

Meet Tiffany Carroll

By Doreen Solomon, Former Assistant Director
Tiffany Carroll, Acting Assistant Director
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With the retirement of Doreen Solomon, the position of Acting Assistant Director for Oversight in the U.S. Trustee Program will be assumed by Tiffany Carroll. Tiffany currently serves as the Acting U.S. Trustee for Region 15 (Southern District of California, Hawaii, Guam and the Northern Mariana Islands), a post which she will continue to hold in addition to her new position in the Executive Office. Doreen recently sat down with her successor to ask some questions about her background and experience as she prepares to assume her new responsibilities.

Tell us a little about your career at the U.S. Trustee Program.

I first joined the U.S. Trustee Program as a Summer Law Clerk in the Seattle office. After enjoying my experience there, I applied and was accepted as a Department of Justice Honors Program Attorney, joining the San Diego office in 1991. Since that time, I have served as a Law Clerk, an Attorney Advisor, a Trial Attorney, an Assistant U.S. Trustee and an Acting U.S. Trustee. As Acting U.S. Trustee for Region 15, I have worked with the Program's San Diego and Honolulu offices covering the Southern District of California, the Districts of Hawaii and Guam and the Commonwealth of the Northern Mariana Islands.

In the U.S. Trustee Program, I am fortunate to work with dedicated, knowledgeable and experienced professionals who strive for excellence and are devoted to public service. I am also fortunate to work with trustees, members of the bar and the courts, who help to protect the integrity of the bankruptcy system.

Over your career, what is one of the most significant improvements you have experienced in the bankruptcy system?

Technology has made our lives so much easier. Soon after I started with the USTP, I was involved with the resignation of a chapter 7 trustee from all his assigned cases and the reassignment of the cases to new trustees. This process involved substantial review of the court's files, which was possible only by going to the courthouse. Today, with access to files through PACER and with the ability to file pleadings through CM/ECF, it feels like we are light years ahead of where we were in the early 1990s.

Speaking of technology, as far as chapter 7 trustees, how has technology changed the way your offices supervise trustees?

One significant change involves final report and account reviews. In 2013, the Program began to consolidate the review of trustee final reports and accounts. To assist with this process and working with the chapter 7 software vendors and their banks, the Program was able to approve the use of electronic bank statements. All three of the major vendors now have the ability to provide bank statements to authorized Program employees and trustees electronically, which

eliminates the potential for paper statements to be lost in transit and reduces the financial burden on trustees.

What projects have you been involved with recently?

Locally, I serve as a member of the Advisory Board/Local Rule Committee in the Southern District of California. This group is responsible for identifying issues in connection with the local bankruptcy rules and making suggestions to the court regarding local rules and forms. Recently, the Committee reviewed and suggested changes to the Mediation Panel Procedures. These changes were adopted by the court and became effective in 2017.

On the national level, I serve as a member of the National Conference of Bankruptcy Judges/United States Trustee Program Liaison Committee. This Committee addresses a variety of topics including § 341 meeting security, integrity of the bankruptcy system, and communications between the court, the trustees and the USTP.

In September 2017, it was an honor to represent the USTP in a debate session at the ABI Southwestern Conference addressing whether chapter 7 trustees may terminate and liquidate for the benefit of the estate earned-upon-receipt retainers (i.e., retainers paid to debtor's counsel before the filing of a chapter 7 case) for representation in non-dischargeability adversary proceedings. I presented the chapter 7 trustee's side of the argument and won!

One area the Program monitors is the filing of bankruptcy cases involving assistance from bankruptcy petition preparers. What effective tools do you use in Region 15 to monitor this practice?

In the Southern District of California, the bankruptcy court's practice of requesting photo identification in *pro se* case filings helps to identify cases involving bankruptcy petition preparers who may have failed to identify themselves. Debtors who are unrepresented by attorneys are also asked to complete a questionnaire at their section 341 meeting of creditors regarding any assistance they may have received prior to the bankruptcy filing. The U.S. Trustee's office reviews this information to determine whether additional inquiry may be appropriate.

Many of the criminal referrals received by the USTP are made by trustees. What information do you find helpful in a criminal referral?

Title 18 U.S.C. § 3057(a) triggers a trustee's duty to refer based on a reasonable belief of wrongdoing. Trustees are best situated to help identify possible crimes connected to bankruptcy cases. Criminal referrals setting out a description of the alleged criminal activity with pertinent facts and circumstances, including documents, references to relevant recordings, and other supporting evidence are very useful. It is also important to make these referrals timely. The sooner a referral is made the better. For example, there is no need to wait until a civil action is concluded to make a criminal referral if the alleged conduct also gives rise to a possible crime.

One of the concerns we hear from trustees is that, once a referral is made, the trustee never receives any feedback or status updates. How do you address these concerns?

As you know, prosecutors cannot share details about a criminal referral while an investigation is ongoing. Once there is an indictment, that public information can be shared with the trustee, and I try to make sure that my offices do so.

What do you enjoy most about chapter 7 oversight?

I enjoy discussing cases with the chapter 7 panel trustees. I love hearing about their observations and perspectives regarding chapter 7 bankruptcy and related topics. The trustees in my region work hard to fulfill their responsibilities under the Bankruptcy Code, and we all enjoy seeing debtors gain the fresh start they set out to achieve.

Do you have any “war stories” you want to share?

I’m not sure this is a war story so much as a perfect example of how the chapter 7 trustees and my offices work together to get the job done. Several years ago, a trustee was appointed to the Hawaii panel. Within weeks of being appointed to the panel, he was appointed as the trustee for a local airline. Obviously, this was a big case for a new trustee, but he was able to work through it by enlisting the help of fellow trustees and by keeping our office informed throughout the case.

Is there anything you would like to add?

I have heard many great things about the collegial relationship the Program has with the NABT and its members. I look forward to growing that relationship and working with everyone in my new role.