



## **SPECIAL EDITION- MOVING TO ECF VERSION 3.1**

### **September-October 2006 Volume 7 Number 5**

Effective October 16, 2006, the court will be moving to the newest version of the Electronic Case Filing software (Version 3.1). The majority of the changes relate to new statistical reporting requirements that take effect October 17, 2006 pursuant to provisions of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (BAPCPA). Highlighted below are areas in which the ECF program was modified. If you have any difficulty using the system, please contact our HelpDesk. The HelpDesk hours are Monday to Friday from 9:00 a.m. to 4:00 p.m. The number for Brooklyn is 347-394-1700, and press six. The number for Central Islip is (631)712-6200, and press six. Thank you for your patience regarding these changes.

If you currently have a training database password, you may observe the changes in our training database located at: <https://ecf-train.nyeb.uscourts.gov/> after October 16, 2006.

### **General Information**

Those attorneys using bankruptcy petition software to file cases **must upgrade to the latest version** of their software prior to October 16, 2006. If you do not upgrade your software, you run the risk that you will be unable to file electronically.

The login screen has been changed to clarify the differences between ECF and PACER.

The Census Bureau has released its State Median Family Income figures (in 2005 inflation-adjusted dollars). The U.S. Trustee has the information posted at [www.usdoj.gov/ust/eo/bapcpa/meanstesting.htm](http://www.usdoj.gov/ust/eo/bapcpa/meanstesting.htm). The new Census figures will be applied by the U.S. Trustee Program effective with petitions filed on or after October 1, 2006. Also, the U. S. Trustee's website has been updated to make it easier for the public to locate approved credit counseling and debtor education providers in their state/district as well as to identify those providers that offer services in languages other than English.

## Opening a Bankruptcy Case

The first data screen will display the option of Foreign Main Proceeding or Foreign Non-main Proceeding if the filer is filing under Chapter 15.

The New Bankruptcy Case Statistics Screen has changed:

- Prior filing within last 8 years has been added.
- Default is now blank for Nature of debt, Estimated number of creditors, Estimated assets and Estimated debts.
- The Asset notice field defaults to No for chapter 7 case openings. All other chapter defaults will default to Yes.
- The values for estimated assets and estimated debts have changed.
- A “Nature of Business” label has been added above the list of business types; an “Other” business type has been added; the checkboxes for types of business have been replaced by radio buttons; the “Nonprofit Organization” checkbox has been renamed “Tax-Exempt Entity,” and can be selected in conjunction with any type of business.
- Two new options for the Chapter 11 filing allow you to indicate if the plan is included with the petition and if it is prepackaged (pre-approved).

Data from the Summary of Schedules, Form 6 (page 1), Statistical Summary of Certain Liabilities and Related Data, Form 6 (page 2) and the Statement of Current Monthly Income/Mean Test will now be collected for reporting when opening a bankruptcy case. A “Summary of Schedules” screen is displayed after you upload your petition.

NAME OF SCHEDULE/FORM	ASSETS	LIABILITIES	OTHER
A - Real Property	<input type="text"/>		
B - Personal Property	<input type="text"/>		
D - Creditors Holding Secured Claims		<input type="text"/>	
E - Creditors Holding Unsecured Priority Claims		<input type="text"/>	
F - Creditors Holding Unsecured Nonpriority Claims		<input type="text"/>	
Average Income (from Schedule I, Line 16)			<input type="text"/>
Average Expenses (from Schedule J, Line 18)			<input type="text"/>
Current Monthly Income (from Form 22A Line 12; <b>OR</b> , Form 22B Line 11; <b>OR</b> , Form 22C Line 20)			<input type="text"/>
<b>TOTAL Type of Liability</b> from Form 6, Statistical Summary (Generally Nondischargeable Debt -- 28 USC 159)		<input type="text"/>	
<b>Total Dischargeable Debt (Computed)</b> Note: Not computed when any value above for D, E, F, or nondischargeable debt is not known.		<input type="text"/>	

Please have a paper copy of the Summary of Schedules, Statistical Summary of Certain Liabilities and Related Data and the Statement of Current Monthly Income available at case opening if you do not use bankruptcy petition software. It is imperative that you manually fill in all required amounts if your software does not automatically upload the information.

## **Opening an Adversary Proceeding**

A “Role in Bankruptcy Case” item now appears on the screen for defendant/plaintiff information. Choices for this item are:

- Creditor
- Debtor
- Not Applicable
- Trustee
- US Trustee/Bankruptcy Administrator

You are required to file an Adversary Cover Sheet as an attachment to your complaint. Please be advised that there are new two-digit Nature of Suit codes that replace the traditional Nature of Suit codes. Some categories are broken out in more specific detail. These codes appear on the revised B104 Adversary Cover Sheet. Please be aware of the following:

- “Secondary nature of suit” label has been changed to “Second nature of suit.”
- Up to **five** Nature of Suit codes can be entered for an adversary; options for a third, fourth, and fifth nature of suit options have been added. **Please enter the Nature of Suit codes in the order of their importance to the case.**
- A new field for State law (Y/N) is for entry of an existing substantive issue of state law.
- Due to the many changes regarding Nature of Suit Codes, we recommend that you have a copy of the Adversary Cover Sheet in front of you when entering information if you do not use automated case opening software.

## **Notice of Electronic Filing**

Previously, any recipient of a Notice of Electronic Filing (NEF) was allowed one view of referenced documents without incurring PACER charges. Now, only participants in the case (parties and attorneys) are given a “free look” while others will be billed.

Interested parties receiving email are now listed on the NEF (and in the “Mailing Information for a Case” utility) only if they are also regular parties in the case.

## **Query**

When multiple cases match the query criteria, the list of cases shows the date closed in addition to the date filed.

## **Notices**

Interested parties receiving email are currently listed on the Notice of Electronic Filing (the page you receive as receipt of the filing). Now, they will only be listed if they are regular parties in the case.

## **Reports**

The Cases, Claims Activity, and Docket Activity reports now display a warning that they are not subject to the 30-page cap on PACER charges (the exception to the cap already existed but was not apparent).

Cases Report: the previous chapter is now shown for a converted case.

Docket Report: the chapter of the related bankruptcy case is now shown for an adversary proceeding.

## **Utilities**

There is a new option titled “Court Information.” This new utility provides some general information such as the maximum size of PDF files, the court’s location and phone number and PACER contact information.

## **New Docket Events**

<u>Category</u>	<u>Event</u>
Answer/Response	Objection to Professional Fees
Appeal	Joint Certification to Court of Appeals (Form 24) Direct Appeal to Court of Appeals
Other	Exhibit D Reaffirmation Agreement (Pro-Se) Statistical Summary of Certain Liabilities
Motion	Application to Request Certification to Court of Appeals Motion for Abstention Under Title 11 USC Section 305 or 28 USC 1334© Motion to Appoint Examiner Motion to Approve Modification of Confirmed Plan (All Chapters) Motion for Authority to Obtain Credit Under Section 364 Motion to Change Venue/Inter District Transfer Bankruptcy

Motion for Conditional Use of Cash Collateral  
 Motion for Continuation of Utility Service  
 Motion to Convert Case to Chapter 12  
 Motion for Damages for Creditor Misconduct  
 Motion to Dismiss Case for Failure to Timely File Tax Return section 521(j)(1)  
 Motion to Extend Time to Appeal Under Rule 8002©  
 Motion to File Amended Proof of Claim  
 Motion to File Claim After Claims Bar Date  
 Motion for Intra-District Transfer Bankruptcy  
 Motion to Object to Debtor's Claim of Exemptions  
 Motion to Object to Homestead Exemption  
 Motion to Redeem Property of the Estate  
 Motion to Remove Professional  
 Motion to Remove Trustee  
 Motion for Sanctions under USC 28 Section 1927  
 Motion for Sanctions for Debtor's Attorney Misconduct under Rule 9011  
 Motion for Sanctions for Violation of the Automatic Stay  
 Motion for Sanctions for Violation of the Discharge Injunction  
 Motion Setting Property Value  
*[Due to the new statistical requirements under BAPCPA, avoid selecting generic motion unless absolutely necessary. If you select generic motion instead of the correct motion, you will be required to re-docket the motion again using the correct motion event.]*

Plan                      Amended Chapter 11 Small Business Plan  
                                  Modified Plan (All Chapters)  
                                  *[Amended plan is to be used when amending a plan pre-confirmation. Modified plan is to be used when the plan has been approved and it is modified post confirmation.]*

Trustee/US Trustee    Objection to Professional Fees  
                                  Motion to Dismiss Chapter 7 Case for Abuse under 11 USC 707(b) by UST  
                                  Selected for Audit  
                                  *[There is a new provision under BAPCPA requiring the random audit of individual debtors' Chapter 7 and 13 cases. The court will send notice to creditors in a case where the audit report specifies a material misstatement of income, expenditures or assets. Any questions concerning audits must be directed to the applicable Unites States Trustee Office.]*

Auditor (new)           Auditor's Report  
                                  Amended Auditor's Reports  
                                  Supplemental Auditor's Reports  
                                  *[There is a new provision under BAPCPA requiring the random audit of individual debtors' Chapter 7 and 13 cases. The court will send notice to creditors in a case where the audit report specifies a material misstatement of income, expenditures or assets. Any questions concerning audits must be directed to the applicable Unites States Trustee Office.]*

## Modified Events

<u>Category</u>	<u>Event</u>
Answer	Objection to Debtor's Homestead Exemption <i>[moved to the Motion category]</i>
Appeal	Notice of Appeal <i>[modified to add a prompt to ask: Appealing to District or Circuit Court?]</i> Cross Appeal <i>[modified to add a prompt to ask: Appealing to District or Circuit Court?]</i>
Motion	Motion to Increase Assurance Payments <i>[replaced by Motion for Continuation of Utility Service]</i> Motion to Assume/Reject Lease or Executory Contract* Motion to Extend/Limit Exclusivity Period* Motion to Reconsider Dismissal or Case/Other* Motion to Sell Property Under 363(b)/Property Free and Clear of Liens/Other* Motion to Turnover/Surrender Property Under Section 521(a)(4)* <i>[The above Motion Events with a * will feature a drop down box after you upload your document. You will use this drop down box to select event text options. For example, options for Motion to Sell Property Under 363(b)/Property Free and Clear of Liens/Other are <b>Sale of Property Under 363(b)</b>, <b>Sell Property Free and Clear of Liens</b> and <b>Sell Other.</b>]</i>
Notice	Notice to Abandon <i>[modified to read Notice of Proposed Abandonment of Property of the Estate]</i> Notice to Sell <i>[modified to read Notice to Proposed Use, Sale or Lease of Property]</i>
Other	Debtor's Certification of Completion of Instructional Course and/or Certificate of Personal Financial Management Course <i>[prompt added to enter the Certificate Number]</i> Statement of Current Monthly Income-Means Test Chapter 7 <i>[event prompts for current income]</i> Statement of Current Monthly Income-Chapter 13 <i>[event prompts for current income]</i> Schedule(s), Required Statements and Affidavit LR1007-1(b) (Fee Due) Schedule(s), Required Statements and Affidavit LR1007-1(b) (No Fee ) Amended Schedule(s), Required Statements and Affidavit LR1009-1(a) (Fee Due) Amended Schedule(s), Required Statements and Affidavit LR1009-1(a) (No Fee)

Schedules and Amended Schedule events have been modified because of new statistical requirements. If you are filing schedules after filing your petition, you will receive a screen prompting you to select the schedules filed.

**Step 1: Check ALL schedules being submitted below.**

**Step 2: On the next screen enter the remaining required statements as applicable (Ex: Statement of Financial Affairs Statement LR1073-2b)**

- Schedule A
- Schedule B
- Schedule C
- Schedule D
- Schedule E
- Schedule F
- Schedule G
- Schedule H
- Schedule I
- Schedule J
- Statistical Summary of Certain Liabilities
- Summary of Schedules

Then you will receive a screen with the schedules that require amounts to be entered:

Enter **Real Property Amount** from **Schedule A** (ex. 50000.00 or 50,000.00):

Enter **Personal Property Amount** from **Schedule B** (ex. 50000.00 or 50,000.00):

Enter **Creditor Secured Claims Amount** from **Schedule D** (ex. 50000.00 or 50,000.00):

Enter **Unsecured Priority Claims Amount** from **Schedule E** (ex. 50000.00 or 50,000.00):

Enter **Unsecured Non-Priority Claims Amount** from **Schedule F** (ex. 50000.00 or 50,000.00):

Fill in the applicable amounts. Please be aware that new amounts entered from Amended Schedules will override all amounts previously entered.

If the Statement of Current Monthly Income/Mean was deficient at case opening and you are filing it with your schedules, docket the Statement of Current Monthly Income/Mean separately, do not add it as an attachment to your Schedules docket event.