

USTP Enforcement Activity

FY09-15

As of September 30, 2015

Annual Data Tables

Office of Planning and Evaluation
United States Trustee Program
U.S. Department of Justice

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Introduction

The annual data tables contained in this document provide summary statistics on the civil enforcement activities of the United States Trustee Program. The tables summarize data for Fiscal Year 2009 through Fiscal Year 2015 (October 1, 2008 through September 30, 2015). This report covers civil enforcement activity in four major areas: general civil enforcement, case administration, creditor abuse, and debtor identification.

United States Trustee Program

The United States Trustee Program (Program) is the component of the Department of Justice that is responsible for overseeing the administration of bankruptcy cases. The Program's mission is to promote integrity and efficiency in the bankruptcy system by enforcing bankruptcy laws; appointing and supervising private trustees; and ensuring that those involved in the process, including debtors, creditors, attorneys, and other professionals, fulfill their legal obligations. To carry out its mission, the Program has standing to participate in every bankruptcy case within its jurisdiction. (By statute, the Program does not have jurisdiction in Alabama and North Carolina.)

Further explanation of Program activity and a more detailed explanation of the types of enforcement actions are contained in the Program's Annual Reports of Significant Accomplishments, which are posted at the following website:

http://www.justice.gov/ust/eo/public_affairs/annualreport/index.htm

Data Definitions

Formal Actions include all motions, complaints and objections filed by Program personnel with the bankruptcy court seeking some type of relief.

Informal Actions include documented telephone calls, letters, e-mail transmissions, facsimile transmissions, and documented personal conversations by the United States Trustee to the debtor, debtor's counsel, or a third party (such as a trustee), raising a specific issue in a specific case that requires a response.

Successful Litigation Outcomes include outcomes where the court entered an order granting the relief sought by the United States Trustee, in whole or in part, or the defendant agreed to other relief satisfactory to the United States Trustee.

Success Rate is computed as the total number of formal actions where the court granted some or all of the relief sought or the defendant agreed to relief satisfactory to the US Trustee, divided by the total number of formal actions adjudicated or satisfactorily resolved prior to adjudication.

Financial Impact represents debt that potentially is not discharged in a bankruptcy case as a result of Program efforts. The measure also includes funds that become part of or remain in bankruptcy estates, funds that are returned to debtors, funds that are paid to the Treasury, and sanctions and fines as a result of Program efforts.

Table 1 – Formal Actions

Type of Formal Action	Total FY09-15	FY 2015	FY 2014	FY 2013	FY 2012	FY 2011	FY 2010	FY 2009
General Civil Enforcement								
§ 707(a) Dismissal for Cause	17,539	1,760	2,262	3,394	2,084	2,260	2,672	3,107
§ 707(b) Dismissal for Abuse	19,298	1,412	1,745	2,354	2,743	3,323	3,809	3,912
§ 727 Denial of Discharge	11,232	985	994	1,627	1,717	1,937	1,966	2,006
§ 1328(f) Denial of Discharge	311	41	55	17	17	39	51	91
§ 1307(c) Dismissal or Conversion	1,591	166	98	165	193	271	367	331
§ 110 Bankruptcy Petition Preparers	3,190	377	488	448	552	504	520	301
§ 327 & § 1103 Appointment of Professionals	5,821	597	641	898	1,025	930	979	751
§ 329 Attorney Fee Disgorgement	3,917	407	495	579	592	635	667	542
Other Attorney Misconduct	716	88	70	84	164	127	142	41
Referrals to State Bar	193	9	10	28	72	22	39	13
Creditor Abuse and Debt Relief Agencies								
§ 526 Debt Relief Agencies	159	15	47	30	9	47	5	6
Abusive Conduct by Creditors	2,418	190	161	640	428	559	122	318
Case Administration								
§ 1112(b) Conversion or Dismissal	26,731	2,691	3,379	3,813	4,423	4,566	4,400	3,459
§ 1125 Disclosure Statements	5,841	623	823	963	1,094	1,037	812	489
§ 1129 Plan Confirmation	2,915	349	394	409	495	531	446	291
§ 1104 Appointment of Trustee or Examiner	727	76	73	86	110	107	150	125
§ 330 Professional Fee Requests	4,298	466	629	680	699	684	629	511
§ 326 Trustee Fees	184	40	19	25	18	27	26	29
§ 503(c) Key Employee Retention Plans	206	38	40	43	34	23	28	N/A
DIP Financing/Cash Collateral Agreements	88	88	N/A	N/A	N/A	N/A	N/A	N/A
Debtor Identification								
Debtor Identification - Motions/Objections	229	19	32	32	35	36	37	38
Total	107,604	10,437	12,455	16,315	16,504	17,665	17,867	16,361

N/A – Data are not available for the year indicated.

Table 2 – Informal Actions

Type of Informal Action	Total FY09-15	FY 2015	FY 2014	FY 2013	FY 2012	FY 2011	FY 2010	FY 2009
General Civil Enforcement								
§ 707(a) Dismissal for Cause	16,407	1,280	1,337	2,077	2,213	2,448	3,106	3,946
§ 707(b) Dismissal for Abuse	114,486	9,859	10,867	13,658	15,002	17,654	22,629	24,817
§ 727 Denial of Discharge	17,551	1,704	1,617	1,921	2,176	2,635	3,733	3,765
§ 1328(f) Denial of Discharge	1,878	264	231	301	240	262	253	327
§ 1307(c) Dismissal or Conversion	842	80	96	146	83	85	145	207
§ 110 Bankruptcy Petition Preparers	5,333	557	612	604	809	1,119	965	667
§ 327 & § 1103 Appointment of Professionals	8,128	1,125	1,125	1,172	1,281	1,239	1,162	1,024
§ 329 Attorney Fee Disgorgements	9,010	1,077	1,023	1,237	1,328	1,443	1,438	1,464
Other Attorney Misconduct	2,325	277	342	239	307	366	364	430
Creditor Abuse and Debt Relief Agencies								
§ 526 Debt Relief Agencies	366	92	70	45	74	39	33	13
Abusive Conduct by Creditors	17,407	1,531	1,929	3,089	1,947	2,924	2,780	3,207
Case Administration								
§ 1112(b) Conversion or Dismissal	11,506	1,559	1,736	1,859	1,851	1,706	1,608	1,187
§ 1125 Disclosure Statements	3,215	409	446	520	586	540	422	292
§ 1129 Plan Confirmation	1,836	257	277	301	293	292	246	170
§ 1104 Appointment of Trustee or Examiner	292	22	33	32	39	47	70	49
§ 330 Professional Fee Requests	5,910	898	928	1,002	937	782	707	656
§ 326 Trustee Fees	1,263	241	312	133	151	179	105	142
§ 503(c) Key Employee Retention Plans	144	30	22	30	26	20	16	N/A
DIP Financing/Cash Collateral Agreements	163	163	N/A	N/A	N/A	N/A	N/A	N/A
Debtor Identification*								
Debtor Identification – Problems Identified	12,454	1,304	1,547	1,486	1,752	2,085	2,171	2,109
Total	230,516	22,729	24,550	29,852	31,095	35,865	41,953	44,472

N/A – Data are not available for the year indicated.

(1) Most informal actions relating to debtor identification issues are conducted by private trustees.

Table 3 – Litigation Outcomes

Type of Action	Success Rate							
	Total FY09-15	FY 2015	FY 2014	FY 2013	FY 2012	FY 2011	FY 2010	FY 2009
General Civil Enforcement								
§ 707(a) Dismissal for Cause	98.4%	97.9%	98.5%	99.2%	98.6%	98.5%	97.9%	97.9%
§ 707(b) Dismissal for Abuse	98.4%	99.1%	98.7%	98.9%	98.9%	98.7%	98.1%	97.1%
§ 727 Denial of Discharge	98.9%	97.8%	98.8%	98.7%	98.7%	99.1%	99.2%	99.0%
§ 1328 (f) Denial of Discharge	99.7%	100.0%	100.0%	93.8%	100.0%	100.0%	100.0%	100.0%
§ 1307(c) Dismissal or Conversion	98.0%	97.7%	95.2%	100.0%	98.7%	97.2%	99.3%	96.9%
§ 110 Bankruptcy Petition Preparers	98.5%	98.8%	99.1%	98.1%	97.3%	98.8%	99.2%	98.1%
§ 327 & § 1103 Appointment of Professionals	91.0%	89.9%	93.0%	91.7%	91.6%	89.2%	90.9%	90.9%
§ 329 Attorney Fee Disgorgement	96.0%	97.8%	96.1%	96.9%	97.1%	95.7%	96.2%	92.6%
Other Attorney Misconduct	95.6%	89.7%	97.3%	96.0%	97.4%	95.2%	96.7%	94.9%
Creditor Abuse and Debt Relief Agencies								
§ 526 Debt Relief Agencies	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
Abusive Conduct by Creditors	98.9%	98.1%	98.0%	100.0%	99.3%	99.0%	98.8%	96.9%
Case Administration								
§ 1112(b) Conversion or Dismissal	98.2%	98.1%	98.2%	98.7%	97.9%	98.0%	98.1%	98.7%
§ 1125 Disclosure Statements	98.7%	99.2%	98.9%	99.2%	98.6%	98.2%	98.2%	98.9%
§ 1129 Plan Confirmation	94.1%	95.3%	91.8%	92.4%	95.3%	94.6%	95.7%	93.1%
§ 1104 Appointment of Trustee or Examiner	90.9%	84.3%	87.3%	94.5%	90.3%	93.5%	90.4%	94.1%
§ 330 Professional Fee Requests	94.6%	92.7%	95.6%	96.7%	94.7%	95.1%	94.5%	91.9%
§ 326 Trustee Fees	85.9%	71.4%	89.5%	95.8%	93.8%	85.7%	100.0%	73.1%
§ 503(c) Key Employee Retention Plans	76.1%	68.8%	86.5%	78.6%	66.7%	75.0%	77.3%	N/A
DIP Financing/Cash Collateral Agreements	94.9%	94.9%	N/A	N/A	N/A	N/A	N/A	N/A
Debtor Identification								
Debtor Identification - Motions/Objections	99.1%	100.0%	100.0%	100.0%	100.0%	100.0%	96.2%	100.0%
Total	97.5%	97.0%	97.6%	98.2%	97.6%	97.5%	97.5%	97.2%

N/A – Data are not available for the year indicated.

Table 4 – Potential Financial Impact (\$1,000's)

Type of Formal and Informal Action (1) (Includes Fines and Fees Recovered)	Total (2) FY09-15	FY 2015	FY 2014	FY 2013	FY 2012	FY 2011	FY 2010	FY 2009
General Civil Enforcement								
§ 707(a) Dismissal for Cause	\$1,697,447	\$43,522	\$66,357	\$137,594	\$93,899	\$329,309	\$888,759	\$138,007
§ 707(b) Dismissal for Abuse	\$2,428,811	\$194,262	\$206,162	\$306,356	\$375,464	\$477,213	\$475,168	\$394,186
§ 727 Denial of Discharge	\$7,218,901	\$840,005	\$737,585	\$1,128,814	\$1,432,140	\$1,598,565	\$976,044	\$505,748
§ 1328 (f) Denial of Discharge	\$58,627	\$6,189	\$7,232	\$10,719	\$4,384	\$6,585	\$12,646	\$10,872
§ 110 Actions - Fines Imposed	\$16,288	\$1,478	\$1,808	\$2,320	\$1,673	\$1,916	\$4,219	\$2,874
§ 110 Actions - Fees Recovered	\$2,916	\$280	\$418	\$468	\$499	\$419	\$622	\$210
§ 329 Attorney Fee Disgorgement	\$21,570	\$1,835	\$4,611	\$3,748	\$4,518	\$2,616	\$2,466	\$1,776
Attorney Sanctions	\$1,464	\$347	\$81	\$208	\$199	\$179	\$230	\$220
Creditor Abuse and Debt Relief Agencies								
§ 526 Debt Relief Agencies	\$568	\$138	\$70	\$243	\$44	\$51	\$4	\$18
Creditor Claims Reduced or Withdrawn, Sanctions, and Fines	\$137,530	\$51,623	\$7,637	\$18,203	\$30,815	\$19,101	\$6,855	\$3,296
Case Administration								
§ 330 Professional Fee Requests	\$322,293	\$27,492	\$37,916	\$48,376	\$36,055	\$99,449	\$44,480	\$28,525
§ 326 Trustee Fees	\$11,449	\$908	\$1,064	\$1,681	\$1,147	\$627	\$1,883	\$4,139
Debtor Identification								
Debtor Identification - Objection to Discharge	\$3,155	\$415	\$0	\$45	\$669	\$95	\$1,776	\$155
Total	\$11,921,019	\$1,168,494	\$1,070,941	\$1,658,775	\$1,981,506	\$2,536,125	\$2,415,152	\$1,090,026

N/A – Data are not available for the year indicated.

- (1) Some enforcement activities of U.S. Trustees, even when successful, do not have a directly measurable financial impact. Therefore, there are fewer categories listed on this table than on the previous three tables.
- (2) Due to rounding, total potential financial impact by type of action or fiscal year may vary slightly from the sum of the row or column table entries.