

United States Bankruptcy Court Northern District of Alabama

CM/ECF Practice Pointers Updated August 11, 2017

Practice Pointer 23: July 27, 2017 – Request for Clerk to Send Notice of Filing of Claim by Debtor or Trustee

The attorney who represents a debtor, or the chapter 13 Trustee, pursuant to Federal Rules of Bankruptcy Procedure 3002(c) for the benefit of the plan presented to the court, will file a claim on behalf of the creditor. Pursuant to Federal Rules of Bankruptcy Procedure 3004, the Clerk is to give notice of the filing to the creditor, the debtor and the trustee.

Within CMECF, there is an event that will inform the Clerk of this filing so that notice may be perfected. **Bankruptcy > Miscellaneous > Request for Clerk to Send Notice of Filing of Claim by Debtor or Trustee** will need to be processed by the filer of the claim when it is the attorney for Debtor or the Trustee.

Practice Pointer 22: April 15, 2015 – Motion to Administer Eastern Division Cases (St. Clair County) in Birmingham

Certain Eastern Division cases may be administered in Birmingham. A new CM/ECF event, *Motion to Administer Case in Birmingham*, will be available for use in CM/ECF beginning Monday, April 20, 2015.

Guidelines for these motions include:

1. Only debtors who are residents of St. Clair County are eligible to have their Eastern Division cases administered in Birmingham.
2. If a St. Clair County resident wants his or her bankruptcy case administered in Birmingham, he or she **must** file a *Motion to Administer Case in Birmingham* with the Voluntary Petition. Any such motion that is not filed contemporaneously with the Voluntary Petition will not be considered.
3. File the motion in CM/ECF as a *Motion to Administer Case in Birmingham*, which is located under **Bankruptcy > Motions/Applications > Administer Case in Birmingham**.
4. If the motion is granted, all hearings and meetings of creditors for these cases will be held in Birmingham.

Practice Pointer 21: January 20, 2015 – Appeals

On December 1, 2014, several amendments to the Federal Rules of Bankruptcy Procedure regarding appeals went into effect. In connection with these amendments, we added several new appeals events to CM/ECF:

Transcript Ordered Re: Notice of Appeal

Certification of No Transcript Ordered

Statement of Evidence in Lieu of Transcript

Response to Statement of Evidence in Lieu of Transcript

Agreed Statement in Lieu of Record on Appeal (ROA)

Acknowledgement of Request for Transcript of Testimony

All documents designated as part of the record on appeal must be submitted to the Bankruptcy Court Clerk of Court's office in PDF on a compact disc.

Practice Pointer 20: December 18, 2014 – Motion to Redact and Motion to Strike

A new fee went into effect on December 1, 2014. To file a *Motion to Redact a Record*, the fee is \$25.00 per affected case. If a movant seeks to redact, revise, or edit a document in a case, the movant should use the **Bankruptcy > Motions/Applications > Motion to Redact (Fee Per Case)** event. The new fee is due, and, assuming the motion is granted, our process is to (i) restrict public access to the original document and (ii) allow the movant to file a redacted document in its place that is accessible to public users.

A *Motion to Strike* is different from a *Motion to Redact*. A *Motion to Strike* is used only in adversary proceedings and when a movant is requesting the court to strike from a pleading an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter. In these instances, the party should use the **Bankruptcy > Motions/Applications > Strike** event. There is no fee associated with this event.

If a movant wants to redact a record or otherwise revise or edit a document in a case but selects the *Motion to Strike* event, the Clerk's Office will docket a *Notice of Incorrect Event*. If the motion is not resubmitted using the correct docket event and paying the fee within two (2) days, the motion will be denied without prejudice or set for a hearing.

Practice Pointer 19: September 26, 2013 – Payment of Filing Fees in Installments and Payment of Chapter 11 Quarterly Fees

With revised Local Rule 1006-1(c) (effective October 1, 2013) requiring chapter 13 installment fees to be paid through CM/ECF, we provide the following refresher describing how to pay filing fees in installments in CM/ECF.

To set up an **installment payment** electronically for a voluntary petition, the filer should select **Bankruptcy>Miscellaneous>Payment of Fee**. The filer should select **New Case or Installment Payment** from the drop-down menu that appears during the docketing of this event. The next screen allows you to input the dollar amount you wish to pay. The fee amount automatically defaults to the full amount of the filing fee for the voluntary petition. To pay a different amount, enter the desired amount in the **Fee** field and click **Next**, then submit the docket text. Once the docket text is submitted, a "Summary of Current Charges" screen appears that includes the installment payment you have entered. Select **Pay Now** to continue with your payment. Fees can be paid via a bank account (ACH) or via a credit card. Debit cards may be used if the debit card does not require the use of a pin number. If you have docketed the above **Payment of Fee** event and failed to pay the filing fee after submitting the docket text, go to **Utilities>Internet Payments Due**, select the fee to be paid, and continue with the payment using your bank account or

credit/debit card as noted above.

With revised Local Rule 5081-1(c) also going into effect on October 1, 2013 regarding chapter 11 quarterly fees, we provide the following refresher describing how to pay these fees in CM/ECF.

To pay **chapter 11 quarterly fees** electronically, the filer should select **Bankruptcy>Miscellaneous>Payment of Fee**. The filer should select **Quarterly Fee Payment** from the drop-down menu that appears during the docketing of this event. The following screen allows you to input the dollar amount of the quarterly fee you are paying. Once the docket text is submitted, you will see the "Summary of Current Charges" screen that includes the quarterly fee payment you have just entered. Select **Pay Now** to continue with your payment. Fees can be paid via a bank account (ACH) or via a credit card. Debit cards may be used if the debit card does not require the use of a pin number. If you have docketed the above **Payment of Fee** event and failed to pay the filing fee after submitting the docket text, go to **Utilities>Internet Payments Due**, select the fee to be paid and continue with the payment using your bank account or credit/debit card as noted above.

Practice Pointer 18: June 12, 2013 – Compatibility Issue with Internet Explorer 10 and CM/ECF Duplicate Case Numbers

When a filer uses Internet Explorer 10 and attempts to file a document in CM/ECF for a bankruptcy case number with a duplicate case number in CM/ECF (e.g., an adversary proceeding or a case transferred to another division), the search feature will not retrieve the duplicate case numbers. The filer, for example, will input the bankruptcy case number and attempt to select the [Next] button to continue filing but cannot proceed any further. No error message appears, but the filer cannot proceed.

To resolve this Internet Explorer 10 issue, the filer must enter the full case number in the following format: office number, year, case type (bk or ap), and case number. See the example below of the correct format to use when filing a document in a case containing duplicate case numbers. Our office numbers for each division of the Northern District of Alabama are as follows: 1 - Anniston, 2 - Birmingham, 7 - Tuscaloosa, and 8 - Decatur. If the user is filing a document in a case that originated in one division in the Northern District of Alabama and that has been transferred to another division within the District, the filer must use the correct office number when entering the case number. For example, if a case was originally filed in Anniston then transferred to Birmingham, the correct office code to choose when entering the full case number is office code 2 for Birmingham because the case was transferred to Birmingham. Another option is to use the DESKTOP version of Internet Explorer 10 with the compatibility mode turned on to display the case numbers as needed.

Note: CM/ECF has been tested on Internet Explorer 8 and Internet Explorer 9 as well as Firefox browsers. CM/ECF has **not** been tested on Internet Explorer 10, so filers may encounter other issues while using this version of the software.

Practice Pointer 17: December 21, 2012 – Attorney and Party Association

When an attorney or trustee files a pleading, they are prompted to indicate whether they should be linked to the party they represent. In previous releases, the checkbox for the association with the attorney and party was unchecked by default, and, if the filer did not check the box, the association was not made. In Release 5.0 of CM/ECF, the checkbox for the association with the attorney and party is checked by default. The message has been updated to reflect the implications of omitting this necessary association. If the box is unchecked, the attorney will not be added to the case for noticing.

(Note: Exception for trustee offices: Employees with their own individual log-ins in the trustee’s office should uncheck the box to avoid having themselves appear in the case as the attorney for the trustee.)

Practice Pointer 16: December 21, 2012 – Problems Viewing/Downloading Documents

Since going LIVE on Release 5.0 of CM/ECF, problems have been reported in viewing/downloading documents created using the Konica Minolta Bizhub scanner. If a problem is encountered when trying to view/download a document in CM/ECF, uncheck the box beside **Include headers when displaying PDF documents** under **Document options** on the Docket Sheet screen.

Practice Pointer 15: December 1, 2012 - Quarterly Fee Payment added to the Payment of Fee Docket Event

Quarterly fee payments can now be paid electronically. In order to pay this fee electronically, the filer should choose **Bankruptcy > Miscellaneous > Payment of Fee**. As you proceed through this docket event, you should select the option **Quarterly Fee Payment** from the drop-down menu when prompted. The following screen allows you to input the dollar amount of the quarterly fee

you are paying. Submit this docket event and then you will see the "Summary of Current Charges" screen that includes the quarterly fee payment you have just entered. Complete payment of the quarterly fee as you would any other electronic fee payment through **Pay.gov** where the fee can be paid by Bank Account Debit (ACH) or credit card.

Practice Pointer 14: December 1, 2012 - Submission of PDF's in CM/ECF

PDF's filed in CM/ECF should always be submitted in **Portrait Orientation** (upright) not in a **Landscape Orientation** (sideways). Also, PDF's should be not filed in CM/ECF that are upside down, crooked, or illegible.

Practice Pointer 13: December 1, 2012 - Additional Language Added to Official Form B21 "Statement of Social Security Number(s)"

On December 1, 2012, Official Form B21, will be amended to include the following statement: "Do not file this form as part of the public case file. The form must be submitted separately and must not be included in the court's public electronic records."

Attorneys should continue to file Official Form B21 in CM/ECF as a separate docket entry by following these steps:

Select menu **Bankruptcy>Miscellaneous>Social Security-Form B21>Attach PDF of Form B21**

Official Form B21 should not be filed with the voluntary petition but should be filed using the docket event mentioned above.

Following these steps will ensure that Official Form B21 is a private entry available to internal court users only.

Practice Pointer 12: July 31, 2009 - Reminder to Retain Original or Originally Executed Copies of Documents

[UPDATED December 6, 2012]

The United States Bankruptcy Court for the Northern District of Alabama reminds filers of documents with the Court that all originals or originally executed copies of documents listed in **the Local Forms > Administrative Procedures for Filing, Signing, Retaining, and Verification of the Pleadings and Papers in the Case Management/Electronic Case Filing (CM/ECF) System** must be retained. The specific retention requirements ~~from Administrative Order 04-1 and its Exhibit~~ are:

C. Signatures; Affidavits of Service

1. Registered Attorneys and Parties with Legal Representation

All filings, which (a) must contain original signatures (b) require verification under FRBP 1008 or (c) contain an unsworn declaration as provided in 28 U.S.C. § 1746, shall be filed electronically or in accordance with the "Notice of Electronic Filing Procedures". Originally executed copies must be retained by the filer until three (3) years after the closing of the case. This retention period does not affect or replace any other retention periods required by other applicable laws or rules. Upon

request of a judge in the bankruptcy case, the filer must provide original documents for review . . .

3. Pro Se Filers

All conventional filings, which (a) must contain original signatures, (b) require verification under FRBP 1008 or (c) contain an unsworn declaration as provided in 28 U.S.C. § 1746, must be submitted with full signature. The Clerk of Court will scan these documents, and the originals shall be retained until one (1) year after the closing of the case unless the Clerk of Court directs otherwise. This retention period does not affect or replace any other retention periods required by other applicable laws or rules.

Practice Pointer 11: February 13, 2009 - Redacting of Private Information Pursuant to Rule 9037 of the Federal Rules of Bankruptcy Procedure

The Bankruptcy Court for the Northern District of Alabama would like to remind the electronic filers of the importance of redacting sensitive information in any document filed with the Court. Please remember that any personal information not otherwise protected will be made available over the Internet via WebPACER. If sensitive information must be included, the following personal data identifiers must be partially redacted from the pleading, whether it is filed traditionally (paper) or electronically.

- A. **Social Security Number or Taxpayer Identification Number.** If an individual's social security number or taxpayer identification number must be included in a pleading, only the last four digits of that number should be used.
- B. **Names of minor children.** If the involvement of a minor child must be mentioned, only the initials of that child should be used.
- C. **Dates of birth.** If an individual's date of birth must be included in a pleading, only the year should be used.
- D. **Financial account number.** If financial account numbers are relevant, only the last four digits of these numbers should be used.

Attorneys, Limited Filers and others who file claims SHOULD NOT include a copy of the B9I (Official Form 9I) known as the 341 Notice of Chapter 13 Bankruptcy Case, Meeting of Creditors, & Deadlines as an attachment to the claim being filed with the Court. This notice contains the debtor's social security number. Contracts, titles, mortgages and other documents or attachments should be redacted of any sensitive information.

The responsibility for redacting these personal identifiers rests solely with counsel and the parties. The Clerk's office will not review each pleading for compliance with this rule.

Practice Pointer 10: December 19, 2008 - National Guard and Reservists Debt Relief Act of 2008 [707(b)(2)(D)(ii)] Temporary Exclusion of Means Testing Requirement for Individual Consumer Debtor.

[UPDATED DECEMBER 1, 2012] The National Guard and Reservist Debt Relief Extension

Act of 2011, Pub. L. No. 112-64, (the "2011 Act") extended the temporary exclusion for four additional years. For cases and proceedings not governed by the Act or the 2011 Act, the Federal Rules of Bankruptcy Procedure and the Local Rules of this Court, other than Rule 1007-I, shall apply.

Two new docket events shown below have been added to CM/ECF due to the implementation of this Act as of December 19, 2008.

These new events can be found under **Bankruptcy > Miscellaneous** events.

Statement of Debtor's Temporary Exclusion from Means Test - A text event filed by the debtor who claims exclusion from the Means Test and checks the new box on revised Form 22A that says "The presumption is temporarily inapplicable." This event must be docketed separately and no PDF document is required.

In case opening, there will not be a selection for this exclusion when selecting the Means Test designation. The designation should still be selected as Yes or No. If it is a single debtor filing, the Means Test should be No. If the case is filed jointly, and if there is a presumption of abuse for the joint debtor, then the setting should be Yes.

This event can be used for a single or joint debtor filing. If the debtor(s) are on active duty or serving in a homeland defense capacity when the petition is filed, no deadline is set. If they are no longer on active duty, a deadline 540 days from the active duty release date will be calculated and appear on reports for monitoring. Each debtor in a joint case will have their own deadline.

Release From Active Duty - Should be docketed in instances where the debtor was on active duty or serving in a homeland defense capacity when the petition was filed but has now been released from this duty. It can be used whether or not the **Statement of Debtor's Temporary Exclusion from Means Test** event has been docketed. A deadline 540 days from the active duty release date will be calculated and appear on reports for monitoring.

Practice Pointer 9: Filing Director's Procedural Form B283 - Chapter 13 Debtor's Certifications Regarding Domestic Support Obligations and Section 522(q)

[REVISED] February 13, 2009

Practice Pointer 9 has been updated due to the entry of Administrative Order 09-01.

On the 12th day of January, 2009, the United States Bankruptcy Court for the Northern District of Alabama notified all CM/ECF users of Administrative Order 09-01, which became effective on January 1, 2009. Administrative Order 09-01 revoked previous Administrative Orders 07-03 and 07-07, which required the filing of Debtor's Certificate of Compliance, Motion for Issuance of Discharge and Notice of Deadline to Object in Chapter 7 and Chapter 13 cases.

Administrative Order 09-01 requires Director's Procedural Form B283 in all Chapter 13 bankruptcy proceedings as of January 1, 2009. This form is used by debtors to certify that they have complied with requirements for a Chapter 13 discharge as set out in 11 U.S.C. Section 1328. The certifications must be made after the debtor has completed the plan payments. In a joint case, each debtor must file the certifications. A new docket event has been created to allow you to file the *Chapter 13 Debtor's Certifications Regarding Domestic Support Obligations and Section 522(q)*, Director's Procedural Form B283.

Select menu **Bankruptcy > Miscellaneous > Debtors Certifications Regarding Domestic Support Obligations and Section 522(q)**. Attach PDF of Form B283.

When required by 11 U.S.C. §§ 727(a)(12) and 522(q), Chapter 7 debtors will file a form similar to Director's Procedural Form 283 meeting the requirements of said Bankruptcy Code section.

For review of the Administrative Orders, please visit our website at <http://www.alnb.uscourts.gov/>.

Practice Pointer 8: November 14, 2006 - Filing Schedules and Amended Schedules

CM/ECF Release 3.1 has improved features for filing *Schedules* and *Amended Schedules*. When submitting schedules, prompts will now appear to allow you to update the *Summary of Schedules* statistical data as follows:

- Enter Real Property Amount from Schedule A
- Enter Personal Property Amount from Schedule B
- Enter Secured Claims Total from Schedule D
- Enter Unsecured Priority Claims Total from Schedule E
- Enter Unsecured Non Priority Claims Total from Schedule F
- Enter Average Income of Individual Debtors from Schedule I
- Enter Average Expenditures of Debtors from Schedule J
- Enter Total Non Dischargeable Debt from Statistical Summary **Type of Liability**

(Note: This is the **TOTAL** from the **Type of Liability** section). Do NOT enter \$ signs. Do NOT enter Total Dischargeable Debt; the system will compute that automatically.)

Schedules

Event **Miscellaneous > Schedules A-J** can be used to file all schedules and summary of schedules in one docket event if schedules are being filed after the petition has been filed. You will be prompted to enter statistical data.

Event **Miscellaneous > Summary of Schedules** can be used to file the *Summary of Schedules* only. You will be prompted to enter statistical data.

(Note: The same fourteen day deadlines still apply to *Schedules* and *Summaries*. Do NOT file *Amended Schedules* using these events.)

Amended Schedules

Adding a creditor, deleting a creditor, changing amount specified as being owed, or changing the classification of a debt incurs a fee.

Event **Miscellaneous > Amended Schedules (Fee)** can be used to file amendments to schedules D, E or F to add creditors, delete creditors, change amount of debt owed, or change classification of debt. Leave the receipt number field blank to pay the amendment fee by credit card. You will be prompted to enter statistical data. If you are adding a creditor, you will be given an opportunity to add the creditor to the matrix before completing the docket entry.

(Note: If you are filing *Amended Schedules* to add creditors in conjunction with a conversion, the amendment fee is not applicable. **Enter n/a in the receipt number field if the fee is not**

applicable. No fee will be charged to your credit card.)

Individual Schedules or Individual Amended Schedules

The following individual events for each schedule can be used when filing just one schedule, either as the original filing or as an amended schedule:

Miscellaneous > Schedule A
Miscellaneous > Schedule B
Miscellaneous > Schedule C
Miscellaneous > Schedule D
Miscellaneous > Schedule E
Miscellaneous > Schedule F
Miscellaneous > Schedule G
Miscellaneous > Schedule H
Miscellaneous > Schedule I
Miscellaneous > Schedule J

A prompt will ask if the schedule is being amended, and you will be prompted to enter statistical summary data. If you are amending Schedule D, E or F using this event, the amendment fee will be incurred, but you will **not** be prompted to add the creditor to the mailing matrix. You should then go to the Creditor Maintenance menu to add the creditor to the matrix.

(Note: The **Miscellaneous > Amended Schedule (Fee)** event is the easiest and quickest method to use for adding creditors.)

The following events previously used for amendment to schedules are no longer available and have been removed in CM/ECF Version 3.1:

Miscellaneous > Amended Creditor Matrix (Fee)
Miscellaneous > Amendment to Creditor Matrix
Miscellaneous > Amendment to Creditors List (Add Creditors)

Practice Pointer 7: September 12, 2006 - Amending a Proof of Claim

[UPDATED September 5, 2008] The ability to amend a *Proof of Claim* was enhanced with Release 3.2 of CM/ECF. To amend a *Proof of Claim*,

Enter the case number and select **Next**;

(Note: **Name of Creditor** - Leave field blank for system to display pick list of all existing creditors on the selected case.)

(Note: referenced claim may be an originally filed claim **or** a previously amended claim.)

Highlight that Creditor from the pick list and select Next;

Select the "Find" button under Amends Claim #. A list of all claims filed will be displayed. Select the claim you are amending from the list, and enter the new data for amount claimed, secured or priority; and

Once all fields have been updated, select Next, and continue with the claim filing process.

(Note: Amended claims will receive an extension number from the original claim, i.e., 4-1, rather than a new claim number.)

Practice Pointer 6: January 13, 2006 - Docketing the Certificate of Credit Counseling

In order to verify compliance with the Bankruptcy Reform Act of 2005, the United States Bankruptcy Court for the Northern District of Alabama requires that the *Certificate of Credit Counseling* be filed as a separate event on the case docket. Federal Rule of Bankruptcy Procedure 1007 requires that the *Certificate of Credit Counseling* be filed "with" the petition submitted by an individual consumer debtor in a voluntary bankruptcy case. However, this does not mean that the certificate and petition should be docketed together.

Please docket the certificate as a separate event with its own PDF. This will allow the court to manage deadlines and deficiencies in our quality control process. Effective immediately, the clerk's office will issue a *Notice of Incorrect Filing Event* to the filing party when the said document is filed with the bankruptcy petition package and not as a separate event. The *Notice of Incorrect Filing Event* will allow two days to correct the error.

The *Certificate of Credit Counseling* event can be found at **Bankruptcy > Miscellaneous > Certificate of Credit Counseling.**

Practice Pointer 5: November 19, 2004 - Limited Miscellaneous Events

In an effort to expedite the filing process, the United States Bankruptcy Court for the Northern District of Alabama has developed an additional menu for limited filer access. The new menu, **Limited Miscellaneous Events**, is located under the main Bankruptcy Menu. The events within this menu have been developed for use by professionals desiring to file their own Applications for Compensation, Applications for Employment, or Motion for Approval documents without the representation of attorney access.

Practice Pointer 4: Quick Reference Guides

[UPDATED December 6, 2012] Quick Reference Guides are no longer used due to the added search function within CM/ECF. Release 3.2 included a search option in CM/ECF that assists in finding event. Log into CM/ECF, select Search, and enter a keyword or phrase. A list of events that match the keyword or phrase will display along with the correct location of the event.

Practice Pointer 3: October 13, 2004 - Filing Requirements for Fact Summary Sheet

[UPDATED July 1, 2010] Local Rule 4001(c) requires a *Fact Summary Sheet* to be filed with *Motions for Relief from the Automatic Stay* submitted in Eastern, Southern, and Western Division cases.

The *Fact Summary* **must** be filed along with *Motions for Relief from Stay and/or Co-Debtor Stay* and *Motions to Renew a Relief from Stay*;

The *Fact Summary* **must** be filed as a separate event at least 14 days prior to the first hearing date on the *Motion*;

The *Fact Summary* shall be filed using the Court's Electronic Case Filing ("ECF") System;

The *Fact Summary* shall be served by Movant's attorney using ECF (Debtor's attorney will receive

an electronic notification of the filing of the *Summary*); and

The *Fact Summary* must **NOT** be filed as an attachment to the *Motion*.

To File the *Fact Summary*:

Select menu **Bankruptcy > Miscellaneous > Fact Summary for Motion for Relief from Stay** and attach *.pdf of *Fact Summary*.

To review Local Rule 4001-1, please visit the court's website, www.alnb.uscourts.gov/localrules.cfm.

Practice Pointer 2: October 4, 2004 - Attorney Quick Reference Guide

[UPDATED December 6, 2012] The Attorney Quick Reference Guide is no longer used due to the added search function within CM/ECF.

Practice Pointer 1: August 24, 2004 - Automatic Judge/Trustee Assignment

To expedite the assignment of your cases within ECF, we encourage all filers to run the Automatic Judge/Trustee Assignment event by selecting:

Bankruptcy Menu > Judge/Trustee Assignment

NOTE: **All** designated events required for new bankruptcy case filings should be **complete**, including upload of Creditor Matrix, **prior** to execution of the assignment event.