

Bankruptcy Court Basics

Just the Tip of the Iceberg



U.S. Bankruptcy Court
Clerk's Office Presentation
Bankruptcy CLE

Let's begin with the District of Idaho's website located at: <http://id.uscourts.gov>

Please familiarize yourself with our website. Under the Bankruptcy tab there is a lot of information out there for you including:

- ▶ Forms Fees & Rules (Local Rules, AO Official Forms, Miscellaneous Forms)
- ▶ ECF/PACER (Registration Process, Reference/Training, Helpful Hints)
- ▶ For Attorneys (Case Assignments, ECF Login & Procedures, Transcript & CD orders)
- ▶ Judges (Calendars, Courtroom Deputies, General Orders)
- ▶ General (County Assignments, Trustee information, Caseload Statistics)

Bankruptcy Case Administrators

Meet our Team

Chief Judge Joseph M. Meier (Boise, Pocatello and Twin Falls cases)

Judge Jim D. Pappas (Boise, Pocatello and Twin Falls cases)

- ▶ Nicole Knight Lynch, Divisional Office Manager (digit 1)
- ▶ Kendra Lemmon (digits 2,3,4,9)
- ▶ Amie Duong (digits 5,6,7,8)
- ▶ Chantelle Knudsen (New Case QC and digit 0)

- ❖ Digits = the last digit in the main case number
- ❖ https://id.uscourts.gov/bankruptcy/attorneys/Case_Assignments.cfm

Bankruptcy Case Administrators

Meet our Team

Judge Noah G. Hillen (Boise, Coeur d'Alene, and Moscow cases)

Judge Joseph M. Meier (Coeur d'Alene and Moscow cases)

- ▶ Bonnie Crowder, Divisional Officer Manager
- ▶ Lynette Parson (digits 0,1,3)
- ▶ Hailey Stevason (digits 4,5,6)
- ▶ Andrea Rutter (digits 2,7,8,9)

Case Opening (filing your new case)

► Documents Required when filing a new Chapter 7 (Individual)

- Voluntary Petition Form 101 (4/20), including Summary of Schedules, Schedules A/B-J, Statement of Financial Affairs, Statement of Intent and Matrix.
- Statement About your SSN
- Disclosure of Compensation
- Certificate of Credit Counseling
- Chapter 7 Statement of Your Current Monthly Income
- Statement of Domestic Support Obligations
- Employee Income Records
- Payment, Installment Application or IFP
- Signature pages (Pages 6 & 7 of Petition, Declaration of Schedules and SOFA – ONLY)

Case Opening (continued):

Documents Required when Filing a Chapter 13 (Individual)

- Voluntary Petition Form 101 (4/20), including Summary of Schedules, Schedules A/B-J, Statement of Financial Affairs (SOFA), Statement of Intent and Matrix.
- Statement About your SSN
- Disclosure of Compensation & Model Retention Agreement (MRA) (if using)
- Certificate of Credit Counseling
- Chapter 13 Statement of Your Current Monthly Income
- Employee Income Records
- Statement of Domestic Support Obligations
- Chapter 13 Plan (1/19)
- Payment or Installment Application
- Signature pages (Pages 6 & 7 of Petition, Declaration of Schedules and SOFA – ONLY)

Case Filing Upload Errors

- ▶ If you are in the middle of uploading a new case, and something happens (i.e. power outage, computer freeze, or general technical issues) and you do not know if your case was filed, please do not file it again!
- ▶ Please call the court and we can do some quick research to see if your case came through.
- ▶ If you try to file it again, it will most likely file a duplicate case for your clients.
- ▶ This is BIG problem for the clerk's office and for your clients, and one that needs to be remedied right away. (same day)

NextGen: New Automatic Judge Trustee Assignment (AJTA)

- ▶ For the most part, the NextGen CM/ECF filing system itself has not changed.
- ▶ However, we do have a new module called AJTA. When a new case is filed, it automatically assigns a new judge, trustee and sets the 341 Meeting of Creditors.
- ▶ For Chapter 7 cases, the 341 should set right away at case opening.
- ▶ For Chapter 13 cases, it takes one day before the system will set the 341 Meeting of Creditors.
- ▶ If creditors are not uploaded, the 341 meeting of creditors will not docket.
- ▶ This is a new process for us and we are still working out some kinks.

Filing for Installment Payments?

- ▶ The debtors have up to 120 days from the date of filing to pay their filing fee in full. If you pick a date sooner than that on the application, and the order shows that date, we typically will not enter a conditional dismissal in a case for non-payment until after that 120-day deadline.
- ▶ Please make sure your clients know the forms of payment that we accept (cash, money order or cashier's check only).
- ▶ Please make sure your clients also bring their case number to the courthouse when making a payment.

Inputting or Uploading Information into ECF

- ▶ Whether you are using a bankruptcy program such as Best Case, or if you are filing your case manually, it is very important to have correct information uploaded into ECF.
- ▶ Please make sure to have the correct spelling of the debtor's and joint debtor's names, addresses and SSNs, as this information goes out on the notice to all creditors.
- ▶ Aliases should be limited to 5.
- ▶ Please make sure to have the correct case statistical data and data from the summary of schedules.
- ▶ Your forms must match what you are entering into ECF.

“Skeleton Filing” and Deficient Documents

- ▶ If you will be filing a “Skeleton” or “Bare Bones” case, please be sure to mark the correct deficient documents at the time of filing your case.
- ▶ Mark all that apply at the time of filing.
- ▶ Do not mark EVERYTHING deficient, as there are documents that do not apply and are being marked regularly.
- ▶ Everything marked either by the attorney, or by the court, will be added to a notice and sent out to your clients – which causes confusion.
- ▶ There may be a setting in your bankruptcy program to adjust in order to help mark those when filing.

Deficient Schedules filed within 14 days

- ▶ Be sure that the information and data from your schedules is uploading into ECF.
- ▶ Recently we have seen cases in which schedules are coming in with no data entered in ECF.
- ▶ For example, all of the data regarding the amount of assets, liabilities, dischargeable debt, is left blank.
- ▶ This is usually a setting in your bankruptcy program that needs to be changed.
- ▶ We need this data, as it is important for statistical reporting.

Filing Amended Schedules?

- ▶ Please pick the correct schedule(s) that you are amending.
- ▶ If you are amending Schedules D, E / F, pay the applicable fee for adding creditors.
- ▶ Per LBR 1009.1, only include what is changing in the document and send notice to the new creditors and file a Certificate of Service with the court.
- ▶ When ECF asks what you are amending, please be specific and enter the full amount of the schedule into ECF, not just the amended amount.

Let's talk about **corrective entries**...

Summary of corrective entries the Clerk's office is seeing routinely

Signature Pages

Corrective Action: You are receiving this notice because the original signature page was not filed at the same time as the electronically filed document. Please file the signature page for the (Pages 6 & 7 of Petition, Declaration of Schedules and SOFA – ONLY)

Notice of Motion

Corrective Action: Incorrect event used. Please refile as Notice of Hearing

Don't **ignore** corrective entries. They will hold up a discharge.

Motion to Seal/Redact

Before logging in to CM/ECF you must click the redaction box acknowledging you will be responsible for redacting sensitive information

Redacted documents

IMPORTANT NOTICE OF REDACTION RESPONSIBILITY: All filers must redact: Social Security or taxpayer-identification numbers; dates of birth; names of minor children; and financial account numbers, in compliance with Fed. R. Bankr. P. 9037. This requirement applies to all documents, including attachments.

☐

I understand that, if I file, I must comply with the redaction rules. I have read this notice.

- ▶ If a document is filed with personal identifiers, you will need to file a Motion to Seal
- ▶ Seal vs. Seal and Redact (**select “yes” to redact - this prompts the fee**)
- ▶ Pay the \$26 fee
- ▶ Send a proposed Order to the appropriate Judge

Submitting Proposed Orders to the Court

- ▶ Local Rule 9004.1
- ▶ Subject line of your email when sending proposed orders:
 - Case # (including Judge's initials) – Name of Order – Docket # of Motion
 - Example: 18-1234-NGH– Order for Relief – Doc. 24
- ▶ All proposed orders must be submitted in Word format.

Reaffirmation Agreements

- ▶ Make sure amounts are correctly filled out, your math is correct, and that you have selected the appropriate “presumption” option in the box at the top of the Reaffirmation Agreement.
- ▶ Make sure the agreement is signed by debtors, creditor, and attorney.
- ▶ Must be filed electronically (unless debtor is pro se).

Best Practices on Returned Mail:

► **How to handle returned mail that comes into your office:**

- ❖ Per Bankruptcy Local Rule 1007.1 (c), the clerk's office or the BNC will forward returned mail to the debtor's attorney (or the debtor if pro se).
- ❖ It will be the responsibility of the attorney (or debtor, if pro se) to provide the court with a current address of those creditors whose mail was undeliverable.
- ❖ It will also be the responsibility of the debtor's attorney (or debtor, if pro se), to send a 341 (a) notice to those creditors whose mail was not delivered and to provide proof to the court that notice was sent.
- ❖ Any deletions from the MML are to be done through a request or notice docketed in the case.

Adversary Events vs. Bankruptcy Events

- ▶ The event codes under the Adversary category are limited.

Adversary Events

[Adversary Case Opening](#)

[Answers...](#)

[Complaint, Counterclaim & Summons](#)

[Court Events](#)

[Motions](#)

[Notices](#)

[Open MP Case](#)

[Orders/Opinions...](#)

- ▶ All events in the Bankruptcy category may be used for adversary cases, as long as the adversary case number is used.

Filing a Notice of Hearing?

- ▶ Remember to relate a Notice of Hearing to the correct document (i.e. Motion or Application).
- ▶ For Northern cases, please remember to select the correct time zone as sometimes the judge is sitting in either Boise or Pocatello (Mountain Time).
- ▶ We will be moving to a hybrid calendar in May, so please ensure the information on the document/docket reflects the correct “location” of the hearing. For instance, the hearing may be held via Courtroom, Telephonic, or Video Conference.
- ▶ If the hearing is being held “in person” you will be expected to appear in the courtroom, not by telephone.

Can't find what event to use?

- ▶ Try using the “search” button located at the top of the CM/ECF menu bar.

ECF

Bankruptcy

Adversary

Query

Reports

Utilities

Search

Logout



Errors when filing?

- ▶ Don't panic!
- ▶ Remember, everything can be fixed if we know about it...the earlier the better.
- ▶ Give your case administrator a call.
- ▶ If there is an error at case opening, please call on the same day so that we can correct the 341 Notice, if necessary.
- ▶ Please also know that you can call the Clerk's office *before* you file in order to avoid any mistakes or to have any procedural questions answered.

Practice Makes Perfect

- ▶ If you would like to practice filing in ECF, please go into:
- ▶ <https://id.uscourts.gov>
 - ▶ Bankruptcy Court
 - ▶ ECF/PACER
 - ▶ Reference/Training.
- ▶ Click on the link “Bankruptcy ECF Training Database”. We have multiple login and passwords available for your use.

NOTICE: New Motion Events added in CM/ECF

- ▶ Motion to Enlarge Time to File Reaffirmation Agreement
- ▶ Motion to Extend Time to Object to Dischargeability Pursuant to 11 USC 523
- ▶ Motion to Extend Time to Object to Discharge of Debtor Pursuant to 11 USC 727

*NOTE - If you would like to request an extension of both the 523 and 727 deadlines, simply select both events by holding down the CONTROL key and selecting the two events. This will allow you to pick multiple motions and file only one document.

