



FEBRUARY/MARCH 2006
Volume 7 Number 2

ECF Filings

Court filings are currently running at approximately 20-25% of normal levels.

The monthly percentages of attorney ECF filing for the past three months are as follows:

2005/2006	Dec	Jan	Feb
BK/AP Filing	66%	68%	73%
Event Docketing	37%	32%	28%
Atty's Docketing	567	584	563

More than 2800 legal professionals have attended ECF training in the Eastern District. 2500 attorneys have received a password and more than 1800 have docketed into the system.

A big thank you and congratulations to all participating attorneys and their staff members for a job well done. We appreciate your cooperation.

ECF General Order/Local Rules

Each month we feature a different section of

the ECF General Order, our Local Rules or the Interim Bankruptcy Rules effective October 17, 2005. All are located on our web page and we ask all attorneys to review them before filing to ensure accuracy of submissions. This month we highlight the Interim Bankruptcy Rules.

Rule 1007(b)

(3) Unless the United States trustee has determined that the credit counseling requirement of § 109 does not apply in the district, an individual debtor must file the certificate and debt repayment plan, if any, required by § 521(b), a certification under § 109(h)(3), or a request for a determination by the court under § 109(h)(4).

(4) Unless § 707(b)(2)(D) applies, an individual debtor in a chapter 7 case with primarily consumer debts shall file a statement of current monthly income prepared as prescribed by the appropriate Official Form, and, if the debtor has current monthly income greater than the applicable median family income for the applicable state and household size, the calculations in accordance with § 707(b), prepared as prescribed by the appropriate Official Form.

(5) An individual debtor in a chapter 11 case shall file a statement of current monthly income, prepared as prescribed by the appropriate Official Form.

(6) A debtor in a chapter 13 case shall file a statement of current monthly

income, prepared as prescribed by the appropriate Official Form, and, if the debtor has current monthly income greater than the median family income for the applicable state and family size, a calculation of disposable income in accordance with § 1325(b)(3), prepared as prescribed by the appropriate Official Form.

(7) An individual debtor in a chapter 7 or chapter 13 case shall file a statement regarding completion of a course in personal financial management, prepared as prescribed by the appropriate Official Form.

Help Desk Question of The Month

Question: I had a problem with my internet service provider and lost the Notice of Electronic Filing free look e-mails from the court. How can I identify what I lost?

Answer: Log into ECF with your ECF login and password. Click on **Reports**. Click on **Summary of ECF Activity**. You will be prompted for your PACER login and password. Select a date and you will receive a list of what was docketed on your cases on that day.

Please be advised that HelpDesk calls may now be directed to either the Central Islip or Brooklyn office. The number in Central Islip is (631) 712-6200, and press six. The number in Brooklyn is 347-394-1700, and press six. Hours for the HelpDesk are Monday to Friday from 9:00 a.m. to 4:00 p.m.

New Filing Fees

Filing fees will be changed effective April 9, 2006. The new fees are:

*Chapter 7 - \$299

*Chapter 13 - \$274

While certain other fees increases are intended, such increases are not now scheduled to take effect on April 9. Further

information will be provided as it becomes available.

Find a Court

The Office of Public Affairs recently added a court locator feature to its website. You can find the general contact information and location of any federal court at www.uscourts.gov/courtlinks/.

Payment Advices (Pay Stubs)

Please be advised that payment advices (statements) received within 60 days before the date of filing must be filed with the court and the Trustee in the Eastern District. This requirement is different from that of the Southern District, where statements need only be filed with the Trustee. The court has a listing of the differences between the SDNY and EDNY districts located at: www.nyeb.uscourts.gov/ecf/ENY_SNY.pdf

EDNY Local Forms

Please check our Local Forms page located at www.nyeb.uscourts.gov/local_forms.htm. Many forms have been added and updated, including Credit Counseling forms **Request To Extend Time for a Temporary Exemption and Motion For a Waiver of Debtor's Duty to Comply**.

Filing Requirements When Debts are Business in Nature

Please be advised that if a Chapter 7 debtor's debts are primarily business rather than consumer in nature, and you have consequently checked "Business" as Nature of Debts on page one of the petition, you are not required to file the Means Test Calculation (Form B22A) or complete

Exhibit B on page two of the petition.

Reaffirmation Agreements

It is imperative that attorneys use Official Form B240 for the Reaffirmation Agreement and check the applicable box located in Part C- Certification By Debtor's Attorney on page seven. Failure to make a certification will result in the court scheduling a reaffirmation hearing.

Motions

When docketing regular motions, please complete either the presentment section or the hearing section; do not mix and match information in both sections.

Changing Firms

When switching law firms and sending updated contact information to the court, please specify if you are taking any cases with you, as this area must be updated in your ECF account. Also, the court will issue you a new password.

Office Organization

Often, a law firm has demonstrated quality docketing skills and then docketing errors unexpectedly arise. The reason for this occurrence is usually that a new staff member in the office is performing the docketing in ECF.

Keep in mind the following best practices to keep your office running smoothly during change:

* Ensure that all members of your staff have attended the EDNY ECF Training class. Class dates/times/locations are available at:

www.nyeb.uscourts.gov/cm_ecf_training.htm

* Have a backup filer designated in case the key filing person is unavailable.

* Provide guidance to your new filer to ensure they understand bankruptcy and court requirements as well as the documents they are filing.

* Contact our HelpDesk for assistance.

IFP

If an Application For Waiver Of The Chapter 7 Filing Fee is granted, the fee waiver only applies to the filing fee. All other fee waiver requests must be made by motion. Use the event **Motion To Waive Filing Fee** to request additional fee waivers in an IFP (In Forma Pauperis) case.

Reminders

- Tax returns should only be filed with the Trustee. Do not file them with the court unless a written request is filed pursuant to 11 USC § 521(f).
- Please remember to send in all chambers copies of ECF filed documents within 24 hours of filing.

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.