

ECF Informer

ISSUE 13

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CM/ECF 3.2 SYSTEM PERFORMANCE

The bankruptcy court installed version 3.2 to our CM/ECF database on September 13, 2008. The few weeks following the install, there were instances of system downtime due to hardware issues in the courthouse. This hardware problem was finally resolved by our IT staff at the end of September.

However, we continue to have reports from our external filers of system slowness and performance issues. Please be aware that the slowness is not a Utah database issue, but it is a **national problem**. The Administrative Office of the US Courts has reported that the new screen features in Bankruptcy Release 3.2 (moving away from the old "frames" technology and adding "cascading menus") have proven to be problematic for many Internet Explorer users, causing poor performance. Filers may improve performance problems if they make the suggested adjustments to their IE settings listed below (Firefox users should not need to make changes).

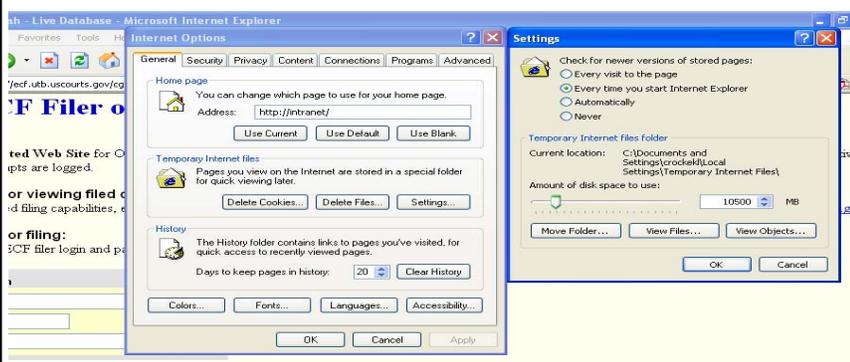
The CM/ECF National Development Team in Washington D. C., has released a patch that is currently being tested in a few 3.2 courts. Once the testing is concluded and proves to be a solution, the patch should be available to all courts. We are currently waiting for any information regarding the results of the testing or the release date of the patch.

During the interim, we ask any user who may experience extreme slowness to make note of the date and time and what transaction is being made to the database (what you are filing, query, new case, etc.) and forward this information to brenda_dowler@utb.uscourts.gov

We appreciate your patience!

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Internet Explorer (IE) users can make the following changes to their IE browser (Internet Options) to improve ECF performance: enlarge temporary file size to 10,500; empty cookie file; empty cache; and empty temporary Internet pages. Internet Explorer browser was set to check for newer versions of web pages "Every time I visit the webpage"; it needs to be set to "Every time I start Internet Explorer."

What is on the CM/ECF Horizon

Version 3.3 of CM/ECF installation is expected sometime at the end of this year or early 2009. This small release will include functionality to allow for the reporting of multiple dispositions in joint debtor cases. The new version includes a change for case opening (and case upload) with additional data fields. Trustees can expect to see changes to some of their functionality which will collect additional data. Filers are encouraged to contact their software companies for 3.3 updates. PACER users should review the 3.3 information at the PACER web site <http://pacer.psc.uscourts.gov/>

MAINTAIN YOUR USER ACCOUNT

ECF filers should be continually aware of their account information contained in the CM/ECF database. You can check your account information under the Utilities tab, then click on Maintain Your User Account. On the initial screen you can change items such as your address, phone number and fax number. You will notice two buttons located near the bottom of the screen above the Submit button; Email information and More user information.

By clicking on Email information, you can update your email address, add additional email addresses and sign up to get notices in additional cases for which you are not a party. Filers will receive a daily summary email report of the activity for the cases in which they are a party and any additional cases designated. **Filers should verify and update, if needed, their email address in order to receive the daily summary report.**

By clicking on More user information option, you will have the opportunity to change your password. Your password should be changed periodically. Filers should use a variety of characters, letters and numbers for their password. You will be held accountable for any action performed on your account and therefore recommend passwords be confidential.

If you have made changes to your account (i.e. change in address, change in password, or change in email) **you must click on the Submit button for the changes to be saved.** Follow the prompts until you receive your final notice that changes have been updated.

PROPOSED PRETRIAL ORDERS

When filing a **Proposed Pretrial Order** in an adversary proceeding, you must load this document as a pending order and simply choose (link) something already on the docket in order to complete the filing; you will not be able to file it without a "link" (usually the Complaint) being created. Linking to the original complaint will allow you to continue with your entry. Unfortunately, this can cause confusion. **Please remember to delete out the reference** when you are given the opportunity near the end of the transaction. Edit the entry to simply read "Proposed Pretrial Order" you may wish to also add which litigant has filed the pretrial order (this information will not appear automatically).

Somewhat related to the above paragraph is the occasional deleting of the word "pending" when uploading a pending order. PLEASE NEVER do this.

FILING AN AMENDED OR CORRECTED SSN

If there is an occasion that an external filer needs to amend or correct a Debtor's Statement of Social Security (B21), please DO NOT use the "amended document" code. Instead, use the code "Amended Statement of Social Security Number(s)". The reason for this is that this code is image-restricted, but amended document is not image restricted. In order to keep the SSN# protected from public scrutiny, it is necessary to use the image-restricted event code. Also, if the SSN is corrected, the clerk's office will notify creditors (who are entitled to the full SSN#) with a form from the BNC that is returned with the SSN# redacted. This occurs only if the 341 has already been sent to all creditors. This event code can be found in Debtor Events.

CHAPTER 13 DISCHARGE

This is a gentle reminder that Chapter 13 Discharge procedures are substantially different in BAPCPA cases; A Verification and Request for Discharge, as well as proof that financial education has been completed (Form B23) are additional prerequisites to obtaining a discharge in a Chapter 13 case. The verification can be found as an appendix to Standing Order #2, and is filed once the trustee has filed the document verifying that the debtor(s) has/have completed the plan payments. The verification should be filed within 60 days of the trustee's notice that the plan payments have been completed, and once the verification is filed, creditors have 20 days to object to the verification/request. Once this time period has expired, the case can be discharged.

If the aforementioned Verification/Request is not filed the case would eventually be closed without the issuance of the discharge for the debtor(s).

ADDING CREDITORS and AMENDED SCHEDULES

Once again, the procedure surrounding adding creditors to the matrix needs some clarification. Periodically an efiler will file amended schedules and add creditors to the matrix. When creditors are added (when amended schedules are also filed), an efiler should use "Amended Matrix and Amended Schedules (COMBINED FEE)" to signify that creditors were, in fact, added to the matrix. You can place an amended matrix cover sheet with the added creditors at the end of the image, or simply place a list signifying the added creditors at the end of the image. If you choose NOT to add this cover sheet/list to the end of your image, **still use** the code with "matrix" in it to signify that you have loaded creditors into the matrix. The "matrix" is a flag for the Clerk's office to look to see if the creditors were properly inputted. If "matrix" does not appear, the conclusion is that no creditors were added to the matrix.

The efiler is expected to add their own creditors, but if they are not, the Clerk's office will add them to the matrix if "matrix" is in the event code, and a cover sheet/list is provided. If "matrix" is used in the entry, but no cover sheet/list is provided, the assumption is that efiler has added them. Presently, some efilers just use "Amended Schedules" and still add creditors to the matrix. In this instance, there is a possibility that noticing issues will surface in regard to creditors that were added, but the docket sheet may not reflect it because the word "matrix" did not appear in the entry.

DOES YOUR NEW EMPLOYEE NEED ECF TRAINING?

The District of Utah has been using CM/ECF since 2001. Many ECF filers were trained a number of years ago or have had employee turnover. Some of you may have decided to give your new employee a "crash" course on ECF and send them on their way with **your password**. Remember, you are responsible for what is filed on your account. If you have new employees that have not been trained by the court please call to schedule them for class. Also, if you or members of your staff need a refresher course, please call and let us know your needs.

Please call Lisa or Kyle at 801-524-6575 to schedule a time.

United States Bankruptcy Court
District of Utah

Honorable Glen Clark
Chief Judge

David Sime
Clerk of Court

Glenn Gregorcy
Chief Deputy Clerk of Court
801.524.6561
Glenn_gregorcy@utb.uscourts.gov

Brenda Dowler
CM/ECF Program Manager
801.524.6635
Brenda_dowler@utb.uscourts.gov

Kyle Crockett
Assistant Training Coordinator
801.524.6575
Kyle_crockett@utb.uscourts.gov

Lisa Bernson
Assistant Training Coordinator
801.524.6575
Lisa_bernson@utb.uscourts.gov

Michelle Bugni
801.524.6639
Michelle_bugni@utb.uscourts.gov

Helpdesk: 801.450.3443

Fax: 801.524.4409

We're on the web at
www.utb.uscourts.gov



PENDING ORDER UPLOAD ERROR?

The Bankruptcy Court for the District of Utah utilizes a pending order upload feature which facilitates the electronic submission of orders directly to chambers for review and signature. Certain guidelines must be followed to avoid filing problems for images. The most common errors are incorrect page size, offending fonts and web references.

1. **Page size must be 8 ½ by 11 inches.**

The page size requirement on orders is much more stringent because of the electronic signature function. Occasionally, when you scan a document, the scanner will alter the size of the pleading, or another possibility is your scanner settings are close, but not at 8 ½ by 11 inches. Check your scanner properties for the proper settings.

2. **Offending Font.**

The court sends paper copies of orders to parties via the BNC. Unfortunately, certain fonts are not recognized at the BNC. The list of offending fonts was recently reduced by the BNC to alleviate this problem. The only remaining unacceptable fonts are those that begin with WP (WordPerfect) or Hidden-Horz. These fonts can sometimes be hidden in pleading templates or punctuations.

3. **Remove all web references within your order.**

In the full version of Adobe Acrobat 7.0 Standard, users can remove web references, such as active email links, by selecting Advanced>Links>Remove All Links from document.

If, after following these guidelines, your order will still not upload to CM/ECF, please call the court's help desk phone (801-450-3443) or the court training department (801-524-6575).

USER SATISFACTION WEB SURVEY

We have posted a Court User Satisfaction survey to our Website at:
<http://www.utb.uscourts.gov/>

The feedback from the survey will help us determine if the needs of our customers are being met and also how we can provide better service to our customers. This important survey should only take a few minutes to complete. We encourage all ECF filers to participate in this survey and thank you in advance for your assistance.



Notice to all members of the Utah State Bar:
The Committee seeks comments and suggestions regarding revisions that you believe should be made to the Local Rules.
[Click here to make comments to the Rules](#) (10/03/2008)

[Please take the Court User Satisfaction Survey . Let us know how we are doing.](#) (10/08/08)

Public Comment requested for proposed amendments to the Appellate, Bankruptcy, Civil, Criminal, and Evidence