

Weekly Bankruptcy Analysis

December 12-18, 2022

Written by:

Ed Flynn¹

American Bankruptcy Institute; Alexandria, Va.

The 7,012 bankruptcy cases filed last week were a slight increase over the number of filings during the same week last year, but well below the number of filings from two years ago. Filings were down by nearly half from 2019 (pre-pandemic).

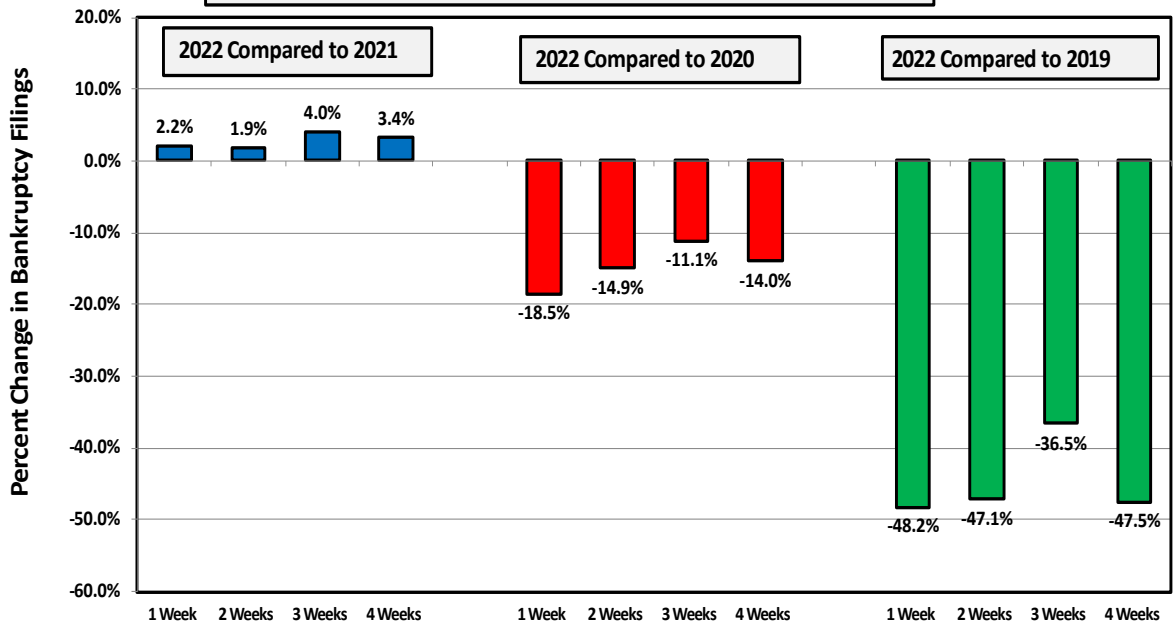
Bankruptcy Filings December 12 - 18, 2022				
Type of Case	Number Filed	Percent Change From Same Week Last Three Years		
		2022	2021	2020
Total	7,012	2.2%	-18.5%	-48.2%
- Chapter 7	3,901	-10.1%	-34.9%	-52.8%
- Chapter 11	83	23.9%	-27.8%	-36.6%
- Chapter 13	3,026	23.7%	21.6%	-41.0%
- Other Cases*	2	-60.0%	-80.0%	-84.6%
* Chapters 9, 12 and 15				

The following charts show recent weekly filing trends by chapter compared to 2021, 2020 and 2019.

¹ Ed Flynn is a consultant with ABI. He previously worked for more than 30 years at the Executive Office for U.S. Trustees and the Administrative Office of the U.S. Courts.

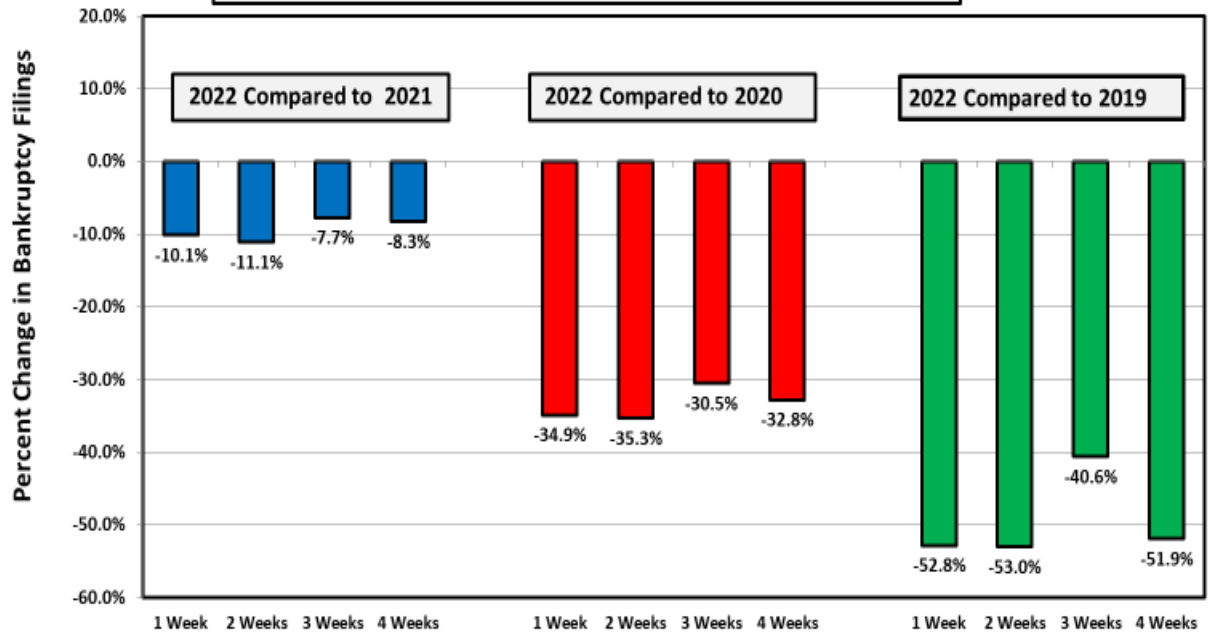
Week Ending
December 18

Bankruptcy Filing Trends (All Chapters) Percent Change From 2021, 2020, and 2019



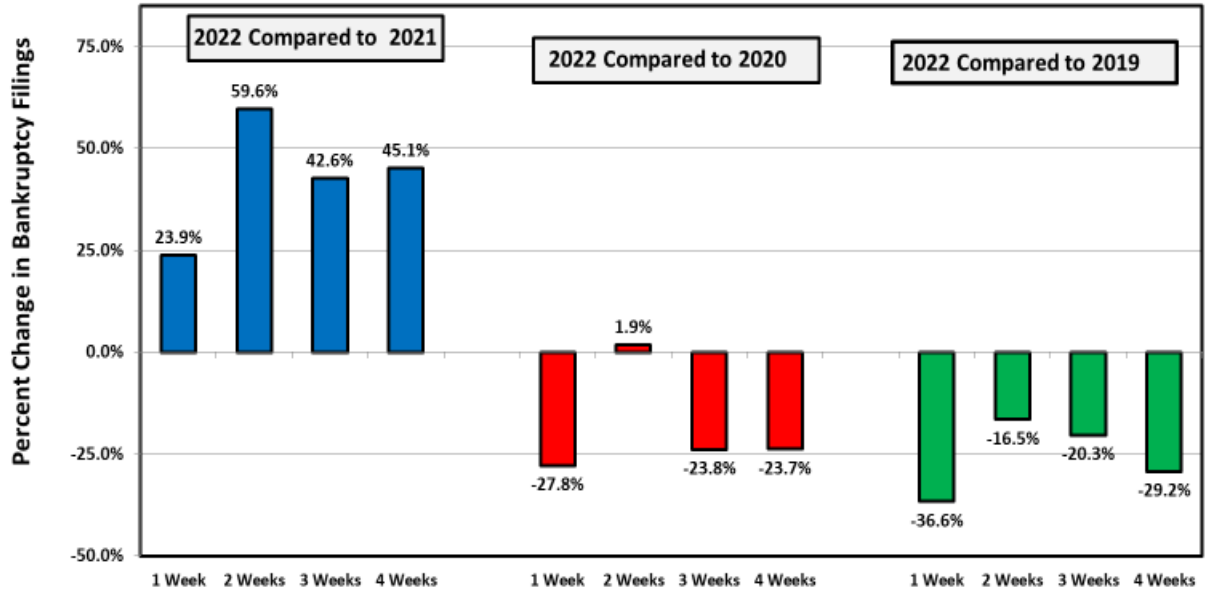
Week Ending
December 18

Chapter 7 Filing Trends Percent Change From 2021, 2020, and 2019



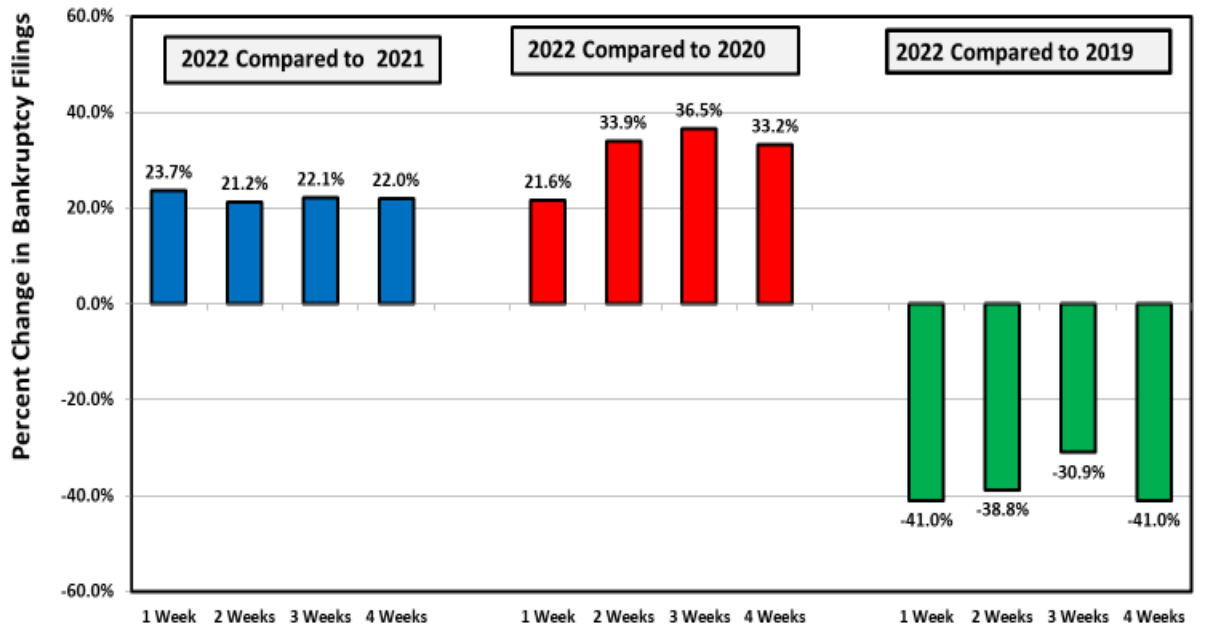
Week Ending
December 18

Chapter 11 Filing Trends Percent Change From 2021, 2020, and 2019



Week Ending
December 18

Chapter 13 Filing Trends Percent Change From 2021, 2020, and 2019



Chapter 11 Cases

The 83 chapter 11 cases filed last week were an increase over the caseload during the same week in 2021, but somewhat below the number of filings for the same week two years ago. Excluding “child” cases filed by corporate subsidiaries, filings were about the same as in 2020 but well below filings in 2019 (pre-pandemic).

There were two very large chapter 11 filings during the week, both filed in the District of Delaware. On Dec. 12, home goods seller (through locally owned stores) Sears Authorized Hometown Stores, LLC filed, along with one related entity. Sears Roebuck originally filed in October 2018. On Dec. 14, AIG subsidiary AIG Financial Products Corp. filed for chapter 11 (AIG played a major role in the 2008 financial crisis).

Types of Chapter 11 Cases Filed				
	December 12 - 18			
	2022	2021	2020	2019
Total Filed	83	67	115	131
Solo Cases	60	47	65	85
Parent Cases	8	7	10	12
Child Cases	15	13	40	34
Filed By Individuals	12	20	19	27
Subchapter V Cases	37	25	32	N/A

Pro Se Small Business Chapter 11 Cases

Subchapter V has been available to small business chapter 11 debtors for 34 months. In that time, 80 percent of the debtors elected to proceed under subchapter V, and more than 5,000 small business chapter 11 cases have been filed. About 5 percent of small business cases are filed without an attorney (*pro se*), and of those cases, less than half choose subchapter V.

Small Business Cases Filed February 19, 2020 to December 18, 2022				
	Total Small Business Cases Filed	Sub V	Not Sub V	Percent Not Sub V
All cases	5,353	4,293	1,060	19.8%
Pro Se Cases	254	122	132	52.0%
Cases with Attorneys	5,099	4,171	928	18.2%

See ABI’s Newsroom for news of the latest filings, and other news of interest to bankruptcy professionals, at www.abi.org.