



Clerk's Notes



January 2005

Thank you for the positive response and immediate action taken to the various memos from the Clerk's Office. We appreciate your support and cooperation in this time of great change to the Bankruptcy Court for the Eastern District of Louisiana!

Below is an update of some of the recent changes we have made, and also reminders of ways to alleviate recurring problems.

I. Delinquent and unpaid fees.

Reminder - LBR 5080-1(a) provides that:

“Filing fees for pleadings filed at the clerk's office require immediate payment. Filing fees for pleadings filed electronically from a location other than the clerk's office must be paid within two business days.”

The clerk's office has been having trouble collecting fees in some cases.

With the court's consent, procedures have been changed so that for pleadings filed electronically, unless the appropriate fee is timely paid within two business days, the petition or motion filed will be dismissed sua sponte on the third day.

Please make arrangements to pay all fees timely to avoid this.

II. Section Assignments

Continue to include the section assignments on captions to all pleadings.

“Section A” - cases that were assigned to Judge Brahney

“Section B” - cases assigned to Judge Brown.

We will continue to allot cases to Section A and Section B. Visiting judges will handle the Section A docket. In this context, Judge Brown is a “visiting judge” on the Section A docket. So, please leave the original section designation

to the case – do not change the designation to Section B merely because Judge Brown handled a hearing.

III. Submitting Proposed Orders

A. Email Addresses

Proposed orders should be sent to:

Section A: SectionAOrders@laeb.uscourts.gov

Section B: SectionBOrders@laeb.uscourts.gov

B. Do not include signature block

When submitting proposed orders, do not include a signature block for the bankruptcy judge. The proposed order should end with the text of the order.

C. Time for submitting orders

Because of the internal changes resulting from visiting judges handling Section A cases, it will help us greatly if practitioners submit orders related to hearings as soon as possible, and no later than noon on the Friday following the motion day. It is also acceptable to submit the order contemporaneously with the filing of the motion. We can hold the order until the hearing date.

IV. Emergency Filings

Our electronic filing system is available for filing at all times, except in rare instances when maintenance is being performed. Because attorneys may have problems with their computer systems, however, we have reinstated an emergency telephone number for after hours filing.

To make arrangements to file an emergency pleading after hours (e.g., an emergency pleading to stop a sheriff's sale or a notice of appeal), please contact the Clerk's Office during business hours (between 8:30 a.m. and 5:00 p.m.) If arrangements cannot be made during business hours and it is after hours, please call (504) 589-7878.

Although we will make every effort, we cannot guarantee that this number

will be answered at all times. Therefore, it is very important that if you anticipate the need for an emergency filing, you must make arrangements for an after hours filing with the Clerk's Office during business hours.

To file an emergency petition, it is necessary to file: the Voluntary Petition and signature pages; a list of creditors; the filing fee; a separately uploaded creditor matrix; and the Social Security Statement (Form 21).

V. Adversary Proceedings

A. New Summons Procedure

The procedures for issuing summons in adversary proceedings and involuntary cases changed in mid-December 2004. Under the new procedures, the plaintiff or petitioning creditor will present a completed summons form to the clerk's office via e-mail. The clerk's office will sign the summonses and issue them to the plaintiff or petitioning creditor for service on the defendant or alleged debtor. Templates for the summonses and detailed instructions about the procedure are on our website.

B. Attorneys for debtors

The Administrative Office in Washington, D.C., which provides support for the judiciary, is attempting to keep better track of our filings and statistics. To assist us, when filing adversary proceedings do not fill in the name of the defendant's/debtor's attorney. The defendant's attorney can fill in this information when an answer is filed.

Filing in the name of the defendant's attorney before the answer is filed interferes with our statistics.

C. Default Judgments

The court has initiated the following updated procedures on obtaining default judgments. These procedures apply in Section A and Section B.

Bankruptcy Rule 7055 sets forth the procedures for default judgments. If the claim is for a sum certain, and the mover submits an affidavit in compliance with the rule, the clerk of court may enter the default judgment, and no hearing is

necessary. Note, the affidavit must also comply with the Soldiers' and Sailors' Civil Relief Act, 50 U.S.C. Appendix § 521. Otherwise, the matter must be noticed for hearing. In addition, complaints to deny discharge under Section 727 and trustee's revocations of discharges must be set for hearing.

VI. CM/ECF Issues

A. Social Security Numbers OR the Privacy Act - 101

A social security number that is redacted to include only the last four digits is included on the voluntary petition. The complete SSN, however, must be entered in the case opening process.

The entire SSN must be entered on Form 21 - Statement of Social Security Number. Form 21 must be docketed under the event code, "Social Security Statement - Private". By docketing Form 21 under the private event code, it is viewable only by the court. Any attachment to Form 21 will also be viewable only by the court when docketed under the private event code.

If you fail to enter the full SSN in the case opening process and also fail to file Form 21, the clerk's office will generate an order to show cause. If you enter the full SSN in case opening, but fail to file Form 21, the clerk's office will generate a notice of deficiency. If the SSN's differ between Form 21 and the docket sheet, the clerk's office will generate a notice of deficiency.

Do not attach schedules to Form 21. The Statement of Social Security Number should be docketed by itself under the private event code. Any attachment will also be private and cannot be viewed by users other than the court. If you attach pleadings to Form 21, you will have to re-file those pleadings separately under the correct event codes. The clerk's office cannot delete the incorrect document or change the event code to make the schedules viewable.

B. Incorrect Social Security Numbers

If a debtor files a Form 21 with an incorrect SSN, the following procedures should be followed:

If the error is in the last 4 digits, the debtor/attorney must:

1. File an amended voluntary petition.
2. File an amended Form 21.
3. Send out a notice of correction of SSN that includes the complete incorrect number and the complete correct number to all creditors, parties in interest, the U.S. Trustee, and the credit reporting agencies.
4. File a certificate of service of correction of the SSN that states that the above parties were notified of the correction.

If the error is in the first 5 digits, the debtor/attorney must:

1. It is not necessary to file an amended voluntary petition because these numbers are redacted from the petition.
2. File an amended Form 21.
3. Send out a notice of correction of SSN that includes the complete incorrect number and the complete correct number to all creditors, parties in interest, the U.S. Trustee, and the credit reporting agencies.
4. File a certificate of service of correction of the SSN. The certificate should state that the above parties were notified of the correction.

Amendments to Form 21 should be filed under the event code “Amended Social Security Statement - Private”. Please include a brief explanation in the docket text as to why the amendment is being filed.

C. Amendments to Petitions

When filing an amendment to a voluntary petition, please include a brief explanation in the docket text as to why the amendment is being filed.

D. Public Calendar

We have added “Public Calendar”, the newest addition to CM/ECF, to our website. Public Calendar allows the public to quickly and easily view the court calendar without having to log in to CM/ECF or PACER.

E. Fonts

The Clerk’s Office has had difficulties in opening some orders and converting them to PDF format due to problems with the font.

To solve these problems, please submit orders and notices to the court using a “Standard Type 1 Font”. To ensure timely processing of orders and notices served by the Bankruptcy Noticing Center, all documents submitted to the court must contain ONLY the following fonts:

Courier (Regular, Bold, Oblique, and Bold Oblique)
Helvetica (Regular, Bold, Oblique, and Bold Oblique)
Times (Roman, Bold, Italic, and Bold Italic)

F. Size of Paper

Please remember to comply with Local Rule 5005-3, which states in part:

All papers to be filed in this court must be electronically sized to 8-1/2 by 11 inches, plainly written or printed without defacing erasures or interlineations, and must be double spaced, except that quotations and footnotes may be single spaced. To the extent possible, attachments to papers must likewise be electronically sized to 8-1/2 by 11 inches.

G. Size of document

Please do not file documents larger than 4 megabytes (MB). Such documents take up too much storage space on our computer systems, and make it difficult for users to download. Right now we are accepting these documents, but we are considering changing the rules to prevent that.

The settings on which scanners are set have a big impact on how many megabytes the resulting PDF document will have. If documents are scanned with correct settings, the time necessary to upload and download the documents can be greatly reduced.

The optimal setting for scanners when scanning documents for filing on the ECF system is:

Resolution = 200 DPI and
Image Type = black and white (NOT gray scale or color)

General instructions for setting the resolution and image type on a scanner

are:

- 1) Open Adobe Acrobat
- 2) Click File
- 3) Click Import
- 4) Click Scan
- 5) Make the appropriate changes
- 6) Close the Adobe Acrobat

Remember, if you have any questions about computer issues, contact the CM/ECF help desk at 589-7878.

H. Notices of Appeal

When filing a notice of appeal, click on the event code in the "Appeal" category. If the notice of appeal is filed in the "Notice" category, important deadlines behind the scene are not added. To help prevent an incorrect filing, a reminder has been added to the "Notice" event code that says: "To docket a Notice of Appeal, click back to the Appeal category."

VII. Rescheduling 341 meetings

We have changed the procedures for rescheduling 341 meetings. The court has adopted Standing Order 2004-1, which automatically resets the deadlines in cases when meetings of creditors are rescheduled. It is no longer necessary to have an order from the court in each case that resets the deadlines when a meeting of creditors is rescheduled.

VIII. Finally...

Please call the Clerk's Office if you have any questions about filing procedures.

Also, remember to look at our website. Information is added on a regular basis – <http://www.laeb.uscourts.gov>.

If you have any suggestions on issues that you would like to see addressed in future newsletters, please call Marla Hamilton, Clerk of Court, 589-7820.