

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA**

AMENDED NOTICE AS TO COMPLIANCE WITH LBR 3015-2(A)-(B) AND LBR 5005-1(C)(5)

**REMINDER NOTICE TO THE BAR ON PLANNED CHANGES IN BANKRUPTCY CASE
ADMINISTRATION IN THE EASTERN DISTRICT OF VIRGINIA –
EFFECTIVE JANUARY 1, 2002, AND
NOTICE ON COMPLIANCE WITH LBR 3015-2(A)-(B) AND LBR 5005-1(C)(5)**

- **What are the changes in bankruptcy case administration, which were set out in the Clerk’s Notice to the Bar dated September 17, 2001?** The Court will: (1) discontinue the use of the National Integrated Bankruptcy System (NIBS) for new petitions on and after January 1, 2002; (2) convert NIBS data to the Case Management/Electronic Case Filing System (CM/ECF) in mid-February 2002; and (3) place full emphasis on using the CM/ECF System exclusively to produce complete electronic case files. For more information, please see the Clerk’s September 17 notice, which is posted in each division of the Court and on the Court’s Internet home page at www.vaeb.uscourts.gov and on the Court’s CM/ECF home page at www.vaeb.uscourts.gov/ecfnew/ecf.htm.
- **What else do I need to know about the planned changes in bankruptcy case administration?** As set out in the Clerk’s September 17 notice, all cases filed with the Clerk’s Office on and after January 1, 2002, by parties represented by an attorney, will be filed in the CM/ECF System either via the Internet or submitted on 3.5-inch computer diskettes (disks) in formats specified in the *Administrative Procedures for Filing, Signing, Retaining and Verification of Pleadings and Papers in the Case Management/Electronic Case Filing (CM/ECF) System* (Administrative Procedures) attached as the Exhibit to Standing Order No. 01-6. The Standing Order and Administrative Procedures have been posted in each division of the Court and on the above noted Court Internet home pages. If an attorney representing a party certifies that (s)he has financial constraints and is unable to access the equipment necessary to comply with the option of submitting filings on disks, the attorney may request a waiver from filing by disk and be permitted to file by paper. (An attorney granted a waiver would be deemed by the Court not to have the ability to make filings via the Internet.) The waiver form is available in each division of the Court and on the Court’s Internet home page under “Bankruptcy Forms.” A party not represented by an attorney may file by paper unabated. Cases administered in NIBS, which are filed prior to January 1, 2002, will continue to be administered by paper through closing.
- **If I elect to make a filing by disk, what is the proper way to go about doing it?** Instructional information is included at the end of this Notice that will aid you with proper disk filing. *You are strongly encouraged, however, to make your filings via the Internet.*
- **Why should I make my filings via the Internet?** You should become a registered user and file via the Internet because you will have: (1) Internet access to file from any location; (2) electronic notification to other registered users, as well as immediate notification to yourself of documents you have filed; (3) up-to-the-minute case data and reports; (4) access to the system 24 hours a day, 7 days a week; and (5) cost effectiveness (*i.e.*, savings in postage, delivery/courier fees, time, driving and parking expenses).
- **I still need to be trained on using the ECF component of the CM/ECF System so I can make filings via the Internet. Is it too late for me to obtain training?** No! For additional information on securing training in the ECF component of the CM/ECF System, please contact:

Alexandria.....	Evelyn Flowers	(703) 258-1225
	Kathy Dragg	(703) 258-1211
Newport News.....	Caroline Bradley	(757) 222-7574
Norfolk.....	Patricia Woodhouse	(757) 222-7575
Richmond.....	Delores Jones	(804) 916-2435

CLE credit is available to attorneys completing ECF training.

- **I can obtain bankruptcy case information in NIBS and ECF by accessing the Court's Internet home page and clicking the yellow "Bankruptcy Cases" button. Will that change on and after January 1, 2002.** Yes. As a courtesy, certain specified ECF case information has been made available through the Court's Internet home page. With the implementation of CM/ECF for all new petition filings on January 1 of next year, no new case information will be available through this look-up feature. Also, when NIBS data converts to CM/ECF in mid-February 2002, this feature no longer will be available for cases filed prior to January 1, 2002. Instead, all Eastern District of Virginia Bankruptcy Court CM/ECF registered users and case information "query only" users must enter an assigned PACER login and password to access documents in the Court's database. If you already have an active PACER account for the Court's dial-up system, you may use the same account for CM/ECF. If you do not have a PACER login and password, however, please contact the PACER Service Center immediately at (800) 676-6856 or (210) 301-6440. You may register online at <http://pacer.psc.uscourts.gov>. You are strongly encouraged to sign up for a PACER account over the Internet, as this is the quickest way to set up such an account.

For more information on securing a PACER account, go to the Court's ECF home page and click the "PACER Service Center" icon. Please do not delay in securing an account since assignment of a password and login is sent by regular mail from the PACER Service Center to the applicant once the applicant's information has been processed.

- **What is the proper procedure to follow when I think the CM/ECF System is not accessible for any reason?** To date, the CM/ECF System has not succumbed to successful cyber attacks. The Court strives to ensure that the CM/ECF System is reliable and accessible. When a filing party believes the CM/ECF System is not accessible, however, the filing party must speak with a deputy clerk to confirm the CM/ECF System is not accessible and advise why an immediate filing is necessary. The deputy clerks listed in the previous page of this Notice may be contacted for this purpose. The filing party must make arrangements to file the petition or document with the Clerk's Office by an alternate means. After submission of the petition or document to the Clerk's Office and when the CM/ECF System is accessible, a deputy clerk will take the proper steps to docket the petition or document to the CM/ECF System.

COMPLIANCE WITH LBR 3015-2(A)-(B) AND LBR 5005-1(C)(5)

LBR 3015-2(A)-(B): Debtors Signing Blank Documents. The court has received information that some debtors' attorneys, as a convenience, may be having their debtor clients sign documents in blank for later completion and filing with the Court. This supposedly avoids the necessity for the client to return to counsel's office, as for example, in a chapter 13 case when plan or schedule modifications are needed. The Court considers that the filing of bankruptcy papers under such a procedure is inappropriate and contravenes the intent of the Bankruptcy Code and Rules.

LBR 5005-1(C)(5): As set forth in Local Bankruptcy Rule 5005-1(c)(5), "On the first page of each pleading or other paper filed with the court, the attorney filing the same shall be identified by name, State Bar number, complete mailing address, telephone number and the name of the party whom the attorney represents." Recently, many attorneys have omitted their State Bar numbers, an omission that will result in a notice of deficient filing.

SCANNING AND SAVING PETITIONS AND OTHER PLEADINGS TO DISKETTE

Parties with legal representation must file petitions and pleadings in accordance with the Administrative Procedures that are incorporated in Standing Order No. 01-6. If unable to file electronically, an attorney may submit petitions and other pleadings on diskette to the Court, for filing. As set out in the administrative procedures, the standard format for submitting on diskette is Adobe Acrobat (.pdf) format. If your computer system is set up with (full package) Adobe Acrobat software, you will be able to convert a bankruptcy petition from your petition software directly to .pdf format, and you will be able to convert documents developed in your

word processing software directly to .pdf format, thereby avoiding printing and scanning of documents. If you find that you **must** scan a petition or other pleading, please use the following instructions:

A. **Scanner Settings** - It is important to the optimal scanning and saving of your petition/pleading for the settings on your scanner to be set as follows:

- 1) Mode - Black and White
- 2) Paper Size - Letter - 8 ½ x 11 inches
- 3) Resolution - no greater than 300 dpi (dots per inch) – most of the time may be set at 150 dpi or 200 dpi
- 4) Dither (if option) - None

B. **Scanning/Saving a Petition**

If you do not have (full package) Adobe Acrobat software, you will need to work with your software company to determine a means to save the petition to diskette in a format that will be accessible to the Court (Word, WordPerfect, Rich Text Format, MS Dos Text). Each diskette stores 1.44 megabytes of data (1,440 kilobytes). The below configuration for saving has been designed to most efficiently use diskette space.

Disk 1

- Scan the (2-page) Voluntary Petition and save as “voluntary petition”
- Scan the Declaration of Divisional Venue and save as “divisional venue”
- Scan the Summary of Schedules and Schedules A-J and save as “schedules”

Disk 2

- Scan the Statement of Financial Affairs and save as “statement financial affairs”
- Scan the Statement of Intent, if applicable, and save as “statement intent”
- Scan the Notice to Individual Consumer Debtor, if applicable, and save as “notice icd”
- Scan the Attorney Disclosure of Compensation/Fees and save as “fee disclosure”

Disk 3 (if applicable)

- Scan Chapter 13 plan and related notices, save as “13 plan”

NOTE: The procedure for submitting the creditor matrix remains unchanged. Creditors are saved to diskette in text format.

C. **Scanning and Saving Other Pleadings**

- Scan and save each document separately.
- Save documents in only one case per diskette.
- May save more than one document per case on the same diskette.

D. **Labeling your Diskette**

The following information must be included on a label affixed to each diskette submitted to the court:

- Disk Number (*i.e.*, 1 of 1, etc.)
- Case Number
- Case Name
- Pleading Description
- Name and Telephone Number of Attorney

Sample Diskette Label

Disk #:

Case #:

Case Name:

Pleading Descr.:

Atty. Name & Phone #:

DATE: December 14, 2001

WILLIAM C. REDDEN, CLERK OF COURT