

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA**

**ACCESS WILL BE UNAVAILABLE TO PACERNet, CM/ECF, BOPS AND VCIS BEGINNING
AT 5:00 P.M., FRIDAY, MARCH 13, 2009, TO AT OR BEFORE 8:30 A.M.,
MONDAY, MARCH 16, 2009**

TO

**ACCOMMODATE A SCHEDULED UPGRADE TO THE
CASE MANAGEMENT/ELECTRONIC CASE FILES (CM/ECF) SYSTEM
FROM BANKRUPTCY CM/ECF RELEASE 3.1.7 THROUGH RELEASE 3.2 TO
RELEASE 3.3.1**

AND

**AVAILABILITY OF EXISTING AND NEW ELECTRONIC LEARNING MODULES (ELMs)
AND OTHER ON-LINE TRAINING MATERIALS**

PUBLIC NOTICE

IMPORTANT INFORMATION

1. Access to PACERNet, CM/ECF, BOPS and VCIS

PACERNet, CM/ECF, BOPS and VCIS will not be accessible beginning at 5:00 P.M., Friday, March 13, 2009. Access is expected to be restored at or before 8:30 A.M., Monday, March 16, 2009. The Court's Bankruptcy CM/ECF System will be upgraded from Bankruptcy CM/ECF Release 3.1.7 through Release 3.2 to Release 3.3.1 over this period. Check for restored access periodically during the above referenced weekend period.

2. CM/ECF Release 3.2 – Electronic Learning Modules and other On-Line Training Materials

As set forth in the Public Notices dated September 30, 2008, and December 16, 2008, external users of the Bankruptcy CM/ECF System were encouraged to review the Bankruptcy CM/ECF 3.2-related information links embedded in the September 30 Public Notice. External users are encouraged to continue to do so. Additional training materials relating to Bankruptcy CM/ECF 3.2 have been placed on the Court's Internet CM/ECF Users' Guides web page at <http://www.vaeb.uscourts.gov/ecfguides/ecfotm.htm>.

3. CM/ECF Release 3.3 – Electronic Learning Modules and other On-Line Training Materials

Electronic Learning Modules (ELMs) and on-line training materials relating to Release 3.3 have been placed on the Court's Internet CM/ECF Users' Guides web page. (Use the link set forth in the

preceding paragraph to access these ELMs and other training materials.) Bankruptcy CM/ECF Release 3.3 is substantially smaller than Release 3.2 and the majority of the changes incorporated into Release 3.3 are “behind the scenes.” Some new and enhanced features, however, are included to assist external users:

A. Collection of Additional Data Elements at Case Opening

The U.S. Trustee program has identified a need to receive several data elements resulting from statutory data collection requirements mandated under the Bankruptcy Abuse Prevention and Consumer Protection Act (BAPCPA) of 2005. The judiciary has agreed to modify Bankruptcy CM/ECF, in Release 3.3, to collect these additional data elements and pass them along to the U.S. Trustee program’s Executive Office for United States Trustees (EOUST). The [CM/ECF Bankruptcy Release 3.3 Case Upload File Definition](#) is available through this link at the PACER Service Center. Additional required data elements will be provided by external users. With updated petition preparation software, this new process should neither take more time nor be burdensome, as the data from the schedules will be copied electronically to the CM/ECF System. External users should contact their respective petition preparation software vendors to obtain any needed upgrade.

B. Joint Debtor Disposition Reporting

The Bankruptcy CM/ECF System currently tracks only one set of data items for the discharge, dismissal and disposition of a bankruptcy case. With Release 3.3, these items will be recorded for each debtor in a joint case. Numerous areas of the CM/ECF System will display this data for both debtors.

C. Chapter 7 Trustee’s Report of No Distribution

In compliance with section 602 of the BAPCPA, the EOUST is requiring the use of uniform forms for final trustee reports of no distribution. The existing Trustee’s Report of No Distribution in the Bankruptcy CM/ECF System has been modified to meet the required variations set forth in the report. Instead of one radio button for the Report of No Distribution, there will be four text-only docket entries, which have been created to meet the enlarged statistical reporting requirements: (1) Chapter 7 Trustee’s Report of No Distribution; (2) Chapter 7 Trustee’s Report of No Distribution – minimal funds collected; (3) Chapter 7 Trustee’s Report of No Distribution –

dismissed or converted, some funds collected; and (4) Chapter 7 Trustee's Report of No Distribution – dismissed or converted, no funds. Eastern District of Virginia Chapter 7 trustees are invited to contact the DQA/Trainers within the divisions of the Court to which they have been assigned cases should they have technical questions regarding the on-line materials – <http://www.vaeb.uscourts.gov/ecf/GettingStarted.htm>. Substantive questions, however, should be addressed to the appropriate assistant United States trustee.

D. Updates to Screens and Reports

Updates have been made to several screens and reports in the Bankruptcy CM/ECF System, including: Involuntary Case Opening, Docket Activity Report, Query, Query on Associated Cases, PACER Free Look Message, Interim Fee Applications, Notice of Electronic Filing (NEF), Associated Cases, Calendar Events Report and Deadlines/Hearing Report – Judge Selection Option.

4. Performance Issues – Bankruptcy CM/ECF Release 3.3.1

As set forth in the December 16, 2008, Public Notice, a number of bankruptcy courts reported experiencing performance-related issues with Bankruptcy CM/ECF Release 3.2 (and to a lesser extent with respect to Release 3.3). For this reason, the Administrative Office of the United States Courts recommended that those courts that had not yet upgraded to Release 3.2 consider not upgrading until the issues had been resolved. The Court elected to defer the upgrade for this reason. Modifications have been made to the Bankruptcy CM/ECF System, which have been incorporated into Release 3.3.1, to address these performance issues (users had reported noticeably longer response times, which affected external users the most). One of the enhancements to Release 3.2 was the addition of cascading or pull-down menus. This enhancement will not be activated since it was determined to be one of the factors contributing to longer performance response times especially for external users. Activation of this feature will be considered later.

External users making use of Internet Explorer as their browser of choice should make use of the following setting: Tools, Internet options, General tab, Browsing History, *click* Settings. Under “Check for newer versions of stored [cached] pages,” *select* “Every time I start Internet Explorer.”

Date: February 23, 2009

William C. Redden
Clerk of Court