

USTP Enforcement Activity

FY15-21

As of September 30, 2021

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 2015 through Fiscal Year 2021 (October 1, 2014 through September 30, 2021). 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 FY15-21	FY 2021	FY 2020	FY 2019	FY 2018	FY 2017	FY 2016	FY 2015
General Civil Enforcement								
§ 707(a) Dismissal for Cause	8,574	500	658	939	1,395	1,584	1,738	1,760
§ 707(b) Dismissal for Abuse	8,640	755	1,014	1,248	1,365	1,429	1,417	1,412
§ 727 Denial of Discharge	5,997	566	693	815	943	991	1,004	985
§ 1328(f) Denial of Discharge	828	60	59	105	181	210	172	41
§ 1307(c) Dismissal or Conversion	874	59	84	161	133	135	136	166
§ 110 Bankruptcy Petition Preparers	1,589	70	88	169	252	319	314	377
§ 327 & § 1103 Appointment of Professionals	3,564	442	434	476	504	528	583	597
§ 329 Attorney Fee Disgorgement	3,118	273	591	393	429	497	528	407
Other Attorney Misconduct	440	27	40	30	84	105	66	88
Referrals to State Bar	61	4	2	13	15	8	10	9
Creditor Abuse and Debt Relief Agencies								
§ 526 Debt Relief Agencies	254	23	25	45	63	47	36	15
Abusive Conduct by Creditors	679	12	27	35	138	192	85	190
Case Administration								
§ 1112(b) Conversion or Dismissal	14,023	1,182	1,506	1,893	2,045	2,217	2,489	2,691
§ 1125 Disclosure Statements	3,324	249	355	471	513	598	515	623
§ 1129 Plan Confirmation	2,276	395	297	303	313	338	281	349
§ 1104 Appointment of Trustee or Examiner	399	27	36	50	57	60	93	76
§ 330 Professional Fee Requests	2,357	313	265	293	292	342	386	466
§ 326 Trustee Fees	146	11	6	6	19	51	13	40
§ 503(c) Key Employee Retention Plans	299	30	55	51	43	34	48	38
DIP Financing/Cash Collateral Agreements	939	108	177	144	133	139	150	88
Debtor Identification								
Debtor Identification - Motions/Objections	70	3	6	7	13	11	11	19
Total	58,451	5,109	6,418	7,647	8,930	9,835	10,075	10,437

Table 2 – Informal Actions

Type of Informal Action	Total FY15-21	FY 2021	FY 2020	FY 2019	FY 2018	FY 2017 ²	FY 2016	FY 2015
General Civil Enforcement								
§ 707(a) Dismissal for Cause	8,031	922	792	1,000	1,270	1,351	1,416	1,280
§ 707(b) Dismissal for Abuse	61,784	7,358	7,729	8,583	9,293	9,566	9,396	9,859
§ 727 Denial of Discharge	10,867	1,299	1,261	1,383	1,628	1,687	1,905	1,704
§ 1328(f) Denial of Discharge	1,263	18	62	107	256	273	283	264
§ 1307(c) Dismissal or Conversion	427	45	43	60	73	54	72	80
§ 110 Bankruptcy Petition Preparers	3,134	248	341	372	522	620	474	557
§ 327 & § 1103 Appointment of Professionals	11,392	1,866	2,042	1,727	1,758	1,684	1,190	1,125
§ 329 Attorney Fee Disgorgements	8,733	1,425	1,321	1,093	1,277	1,268	1,272	1,077
Other Attorney Misconduct	1,667	255	146	154	258	298	279	277
Creditor Abuse and Debt Relief Agencies								
§ 526 Debt Relief Agencies	1,710	207	214	225	638	255	79	92
Abusive Conduct by Creditors	4,916	207	213	241	574	879	1,271	1,531
Case Administration								
§ 1112(b) Conversion or Dismissal	12,701	1,655	1,959	1,734	1,998	2,126	1,670	1,559
§ 1125 Disclosure Statements	2,579	256	334	383	428	403	366	409
§ 1129 Plan Confirmation	2,267	546	284	292	313	312	263	257
§ 1104 Appointment of Trustee or Examiner	163	13	15	15	45	25	28	22
§ 330 Professional Fee Requests	7,934	1,481	1,134	891	1,169	1,415	946	898
§ 326 Trustee Fees	1,090	103	126	125	125	181	189	241
§ 503(c) Key Employee Retention Plans	332	47	77	50	51	37	40	30
DIP Financing/Cash Collateral Agreements	1,761	260	334	292	291	220	201	163
Debtor Identification¹								
Debtor Identification – Problems Identified	6,492	538	720	934	904	1,045	1,047	1,304
Total	149,243	18,749	19,147	19,661	22,871	23,699	22,387	22,729

(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 FY15-21	FY 2021	FY 2020	FY 2019	FY 2018	FY 2017	FY 2016	FY 2015
General Civil Enforcement								
§ 707(a) Dismissal for Cause	97.4%	93.6%	94.6%	95.2%	97.3%	99.2%	98.5%	97.9%
§ 707(b) Dismissal for Abuse	98.8%	99.8%	98.1%	99.0%	98.3%	99.0%	98.5%	99.1%
§ 727 Denial of Discharge	98.6%	98.7%	99.1%	99.0%	98.6%	98.2%	98.7%	97.8%
§ 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	96.9%	96.4%	98.8%	98.6%	97.0%	96.7%	93.8%	97.7%
§ 110 Bankruptcy Petition Preparers	99.1%	98.6%	99.0%	98.9%	98.4%	99.0%	100.0%	98.8%
§ 327 & § 1103 Appointment of Professionals	90.6%	89.3%	86.6%	91.4%	90.6%	93.0%	92.6%	89.9%
§ 329 Attorney Fee Disgorgement	97.6%	93.8%	99.0%	97.2%	98.8%	96.9%	97.3%	97.8%
Other Attorney Misconduct	95.1%	97.1%	95.7%	97.2%	97.2%	98.8%	91.4%	89.7%
Creditor Abuse and Debt Relief Agencies								
§ 526 Debt Relief Agencies	99.0%	90.9%	100.0%	96.6%	100.0%	100.0%	96.4%	100.0%
Abusive Conduct by Creditors	99.0%	100.0%	100.0%	100.0%	100.0%	98.0%	100.0%	98.1%
Case Administration								
§ 1112(b) Conversion or Dismissal	98.0%	97.2%	97.7%	97.8%	98.0%	98.2%	98.2%	98.1%
§ 1125 Disclosure Statements	98.3%	97.7%	98.0%	97.8%	98.3%	98.3%	98.4%	99.2%
§ 1129 Plan Confirmation	92.5%	91.4%	90.2%	93.7%	94.0%	90.6%	92.2%	95.3%
§ 1104 Appointment of Trustee or Examiner	88.1%	89.7%	87.0%	88.4%	88.2%	88.5%	90.9%	84.3%
§ 330 Professional Fee Requests	92.7%	94.0%	90.9%	92.2%	92.6%	93.5%	92.8%	92.7%
§ 326 Trustee Fees	88.5%	100.0%	100.0%	77.8%	94.4%	95.7%	83.3%	71.4%
§ 503(c) Key Employee Retention Plans	61.5%	50.0%	60.0%	65.1%	61.3%	71.9%	55.6%	68.8%
DIP Financing/Cash Collateral Agreements	90.6%	91.6%	86.2%	90.9%	86.6%	93.2%	93.0%	94.9%
Debtor Identification								
Debtor Identification - Motions/Objections	97.6%	100.0%	100.0%	100.0%	100.0%	100.0%	85.7%	100.0%
Total	96.8%	95.6%	95.9%	96.7%	97.0%	97.5%	97.2%	97.0%

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

Type of Formal and Informal Action ¹ (Includes Fines and Fees Recovered)	Total ² FY15-21	FY 2021	FY 2020	FY 2019	FY 2018	FY 2017	FY 2016	FY 2015
General Civil Enforcement								
§ 707(a) Dismissal for Cause	\$357,407	\$35,914	\$55,329	\$40,036	\$45,339	\$49,876	\$87,391	\$43,522
§ 707(b) Dismissal for Abuse	\$1,169,573	\$150,919	\$148,775	\$150,679	\$156,236	\$185,425	\$183,277	\$194,262
§ 727 Denial of Discharge	\$6,128,177	\$282,480	\$762,609	\$531,647	\$2,595,532	\$579,438	\$536,466	\$840,005
§ 1328(f) Denial of Discharge	\$71,235	\$2,185	\$5,642	\$8,181	\$13,468	\$19,125	\$16,445	\$6,189
§ 110 Actions - Fines Imposed	\$8,862	\$232	\$532	\$1,970	\$1,070	\$2,319	\$1,261	\$1,478
§ 110 Actions - Fees Recovered	\$1,081	\$39	\$66	\$248	\$131	\$146	\$171	\$280
§ 329 Attorney Fee Disgorgement	\$18,730	\$2,058	\$6,508	\$1,338	\$1,423	\$1,891	\$3,677	\$1,835
Attorney Sanctions	\$1,566	\$130	\$22	\$83	\$175	\$458	\$351	\$347
Creditor Abuse and Debt Relief Agencies								
§ 526 Debt Relief Agencies	\$1,998	\$66	\$233	\$202	\$1,061	\$141	\$157	\$138
Creditor Claims Reduced or Withdrawn, Sanctions, and Fines	\$241,700	\$74,653	\$815	\$2,859	\$6,338	\$2,451	\$102,961	\$51,623
Case Administration								
§ 330 Professional Fee Requests	\$163,309	\$36,882	\$15,957	\$19,742	\$16,695	\$19,284	\$27,257	\$27,492
§ 326 Trustee Fees	\$33,795	\$251	\$1,431	\$401	\$1,234	\$23,575	\$5,995	\$908
Debtor Identification								
Debtor Identification - Objection to Discharge	\$470	\$0	\$0	\$0	\$0	\$0	\$55	\$415
Total	\$8,197,901	\$585,809	\$997,919	\$757,385	\$2,838,702	\$884,128	\$965,464	\$1,168,494

(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 other civil enforcement 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.