



# UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF NEW YORK ECF NEWSLETTER

NOVEMBER 2013

VOLUME 13, ISSUE 5

## AMENDMENTS TO BANKRUPTCY FORMS

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The Judicial Conference has approved a recommendation from the Committee on Rules of Practice and Procedure to amend the Official Bankruptcy Forms listed below. These amended forms become effective December 1, 2013.

### Amended Official Bankruptcy Forms:

- B3A Application for Individuals to Pay the Filing Fees in Installments
- B3B Application to Have the Chapter 7 Filing Fee Waived
- B6I Schedule I: Your Income
- B6J Schedule J: Your Expenses
- B6 Summary (Summary of Schedules)
- B23 Debtor's Certification of Completion of Instructional Course Concerning Financial Management
- B27 Reaffirmation Agreement Cover Sheet

### Director's Procedural Forms For Subpoena:

- B254 Subpoena for Rule 2004 Examination
- B255 Subpoena to Appear and Testify at a Hearing or Trial in a Bankruptcy Case or Adversary Proceeding
- B256 Subpoena to Testify at a Deposition in a Bankruptcy Case or Adversary Proceeding
- B257 Subpoena to Produce Documents, Information, or Objects or To Permit Inspection in a Bankruptcy Case or Adversary Proceeding

For detailed information, click on the link below:

<http://www.uscourts.gov/FormsAndFees/Forms/BankruptcyForms/BankruptcyFormsPendingChanges.aspx>

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## NEW BANKRUPTCY FEES

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Items (12) (13) and (19) of the Bankruptcy Court Miscellaneous Fee Schedule <http://www.uscourts.gov/FormsAndFees/Fees/BankruptcyCourtMiscellaneousFeeSchedule.aspx> are amended effective December 1, 2013:

- To add a new fee to file a motion **to sell property of the estate free and clear of liens under 11 U.S.C. § 363(f)**. It will cost \$176.00 to file this motion.
- To increase the Federal Archive Record Retrieval fee from \$53.00 to **\$64.00** with a fee of \$39.00 for each additional box requested.
- To change the wording to **any payment returned or denied for insufficient funds** is \$53.00.

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## CHANGE IN CENTRAL ISLIP MAILING ADDRESS

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Be advised that effective November 1, 2013, all mail sent to the Bankruptcy Court at the Central Islip Courthouse **must** be addressed as follows:

United States Bankruptcy Court  
Alfonse M. D'Amato United States Courthouse  
290 Federal Plaza  
Central Islip, New York 11722

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## CHANGES CONCERNING FINANCIAL MANAGEMENT COURSE

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Effective December 1, 2013, amended Fed. R. Bankr. P. 1007(b)(7) gives an individual debtor the option of having an approved personal financial management course provider directly notify the Court that the debtor has completed a post-petition instructional course concerning personal financial management by filing the certificate with the Court. Details to follow.

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## HEARINGS ON CONFIRMATION

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Effective December 1, 2013, hearings on Confirmation of the Chapter 13 Plan for cases assigned to the Honorable Alan S. Trust will be at **9:30 a.m.**

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## OFFICE SELECTION WHEN OPENING A BANKRUPTCY CASE

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When selecting the **Office** in which the bankruptcy case should be filed, the **Office** assignment is generally based on the debtor's place of residence or the principal place of business.

Filers are asked to **verify the Office selection** before advancing to the next field.

- The **Office** field defaults to Brooklyn. Keep the default selection when the debtor's county of residence or principal place of business is either Kings, Queens, or Richmond County; or
- Select the drop down arrow to change the **Office** selection to Central Islip only when the debtor's county of residence or principal place of business is either Nassau or Suffolk County.

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## 2013 CASE FILINGS FROM JANUARY – SEPTEMBER 2013

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Chapter 7 =	9,709
Chapter 9 =	0
Chapter 11 =	192
Chapter 12 =	0
Chapter 13 =	1,131
Chapter 15 =	4

**Total Cases Filed from January to September 2013 = 11,036**  
**Total Adversary Proceedings Filed from January to September 2013 = 666**

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## ELECTRONIC LEARNING MODULES

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Electronic Learning Modules (ELMs) and ECF filing Tips have been created to help ECF filers comply with docketing procedures and guidelines to minimize filing errors. To view the ELMs and Tips, visit the Court's website at:

[http://www.nyeb.uscourts.gov/main\\_attny/usbc\\_content.php?id=ecf\\_elm](http://www.nyeb.uscourts.gov/main_attny/usbc_content.php?id=ecf_elm)  
[http://www.nyeb.uscourts.gov/main\\_attny/usbc\\_content.php?id=ecf\\_tips](http://www.nyeb.uscourts.gov/main_attny/usbc_content.php?id=ecf_tips)

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## QUARTERLY REMINDERS

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### 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 a reason to believe that your password has been compromised, you must immediately notify the Court in writing. To update your profile in the ECF database regarding firm affiliation, address, telephone, fax and/or email, view the electronic learning module by clicking the link below:

[http://www.nyeb.uscourts.gov/elms/maintain\\_user\\_account/MAINTAIN\\_YOUR\\_ECF\\_ACCOUNT.htm](http://www.nyeb.uscourts.gov/elms/maintain_user_account/MAINTAIN_YOUR_ECF_ACCOUNT.htm)

ECF filers receive their Notices of Electronic Filing from the Bankruptcy Court Live email account. Filers are asked not to respond to emails received from the court's email address [BKECF\\_LiveDB@nyeb.uscourts.gov](mailto:BKECF_LiveDB@nyeb.uscourts.gov) as any emails sent to this address will not be answered.

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## REMINDERS TO ECF FILERS

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- When filing a new petition, in addition to uploading the list of creditors in .txt format under Creditor Maintenance in the ECF system, you must also include a PDF list of creditors within the petition.
- The Help Desk is available to filers who are having difficulty filing documents. We recommend that you and those on your staff who assist with e-filing attend the ECF training classes at the Court.
- New filers to this Court are reminded that they are responsible for timely service of any documents and must not rely on the Electronic Case Filing system as a form of service. See Local Bankruptcy Rule 9036-2.
- When requesting more than one relief for a motion, after selecting the first event from the Available Events, hold down the control (ctrl) key on the keyboard to choose the second event. Do not type any event in the text box. The text box may be used to differentiate or uniquely describe the document filed.
- The complete Social Security (SSN) or Individual Taxpayer-Identification Number (ITIN) is placed on Form 21. To be in compliance with Federal Bankruptcy Rule 9037, this form should be kept in your office with your clients records and should **not be uploaded to the docket.**

- If you are unsure of the event or relief to use, check the Available Events list in the ECF system or the alphabetical listing of Docket Events at the link below on the Court's website: [http://www.nyeb.uscourts.gov/ecf/train\\_guide/atty/docket\\_event\\_alph\\_bk.pdf](http://www.nyeb.uscourts.gov/ecf/train_guide/atty/docket_event_alph_bk.pdf). If you cannot find an event/relief on either list, call the Help Desk. The Case Administrator will inform you of the best event to use.
- Always link to an actual document. Do not link or relate documents to **any** hearing entries on the docket.

### **Logins and Passwords**

- If you have **forgotten** your ECF login and/or password, call the Court's Help Desk. **Do not** re-submit an Attorney Password Application.
- In order to receive a login and password, filers must submit, by conventional mail, an original Attorney Password Application with an original signature.
- When notarizing the Attorney Password Application, make sure all information is legible.
- All logins and passwords will be sent to the primary email address on file. If you did not update your email address in the ECF system, you will be required to fax a signed letter on your office letterhead requesting that the login and password be sent to your current email address.
- ECF logins and passwords are issued within three to five business days from the date the application is received.
- If you have not received your login and password by email and it appears that you should have, check your Trash and Spam folders before calling the Court.

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### **NEW YORK STATE STANDARDS OF CIVILITY**

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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/admin\\_orders/ord\\_568.pdf](http://www.nyeb.uscourts.gov/admin_orders/ord_568.pdf).

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## ELECTRONIC TRAINING CLASS SCHEDULE

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

- Central Islip Courthouse – Friday, November 15, 2013 from 9:30 to 1:00 p.m.
- Brooklyn Courthouse - Friday, December 6, 2013 from 9:30 a.m. to 1:00 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 Intake Deputy 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.

Margaret Clarke is the presenter for the classes in Central Islip and Brooklyn. 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 Courthouse and to comply with the directions given by the Court Security Officers in Brooklyn.

The classroom training dates are also posted on the Court's website at:

[http://www.nyeb.uscourts.gov/main\\_attny/usbc\\_content.php?id=ecf\\_training\\_schedule](http://www.nyeb.uscourts.gov/main_attny/usbc_content.php?id=ecf_training_schedule)

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## CONTACT INFORMATION

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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  
(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 - 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.

Contact [Margaret\\_Clarke@nyeb.uscourts.gov](mailto:Margaret_Clarke@nyeb.uscourts.gov) with your ideas, articles and topics for the newsletter.