



American Bankruptcy Institute Journal: Applicability of USTP Guidelines to Bankruptcy Administrators

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Two institutions exist to ensure that bankruptcy cases are conducted in conformity with bankruptcy laws: the U.S. Trustee Program (USTP) and the Bankruptcy Administrator (BA) Program.¹ These institutions perform substantially similar functions in guiding cases under the Bankruptcy Code, but they have certain administrative and structural differences. As part of its administrative function, in 1996 the USTP established its fee guidelines,² which have recently been amended to include additional guidelines for reviewing applications for compensation and reimbursement of expenses filed by attorneys in large chapter 11 cases.³ One question that remains is what impact, if any, these guidelines have on the separate BA Program.

Overview of USTP and BA Program

Currently, the USTP operates in 88 of the 94 U.S. judicial districts. The other six districts, all located in Alabama and North Carolina, are under the purview of the BA Program.⁴ The USTP was established by the Bankruptcy Reform Act of 1978,⁵ and the U.S. Trustees originally had oversight over 21 judicial districts in the pilot program.⁶ The USTP was expanded As a result, bankruptcy administrators and U.S. Trustees operate independently of the bankruptcy courts and federal district courts.

The full article can be downloaded [here](#).

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