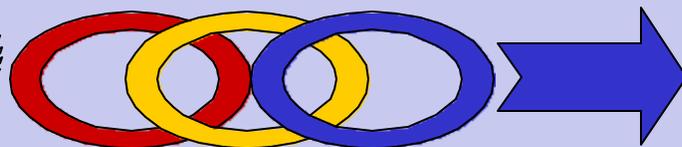


Court Connection



U.S. Bankruptcy Court
Western District of N.C.

E-Mail Address:
Newsletter@ncbankruptcy.org

Volume 3, Issue 1, January, 2001

What's Inside?



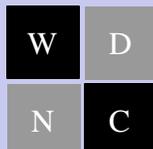
Operations Information
Address Change
Fee Increase
CM/ECF Update
... and more

U.S. Bankruptcy Court
Western District of N.C.

P.O. Box 34189
Charlotte, NC
28234-4189
Tel: 704.350.7500
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ddd

100 Otis Street
Room 112
Asheville, NC 28801
Tel: 828.771-7300



The Chambers "Skinny"

by George R. Hodges &
J. Craig Whitley, Bankruptcy Judges



The purpose of this column is to remind attorneys of the opportunity to schedule longer hearings for "peremptory" settings.

Scheduling hearings is an important part of our service to litigants. Our goal is not to keep anyone waiting for a hearing for more than 15 minutes.

Our general approach is to schedule the routine matters for hearing in "batches" in order to hear them most efficiently for the attorneys involved. This means that attorneys can handle a number of cases on one trip to the courthouse. But, it also means that there is no time during those days for longer hearings for matters requiring evidence or complicated matters requiring extended argument.

We try to accommodate the longer hearings by special settings on other days. This provides an opportunity for attorneys to get peremptory-type setting for such matters. But, it also embodies an obligation—attorneys must let us know which matters need special settings.

For example, the first Thursday of each month is our Wilkesboro motions day. Typically, there are about 130 matters scheduled for that day. Any matter requiring much time must be set at the end of the calendar to avoid inconvenience to others. So anyone with a trial or other dogfight that day would have to wait until the end of the calendar. However, the following day (Friday) is set aside for such matters, and there is also a "Chambers Day" that is available each month. By conferring with each other and notifying the court, you can avoid

the wait and have a special setting. The same is true in Asheville and Charlotte.

Our well of patience, tolerance and intelligence is only so deep even on the best of days. You can be assured that, after a calendar of 130 cases, the well is dang near dry! So beware. We believe that any matter that is worth an extended hearing is worth being heard at some time other than at the end of a long day.

So, our request of the Bar is to let us know when you have a hearing—or even THINK you have a hearing—that will require some time to hear. All that is required is for you to call chambers and talk to Penny Love (for Whitley and Wooten) or Julie Brodhag (for Hodges). For the Asheville Division, call Shawn Leisey to report the same information. You may do this through the day before the hearing. In fact, you may do it on the day of the hearing (even at the hearing) when circumstances conspire to produce surprises.



We believe this procedure works to avoid extended delays for parties, witnesses and attorneys. We encourage the Bar to take advantage of this procedure.



Did you KNOW?

hhh

From October, 1999 through October, 2000:

\$36,786.79 in unclaimed funds were paid out by the Court.

Over 995,000 document pages were imaged.

\$1,585,026.75 in fees were collected.

Wow! 11,106 receipts were written.

hhh

*Newsletter
Comments?
E-mail*

Newsletter@ncbankruptcy.org

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Court Connection



News in Court Operations

by Linda Anderton, Chief Deputy Clerk and Gerri Crockett, Clerk of Court

ADDRESS UPDATE

As a reminder, the **MAILING** address for the Charlotte Division has been changed to the following:

**U.S. Bankruptcy Court
Western District of North Carolina
Charlotte Division
P.O. Box 34189
Charlotte, NC 28234-4189**

If the street address is used, the mail can be delayed a number of days since the Post Office has to handle these in a special manner. Thus, to guarantee quick delivery, *please* use the P.O. Box.

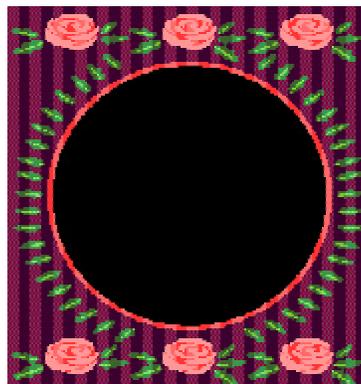


PACER SERVICE

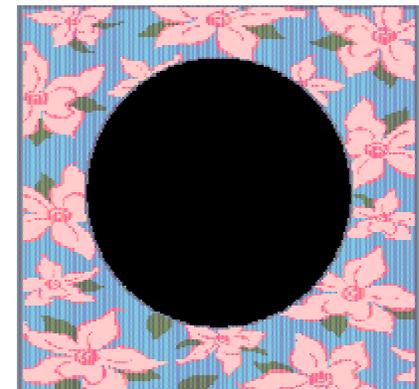
The Pacer Center Service is the Federal Judiciary's centralized registration, billing, and technical support center for electronic access to U.S. District Court, Bankruptcy Court and Appellate court records. You can reach Pacer by calling 1-800-676-6856 or logging onto their website: www.pacer.psc.uscourts.gov.

New Faces

Many of you may have noticed that the Clerk's Office has two new employees in the Charlotte division working at the front counter. They are Elizabeth Lackey and Letha Guerra. Elizabeth came to us from UNCC, and Letha is a former deputy clerk from the bankruptcy court in Greensboro, N.C.



Elizabeth Lackey



Letha Guerra



Fee\$
and
Financial

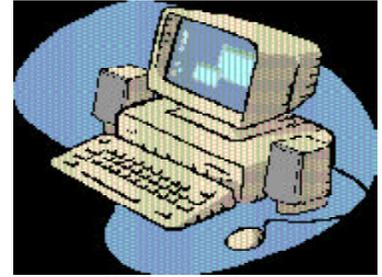
by Carol Caldwell, Financial Administrator

The signing into law of the Federal Court Improvement Act of 2000 on November 13, 2000 increased the filing fee for a Chapter 9 petition from \$330 to \$830 and increased the fee for converting a Chapter 7 or 13 petition to a Chapter 11 (at the request of the debtor) from \$400 to \$645.

Another provision of the Federal Court Improvement Act of 2000 which affects certain miscellaneous fees has been enacted, and has resulted in the following fee increases effective February 1, 2001: (1) Tape Duplication - Increased from \$15 to \$20; (2) Search of Records - Increased from \$15 to \$20; (3) Certification - Increased from \$5 to \$7; (4) Exemplifications - Increased from \$10 to \$14; (5) Filing or Indexing Any Paper not in a case or proceeding for which a fee has been paid - Increased from \$20 to \$30; and (6) Return Check Charge - Increased from \$25 to \$35.

CM-ECF IMPLEMENTATION - MARCH 5, 2001

The United States Bankruptcy Court for the Western District of North Carolina is pleased to announce implementation of the new bankruptcy court docket system entitled Case Management/Electronic Case Filing (CM-ECF). The CM (case management) portion of the system replaces the previous docket system. The ECF (electronic court filing) portion allows trained users to file new bankruptcy cases or other pleadings electronically. For a full description of the program, including hardware and software requirements, please review the information on the court's website located at www.ncwb.uscourts.gov.



The implementation date for the new system is anticipated to begin **March 5, 2001**. For approximately two months following this implementation, court staff will docket and enter information into the new case management system. Attorneys who register and are trained for electronic filing may be able to file pleadings by late Spring. The new system will provide full twenty-four hour/seven-days-a-week access to the court. In addition, eventually the system will allow attorneys to file pleadings with the court at their convenience, providing them with instantaneous electronic notification of filings in a case.

The **Administrative Order** and **Administrative Guide for Electronic Case Filing Procedures** (the "Guide") incorporate many of the changes required for the new CM-ECF system. The Guide will be updated from time to time as operational changes occur during the implementation of the new system. These documents will be available for view on the court's website, and any changes will be noted there. The following are some of the **highlights of the changes** that will occur on **March 5, 2001** upon implementation of the case management system:

- Return of Documents** - All original documents will be returned to the attorney after they are processed in the Clerk's Office. The original records will be in electronic form. The Clerk's Office will not maintain paper files.
- Envelopes** - Petitions, Pleadings and Complaints filed over the counter must include a pre-addressed, stamped envelope with sufficient postage to return processed documents. If an attorney has a mail slot in the Clerk's Office it will not be necessary to provide the envelope.
- Maintenance of Original Pleadings** - Attorneys will be required to maintain in his or her files all original documents which contain the Debtor's signature for a period ending four (4) years after the case or proceeding in which the pleading is filed is closed.
- Cover Sheet** - The Clerk's Office will require a new cover sheet for ALL documents filed in the Clerk's Office. A copy of the Cover Sheet is attached. The primary purpose of this cover sheet is to ensure that all pages of the filed document are correctly scanned by court staff.
- Receipt of Case Number** - Attorneys filing Petitions and Complaints over the counter will receive the case number and copies back within 24 hours of filing. Under CM-ECF, it is necessary for the Court to make procedural changes in case number assignment. Emergency filings will be processed at the time of filing.
- Number of Copies** - When filing over the counter, the Court will require the following number of full copies of bankruptcy petitions (including all schedules, and statements):

| | |
|------------|--------------------------------|
| Chapter 7 | Original plus one (1) copy |
| Chapter 9 | Original plus four (4) copies |
| Chapter 11 | Original plus three (3) copies |
| Chapter 13 | Original plus one (1) copy |

PACER Registration - Once the court implements CM-ECF, all access to court files will be through the PACER system. All attorneys will need to have a PACER account in order to access docket information.

Continued on Page 4....

CM-ECF IMPLEMENTATION - MARCH 5, 2001

Continued from Page 3...

Once the court is ready to implement the electronic case filing portion of the system, bankruptcy court staff will hold regular training sessions for interested attorneys and their staff. A registration form can be obtained from the court's website. A completed form is required in order to register for training. The court will establish a training schedule to begin in late Spring and will post that information on its website. Prior to registration and to ensure that persons/firms are prepared for training, please refer to the CM-ECF Skills Checklist and CM-ECF Readiness Survey located on the court's website. At the completion of the training program, a separate password will be provided for use in electronic filing of documents with the court.

The Clerk's Office and judges' staff have been involved in training for implementation of this system for nearly a year. Together with the technical support of our staff, we look forward to providing the Bar and the public with continued accurate and timely docket information and to making the transition as smooth as possible.

We thank you for your patience and assistance in working with us.



What Hardware and Software is Needed on the Attorney's End to Use ECF?

A personal computer with at least a Pentium processor, or a Macintosh, running a standard operating system such as Windows, or Macintosh OS.

A scanner for attachment of documents not in your word processor or bankruptcy software.

A connection to the Internet with unrestricted browsing Netscape Navigator software (latest version).

Adobe Acrobat software (Reader and Writer) which is used to convert documents from a word processing software format to a Portable Document Format (PDF) or to save scanned documents to PDF. Adobe Acrobat "Reader" is free and may be downloaded via the Internet at www.adobe.com. Adobe Acrobat "Writer" must be purchased. Special Law Office Pricing from Adobe may be obtained by calling 888-502-5275. Attorneys will need to give their bar number and mention that they will be participating in ECF with the U.S. Courts.



Missing Something?

Past Issues of The Court Connection are available on our website: www.ncwb.uscourts.gov by selecting the *Court Newsletter* hypertext link.