



Clerk's Notes



July 2004

Below are some suggestions on ways to increase efficiency in the CM/ECF system, and remind users about ways to avoid common errors in filing pleadings.

New Local Rules and New Court Address

Reminder that our local rules were amended effective June 2, 2004. They may be accessed on our website.

The address of the Clerk's Office has been changed to:

500 Poydras Street, Suite B-601
New Orleans, LA 70130-3386

The courtroom numbers are now:

Chief Judge T. M. Brahney, III
– Courtroom B-709

Judge Jerry A. Brown
– Courtroom B-705

Please change the addresses on your notices of hearing accordingly.

Proofs of Claim

Bankruptcy Rule 3001 provides that when a proof of claim is based on a writing, the original or duplicate of the writing must be filed with the proof of claim. The documentation should comply with the rule and provide sufficient information for a trustee to make a determination in most cases. It is not necessary, however, to include voluminous records. If the documents in support

are numerous, a summary is acceptable at least until a dispute arises. Fed.R.Bankr.P. 3001, Editors' Comment (c).

Please, help us keep our records manageable by only filing necessary information in support of proofs of claim, and by filing summaries when the supporting documentation is voluminous!

Also - proofs of claim must be filed electronically. Creditors who consistently attempt to file claims in

paper form may have their claims returned unfiled.

Debtor's Name

To avoid problems from debtors with similar names, use the debtor's complete name, including full middle name and suffixes on the petition.

Change of debtor's address

One of the debtor's duties is to file a statement of any change of address. Fed.R.Bankr.P. 4002. Attorneys representing debtors should advise their clients that debtors have an

obligation to advise the court of any change in their addresses until the case is closed and while any adversary proceedings are pending.

Filing petitions

To make our records easier to use, when filing petitions, upload the documents in the following order:

Voluntary Petition (Official Form 1)
Summary of Schedules (Official Form 6)
Schedules
Statement of Financial Affairs (Official Form 7)
Statement of Intention (Official Form 8)
Disclosure of Attorney Compensation Under Rule 2016(b)
Verification of Creditor Matrix

If it is an emergency filing, at least these documents should be filed in the following order:

Voluntary Petition (Official Form 1)
List of creditors

When filing Chapter 13 cases, attorneys are reminded to always select "Y(es)" in the deficiencies field, and later to select the Chapter 13 Plan as the deficient item. Omitting these steps prevents the setting of the Chapter 13 Plan

deadline date.

Further, “Y(es)” should be selected in the deficiencies field in all cases when schedules and the statement of financial affairs are not filed with the petition, or “N(o)” when schedules and the statement of financial affairs are filed with the petition.

The "Attorney User's Guide" is available on the court's website under "CM/ECF Info."

Adding Creditors

If a debtor adds creditors to the case, Rule 1009(a) requires that the debtor notice the trustee and affected parties, including the new creditors. The debtor must also notice the new creditors with: (1) the full SSN, (2) the date of the meeting of creditors, and (3) a copy of the Notice of Commencement of Case. Finally, the debtor must file a certificate of service verifying that this has been done.

For CM/ECF purposes, after the initial mailing matrix has been uploaded and additional creditors are added, the amendments to the creditor list should be filed as a pleading in PDF format. The Clerk’s Office will add the additional creditors to the database. If you are adding a large number of creditors, please contact the case administrator to let him (her) know.

Motions to cancel liens

If the case has been closed, the debtor must first file a motion to reopen the case. This motion must be served on the U.S. Trustee’s Office and the creditors affected.

cancel lien. This motion must be served on the U.S. Trustee’s Office, the creditors affected, AND the appropriate clerk of court, or recorder of mortgages. Failure to follow these procedures may result in your motion being continued or denied.

The debtor must then file a motion to

Credit Card Updates

Be sure to send us an original updated credit card authorization form anytime a change occurs to the card. This

would happen, for example, when the card expires or an attorney changes law firms. To find the appropriate

form, go to our website, click on CM/ECF Info, and then go to ECF

forms and click on the credit card collection authorization form.

Font Size

All motions, applications, memoranda, and judgments/orders must be typed or written in a size format that is sufficient to read without difficulty. LBR 5005-3.

Remember that the judges see a lot of paper, and do not like to squint when reviewing documents! The larger the font the better!

Finally . . .

Please remember to call the Clerk's Office if you have any questions about filing procedures. We would rather help you file it correctly than have to fix it!

Look at our website! Information is added on a regular basis – <http://www.laeb.uscourts.gov>. We

recently updated the "Frequently Asked Questions" section. To access, look under "General Information".

If you have any suggestions on issues that you would like to see addressed in future newsletters, please call Marla Hamilton, Clerk of Court, 589-7820.