

ECF Informer

ISSUE 15

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COURT SATISFACTION SURVEY RESULTS

Several months ago the Clerk's office posted a survey for individuals to take in regard to how the Clerk's office was doing, and whether we were meeting the needs of the stakeholders of our Court. Although the majority of responses were positive, we did receive some constructive criticism that we dealt with in one way or another. Following is a synopsis of what the Clerk's office did in response to some of the areas of concern brought up by way of the survey results:

- a) Many members of the staff received specialized customer service training from a representative from the Administrative Office of US Courts in October of 2009;
- b) When the Clerk's office is notified of an error on the docket or claims register, we try to "fix" the problem expeditiously, and answer the individual who has pointed out the error;
- c) Instead of offering "refresher" CM/ECF classes, the Clerk's office is making more of a concerted effort to contact those efilers that may be making a consistent error while filing;
- d) The general slowness of the CM/ECF system is still an issue, and this is pertinent nationally, not just in Utah. The Clerk's office has been informed consistently that the problem is being addressed.
- e) The CM/ECF system is being looked at for more "batch docketing" possibilities.
- f) The Clerk's office is presently testing several "instant messaging" capabilities to be place on the website in an attempt to get faster communication between e-filers and quality control clerks, or Helpdesk personnel.

We appreciated everyone who took time to fill out the survey, and considered all comments, good and bad, as important. Thank you for your help!

COMPARISON OF TOTAL FILINGS BY CHAPTER 2007 - 2009			
	2007	2008	2009
CHAPTER 7	3,559	5,413	9,283
CHAPTER 13	2,700	3,766	5,103
CHAPTER 11	24	77	90
CHAPTER 12	1	0	5
TOTAL	6,284	9,256	14,481



INSIDE THIS ISSUE:

Check Your ECF Filings	2
Prefiling Credit Counseling Certificate	2
Bifurcate or Dismiss?	3
Redundant Docket Entries	3
Adversary Proceedings: Add Attorney and Demand Amount	4
CMECF Event Codes With Fees	4
Customer Service: Clerk's Office	5
Amended Plan	5

CM/ECF Quick Tip:

Did you know that you can synchronize your PACER and CM/ECF log-ins and passwords?

After logging into CM/ECF using your CM/ECF credentials; click on the Query option on the CM/ECF menu bar. Before inputting your PACER credentials, check the box "Make this my default PACER login". After checking this box, you will only need to use your CM/ECF login and password for either electronic filing or for viewing documents via PACER.

Clerk's Office Hours:
8:00 A.M. to 4:30 P.M.

CHECK YOUR ECF FILINGS

Over the past few weeks some efilers have been surprised/shocked to learn that something they intended to file, and thought they HAD filed, was, in fact, not on the docket. This can have devastating consequences, especially when Title 11, USC, Section 521 is taken into account. To avoid this from happening, efilers should make it a habit to always check what they thought they had filed to what was actually filed.

If efilers wish to verify their work, go to Utilities > View your Transaction Log > input pertinent dates and your transaction log will appear. This report will also point out if a new case may have been filed twice. One can verify the existence of a docketed entry here. This log will not allow for verifying images. Please recall that some software will not separately docket Statement of Affairs and Schedules when attached to a new voluntary petition. This can be accomplished (without cost) once efilers have received their email summaries. Developing double-check habits for efiled pleadings may be tedious, but may prevent costly errors from occurring.

PREFILING CREDIT COUNSELING CERTIFICATE

The prefiling credit counseling certificate is to be filed within 14 days of the filing of the case. Optimally, it is filed with the Exhibit D, but sometimes this cannot be logistically accomplished. The Clerk's office includes this document in the Court's deficiency notice, and the Court will issue an Order to Show Cause if they are not timely filed. Once the certificates are filed, nothing further needs to be done by the debtors.

When the certificate is filed, it is checked for timeliness (the counseling must be taken within 6 months prior to the filing of the case in order to be eligible to be a debtor). The Clerk's office has observed in numerous cases, a certificate that indicates that the counseling was taken several weeks prior to the filing of the case, yet the certificate was not filed with the petition, nor within the 14 day filing period, and, in some cases, only after the case was OSCed. It appears as though the certificate was in the possession of the debtors, or their counsel, yet not filed until prompted by the Court via a deficiency notice or Order to Show Cause.

One explanation is that perhaps some bankruptcy software packages do not handle these documents properly(?). Please recall that these can be efiled manually once the case is opened. Also, perhaps a phone call to the software provider would facilitate adding this document into the process(?). Nevertheless, this certificate needs to be filed expeditiously in order to save work for the Clerk's office, as well as counsel. When possible, please file the certificate quickly in order to handle one obligation that when ignored has devastating consequences to the debtors.

BIFURCATE OR DISMISS?

Bifurcating cases can be confusing as well as expensive depending on how they are filed. In some instances, bifurcating a case may be unnecessary depending on what is happening to the debtors within the confines of the original case. Most cases are Chapter 13 cases where one debtor converts leaving the other debtor in the original case. There is a conversion fee (25.00) and a bifurcation fee (\$274.00). We have seen that oftentimes this scenario is preceded by a Chapter 13 trustee's motion to dismiss. The one debtor "opts out" of the case by virtue of the conversion and new case. Eventually, the original case is dismissed by virtue of the original motion to dismiss.

Bifurcating the case and incurring the bifurcation fee can be avoided if steps are taken to dismiss the debtor who intends on not converting BEFORE the notice or motion to convert is filed for the debtor who intends on continuing under a Chapter 7 case. If a motion to dismiss and pending order is filed for one debtor, and that debtor is dismissed, the remaining debtor can then file a notice of or motion to convert to a Chapter 7 and remain in the original case. A bifurcation is not necessary, and no fee is owed, other than the \$25.00 for the conversion.

This principle also holds true for a Chapter 13 bifurcating to another 13. If you are aware of the strong possibility that one of the debtors does not intend to stay in the case and wants to dismiss, this should be handled completely FIRST. Once this is accomplished, the necessity to bifurcate is moot. On the other hand, the fees must be incurred if both parties intend on staying in Chapter 13 status.

Timing is important to consider when contemplating bifurcating your clients' case.

REDUNDANT DOCKET ENTRIES

Efilers are limited in their ability to enhance or emphasize an entry in that "free" space is limited by the CM/ECF system. Nevertheless, some efilers occasionally will "fill" the open space with a description of the entry that has been satisfied by virtue of the hard-coded language of the event code. An example is if an filer files an objection to a certain previously-filed motion, and then adds the word "objection" in the free-text portion of the entry. The deputy clerk must "adjust" the entry to reduce the redundancy of the final docket text. The filer is perhaps emphasizing the nature of the pleading, yet the final text is confusing if it is not edited by the deputy clerk. This free text should be used occasionally to emphasize something about the pleading that otherwise could go unnoticed if the entry is not enhanced.

Finally, the free text portion of the entry should not be used for adding a second relief being sought. In order to correctly docket a multi-part motion, simply choose the two pertinent reliefs sought from the pick-list, holding the "CTRL" key down to include more than one relief in your entry.

Available Events (click to select events)

- Abandon (FEE) (Motion)
- Abate (Motion)
- Abstention Under Section 305
- Access to Tax Documents (Motion)
- Adequate Protection (Motion)
- Administrative Expenses (Motion)
- Allow Claim(s) (Motion)
- Amend (Motion)
- Amend Confirmed Plan
- Amended Application (Motion)
- Amended Motion (Motion)

Selected Events (click to remove events)

- Abate (Motion)
- Amend (Motion)

By holding down the "CTRL" key on your keyboard you can select multiple events.

ADVERSARY PROCEEDINGS: ADD ATTORNEY AND DEMAND AMOUNT

The process for e-filing an adversary requires that information be entered on several screens. Unlike a new case filing, automated software is rarely used to submit a new complaint. Because of the lengthy process, errors often occur in two areas of the procedure. One is that an attorney e-filing the new cases does not add themselves, and the second error occurs in the figure that is entered in the Demand field. Both of these problems are easily remedied with a little clarification.

Although software often reads the attorney from the file and automatically adds them to a new bankruptcy case, the attorney must be manually added to a new adversary at the time of filing. The attorney should be designated on the same screens that adds the parties to the case. Just below the "Role in Bankruptcy Case" field, is the "Attorney" button (*Figure 1*). Simply click and add an attorney with the bar ID or name search. The "Review" option can be used to check case information added.

The second error is caused by adding too many zeros to the dollar amount requested. The [*second*] screen below shows the field in which the dollar figure is entered. The system will automatically add 3 zeros to the amount entered in the field. In the example shown, the demand amount is \$192,000.00, but the figure entered in the field is simply 192. Frequently the thousands are included in the field, and the demand amount is incorrectly recorded on the case. In the case shown, the docket would reflect the figure as \$192,000,000.00.

Defendant Information

Jeremia Jacobsen SSN / ITIN: Unknown

Office Address 1

Address 2 450 South Green Street Address 3

City Salt Lake City State UT

County Salt Lake Country Fax

Phone

E-mail

Party text

Role in Bankruptcy Case

Attorney... Alias... Corporate parent / affiliate... Review

Submit Cancel Clear

Figure 1

Open Adversary Case

Party code 3 U.S. not a Party

Rule 23 (class action) n

Jury demand None

Demand (\$000) 192

State law n

Next Clear

Done

Primary nature of suit none

Second nature of suit none

Third nature of suit none

Fourth nature of suit none

Fifth nature of suit none

Figure 2

CM/ECF EVENT CODES WITH FEES

If you are e-filing using an event code that has a fee attached to it, and you withdraw that pleading (e.g. bad/wrong image, forgot an exhibit, spelled someone's name wrong, forgot a certificate of service), and refile that pleading (corrected), please remember you will incur two charges. If this occurs, contact the Clerk's office, and the redundant fee can be removed fairly quickly. This will not occur automatically, and the Clerk's office needs to be contacted to rectify the double-billing before the day's work is paid for through pay.gov.





Honorable William T. Thurman
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Clerk of Court

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Helpdesk: 801.450.3443

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



CUSTOMER SERVICE: CLERK'S OFFICE

On occasion filers contact, or are contacted by deputy clerks in Bankruptcy Court concerning some aspect(s) of a case. That contact might be email; the phone; over the counter in Intake; or, in Court. The deputy clerk has been trained and advised that the Clerk's office emphasizes customer service, and that we strive to be as accessible and informative as possible.

If, at any time the contact with the deputy clerk is less than amicable, forthright, and communicative, please feel free to contact the Clerk of Court, David Sime, at 801-524-6565, or the Chief Deputy, Glenn Gregorcy, at 801-524-6561 or via email at glenn_gregorcy@utb.uscourts.gov to voice your concern, opinion, gripe, observation, etc., about a deputy clerk, or an administrative procedure the Clerk's office follows. Do not hesitate to make your opinion known, and anonymity will be kept once the communication is started, if so desired. The Clerk's office is appreciative of feedback, positive or negative, and consider constructive criticism not only enlightening but healthy for the "system".

Finally, and this cannot be emphasized more, PLEASE do not hesitate to contact the Clerk's office if an error on the docket is noticed; we will try to correct it soon after being made aware of the problem (if we can). Thank you for your continued support.

UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF UTAH

MISSION STATEMENT

The United States Bankruptcy Court for the District of Utah is dedicated to the fair and effective administration of justice. The clerk's office is committed to providing quality customer service with optimum efficiency.

AMENDED PLAN

When filing an amended chapter 13 plan, it is very important to indicate that it is amended. This can be accomplished in one of two ways. The first way is to simply add the word "Amended" on the heading on the image of the document (and/or check the box amended on the plan). The second way is to attach an Amended Coversheet to the amended plan and mark the amended plan box. Also, if a certificate of service is filed separately, please indicate "Amended Plan" in the body of the certificate as well as linking it to the corresponding amended plan.