

## Bankruptcy in the Supreme Court: A Tale of Underenforcement

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*Bankruptcy in the Supreme Court: A Tale of Underenforcement*: A book project about the Supreme Court's methodology for deciding bankruptcy cases. The premise of the project is that the Supreme Court's decisionmaking process depends in important ways on information brought to the Court by reliable sources. In this context, I argue, the absence of any federal agency with an institutional interest in the Bankruptcy Clause has led to a vacuum of influence, which has caused the Court systematically to underweigh the Bankruptcy Power. The first part of the book is a quantitative analysis of the Supreme Court's bankruptcy cases. For this part of the book, I have merged a dataset with information about the bankruptcy cases with the Supreme Court database at Washington University, with a view to showing how little predictive weight "liberal" and "conservative" views of bankruptcy decisions have, and also to show how relatively homogeneous the Justices are in their votes for, or against, an expansive interpretation of the Bankruptcy Code. The second major part of the study is a series of case studies about the closely divided bankruptcy cases the Court decided in the early years after the Code's enactment. Because the deep purpose of the project is to understand the decisionmaking process, the case studies rely largely on the Justices' papers.