



FIRST QUARTER

Volume 10 Issue 1

ECF FILINGS 2008

The local bar continues to use the Electronic Case Filing System in a big way.

Our current record shows the following:

- 3,400 attorneys have attended our training classes.
- 3,458 current attorney users made 176,301 entries on the court's dockets.
- For the year 2008, 16,398 bankruptcy cases and 804 adversary proceedings were electronically filed in the Eastern District Bankruptcy Court.

NEW ECF GENERAL ORDERS ADOPTED

General Order Number 535 - Adoption of Interim Bankruptcy Rule 1007-I:

The Honorable Carla E. Craig, Chief United States Bankruptcy Judge, signed General Order

535 on December 18, 2008. This order applies only to Chapter 7 cases and provides certain members of the National Guard and Reserves called to active duty or homeland defense activity following September 11, 2001, for at least 90 days, with a temporary exclusion from the bankruptcy means test. This exclusion is for a three-year period beginning December 19, 2008.

General Order Number 536 - Electronic Case Filing of Documents in Non- Electronic Cases:

Effective January 1, 2009, all pending cases in the United States Bankruptcy Court for the Eastern District of New York were deemed electronic cases, and any document filed by an attorney on or after January 1, 2009 may be filed via the Internet.

Copies of these General Orders can be found on the court's website at:

http://www.nyeb.uscourts.gov/admin_orders.html



CHANGES, CHANGES.....

NEW VERSION UPDATE

A new version (3.3) of CM/ECF will be released soon. This version will greatly impact the Executive Office of the United States Trustee (EOUST) by satisfying the collection of related data required by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (BAPCPA) in a statutory manner. New screens will be displayed at case opening that must be completed by electronic case filers.

Version 3.3 will be no more time consuming or burdensome for the electronic filer using the updated petition preparation software, as data from schedules is electronically copied to CM/ECF. It will provide uniformity to the Trustee Report of No Distribution filed by Chapter 7 Trustees. As a result, there will be four variations - ***Chapter 7 Trustee's Report of No Distribution - No Funds; Dismissed or Converted - No Funds; Dismissed or Converted - Some Funds Collected; Minimal Funds Collected.*** In addition, four new text events for the docket report will be provided. The new form will help to improve efficiency for both the trustee and clerk's office and does not require much more information from the trustee for this docket entry, as many fields are pre-populated by CM/ECF from the schedules. The Chapter 7 trustee will be able to review the draft Trustee Report of No Distribution in CM/ECF, make modifications as necessary for accuracy, and then accept the report for docketing.

DEPLOYMENT OF PERSONAL COMPUTERS

Additional personal computers are now available in the Brooklyn and Central Islip Courthouses. The personal computers provide free access to PACER for the review of case information and the court's website.

In the Brooklyn Courthouse, a PC is conveniently located in the vestibule of Courtroom 3585 (Judge Stong) and is available for use when court is in session. Additional PCs are located in the Attorney Lounge on the 2nd Floor, Room 2506, during the hours of 9:00 a.m. to 4:30 p.m.

In the Central Islip Courthouse, PCs are located in the Attorney Conference and Witness Rooms at the rear of Courtroom 760 (Judge Eisenberg), Courtroom 860 (Judge Grossman) and Courtroom 960 (Judge Trust). They are available for use when court is in session.

NEW ECF EVENT

Letter of Adjournment

A new event, **Letter of Adjournment**, has been created for immediate use. This new event can be found under "Bankruptcy" on the CM/ECF Menu Bar under the Bankruptcy Event "Other." The event will prompt the Attorney to enter the date and time the motion is currently scheduled as well as the adjourned date and time. The letter should state that **all** parties involved have consented to the adjourned date. Filers must also link the letter to the original motion by placing a check mark in the box "Refer to existing event(s)?"

Important Note: You **must** contact chambers for an adjourned hearing date prior to docketing this event.

Contact our help desk at 347-394-1700 press 6 (Brooklyn) or 631-712-6200 press 6 (Central Islip), if you have any questions or comments regarding this new event.



**NEW AND AMENDED BANKRUPTCY
FORMS EFFECTIVE DECEMBER 1, 2008
NEW BANKRUPTCY FORMS**

Plan of Reorganization in Small Business Case
Under Chapter 11 (Official Form B 25A)

Disclosure Statement in Small Business Case
Under Chapter 11 (Official Form B 25B)

Small Business Monthly Operating Report
(Official Form B 25C)

Periodic Report Regarding Value, Operations
and Profitability of Entities in Which the
Debtor's Estate Holds a Substantial or
Controlling Interest (Official Form B 26)

AMENDED BANKRUPTCY FORMS

The following forms were amended:

Exhibit D - Individual Debtor's Statement of
Compliance with Credit Counseling
Requirement (Official Form B 1D)

Chapter 7 Individual Debtor's Statement of
Intention (Official Form B 8)

Notice of Chapter 11 Bankruptcy Case,
Meeting of Creditors & Deadlines -
Corporation/Partnership Case (Official
Form B 9F)

Proof of Claim (Official Form B 10)

Debtor's Certification of Completion of Post-
petition Instructional Course Concerning
Financial Management (Official Form B 23)

Notice to Consumer Debtor(s) Under Section
342(b) of the Bankruptcy Code - Director's
Procedural Form B 201.

Statement of Current Monthly Income and

Means Test Calculation (Chapter 7) (Official
Form B22A)

Please note that all forms can be accessed by
using the forms link available on the Court's
website:

<http://www.nyeb.uscourts.gov/forms.html>

FILE SIZE INCREASED TO 4MB

As of November 14, 2008, the maximum file
size of PDF documents that can be uploaded
to CM/ECF was increased to 4 megabytes
(MB) (approximately 80 pages).

If the user attempts to upload a document
larger than 4MB, the user will receive the
following error message from the CM/ECF
system:

*Your attachment has been rejected because
it exceeds 4 MB. Check your application
or scanner settings and try again*

Within Adobe Acrobat use the following
steps to check the size of the PDF document:

1. Left-click the File-->Open
2. Choose the PDF document.
3. Left-click the File-->Properties
4. A Document Properties window will appear
5. While on the description pane, look at the
advance section which gives the file size.

To reduce the size of the PDF document adjust
the scanning software to a DPI setting of 200
in Adobe Acrobat:

Left-click on File-->Create PDF-->
From Scanner--Configure Presets

For other third party scanning software,
consult your scanner manufacturer's
documentation or local IT staff.

AMENDED PROOF OF CLAIM

A new procedure on how to electronically file an Amended Proof of Claim has been added to the Creditor Training Guide on the court's website. http://www.nyeb.uscourts.gov/ecf/train_guide/creditor/ent_and_poc.pdf

HELP DESK QUESTION OF THE MONTH

My e-mail address has changed. How do I update my account information?

Account holders must keep their e-mail address(es) current. To update your e-mail address(es), access the ECF system with your ECF Login and Password. Go to the Utilities menu and click on Maintain Your ECF Account. Select E-Mail Information. Enter your new e-mail address(es). Select Return to Account Screen. Select Submit until you receive an acknowledgment of the update.

Please note: Your e-mail account must be configured correctly and have enough space available to accept e-mails sent by the court. The court cannot respond to automated spam blocking requests for validation of our e-mail address(es). The court maintains the right to disable ECF privileges if the Notice of Electronic Filing and other court generated e-mails are constantly returned to the court.

If an electronic filer is having difficulty remembering or locating the electronic password, the filer must fax to the Clerk's Office, to the attention of Paula Mazziotti, a letter request, giving consent to receive the forgotten password by e-mail. The fax number is 631-712-6209.

Whenever an attorney changes law firms, the attorney must inform the Clerk's Office in writing so that a new password can be issued.

REDACTION REQUIREMENT

Pursuant to Federal Rule of Bankruptcy Procedure 9037(a), unless the court orders otherwise, documents filed with the court may include only:

- . The last four digits of a Social Security number and taxpayer identification number;
- . The year of an individual's birth;
- . A minor's initials (for individual, other than the debtor, known to be and identified as a minor); and
- . The last four digits of a financial account number.

The responsibility to redact filings rests with counsel and the party or non-party making the filing.

NOTICE REGARDING GENERAL ORDER NO. 533 DATED JULY 18, 2008 - FORM FOR MOTIONS FOR RELIEF FROM THE STAY TO FORECLOSE A MORTGAGE ON REAL PROPERTY OR A SECURITY IN A COOPERATIVE APARTMENT

The two Declarations on the last page of the Form are both required to be executed by a qualified witness with personal knowledge of the facts being attested to, which will ordinarily be an employee of the movant, not an attorney. Where a judge of this Court requires an attorney's affidavit in support of a motion for relief from the automatic stay, this must be provided in addition to the Declarations required by General Order No. 533.

NOTICE TO CHAPTER 7 DEBTORS AND DEBTORS' ATTORNEYS

What To Submit Prior To The Meeting Of Creditors

You must submit to the Chapter 7 Trustee assigned to your case the following:

1. A copy of the Chapter 7 petition (complete with all schedules and the statement of financial affairs) which bears a copy of the Debtor's signature. Note: The petition should not reflect the Debtor's signature as /s/.
2. Copies of all payment advices (i.e., pay stubs) or other evidence of payment received within 60 days before the date of the filing of the petition by the Debtor from any employer of the Debtor. (*See* Bankruptcy Code § 521(a)(1)(iv)). Note: If such payment advices are not available or the Debtor does not have payment advices then the Debtor should provide the Trustee and file with the Bankruptcy Court a notarized affidavit of the Debtor explaining the circumstances.
3. A copy of the Federal income tax return (or a transcript of such return) for the most recent tax year ending immediately before the commencement of the case and for which the Federal income tax return was filed. Note: The tax return or transcript must be provided to the Chapter 7 Trustee no later than 7 days before the meeting of creditors. (*See* Bankruptcy Code § 521(e)(2)(A)(I)) The tax return or transcript should not be filed with the Bankruptcy Court.

The Chapter 7 Trustees request that this information be provided as soon as possible after the petition is filed. The name and address of the assigned Chapter 7 Trustee appears on the meeting notice.

These requirements do not supersede or replace any of the requirements under the Bankruptcy Code, Bankruptcy Rules and Local Bankruptcy Rules.

What To Bring To The Meeting Of Creditors

Each Chapter 7 Debtor should bring to the meeting of creditors: (a) original government issued photo identification and (b) an original social security card or other original government issued document that reflects the Debtor's social security number.

EASTERN DISTRICT ECF NEWSLETTER

After a long hiatus, our Newsletter is back. Look for the next issues in April, July and October. This newsletter and previous issues are available for online viewing at http://www.nyeb.uscourts.gov/ecf_news.htm.

SUGGESTIONS

If you have suggestions for future newsletter subjects, send an e-mail to:

Margaret_Merritt@nyeb.uscourts.gov.

FOR COPIES

If you would you like to receive a copy of this newsletter, send an e-mail to:

Paula_Mazziotti@nyeb.uscourts.gov

with the words ***Subscribe ECF Newsletter*** in the subject field.

