

ROBERT M. LAWLESS

University of Illinois
College of Law
Champaign, Illinois 61820
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Professional Experience

University of Illinois College of Law

Professor of Law (2006 -) and Galowich-Huzienga Faculty Scholar (2007-09)
(Visiting Professor of Law, 2005; Visiting Assistant Professor of Law, 1992-93)

Courses Taught: Bailouts, Bankruptcy, Business Bankruptcy, Empirical Methods in Law, Secured Transactions, Seminar on Law, Behavior & Social Science, Statutory Interpretation—Consumer Law

Activities:

Co-director, Illinois Program on Law, Behavior & Social Science
Contributor, *Credit Slips* blog (<http://www.creditslips.org>)
Co-director, Bankruptcy Data Project at Harvard (<http://bdp.law.harvard.edu>)

University of Nevada, Las Vegas

William S. Boyd School of Law,
Gordon & Silver, Ltd., Professor of Law, 2003-06
(Professor of Law, 2002-03)

University of Missouri-Columbia School of Law

Earl F. Nelson Professor of Law, 2001-02
(Professor of Law, 2000-01, Assoc. Professor of Law, 1993-2000)

Washington University in St. Louis School of Law

Visiting Professor of Law, Sept. 2000 - Dec. 2000

The Ohio State University College of Law

Visiting Associate Professor of Law, Jan. 2000 - May 2000

Zuckert, Scutt & Rasenberger (Washington, D.C.)

Associate, 1990-92

Hon. Harlington Wood, Jr., U.S. Court of Appeals for the Seventh Circuit (Springfield, IL)

Law Clerk, 1989-90

Publications

Book:

EMPIRICAL METHODS IN LAW (Aspen 2010) (with Jennifer K. Robbennolt and Thomas S. Ulen)

Articles & Book Chapters

Less Forgiven: Race and Chapter 13 (with Dov Cohen) in BROKE: HOW DEBT BANKRUPTS THE MIDDLE CLASS (forthcoming 2011, K. Porter ed.)

Striking Out on Their Own: The Self-Employed in Bankruptcy in BROKE: HOW DEBT BANKRUPTS THE MIDDLE CLASS (forthcoming 2011, K. Porter ed.)

Bankruptcy & Insolvency (book chapter) in OXFORD HANDBOOK OF EMPIRICAL LEGAL STUDIES (P. Cane & H. Kritzer eds., 2011) (co-authored with Elizabeth Warren)

The Limits of Contract as Product, 157 U. PA. L. REV. PENNUMBRA 160 (2009)
(<http://www.pennumbra.com/responses/02-2009/Lawless.pdf>)

Did Bankruptcy Reform Fail? An Empirical Study of Consumer Debtors, 82 AM. BANKR. L.J. 349 (2008) (co-authored with Angela Littwin, Katherine Porter, John Pottow, Deborah Thorne, and Elizabeth Warren)

- Awarded 2009 Editor's Prize for best article by the *American Bankruptcy Law Journal*
- Followed by *Interpreting Data: A Reply to Professor Pardo*, 83 AM. BANKR. L.J. 47 (2009) (co-authored with Angela Littwin, Katherine Porter, John Pottow, Deborah Thorne, and Elizabeth Warren)

La Ley Concursal estadounidense de 2005. Como llegamos a ella y hacia donde vamos, Revista de Derecho Concursal y Paraconcursal (La Ley), no. 8, at 99 (2008) (*The 2005 U.S. Bankruptcy Law: How We Got There and Where We Are Going*, J. INSOLVENCY & QUASI-INSOLVENCY LAW)

Derivative Lawsuits as a Corporate Governance Mechanism: Empirical Evidence on Board Changes Surrounding Filings, 42 J. FIN. & QUANT. ANAL. 143 (2007) (with Stephen P. Ferris, Tomas Jandik, & Anil K. Makhija)

Small Business and the 2005 Bankruptcy Law: Should Mom & Apple Pie Be Worried?, 31 SO. ILL. UNIV. L.J. 585 (2007)

The Paradox of Consumer Credit, 2007 U. ILL. L. REV. 347

Los cambios de la normativa concursal estadounidense en 2005: Reduciendo parte de la red de seguridad, Revista de Derecho Concursal y Paraconcursal (La Ley), no. 6, at 405 (2007) (*Shrinking Part of the Safety Net: The 2005 Changes in U.S. Bankruptcy Law*, J. INSOLVENCY & QUASI-INSOLVENCY LAW) (with Elizabeth Warren)

The General Role Played by Specialty Law Journals: Empirical Evidence from Bankruptcy Scholarship 80 AM. BANKR. L.J. 523 (2006) (with Ira David)

The Influence of State Legal Environments on Firm Incorporation Decisions and Values, 2 J. L. ECON. & POL'Y 1 (2006) (with Stephen P. Ferris & Gregory Noronha)

Are Bankruptcy's Trials Vanishing? If So, Who Cares?, 79 AM. BANKR. L.J. 995 (2005)

Bankruptcy Filing Rates after a Major Hurricane, 6 NEVADA L.J. 7 (2005)

The Myth of the Disappearing Business Bankruptcy, 93 CAL. L. REV. 743 (2005) (with Elizabeth Warren) (reprinted at 47 CORPORATE PRACTICE COMMENTATOR 591 (2005))

Serial Plan Infeasibility or Just Plan Bad Luck?, 8 APPLIED ECONOMICS LETTERS 105 (2001) (with Karen C. Denning & Stephen P. Ferris)

Cyberspace Bankruptcy (reviewing Warren E. Agin, BANKRUPTCY AND SECURED LENDING IN CYBERSPACE (Bowne & Co. 2000)), 26 J. CORP. L. 125 (2000)

The Expenses of Financial Distress: The Direct Costs of Chapter 11, 61 U. PITT. L. REV. 629 (2000) (with Stephen P. Ferris)

"Warm with Sunny Skies": Disclosure Statement Forecasts, 73 AM. BANKR. L.J. 809 (1999) (with Brian L. Betker & Stephen P. Ferris)

Book Review (reviewing Karen Gross, FAILURE AND FORGIVENESS (Yale University Press 1997)), 15 BANKR. DEV. J. 409 (1999) (book review)

A Simple Suggestion for Overriding the Line-Item Veto, 63 MO. L. REV. 285 (1998)

The Influence of Legal Liability on Corporate Financial Signaling, 23 J. CORP. L. 209 (1998) (with Stephen P. Ferris & Bryan Bacon)

Professional Fees and Other Direct Costs in Chapter 7 Bankruptcies, 75 WASH. U. L.Q. 1207 (1997) (with Stephen P. Ferris)

An Empirical Analysis of Bankruptcy Certiorari, 62 MO. L. REV. 101 (1997) (with Dylan Murray)

Legisprudence Through a Bankruptcy Lens: A Study in the Supreme Court's Bankruptcy Cases, 47 SYRACUSE L. REV. 1 (1996)

Industry-Wide Effects of Corporate Bankruptcy Announcements, 12 BANKR. DEV. J. 293 (1996) (with Stephen P. Ferris, Narayanan Jayaraman, and Anil K. Makhija)

Economics and the Rhetoric of Valuation, 5 J. BANKR. L. & PRAC. 3 (1995) (with Stephen P. Ferris)

A Glimpse at Professional Fees and Other Direct Costs in Small-Firm Bankruptcies, 1994 U. ILL. L. REV. 847 (with Stephen P. Ferris, Narayanan Jayaraman, and Anil K. Makhija)

Realigning the Theory and Practice of Notice in Bankruptcy Cases, 29 WAKE FOREST L. REV. 1215 (1994)

Of Commas, Gerunds, and Conjunctions: The Bankruptcy Jurisprudence of the Rehnquist Court, 42 SYRACUSE L. REV. 823 (1991) (with Charles J. Tabb)

Note, *The American Response to Farm Crises: Procedural Debtor Relief*, 1988 U. ILL. L. REV. 1037

Congressional Testimony:

Witness, *Credit Cards and Bankruptcy: Opportunities for Reform*, United States Committee Senate Committee on the Judiciary (Dec. 2008) (testimony available at <http://judiciary.senate.gov/pdf/08-12-04LawlessTestimony.pdf>)

Witness, *Short-change for Consumers and Short-shrift for Congress? The Supreme Court's Treatment of Laws that Protect Americans' Health, Safety, Jobs and Retirement*, United States Senate Committee on the Judiciary (June 2008) (testimony available at http://judiciary.senate.gov/testimony.cfm?id=3404&wit_id=7237)

Witness, *Oversight of the Implementation of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005*, United States Senate Subcommittee on Administrative Oversight and the Courts of the Senate Judiciary Committee (Dec. 2006) (testimony available at http://judiciary.senate.gov/testimony.cfm?id=2442&wit_id=5936)

Other:

A Few Recent Developments in the Bankruptcies of Small Businesses and Their Owners, BANKRUPTCY LAW LETTER, Jan. 2009, at 1.

Debtor Nation, THE NATION, Nov. 3, 2008

Bankruptcy in ENCYCLOPEDIA OF THE SUPREME COURT OF THE UNITED STATES (David Tanenhaus, ed. 2008)

Marquette National Bank v. First of Omaha Service Corp., in ENCYCLOPEDIA OF THE SUPREME COURT OF THE UNITED STATES (David Tanenhaus, ed. 2008)

GAO Report Finds Increased Costs from BAPCPA, NORTON BANKRUPTCY LAW ADVISER, Oct. 2008, at 1.

BAP Prohibits Sale Free and Clear of an Underwater Junior Lien, BANKRUPTCY LAW LETTER, Oct. 2008, at 1.

Core and Not-So-Core Rhetoric about the Intersection of Arbitration and Bankruptcy, BANKRUPTCY LAW LETTER, July 2008, at 1.

Profs Say Bankruptcy Rule Change Would Imperil Tax Confidentiality, 106 TAX NOTES 1101 (Feb. 28, 2005) (with Stephen R. Johnson & Katherine Porter) (reprinted comments to bankruptcy rules committee)

Nevada's Position in the Market for Corporate Charters, NEVADA LAWYER, at 15 (Aug. 2002)
The Relationship Between Nonbusiness Bankruptcy Filings and Various Basic Measures of Consumer Debt, A Web-based "Paper," first published October 2000 <formerly available at <http://www.law.unlv.edu/faculty/rlawless/busbkr/filings.htm>, now at <http://ssrn.com/abstract=934798>>

The Hidden Costs of Bankruptcy Reform, CHRISTIAN SCI. MON., July 2, 1993, at 19.

Selected Academic Paper Presentations, Symposia, and Conferences:

- Presenter, *Race, Chapter Choice, and Attorney Influence*, Law and Society, San Francisco, California (June 2011)
- Presenter, Workshop on the "Big Bankruptcy" Empirical Research Agenda, UCLA School of Law (Feb. 2011)
- Presenter, *Less Forgiven: Race and Chapter 13*, Seton Hall University Law School (Jan. 2011)
- Presenter, *Less Forgiven: Race and Chapter 13*, Conference on Empirical Legal Studies (Nov. 2010)
- Presenter, *Empirical Methods in Law*, Eidgenössische Technische Hochschule, Zürich (June 2010)
- Presenter, *Race and Chapter 13*, Law and Society, Chicago, Illinois (May 2010)
- Commenter, Law & Entrepreneurship Retreat, Brigham Young University (Feb. 2010)
- Presenter, Law and Business Center, Western New England College of Law (Jan. 2010)
- Presenter, *The Political Moment for Home Mortgage Cramdown*, Bringing Down the Curtain on the Current Mortgage Crisis and Preventing a Return Engagement, Pepperdine University (Apr. 2009)
- Presenter, *The Problems of Small-Business Owners in the U.S. Consumer Bankruptcy System*, Conference on Overindebtedness, Chemnitz University of Technology (Mar. 2009)
- Commenter, Law & Entrepreneurship Retreat, Drexel University (Oct. 2008)
- Presenter, *Who Are the Self-Employed in Bankruptcy*, Conference on Empirical Legal Studies (Sept. 2008)
- Presenter, *The Self-Employed in Bankruptcy*, Law & Entrepreneurship Retreat, University of Arizona (Mar. 2008)
- Presenter, *A Bankruptcy Symposium: Shredding the Safety Net*, Southern Illinois University School of Law (Feb. 2007)

- Presenter, *Consumer Bankruptcy and Credit in the Wake of the 2005 Act*, University of Illinois College of Law (Apr. 2006)
- Commentator, *Fiduciary Duties in the Zone of Insolvency*, University of Maryland School of Law (Nov. 2005)

Education

Juris Doctor, summa cum laude, University of Illinois, Champaign, Illinois, 1989

Honors: *University of Illinois Law Review*, editor-in-chief 1988-89, member 1987-88; Order of the Coif; West Publishing Award for Outstanding Scholastic Achievement in Commercial Law

Bachelor of Science in Accountancy, highest honors, University of Illinois, Champaign, Illinois, 1986

Honors: Bronze Tablet (top 3%)

Professional Certifications & Licenses

Legal: Member of the District of Columbia Bar (inactive), member of the Illinois Bar (inactive)

Accounting: Passed Certified Public Accountant Exam, May 1986, received Elijah Watts Sells Award (top 123 scores out of 67,000 candidates nationwide)

Community & University Service

Selected Speeches & Panels for Bar Organizations & Professional Groups

- Speaker, “Recent Cases,” National Association of Consumer Bankruptcy Attorneys, Washington, DC, April 2011
- Speaker, “Less Forgiven: Race and Chapter 13,” American College of Bankruptcy, Washington, DC, March 2011
- Speaker, “Race and Chapter 13,” Federal Judicial Center Continuing Education Conference for Bankruptcy Judges, Champaign, Illinois, September 2010
- Speaker, “Beyond Foreclosures: The Impact of the Financial Crisis on the Wealth Gap and Economic Opportunity,” Woodstock Institute, Chicago, Illinois, June 2010
- Keynote speaker, O’Neill Great Lakes Bankruptcy Institute, Cleveland, Ohio, May 2010
- Speaker, Hudson Valley Bankruptcy Bar Association, September 2009
- Speaker, *The Myth of the Disappearing Business Bankruptcy and Other Mysteries of the Bankruptcy Filing Rate*, Eighth Circuit Judicial Conference Bankruptcy Judges Session, August 2008

- Speaker, Federal Judicial Center’s Workshop for Bankruptcy Judges II, August 2008
- Speaker, Federal Judicial Center’s Workshop for Bankruptcy Judges I, July 2008
- Moderator, Financial Lawyers’ Conference, Palm Springs, California, April 2006
- Lead writer, Professor’s Amicus Brief in *MBNA Bank v. Hill*, No. 04-2086-bk (2d Cir. 2006)
- Speaker, *Recent Legislative Developments*, Plenary Session for the American Bankruptcy Institute’s Southwest Bankruptcy Conference, September 2005

Selected Board & Organizational Memberships

- Member, Illinois Supreme Court Special Committee on Mortgage Foreclosures, 2011-
- Member, American College of Bankruptcy, 2011-
- Member, American Law Institute, 1999-
- Member, Editorial Board for the *American Bankruptcy Law Journal*, 2000-2003
- Chair/Chair-Elect, Association of American Law Schools Section on Debtors' and Creditors' Rights, 1998-2000
- Member, Editorial Board for the *Financial Review*, 1997-2003
- Director, Center for Computer-Assisted Legal Instruction (CALI), 1996-2008
- Member, American Bankruptcy Institute, 1999-
- Member, American Bar Association, 1989-
- Peer Reviewer (*American Bankruptcy Law Journal*, *Quarterly Review of Finance & Economics*, *Financial Review*, *Journal of Empirical Legal Studies*, *Law & Society*, *Law & Social Inquiry*, Oxford University Press, *Review of Law & Economics*)

University & Law School Significant Committee Assignments

- University of Illinois
 - Executive Committee (elected), 2007-08, 2009-2010
 - Appointments Committee, chair, 2008-09
 - Admissions Committee, 2006-2008, 2009-11 (chair 2006-08)
- University of Nevada, Las Vegas
 - Dean’s Advisory Committee (elected), 2004-05
 - Appointments Committee, 2002-05 (chair, 2003-05)
 - Retention, Promotion & Tenure Committee, 2003-05