

UNITED STATES DISTRICT AND BANKRUPTCY COURT
FOR THE DISTRICT OF IDAHO



CM/ECF HELPFUL HINTS

January 2005

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).



PROCEDURES REGARDING BANKRUPTCY ORDERS

1. It is very important that proposed orders be submitted in Word Perfect format. Some law firms use Word, but need to convert the document before it is submitted to the Court. This issue relates to both the Bankruptcy and District Courts, and an easy method for converting your documents is described below. Please contact the Court for further suggestions and advice.
2. Some lawyers use complex formatting in their pleadings and documents. (Remember all that paper with the line and numbers running down the left hand margin?) This not only isn't necessary under the Local Bankruptcy Rules (and hasn't been for quite some time), such formatting causes problems in handling documents electronically. Footers also cause major problems during conversion from Word to WordPerfect. Simpler is really better.
3. Remember that pre-typed formats for date and the Judge's signature are no longer required. The Court will insert the date, the signature, and the Judge's name and title, so long as you leave the space available for it. (See more below). So, please DELETE the following type of format from your proposed orders.

Dated this ___ day of _____, 200_.

Terry L. Myers
Chief U.S. Bankruptcy Judge

4. When submitting proposed orders, the ECF Procedures require that the submitting party leave blank at least 12 line spaces at the end of the proposed order. (This replaces that "signature form" we just talked about deleting). Sometimes, the Court has noticed that it can be hard to tell if the order text has ended. We encourage submitting parties to indicate in some fashion that the

text of their proposed order has ended, such as by using the pound sign, e.g. #####
#####

If you have suggestions for a “universal” indicator that could be adopted by the Procedures and Local Bankruptcy Rules (when revised), please let us know.

5. **“Do I need to submit a proposed order with a reaffirmation agreement? The Local Rules and Procedures say I do.”**

The submission of reaffirmation orders is, indeed, something which has been required in LBR 4008.1, and this practice was continued in the Procedures. However, the Judges have determined that there is a better way. This conclusion was driven in part by the forms of reaffirmation orders, which have generally proven difficult to edit and enter in CM/ECF. And there has been, for some time, a problem with orders not accurately reflecting the terms of the executed and filed reaffirmation agreements, necessitating lots of proofreading and either editing by the Judges or submission of a revised order by the debtor or creditor.

The Judges have determined that all reaffirmation agreements will now be approved or denied through a “text order” – an entry on the docket reflecting the ruling of the Court, which stands on its own and has no other “order” attached. (You’ve seen, or soon will, other “text orders” on bankruptcy dockets.) The Judge will either “approve” the agreement submitted by the parties, “not approve” that agreement, or withhold its ruling pending additional submissions within a time certain. (If the third option is used, please be aware that a failure to timely submit whatever is requested will lead to disapproval).

So, it is no longer necessary to submit a proposed order on reaffirmation agreements. The clerk has been advising parties of this change, particularly those creditors who file a high volume of reaffirmation agreements. The CM/ECF Procedures and LBR 4008.1 will be amended in due course.



GENERAL ISSUES APPLICABLE TO DISTRICT AND BANKRUPTCY COURT

1. **“When I click on the link, it doesn’t work or goes to the wrong location.”**

This is often caused because your browser is using its memory to respond to your command. To fix this, you need to delete your browser cache, and set your machine to do that every time.

- a. First go to your browser main screen (Internet Explorer) and select Tools, Internet Options and, under the General Tab and Temporary Internet Files, Select Delete Files. You should also click on the “Settings” button on this screen and ensure that your browser checks for newer versions of stored pages on “Every visit to the page.” Be sure to click on the OK button if you made any changes on this page.

- b. To make sure the browser cache gets deleted when the browser is closed, select Tools, Internet Options, and then the Advanced Tab, scroll down to Security and, make sure "Empty Temporary Internet Files folder when browser is closed" is checked. Similar "housekeeping" options exist in other popular browsers.

2. **"My login and password doesn't work."**

Most attorneys will require both a PACER login and the CM/ECF login. There has been some confusion regarding the various registrations that are required with CM/ECF. First, as a member of the bar you have to register for CM/ECF. The purpose of this is so that you can receive electronic notices and orders from the Court and be served by other parties in the case. Even if you registered for a class on our web site, you still need to register for CM/ECF. Finally, if you want to access the images of pleading filed with the court or look at the docket, you need to register for PACER. The links are provided below:

REGISTER FOR CM/ECF

<http://www.id.uscourts.gov/cfCourt/ECFRegistration/ECFRegistrationForm.cfm>

REGISTER FOR PACER

<http://pacer.psc.uscourts.gov/>

3. **"What is the correct procedure for submitting a proposed order? (I really don't want to do it twice.)"**

The Electronic Case Filing Procedures require the following:

"Proposed orders are to be submitted by e-mail in a format compatible with WordPerfect version 5.1 or higher, unless expressly directed by the Court to be submitted in a different format[.]"

We are receiving many orders in "Word" format, which cannot be read, much less edited or entered, by the Court. The following procedure will help you convert a proposed order to a form that can be properly submitted to the Court:

- a. WordPerfect conversion filters must be selected when Microsoft Word is installed on your computer.
- b. After you have completed your Word document, use the "save as" command under the "file" feature.
- c. On the "save as type" drop-down box, go to the bottom of the list and select "WordPerfect 5.x for Windows"
- d. Then save the document to your hard drive or local area network.
- e. Then e-mail the proposed order in the corrected format to the court.

Additionally, the ECF Procedures also require that:

"All proposed orders must list in the e-mail subject line, the following items: (1) the case number, and (2) the docket number of the motion filed electronically, which is the

subject of the proposed order. (e.g. 1:CV- 05-23-EJL, docket # 10 or 05-01923-TLM, Docket # 5)”

This is important to the routing of the order and related documents to the Judge for consideration.



OTHER ISSUES APPLICABLE TO THE BANKRUPTCY COURT

1. **“What is the correct time to be used in notices of video hearings when the Judge is in a different location – and time zone – than some of the lawyers and parties?”**

The “correct time” for the hearing is the time of day in the location and place where the Judge is sitting. This is required in order for the calendar and hearing software to work properly. So, for example, if Chief Bankruptcy Judge Myers is conducting a video hearing on a Coeur d’Alene matter at 9:00 a.m. PST, and he is in Boise, the time on the notice of hearing and the time to be used in your docketing on ECF should be 10:00 a.m. MST. New location codes have been created for your use in those “video” situations that cover multiple time zones. In the pleading you serve on parties, you should indicate both times, Mountain and Pacific, for clarity.

2. **“Do I need to put a “/s/” somewhere? Where?”**

It’s true that the filing of a pleading through ECF is the equivalent of the submitting party “signing” that pleading. The General Order governing CM/ECF, at p.3, is correct. (And, remember, that “signing” has consequences. *See* Fed. R. Civ. P. 11; Fed. R. Bankr. P. 9011.) But that doesn’t eliminate the need to show in some way on the pleading where it is signed. The General Order on p.4 requires a scanned image of a signature, a signature font, or “/s/” inserted “in any place in the document where an original signature would be utilized in a conventional format.”

The use of a “/s/” is a helpful and unambiguous indication that a signature has been electronically affixed. The Court has, for example, specifically addressed the use of the “/s/” format in “countersigned” orders to reflect what used to be called “signature approval”.

Where do you put the “/s/” (or, for you more computer savvy folks, a “signature font”)? We strongly suggest that you put it precisely where you would have placed the signature in a conventional document. (Yes. We know that the General Order (at p.4) has an example that puts the “/s/” to the left of the typed name rather than above it. We expect to change that example.) Just put the “/s/” where your scrawled signature used to go, and no ambiguity is likely.

3. **“Is a certificate of service still required?”**

Yes, of course it is. The ECF Procedures expressly require certificates of service. You must state (“certify”) who was served electronically, and also who was served (and their addresses) by other means. Be precise. Remember, lots of motions were denied, before CM/ECF, due to a failure to prove proper service. The need to establish proper service hasn’t changed with the

conversion to electronic filing. The only thing that changed is that some adverse or interested parties might now be served electronically when the manner of service before was more limited.

Make sure your certificate is clear, and accurately establishes the fact and manner of service. Here are some forms (taken from actual filings) that don't quite do what they should:

I hereby certify that I served a true and correct copy of the foregoing on the individual(s) listed below by hand delivering, mailing with the correct postage thereon, on the 7th of January, 2005.

*John Doe
1234 E. Main
Sometown, ID 83701*

So, which was it? Hand delivery or mail? This really isn't much more than saying "I served it. Trust me." Here's another, somewhat similar, form.

I hereby certify that I served a true and correct copy of the foregoing on the individual(s) listed below by hand delivery, first class mail addressed as indicated, or through electronic notification to those parties registered with the U.S. Courts' CM/ECF system, on the 7th of January, 2005.

*John Doe
1234 E. Main
Sometown, ID 83701*

John Smith, Trustee

*Robert Jones
4321 S. Front St.
Boomtown, ID 83702*

Maybe service can be shown through the ECF "notice of electronic filing" or "NEF" as to one or more of these people. But what if one of them isn't registered? Just how was he served?

Now, a possible suggestion for improvement:

I hereby certify that on the 7th day of January, 2005, I served a copy of the foregoing on CM/ECF Registered Participants as reflected on the Notice of Electronic Filing. Additionally, a copy of the foregoing was served on the following parties by first class mail, postage prepaid, addressed to:

*John Doe
1234 E. Main
Sometown, ID 83701*

*John Smith
P.O. Box AA
Smalltown, ID 83777*

and a copy was served by hand-delivery of the same to:

*Robert Jones
4321 S. Front St.
Boomtown, ID 83702*