

ABI Commission on Consumer Bankruptcy

Fact Sheet on Final Report and Recommendations

- Created by the Executive Committee of the American Bankruptcy Institute's (ABI) Board of Directors in December 2016, this two-and-a-half-year study examined the consumer bankruptcy system with a goal of issuing a report containing recommended improvements to be implemented within the existing structure. The Commission was supported by grants from the ABI Endowment Fund and the National Conference of Bankruptcy Judges Endowment for Education.
- ABI is uniquely situated to the task as the largest nonprofit and nonpartisan association dedicated to insolvency. Its nearly 11,000 insolvency professionals practice in all areas of bankruptcy, including the judiciary and academia. ABI does not lobby Congress but serves as a resource for expert analysis of bankruptcy matters, including participation at Congressional hearings.
- 22 Commissioners (17 voting), comprised of leading consumer practitioners, academics and government officials, volunteered to serve. The Commission was co-chaired by retired Bankruptcy Judges William Houston Brown and Elizabeth Perris, who have a combined 50 years of judicial experience.
- The Commission Reporter is Robert Lawless, the Max L. Rowe Professor of Law and co-director of the Program on Law, Behavior & Social Science at the University of Illinois College of Law.
- The Commission was supported by three committees: The Committee on Case Administration and the Estate, the Committee on Chapter 7, and the Committee on Chapter 13. Each committee was comprised of five commissioners and ten additional bankruptcy experts. The three committees met a total of 45 times throughout the process.
- The Commission utilized an open information-gathering process: Through its website, the Commission received 131 topics for consideration. Six public meetings were conducted, during which a total of 72 speakers addressed areas of the bankruptcy system potentially in need of reform.
- The Final Report provides recommendations focused on 48 discrete issue areas to improve the consumer bankruptcy system. Its more than 250 pages are supported by nearly 700 footnotes, with the basis for each recommendation fully documented. Each recommendation was considered individually and approved by at least a two-thirds majority of the Commission. The final report was approved by the commissioners unanimously.
- Key themes of the recommendations center on achieving a financial fresh start for debtors, improving certainty for creditors, lowering costs for all parties, making chapter 13 work for all stakeholders, facilitating access to the bankruptcy system, and improving its overall effectiveness.