



# Clerk's Notes



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December 2007

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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. New Bankruptcy Rules

### A. Privacy Issues - New Bankruptcy Rule 9037

The amendments to the Bankruptcy Rules that implement the E-Government Act of 2002 became effective on December 1, 2007. The new Bankruptcy Rule 9037 provides that a party or nonparty filing a document is responsible for redacting personal information of an individual, so that the filing includes only the last four digits of the social security number and taxpayer identification number, the year of the individual's birth, minor's initials, and the last four digits of the financial account number. This rule operates in conjunction with Local Rule 5005-1(F).

The comment to Rule 9037 and our Local Rule 5005-1(F) provides that the Clerk's Office is not required to review documents to ensure compliance with the rule.

Counsel should familiarize themselves with the new privacy Rule 9037. Additional information is located at: <http://www.uscourts.gov/rules/privacy2.html>

### B. Other new bankruptcy rules

Changes to Bankruptcy Rules 1014, 3007, 4001, 6006, and 7007.1, as well as new Rule 6003, 9005.1, and 9037 became effective on December 1, 2007. Look under "What's New" on our website for a link to the Federal Rulemaking site that explains the changes.

## II. BAPCPA

### A. Payment Advices

The court repealed Standing Order 2006-1, and entered an order that effective January 1, 2008, attorneys should file payment advices pursuant to 11 U.S.C. § 521(a)(1)(B)(iv) and within the time limits specified in Bankruptcy Rule 1007(c).

Attorneys have two options for filing payment advices:

- (1) attach the payment advice behind the petition, or
- (2) file it under the “Payment Advices” event code, which is located under “Bankruptcy”, “Other”.

Counsel can use these options immediately or wait until January 1, 2008, as they choose.

Remember to redact Social Security numbers before filing!

### B. Reaffirmation Agreements.

With the change in the bankruptcy laws, we see more reaffirmation agreements set for hearing. Counsel are forgetting to completely fill out the forms, especially Part D, which lists the debtor's income and expenses. This information is required for the judge to determine if the reaffirmation poses a hardship on the debtor.

## III. CM/ECF

### A. Orders

#### 1. Submitting orders for signature

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 your e-mail has the wrong subject line, it delays the processing of the order. Your orders will be processed more efficiently if they are submitted with the correct subject line on the e-mail. In accordance with 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.

## 2. Time period for submitting orders

Both Section A and Section B require that the dispositive order be submitted within **2 days** of the hearing date.

## B. Creditor Mailing Matrix

The Clerk's Office has been working to ensure that all ECF users may easily locate and access the most current court mailing matrix, which should include addresses for all creditors, parties, and attorneys.

If a creditor has registered with the National Creditor Registration Service

(NCRS) and substituted a preferred address at the NCRS, the preferred address will be denoted on the current court 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.

Please use the following instructions to generate the Current Court 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
- The report is set up to default for all creditors, parties, and attorneys; therefore, additional selections are not necessary
- Select [Run Report] to run the Creditor Mailing Matrix

### C. Appeals Designations

Designations on appeal must contain the pleading name and number. We no longer require appellants and appellees to provide the office with copies of designated items, unless the pleading or attachment is very large or is not contained in the ECF database due to systems limitations. In this situation, the party must provide the designated items to the clerk.

### D. Generic Motions

Avoid selecting the generic motion event code if a specific motion event code is available. If you have 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.

## IV. Exhibit Labels

When placing exhibit labels on exhibits, please use white exhibit labels. When colored exhibit labels are scanned, they become too dark and are illegible.

## V. New Transcript fee rates

The procedure for ordering transcripts of hearings is available on the Court's website under "General Info", "Court Procedures". The charges for ordering transcripts increased effective October 1, 2007 to:

	Original Copy	First Copy	Add'l Copy
<b>ORDINARY TRANSCRIPT (30 day)</b> A transcript to be delivered in 30 calendar days after receipt of order.	\$3.65 per page	\$.90	\$.60
<b>14-DAY TRANSCRIPT</b> A transcript to be delivered in 14 calendar days after receipt of order.	\$4.25 per page	\$.90	\$.60
<b>EXPEDITED TRANSCRIPT (7 day)</b> A transcript to be delivered in 7 calendar days after receipt of order.	\$4.85 per page	\$.90	\$.60
<b>DAILY TRANSCRIPT</b> A transcript to be delivered the following business day after receipt of order. (This option is available only for hearings of less than 2 hours. )	\$6.05 per page	\$.90	\$.60

## VI. Trustee News

The U.S. Trustee Program lockbox operations migrated to the Wachovia Bank effective March 6, 2007. The Treasury Department stopped forwarding mail sent to the old address lockbox on November 30, 2007. Please ensure that UST quarterly fees are sent to the Wachovia Lockbox address:

U.S. Trustee Payment Center  
P.O. Box 70937  
Charlotte, NC 28272-0937.

## 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.