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ECF Filings

The court is extremely pleased with the local bar’s response regarding the use of the Electronic Case Filing system.

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

2005	Jun	Jul	Aug
BK/AP Filing	67%	68%	70%
Event Docketing	35%	31%	32%
Atty’s Docketing	708	689	679

Gregory Messer, Martin Ochs, Mark Pergament and Richard Stern are the latest attorneys to docket more than 1000 events into the ECF system in 2005.

More than 2700 legal professionals have attended ECF training in the Eastern District. 2300 attorneys have received a password and more than 1700 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 or our Local Rules. The General Order and Local Rules are on our web page and we ask all attorneys to review them before filing to ensure accuracy of submissions. This month we highlight the Local Rules.

Rule 2090-1 PRACTICE BEFORE THE COURT; WITHDRAWAL AS ATTORNEY OF RECORD

(d) Withdrawal or Substitution of Attorneys of Record.

An attorney who has been authorized to be retained or has appeared as the attorney of record for the debtor, Case Trustee, examiner or committee may not withdraw or be relieved or displaced except by order after notice to the party represented, any adversaries and the United States Trustee.

An application for such an order shall include a showing by affidavit of satisfactory reasons for withdrawal or displacement and the posture of the case, including the status of any pending matters.

(e) Exceptions.

Except for subdivision (c), this rule shall not apply to: (i) the filing of a proof of claim or interest; or (ii) an appearance by a child support creditor or the creditor’s representative.

If you wish to stop receiving e-mails in one specific case and the above does not apply to your standing in the case, you may docket a Letter asking to be removed from that case. The Letter event is located under the “other” category.

Help Desk Question of The Month

Question: How do you determine what a page is for PACER billing purposes?

Answer: Generally, a page is defined as 54 lines of data. PACER charges are not based on the pages you view, print, or download, but on the results of the search. When charges are accrued, a transaction receipt will appear at the bottom of each html document. This will indicate the number of pages billed for that particular transaction.

Dockets: Docket reports are generated with form feeds or page breaks marking each page. The number of form feeds or page breaks within each docket are counted and used to determine the number of pages for a particular docket sheet before the document is reformatted for display as a html document. A docket sheet may contain pages with more or less than 54 lines. Note: Form feeds and page breaks will not appear in the html formatted document displayed on the screen

Search Results: Search results are also billed at the rate of 54 lines per page. Each hit is considered one line. The lines are counted from the raw data files before they are formatted for display as a html document on the screen.

Images: Images will be billed according to the number of pages scanned; therefore, each scanned page equals one billable page.

A print job will not always match the number of pages billed. The number of pages printed is dependent on individual printer and browser

settings. All users are equally charged for the same information regardless of the browser settings or printer configurations.

Please be advised that all HelpDesk calls are to be directed to the Central Islip office at (631) 712-6200, and press six. Hours for the HelpDesk are Monday to Friday from 9:00 a.m. to 4:00 p.m.

PACER Fees

In 1988, the Judiciary sought funding through the appropriation process to establish the capability to provide electronic public access services. Rather than appropriating additional funds for this purpose, Congress specifically directed the Judiciary to fund that initiative through the collection of user fees. As a result, the program relies exclusively on fee revenue.

PACER Client Code Field

The client code field is an optional feature for attorneys/firms that are doing work for multiple clients. It can be used to help track groups of transactions on your PACER statement for your internal billing process. For those attorneys/firms not interested in this feature, the field can be left blank. If the field is used, it will accept up to 32 characters of text.

Bankruptcy Abuse Prevention and Consumer Protection Act of 2005

The changes to the Bankruptcy Code will be effective October 17, 2005. The court is working on the required adjustments to our ECF filing system. Look forward to a special newsletter to be distributed in October outlining our new procedures.

Implementation Progress

Eighty-seven of the 94 United States Bankruptcy courts are now live on ECF. The seven remaining courts to go live are: New Mexico, Oklahoma Western, Florida Southern, Georgia Middle, Minnesota, Virgin Islands and the Northern Mariana Islands. Note: The Virgin Islands and Northern Mariana Islands do not have Bankruptcy Courts but the districts do accept bankruptcy cases.

E-Mail Accounts

If you are a Hotmail, Yahoo or similar free or inexpensive e-mail system subscriber, you may have to upgrade your subscription. Basic e-mail accounts typically cannot handle the large volume of e-mail generated by the ECF system. If you expect to receive a lot of e-mails, check to see if you are allotted sufficient space under your present subscription.

Redacting Information

Please be careful which method you use when redacting personal information from a document.

For example, if you used the highlighting function of a word processing program to overlay sections with black highlighting and converted the file to PDF, neither the highlighting nor the conversion to PDF overwrote the original text. Therefore, there is the possibility that a party may be able to remove the highlighting to reveal the original hidden text.

Fee Event Docketing

If you electronically file a fee-related document but select a Non-Fee related event, you will not be prompted to pay the fee.

You will receive a call from the court advising you that you must redocket the pleading using the correct event so that you can pay the required filing fee due via the credit card module.

The court will place the following information at the beginning of the incorrect event: "Incorrect event docketed. Pleading requires a fee. Attorney advised to re-file."

Reminders

- Effective September 20, 2005, the fee for filing a complaint initiating an adversary proceeding will be \$250.
- Please pay your filing fees by 12 midnight of the day of filing.
- Please send a paper chambers copy of all electronically filed documents to the court within 24 hours of the filing.

Eastern District Newsletter

This newsletter and previous issues are available for online viewing at 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 with the words "Subscribe ECF Newsletter" in the subject field.