



EASTERN DISTRICT ECF NEWS

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Live-All Chapters-January 1, 2003

Chief Judge Duberstein is pleased to announce that effective January 1, 2003, all new cases filed after this date will be considered ECF cases and will require electronic filing. The only document you will file on paper at this time is a claim.

If you do not have a login and password, you may file your documents in a 2003 case on disk accompanied by a paper chambers copy.

It is important to note that all cases filed in 2002 and prior years will remain paper cases (except the ECF Chapter 11 cases filed after April 1, 2002) and you will continue to file conventionally (on paper) in these cases.

Welcome to the New CM/ECF Participants

The court welcomes the following attorneys who recently began docketing electronically into the CM/ECF system. Congratulations to:

- David Barum
- Shari Braverman
- J. Ted Donovan

- Thomas Draghi
- Edmund Emrich
- Michael Farina
- Ethan Ganc
- Kimberly Green
- Mickee Hennessy
- Jay Indyke
- Norman Klasfeld
- Son Le
- Richard McCord
- Toni McPhillips
- Lee Mendelson
- Michael O'Sullivan
- David Shaev
- Michael Sucher
- Vincent Surico
- Lisa Tracy
- Ronald Weiss
- Jeffrey Wurst

We welcome their participation and look forward to helping them and all legal professionals make the transition to the electronic filing system.

ECF General Order

Each month we feature a different section of the ECF General Order or our Local Rules. The General Order and Local Rules are on our web page and we ask all attorneys to review them before filing to ensure accuracy of submissions.

B Signatures; Affidavits of Service.

1. Every petition, pleading, motion and other paper served or filed in accordance with the Electronic Filing Procedures shall identify the initials and last four digits of the social security number of the attorney signing such pleading or other document. Additionally, the electronically filed document shall indicate an "electronic signature," i.e., "s/Jane Doe".

2. Petitions, lists, schedules, statements, amendments, pleadings, affidavits, stipulations and other documents which must contain original signatures, documents requiring verification under FRBP 1008, and unsworn declarations under 28 U.S.C. § 1746, shall be filed electronically and bear "electronic signatures." The hard copy of the originally executed document, and/or original exhibits, shall be maintained by the filer for two years after the entry of a final order terminating the case or proceeding to which the document relates.

3. Every order and judgment signed by the Judge shall be filed electronically by the Clerk's Office at the direction of the Court and bear an "electronic signature". The hard copy of the originally executed document shall be maintained by the Clerk until the entry of a final order terminating the case or proceeding to which the document relates.

Help Desk Question of The Month

Question: I electronically docketed a pleading into the wrong case, how do I get it removed from the docket?

Answer: Electronic filers do not have the ability to modify or remove documents after they have been submitted. Only the court can modify. The court does not remove docketed entries from a case.

Any filing party requesting a modification of a docket entry must fax their request to the court after speaking with a member of the HelpDesk. An evaluation will be made of the request and the appropriate change will be made to the docket. When a document is filed in the wrong case, "Entered in Error" will be placed at the beginning of the docket entry.

If the entry is modified, the system automatically places the word "modified" and the date of the modification at the end of the docket text.

Our HelpDesk is open Monday-Friday from 9:00 a.m. to 5:00 p.m. The number for Brooklyn is (718)330-2188, extension 218. The number in Central Islip is (631)712-6200, and press six.

Service of Petitions

Effective January 1, 2003, it will be the requirement of debtor's attorney to serve copies of the petitions to all applicable parties for all 2003 cases.

Also, a copy of the petition containing an original signature must be brought to the first meeting of creditors.

When Do I Agree to Electronic Service?

As an ECF user, you agree to electronic service when you receive your password.

Section 5 of the password application reads as follows:

I understand that the issuance of a password to me constitutes a waiver of conventional service pursuant to the court's Electronic Filing Procedures General Order. I agree to

accept a Notice of Electronic Filing by hand, facsimile, first class mail or authorized e-mail in lieu of conventional service. Moreover, I will use the automatic E-mail notification feature of the Electronic Case Filing System wherever feasible.

Who Receives Electronic Notice?

Before preparing and docketing your motion, perform the following:

1. Click on “Query” in the blue ECF Main Menu Bar.
2. Enter the case number.
3. Click “Run Query.”
4. Select the “Parties” hyperlink.

Any party with an e-mail address under their name will receive electronic notice.

Any party without an e-mail address under their name will not receive electronic notice.

This information is also located on the bottom of the Notice of Electronic Filing receipt page that appears after you have electronically filed a pleading.

May I Scan My Documents in Color?

No, electronically filed documents must be submitted only in black and white.

Transaction Log

If you wish to double check what you have

docketed into the system during a given time period, go to Utilities-View Your Transaction Log and enter in the applicable date range.

Applications to Employ

The court now allows you to electronically docket your Application to Employ. Do not file the order as an exhibit to the application.

The process for service to the United States Trustee remains the same.

Reminders

- Please use the regular ECF web address for all PACER inquiries.
- When adding additional e-mail addresses to your profile, place them on separate lines, not next to each other on one line.

Happy Holidays

The court wishes everyone a safe, healthy and happy holiday season.

Eastern District Newsletter

This newsletter and previous issues are available for online viewing at 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 with the words "Subscribe ECF Newsletter" in the subject field.