

# USTP Enforcement Activity

FY07-13

As of September 30, 2013

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 2007 through Fiscal Year 2013 (October 1, 2006 through September 30, 2013). 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](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 FY07–13	FY 2013	FY 2012	FY 2011	FY 2010	FY 2009	FY 2008	FY 2007
<b>General Civil Enforcement</b>								
§ 707(a) Dismissal for Cause	<b>22,474</b>	3,394	2,084	2,260	2,672	3,107	3,709	5,248
§ 707(b) Dismissal for Abuse	<b>25,348</b>	2,354	2,743	3,323	3,809	3,912	4,372	4,835
§ 727 Denial of Discharge	<b>12,702</b>	1,627	1,717	1,937	1,966	2,006	1,810	1,639
§ 1328(f) Denial of Discharge	<b>761</b>	17	17	39	51	91	313	233
§ 1307(c) Dismissal or Conversion	<b>4,170</b>	165	193	271	367	331	958	1885
§ 110 Bankruptcy Petition Preparers	<b>2,737</b>	448	552	504	520	301	167	245
§ 327 & § 1103 Appointment of Professionals	<b>5,728</b>	898	1,025	930	979	751	660	485
§ 329 Attorney Fee Disgorgement	<b>4,020</b>	579	592	635	667	542	540	465
Other Attorney Misconduct	<b>677</b>	84	164	127	142	41	53	66
Referrals to State Bar	<b>212</b>	28	72	22	39	13	19	19
<b>Creditor Abuse and Debt Relief Agencies</b>								
§ 526 Debt Relief Agencies	<b>145</b>	30	9	47	5	6	39	9
Abusive Conduct by Creditors	<b>2,254</b>	640	428	559	122	318	130	57
<b>Case Administration</b>								
§ 1112(b) Conversion or Dismissal	<b>25,716</b>	3,813	4,423	4,566	4,400	3,459	2,766	2,289
§ 1125 Disclosure Statements	<b>5,162</b>	963	1,094	1,037	812	489	362	405
§ 1129 Plan Confirmation	<b>2,648</b>	409	495	531	446	291	235	241
§ 1104 Appointment of Trustee or Examiner	<b>808</b>	86	110	107	150	125	122	108
§ 330 Professional Fee Requests	<b>4,330</b>	680	699	684	629	511	546	581
§ 326 Trustee Fees	<b>295</b>	25	18	27	26	29	73	97
§ 503(c) Key Employee Retention Plans	<b>128</b>	43	34	23	28	N/A	N/A	N/A
<b>Debtor Identification</b>								
Debtor Identification - Motions/Objections	<b>266</b>	32	35	36	37	38	45	43
<b>Total</b>	<b>120,581</b>	16,315	16,504	17,665	17,867	16,361	16,919	18,950

N/A – Data are not available for the year indicated.

**Table 2 – Informal Actions**

Type of Informal Action	Total FY07–13	FY 2013	FY 2012	FY 2011	FY 2010	FY 2009	FY 2008	FY 2007
<b>General Civil Enforcement</b>								
§ 707(a) Dismissal for Cause	24,015	2,077	2,213	2,448	3,106	3,946	4,211	6,014
§ 707(b) Dismissal for Abuse	165,370	13,658	15,002	17,654	22,629	24,817	31,480	40,130
§ 727 Denial of Discharge	22,087	1,921	2,176	2,635	3,733	3,765	4,259	3,598
§ 1328(f) Denial of Discharge	2,377	301	240	262	253	327	541	453
§ 1307(c) Dismissal or Conversion	1,462	146	83	85	145	207	340	456
§ 110 Bankruptcy Petition Preparers	5,231	604	809	1,119	965	667	597	470
§ 327 & § 1103 Appointment of Professionals	7,154	1,172	1,281	1,239	1,162	1,024	725	551
§ 329 Attorney Fee Disgorgements	9,171	1,237	1,328	1,443	1,438	1,464	1,103	1,158
Other Attorney Misconduct	2,165	239	307	366	364	430	232	227
<b>Creditor Abuse and Debt Relief Agencies</b>								
§ 526 Debt Relief Agencies	250	45	74	39	33	13	21	25
Abusive Conduct by Creditors	14,181	3,089	1,947	2,924	2,780	3,207	190	44
<b>Case Administration</b>								
§ 1112(b) Conversion or Dismissal	10,232	1,859	1,851	1,706	1,608	1,187	1,009	1,012
§ 1125 Disclosure Statements	2,846	520	586	540	422	292	260	226
§ 1129 Plan Confirmation	1,567	301	293	292	246	170	123	142
§ 1104 Appointment of Trustee or Examiner	345	32	39	47	70	49	57	51
§ 330 Professional Fee Requests	5,521	1,002	937	782	707	656	702	735
§ 326 Trustee Fees	1,259	133	151	179	105	142	224	325
§ 503(c) Key Employee Retention Plans	92	30	26	20	16	N/A	N/A	N/A
<b>Debtor Identification*</b>								
Debtor Identification – Problems Identified	13,320	1,486	1,752	2,085	2,171	2,109	2,084	1,633
<b>Total</b>	<b>288,645</b>	<b>29,852</b>	<b>31,095</b>	<b>35,865</b>	<b>41,953</b>	<b>44,472</b>	<b>48,158</b>	<b>57,250</b>

N/A – Data are not available for the year indicated.

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

**Table 3 – Litigation Outcomes**

Type of Action	Success Rate							
	Total FY07–13	FY 2013	FY 2012	FY 2011	FY 2010	FY 2009	FY 2008	FY 2007
<b>General Civil Enforcement</b>								
§ 707(a) Dismissal for Cause	97.7%	99.2%	98.6%	98.5%	97.9%	97.9%	96.9%	96.4%
§ 707(b) Dismissal for Abuse	97.5%	98.9%	98.9%	98.7%	98.1%	97.1%	97.1%	95.1%
§ 727 Denial of Discharge	99.0%	98.7%	98.7%	99.1%	99.2%	99.0%	99.2%	98.8%
§ 1328 (f) Denial of Discharge	99.8%	93.8%	100.0%	100.0%	100.0%	100.0%	99.7%	100.0%
§ 1307(c) Dismissal or Conversion	98.0%	100.0%	98.7%	97.2%	99.3%	96.9%	98.1%	97.8%
§ 110 Bankruptcy Petition Preparers	98.3%	98.1%	97.3%	98.8%	99.2%	98.1%	99.4%	98.5%
§ 327 & § 1103 Appointment of Professionals	91.0%	91.7%	91.6%	89.2%	90.9%	90.9%	91.7%	88.7%
§ 329 Attorney Fee Disgorgement	94.7%	96.9%	97.1%	95.7%	96.2%	92.6%	93.9%	92.5%
Other Attorney Misconduct	94.0%	96.0%	97.4%	95.2%	96.7%	94.9%	90.9%	91.8%
<b>Creditor Abuse and Debt Relief Agencies</b>								
§ 526 Debt Relief Agencies	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
Abusive Conduct by Creditors	98.7%	100.0%	99.3%	99.0%	98.8%	96.9%	93.7%	93.2%
<b>Case Administration</b>								
§ 1112(b) Conversion or Dismissal	98.1%	98.7%	97.9%	98.0%	98.1%	98.7%	98.2%	97.1%
§ 1125 Disclosure Statements	98.5%	99.2%	98.6%	98.2%	98.2%	98.9%	98.9%	97.8%
§ 1129 Plan Confirmation	94.0%	92.4%	95.3%	94.6%	95.7%	93.1%	93.5%	92.2%
§ 1104 Appointment of Trustee or Examiner	92.6%	94.5%	90.3%	93.5%	90.4%	94.1%	93.2%	95.4%
§ 330 Professional Fee Requests	93.8%	96.7%	94.7%	95.1%	94.5%	91.9%	93.0%	91.0%
§ 326 Trustee Fees	87.3%	95.8%	93.8%	85.7%	100.0%	73.1%	85.5%	75.0%
§ 503(c) Key Employee Retention Plans	74.8%	78.6%	66.7%	75.0%	77.3%	N/A	N/A	N/A
<b>Debtor Identification</b>								
Debtor Identification - Motions/Objections	98.6%	100.0%	100.0%	100.0%	96.2%	100.0%	100.0%	96.7%
<b>Total</b>	<b>97.2%</b>	<b>98.2%</b>	<b>97.6%</b>	<b>97.5%</b>	<b>97.5%</b>	<b>97.2%</b>	<b>97.1%</b>	<b>96.0%</b>

N/A – Data are not available for the year indicated.

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

Type of Formal and Informal Action (1) (Includes Fines and Fees Recovered)	Total (2) FY07–13	FY 2013	FY 2012	FY 2011	FY 2010	FY 2009	FY 2008	FY 2007
<b>General Civil Enforcement</b>								
§ 707(a) Dismissal for Cause	<b>\$1,856,860</b>	\$137,594	\$93,899	\$329,309	\$888,759	\$138,007	\$108,015	\$161,277
§ 707(b) Dismissal for Abuse	<b>\$2,723,816</b>	\$306,356	\$375,464	\$477,213	\$475,168	\$394,186	\$375,162	\$320,267
§ 727 Denial of Discharge	<b>\$6,294,378</b>	\$1,128,814	\$1,432,140	\$1,598,565	\$976,044	\$505,748	\$326,140	\$326,927
§ 1328 (f) Denial of Discharge	<b>\$80,069</b>	\$10,719	\$4,384	\$6,585	\$12,646	\$10,872	\$25,732	9131
§ 110 Actions - Fines Imposed	<b>\$14,113</b>	\$2,320	\$1,673	\$1,916	\$4,219	\$2,874	\$668	\$443
§ 110 Actions - Fees Recovered	<b>\$2,508</b>	\$468	\$499	\$419	\$622	\$210	\$160	\$130
§ 329 Attorney Fee Disgorgement	<b>\$18,139</b>	\$3,748	\$4,518	\$2,616	\$2,466	\$1,776	\$1,060	\$1,955
Attorney Sanctions	<b>\$1,120</b>	\$208	\$199	\$179	\$230	\$220	\$34	\$50
<b>Creditor Abuse and Debt Relief Agencies</b>								
§ 526 Debt Relief Agencies	<b>\$395</b>	\$243	\$44	\$51	\$4	\$18	\$10	\$25
Creditor Claims Reduced or Withdrawn, Sanctions, and Fines	<b>\$79,165</b>	\$18,203	\$30,815	\$19,101	\$6,855	\$3,296	\$166	\$729
<b>Case Administration</b>								
§ 330 Professional Fee Requests	<b>\$369,821</b>	\$48,376	\$36,055	\$99,449	\$44,480	\$28,525	\$66,074	\$46,862
§ 326 Trustee Fees	<b>\$12,936</b>	\$1,681	\$1,147	\$627	\$1,883	\$4,139	\$1,231	\$2,228
<b>Debtor Identification</b>								
Debtor Identification - Objection to Discharge	<b>\$3,800</b>	\$45	\$669	\$95	\$1,776	\$155	\$552	\$508
<b>Total</b>	<b>\$11,457,120</b>	<b>\$1,658,775</b>	<b>\$1,981,506</b>	<b>\$2,536,125</b>	<b>\$2,415,152</b>	<b>\$1,090,026</b>	<b>\$905,004</b>	<b>\$870,532</b>

N/A – Data are not available for the year indicated.

- (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.