



UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF NEW YORK ECF NEWSLETTER

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AMENDMENT TO BANKRUPTCY RULES AND FORMS EFFECTIVE DECEMBER 1, 2018

Federal Rules of Bankruptcy Procedure: 3002.1, 5005, 7004, 7062, 8002, 8006, 8007, 8010, 8011, 8013, 8015, 8016, 8017, 8021, 8022, 9025, new Rule 8018.1, and new Part VIII Appendix, became effective December 1, 2018. Click on this [link](#) for more information.

NEW EVENTS IN CM/ECF AND REVISED FORM FOR USBC, EDNY

New Event

Motion to Determine Validity of Payment Change (Motion category)

New Event

Supplemental Statement Re: Certification of Direct Appeal (Appeal category)

Revised Form 3180W – Order of Discharge Chapter 13

The language on page 2 of the form (9th bullet point) describing certain debts not discharged in chapter 13, has been amended to:

debts for restitution, or a criminal fine, include in a sentence on the debtor's criminal conviction..."

MEANS TEST

[Updated Means Test for Cases Filed on and After November 1, 2018.](#)

THIRD-PARTY SERVICES AND ACCESS TO CASE INFORMATION AND DOCUMENTS IN CM/ECF

CurrentGen Court

Sharing CM/ECF filing credentials and PACER account credentials with

a third-party service provider or designating that provider as a secondary recipient of a Notice of Electronic Filing or Notice of Docket Activity (NEF/NDA) will give it access to sealed case information and documents in violation of court order. You are urged to use caution in your computer security practices to ensure that sealed documents to which you have access are not disclosed. Fee exempt users should not share the documents they obtain from PACER under the exemption, unless expressly authorized by the court.

NextGen Court

Sharing your PACER account credentials with a third-party service provider

or designating that provider as a secondary recipient of a Notice of Electronic Filing or Notice of Docket Activity (NEF/NDA) will give it access to sealed case information and documents in violation of court order. You are urged to use caution in your computer security practices to ensure that sealed documents to which you have access are not disclosed. Fee exempt users should not share the documents they obtain from PACER under the exemption, unless expressly authorized by the court.

LOSS MITIGATION PROGRAM – JUDGE GROSSMAN

Effective December 3, 2018, in all individual cases assigned to Judge Grossman, motions shall be required for all requests by debtors to enter into the Court's Loss Mitigation Program.

The debtor shall: (a) serve the application upon the Office of the United States Trustee, the Chapter trustee and the mortgagee, in compliance with the Court's loss mitigation procedures, (b) provide for 17 days' notice, and (c) obtain a hearing date via the Court's website.

As a result, two new CM/ECF events were created under the motion category.

The New Events are:

For Loss-Mitigation - By the Creditor (Judge Grossman Cases ONLY)

For Loss-Mitigation - By the Debtor (Judge Grossman Cases ONLY)

EDNY BANKRUPTCY COURT ANNOUNCES JUNIOR LAWYER WORKSHOP AT THE BROOKLYN COURTHOUSE

Register Today!

The EDNY Bankruptcy Court will conduct a workshop for junior lawyers at the Brooklyn Courthouse on January 31, 2019 from 6:00 to 7:30 p.m. The workshop will give junior and less experienced lawyers the opportunity to gain experience and training in courtroom skills by arguing motions that were filed in chapter 7, 11 and 13 cases. Generally, motions will be argued without opposition, but some opportunities to argue with opposition will be available. Please indicate when registering if you wish to argue with opposition.

All motions will be on a teaching calendar called and argued in Court with an EDNY Bankruptcy Judge presiding. Participating lawyers will each be assigned a motion in advance, will argue it and receive feedback from the Bankruptcy Judge and more experienced bankruptcy lawyers present who are members of the EDNY Chapter 11 Lawyers' Advisory Committee. Approximately ten minutes will be set aside for each participant to present argument and receive individual feedback. After the motions on the calendar have been argued, there will be time for questions and discussion.

The workshop will not be a competition or moot court exercise. It is designed to provide a "safe" environment for junior and less experienced lawyers to practice argument and improve their courtroom skills.

The workshop is offered to help implement the policy recently adopted by the Court that, "where junior lawyers are familiar with the matter under consideration, but are not experienced in arguing before a court, they should be encouraged to participate." In these circumstances, "where it creates an opportunity for a junior lawyer to argue, this Court is amenable to permitting more than one lawyer to argue for a party." The new policy is highlighted at the top of the Court's web site home page, <http://www.nyeb.uscourts.gov>.

There will be a limited number of lawyers in the workshop. The Bankruptcy Judges are volunteering their time to prepare for and preside at the workshop. Please register only if you are able to commit to participate. The deadline to register is January 14, 2019.

Junior lawyers, including first year associates who have taken the Bar exam as well as lawyers who have practiced for a number of years but have limited or no courtroom experience, may register for the workshop by following the link posted in the "News & Announcements" section

of the Court's web site home page. The participants will receive detailed instructions for the workshop and their assigned motion a few weeks in advance of the workshop.

Participants will receive by January 22 the assignments of the motions they will argue and will be contacted one week before the workshop to answer any questions they may have and confirm their appearance. If you must cancel your appearance, give at least 48 hours advance notice to the EDNY Chapter 11 Lawyers' Advisory Committee by sending an e-mail to mhennessy@westermanllp.com and mbunin@farrellfritz.com.

In addition to junior and less experienced lawyers, all members of the Bar are invited to register to attend the Brooklyn workshop as an observer by following the link below:

<https://www.surveymonkey.com/r/T3WW96N>

FILING STATISTICS

January – November 2018

Chapter 7	=	8,909
Chapter 9	=	0
Chapter 11	=	355
Chapter 12	=	0
Chapter 13	=	5,863
Chapter 15	=	1

Total Cases Filed January – November 2018 – 15,128
Total Adversary Proceedings Filed January – November 2018 – 295

REMINDERS

Keeping Your ECF Account Current

Attorneys are responsible for keeping their information current regarding firm affiliation, address, telephone, fax and/or email. This information can be electronically updated by accessing your CM/ECF account under the **Utilities** menu and selecting “Maintain Your ECF Account.” Should you have reasons to believe that your password has been compromised, you must immediately notify the Court in writing.

Notwithstanding the above, if you want the Clerk’s Office to change information relating to an attorney profile, all requests must be on business letterhead and signed by the person holding the account. This letter can be faxed to 631-712-6209, digitally signed, or emailed as an attachment to the ECF_Helpdesk@nyeb.uscourts.gov, or mailed to the United States Bankruptcy Court,

Eastern District of New York, Alfonse M. D'Amato U.S. Courthouse, 290 Federal Plaza, Central Islip, NY 11722.

The above procedures are also applicable to Limited Access users who have limited access passwords. Requests to change information relating to their limited access creditor profile, including deactivating a password, must be on the company's business letterhead and signed by both the employee and supervisor or the supervisor.

GovDelivery

GovDelivery is a **free** email alert subscription service specifically designed for the public sector. It monitors Court websites for content updates and automatically generates email alerts when changes are detected. During the subscription process you select the type of alerts you want to receive.

These alerts include such items as "News and Announcements" and "Written Decisions and Opinions." Other judicial selections from the United States Court's website are also available. For more information click on <http://www.nyeb.uscourts.gov/content/govdelivery-button-0>

CHAPmobile Calendar Application

The United States Bankruptcy Court for the Eastern District of New York, is pleased to announce the roll out of the CHAP Public Mobile Calendar App (CHAPMobile). This **free** calendar application can be downloaded to iOS and Android devices. Features include:

Hearing Calendar: Displays hearing data organized by judge.

Searchable by debtor name and case number.

341 Calendar: Displays all scheduled §341 First Meetings by Trustee.

Searchable by debtor name, case number and attorney.

Attorney Search: Search an attorney name to view his/her cases scheduled on the hearing calendar.

My List: Create an attorney "favorites" list to quickly view his/her cases scheduled on the hearing calendars.

Locations: Displays court office address, contact information and website.

Settings: Each user can set his/her preferences at any time and view app information for the "Last Updated" date and time.

To view video version, click on the YouTube link:
<https://www.youtube.com/watch?v=KS2wdPx2rqI>

ECF Training Class

The **Nuts and Bolts of Bankruptcy Procedures for New ECF Users (Nuts and Bolts)** is offered in connection to the ECF training class. While the ECF class is designed to teach attorneys and their support staff how to docket electronically, **Nuts and Bolts** is designed to familiarize attorneys who will be practicing before the Court with some basic bankruptcy rules and procedures. During the first 30 minutes of these bimonthly sessions, the participants hear from one of our judges (Brooklyn only) a representative of the United States Trustee's office, and a bankruptcy attorney, on a range of topics covering bankruptcy basics and attorney obligations.

The topics include key Federal Rules of Bankruptcy Procedure and Local Bankruptcy Rules, judges' procedures, noticing, civility guidelines, preparing and signing papers and their representation to the Court, duty of disclosure and reasonable inquiry, and preparing for the meeting of creditors pursuant to Bankruptcy Code Section 341.

Attendance is no longer required to receive an ECF password to docket. However, first time users of the ECF system are strongly encouraged to attend the training class with their support staff. **It is important that attendees be on time for class.** Those arriving late must 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 Public Information Clerk 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, notify the Clerk's Office as soon as possible.

The class schedule for the next Electronic Case Filing (ECF) training classes for attorneys and their support staff will resume in 2019 and will be posted on the Court's website at:

<http://www.nyeb.uscourts.gov/ecf-training-class-schedule>

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

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

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

This newsletter and previous issues are available for online viewing. [Click here](#) to visit the ECF Newsletter Archive.

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 letting me know how we can help.

Contact Margaret.Clarke@nyeb.uscourts.gov with your suggestions, articles, and topics for the newsletter.