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Midwest Regional Bankruptcy Seminar 2021

Disparate Treatment of POC in the Bankruptcy Process

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Office of the Trustee | Cincinnati

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Chapter 13 Trustee | Minneapolis

Hon. Jeffery P. Hopkins

U.S. Bankruptcy Court (S.D. Ohio) | Cincinnati

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“The Neuroscience of Implicit Bias”

- Video clip: ABA Section of Litigation, Implicit Bias Initiative, Training Video on “The Neuroscience of Implicit Bias” :
https://players.brightcove.net/1866680404001/default_defau/lt/index.html?videoid=6195630261001

ABA Model Rules of Professional Conduct

- ***Rule 8.4: Misconduct***

Maintaining The Integrity Of The Profession

It is professional misconduct for a lawyer to:

- (d) engage in conduct that is prejudicial to the administration of justice;
- (g) engage in conduct that the lawyer knows or reasonably should know is harassment or discrimination on the basis of race, sex, religion, national origin, ethnicity, disability, age, sexual orientation, gender identity, marital status or socioeconomic status in conduct related to the practice of law. This paragraph does not limit the ability of a lawyer to accept, decline or withdraw from a representation in accordance with Rule 1.16. This paragraph does not preclude legitimate advice or advocacy consistent with these Rules.

ABA Model Code of Judicial Conduct: Canon 2

- ***Rule 2.3 (B): Bias, Prejudice, and Harassment***
- A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, or engage in harassment, including but not limited to bias, prejudice, or harassment based upon race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, and shall not permit court staff, court officials, or others subject to the direction and control to do so. Judges are also required to hold attorneys in proceedings accountable for conduct that does not meet this ethical standard.

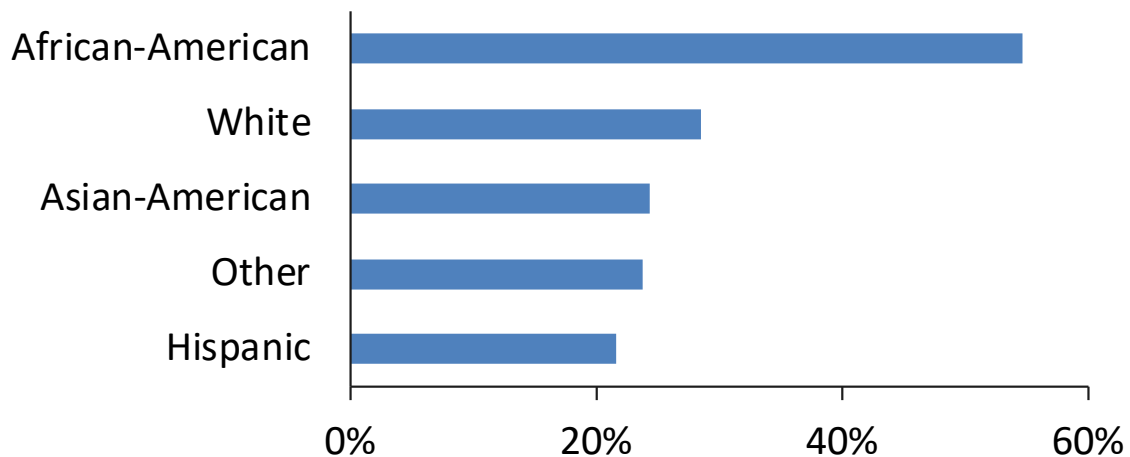
Bankruptcy, Race, Filings & Chapter Choices

*based on research and papers by
Jean Braucher, Dov Cohen, Pamela Foohey, Bob Lawless,
Angela Littwin, Katherine Porter, Faith Shin, & Deborah Thorne*

Real-world Debtors in 2007

- Consumer Bankruptcy Project (2007)
- National random sample
- 5,000 individual chapter 7 and 13 cases
 - Written questionnaires (50% response rate)
 - Court records
 - Telephone interviews

Debtors Filing Chapter 13 (2007)



Debtors Filing Chapter 13 (2007)

African-Americans (N = 511)	54.6%
All other races (N = 1,754)	28.2%

Chi-square = 122.40*

* -- statistically significant at 5% level

Controlling for Other Things (2007)

Variable of interest: African-American debtor(s)

Controls:


Percent 13's in district	Prior bankruptcy	Home owner
Income (ln)	Total assets (ln)	Total debt (ln)
Priority debt (ln)	Foreclosure reason for bkr.	Secured debt/total debt
Credit card debt/total debt	Represented by attorney	Bachelor's degree (or higher)
Occupational prestige score	Number of dependents	Live with spouse or partner
Female head of household	Tried to consolidate/credit card	Tried to consolidate/home eq.
Tried to "work with" creditors	Tried to refinance mortgage	Non-Af/Am chapter 13 Rate


Controlling for Other Things (2007)

Variable of interest: African-American debtor(s)

Controls:

Percent 13's in district	Prior bankruptcy	Home owner
Income (ln)	Total assets (ln)	Total debt (ln)
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Female head of household	Tried to consolidate/credit card	Tried to consolidate/home eq.
Tried to "work with" creditors	Tried to refinance mortgage	Non-Af/Am chapter 13 Rate

 More likely to file chapter 13 and statistically significant (5%)

 Less likely to file chapter 13 and statistically significant (5%)

Replication, 2013-2014

African-Americans (N = 170)	55.0%
All other races (N = 341)	26.1%

Chi-square = 33.22*


* -- statistically significant at 5% level


Replication, 2013-2014

Variable of interest: African-American debtor(s)

Controls:

Percent 13's in district	Prior bankruptcy	Home owner
Income (ln)	Total assets (ln)	Total debt (ln)
Priority debt (ln)	Foreclosure reason for bkr.	Secured debt/total debt
Credit card debt/total debt	Represented by attorney	Bachelor's degree (or more)
Occupational prestige score	Number of dependents	Live with spouse or partner
Female head of household	Tried to consolidate debts	<i>Sold house/gave to lender</i>
Tried "work with" creditors	Tried to refinance mortgage	Chapter 13 rate in district

 More likely to file chapter 13 and statistically significant (5%)

 Less likely to file chapter 13 and statistically significant (5%)

Replication, 2017-2019

African-Americans (N = 180)	49.4%
All other races (N = 407)	23.6%

Chi-square = 38.66*


* -- statistically significant at 5% level


Replication, 2017-2019

Variable of interest: African-American debtor(s)

Controls:

Percent 13's in district	Prior bankruptcy	Home owner
Income (ln)	Total assets (ln)	Total debt (ln)
Priority debt (ln)	Foreclosure reason for bkr.	Secured debt/total debt
Credit card debt/total debt	Represented by attorney	Bachelor's degree (or more)
Occupational prestige score	Number of dependents	Live with spouse or partner
Female head of household	Tried to consolidate debts	Sold house/gave to lender
Tried "work with" creditors	Tried to refinance mortgage	Chapter 13 rate in district

 More likely to file chapter 13 and statistically significant (5%)

 Less likely to file chapter 13 and statistically significant (5%)

Experimental Vignette with Attys.

- Balanced facts on 7/13 choice
- Random selection of 594 consumer bankruptcy attorneys
 - Response rate = 44.0%

Scenario 1

A married couple is considering bankruptcy and has come to you for advice. The wife, L., has an associate's degree from a community college and has worked off and on as a teacher's aide in elementary schools. The husband, R., is a high school graduate who works as a custodian at the church he and L. attend regularly.

Scenario 2

A married couple is considering bankruptcy and has come to you for advice. The wife, Latisha, has an associate's degree from a community college and has worked off and on as a teacher's aide in elementary schools. The husband, Reggie, is a high school graduate who works as a custodian at Bethel A.M.E. Church, which he and Latisha attend regularly.

Scenario 3

A married couple is considering bankruptcy and has come to you for advice. The wife, Allison, has an associate's degree from a community college and has worked off and on as a teacher's aide in elementary schools. The husband, Todd, is a high school graduate who works as a custodian at First United Methodist Church, which he and Allison attend regularly.

Preference

In the intake interview _____ and _____ said their goals are to pay their creditors as much as they can, keep their home, and keep their car. . . . At the end of the interview, _____ and _____ expressed a preference for chapter 7/13/omitted.

Attorney Perception of “Competence”

- Reggie & Latisha:
 - Want to file chapter 7 = 4.89
 - Want to file chapter 13 = 5.31
- Todd & Allison
 - Want to file chapter 7 = 5.36
 - Want to file chapter 13 = 4.32

Attorney Perception of Values

- Reggie & Latisha:
 - Want to file chapter 7 = 5.38
 - Want to file chapter 13 = 6.12
- Todd & Allison
 - Want to file chapter 7 = 6.42
 - Want to file chapter 13 = 5.56

What Do Attorneys Know?

- Groups
 - National random sample of consumer bankruptcy attorneys
 - All chapter 13 trustees
- “For each group below, please estimate the percentage of bankruptcies in that group that were filed as chapter 13s”

Attorney Errors

	<u>Atty Est. (mean)</u>	<u>Actual Ch. 13 Rates</u>	<u>Error</u>
Whites	46.3%	28.6%	+17.8%
Homeowners	54.5%	47.1%	+7.3%
Hispanics	14.0%	21.7%	-7.7%
Women filing alone	23.1%	31.4%	-9.3%
65 and over	14.7%	25.3%	-10.6%
Men filing alone	21.5%	33.3%	-11.8%
Southerners	34.1%	48.6%	-14.5%
Asian-Americans	9.9%	24.4%	-14.5%
Pro se debtors	8.6%	25.6%	-17.0%
African Americans	22.0%	54.6%	-32.6%
Prior bankrupts	35.2%	82.6%	-47.4%

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African Americans	22.0%	54.6%	-32.6%
Prior bankrupts	35.2%	82.6%	-47.4%

Reasons why recommending a 13 rather than a 7 may do a disservice to the client:

- Chapter 7 is usually much cheaper: attorney fees \$4,350 (and up) in SD OH for a 13 vs \$500 (and up) for a 7.
- Chapter 13 discharge in 3 to 5 years vs 5 months for chapter 7 discharge.
- A 7 debtor can begin to rehab credit immediately after discharge by getting a new (not reaffirmed) loan or credit card. A 13 debtor really can't begin to rehab credit until the 13 is over, which could be 5 years
- In 13 there is 3 to 5 years for asset values to increase. If the 13 converts to 7 -- developing case law allows 7 trustees to administer the appreciation despite 348(f).
- If debtor converts to 7 or dismisses after being in 13 awhile, mortgage payments (in cases where a small arrearage or accumulated late charges or projected escrow shortfall or local practice required a conduit) and vehicle payments may be too messed up to reaffirm.
- Ditto student loans if an IDR wasn't possible during the 13.
- If something good happens to a debtor, like an inheritance outside the 6-month window in 541(a)(5), or a lottery win at any point, the chapter 13 trustee gets (at least some of) it -- so chapter 13 exposes debtors to loss of future assets that chapter 7 does not.
- Chapter 13 "best interest of creditors" test goes far beyond an analysis of what creditors would actually get in chapter 7. There is also less fly-specking of a debtor's budget in 7 than in 13.
- Chapter 13 if there's a significant domestic court order that isn't for support
- Chapter 13 because something uninsured or underinsured is going to happen (like a baby being born) or the debtor just needs to buy time until the debtor can get medical insurance or go on Medicare. Filing a "temporary" 13 keeps open the ability to discharge post-petition debts.

Benefits to Chapter 13

1. Allows debtors to retain home and catch up on mortgage payments.
2. Allows debtors to keep cars and catch up on debts.
3. Debtor fails to qualify for a Chapter 7 because of too much income and/or prior Ch. 7 filed within the last 8 years.
4. Ability to catch up arrearages on secured loans, i.e. mortgages, cars, etc. over a period of 3 – 5 years, interest and penalty free.
5. Reduce interest rates on car loans.
6. Cramming down car or secured personal property liens if purchased more than 2 ½ years or 1 year ago, respectively.
7. Stripping off 2nd mortgages and/or statutory liens via 506(a).
8. Better for credit as opposed to a Chapter 7.
9. Protects unencumbered, non-exempt assets.
10. Method of addressing tax debt or domestic relations property division that would survive Chapter 7 discharge.
11. If there is a significant domestic court order that isn't for support.
12. Can potentially discharge post-petition debts if creditor files a claim.

10 Tips for Interrupting Bias

1. Become Aware – Become aware of implicit response and its manifestations
2. Be Motivated – Be motivated to interrupt implicit responses to achieve fair results
3. Be Trained – Be trained on implicit responses, manifestations of bias, and interrupters.
4. Seek Diverse – Seek diverse contacts and counterstereotypes
5. Intervene – Intervene as an active player or bystander, individually and systemically.
6. Recognize and Limit Ambiguity & Discretion – Recognize and Limit Ambiguity and Discretion by demanding process and information/evidence.
7. Attend – Attend to your environment and messaging.
8. Individuate – Individuate people and context.
9. Practice taking different perspectives – Practice taking different perspectives, flipping decisions.
10. Stay Accountable – Stay accountable, count the data and adapt.



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Judges On Race: Reducing Implicit Bias In Courtrooms

By **U.S. Circuit Judge Bernice Donald** (December 6, 2020, 8:02 PM EST)

On the heels of nationwide calls to address systemic racism and inequality, sitting judges shed light on the disparities that exist in the justice system and how to guard against bias in this series of Law360 guest articles.

Judges, as with most others associated with the legal system, are firmly committed to equal justice under law. We strive to administer justice fairly and impartially without regard to race, gender, religious belief, socioeconomic status, sexual orientation or any other arbitrary characteristic.

Unfortunately, in looking at justice outcomes, it appears that bias — generally implicit bias — may act as a barrier to objective and unprejudiced justice.

Implicit biases are attitudes or stereotypes that affect our understanding, comprehension, decisions and actions — including inferences and conclusions — in an unconscious manner. Implicit biases are activated involuntarily, without awareness, intention or control. They "can be either positive or negative, and everyone is susceptible," according to a publication by the Kirwan Institute for the Study of Race and Ethnicity.[1]



Judge Bernice Donald

We all have these biases, and they manifest very early in life. In her groundbreaking book, "Biased: Uncovering the Hidden Prejudice That Shapes What We See, Think, and Do," Jennifer Eberhardt tells the story of her five-year-old son exhibiting his implicit bias by way of unconsciously associating a black man with crime.

Through science, we have now come to understand that implicit biases are pervasive and pose a real barrier to the fair and impartial administration of justice. What makes these biases especially dangerous is that they can go undetected because they are often in conflict with our stated and explicit beliefs.[2] Interestingly enough, "[o]ur implicit biases are the result of mental associations that have formed by the direct and indirect messaging we receive, often about different groups of people," as stated in the Kirwan Institute study.[3]

We receive messages from our culture, family, group interactions, news media, entertainment media, personal encounters, general experiences and literature, among others, many of which are rooted in our country's fraught history.[4] Over our life experiences, some stereotypes are confirmed or reinforced, and many may become deeply embedded and automatically activated. All of us are products of our lived experiences; consequently, our implicit or unconscious biases are part of being human.

Because judges' actions, speech and decisions can markedly affect people's lives, we must staunchly guard against allowing bias to infect the judicial process. Research on implicit bias

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reveals that we are most vulnerable in areas where we have the greatest discretion. This reality poses special risks for judges because the decisional process is partially based on the exercise of discretion, within the confines of statutes, rules, precedents and fact-finding.

In deciding what the facts are and interpreting and applying the applicable law, judges make decisions through the lens of lived experiences. Even though some might bristle at the thought of lived experiences influencing the decisional process, how else could anyone otherwise explain two judges reading the same black-letter law and coming away with vastly different interpretations — which happens quite frequently?

Many of our biases are rooted in hard-wired stereotypes. These stereotypes operate as deeply embedded shortcuts used to categorize members of certain groups. They typically are fixed and rigid and can be positive or negative. However useful mental shortcuts may be in helping us to navigate the complexities of life, they also can be harbingers of bias and inequality, and ultimately may deprive people of life, liberty and property unjustly.

In bail decisions, for example, courts decide whether to allow the accused to be released on bail, and, if so, what the amount of the bail will be. Vast racial disparities in bailed releases and detentions raise questions about the nature and extent of bias that may be at play in those decisions.[5]

Many courts are now turning to predictive algorithms to try, among other things, to reduce or eliminate disparities. Yet courts must be cautious about overreliance on technology, as such technology may itself have embedded biases that unjustly skew outcomes.

In civil matters, attitudes and beliefs about worth often are revealed in damages awards that reflect race- and class-based discrepancies.

In my early years as a federal trial judge, I presided over a housing discrimination case where an African American family had been the victim of housing discrimination and had suffered damages as a result. The jury found for the plaintiffs as to liability but awarded damages of \$1, notwithstanding evidence of greater monetary damages. I can only surmise that the jury did not find the individual plaintiffs worthy of real damages.

Consider, too, the seemingly more benign example of a plaintiff who files a complaint, the sufficiency of which is challenged by a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6). That rule provides that the complaint may be dismissed if the plaintiff has not set forth factual allegations that state a plausible claim for relief.

In reviewing the complaint, the court must determine whether the stated facts, giving all favorable inferences to the plaintiff, would entitle the plaintiff to relief. This subjective standard could be influenced favorably or unfavorably by unconscious bias. The same is true in the case of summary judgment motions, where the judge is required, under Federal Rule of Civil Procedure 56, to determine the existence or nonexistence of a genuine dispute as to a material fact.

Employment cases provide especially fertile grounds for unconscious bias to affect inferences and decisions. Because such cases so often deal directly with race, gender, age, disability, religion, sexual orientation and gender identity, they require us to constantly self-audit to ensure that we do not allow implicit bias to impermissibly influence outcomes. In *Price Waterhouse v. Hopkins*, for example, bias was expressed in the form of sex stereotyping. The U.S. Supreme Court in its 1989 decision admonished that such stereotyping is impermissible.

We see the potential for bias in jury selection where the presumption is that African Americans are going to be favorably disposed to African American plaintiffs in civil matters and African American defendants in criminal matters. The unstated other side of that presumption is the notion that white jurors can be impartial regardless of race.

Peremptory challenges allow these biases to be perpetuated. Judges must take an active role in monitoring the jury selection process to make certain that the dictates of the Supreme Court's

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1986 ruling in *Batson v. Kentucky* are followed. There, the court established that peremptory challenges made on account of race are unconstitutional.

Yet if judges do not allow lawyers to play a more active and meaningful role in the voir dire process, we may undermine *Batson* and otherwise deny defendants a fair trial.

Take as an example an instance where I presided over a felony drug trial. I conducted a preliminary voir dire, which was followed immediately by the prosecutor's voir dire. When the prosecutor concluded, the federal defender strode to the well of the courtroom, looked at the venire, and asked the following question: "How many of you know what a drug dealer looks like? Raise your hand if you know."

All members of the venire dutifully raised their hands. Clearly, they were reacting to embedded stereotypes.

Without confronting such stereotypes, it is difficult to honor the constitutional guarantee of a fair trial. Unconscious biases may impede the fair trial process. Judges must strive to prevent them from doing so.

Unconscious biases also may interfere when judges decide the admissibility or nonadmissibility of evidence. Deciding appropriate use of evidence under Federal Rule of Evidence 404 is particularly susceptible to the influence of implicit bias because we instruct laypeople to use evidence for specific purposes and not for others.

Judges must therefore consider how bias and stereotypes may affect the jury's consumption of that instruction and try to provide appropriate safeguards. In fact-finding or making credibility determinations, we must consider the possibility of favorable in-group biases and unfavorable outgroup biases, to ensure that they do not affect the process.

But what can judges do about these prevalent issues?

First, judges can become bias literate. We can educate ourselves on the science of implicit bias and areas where it manifests. One option, which I recommend, is to take the implicit association test to ascertain the risk of taking certain actions based on unconscious bias.

Second, judges must become self-aware by engaging in self-audits to determine disparities in the sentences of people with similarly situated offenses and convictions. For example, African American men constitute approximately 6% of the U.S. adult population but are approximately 35% of the prison population. African American men are also incarcerated at a rate of six times that of white males and receive longer sentences than their white male counterparts.

In 2010, the U.S. Sentencing Commission reported that in federal courts for 2008 and 2009, the average sentence for whites was 55 months while the average sentence for African Americans was 90 months. Individual judges must adopt accountability procedures to reduce racial disparities in sentencing and must examine the role of bias, if any, in the sentencing process.

Third, judges should hold support staff and criminal justice agencies — such as pretrial and probation — accountable and must call out disparate prosecutorial actions where applicable. It would be significantly advantageous for judges to keep statistics on case dispositions and perform the functions necessary to gather specific information about the individuals before them.

Fourth, judges must become aware of and acknowledge the power and influence of the stereotypes that we hold. We should increase diversity in social and professional groups and activities. We need to become adept at empathy and perspective taking, and we should remain conscious of the role that structural racism and history play in disparities in today's criminal legal system.

Finally, judges must increase diversity in our chambers and support staff in order to gain the understanding and perspective that come from different viewpoints. Without taking meaningful steps to diversify our chambers, judges will be confined to our own experiences, which will allow

implicit biases to persist. Such diversification will inevitably ensure that the legal system does not continue to produce unwarranted adverse effects and give all individuals the opportunity to achieve equal — and unbiased — justice.

Martin Luther King Jr. once stated that "the arc of the moral universe is long, but it bends towards justice." That arc does not bend on its own; it bends only when all stakeholders, including judges, apply the force necessary to move it in the right direction.

Professor Sarah Redfield and I co-chair the Implicit Bias Initiative of the American Bar Association's Criminal Justice Section. Through presentations, trainings and articles, we continue to strive to bend the arc toward equal justice.

Bernice B. Donald is a U.S. circuit judge for the U.S. Court of Appeals for the Sixth Circuit. She was nominated by President Barack Obama and joined the court in 2011. She was a contributor to the 2018 book, "Enhancing Justice: Reducing Bias," published by the ABA.

"Perspectives" is a regular feature written by guest authors on access to justice issues. To pitch article ideas, email expertanalysis@law360.com.

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[1] Cheryl Staats, et al., State of the Science: Implicit Bias Review, Kirwan Institute for the Study of Race and Ethnicity, 2017, <http://kirwaninstitute.osu.edu/implicit-bias-training/resources/2017-implicit-bias-review.pdf>.

[2] See Judge Mark W. Bennett, Unraveling the Gordian Knot of Implicit Bias in Jury Selection: The Problems of Judge-Dominated Voir Dire, the Failed Promise of Batson, and Proposed Solutions, 4 Harv. L. & Pol'y Rev. 149 (2010).

[3] Cheryl Staats, et al., State of the Science: Implicit Bias Review, Kirwan Institute for the Study of Race and Ethnicity, 2016, <http://kirwaninstitute.osu.edu/wp-content/uploads/2016/07/implicit-bias-2016.pdf>.

[4] See, e.g., Isabel Wilkerson, Caste: The Origins of Our Discontents 47-48 (Random House 2020) ("It is a measure of how long enslavement lasted in the United States that the year 2022 marks the first year that the United States will have been an independent nation for as long as slavery lasted on its soil. No current day adult will be alive in the year in which African Americans as a group will have been free for as long as they had been enslaved. That will not come until the year 2111.").

[5] See generally, e.g., The Bail Project: 2019 Annual Report, available at https://bailproject.org/wp-content/uploads/2019/12/TBP_Annual_Report_2019.pdf.

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Faculty

Margaret A. Burks is the chapter 13 trustee for the Southern District of Ohio in Cincinnati, appointed in July 1992. Previously, she clerked for U.S. Bankruptcy Judge J. Vincent Aug, Jr. from 1988-91 and was counsel to PNC Bank in the areas of bankruptcy and commercial law. Ms. Burks chaired the CBA Bankruptcy Committee, is a past president of the National Association of Chapter 13 Trustees and a former co-chair of ABI's Consumer Bankruptcy Committee. She received her B.S. and B.A. *magna cum laude* from the University of Cincinnati in 1977 and is a member of Phi Beta Kappa. She received her J.D. from Salmon P. Chase College of Law in 1985, where she was a member of its law review.

Gregory Burrell is a chapter 13 trustee in Minneapolis, appointed in 2013, and is a licensed attorney in Louisiana and Minnesota. He started his legal career with Murray & Murray Law firm as a consumer attorney representing debtors in chapter 7 and 13 bankruptcies, businesses in chapter 7 bankruptcies and the chapter 7 trustee in various litigation. Mr. Burrell founded a bankruptcy law clinic at Southern University Law Center, where he led student attorneys, who filed chapter 7 bankruptcies free of charge on behalf of individuals living below the poverty line. He also served as staff attorney to the chapter 13 trustee in the Western District of Louisiana. Mr. Burrell is a permanent member of the Bankruptcy Practice Committee in the District of Minnesota, a current NACTT board member and treasurer-elect for NACTT. He is very involved in the topic of equal justice under the law for marginalized communities and what can be done to correct such concerns within the bankruptcy system. Mr. Burrell received his Bachelor's degree in political science from Xavier University with a minor in business administration, and his J.D. from Southern University Law Center.

Hon. Jeffery P. Hopkins is a U.S. Bankruptcy Judge for the Southern District of Ohio in Cincinnati, appointed in 1996 and reappointed in 2010. After graduating from law school, he clerked for Hon. Alan E. Norris on the U.S. Court of Appeals for the Sixth Circuit, then worked as an associate with Squire, Sanders & Dempsey, LLP, specializing in complex commercial litigation. In 1990, Judge Hopkins sought appointment as an Assistant U.S. Attorney and advanced to become chief of the Civil Division for the Southern District of Ohio. During his tenure on the bankruptcy court, he has served on several committees of the Judicial Conference of the United States and for bar-related and civic organizations. In 2002, the late Chief Justice William H. Rehnquist appointed Judge Hopkins to the Federal Judicial Center's Education Committee for bankruptcy judges. Chief Justice John G. Roberts, Jr. appointed him to the Advisory Committee on Bankruptcy Rules, for which he chaired its Business Bankruptcy Subcommittee until 2009. Judge Hopkins formerly served on the boards of ABI, the ABA Business Bankruptcy Committee and the Cincinnati Symphony Orchestra, and as chair of the Queen City Foundation. Judge Hopkins is a Fellow of the American College of Bankruptcy and was an adjunct professor at the University of Cincinnati College of Law. He also was an adjunct professor at the University of Cincinnati College of Law. In 2010, Judge Hopkins received the William K. Thomas Distinguished Jurist Award from his alma mater, The Ohio State College of Law. He also is a past president of the National Conference of Bankruptcy Judges. Judge Hopkins received his A.B. in government and legal studies and anthro-sociology from Bowdoin College in 1982 and his J.D. in 1985 from The Ohio State University's Michael E. Moritz College of Law.

Prof. Robert M. Lawless is 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 in Champaign, Ill., where he writes and teaches about bankruptcy, consumer finance and business law. He also served as the College's associate dean for research from 2013-16. Prof. Lawless served as the reporter for the ABI's Commission on Consumer Bankruptcy and was the recipient of ABI's Service Award in 2019. He is a co-author of *Secured Transactions: A Systems Approach and Empirical Methods in Law*. He also is a regular contributor to the blog Credit Slips, a discussion on credit, finance and bankruptcy. Prof. Lawless has testified before Congress, and his work has been featured in media outlets such as CNN, C-SPAN, NPR, the *New York Times*, the *Wall Street Journal*, *USA Today*, the *National Law Journal*, the *L.A. Times* and the *Financial Times*. He received both his undergraduate degree in accounting and his J.D. from the University of Illinois, during which time he served as editor-in-chief of the *University of Illinois Law Review*.

Pamela N. Maggied is a sole practitioner with Pamela N. Maggied Co., L.P.A. in Columbus, Ohio, and her law practice has been devoted to the bankruptcy and insolvency areas since 1980. She has been Board Certified in Consumer Bankruptcy Law since 1993, and has been a member of NACBA since 1992. Ms. Maggied is a Columbus Bar Foundation Fellow and a member of the Columbus Bar Association. She is a Columbus Bar Foundation Fellow and a member of the Columbus Bar Association, for which she has been active in its Bankruptcy Committee since 1981. She also is a member of ABI and sits on the advisory board of the Midwest Regional Bankruptcy Seminar. Ms. Maggied is a member of the Mediation Committee, and a former member of the Attorney Advisory Committee, for the bankruptcy courts in Columbus, Cincinnati and Dayton. She also has been recognized as an *Ohio Super Lawyer* each year since 2007 and was listed among the Top 25 Women Columbus *Super Lawyers* 2010-14 and 2018 to the present. In addition, she was awarded the Columbus Bar Association's Professionalism Award for 2019. Ms. Maggied received her undergraduate degree *summa cum laude* in 1975 from Ohio University and her J.D. in 1979 from The Ohio State University College of Law.