

Updates to E-filers

January 21, 2010

Hi, Everyone!

Listed below you will find some updates regarding electronic filing. If you have any questions once you review this information, please don't hesitate to contact the ECF Training Department. **NOTE: Our Contact Information has moved to the last page!!!** Thanks!

CM/ECF System Upgrade:

Please be advised that our CM/ECF system and PACER will be unavailable while we upgrade our system to V3.3.3 on Saturday morning, January 23, 2010, between 7 a.m. and 9:00 a.m. MST. Please schedule your electronic filing and viewing accordingly. In addition, the upgrade will be applied to our training database on Friday morning, January 22, 2010 between 7 a.m. and 9 a.m. MST

This upgrade contains a redaction disclosure feature that will require that you check a box acknowledging that you understand the redaction requirement every time you log into our system.

End of Swapping PDFs:

The Judges have decided that in order to preserve the integrity of our public record, as well as for other reasons (such as saving time for our staff), we need to approach attorney errors or omissions in documents as it was done when all things were filed in paper. In paper, when you made a filing error, you filed an **amended** or **corrected** document; if something was on the record that you wanted sealed, you filed a Motion for Protective Order to have the original pleading redacted. Starting February 1, you will need to start filing amendments, etc., in such cases. Here is the timing and manner of our new policy, please pay particular attention to the dates and methods for each period below:

- From this point until January 31st, if an attorney sends a pdf to be "swapped out," the Quality Assurance Team (QA) is to put an access 30 on the original document (that allows viewing only by the court) and they will attach the new pdf to the docket entry.
- Effective February 1st, forward, attorneys will **not** be allowed to swap pdfs

through QA. If any public notification entries are necessary, where previously a directive would be to send the correct pdf to QA, attorneys will be informed that an erroneous pdf, incorrect pdf, no pdf or blank pdf was filed. The attorney will need to figure out how it should be fixed. Since a lot of the court's pdf swapping requests are at the outset of the case, it is anticipated that a public notification entry would tell you the incorrect document was filed as a pdf **and** we would also issue a deficiency notice for the missing document (the one with the wrong pdf).

Efilers are misusing the event and L.B.Form 3015-1.6 Notice:

Please do not use Form 3015-1.6 and the corresponding event to notice out an amended plan **unless** you are filing and serving an amended plan at least **28 days** before the scheduled hearing on confirmation. If the Court has issued an order or minute of proceeding directing what notice to give (done most frequently at confirmation hearings) use Form 3015-1.8 for a hearing date or 3015-1.7 for no hearing date.

Minor modifications/clarifications to L.B.R.s and L.B. Forms:

In approximately three months or so, we will be sending for comment some minor modifications/corrections to the rules or additions to the commentary. We will try to alert you periodically to be on the lookout for such changes; for example, as indicated below, we will be providing commentary clarification on the filing of L.B. Form 1009-1.1 to enhance the ability to comply with the intent of the rule.

Filing of L.B.Form 1009-1.1: To eliminate any confusion about whether this form should be filed or if it just needs to be served, the commentary will contain a directive to file the forms with the corresponding Certificate of Service (L.B.R. 1009-1(b) and (c).

New Policy on Deletion of Duplicate Cases:

When an attorney, or his staff member, realizes that a duplicate case has been filed, the attorney/staff member **MUST** send an e-mail to our Quality Assurance Team at cob_qa@cob.uscourts.gov within 2 business hours of filing. If this time period is not met, counsel will need to make an appropriate request regarding the duplicate filing.

Reminder: Fed.R.Bankr.P 9037:

All filings with the court - including attachments - must comply with Fed. R. Bankr. P. 9037. Social Security or taxpayer-identification numbers, dates of birth, names of minor children and financial account numbers may **not** appear, except as allowed by the rule.

Court's preferred procedure on previously filed pleadings and proof of claims needing redaction:

1. Party files the amended pleading and or amended claim containing the proper redactions.
2. Party files a request for relief under Fed.R.Bankr.P. 9037 to have the original pleading or claim redacted. It would be helpful if the requesting party would note the document number and/or claim number of the original pleading in the request for relief. The motion event to use when filing the request is 'Protective Order'.

Waiver of Filing Fees and Amended Schedules/Matrices:

When an attorney has been granted a waiver of filing fees, this waiver also applies to amendments to schedules and matrices. After filing the amended schedules/matrix, it is the attorney's responsibility to contact our Finance Team to have the fee removed from their payment queue. Do NOT pay the fee when the payment screen pops up.

Electronic Installment Payments:

It has come to our attention that the payment process is not always being completed when attorneys attempt to make an installment payment using the miscellaneous 'Payment of Installment Payment' events. Please be sure that you complete the payment process. A 'Receipt' screen, which is printable, will appear and lets you know that the process is complete.

Help Desk Calls:

Please be patient. We are very busy. Please leave a message and we will call you back as soon as we can, usually within minutes but sometimes it will take up to an hour or two (if we are in meetings, training, etc.) And, above all, do not file a document if you are unsure of how to file it without talking to us first. A little bit of patience will keep you and our staff from having to go through the extra steps necessary to fix a problem.

Summary of Schedules screen:

It has come to our attention that attorneys are not always updating the Summary of Schedules screen when filing amendments to schedules. It is important that the amounts for the amended schedule get updated. If you or your staff don't do it during the filing of your amended schedule, our staff must do it. NOTE: We will start tracking the repeat offenders to report to the Judges. Therefore, it is in your best interest to take the extra few seconds it takes to make the appropriate update at this screen. We appreciate your cooperation regarding this.

Reminder: Web Based Debtor Focused Training Exercises Now Available:

Debtor Focused Training Exercises are now available to you and your staff to view and use, either as a 'refresher' tool or as initial training for new attorneys and staff. Everything that is heard and seen in the classroom is included in these exercises. You may view the training exercises on our main website at www.cob.uscourts.gov. Click on the 'Attorney Web Based Training' button on the left side of the screen. This will take you to a listing of all of our ECF training options. Once there, simply click on the 'Debtor Focused Now Available' hyperlink to begin. We are hoping to have the Creditor Focused training exercises available to you at the beginning of February. Stay tuned!

New Lists on our ECF Website:

Please visit our ECF website for two updated lists that, as an e-filer, you will find very useful. All of the events modified or created as a result of the Amended Local Bankruptcy Rules are included in these lists.

- Document Linkage for E-Filers
- Category and Event List for E-Filers

Please be aware that the following events have been misused in the recent past:

- 1019 Conversion Schedules- this event can be found in the miscellaneous category. Do not use the 'Amended Schedules' event to file this document.
- Debtor's Continued Meeting of Creditors - this event can be found in the miscellaneous category. Do not use the 'Notice' event to file this document.

Reminder to Attorneys who have upgraded to Internet Explorer 8:

Please be aware that the current version of CM/ECF (V3.3.3) has not been tested with Internet Explorer 8. Therefore, you may be experiencing the following issues when e-filing your cases/documents:

- Sluggishness or slowness
- For debtor's attorneys, slowness in upload to the point where your petition preparation software's automatic upload feature appears to have stalled and you are uncertain of what was filed and what was not filed.
- Cache (temporary files) do not clear fully and you are finding that you are needing to clear your cache/temporary files more often than normal.

Some things you can try to fix these problems:

- Ensure that your browser indicates that it is in compatibility mode (please contact your IT specialist if you are unsure of how to accomplish this.)
- Continue clearing your cache/temporary files when experiencing problems.
- Downgrade to Internet Explorer 7.*

*Based on feedback from attorneys, we are finding that those attorneys who return to Internet Explorer 7 no longer have the issues they were experiencing with Internet Explorer 8. Also, please be advised that the next version of CM/ECF (V4.0), which will be released later this year, will have been fully tested with Internet Explorer 8.

Thank You!!

As always, we thank you for taking the time to read this update. We appreciate your willingness to educate yourself on your electronic filing responsibilities by reading our quarterly updates. Please make sure that all staff members involved in electronic filing at your firm are given a copy of this update.

IMPORTANT CM/ECF CONTACT INFORMATION

CM/ECF HELP DESK NUMBER - 720-904-7450

Help Desk members will answer the phone or will return the call if a message is left. Use this phone number when you have procedural questions regarding e-filing, need help e-filing documents, or have questions regarding training classes.

TRAINING TEAM E-MAIL ADDRESS - cobml_training@cob.uscourts.gov

Use this e-mail address when you have procedural questions regarding e-filing, need help e-filing documents, have questions regarding training classes, or you want to change information in your ECF Account (i.e. e-mail address, master address record, etc.)

QUALITY ASSURANCE TEAM E-MAIL ADDRESS - cob_qa@cob.uscourts.gov

Use this e-mail address when you have made a mistake during the e-filing of your document and want the QA Team to fix it for you.

YOUR ECF TRAINING TEAM/HELP DESK MEMBERS:

Diane Hunter

Richard Roberts

John Fitzpatrick - Back-up Assistance