



# UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF NEW YORK ECF NEWSLETTER

*Our mission is to provide an opportunity for debtors to receive a fresh economic start and for creditors to be paid in accordance with the law, and to promote public confidence in the judiciary, by serving the public and all of our constituencies in the fair and just resolution of cases within our jurisdiction.*

## CONTENTS

Appointments and Retirement...	p.2
Updated Judges' Procedure.....	p.2
Changes to Miscellaneous Fee Schedules & Bk Rules.....	p.3
New Filing Fees.....	p.4
Bankruptcy Filings Fall.....	p.5
Bankruptcy Case Filing Statistics.....	p.6
Updated Means Test.....	p.6
Court Closures.....	p.6
Procedures & Guidelines Using Cisco WebEx.....	pp.7-8
ECF Training Class.....	p.9
Contact Information.....	p.9

## NEXTGEN CM/ECF CENTRAL SIGN-ON



### “GO LIVE DAY”

### JANUARY 19, 2021

On January 19, 2021, the United States Bankruptcy Court, Eastern District on New York, will officially convert its CM/ECF database to NextGen CM/ECF. Court staff is diligently working behind the scenes to make this conversion seamless to the users. **This will require CM/ECF to be offline from 5:00 p.m. on Thursday, January 14, 2021, through Monday, January 18, 2021.** During this time access to Querying and Docketing will be unavailable. The Court's Electronic Drop Box [NYEB\\_Dropbox@nyeb.uscourts.gov](mailto:NYEB_Dropbox@nyeb.uscourts.gov) will be enabled for emergency filings.

One of the great features of this update and big difference to the current CM/ECF system, is Central Sign-On. Central Sign-On provides users with one login and password to access any NextGen CM/ECF courts, including appellate, district, and bankruptcy. Filers will now access NextGen courts through Public Access to Court Electronic Record (PACER). Until courts are identified as NextGen, filers will use the login and password issued by the current CM/ECF courts. As we move ahead, additional details will be provided via emails, weekly ECF Newsletters and NextGen resource postings on the court's website.

## RETIREMENT AND APPOINTMENTS

### **Chief Bankruptcy Judge Carla E. Craig Retires**

On Monday, October 5, 2020, Brooklyn Law School had a virtual tribute in honor of Chief Bankruptcy Judge Carla E. Craig on her retirement following twenty years of distinguished service as United States Bankruptcy Judge for the Eastern District of New York.

### **The Passing of the Torch**

On Friday, October 9, 2020, the ceremony of the Passing of the Torch was held in the Central Islip Courthouse in which Chief Judge Carla E. Craig symbolically handed over the torch to the newly appointed Chief Judge Alan S. Trust who sits in Central Islip since 2008.

### **The Selection of Bankruptcy Judge in EDNY**

On Friday, October 13, 2020, Chief Judge Debra A. Livingston of the United States Court of Appeals for the Second Circuit issued a press release that the Court of Appeals will appoint Jil Mazer-Marino as a United States Bankruptcy Judge for the Eastern District of New York in Brooklyn. Chief Judge Livingston stated, “We are very pleased that Jil Mazer-Marino is joining the Eastern District of New York bankruptcy bench. The Second Circuit takes great pride in the quality of its bankruptcy judges, and Ms. Mazer-Marino will be a wonderful addition to this excellent bench.”

## UPDATED JUDGES' PROCEDURES

The court updated the judges' procedures to include those of the Honorable Jil Mazer-Marino. Click on the link below for the judge's chambers' procedures. <https://www.nyeb.uscourts.gov/content/judge-jil-mazer-marino>

## CHANGES TO FEE SCHEDULES AND BANKRUPTCY RULES

**Changes to the Miscellaneous Fee Schedules and Federal Rules of Bankruptcy Procedure 2002, 2004, 8012, 8013, 8015, 8021 become effective December 1, 2020.**

At its March 2020 session, on the recommendation of the Committee on Court Administration and Case Management, the Judicial Conference approved inflationary adjustments to fees on the appellate, district, and bankruptcy court miscellaneous fee schedules, ....

The Federal Rules of Bankruptcy Procedure are amended to include amendments to 2002, 2004, 8012, 8013, 8015, and 8021.

See below changes in the Miscellaneous Fee Schedule and click on this [link for the amendments](#) to Federal Rules of Bankruptcy Procedure. Item No.8 was removed intentionally and listed in the **New Filing Fee** table on the next page.

Item No.	Description	Current Fee	Approved New Fee
2	Exemplification	\$22	\$23
3	For reproduction of an audio recording of a court proceeding	\$31	\$32
4	For filing an amendment to the debtor's schedules...	\$31	\$32
5	Search Fee	\$31	\$32
7	For filing any document that is not related to a pending case or proceeding (include registering a judgment from another district)	\$47	\$49
19	For filing the following motions: <ul style="list-style-type: none"> <li>• To terminate, annul, modify or condition the automatic stay</li> <li>• To compel the abandonment of property of the estate</li> <li>• To withdraw the reference of a case or proceeding</li> <li>• To sell property of the estate free and clear of liens under sec. 363(f) – Fee</li> </ul>	\$181	\$188
20	Transfer of Claim	\$25	\$26
21	Motion to Redact	\$25	\$26

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**NEW FILING FEES**

**As a result of the inflationary increases made by the Judicial Conference, filing fees for the following cases and motions will be:**

<b>Description</b>	<b>Current Fee</b>	<b>New Fee</b>	<b>Break Down of New Filing Fee</b>
Voluntary Petition (Chapter 7)	\$335	\$338	\$245 filing fee + \$78 administrative fee + \$15 trustee fee
Involuntary Petition (Chapter 7)	\$335	\$338	\$245 filing fee + \$78 administrative fee + \$15 trustee fee
Voluntary Petition (Chapter 13)	\$310	\$313	\$235 filing fee + \$78 administrative fee
Voluntary Petition (Chapter 12)	\$275	\$278	\$200 filing fee + \$78 administrative fee
Voluntary Petition (Chapter 9)	\$1717	\$1738	\$1,167 filing fee + \$571 administrative fee
Voluntary Petition (Chapter 11)	\$1717	\$1738	\$1,167 filing fee + \$571 administrative fee
Involuntary Petition (Chapter 11)	\$1717	\$1738	\$1,167 filing fee + \$571 administrative fee
Petition Foreign Proceeding (Chapter 15)	\$1717	\$1738	\$1,167 filing fee + \$571 administrative fee
Motion to Sever Chapter 11 Case	\$1717	\$1738	\$1,167 filing fee + \$571 administrative fee
Motion to Sever Chapter 12 Case	\$275	\$278	\$200 filing fee + \$78 administrative fee
Motion to Sever Chapter 13 Case	\$310	\$313	\$235 filing fee + \$78 administrative fee
Motion to Sever Chapter 7 Case	\$335	\$338	\$245 filing fee + \$78 administrative fee + \$15 trustee fee

## BANKRUPTCY FILINGS FALL

United States Court News  
Published on October 29, 2020

### Bankruptcy Filings Fall Sharply For Second Straight Quarter

Despite continued high unemployment related to the coronavirus (COVID-19) pandemic, personal and business bankruptcy filings fell 21.1 percent for the 12-month period ending Sept. 30, 2020, according to statistics released by the Administrative Office of the U.S. Courts. Annual bankruptcy filings totaled 612,561, compared with 776,674 cases in the year ending Sept. 30, 2019.

Bankruptcy filings also fell 11.8 percent for the 12-month period ending June 30, 2020. The final three months of that period coincided with the first wave of COVID-19 in the United States, as well as a spike in unemployment claims.

Bankruptcy filings tend to escalate gradually after an economic downturn begins. Following the Great Recession, which began in 2007, new filings escalated over a two-year period until they peaked in 2010.

Some filing activity also may have been affected by pandemic-related disruptions to bankruptcy courts, many of which have had limited public building access since mid-March.

### **Total Bankruptcy Filings by Chapter Years Ending September 30, 2016-2020**

<b>Year</b>	<b>Chapter 7</b>	<b>Chapter 11</b>	<b>Chapter 12</b>	<b>Chapter 13</b>
<b>2020</b>	<b>412,369</b>	<b>7,981</b>	<b>571</b>	<b>191,396</b>
2019	482,831	7,105	580	286,027
2018	477,248	7,104	468	288,599
2017	486,542	7,052	508	296,599
2016	498,367	7,450	458	299,190

### **Years Ending September 30, 2016-2020**

<b>Year</b>	<b>Business</b>	<b>Non-Business</b>	<b>Total</b>
<b>2020</b>	<b>22,391</b>	<b>590,170</b>	<b>612,561</b>
2019	22,910	753,764	776,674
2018	22,103	751,272	773,375
2017	23,109	767,721	790,830
2016	24,457	781,123	805,580

**BANKRUPTCY CASE FILING  
STATISTICS**

**January – October 2020**

- Chapter 7.....5,467
- Chapter 9.....0
- Chapter 11.....223
- Chapter 12.....0
- Chapter 13.....1,592
- Chapter 15.....0
- Total Cases Filed..... 7,282
- Total Adversary Proceedings Filed..... .292

**UPDATED MEANS TEST  
INFORMATION**

[Means Test](#)

**IRS Census Bureau**

**From United States Trustee’s Website  
Cases Filed After November 1, 2020**

The information provided below is applicable to Official Bankruptcy Forms:

- 122A-1 (Chapter 7 Statement of Your Current Monthly Income),
- 122A-2 (Chapter 7 Means Test Calculation),
- 122C-1 (Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period)
- 122C-2 (Chapter 13 Calculation of Your Disposable Income).

**UPCOMING FEDERAL HOLIDAYS AND COURT CLOSURE**

The United States Bankruptcy Court for the Eastern District of New York will be closed the following days:

- Thursday, December 24, 2020
- Friday, December 25, 2020
- Thursday, December 31, 2020
- Friday, January 1, 2021

The CM/ECF system will be available. If you need to submit papers to the Court, please click [here](#) for information on how to do so.

## PROCEDURES AND GUIDELINES FOR REMOTE APPEARANCES USING CISCO WEBEX MEETINGS

**Important:** Any recording of a court proceeding held by video or teleconference, including screen shots, or other visual copying of a hearing, is absolutely prohibited. Violation of these prohibitions may result in sanctions deemed necessary by the Court.

The Court will not provide technical support for Cisco WebEx Meetings for attendees. See the **Learning** section of this document or contact your local IT support team.

### Cisco WebEx Account and Software

- A paid Cisco WebEx account is not necessary for any remote hearing interaction with the Court. Participants and attendees are not required to have a Cisco WebEx profile or pay for a premium Cisco WebEx account.
- If you do elect to open an account with Cisco WebEx, save your full and proper name, phone and email.
- When you join the meeting, the latest version of Cisco WebEx will download automatically.
- You may use either link below to get to your meeting.
  - US Courts' website <https://us-courts.webex.com>
  - Cisco WebEx Meetings website <https://www.webex.com> (Click *Join* in the top right corner)

### Equipment Needed for WebEx session

A computer, tablet, or smartphone can be used to connect to the meeting.

- Computer: please ensure you have a camera and microphone, and a separate phone for audio, if necessary.
- Tablet or smartphone: You must download the Cisco WebEx Meetings app in order to join.

### Settings

If you experience any feedback or echo when joining a meeting, use a phone for audio, and not your computer. See the [Manage Audio and Video](#) page and reference Step 2, the *Call me* or *Call in* feature.

### Learning

The Court is presently using the audio and video functionality of Cisco WebEx. Other functions like text chat, screen sharing, etc., may not be used, and will likely be disabled for your session. You only need to learn the basics of using Cisco WebEx for audio and video.

Learn how to select the correct source, how to mute/unmute your audio, and start/stop your video by clicking on the links below.

<a href="#">How to join a WebEx meeting</a>	<a href="#">Manage Audio and Video</a>
<a href="#">How to join a WebEx meeting (video)</a>	<a href="#">Creating a virtual background</a>

Continued on the next page

## PROCEDURES AND GUIDELINES FOR REMOTE APPEARANCES USING CISCO WEBEX MEETINGS

### Recommendations/Best Practice when Appearing Remotely

- Avoid using battery power only (laptops, tablets, etc.). Plug into a good power source while in a Cisco WebEx meeting.
- Avoid using an open microphone and speakers (such as are built-into laptops, or a webcam mic) unless you've confirmed the quality is acceptable. Using a good quality headset (headphones with mic) will often help ensure you can hear and be heard with maximum quality.
- Avoid noisy and echoing locations. Use of a headset will improve audio quality when this is unavoidable.
- Avoid placing anything near your microphone. They are sensitive and pick up the slightest movements.
- Always keep yourself muted. If you're expected to be heard by the Judge be prepared to take yourself off mute quickly.
- Avoid distracting real or virtual backgrounds.
- Check the lighting. Light from a window behind you might blind the camera, making you look dark. Light above you in the center of a room might also cast shadows. Ideally, position a lamp or sit facing a window, where light is directly on your face
- Avoid bad camera positioning (if possible) and remember to look directly at the webcam, not at the screen.
- Avoid using Wi-Fi if possible. Connection via a hard-wire Ethernet cable will always be faster and more reliable than Wi-Fi.

### Before Every Court Session Using Cisco WebEx

- Connect your device(s) to power.
- Make sure your internet connection is good: <https://www.pcworld.com/article/2048594/how-to-test-your-home-internet-speed.html>
- Run Cisco's **CScan** test ( <https://cscan.webex.com/> ) which is an additional diagnostic test to determine whether your network can support a call using Cisco WebEx Meetings.
  - Select location as *US*.
  - Click *Pick a server*.
  - Select *Advanced Diagnostic Test*, click *Start Test*.

You are prompted that Cisco will be accessing your camera and microphone. Click *Continue to advanced test*



## ECF TRAINING CLASS

Presently, there is no Electronic Case Filing (ECF) training classes for either attorneys or their support staff. There are Electronic Learning Modules (ELMs) and Tip of the Month with procedures on docketing on the court's website. If you have any questions, please reach out to me, Margaret Clarke, 631-712-6261 or [Margaret\\_Clarke@nyeb.uscourts.gov](mailto:Margaret_Clarke@nyeb.uscourts.gov).

Training is no longer required to receive an ECF password to docket. However, when classes resume, first time users of the ECF system are strongly encouraged to attend the training class with their support staff; and classes will be scheduled on Fridays from 9:30 a.m. to 12:30 p.m.

## CONTACT INFORMATION

United States Bankruptcy Court  
Eastern District of New York  
Conrad B. Duberstein United States Bankruptcy Courthouse  
271-C Cadman Plaza East, Suite 1595  
Brooklyn, NY 11201-1800  
(347) 394-1700  
Help Desk: (347) 394-1700, press 6

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United States Bankruptcy Court  
Eastern District of New York  
Alfonse M. D'Amato United States Bankruptcy Courthouse  
290 Federal Plaza  
Central Islip, NY 11722  
(631) 712-6200  
Help Desk: (631) 712-6200, press 6

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- The Voice Case Information System (VCIS) - 866-222-8029
  - The Court's website address is: <http://www.nyeb.uscourts.gov/>
  - Email your non-emergency procedural questions to: [ECF\\_Helpdesk@nyeb.uscourts.gov](mailto:ECF_Helpdesk@nyeb.uscourts.gov)
  - [Click here](#) to visit the ECF Newsletter Archive to access previous editions of the ECF newsletter.
  - In order to cut down on the number of error emails sent to filers each year, we would like to hear from you as to how we can best assist in making docket entries consistent with the requirements of this Court. Send me an email at [Margaret\\_Clarke@nyeb.uscourts.gov](mailto:Margaret_Clarke@nyeb.uscourts.gov) letting me know how we can help.
  - Contact [Margaret\\_Clarke@nyeb.uscourts.gov](mailto:Margaret_Clarke@nyeb.uscourts.gov) with your suggestions, articles, and topics for the newsletter.