

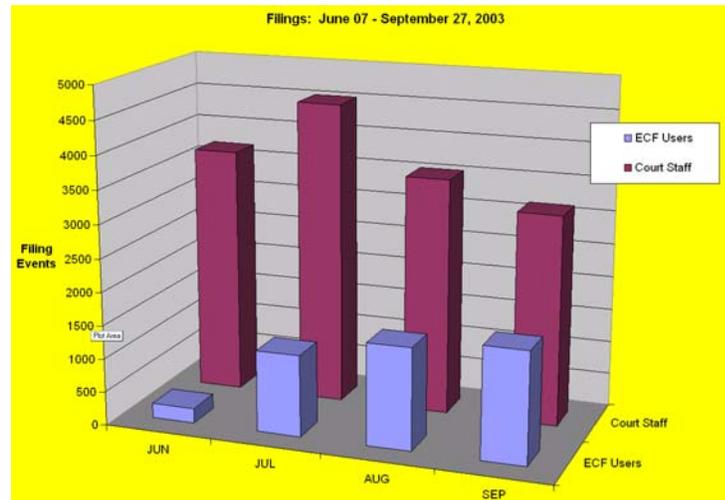
CM/ECF News

Steady Increase in Electronic Filings. As shown in the adjacent chart, Internet filings by ECF users have increased steadily since the court implemented CM/ECF in early June. Attorneys and their staff, as well as “limited participant” creditors, now account for an average of **35%** of all CM/ECF transactions not docketed automatically (BNC notices and cash register transactions). In fact, during the week ending September 13, non-court users filed **62%** of the docketing events. The number of ECF users actually filing also is growing, with September filings made by **46** different attorneys and creditors. As for petitions, about **30%** of new petitions are filed using ECF. In particular, **Greg Dunn** has filed more than **150** petitions in the last 3 months using the case upload feature available in most petition software.

Training. Certification classes continue to be offered - please check the CM/ECF page at the court’s web site for applications and further information. To date, close to **200** attorneys and staff members have completed CM/ECF training, with about **70** attorneys and **30** “limited participant” creditors receiving ECF logins.

ECF Brown Bag - Friday, October 17 at 12 Noon. Many ECF users have taken advantage of the ECF Help Desk (522-8100 x 171 or helpdesk@hib.uscourts.gov) to ask specific questions about filing a document electronically. Understandably, there are many questions (and complaints) about ECF policies and procedures. The court would like to hear them. On Friday, October 17 at 12 Noon, there will be a brown bag session held in the **U.S. Trustee’s Hearing Room (for 341 meetings) at 1132 Bishop Street, Suite 606**, Honolulu, Hawaii. Whether you are an attorney, paralegal, secretary, creditor or PACER user, please stop by with your questions, gripes and suggestions. Feel free to bring a lunch to the session.

Fax Filing Discontinued. The court in the past has allowed the emergency fax filing of documents by Neighbor Island attorneys. Due to the availability of electronic filing, fax filing will be discontinued effective **December 1, 2003**.



Documents Not Being Related Properly. If you have ever reviewed the docket in a large case with multiple motions and pleadings, you know how helpful it is when docket entries are related properly. You should also know that, when preparing for hearings, the judges and their staff rely on reports generated by CM/ECF that identify the motions, etc., to be heard and all documents which the filing parties have “related” to those motions. Therefore, if you want to be sure that the judges read your papers, you must “relate” them correctly on the docket.

If you are filing a response to a motion, application, objection to claim, objection to an exemption, etc., always include that initial document so that the documents are linked. Also relate any other document directly pertaining to the one being filed. For example, where a (1) motion has been filed with a (2) supporting memorandum, (3) supporting declaration, (4) notice of hearing, and (5) certificate of service, and, in response, an (6) opposition has been filed with a (7) declaration, and (8) certificate of service, it is critical that the movant’s reply memorandum is related to (1) the motion and (6) the opposition. However, it is unnecessary to include every single pleading in the “chain.” Thus, in the example above, you would not relate the reply to the supporting memorandum, notice of hearing, certificate of service, nor any of the declarations. Doing so unnecessarily clutters the docket.

Other Common ECF Errors to Avoid.

- % **Wrong or Incomplete PDF.** Remember to always check all pages of the PDF file before submitting it. In the pop-up selection screen, highlight the file, then right-click and choose "Open" to verify that the file is viewable, complete, and correct.
- % **Wrong Event Selection.** Do your best to find the appropriate event for the document being filed, rather than select "miscellaneous document" or the generic "motion." If unsure about which event to choose from the drop-down list, please contact the Help Desk or Mike Dowling (522.8100 x 109 or michael_dowling@hib.uscourts.gov).
- % **Document Filed in Wrong Case.** The case number and title generally appear on each ECF screen. Please check that you are working with the correct case.
- % **Insufficient Docket Description.** If the PDF being filed contains multiple documents, make sure to describe them in the docket entry. For example, you may combine a memorandum of law and a declaration with the underlying motion - just ensure that these additional documents are identified in the docket text.
- % **Blank Signature Line.** Although the use of the login and password is deemed the ECF User's signature on the document, the administrative procedures require that the signature line contain either a printed identification of the filer in the format: "/s/ **Jane Doe**" or a scanned image of the filer's signature.
- % **Failure to File a Declaration re: Electronic Filing.** A paper copy of this document, containing the debtor's original signature, must be submitted to the court for each filing of a copy or amended copy of the petition, schedules, statement of financial affairs, and other official forms where the debtor is verifying certain facts concerning the bankruptcy filing. This form is not required for other third party signatures.

Amendments to Federal Rules. Barring action by Congress, amendments to the Federal Rules of Bankruptcy Procedure will become effective December 1, 2003. An updated version of CM/ECF will be installed prior to December to allow compliance with new provisions concerning privacy. Among the upcoming changes:

- % The petition, Official Form 1, will contain only the last four digits of a debtor's Social Security number.
- % The debtor must submit - but not file - a verified statement containing the full nine-digit Social Security number. The full number will be included in the notice of commencement of the case and meeting of creditors sent to creditors, but not in the copy of the notice available to the general public. The statement will be submitted on a new Form 21, a sample of which is attached.

Please note that filers, not the clerk, are responsible for redacting Social Security numbers and other personal identifiers such as dates of birth, financial account numbers, and names of minor children in documents they file with the court. Debtor's attorneys using petition preparing applications should contact their software provider about the availability of updated programs that will comply with the new privacy requirements.

Consult the text of the rules and committee notes for rule provisions and their interpretation. There are links below to both redline and "clean" versions of the amendments.

<http://www.uscourts.gov/rules/congress0303/BK-Redline.pdf>

<http://www.uscourts.gov/rules/congress0303/BK-Letters.pdf>

Videoconference News. The court now has the capability of holding videoconference hearings using both ISDN (telephone) and IP (high-speed Internet) connections. Neighbor Island attorneys and parties may use videoconference equipment at Legal Aid Society offices for the monthly "All-Purpose Week" Chapter 7 Wednesday calendars. It may also be possible to videoconference with the court from your office using a PC with a high-speed Internet connection and IP video camera - contact the court (Electronic Court Recorder Neal Maeshiro at (808) 522-8100 x 110, or at calendar@hib.uscourts.gov) for further information on arranging a videoconference.



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 or Mike Dowling at michael_dowling@hib.uscourts.gov.

