

USTP Enforcement Activity

FY17-23

As of September 30, 2023

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 2017 through Fiscal Year 2023 (October 1, 2016, through September 30, 2023). 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 FY17-23	FY 2023	FY 2022	FY 2021	FY 2020	FY 2019	FY 2018	FY 2017
General Civil Enforcement								
§ 707(a) Dismissal for Cause	6,126	553	497	500	658	939	1,395	1,584
§ 707(b) Dismissal for Abuse	7,143	616	716	755	1,014	1,248	1,365	1,429
§ 727 Denial of Discharge	5,583	917	658	566	693	815	943	991
§ 1328(f) Denial of Discharge	788	98	75	60	59	105	181	210
§ 1307(c) Dismissal or Conversion	967	227	168	59	84	161	133	135
§ 110 Bankruptcy Petition Preparers	1,022	57	67	70	88	169	252	319
§ 327 & § 1103 Appointment of Professionals	3,097	380	333	442	434	476	504	528
§ 329 Attorney Fee Disgorgement	2,883	377	323	273	591	393	429	497
Other Attorney Misconduct	485	89	110	27	40	30	84	105
Referrals to State Bar	61	13	6	4	2	13	15	8
Creditor Abuse and Debt Relief Agencies								
§ 526 Debt Relief Agencies	251	16	32	23	25	45	63	47
Abusive Conduct by Creditors	414	6	4	12	27	35	138	192
Case Administration								
§ 1112(b) Conversion or Dismissal	11,117	1,197	1,077	1,182	1,506	1,893	2,045	2,217
§ 1125 Disclosure Statements	2,476	140	150	249	355	471	513	598
§ 1129 Plan Confirmation	2,407	417	344	395	297	303	313	338
§ 1104 Appointment of Trustee or Examiner	270	22	18	27	36	50	57	60
§ 330 Professional Fee Requests	2,026	259	262	313	265	293	292	342
§ 326 Trustee Fees	107	4	10	11	6	6	19	51
§ 503(c) Key Employee Retention Plans	262	25	24	30	55	51	43	34
DIP Financing/Cash Collateral Agreements	1,008	190	117	108	177	144	133	139
Debtor Identification								
Debtor Identification - Motions/Objections	57	9	8	3	6	7	13	11
Total	48,550	5,612	4,999	5,109	6,418	7,647	8,930	9,835

Table 2 – Informal Actions

Type of Informal Action	Total FY17-23	FY 2023	FY 2022	FY 2021	FY 2020	FY 2019	FY 2018	FY 2017 ²
General Civil Enforcement								
§ 707(a) Dismissal for Cause	6,945	762	848	922	792	1,000	1,270	1,351
§ 707(b) Dismissal for Abuse	55,923	6,597	6,797	7,358	7,729	8,583	9,293	9,566
§ 727 Denial of Discharge	9,807	1,296	1,253	1,299	1,261	1,383	1,628	1,687
§ 1328(f) Denial of Discharge	777	32	29	18	62	107	256	273
§ 1307(c) Dismissal or Conversion	551	142	134	45	43	60	73	54
§ 110 Bankruptcy Petition Preparers	2,592	229	260	248	341	372	522	620
§ 327 & § 1103 Appointment of Professionals	12,173	1,640	1,456	1,866	2,042	1,727	1,758	1,684
§ 329 Attorney Fee Disgorgements	9,371	1,472	1,515	1,425	1,321	1,093	1,277	1,268
Other Attorney Misconduct	1,811	408	292	255	146	154	258	298
Creditor Abuse and Debt Relief Agencies								
§ 526 Debt Relief Agencies	1,724	88	97	207	214	225	638	255
Abusive Conduct by Creditors	2,463	97	252	207	213	241	574	879
Case Administration								
§ 1112(b) Conversion or Dismissal	12,675	1,535	1,668	1,655	1,959	1,734	1,998	2,126
§ 1125 Disclosure Statements	2,147	158	185	256	334	383	428	403
§ 1129 Plan Confirmation	2,742	514	481	546	284	292	313	312
§ 1104 Appointment of Trustee or Examiner	137	17	7	13	15	15	45	25
§ 330 Professional Fee Requests	8,301	977	1,234	1,481	1,134	891	1,169	1,415
§ 326 Trustee Fees	816	87	69	103	126	125	125	181
§ 503(c) Key Employee Retention Plans	338	54	22	47	77	50	51	37
DIP Financing/Cash Collateral Agreements	1,925	316	212	260	334	292	291	220
Debtor Identification¹								
Debtor Identification – Problems Identified	5,076	426	509	538	720	934	904	1,045
Total	138,294	16,847	17,320	18,749	19,147	19,661	22,871	23,699

(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 FY17-23	FY 2023	FY 2022	FY 2021	FY 2020	FY 2019	FY 2018	FY 2017
General Civil Enforcement								
§ 707(a) Dismissal for Cause	96.7%	95.9%	95.9%	93.6%	94.6%	95.2%	97.3%	99.2%
§ 707(b) Dismissal for Abuse	98.7%	98.4%	98.7%	99.8%	98.1%	99.0%	98.3%	99.0%
§ 727 Denial of Discharge	98.8%	99.6%	98.5%	98.7%	99.1%	99.0%	98.6%	98.2%
§ 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	98.3%	99.5%	99.3%	96.4%	98.8%	98.6%	97.0%	96.7%
§ 110 Bankruptcy Petition Preparers	98.5%	100.0%	94.1%	98.6%	99.0%	98.9%	98.4%	99.0%
§ 327 & § 1103 Appointment of Professionals	89.6%	88.0%	86.8%	89.3%	86.6%	91.4%	90.6%	93.0%
§ 329 Attorney Fee Disgorgement	97.5%	98.9%	95.7%	93.8%	99.0%	97.2%	98.8%	96.9%
Other Attorney Misconduct	97.7%	94.9%	100.0%	97.1%	95.7%	97.2%	97.2%	98.8%
Creditor Abuse and Debt Relief Agencies								
§ 526 Debt Relief Agencies	99.3%	100.0%	100.0%	90.9%	100.0%	96.6%	100.0%	100.0%
Abusive Conduct by Creditors	99.2%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	98.0%
Case Administration								
§ 1112(b) Conversion or Dismissal	97.8%	97.5%	97.7%	97.2%	97.7%	97.8%	98.0%	98.2%
§ 1125 Disclosure Statements	97.8%	95.8%	95.9%	97.7%	98.0%	97.8%	98.3%	98.3%
§ 1129 Plan Confirmation	92.7%	95.0%	93.5%	91.4%	90.2%	93.7%	94.0%	90.6%
§ 1104 Appointment of Trustee or Examiner	87.9%	81.8%	91.7%	89.7%	87.0%	88.4%	88.2%	88.5%
§ 330 Professional Fee Requests	92.8%	94.7%	91.9%	94.0%	90.9%	92.2%	92.6%	93.5%
§ 326 Trustee Fees	90.5%	72.7%	66.7%	100.0%	100.0%	77.8%	94.4%	95.7%
§ 503(c) Key Employee Retention Plans	63.0%	81.8%	55.0%	50.0%	60.0%	65.1%	61.3%	71.9%
DIP Financing/Cash Collateral Agreements	91.2%	94.9%	95.4%	91.6%	86.2%	90.9%	86.6%	93.2%
Debtor Identification								
Debtor Identification - Motions/Objections	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
Total	96.6%	96.8%	96.0%	95.6%	95.9%	96.7%	97.0%	97.5%

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

Type of Formal and Informal Action ¹ (Includes Fines and Fees Recovered)	Total ² FY17-23	FY 2023	FY 2022	FY 2021	FY 2020	FY 2019	FY 2018	FY 2017
General Civil Enforcement								
§ 707(a) Dismissal for Cause	\$330,124	\$61,921	\$41,709	\$35,914	\$55,329	\$40,036	\$45,339	\$49,876
§ 707(b) Dismissal for Abuse	\$996,306	\$106,813	\$97,459	\$150,919	\$148,775	\$150,679	\$156,236	\$185,425
§ 727 Denial of Discharge	\$5,595,567	\$444,924	\$398,937	\$282,480	\$762,609	\$531,647	\$2,595,532	\$579,438
§ 1328(f) Denial of Discharge	\$58,963	\$6,027	\$4,335	\$2,185	\$5,642	\$8,181	\$13,468	\$19,125
§ 110 Actions - Fines Imposed	\$6,778	\$340	\$315	\$232	\$532	\$1,970	\$1,070	\$2,319
§ 110 Actions - Fees Recovered	\$734	\$64	\$40	\$39	\$66	\$248	\$131	\$146
§ 329 Attorney Fee Disgorgement	\$15,874	\$1,250	\$1,406	\$2,058	\$6,508	\$1,338	\$1,423	\$1,891
Attorney Sanctions	\$1,113	\$170	\$75	\$130	\$22	\$83	\$175	\$458
Creditor Abuse and Debt Relief Agencies								
§ 526 Debt Relief Agencies	\$2,007	\$242	\$62	\$66	\$233	\$202	\$1,061	\$141
Creditor Claims Reduced or Withdrawn, Sanctions, and Fines	\$87,882	\$88	\$678	\$74,653	\$815	\$2,859	\$6,338	\$2,451
Case Administration								
§ 330 Professional Fee Requests	\$148,904	\$10,678	\$29,666	\$36,882	\$15,957	\$19,742	\$16,695	\$19,284
§ 326 Trustee Fees	\$27,485	\$343	\$250	\$251	\$1,431	\$401	\$1,234	\$23,575
Debtor Identification								
Debtor Identification - Objection to Discharge	\$115	\$0	\$115	\$0	\$0	\$0	\$0	\$0
Total	\$7,271,849	\$632,859	\$575,047	\$585,809	\$997,919	\$757,385	\$2,838,702	\$884,128

(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.