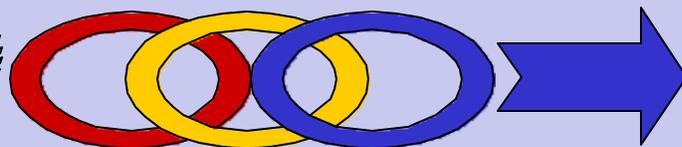


Court Connection



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

E-Mail Address:
Newsletter@ncbankruptcy.org

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What's Inside?



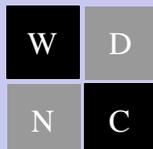
Operations Information
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A Word from the Clerk
New Chief Deputy
... and more

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The Chambers "Skinny"

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



On the eve of Christmas I was reminded again of what an able and talented Bar we have the good fortune of serving with.

That day a couple of members of our Bar tried a contract/fraud lawsuit involving a \$1.5 million contract for the sale of assets between two internet companies. It was the kind of action (and size of stakes) that—if handled by "litigators"—would have spent a year in pre-trial proceedings and taken a week to try. Driven by necessity, members of our Bar presented the case in one full day of trial—and did that only six weeks after the Complaint was filed (and before all of the responsive pleadings were due under the normal rules).

What is most demonstrative of the lawyers' abilities was that the case was thoroughly prepared and expertly tried on both sides, and although the case was hotly contested, the lawyers were most professional in their relations with each other.

I mention this not because it is remarkable, but because it is not. It is simply another demonstration of the professionalism and abilities that are the norm in the Bar of this court. And, I want the Bar to know how grateful the court is for that!

This was further demonstrated in the first weeks of this year when the court had calendars of 170 cases in Wilkesboro and 253 cases in Charlotte. Each calendar as easily handled in one day! That only occurred because of the professionalism, abilities and mutual trust of the Bar. Again, thank you!

Unfortunately, it seems to be a law of nature that "the strong horses get the big loads." That is certainly true these days for the Bar and the Clerk's office staff. We are going through significant changes in converting to the CM/ECF system—and doing that at a time when filings are very high.

The Clerk's office switched to the electronic system "cold turkey" and has done a great job of adjusting to it. A number of lawyers undertook the training provided by the Clerk's office staff and have been filing cases and other pleadings electronically.

These lawyers and their staffs have been a great help to the court and are continuing to help make the system work better. We thank all of them for their work and their contribution to the system.

GEORGE R. HODGES



ECF Guideline and Order Updated

The Administrative Order Adopting ECF Procedures and associated Guidelines have been revised. Revised versions of these are available from the Court's website. Click on CM/ECF Information hypertext link to view the most updated versions of these documents.

You will note that one of the most significant changes is that an electronic signature (such as /s/ John Doe) is no longer required on documents submitted electronically or on images submitted on diskette. Such are considered to be signed by all parties upon submission.

NOTABLES:

Did you know?

More than 30% of the new cases filed in the month of January, 2002 will be filed by attorneys electronically.

*Newsletter
Comments?
E-mail*

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Court Connection



News in Court Operations

by Gerri Crockett, Clerk of Court

The Clerk's Office has hired three new employees since the last edition of the newsletter. Stephanie Mann has joined the Asheville Division as a Case Administrator. This addition increases the division's staffing to five people. Stephanie has extensive experience in procurement and legal work. She also worked for half a year at Yellowstone National Park.

Jean Young is working in the Charlotte office in Customer Service. Jean has worked in law enforcement agencies as well as the Probation Office in Salisbury, N.C.

Kim Towery also works in the Customer Service section in the Charlotte office. Kim has experience as a legal assistant and will receive her paralegal degree this coming May.

As you can see, the Clerk's Office is growing to accommodate the changing and expanding needs of the office. We are in an increased, enhanced state of training not only with attorney training but in-house training as well.

Local Rules Committee

A committee of the Bar has been formed and is meeting to discuss modifications to the court's local rules. The general scope of the committee's efforts will be to: (1) update local rules to conform to practices; (2) adopt local rules for electronic filing procedures; (3) explore conforming our local rules and those of the Eastern District where possible; and (4) dealing with attorney compensation issues. The court has added a link at its web site to keep interested people advised about the work of the committee. It is posted under "Local Rules Committee" on the web site www.ncwb.uscourts.gov. Currently posted are the minutes of the first meeting of the committee which contain a list of committee members and the subcommittees that are at work. The next meeting of the Local Rules Committee is Friday, March 1, 2002, at the first meeting room of the Bankruptcy Administrator's office. The meeting will be divided into two sessions: 9:30 a.m. for local rules matters and 1:00 p.m. for attorney compensation matters. Attendance is open to all members of the Bar.

New Chief Deputy Clerk Welcomed

The court welcomes David Weich as its new Chief Deputy Clerk. David is originally a Floridian who comes to North Carolina Western from The District Court for the Southern District of Indiana where he was that court's Chief Deputy Clerk. Prior to Indiana, David worked for the District Court for the District of Oregon as a civil supervisor and the Bankruptcy Court for the Middle District of Florida as a courtroom deputy. David says he is glad to be back in the South where there are a lot of sunny dispositions, excellent vegetable dishes, and fresh-brewed iced tea.

Prior to starting his court career David graduated from the University of Texas at El Paso with a bachelor of arts degree in history. After college he joined the U.S. Navy and attended flight school in Pensacola, Florida. He flew EC-130 G/Q Hercules aircraft on strategic communications missions out of NAS Patuxent River, Maryland. David was also assigned to the Model Manager of Naval Aviation Water Survival where he taught aviators survival techniques in deep water environments around the world.

When not at the Bankruptcy Court, David likes to drag race his 1961 Ford Falcon Sedan Delivery. He races in the Super Gas class of the National Hot Rod Association and the Super Rod class of the International Hot Rod Association. He says this is the only way he can speed and still be employed by the federal courts.



Attorney Compensation Rules

The Local Rules Committee will address issues of attorney compensation in consumer cases at 1:00 p.m., Friday, March 1, 2002, at the first meeting room of the Bankruptcy Administrator's office in Charlotte. Any member of the Bar interested in addressing the Committee on that subject is invited to do so at that meeting.

CM/ECF NEWS AND VIEWS

by Karen Heavner

The Bankruptcy Court Clerk's Office converted all bankruptcy case information for the Western District of North Carolina to CM/ECF on March 5, 2001. Attorneys and trustees began docketing electronically in May. The court has assigned more than 60 attorney and trustee logins to CM/ECF. A listing of authorized users may be found under "Court Announcements" on the court's ECF web page at <http://www.ncwb.uscourts.gov/ecf/ecf.html>.

Statistics: Listed below are current statistics of bankruptcy petitions filed electronically through the Month of December, 2001.

Month	Total Petitions Filed	E-filed	Percentage E-Filed
September	659	87	13.2%
October	788	120	15.2%
November	729	102	14.0%
December	734	154	21.0%

PDF files on Disk: Effective January 1, 2002 all petitions and schedules are to be submitted to the court in portable document format (pdf) on diskette. Every document received by the court via mail or the intake counter is scanned by court staff. Image (scanned) pdf files are poorer in quality, much larger in size, and take much longer to upload into ECF and download from ECF than text pdf files (those saved as pdf from word processing software or petition software).

Training: To become an authorized user of CM/ECF you must attend the court's training and file with the court 1) a Registration Form agreeing to accept service electronically and 2) a Credit Card Authorization form. Both of these forms are available through the CM/ECF Attorney Training Registration hyperlink on the court's Internet site at www.ncwb.uscourts.gov. CM/ECF training is scheduled in Charlotte on Mondays and Wednesdays and in Asheville on Tuesdays and Thursdays from 9:00 a.m. to 1:00 p.m. Registration for training in Charlotte may be done on-line by clicking on the CM/ECF Attorney Training Registration hyperlink on the court's Internet site at www.ncwb.uscourts.gov. Registration for training in Asheville may be scheduled by calling Robin Cherkas at the clerk's office: (828) 771-7308. Forms to obtain CLE credit for attending CM/ECF training are available at both the Asheville and Charlotte training sites.

Users Group: The court is forming a Users Group consisting primarily of non-court users of CM/ECF. This will allow users to share experiences and questions and answers from both court and non-court users. The first meeting will be held at **10:00 AM, Tuesday, February 12, 2002** in Courtroom 122 in Charlotte. If you are the person in your office who uses CM/ECF and would be interested in participating in a Users Group please contact Karen Heavner by phone at (704) 350-7574 or by email at heavner@ncbankruptcy.org.

CM-ECF Keys for Success

Tips for CM-ECF Users, By Robin E. Cherkas



TRUSTEE TIP: When docketing a single 341 proceedings memo, the option is now available to docket the proceedings memo either with or without an image attached.

DEBTOR ATTORNEY TIP: When opening a new bankruptcy case, keep in mind the most commonly seen mistakes:

* **Debtor Name:** Accepting a debtor name already in the system when the name is not exactly the same as on the new petition being filed. If the name is found in the system but is not EXACTLY identical to the name on the new petition being filed, **always create a new party**.

* **Asset status:** Remember, all new bankruptcy cases should be opened as Asset: Yes EXCEPT Chapter 7 cases. Open Chapter 7 cases as Asset: No.

* **Fee:** The Fee Status field defaults to Paid. When filing electronically, change the fee status from paid to **Credit Card**.

* **Creditors:** Remember to upload the creditor matrix!!!

"When I first started using ECF, I hated it! I was TOTALLY against it. Now, I love it and the more I use it, the more I like it. It is a system of trial and error, and in order to learn ECF, you have to use it. It has made my job a lot easier; I don't have to stop in the middle of my day or make arrangements to get to the court to get documents filed. I can just do it on my computer. There are still things that I mess up or get stumped on, but they aren't things that can't be figured out or can't be fixed. It isn't as 'scary' as I thought it would be. It's pretty fun, actually!"

Janice Marshall, Legal Assistant to A. Burton Shuford