



CM/ECF NEWSLETTER

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In This Issue ►

Correcting the Social Security Number of a Debtor	page 1
Docket Events Modified	page 1
Coming Soon: Internet Payment of Filing Fees	page 1
Notice Regarding Caption on Motions	page 2
Credit Card Authorization Form	page 2
Pay Advices and Tax Returns	page 3
Notifying the Helpdesk When Your E-Mail Address Changes for CM/ECF	page 3
Reminder: Review the Announcements Page	page 3
Chapter 13 Rules Committee	page 4
Certificate of Consumer Credit Counseling	page 4
Submitting a Creditor Change of Address	page 4
Preferred Filing Practice for New Cases	page 4

Correcting the Social Security Number of a Debtor

Local Rule 1009-1 E. provides the steps that need to be taken when the debtor's Social Security number needs to be corrected. All creditors and other parties in interest need to be served with a copy of the amendment modifying the Social Security number that includes the debtor's full Social Security number. The amendment filed with the court, which will be available on CM/ECF, should have the first five numbers of the Social Security number redacted. The certificate of service filed with the amendment must list the parties served and aver that the recipients received a copy of the amendment that included the full Social Security number. The caption of Official Bankruptcy Form No. 21, Statement of Social Security Number, shall be modified to include the word "amendment" at the end of the caption, and the completed form must be submitted on paper to the Clerk, not filed electronically. ■

Docket Events Modified

The entry for Certificate of Credit Counseling has been modified to require including the date the briefing was obtained by the debtor.

The entry for the Debtor's Certification of Completion of Instructional Course Concerning Financial Management has also been modified to include the date that the debtor attended the course.

The name for the entry Exigent Circumstances Re: Credit Counseling has been changed to Certificate of Exigent Circumstances. ■



Coming Soon: Internet Payment of Filing Fees

Attorneys will soon be able to pay filing fees using a credit card when filing documents on CM/ECF. At that time, the Clerk's Office will no longer require attorneys to file a Credit Card Authorization form, because the Clerk will no longer need to charge attorney's credit card accounts for filing fees. The CM/ECF system will be modified so that attorneys will pay fees immediately through a secure online transaction. In addition, the new credit card module of CM/ECF will allow attorneys to review their Internet credit card transaction payment history, review any outstanding payments due to the Court, and request online payment of unpaid balances.

Information on how to use the new credit card module will be provided to attorneys prior to implementation. ■

Notice Regarding Caption on Motions

Local Rule 9004-1, Captions of Pleadings and Orders, states:

The caption of any pleading, all responses and replies thereto, and any proposed order shall conform substantially to Official Bankruptcy Form 16D governing adversary captions except that the party seeking relief shall be designated as "Movant" and the party against whom relief is sought shall be designated as "Respondent." When there is no entity to be named as a respondent, the words "No Respondent(s)" shall be stated. In the caption of each motion and any response thereto the case number shall be entered as well as the chapter number. "Document No." shall be stated instead of "Adversary Proceeding No." when the pleading is a motion in the main case. The caption for the motion shall substantially conform with Local Form No. 17. A certificate of service, proposed order, or any subsequent pleading to a motion, objection, or other request for relief shall include in the caption the hearing date

and time, the objection date, and the document number of the document that it pertains to.

The Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 did not change the parties who need to be listed in the caption of a pleading as respondents.

Attorneys were advised at the Chapter 13 Open Forum held on January 18, 2006 that motions to extend the automatic stay under 11 U.S.C. § 362 c(3) or to implement the stay under 11 U.S.C. §362 c(4) required debtors to identify the creditors to whom the stay would be applicable. The statute states that the stay could be applicable to "any or all creditors." The caption of a motion to extend or make the stay effective, therefore, would require all creditors to be named as respondents if the debtor was asking that the stay be in effect for all creditors.

The discussion at the Chapter 13 Open Forum was limited to 11 U.S.C. §§ 362 c(3) and c(4). The caption requirements for other motions have not changed. The party or parties against whom relief is sought should be designated as "Respondent(s)." The caption for respondents should not include counsel to the creditor, only the creditor itself. ■



Credit Card Authorization Form

The Clerk's Office will continue to charge attorney's credit card accounts for filing fees until the credit card module is made part of the CM/ECF system. Please keep the following in mind when submitting a new or updated Credit Card Blanket Authorization Form. The Credit Card Authorization Form should be marked as "Update" when a different credit card number is authorized for use on the form or a new expiration date is needed for the existing card (do not mark "New" on the form).

One credit card account number may be used by several members of a law firm to pay CM/ECF filing fees. The names of attorneys who have already submitted a Credit Card Blanket Authorization form do not have to be included on a form filed by another attorney in the firm who is requesting that filing fee charges incurred by him be included on the same account number as the other members of the firm.

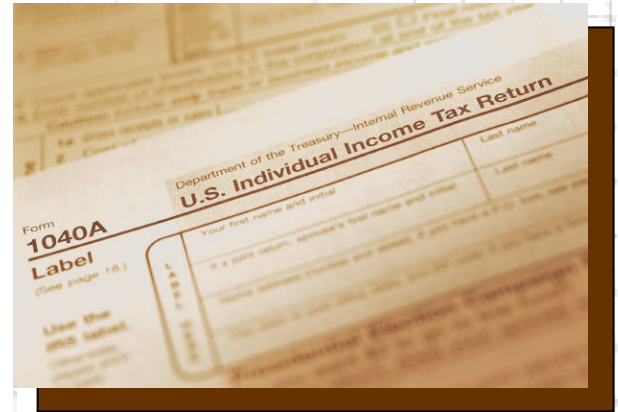
Please remember to submit a new Credit Card Blanket Authorization form prior to the expiration date of your current credit card. ■

Pay Advices and Tax Returns

Local Rule 1007-4, Proof of Income, was revised as of October 17, 2005. This rule states in part:

(1) The debtor shall provide to the trustee not later than 15 days before the date first set for the first meeting of creditors a paper copy of the Federal income tax return required under applicable law (or, at the election of the debtor, a transcript of such return) for the most recent tax year ending immediately before the commencement of the case and for which a Federal income tax return was filed.

(2) The debtor shall file with the Clerk copies of the payment advices described in 11 U.S.C. §521(a)(1)(B)(iv). Debtors shall file pay advices in accordance with General Court Procedure #6, Exclusion of Personal Data Identifiers, which instructs parties to redact personal information such as the first five numbers of a debtor's Social Security number and



personal identifying numbers such as employee identification numbers. If the debtor does not have the required pay advices, then the debtor shall file a certification with the Clerk explaining the reason pay advices are not available.

The payment advices do not need to be sent to the trustee, because they are filed with the Court. The full text of Local Rule 1007-4 can be found on the Court's Website at <http://www.pawb.uscourts.gov/pdfs/LocalRules.pdf>. ■

Notifying the Helpdesk When Your E-Mail Address Changes for CM/ECF

The attorney e-mail list that is used by the Clerk to send notices and other items of interest to attorneys, such as this newsletter, is composed of the first

e-mail address that attorneys enter into CM/ECF for notices. A member of the Clerk's staff has to review new accounts in order to obtain these e-mail addresses. The CM/ECF system does not alert the staff when an e-mail address is changed, so the new e-mail address cannot be included in the general mailing list unless the Clerk's staff is notified of the change.

Please send an e-mail to the Helpdesk when you change your e-mail address in order to ensure receipt of future e-mail notices from the Court. ■

REMINDER: REVIEW THE ANNOUNCEMENTS PAGE

Please check the "Announcements" page of the Court's Website on a frequent basis at <http://www.pawb.uscourts.gov/announcements.htm>.

Many items of importance to practitioners are placed on this page. ■

Helpdesk: PAWBHelpdesk@pawb.uscourts.gov

Chapter 13 Rules Committee

The United States Bankruptcy Court for the Western District of Pennsylvania has formed a committee to review the local rules, forms, and procedures pertaining to Chapter 13 cases.

The committee will make recommendations to the Court concerning the existing local rules, forms, and procedures in addition to recommending additional rules if needed.



The work of the committee will be limited to matters concerning Chapter 13 practice in this district. The first meeting has been scheduled for March 23, 2006, at noon. The meeting will be held in Courtroom A in Pittsburgh. Attorneys will be able to participate by phone from the Clerk's Conference Room in Erie. ■

Certificate of Consumer Credit Counseling

Section 11 U.S.C. § 109 (h)(1) requires individual debtors to attend a briefing that outlines the opportunities available for credit counseling. This includes individual debtors that have primarily business debts. The Court allows debtors to file a Certificate of Consumer Credit Counseling no later than 15 days after the bankruptcy petition is filed. Nothing more than the Certificate of Consumer Credit Counseling needs to be filed when the debtor has attended the briefing prior to the date the petition is filed. Administrative Order #2005-5 discusses the documents that need to be filed with the court when the debtor attends a briefing after the date the petition is filed.

Administrative Order #2005-5 states in part:

... debtors who attend a consumer credit counseling

briefing after the date the bankruptcy petition is filed must file (1) a Certificate of Exigent Circumstances if one has not already been filed with the Court, and (2) the Certificate of Consumer Credit Counseling briefing required by 11 U.S.C. §109 (h)(1). The bankruptcy case shall be dismissed without further notice if the debtor fails to file a Certificate of Exigent Circumstances no later than 15 days after the date the bankruptcy petition is filed. The bankruptcy case shall also be dismissed without further notice if the debtor fails to file the Certificate of Consumer Credit Counseling no later than 30 days after the date the bankruptcy petition is filed.

The full text of the administrative order can be viewed on the "Announcements" page of the Court's Website. ■



Submitting a Creditor Change of Address

The attorney for the debtor may need to correct the addresses of debtors or creditors that have already been submitted to the Court. The attorneys cannot modify addresses in CM/ECF. The Clerk's staff must change the addresses in the system. The document changing the addresses, however, can be submitted electronically by docketing the event bankruptcy/miscellaneous/ Notice of Change of Address. ■

Preferred Filing Practice for New Cases

The Certificate of Consumer Credit Counseling, Certificate of Exigent Circumstances, and the Pay Advices should be filed as separate documents using separate docket events in CM/ECF. ■