

UNITED STATES DISTRICT AND BANKRUPTCY COURT
FOR THE DISTRICT OF IDAHO



CM/ECF HELPFUL HINTS

Volume #5 - February 2006

These hints and tips, and answers to frequently asked questions, are designed to make your use of CM/ECF more efficient and problem-free. As our experience with CM/ECF continues, we will be constantly refining the process in order to best serve the needs of both the Court and the Bar. Check here often for additional information and news regarding CM/ECF procedures. Please direct your questions and comments by way of e-mail to ["ecfhelp@id.uscourts.gov"](mailto:ecfhelp@id.uscourts.gov) or call the help desk at (1-800-699-9842).



GENERAL ISSUES APPLICABLE TO DISTRICT AND BANKRUPTCY COURT

Pro Hac Vice

Attorneys can now apply for Pro Hac Vice admission through CM/ECF. Out-of-District counsel must register for an ECF account prior to petitioning the Court for Pro Hac Vice admission. Upon completion of training or demonstration that they participate in ECF in another U.S. Court, a login and password will be issued by the Court. The Application for Pro Hac Vice admission shall then be submitted in .pdf format through CM/ECF and accompanied by the appropriate fee, (currently \$200). If appropriate, the Court will then enter and docket the text order. All subsequent documents filed by Pro Hac Vice counsel shall be submitted through CM/ECF.

Using the Correct Log-In

There continues to be some confusion regarding the use of CM/ECF and PACER passwords. As noted in previous Helpful Hints, we recommend that you always log-in using your CM/ECF account. You will be prompted for your PACER account information when you attempt to access a page or report requiring a PACER fee. As a shortcut, the next time you enter your PACER login and password, check the box directly below which says "Make this my default PACER login." Thereafter, every time you enter your CM/ECF login and password, your PACER login and password will be logged in at the same time automatically (in the background). Though you won't be prompted for this login/password, you will still be charged a fee when viewing court records/reports.

Summonses in Civil and Adversary Cases

When initiating a new Civil or Adversary proceeding, a Registered Participant shall electronically prepare the Summons for a Civil or Adversary proceeding and electronically file it as an

attachment to the electronically filed Complaint. Thereafter, the Clerk will electronically issue the summons and return it to the party who submitted it.

When filing a return of a served summons in ECF, an attorney in District Court cases should use the event code, "Summons Returned Executed." In the Bankruptcy Court, the attorney should use the event code, "Summons Service Executed."



OTHER ISSUES APPLICABLE TO THE DISTRICT COURT

Civil Complaints & Removals

Civil Complaints, Notices of Removal, and Civil Case Cover Sheets shall be filed through CM/ECF, and accompanied by the applicable fee, payable by credit card. (Detailed instructions for paying by credit card are contained in Section 16 of the new ECF Procedures.) The Civil Case Cover sheet shall be submitted in .pdf format as an attachment to the Complaint or Notice of Removal. When filing a Notice of Removal, the copies of the state court documents are to be filed electronically as attachments to the Notice of Removal. Each pleading is to be added as a separate attachment.

Timing of Submission of Proposed Orders

Attorneys are urged to submit the proposed order at the time the motion is filed. All proposed orders should be submitted in word perfect format to the e-mail box of the assigned judge (See ECF Procedures).



OTHER ISSUES APPLICABLE TO THE BANKRUPTCY COURT

Signature Pages

We have noticed that some firms are not complying with the ECF Procedures and the General Order which require the submission of the debtors signature page of the original and any amended petition, declaration of schedules and statement of financial affairs, within 5 days of electronically filing these documents with the Court in ECF. This requirement was adopted in November, 2004 by General Order and is contained in the ECF Procedures, section 13

Social Security Statement (Form B-21)

With respect to the Social Security Statement, (Form B-21) this form shall be filed separately in ECF. The use of the "Social Security Statement -Sealed Document" event will seal this information. This event can be found under "Other" in ECF. If the Social Security Statement is not included at the time the Bankruptcy Petition is filed, the Court will send a separate deficiency notice to the debtors attorney and the debtor.

Means Test

Since a different noticing requirement exists for the Means Test, attorneys shall file the Means Test as a separate document, and not include this with the Petition.

Documents Not Filed with Petition

When filing a new petition with missing schedules and statements, please remember to change the deficiency box on the first screen from “no” to “yes” and choose all of the appropriate deficiencies on a later screen. This deficiency screen will only appear if the deficiency box is changed to “yes.”

If a Petition is originally filed without the schedules and statements required by the Federal Rules of Bankruptcy Procedure, the debtor’s attorney shall later file the missing documents as one document. For example, if a Petition is filed only without Schedule J, then the debtor’s attorney shall file Schedule J separately. However, if a skeleton case is filed without Schedules B-J, then the subsequent filing should include Schedule B-J as one package, but not include Schedule A.

Effect of New Amendments to Federal Rules of Bankruptcy Procedure upon CM/ECF

Federal Rule of Bankruptcy Procedure 7004 now allows the Clerk of Court to sign, seal and issue a summons electronically. Federal Rule of Bankruptcy Procedure 9006 allows an additional three (3) days after service by ECF.

Bankruptcy Local Rule 9004.1(c) - Form of Orders - Format

Please remember that: (1) There should be **NO** attorney information (name, firm, address, etc.) above the caption; (2) After the text of the order, the end of the text shall be indicated with the phrase, //end of text//; and (3) Below the end of text designation, the submitting attorney shall indicate the name of the attorney(s) submitting the order, the name of the party(s) represented, and any endorsements of the order by other parties. For example:

//end of text//

Submitted by Jane Smith, attorney for Debtor Tom Jones

Approved by /s/ Susan Peterson

Bankruptcy Local Rule 9024.1 - Amendments to Judgments or Orders

These Local Rule amendments replace the previous procedure which allowed an attorney to submit an amended order. The new Local Rule requires a motion which must clearly set forth the proposed changes either in the motion or by attaching a red-lined copy of the judgment or order. A separate order containing the changes shall still be submitted in accordance with the Local Rules.

Preferred Address

In individual Chapter 7 and 13 cases, a creditor may file a Notice of Preferred Address which overrides the address registered with the Bankruptcy Noticing Center. The requesting party must make it clear in the text of their document that the new address replaces the creditor address currently used by the BNC. When updating the address, the user should click on “noticing” and then select the event code called “Notice of Override of Preferred Address 342(e).”

