

Bankruptcy CM/ECF Release 4.1 for External Users

Introduction

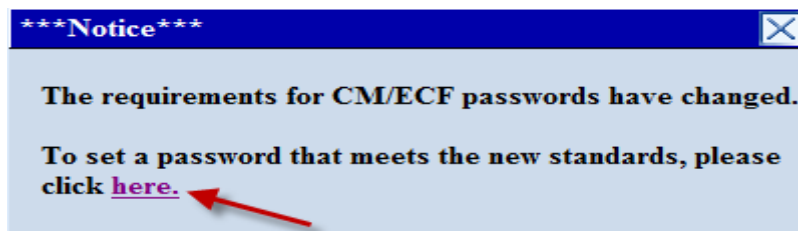
- Effective October 31, 2011, the Electronic Case Filing system will be upgraded to comply with Release 4.1. This document summarizes the changes contained in Release 4.1.

Internet Browsers

- Users must upgrade their internet browser because the new CM/ECF Release 4.1 works correctly only with:
 - Firefox 3.5, and
 - Internet Explorer 7 and 8

Password Security – Stronger ECF Password Requirements

- Release 4.1 requires stronger and more secure passwords. All users will be prompted to change their existing passwords when they first log on to CM/ECF Release 4.1 on and after October 31, 2011.
- The newly created password must be a minimum of eight characters, must include both upper and lower case alphabetic characters and at least one digit or special character such as [0-9, @, #, \$, %, &, *, +, :]. For example: She@one8. When creating a secure password, special characters cannot be used as the first character, as in this example, @She8one.
- After five invalid login attempts, your account will be locked out in increments up to five-minutes.
- The **first time you log in to CM/ECF Release 4.1**, you will see the following message:



- Select the hyperlink within the Notice message box to change your password in CM/ECF.
- You will be prompted to **Change your password**.
- Enter your newly created password.
- Re-enter the newly created password.
- Select Submit.

New Utility Sub Menu to “Change Your Password”

- Filers will **not** be able to use *Maintain Your ECF Account* to change their ECF passwords. There is a new sub-menu, **Change Your Password**, found under the Utilities menu that allows filers to change their passwords.

Adversary Case Opening

- Before the Release of 4.1, an attorney opening an adversary case was prompted to create an association with the plaintiff in the case. Release 4.1 allows the filing attorney to be automatically associated with the plaintiff.
- During the opening of an adversary proceeding, the filer was previously able to add the defendant's attorney to the case when adding the defendant in the caption of the proceedings. Now, the filer cannot add the attorney for the defendant as the attorney button is removed if plaintiff's attorney is opening the case.
- If more than one attorney represents the plaintiff, the filer must use the new **Add Additional Attorney** button which has replaced the Add Attorney button.

Adversary Case Opening for Notice of Removal

- Filers generally select “no” to the Complaint field when filing a Notice of Removal. Now there is the **Counsel for** drop down box that allows the filing attorney to select the party (plaintiff or defendant) representation.
- If the default “Plaintiff” is selected, the filing attorney is automatically associated with the plaintiff. If “Defendant” is selected, the filer should make the attorney association by following the appropriate screens during case opening.

The BNC and the New Certificate of Notice

- The Bankruptcy Noticing Center (BNC) Certificate of *Service* has been replaced by the **BNC Certificate of Notice**.

One Complete Record of Service

- In an effort to create a single, complete and accurate record of service, the BNC Certificate of Notice will include all persons/entities that have been noticed either through postal service or email notification. Parties who have requested **not to be noticed** in a particular case will also be listed on the Certificate of Service.

Undeliverable Addresses

- The BNC will *email bypass notices* of undeliverable addresses to debtors' attorneys using the email address that is recorded in the BNC file. If there is no email address for the debtor's attorney, the bypass notices will be forwarded by regular mail.

- The BNC will not send out future notices to undeliverable addresses until the debtor or debtor's attorney updates the addresses.

Section 341 Paper Notices

- The BNC *will no longer* send out **paper** 341 Meeting Notices to debtor's attorney. These notices will be sent by email to the debtor's attorney.

Summary of Email Notices

- The BNC will send one summary email per day containing hyperlinks to one or more notices. Each hyperlink provides "one free look" to the full notice.

Mailing Information for a Case

- A complete record of service can also be accessed from the **Mailings** sub menu under the Utilities menu if the hyperlink **Mailing Info for a Case** is selected.
- Mailing information for a case requires the case number to get various lists for noticing for a specific case. The **No Notice List is a new list identifying parties who are on a related adversary proceeding case and have asked not to receive notice/service for this lead bankruptcy case**. The No Notice List has been added to the Electronic Mail Notice List, the Manual Notice List, the Creditor List and the Mailing Matrix List, to provide a complete record of service.

Opting Out and Notice of Electronic Filing (NEF)

- The message, **Do not Notice for BK case:** is added to the header of the lead bankruptcy NEF that is available through the radio button link (silver ball) next to the document number on the docket report. The email addresses of the participants in the adversary proceedings who have elected **not** to receive NEF from the lead bankruptcy case are listed in the header.
- The following message: **The decision by AP recipients to not receive email for the lead BK case was overridden,** is added to the header of the lead bankruptcy NEF that is available through the radio button link (silver ball) next to the document number on the docket report. The email addresses of the participants in the adversary proceedings who have elected **not** to receive NEF from the lead bankruptcy case are listed in the header.
- The names, party representations and email addresses of the attorneys on the adversary case who have elected to opt out of receiving NEFs from the lead bankruptcy case will be listed on the bankruptcy NEFs under **Notice will not be electronically mailed to:** with the message next to the bankruptcy case number that **These participants in a related case have chosen not to receive notice from this case.**
- The email addresses of parties who elect to receive NEFs on cases to which they are not a party by checking the box **Send me Notices from these additional cases** in Maintain Your ECF Account will be identified **only** on the bcc line at the upper right margin of the NEF.

Claims Action – Transfer of Claim

- Previously, when a claim was transferred by a Transfer Agreement, the filer to whom the claim was transferred was listed as the filer of the original claim. This was inconsistent with the information displayed on the Claims Register. Now the original filer name is displayed for the original claim, and the filer to whom the claim was transferred is listed for subsequent claim actions.
- The date the case was closed will be displayed next to the case number on the Claims Activity report.

Limited Creditors

- Notices of Electronic Filing will be sent to the email accounts of limited creditors when a limited creditor files a Proof of Claim, or a Reaffirmation Agreement, or a Notice of Appearance and Request for Notice, or a Transfer of claim (limited documents). Limited creditors who have filed a limited document on a case will also receive NEFs for all future documents filed on the case.
- Limited creditors using their password for the first time must first docket an event to a case before the email feature will work. The Electronic Case Filing system will fill in the email setup for the limited creditors by placing a check mark next to **Send me notices from these additional cases** and typing in the case numbers. See the ELM on Maintain Your ECF Account on the Court's website for further guidance.
- The email notification that will be sent to the email accounts of the limited creditors will **not** allow a **free look** of any documents filed. If the document number hyperlink is selected, the limited creditor will be directed to the PACER log in screen.
- When the current limited creditors originally received their passwords, the Court had set up their email preferences. This is a good time for limited creditors to review their profiles to make sure their email addresses and preferences are intact.
- The email addresses of parties who elect to receive NEFs on cases to which they are not a party by checking the box **Send me Notices from these additional cases** in Maintain Your ECF Account will be identified **only** on the bcc line at the upper right margin of the NEF.
- Limited creditors must enter their primary email address twice for validation. If there are secondary email addresses to be added, they must be entered twice also and each address must be separated by a comma.

Query

- The new sub menu, **View Document** hyperlink, found under the CM/ECF Query menu, gives direct and immediate access to PDF documents filed. The document number is required when using this new feature of the Query menu.
- Filers can now search by one character in name query for single character last names. For example if the last name is "A" the last name search will return only records with the last name of "A", not Anderson, not Adkins....
- To search for the last name, Anderson, use at least two characters such as "An".
- For each query result, a row of information is displayed on the screen for each case in which that person is involved, as shown below. This additional information is to allow a user to select the correct case.

Select a Case

There were 5 matching persons.

There were 5 matching cases.

| Name | Case No. | Case Title | Chapter / Lead BK case | Date Filed | Party Role | Date Closed |
|-----------------------------------|--------------------------------|-----------------------------------------------|------------------------|------------|------------|-------------|
| Green, Valerie (pty) (1 case) | 02-59757-KCF7 | Valerie Green | 7 | 09/30/02 | Debtor | 01/15/03 |
| Green, Valerie L. (pty) (1 case) | 00-51302-RTL | Cornelius Green and Valerie L. Green | 13 | 02/09/00 | Debtor | 02/10/03 |
| Green, Valery J. (pty) (1 case) | 99-15931-GMB | Valery J. Green | 13 | 06/28/99 | Debtor | N / A |
| Greene, Valerie A. (pty) (1 case) | 01-13362-1-JHW | Richard W. Petravich and Valerie A. Petravich | 13 | 04/03/01 | Debtor | 11/29/01 |
| Greene, Valerie A. (pty) (1 case) | 02-11264-1-JHW | Richard W. Petravich and Valerie A. Petravich | 7 | 02/08/02 | Debtor | 08/26/02 |

Reports

Cases Report

- An option to filter the report by attorney name or Bar ID now appears on the selection screen.
- When a name is entered, a list of matching attorney names is displayed, of which you may select one or more.
- Check boxes allow the search for attorneys by party role: debtors, plaintiffs, defendants, creditors, or all. Alternatively, you can choose to view only cases with pro se filers.
- When running a report the date range is **now limited to 31 days**. This prevents internet users from unintentionally requesting a large data set, which would result in an unnecessarily large PACER fee.
- The “Clear” button starts a new search.

Cases Report and Sealed Cases

- For users who do not have access to docket information on sealed cases, limited sealed case information is displayed on the Cases report. This report displays the case number, entered and filed dates, office, and generic case title text according to case type: “SEALED” for bankruptcy cases, “SEALED v. SEALED” for adversary proceedings.
- Note that the fields displayed are the only fields by which sealed cases may be filtered. If other search filters are used, such as chapter or judge, those filters will not result in a sealed cases report.

Docket Report

- The date range for running reports is now **limited to 31 days**.
- The **county of residence** is now displayed along with the address on the docket report for the debtors.
- The hyperlink, **Show Associated Cases** will display only if there are associated cases.
- Each **alias** and role are printed on one line. This format is also on the Notice of Bankruptcy Case Filing.

- Attorney **email address on the docket report** is an active hyperlink to the attorney's email account.

Tracking Filing Fee Balance

- Previous releases did not provide a way to track the balance due when a filing fee was paid in installments. A new **Filing Fee** selection is available from the main Query output screen for case opening fees to allow for the tracking of fees paid in installments. This tracking of filing fee balances is applicable only for pending cases that are opened after this upgrade to Release 4.1.
- For bankruptcy cases, this option displays a screen listing the filing fee amount, details on any payments that have been made, and the outstanding balance due. For adversary proceedings, the "Filing Fee" query displays the case opening fee and the balance due if the filing fee was deferred.

Enter Key Functions as "Submit"

- When using the Report, Query or Utilities menus, you may use the "enter" key on the keyboard rather than the mouse. Pressing the Enter key now gives the same result as clicking the button that submits the screen. Pressing the space bar also works if the focus is on the button that submits the screen.

Filing a Proof of Claim – See ELM

- The Proof of Claim entry fields have been revised to match the Proof of Claim form B10 that was modified as of April 2010.
- The claim entry fields for Unsecured and Unknown claim values are no longer available.
- There are now only three claim entry fields. They are: **Secured and Priority and Total Amount Claimed. The Total Amount Claimed includes the Secured and Priority values; and assumes to include the Unsecured and Unknown values.**
- Although version 4.1 has removed the actual entry fields for Unsecured and Unknown claims, it is the claimant's responsibility to ensure that all amounts are tallied and entered into the Total Amount Claimed.
- The revision has **removed access** to the Unknown and Unsecured entry fields for newly filed claims; all existing claims filed prior to this Release will continue to display the two entry fields but the information will be inaccessible.

Internet Payment Due and Pay.gov – See ELM

- On the **Internet Payments Due** screen, all outstanding fees are displayed as a panel instead of pop-up windows. The user must check the **Select all** box or check the boxes next to the desired fees to be paid and then select the **Next** button to submit the transaction.
- Filers now have two payment options. These payment options allow attorneys to choose to pay accumulated fees with different forms of payments.

- The first option is from their bank accounts as, *Direct Debit*, through the *Automated Clearing House (ACH)*.
- A direct debit can be transacted from personal or business savings or checking accounts. The bank routing numbers and account numbers are needed. When using a checking account a check number is needed.
- The second payment option is the use of a credit card account.

Maintain Your ECF Account – See ELM

- Each e-filer has a personal record in the electronic database under **Maintain Your ECF Account** that no other e-filer can access unless the filer uses your login and password. Among other things, this account contains your name and address, email addresses and electronic noticing preferences.
- The modified **Maintain Your ECF Account** allows users to have more flexibility in managing the way they receive their electronic email notifications.
- When a new e-filer is added or an email address is modified, the system now requires the entry of a set of two email addresses that must match.
 - Primary and, if any, Secondary email addresses must be entered twice.
 - Entering the email addresses twice confirms and saves the addresses when the fields match.
 - More than one Secondary email address must each be separated with a comma.
- When making changes under the **Maintain Your ECF Account**, users will now be able to select the option to update closed or open cases.
- Attorneys in adversary proceedings have always received notices of electronic filings for the adversary proceedings in which they are directly involved and for their related bankruptcy cases. Now attorneys have the option to choose whether they want email notifications of bankruptcy activity if they have no direct involvement in the bankruptcy case:
 - This election is a global decision and will stop all of the attorney's email notices from bankruptcy cases.
 - To opt out of receiving notices from bankruptcy lead cases, attorneys must select the radio button next to **Send notices for adversary proceedings in which I am directly involved but not for their related bankruptcy cases**.
- The attorney can also override their own decision to opt out of receiving email notifications from lead bankruptcy cases by checking the box next to **Send me notices from these additional cases** and typing in the case numbers.
- E-filers who are not a party to a case can receive email notices on specific bankruptcy cases by checking the box next to **Send me notices from these additional cases** and typing in the case numbers.

- Attorneys are not permitted to opt out of email notifications from consolidated bankruptcy cases. E-filers will continue to receive email notifications from bankruptcy consolidated cases.
- Although an attorney can elect to opt out of receiving email notifications from lead bankruptcy cases, in some instances, courts can override the attorney's decision to opt out of receiving bankruptcy notices.

The Clerk's Office Can Override Certain Events

Identified below are certain events in bankruptcy cases that generate notices that the Clerk can override:

- Notice of Address Change
- Notice of Appeal
- Cross Appeal

- Motion to Dismiss Case
- Motion to Dismiss Case (Court Only – means the court created its own notice)
- Trustee's Motion to Dismiss Case for abuse under 11 USC 707
- Ch 13 Trustee's Motion to Dismiss Case (batch)
- Ch13 Trustee's Motion to Dismiss Case for failure to make plan payments
- Motion to Convert 11 to 7
- Motion to Convert 13 to 11
- Motion to Convert 13 to 7
- Motion to Convert 7 to 11
- Motion to Convert to Ch 12
- Motion to Convert to Ch 13

- Notice of Voluntary Conversion

- Order of Discharge Debtor Ch 11
- Order of Discharge Debtor Ch 7
- Order of Discharge Ch 7 and Final Decree Ch 7
- Order of Discharge Ch 12
- Order of Discharge Ch 13
- Order Correcting Social Security Number/ITIN
- Order on Motion to Approve Compromise under Rule 9019

For further assistance you may call the Help Desk or check the court's website at:

<http://www.nyeb.uscourts.gov/electronic-learning-modules-elms-and-transcripts-external-users>
for the various Electronic Learning Modules (ELMs).