



Clerk's Notes



June 2009

I. Address Changes

We have made it easier for you to let us know about changes to your mailing address, phone number, or email address. Send an email to: webmaster@laeb.uscourts.gov with the new information. (A link to this email address is on our website under “Attorney Information”). We will send a return email confirming that we have made the address change.

If you prefer, you may send a notice by regular mail to:

Systems Department
Attn: Address Change
United States Bankruptcy Court
500 Poydras Street, Suite B-601
New Orleans, Louisiana 70130

Requests made to change addresses using either of these methods will result in your address being changed in all cases in which you are listed in CM/ECF.

In the rare situation when you would like an address change to be made only in a specific case or cases, log on to CM/ECF. Click on “Bankruptcy”. “Other”. Type in the case number. Click on “Request for Change of Address”.

II. Motions

A. Pending Motions

After the hearing on a motion, the court will often ask the parties to submit the order. If the order is not submitted, the motion remains “pending” in CM/ECF. Some motions have been outstanding for some time.

The court is continuing our recent efforts to resolve the pending motions. We are reviewing all of the outstanding motions and taking the necessary steps to terminate them. Therefore, attorneys may be receiving notices to submit orders on motions that were heard long ago. If you receive such a notice, please submit the order promptly to help us clean up the backlog.

Going forward, please remember to submit orders within 2 days after a motion is heard.

B. Ex Parte Motions

All ex parte motions require an order. Please do not attach the proposed order to the motion. Instead, send the order to chambers, as an attachment to an e-mail at the same time or immediately after the motion has been filed. *See* Local Rule 5005-1(E).

III. Attorney admissions

In March 2009, the Judicial Conference of the United States issued a policy that asks federal courts, both in regular and *pro hac vice* admissions, to verify the state bar admission status of attorneys seeking to practice before the court. As a result, we are now checking that all applications for CM/ECF attorney passwords and *pro hac vice* applications are made by attorneys with current bar membership.

We are also checking for current bar membership in the Eastern District of Louisiana. We have found that a number of attorneys have “suspended” status because they forgot to report address changes to the District Court. Please remember that you must have “active” status to practice in the Eastern District of Louisiana before you appear in the Bankruptcy Court.

IV. Small Business Chapter 11's

Bankruptcy Code § 1116(1)(A) and (B) requires that certain documents must be appended to the petition – the most recent balance sheet, statement of operations, cash-flow statement, and Federal income tax return. Alternatively, the debtor may file a statement that no balance sheet, statement of operations, or cash-flow statement has been prepared and no Federal tax return has been filed.

The Clerk's Office has noticed that in many cases debtors have not been attaching these documents to the petition. A notice of deficiency is issued if the appropriate documents are not attached.

V. Amending Schedules

We routinely receive motions to amend schedules when a motion is not required.

Chapter 7 - While the case is open, a motion is not required. File the amended schedules with a certificate of service that the amendment was served upon the trustee and any entity affected thereby. *See* Bankruptcy Rule 1009.

Chapter 13 - Before confirmation, a motion to amend schedules and/or the plan is not required. File the amended schedules and/or the amended plan with a certificate of service that the amendment was served upon the entire mailing matrix.

After confirmation, a motion, notice of hearing and certificate of service are required.

VI. 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.