accident and Priority Under Article 9 of the Uniform Commercial Code*, 71 MINN. L. REV. 207 (1986).

123. *A Theory of Contractual Debt Subordination and Lien Priority*, 38 VANDERBILT L. REV. 975 (1985).

124. *Simultaneous Attachment of Liens on After-Acquired Property*, 6 CARDOZO L. REV. 505 (1985).

125. *Leveraged Buyouts in Bankruptcy*, 20 GA. L. REV. 73 (1985).

126. *Future Nonadvance Obligations Under Article 9 of the UCC: Legitimate Priority or Unwarranted Squeeze-Out?*, 102 BANKING L.J. 412 (1985) (with Schroeder).

127. *Death and Subordination Under Article 9 of the Uniform Commercial Code: Senior Buyers and Senior Lien Creditors*, 5 CARDOZO L. REV. 547 (1984).

128. *Judicial Lien Priorities Under Article 9 of the Uniform Commercial Code: Part I*, 5 CARDOZO L. REV. 287 (1984) (with Shupack).

129. *Judicial Lien Priorities Under Article 9 of the Uniform Commercial Code: Part II (Creditor Representatives, Bank Receivers, Fixtures, Crops and Accessions)*, 5 CARDOZO L. REV. 823 (1984) (with Shupack).

130. *Fixture Priorities*, 4 CARDOZO L. REV. 381 (1983).

131. *Reconciling Maritime Liens and the Limitation of Liability Act*, 3 CARDOZO L. REV. 261 (1983).

Talks and Conferences

1. Comment on Angelica Nuzzo, "Approaching Hegel's Logic Obliquely," April 17, 2019, New School for Social Research.

2. Kant avec Hart: On the Inseparability of Law and Morality, March 3, 2009, Washington University.

3. Russell's Paradox and Legal Positivism, January 14, 2009, University of Miami School of Law

4. Masters and Slaves According to Hegel, November 16, 2008, MonoKI Conference, Istanbul.
5. Dworkin in the Desert of the Real, Griffith University, Brisbane, Key Note Address, Trauma and Law Conference, July 7-9, 2004.
6. Bankruptcy's Acephalous Moment, Birmingham, University of Alabama Continuing Legal Education, November 7, 2003.
7. Hidden Assets, San Diego, 77th Annual National Conference of Bankruptcy Judges, October 16, 2003.
8. Hegel and the Antepenultimacy of the Beginning, June 10 & 12, 2002, University of Sidney, Griffith University (Brisbane).
9. Keynote Address, Georgetown University School of Law, Bankruptcy: Views from the Bench, December 7, 2001.
10. The New Value Exception to the Absolute Priority Rule, Eastern District of Pennsylvania Bankruptcy Conference, January 29, 2000.
11. The Rotten Foundations of Securitization, American Bar Association Annual Meeting, Washington, D.C. 1999.
12. Chapter 13 Issues, Eastern District of Pennsylvania Bankruptcy Conference, January 30, 1999.
13. The Duellist, Roger Williams University School of Law, October 6, 1998.
14. Keynote Address, Georgetown University School of Law, Bankruptcy '98: Views from the Bench, September 18, 1998.
15. Keynote Address, Georgetown University School of Law, Bankruptcy '97: Views from the Bench, September 19, 1997.
16. Modigliani, Miller, and Debt, Washington & Lee University School of Law, September 12, 1996.
17. Perfect Markets, Tulane Law School, New Orleans, La., October 31, 1995.
18. Cash Collateral and Finality, National Conference of Bankruptcy Judges, New Orleans, La., October 28-November 1, 1995.
19. The Filing System, University of Minnesota, Minneapolis, Minn., October 28-29, 1994.

20. Bankruptcy Reform, Capital University, Columbus, Ohio, March 4, 1994.
21. Chapter 11, University of South Carolina School of Law, Charleston, S.C., March 15, 1993.
22. The New Article 9, University of Idaho, Coeur d'Alène, Idaho, March 26-28, 1993.
23. The New Article 9, University of Virginia, Charlottesville, Va., October 15, 1993.
24. Liberal Philosophy's Troubled Relation to the Rule of Law, University of Connecticut, October 20, 1992.
25. Bankruptcy and Corporate Governance, University of Cincinnati School of Law, March 6, 1992.
26. Trustee Avoiding Powers, University of South Carolina School of Law, Columbus, S.C., March 20, 1992.
27. Deconstruction and the Possibility of Justice, Benjamin N. Cardozo School of Law, Yeshiva University, October 2-3, 1989 (principal organizer).
28. Leveraged Buyouts in Bankruptcy, American Association of Law Schools, Annual Convention, New Orleans, January 1989.
29. The Todtendanz of Microeconomics, University of Wisconsin School of Law, September 26, 1988.
30. Hegel and Legal Theory, Benjamin N. Cardozo School of Law, Yeshiva University, March 27-29, 1988 (principal organizer).
31. Bankruptcy Symposium, Duke University, April 18-19, 1986. Paper: Successor Liability in Bankruptcy.
32. Bankruptcy Symposium, Vanderbilt University, March 31, 1985. Paper: Some Doubts About the Trustee's Strongarm Power.