

# USTP Enforcement Activity

# FY10-16

As of September 30, 2016

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 2010 through Fiscal Year 2016 (October 1, 2009 through September 30, 2016). 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 FY10-16	FY 2016	FY 2015	FY 2014	FY 2013	FY 2012	FY 2011	FY 2010
<b>General Civil Enforcement</b>								
§ 707(a) Dismissal for Cause	16,170	1,738	1,760	2,262	3,394	2,084	2,260	2,672
§ 707(b) Dismissal for Abuse	16,803	1,417	1,412	1,745	2,354	2,743	3,323	3,809
§ 727 Denial of Discharge	10,230	1,004	985	994	1,627	1,717	1,937	1,966
§ 1328(f) Denial of Discharge	392	172	41	55	17	17	39	51
§ 1307(c) Dismissal or Conversion	1,396	136	166	98	165	193	271	367
§ 110 Bankruptcy Petition Preparers	3,203	314	377	488	448	552	504	520
§ 327 & § 1103 Appointment of Professionals	5,653	583	597	641	898	1,025	930	979
§ 329 Attorney Fee Disgorgement	3,903	528	407	495	579	592	635	667
Other Attorney Misconduct	741	66	88	70	84	164	127	142
Referrals to State Bar	190	10	9	10	28	72	22	39
<b>Creditor Abuse and Debt Relief Agencies</b>								
§ 526 Debt Relief Agencies	189	36	15	47	30	9	47	5
Abusive Conduct by Creditors	2,185	85	190	161	640	428	559	122
<b>Case Administration</b>								
§ 1112(b) Conversion or Dismissal	25,761	2,489	2,691	3,379	3,813	4,423	4,566	4,400
§ 1125 Disclosure Statements	5,867	515	623	823	963	1,094	1,037	812
§ 1129 Plan Confirmation	2,905	281	349	394	409	495	531	446
§ 1104 Appointment of Trustee or Examiner	695	93	76	73	86	110	107	150
§ 330 Professional Fee Requests	4,173	386	466	629	680	699	684	629
§ 326 Trustee Fees	168	13	40	19	25	18	27	26
§ 503(c) Key Employee Retention Plans	254	48	38	40	43	34	23	28
DIP Financing/Cash Collateral Agreements	238	150	88	N/A	N/A	N/A	N/A	N/A
<b>Debtor Identification</b>								
Debtor Identification - Motions/Objections	202	11	19	32	32	35	36	37
<b>Total</b>	<b>101,318</b>	<b>10,075</b>	<b>10,437</b>	<b>12,455</b>	<b>16,315</b>	<b>16,504</b>	<b>17,665</b>	<b>17,867</b>

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

**Table 2 – Informal Actions**

Type of Informal Action	Total FY10-16	FY 2016	FY 2015	FY 2014	FY 2013	FY 2012	FY 2011	FY 2010
<b>General Civil Enforcement</b>								
§ 707(a) Dismissal for Cause	<b>13,877</b>	1,416	1,280	1,337	2,077	2,213	2,448	3,106
§ 707(b) Dismissal for Abuse	<b>99,065</b>	9,396	9,859	10,867	13,658	15,002	17,654	22,629
§ 727 Denial of Discharge	<b>15,691</b>	1,905	1,704	1,617	1,921	2,176	2,635	3,733
§ 1328(f) Denial of Discharge	<b>1,834</b>	283	264	231	301	240	262	253
§ 1307(c) Dismissal or Conversion	<b>707</b>	72	80	96	146	83	85	145
§ 110 Bankruptcy Petition Preparers	<b>5,140</b>	474	557	612	604	809	1,119	965
§ 327 & § 1103 Appointment of Professionals	<b>8,294</b>	1,190	1,125	1,125	1,172	1,281	1,239	1,162
§ 329 Attorney Fee Disgorgements	<b>8,818</b>	1,272	1,077	1,023	1,237	1,328	1,443	1,438
Other Attorney Misconduct	<b>2,174</b>	279	277	342	239	307	366	364
<b>Creditor Abuse and Debt Relief Agencies</b>								
§ 526 Debt Relief Agencies	<b>432</b>	79	92	70	45	74	39	33
Abusive Conduct by Creditors	<b>15,471</b>	1,271	1,531	1,929	3,089	1,947	2,924	2,780
<b>Case Administration</b>								
§ 1112(b) Conversion or Dismissal	<b>11,989</b>	1,670	1,559	1,736	1,859	1,851	1,706	1,608
§ 1125 Disclosure Statements	<b>3,289</b>	366	409	446	520	586	540	422
§ 1129 Plan Confirmation	<b>1,929</b>	263	257	277	301	293	292	246
§ 1104 Appointment of Trustee or Examiner	<b>271</b>	28	22	33	32	39	47	70
§ 330 Professional Fee Requests	<b>6,200</b>	946	898	928	1,002	937	782	707
§ 326 Trustee Fees	<b>1,310</b>	189	241	312	133	151	179	105
§ 503(c) Key Employee Retention Plans	<b>184</b>	40	30	22	30	26	20	16
DIP Financing/Cash Collateral Agreements	<b>364</b>	201	163	N/A	N/A	N/A	N/A	N/A
<b>Debtor Identification*</b>								
Debtor Identification – Problems Identified	<b>11,392</b>	1,047	1,304	1,547	1,486	1,752	2,085	2,171
<b>Total</b>	<b>208,431</b>	22,387	22,729	24,550	29,852	31,095	35,865	41,953

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 FY10-16	FY 2016	FY 2015	FY 2014	FY 2013	FY 2012	FY 2011	FY 2010
<b>General Civil Enforcement</b>								
§ 707(a) Dismissal for Cause	98.5%	98.5%	97.9%	98.5%	99.2%	98.6%	98.5%	97.9%
§ 707(b) Dismissal for Abuse	98.6%	98.5%	99.1%	98.7%	98.9%	98.9%	98.7%	98.1%
§ 727 Denial of Discharge	98.8%	98.7%	97.8%	98.8%	98.7%	98.7%	99.1%	99.2%
§ 1328 (f) Denial of Discharge	99.8%	100.0%	100.0%	100.0%	93.8%	100.0%	100.0%	100.0%
§ 1307(c) Dismissal or Conversion	97.8%	93.8%	97.7%	95.2%	100.0%	98.7%	97.2%	99.3%
§ 110 Bankruptcy Petition Preparers	98.7%	100.0%	98.8%	99.1%	98.1%	97.3%	98.8%	99.2%
§ 327 & § 1103 Appointment of Professionals	91.2%	92.6%	89.9%	93.0%	91.7%	91.6%	89.2%	90.9%
§ 329 Attorney Fee Disgorgement	96.7%	97.3%	97.8%	96.1%	96.9%	97.1%	95.7%	96.2%
Other Attorney Misconduct	95.3%	91.4%	89.7%	97.3%	96.0%	97.4%	95.2%	96.7%
<b>Creditor Abuse and Debt Relief Agencies</b>								
§ 526 Debt Relief Agencies	99.4%	96.4%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
Abusive Conduct by Creditors	99.3%	100.0%	98.1%	98.0%	100.0%	99.3%	99.0%	98.8%
<b>Case Administration</b>								
§ 1112(b) Conversion or Dismissal	98.2%	98.2%	98.1%	98.2%	98.7%	97.9%	98.0%	98.1%
§ 1125 Disclosure Statements	98.7%	98.4%	99.2%	98.9%	99.2%	98.6%	98.2%	98.2%
§ 1129 Plan Confirmation	94.0%	92.2%	95.3%	91.8%	92.4%	95.3%	94.6%	95.7%
§ 1104 Appointment of Trustee or Examiner	90.4%	90.9%	84.3%	87.3%	94.5%	90.3%	93.5%	90.4%
§ 330 Professional Fee Requests	94.8%	92.8%	92.7%	95.6%	96.7%	94.7%	95.1%	94.5%
§ 326 Trustee Fees	88.2%	83.3%	71.4%	89.5%	95.8%	93.8%	85.7%	100.0%
§ 503(c) Key Employee Retention Plans	72.0%	55.6%	68.8%	86.5%	78.6%	66.7%	75.0%	77.3%
DIP Financing/Cash Collateral Agreements	93.7%	93.0%	94.9%	N/A	N/A	N/A	N/A	N/A
<b>Debtor Identification</b>								
Debtor Identification - Motions/Objections	98.0%	85.7%	100.0%	100.0%	100.0%	100.0%	100.0%	96.2%
<b>Total</b>	<b>97.6%</b>	<b>97.2%</b>	<b>97.0%</b>	<b>97.6%</b>	<b>98.2%</b>	<b>97.6%</b>	<b>97.5%</b>	<b>97.5%</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) FY10-16	FY 2016	FY 2015	FY 2014	FY 2013	FY 2012	FY 2011	FY 2010
<b>General Civil Enforcement</b>								
§ 707(a) Dismissal for Cause	\$1,646,831	\$87,391	\$43,522	\$66,357	\$137,594	\$93,899	\$329,309	\$888,759
§ 707(b) Dismissal for Abuse	\$2,217,902	\$183,277	\$194,262	\$206,162	\$306,356	\$375,464	\$477,213	\$475,168
§ 727 Denial of Discharge	\$7,249,619	\$536,466	\$840,005	\$737,585	\$1,128,814	\$1,432,140	\$1,598,565	\$976,044
§ 1328 (f) Denial of Discharge	\$64,200	\$16,445	\$6,189	\$7,232	\$10,719	\$4,384	\$6,585	\$12,646
§ 110 Actions - Fines Imposed	\$14,675	\$1,261	\$1,478	\$1,808	\$2,320	\$1,673	\$1,916	\$4,219
§ 110 Actions - Fees Recovered	\$2,877	\$171	\$280	\$418	\$468	\$499	\$419	\$622
§ 329 Attorney Fee Disgorgement	\$23,471	\$3,677	\$1,835	\$4,611	\$3,748	\$4,518	\$2,616	\$2,466
Attorney Sanctions	\$1,595	\$351	\$347	\$81	\$208	\$199	\$179	\$230
<b>Creditor Abuse and Debt Relief Agencies</b>								
§ 526 Debt Relief Agencies	\$707	\$157	\$138	\$70	\$243	\$44	\$51	\$4
Creditor Claims Reduced or Withdrawn, Sanctions, and Fines	\$237,195	\$102,961	\$51,623	\$7,637	\$18,203	\$30,815	\$19,101	\$6,855
<b>Case Administration</b>								
§ 330 Professional Fee Requests	\$321,025	\$27,257	\$27,492	\$37,916	\$48,376	\$36,055	\$99,449	\$44,480
§ 326 Trustee Fees	\$13,305	\$5,995	\$908	\$1,064	\$1,681	\$1,147	\$627	\$1,883
<b>Debtor Identification</b>								
Debtor Identification - Objection to Discharge	\$3,055	\$55	\$415	\$0	\$45	\$669	\$95	\$1,776
<b>Total</b>	<b>\$11,796,457</b>	<b>\$965,464</b>	<b>\$1,168,494</b>	<b>\$1,070,941</b>	<b>\$1,658,775</b>	<b>\$1,981,506</b>	<b>\$2,536,125</b>	<b>\$2,415,152</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.