



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.

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2019 PENDING CHANGES OF THE FEDERAL RULES OF BANKRUPTCY PROCEDURES

2019 Pending Bankruptcy Rules Changes become effective December 1, 2019.

Part IV – The Debtor: Duties and Benefits

- Rule 4001. Relief from Automatic Stay; Prohibiting or Conditioning the Use, Sale, or Lease of Property; Use of Cash Collateral; Obtaining Credit; Agreements
- Rule 6007. Abandonment or Disposition of Property
- Rule 9036. Notice and Service Generally
- Rule 9037. Privacy Protection for Filings Made with the Court *New!*
- Director's Bankruptcy Form 1340

ADOPTION OF AMENDED CHAPTER 13 PLAN

By Administrative Order No, 682, dated November 7, 2019, the Court adopted an amended Local Form of Chapter 13 Plan (“Chapter 13 Plan”) effective December 1, 2019.

[The Administrative Order and copy of the Chapter 13 Plan.](#)

An interactive version of the Chapter 13 Plan will be posted to the Court’s website before the effective date.

PACER FEE WAIVER DOUBLED

The Judicial Conference doubled the quarterly fee waiver for users of the [Public Access to Court Electronic Records system](#) (PACER) from \$15 to \$30 effective, January 1, 2020.

PACER provides the public with instantaneous access to virtually every document filed in every federal court. No tax dollars are expended for the operation and maintenance of PACER. Only those who use the system pay for it. There are approximately 2.5 million registered users for the PACER system, which contains more than one billion case documents.

Access to case information via PACER costs ten cents per page and the cost to access a single document is capped at \$3, the equivalent of 30 pages. Litigants receive a free electronic copy of each document in their case, the public has free access to case information at the courthouse, and judges' opinions are available for free. In addition, courts may exempt individuals or groups, such as indigents, pro bono attorneys, academic researchers, and not-for-profit organizations from paying the fee.

These measures will result in more than 75 percent of the system's users paying no fee in a given quarter; and approximately 87 percent of all PACER revenue attributable to 2 percent of users—large financial institutions and major commercial enterprises that aggregate massive amounts of data for analysis and resale. The new quarterly fee waiver will take effect January 1, 2020 and covers PACER use after that date.

[Read More...](#)

JUNIOR LAWYER WORKSHOP

[EDNY Bankruptcy Court Announces Junior Lawyer Workshop at the Central Islip Courthouse on December 18, 2019, 6:00 - 7:30 P.M.](#)

The Bankruptcy Court, EDNY will conduct a workshop for junior lawyers at the Central Islip Courthouse on **December 18, 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. [Read more...](#)

DEBTOR ELECTRONIC BANKRUPTCY NOTICING (DeBN)

Since 2015, the Bankruptcy Court for the Eastern District of New York has utilized the Debtor Electronic Bankruptcy Noticing (DeBN) program. DeBN is a free voluntary service that allows debtors to receive via email bankruptcy notices, orders and other documents sent out by the Bankruptcy Court Noticing (BNC) service. The BNC provides services to bankruptcy courts by sending court generated notices, either by email or mail post. We are strongly encouraging attorneys, including pro bono attorneys, to inform their Debtor-clients of this service and request enrollment to the program on their behalf.

The primary advantage of enrolling in the DeBN program is to significantly expedite receipt, by the debtor, of court generated notices, court generated orders, and some portable document format (PDF) documents that are currently a part of the notices. There is no limit to the number of times the debtor may view the notices. The debtor may also maintain a record of court documents, readily available, by printing or saving the document to a computer. Court generated notices and orders through DeBN enrollment also keep the debtor apprised of case status. This enrollment may also reduce calls made by a debtor to his or her attorney. The debtor may receive but is not limited to receiving the following notices:

- | | |
|---|-----------------------------|
| Notice of Meeting of Creditors | Notice of Electronic Filing |
| Notice Scheduling Hearing | Notice of Dismissal |
| Notice of Deficient Documents | Notice to Convert |
| Order of Discharge | |
| Notice of Requirement to Complete a Course in Financial Management. | |

To enroll a debtor in the program, simply complete the request form available on the Court's website. Note that two **separate** DeBN accounts are required for debtor and joint debtor. Therefore, each debtor must complete a request form even if the email address is the same. The request form must include the debtor's email address, not the email address of the debtor's attorney. **Pro Se Debtors** may file the **DeBN Request** in person or by mail at the Clerk's Office. **Attorneys** may electronically file the **DeBN Noticing Request** on behalf of the debtor using: **CM/ECF Bankruptcy Events > Other > Debtor Electronic Bankruptcy Noticing Request.**

As long as the debtor's DeBN account is active, debtor will continue to receive court generated notices and orders for the duration of that opened case, as well as any future case filed in any district. DeBN accounts can be updated at any time. For instance, if your email address changes, **Pro se debtors** may file the **Update Account Information** in person or by mail at the Clerk's Office and attorneys may do so by electronically filing the document on behalf of the debtor using: **CM/ECF Bankruptcy Events > Other > Debtor Electronic Bankruptcy Notice Update.**

Further note, that if email delivery fails for any reason, the debtor will receive these notices from the court by regular mail from that point forward, unless the DeBN account's email address is updated. You may request deactivation from the program at any time by completing the **Request to Deactivate Electronic Noticing.**

CHECKLIST DIFFICULTIES LOGGING IN TO CM/ECF?

If you are having difficulties logging in to the United States Bankruptcy Court, EDNY Case Management/Electronic Case Filing (CM/ECF), check to make sure:

BROWSER

The following browsers were successfully tested to work with CM/ECF: **Mozilla Firefox, Microsoft Internet Explorer, and Apple Safari**. Do not use Google Chrome or Microsoft Edge.

PACER

You are logged in PACER if this menu bar below in on your screen.

PACER Menu Bar



A PACER login and password are needed to view or print documents from CM/ECF and can be obtained by calling the PACER Service Center at 1-800-676-6856 or by visiting its website at: <https://www.pacer.gov/>.

NEXTGEN COURTS

Only when you are logging in to NextGen Courts you can use the same login and password.

LEGACY/CURRENT GEN COURTS

District and Bankruptcy Courts using the original CM/ECF system are referred to as legacy or current gen and require separate unique login and password. This court currently uses the legacy CM/ECF system. We are anticipating that this court will convert to NextGen next year.

URL FOR BANKRUPTCY COURT, EDNY CM/ECF LIVE DATABASE

Log in to CM/ECF United States Bankruptcy, EDNY at this URL address:
<https://ecf.nyeb.uscourts.gov/cgi-bin/login.pl>

FORGOTTEN YOUR PASSWORD

If you have forgotten your bankruptcy CM/ECF password, account holders can automatically reset their password by selecting ***click here; or*** just above the **Authentication** text box on the **CM/ECF Filer** or **PACER Login** page. You must know your login and your email must be in your attorney profile for you to successfully reset your password.

PROPOSED AMENDMENTS PUBLISHED FOR PUBLIC COMMENTS

The Judicial Conference Advisory Committee on Bankruptcy Rules has proposed amendments to the Federal Rules of Bankruptcy Procedure, and requested that the proposals be circulated to the bench, bar, and public for comment. On August 19, 2019, the public comment period opened for the proposed amendments to Bankruptcy Rules 2005, 3007, 7007.1, and 9036. **The public comment period closes on February 19, 2020.**

[Read more...](#)

CHIEF JUDGE TO RETIRE

The United States Bankruptcy Court for the Eastern District of New York announces that Chief Judge Carla E. Craig has declared her intention to retire on October 1, 2020.

UPDATED MEANS TEST

Updated Means Test Information for Cases Filed on and After November 1, 2019

[Read More...](#)

CM/ECF NEXTGEN CENTRAL SIGN-ON

NextGen simplifies electronic filing by combining your Case Management/Electronic Case Filing [CM/ECF] and Public Access [PACER] accounts into a single Central Sign-On account. Through the PACER website, filers will use one log-in and password to electronically file in all NextGen courts where they have permission to file. You will no longer need a separate CM/ECF account for each NexGen Court. All federal courts are expected to eventually adopt NextGen.

Tentatively, October 2020, the U.S. Bankruptcy Court, EDNY is scheduled to convert CM/ECF to NEXTGEN CM/ECF[NextGen].

FILING STATISTICS

January 2019 – October 2019

- Chapter 7.....8,153
- Chapter 9.....0
- Chapter 11.....345
- Chapter 12.....0
- Chapter 13.....5,665
- Chapter 15.....0
- Total Cases Filed.....14,163**
- Total Adversary Proceedings Filed.....288**

REMINDERS

United States Bankruptcy Court Adopts New York State Standards of Civility in Administrative Order No. 568

On October 28, 2010, the Board of Judges for the United States Bankruptcy Court for the Eastern District of New York, adopted the New York State Standards of Civility for the legal profession and New York Rules of Court, Part 1200, as guidelines for practice in all cases and proceedings in this Court.

STANDARDS OF CIVILITY

1. *Preamble*

The New York State Standards of Civility for the legal profession set forth principles of behavior to which the bar, the bench and court employees should aspire. They are not intended as rules to be enforced by sanction or disciplinary action, nor are they intended to supplement or modify the Rules Governing Judicial Conduct, the Code of Professional Responsibility and its Disciplinary Rules, or any other applicable rule or requirement governing conduct. Instead they are a set of guidelines intended to encourage lawyers, judges and court personnel to observe principles of civility and decorum, and to confirm the legal profession's rightful status as an honorable and respected profession where courtesy and civility are observed as a matter of course. The Standards are divided into four parts: lawyers' duties to other lawyers, litigants and witnesses; lawyers' duties to the court and court personnel; court's duties to lawyers, parties and witnesses; and court personnel's duties to lawyers and litigants.

As lawyers, judges and court employees, we are all essential participants in the judicial process. That process cannot work effectively to serve the public unless we first treat each other with courtesy, respect and civility. [Read more...](#)

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 reason 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.

These 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.

REMINDERS
CHANGING LAW FIRMS

1. When an attorney moves to a new firm, and is **not** taking any cases from the former law firm, the attorney must either docket the request or call the Clerk's Office for instructions on how to proceed to specifically request that **NONE** of the cases from the current firm be updated with the new firm's information.
2. In order for the Clerk's Office to change information relating to the attorney profile, all requests must be made on a business letterhead, signed by the account holder and emailed to the ECF_Helpdesk@nyeb.uscourts.gov.
3. It is the responsibility of the relocating attorney of record and the law firm that owns the case, to ensure that the Court's docket accurately reflects the new attorney of record for all open cases in which the attorney was previously involved. See U.S.B.C., E.D.N.Y. Local Bankruptcy Rule 2090-1.
4. The Clerk's Office is not authorized to delete records.
5. Attorneys are not authorized to change the names of the account holders to substitute a different name even if that person is from your law firm.

GOOD STANDING CERTIFICATES

When completing the online Attorney Password Application, in the Browse box provided, upload the required Certificates of Good Standing from the Eastern or Southern District of New York and your State Bar(s) as one document. Your application may be rejected, if you apply or reapply and upload only one certificate.

**REGISTERING ONLINE FOR AN ECF
PASSWORD**

Effective April 9, 2018, Attorneys must register on line to get a login and password to electronically file documents in this court.

- [Register Online](#)
- [Attorney Terms and Agreement](#)
- [Attorney User Guide](#)

ECF TRAINING CLASSES

The next Electronic Case Filing (ECF) training classes for attorneys and their support staff will be held at the:

- **Central Islip Courthouse – Classes will be scheduled upon request on a Friday in December from 9:30 a.m. to 12:30 p.m. and on the availability of the staff and invited speakers.**
- **Brooklyn Courthouse – No more classes are scheduled for this year.**

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 next Electronic Case Filing (ECF) training class schedule for attorneys and their support staff is posted on the [Court's website](#). When someone requests ECF training classes in Central Islip, it will be scheduled based on the availability of our staff and attorney speakers.

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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 Bankruptcy 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.
- [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 letting me know how we can help.
- Contact Margaret_Clarke@nyeb.uscourts.gov with your suggestions, articles, and topics for the newsletter.