



# **EASTERN DISTRICT ECF NEWS**

**NOVEMBER/DECEMBER 2006**  
**Volume 7 Number 6**

## **ECF Filings**

Happy Holidays to you and yours. Court filings continue to run below normal levels.

The monthly percentages of attorney ECF filing for the past three months are as follows:

2006	Sep	Oct	Nov
BK/AP Filing	75%	78%	78%
Event Docketing	38%	36%	37%
Atty's Docketing	571	543	534

More than 2900 legal professionals have attended ECF training in the Eastern District, more than 2900 participants have received a password and over 2000 have docketed into the system.

A big thank you and congratulations to all participating attorneys and their staff members for a job well done. We appreciate your cooperation.

## **ECF General Order/Local Rules**

Each month we feature a different section of

the ECF General Order, our Local Rules or the Interim Bankruptcy Rules effective October 17, 2005. All are located on our web page and we ask all attorneys to review them before filing to ensure accuracy of submissions. This month we highlight Amended Interim Bankruptcy Rule 1007, which became effective October 1, 2006.

### **Rule 1007** **SCHEDULES, STATEMENTS, AND** **OTHER DOCUMENTS REQUIRED**

(b)(3) Unless the United States trustee has determined that the credit counseling requirement of § 109(h) does not apply in the district, an individual debtor must file a statement of compliance with the credit counseling requirement, prepared as prescribed by the appropriate Official Form which must include one of the following:

- (A) an attached certificate and debt repayment plan, if any, required by § 521(b);
- (B) a statement that the debtor has received the credit counseling briefing required by § 109(h)(1) but does not have the certificate required by § 521(b);
- (C) a certification under § 109(h)(3); or
- (D) a request for a determination by the court under § 109(h)(4).

## Help Desk Question of The Month

*Question:* Is the s/signature allowed for non-attorney signatures on Affidavits or Certificates of Mailing?

*Answer:* Yes, on an electronic filing by an attorney, all signatures on a document may be in the s/ format. You must have an original of the document with the actual signatures completed and available if requested by the court.

Please be advised that HelpDesk calls may be directed to either the Central Islip or Brooklyn office. The number in Central Islip is (631) 712-6200, and press six. The number in Brooklyn is 347-394-1700, and press six. Hours for the HelpDesk are Monday to Friday from 9:00 a.m. to 4:00 p.m.

## CD-Rom Acceptance

Please be advised that in any instance where you are required to submit a document on floppy disk, you may now submit that document to the court on CD. Keep in mind that no document on the CD can have a file size in excess of 2 MB. To identify the size of the file, right click on the file name and select Properties.

## Amendments to the Rules of Practice, Procedure and Evidence

Congress has taken no action on the amendments to the Federal Rules of Appellate, Bankruptcy, Civil, and Criminal Procedure, and the Federal Rules of Evidence, approved by the United States Supreme Court on April 12, 2006. Accordingly, the following amendments to the rules took effect on December 1, 2006:

\*Appellate Rule 25 and new Appellate Rule

32.1

\*Bankruptcy Rules 1009, 5005, and 7004  
\*Civil Rules 5, 9, 14, 16, 24, 26, 33, 34, 37, 45, 50, and 65.1; Civil Form 35; and Supplemental Rules A, C, and E; and new Civil Rule 5.1 and new Supplemental Rule G  
\*Criminal Rules 5, 6, 32.1, 40, 41, and 58  
\*Evidence Rules 404, 408, 606, and 609

In accordance with 28 U.S.C. § 2074(a) and the April 12, 2006, orders of the United States Supreme Court, the pertinent amendments will govern all proceedings commenced on or after December 1, 2006, and “insofar as just and practicable” all proceedings then pending. (Please note that new Appellate Rule 32.1(a) applies only to unpublished opinions issued on or after January 1, 2007.) The text of the amended rules can be found at [www.uscourts.gov/rules/](http://www.uscourts.gov/rules/).

## Claims Filing

Effective January 3, 2007, you will be able to file claims electronically. If you have a current password, you will automatically be provided this option on January 3, 2007.

The current requirements that exist in the ECF General order apply to claims. Please be aware of the following:

1. Claims will still be filed on paper in non-ECF cases.
2. A PDF template of a claim has been created and posted to our webpage at: [http://www.nyeb.uscourts.gov/forms/local/B10\\_0405.pdf](http://www.nyeb.uscourts.gov/forms/local/B10_0405.pdf)
3. No exhibit shall exceed 20 pages. When filing a proof of claim, place the entire claim on the claims register, and attach multiple exhibits where necessary.

4. You will be responsible for adding (when necessary) the correct name and address information to the list of creditors for receipt of notices. When filing a claim, filers should only pick a listed creditor if the address matches the claim exactly.

5. The court will allow limited creditor users (financial institutions, retail, etc.) to file claims, transfers of claim and notices of appearance. The limited creditor password application is located at:  
[http://www.nyeb.uscourts.gov/ecf/Train\\_Schedule/creditor\\_application\\_2006.pdf](http://www.nyeb.uscourts.gov/ecf/Train_Schedule/creditor_application_2006.pdf)

6. Parties in a case will receive a Notice of Electronic Filing when a claim is filed. However, creditor filers are entitled to conventional service and do not waive their right to conventional service by having an ECF account.

7. Please be aware of claims agent cases. In these cases, claims are filed with the agent and not the court. A current list of cases can be found at:  
[http://www.nyeb.uscourts.gov/cm\\_ecf.htm](http://www.nyeb.uscourts.gov/cm_ecf.htm)

## **Pay.gov**

Use of the Credit Card Security Code will become mandatory with Pay.gov on February 1, 2007. Although the security code field has been on the data entry screen and its use has been optional, it will become a required field, as an additional protection for credit card holders, effective February 1, 2007.

## **Generic Motion**

There were many changes that took effect in October relating to the new statistical reporting requirements pursuant to provisions of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (BAPCPA).

One byproduct of the statistical requirements is that the docket event Generic Motion is no longer available.

If you are unable to find a docket event to use, please call our HelpDesk. If you would like to make a recommendation for an event that does not currently exist, send an e-mail to [ECF\\_Helpdesk@nyeb.uscourts.gov](mailto:ECF_Helpdesk@nyeb.uscourts.gov).

Please note that the HelpDesk e-mail account should NOT be used to report filing or docketing errors. If such an error has been made, please call the HelpDesk immediately for assistance.

## **Reminders**

- Do not use all capital letters when entering parties.
- When filing Pay Statements, please ensure that the statements you are submitting have been received within 60 days of the petition filing and not any other time frame.
- New fees are effective January 1, 2007. Check out the information at <http://www.nyeb.uscourts.gov/>

## **Eastern District Newsletter**

This newsletter and previous issues are available for online viewing at [http://www.nyeb.uscourts.gov/ecf\\_news.htm](http://www.nyeb.uscourts.gov/ecf_news.htm)

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](mailto:Charles_Langlois@nyeb.uscourts.gov) with the words "Subscribe ECF Newsletter" in the subject field.