

**LIST OF TOPICS FOR  
ABI'S COMMISSION ON CONSUMER BANKRUPTCY**

Please find the overall list of topics to be considered by the ABI Commission on Consumer Bankruptcy. The topics have been grouped within each of the three corresponding committees that support the Commission: the Committee on Case Administration and the Estate, the Committee on Chapter 7 and the Committee on Chapter 13. Each committee, comprised of five commissioners and 10 non-commission members, will take the lead in addressing the following topics:

*Committee on Case Administration & the Estate*

1. Student loans
2. Roles and responsibilities of attorneys
  - a. Unbundling of services
  - b. Payment of chapter 7 debtors' attorneys
  - c. Use of no-look fees and other issues regarding the amount of attorney fees
  - d. Use of appearance counsel for both debtors and creditors
  - e. Payment of chapter 13 attorney fees in the plan
3. Roles and responsibilities of U.S. Trustee/Bankruptcy Administrator
  - a. Supervision and appointment of chapter 7 and chapter 13 trustees
  - b. Inconsistent application of statutes
  - c. Section 341 practice
4. Systems issues
  - a. New bankruptcy forms
  - b. Number of bankruptcy judgeships; status of temporary judgeships
  - c. CM/ECF modernization
5. Notice and service issues
  - a. FRBP 7004(h)/Insured Depository Institutions
  - b. Notice lists
6. Prepetition repossession

- a. Duty to return collateral
  - b. Postpetition fees and expenses for retained collateral
  - c. Postpetition sale of collateral
7. Exemptions
- a. Trustee's sale of exempt property
  - b. Postpetition changes in value in estate assets
  - c. Addressing bad faith conduct under *Law v. Siegel* and *Schwab v. Reilly*
  - d. Relocation and application of state exemption law

### *Committee on Chapter 7*

1. Prepetition credit counseling and postpetition financial management course
2. Chapter 7 trustees
  - a. Compensation of chapter 7 trustees
  - b. Hiring of trustee law firms
  - c. Chapter 7 trustee specialization
3. Dischargeability and discharge issues
  - a. "Return" in section 523(a)'s unnumbered paragraph
  - b. Remedies for discharge violations
4. Means test
  - a. Inconsistency between above- and below-median debtors
  - b. Application to converted cases
  - c. Arbitrary distinctions in application -- different types of debtors; debts vs. lack of debt
5. Property of the estate
  - a. Debtors' right of first refusal for proposed sale by trustee
  - b. Unliquidated estate property
  - c. Debtor disclosure of causes of action
6. Surrender

- a. Creditor indifference toward return of collateral, refusal to accept surrendered collateral
  - b. Debtor's duty to cooperate?
  - c. Relationship to automatic stay
7. Redemption
- a. Time limit on redemption
  - b. Oversight of redemption lenders
8. Reaffirmation
- a. Leases & reaffirmation
  - b. Lender notices & reaffirmation

***Committee on Chapter 13***

- 1. Chapter 13 eligibility
  - a. Debt limits
  - b. Section 109(g) refiling
- 2. FRBP 3002.1 issues
- 3. Home-owner issues
  - a. Underwater liens
  - b. Loan modifications in bankruptcy
  - c. HOA fees
- 4. Chapter 13 plans
  - a. Emergency fund
  - b. Secured claim matters: proof of claim vs. plan
  - c. Direct mortgage claim payment by debtor in chapter 13 plans
  - d. Conduit plans
  - e. Interest rates in the plan
  - f. National plan form

- g. Strict compliance with the 60-month rule
- 5. Credit reporting and bankruptcy
- 6. Local legal culture and chapter 13
  - a. Role of local legal culture in chapter choice
  - b. Racial disparities in the use of chapter 13
- 7. Section 1306, scope of estate property in unclosed cases

Persons submitting written statements or making public statements at Commission meetings are welcome to address any of the Commission's overall topics. Experts/interested stakeholders within a given topic area are encouraged to provide their input to the corresponding Committee that will be addressing that topic. Written statements can be submitted via e-mail at [ConsumerCommission@abiworld.org](mailto:ConsumerCommission@abiworld.org).

To make an oral statement at a Commission or Committee meeting, be sure to check the [Commission's website](#) for scheduling and submission guidance.