

USTP Enforcement Activity

FY16-22

As of September 30, 2022

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 2016 through Fiscal Year 2022 (October 1, 2015, through September 30, 2022). 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 FY16-22	FY 2022	FY 2021	FY 2020	FY 2019	FY 2018	FY 2017	FY 2016
General Civil Enforcement								
§ 707(a) Dismissal for Cause	7,311	497	500	658	939	1,395	1,584	1,738
§ 707(b) Dismissal for Abuse	7,944	716	755	1,014	1,248	1,365	1,429	1,417
§ 727 Denial of Discharge	5,670	658	566	693	815	943	991	1,004
§ 1328(f) Denial of Discharge	862	75	60	59	105	181	210	172
§ 1307(c) Dismissal or Conversion	876	168	59	84	161	133	135	136
§ 110 Bankruptcy Petition Preparers	1,279	67	70	88	169	252	319	314
§ 327 & § 1103 Appointment of Professionals	3,300	333	442	434	476	504	528	583
§ 329 Attorney Fee Disgorgement	3,034	323	273	591	393	429	497	528
Other Attorney Misconduct	462	110	27	40	30	84	105	66
Referrals to State Bar	58	6	4	2	13	15	8	10
Creditor Abuse and Debt Relief Agencies								
§ 526 Debt Relief Agencies	271	32	23	25	45	63	47	36
Abusive Conduct by Creditors	493	4	12	27	35	138	192	85
Case Administration								
§ 1112(b) Conversion or Dismissal	12,409	1,077	1,182	1,506	1,893	2,045	2,217	2,489
§ 1125 Disclosure Statements	2,851	150	249	355	471	513	598	515
§ 1129 Plan Confirmation	2,271	344	395	297	303	313	338	281
§ 1104 Appointment of Trustee or Examiner	341	18	27	36	50	57	60	93
§ 330 Professional Fee Requests	2,153	262	313	265	293	292	342	386
§ 326 Trustee Fees	116	10	11	6	6	19	51	13
§ 503(c) Key Employee Retention Plans	285	24	30	55	51	43	34	48
DIP Financing/Cash Collateral Agreements	968	117	108	177	144	133	139	150
Debtor Identification								
Debtor Identification - Motions/Objections	59	8	3	6	7	13	11	11
Total	53,013	4,999	5,109	6,418	7,647	8,930	9,835	10,075

Table 2 – Informal Actions

Type of Informal Action	Total FY16-22	FY 2022	FY 2021	FY 2020	FY 2019	FY 2018	FY 2017 ²	FY 2016
General Civil Enforcement								
§ 707(a) Dismissal for Cause	7,599	848	922	792	1,000	1,270	1,351	1,416
§ 707(b) Dismissal for Abuse	58,722	6,797	7,358	7,729	8,583	9,293	9,566	9,396
§ 727 Denial of Discharge	10,416	1,253	1,299	1,261	1,383	1,628	1,687	1,905
§ 1328(f) Denial of Discharge	1,028	29	18	62	107	256	273	283
§ 1307(c) Dismissal or Conversion	481	134	45	43	60	73	54	72
§ 110 Bankruptcy Petition Preparers	2,837	260	248	341	372	522	620	474
§ 327 & § 1103 Appointment of Professionals	11,723	1,456	1,866	2,042	1,727	1,758	1,684	1,190
§ 329 Attorney Fee Disgorgements	9,171	1,515	1,425	1,321	1,093	1,277	1,268	1,272
Other Attorney Misconduct	1,682	292	255	146	154	258	298	279
Creditor Abuse and Debt Relief Agencies								
§ 526 Debt Relief Agencies	1,715	97	207	214	225	638	255	79
Abusive Conduct by Creditors	3,637	252	207	213	241	574	879	1,271
Case Administration								
§ 1112(b) Conversion or Dismissal	12,810	1,668	1,655	1,959	1,734	1,998	2,126	1,670
§ 1125 Disclosure Statements	2,355	185	256	334	383	428	403	366
§ 1129 Plan Confirmation	2,491	481	546	284	292	313	312	263
§ 1104 Appointment of Trustee or Examiner	148	7	13	15	15	45	25	28
§ 330 Professional Fee Requests	8,270	1,234	1,481	1,134	891	1,169	1,415	946
§ 326 Trustee Fees	918	69	103	126	125	125	181	189
§ 503(c) Key Employee Retention Plans	324	22	47	77	50	51	37	40
DIP Financing/Cash Collateral Agreements	1,810	212	260	334	292	291	220	201
Debtor Identification¹								
Debtor Identification – Problems Identified	5,697	509	538	720	934	904	1,045	1,047
Total	143,834	17,320	18,749	19,147	19,661	22,871	23,699	22,387

(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 FY16-22	FY 2022	FY 2021	FY 2020	FY 2019	FY 2018	FY 2017	FY 2016
General Civil Enforcement								
§ 707(a) Dismissal for Cause	97.2%	95.9%	93.6%	94.6%	95.2%	97.3%	99.2%	98.5%
§ 707(b) Dismissal for Abuse	98.7%	98.7%	99.8%	98.1%	99.0%	98.3%	99.0%	98.5%
§ 727 Denial of Discharge	98.7%	98.5%	98.7%	99.1%	99.0%	98.6%	98.2%	98.7%
§ 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	97.2%	99.3%	96.4%	98.8%	98.6%	97.0%	96.7%	93.8%
§ 110 Bankruptcy Petition Preparers	98.9%	94.1%	98.6%	99.0%	98.9%	98.4%	99.0%	100.0%
§ 327 & § 1103 Appointment of Professionals	90.4%	86.8%	89.3%	86.6%	91.4%	90.6%	93.0%	92.6%
§ 329 Attorney Fee Disgorgement	97.3%	95.7%	93.8%	99.0%	97.2%	98.8%	96.9%	97.3%
Other Attorney Misconduct	97.4%	100.0%	97.1%	95.7%	97.2%	97.2%	98.8%	91.4%
Creditor Abuse and Debt Relief Agencies								
§ 526 Debt Relief Agencies	98.9%	100.0%	90.9%	100.0%	96.6%	100.0%	100.0%	96.4%
Abusive Conduct by Creditors	99.4%	100.0%	100.0%	100.0%	100.0%	100.0%	98.0%	100.0%
Case Administration								
§ 1112(b) Conversion or Dismissal	97.9%	97.7%	97.2%	97.7%	97.8%	98.0%	98.2%	98.2%
§ 1125 Disclosure Statements	98.0%	95.9%	97.7%	98.0%	97.8%	98.3%	98.3%	98.4%
§ 1129 Plan Confirmation	92.2%	93.5%	91.4%	90.2%	93.7%	94.0%	90.6%	92.2%
§ 1104 Appointment of Trustee or Examiner	89.2%	91.7%	89.7%	87.0%	88.4%	88.2%	88.5%	90.9%
§ 330 Professional Fee Requests	92.6%	91.9%	94.0%	90.9%	92.2%	92.6%	93.5%	92.8%
§ 326 Trustee Fees	92.0%	66.7%	100.0%	100.0%	77.8%	94.4%	95.7%	83.3%
§ 503(c) Key Employee Retention Plans	60.1%	55.0%	50.0%	60.0%	65.1%	61.3%	71.9%	55.6%
DIP Financing/Cash Collateral Agreements	90.8%	95.4%	91.6%	86.2%	90.9%	86.6%	93.2%	93.0%
Debtor Identification								
Debtor Identification - Motions/Objections	97.7%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	85.7%
Total	96.7%	96.0%	95.6%	95.9%	96.7%	97.0%	97.5%	97.2%

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

Type of Formal and Informal Action ¹ (Includes Fines and Fees Recovered)	Total ² FY16-22	FY 2022	FY 2021	FY 2020	FY 2019	FY 2018	FY 2017	FY 2016
General Civil Enforcement								
§ 707(a) Dismissal for Cause	\$355,594	\$41,709	\$35,914	\$55,329	\$40,036	\$45,339	\$49,876	\$87,391
§ 707(b) Dismissal for Abuse	\$1,072,770	\$97,459	\$150,919	\$148,775	\$150,679	\$156,236	\$185,425	\$183,277
§ 727 Denial of Discharge	\$5,687,109	\$398,937	\$282,480	\$762,609	\$531,647	\$2,595,532	\$579,438	\$536,466
§ 1328(f) Denial of Discharge	\$69,381	\$4,335	\$2,185	\$5,642	\$8,181	\$13,468	\$19,125	\$16,445
§ 110 Actions - Fines Imposed	\$7,699	\$315	\$232	\$532	\$1,970	\$1,070	\$2,319	\$1,261
§ 110 Actions - Fees Recovered	\$841	\$40	\$39	\$66	\$248	\$131	\$146	\$171
§ 329 Attorney Fee Disgorgement	\$18,301	\$1,406	\$2,058	\$6,508	\$1,338	\$1,423	\$1,891	\$3,677
Attorney Sanctions	\$1,294	\$75	\$130	\$22	\$83	\$175	\$458	\$351
Creditor Abuse and Debt Relief Agencies								
§ 526 Debt Relief Agencies	\$1,922	\$62	\$66	\$233	\$202	\$1,061	\$141	\$157
Creditor Claims Reduced or Withdrawn, Sanctions, and Fines	\$190,755	\$678	\$74,653	\$815	\$2,859	\$6,338	\$2,451	\$102,961
Case Administration								
§ 330 Professional Fee Requests	\$165,483	\$29,666	\$36,882	\$15,957	\$19,742	\$16,695	\$19,284	\$27,257
§ 326 Trustee Fees	\$33,137	\$250	\$251	\$1,431	\$401	\$1,234	\$23,575	\$5,995
Debtor Identification								
Debtor Identification - Objection to Discharge	\$170	\$115	\$0	\$0	\$0	\$0	\$0	\$55
Total	\$7,604,454	\$575,047	\$585,809	\$997,919	\$757,385	\$2,838,702	\$884,128	\$965,464

(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.