



# Clerk's Notes



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May 2008

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

## I. Website Update

We have redesigned and updated our website – [www.laeb.uscourts.gov](http://www.laeb.uscourts.gov) – with a view to making it easier to find information and to make the site more user-friendly. Please give us any comments or suggestions you may have.

## II. Policies for Court Appearances by Telephone

Section A has developed policies for allowing counsel to appear at hearings by telephone in certain circumstances. The policies are located on the court's website. Click on "Procedures"; click on "Section A Procedures"; scroll down to "Telephonic Court Appearance".

For Section B, contact chambers as needed.

## III. CM/ECF Info

### A. Version 3.2 coming soon.

Version 3.2 of CM/ECF will be installed in the next few months. This version has significant changes from the present version, including the ability to select several documents from a docket sheet at the same time.

One of the major changes is the implementation of procedures to automate the Judicial Conference policy of limiting access to transcripts for 90 days following delivery to the court. Additional information on the new procedures will follow.

## B. Tax Returns.

We have noticed that some attorneys are attaching copies of debtors' tax return to the petition and are not redacting the debtors' social security numbers. This is a practice that should be avoided because the debtors' social security number and other personal identifiers are available to the public. The Clerk's Office is not responsible for redacting private information.

The Bankruptcy Code does not require that debtors file tax returns with the court. *See* 11 U.S.C. § 521(e) and (f). Instead, debtors are required to provide the trustee with a copy of the federal tax returns. 11 U.S.C. § 521(e)(2)(A). [The only exception are small business cases, in which the debtor is required to append the federal income tax return to the petition. 11 U.S.C. § 1116(1)(A).]

Some of the debtor attorneys have suggested that it would be convenient to file the tax returns into the record under an event code that would allow only the parties to a particular case to have access to the tax returns, and would keep the general public from having access to the returns. Unfortunately, this is not an option because CM/ECF does not permit a "semi-private" event such as this. Documents are either available to the public or only to court users; there is no intermediate level of privacy that would permit this suggestion.

As a convenience to debtors, the Clerk's Office created a new event code in CM/ECF for filing tax returns. The event code is located in CM/ECF under "Bankruptcy", "Other", "Tax Documents - Private". Tax returns that are filed using this event code are viewable only by court employees. Even though this event code is private, debtors should still redact any personal identifiers from filed tax returns because the tax return may be released if a creditor files a motion and the court grants the motion in accordance with 11 U.S.C. § 521(f).

Additional information about filing tax returns is located on our website. Click on "Rules and Orders"; click on "Bankruptcy Abuse and Consumer Protection Act of 2005"; and click on "Tax Return Guidance".

## C. The Creditor Mailing Matrix

The Clerk's Office has been working to ensure that all ECF users may easily locate and access the most current creditor mailing matrix, which includes

addresses for all creditors (including registered preferred addresses), parties, and attorneys.

If a creditor has registered with the National Creditor Registration Service (NCRS) and listed a preferred address, the preferred address will be denoted on the creditor mailing matrix with a “(p)” and the address of the entity that was replaced will be referenced at the bottom or last page of the list.

The “Special Mailing Group” consists of local, state, and federal taxing authorities, the U.S. Attorney’s Office, and the Security and Exchange Commission. This group of creditors only has to be noticed on petitions and motions or pleadings that directly pertain to them.

Use the following instructions to generate the Creditor Mailing Matrix in CM/ECF.

- Login to the CM/ECF Document Filing System at <https://ecf.laeb.uscourts.gov>
- Select Reports on the blue tool bar
- Select Creditor Mailing Matrix from the report's menu
- Enter the case number for the matrix to be generated
- If the “Special Mailing Group” is to be included, click on “All” or “sg1”. If the Special Mailing Group is to be excluded, click on the blank space that the computer defaults to.
- Select [Run Report] to run the complete creditor mailing matrix

#### D. Privacy issues.

(1) Documents filed with the court. Reminder to redact Social Security numbers to the last four digits on all documents that are filed.

Creditors need to redact debtors’ SSN’s on proofs of claims.

(2) Court hearings.

Extensive procedures regarding access to court transcripts will be taking effect when CM/ECF 3.2 is implemented in the next few months.

To help avoid the necessity of redacting transcripts, counsel should refrain

from mentioning or eliciting from witnesses the full social security number and financial account numbers, the names of minor children, and dates of birth. Social security and financial account numbers should be referred to by only the last four digits. Minor children should be referred to only by initials. Birth dates should refer to the year only. *See* Bankruptcy Rule 9037 and LBR 5005-1(F).

#### IV. Submitting Orders

##### A. Include Section Designation and Chapter

The section designation and chapter are required in the caption of all pleadings and orders. Please double-check the accuracy before filing.

##### B. Submit orders in a word-processing format

Orders submitted to the judges for signature should be submitted in a word-processing format.

##### C. Include the hearing date in the order, if applicable.

If an order was heard or set for hearing on a motion day and then consented to, the order should begin by reciting the motion and the hearing date.

##### D. Time to submit orders

Both Section A and Section B require that the order be submitted within **2 days** of the hearing date. Occasionally, extra time to submit the orders is allowed at the request of counsel. Failure to submit orders in a timely manner, may result in counsel being issued a Rule to Show Cause to explain the delay.

##### E. E-mailing proposed orders

Send the proposed orders by e-mail to the appropriate chambers address: [SectionAOrders@laeb.uscourts.gov](mailto:SectionAOrders@laeb.uscourts.gov) or [SectionBOrders@laeb.uscourts.gov](mailto:SectionBOrders@laeb.uscourts.gov).

The orders e-mail boxes for Sections A and B receive hundreds of e-mails every day. To process the orders efficiently, the e-mails are separated into folders according to the subject line. If the e-mail has the wrong subject line, it delays the

processing of the order.

In accordance with Amended Local Rule 5005-1(E)(b), the subject line should be as follows:

(1) Orders submitted with motions seeking **ex parte** relief – 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 04-12345 ch7**

(2) Orders submitted for **expedited hearing** – 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 04-12345 ch7**

(3) Orders submitted in matters that are **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.: **11/27/07 04-12345 ch7**

Some confusion exists about motions that are consented to by the parties. If the motion was originally set for hearing on a motion day, and then later consented to, it should be filed as per (3) above. If the motion is not expedited and was never set for hearing, it should be filed with the ex parte motion subject line.

## VII. 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.