

UNITED STATES DISTRICT AND BANKRUPTCY COURT
FOR THE DISTRICT OF IDAHO



CM/ECF HELPFUL HINTS

Volume #6 - August 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 or call the help desk at (1-800-699-9842).



GENERAL ISSUES APPLICABLE TO DISTRICT AND BANKRUPTCY COURT

Converting to Pdf - Printing vs. Scanning

When converting documents into the pdf (portable document format) for filing in CM/ECF, there are a multitude of reasons why you should always use the “print to pdf” option instead of scanning. Selecting the “print to pdf” through the word processing print mode results in a significantly smaller sized file. Furthermore, it allows the text to be word searchable, cut & pasted, edited or manipulated in a number of ways, all of which results in a tremendous amount of time-savings for the Court (note this does not alter the original document filed through ECF). Scanning to pdf basically converts the entire document into one large “graphic” file which allows for no further editing capability. Therefore, scanning should only be used as a “last resort” on files which were not originally created in Word, WordPerfect or other word processing software programs, or which the CM/ECF filer possesses only a hard copy.

Rejection of CM/ECF E-Mail Notices

An alarming number of Notices that are electronically generated and transmitted through the CM/ECF system are being returned to the Court because the Attorney’s e-mail box is full to capacity. It is imperative that you ensure that the e-mail box which you originally designated for accepting CM/ECF filings contains sufficient space to accommodate the volume of expected CM/ECF electronic transmissions.

Enhancement of Pay.gov Software to Include Security Code

The Treasury's Pay.gov software now contains a new field to enable the collection of the security code that appears on the **back** of the user's credit card (not your PIN #). The population

of the field is optional, however, the new Pay.gov help screen indicates the field is mandatory. This field, while not used for verification by Pay.gov, can be used later in the process by a bank if a cardholder disputes or questions a transaction appearing on his bill. If a customer disputes his bill and the code is not present, the bank may not be able to reprocess the chargeback due to the technicality. The same is also applicable if the billing address entered on Pay.gov's Online Payment screen does not match the cardholder's billing address.

Online Payment - Microsoft Internet Explorer

Online Payment Return to your originating applicat

Step 1: Enter Payment Information

Pay Via Plastic Card (PC) (ex: American Express, Diners Club, Discover, Mastercard, VISA)

Required fields are indicated with a red asterisk *

Account Holder Name: *

Payment Amount: \$1,039.00

Billing Address: *

Billing Address 2:

City:

State / Province:

Zip / Postal Code:

Country: *

Card Type:

Card Number: * (Card number value should not contain spaces or dashes)

Security Code: * (On the back of your Card, find the last 3 digits) [Help finding your security code](#)

Expiration Date: * / *

Select the "Continue with Plastic Card Payment" button to continue to the next step in the Plastic Card Payment Proc

OTHER ISSUES APPLICABLE TO THE DISTRICT COURT

Civil Case Openings

If you haven't yet worked through a Civil Case opening, please don't wait until the "eleventh hour" of an upcoming filing deadline. There is a certain learning curve associated with this procedure, and it would be most helpful if you familiarized yourself beforehand with the various screens by reading the available reference material and completing the practice module contained on our ECF Reference webpage at: http://www.id.uscourts.gov/cm_ecf/Reference.htm.

Open Case Prior to Filing Complaint or Notice of Removal

Remember that you must first open a case and be issued a case number before you can file the initial Complaint or Notice of Removal.

OTHER ISSUES APPLICABLE TO THE BANKRUPTCY COURT

Include Cover Page with Credit Counseling Certificate

When filing a Credit Counseling Certificate please always include a Cover Page containing the Case Number and Debtor's Name.

Summary of Reaffirmation Procedures

- (1) **Use the new Reaffirmation Agreement (Form 240)**, which became effective on August 1, 2006. Fill in all applicable boxes, and ensure it is complete.
- (2) **If debtor is not represented by counsel in respect to the reaffirmation**, Part E must be filed, and the reaffirmation must be set for hearing. The case administrator will obtain a hearing date and issue a notice of hearing. Each Judge has established his own preferences for when reaffirmation hearings will be held. (If the debtor has an attorney in the case but not on the reaffirmation, the attorney should anticipate being summoned to the hearing).
- (3) **If debtor is represented by counsel in respect to the reaffirmation**, Part C must *always* be completed and filed. What happens next depends:
 - (a) **If the creditor is a credit union**, the reaffirmation agreement is effective upon filing. No court approval is required and no order will be entered.
 - (b) **If the creditor is not a credit union, and if there is no presumption of undue hardship** (because the budget information in Part D shows sufficient net income to make the payments under the agreement), the reaffirmation agreement is effective upon filing. No court approval is required and no order will be entered.
 - (c) **If the creditor is not a credit union and if there is a presumption of undue hardship** (which is *always* true if the budget information in Part D does *not* show sufficient net income to make the payments), the reaffirmation agreement is forwarded to the assigned Judge for review. If the Judge finds that the explanation of the debtor in Part D as to how he can afford the payments is satisfactory, *and* if the debtor's lawyer checked the appropriate box on Part C, the case administrator will be advised to enter an order of approval. If the debtor's Part D explanation is unsatisfactory, Part C is incorrectly completed, or the Judge identifies other defects or problems in the submissions, the case administrator will be advised to set the reaffirmation for hearing and issue the notice of hearing.

Common Pro Hac Vice Admission Issues

If an attorney is merely requesting notice, no pro hac vice admission or fee is required. However, if an attorney is representing a party in interest and is filing documents, the pro hac vice fee must be paid and local counsel must be associated. However, pro hac vice admission and fees are **not** required when filing: (1) a proof of claim, or an amendment, withdrawal, or notice of assignment of such proof of claim; (2) a stipulation for relief from the automatic stay; (3) a reaffirmation agreement, or (4) a request for service of documents. *See* LBR 9010.1(d)(5). Pro hac vice admission and fees are also not required for Oregon attorneys in cases arising out of Malheur County, Oregon because of the concurrent jurisdiction granted by the Judicial Conference in 1968.

Entering Multiple Addresses into Data Base

Creditors are requested to extensively search the existing data base before entering new creditor names and addresses. Duplication issues have previously resulted in numerous administrative problems.

Reminder to Creditors - Preferred Mailing Addresses

The National Creditor Registration Service (NCRS) is a free service which gives creditors the option of specifying a preferred mailing address. Entities that complete and return this form to the Bankruptcy Noticing Center (BNC) will have notices sent from all bankruptcy courts or from the individual bankruptcy courts specified redirected to a preferred mailing address for cases filed under all chapters of the Bankruptcy Code, effective within 30 days after receipt by the BNC. Link to NCRS form: http://www.id.uscourts.gov/BK_Reform/ncrs_usps_final.pdf

