

January 28, 2002

Clerk's Notice Regarding Impact of New Case Management System (CM/ECF)

Effective Monday, January 7, 2002, the U. S. Bankruptcy Court for the District of Colorado implemented a new case management system known as CM/ECF, by General Procedure Order Number 2001-8, entered by the bankruptcy judges on December 19, 2001. Copies of General Procedure Order Number 2001-8 and Administrative Procedures for Electronic Case Files attached thereto are available on the Court's web page at www.cob.uscourts.gov or in person at the Clerk's Office.

CM/ECF is a nationally mandated case management system that replaces our outdated BANCAP case management system. In the next few years, all bankruptcy courts in the nation will convert to CM/ECF. District courts will follow soon thereafter. Among other things, CM/ECF provides capability for the electronic filing of documents. We have already commenced the internal electronic filing of court-generated documents, i.e., the §341 meeting notice to creditors, the order of discharge, and certificates of mailing from the Bankruptcy Noticing Center (BNC). In the near future, orders and notices issued by the Court will also be filed electronically. In mid-2002, attorneys will be provided with an opportunity to receive training and become registered to file documents electronically as well. Until then, attorneys will continue to file documents in paper format, and the clerk's office will scan and convert those documents into the electronic format.

We have been preparing for this conversion for 16 months and have sought the assistance of many members of the Bar as well as other interested persons in developing policies and implementation strategies. However, as with all major database and automated operating system conversions, further changes in the way we conduct business may be necessary. In addition, minor glitches and disruptions will inevitably arise that could not be anticipated.

As these challenges arise, we are confident in our ability to find solutions and correct the problems. Your continued understanding and cooperation is most appreciated. However, there are a number of specific areas we want to bring to your attention. These areas include the initial image quality, additional processing time required for notices and orders mailed through the BNC, and multi-part motions requesting multiple types of relief. In addition counsel are reminded that pursuant to General Procedure Order No. 2001-7, the creditor address matrices must be submitted via diskette in lieu of paper.

Initial Image Quality: For the first few days after implementation, a problem was discovered in the quality of document images scanned into the system. The poor quality was

primarily associated with very small typeface on forms, handwritten inscriptions, and forms with blocked shading. New software has been purchased and installed that satisfactorily improves the quality of these images.

Processing Time Required by BNC: Any notice or order issued by the court may now be directed to the BNC for mailing to creditors and other interested parties. The BNC receives court notices and orders every evening through an automated download program. By contract, the BNC has up to three days after receipt to complete these mailings. In addition, the noticing centers are located outside Colorado. Where orders and notices previously mailed by the court were delivered to local practitioners in one to three days, delivery of mailings from the BNC may require four to six days for delivery. **Practitioners are encouraged to use PACER to gain direct access to the notice or order, which is available for a nominal fee, for electronic viewing from the database within minutes after the notice or order is entered on the docket. To set up an account under PACER, contact the PACER Service Center at 1.800.676.6856. Practitioners are further encouraged to register for electronic receipt of mail from the BNC via E-mail or fax transmission. Under this option, mail can be received via E-mail or fax transmission by noon on the next day.** Information about this service from the BNC is posted on our website at www.cob.uscourts.gov or may be obtained from the BNC at 1-877-837-3424.

Multi-Part Motions: Due to limitations in CM/ECF, the linkage between multi-part motions and their dispositive orders can become cumbersome and complex. More specifically, in the event the order addresses the separate reliefs differently, or only deals with part of the relief requested, the clerk must enter the order several times to ensure that the docket text and status of the event is accurately recorded in the database, and that resulting information viewed from the electronic record is accurate. To minimize these cumbersome steps, attorneys are encouraged to request only one form or type of relief in each motion. In addition, further limitations in CM/ECF may prevent the docket text for multi-part motions and subsequent multi-part orders from reading properly. More specifically, CM/ECF will insert the two (or more) separate types of relief in alpha sequence. As a result, some two-part motions and orders may appear reversed in the docket text. For example, a motion to dismiss or convert will appear as a motion to convert or dismiss. A motion for relief from stay or adequate protection will appear as a motion for adequate protection or relief from stay. Until this problem is resolved at the national level, we intend to edit and correct the reversed docket text locally. However, several days may lapse between the dates of the initial docket entry and the date of correction.

Again, we appreciate your continued understanding and cooperation during this transition.

FOR THE COURT:

Bradford L. Bolton, Clerk