



Clerk's Notes



April 2006

The Clerk's Office is glad to be back in New Orleans. Everything is operating quite smoothly considering the circumstances. We would like to take this opportunity to update you on some new procedures and remind you of some old ones. As always, if you have any questions, please feel free to contact the Clerk's Office for assistance.

I. General Information

A. Hours of operation

The new hours of operation of the Clerk's Office are 8:30 a.m. to 4:30 p.m. Make sure to update any notices of filing deadlines accordingly.

B. Section A procedures

Bankruptcy Judge Elizabeth W. Magner has instituted several new procedures to be applied in Section A, including procedures on how emergency situations will be handled. Go to our website <http://www.laeb.uscourts.gov>, click on "General Info", then "Court Procedures", and then "Section A Procedures".

C. Pro se information

We have added to our website an extensive packet of information useful to pro se debtors. It contains bar association contact information, links to the bankruptcy forms, and an itemization of some of the debtor's duties under the Code. Look at our website under "General Info".

D. Paperwork Reduction Act

The amendments to the Federal Bankruptcy Rules became effective on December 1, 2005. Based upon Rule 9036, the Clerk's Office modified the

CM/ECF software so that CM/ECF users with registered e-mails will no longer receive paper orders from the court.

E. Ordering old records

The form to order copies of old bankruptcy cases is located on our website under “Case Info”. Go to “National Archives and Records Administration”.

II. Filing Issues

A. Orders

(1) Orders should be submitted without markups

Some orders are submitted with the markup or redlining function turned on in the document. When our staff converts the order to .pdf for processing, the redlining comes through on the order. Please submit orders in final form without markup, redlining, or tracked changes.

(2) Subject line of orders

Local Bankruptcy Rule 5005-1(E) provides the requirements for submitting orders and judgments by e-mail. Please review this rule.

In particular, the requirements for the subject line of the e-mail are contained in LBR 5005(1)(E)(b), which in brief summary provides:

(1) Ex parte orders: If the order is in connection with an ex parte motion, the subject line of the e-mail should start with the word Ex parte, a space, then the six or seven digit adversary or bankruptcy case number, a space, then the chapter of the case, e.g.: Ex parte 05-12345 ch7

(2) Expedited orders: If the order is in connection with a motion for which expedited relief is sought, the subject line of the e-mail should start with the word Expedited, a space, then the six or seven digit adversary or bankruptcy number, a space, then the chapter of the case,

e.g.: Expedited 05-12345 ch13

(3) Matters noticed for hearing: If the order is in connection with a motion noticed for hearing, the subject line of the e-mail should start with the numeric date of the hearing, a space, then the six or seven digit adversary or bankruptcy case number, a space, then the chapter of the case, e.g.: 5/16/06 05-12345 ch11

B. Amended schedules

Amended schedules must include:

- (1) the debtor's signature, and
- (2) a certificate of service that the amendment was served upon the trustee and any entity affected thereby.

See Bankruptcy Rule 1009.

C. Signature block on pleadings

All pleadings filed by attorneys must be signed by counsel, and must include counsel's name, mailing and street addresses, telephone number, and attorney identification number. LBR 9011-1.

D. Late-filed objections

We have noticed that the number of late-filed objections has recently increased. Remember that objections are due 8 days before the motion day. LBR 9013-2(B). If an objection cannot be filed within the required 8 day period before the motion day, counsel should do the following:

Section A cases: File a motion for leave to file late objection along with the objection.

Section B cases: Contact the courtroom deputy by e-mail or phone to advise of the filing and to assure that the late filing is brought to the judge's attention in time for him to review it before the hearing.

E. Filing tax returns under BAPCPA

A new event code in CM/ECF has been created to file the tax returns that are required to be filed under the new provisions of 11 U.S.C. § 521. The event code – “Tax Documents - Private” – is a private event that is viewable only by court employees. The Clerk’s Office will only release the tax returns upon the entry of a court order. Even though the document is filed as a private event, debtors should still redact any personal identifiers from the tax returns filed in the event that it needs to be transmitted to third parties. The Clerk’s Office is not responsible for redacting any private information.

III. CM/ECF Issues

A. E-mail addresses and lists

(1) Keep your e-mail address current

The e-mail address of a CM/ECF user is as important to the court as counsels’ street and mailing address. Please remember to update the court with new e-mail addresses so that you will continue to receive notices and orders from the court. Also, consider adding secondary e-mail address(es) in your contact information.

(2) E-mail lists

The court has three basic lists of e-mail addresses for attorneys/CM/ECF users. The first list is the entire list of all users who have been given CM/ECF passwords by the court. This list is used when the court sends important announcements that affect all CM/ECF users.

There are also two additional lists for e-mailing motion day calendars to interested parties - one for Section A and one for Section B. Counsel who are interested in receiving the final motion day calendars a few days before the actual motion day hearings may request to be added to these lists. If you would like to receive advance notice of the motion day calendars, send an e-mail to webmaster@laeb.uscourts.gov with the e-mail address(es) to be included. Please be sure to indicate if you would like to receive the Section A calendar, the Section

B calendar, or both.

Reviewing the calendar before motion day will give you valuable information, including whether an appearance is necessary and where you are on the docket.

B. Confusion between CM/ECF and PACER

There has been some confusion about the differences between CM/ECF and PACER.

The CM/ECF system is used to file documents. The PACER system is used to view documents. This court gives CM/ECF passwords to attorneys and creditors who take the CM/ECF class or who have taken a CM/ECF class in another court. PACER passwords are given by the PACER Service Center to users who wish to view court records for a fee of \$.08 per page. The logins and passwords for the two systems are different.

If a user is filing documents in the CM/ECF system, and clicks on “Query” or “Reports”, the system will revert to the PACER system. Although PACER requires a different login and password, if the user clicks on “Make this my default PACER login” on the bottom of the PACER login screen, the system will remember the PACER password. The next time that the user logs in to CM/ECF, it will not be necessary to add the PACER password if the user wishes to view a document in PACER.

IV. Fee Issues

A. Pay.gov

We are generally pleased with the way that Pay.gov has been processing payments on credit cards. We have noticed, however, that the system sometimes has lengthy delays when processing the credit cards. When filing a pleading that requires a fee, after you click on the button that completes the filing, WAIT for the system to complete the process and charge the credit card. If you hit the button more than once, additional charges will accrue to the credit card.

B. Fees on consent motions to lift stay

Reminder that there is no filing fee on a consent motion to lift stay when all parties have signed the motion. The appropriate event code to be used is: “08 Relief from Stay (Consent No Fee).”

C. Reopening a case to avoid lien

Reminder that a motion to reopen a case to avoid lien does not require a filing fee. When filing such a motion, use the event code that states: “Reopen Cancel Lien (Fee Waived)”. If a different event code is used, a fee will be charged.

V. New Standing Orders

A. New Standing Orders

Three new standing orders were entered due to the changes in the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (“BAPCPA”) and because of the increasing number of payments received by credit cards.

(1) Standing Order # 2006-1 deals with the filing of payment advices under 11 U.S.C. § 521(a)(1)(B)(iv).

(2) Standing Order # 2006-2 sets out procedures for debtors who are asserting an exception to the limitation of the automatic stay under 11 U.S.C. § 362(1) for depositing rent monies.

(3) Standing Order # 2006-3 sets out limited circumstances when refunds of filings fees may be issued by the clerk.

The standing orders are on the court’s website under “Local Rules”.

VI. Miscellaneous

A. Pro Bono Assistance

An effort is under way to develop a program to assist debtors or potential

debtors with their credit problems. If you are interested, please contact

(1) Ellen Barrett Artopoeus, at The Pro Bono Project,
(504) 581-4043, eartopoeus@probono-no.org, or

(2) Paul Tuttle, at New Orleans Legal Assistance, an Office of
Southeast Louisiana Legal Services, (504) 529-1000,
rptuttle@nolac.org.

B. NACBA Meeting

The National Association of Consumer Bankruptcy Attorneys is having their annual convention at the New Orleans Marriott on May 19-21. The 2 1/2 day seminar is full of useful information on practicing consumer bankruptcy law. For registration information go to <http://www.nacba.org/>.

C. 14th Annual Judge Alvin B. Rubin Symposium

The New Orleans Chapter of the Federal Bar Association is having the 14th Annual Judge Alvin B. Rubin Symposium on May 18, 2006 from 2:00 - 4:00 p.m. in the ceremonial courtroom of the Federal District Court. The topic is “A Pandora’s Box: The Attorney Client Privilege”. Those attending will receive 2 hours of CLE credit, including Ethics and Professionalism. Contact Karen Williams, at the Attorney Conference Center, (504) 589-7990, for more information.

VII. Finally . . .

Check our website on a regular basis – <http://www.laeb.uscourts.gov>. Please call the Clerk’s Office if you have any questions about filing procedures.

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.