



Clerk's Notes



October 2006

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

I. CM/ECF Version 3.1

A. Installation of Version 3.1

We will be upgrading CM/ECF to Version 3.1 beginning at 4:30 p.m. on Friday, October 13. CM/ECF will NOT be available until the update is installed and tested, possibly lasting throughout the weekend.

B. In general

The Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 imposed new statistical reporting requirements on the judiciary that go into effect on October 17, 2006. Version 3.1 of CM/ECF is designed primarily to collect and transmit additional data about bankruptcy filings and adversary proceedings as required by BAPCPA.

An attorney training manual for Version 3.1 is posted on our website under “Announcements”. The manual does not contain all of the information necessary to capture the statistical requirements of BAPCPA. Read below for additional requirements.

Practitioners will notice some changes to case opening screens. Attorneys will now be required to enter total amounts from the schedules and statements of current monthly income in the case opening process. Some of the official forms have also been revised, including the Voluntary Petition, Summary of Schedules, and Schedules D, E, F, I, and J. In addition, the adversary proceeding cover sheet has been changed and has a new numbering system for the different types of suits.

The main page of the court's website contains a link to the forms.

C. Specific changes

1. Amended Motions

An amended motion should be filed under the Amended Motion event code and linked to the original motion. Using this procedure, the correct statistics will be captured. If the filer docket the amended motion by going to the original motion event code and picking the word "amended" from the drop-down prefix box, CM/ECF will count this as a second motion. If a fee is attached, an additional fee will be charged.

Objections should be linked to both the amended motion and the original motion.

2. Generic Motions

Avoid selecting the generic motion event code if a specific motion event code is available. If you are having trouble finding the correct motion event code, contact the case administrator for assistance. Generic motions will be deemed deficient, and attorneys will be asked to re-file the motion under the correct event code.

3. Amended v. Modified Plans

BAPCPA requires the courts to capture statistics on amendments to plans before and after plan confirmation. To correctly capture the statistics, CM/ECF defines an "amended" plan as one filed **before** confirmation, and a "modified" plan as one filed **after** confirmation. Attorneys should file a separate amended or modified plan when the court grants the amendment or modification.

Motions to suspend plan payments are considered to be modifications to plans. A separate plan modification should be filed when the court grants a motion to suspend plan payments.

4. Schedules and Amended Schedules

Because filers will be prompted to enter the total amount of an individual schedule, each schedule or amended schedule filed after the original petition is filed must be filed separately.

5. Summary of Schedules

Page 2 of the Summary of Schedules has been modified to collect additional data. Page 2 is now entitled “Statistical Summary of Certain Liabilities and Related Data (28 U.S.C. § 159)”.

Because the clerk's office must now monitor the filing of these items, if the items are not filed together with the petition in the case opening process, the clerk’s office will issue a deficiency and set a 15-day deadline in CM/ECF.

II. Event codes / Linkages

We have noticed an increasing number of pleadings filed with an incorrect event code or improperly linked. For example, objections to a plan of reorganization or disclosure statement have a special event code under “Bankruptcy”, “Plan”, and then “Objection to Confirmation of Plan” or “Objection to Disclosure Statement”. When filed correctly, the plan hearing date will be displayed and the objection will link correctly to the plan. If the objection is filed incorrectly as a generic objection, it will not be linked to the plan and will not appear on the judge’s calendar. The judge may not be aware of it when the hearing is held on the plan.

Objections should be linked to the motion, application, or plan to which the objection refers.

Similarly, amended pleadings must be linked to the original pleading. If the amended pleading is not linked, it will not appear on the judges’ calendar and the judge may not be aware of it when the matter comes up for hearing.

If you have any question about docketing, please call the Case Administration section. We would rather help you docket a pleading using the correct procedures than attempt to make corrections after docketing has been completed.

III. Motion Day Calendars

The clerk's office sends out an e-mail a few days before each motion day that contains a link to the final motion day calendar. The final calendar contains the matters that will actually come up for hearing. Save yourself an unnecessary trip to court, and look at the final calendar as sent out by the clerk's office.

To receive advance notice of the motion day calendars, send an e-mail to webmaster@laeb.uscourts.gov with the name and 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.

IV. Submitting orders to the court

Please submit proposed orders promptly after the hearing is held. This allows for faster and more efficient processing by the court.

The correct email addresses to submit proposed orders to the court are:

orders for Section A - SectionAOrders@laeb.uscourts.gov
orders for Section B - SectionBOrders@laeb.uscourts.gov

The following email addresses have been deactivated. Emails sent to these addresses will fail:

Orders_Brahney@laeb.uscourts.gov and
Orders_Brown@laeb.uscourts.gov

Please refer to LBR. 5005-1(E), entitled "Electronic Submission of Orders and Judgments" for the complete procedures on how to file proposed orders.

V. Prior filings

Reminder that as part of our quality control process, the clerk's office checks whether the debtor has any prior bankruptcy filings. The information is given to the judges' chambers, and may affect the applicability of the automatic stay.

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.