



# EASTERN DISTRICT ECF NEWS

**WINTER 2007**

**Volume 8 Number 4**

**HAPPY HOLIDAYS**

## **ECF Filings**

Court filings continue to run below normal levels. However, petition filing totals have advanced in recent months. We broke the 1200 cases filed per month line in October, which is the high water mark for 2007. This puts us at 50-60% of pre BAPCPA filing levels.

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

2007	Sep	Oct	Nov
BK/AP Filing	77%	81%	80%
Event Docketing	40%	41%	40%
Claims Filing	69%	72%	69%
Participants	601	615	623

More than 3100 legal professionals have attended ECF training in the Eastern District, more than 3500 participants have received a password and more than 2300 have docketed into the system.

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.

## **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.

### II. ELECTRONIC FILING AND SERVICE OF DOCUMENTS

#### A. Filing

4. Persons filing documents that reference exhibits which are not in electronic form shall scan and electronically file excerpts of the exhibits that are directly germane to the matter under consideration by the court. Such filings must be clearly and prominently identified as excerpts, must not exceed twenty (20) pages, and state that the entire document is in the possession of the filing party. The entire exhibit must be made available forthwith to counsel and the court on request, and must be available in the

courtroom at any hearing pertaining to the matter. Persons filing excerpts of exhibits pursuant to these Procedures do so without prejudice to their right to file additional excerpts or the entire exhibit with the court at any time. Opposing parties may file additional excerpts if they believe that they are germane.

## Help Desk Question of The Month

*Question:* Which reports require a PACER login?

*Answer:* There are three reports which require a PACER login. They are the Claims Register (to view claims), the Docket Report (to view case docket and specific pleadings filed) and the Cases Report (to view cases filed in a specific date range).

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.

## E-Orders

Notwithstanding the interim assignment of Central Islip cases to Brooklyn Judges, please be advised that each judge will continue to have only **ONE** E-Mail address for submission of E-Orders. Information on how to submit E-Orders is located at [www.nyeb.uscourts.gov/ecf\\_gen\\_admin\\_order.html](http://www.nyeb.uscourts.gov/ecf_gen_admin_order.html).

## Personal Financial Management- Form 23

Please ensure that you are using the correct event "Debtors Certification of Completion of Postpetition Instructional Course and/or Certificate of Financial Management," and not "Certification of Credit Counseling" when filing. Credit Counseling is the pre-filing course taken by the debtor. Both events are located in the "Other" category. You may file either Form 23 or the Certificate of Financial Management.

In a joint debtor case, you will be asked if the Form 23/Certificate you are filing is for the debtor, joint debtor, or both. Please ensure that you make the correct selection and upload the appropriate number of Forms/Certificates.

Also, if you are requesting a waiver by checking the lower portion of Form 23, please file a Notice of Motion, Application, Certificate of Service and Form 23 using the event "Motion for Waiver From Financial Management Course."

## Adobe Acrobat Hints

If you have multiple PDF documents that you wish to combine, go to the **Document** option located at the top of the Acrobat program, select **Insert Pages** and follow the prompts.

Under the **Document** option, you are also able to **Extract Pages** (if you would like to break the PDF up into multiple documents) as well as **Replace Pages** and **Delete Pages**.

## PACER Notes

Please be aware that if you run a PACER Query search, the search is not subject to the thirty page billing cap.

ECF can now handle PACER cookies. A

cookie is a file that resides on your computer. It contains data passed from web sites, so that web sites can communicate with this file when you return. For example, you may return to a retail web site in which you have an account and you will see at the top of the page, "Hello \_\_\_\_." The cookie that was placed on your computer allows the web site to remember you as a registered user each time you visit. This new ECF enhancement will allow a PACER user to move among District, Bankruptcy, and Appellate ECF applications without having to log into each one.

## **New Rules**

Congress has taken no action on the amendments to the Federal Rules of Appellate, Bankruptcy, Civil, and Criminal Procedure approved by the Supreme Court on April 30, 2007. Accordingly, amendments to Bankruptcy Rules 1014, 3007, 4001, 6006, and 7007.1 took effect on December 1, 2007. New Rules that went to effect are 6003, 9005.1, and 9037.

The text of the amended rules and extensive supporting documentation can also be found on the Judiciary's Federal Rulemaking web page at [www.uscourts.gov/rules](http://www.uscourts.gov/rules).

## **New Forms**

Amendments to Official Bankruptcy Forms 1, 3A, 3B, 4, 5, 6, 7, 9,10,16A,18, 21, 23 and 24 and the combination of forms 19A and 19B as Form 19 took effect on December 1, 2007. The forms are available for viewing at [www.uscourts.gov/bankform/index.html#amendbk](http://www.uscourts.gov/bankform/index.html#amendbk).

Amended "means test" forms have been approved by the Judicial Conference. The amended versions of Bankruptcy Official Forms 22A, 22B, and 22C will be effective on

January 1, 2008.

Proposed amendments to the three forms were published in August 2006. Because the "means test" forms are based on the national and local standards set out in the Internal Revenue Service's Collection Financial Standards, additional, conforming changes to Forms 22A and 22C became necessary. In order to reduce possible confusion, action also was deferred on the proposed revisions to Form 22B. Please be aware of the new Part 1 on Form 22A (Chapter 7) which will require you to file the form even if the debtor's debts are not primarily consumer.

The forms are already posted at [www.uscourts.gov/bankform/index.html#means](http://www.uscourts.gov/bankform/index.html#means) to give the public time to implement the revisions.

## **Reminders**

- On the statistics screen for a bankruptcy case, the "Estimated debts" label has been changed to "Estimated liabilities." Also, the values in the selection lists for these items have changed to mirror the new petition form.

## **Eastern District Newsletter**

This newsletter and previous issues are available for online viewing at [http://www.nyeb.uscourts.gov/ecf\\_news.htm](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](mailto:Charles_Langlois@nyeb.uscourts.gov) with the words "Subscribe ECF Newsletter" in the subject field.