



Clerk's Notes



May 2007

Below is an update of recent changes and suggestions for practicing in the United States Bankruptcy Court for the Eastern District of Louisiana.

I. Privacy Issues

A. Safeguarding the Debtor's Social Security Number

The judiciary's privacy policy and the local bankruptcy rules restrict the publication of certain personal data in documents filed with the court. The policy and local rule: (1) limit the use of social security numbers to the last four digits; (2) require that for the names of minor children, only initials are used, and (3) limit the use of dates of birth to the year of birth. *See* LBR 5005-1(F). Counsel and the parties involved are responsible for redacting personal identifiers in court filings.

We have recently noticed that attorneys are including a photocopy of the debtor's driver's license at the end of the schedules or sometimes as a separate document. PROTECT THE DEBTOR'S PRIVACY - DO NOT DO THIS. The only document that needs to be filed into the record is the completed Form 21 - Statement of SSN. At the Section 341 meeting, the debtor will be required to show a picture identification. But, the identification should not be filed into the record.

There is a separate event code for the SSN, which allows the SSN to be filed as a private document that the public will not be able to view.

B. Safeguarding Personal Information in Transcripts

The same privacy concerns are involved in transcripts, which are now filed and available electronically. To avoid the cumbersome process of redacting private information from transcripts, it is better to keep sensitive information out of transcripts in the first place. Please avoid eliciting the above personal information

from witnesses or mentioning this information during court hearings. This will help to ensure that electronic transcripts available to the public do not contain private information.

II. “Ten Things to do in Filing Bankruptcy Cases”

The following section comes from the presentation: “*Ten Things to do in Filing Chapter 7 Cases (plus a few more)*” made on March 30, 2007 by Marla Hamilton, Clerk of Court, and Brian Richoux, Chief Deputy, at the Bankruptcy CLE sponsored by The Pro Bono Project & The Bankruptcy Section of the Louisiana State Bar. The suggestions are equally applicable to all chapters of the Code.

1. Check for previous bankruptcy filings.

Check to see if the debtor has filed for bankruptcy before. List any prior cases found on page 2 of the Voluntary Petition.

To determine if a previous filing was made, go to the court’s website. Click on “Links”. Click on “US Party/Case Index”. It is easiest to research by social security number. All PACER users have access to this index.

Also, all outstanding filing fees for previously filed cases are owed. The debtor risks having the current case dismissed if outstanding fees are not paid.

2. The social security number - Form 21.

Use the correct social security number on Form 21, “Statement of Social Security Number(s)”. Docket the form under the private event code, “Social Security Statement - Private.”

Do not attach any other document to the social security statement because all the attachments will be made private as well.

3. Spell the debtor’s name correctly.

4. Debtor’s address.

Use the debtor's correct address. The petition form has a street address and a mailing address section. If the debtor has a mailing address, be sure to enter it during the case opening process so that the debtor can receive orders and notices by conventional mail.

5. Mailing matrix.

Local Bankruptcy Rule 1007-2 requires that anyone filing a petition must file a complete mailing matrix, which includes the correct name and address of all known creditors and parties in interest.

The mailing matrix must be uploaded in text (".txt") format. To upload a matrix, click on "Bankruptcy", then "Creditor Maintenance", then "Upload a creditor matrix file". It is insufficient to attach the matrix to the end of the petition.

6. Complete all forms in the petition.

We have noticed that some debtors are not completing Exhibit D, entitled "Individual Debtor's Statement of Compliance With Credit Counseling Requirement". At this time, credit counseling is not required in this district. Be sure to check off the appropriate box.

7. Use the current petition forms.

The most recent official bankruptcy forms are on the court's website under "Forms/Publications."

8. The Means Test and Poverty Guidelines.

To find the median income level by family size, and the poverty guidelines for use in determining whether an *In Forma Pauperis* application may be filed:

- go to the court's website;
- click on "Bankruptcy Abuse Prevention and Consumer Protection Act of 2005";
- click on "2005 Bankruptcy Act Resources".

To determine the median income level:

- Under "Means Testing", click on "Census Bureau and IRS Information"

- Click on “U.S. Trustee Program Means Testing”.
- On the bottom of the screen under “Data Required for Completing Form B22A and Form B22C, select the time period from the drop-down list and click “go”.
- Click on the blue hyperlink in Section I to get a table of “Census Bureau Median Family Income by Size”.

To get the poverty guidelines, under “Chapter 7 Fee Waivers”, click on “2007 Poverty Guidelines”.

9. Reaffirmation Agreements.

Substantial changes have been made to the reaffirmation agreement forms. Part C, entitled “Certification by Debtor’s Attorney (If Any)”, is meant to be signed by the debtor’s attorney. If you decide not to sign Part C, then the reaffirmation agreement will be treated as being filed *pro se* and must be set for hearing on a motion day.

10. Amendments to schedules.

A new event code – *Amended D, E or F and/or Amended Creditor Matrix (Fee)* – has been created so that multiple amendments can be filed as one pleading, with a single \$26.00 fee.

11. Fill in the correct time and date on notices of hearings.

Check the court’s website – <http://www.laeb.uscourts.gov/> – for the dates and times of motion days. Also, objections to matters already scheduled for hearing must be set for the same date and time.

12. Submitting orders in the CM/ECF world.

Orders submitted to the judges for signature should be submitted in a word-processing format. E-mail orders as a Word or WordPerfect attachment to the appropriate chambers: SectionAOrders@laeb.uscourts.gov and SectionBOrders@laeb.uscourts.gov.

Do NOT submit orders in PDF format. Orders attached to the motion will not be processed. Submit the order as above.

III. Finally . . .

Check our website for updates on a regular basis –
<http://www.laeb.uscourts.gov>. If you have suggestions on issues that you would like to see addressed in future newsletters, please call Marla Hamilton, Clerk of Court, 589-7820.