

United States Bankruptcy Court

Eastern District of Louisiana
501 Magazine Street, 6th Floor
New Orleans, Louisiana 70130

Warren A. Cuntz, Jr.
Clerk of Court

Telephone: 504-589-7878
Facsimile: 504-589-2076

DATE: November 6, 2003
TO: All Members of the Bankruptcy Bar
FROM: Warren A. Cuntz, Jr.
RE: Privacy Amendments to the Bankruptcy Rules /
Filing Fees Increases

I. Privacy Amendments to the Bankruptcy Rules

Privacy amendments to the Federal Rules of Bankruptcy Procedure will take effect December 1, 2003, barring Congressional action. The amendments are designed to promote electronic access to case files while also protecting personal privacy. Below are some specifics about the procedural changes that will take place.

A. Statement of Social Security Number (Official Form 21)

Instead of including the debtor's social security number in the petition, the debtor must sign a Statement of Social Security Number (Official Form 21 (12/03)), in which the debtor verifies his/her social security number under penalty of perjury. The attorney or pro se debtor must keep this statement for a period of not less than one year after the case is closed. In addition, the original document must be provided to other parties or the court for review upon request. (*See Electronic Filing Procedures, Bankr. E.D. La., Revised 2/25/2002, at 2.*)

The statement of social security number **must** be submitted electronically as a separate, **private** document. Only court users have access to private documents.

To electronically submit the statement of social security number, the document must be in pdf format. Then:

Click on Bankruptcy
Click on Other
Enter Case Number
Click on Social Security Statement

The entry will be seen on the docket report, but the public, including the party submitting the document, will **not** be able to view the pdf document. In addition, there will also be no one free look through email, but an error message of "user access denied".

Parties who file their documents in the clerk's office will receive help from the clerk's office staff in filing the statement electronically as a private document.

B. Notice of meeting of creditors

CM/ECF version 2.3 will generate two versions of the 341 notice – one with the complete 9 digit SSN and a redacted version with only the last 4 digits. The version with the complete SSN will be sent to creditors, the trustee, and the U.S. Trustee. The redacted version will be filed into the record.

C. Standing Order 2003-1 - Privacy

Under Standing Order 2003-1, parties are to refrain from including: (1) social security numbers; (2) the names of minor children; (3) dates of birth of individuals; and (4) financial account numbers, except as required by the bankruptcy rules. If it is necessary to include this information in documents filed with the court, parties are to redact the information in accordance with the standing order.

D. Amendments to social security numbers

If the debtor makes a mistake in the social security number, the debtor must:

(1) submit an “amended statement of social security number” as a private document with the complete social security number in pdf format as follows:

Click on Bankruptcy
Click on Other
Enter Case Number
Click on Amended Social Security Statement

and;

(2) serve interested parties – the trustee and the U.S. Trustee – if the amendment is filed before the creditors meeting; and serve all creditors if the amendment is filed after the creditors meeting.

Again, this entry will be seen on the docket report, but the public, including the party submitting the document, will **not** be able to view the pdf document. There will be no one free look through email, but an error message of “user access denied”.

E. Added creditors

If a debtor adds a creditor to the case, Rule 1009(a) requires that the debtor notice the trustee and affected parties, including the new creditor. The debtor must also send the new creditor the full SSN, and file a certificate of service verifying that this was done.

F. Additional information

Standing Order 2003-1 and additional information about the new privacy requirements are available on our website at <http://www.laeb.uscourts.gov/GenInfo/PrivacyAmendmentInfo.htm>. You may also go to <http://www.uscourts.gov/rules>. Click on “Pending Rules Amendments Awaiting Final Action,” and then select “Amendments Submitted to the Judicial Conference (Sept. 2002).”

II. Filing fees

A. New fee schedule

Court fees were raised on November 1, 2003. Among the most important of the new fee increases are:

Chapter 7	\$209.00
Chapter 11	\$839.00
Chapter 13	\$194.00
Motions to lift stay / withdraw reference/ compel abandonment	\$150.00
Notice of appeal / cross appeal	\$255.00

B. Installment payments

When paying filing fees in installments, the initial payment must be a minimum of \$54.00.

If you have any questions, please call the clerk’s office and ask for assistance.