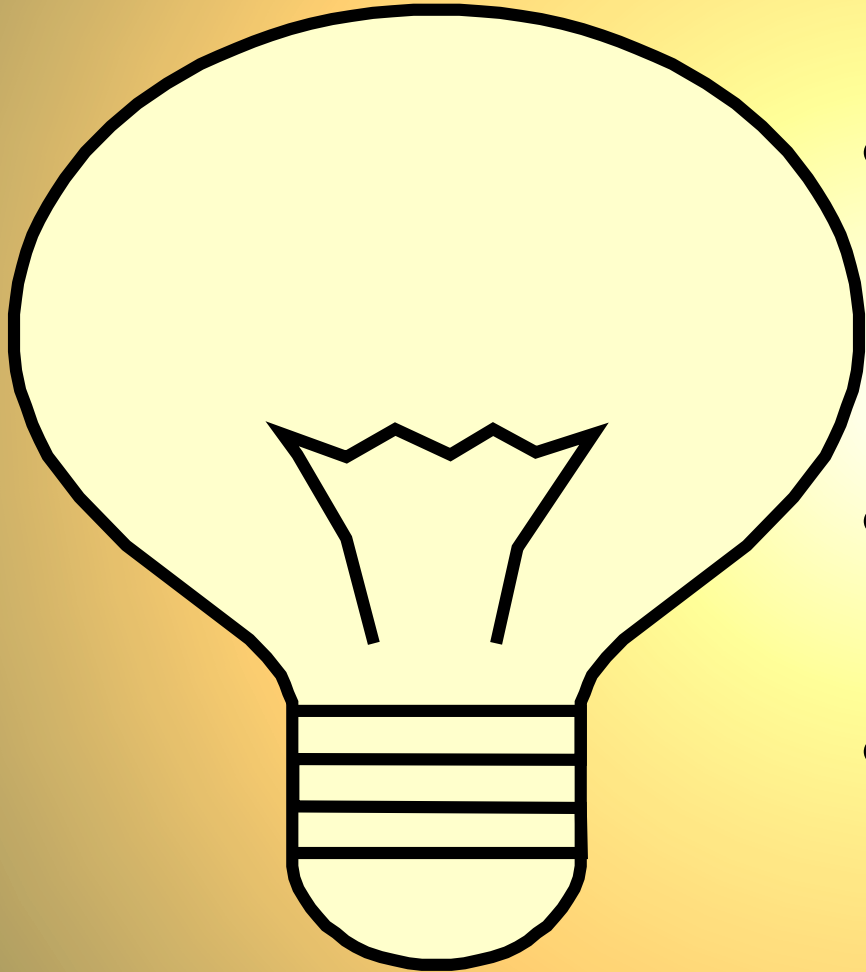


# Shining the Light on CM/ECF

CM/ECF Practice Pointers

Bench and Bar Committee Lunch and Learn  
U.S. Bankruptcy Court  
Northern District of Georgia  
April 23, 2018

# Agenda



- Online Procedures Manual



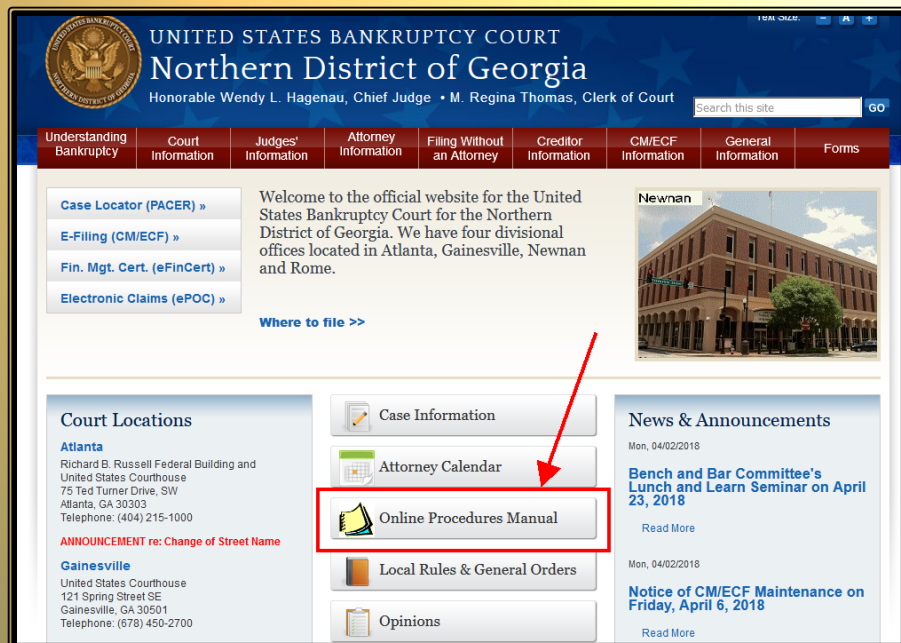
- CM/ECF Practice Pointers
- Chapter 13 Plan

# Online Procedures Manual

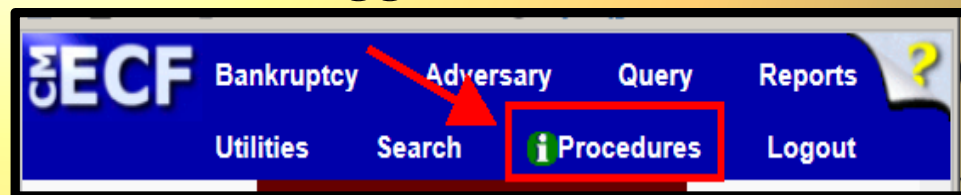
- A great resource with the latest and most accurate procedural information
- The “go-to” for information and answers

## Three ways to access the Online Procedures Manual

### On the GANB Website



### While Logged into CM/ECF

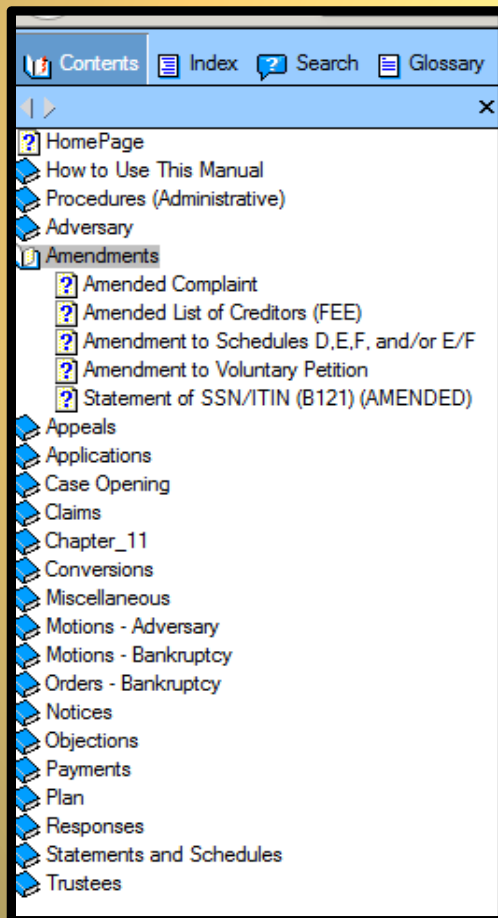


### While Logged into PACER via CM/ECF



# Using the Online Procedures Manual

## Table of Contents

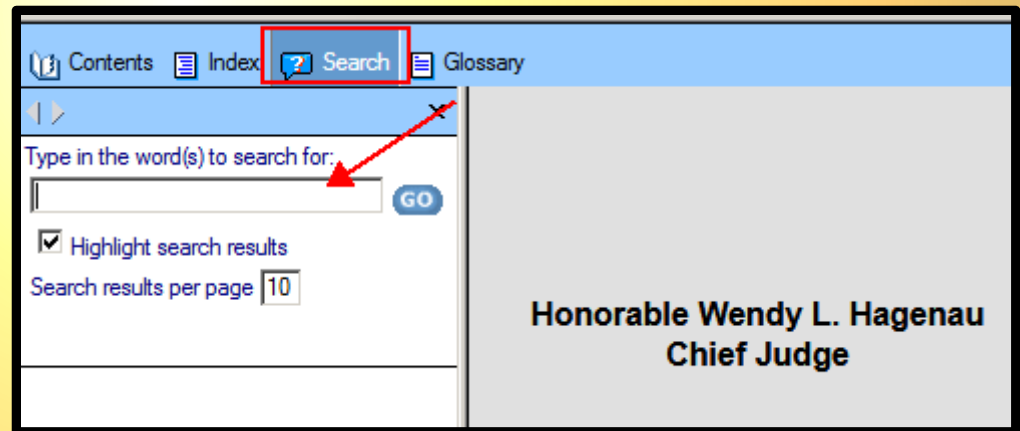


The screenshot shows the 'Contents' tab selected in the top navigation bar. The left sidebar contains a tree view of the manual's structure, with 'Amendments' currently expanded. The main content area lists the following items:

- HomePage
- How to Use This Manual
- Procedures (Administrative)
- Adversary
- Amendments
  - Amended Complaint
  - Amended List of Creditors (FEE)
  - Amendment to Schedules D,E,F, and/or E/F
  - Amendment to Voluntary Petition
  - Statement of SSN/ITIN (B121) (AMENDED)
- Appeals
- Applications
- Case Opening
- Claims
- Chapter\_11
- Conversions
- Miscellaneous
- Motions - Adversary
- Motions - Bankruptcy
- Orders - Bankruptcy
- Notices
- Objections
- Payments
- Plan
- Responses
- Statements and Schedules
- Trustees

## Search Feature

Use partial word to obtain the  
most results  
(discharg instead of discharging)



The screenshot shows the 'Search' tab selected in the top navigation bar. The search interface includes a text input field with the placeholder text 'Type in the word(s) to search for:', a 'GO' button, and a checked checkbox for 'Highlight search results'. Below the checkbox, it says 'Search results per page' followed by a dropdown menu set to '10'. A red arrow points to the search input field. The right sidebar displays the name and title of the Chief Judge:

**Honorable Wendy L. Hagenau**  
Chief Judge

# CM/ECF Practice Pointers

- Order Distribution Lists
- Amendments to Schedules
- Motion to Vacate v. Motions to Reconsider
- Managing CM/ECF Accounts
- Creating Parties in CM/ECF
- Notices of Appearance v. Motions to Substitute Attorney
- Notices Rescheduling Meeting of Creditors & Confirmation Hearing
- Certificate of Service of Summons and Complaint
- Joint Case Documents
- Payment Advices
- Proofs of Claim

The logo for CM/ECF features the letters "CM" in a large, blue, serif font on the left, followed by a stylized icon of a classical building with four columns and a triangular pediment in a gold color, and then the letters "ECF" in the same large, blue, serif font on the right. The entire logo is set against a white background within a black rectangular border.

CM  ECF



# Order Distribution Lists

## Distribution Lists are required

Pursuant to Bankruptcy Local Rule 9013-2(b)

“Identification of Counsel and Parties to be Served....If the Bankruptcy Clerk is to serve the order, the order shall be accompanied by a distribution list containing the names and addresses of the attorneys and parties to be served.”

If serving all creditors, do not create your own Distribution List. Attach a copy of the mailing matrix via Utilities in CM/ECF

**CM/ECF**

Bankruptcy

Adversary

Query

Reports

**Utilities**

Search

# Accessing the Mailing Matrix

It is free to access the mailing matrix under  
Utilities > Mailings > Mailing Matrix by Case

**Mailing Matrix by Case**

Case number:

☒ **All** *Select ALL participants for case (excluding judge)*

**OR**  
*Select any combination of the following*

| Participants                        | Special mailing group              | Creditors   |
|-------------------------------------|------------------------------------|---|
| <input type="text"/>                | <input type="text" value="sg1"/>   | <input type="text" value="Creditor Committee Members&lt;br/&gt;Creditors who have filed claims"/> |
| <input type="checkbox"/> Judge      | <input type="checkbox"/> Attorneys | <input type="checkbox"/> Debtor's attorney(s)   |
| <input type="checkbox"/> US Trustee | <input type="checkbox"/> Trustee   |   |

Print format:


# Amendments to Schedules

## (Amended Summary of Assets and Liabilities)

### Events Requiring an Amended Summary of Assets and Liabilities

- Amended Schedule A/B
- Amendment to Schedule D, E, F and/or E/F
- Amended Schedule I
- Amended Schedule J
- Chapter 7 Statement of Monthly Income/Mean Test
- Chapter 13 Monthly Income Statement / Calculation of Disposable Income

Final docket text should include “Amended Summary of Assets and Liabilities”:

|            |   |  |
|------------|---|--|
| 03/28/2018 | 5 | Amendment to Schedules: Schedule D, Schedule E/F, with Certificate of Service (no creditors added), Amended Summary of Assets and Liabilities with Statistical Information for Individual Debtor, Fee \$ 31 Receipt Number: 1234567, Amount Paid \$ 31.00, filed by Attorney XYZ on behalf of Debtor ABC. (Bogatay, Aaron)  |
|------------|---|--|



# Amendments to Schedules (Cont.)

## (Supplemental List of Creditors)

- Required when filing an Amendment to Schedules D,E,F, and/or E/F and creditors are being added
- Must only include the creditors being added to the case via the amendment
- There is no CM/ECF event to select when attaching the Supplemental List of Creditors to the Amendment to Schedules D,E,F, and/or E/F
- Filer is responsible for adding or uploading creditors
  - ❖ BLR 9007-2(d) – Notices to Creditors Added by Amendment – where debtor must serve newly added creditors with all notices and pleadings previously sent to all creditors whether such notices were served by the debtor, Bankruptcy Clerk, or any other party in interest
  - ❖ In addition to BLR 9007-2(d), failure to add creditors at the time of the filing may require attorney to serve any missed court notices

Motions to Vacate

V.

Motions to Reconsider

# Reconsider or Vacate?

## Motion to Reconsider

- Party requests the Court reconsider an Order
- Use if Order entered **14 DAYS OR LESS** prior to Motion to Reconsider being filed
- Not used to reconsider Dismissal Orders

## Motion to Reconsider Order of Dismissal

- Party requests the Court reconsider an Order of Dismissal
- Use if filing **14 DAYS OR LESS** after Order of Dismissal

## Motion to Vacate

- Party requests the Court vacate an Order
- Use if the Order entered **MORE THAN 14 DAYS** prior to Motion to Vacate being filed
- Not used to vacate Dismissal Orders




## Motion to Vacate Dismissal (Fee)

- Party requests the Court vacate an Order of Dismissal
- Use if filing **MORE THAN 14 DAYS** after Order of Dismissal

# Motions to Reconsider




## Motion to Reconsider

- Party requests the Court reconsider an order
- Use if order entered **14 DAYS OR LESS** prior to Motion to Reconsider being filed
- **Not used** to reconsider Dismissal Orders

|            |  |  |
|------------|--|--|
| 02/26/2018 |  <a href="#">31</a> | Order DENYING Motion to Set Hearing (Related Document(s) <a href="#">30</a> ). Service by BNC. Entered on 2/26/2018.   |
| 03/12/2018 |  <a href="#">37</a> | <b><u>Motion to Reconsider</u></b> <i>Order Denying Motion to Set Hearing</i> filed by Attorney on behalf of Creditor. (Related Document(s) <a href="#">31</a> )  |

## Motion to Reconsider Order of Dismissal





- Party requests the Court reconsider an Order of Dismissal
- Use if filing **14 DAYS OR LESS** after entry of Order of Dismissal

|            |  |  |
|------------|--|--|
| 03/27/2018 |  <a href="#">23</a> | Order Dismissing Case for debtor's failure to pay filing fee. Service by BNC.  |
| 04/07/2018 |  <a href="#">24</a> | <b><u>Motion to Reconsider Dismissal Order</u></b> filed by Attorney on behalf of Debtor. Hearing to be held on 4/27/2018 at 10:00 AM in Courtroom 1203, Atlanta, (Related Document(s) <a href="#">23</a> ),  |

# Motions to Vacate





## Motion to Vacate

- Party requests the Court Vacate an order
- Use if order entered **MORE THAN 14 DAYS** prior to Motion to Vacate being filed
- **Not used** to reconsider Dismissal Orders

|            |  |   |
|------------|--|---|
| 01/11/2018 |  <a href="#">62</a> | Order Discharging Chapter 7 Debtor. Service by BNC.    |
| 02/02/2018 |  <a href="#">68</a> | <b><u>Motion to Vacate</u></b> <i>Order Discharging Debtor</i> filed by Attorney on behalf of Creditor. (Related Document(s) <a href="#">62</a> )  |

## Motion to Vacate Dismissal (Fee)

- Party requests the Court vacate an Order of Dismissal
- Use if filing **MORE THAN 14 DAYS** after entry of Order of Dismissal

|            |  |  |
|------------|--|--|
| 02/13/2018 |  <a href="#">21</a> | Order Dismissing Case – Failure to Comply. Service by BNC.    |
| 03/07/2018 |  <a href="#">24</a> | <b><u>Motion to Vacate Dismissal Order</u></b> Fee \$ 235 filed by Attorney on behalf of Debtor. (Related Document(s) <a href="#">21</a> )  |



# Managing Your CM/ECF Accounts

**Change Employment = Submit New Registration**  
**[your account does not follow you]**

**Global Change of Address or Change of Email = Email ECF Helpdesk**



**All changes to your account, except passwords, must be made by the Clerk's Office by emailing ECF Helpdesk - [ECF\\_Helpdesk@ganb.uscourts.gov](mailto:ECF_Helpdesk@ganb.uscourts.gov)**

**New registrations must be sent to the Clerk's Office by emailing the address listed on the registration form**

[http://www.ganb.uscourts.gov/sites/default/files/ecf attorney reg form 1-31-17.pdf](http://www.ganb.uscourts.gov/sites/default/files/ecf_attorney_reg_form_1-31-17.pdf)

# Creating Parties in CM/ECF

## DO NOT Create Duplicate Parties

- Never create a new party for yourself
- Only create a new party if they are not already in the ECF database
- If your party is not already in the ECF case picklist, use the [Add/Create New Party](#) link:
  - ✓ Type the first word or two of the company name OR type last name, first few letters of first name of individual
  - ✓ Click **Search**
  - ✓ Select a party with the same name. If the party does not already exist in ECF, you may then ADD a new party by clicking “Create new party”
  - ✓ You may update / change the information in the address sections to include the information for your case

Search for a party

SSN / ITIN  Tax ID / EIN

Last/Business name

First Name

Middle Name

Party search results

- Home Depot
- Home Depot
- Home Depot, P.O. Box 103104, Roswell, GA
- Home Depot
- Home Depot Credit Svcs, P.O. Box 20507, Kansas City, MO
- Home Depot Improvement Loans

Party Information

Home Depot SSN / ITIN:Unknown

Office

Address 2

City

County

Phone

E-mail

Role

Party text

Address 1

Address 3

State  Zip

Country

Fax

# What to AVOID When Creating Parties

- DO NOT add an email address for a party
- DO NOT use lengthy party names

| DO NOT Enter As:   | Shorten to CORE name:          |
|--|--------------------------------|
| U.S. Bank National Association<br>formerly known as Nobody<br>Really Cares Anyway on behalf<br>of Somebody Else, LLC<br>successor by merger to All Bets<br>are Off | U.S. Bank National Association |

# Notice of Appearance v. Motion to Substitute Attorney

## Notice of Appearance

- Announcement to notify the court and other parties of an appearance in a case and/or receive service of notices.
- Can be used to substitute attorney only if new and prior attorney are with the same firm

## Motion to Substitute Attorney

- Attorney's request to replace existing counsel
- **Consent = Signature of New Attorney, Old Attorney and Debtor** (debtor's signature only needed if motion is to substitute debtor's counsel)
- If no consent, upload an order

**\*Contact CM/ECF Helpdesk if filing multiple substitutions\***

# Notices Rescheduling Meeting of Creditors and/or Confirmation Hearing

When docketing Notices:

- Select the correct event
- Enter the hearing information during the docketing process, failure to do so will result in the hearing not appearing on the court calendar

To reschedule both, select **Notice Rescheduling Confirmation Hearing** and **Notice Rescheduling Meeting of Creditors**.

| Available Events (click to select events)  | Selected Events (click to remove events) |
|--|--|
| Certification Re: Review of Proof of Claims Notice                                 | Notice Rescheduling Confirmation Hearing |
| Notice Rescheduling Confirmation Hearing   | Notice Rescheduling Meeting of Creditors |
| Notice Rescheduling Hearing  |  |
| <b>Notice Rescheduling Meeting of Creditors</b>                                    |  |
| Notice of Appearance   |  |
| Notice of Final Cure Mortgage Payment  |  |
| Notice of Hearing  |  |
| Notice of Hearing on Confirmation of Modified Plan and of Deadlines for Objections |  |
| Notice of Motion   |  |
| Notice of Request for Redaction  |  |

Next Clear



# Certificate of Service of Summons and Complaint

When docketed correctly this event saves time, steps, and edits. This is also helpful for chambers when researching a motion for default judgment.

- Summons are generally issued next business day after adversary is filed
- Plaintiff and Defendant must be entered EXACTLY as they are listed on the Complaint
- Include addresses when available to avoid return mail

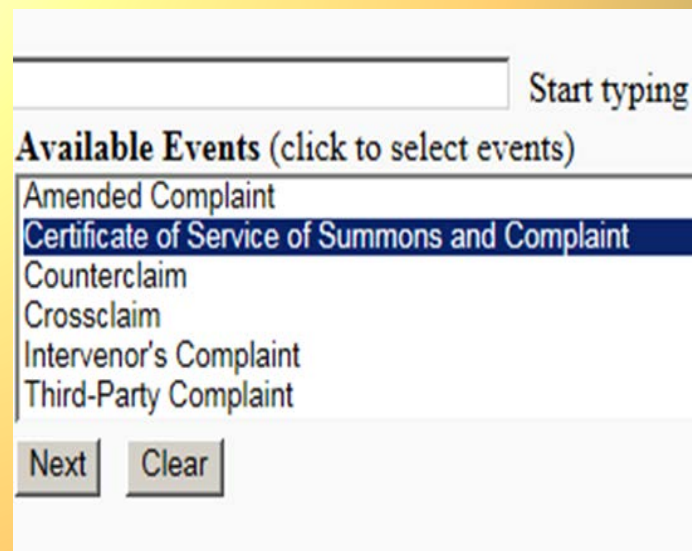
How do you docket a  
Certificate of Service of  
Summons and  
Complaint?



# Certificate of Service of Summons and Complaint (Cont.)

Under Adversary Events – Select **Complaint & Summons (USED ONLY AFTER CASE IS OPENED)**

- ✓ Enter case number
- ✓ Select Plaintiff
- ✓ Select “Certificate of Service of Summons and Complaint”
- ✓ Select document and attach
- ✓ Check boxes for both the summons and complaint
- ✓ Accept and complete event





# Joint Case Docket Entries

## Proper Docket Text Format

- When docketing in a joint case, be sure to select the debtor (Debtor 1) AND joint debtor (Debtor 2) in the party pick list so both names appear in the docket entry.

Exception: When filing a Credit Counseling Certificate, Certification of Financial Management Course for Debtor, or Payment Advice for each debtor separately, you must select only the debtor for whom the attached documents pertains

|            |  |  |
|------------|--|--|
| 04/02/2018 |  <u>6</u><br>(1 pg) | Statement of Social Security Number (Official Form B121) (Document is restricted and can only be viewed by Court staff.) filed by Janine Sickmeyer on behalf of Bob Demo and Jane Demo .<br>(Bogatay, Aaron)  |
|------------|--|--|

# Payment Advices

- If filing payment advices using Best Case software (via case upload or later in the case), **AND** the case is not a joint case:
  - ✓ The payment advice .pdf **MUST** be renamed to “paystubs1” in order to correctly build the docket text.
  - ✓ The docket entry will reflect you are filing the pay advices for Debtor 1 and Debtor 2 if you do not rename the file

Example of renamed file: Renamed filename: M:\ECF\Doe, John Joe \paystubs1.pdf

- If filing payment advices manually, ensure you select the appropriate box(es) below so the docket text reads correctly

**Choose one or more filers below**

- ☐ Debtor,
- ☐ Debtor 2,
- ☐ Non-filing Party

Next

Clear



# Proofs of Claim

**Always use creditor's noticing address never creditor's payment address.**

Where should notices and payments to the creditor be sent?

Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)

Where should **notices** to the creditor be sent?

Name \_\_\_\_\_

Number \_\_\_\_\_ Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_

Contact phone \_\_\_\_\_

Contact email \_\_\_\_\_

Where should **payments** to the creditor be sent? (if different)

Name \_\_\_\_\_

Number \_\_\_\_\_ Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_

Contact phone \_\_\_\_\_

Contact email \_\_\_\_\_



# The Plan

## Chapter 13 Plan

**NOTE:**

The United States Bankruptcy Court for the Northern District of Georgia adopted this form plan for use in Chapter 13 cases in the District pursuant to Federal Rule of Bankruptcy Procedure 3015.1. See Order Requiring Local Form for Chapter 13 Plans and Establishing Related Procedures, General Order No. 21-2017, available in the Clerk's Office and on the Bankruptcy Court's website, [ganb.uscourts.gov](http://ganb.uscourts.gov). As used in this plan, "Chapter 13 General Order" means General Order No. 21-2017 as it may from time to time be amended or superseded.

- What is a Flattened Plan?
- Certificate of Service v.  
Certificate of Manner of Service
- Notice of Hearing on  
Confirmation of Modified Plan



# What is a Flattened Plan?

A “flattened” plan is a plan that cannot be edited.  
– see blue fillable fields below -

| Fill in this information to identify your case:                     |            |             |             |
|---|------------|-------------|-------------|
| Debtor 1  | Jane       | Doe         | Unflattened |
|   | First Name | Middle Name | Last Name   |
| Debtor 2  |            |             |             |
| (Spouse, if filing)   | First Name | Middle Name | Last Name   |
| United States Bankruptcy Court for the Northern District of Georgia |            |             |             |
| Case number   | 12-12345   |             |             |
| (if known)  |            |             |             |

☐ Check if this is an amended plan, and list below the sections of the plan that have been changed. Amendments to sections not listed below will be ineffective even if set out later in this amended plan.

**Chapter 13 Plan**

How to flatten a plan: Open plan in Adobe > File > Print > Select Adobe PDF as the name of the printer > Print and save as a completed .pdf form.

You should not be able to type in any field if plan is flattened!

Certificates of Service  
(COS)

&

Certificates of Manner of Service  
(COMOS)

# COS & COMOS

- It is unnecessary to attach a copy of the plan to a COS or COMOS
  - Link the plan to what you are serving
  - This is different from attaching a COS to the initial or modified plan you are filing
- Do not file a COMOS with anything attached
  - The COMOS should be filed separately and linked to the notice or plan you are serving
- Select the event that matches the document you are filing
  - Example: Do not select Certificate of Service if your .pdf is titled Certificate of Manner of Service. Remember to title your document correctly

## **Selected Events (click to remove events)**

|   |
|---|
| 0-Certificate of Service  |
| Certificate of Manner of Service Pursuant to Bankruptcy Rule 7004 |

# Notice of Hearing on Confirmation of Modified Plan and of Deadline for Objections

Use to schedule a confirmation hearing on a modified plan that may materially and adversely affect creditor(s) (MAC)

A Certificate of Service should be attached and/or a separate Certificate of Manner of Service (if applicable) should be linked to the Notice of Hearing

## Pursuant to General Order 21-2017

“Unless the Court orders otherwise, the Debtor must serve, on each creditor that the Modified Plan **materially and adversely affects**....The notice must be **served not less than 28 days** before the date of such hearing, unless the Court orders other wise

Bankruptcy > Notices

**Selected Events** (click to remove events)

Notice of Hearing on Confirmation of Modified Plan and of Deadlines for Objections



# Helpful Links

- **GANB Homepage** – <http://www.ganb.uscourts.gov/>
- **Online Procedures Manual** - <http://www.ganb.uscourts.gov/Ops/OpsLive/OPSw-Home.htm>
- **Chapter 13 Plan** – revised 4/2018  
[http://www.ganb.uscourts.gov/sites/default/files/chap\\_13\\_plan\\_1.3\\_re.pdf](http://www.ganb.uscourts.gov/sites/default/files/chap_13_plan_1.3_re.pdf)
- **ECF Helpdesk email** – [ECF\\_Helpdesk@ganb.uscourts.gov](mailto:ECF_Helpdesk@ganb.uscourts.gov)
- **New Registration email** – [Registration@ganb.uscourts.gov](mailto:Registration@ganb.uscourts.gov)
- **Attorney Registration Form** -  
[http://www.ganb.uscourts.gov/sites/default/files/ecf\\_attorney\\_reg\\_form\\_1-31-17.pdf](http://www.ganb.uscourts.gov/sites/default/files/ecf_attorney_reg_form_1-31-17.pdf)
- **General Order No. 21-2017** -  
<http://www.ganb.uscourts.gov/content/general-order-no-21-2017>
- **General Order No. 22-2017** –  
<http://www.ganb.uscourts.gov/content/general-order-no-22-2017>

# Questions?

