



U.S. Department of Justice

Executive Office for United States Trustees

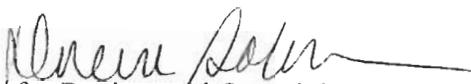
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Washington, D.C. 20530

May 5, 2009

**MEMORANDUM**

TO: United States Trustees

FROM: Doreen Solomon   
Assistant Director for Review and Oversight

SUBJECT: Standing Trustee Performance Review – Process and Form Changes

In our continuing effort to streamline processes to improve efficiency, a working group of U.S. Trustee Program employees was formed to review the Standing Trustee Performance Evaluation Record. The group was tasked with identifying elements of the current evaluation process that could be modified or eliminated without compromising our oversight abilities.

As a result of the working group's review and additional discussions, several changes have been made to the evaluation process which should result in a significant time savings for Program personnel who prepare standing trustee evaluations. The most significant change is that chapter 13 standing trustee performance reviews will now be completed every other year rather than annually. Additionally, the form has been reorganized into four broad categories and has been changed from a narrative only format to a combination of yes/no responses and narrative.

The four broad categories in the new form are: (1) legal, (2) financial, (3) professional conduct of trustee, and (4) cooperation with the United States Trustee. The legal and financial categories combine multiple trustee duties or evaluation factors from the prior evaluation form as follows.

Legal

- Civil Enforcement (new)
- Criminal Referrals (currently one of the evaluation criteria in trustee duty #2)
- § 341 Meetings and Confirmation Issues (currently trustee duty #2)
- Court Pleadings and Appearances (currently trustee duty #3)

## Financial

- Annual Budgets and Amended Budgets (currently trustee duty # 5)
- Monthly Reports (currently trustee duty #1)
- Banking (currently trustee duty #7)
- Annual Reports (currently trustee duty #5)
- Independent Audits (currently trustee duty #6)

Each evaluation factor includes a list of performance review criteria, similar to the current form. However, rather than requiring Program personnel to write a narrative addressing each criterion, they are presented in a format that allows the United States Trustee to check yes or no (or in some cases N/A). A narrative is required only when there is an issue with the trustee's performance with regard to a particular criterion. There is also a "comments" area for each evaluation factor where the United States Trustee can provide any positive comments about the trustee's performance, as well as an "Other Items of Interest" section at the end of the form where the United States Trustee can comment on items not specifically included on the evaluation form. For example, the United States Trustee could use this area to note that the trustee has a debtor education program or that the trustee received a management review.

United States Trustees have three options for implementing the new biennial evaluation for chapter 13 trustees relative to the current reporting cycle which ends on May 31, 2009.

1. Using the current form, submit evaluations for all chapter 13 standing trustees for the review period of June 1, 2008, through May 31, 2009. These evaluations are due by September 1, 2009. Then, for the two-year evaluation period beginning June 1, 2009, and ending on May 31, 2011, use the new performance review form.
2. Defer all evaluations for the current evaluation period which ends on May 31, 2009, and, using the new form, prepare performance reviews for the new biennial evaluation period of June 1, 2008, through May 31, 2010. These evaluations will be due by September 1, 2010.
3. Stagger the timing of the evaluations by submitting some evaluations this year (using current form and covering the one-year period ending May 31, 2009) and deferring others until May 31, 2010 (using new form and covering two-year period).

If you decide to defer all or some of the chapter 13 standing trustee evaluations, please inform my office in writing so that we know which evaluations to expect when the trustee budgets are submitted. We will be unable to approve a trustee's annual budget and issue a compensation notice if a non-deferred trustee's performance review has not been submitted.

The new Standing Trustee Performance Review form will also be used for chapter 12 standing trustee evaluations. However, since chapter 12 trustees are in the middle of their review period, the new form will not go into effect for them until completion of the current review period in 2010.

Please forward a copy of the new performance review form to the chapter 12 and chapter 13 standing trustees in your region and advise them of your implementation schedule. If you have any questions regarding the changes to the performance review form, please contact Marty Hallowell at (202) 307-1875.

cc: Assistant U.S. Trustees  
Standing Trustee Coordinators