

Clerk's Annual Meeting with the Bar

November 9, 2018

General Orders

- **General Order No. 23-2018:** Payment of Filing Fee in Installments to Commence a Bankruptcy Case. This order is effective as to all notices and orders, as further described in the order, issued in cases on or after December 1, 2018 and, as to those cases, replaces General Order No. 16-2013.
- **General Order No. 24-2018:** Voluntary Notice Procedures in Chapters 7, 11, 12 and 13. This order establishes procedures for counsel to utilize with respect to noticing of hearings and providing an opportunity to object. These procedures are not available for pro se litigants. Use of Exhibit A referenced in paragraph B of the order is mandatory. This General Order supplements, rather than replaces, the procedures for notice of hearings and opportunity to object found in the Bankruptcy Rules and the Local Rules.
- **General Order No. 25-2018:** Electronic Service of Pleadings. This order is issued pursuant to Fed. R. Bankr. P. 5005 and 9036, and BLR 5005-8 and further explains the Court's CM/ECF administrative procedures as they apply to service of pleadings. This order applies to all pleadings and documents filed in any case in this Court, including adversary proceedings on or after December 1, 2018.

General Order 23-2018

Payment of Installment Filing Fees

- Minimum Installments per Chapter:
 1. Chapter 7 \$ 75.00
 2. Chapter 11 \$339.00
 3. Chapter 12 \$ 75.00
 4. Chapter 13 \$ 75.00
- 7 day deadline for receipt of initial installment is increased to 10 days
- Effective as to all notices and orders further described in the order in cases on or after December 1, 2018; Replaces General Order 16-2013

General Order 24-2018

Voluntary Notice Procedures in Chapters 7,11,12 and 13

- Mandatory Form of Notice – See Exhibit A of General Order
- Supplements the procedures for notice of hearing and opportunity to object found in the Bankruptcy Rules and Local Rules
- Unless otherwise directed by the Court, the notice procedures may be used only for pleadings seeking relief in the 16 specifically identified motions
- Procedures may not be used by pro se debtors
- May not be used if a request for one of the types of relief listed in the general order is combined with a request for relief for which a hearing is required

General Order 24-2018

Voluntary Notice Procedures in Chapters 7,11,12 and 13 (Continued)

- If Bankruptcy Rules or Local Rules do not specify the number of days' notice that must be given, the time for filing response/objection is 21 days from the date of service of the notice
- Date, time and place of hearing scheduled per procedures on chambers' pages
- Paragraph E – motions to abandon property in chapter 7 cases
- Paragraph F - Chapter 13 trustees not required to file an objection to any motion by the objection deadline. No order will be entered in a Chapter 13 case without a hearing using these procedures unless “the Chapter 13 trustee either affirmatively consents to the order or has no opposition to the order as shown by an electronic or other signature on the order (including by express permission.)”

General Order 24-2018
Voluntary Notice Procedures in Chapters 7,11,12 and 13
(Continued)

- Be sure to submit order as soon as possible
- If a proposed order submitted has not been entered at least one business day prior to hearing, counsel for the movant **MUST** attend the hearing
- Do not call chambers asking about order or if attendance is required
- See Paragraph H for requirements of a proposed order
- These notice procedures are **VOLUNTARY**
- Reminder: Exhibit A – Form of Notice – is **MANDATORY**

General Order 24-2018
Voluntary Notice Procedures in Chapters 7,11,12 and 13
(Continued)

- The new voluntary notice procedures DO NOT change the notice procedures for Chapter 13 compensation set forth in General Order No. 22-2017, paragraph 3.3 **“Procedure for allowance of fees, expenses, and costs of Debtor's attorney.”**
- Exhibit A of General Order No. 22-2017 is MANDATORY: **“Order Setting Objection Deadline on Application for Compensation, Setting Hearing if Objections are Filed, and Granting Application in the Absence of Filed Objections.”**

General Order 25-2018

Electronic Service of Pleadings

- Order applies to all pleadings and documents filed in any case or adversary proceeding on or after December 1, 2018
- Applies to all cases and adversary proceedings
- Registered Users agree to receive notice and service of pleadings and documents through the Notice of Electronic Filing (“NEF”)
- Filing is deemed to be service on a Registered User who has appeared in that case or adversary proceeding (NEF Service)

General Order 25-2018

Electronic Service of Pleadings

(Continued)

- Who is a Registered User in a particular case or AP?
 - In CM/ECF, click “Utilities”
 - then “Mailings”
 - then “Mailing Info for a Case”
 - Enter case number or AP number
 - Parties to receive email notice/service for the case are listed under “Electronic Mail Notice List”
 - Parties, with the exception of the debtor, who require manual notice/service for the case are listed under “Manual Notice List”
 - **NOTE:** The provisions of this order do not apply if only the generic United State Trustee Email address (ustpreion21.at.ecf@usdoj.gov) appears under “Electronic Mail Notice List.” The Office of the United States Trustee is an entity and not a Registered User as contemplated by this order.

CM/ECF - Utilities

ECF Bankruptcy Adversary Query Reports **Utilities** Search **i** Procedures Logout

★ ↺ Calendar Daily 11/9/2018 📅 Deadlines/Hearings Attorney Calendar Events 11/9/2018 📅 Associated Cases

Docket Activity Docket Sheet ↗

Utilities

Release 4.0 Many Items

Mailings

ECF Bankruptcy Adversary Query Reports Utilities Search **i** Procedures Logout

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Docket Activity Docket Sheet | ↗

Utilities

E-Orders

- [Check Person Linkage](#)
- [Delete Signed Orders](#)
- [Transaction Report](#)

Your Account

- [Maintain Your ECF Account](#)
- [View Your Transaction Log](#)
- [Change Your Password](#)

Miscellaneous

- [Generate a Test Form](#)
- [Generate BNC Notices](#)
- [Mailings...](#)
- [System Administrator Reports...](#)
- [View/Edit BNC Files](#)

New R3.1 Menu Items

- [Court Information](#)

[Release 4.0 Menu Items](#)

[Release 5.0 Menu Items](#)

Mailing Info for a Case

ECF Bankruptcy Adversary Query Reports Utilities Search **i** Procedures Logout

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Docket Activity Docket Sheet | 📄

Mailings

[Mailing Info for a Case](#)

[Mailing Matrix by Case](#)

[Mailing Labels by Recipient Type](#)

[Users' Addresses](#)

Add Case No. or AP

The screenshot shows the top navigation bar of the ECF Bankruptcy website. It features a blue header with the ECF logo and several menu items: Bankruptcy, Adversary, Query, Reports, Utilities, Search, Procedures, and Logout. Below the header, there are several links and date selectors: Calendar Daily (with a date selector for 11/9/2018), Deadlines/Hearings, Attorney, Calendar Events (with a date selector for 11/9/2018), and Asso. At the bottom of the navigation bar, there are links for Docket Activity and Docket Sheet, along with a magnifying glass icon.

Mailing Information for a Case

Enter the case number to view the recipient list.

Case Number:

Electronic Mail Notice

ECF Bankruptcy Adversary Query Reports Utilities Search **i**Procedures Logout
★ ↺ Calendar Daily 11/9/2018 Deadlines/Hearings Attorney Calendar Events 11/9/2018 Associated Cases
Docket Activity Docket Sheet ↗

Mailing Information for Case 18-61888-pwb

Electronic Mail Notice List

The following is the list of **parties** who are currently on the list to receive email notice/service for this case.

- **Michael J. Bargar** Michael.bargar@agg.com, carol.stewart@agg.com;GA67@ecfbis.com;tarsha.daniel@agg.com
- **Office of the United States Trustee** ustpregion21.at.ecf@usdoj.gov
- **R. Jeneane Treace** jeneane.treace@usdoj.gov, Sherri.R.Carlberg@usdoj.gov;Alexandria.R.Davis@USDOJ.GOV

Manual Notice List

The following is the list of **parties** who are **not** on the list to receive email notice/service for this case (who therefore require manual noticing/service). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

Shikema Larvon Fluellen
P.O. Box 1658
Conyers, GA 30012

General Order 25-2018

Electronic Service of Pleadings

(Continued)

- NEF Service does not apply to debtors, non-Registered Users or Registered users who have not appeared in that case or AP
- Named defendant in AP or respondent in a contested matter under B.R. 9014 – MUST receive service under B.R. 7004
- If a recipient cannot be served via NEF Service, service must be in accordance with applicable law
- Debtor's attorney may be served via NEF Service when debtor is the defendant in AP or respondent in contested matter or motion under B.R. 9014
- See Paragraph 5 for recommended certificate of service language

General Order 25-2018
Electronic Service of Pleadings
(Continued)

- Paragraph 4 of General Order 25-2018 provides direction for the use of Electronic Mail Service.
- Electronic Mail Service may be used by agreement of the parties in situations where counsel has not yet appeared in a particular case
- Paragraph 5 of General Order 25-2018 contains recommended certificate of service language for Electronic Mail Service

12.1.18 Forms and Rules Changes

- Important to review all changes
- Rule 3002.1(b) changes:
 - (b)(1) is amended to add “if the claim arises from a home-equity line of credit, this requirement may be modified by court order.” This change provides flexibility to the courts to specify alternate procedures by local rules or order in particular cases.
 - (b)(2) is a new section which provide “A party in interest who objects to the payment change may file a motion to determine whether the change is required to maintain payments in accordance with §1322(b)(5) of the Code. If no motion is filed by the day before the new amount is due, the change goes into effect, unless the court orders otherwise.”

12.1.18 Forms and Rules Changes

- Rule 3002.1(e) is amended to allow a party in interest (replaces “debtor or trustee”) “to file a motion to seek determination of the validity of a claimed fee, expense, or charge.”
- A new CM/ECF event “Motion to Determine Validity of Payment Change” will be available 12.1.18
- For tracking purposes, prompts will be added to both the notice and motion asking if the loan is a HELOC

12.1.18 Forms and Rules Changes

- Minor Changes to Ch 13 Discharge Orders
 - “debts for most fines, penalties, forfeitures, or criminal restitution obligations” to “debts for restitution, or criminal fine, included in a sentence on debtor’s criminal conviction”
- New CM/ECF event for Supplemental Statement Regarding Certification of Direct Appeal – Bankruptcy Rule 8006

New Case Deficiencies

- Effective 12.1.18 new case deficiency notices will become Order Setting Deadlines For Debtor to Correct Filing Deficiency(ies)
- Clerk will serve on Debtor, Debtor's Counsel (if any) and Trustee
- If by deadline date(s) in order “(i) the Debtor fails to file the required papers or correct the deficiencies; (ii) no request for an extension of time is pending; or (iii) neither the debtor nor any party in interest has requested a hearing thereon, the Court may dismiss the case without further notice or hearing.”

BLR-9010-4 Appearances

- BLR 9010-4 provides:
- “(a) The filing of a pleading or paper signed by an attorney in a case or adversary proceeding constitutes that attorney's appearance as attorney of record for the party on whose behalf the pleading is filed. An attorney in a different firm who files a subsequent pleading or paper on behalf of that same party must also file a notice of appearance with the Bankruptcy Clerk. An attorney who fails to make a proper appearance in a case or proceeding may, at the discretion of the Court, be barred from representing the party at trial or in any other proceeding. An attorney who files a petition initiating a case on behalf of a debtor, or who appears for a debtor in a case other than as special counsel for a debtor for limited purposes, shall represent the debtor in all matters in the case, including contested matters and adversary proceedings, unless the Bankruptcy Court permits the attorney to withdraw in accordance with BLR 9010-5.”
- Effective 12.1.18, an attorney who represents the debtor in the main case will be automatically added to the AP when the debtor is the defendant
- Debtor’s counsel receives NEF notice when an AP is filed because of linkage to the main case

CM/ECF

- Chapter 13 Plan Form – pay attention to prompts and flatten the plan before filing
- Flatten Documents and Orders
- Revised CM/ECF Administrative Procedures will be posted by 12.1.18. There are located under the CM/ECF Information tab on the GANB website
- Don't forget about the *little green i* procedures available in CM/ECF

General Announcements

- Review of Local Rules is complete and substantial changes will be proposed
 - Approval by the United States District Court is required before publication for comment by the Bar
- Locked Out Report
- Incorrect Docket Entries
 - Notice of Hearing on Confirmation of Modified Plan and Deadline for Objections v
 - Notice Rescheduling Confirmation (for cases filed prior to 12/1/17)

Questions?

- Q: Does General Order No. 25-2018 (Electronic Service of Pleadings) apply to service on the United States Trustee?
 - Answer: Unless service on the United States Trustee is specifically provided for in Bankruptcy Rule 7004 or other applicable law, the electronic service provisions of General Order No. 25-2018 apply to the UST.
 - **REMINDER:** The provisions of General Order No. 25-2018 do not apply if only the generic United State Trustee Email address appears under “Electronic Mail Notice List.” The Office of the United States Trustee is an entity and not a Registered User as contemplated by this order.