NBER Household Finance Research Grant Application 2021

Debt Relief Project: Making bankruptcy filing and consumer proposals more affordable

Professor Sheisha Kulkarni & Professor Stephanie Ben-Ishai

A. Research questions and significance

Bankruptcy filing offers numerous beneficial outcomes for debtors. Bankruptcy filing alone increases the probability of homeownership by 13.2 percentage points (Dobbie et al., 2017), increases annual earnings by $5,562, decreases five-year mortality by 1.2 percentage points, decreases five-year foreclosure rates by 19.1 percentage points (Dobbie and Song, 2015), and increases the probability that debtors will create new businesses (Parra, 2016). Reduction of debt interest decreases the probability of filing for bankruptcy by 33% and increases the probability of employment by 5.1% (Dobbie and Song, 2020). However, it costs Canadians approximately $2,000 to file for bankruptcy (all debt is discharged, equivalent to Chapter 7 in the U.S.) and $6,300 to file a proposal (a payment plan with reduced debt is negotiated with creditors, equivalent to Chapter 13 in the U.S.). These high costs, comparable to the U.S., deter financially distressed individuals from filing unless they receive unexpected cash infusions (Gross et al., 2014).

Our project will randomize the price of bankruptcy filings and consumer proposals provided to each participant, lowering the average cost of each by as much as 84 percent. We can do so because of a once-in-a-lifetime opportunity, during COVID, to provide people with insolvency services online. This will allow us to answer two key questions: 1) how sensitive prospective insolvency filers are to cost and 2) how these costs are related to post-insolvency credit and mental health outcomes.

A randomized controlled trial is necessary to assess price sensitivity for bankruptcy because the market for insolvency services is uncompetitive. In our analysis of 14 representative Google advertisements about insolvency, we found that only one was for a non-profit or low-cost option. Licensed Insolvency Trustees (LITs) and credit counseling agencies also steer clients into insolvency options that are more expensive for the debtor but more profitable for the advisor (McIntyre et al., 2015). Furthermore, consumers searching for low-cost insolvency may be misled by for profit services that purport to provide debt relief, but actually refer consumers back to traditional high-cost insolvency options. Establishing whether borrowers are price sensitive to insolvency services could therefore help design policies to improve pricing, transparency, and disclosure to consumers.

Our experiment would also make a unique contribution to the literature connecting happiness to income and wealth. One famous example from this literature is the debate over whether lottery winnings improve long-term happiness (Brickman et al., 1978; Oswald and Winkelmann, 2019).

Netermeyer et al. (2017) show that financial well-being has a comparable effect on overall well-being as the combined effects of job satisfaction, physical health assessment, and relationship support satisfaction. Relatedly, a variety of research (Kaufman et al., 2020; Dow et al., 2019; Gertner et al., 2019) has shown a link between increasing or more generous minimum wage rates and reduction in suicide rates. Yet none of these studies assess the *policy tools* that we have to reduce financial stress. This raises a question: how does insolvency causally affect wellbeing?

B. Methodology

Our proposed study will be a randomized controlled trial. We plan to recruit participants that may be interested in either filing for bankruptcy or a proposal through targeted Google advertisements. Once prospective participants click on a Google advertisement associated with our study, they will reach our project's website where they complete a preliminary survey establishing eligibility for our study. For those that choose to proceed, they will be asked to complete an online financial questionnaire to provide general information about themselves (including their Social Identification Number (SIN)) and their financials. This online questionnaire will collect the information that is typically collected in the Office of the Superintendent of Bankruptcy (OSB)'s Forms 65 and 79 that document information about income, expenses, assets, and liabilities. In addition to inputting their financial information, participants will also be asked personal questions that aim to capture the toll that their debt is taking on them and their experiences to date in seeking out financial services.

After inputting this information, but before they meet with their LIT, their fee will be randomized based on the fee model depicted in Table 1 of the attached Appendix. Participants will meet virtually with the LIT to receive more information about their options, including their assigned fee. They will then have the opportunity to file for bankruptcy, to file a proposal, or to decline to continue based on their own individual preference. If they proceed, the LIT will execute the chosen option and participants will pay their fee. We will track the participants for 5 years by relying on their credit bureau data that we will be able to match with their Social Insurance Number (SIN).

C. Ongoing Work

We have obtained approval from the York University Office of Research Ethics, constructed the online system and security protocols needed for prospective filers to securely provide their information, and partnered with a LIT that has offered roughly $175,000 in in-kind services. Because prospective insolvency filers can now file for insolvency online and not in person owing to COVID-19 mandated precautions, these circumstances offer a once-in-a-lifetime opportunity to target all borrowers potentially interested in insolvency services through only online channels. We anticipate

launching a pilot in April 2021 when many Canadians are filing their annual income taxes. This poses the best opportunity to collect participants, both because tax rebates help borrowers afford the filing fees, and because many Canadians received untaxed benefits through the Canada Emergency Response Benefit (CERB) program that they must currently pay taxes on. If they are unable to, there may be an increase in demand for bankruptcy or insolvency filings.

After demonstrating the feasibility of providing low-cost bankruptcy options in our pilot study, we hope to collaborate with the regulator, the OSB, to recruit more LITs to increase our sample size. With our current budget, we aim to recruit approximately 200 participants for our pilot study in order to obtain standard errors and effect sizes to calculate sample size estimates for expansion.

D. Budget Justification

We have received funding from McIntire's Center for Investors and Markets and the University of Virginia's 3Cavaliers program to build the online tool for our pilot study. Subsequent funding would go towards Google advertisements to recruit participants. Using the equation $n_0^* = 2\left(t_{\frac{\alpha}{2}} + t_\beta\right)^2 \left(\frac{\sigma}{\delta}\right)^2$ from List et al. (2011) where $t_{\frac{\alpha}{2}}$ and t_β are the standard values of 1.96 and 0.8 respectively, Gross et al. (2014)'s estimate of effect size (δ) of 2% increase for bankruptcy filings[1] as a result of increases in tax refunds, and a variance of in the probability of filing for bankruptcy (calculated from the probability of filing for bankruptcy over the 2% of households with credit that had at least one missed payment), we estimate a sample size of 650 for an adequately powered study. Based on an average cost per participant of $50 (based on Google Ads conversion rates), we estimate a total amount of $24,187.52 required to fund our entire advertisement recruitment campaign. With $15,000 from the NBER and $10,000 from the grants mentioned above, we could cover the anticipated advertising campaign costs.

Budget Item	Amount (USD)	Description
Google Advertisements	$15,000	Google advertisements to recruit participants.
TOTAL: $15,000 (maximum grant amount)		

[1] We use the values for bankruptcy alone as it tends to be less common than proposals. If we obtain a large enough sample to detect effects for bankruptcy, we should be sufficiently powered to detect effects for proposals as well.

E. Appendix

Table 1: Percentage of Participants Randomized to Bankruptcy and Proposal Fees

Percentages of Participants	**Randomized Bankruptcy Filing Fee**	**Randomized Proposal Fee**
37.5% of Participants Highest Price Tier	$1,800	$6,300 [$105 per month for 5 years] (50%)
		$4,500 [$75 per month for 5 years] (50%)
25% of Participants Mid Price Tier	$1,050	$6,300 [$105 per month for 5 years] (50%)
		$4,500 [$75 per month for 5 years] (50%)
37.5% of Participants Lowest Price Tier	$300	$6,300 [$105 per month for 5 years] (50%)
		$4,500 [$75 per month for 5 years] (50%)

Though List et al. (2011) argue for a breakdown of (1/4,1/2,1/4) to estimate quadratic effects, McClelland (1997) argues that to retain the flexibility to estimate either linear or quadratic effects, a better proposed breakdown is (3/8,1/4,3/8).

F. References

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Gross, T., Notowidigdo, M. J., & Wang, J. (2014). Liquidity constraints and consumer bankruptcy: Evidence from tax rebates. *Review of Economics and Statistics, 96*(3), 431-443. https://doi.org/10.1162/REST_a_00391

Kaufman, J. A., Salas-Hernández, L.,K., Komro, K. A., & Livingston, M. D. (2020). Effects of increased minimum wages by unemployment rate on suicide in the USA. *Journal of Epidemiology and Community Health, 74*(3), 219-224. http://dx.doi.org/10.1136/jech-2019-212981

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EMPLOYMENT

University of Virginia		
Assistant Professor	McIntire School of Commerce	2020-
NBER		
Postdoctoral Fellow	Household Finance	(2019–2020)
University of Virginia		
Postdoctoral Researcher	Department of Economics	(2018–2019)

EDUCATION

PhD, UC Berkeley (2018)
Dissertation: *Essays in Household Finance*
B.A, McGill University (2010), First Class Honours

FIELDS

Primary: Household Finance Secondary: Labour Economics (Education)

PAPERS

- Removing the Fine Print: Standardization, Disclosure, and Consumer Outcomes (*with G. Iberti and S. Truffa*)
- Information Frictions in Consumer Credit Markets: A Structural Empirical Approach (*with G. Iberti and S. Truffa*)
- Don't Lend So Close to Me: Payday Lending Spillover Effects on Formal Credit (*with A. Ho, S. Raina, and B. Scholnick*)
- Price Comparison Tools in Consumer Credit Markets (*with E. Berwat, S. K. Higgins, and S. Truffa*)
- Randomizing Bankruptcy Costs (*with S. Ben-Ishai*)
- Private Loan Securitization and Education (*with N. Blascak*)
- The Effect of Competition on University Tuition

PRESENTATIONS

2020 ARC for Financial Planning, FIRS (cancelled), CEPR Fifth European Workshop on Household Finance, European Finance Association 2020 (discussant), Wesleyan, Brookings Institute, CFPB, University of Delaware

2019 Quantitative Society for Pensions and Savings, 27th Finance Forum (Madrid), University of Alberta Summer Finance Conference, CU Boulder Summer Conference on Consumer Financial Decision Making, University of Western Ontario, Bank of Canada

2018	University of Virginia McIntire School of Commerce, UC Berkeley (Finance; Finance Lunch, IO Lunch), University of Virginia Economics Department, Wharton Women in Business Academia Conference, CFPB Research Conference, CU Boulder Summer Conference on Consumer Financial Decision Making
2017	UC Berkeley (Finance; Real Estate Lunch)
2012-2016	Bank of Canada; Canadian Economics Association; UC Berkeley (Finance; Real Estate Lunch; Gardener Seminar in Education; Women in Economics Lunch)

TEACHING

Professor, McIntire School of Commerce
Financial Management (Fall 2020)
Professor, University of Virginia Economics Department
Everyday Economics (Spring 2019)

GRANTS

2021	3Cavaliers ($60,000)
2019	Think Forward Initiative (€ 81,920)
2019	Strategic Investment Fund, UVA ($25,000)
2019	Sparkesse Agency ($5,000)
2017	NBER Household Finance Small Grant ($11,000)

RESEARCH ACTIVITIES

Research Assistant	Dean Henry Brady, Goldman School of Public Policy	May 2016–Feb 2017
Research Assistant	Ulrike Malmendier, Haas School of Business	Jun 2014–Jan 2017
Research Assistant	Bank of Canada	Jun 2010–May 2012
Research Assistant	Dhanoos Sutthiphisal, McGill	Sept 2008 – Dec 2008

FELLOWSHIPS AND AWARDS

2017	Yale Summer School in Behavioral Finance Travel Grant
2016	Hayase Award for Mentorship of Fellow PhD students, Canadian Economics Association Grant, Bank of Canada Student Paper Award (Finalist), Fellow for the Gardner Seminar on Higher Education
2015	Haas Research Fellowship, Fellow for the Gardner Seminar on Higher Education
2014	White Fellowship for Investment Banking Research
2012	Joseph-Armand Bombardier Scholarship for Graduate Studies (declined)

REFEREEING

The Review of Economics and Statistics

OTHER INFORMATION

Citizenship: Canada, U.S. Permanent Resident

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ACADEMIC APPOINTMENTS

Osgoode Hall Law School

- University Distinguished Research Professor 2019 – present
- Professor of Law 2015 – present
- Associate Professor of Law (with Tenure) 2007 – 2015
- Assistant Professor of Law 2003 – 2007

Justices McMurtry (Chief), Laskin and Sharpe, Ontario Court of Appeal

- Judicial Law Clerk 2000-1

VISITING ACADEMIC APPOINTMENTS

University of Ottawa Faculty of Law

- Thomas Feeney Visiting Professor of Business Law 2019

SUNY Plattsburgh

- Distinguished Visiting Fulbright Fellow 2018

University of California, Berkeley Law School

- Visiting Professor of Law 2017

Bora Laskin Faculty of Law, Lakehead University

- Visiting Professor of Law 2015

Law Commission of Ontario

- Scholar in Residence 2013

University of Florida, Levin College of Law

- Visiting Professor of Law 2010

University of Otago, Faculty of Law

- Visiting Professor of Law 2009

INSOL International

- INSOL International Scholar 2008-9

Monash University, Faculty of Law

- Visiting Professor of Law 2008

University of Toronto, Faculty of Law

- Visiting Professor of Law 2007-8

CURRENT PROFESSIONAL APPOINTMENTS

Davies, Ward, Phillips & Vineberg LLP, Toronto

- Affiliated Scholar 2010 – present

Office of the Superintendent in Bankruptcy

- Operations and Policy Advisory Panel 2020

Canadian Association of Insolvency and Restructuring Professionals

- Competency Profile Review for Licensed Insolvency Trustees 2020
- Continuing Education Task Force 2019

Insolvency Institute of Canada

- Inducted 2007
- Law Reform Committee 2009-2015
- Advocacy Committee 2009-2015
- Editorial Committee 2007-present

International Academy of Commercial and Consumer Law

- Inducted 2009

SHORT TERM EARLY CAREER PROFESSIONAL APPOINTMENTS

Osler, Hoskin & Harcourt LLP, Toronto

- Associate in the Business Law Department 2002
- Summer Associate in Research and Bankruptcy Departments 2000

Sidley Austin LLP, New York City

- Summer Associate in Corporate and Litigation Departments 1999

Davies, Ward, Phillips & Vineberg LLP, Toronto

- Summer Associate in Litigation Department 1998

EDUCATION

Harvard Law School, LL.M. 2003

- Social Sciences and Humanities Research Council of Canada Doctoral Fellowship
- Fulbright Fellowship
- American Bankruptcy Institute Medal of Excellence
- LL.M. Paper (Thesis) under the supervision of Professor Elizabeth Warren

Law Society of Ontario 2002

- Active Call to the Bar Following Bar Admission Course Completion

Osgoode Hall Law School, LL.B. 2000

- Placed in Top 3% of Class of 2000
- Prizes for the highest standing in 3 private law courses
- Law Society of Upper Canada Award for Academic Excellence at Law School
- 1 of 3 students directly admitted to law school from 2nd year of undergraduate
- (A+ average)

PUBLICATIONS

BOOKS

Dangerous Opportunities: The Future of Financial Institutions, Housing Policy and Governance (University of Toronto Press: Stephanie Ben-Ishai, ed., 2021) (Forthcoming August 2021)

Bankruptcy Law Picture Book: A Brief Intro into the Law of Bankruptcy, in Pictures (Irwin Law: Stephanie Ben-Ishai, ed. 2019)

Bankruptcy and Insolvency Law in Canada: Cases, Text, and Problems (Irwin Law: Stephanie Ben-Ishai ed., 2019) (with Tom Telfer)

Contracts Cases and Commentaries, 10th ed (Carswell: Stephanie Ben-Ishai, ed. 2018) (with David Percy)

Canadian Bankruptcy and Insolvency Law, Cases, Text and Materials, 3rd ed (Emond Montgomery: Stephanie Ben-Ishai, ed.) (with others)

Contracts Cases and Commentaries, 9th ed (Carswell: Stephanie Ben-Ishai, ed. 2014) (with David Percy)

Canadian Bankruptcy and Insolvency Law, Cases, Text and Materials, 2nd ed (Emond Montgomery: Stephanie Ben-Ishai, ed. 2009). (with others)

Contracts Cases and Commentaries, 8th ed (Carswell: Stephanie Ben-Ishai, ed. 2009) (with David Percy)

Bankruptcy Reforms 2008 (Carswell, 2008)

Canadian Bankruptcy and Insolvency Law: Bill C-55, Statute C.47 and Beyond (LexisNexis Canada Inc., 2007)(with Tony Duggan)

CHAPTERS IN BOOKS

"Consumer Protection Issues and Non-Banks" in John Pottow et al, eds, *Bankruptcy's Universal Pragmatist : Festschrift in Honor of Jay Westbrook* (University of Michigan Press, 2021) (35 pages)

"Bankruptcy Intersections" in Dwight Newman & Malcolm Thorburn, eds, The Dignity of Law: The Legacy of Justice Louis LeBel (LexisNexis, 2015) (22 pages)

"The Role of Governments in the Overindebtedness of the Economically Disadvantaged" in Susan Block-Lieb, et al eds, Contemporary Issues in Consumer Bankruptcy (Peter Liang, 2013) (with Saul Schwartz) (21 pages)

"National Report for Canada" in Denis Farber et al, eds, *Commencement of Insolvency Proceedings* (Oxford University Press, 2012) (30 pages)

"Proportionate Liability under the CBCA in the Context of Recent Corporate Governance Reform: Canadian Auditors in the Wrong Place at the Wrong Time?" in Poonam Puri & Jeffery Larsen, eds, Corporate Governance and Securities Regulation in the 21st Century (Toronto: LexisNexis Canada Inc., 2004) (with Poonam Puri) (15 pages)

ARTICLES

Debt Discrimination and Inequality

"A Simple, Low-Cost Bankruptcy Option for Canada's Insolvency System", IRPP (18 May 2020), online: <policyoptions.irpp.org/magazines/may-2020/a-simple-low-cost-bankruptcy-option-for-canadas-insolvency-system/> (with Saul Schwartz)

[R] "AI, Consumer Credit, and Discrimination: A Comparative Look at Canada and the United States" (2021) CABLJ (with Mandy Bedford) (Forthcoming)

[R] "Consumer Bankruptcy in the Wake of COVID-19: The Calm Before the Storm" (2020) 56 Osgoode Hall LJ 637 (28 pages)

[R] "Establishing the Need for a Low-Cost Canadian Debt Relief Procedure" (2020) Intl Insol Rev 25 (with Saul Schwartz) (35 pages)

[R] "Over-Indebted Criminals in Canada" (2019) 42(4) Man LJ 207 (with Arash Nayerahmadi). (40 pages)

Book Review of *How the Other Half Banks: Exclusion, Exploitation, and the Threat to Democracy* by Mehrsa Baradaran (2017) 59 C.B.L.J. (1) (14 pages)

Book Review of *Home Equity and Ageing Owners: Between Risk and Regulation* by Lorna Fox O'Mahony (2013) 53 CBLJ 465 (5 pages)

"Occupy Over-Indebtedness," Op-Ed, Globe & Mail (19 December 2011)

[R] "Bankruptcy for the Poor" (2007) 45:3 Osgoode Hall LJ 471 (with Saul Schwartz) (40 pages) [SSRN Top Ten List]

[R] "The Gendered Nature of Social Insurance for the Non-Poor in Canada" (2005) 43:3 Osgoode Hall LJ 289 (32 pages)

Book Review of *Sexually Transmitted Debt Surety Experience and English Law* by Belinda Fehlberg (2003) 15 CJWL 238 (13 pages)

Book Review of *Bankruptcy, Insolvency and Family Law*, 2nd ed, by R. Klotz (2002) 17.3 BFLR 431 (12 pages)

Business Bankruptcy and Restructuring

[R] "The Supreme Court on Federalism, Bankruptcy and Maritime Law" (2021) SCR (Forthcoming)

[R] "Bankruptcy for Cannabis Companies: Canada's Newest Export?" (2020) 27(2) Miami International & Comparative Law Review

[R] "Accommodating Bankruptcy and the Duty to Consult" (2018) Ann Insol Rev 5 (with Signa Daum Shanks) (30 pages)

[R] "Government Involvement in CCAA Proceedings: Has Transparency Been Achieved?" (2015) Ann Insolv Rev 199 (with Larissa Lucas) (23 pages)

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"Canada's Supreme Court Rejects the Revlon Test for Directors' Duties," INSOL International Electronic Newsletter (1 January 2009)

[R] "The Threat of the Oppression Remedy to Reorganizing Insolvent Corporations" (2008) Ann Insolv Rev 429 (with Catherine Nowak) (25 pages)

[R] "Technically the King *Can* Do Wrong in Reorganizing Insolvent Corporations: Evidence from Canada" (2004) 13 Int Insolv Rev 1 (21 pages)

Book Review of Creditor Rights and the Public Interest Restructuring Insolvent Corporations by Janis Sarra (2004) 42:2 Osgoode Hall LJ 335 (14 pages)

Insolvency Systems

[R] "Bypassing Insolvency Regulation: Debt Consulting's Uprising in Bankruptcy" (2017) Ann Insol Rev 297 (with Mary Plahouras) (20 pages)

[R] "Third-Party Litigation Funding in the Insolvency Context in the United States: A Canadian Lens" (2018) 93 Chicago-Kent L Rev 631 (with Emily Uza) (40 pages)

[R] "Third Party Litigation Funding in the Insolvency Context" (2017) 7 J Insolv Inst Can (with Emily Uza) (30 pages)

[R] "Farm Insolvency in Canada" (2013) 2 J Insolv Inst Can 33 (with Virginia Torrie) (29 pages)

[R] "A Retrospective on the Canadian Consumer Bankruptcy System 50 Years Later" (2011) 50 CBLJ 44 (with Saul Schwartz & Tom Telfer) (32 pages)

[R] "Revisiting the Philosophy and Design of Contemporary North American Consumer Bankruptcy Systems: A Tribute to Professor Jacob Ziegel" (2010) Ann Insolv Rev 117 (12 pages)

[R] "Re-Defining the Role of the Canadian Judiciary in Bankruptcies and Receiverships" (2005) 20:2 BFLR 38 (13 pages)

Empirical Studies

[R] "Eligible Non-Participation in Canadian Social Welfare Programs" (2020) 64:3 McGill LJ (with Jennifer Robson & Saul Schwartz) (50 pages)

[R] "Millennials in Crisis: Myth Busting Millennial Debt Narratives" (2017) 54:4 Osgoode Hall LJ (with Tanner Stanley) (32 pages)

[R] "Private Lines of Credit for Law Students and Medical Students: A Canadian Perspective" (2017) 32 BFLR 343 (with Saul Schwartz and Nancy Werk) (43 pages)

[R] "Credit Counselling in Canada: An Empirical Investigation" (2014) 29 CJLS 1 (with Saul Schwartz) (20 pages)

[R] "Report on the Consultation on the Credit Counselling Industry in Canada" (2013) Ann Insolv Rev 639 (25 pages)

[R] “Debtor Assistance and Debt Advice: The Role of the Canadian Credit Counselling Industry” (2011) Ann Insolv Rev 351 (with Saul Schwartz) (40 pages)

[R] “The Role of Governments in the Overindebtedness of the Economically Disadvantaged” (2010) 35:2 Queen’s LJ 539 (with Saul Schwartz) (21 pages)

[R] “The Canadian Oppression Remedy Judicially Considered: An Empirical Analysis" (2004) 30 Queen's LJ 79 (with Poonam Puri) (35 pages)

Consumer Finance and Bankruptcy

“Guest Editorial: Personal Insolvency – A Fresh Start” (2017) QUT L Rev (with Rosalind Mason, Jason Kilborn, and Joseph Spooner) (3 pages)

[R] “Payday Lending in Canada: Ten Years Later" (2016) Ann Insolv Rev 951 (with Saul Schwartz) (68 pages)

[R] “Reaffirmation of Debt in Consumer Bankruptcy in Canada” (2015) 56:2 Can Bus LJ 238 (26 pages)

[R] “Student Loans and Bankruptcy: Five Years Later” (2014) Ann Insolv Rev 221 (48 pages)

[R] “One Paradox of the Bankruptcy Fresh Start: Government Student Loans” (2005) Ann Insolv Rev 439 (40 pages)

Bankruptcy and Financial Institutions

[R] “Consumer Protection Issues and “Non-Banks”: A Comparative Analysis” (2019) Texas International Law Journal 54 (2) (35 pages)

[R] “Bank Bankruptcy in Canada: A Comparative Perspective” (2009) 24:3 BFLR 59 (20 pages) [SSRN Top Ten List]

Comparative Approaches to Bankruptcy

[R] “The American Bankruptcy Institute Recommendations on Chapter 11: Some Canadian Thoughts” (2016) 57:3 Can Bus LJ 343 (24 pages)

[R] “Involuntary Creditors and Corporate Bankruptcy” (2012) 45:2 UBC L Rev 253 (with Stephen Lubben) (30 pages)

[R] “A Comparative Study of Bankruptcy as Bailout” (2011) 6 Brook J Corp Fin & Com L 79 (with Stephen Lubben) (40 pages)

[R] "Sales or Plans: A Comparative Account of the 'New' Corporate Reorganization" (2011) 56:3 McGill LJ 591 (with Stephen Lubben) (40 pages) [SSRN Top Ten List]

[R] "Regulating Payday Lenders in Canada: Drawing on American Lessons" (2008) 23:3 BFLR 323 (35 pages) [SSRN Top Ten List]

[R] "SOX 5 Years Later: A Canadian Perspective" (2008) 39:3 Loy L Rev 469 (25 pages)

Book Review of Comparative Consumer Bankruptcy by Jason Kilborn (2008) 18 Law & Pol Book Rev 188 (6 pages)

[R] "Reflections on French Commercial Insolvency Law Reforms: A Canadian Perspective" (2007) Ann Insolv Rev 751 (25 pages)

[R] "Government Student Loans, Government Debts and Bankruptcy: A Comparative Study" (2006) 44:2 C.B.L.J. 1 (34 pages)

Teaching and Scholarship

[R]Stephanie Ben-Ishai, Jamie Cameron, eds. Special Issue: Symposium in Honour of John McCamus, Teaching and Scholarship (2014) 51:3 Osgoode Hall LJ

[R] "Thinking About Technology in Canadian Law Schools" (2007) Can Legal Educ Ann Rev 211 (25 pages)

Corporate Law

[R] "Corporate Gatekeeper Liability in Canada" (2007) 42:3 Tex. Int'l LJ 441 (44 pages)

[R] "A Team Production Theory of Canadian Corporate Law" (2006) 44 Alta L Rev 2 (24 pages)

[R] "Dual Class Shares in Canada: A Historical Analysis" (2006) 29:1 Dal LJ 117 (with Poonam Puri) (37 pages)

"Directors' Civil Liability to Investors in Primary and Secondary Markets in Canada" (2006) 17 JBFLP 228. (3 double size pages)

[R] "The Promise of the Oppression Remedy" (2005) 42:3 CBLJ 450 (13 pages)

[R] "Proportionate Liability under the CBCA in the Context of Recent Corporate Governance Reform: Canadian Auditors in the Wrong Place at the Wrong Time?" (2003) 39 CBLJ 1 (with Poonam Puri) (15 pages)

SELECTION OF COMMISSIONED REPORTS

When Liquidation is Not an Option – Local Public Entities in Distress in Canada. Commissioned by INSOL International, in co-operation with the University of Essex (UK), 2020. (14 pages)

Student Loans in Bankruptcy. Commissioned by the Canadian Association of Insolvency and Restructuring Professionals, 2013. (45 pages)

Reaffirmation of Debt in Bankruptcy. Commissioned by the Canadian Association of Insolvency and Restructuring Professionals, 2013. (50 pages)

Possible Amendments to the Winding Up and Restructuring Act. Commissioned by Finance Canada, 2006. (30 pages)

Enforcing Security Interests and Money Judgements on Reserve. Commissioned by the Law Commission of Canada, 2006. (Senior co-author; junior co-author is Kirk Goodtrack) (48 pages)

A Survey of Gatekeepers in Canadian Capital Markets. Commissioned by the Task Force to Modernize Securities Legislation in Canada, 2006. (67 pages)

An Analysis of Gatekeeper Effectiveness in Canada. Commissioned by the Task Force to Modernize Securities Legislation in Canada, 2006. (55 pages)

Government Student Loans, Government Debts and Bankruptcy: A Comparative Study. Commissioned by the Office of the Superintendent in Bankruptcy, 2005. (58 pages)

JUDICIAL CITATIONS OF PUBLISHED WORK

9354-9186 Quebec inc v Callidus Capital Corp., 2020 SCC 10

Uber Technologies v Heller, 2020 SCC 16

Attorney General of Quebec v Langlois, 2019 QCCQ 235

Elefant v Genwood Industries Ltd., 2018 QCCS 4590

Chateauvert v Chateauvert, 2018 ABQB 2

Steven Elefant v Genwood Industries Ltd, 2018 QCCS 4590

Routhier c Ameublement Tanguay, 2018 QCCS 2043

Ernst & Young Inc v Essar Global Fund Ltd, 2017 ONCA 1014

Re Urbancorp Cumberland 2 GP Inc, 2017 ONSC 7156

Saskatchewan (Attorney General) v Lemare Lake Logging Ltd, 2015 SCC 53

Bank of Nova Scotia v Diemer, 2014 ONCA 851

Cross v Claims Pro Inc, 2013 SKPC 142

Re Winalta Inc, 2011 ABQB 399

Re Tepper Holdings Inc, 2011 NBQB 311

Re Hofmann, 2008 SKQB 363

UNIVERSITY SERVICE

LEADERSHIP POSITIONS

- Strategic Planning Advisory Committee (2020-1)
- Director of Clinical Education (2020-1)
- Community and Legal Aid Services Program, Board of Directors (2020-1)
- Chair, Clinical Education Committee (2020-1)
- Chair, Osgoode Public Interest Requirement Committee (2020-1)
- Director, LL.M. in Financial Law (2019-Present)
- Chair, Hiring Committee (2019-20, 2017-8)
- Chair, Faculty Council (2015-6)
- Management Committee (2015-6)
- Nominating Committee (2015-6)
- Chair, Priorities and Finance Committee (2014-5, 2012-3)
- Director, LL.M. in Bankruptcy (2012-5)
- Co-Director, LL.M. in Banking and Finance (2011-5)
- Chair, Standing Committee on Teaching and Learning (2011-2)
- Elected Member of the Dean Search Committee (2009-10)
- Parkdale Community Legal Services, Board of Directors (2005-9)
- York University Senator (2005-8)
- Clerkship Coordinator (2006-8)
- Alumni Board of Directors (2005-6)
- Chair, Student Awards Committee (2005-6)

GENERAL SUBSTANTIVE SERVICE

- Experiential Education Selection Committee (2020-1)
- Standing Committee on Teaching and Learning (2020-1, 2005-6)
- Hiring Committee (2016-7, 2009-10)
- Legal Education/Legal Profession Working Group (2015-7)

- Grades Review Committee (2003-4, 2004-5, 2008-9)
- Osgoode Community Enhancement Forum (2016-7, 2005-6)
- Income Contingent Loan Program Working Group (2014-5)
- Research and Seminars Committee (2011-3)
- Equality Committee (2004-5)
- Academic Policy Committee (2003-4)
- Tenure and Promotions Committee (2003-4)

RECENT ACADEMIC SERVICE

EDITOR:

Co-Editor and Co-Founder: *Journal of the Insolvency Institute of Canada*, 2011-present

Guest Editorial Board: Personal Insolvency Special Issue of the *QUT Law Review*, 2017

General Editor & Insolvency Special Issue Editor: *Banking and Finance Law Review*, 2005-11

REFEREE:

Every Canadian law school general law journal; *Annual Insolvency Review; Journal of the Insolvency Institute of Canada; University of Toronto Press; University of British Columbia Press; Routledge; Tenure and Promotion Files (External Reviewer on 4 files; Internal Dean's Representative on 4 files; Internal Visiting Committee on 2 files)*

SSHRC & SSHRC EQUIVALENT:

Law and Criminology Insight SSHRC Grant Adjudication Panel 2014 and 2015; multiple external SSHRC reviews; Austrian Science Fund.

EXTERNAL REVIEW:

Internal Audit, Legal Knowledge Management, Department of Justice, 2020 – present

Chair, Undergraduate and Graduate Program Review, for the Faculty of Law, University of Alberta (2016-7)

ONTARIO BAR ASSOCIATION:

Personal Property Security Law Sub-Committee, Canadian Bar Association of Ontario, 2004-9

CANADIAN LAW AND ECONOMICS ASSOCIATION:

Secretary, 2006-8

RECENT INTERNATIONAL COLLOBORATIONS

When Liquidation is Not an Option – Local Public Entities in Distress in Canada. Commissioned by INSOL International, in co-operation with the University of Essex (UK), 2020-present, with Dr. Yseult Marique and Dr. Eugenio Vaccari (University of Essex) and Prof. Laura Coordes (Arizona State University)

The New 'Poor Person's Bankruptcy': Regulatory Private Law, Social Policy and the Market – led by Professor Iain Ramsay 2014-7, various conferences, meetings and grant applications involving 8 other countries and leading academics.

EXTERNAL GRANTS

Social Science and Humanities Research Council (SSHRC)

2019 $525
SSHRC Travel Grant to present "Overindebted Criminals in Canada" at the 17th Conference of the International Association of Consumer Law, Indianapolis, IN

2018 $49,191
SSHRC Insight Development Grant 2018 – 2021
Access to Bankruptcy: A Study of Military NINA Debtors
[Principal Investigator; International Collaborator is Professor Iain Ramsay, Kent Law School, UK]

2018 $850
SSHRC Travel Grant to present "Regulating Banks and 'Non-Banks': A Comparative Analysis" at the Faculty of Law, University of Durham, UK

2017 $25,000
SSHRC Knowledge Synthesis Grant 2017 – 2018
Global Landscape: Millennials and Indebtedness

2014 $60,360
SSHRC Insight Development Grant 2014 – 2016 (extended to 2017)
An Empirical and Doctrinal Examination of Canadian Student Loan Agreements
[Principal Investigator; Collaborator is Saul Schwartz]

2011 $800
SSHRC Conference Travel Grant for Presentation of Involuntary Creditors and Corporate Reorganization at the European Law and Economics 2011 Conference, Hamburg, Germany

2010 $700
SSHRC Conference Travel Grant for Presentation of Sales or Plans: A Comparative Account of the New Corporate Reorganization at the European Law and Economics 2010 Conference, Paris, France. [Declined – Unable to travel due to family member's illness]

2010 $67,029
SSHRC Standard Research Grant 2010 – 2013
The Democratization of Debt: An Inquiry into the Provision of Credit to Low-Income Households and Assessment of Their Debt Relief Options [Principal Investigator; Collaborator is Saul Schwartz]

2007 $1200
SSHRC Conference Travel Grant for Presentation of Bankruptcy for Poor Debtors – Comparative Approaches at the INSOL Academics' Group Cape Town, South Africa Meeting March 17 – 18, 2007

2005 $1200
SSHRC Conference Travel Grant for Presentation of Family Capitalism and the Evolution of Bankruptcy Law in Canada at the INSOL Academics' Group Sydney, Australia Meeting March 10 – 13, 2005

2004 $667
SSHRC Small Grants Program for project entitled "Family Capitalism and the Evolution of Bankruptcy Law in Canada"

2004 $3100
SSHRC Small Grants Program for project entitled "Bankruptcy E-filing and the "Woman Question"

2004 $1800
SSHRC Conference Travel Grant for Presentation of Technically the King Can Do Wrong in Reorganizing Insolvent Corporations: Evidence from Canada at INSOL Academics' Group Cape Town Meeting April 2 – 4, 2004

Law Foundation for Ontario

2020 $74,024
Investor Rights Project: 2020-2
RRSPs and Debt: An Investigation into the Investor Rights of Older Canadians
[Principal Applicant; Co-applicant is Professor Saul Schwartz, Carleton University]

2009 $25,000
Grant for Organization of the International Academy of Commercial and Consumer Law Meeting in Toronto in July 2010 [Principal Applicant; Co-applicants included Professors Tony Duggan, Benjamin Geva and Jacob Zeigel]

Foundation for Legal Research

2020 $10,000
AI, Consumer Credit, and Discrimination

2019 $10,000
Cannabis Bankruptcies

2018 $7500
Confronting Criminal Justice Debt

2006 $3000
Bill C-55 Bankruptcy Reforms

Other

2018 Funded Participation in the Law and Economics of Higher Education, George Mason Law School

2018 Travel Grant
Fulbright Canada for Canada 150 Symposium in Manoa, Hawaii

2017 John A. Sproul Research Fellowship in Canadian Studies, University of California Berkeley

2016 Funded Participation in the Law and Economics Institute for Law Professors (Virginia), George Mason Law School

2007 Air Travel
French Embassy in Canada for comparative research in bankruptcy with Professor Michael Elland-Goldsmith at Paris 1 in August, 2007

2006 $25,000
Industry Canada Insolvency Research Initiative Program for research project on Access to the Consumer Bankruptcy Process. (Project Leader; Collaborator is Saul Schwartz)

2006 $12,000
Insolvency Institute of Canada for Book of Essays on Bill C-55 (with Tony Duggan)

2006 $10,000
Borden Ladner Gervais Research Fellowship for project entitled "Law, Development and the Mystery of Capital on Aboriginal Reserves"

2005-6 $16,000
Law Commission of Canada for project entitled "Enforcing Security Interests and Money Judgments on Reserve" (Lead Researcher)

2005 $25,000
Industry Canada Insolvency Research Initiative Program for research project on Comparative Consumer Bankruptcy Issues. (with Saul Schwartz and Iain Ramsay)

2004 Travel Expenses associated with participation in the Sloan Program for the Study of Business in Society June 2005 Retreat on Shareholder Valuisim, The George Washington University Law School Project entitled, "Family Controlled Corporations and Dual Class Share Structures in Canada: A Historical Analysis"

2003-4 $2500
Schulich School of Business National Research Program on Financial Services and Public Policy Small Grants Program Small Grant for Update of Study entitled "The Canadian Oppression Remedy Judicially Considered 1995-2001" (with Poonam Puri)

2003-5 $60,000
Schulich School of Business National Research Program in Financial Services and Public Policy Grant for research project entitled, "Effective Governance of Family Controlled Corporations in Canada: A Behavioral and Structural Analysis" (with Poonam Puri)

INTERNAL GRANTS

2020 Osgoode Hall Law School Research Leave Fellowship [Peer Reviewed Competition for one term research leave]

2020 $3000
Experiential Fund, Osgoode Hall Law School, for experiential curriculum development related to Osgoode Business Clinic

2019 $4000
Falconbridge Commercial Law Award
Book Project – "Bankruptcy and Insolvency Law in Canada: Cases, Text and Problems"

2018 $5000
Falconbridge Commercial Law Award
"Accommodating Bankruptcy and the Duty to Consult"

2018 $1000
Experiential Education Fund, Osgoode Hall Law School, for experiential curriculum development related to Osgoode Business Clinic

2017 $2850
Experiential Education Fund, Osgoode Hall Law School, for experiential curriculum development related to Osgoode Business Clinic

2016 $3500
Experiential Education Fund, Osgoode Hall Law School, for experiential curriculum development related to Osgoode Business Clinic

2015 Osgoode Hall Law School Research Leave Fellowship [Peer Reviewed Competition for one term research leave]

2014 $2665
Experiential Education Fund, Osgoode Hall Law School, for experiential curriculum development related to the Osgoode Business Clinic

2012 $5000
Harry Arthurs Collaborative Research Grant for Symposium to Celebrate the Work and Scholarship of Professor John McCamus [with Jamie Cameron]

2009 Osgoode Hall Law School Research Leave Fellowship [Peer Reviewed Competition for one term research leave]

2007 $1350
York Ad Hoc Grant for Presentation of Bankruptcy for Poor Debtors at the IRC Comparative Consumer Overindebtedness at the Law & Society Conference Humboldt University, Berlin, July 25 – 28, 2007

CONFERENCES

Building an Inclusive Corporate-Commercial Classroom: A Roundtable Discussion (Canadian Association of Law Teachers Annual Conference, Victoria – Co-organized with Freya Kodar)	2017
Home Capital Roundtable (Osgoode Hall Law School)	2017
Business Law Clinic Workshop (Co-organized with Chiara Woods and Michael Litchfield)	2016
Symposium to Celebrate the Work and Scholarship of Professor John McCamus (Co-organized with Jamie Cameron)	2013
Osgoode Hall Law School Course Design Institute: Occupy Osgoode	2012

(Chair of the Standing Committee on Teaching and Learning)

International Academy of Commercial and Consumer Law Meeting 2010
(Co-organized with Tony Duggan, Benjamin Geva and Jacob Zeigel)

Osgoode Hall Law School International Symposium on Teaching Insolvency Law 2009

37th Annual Workshop on Commercial and Consumer Law 2007
(Co-organized with Tony Duggan and Jacob Zeigel)

RECENT INVITED PRESENTATIONS AND PANEL DISCUSSIONS[1]

2021

Empirical Investigation into all Canadian Consumer Bankruptcies Filed in 2011 and 2019

- Western Law
- Law and Society, Household Finance CRN

2020

AI, Consumer Credit and Discrimination

- Sandra Day O'Connor College of Law, Comparative Insolvency Conference
- Purdy Crawford Business Law Workshop, Dalhousie Law School

Current Practice Issues in Insolvency Law

- Top 10 Issues in Business Law After COVID-19, Osgoode Hall Law School
- Surplus Income in Insolvency Proceedings, Annual Review of Insolvency Law

2019

Access to Bankruptcy

- University of Miami Law School, Comparative Insolvency Conference
- Office of the Superintendent of Bankruptcy Advisory Panel, Ottawa
- Law and Society, Household Finance CRN, Washington, DC
- Association for the Study of Law, Culture and Humanities, Ottawa

Cannabis Bankruptcies

- University of Windsor Law School

[1] Full presentation list from 2003 to present available on request – approximately 100 presentations.

Millenials Bankruptcies

- Northwind 2019 Retail Investor Forum

Consumer Debt and Financial Crises

- SASE Fathomless Futures, The New School, NYC, NY

Eligible Non-Participation in Canadian Social Welfare Programs

- Boulder Summer Conference on Consumer Decision Making

Consumer Protection and Non-Bank Financial Institutions

- Public Law and Policy Workshop, University of California, Berkeley School of Law
- ABA Business Law Spring Meeting, Vancouver, BC

Accommodating Bankruptcy and the Duty to Consult

- Annual Review of Insolvency Law, Montreal, QC

2018

Confronting Criminal Justice Debt

- University of Alberta, Faculty of Law

Developing an Insolvency Curriculum

- Canadian Association of Insolvency and Restructuring Professionals

Regulating Banks and Non-Banks: A Comparative Analysis

- International Academy of Commercial and Consumer Law, Durham, UK

The Duty to Consult in Bankruptcy

- Fulbright Canada, 150 Conference, University of Hawaii at Manoa, Honolulu, HI

Pensions and Post-Employment Benefits

- International Foundation of Employee Benefit Plans

Bypassing Insolvency Legislation

- Annual Insolvency Review Conference, Vancouver, BC

Empirical Work and Canadian Insolvency Law

- University of Texas Law School

2017

Third Party Litigation Financing in Insolvency Law

- Chicago-Kent Law Review Symposium

Millenials in Debt

- SSHRC KSG Conference, Ottawa
- Creating Opportunities Summit, Toronto

Innovation and Access to Justice in Insolvency Law

- IIC Annual Conference, Banff, AB

Creating an Inclusive Commercial Law Classroom

- University of Victoria, Faculty of Law

Home Capital and the Regulation of Financial Institutions

- Osgoode Hall Law School

2016

Canadian Perspective on ABI Chapter 11 Recommendations

- IIC Annual Conference, Hamilton, Bermuda

Private Student Loan Debt

- Law and Society, Household Finance CRN, New Orleans, LA

Poor Person's Bankruptcy – North American Perspectives

- Kent University Law School, Canterbury, UK

Government Involvement in CCAA Proceedings

- Annual Insolvency Review, Vancouver, BC

RECENT LECTURES/KEYNOTES

"Is Consumer Debt the Next Financial Crisis? A Matter of Social Justice" 2019
(Thomas Feeney Memorial Lecture, University of Ottawa Faculty of Law, Ottawa, ON)

"Consumer Protection Issues and "Non-Banks" 2018
(Fulbright Lecture, Presented to Canadian Studies, SUNY Plattsburgh, NY)

"Millennials in Crisis: Myth Busting Millennial Debt Narratives" 2017
(John A. Sproul Lecture, Presented at the UC Berkeley Canadian Studies Colloquium, Berkeley, CA)

RECENT COMMENTARY ON ACADEMIC WORK

Commentator on Two Recent Books on Canadian Bankruptcy Law 2021
(To be presented at Bankruptcy at 100 Conference, Western Law)

Senior Commentator at the Purdy Crawford Emerging Business Law Scholars Workshop 2018
(Presented at the Schulich School of Law, Dalhousie University, Halifax, NS)

Young Bankruptcy Scholars' Work-in-Progress Workshop, American Bankruptcy Institute 2016
(Senior Commentary, delivered at the Brooklyn Law School, Brooklyn, NY)

Chair and Commentator, Osgoode Graduate Students Conference
(Panel on Policy, Finance and Private Justice, Osgoode Hall Law School, Toronto, ON)

TEACHING

COURSES (JD AND LL.M.)

- Advanced Bankruptcy and Insolvency (2008, 2009, 2010, 2016)
- Banking Law (2013, 2020)
- Bankruptcy and Insolvency (2006, 2007, 2009, 2011, 2012, 2013, 2015, 2019)
- Commercial Law (2007, 2011, 2017, 2018, 2019, 2020, 2021)
- Comparative Bankruptcy (2008, 2010, 2012)
- Comparative Corporate Governance (2007, 2008, 2009)
- Consumer Law (2019)
- Contract Law (2003, 2004, 2005, 2006, 2007, 2009, 2011, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021)
- Corporate Governance (2004, 2005, 2012)
- Corporate Securities Advocacy (2004, 2005)
- Financial Services in the Public Interest (2010, 2012, 2015)
- Jurisprudence (2009)
- Lending, Security and Insolvency Law (2011)
- Osgoode Small Business Clinic (2015, 2016, 2017, 2018, 2019, 2020, 2021)
- Regulation of Financial Institutions (2012)
- Sovereign Debt and Financial Crisis (2017, 2018, 2019)

CURATED COURSE MATERIALS

Advanced Bankruptcy and Insolvency; Comparative Bankruptcy; Commercial Law; Consumer Law; Comparative Corporate Governance; Corporate Governance; Financial Services in the Public Interest; Lending, Security and Insolvency Law; Sovereign Debt and Financial Crisis

GRADUATE THESIS AND MAJOR PAPER SUPERVISION / COMMITTEES

Darcy MacPherson (PhD in progress)
Mathew Harris (LL.M.)
Wes Cowan (LL.M.)
Mary Plahouras (LL.M.)
Malcolm Stoffman (LL.M.)
Jennifer Ekin (LL.M.)
Michelle Goodard (PhD)
Christian Chamorro-Courtland (PhD)
Palladem Vasudev (PhD)
Virginia Torrie (LL.M.)
Huang Xingpin (LL.M.)
Julia Shin Doi (LL.M.)
Zohar Levy (JD)
Sarah Kilpatrick (JD)
Stephen Wolpert (JD)
Xiahong Shi (Post-Doc)
Atif Nafees (LL.M.)
Jack Kim (JD)
Linus Yung (JD)
Kirk Goodtrack (LL.M.)
Geoff Cher (JD)
Tharchean Tharchean (LL.M.)

RECENT CONTRIBUTIONS TO INNOVATION AND ACCESS TO JUSTICE

Pandemic Contract Law Project: https://www.1lcontracts.ca/ Platform in development with David Sandomierski (Western) and five computer engineering students multi-media delivery formats for teaching contract law through the pandemic and beyond. 2020 – present.

Woodgreen Debt Relief Clinic: Co-developed and launched Pro-Bono Woodgreen Debt Relief Clinic with Woodgreen Community Services without funding (taken over by Pro-Bono Canada in 2010).