

ECF HELPFUL HINTS AND RESOURCES

By

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Eastern District of Virginia

I. HELPFUL HINTS FOR TRAVELING THE ELECTRONIC CASE FILING (ECF) HIGHWAY

A. Bankruptcy Case Opening

1. Basic case/index information doesn't match the petition or document filed: Verify all case specific information such as case name and case number—make sure they match. This includes social security numbers and proper spelling of the debtor's name. In ECF, you can right click on the PDF file prior to downloading. These errors may lead to unsuccessful record searches and, more importantly, cause wrong information to be associated to a case. In compliance with LBR 5005-1(C), the caption of pleadings shall bear the debtor's name, case number and the chapter. **The attorney's identification must be on the first page of each pleading and is to include name, State Bar number, complete mailing address, telephone number and the name of the party the attorney represents.** This applies to ECF pleadings also.
2. Attorney who has signed the petition is not the attorney making the docket entry: Verify the attorney information. In ECF, you must log in using the correct password. This mistake can cause the wrong attorney to be listed as counsel of record, requiring the case information to be amended.
3. Duplicate case opening of same petition: In ECF, make sure you have completed the case opening transaction and verify it before entering the case data. Query the system to determine if the case did not process (use the "transaction log" at no charge). If you are re-keying debtor information and that information is already there, STOP and confirm that the case did not process. If you are unsure, contact the Data Quality Analysts immediately before you proceed. This error creates a multitude of problems including a corrupt database, inaccurate statistical reporting, voided or missing case

numbers and the possibility of incurring a double filing fee charge for two petitions.

4. Cases filed in the wrong division: Check and verify the proper division for the filing and choose the correct county or city code. Filing in the wrong division creates a host of problems including financial implications for the clerk's office. The case will have to be amended, transferred and edited internally to correct statistical reporting information.
5. United States Trustee not added as creditor: Always include the U.S. Trustee on the creditors' list/matrix in ECF cases. Check the on-line Training Manual for Attorneys in ECF cases. This omission results in deficient notices and is a burden on the AUST and the clerk's office.
6. Chapter 7 cases filed as asset cases: Chapter 7s should always be filed as no asset cases. The trustees will determine if Chapter 7s have assets and will notify the clerk's office to notice these cases for assets. Conversely, Chapter 11 and 13 cases should always be filed as asset cases. These incorrect case designations require the clerk's office to edit the internal statistical fields for reporting purposes to the Administrative Office in Washington, D.C.
7. Voluntary Petition scanned/uploaded out of sequence: The voluntary petition should always be the first document scanned/uploaded into the ECF system.
8. No Filing Fee: Submit all statutory filing fees with the filing. This error may cause delays in processing your filing and requires additional, time consuming steps to be taken by the clerk's office. **Under LBR 5005-1(F), the clerk is directed to reject any petition, pleading or other paper not accompanied by the proper filing fee.**
9. Deficiency deadlines within the docket text: Do not set deficiency deadlines when filing via the Internet. The clerk's office will set the deadlines and issue deficiency notices.
10. Joint Cases: In a joint case, the debtor's spouse (usually the wife) must be designated as the **Joint Debtor**. Do not designate the husband (in reverse) as the joint debtor.
11. Format: In ECF, do not use all upper case letters in the name field and do not add "NMN" to the name field. You must use periods after initials (e.g., middle initial). If debtor's name contains a Jr.,

Sr., etc., place this information in the generation field and not in the last name field.

B. Adversary Proceeding Opening

1. Adversary proceedings are opened, assigned unique case numbers, contain plaintiffs and defendants and utilize statistical information obtained from the Adversary Cover Sheet. Make sure that all documents are properly filed in the correct case. When opening an adversary proceeding, DO NOT click on the “complaint” event. YOU MUST click on “Open an AP/MP. You must then change the role type to plaintiff or defendant. This error, of course, will create an inaccurate record and could be prejudicial to a party.
2. Include the Adversary Cover Sheet as an attachment to the Complaint and not part of the Complaint.
3. Enter the associated main case number when filing an adversary.
4. Always select at least one Plaintiff and Defendant party.

C. General

1. Attachments: Verify all attachments prior to submitting for filing to make sure the correct documents are attached. In ECF, you can right click on the PDF file prior to downloading the file in the entry. This error can create an inaccurate or incomplete case record that will have to be amended.
2. Using incorrect event codes: In ECF, use the Bankruptcy Events Glossary and the Adversary Events Glossary to assist you in choosing the correct or best docketing event. The glossaries indicate under which heading or topic the event may be found and the functions that it will perform. You can obtain the glossaries on our Internet home page by clicking on the yellow ECF Tab/Training Manuals/Glossary of BK or AP. Incorrect event codes may cause improper linkages in the case record and create an inaccurate hearing description on the court’s calendar. Moreover, it may cause your hearing to not be listed at all.
3. Incorrect document links: Identify the appropriate document to which you are attempting to associate your entry. This is important in ECF for the proper functioning of the Related Transactions Report and other calendar reports that extract related entries such as the Judges Calendar Events (e.g., a notice of hearing must be

linked to the motion to which it pertains; an amended motion must be linked to the original motion). Proper linkage is also beneficial when attempting to review only those entries that are related to a particular event. Incorrect linkages will corrupt the report files rendering them inaccurate and unreliable.

4. [For non-ECF registered users] Submitting disks in the wrong format for creditors and other pleadings: This is addressed in LBR 1007-1(I) and in the Notice of Electronic Filing Procedure for ECF cases (Local Rules Exhibit 4). Creditors must be saved in “.txt” format and ECF pleadings are preferred as PDF files. This error causes additional steps to be taken which can create delays in processing your documents. Along the same lines, not providing disks in ECF cases or providing disks in NIBS cases instead of hard copies can result in the same delays.
5. Priority Handling Cover Sheet and Expedited Hearings: Priority Handling Cover Sheets are not required **in ECF cases**. For an expedited hearing, in Richmond, Norfolk and Newport News, contact the courtroom deputy by telephone after the expedited matter is filed. In Alexandria, contact the Judge’s chambers by telephone (Administrative Procedures/Standing Order 02-2). This oversight may delay the processing of your pleadings. Similarly, under LBR 5005-1(D)(7), you must attach this cover sheet when filing documents within 72 hours of a scheduled hearing or trial in which the papers are to be considered. Not adhering to this requirement may cause your papers to not be available to the court for the scheduled hearing.
6. Inappropriate Hearing Cancellation: In Norfolk/Newport News, call the Hearing Cancellation Line at 222-7500, press #2 for Additional Options and then choose Extension #1. Contact the clerk’s office to cancel hearings—**do not contact chambers**. The cancellation deadline is 4:00 p.m. on the business day prior to the scheduled hearing. After 4:00 p.m. you must personally speak with a deputy clerk; otherwise, you must appear at the hearing. In Alexandria, contact the courtroom deputy via voice mail by 5:00 p.m. on the business day prior to the scheduled hearing. Failure to timely and properly notify the court may result in the dismissal of the matter set for hearing and the imposition of sanctions.
7. Exhibits: Failure to comply with local rules. The threshold number of exhibits for binding is five. Exhibits are to be bound, tabbed, numbered and indexed. An original and two copies of the exhibits and the Exhibit Lists must be filed with the court under

LBR 9070-1(A) and (C). Exhibits in ECF cases are to be filed conventionally (Administrative Procedures/Standing Order 01-06).

8. Modified Chapter 13 Plan [LBR 3015-2(B)]: The filing of a modified plan does not automatically remove a previously scheduled hearing from the courts' calendar. The court will schedule a hearing on the objection to a modified, amended or corrected plan and a notice of hearing will be filed and served by the objecting party.
9. Deficient Filings: Stay informed of changes in the local rules and required local forms (e.g., Chapter 13 Plan, Proof of Service). The most current versions are available on our Internet home page. LBR 5005-1(E) requires the clerk's office to issue a Notice of Deficient Filing for all pleadings and papers not meeting the requirements of the local rules. Failure to cure the deficiency or request a hearing within ten days may result in the document being stricken without further notice.
10. Failure to follow up on motions and/or obtain hearing date: Review your cases and submit orders appropriately. Failure to follow through creates delays in the administration of a case and may leave the substantive motion pending indefinitely. Additionally, this may delay the discharge and closing of a case. Similarly, debtor's counsel must obtain a new 341 hearing date for the rescheduled meeting of creditors when the dismissal of a case is vacated pursuant to LBR 2003-1(B)(4). Counsel must give notice of the rescheduled meeting and file a proof of service with the court.
11. For operational/procedural assistance, call the Case Administrator assigned to the case. For training and technical assistance, call the Data Quality Analyst/Trainer in the respective division.
12. Notice of Hearing: Do not docket notices of hearings as an attachment. They will not appear on the court's calendar.
13. Notice of Motion: All motions must be accompanied by the appropriate "Notice of Motion" (LBR 9013-1).
14. Amendments: Follow the Users' Guide section on the ECF Internet page. Amendments require the "Notice to Additional Creditors" and/or the "Amendment Coversheet."

D. BOPS/Orders

1. Confirmation Notice: Call the court only if you have not received confirmation notice by 9:30 a.m. of the following business day after submission of your order.
2. Subject line: Describe the attached order in the subject line (i.e., “Granting Relief from Stay,” “Extending Time to File Complaint,” etc.)
3. Envelopes and Paper Copy of Order: Forward envelopes with an attached paper copy of the order to the clerk’s office promptly after e-mailing the order. Envelopes only need to be provided for parties who do not receive e-mail notification in the case. If not sure as to which parties receive electronic notification, use the Utilities→Mailings→Mailing Info for a Case function to determine which parties do not receive electronic notification.
4. Change in e-mail address: Call the court if the e-mail address from which orders are sent to BOPS changes. It is a separate program from ECF; therefore, updating the e-mail address in ECF does not update the address in BOPS.
5. Circulating Proposed Orders for Endorsement: The order proponent may circulate a proposed order via e-mail or facsimile transmittal for additional endorsement(s) under the Court’s electronic order processing procedure. The order proponent must retain such documentation for the three-year post case-closing minimum period unless the Court orders a different period as set forth in the Administrative Procedures incorporated by reference in Standing Order No. 02-2, subparagraph II.C.1. Authorized endorsements should be noted as /s/ signature (by Proponent’s Name with permission from Endorsing Party’s Name based on [e.g., e-mail, FAX, etc.]).

E. Electronic Bankruptcy Noticing (EBN)

1. Notice recipients may elect to receive notices generated by the Court’s noticing contractor, BNC, in one of the following ways:
 - a. Internet E-mail – for recipients who want the speed and convenience of receiving notices online;

- b. Fax – for recipients who don't want to set up an Internet E-Mail account for this purpose, but want to eliminate mail pieces; or
- c. Electronic Data Interchange (EDI) – for high-volume recipients (200 or more notices per week) who want to automatically process data using computer database-to-computer data transfers.

- 2. To sign up for one of these free services or for further information, access the Court's web site at www.vaeb.uscourts.gov → EBN

F. Emergency Filing Procedures When CM/ECF Is Down

- 1. Contact the appropriate clerk's office and speak with a deputy clerk to confirm that the system is not accessible and state the reason why an immediate filing is necessary.
- 2. Arrange to file the document with the clerk's office by an alternate means; i.e. FAX, E-Mail or conventionally.

G. U.S. Party/Case Index

- 1. A national index has been created for searches in participating U.S. bankruptcy, district and appellate courts. Registered users can conduct searches nationwide by name or social security number in the bankruptcy index, name or "nature of suit" in the civil index, defendant name in the criminal index and party name in the appellate index. Each successful search will provide the party name, the court in which the case was filed, the case number and the filing date. Access to the U.S. Party/Case Index requires a valid login and password issued by the PACER Service Center (1.800.676.6856). Additional information may be obtained at the PACER U.S. Party/Case Index Home Page - <http://pacer.uspci.uscourts.gov>.

II. ECF TRAVEL RESOURCES

A. Internet VAEB Home Page [ww.vaeb.uscourts.gov]

- 1. Divisional links containing division-specific information
- 2. ECF Home page
 - a. Announcements

- b. Getting Started
 - c. Training System
 - d. Mega Cases
 - e. Electronic Standing Orders
 - f. Docket Activity Reports
 - g. Training Tutorial
 - h. CM/ECF Administrative Order
 - i. Users' Guides
 - j. ECF Newsletter(s)
 - k. For Technical Problems and Training Contacts
- 3. Local Rules
 - 4. Bankruptcy Forms in PDF format
 - 5. Court Calendar
 - 6. PACER
 - 7. What's New – Practice Advisories and Notices