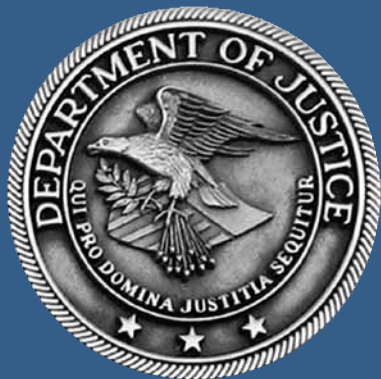


U.S. Department of Justice

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UNITED STATES TRUSTEE PROGRAM  
STRATEGIC PLAN



FY 2012 - 2016

[www.justice.gov/ust](http://www.justice.gov/ust)

*The United States Trustee Program's mission is to promote the integrity and efficiency of the bankruptcy system for the benefit of all stakeholders – debtors, creditors, and the public.*

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## MESSAGE FROM THE DIRECTOR

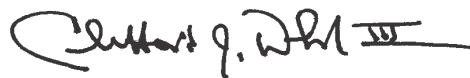
The mission of the United States Trustee Program is to promote the integrity and efficiency of the bankruptcy system for the benefit of all stakeholders – debtors, creditors, and the public. The *United States Trustee Program Strategic Plan FY 2012-2016* outlines the long-term goals we will pursue as part of this mission.

The President, Congress, and the public expect measurable results from federal agencies, and the USTP will deliver those results. As set forth in the Plan, our primary goals are to:

- ❖ Protect the integrity of the nation’s bankruptcy system.
- ❖ Promote effectiveness and efficiency within the nation’s bankruptcy system.
- ❖ Maintain operational excellence that achieves desired results through continuous improvements in field operations, administration, information technology, planning and evaluation, and diversity.

The FY 2012-2016 Strategic Plan presents a challenging course forward that would not be possible without the Program’s cadre of highly dedicated, knowledgeable, and hard-working employees. Guided by core values of integrity, fairness, respect, excellence, and accountability, Program employees will strive to fulfill the USTP’s mission in a principled, fair, and effective manner.

I would like to thank all members of the United States Trustee Program and our many colleagues in the bankruptcy community as we endeavor to ensure our nation’s bankruptcy system benefits all stakeholders.



Clifford J. White III  
Director, Executive Office for U.S. Trustees

*Integrity.*

*Fairness.*

*Respect.*

*Excellence.*

*Accountability.*

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## INTRODUCTION

The United States Trustee Program (“USTP” or “Program”) FY 2012-2016 Strategic Plan continues the organization’s operations as a high-performance, litigating component of the Department of Justice (“DOJ” or “Department”). The USTP plan addresses the Program’s vision and mission, and outlines a path for achieving results. The plan includes goals for the Program that flow directly from the *Department of Justice Strategic Plan FY 2012 - 2016*, and provides a roadmap for the future success of the USTP in fulfilling its vital role in America’s bankruptcy system.

## THE U.S. TRUSTEE PROGRAM STRATEGIC PLAN

The USTP strategic plan is framed by mission, vision, core values, and Program goals.

### USTP Mission - Who We Are and What We Do as an Organization

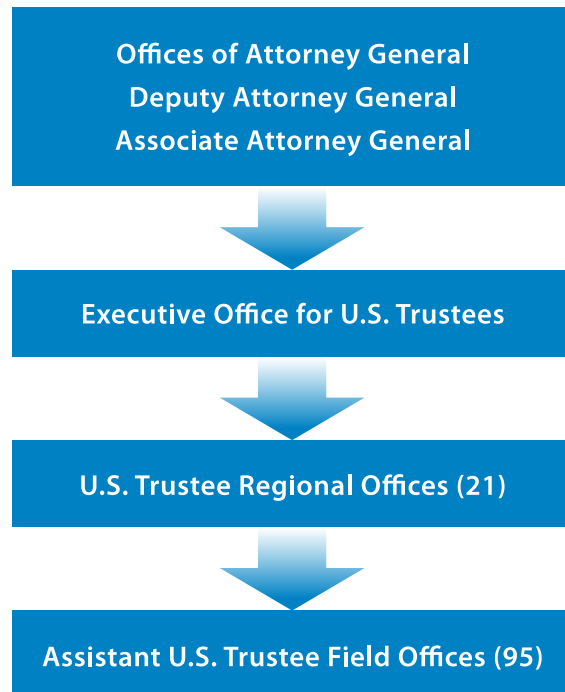
The USTP mission is to promote the integrity and efficiency of the bankruptcy system for the benefit of all stakeholders – debtors, creditors, and the public.

The USTP was created under the Bankruptcy Reform Act of 1978 as a DOJ component, and piloted in 18 judicial districts. In 1986, Congress expanded the Program to 88 judicial districts, comprising 21 regions, encompassing all states except Alabama and North Carolina. Program operations are carried out through 95 field offices that report to United States Trustees in the regions. The Executive Office for U.S. Trustees, located in Washington, D.C.,

sets policy, directs legal matters, oversees the Program’s operations, and provides administrative support.

The USTP is responsible for a broad range of activities vital to the nation’s bankruptcy system, including litigation and enforcement practices that protect system integrity and the interests of all stakeholders; the appointment and oversight of private trustees; and the appointment of Chapter 11 creditor committees, trustees, and examiners. The Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (BAPCPA) imposed additional statutory responsibilities that the USTP has integrated into its mission.

Figure 1. Reporting Structure:  
USTP Leadership and Operations Levels



## USTP Vision - Where the Program is Headed

The United States Trustee Program carries out its enforcement, regulatory, and administrative responsibilities to enhance the integrity, efficiency, and operational excellence of the bankruptcy system for the benefit of all stakeholders – debtors, creditors, and the public.

The Program continuously endeavors to improve operations, focusing on efficiencies and emphasizing fairness to all stakeholders in the bankruptcy system, while responding to changing needs and challenges. For example, the Program streamlined enforcement activity in response to the dramatic increase in case filings in fiscal years 2008 - 2010, including the size and complexity of some Chapter 11 business reorganization bankruptcy cases.

The USTP seeks to balance its operational priorities with available resources, while steadfastly performing its important statutory obligations. The Program will continue to streamline operations, including the consolidation of certain administrative duties on a regional level, so resources are directed to prosecuting compelling cases of fraud and abuse involving any party in the bankruptcy system, whether debtor, creditor, professional, or other stakeholder.

### USTP Core Values - Principles and Beliefs Guiding the Organization and Employees

Five core values embody the principles and beliefs that guide USTP employees in faithfully performing their duties and applying the law that Congress has written. The Program fulfills its statutory role in America's bankruptcy system in a principled, fair, and effective manner.

*Integrity.* We will be professional and adhere to the highest ethical standards.

*Fairness.* We will be impartial and honest in faithfully performing our statutory duties and responsibilities.

*Respect.* We will treat others with dignity.

*Excellence.* We will enhance the effectiveness and efficiency of our service.

*Accountability.* We will continuously measure and improve our performance and results.

### USTP Goals - Long-Term Outcomes Pursued by the Program

The USTP has developed three Program goals:

1. Protect the integrity of the nation's bankruptcy system.
2. Promote effectiveness and efficiency within the nation's bankruptcy system.
3. Maintain operational excellence that achieves desired results through continuous improvements in field operations, administration, information technology, planning and evaluation, and diversity.

The first two Program goals flow directly from the Department of Justice's Strategic Plan.

### The Department of Justice Strategic Plan

The Department's Strategic Plan includes three goals:

1. Prevent Terrorism and Promote the Nation's Security Consistent with the Rule of Law.



2. Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law.
3. Ensure and Support the Fair, Impartial, Efficient, and Transparent Administration of Justice at the Federal, State, Local, Tribal, and International Levels.

The USTP contributes to DOJ Goal Two through DOJ Objective 2.6, which seeks “[t]o protect the federal fisc and defend the interests of the United States,” and the Objective’s supporting strategy to “[p]rotect the integrity and ensure the effective operation of the nation’s bankruptcy system.”

#### ALIGNMENT OF GOALS, OBJECTIVES, STRATEGIES, AND MEASURES

The USTP Strategic Plan outlines how goals and objectives are met through the successful implementation of strategies and evaluation of performance. This framework identifies how each employee’s work contributes to the Program’s mission and goals.

The Program’s specific goals, objectives, strategies, and measures are derived from DOJ goals, objectives, and strategies. These concepts cascade – for example, an objective and associated strategy at the Department level are associated with goals at the Program level.

#### **USTP Goal Number One: Protect the integrity of the nation’s bankruptcy system**

**Objective.** Enforce compliance with bankruptcy laws and rules for the benefit of debtors, creditors, and all stakeholders. The Program, in coordination with other DOJ components, pursues and defends cases in the bankruptcy courts, district courts, appellate courts, and the U.S. Supreme Court.

**Strategies.** The USTP files and civilly prosecutes thousands of motions and complaints each year to enforce bankruptcy laws and rules. In protecting the integrity of the system, the USTP investigates and takes enforcement actions to redress bankruptcy fraud and abuse committed by debtors, as well as by attorneys, creditors, and others who exploit consumer debtors in violation of the Bankruptcy Code. In addition to civil enforcement, the Program identifies and refers suspected criminal conduct to U.S. Attorneys and law enforcement agencies, and assists in investigations and prosecutions.

**Measures.** Measures of enforcement and compliance efforts include the number of successful discharge complaints to prevent fraud and abuse by bankruptcy filers, the dollar value of debts that are prevented from being improperly discharged, the number of criminal referrals, and the number of successful formal and informal consumer protection actions resulting from the inappropriate conduct of creditors, petition preparers, attorneys, mortgage servicing agencies, and operators of mortgage rescue scams. The results of financial reviews and debtor audits as mandated by BAPCPA also promote and measure compliance. The Program further supplements its enforcement efforts through a variety of public affairs and outreach activities designed to reinforce bankruptcy system compliance and accountability.

#### **USTP Goal Number Two: Promote effectiveness and efficiency within the nation’s bankruptcy system**

**Objective.** Promote effectiveness and efficiency in administering the bankruptcy system. The vast majority of the bankruptcy cases that the USTP oversees are filed under Chapter 7 (liquidation) and Chapter 13 (wage earner). Chapter 11 (reorganization) cases, while fewer in number, often present complex issues and chal-

lenges that require substantial oversight and participation by the USTP.

**Strategies.** In Chapter 11, the USTP reviews, monitors, and participates in cases to ensure compliance with applicable provisions of the Bankruptcy Code. The USTP also screens for potentially abusive Chapter 7 filings and oversees the operations and performance of Chapter 7 and Chapter 13 trustees to ensure that cases are properly administered. Oversight strategies include trustee performance reviews, audits, and ongoing training. In addition, the USTP approves eligible providers of pre-bankruptcy credit counseling and post-bankruptcy debtor education.

**Measures.** Performance measures include the number of cases monitored in each bankruptcy chapter (most cases are filed under Chapters 7, 11, and 13), the amount of assets administered and proportion distributed to creditors, and the number of abusive case inquiries under section 707(b) per successful outcome.

**USTP Goal Number Three: Maintain operational excellence that achieves desired results through continuous improvements in field operations, administration, information technology, planning and evaluation, and diversity**

**Objective.** Ensure superior performance and Program management in administration, human capital, planning and evaluation, information technology, and diversity.

**Strategies.** Management strategies to meet this objective involve all USTP components, operations, services, and personnel. Administrative services, human capital, information technology, and planning and evaluation represent four services vital to the future of the USTP.

**Administrative Services.** Field and Executive Office operations heavily rely on effective and efficient operational support services. The Program will pursue process improvement in administrative services, enhance automation and record systems, and ensure high levels of customer service.

**Human Capital.** The USTP derives performance management criteria from DOJ and USTP strategic goals and objectives. USTP human capital management practices will continue to implement improvements recommended by the Department of Justice, the Office of Personnel Management, and the Office of Management and Budget. The Program will continue to invest in its personnel by providing targeted training focused on skills, knowledge, and professional growth through the National Bankruptcy Training Institute.

Moreover, the Program will respond to staff recommendations and reward employees based upon performance and results. The USTP is committed to promoting diversity throughout the Program, which includes diversity training for all levels of employees. In furtherance of this commitment, the USTP has implemented and will actively support the Program's Diversity Management Plan.

**Planning and Evaluation.** USTP processes and programs undergo continuous evaluation, ranging from internal operational analyses to independent evaluations. The Program will use findings derived from internal and independent evaluations to improve operations and services. In addition, extensive data tracking systems for USTP operations are linked to the measurement and evaluation of Program performance and ensure accurate reporting to the public.

***Information Technology.*** Information technology enhances USTP e-Government capacities and maximizes the USTP's ability to track and report Program performance. Information technology decisions are guided by an information technology strategic plan. The Program will continue to use information technology resources to make operations more effective and efficient.

**Measures.** Efforts to enhance operational excellence are measured by the number of improvement activities and the quality of those actions. Quality of operational enhancements will be emphasized and evaluated from the perspectives of innovation, technological improvement, utility, and customer satisfaction.

Figure 2. USTP Goals, Objectives, Strategies, and Measures -

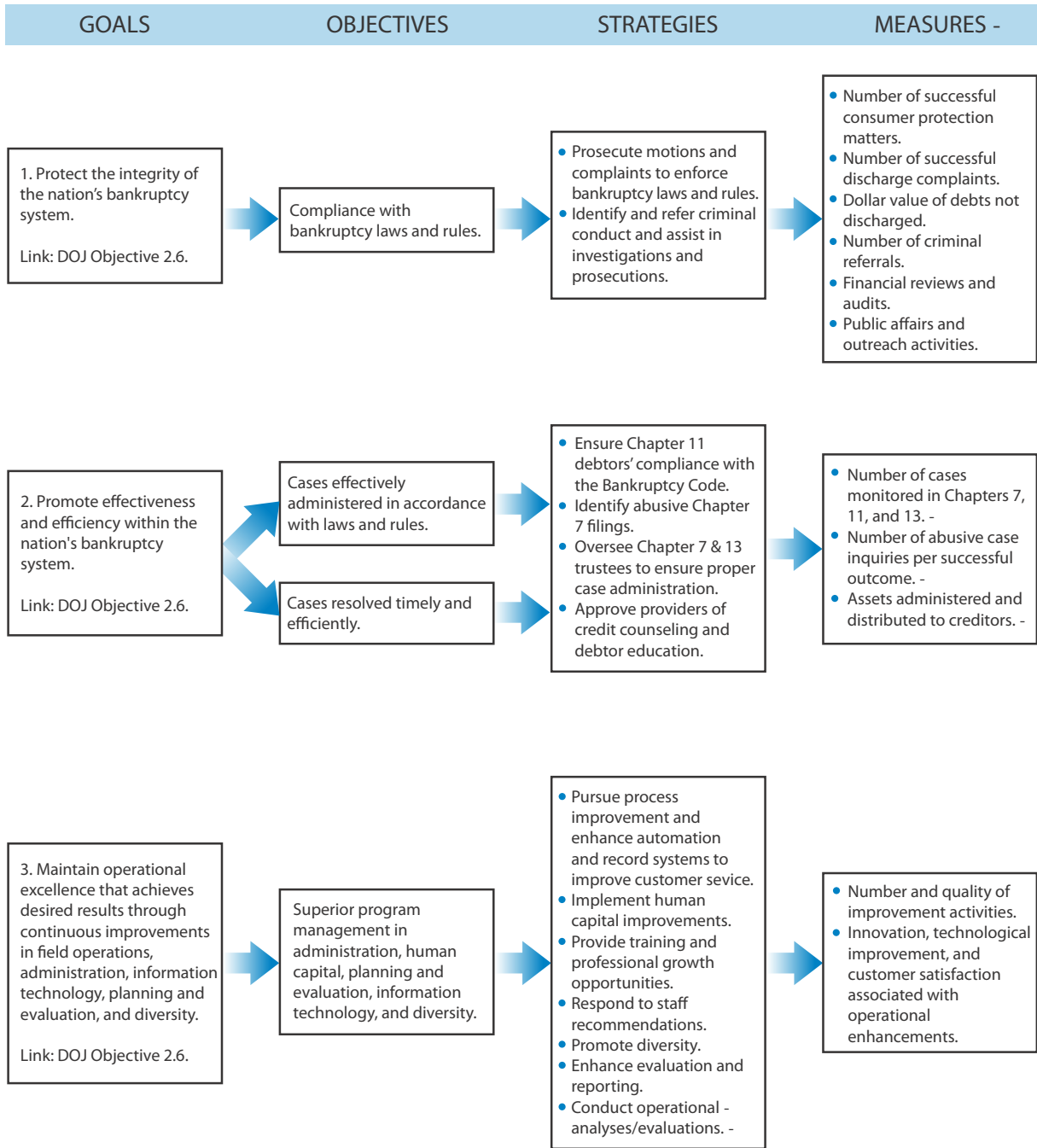


Figure 2 demonstrates the relationships among USTP goals, objectives, strategies, and measures, and links them to DOJ strategic objectives.

## EXTERNAL CHALLENGES IMPACTING PERFORMANCE

Most agencies face uncertainties associated with national priorities and the budget process as they plan for the future. However, some challenges relate specifically to the USTP and its mission, environment, and funding situation.

- ❖ Available funding is variable. The USTP relies upon bankruptcy filing and administrative fees to support its operations. These fees fluctuate with types of bankruptcy cases and filing trends – variables beyond the control of the Program.
- ❖ The nation’s bankruptcy system is a federal responsibility under the U.S. Constitution. Bankruptcy judges independently make final legal determinations in individual cases. The bankruptcy bar can influence legal cultures and local practices.
- ❖ Numbers and types of bankruptcy cases differ by jurisdiction. Resource allocation is challenging due to changing caseloads, bankruptcy court local rules and practices, and other district variances. This affects field office workload, staff allocation, and civil enforcement strategies.
- ❖ Court technologies and bankruptcy practices continue to change. Some legal and technical changes aid USTP strategic goals while others represent fiscal and human resource challenges.
- ❖ Use of the Internet by unscrupulous petition preparers and new forms of identity theft can present additional risks of system abuses that may require changes to operational and enforcement priorities.

- ❖ Existing and emerging schemes to use the bankruptcy system for purposes for which it was not intended can necessitate the reallocation of resources and shifting of priorities.

## COLLABORATION AND PARTNERSHIPS

The USTP has benefited through continued interaction, assistance, and partnerships involving Department of Justice offices and components, various government agencies, private associations, and other groups with knowledge regarding bankruptcy issues and topics of importance to the Program. The Program regularly participates in conferences and meetings involving professional groups that play key roles in the nation’s bankruptcy system. The USTP shares information and ideas with bankruptcy judges and the federal judiciary on administrative and practice issues of common interest.

The USTP works with many other components of the Department of Justice and other federal, state, and local government agencies. For example, the USTP, along with representatives from a broad range of federal agencies, regulatory authorities, and inspectors general, participates in the President’s Financial Fraud Enforcement Task Force, which works across the federal government and with state and local partners to investigate and prosecute significant financial crimes. The Program also participates in a number of local and regional inter-agency bankruptcy fraud task forces and mortgage fraud working groups.

The Program also fosters relationships with bankruptcy-related groups such as the law enforcement community, judges, trustees, and private professional associations of other stakeholders.

Program personnel are active in collaborating and partnering with representatives and officials of different groups at the national, state, and local levels. By working with others, the USTP is better able to serve the Department of Justice, the bankruptcy community, and our nation.

## EVALUATIONS AND FEEDBACK TO THE ORGANIZATION

The President, Congress, and the public expect measurable results and require agencies to measure and monitor their performance. The key statutory basis for this expectation is the GPRA Modernization Act of 2010. Improving USTP performance and evaluating Program outcomes requires a wide range of research and evaluative activities.

Both qualitative and quantitative measures are useful in assessing performance, improving operations, and shaping priorities. Qualitative evaluations include rigorous examinations of practices, operations, and strategies. Quantitative evaluations use numerical measures to identify trends and examine how well practices, operations, and strategies are working. Managers are provided with evaluation results, performance measures, and other operationally relevant feedback for managing their offices.

The USTP will continue to fund and conduct internal and external evaluations that improve performance and results. In addition, the USTP will continue to publish and make widely available to Congress and the public highlights of Program activity and significant accomplishments in the USTP Annual Report.

Planned research, analyses, and evaluations of the USTP include:

- ❖ Comprehensive evaluations of USTP operations and performance. Extensive review and analysis of regional and field office operations will continue, including evaluation and analysis of field office compliance with Program standards, policies, and expected levels of performance, as well as management reviews of Executive Office components.
- ❖ Identification of streamlining strategies and task consolidation for field offices. With increased case filings and increased statutory responsibilities, streamlining operations is essential. Streamlining strategies, such as those developed to screen all Chapter 7 cases for potential abuse as mandated by BAPCPA, will be identified, evaluated, and implemented Program-wide. Consolidation of certain tasks on a regional basis will also be implemented where practical, cost-effective, and efficient.
- ❖ Resource, staffing, and workload analysis. Analysis of past practices and future demands facing field offices and private trustees will continue to be conducted for purposes of determining priorities and allocating human and financial resources, as well as support services and technologies.
- ❖ Financial and performance audits. The USTP will continue to conduct audits and other reviews of private trustee operations and financial practices.
- ❖ Evaluation of USTP training. The USTP's National Bankruptcy Training Institute will continue to evaluate training activities and programs to enhance future training opportunities.

- ❖ Special studies, operations analysis, and evaluation reports. The USTP will continue to conduct special studies and analyses on topics of importance to the Program and the bankruptcy system.



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