

USTP Enforcement Activity

FY13-19

As of September 30, 2019

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 2013 through Fiscal Year 2019 (October 1, 2012 through September 30, 2019). 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 FY13-19	FY 2019	FY 2018	FY 2017	FY 2016	FY 2015	FY 2014	FY 2013
General Civil Enforcement								
§ 707(a) Dismissal for Cause	13,072	939	1,395	1,584	1,738	1,760	2,262	3,394
§ 707(b) Dismissal for Abuse	10,970	1,248	1,365	1,429	1,417	1,412	1,745	2,354
§ 727 Denial of Discharge	7,359	815	943	991	1,004	985	994	1,627
§ 1328(f) Denial of Discharge	781	105	181	210	172	41	55	17
§ 1307(c) Dismissal or Conversion	994	161	133	135	136	166	98	165
§ 110 Bankruptcy Petition Preparers	2,367	169	252	319	314	377	488	448
§ 327 & § 1103 Appointment of Professionals	4,227	476	504	528	583	597	641	898
§ 329 Attorney Fee Disgorgement	3,328	393	429	497	528	407	495	579
Other Attorney Misconduct	527	30	84	105	66	88	70	84
Referrals to State Bar	93	13	15	8	10	9	10	28
Creditor Abuse and Debt Relief Agencies								
§ 526 Debt Relief Agencies	283	45	63	47	36	15	47	30
Abusive Conduct by Creditors	1,441	35	138	192	85	190	161	640
Case Administration								
§ 1112(b) Conversion or Dismissal	18,527	1,893	2,045	2,217	2,489	2,691	3,379	3,813
§ 1125 Disclosure Statements	4,506	471	513	598	515	623	823	963
§ 1129 Plan Confirmation	2,387	303	313	338	281	349	394	409
§ 1104 Appointment of Trustee or Examiner	495	50	57	60	93	76	73	86
§ 330 Professional Fee Requests	3,088	293	292	342	386	466	629	680
§ 326 Trustee Fees	173	6	19	51	13	40	19	25
§ 503(c) Key Employee Retention Plans	297	51	43	34	48	38	40	43
DIP Financing/Cash Collateral Agreements	654	144	133	139	150	88	N/A	N/A
Debtor Identification								
Debtor Identification - Motions/Objections	125	7	13	11	11	19	32	32
Total	75,694	7,647	8,930	9,835	10,075	10,437	12,455	16,315

Table 2 – Informal Actions

Type of Informal Action	Total FY13-19	FY 2019	FY 2018	FY 2017 ²	FY 2016	FY 2015	FY 2014	FY 2013
General Civil Enforcement								
§ 707(a) Dismissal for Cause	9,731	1,000	1,270	1,351	1,416	1,280	1,337	2,077
§ 707(b) Dismissal for Abuse	71,222	8,583	9,293	9,566	9,396	9,859	10,867	13,658
§ 727 Denial of Discharge	11,845	1,383	1,628	1,687	1,905	1,704	1,617	1,921
§ 1328(f) Denial of Discharge	1,715	107	256	273	283	264	231	301
§ 1307(c) Dismissal or Conversion	581	60	73	54	72	80	96	146
§ 110 Bankruptcy Petition Preparers	3,761	372	522	620	474	557	612	604
§ 327 & § 1103 Appointment of Professionals	9,781	1,727	1,758	1,684	1,190	1,125	1,125	1,172
§ 329 Attorney Fee Disgorgements	8,247	1,093	1,277	1,268	1,272	1,077	1,023	1,237
Other Attorney Misconduct	1,847	154	258	298	279	277	342	239
Creditor Abuse and Debt Relief Agencies								
§ 526 Debt Relief Agencies	1,404	225	638	255	79	92	70	45
Abusive Conduct by Creditors	9,514	241	574	879	1,271	1,531	1,929	3,089
Case Administration								
§ 1112(b) Conversion or Dismissal	12,682	1,734	1,998	2,126	1,670	1,559	1,736	1,859
§ 1125 Disclosure Statements	2,955	383	428	403	366	409	446	520
§ 1129 Plan Confirmation	2,015	292	313	312	263	257	277	301
§ 1104 Appointment of Trustee or Examiner	200	15	45	25	28	22	33	32
§ 330 Professional Fee Requests	7,249	891	1,169	1,415	946	898	928	1,002
§ 326 Trustee Fees	1,306	125	125	181	189	241	312	133
§ 503(c) Key Employee Retention Plans	260	50	51	37	40	30	22	30
DIP Financing/Cash Collateral Agreements	1,167	292	291	220	201	163	N/A	N/A
Debtor Identification¹								
Debtor Identification – Problems Identified	8,267	934	904	1,045	1,047	1,304	1,547	1,486
Total	165,749	19,661	22,871	23,699	22,387	22,729	24,550	29,852

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

(2) The USTP’s methodology for tabulating inquiry totals changed beginning in FY 2017 to include all inquiries initiated during the fiscal year. Inquiry counts were limited to one per case for each enforcement section in prior fiscal years.

Table 3 – Litigation Outcomes

Type of Action	Success Rate							
	Total FY13-19	FY 2019	FY 2018	FY 2017	FY 2016	FY 2015	FY 2014	FY 2013
General Civil Enforcement								
§ 707(a) Dismissal for Cause	98.4%	95.2%	97.3%	99.2%	98.5%	97.9%	98.5%	99.2%
§ 707(b) Dismissal for Abuse	98.8%	99.0%	98.3%	99.0%	98.5%	99.1%	98.7%	98.9%
§ 727 Denial of Discharge	98.6%	99.0%	98.6%	98.2%	98.7%	97.8%	98.8%	98.7%
§ 1328 (f) Denial of Discharge	99.9%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	93.8%
§ 1307(c) Dismissal or Conversion	97.1%	98.6%	97.0%	96.7%	93.8%	97.7%	95.2%	100.0%
§ 110 Bankruptcy Petition Preparers	98.9%	98.9%	98.4%	99.0%	100.0%	98.8%	99.1%	98.1%
§ 327 & § 1103 Appointment of Professionals	91.8%	91.4%	90.6%	93.0%	92.6%	89.9%	93.0%	91.7%
§ 329 Attorney Fee Disgorgement	97.2%	97.2%	98.8%	96.9%	97.3%	97.8%	96.1%	96.9%
Other Attorney Misconduct	95.4%	97.2%	97.2%	98.8%	91.4%	89.7%	97.3%	96.0%
Creditor Abuse and Debt Relief Agencies								
§ 526 Debt Relief Agencies	99.3%	96.6%	100.0%	100.0%	96.4%	100.0%	100.0%	100.0%
Abusive Conduct by Creditors	99.3%	100.0%	100.0%	98.0%	100.0%	98.1%	98.0%	100.0%
Case Administration								
§ 1112(b) Conversion or Dismissal	98.2%	97.8%	98.0%	98.2%	98.2%	98.1%	98.2%	98.7%
§ 1125 Disclosure Statements	98.7%	97.8%	98.3%	98.3%	98.4%	99.2%	98.9%	99.2%
§ 1129 Plan Confirmation	92.8%	93.7%	94.0%	90.6%	92.2%	95.3%	91.8%	92.4%
§ 1104 Appointment of Trustee or Examiner	89.0%	88.4%	88.2%	88.5%	90.9%	84.3%	87.3%	94.5%
§ 330 Professional Fee Requests	94.2%	92.2%	92.6%	93.5%	92.8%	92.7%	95.6%	96.7%
§ 326 Trustee Fees	88.7%	77.8%	94.4%	95.7%	83.3%	71.4%	89.5%	95.8%
§ 503(c) Key Employee Retention Plans	69.5%	65.1%	61.3%	71.9%	55.6%	68.8%	86.5%	78.6%
DIP Financing/Cash Collateral Agreements	91.6%	90.9%	86.6%	93.2%	93.0%	94.9%	N/A	N/A
Debtor Identification								
Debtor Identification - Motions/Objections	98.4%	100.0%	100.0%	100.0%	85.7%	100.0%	100.0%	100.0%
Total	97.4%	96.7%	97.0%	97.5%	97.2%	97.0%	97.6%	98.2%

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

Type of Formal and Informal Action ¹ (Includes Fines and Fees Recovered)	Total ² FY13-19	FY 2019	FY 2018	FY 2017	FY 2016	FY 2015	FY 2014	FY 2013
General Civil Enforcement								
§ 707(a) Dismissal for Cause	\$470,115	\$40,036	\$45,339	\$49,876	\$87,391	\$43,522	\$66,357	\$137,594
§ 707(b) Dismissal for Abuse	\$1,382,397	\$150,679	\$156,236	\$185,425	\$183,277	\$194,262	\$206,162	\$306,356
§ 727 Denial of Discharge	\$6,949,487	\$531,647	\$2,595,532	\$579,438	\$536,466	\$840,005	\$737,585	\$1,128,814
§ 1328 (f) Denial of Discharge	\$81,359	\$8,181	\$13,468	\$19,125	\$16,445	\$6,189	\$7,232	\$10,719
§ 110 Actions - Fines Imposed	\$12,226	\$1,970	\$1,070	\$2,319	\$1,261	\$1,478	\$1,808	\$2,320
§ 110 Actions - Fees Recovered	\$1,862	\$248	\$131	\$146	\$171	\$280	\$418	\$468
§ 329 Attorney Fee Disgorgement	\$18,523	\$1,338	\$1,423	\$1,891	\$3,677	\$1,835	\$4,611	\$3,748
Attorney Sanctions	\$1,703	\$83	\$175	\$458	\$351	\$347	\$81	\$208
Creditor Abuse and Debt Relief Agencies								
§ 526 Debt Relief Agencies	\$2,012	\$202	\$1,061	\$141	\$157	\$138	\$70	\$243
Creditor Claims Reduced or Withdrawn, Sanctions, and Fines	\$192,072	\$2,859	\$6,338	\$2,451	\$102,961	\$51,623	\$7,637	\$18,203
Case Administration								
§ 330 Professional Fee Requests	\$196,762	\$19,742	\$16,695	\$19,284	\$27,257	\$27,492	\$37,916	\$48,376
§ 326 Trustee Fees	\$34,858	\$401	\$1,234	\$23,575	\$5,995	\$908	\$1,064	\$1,681
Debtor Identification								
Debtor Identification - Objection to Discharge	\$515	\$0	\$0	\$0	\$55	\$415	\$0	\$45
Total	\$9,343,889	\$757,385	\$2,838,702	\$884,128	\$965,464	\$1,168,494	\$1,070,941	\$1,658,775

(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.