



UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF NEW YORK ECF NEWSLETTER

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CONSUMER LAWYER ADVISORY COMMITTEE

The Eastern District of New York Bankruptcy Court is forming a Consumer Lawyer Advisory Committee to increase bench bar interaction and help develop best practices in our Court. Click the link below for more details.

<http://www.nyeb.uscourts.gov/news/formation-consumer-lawyer-advisory-committee>

REVISED EVENT

Motion for *Pro Hac Vice*

As per E.D.N.Y. LBR 2090-1(b), upon motion made in accordance with District Rule 1.3(c), a member in good standing of the bar of any state or of any United States District Court may be permitted to practice in this Court in a particular case, adversary proceeding, or contested matter.

All Motions for *Pro Hac Vice* admission to practice should be filed via the CM/ECF filing system or with the Clerk's Office of the Bankruptcy Court.

A Certificate of Good Standing, issued within 30 days from each court in which the applicant is a member, is required as an attachment to the Motion for *Pro Hac Vice*.

- Since January 1, 2015, a \$150.00 attorney admission fee is required when filing a Motion for *Pro Hac Vice*.
- Electronic Submissions: Attorney admission fee must be paid using Pay.Gov during the course of e-filing.
- In Person: Checks and money orders should be made payable to the "**Clerk, U.S. Bankruptcy Court.**"

New Two (2) prompts have been added to the Motion to Appear *Pro Hac Vice* event:

- Enter the Name of the Attorney to Appear *Pro Hac Vice*.
- Enter the Name of the Party that the Attorney is representing.

The information provided in these prompts will pull into the final docket text of the motion. For example, Motion for John Doe to Appear *Pro Hac Vice* for ABC Company. Fee Amount \$150. Filed by Margaret Clarke on behalf of ABC Company (Clarke, Margaret)

To access Local Bankruptcy forms on the Court's website for *Pro Hac Vice* Admissions, click the link: <http://www.nyeb.uscourts.gov/forms/all-forms/admissions>.

DEFAULT OFFICE FOR FILING CASES IN CM/ECF

Effective July 11, 2016, the United States Bankruptcy Court for the Eastern District of New York changed the default office field encountered in CM/ECF during the case opening process from "Brooklyn" to "Blank." Filers must select the correct filing office from the drop down box based on the Debtor's county of residence.

BEST CASE Software users:

You **need** to make the following one-time change to your BEST CASE configuration to allow for the display of the **Filing County** and **Office** page.

This screen will allow you to select the proper office during the document preparation phase.

1. Open a client file from your Clients list
2. Open the ECF Wizard by clicking the Lightning Bolt ECF icon in the top Tool Bar
3. Click the Options button at the bottom of the ECF Wizard window
4. Choose the fourth option listed: Always show "Filing County and Office" page

Electronic Case Filing Preparation Wizard

Filing County and Office

Debtor's County of Residence: **Nassau**

CM/ECF requires a county code for the debtor which is used to determine the divisional office. Select the county and office below.

Debtor County: Court Office Assigned:

Code	County Name	Office(s)	No.	Office Name
36047	Kings	1	1	Brooklyn
36059	Nassau	8	8	Central Islip
36081	Queens	1		
36085	Richmond	1		
36103	Suffolk	8		
88888	Out of District	Any *OD		
99999	Foreign	Any *OD		

(Outside District=*OD)

Always show "Filing County and Office" page

Best Case® Bankruptcy ECF Wizard

Cancel Help Back Next Prepare Filing

If you have any further questions, please contact your software provider.

ANATOMY OF A MOTION

At the Brown Bag Breakfast in Central Islip on May 3, 2016, Judge Alan S. Trust and Judge Louis A. Scarcella presented a PowerPoint, *Anatomy of a Motion*. The presentation covered what a motion should contain and what to avoid in motion practice. Listed below are some of the questions asked during the presentation:

What should a motion contain?

- What is the relief you are seeking?
- Why are you entitled to this relief?
- What are the facts that entitle you to have this relief?
- Who did you serve?
- Is there a proposed order?

What should be avoided in motion practice?

For the answers, click on the following link: <http://www.nyeb.uscourts.gov/presentations-brown-bag-sessions>

SMARTSCAN

The Judiciary implemented a new fee for the use of **SmartScan** services provided by Federal Records Centers (FRCs). SmartScan is a new way for the public to have the Court retrieve from the FRC specifically identified paper records that **do not exceed 100 pages**, that are in the same physical box and case location, and that are not sealed or restricted. A request for multiple documents where the total page count is 100 pages or less can be provided if the documents originate from the same case file and box number. However, a request from multiple boxes or multiple case files cannot be consolidated as one request. You cannot get a document certified.

This service is available from all FRCs and documents may be requested in the same conventional manner that paper records have been requested except that the request only needs to indicate that it is a SmartScan request.

When a request is made by the public, the Court will email the request to the FRC. The FRC will then locate and pull the paper document, scan and electronically transmit the document to the Court. Upon receiving the document, the Court staff will contact the requestor to communicate the number of pages and the total cost for the service.

The service fee is \$19.90 plus \$0.65 per page. Cost could be as low as \$20.55 for a one page document or as high as \$84.90 for a 100 page document.

To gain access to court records from the FRC, the public may continue to use the National Archive Record Administration (NARA) that services public requests of court cases maintained by the FRC. For more information, click on the link below.

<http://www.archives.gov/research/court-records/bankruptcy.html>.

FACE OF THE DOCKET

Effective June 15, 2016, the trial attorney for the United States Trustee's Office, Region 2, is identified on the face of the docket of Chapter 11 cases. Below are examples of the docket entry.

US Trustee Trial Attorney

Rachel Weinberger

Office of the United States Trustee
Brooklyn Office
U.S. Federal Office Building
201 Varick Street
Suite 1006
New York, NY 10014
212-510-0500 x 212

US Trustee Trial Attorney

Stan Y Yang

Office of the United States Trustee
Central Islip Office
Alfonse M D'Amato US Courthouse
560 Federal Plaza
Central Islip, NY 11722
(631) 715-7800 Ext. 225

FREQUENTLY ASKED QUESTIONS

Must I provide **Chambers' copy** of each filing?

Each judge has rules on Chambers' copy. To find out what they are, log on to the Court's Internet > **Information for Judges** tab > select the Judge assigned > **Judges' Procedures** > **Chambers' copy**.

Important: Do not send Chambers' copy to the Court if the judge assigned to the case does not require it.

Should I attach the Notice of Electronic Filing to the **Chambers' copy**?

Yes. When Chambers' copy is required, attach the Notice of Electronic Filing as the cover page to the document.

Can I send **emails** to the ECF email address: BKECF_LiveDB@nyeb.usCourts.gov?

No. This email address is used by the Court to send emails to ECF account holders.

What **email address** should I use for questions?

Send your questions to ECF_Helpdesk@nyeb.uscourts.gov. It is checked once daily. If you need an immediate answer, and have searched the Court's website and cannot find the answer, call the Court.

What software applications can be used to reset a lost or forgotten ECF password?

Firefox and Internet Explorer. The following software applications are not compatible with the password reset program.

- Chrome
- Opera
- Safari 5.1 or 6.x
- Microsoft Edge

Will you issue me more than one password if I am **Of Counsel** to another firm?

No. One password per filer. Access the Live ECF system at <https://ecf.nyeb.usCourts.gov>. Click on the link *if you have lost or forgotten your password* above the **Authentication** field boxes and complete the screens as they appear.

How can I make sure I am uploading the correct document to CM/ECF?

View the document and verify it is the correct pdf before uploading it to CM/ECF.

When docketing in CM/ECF, click on Browse to upload the document, highlight the file name, right-click and select Open from the drop-down box to open the pdf.

How do I know who receives electronic notice and who does not?

The Notice of Electronic Filing (NEF), which is the receipt evidencing a filing, indicates who will or will not receive electronic notice of a filing in a specific case. This information can also be verified in CM/ECF by going to **Utilities > Mailings > Mailing Info for a Case >** Enter the case number. The information displays who will or will not receive electronic notice.

How is the list of creditors submitted?

Attorneys must proceed to the **Creditor Maintenance** category to upload creditors in [.txt] format after opening a bankruptcy case.

Where can I locate the Notice of Bankruptcy Case Filing?

It is located under the Query menu bar in CM/ECF. Check the box next to “Links to Notices of Electronic Filing” and then Run Report.

How do I select events/reliefs when filing a multi-relief motion?

Use the control key and the mouse to select all applicable forms of relief from the Available Events list in CM/ECF. The system then processes each of the motion parts, one at a time, leading the filer through the steps necessary to complete each part.

What event do I use to file a Notice of Removal?

Use Open an AP case. At the first screen, **Open an Adversary**, change the Complaint default from “y” for yes to “n” for no. The final docket text will read Notice of Removal.

Do I have to attend an ECF training class to receive a password?

No. Passwords will be issued to attorneys who may practice in the District Court pursuant to District Rule 1.3 (See EDNY LBR 2090-1) to log in to CM/ECF without the requirement of attending ECF training. However, new account holders and their support staff are strongly encouraged to attend an in-person training class.

How can I find the dates for ECF **training** class?

The dates are listed at this website address: <http://www.nyeb.uscourts.gov/ecf-training-class-schedule>.

Do I get CLE credits for attending the ECF **training** class?

Only attorneys who attend the full three hour class receive three CLE credits.

NextGen CM/ECF

To continue to meet the case filing and case management needs of the federal judiciary CM/ECF users, and to improve the current level of court efficiency in light of changing technology, the Administrative Office, United States Courts, undertook development of the Next Generation of CM/ECF. NextGen CM/ECF automates and centralizes the process by which attorneys can request public access in PACER for filing and admissions. Over time, all courts will transition from CM/ECF to NextGen CM/ECF. However, as of October 2014, nine courts have gone live with NextGen CM/ECF. They are:

United States Courts of Appeals

Second Circuit

Ninth Circuit

United States District Courts

Florida Northern

Kansas

Minnesota

United States Bankruptcy Courts

Alaska

California Southern

New Jersey

Oregon

NextGen CM/ECF requires a **Central Sign-on** which allows all users to maintain one account across all courts to sign in one time to access all courts in which they have permission to file or view documents. For more information on what to do to get ready for NextGen CM/ECF go to <https://www.pacer.gov/nextgen/>

FILING STATISTICS

January - July - 2016

Chapter 7 = 5,098

Chapter 9 = 0

Chapter 11 = 129

Chapter 12 = 0
Chapter 13 = 1,782
Chapter 15 = 0

Total Cases Filed January - July 2016 = 7,009
Total Adversary Proceedings Filed January - July = 265

REMINDERS

Aliases

When applicable, include in the Case Name all aliases such as akas, dbas, fdbs, fkas, etc., as reflected on the docket.

Loss Mitigation

To participate in the **Loss Mitigation Program**, the Local Bankruptcy form, [Loss Mitigation Request – By Debtor](#), must be filed in cases assigned to Judge Robert E. Grossman and Judge Louis A. Scarcella.

QUARTERLY REMINDERS

Keeping Your ECF Account Current

Attorneys are responsible for keeping their information current regarding firm affiliation, address, telephone, fax and/or email. This information can be electronically updated by accessing your CM/ECF account under the **Utilities** menu and selecting “Maintain Your ECF Account.” Should you have reasons to believe that your password has been compromised, you must immediately notify the Court in writing.

Chapter 11 Lawyers’ Advisory Committee

The Chapter 11 Lawyers’ Advisory Committee was created to provide a forum for communication between the Court and the bar regarding Chapter 11 practice and procedure in the District. Also posted to the Court’s website are the Committee’s Mission Statement, Members List, By-Laws, and Minutes.

The Court has posted the minutes of the Committee meeting held **January 13, 2016** to its website at <http://www.nyeb.uscourts.gov/chapter-11-lawyers%E2%80%99-advisory-committee>. Members of the Bar may contact the Committee via email at CH11LAC@nyeb.uscourts.gov.

New York State Standards of Civility

The Board of Judges for the United States Bankruptcy Court for the Eastern District of New York adopted the New York State Standards of Civility for the legal profession, as guidelines for practice in all cases and proceedings in this Court. For more information, click on the link: [.http://www.nyeb.uscourts.gov/sites/nyeb/files/ord_568.pdf](http://www.nyeb.uscourts.gov/sites/nyeb/files/ord_568.pdf).

ELECTRONIC TRAINING CLASS SCHEDULE

The next Electronic Case Filing training classes for attorneys and their support staff will be held at the:

- Central Islip Courthouse - Friday, **September 23, 2016** from 9:30 a.m. to 12:30 p.m.
- Brooklyn Courthouse - Friday, **October 14, 2016** from 9:30 a.m. to 12:30 p.m.

Attendance is no longer required to receive an ECF password to docket. However, first time users of the ECF system are strongly encouraged to attend the training class with their support staff. **It is important that attendees be on time for class.** Those arriving late must go to the Clerk's Office on the second floor of the Bankruptcy Court in Central Islip and first floor in Brooklyn, to speak to the Public Information Clerk who will announce your arrival or escort you to the training room. Participants must register before attending the class. If you register for a class and must cancel, notify the Court as soon as possible.

The training room is in a secured area so attendees are asked to wait by the kiosk in the lobby area of the Central Islip and Brooklyn Courthouses.

The classroom training dates are also posted on the Court's website at: <http://www.nyeb.uscourts.gov/ecf-training-class-schedule>

CONTACT INFORMATION

United States Bankruptcy Court
Eastern District of New York
Conrad B. Duberstein United States
Bankruptcy Courthouse
271-C Cadman Plaza East, Suite 1595
Brooklyn, NY 11201-1800
(347) 394-1700
Help Desk: (347) 394-1700 press 6

United States Bankruptcy Court
Eastern District of New York
Alfonse M. D'Amato United States
Courthouse
290 Federal Plaza
Central Islip, NY 11722
(631) 712-6200
Help Desk: (631) 712-6200 press 6

The Voice Case Information System (VCIS) - 866-222-8029
The Court's website address is: <http://www.nyeb.uscourts.gov/>

This newsletter and previous issues are available for online viewing. [Click here](#) to visit the ECF Newsletter Archive.

In order to cut down on the number of error emails sent to filers each year, we would like to hear from you as to how we can best assist in making docket entries consistent with the requirements of this Court. Send me an email at Margaret_Clarke@nyeb.uscourts.gov letting me know how we can help.

Contact Margaret_Clarke@nyeb.uscourts.gov with your suggestions, articles, and topics for the newsletter.