



# 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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#### Mandatory Electronic Bankruptcy Noticing

*A notice of bankruptcy case and court-issued notices are sent to the creditors of the individual, corporation, or other entity that has filed for bankruptcy protection.*

[Mandatory Electronic Bankruptcy Noticing \(MEBN\)](#) reduces the cost of mailing notices to high-volume paper notice recipients.

Pursuant to Federal Rule of Bankruptcy Procedure 9036(b)(2)(B), any entity that has been mailed 50 or more paper bankruptcy notices by the BNC in a single calendar month is designated as a high-volume paper-notice recipient. These recipients will receive a notice from the BNC with instructions how to register for an electronic bankruptcy noticing (EBN) account and a second reminder notice approximately 45 days later. These recipients will have electronic service automatically initiated approximately 105 days after the month the recipient received over the threshold number of notices unless the entity registers for an EBN account. During the first 30 days of the electronic service, the BNC will send notices electronically and by U.S. mail to allow the high-volume notice recipients to confirm that the process is working correctly. This initial 30-day period is called "redundant mode."

Upon expiration of redundant mode, if a recipient has not registered for an EBN account, all future notices processed by the BNC will only be sent electronically via a mandatory electronic account hosted by the BNC. Recipients will receive two notices around day 105 with instructions on how to access the notices at that electronic account. Entities are responsible for accessing this BNC-hosted account regularly to retrieve any bankruptcy notices. The usage of the BNC website constitutes notice in the case(s) in which they are a party. A recipient's access to and use of the BNC electronic information system indicates an understanding of and an expressed consent to each of these conditions of use above.

Entities can use the Bankruptcy Noticing Center (BNC) to have notices delivered either electronically, or by mail. [Set up your bankruptcy noticing preferences.](#)

**Approved Bankruptcy Notice Providers** Find a [list of bankruptcy notice providers](#) who are approved by the Administrative Office of the Courts.

## Courtroom Skills Workshop

The United States Bankruptcy Court for the Eastern District of New York Announces Its Next Courtroom Skills Workshop on **Tuesday, October 3, 2023, from 5:00 p.m. to 7:00 p.m.**

The United States Bankruptcy Court for the Eastern District of New York will conduct a courtroom skills workshop for lawyers either in person or via the ZoomGov platform. This workshop is open to everyone from (1) first year associates who have taken the Bar exam to (2) more senior lawyers who have had limited or no courtroom experience and (3) experienced lawyers who seek a refresher of their courtroom skills. Participants will argue actual motions that were filed in consumer and business cases previously pending before the Court. Motions may be argued with or without opposition.

Please indicate when registering if you wish to argue with or without opposition or have no preference; whether you wish to argue a consumer or business motion; and whether you wish to appear virtually, or in-person in Brooklyn or Central Islip.

The motions may be argued in person before Central Islip Chief Judge Alan S. Trust; in person before Brooklyn Judge Elizabeth S. Stong; virtually before Brooklyn Judge Nancy Hershey Lord and both virtually and in person before Brooklyn Judge Jil Mazer-Marino.

Participating lawyers will each be assigned a motion in advance. After argument, participants will receive feedback from the Bankruptcy Judge and more experienced bankruptcy lawyers who are members of the EDNY Chapter 11 Lawyers' Advisory Committee and/or the EDNY Consumer Lawyers Advisory Committee. Approximately ten minutes will be set aside for each participant to present argument and receive individual feedback. After all motions on the calendar have been argued, the Judges and attorneys will take questions if time permits.

The workshop will not be a competition or moot court exercise. It is designed to provide a "safe" environment to practice argument and improve your courtroom skills.

The workshop is offered to help implement the policy adopted by the Court to provide opportunities for courtroom skills development, particularly for junior lawyers to gain experience and training in courtroom skills. This policy appears at <https://www.nyeb.uscourts.gov/node/1659>.

There will be a limited number of argument slots. The Bankruptcy Judges and advisory committee members are volunteering their time to prepare for and preside at the workshop. Please register only if you will commit to participate. The deadline to register is **September 8, 2023**.

Use this link to register for the EDNY Bankruptcy Court workshop:  
<https://www.surveymonkey.com/r/3W3QFDF>.

We use SurveyMonkey as a third-party application for registration. You may also register for the workshop by following the link posted in the "News & Announcements" section of the Court's website home page.

## Courtroom Skills Workshop

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Participants will receive their assignments of the motion(s) they will argue at least one week before the workshop for which they have registered. Participants will also be contacted before the workshop to answer any questions and confirm their appearances. If you are arguing virtually, the invitation details to join the workshop will be sent one (1) day before the event.

If you have questions prior to the workshop, or if you receive an argument slot but must cancel your appearance, give at least 48 hours advance notice, send an e-mail to either [Rachel Blumenfeld] [rachel@blumenfeldbankruptcy.com](mailto:rachel@blumenfeldbankruptcy.com); [Melanie Fitzgerald] [MFitzgerald@lhmlawfirm.com](mailto:MFitzgerald@lhmlawfirm.com); [Mickee Hennessy] [mhennessy@westermanllp.com](mailto:mhennessy@westermanllp.com); or [Martin Bunin] [mbunin@farrellfritz.com](mailto:mbunin@farrellfritz.com).

In addition to junior lawyers and experienced lawyers with limited or rusty courtroom skills, all members of the Bar are invited to attend the workshop as observers by following the link posted in the "News & Announcements" section of the Court's home.

## Preventing Third-Party Services' Access to Restricted Information in CM/ECF

CM/ECF filers should be aware of the potential to inadvertently share restricted documents when using third-party services or software.

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 or restricted case information and documents in violation of court order. You are urged to use caution in your computer security practices ensuring that sealed or restricted documents to which you have access are not disclosed.

## In-Person Hearings and Audio Procedures Before Judge Scarcella

**Effective July 10, 2023**, all matters before Judge Scarcella will be conducted in person in Courtroom 970, unless otherwise ordered by the Court.

Any party in interest may, for good cause, request that a *hearing* be conducted telephonically by filing with the Court and serving on all affected parties a letter setting forth the justifications for such request **at least seven (7) days prior to the scheduled hearing**. The Court will consider any such requests on a case-by-case basis, based on the particular facts and circumstances of the case. If an opposing party files an objection and the hearing is in person, the opposing party must appear in person.

## In-Person Hearings and Audio Procedures Before Judge Scarcella

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The Court may also *sua sponte* alter the format of any given *hearing* from an in-person format to one conducted by telephone based on the particular facts and circumstances of the case, or factors external to the particular case such as weather conditions or public health concerns.

### Unopposed Motions

Unopposed motions, including motions by the Chapter 13 Trustee to dismiss cases, may be granted by the Court without the need for an appearance provided that the moving party files with the Court a proposed order granting the motion along with a Certificate of No Objection at least **two (2) days prior** to the scheduled hearing date. A form of Certificate of No Objection can be found on the Court's website under Judge Scarcella's tab, "Form Orders." Following receipt of the Certificate of No Objection, the Court may enter an order granting the motion without further pleading, hearing, or request. In the event the Court determines a hearing is necessary, the moving party will be notified by the Court to appear in-person at the hearing. **An in-person appearance will still be required if the moving party fails to timely and properly file a Certificate of No Objection at least two (2) days prior to the scheduled hearing date.**

### Procedures for Audio Hearings:

All attorneys and unrepresented parties are required to register for the hearing(s) at least **two (2) business days** in advance of the scheduled hearing by using the Court's *eCourt* Appearances platform:

<https://ecf.nyeb.uscourts.gov/cgi-bin/nyebAppearances.pl>. For more information on *eCourt* Appearances, including a tutorial on how to use the program, please [click here](#).

If for some reason you are not able to use the *eCourt* Appearances platform, you must email the Courtroom Deputy at: [las\\_hearings@nyeb.uscourts.gov](mailto:las_hearings@nyeb.uscourts.gov) at least two (2) business days prior to the hearing and state that a reasonable effort to use the platform has been made. You must include your name, the case number(s), who you represent if you are an attorney, and the date of the hearing. **Your email must include in the Re line "I am not able to register using eCourt Appearances."** You will then be provided with the dial in / log in information. If you do not have internet access you may call the Courtroom Deputy with this information at (631) 712-6278.

Conduct during audio only hearings:

1. Announce your name each time before speaking.
2. Speak up and enunciate so that you can be heard and understood.
3. Avoid the use of a speaker phone (use a landline, if possible).
4. If you are not speaking, keep your phone muted.

Provided that all parties consent, parties seeking an adjournment of any motion or status conferences (including pretrial conferences and post-discovery conferences) scheduled to be heard may file with the Court a letter requesting an adjournment of the hearing. *Such requests must be made 24 hours prior to the scheduled hearing.*

### Personal Information in Court Filings

Litigants and members of the bar are reminded of redaction obligations and the need to minimize the appearance of private identifiers in certain court filings. Specifically, (1) filers' redaction obligations under Appellate Rule 25(a)(5), Bankruptcy Rule 9037 and E.D.N.Y Local Bankruptcy Rule 9037-1, Civil Rule 5.2, and Criminal Rule 49.1; (2) measures undertaken to minimize the appearance of private identifiers in court filings; (3) the obligation to secure a court order before redacting information beyond that specifically identified in the privacy rules; and (4) the obligation to redact private identifiers from transcripts of proceedings. Regarding transcripts, please review the privacy policy at <https://www.uscourts.gov/rules-policies/judiciary-policies/privacy-policy-electronic-case-files>, which describes transcript redaction policy and procedures. Recognizing that electronic transcripts create new challenges in meeting the redaction requirements, it is advised that best practice is for parties to make every effort to keep personal identifiers out of the record by not eliciting or offering such information in court.

In accordance with the rules referenced above and subject to specified exemptions, personal identifiers that must be redacted include:

- (1) all but the last four digits of an individual's social security number or taxpayer-identification number.
- (2) the month and day of an individual's birth.
- (3) all but the initial letters of a known minor's name.
- (4) all but the last four digits of a financial-account number.

### Bankruptcy Case Filing Statistics for USBC, EDNY

January to July 2023

Chapter 7.....	3,011
Chapter 9.....	0
Chapter 11.....	227
Chapter 12.....	0
Chapter 13.....	2,310
Chapter 15.....	0
<b>Total Cases Filed.....</b>	<b>5,548</b>
<b>Total Adversary Proceedings.....</b>	<b>108</b>

**Bankruptcy Filings Rise 10 Percent**

Published on July 31, 2023 – United States Courts

Personal and business bankruptcy filings rose 10 percent in the twelve-month period ending June 30, 2023, compared with the previous year.

According to statistics released by the Administrative Office of the U.S. Courts, annual bankruptcy filings totaled 418,724 in the year ending June 2023, compared with 380,634 cases in the previous year.

Business filings rose 23.3 percent, from 12,748 to 15,724 in the year ending June 30, 2023. Non-business bankruptcy filings rose 9.5 percent to 403,000, compared with 367,886 in the previous year.

Bankruptcy totals for the previous 12 months are reported four times annually. Filings over any 12-month period have increased only rarely since filings peaked in 2010. Bankruptcies fell sharply after the pandemic began in early 2020, despite some early COVID-related disruptions to the economy.

<b>Total Bankruptcy Filings by Chapter Years Ending June 30, 2019-2023</b>				
<b>Year</b>	<b>Chapter</b>			
	<b>7</b>	<b>11</b>	<b>12</b>	<b>13</b>
<b>2023</b>	<b>239,125</b>	<b>5,986</b>	<b>147</b>	<b>173,362</b>
2022	239,750	4,429	201	136,169
2021	335,886	6,871	438	118,864
2020	436,919	7,568	589	237,099

<b>Business and Non-Business Filings Years Ending June 30, 2019-2023</b>			
<b>Year</b>	<b>Business</b>	<b>Non-Business</b>	<b>Total</b>
<b>2023</b>	<b>15,724</b>	<b>403,000</b>	<b>418,724</b>
2022	12,748	367,886	380,634
2021	18,511	443,798	462,309
2020	22,482	659,881	682,363
2019	22,483	750,878	773,361

## Proposed Amendments Published for Public Comment

When an advisory committee recommends an amendment to its rules or forms, it must obtain the approval of the Judicial Conference Committee on Rules of Practice and Procedure to publish the proposed amendment for public comment. During the comment period, the public is encouraged to submit written comments and may also request to testify at public hearings on the proposed amendment.

On June 6, 2023, the Judicial Conference Committee on Rules of Practice and Procedure (Standing Committee) approved publication of proposed amendments to the following:

- Appellate Rules 6 and 39
- Bankruptcy Rules 3002.1 and 8006
  - Official Bankruptcy Forms 410, 410C13-M1, 410C13-M1R, 410C13-N, 410C13-NR, 410C13-M2, and 410C13-M2R; and
- Civil Rules 16, 26, and new Rule 16.1.

**The comment period is open from August 15, 2023, to February 16, 2024.** Read the text of the proposed amendments and supporting materials: [Preliminary Draft of Proposed Amendments to the Federal Rules of Appellate, Bankruptcy, and Civil Procedure \(pdf\)](#)

### How to Submit or Review Comments on the Proposed Amendments to the Federal Rules & Forms

Written comments are welcome on each proposed amendment. The advisory committees will review all timely comments, which are made part of the official record and are available to the public. **The comment period closes on February 16, 2024.** Comments and supporting files must be submitted electronically using the regulations.gov portal. Follow the online instructions for submitting or reviewing comments at regulations.gov under the [general FAQs section](#).

- [Appellate Rules – Submit or Review Comments on Proposed Amendments](#)
- [Bankruptcy Rules & Official Forms – Submit or Review Comments on Proposed Amendments](#)
- [Civil Rules – Submit or Review Comments on Proposed Amendment](#)

### Public Hearings

Members of the public who wish to present testimony may appear at scheduled hearings on the proposed amendments. Requests must be received at least 30 days prior to the [hearing dates](#). Hearings are subject to cancellation due to lack of requests to testify.

### [Rules & Policies](#)

[Proposed Amendments Published for Public Comment](#)

### Related Content

[Preliminary Drafts of Proposed Rule Amendments](#)

Find historic packages of proposed amendments to the Federal Rules and forms published for public comment, also known as “Preliminary Drafts.”

[From the United States Courts Rules and Policies](#)

## 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 Courthouse  
Federal Plaza, Room 290  
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/>
- Sign up to receive E-Mail alerts via GovDelivery when "News and Announcements" and "Written Decisions and Opinions" are updated on the Court's website. For more information click on <https://www.nyeb.uscourts.gov/email-updates>.
- Email your non-emergency procedural questions to: [ECF\\_Helpdesk@nyeb.uscourts.gov](mailto:ECF_Helpdesk@nyeb.uscourts.gov).
- [Visit the ECF Newsletter Archive](#) to access previous editions of the ECF newsletter.
- 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.