

# ECF Informer

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## Docket Activity Report

The Docket Activity Report is a valuable report tool for Trustee and Attorney filers. This report may be set to capture docket activity for multiple cases, or for a specific case. An enhanced search option allows ECF filers to have only case activity reported for those cases in which the filer has made an appearance (or is a party to). It can also be set to report search for only docket entries in cases where the ECF filer is a party.

This report can be especially helpful for viewing case transactions when a user's court email may have been lost because of technical/IP problems. Selections for the report include an option to display only cases to which the user is linked, date specific ranges, category of events, and case type.

The report found under the Report menu option includes sort options for displaying the report such as case number or date/time of the docket entries and an option to select "only cases to which I am linked". **The report does not capture claim activity** or court docketed private events.

Because PACER charges apply to this report, users may want to narrow the date ranges, categories and linked cases when searching. **Users should be aware this report is not subject to the 30-page PACER limit on fees and charges will apply for the full report produced.**

## Fee Required for Adding a Creditor to a Case

For some unknown reason, some practitioners have the incorrect opinion that no fee for adding a creditor is necessary when that previously unlisted creditor files a Proof of Claim in the case. Later, and oftentimes prior to the confirmation hearing if the case is a Chapter 13, the attorney will add creditors who have filed POC's using "Amended Schedules (no fee)".

A fee is due when a creditor is added to the schedules, regardless of whether this creditor has filed a POC, or even is already on the matrix. If the creditor is new to the schedules, the fee is owed.

Several **exceptions** include:

- Switching a creditor from one schedule

to another;

- adding an attorney's name representing a creditor to a schedule;
- an edition to an address of a previously-listed creditor;
- altering amounts of previously-listed creditors;
- adding domestic support creditors onto Schedule E; and,
- adding any post-petition creditors following a conversion to a Chapter 7.

If adding a creditor to a schedule who was not previously listed (and is not an exception), please use the "Amended Schedules (fee)" event code.

## Release of ECF Version 3.1.6

The newest release of CM/ECF was installed on December 1, 2007. The new release has minor changes. Some of the more significant changes include changes to case opening to accommodate the new values for estimated assets and liabilities for amended form B1 (Voluntary Petition). In addition, changes to many reports were made so that attorney client codes containing commas will function correctly in PACER.

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### CM/ECF

### INFORMATION

#### CM/ECF Filing Stats for November and December

*For the month of November, ECF filers opened 481 bankruptcy / adversary cases which represents 84% of the new case load (574 total) in the District of Utah.*

*For the month of December, ECF filers opened 440 bankruptcy / adversary cases which represents 87% of the new case load (506 total) in the District of Utah.*

## Filing Amended Claims

Any filer who is submitting an amended claim should review the claims register, including the original Proof of Claim on file with the Court as well as the image of their amended Proof of Claim prior to filing it with the Court. Any review will ensure the accuracy of the entry.

Creditor addresses listed on the image of the amended Proof of Claim image should match the information listed in the court's database. Likewise, the image of the amended proof of claim should correctly reference the previously-filed claim number or file date.

Filers should **never need to** add a new creditor during the filing of an amended claim.

Step by step Instructions for filing an Amended Claim.

**Step 1.** Under the Bankruptcy Menu, click the "File Claims" category.

**Step 2.** Enter the bankruptcy case number.

**Step 3.** In the name of creditor field, do **NOT** enter any data. Leave this field blank and click next (by leaving this field blank, the entire list of creditors will post).

From the "Select a Creditor for a Claim" screen, select the appropriate creditor from list of existing creditors. If the address for the creditor is incorrect, select the "Edit Creditor" link and update the creditor address before continuing. If the address is correct, select the creditor from the list. **Do NOT add a creditor for an amendment.**

**Step 4.** Click next

**Step 5.** The Proof of Claim Information screen appears. Insert the previously-filed claim number in the *Amends Claim #* field and other fields in the claim screen as appropriate.

**Step 6.** Click next.

**Step 7** Attach the amended proof of claim image and finish the entry.

## New Official Forms Effective December 1, 2007

At its September 2007 meeting, the Judicial Conference approved proposed amendments to Bankruptcy Official Forms 1, 3A, 3B, 4, 5, 6, 7, 10, 16A, 19, 21, 23, and 24. The amendments to the existing Official Forms were effective on December 1, 2007. .

The amended forms are available on the Court's website at [www.utb.uscourts.gov](http://www.utb.uscourts.gov). For complete committee notes relating to form changes, visit <http://www.uscourts.gov/bkforms/index.html>

## Chapter 13 Discharge Anyone!

For most chapter 13 debtors, the ultimate goal for filing their bankruptcy case is to get a Chapter 13 Discharge.

To help ensure that happens, please remember that for cases filed after the enactment of BAPCPA in October 2005, the requirements for entry of a Chapter 13 discharge have changed:

- Cases filed prior to 10/17/2005 - Completion of plan payments
- Cases filed on or after 10/17/2005 - Completion of

plan payments, PLUS EACH individual debtor must complete a financial education program, AND file a Verification and Request for Discharge with the court. After an objection period expires, a discharge will be issued by the court if no objections are filed.

If either the education or Verification and Request for Discharge requirements are not met, the case will be closed without a discharge being issued. (See 11 U.S.C. 1328, Standing Order #2 - Bankr. D. Ut. LBR 2083-1)

## Amendments to forms 22A, 22B, 22C Effective January 1, 2008

The following forms will be amended on 1/1/08:

Official Form 22A- Statement of Current Monthly Income and Means Test Calculation (Chapter 7)

Official Form 22B- Statement of Current Monthly Income (Chapter 11)

Official Form 22C- Statement of Current Monthly Income and Calculation of Commitment Period and Disposable Income (Chapter 13).

Proposed amendments to the forms were originally published in August 2007. Because the "means test" forms are based on the national standards and local standards set out in the Internal Revenue Service's Collection Financial Standards, additional conforming changes became necessary and the earlier effective date was postponed until January 1, 2008. **Attorneys who utilize petition software for bankruptcy forms should contact their vendors to ensure the amended forms are updated prior to January 1, 2008.** Copies of the amended forms are available on the Court's website.

## Docket Code Lists Available in CM/ECF

A new tool has been added to CM/ECF to allow filers to search for a specific docket event rather than searching through the categories looking for one.

Select "Reports" from the main menu and select the hyperlink "Docket Event List." A text list of events by category will show, allowing the filer to scroll through the list of events/categories. If the filer prefers to view an alphabetical list of docket events, there is a hyperlink available at the top of the page entitled "Alphabetical List" which will switch the list view.

To save time searching, filers are encouraged to utilize the browser tool "find in this page" under the edit menu to find events quickly. For example, to search for a Motion to Convert use the word "convert" in the find window and continue to click the "Find" button until the event has been found.

Remember to use different search terms if a specific term is not found.

The screenshot displays the "Docket Event List by Category" interface. At the top, there are two links: "Docket Event List by Category" and "Alphabetical List". Below this, it shows "Event Report for Attorney users 12/06/2007". The main content is a list of event categories, including "Adversary Events - Answers... - Motion/Application" with sub-items like "Amended Answer", "Answer to Section 304 Petition", "Involuntary Answer", "Objection", "Objection as to Form of Order", "Objection to Claim", "Objection to Confirmation of Plan", "Objection to Debtor's Claim of Exemptions", "Objection to Motion to Dismiss and Motion to Abate", and "Objection to Professional Fees". Other categories include "Reply" and "Response". At the bottom, another category is listed: "Adversary Events - Answers... - Complaint, 3rd, cross, counter". A large yellow watermark "TRAIN database" is visible on the right side of the screenshot.

## Clerk's Office Calling...

The Clerk's office thanks all court users for their ongoing support and asks that you continue to treat notices, phone calls and emails from our case administration clerks with priority when it involves a docketing or case processing question.

F.R.B.P. 5003(a) states "The clerk shall keep a docket in each case..." which has been long understood to mean that the clerk shall keep an "accurate" docket in each case... something that is sometimes challenging to do. In case you're wondering how we do that, you should know that all filings (paper and electronic) are quality control reviewed to ensure the docket entries accurately reflect what has been filed.

When a question arises as to what was been filed or inconsistencies found in a filing such as the debtor's name on the filing doesn't match the case number in the system, clerk's office staff attempt to resolve the issue often by reaching out to you for help.

To bring the issue to your attention so that it may be resolved, we may contact you by phone, email and/or via an entry on the docket entitled Clerk's Notice of Possible Error. We do this as service to you, the filer (I know that may be hard to believe when you are the recipient of a call or notice), and the other court users who rely upon the case dockets for accurate information.

So if a call, email, or notice arrives in your office, please respond as soon as possible. Doing so helps us ensure the case dockets are accurate and that benefits all court users. For questions on any quality control procedure, please contact the Chief Deputy at (801)-524-6561.

## Unsigned Orders

When a proposed order is submitted to the court, and is entered on the docket as unsigned, the order should not be amended or corrected, and then re-submitted at a later date, for a judge's signature. When an order is unsigned, that order has been finalized.

The filer would need to submit an entirely new order to the court for signature, should they wish to continue to pursue the same matter.

By similar definition, if an order is withdrawn by filing a "Notice of Withdrawal", that order is also considered finalized and the action under that proposed order is also complete. A new proposed order, linked back to the related motion before the court, may be submitted for signature.

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District of Utah

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[www.utb.uscourts.gov](http://www.utb.uscourts.gov)



## Please Refrain from Blanket Noticing

Over the past two years, court issued notices per case have increased approximately XXX nationwide. As a result of this dramatic increase, the Federal Judiciary is currently requesting courts to implement cost-saving initiatives to reduce the amount of money spent on noticing via the Bankruptcy Noticing Center (BNC). We, in turn, are seeking your support in this effort and request that attorneys review their procedures for designating parties when preparing orders for the court.

While it is often necessary to give notice to all parties and creditors of hearings (generally Fed.R. Bankr. P. 2002), it is **usually not** necessary to designate all parties and creditors to receive the orders issued by the court. Please help us control costs by being judicious in designating parties to whom the court is to mail court orders. It not only helps us control costs, but it reduces the amount of paper parties and creditors that are not directly involved in the litigation have to handle.

And if that were not enough, just think of the decreased number of phone calls you will receive asking what and why they were sent the notice or order in the first place. Thank you for your support.

## Summary of Schedules

The Clerk's office would like to remind Bankruptcy Law Offices to be aware of the input required for the Summary of Schedules screen during docketing of related events. This screen resembles page two of Form 6, Statistical Summary.

In new cases, the third party software used by firms, uploads the information required in these fields (if completed prior to filing the case with the court). Attorneys should ensure that the software is providing the required information. The summary of schedules screen appears upon the opening of all new cases and is **also presented** when other documents are filed that may change or amend the summary figures originally entered.

All summary information required is clearly indicated on the ECF page. The figures for this screen are taken from various documents filed in a case. If you are filing an original case without all forms or schedules, you may bypass this screen and it will be presented again, upon the filing of other remaining documents, such as Statements and Schedules or a Means Test.

You will also find a specific event in the OTHER category in ECF, for Summary of Schedules and/or Statistical Summary, if filing or amending just Form 6. The figures must be entered in the appropriate fields, if they are available at the time of the filing. If some figures are not available, then you should enter the figures that are known and enter a zero in the fields that are not known.

**Calculations on this screen are made based on the figures that are entered. If the screen is not properly completed (including liability amount), the calculations for the case will not take place.**

Amendments to documents will affect and may alter the figures originally submitted and the summary of schedules amounts should be updated as the changes occur (properly prepared amended documents should be attached to substantiate the updated figures).

The court will not do mathematical calculations for you. You must update the figures and attach the proper images that validate your entry, such as a properly completed schedule F and a new Summary of Schedules Form 6 with the updated figures.

## Attorney Conference Room Available

Judge Thurman's attorney conference room is now available for attorneys to use. This will allow attorneys to converse with their clients in a confidential location versus the hallway. Please contact Judge Thurman's chambers to arrange to use this room.

Also remember that Judge Boulden's attorney conference room is available to use. Contact any court employee to unlock that conference room.