

# ECF Informer

ISSUE 9

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## FILE YOUR CLIENTS' B23!

This is a reminder to attorneys that may have clients in Chapter 7 cases that a B23 must be filed before a case is discharged.

This form, with the accompanying certificate, is required before the Clerk's office can issue a discharge in a Chapter 7 case. If the case is an asset, or alternatively, the trustee has not yet filed a no-asset report, the case could be discharged if a B23 is filed before the case is eligible to close.

If you have clients that have not yet received a discharge in a chapter 7 case, and the last date to object has passed, the failure to complete the education (or file the B23) may be the reason for the discharge not being issued.

## Attach Amended Form 6 with Amended Schedules

When e-filing amended schedules, please attach an amended Form 6 if, in fact, the figures have been increased/decreased by virtue of the amendment.

The Clerk's office may notice a substantial difference in the figures first reported, yet have no idea what predicated the discrepancy. This is especially prevalent when something is deleted from the schedule, the total is substantially different, yet the image of the document does not explain the "new" figure.

If a Form 6 was attached, the case admin

clerk can determine that the figures inputted match the image filed.

If, for example, a Schedule F is filed adding just one creditor for \$1,000.00, the case administration clerk cannot easily determine if the filer adjusted the Schedule F figure by \$1,000.00 or not(?).

If a form 6 is attached with the adjusted figure, the case ad clerk can determine what should be showing in the case by virtue of the Form 6 that was filed.

## Error Can Bring Double Billing

Please recall that when e-filing using an event code that requires a fee, and an error is made, the possibility of a "double" billing is looming.

If this occurs, the withdrawal and re-filing of the "correct" document may not necessarily be the most prudent method to use. The clerk's office should be contacted to facilitate the "correcting" of the error without the double-billing occurring. The fees could be deleted, or another event code used that prevents the case being billed twice needlessly.

The CM/ECF helpdesk is 801-450-3443.

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### Notice to PACER Users

The newest version of CM/ECF is scheduled for implementation on June 25, 2007.

With this new version, PACER users may experience viewing problems for docket sheets and claims registers if any part of their client code contains a comma (.).

The PACER service center is suggesting to its users to replace the comma in the client code with a dash (-).

## Adding Creditors to a Case

With the latest upgrade to the ECF system, came the capability to allow registered filers to add creditors, that had been excluded from the original matrix.

In the past, new creditors were added by court staff. This process presented some problems for counsel sending notices to new creditors or when a proof of claim needed to be filed before a deadline.

The new enhancements to the system now allows creditors to be added during the process of filing certain events and will be added to the case immediately, without any processing delays.

### SELECTING THE PROPER EVENT

Creditor's counsel wishing to add their clients to the matrix do not incur a fee, so counsel may add the new creditor by filing a Creditor's Request for Notice or a Notice of Appearance.

Since **attorney for debtor is required to pay a fee when adding new creditors to schedules D, E or F and the matrix**, they may add creditors to the system through the process of filing the correct docketing event, **Amended Matrix** and/or **Amended Schedule events**

**with fees.** The required fees will be added automatically, through the use of the proper event. Should an improper docketing event selection be made and the fee does not get attached to the attorney's account, the clerk's office will enter and send a notice of fees due to the attorney.

### WHAT THE ADD CREDITOR SCREEN LOOKS LIKE

New screens will appear and allow the user to type in the new creditor's information (See Figure). Check the box to add creditors to the case. The filer may list several creditors at once or even copy from another text list, using the copy and paste (Ctrl c or Ctrl v) features.

**If the user bypasses the add creditor screens, then the new creditor will not be added to the case, proper notice will not occur and proof of claims cannot be filed until the new creditor is formally added to the case.**



## Filers must Clearly Identify New Creditors on Amendments

When filing amended schedules and/or amended matrices, the PDF documents that are attached to the filing should always indicate what creditors are new.

The clerk's office staff must verify every filing made to the ECF system by external users and check the accuracy of the entry. This means we must be able to match the document that is attached to the information entered in the system and the event selected. In order to do this, the images on amendments need to clearly identify what creditors are new, so the clerk's office can verify that the new creditor has been added to the matrix, the address entered is correct, fees have been accounted for, etc.

Many times, an Amended Schedule and Matrix event is selected, yet the image is that of a few pages of a schedule or even several pages of a schedule, without any indication which creditors on the schedule are being added with the amendment and no amended matrix page to validate the amended matrix choice selection. The clerk then must question whether the attorney intended to add creditors to the matrix or just to the schedule, as well as determine **which** of creditors are new.

It is preferred that you only submit the new creditors in your image, but If you are listing more than just new creditors, you must circle the additions as well as attach an amended matrix page listing just the address' of the new creditors.

## Limited Filers now online with CM/ECF

Effective April 18, 2007, creditor (limited) filers were allowed access to the CM/ECF database for the filing of Proofs of Claim, Transfers of Claim and Withdrawals of Claim.

A limited user training manual is posted on the Court's website ([www.utb.uscourts.gov](http://www.utb.uscourts.gov)). To accommodate this type of user, the Court's Administrative Procedures for Electronic Case Filing was amended to include limited filers.

To review the amended Administrative Procedures visit the Court's website at [www.utb.uscourts.gov](http://www.utb.uscourts.gov).

# Prevent Frustration When Filing Proof of Claim

I received a call one day from an ECF user that was attempting to file a proof of claim and could not find the creditor for which they were filing for. The ability to find the creditor is not a new problem, but it is an easy one to resolve.

On the Search for Creditor screen shown below, en-

ter in the case number for the case that you are filing the proof of claim in, and then click on the Next button. Do not add a creditor name to the Name of creditor field.

This will bring up a drop-down menu that will allow

you to select the desired creditor from the creditor list. If the creditor that you are filing the claim for has incorrect address information, click on the edit creditor hyperlink.

This will take you to the editing creditors screen and again you will need to search for your desired creditor. Leave the Enter name of creditor field blank and click on the next button. Select the creditor from the drop-

down menu and click on the Next button.

This will allow you to edit the creditor address information. Once you have finished editing the creditor information, click on the submit button.

Now click on the File a Proof of Claim hyperlink and file your proof of claim -- remembering not to enter in a creditor's name in the name of creditor field.

## New Events

### Clarify Re: Automatic Stay

There has been a new event added to the CM/ECF -- Clarify Re: Automatic Stay found under the Motions/Applications category under the Bankruptcy menu. This event has been created to accommodate new relief from stay provisions enacted by the BAPCPA of 2005. Select the most appropriate type of Stay:

- Automatic Stay Not in Effect
- Automatic Stay in Effect 30 Days Based on Previous Filing
- Stay Should Remain in Effect

### Financial Management Course Certificates

You can now indicate to the court who a Financial Management Course Certificate belongs to: the Debtor only, the Joint Debtor only, or to both. Whichever option you choose, the option selected will be indicated in the final docket text. You will get this option drop down menu when you use the Financial Management Course Certificate Form B23 event under the Debtor Events and the Other category under the Bankruptcy menu.

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District of Utah

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We're on the web at  
[www.utb.uscourts.gov](http://www.utb.uscourts.gov)



## Symbols and Characters in the Docket Text

ECF users should be aware of the problems on the Court's ECF database when using the Section Symbol (§) in their final docket text entries.

The symbol, when submitted (§) within the docket text will translate incorrectly as a "?" rather than the symbol sign. The remainder of the docket text will be translated correctly other than the §.

To correct this problem, users are asked to use the complete word "section" instead of the symbol. An example final docket entry where the § is used:

*Trustee's Response to Debtor's Objection to Recommendation of Dismissal and Request for ? 341 Hearing (related documents 6 Objection to Dismissal) filed by Panel Trustee (Panel Trustee).*

## Written Opinions Report

CM/ECF offers users a Written Opinion report which shows Memorandum Opinions and Findings of Fact and Conclusions of Law entered on case docket sheets.

Users who view this report or any opinion listed on it, will be exempt from incurring PACER fees. The report collects opinions starting on May 11, 2005 to the present, and can be sorted by case number or file date.

The Written Opinions Report can be found under the **Reports** menu. Opinions with indexes and other research tools are also available on the Court's website for no charge at [www.utb.uscourts.gov](http://www.utb.uscourts.gov).

## Pending Orders and Exhibits

Pending orders which are filed with the court for signature and have exhibits should be incorporated with the order prior to filing on ECF.

This is a simple and quick task to accomplish, however, the user must have the full version of Adobe Acrobat in order to incorporate exhibits. Once exhibits are scanned and converted to a PDF file, they are ready to combine with the pending order file.

To combine the pending order PDF file and the exhibits PDF file:

1. Open the pending order PDF document in Adobe Acrobat software;
2. Next, click on Document > Insert Pages;
3. From the "Insert Pages Window" select the exhibits PDF file from the stored location;
4. Then select "before" or "After" for the location of where the exhibits PDF file will be inserted;
5. Save the new combined PDF document and file with the Court.

## Case Upload Users

Users of the Case Upload should be advised that the ability to upload a Chapter 13 plan at the time of the Case Upload is no longer an option due to technical problems.

Case upload users will need to file the Chapter 13 plan as a separate docket event.

## Is the Third Box Checked on The Pay Advice Certification?

Please be aware that in the event code "Payment Advice Certification" there will be a question that is asked that must be answered by the filer.

The question is, "Is the 3rd box marked", and the default will be set at "N". If, in fact, the 3rd box is checked, please alter the answer to "Y".