

**UNITED STATES TRUSTEE PROGRAM
CHAPTER 7 TRUSTEE PERFORMANCE REVIEW**

Name of Trustee: _____

Region/Judicial District(s): _____

Initial Appointment: _____

Performance Review Period: _____

PERFORMANCE REVIEW CRITERIA

- 1. Civil Enforcement**
- 2. Criminal Referrals**
- 3. Meetings of Creditors**
- 4. Court Appearances and Pleadings**
- 5. Retention of Professionals**
- 6. Case Progress and Asset Case Statistics**
- 7. NDRs**
- 8. TFRs and TDRs**
- 9. TIRs and Operating Chapter 7 Reports**
- 10. Accountability for Estate Property**
- 11. Banking and Bonding**
- 12. Audits, Examinations, and Reviews**
- 13. Conduct of Trustee**

This trustee performance review has been completed pursuant to the above performance review criteria.

Date

Assistant United States Trustee

Date

United States Trustee

Overall Comments and Recommendations

1.

Civil Enforcement

Number of civil enforcement actions referred: _____

| Performance Review Criteria | Yes | No |
|--|------------|-----------|
| The trustee understands and identifies and reports to the United States Trustee, when appropriate, potential abuse by attorneys, bankruptcy petition preparers, and other debt relief agencies, including the unauthorized practice of law and violations of 11 U.S.C. § 110. | | |
| The trustee understands and identifies and reports to the United States Trustee, when appropriate, potential abuse by creditors, including disclosure of personally identifiable information (PII), and abuses by mortgage servicers. | | |
| The trustee understands and identifies and reports to the United States Trustee, when appropriate, abuse by debtors, such as § 707(a) and §707(b) abuses and potential objections to discharge under § 727. | | |
| The trustee understands and identifies and reports to the United States Trustee, when appropriate, problems with debtor identification. | | |
| The trustee cooperates with the United States Trustee on the prosecution of civil enforcement cases. | | |

If any element is No, please explain. *(Attach additional pages as necessary.)*

Comments:

2. **Criminal Referrals**

Number of criminal referrals made: _____

| Performance Review Criteria | Yes | No |
|---|-----|----|
| The trustee complies with the criminal referral procedures described in the <i>Handbook for Chapter 7 Trustees (Handbook)</i>. | | |
| The trustee cooperates with the United States Trustee and law enforcement in the prosecution of bankruptcy and other crimes. | | |

If element is No, please explain. (*Attach additional pages as necessary.*)

Comments:

3. Meetings of Creditors

| Performance Review Criteria | Yes | No |
|--|-----|----|
| The trustee is punctual and efficient at meetings. | | |
| The trustee asks all required questions and makes all required statements per the <i>Handbook</i>. | | |
| Each debtor is placed under oath individually. | | |
| The trustee reviews debtor identification and notes this on the record. | | |
| The trustee is prepared for meetings of creditors. | | |
| The trustee asks the appropriate follow-up questions and requests amendments, as needed, given the nature and complexity of the case and the responses previously received. | | |
| The trustee exhibits professional demeanor toward all parties present at meetings of creditors. | | |
| The trustee verifies the accuracy of the debtor's reported income and promptly reports all material discrepancies or other indicia of abuse to the United States Trustee. | | |
| The trustee seeks prior approval from the United States Trustee for the designation of a substitute presiding officer. | | |
| The trustee appropriately safeguards PII against unauthorized disclosure. | | |
| The trustee files statements specifying the date and time when meetings are adjourned. | | |

If any element is No, please explain. (Attach additional pages as necessary.)

Comments:

4. **Court Appearances and Pleadings**

| Performance Review Criteria | Yes | No |
|---|------------|-----------|
| The trustee is prepared for court hearings and is familiar with his/her cases. | | |
| The trustee is knowledgeable of bankruptcy law and procedure. | | |
| The trustee exhibits proper demeanor in court. | | |
| The trustee's pleadings are timely filed and well-drafted. | | |

If any element is No, please explain. *(Attach additional pages as necessary.)*

Comments:

5. **Retention and Supervision of Professionals**

| Performance Review Criteria | Yes | No |
|--|-----|----|
| The trustee exercises sound judgment in hiring professionals. | | |
| The trustee properly obtains court approval for the retention of professionals. | | |
| The trustee properly supervises professionals. | | |
| The trustee appropriately delegates responsibility to professionals. | | |
| The trustee appropriately objects to professional fee applications as necessary. | | |
| The trustee monitors auctioneer bonding in accordance with the <i>Handbook</i> . | | |

If any element is No, please explain. (*Attach additional pages as necessary.*)

Comments:

6. Case Progress and Asset Case Statistics

| | This Year (e.g., 6/30/12) | Last Year (e.g., 6/30/11) | Two Years Ago (e.g., 6/30/10) |
|---|-------------------------------------|-------------------------------------|---|
| Open asset cases over 3 years with no TFR (“Old”)* | | | |

* See the Instructions regarding the formulas and sources for these statistics.

| | Trustee (e.g., 12/31/11) | Office (e.g., 12/31/11) | Nation (e.g., 12/31/11) |
|--|------------------------------------|-----------------------------------|-----------------------------------|
| Percentage of assigned cases closed as asset cases* | | | |
| Amount distributed to prior chapter, priority and general unsecured creditors per assigned case* | | | |
| Percentage of asset cases with no distributions to prior chapter, priority and general unsecured creditors* | | | |

* See the Instructions regarding the formulas and sources for these statistics.

| Performance Review Criteria | Yes | No |
|--|------------|-----------|
| The trustee timely closes cases. | | |
| The trustee efficiently collects and liquidates assets. | | |
| The trustee makes proper decisions regarding which cases/assets to administer. | | |
| The trustee efficiently and effectively collects receivables, avoids transfers, and pursues other claims. | | |
| The trustee maximizes distributions for creditors. | | |
| The trustee has proper justification for the continued administration of old cases. | | |
| The trustee maintains appropriate internal controls to monitor case progress. | | |
| The trustee objects to exemptions. | | |

If any element is No, please explain. (Attach additional pages as necessary.)

Comments:

7. NDRs

| Performance Review Criteria | Yes | No |
|---|------------|-----------|
| The trustee files NDRs in a timely manner. | | |
| The trustee files NDRs in appropriate cases. | | |

If any element is No, please explain. *(Attach additional pages as necessary.)*

Comments:

8. TFRs and TDRs

Statistical information for TFRs and TDRs during review period:

| | |
|---|--|
| Total TFRs approved by the United States Trustee | |
| Number of TFRs requiring correction | |
| Percentage TFRs requiring correction | |
| Total TDRs approved by the United States Trustee | |
| Number of TDRs requiring correction | |
| Percentage TDRs requiring correction | |

| Performance Review Criteria | Yes | No |
|--|------------|-----------|
| The trustee submits TFRs in a timely manner. | | |
| TFRs are generally correct. | | |
| The trustee submits TDRs in a timely manner. | | |
| TDRs are generally correct. | | |
| The trustee corrects TFR and TDR errors in a timely manner. | | |
| The trustee objects to claims as appropriate. | | |

If any element is No, please explain. *(Attach additional pages as necessary.)*

Comments:

9. TIRs and Operating Chapter 7 Reports

| Performance Review Criteria for TIRs | Yes | No |
|--|------------|-----------|
| The trustee submits interim reports to the United States Trustee on a timely basis. | | |
| The trustee’s interim reports are accurate and complete. | | |
| The trustee corrects interim report deficiencies in a timely manner. | | |

| Performance Review Criteria for Operating Chapter 7 Cases | Yes | No | N/A |
|--|------------|-----------|------------|
| The trustee complies with the <i>Handbook</i> and other policies regarding operating chapter 7 cases. | | | |
| The trustee files monthly reports on operating chapter 7 cases. | | | |
| The trustee obtains additional bond coverage as necessary for operating chapter 7 cases. | | | |

If any element is No, please explain. (*Attach additional pages as necessary.*)

Comments:

10. **Accountability for Estate Property**

| Performance Review Criteria | Yes | No |
|--|------------|-----------|
| The trustee identifies assets in a timely manner. | | |
| The trustee secures estate property pursuant to the requirements of the <i>Handbook</i>. | | |
| The trustee maintains appropriate internal controls to protect against loss of estate assets. | | |

If any element is No, please explain. (*Attach additional pages as necessary.*)

Comments:

11. **Banking and Bonding**

| Performance Review Criteria | Yes | No |
|--|------------|-----------|
| The trustee's bank accounts are at an authorized depository. | | |
| The trustee ensures that individual estate accounts are within the FDIC guaranty limits, as applicable, or notifies the United States Trustee when individual estate accounts exceed the FDIC limits. | | |
| The trustee timely pays bond premiums and obtains additional bonding when needed. | | |

If any element is No, please explain. *(Attach additional pages as necessary.)*

Comments:

12. Audits, Examinations, and Reviews¹

Date of most recent independent audit: _____

Date of most recent field examination: _____

| Performance Review Criteria | Yes | No |
|--|------------|-----------|
| The trustee submits audit, examination, and review responses in a timely and complete manner. | | |
| The trustee takes corrective action to cure identified deficiencies. | | |
| The trustee takes corrective action to ensure identified deficiencies do not recur. | | |

If any element is No, please explain. *(Attach additional pages as necessary.)*

Comments:

¹ Insert the dates of the most recent audit and field examination. If the most recent audit or examination was closed prior to the current performance review period, do not indicate “Yes” or “No,” but include an explanation in the Comments section.

13. **Conduct of Trustee**

| Performance Review Criteria | Yes | No |
|---|-----|----|
| Complaints were made against the trustee. | | |
| Litigation was initiated against the trustee due to acts or omissions in the performance of his/her duties. | | |
| The trustee responds professionally to debtors, creditors, attorneys, the court, and the United States Trustee. | | |
| The trustee attends training provided by the United States Trustee. | | |
| The trustee screens new case assignments for possible conflicts of interest in accordance with <i>Handbook</i> requirements and declines case assignments as appropriate. | | |

If the answer to the first two criteria is “Yes,” please explain.
If the answer to the last three criteria is “No,” please explain.
(Attach additional pages as necessary.)

Comments: