

Weekly Bankruptcy Analysis

September 27 - October 3, 2021

Written by:

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Bankruptcy filings were higher than normal during the week because of the spike in filings that occurs at the end of every month. However, chapter 7 filings were down 30 percent from the same week in 2020, and total filings were only about half as high as during the same week two years ago (pre-pandemic).

Bankruptcy Filings September 27 - October 3, 2021			
Type of Case	Number Filed	Percent Change From Same Week Last Two Years	
		2020	2019
Total	9,009	-23.0%	-48.9%
- Chapter 7	6,028	-30.0%	-44.8%
- Chapter 11	62	N/A*	N/A*
- Chapter 13	2,907	-0.5%	-55.6%
- Other Cases**	12	0.0%	-40.0%
* Data on chapter 11 filings in prior years comes from the Integrated Data Base published by the Federal Judicial Center. This information is temporarily unavailable.			
** Chapters 9, 12 and 15			

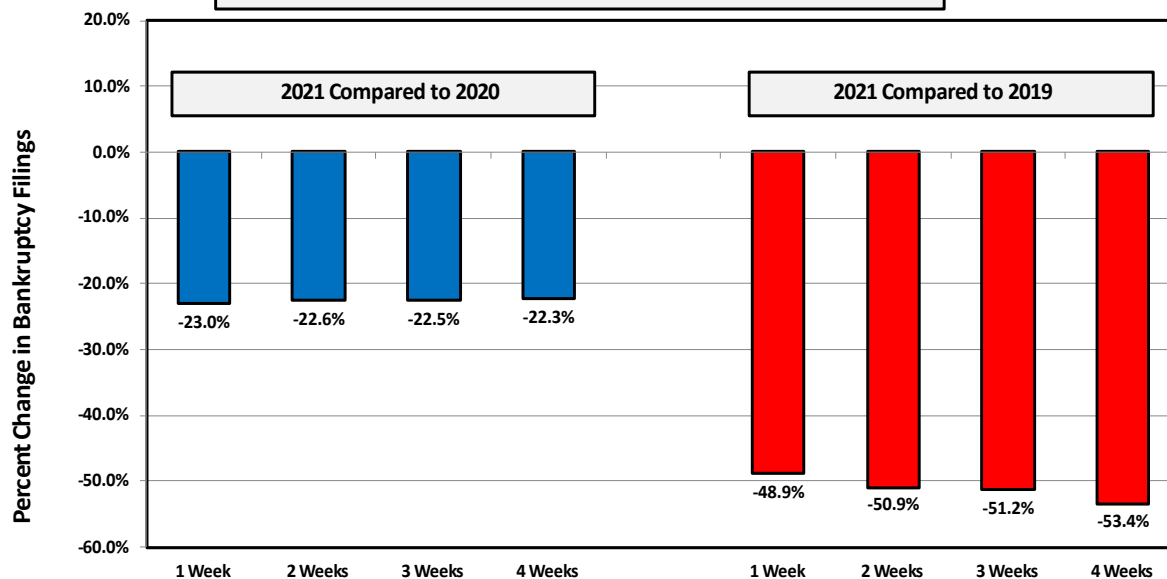
The following charts show recent weekly filing trends by chapter compared to 2020 and 2019.

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Week Ending
October 3

Bankruptcy Filing Trends (All Chapters)

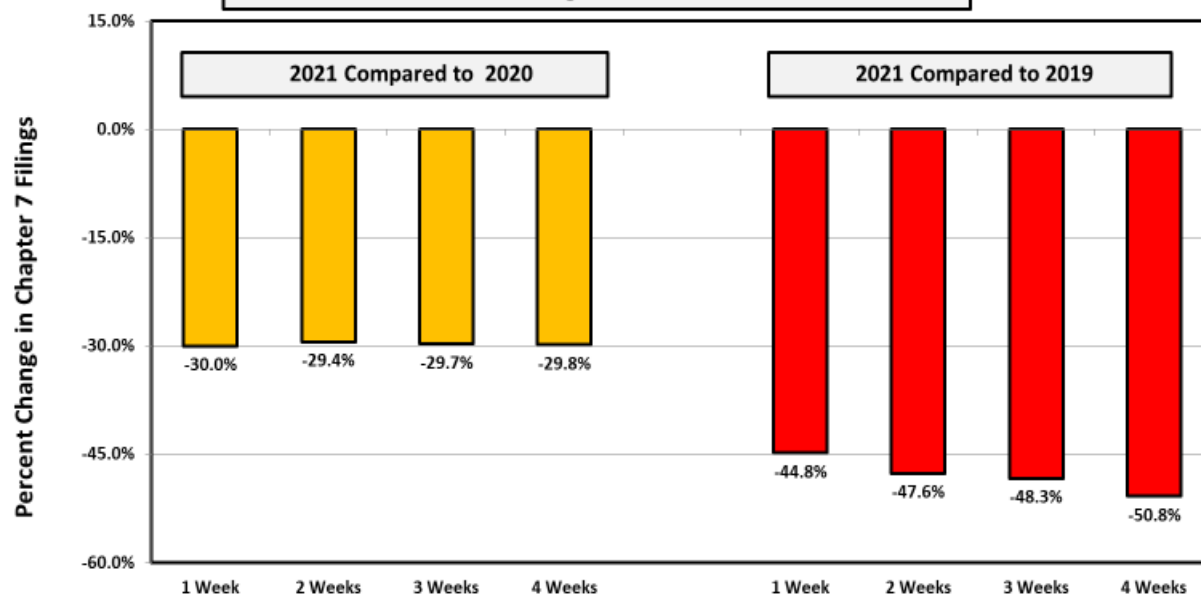
Percent Change From 2020 and 2019

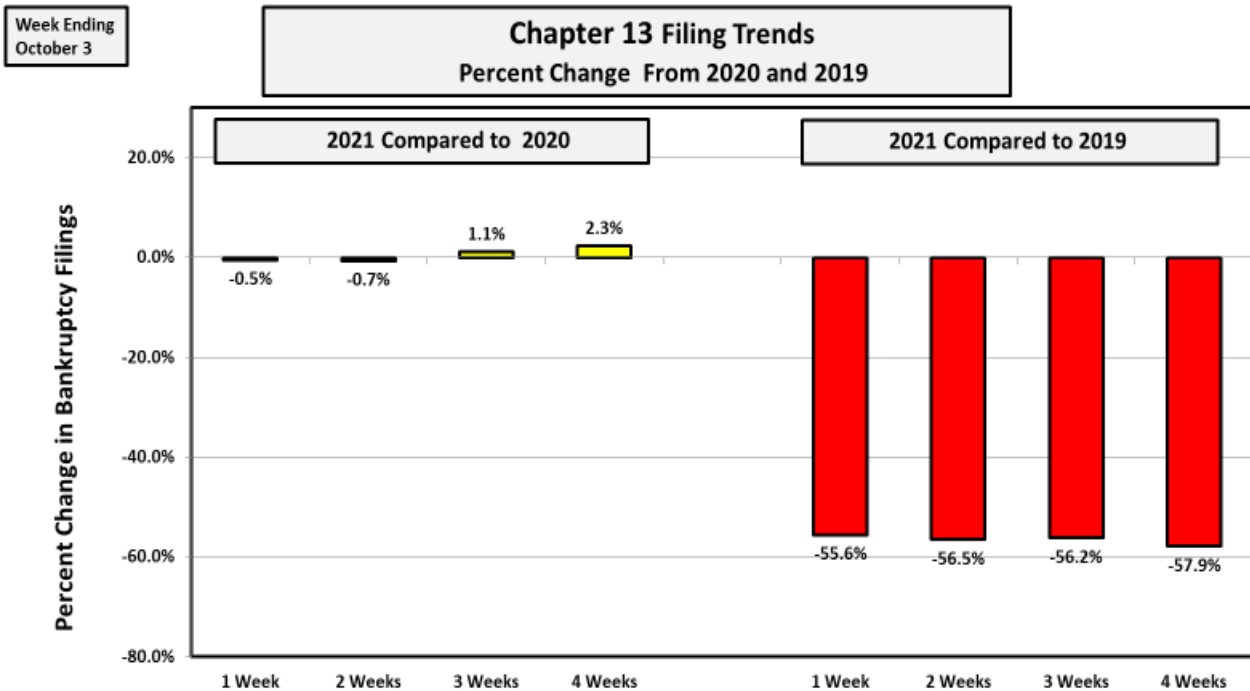


Week Ending
October 3

Chapter 7 Filing Trends

Percent Change From 2020 and 2019





Chapter 11 Cases

For the second straight week, there were no particularly large or notable cases filed. During the same two-week period last year, there were seven notable chapter 11 case filings, including four energy companies (FTS International, Oasis Petroleum, Lonestar Resources and Bouchard Transportation), two Catholic dioceses (Camden, N.J., and Rockville Centre, N.Y.), and auto parts manufacturer Garrett Motion.

Types of Chapter 11 Cases Filed	
	September 27 - October 3
Total Filed	62
Solo Cases	50
Parent Cases	5
Child Cases	7
<i>Filed By Individuals</i>	<i>20</i>
Subchapter V Cases	25

Attorneys Who Handle Small Business Chapter 11 Cases

The Small Business Reorganization Act of 2019 (SBRA) took effect on Feb. 19, 2020. It created subchapter V, a streamlined path through chapter 11 for small business debtors. Between its effective date and Sept. 28, 2021, there were 3,097 small business chapter 11 cases filed

nationwide. In about 80 percent of these cases (2,473 out of 3,097), the debtor chose to proceed under subchapter V.

A little under 4 percent of the cases were filed *pro se*, and in more than half of these cases, the debtor did not choose to proceed under subchapter V. More than 80 percent of the debtors with attorneys chose to utilize subchapter V. More than 1,400 attorneys were listed as the lead attorney in at least one small business case, including about 1,200 who now have handled at least one subchapter V case.

Small Business Chapter 11 Cases Filed February 19, 2020 - September 28, 2021					
Volume of Cases Filed	Number of Attorneys	Small Business Cases Filed	Subchapter V	Not Subchapter V	Percent not Subchapter V
1 Case Only	838	838	673	165	19.7%
2 to 4 Cases	453	1,183	975	208	17.6%
5 or More Cases	119	959	770	189	19.7%
Pro Se	0	117	55	62	53.0%
Total	1,410	3,097	2,473	624	20.1%

Since subchapter V became available, 119 attorneys have filed five or more small business chapter 11 cases, including 71 who used subchapter V in all cases, and five who never used it. Of the 43 attorneys who had a mix of cases, three filed an equal number of both types, 11 did not use subchapter V in a majority of their cases, and 29 used it in most of their cases.

Attorneys With 5 or More Cases		
	Attorneys	Cases
All Subchapter V Cases	71	510
No Subchapter V Cases	5	34
Mix of Cases	43	415

Overall, the data shows that subchapter V has gained wide acceptance among the bankruptcy bar, and that there are a minority of attorneys who use it infrequently or not at all.

See ABI Headlines for news of the latest filings at <https://www.abi.org/newsroom/headlines>.