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### **Live on ECF**

The Honorable Conrad B. Duberstein, Chief Judge of the United States Bankruptcy Court for the Eastern District of New York is pleased to announce that the court went live on the new Case Management/Electronic Case Filing (CM/ECF) system for all new cases filed on or after April 1, 2002 under Chapter 11 of the Bankruptcy Code. At this time, the electronic filing program using the Internet will not be available for docketing into Chapter 7 or Chapter 13 cases. However, dockets for all open cases are available electronically. The court's website is located at: [www.nyeb.uscourts.gov](http://www.nyeb.uscourts.gov).

### **Filing**

Joseph P. Hurley, Clerk of Court for the Eastern District, states, "We encourage all attorneys to take advantage of the electronic system by utilizing the training and instructions that are available from the court. The court wishes to get as many attorneys signed up as soon as possible to take advantage of this new process."

All documents filed by attorneys in Chapter

11 cases commencing after April 1 must be filed electronically (if an attorney has a password) or on disk (if an attorney has not taken the court training). All documents filed in person or mailed to the court in these new Chapter 11's (except orders) are to be submitted on a 3.5 inch disk along with a chambers' copy of the document.

### **Training & HelpDesk**

Judge Eisenberg would like everyone to know, "For those of you who have not requested training or kept current with electronic filing procedures, we have very good people on staff that can provide assistance to you so that you may file properly."

Training is offered at both the Central Islip and Brooklyn court locations each week as well as the Nassau County Bar Association once a month. Training is free at the court and there is a nominal fee to take the class at the Nassau County Bar Association. Training in the Eastern District is mandatory for all attorneys who wish to receive a password. More than 300 legal professionals have already taken the training.

The ECF HelpDesk is located at both the

Brooklyn and Central Islip offices. The number for Brooklyn is 718-330-2188, extension 218. The number in Central Islip is 631-712-6200, and press six.

### **Congratulations**

Congratulations to Larry Glick of Garden City. Mr. Glick was the first attorney to file a case electronically over the internet. He accomplished this feat on April 8 and becomes another inductee in the CM/ECF Hall of Fame.

### **PACER Registration**

You must have a PACER account to access dockets and documents in the CM/ECF system. There is no fee to register. There is a seven (.07) cents per page charge to view or print documents in the CM/ECF system. An account can be obtained by calling 1-800-676-6856 or logging onto their website at <http://pacer.psc.uscourts.gov/>.

### **No Internet Access-That's OK**

The Electronic Case Filing system is designed for attorneys to file their documents electronically over the internet. However, the court is able to accommodate attorneys who lack internet access.

If you have a computer that can save documents in PDF format, you can save your documents on a diskette and bring the diskettes to the court to file.

If you do not have access to a computer, you may bring your paper documents to the court and scan them to create an electronic image. If you wish to scan your document, please bring a diskette with you to save the document.

### **Fee Related Filings**

The CM/ECF system does not allow for payment of fees at the time of an electronic or internet filing. As part of the password application process, an attorney will provide the numbers for one or more credit card accounts to the court. The court will process the charge to the attorney's credit card account after the electronic filing. This procedure is accomplished later that day or on the first business day following the remote electronic filing. It is anticipated that in the future, an attorney will be able to utilize a service provided by the U.S. Treasury to make credit card payments to the court. Under this system, the attorney would enter his credit card number during the case opening or docketing process. The transaction would then be approved by the credit card company and immediately posted to the attorney's account. There are two courts (California Southern and New York Southern) currently piloting this program. There is no estimated time of arrival for this function. A best guess would be early 2003.

Please be advised that the current credit card process for pleadings filed on disk or paper in person or by mail remains in effect.

### **Passwords**

The ECF system allows the attorneys to change their court-supplied password. Therefore, attorneys who practice in different districts may have the same password.

### **Service of Petitions**

In CM/ECF Chapter 11 cases, the attorney for the debtor must serve copies of the Chapter 11 petition on the United States

Trustee, Internal Revenue Service and Securities and Exchange Commission. The court will serve the petition in Chapters 7, 13 and pro-se filings.

## **ECF General Order**

Each month we'll feature a different section of the ECF General Order or our Local Rules. The General Order and Local Rules are located on our web page and we ask all attorneys to review them prior to filing to ensure accuracy of submissions.

### ECF General Order Section III DOCUMENTS FILED UNDER SEAL

A. Motion. A motion to file documents under seal (but not the documents themselves) shall be filed electronically. If the motion itself contains confidential information, the movant shall serve and file electronically a redacted version clearly marked as such, and submit an unredacted version in camera. If requested by the Court, the movant shall deliver hard copies of the documents proposed to be filed under seal to the presiding judge for in camera review.

## **Party Role Selection**

On the Party Information screen, it is important to verify that the correct role is selected. We have had a few instances where an incorrect role was selected and this causes problems on the docket. Always click on the drop down box to select "the party's **Role**" for a filing, then click to highlight the appropriate role, (i.e., Debtor, Creditor, etc.).

## **Attorney Advisory Committee**

The responsibility of the Attorney Advisory Committee is to advise the court in its

implementation of CM/ECF. They provide important feedback in many areas including docketing and attorney training.

The court wishes to thank the following individuals for their continued support of the Attorney Advisory Committee: Judge Eisenberg, Judge Craig, Diana Adams, Franklin Amanat, Leslie Ann Berkoff, Simone Carter, Terese Cavanagh, Henry Condell, Marianne DeRosa, David Doyaga, Richard Feinsilver, Stuart Gelberg, John Hall, Joseph Hurley, Jennifer Jolly, Matthew King, Michael King, Salvatore LaMonica, Michael Macco, Dennis Malen, Allan Mendelsohn, Robert Musso, Diana Sheringham, Richard Weber and David Zeidman.

## **Live Courts**

There are currently 31 courts that are live on CM/ECF. They are Arizona, Arkansas, Alaska, California Southern, Colorado, Delaware, Georgia Northern, Kentucky Western, Louisiana Middle/ Eastern, Illinois Southern, Iowa Northern, Maine, Missouri Western, Nebraska, New Hampshire, Nevada, New Jersey, New York Eastern/Southern, North Carolina Western, Ohio Northern, South Dakota, Texas Western/Eastern/Southern, Utah, Vermont, Virginia Eastern, Washington Western and Wisconsin Western.

## **Eastern District Newsletter**

Do you have suggestions for future newsletter subjects? Would you like to receive a copy of this newsletter? If so, please send an e-mail to Charles\_Langlois@nyeb.uscourts.gov with the words "Subscribe ECF Newsletter" in the subject field.