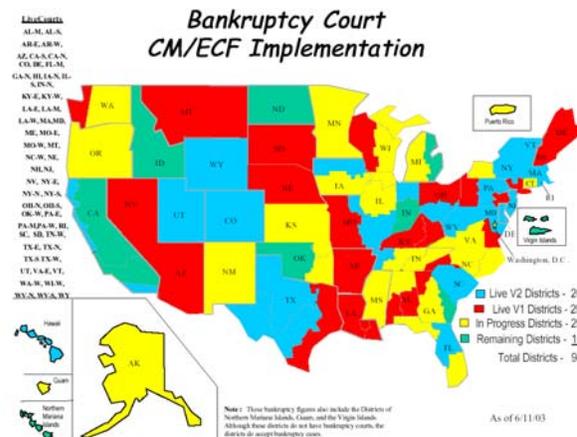


## CM/ECF News

**LIVE ON CM/ECF.** The United States Bankruptcy Court for the District of Hawaii officially went “live” on the new Case Management / Electronic Case Files (CM/ECF) system on June 9, 2003. This followed a conversion of all data in the court’s case files, except for document images, on the evening of June 6. After importing the data into CM/ECF, court staff tested the system the next day and the Chapter 13 Trustee, Howard M.S. Hu, became the first non-court ECF user to docket events over the Internet on June 7, 2003. Hawaii has now joined about 55 bankruptcy courts and 20 district courts across the nation that have implemented CM/ECF, offering access to the court 24 hours a day, 7 days a week.

**RACER images now in CM/ECF.** On July 1, 2003, the court completed importation of all existing document images into the new case management system. While WebRACER may still be accessed using a PACER account number, the court stopped entering data in that system as of June 6, 2003. The CM/ECF system now contains the current and official record of the court’s case files and is available at <http://ecf.hib.uscourts.gov> or by using a link at the court’s home page <http://www.hib.uscourts.gov>. The public may also view document images in CM/ECF by using terminals in the Clerk’s office.

**Why don’t the docket numbers on some older document images match CM/ECF docket numbers?** CM/ECF docketing does not recognize entries containing alpha characters, such as 16A or 16B, which were used in previous docketing. Thus, for example, Docket No. 16A became No. 17 after data conversion, and Docket No. 16B became No. 18. However, the docket text makes reference to the original “NIBS” docket number. The document images of course have not been altered and will have the original docket number in the lower right corner. When citing to docket entries made in the former case management system, please make reference to any change in numbering to avoid confusion (e.g., see Dkt No. 18 (formerly Dkt No. 16A)).



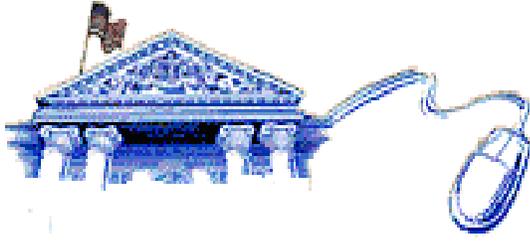
**New ECF Users.** In addition to the first Internet filing by **Howard Hu**, the court is pleased to announce the following “firsts”:

- % First credit card transaction: **Russell Leu**
- % First petition filed: **Brad Tamm**  
(See Brad’s comments attached to this newsletter about his first ECF experience)
- % First to obtain a “paperless” order (submitted via email, signed “/s/” by the Judge, and entered on the docket without ever being reduced to paper): **Sandra Loomis**

The court also welcomes the following recently trained and registered ECF Users:

<b>Curtis Ching</b>	<b>Gayle Lau</b>
<b>Greg Dunn</b>	<b>Kendal Luke</b>
<b>David Farmer</b>	<b>Jim Nicholson</b>
<b>Ron Kotoshirodo</b>	<b>Mary Lou Woo</b>
<b>Colin Kurata</b>	<b>Thomas Yano</b>

Training is ongoing. Please check the court’s website for class dates and other training information.



**ECF Users - Attorneys Only?** The court issues “full participant” ECF logins and passwords only to attorneys. However, an attorney may authorize an employee or member of the law firm’s staff to use his or her login and password to file a petition or motion. The individual attorney will use discretion to decide whether this authorization is appropriate. Use of the login and password is equivalent to the attorney’s signature on a paper document.

**Mainland Attorneys.** Attorneys generally must attend a training session in order to be certified and issued an ECF User login. This training requirement may be waived by the court if an attorney is already registered as an ECF user in another district. Many of the law firms which practice bankruptcy nationally have lawyers in this category. Please note, however, that being a registered ECF User in the District of Hawaii is not a substitute for membership in the federal bar of the District of Hawaii and does not obviate filing a motion to appear pro hac vice, accompanied by payment of an assessment as provided in LR 83.1(e). (The current assessment amount is \$100, payable to the United States District Court, District of Hawaii.)

**“Limited Participant” ECF Users.** The court also allows non-attorneys limited access to non-motion filing events that include proofs of claim, transfers of claims, reaffirmation agreements, and requests for notice. As with “full participant” ECF Users, the court may waive training for a limited participant user if the individual or entity is registered to file electronically in another district. The limited participant registration form (hib\_5005cr) is available at the court’s website.

**Credit Card Use.** There is no charge for filing a document electronically in the CM/ECF system. There remain, however, the standard filing fees for filing a petition and certain kinds of motions. ECF Users are required to use the U.S. Treasury Credit Card Payment Program for payment of these filing fees. In preparing to become a registered ECF User, don’t forget to make plans for credit card use - how many, what limits, who can use.

**Large Documents.** The CM/ECF administrative procedures call for breaking down large documents into sections of 40 pages or less to facilitate uploading and downloading over the Internet. (Many of you who have experienced the frustration of waiting for a large file to download should appreciate this provision.) If the document contains non-text items, or noticeable dark sections due to photocopying, please reduce the amount of pages. You will get a warning if attempting to upload a PDF file larger than 2 MB. Even if you are filing a document “over the counter” in paper form, please break the document into sections - the filing party is in the best position to decide the logical breaks in the document.

**But there’s no file-stamp!** Implementation of CM/ECF means that many documents will not only be lacking “original” signatures - there also will not be the traditional “file-stamp” on the first page of the document. ECF Users are reminded to print out the Notice of Electronic Filing which appears on the last screen when filing in CM/ECF. This notice contains the exact date and time the document was filed with the court and entered on the docket. Attach the Notice of Electronic Filing to the paper copies being served conventionally on parties who are not ECF Users.

## Other Notes

**Chapter 13 Working Group.** The court will be reviewing the Chapter 13 form plan, guidelines, fees and other procedures. Attorneys interested in joining a small working group should contact Mike Dowling at the email address below by July 14, 2003.

**Videoconferencing.** The court has made arrangements with the Legal Aid Society for using videoconference equipment on the Neighbor Islands. Parties wishing to appear by videoconference should contact Electronic Court Recorder Operator Neal Maeshiro at (808) 522-8100 x 110, or at [calendar@hib.uscourts.gov](mailto:calendar@hib.uscourts.gov).

**Chapter 12.** Please note that authority for Chapter 12 has once again expired. Legislation is pending.

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**CourtNotes.** This email newsletter is intended to keep the local bar informed about CM/ECF and other court news and procedures. If you wish to be added to (or removed from) the court’s email list for receipt of this newsletter, or if you have any comments or questions, please contact Mark Van Allsburg, Clerk of Court, at [mark@hib.uscourts.gov](mailto:mark@hib.uscourts.gov) or Mike Dowling at [michael\\_dowling@hib.uscourts.gov](mailto:michael_dowling@hib.uscourts.gov).

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June 27, 2003

Bankruptcy Law Section  
Hawaii State Bar Assn.  
Honolulu, Hawaii

**re: CM/ECF Implementation in Hawaii**

Colleagues;

On June 6, 2003 the court went "live" with the new paperless bankruptcy system. This new system (CM/ECF) has been long anticipated as a replacement to the "old" Racer system, and was promised to go far beyond Racer's capabilities. The announcement caused me to reflect on the "old" system (and its predecessor "Pacer.")

Just how long has it been since we had access to the court's docket online? Has it only been a few years? In that time, I have become reliant upon having access. Potential clients (both debtor and creditor) calls were screened for conflicts using Racer. Creditor client's especially would call about pending cases, and not only could I conflict check, but I could "shine" in the eyes of the client because I would immediately know things about the case (as I would scan the docket sheet while speaking to this potential client.) As to debtor representation, I no longer had to trek down to the court to view the claims register ... it was now at my fingertips. Court calendars were also on line, and motions hearing dates were only an e-mail touch away. It was getting to the point where I never had to leave my chair (yes, my waistline has grown) as the "file" was now on my desk top. And, not just any old file ... all files ... and the official court's file ... was on that desk top. Yes, in these few short years, I found that I had really come to rely upon this system. Now, the system was changing ... for better or worse ... we were on the road to a paperless system.

CM/ECF has arrived. I attended the certification class on the afternoon of June 17, 2003, and received my "password" later that day. On June 18, 2003 at 11:23 a.m., I filed my first document on line ... an Opposition to Motion for Relief from Stay. Was it easy? Was it fun? Was it scary? *No, kind-of and yes*, respectively. This first piece of paperless paper took an inordinate amount of time, although the experience was exciting, I was scared witless with the process. It didn't feel right ... the document had no "signature" other than my name typed as: "/s/ Bradley R. Tamm" and worse, once the document got filed, there was no court filing stamp on the first page. The certificate of service as well, was devoid of any evidence of filing. Negotiating my way through the series of drop down docket menus was tricky as well. I will admit that a few beads of perspiration broke out on my forehead during the process. "What ifs" abounded ... what if it goes into the wrong case, what if I label it wrong, what if the judge doesn't see it, what if, what if, what if, ... Well, that was the first try, and I should expect to find it difficult. In retrospect, it was not that difficult, and my fears were the same as they are anytime I try something new. No big thing.

June 27, 2003

Page 2

Subsequently, I have had the opportunity to file many documents, of many varieties. On June 24, 2003, I had the privilege of being the first to file a bankruptcy petition, online, using my American Express card to pay the filing fee. It is a chapter 13 case, and it carries with it the plan, the debtors statement of rights and responsibilities, and two attached motions to cram down the IRS and State Tax entities. Not a complex case, but more complicated than the vanilla wrapper chapter 13, and much more complicated than a simple chapter 7. The time to complete? Less than the time it took to file the first opposition on the relief motion that I filed 6 days earlier. Fear?: a little. Sweat?: none.

Now, I have come to the conclusion that the system will work. Not only will it work, but it is the way of the future. We are now free to draft and file motions and oppositions from anywhere in the world, at any time, we only need access to the internet. The 4:00 p.m. deadline -- race to the courthouse is history ... the document need only be uploaded before midnight. Gone is the fear that the court will screw up and docket the item in the wrong place ... I now have control of that docket. But most of all, I look to the money I am saving. My Xerox machine looks forlorn; like a relic of the past. It used to spend its day chunking and chugging, printing out the original and 5 copies for filing with the court. Now it sits, collecting dust. My courier is thinking about applying for unemployment ... since I went "live" he has only made one trip to the court ... to file the only piece of paper which the court will ever need ... the Declaration of Electronic Filing (which the Debtor signs relative to the filing of a petition, or any amendment to schedules or plan.) Additionally, as the CM/ECF system immediately serves all parties who are "live" (the trustee's and other attorneys who have obtained their passwords), I no longer have to make paper copies and pay postage to mail notices. The money I will save in printing, postage and courier services is now clearly evident. Yes, CM/ECF does take a bit more time, but that time is offset in real \$\$\$ savings.

Some may say that the system won't save time, and won't save real money. Those who say so remind me of the history of the telephone. When the telephone was first advertised to business around the turn of the century, the community pooh-poohed the idea by saying "how will it save me money? I will use the telephone to call my steno section to type a message and give it to a courier. The courier will carry the message across town to the recipients steno section which will then telephone the recipient to read it to him. What a waste of time." Bell and Edison could see the future, but we business types couldn't. We couldn't see what the telephone would do for us until we actually started to use it. The same can be said for many other inventions of the more recent past. I recall a time about 15 years ago when I was in the Navy. My young administrative assistant came to me because the power was out, and as a result his computer was down, just when we had to meet a deadline to write a report. I took him up into the attic to show him the "machine." He asked, "gee, what in the heck is that?" "It's a typewriter" I told him. He had never seen one before. Remember the mimeograph machine? Remember "carbon" copies? Manifold slips? Dial phones? How about "pay phones?" Times have changed.

The times today -- right now in Bankruptcy -- are the wave of the future. I chose to ride that wave. I am looking forward to an office as paperless as the new CM/ECF court. I hope to soon retire my Xerox machine to the attic, and while that may not happen in the very near future, it may be relegated to the same position that your IBM "Selectric" typewriter is ... that corner of the office which collects junk, and is occasionally used for that one or two applications which require the old clunker.

June 27, 2003  
Page 3

At this juncture I challenge all of you ... take the plunge and ride the wave. Be the first one on your block to do it. The more of us who join in the program, the less the postage. The certificate of filing will show more and more electronic service, and fewer service requirements by mail. Additionally, you will be able to take more time to go places and do things away from the office, as your court is only an internet jump away.

Sincerely

BRADLEY R. TAMM

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