

July/August 2004



CM/ECF NEWS

U.S. BANKRUPTCY COURT WESTERN DISTRICT OF NY

AUTOMATIC ASSIGNMENT OF JUDGE, TRUSTEE AND 341 MEETING DATE

For the past several months, the Court has been testing a new module of CM/ECF called "AutoAssign." Presently, the Court assigns a Judge to each bankruptcy case filed. The U.S. Trustee's Office then notifies the Court of the trustee assignment, the date, time and location of the 341 meeting. Information concerning the trustee and 341 assignment is then manually entered into each and every case.

With this new module, CM/ECF will do each of these steps automatically, based on criteria and information provided to the Court by the U.S. Trustee. Within 4 hours of the filing of a case, the Judge, trustee and 341 information will be available. E-filers will receive this information by e-mail and a notice will be sent at the end of each day. AutoAssign is designed to be totally random – meaning that cases filed at the same time will not necessarily have the same trustee or 341 date. The random assignment method was a requirement of the national U.S. Trustee program and was accommodated by the Administrative Office of the U.S. Courts.

Testing will be completed by the end of August. The Court anticipates installing AutoAssign in the live ECF system October 1, 2004.

Stay tuned for more information.

CM/ECF SYSTEM UPGRADE

On Saturday, July 17, 2004, the Court will install the latest version of the CM/ECF software (Version 2.4). Please note that CM/ECF will be down from 8:00 a.m. to noon on July 17, 2004 due to the upgrade. The upgrade will make the following improvements:

The creditor name search tool will no longer be case sensitive

Participant and Creditor addresses will now appear in the selection box.

Notice of Electronic Filing will be sent to a user's primary e-mail address and to every secondary e-mail address. A "free look" at e-filed documents will be available for the primary e-mail and for each secondary e-mail address. **Please note: The time period for the "free look" will be reduced to 15 days.**

If a deadline for filing claims has been set in a case, the last date to file claims will be shown on the Claims Register Report.

Cases Report: There will be an "Output Format" selection choice. The "Formatted Display" option will provide the same report previously produced; the "Data Only" option will allow the user to save the selected data to a file instead. The fields in each data file record will be separated by the pipe symbol. This will allow the uploading of the data into other applications.

ELECTRONIC SERVICE OF

CONTESTED MATTERS AND COMPLAINTS

Motions filed in non-contested matters may be filed and served electronically in accordance with Bankruptcy Rule 9013.

Motions filed in contested matters must be served in accordance with Bankruptcy Rule 9014(b), Bankruptcy Rule 7004, and Fed.R.Civ.P. 4. These rules require contested matter motions to be treated like complaints for purposes of service. There currently is no authority to effect service of contested motions electronically. That means that notwithstanding the automatic service of notice of motions on ECF participants through the Court's ECF system that occurs when a motion is filed, if that motion is filed in what would be deemed a contested matter, the movant must mail notice of the motion to those parties entitled to notice. All subsequent pleadings may be filed and served electronically in accordance with Bankruptcy Rule 9014(b) and Fed.R.Civ.P. 5(b) (as amended, permitting service through the court's transmission facilities). For examples of what types of motions are required to be served by mail in accordance with Bankruptcy Rule 9014(b), see the Advisory Committee Note to that rule.

Service of a Summons and Complaint must be served by mail.

“Key Word” Searching in ECF

It is easy to search for “key words” in ECF Docket Reports and PDF documents that were not created by scanning. If you are looking for a key word or phrase in a lengthy docket report or PDF document, simply press the “Ctrl” and “F” keys and the key word search tool box will open.

Looking for a particular word or phrase?

Remember “Ctrl” + “F” means “Find”.

ELECTRONIC CASE FILINGS

As of July 1 2004, there were 337 attorneys registered as E-Filers. During the period of June 1, 2004 - June 30, 2004, 31% of new cases were filed electronically, an increase of 9%. Also for this time period, 12% of the total number of docket entries were made by attorney e-filers, an increase of 4%.

CHAMBERS COPY OF E-FILED DOCUMENTS

Attorneys filing documents electronically must send an exact copy of the document to the Court, clearly marked “**CHAMBERS COPY**”. This includes all documents with the exception of Chapter 7 petitions. The Chambers Copy must be exactly what has been filed electronically. If changes need to be made to the document, an amended document must be clearly marked as and e-filed as an amendment.

MOTIONS AND ATTACHMENTS

When e-filing a motion, the main document (pdf) consists of the Notice of Motion, Motion and Affidavit. Attachments to the main document include: Exhibits, Certificate of Service, Cover Sheet (Rochester Default Motions only), and Proposed Order (Rochester Default Motions only)

CONTACTING THE BUFFALO TRAINERS

Some issues of the May/June edition of the CM/ECF newsletter contained the wrong telephone number for the Buffalo trainers.

The correct number is (716) 551-4926.

