



UNITED STATES BANKRUPTCY COURT

Western District of New York

Paul R. Warren
Clerk of Court

Buffalo
Rochester

(716) 551-4130
(585) 263-3148

IMPORTANT ANNOUNCEMENT

CASE MANAGEMENT/ELECTRONIC CASE FILES (“CM/ECF”) PROJECT

May 2003

No. 03-01

May 23, 2003 [revised]

The following changes will be applicable to all filings, whether electronic or conventional, upon the implementation of the **C**ase **M**anagement (“CM”) component of the “Case Management/Electronic Case Files (“CM/ECF”) project. The target date for implementation of the new CM program is June 16, 2003. The Court expects to implement the **E**lectronic **C**ase **F**iles (“ECF”) component of CM/ECF on September 2, 2003. Further information regarding registration requirements and training schedules will be posted to the Court’s website (www.nywb.uscourts.gov).

Down Time for Court Computer Systems

Please be advised that the Court’s case management system will be unavailable from Friday, June 13, 2003 beginning at 8:00 a.m. through Monday, June 16, 2003 at 8:00 a.m. During this time, all current BANCAP case information will be converted into the new case management system.

The Clerk’s Office will be open for business to accept filings on Friday, June 13th. However, please note that no docketing will be performed on June 13 and access to the Court’s website, PACER and the Voice Case Information System will be unavailable.

Counsel are urged to make every effort to minimize filings on June 13, 2003, to the extent possible.

Claim Registers

Claim Registers will be maintained electronically. The converted Claims Registers will only list proofs of claim that have been filed with the Clerk’s Office in Chapters 7, 11 & 12. Claims filed in Chapter 13 cases opened on or after June 16, 2003 will be scanned and entered into the Court’s CM system. Claims filed in cases opened prior to June 16, 2003 will not be scanned nor entered into the Court’s CM system. Claims Registers for Chapter 13 cases opened prior to June 16, 2003 will be maintained in paper form.

Claim registers will display the following information: creditor name and address, claim number, date claim filed, and amount appearing in the total. Notations in the “remarks” section will be made as claims are amended or withdrawn. Other information regarding claim activity such as Orders allowing/disallowing claims, and/or transfers and assignments of claims will be entered on the case docket. It is important to refer to both the claim register and the bankruptcy case docket to obtain complete information regarding activity affecting proofs of claim.

Document Backers/Two-hole punching/Secure Fasteners

In order to simplify the scanning of documents by the Court, please immediately discontinue the use of “litigation backers” or covers and discontinue two-hole punching documents. Please fasten pleadings and documents with fasteners that can be easily removed (i.e., a clamp, paper clip or a single staple). An Administrative Order will be adopted to supercede the Local Rules that require the use of backers and two-hole punching of documents.

Chambers “Courtesy Copies” should be fastened with staples, with exhibits and/or attachments clearly marked.

New Case Number Format

You will notice a difference in the way CM/ECF displays case numbers on some screens. You will not be required to change the way you display the case number on your pleadings. Below is an outline of each part of the new case number display represents:

123456789012345
0:YY-TY-#####-X

1	=	Office Code: 1 is for Buffalo; 2 is for Rochester
2	=	colon
3 & 4	=	the year the case was filed
5	=	hyphen
6 & 7	=	Case Type: bk is for bankruptcy; ap is for adversary proceeding; mp is for miscellaneous proceeding
8	=	hyphen
9 thru 13	=	five digit case number
14	=	hyphen
15	=	Judge’s Initials

Exhibits and Attachments

The Administrative Procedures that the Court will adopt will direct that you are to discontinue the practice of filing voluminous/lengthy documents as exhibits or attachments to pleadings and/or proofs of claim. Instead, you will be directed to include only excerpts of documents as exhibits if directly relevant to the matter under consideration by the Court. For example, complete copies of mortgages, leases and commercial notes are often not necessary for the Court to decide a matter. Excerpted material must be clearly and prominently identified as such. The filing of excerpts of documents is without prejudice to the right to file additional excerpts or complete attachments if necessary for the Court to determine an issue. If requested by the Court or a respondent, a complete copy of any document(s) will be required to be provided.

Venue

The venue is determined by the county of the debtor’s residence or principal place of business (not the debtor’s mailing address). Please make sure the correct county is selected when using petition preparation software.

Motions/Requests for Change of Venue

Motions for Change of Venue are presented to the presiding Bankruptcy Judge for determination. Please note that, in most instances, the Notice of Meeting of Creditors will be mailed on the day the case is filed or the first business day after the case is filed. The party moving for change of venue will bear the responsibility for any required notice to creditors, should a motion or request for change of venue be granted.

Gross Filing Deficiencies - Issuance of an Order to Show Cause for Immediate Dismissal

Petitions filed conventionally or through electronic means which are lacking the minimum filing requirements will be subject to the immediate issuance of an Order to Show Cause for Dismissal of the Case *ab initio*. These filing deficiencies include, but are not limited to:

1. Filing fees not paid or application to pay filing fees in installments not filed with the Petition;
2. The Petition attempts to commence a single case for more than one entity or person (except husband and wife);
3. The Petition is not properly signed by the debtor (original signature for conventional filings, /s/ name or facsimile signature for electronic filing);
4. The Petition attempts to commence a case using a power of attorney that lacks bankruptcy authority or without another type of acceptable document authorizing the filing of a voluntary petition by someone other than the debtor (e.g., an Order appointing a Conservator).

All other types of deficiencies in documents and pleadings will result in the issuance of a deficiency notice and will be subject to further action by the Court as is appropriate.

Notice Requirements for gross filing deficiencies

The CM/ECF program has the functionality to assign a Trustee and generate a Notice of Meeting of Creditors within minutes after the filing of a Petition. The Court intends to use this functionality to generate the Notice of Meeting of Creditors in Chapter 7 cases, which Notice will be issued within two business days after the case is filed.

The debtor's attorney will bear the responsibility for sending notice of the meeting of creditors to parties in cases filed with missing or erroneous critical information such as a debtor's social security number, a complete mailing list of all creditors and parties, and/or the complete case caption. In such instances, an affidavit of service must be filed with the Court. This requirement is independent of the procedure regarding the issuance of an Order to Show Cause for gross filing deficiencies.

Judgments entered in Bankruptcy Cases or Adversary Proceedings

Notice of Entry of judgments in bankruptcy cases and adversary proceedings will be sent by the Clerk's Office. Practitioners are reminded that only the U.S. District Court can issue a Transcript of Judgment for filing in a county clerk's office. Certified copies of judgments, with the requisite engraved seal of the U.S. Bankruptcy Court for registration with the U.S. District Court, will be issued upon request and the payment of fees in accordance with the Bankruptcy Court Fee Schedule. The fee to record a judgment in U.S. District Court is \$5.00, with payment being made to the "Clerk, U.S. District Court."