

**UNITED STATES TRUSTEE PROGRAM
CHAPTER 13 STANDING TRUSTEE PERFORMANCE REVIEW**

Name of Trustee: _____
Region/Judicial District(s): _____
Original Appointment: _____
Performance Review Period: _____

PERFORMANCE REVIEW CRITERIA

Performance Review Case Statistics

Legal:

- Civil Enforcement
- Criminal Referrals
- § 341 Meetings and Confirmation Issues
- Court Appearances and Pleadings

Financial:

- Annual Budgets and Amended Budgets
- Monthly Reports
- Banking
- Annual Reports
- Independent Audits

Professional Conduct of Trustee

Cooperation with the United States Trustee

Date

Standing Trustee Coordinator

Date

Assistant U.S. Trustee (or Trial Attorney)

Date

United States Trustee

**PERFORMANCE REVIEW CASE STATISTICS
ON CASES DURING EVALUATION PERIOD**

	6/1/____ to 5/31/____	6/1/____ to 5/31/____
Total Cases Beginning Period		
Total Cases Filed During Period		
Total Cases Closed During Period		
Total Cases at End of Period		
Total Cases Greater than 65 Months		
Number Full Time Equivalent Employees (FTEs)		
Number Cases Per FTE		

LEGAL

1. Civil Enforcement

Performance Review Criteria	Yes	No	N/A
a. Reports to the UST on potential abuse by bankruptcy petition preparers including the unauthorized practice of law and violations of 11 U.S.C. § 110.			
b. Reports to the UST on potential abuse by creditors, including abuses by mortgage servicers.			
c. Reports to the UST on serial filers.			
d. Reports problems with debtor identification (e.g. false SSN's) to the UST.			
e. Files objections to excessive or improper attorney fees.			
f. Responds to the UST regarding resolution of debtor audit findings (e.g. material misstatements).			

If any element is no or N/A, please explain:

Comments:

2. Criminal Referrals

During the reporting period the trustee made _____ criminal referrals.

Performance Review Criteria	Yes	No	N/A
Complies with criminal referral procedures described in the Handbook for Chapter 13 Standing Trustees.			

If element is no or N/A, please explain:

Comments:

3. § 341 Meetings and Confirmation Issues

The UST reviewed the recordings of § 341 meetings and/or attended § 341 meetings on the following dates _____.

Performance Review Criteria		Yes	No
a.	§ 341 meetings held no fewer than 21 and no more than 50 days (60 days in remote locations) after the order for relief.		
b.	Debtor placed under oath individually.		
c.	Debtor identification reviewed.		
d.	Trustee prepared for § 341 meetings.		
e.	Tax returns reviewed and returned.		
f.	Asked all required questions found in the Handbook appendices.		
g.	Firm dates set for the submission of other documents.		
h.	Terms of the plan including required monthly payment discussed with debtor.		
i.	Appropriate number of cases scheduled within the time period.		

If any element is no, please explain:

Comments:

4. Court Appearances and Pleadings

The UST attended the chapter 13 trustee’s court hearings on _____ and reviewed a sample of pleadings.

Performance Review Criteria	Yes	No
a. Trustee or trustee’s attorney was prepared for hearings.		
b. Courtroom demeanor appropriate.		
c. Pleadings filed are legally sufficient and appropriately define the issues before the court.		

If any element is no, please explain:

Comments:

FINANCIAL

1. Annual Budgets and Amended Budgets

Performance Review Criteria	Yes	No
a. Annual budgets submitted by July 1.		
b. Submits budgets that are accurate.		
c. Budget packages complete.		
d. Compliant with benefits and current compensation guidelines.		
e. Non-UST training expenditures comply with the Handbook.		
f. Justification for major expenditures.		
g. No recurring budget issues.		
h. Expenditures are authorized in advance.		

If any element is no, please explain:

Comments:

2. Monthly Reports

Performance Review Criteria	Yes	No
a. Submitted within 30 days after end of month.		
b. Complete and accurate.		
c. Bank reconciliations provided.		
d. Trustee responsive to significant variances in income and expenses.		
e. Monitors bond coverage.		

If any element is no, please explain:

Comments:

3. **Banking**

Performance Review Criteria	Yes	No
a. Funds deposited in approved bank.		
b. Trust funds held in positive-pay accounts.		
c. Individual debtor accounts within FDIC insurance limit.		
d. UST and bank are notified when individual debtor accounts exceed the FDIC insurance limit.		

If any element is no, please explain:

Comments:

4. **Annual Reports**

Performance Review Criteria	Yes	No
a. Filed within 45 days of end of reporting period.		
b. Accurately calculated.		
c. Corrections made promptly.		
d. Operating reserve within guidelines.		
e. Actual expenses are within approved budget.		
f. All erroneous disbursements recovered.		

If any element is no, please explain:

Comments:

5. **Independent Audits**

Performance Review Criteria		Yes	No
a.	Received unqualified opinions.		
b.	Internal control issues.		
c.	Material weaknesses.		
d.	Recurring findings.		
e.	Action taken to correct deficiencies.		
f.	Timely responses from trustee.		

If element (a), (e), or (f) is no, please explain:

If element (b), (c), or (d) is yes, please explain:

Comments:

PROFESSIONAL CONDUCT OF TRUSTEE

Performance Review Criteria	Yes	No
a. Complaints by the public against the trustee.		
b. Litigation by the public against the trustee.		
c. Grievances or litigation filed by employees against trustee.		
d. Responsive to debtors, creditors, attorneys, and the court.		
e. Complies with the Best Practices for Document Production Requests by Trustees in Consumer Bankruptcy Cases.		

If element (a), (b), or (c) is yes, please explain:

If element (d) or (e) is no, please explain:

Comments:

COOPERATION WITH THE UNITED STATES TRUSTEE

Performance Review Criteria	Yes	No
a. Responds timely and appropriately to the UST's requests.		
b. Attends UST training.		

If any element is no, please explain:

Comments:

OTHER ITEMS OF INTEREST (Examples: trustee has a debtor education program, UST conducted a management review, etc.)