



UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF NEW YORK ECF NEWSLETTER

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CM/ECF VERSION 4.1 HIGHLIGHTS

The United States Bankruptcy Court for the Eastern District of New York is preparing to upgrade to CM/ECF Version 4.1 in the fall of this year. This upgrade includes several enhancements for attorney filers. As we move closer to the live date, more information will be placed on the court's website with Adobe Captivate learning modules and PDF procedures to guide users through the changes. Below are highlights of the upcoming changes.

Internet Browser

Software must be upgraded to:

- Firefox 3.5, or
- Internet Explorer 7 or 8.

Stronger Password Requirements

- All users required to have stronger and more secure passwords, using digits, letters and symbols.
- New Utility sub menu to "Change Password".
- Attorney password account locked out after five invalid attempts to log in.

Filing Fees and Pay.gov

- No more pop-up screens.
- New court option to allow attorneys to use the Automated Clearing House (ACH) to pay directly from checking or savings accounts.
- Payment for fees accumulated on the same day can be paid with different forms of payment.

Adversary Case Opening

- The filing attorney automatically associated as the attorney of record.
- Add more than one attorney for plaintiff using the new **Add Additional Attorney** button.
- Filer no longer able to add attorney for defendant.

- Notice of Removal with drop down box pick list to identify the role of the attorney:
 - Filing attorney to be automatically associated with the plaintiff as attorney for plaintiff.
 - Allows the defendant's attorney to open the case and select "Defendant" to create the association with their party.

Proof of Claim

- Proof of Claim screen revised to match current Proof of Claim form.
- Unsecured and Unknown claim entry fields no longer available.
- Only three claim fields available: Total Amount Claimed, Secured and Priority.
- Total Amount Claimed to include all values such as Unsecured, Secured, Priority and Unknown.
- Existing claim entries to be converted so that Unknown and Unsecured values are visible but not accessible.
- "Entered by" field to display the most recent filer of the claim record.
- Claim values reflected on the Notice of Claim Electronic Filing.

Claims Activity

- Closed date displayed next to the case number on the report.
- Transfer of claim - Original filer of the Proof of Claim on the Claims Activity report consistent with the original filer on Claims Register.

Changes Made to the Front of the Docket

- Format for listing aliases.
- Hyperlink to debtor's attorney's email address.
- Showing "Associated Cases" only when there are associated cases.
- Debtor's address shows county of residence.

Query a Name

- Additional information and a new search result format displayed.

Query Document

- "View Document" to provide immediate access to PDF documents on the dockets.

Modifications to Run Cases Report

- Limited date range of 31 days.
- By attorney name, Bar ID (first and last name initials plus last four digits of your social security number), party role of attorney such as plaintiff, defendant, creditor or all.
- By *Pro se* filers.
- "Enter" key may be used instead of the mouse to submit most screens.

Limited Creditors

- Limited Creditors receive Notice of Electronic Filing (NEF).
- Limited Creditors will not get FREE LOOK.
- Limited Creditors to add primary and/or secondary email addresses to receive email notification of the NEF.

Maintain Your ECF Account

- Primary and secondary email addresses entered twice for validation.
- More than one secondary email address must be separated with a comma.

Noticing

- No more paper 341 Notices sent to debtor's attorney. 341 Meeting Notices sent by email to debtor's attorney.
- BNC Certificate of Service renamed Certificate of Notice.
- Undeliverable Notices sent by email to debtor's attorney and to debtor, if an email address is provided for the debtor.
- Undeliverable addresses updated by debtor or debtor's attorney before the BNC sends out future notices.
- Attorneys on adversary proceedings to elect to opt out of receiving NEF for the main bankruptcy cases.

Opt Out

- Opt out of receiving notices if appearance to be made only in adversary case with no interest in lead bankruptcy case. NEF to reflect the option.
- Attorney to maintain electronic case filing account when electing not to receive NEF for the lead bankruptcy case.

REALLY SIMPLE SYNDICATION TECHNOLOGY (RSS)

RSS Feed

- Available at no charge to attorneys upon request.
- Attorneys to receive immediate access to updates on the Court's website.
- More information is available at the Court's website under Quick Links on the Court's Home Page.

JUDGE ROSENTHAL'S RECALL APPOINTMENT EXTENDED

The recall appointment of the Honorable Joel B. Rosenthal as a United States Bankruptcy Judge in the Eastern District of New York has been extended through December 31, 2011. Judge Rosenthal will continue to receive new assignments of Chapter 7 and 11 cases, and related adversary proceedings.

CASE FILINGS FOR 2011

As of August 31, 2011

Chapter 7 - 12655

Chapter 9 - 1

Chapter 11 - 150

Chapter 13 - 1133

Chapter 15 - 1

Total Case Filed - 13940

2010 REPORT OF STATISTICS REQUIRED BY BANKRUPTCY LAW

The Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 requires the Director of the Administrative Office of the U.S. Courts to submit an annual report to Congress on certain bankruptcy statistics. The report for calendar year 2010 is now available. The report shows that more than 1.5 million bankruptcy petitions were filed by individuals with predominately non-business debt in 2010 – an increase of 9 percent over 2009.

About 71 percent of those petitions were filed under Chapter 7 of the Bankruptcy Code, the same percentage as in 2009. Under Chapter 7, a debtor's assets are liquidated and the nonexempt proceeds are distributed to the debtor's creditor.

About 28 percent of the 2010 petitions were filed under Chapter 13, in which individuals who have regular income and debts below a statutory threshold make installment payments to creditors under a court-approved plan. The remaining one percent of the petitions were filed under Chapter 11, which allows debtors to formulate plans for repaying creditors. Liquidated and nonexempt proceeds are distributed to the debtor's creditors. For more information, contact the Office of Public Affairs at 202-502-2600.

Closer to home, the bankruptcy statistics posted by the United States Courts reveal that out of the 11 Judicial districts, the Second Circuit bankruptcy cases total 69,648 in 2010. These figures put the Second Circuit in second place with the least number of bankruptcy cases filed in 2010. The Eastern District of New York had the highest filing within the Second Circuit (New York, Connecticut and Vermont).

The circuit with the largest number of filings was the 9th Circuit, with total filings of 404,289. One court within the 9th Circuit, California Southern, had a total of 142,726 filings.

Table F.U.S. Bankruptcy Courts—Bankruptcy Cases Commenced, Terminated, and Pending During the 12-Month Periods Ending December 31, 2009 and 2010.

AVAILABLE CHAMBERS PRESET REPORT

Effective August 8, 2011, the United States Bankruptcy Court for the Eastern District of New York, enhanced its Electronic Case Filing system to allow e-filers to self-calendar. Self-calendaring allows filers to select hearing dates and times from an **Available Chambers Preset Report** found under Reports on the CM/ECF Menu Bar and the court's website. E-filers must view this report, select a hearing date, and immediately docket the motion to secure the date and to place the hearing on the Judge's Court Calendar. This eliminates the need to contact chambers and provides access to hearing dates twenty-four hours a day, seven days a week. The Electronic Learning Module, which will take you step by step through the process of uploading motions using the preset report, will be available soon on the court's website:

<http://www.nyeb.uscourts.gov/calendars/preset/preset.html>

- To use the **Available Chambers Preset Report**, filers must go to the court's website: <http://www.nyeb.uscourts.gov/calendars/preset/preset.html> or log in to the live database with their ECF log in and password.
- From the CM/ECF Menu Bar, select Reports.
- From the Reports screen, under CHAP Tools, select CHAP Preset Report.
- Select the Judge assigned to the case and comply with the judge's guidelines. It is important to read and comply with the guidelines specific to each chambers.
- Find the Types of Hearings. Review the restrictions. A restriction may relate to the event, chapter of the case, party, or a combination of these. Select a hearing date and time that applies only to your motion.
- **Available Slots** gives the number of hearing dates available for selection. When the motion/hearing date is docketed, the number automatically decreases.
- Insert the applicable hearing date and time into the Notice of Motion.
- Docketing the motion immediately puts the hearing on the Judge's calendar. If the filer waits too long to docket the hearing date, all the slots for that hearing date may be used up by other filers.
- If a selected preset hearing date is no longer available during the docketing of the motion, the filer must stop docketing and select a new date from the Available Chambers Preset Report. Change the date in the Notice of Motion to reflect the new date.

**SAMPLE OF THE
AVAILABLE CHAMBERS PRESET REPORT
JUDGE SELECTION PAGE**

Available Chambers Presets

Please Note: It is recommended that you docket your papers as soon as possible after you have selected a date and time from this report. Failure to docket timely may result in the hearing date that you selected to no longer be available.

Certain presets are restricted, as specified by the ().

[Color Description](#)

[Click the link of chambers below to find the available schedules:](#)

[Chambers of Chief Judge Carla E. Craig](#)

[Chambers of Judge Jerome Feller](#)

[Chambers of Judge Elizabeth S. Stong](#)

[Chambers of Judge Joel B. Rosenthal](#)

[Chambers of Judge Dorothy Eisenberg](#)

[Chambers of Judge Alan S. Trust](#)

[Chambers of Judge Robert E. Grossman](#)

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Chambers of Judge Jerome Feller

Preset Guidelines: The following matters may be self-calendared for hearing at the following times. Counsel may utilize this self-calendaring procedure for the scheduling of motions. This procedure will allow counsel to self-select available dates and times on the appropriate judge's calendar and serve notice without contacting the courtroom deputy for a hearing setting.

PLEASE NOTE: Hearing dates for any motion in a Chapter 11 case or an adversary proceeding under any chapter, motion to extend time to file schedules or a motion to extend the stay, call Mildred Amador, Judge Feller's Judicial Assistant, at (347) 394-1830. If Ms. Amador is unavailable, call the Courtroom Deputy, Veronica Anemone, at (347) 394-1834.

Types of Hearings	Preset Date & Time	Available Slots
Motion - Applications for Compensation - Chapter 7	Oct 04 2011, 10:00 am	2
Motion - Chapter 13	Oct 04 2011, 10:00 am	1
	Oct 05 2011, 9:00 am	2
	Oct 06 2011, 10:00 am	2
	Oct 11 2011, 10:00 am	4
	Oct 18 2011, 10:00 am	4
Motion - Chapter 7	Oct 11 2011, 10:00 am	9
	Oct 18 2011, 10:00 am	10
Motion - Final Meetings - Chapter 7	Oct 06 2011, 10:00 am	4
	Oct 11 2011, 10:00 am	4
	Oct 18 2011, 10:00 am	4
Motion - Objection to Claims - Chapter 13	Oct 18 2011, 10:00 am	4
Motion - Objection to Claims - Chapter 13 (Trustee Only)	Oct 05 2011, 9:00 am	2

ADOPTION OF MODIFIED LOSS MITIGATION PROGRAM PROCEDURES

The United States Bankruptcy Court, Eastern District of New York, has modified its Loss Mitigation Program Procedures to require the debtor to file a Loss Mitigation Final Report (see, Section XI. Loss Mitigation Final Report). The amended procedures, which are effective immediately, and the form of Final Report can be found on the Court's website at http://www.nyeb.uscourts.gov/admin_orders/ord_582.pdf

E-ORDERS

by Nicole Mignone

In January 2011, this Bankruptcy Court upgraded the Electronic Case Filing system to allow for the electronic submission of PDF Proposed Orders so that all e-filers are able to upload their proposed orders for signature through the ECF system. Below is a Q&A to respond to some of the outstanding issues:

Q: If I file the proposed order on the docket, isn't it uploaded for signature?

A: NO! Uploading the proposed order to the docket is a different process from uploading the PDF proposed order for signature. These are two separate and distinct procedures. When the filer uploads the proposed order to the docket, generally, it is as an attachment to the motion for anyone to see. When the filer uploads the proposed order for signature, the order goes directly to chambers for the judge's review and signature.

Q: Why was my order rejected for a simple formatting issue?

A: Hundreds of orders are sent to chambers each week to review. An incorrectly formatted order takes away from time the chambers staff could have spent signing orders and forwarding them for docketing. Editing orders that should have been edited by the attorney impedes the efficiency and speed in which orders are processed. Therefore, attorneys are being asked to comply with the specific procedures for preparing orders. Do not upload orders that have a fill-in-the-blank and refrain from including extraneous information, like file paths and identifiers, in the footer.

Q: Why does chambers return my order because of the signature line?

A: Every proposed order must have a four-inch margin at the bottom of the last page of the proposed order for chambers' staff to add the date and electronic signature. If you put a date and signature line, the order is returned so that the date and time can be removed.

Q: Why didn't the proposed order upload?

A: The proposed orders must be uploaded as an editable PDF file. If you scan a proposed order you will receive an error message and will not be able to complete the process of uploading until the order is prepared in word processing format and converted to a PDF file.

Q: Why does the system require an attached Word or WordPerfect file as well?

A: If chambers need to substantially edit the order, it is much easier to use the original document. Please ensure the right file is uploaded.

Q: Can I submit the proposed order to the Judge's e-mail box?

A: It is highly recommended that you read the Judge's procedure as each chambers may have specific requirements for filers to adhere.

When all else fails, the court provides tutorials and written instructions on the website: http://www.nyeb.uscourts.gov/main_attorney/eorders.php. For individual issues and problems, after reviewing the resources provided on the website, contact Help Desk at 631-712-6200 press 6 or 347-394-1700 press 6.

ELECTRONIC CASE FILING TRAINING CLASS

A new component intended to improve the level of practice in matters pending before the Court has been added to the ECF training class. Attendees will be addressed by a judge, a representative from the United States Trustee's office, and an experienced bankruptcy practitioner. Judges will give brief remarks on the importance of professionalism in the bankruptcy process. The practitioner will speak on the bankruptcy practice basics and certain obligations. A representative from the United States Trustee's Office will also speak on the role of their office in bankruptcy matters. Listed below are some of the topics that will be discussed.

1. Compliance with Judges' Procedures and the Local Rules of this Court
2. Survey of rules and practice points
3. Noticing Creditors and Parties in Interest
4. Preparing and signing papers and its representation to the Court
5. Duties of disclosure and reasonable inquiry
6. Preparing for 341 meetings
7. Court's Civility Guidelines
 - a. To improve the level of practice, this Court has adopted the New York State Standards of Civility to promote professionalism and effective management of cases. In future issues, these standards will be featured to alert practitioners of the Court's expectation when they practice law before this Bankruptcy Court.

ELECTRONIC TRAINING CLASS SCHEDULE

The Electronic Case Filing Training classes for attorneys and their support staff will be held at the Brooklyn Courthouse on September 23, 2011, October 14, 2011 and October 28, 2011 from 9:30 a.m. to 1:00 p.m. Evelyn Torres is the presenter for these classes. The training room is in a secured area so attendees are asked to comply with the directions given by the Court Security Officers until Ms. Torres escorts them to the training room.

The Electronic Case Filing Training class in Central Islip is scheduled for October 21, 2011 from 9:30 a.m. to 1:00 p.m. Dwayne Cox is the presenter for this class. The training room is in a secured area so attendees are asked to wait by the kiosk in the lobby area of the courthouse until Mr. Cox escorts them to the training room.

It is important that attendees are on time for class. However, if you arrive late, 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, call as soon as possible so someone else can use the slot.

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

http://www.nyeb.uscourts.gov/main_attorney/ecf_training_schedule.php

CONTACT INFORMATION

United States Bankruptcy Court
Eastern District of New York
Conrad B. Duberstein Courthouse
271 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 U.S. Courthouse
290 Federal Plaza
Post Office Box 9013
Central Islip, NY 11722
631-712-6200
Help Desk: (631) 712-6200, press 6

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_Merritt@nyeb.uscourts.gov with your ideas, articles and topics for the newsletter.