



# Newsletter

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## Check Capture

Effective April 1, 2014 the court will implement check scanning using OTCnet for all checks presented to the court. Under this new process, source documents (e.g. checks) are converted to Automated Clearing House (ACH) debit entries, or processed as substitute checks.

### **NOTICE TO CUSTOMERS MAKING PAYMENT BY CHECK AND NOTICE TO CUSTOMERS PRESENTING CHECKS**

When you provide a check as payment, you authorize us either to use information from your check to make a one-time electronic fund transfer from your account or to process the payment as a check transaction. For inquiries please contact fiscal administration at 504-589-7860.

*Privacy Act* – A Privacy Act Statement required by 5.U.S.C. Section 552a(e)(3) stating our authority for soliciting and collecting the information from your check, and explaining the purpose and routine uses which will be made of your check, is available at (<http://www.fms.treas.gov/otcnet/index.html>) or by calling 866-945-7920 to obtain a copy by mail.

## New Location for Attorney Conference Room

On March 31, 2014 the attorney conference room located on the 7<sup>th</sup> floor, in front of the credit union, will be relocated to Suite 711 on the same floor.

Prior to moving we will post reminders and ask that once the conference room is relocated that parties be mindful not to congregate in the hallway or in front of the elevators but instead use the conference room for any discussions.

## Certificate of Mailing/Service

Certificates of mailing/service for a pleading, notice, objection, order, other paper or as directed by the court, must be in compliance with Federal Rules of Civil Procedure 5 and the applicable provisions of the Federal Bankruptcy Rules. Pursuant to Federal Bankruptcy Rule 5005(a)(2) and 7005, service pursuant to the ECF Guidelines also constitutes valid service.

Case administration quality checks certificates of mailing/service and will issue a Notice of Deficiency to the filing party in any instances where no certificate of mailing/service has been filed or an improper certificate of mailing/service has been filed.

A certificate of mailing/service must be endorsed by an attorney of record, the attorney's authorized agent or by a party if not represented by an attorney. The certificate must state:

- the date and method of service;
- the full names and addresses of the persons served;
- if persons are served in a representative capacity; the parties whom they represent.

When serving everyone on the mailing matrix, you may attach a copy of the mailing list to your certificate of service/mailling in lieu of re-typing all of the recipients. Simple statements on a certificate of mailing/service such as....***everyone on the mailing matrix was served or proper parties were served*** does not comply with the rules and a Notice of Deficiency will be issued.

- **Failure to Comply** – The Court may refuse consideration of or strike any pleading or document for which a certificate of service has not been filed or which does not otherwise comply with the rules.

## FINANCIAL MANAGEMENT CERTIFICATES

Unless a waiver has been granted, every individual in a chapter 7 case, chapter 11 case in which Section 1141(d)(3) applies, or chapter 13 case must file a Debtor's Certification of Completion of Postpetition Instructional Course Concerning Personal Financial Management (Official Form B 23). In a chapter 7 case the certification is due within 60 days of the date first set for the meeting of creditors under Section 341 of the Bankruptcy Code. In a chapter 13 case, it must be filed no later than the last payment made by the debtors as required by the plan or the filing of a Motion for Entry of Discharge under Section 1328(b) of the Code. If a joint petition is filed, each debtor must complete and file a separate certification.

**Before** filing a Motion for Entry of Discharge please double check that the debtor has in fact taken the financial management course and that the certification has been filed.

## Reminders

- **Ex-Parte Motions** – When filing an ex-parte motion please be sure to e-mail a proposed order to chambers. This will ensure your motion is handled in a timely manner.
- **Website** - Be on the look-out!! Our website will be getting a complete redesign in early Spring.
- **Pleadings Requiring Fees** – When electronically filing pleadings requiring fees be sure to enter the proper payment type in the receipt box. Entering “O” for other means you will be making payment at the clerk’s office. Leaving the receipt box blank means the fee will be paid by credit card using pay.gov.

Location: United States Bankruptcy Court  
Hale Boggs Federal Building  
500 Poydras Street, Suite B-601  
New Orleans, LA 70130

Hours: 8:30am to 4:30pm  
Monday-Friday, except federal holidays

Questions: 504-589-7878

E-mail your suggestions for a future topic to be included in the newsletter to:

[Newsletter@laeb.uscourts.gov](mailto:Newsletter@laeb.uscourts.gov)