

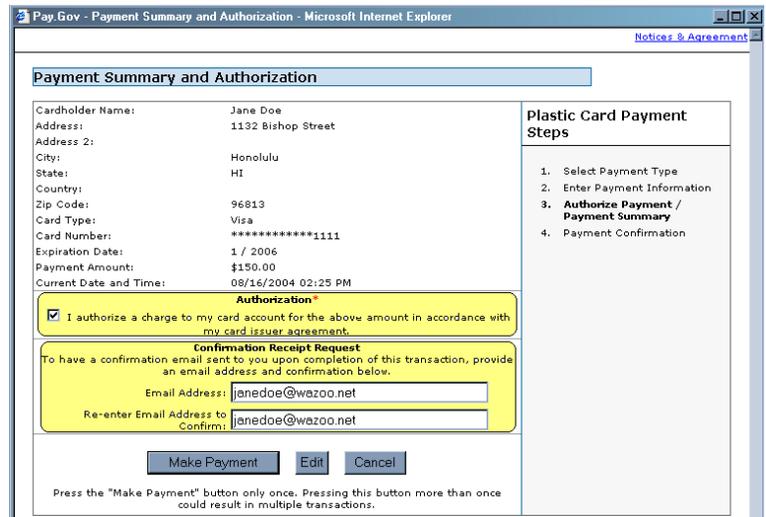
CM/ECF News

After 1 year on CM/ECF, attorneys, trustees, and creditors have made more than **24,000** docket entries over the Internet. Including proofs of claim and other events that do not appear on the main docket, ECF users have made more than **30,000** filing “transactions.” Among the more prolific filers are Chapter 13 Trustee **Howard Hu** with over 2,000 filings and Chapter 7 Trustees **Ron Kotoshirodo, Sandy Loomis, Jim Nicholson, and Mary Lou Woo** with well over 1,000 filings each. **Greg Dunn** and **Blake Goodman** have filed more than 1,700 documents each, and **Susan Tius** has filed over 1,000 events. There are now more than 125 attorneys with ECF logins, in addition to approximately 175 “limited participant” creditor filers of proofs of claim and requests for notice.

Bankruptcy Petition Software. About 2 out of every 3 new petitions currently are filed electronically. The process is easy with several bankruptcy programs using the “case upload” feature where the data entered in the petition software is uploaded into CM/ECF by simple file transfers. While the court does not endorse any particular program, several bankruptcy software companies have provided demo copies for distribution. Please inquire at the clerk’s office if you are interested in trying one or more of them.

District Court. Preparation for implementing CM/ECF in District Court is underway. The court issued an order on June 21, 2004, amending the local rules to add civil rules 5.3 and 5.4, and criminal rules 49.1 and 49.2. These new rules authorize electronic filing and service in civil and criminal cases and provide for a general order adopting more detailed administrative procedures at a later date. Current plans anticipate conversion of the District Court’s current docketing system to CM/ECF in mid-2005.

Upgrades to the CM/ECF system continue. Version 2.4 was installed in June, 2004, containing a number of technical fixes and improvements. The creditor search report is no longer case sensitive. Previously, it was possible to overlook a creditor if one did not look for names with both lower and upper case letters. The court anticipates installing upgraded Version 2.5 shortly.



Version 2.5 - New Credit Card Payment Module. Pictured above is one of two new screens which ECF users will soon see. Notable changes: 1) filers will be able to edit address information but doing so will not permanently change it in CM/ECF (however, note that payment approval does not require the CM/ECF address to match the account billing address), 2) the filer must check a box (seen above in the highlighted section) to authorize the transaction, and 3) the filer may request an email confirmation by entering an email address when prompted. Note, however, that the final screen continues to provide a transaction receipt number that may be printed, in addition to the receipt that appears on the docket. The deadline for making one payment for all fees due during the business day also is being changed: moved up from 9:00 p.m. to 6:00 p.m. Further information about how the modified credit card module will work is appended to this newsletter.

Notes on Procedures

Amended Schedules and Statements - Missing Declarations. A number of amendments are being filed improperly without an accompanying declaration by the debtor that the information is true and correct. Even though a paper “Declaration re: Electronic Filing” with an original signature by the debtor must be filed with the court, it is necessary to include a declaration when the amendment is filed in ECF. The declaration may contain an image of the debtor’s signature or the printed name following “/s/”.

Filers may satisfy the filing requirement by including the declaration page found at the end of Official Forms B6 and B7. However, for the convenience of both attorneys and pro se debtors, the court has issued local form hib_1009-1, entitled "Cover Sheet for Amendments". This 1-page form (pictured below) includes the case caption, check boxes to identify the documents being attached, the required declaration by the debtor, and a certificate of service (with service list names and addresses to be attached).

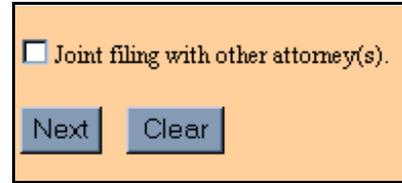
Attorney or Party Name, Address, Phone, Fax, Email		For court use only	
UNITED STATES BANKRUPTCY COURT DISTRICT OF HAWAII		Case No.:	
In re: Debtor(s).		Chapter: <input checked="" type="checkbox"/>	
COVER SHEET FOR AMENDMENTS			
Check all of the following that are being amended.			
Schedules: <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> G <input type="checkbox"/> H <input type="checkbox"/> I <input type="checkbox"/> J		<input type="checkbox"/> List of Creditors / Mailing Matrix (\$26 fee unless (i) only updating an address, or (ii) only adding a creditor's attorney, or (iii) uploading creditors in ECF without amending schedules)	
Schedules: <input type="checkbox"/> D <input type="checkbox"/> E <input type="checkbox"/> F (\$26 fee for 1 or more)		<input type="checkbox"/> List of Equity Security Holders (\$26 fee)	
<input type="checkbox"/> Statement of Financial Affairs		<input type="checkbox"/> List of 20 Largest Unsecured Creditors (\$26 fee)	
<input type="checkbox"/> Statement of Intention			
DECLARATION BY DEBTOR(S)			
I declare under penalty of perjury that the attached amendments are correct to the best of my knowledge, information, and belief. [If filing electronically through ECF, a Declaration re: Electronic Filing with original signatures must be submitted on paper within 5 business days after filing the amendments.]			
Date	Debtor	Joint Debtor	
CERTIFICATE OF SERVICE			
The undersigned certifies:			
<input type="checkbox"/> Notice of the amendments has been served on all creditors and parties in interest on the attached service list. (If exemptions or exemption amounts have been amended, a copy of Schedule C has been served on all creditors and parties in interest, including the U.S. Trustee and Trustee.)			
<input type="checkbox"/> A copy of the Notice of Bankruptcy Case, Meeting of Creditors, & Deadlines has been served on the additional creditors and parties in interest identified on the attached service list.			
Dated: _____			
hib_1009-1 4/04 Attach amended schedules, lists, or statements. Attach service list with names and addresses.			

Proposed Orders. Effective December 1, 2003, the caption page of a proposed order must include the related docket number of the underlying motion or application. The submitting party must also include a notice list with names and addresses of those parties who responded to the motion and require notice of the order's entry under Fed. R. Bankr. P. 9022(a). Chambers may reject a proposed order as deficient if the required information is not provided.

PDF Tips. See the attached excerpt, courtesy of the United States District Court, District of Nebraska.

Joinder. A selection for "Joinder" has been included under responses to a motion. The distinction was made to emphasize in screen instructions that the court considers a joinder to be a statement in support of another party's position or request for relief. However, if additional relief is being sought, a separate motion must be filed. If the moving party withdraws the underlying motion, the entire matter will be withdrawn from consideration by the court.

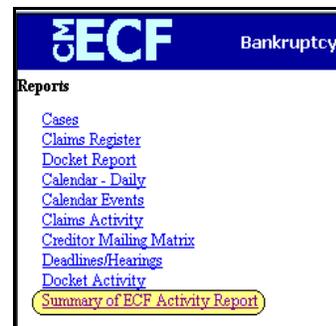
Joint Motion vs. Joint Filing. There has been quite a bit of confusion on how to respond this screen prompt.



The box should be checked if the filer wants to include in the docket text the name of another attorney also representing the same party. For example, John Debtor is represented by Ann Attorney and Larry Lawyer. If Larry Lawyer is using his ECF login but wants to have the docket text state "Filed by Larry Lawyer, Ann Attorney on behalf of John Debtor," the box should be checked.

In contrast, if Larry Lawyer represents the debtor in possession and Ann Attorney represents the unsecured creditors' committee, the box should not be checked when filing a joint motion. The reason? The system is not sophisticated enough to show which attorney is linked to which party in the docket text. In docketing a joint motion, it is preferable to bypass the "Joint filing" check box and simply add additional text when prompted - for example, after "Filed by Larry Lawyer on behalf of Debtor in Possession," one might add "(filed jointly with Unsecured Creditors' Committee, represented by Ann Attorney)."

Summary of ECF Activity. Want to check the notices of electronic filing that you should have received by email? The court recently added the following item under Reports.



This report should show all the filing activity in cases where you should be getting email notification. Note: the links in the report are not "free looks."



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 email mark@hib.uscourts.gov or michael_dowling@hib.uscourts.gov.

Electronic Filing News

Be Careful When Using Electronic Redaction

With the E-Government Act of 2002 in effect, the redaction of personal data identifiers from all civil pleadings is now a necessity. When redacting information, be careful of the method being used.

A redacted Department of Justice document released under the Freedom of Information Act was converted back to the full unmodified document and made available on the Internet. Sections of the document were redacted using the highlighting function of a word processing system to overlay sections with black highlighting (black highlighting over black text hides the text). The redacted document was converted to a PDF document. Since neither the highlighting nor the conversion to the PDF format overwrote the original text, removing the highlighting to reveal



the hidden text was very simple.

In another instance, CIA documents published by the New York Times were redacted by overlaying a black box on entire paragraphs of text. On slower computers the document, in its entirety, appeared on the screen first and the black box appeared seconds later, allowing viewers a quick peak at the text. Even on fast computers, using tools available within the full version of Adobe, a viewer could simply remove the overlay.

One solution is to use Appligent's Redax software. It is a plug-in to Adobe Acrobat 4.0 and higher and allows users to easily and permanently delete information from PDF documents. The U.S. Department of Justice has implemented Redax in seven different divisions, including the U.S. Attorney's office.

Adobe Acrobat 6.0

If you install Acrobat 6.0 Standard or Professional, you must change the settings to make your PDF documents compatible with prior versions.

The District Court clerk's office has tested Adobe Acrobat 6.0 and finds that it is compatible with CM/ECF. However, PDF documents created with Acrobat 6.0 cannot always be read by lower versions of Acrobat. Therefore, if you install Acrobat 6.0 Standard or Professional versions, you must change the settings to make your PDF documents com-

patible with prior versions. More information on Adobe 6.0 and instructions for changing the default settings can be found on our web site at <http://www.ned.uscourts.gov/cmecf/>, under Reference Materials.

Before installing any new version of Adobe Acrobat, it is important to completely uninstall prior versions.

PDF Websites

Redax by Appligent

<http://www.appligent.com/> A plug-in for Adobe Acrobat that is designed to completely remove text and scanned images from PDF documents.

PDF for Lawyers

<http://www.pdfforallawyers.com/>
How to use PDFs in the practice of law.
Tips & Techniques

Planet PDF

<http://www.planetpdf.com/>
PDF news, tips, and tools.

PDFZone

<http://www.pdfzone.com/>
More PDF news, tips, and tools.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF HAWAII

Case Management

CM / ECF

Electronic Case Files

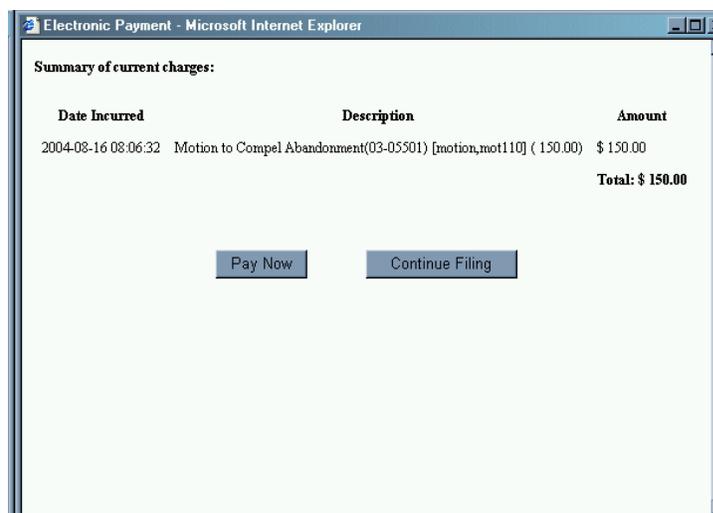
INTERNET CREDIT CARD
PAYMENT OF FILING FEES

The court requires that any filing fees due upon the electronic filing of a petition, motion, amendment, or other document be paid through the United States Treasury Credit Card module in CM/ECF.¹ The following credit cards are accepted: American Express, Diners Club, Discover, MasterCard, and VISA. (Debit cards currently are not accepted.) It is the responsibility of the filing party to obtain and maintain one or more accounts sufficient for payment of all fees being incurred. It is also the responsibility of the cardholder to establish policies and procedures to ensure the appropriate use of the credit card account(s).

Payment of the fees required upon the filing of a new case or for amendments, motions, or other documents must be made on the day of filing. A filer may elect to pay after each transaction or to make a single payment at the end of the business day for all filing fees due, so long as the credit card payment is processed **before 6:00 p.m.** If the fee is not paid as required, the local rules provide that the court may, in its discretion, dismiss the case or strike the document for which the fee was due. For any questions or problems concerning a credit card payment, please contact Amy Young (522.8100 x 119) or Denise Nagata (x 127) at the Clerk's office.

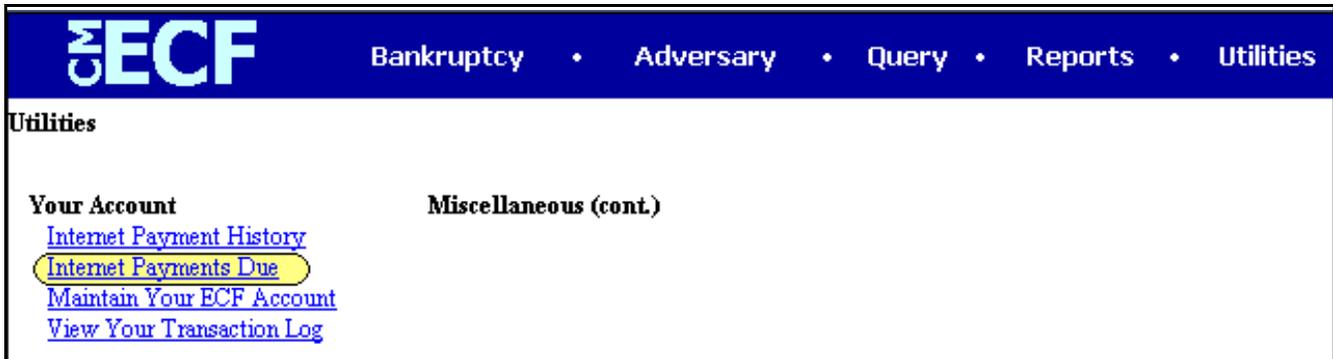
Credit Card Processing:

STEP 1 Select "Pay Now" on the pop-up screen that will appear at the end of docketing.
(Note: If your Internet browser has a feature to block pop-up screens, ensure that this is turned off.)



1. Note: An attorney seeking authority to make a pro hac vice appearance must pay an assessment, currently \$225, by check or money order made payable to Clerk, U.S. District Court. For further information, see local form hib_83-1e - Application to Appear Pro Hac Vice.

To complete payment at this time, the filer must select "Pay Now". To postpone payment until the close of the business day - but **before 6:00 p.m.** - the filer must select "Continue Filing". If "Continue Filing" is chosen, the filer may bring up the payment screen at a later time by going to **Utilities ... Internet Payments Due**, as highlighted below. The summary of current charges will appear on the same pop-up screen shown on the preceding page.

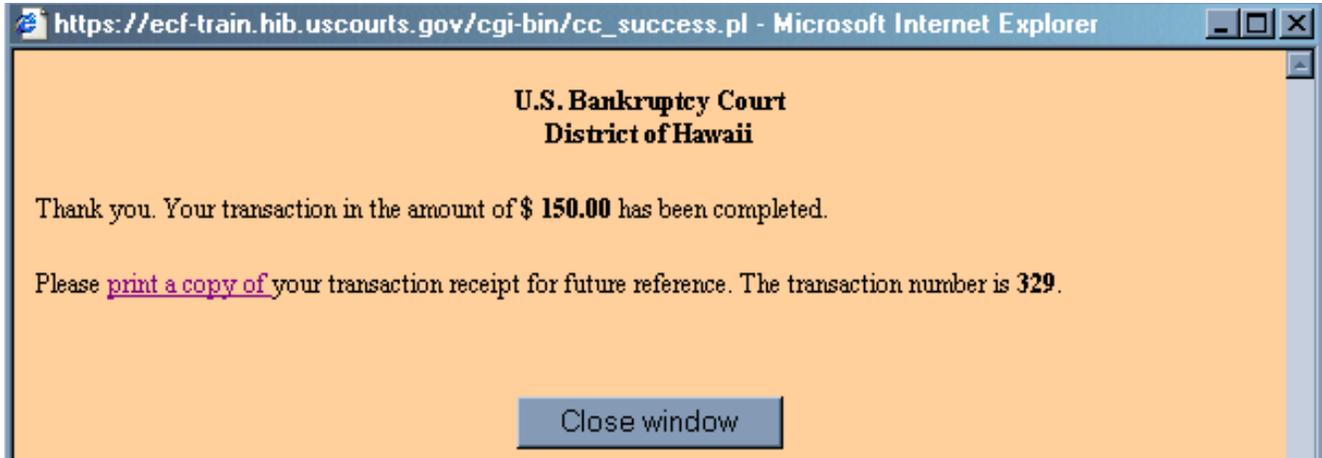


STEP 2 Enter Payment Information. The filer's name, address, city, state, and zip code information will be filled in automatically based on the information in the CM/ECF database. The filer may change the information contained in these fields, but this will not change the information contained in the database. (A filer may make a permanent change by going to **Utilities ... Maintain Your ECF Account.**) Please note that payment approval does not require the CM/ECF address to match the credit card account billing address.

The filer must select the type of credit card being used from a drop-down list and enter the account number, then enter the expiration date. It is not necessary to enter any information in the "Security Code" field. When done, the filer must select "Continue".

STEP 3 Payment Summary and Authorization. The next screen will summarize the transaction information. If correct, the filer must check the box to authorize the payment, as shown in the section highlighted below. The filer may also request that a confirmation receipt - in addition to the receipt generated in CM/ECF system - be emailed upon completion of the transaction. This last step is an option for the filer and not a requirement for continuing. To complete the transaction, the filer must select "Make Payment". **The "Make Payment" button should be pressed only once; pressing this button more than once may result in multiple charges.**

STEP 4 Print a receipt. Upon approval, a final screen appears, allowing the filer to print a receipt for record-keeping. The filer must select “Close window” to return to the main CM/ECF window.



Note that a receipt number also is printed on the docket.

08/16/2004	?	Motion to Compel Abandonment. Fee Amount \$ 150, Filed by Creditor ABC Loan Company (train06,) (Entered: 08/16/2004)
08/16/2004		Receipt of filing fee for Motion to Compel Abandonment(03-05500) [motion,mot110] (150.00). Receipt No. 329. Fee amount \$ 150.00. (U.S. Treasury) (Entered: 08/16/2004)