

# USTP Enforcement Activity

# FY14-20

As of September 30, 2020

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 2014 through Fiscal Year 2020 (October 1, 2013 through September 30, 2020). 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:

<https://www.justice.gov/ust/annual-reports-significant-accomplishments>

## 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 FY14-20	FY 2020	FY 2019	FY 2018	FY 2017	FY 2016	FY 2015	FY 2014
<b>General Civil Enforcement</b>								
§ 707(a) Dismissal for Cause	<b>10,336</b>	658	939	1,395	1,584	1,738	1,760	2,262
§ 707(b) Dismissal for Abuse	<b>9,630</b>	1,014	1,248	1,365	1,429	1,417	1,412	1,745
§ 727 Denial of Discharge	<b>6,425</b>	693	815	943	991	1,004	985	994
§ 1328(f) Denial of Discharge	<b>823</b>	59	105	181	210	172	41	55
§ 1307(c) Dismissal or Conversion	<b>913</b>	84	161	133	135	136	166	98
§ 110 Bankruptcy Petition Preparers	<b>2,007</b>	88	169	252	319	314	377	488
§ 327 & § 1103 Appointment of Professionals	<b>3,763</b>	434	476	504	528	583	597	641
§ 329 Attorney Fee Disgorgement	<b>3,340</b>	591	393	429	497	528	407	495
Other Attorney Misconduct	<b>483</b>	40	30	84	105	66	88	70
Referrals to State Bar	<b>67</b>	2	13	15	8	10	9	10
<b>Creditor Abuse and Debt Relief Agencies</b>								
§ 526 Debt Relief Agencies	<b>278</b>	25	45	63	47	36	15	47
Abusive Conduct by Creditors	<b>828</b>	27	35	138	192	85	190	161
<b>Case Administration</b>								
§ 1112(b) Conversion or Dismissal	<b>16,220</b>	1,506	1,893	2,045	2,217	2,489	2,691	3,379
§ 1125 Disclosure Statements	<b>3,898</b>	355	471	513	598	515	623	823
§ 1129 Plan Confirmation	<b>2,275</b>	297	303	313	338	281	349	394
§ 1104 Appointment of Trustee or Examiner	<b>445</b>	36	50	57	60	93	76	73
§ 330 Professional Fee Requests	<b>2,673</b>	265	293	292	342	386	466	629
§ 326 Trustee Fees	<b>154</b>	6	6	19	51	13	40	19
§ 503(c) Key Employee Retention Plans	<b>309</b>	55	51	43	34	48	38	40
DIP Financing/Cash Collateral Agreements	<b>831</b>	177	144	133	139	150	88	N/A
<b>Debtor Identification</b>								
Debtor Identification - Motions/Objections	<b>99</b>	6	7	13	11	11	19	32
<b>Total</b>	<b>65,797</b>	6,418	7,647	8,930	9,835	10,075	10,437	12,455

**Table 2 – Informal Actions**

Type of Informal Action	Total FY14-20	FY 2020	FY 2019	FY 2018	FY 2017 <sup>2</sup>	FY 2016	FY 2015	FY 2014
<b>General Civil Enforcement</b>								
§ 707(a) Dismissal for Cause	8,446	792	1,000	1,270	1,351	1,416	1,280	1,337
§ 707(b) Dismissal for Abuse	65,293	7,729	8,583	9,293	9,566	9,396	9,859	10,867
§ 727 Denial of Discharge	11,185	1,261	1,383	1,628	1,687	1,905	1,704	1,617
§ 1328(f) Denial of Discharge	1,476	62	107	256	273	283	264	231
§ 1307(c) Dismissal or Conversion	478	43	60	73	54	72	80	96
§ 110 Bankruptcy Petition Preparers	3,498	341	372	522	620	474	557	612
§ 327 & § 1103 Appointment of Professionals	10,651	2,042	1,727	1,758	1,684	1,190	1,125	1,125
§ 329 Attorney Fee Disgorgements	8,331	1,321	1,093	1,277	1,268	1,272	1,077	1,023
Other Attorney Misconduct	1,754	146	154	258	298	279	277	342
<b>Creditor Abuse and Debt Relief Agencies</b>								
§ 526 Debt Relief Agencies	1,573	214	225	638	255	79	92	70
Abusive Conduct by Creditors	6,638	213	241	574	879	1,271	1,531	1,929
<b>Case Administration</b>								
§ 1112(b) Conversion or Dismissal	12,782	1,959	1,734	1,998	2,126	1,670	1,559	1,736
§ 1125 Disclosure Statements	2,769	334	383	428	403	366	409	446
§ 1129 Plan Confirmation	1,998	284	292	313	312	263	257	277
§ 1104 Appointment of Trustee or Examiner	183	15	15	45	25	28	22	33
§ 330 Professional Fee Requests	7,381	1,134	891	1,169	1,415	946	898	928
§ 326 Trustee Fees	1,299	126	125	125	181	189	241	312
§ 503(c) Key Employee Retention Plans	307	77	50	51	37	40	30	22
DIP Financing/Cash Collateral Agreements	1,501	334	292	291	220	201	163	N/A
<b>Debtor Identification<sup>1</sup></b>								
Debtor Identification – Problems Identified	7,501	720	934	904	1,045	1,047	1,304	1,547
<b>Total</b>	<b>155,044</b>	<b>19,147</b>	<b>19,661</b>	<b>22,871</b>	<b>23,699</b>	<b>22,387</b>	<b>22,729</b>	<b>24,550</b>

(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 FY14-20	FY 2020	FY 2019	FY 2018	FY 2017	FY 2016	FY 2015	FY 2014
<b>General Civil Enforcement</b>								
§ 707(a) Dismissal for Cause	97.8%	94.6%	95.2%	97.3%	99.2%	98.5%	97.9%	98.5%
§ 707(b) Dismissal for Abuse	98.7%	98.1%	99.0%	98.3%	99.0%	98.5%	99.1%	98.7%
§ 727 Denial of Discharge	98.6%	99.1%	99.0%	98.6%	98.2%	98.7%	97.8%	98.8%
§ 1328(f) Denial of Discharge	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
§ 1307(c) Dismissal or Conversion	96.8%	98.8%	98.6%	97.0%	96.7%	93.8%	97.7%	95.2%
§ 110 Bankruptcy Petition Preparers	99.1%	99.0%	98.9%	98.4%	99.0%	100.0%	98.8%	99.1%
§ 327 & § 1103 Appointment of Professionals	91.2%	86.6%	91.4%	90.6%	93.0%	92.6%	89.9%	93.0%
§ 329 Attorney Fee Disgorgement	97.6%	99.0%	97.2%	98.8%	96.9%	97.3%	97.8%	96.1%
Other Attorney Misconduct	95.3%	95.7%	97.2%	97.2%	98.8%	91.4%	89.7%	97.3%
<b>Creditor Abuse and Debt Relief Agencies</b>								
§ 526 Debt Relief Agencies	99.3%	100.0%	96.6%	100.0%	100.0%	96.4%	100.0%	100.0%
Abusive Conduct by Creditors	98.8%	100.0%	100.0%	100.0%	98.0%	100.0%	98.1%	98.0%
<b>Case Administration</b>								
§ 1112(b) Conversion or Dismissal	98.1%	97.7%	97.8%	98.0%	98.2%	98.2%	98.1%	98.2%
§ 1125 Disclosure Statements	98.5%	98.0%	97.8%	98.3%	98.3%	98.4%	99.2%	98.9%
§ 1129 Plan Confirmation	92.6%	90.2%	93.7%	94.0%	90.6%	92.2%	95.3%	91.8%
§ 1104 Appointment of Trustee or Examiner	87.9%	87.0%	88.4%	88.2%	88.5%	90.9%	84.3%	87.3%
§ 330 Professional Fee Requests	93.3%	90.9%	92.2%	92.6%	93.5%	92.8%	92.7%	95.6%
§ 326 Trustee Fees	88.1%	100.0%	77.8%	94.4%	95.7%	83.3%	71.4%	89.5%
§ 503(c) Key Employee Retention Plans	66.2%	60.0%	65.1%	61.3%	71.9%	55.6%	68.8%	86.5%
DIP Financing/Cash Collateral Agreements	90.4%	86.2%	90.9%	86.6%	93.2%	93.0%	94.9%	N/A
<b>Debtor Identification</b>								
Debtor Identification - Motions/Objections	98.0%	100.0%	100.0%	100.0%	100.0%	85.7%	100.0%	100.0%
<b>Total</b>	<b>97.1%</b>	<b>95.9%</b>	<b>96.7%</b>	<b>97.0%</b>	<b>97.5%</b>	<b>97.2%</b>	<b>97.0%</b>	<b>97.6%</b>

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

Type of Formal and Informal Action <sup>1</sup> (Includes Fines and Fees Recovered)	Total <sup>2</sup> FY14-20	FY 2020	FY 2019	FY 2018	FY 2017	FY 2016	FY 2015	FY 2014
<b>General Civil Enforcement</b>								
§ 707(a) Dismissal for Cause	<b>\$387,850</b>	\$55,329	\$40,036	\$45,339	\$49,876	\$87,391	\$43,522	\$66,357
§ 707(b) Dismissal for Abuse	<b>\$1,224,816</b>	\$148,775	\$150,679	\$156,236	\$185,425	\$183,277	\$194,262	\$206,162
§ 727 Denial of Discharge	<b>\$6,583,282</b>	\$762,609	\$531,647	\$2,595,532	\$579,438	\$536,466	\$840,005	\$737,585
§ 1328 (f) Denial of Discharge	<b>\$76,282</b>	\$5,642	\$8,181	\$13,468	\$19,125	\$16,445	\$6,189	\$7,232
§ 110 Actions - Fines Imposed	<b>\$10,438</b>	\$532	\$1,970	\$1,070	\$2,319	\$1,261	\$1,478	\$1,808
§ 110 Actions - Fees Recovered	<b>\$1,460</b>	\$66	\$248	\$131	\$146	\$171	\$280	\$418
§ 329 Attorney Fee Disgorgement	<b>\$21,283</b>	\$6,508	\$1,338	\$1,423	\$1,891	\$3,677	\$1,835	\$4,611
Attorney Sanctions	<b>\$1,517</b>	\$22	\$83	\$175	\$458	\$351	\$347	\$81
<b>Creditor Abuse and Debt Relief Agencies</b>								
§ 526 Debt Relief Agencies	<b>\$2,002</b>	\$233	\$202	\$1,061	\$141	\$157	\$138	\$70
Creditor Claims Reduced or Withdrawn, Sanctions, and Fines	<b>\$174,684</b>	\$815	\$2,859	\$6,338	\$2,451	\$102,961	\$51,623	\$7,637
<b>Case Administration</b>								
§ 330 Professional Fee Requests	<b>\$164,343</b>	\$15,957	\$19,742	\$16,695	\$19,284	\$27,257	\$27,492	\$37,916
§ 326 Trustee Fees	<b>\$34,608</b>	\$1,431	\$401	\$1,234	\$23,575	\$5,995	\$908	\$1,064
<b>Debtor Identification</b>								
Debtor Identification - Objection to Discharge	<b>\$470</b>	\$0	\$0	\$0	\$0	\$55	\$415	\$0
<b>Total</b>	<b>\$8,683,033</b>	\$997,919	\$757,385	\$2,838,702	\$884,128	\$965,464	\$1,168,494	\$1,070,941

(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.