



SPRING 2008
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ECF Filings

More than 3200 legal professionals have attended ECF training in the Eastern District, more than 3600 participants have received a password and more than 2400 have docketed into the system.

The court extends a big thank you and congratulations to all participating attorneys, their staff members and the new creditor group for a job well done. We appreciate your cooperation.

Court filings continue to run below normal levels. However, the petition filing totals continue to advance. We are currently at 50-60% of pre-BAPCPA filing levels.

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

2008	Dec	Jan	Feb
BK/AP Filing	82%	80%	81%
Event Docketing	40%	41%	41%
Claims Filing	74%	74%	67%
Participants	615	597	594

ECF General Order/Local Rules

Each month we feature a different section of the ECF General Order, our Local Rules, Administrative Orders 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 the ECF General Order.

ADMINISTRATIVE PROCEDURES
III DOCUMENTS FILED UNDER SEAL

A. Motion. A motion to file documents under seal (but not the documents themselves) shall be filed electronically. If the motion itself contains confidential information, the movant shall serve and file electronically a redacted version clearly marked as such, and submit an unredacted version in camera. If requested by the court, the movant shall deliver hard copies of the documents proposed to be filed under seal to the presiding judge for in camera review.

B. Order. The order of the court determining the motion shall be filed electronically by the court.

C. Copies. If the court grants the motion, in whole or in part, the movant shall deliver the following to the Clerk of the

Court or Chief Deputy Clerk of the Court:

1. A hard copy of the documents to be filed under seal (the “sealed documents”) and
2. A 3.5 inch floppy disk containing the sealed documents and the sealing order. The disk shall be submitted in an envelope or disk mailer, clearly labeled with the case name and number, and if applicable, the document number assigned to the sealed document.
3. Hard copies of the sealing order shall be attached to the hard copy of the sealed documents and to the 3.5 inch disk.

Note: The court now accepts documents on CD and DVD in lieu of the 3.5 inch disk. This change will be annotated when the ECF General Order is updated.

Help Desk Question of The Month

Question: Has the Census Bureau updated median family income data?

Answer: Yes. The new amounts are applicable for all cases filed on or after February 1, 2008. This new data is required to complete the revised versions of the Chapter 7 Statement of Current Monthly Income and Means Test Calculation (Form 22A) and the Chapter 13 Statement of Current Monthly Income and Calculation of Commitment Period and Disposable Income (Form 22C).

The Chapter 11 Statement of Current Monthly Income (Form 22B) has been revised as well. The revised forms also conform to new IRS standards, which also took effect on January 1, 2008.

Particular attention should be paid to a change in the Chapter 7 form (Form 22A, Statement of Current Monthly Income and Means Test Calculation). Part 1 has been renamed Exclusion For Disabled Veterans **and Non**

Consumer Debtors. If the debtor's debts are not primarily consumer, you are now required to check the Declaration (Section 1B), complete the verification in Part VIII and submit the form along with the petition.

Please be advised that HelpDesk calls may be directed to either the Central Islip or Brooklyn office. Our HelpDesk averages more than 100 calls per week. 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.

Chambers Copy Submission

All Chambers copies of electronically filed documents must have a copy of the Notice of Electronic Filing attached. The Notice of Electronic Filing is the last screen you receive when you complete your filing.

Did You Know?

Under the Utilities menu is an option titled Mailings. If you click on “Mailing Info for a Case,” you can easily obtain the Electronic Mail Notice List (**parties** who receive e-mail notice/service for the case) and the Manual Notice List (**parties** who do **not** receive e-mail notice/service for the case, and who therefore require manual noticing/service).

You can copy this list into your word processing program in order to create notices or labels for these recipients. This is a great report to use when completing your Affidavits/Certificates of Service.

Under the Reports menu is an option to view the full docket text of Written Opinions. The best part is that the Report and the

Opinions are free!

Netscape Browser No Longer Supported

Time Warner AOL ended development and technical support of their Netscape Navigator browser on March 1, 2008. Therefore, we highly recommend that you switch to another internet browser.

National Forms

National court forms located at www.uscourts.gov/bkforms/index.html are now in PDF fillable format.

Of course, all Eastern District local forms at www.nyeb.uscourts.gov/forms.html are available in that manner as well.

Reduced Paper Module

Effective March 1, 2008, the United States Bankruptcy Court for the Eastern District of New York implemented the **Reduced Paper Module (RPM)** feature in the ECF system. RPM will eliminate a majority of the paper notices sent through the U.S. Postal Service to attorneys and trustees with ECF accounts. This will result in substantial cost savings for the Court.

However, please be advised that the first meeting of creditors notice will continue to be generated in paper form and mailed to account holders. Attorneys and trustees with ECF accounts will continue to receive the e-mail *Notice of Electronic Filing (NEF)*.

It is important to carefully manage your ECF account, including the listing of e-mail addresses, and to monitor your case activity due to the elimination of the paper notices and the reliance on e-mail notification. You may update your account information in the *Maintain Your*

ECF Account option under the Utilities menu.

Case Assignment

During the interim period until new judges are sworn in and seated at Central Islip, please be aware of the following new case assignment process:

New Central Islip-based Chapter 11 cases will be assigned randomly to all Eastern District of New York bankruptcy judges. There will be no change in the assignment of Brooklyn cases.

New Central Islip-based Chapter 7 cases will be assigned randomly to Judges Stong, Feller and Craig. There will be no change in the assignment of Brooklyn cases.

New Central Islip-based Chapter 13 cases will be assigned to Judges Eisenberg and Milton. There will be no change in the assignment of Brooklyn cases.

Please note that to arrange a hearing in a Central Islip case assigned to a Brooklyn judge:

*Contact Yvette Mills, Courtroom Deputy Clerk, at (631) 712-6277 for cases assigned to Judge Feller or Judge Stong.

*Contact Madrie Tagle, Courtroom Deputy Clerk, at (631) 712-6276 for cases assigned to Chief Judge Craig or Judge Milton.

Deposition Room Available

The Brooklyn and Central Islip Bankruptcy Courts have rooms available for the taking of depositions by attorneys. To reserve a room, please contact the following:

Brooklyn - Darlene Blair-Brown
Phone: (347) 394-1708

Central Islip - Theresa Perry
Phone: (631) 712-6203

Attorneys are advised to call at least one week prior to the proposed deposition date to confirm that the room is available. At the time of making a reservation, the following information must be provided:

- The attorney's name and phone number (in case a scheduling change is necessary)
- Case Name and Number (and Adversary Proceeding Number, if applicable)
- Number of participants (including the attorney-provided Court Reporter)

Parties are to meet at the Clerk's Office Intake Counter at the scheduled time of the deposition. When all parties have arrived (including the attorney-provided Court Reporter), they will be escorted to the deposition room.

Wireless Communication Devices in the Brooklyn Courthouse

Attorneys presenting appropriate verification of bar membership will be permitted to enter the courthouses of the Eastern District in possession of cell phones, laptops and PDA's. In all courtrooms, cell phones must be in the off position and laptops and PDA's must be rendered "silent." Please be advised that photographs, video and audio recording are strictly forbidden. Violations may result in court imposed sanctions, including but not limited to fines and forfeiture of court privileges.

Statutory Increase in Chapter 11 Quarterly Fees

The quarterly fees on disbursements paid by chapter 11 debtors in U. S. Trustee regions

have been increased pursuant to a provision of the Consolidated Appropriations Act of 2008. The new fees went into effect on January 1, 2008, and are first due from chapter 11 debtors to the U. S. Trustees for deposit into the Treasury by the end of April 2008. A chart analyzing the quarterly fee increase is available at: www.nyeb.uscourts.gov/gen_info/ch11_quarterly_fees.pdf.

Reminders

- If you add additional e-mail addresses to your account, please ensure that they are separated by a comma and no additional space or carriage returns.
- Do not use all uppercase or lowercase letters when entering parties or adding text to a docket entry.
- Electronic public access fees fund the costs of providing electronic access to the courts. Congress has directed the judiciary to charge fees for copies of court documents

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.