

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

**CASE MANAGEMENT/ELECTRONIC CASE FILING (CM/ECF) SYSTEM,
PACER, VCIS AND BOPS OFF-LINE TO PERFORM SCHEDULED CM/ECF SYSTEM
UPGRADE FROM BANKRUPTCY CM/ECF RELEASE 3.0 LINUX TO
RELEASE 3.1 LINUX**

AMENDED PUBLIC NOTICE

IMPORTANT INFORMATION

The Electronic Case Filing (ECF) component of the Court's Case Management/Electronic Case Filing (CM/ECF) System, PACER, VCIS and BOPS will not be accessible **beginning at 6:00 p.m. EDT on Friday, October 6, 2006**, to accommodate a scheduled CM/ECF upgrade from Release 3.0 Linux to Release 3.1 Linux. Access will be restored to the ECF component of the CM/ECF System, PACER, VCIS and BOPS at or before 8:30 a.m. EDT on Tuesday, October 10, 2006.

Release 3.1 Linux is designed primarily to address the statistical requirements of the Bankruptcy Abuse Prevention and Consumer Protection Act (BAPCPA) of 2005 and that of the Committee on the Administration of the Bankruptcy System of the Judicial Conference of the United States.

Significant changes have been incorporated into the case opening processes of Release 3.1 that will **not** permit the filing of a bankruptcy petition or adversary proceeding complaint utilizing software that is not compatible with Release 3.1. Users of bankruptcy preparation software are encouraged to advise their respective providers of the court's scheduled migration to Release 3.1. By providing these vendors with advanced notification of the court's scheduled upgrade, they will be in a better position to provide users with the necessary updates for continued successful electronic filing over the Internet with the court. All bankruptcy courts must complete the required upgrade to Release 3.1 Linux by **October 20, 2006**, which is the **corrected** effective date of the statistical reporting requirements set forth in the BAPCPA.

As the upgrade date approaches, a CM/ECF broadcast reminder e-mail will be sent to all registered participants and limited registrants prior to the scheduled October 6 upgrade.

Section 601 of the BAPCPA amended Chapter 6, title 28, United States Code, by adding a new §159, which requires that the Director of the Administrative Office of the United States Courts (AO) compile certain statistical information on bankruptcies filed by individual debtors with primarily consumer debts under chapters 7, 11 and 13, make such data available to the public, and publish a report on that compilation by July 1, 2008, and annually thereafter. Data required for collection under §159 includes (by chapter, except where noted):

1. total assets and liabilities and categories thereof;
2. monthly income (current and average) and monthly expenses;
3. debt discharged (as defined by statute);
4. average time from filing to "closing of the case";
5. for cases closed during the period, statistics regarding the number of cases with reaffirmation agreements and the numbers of reaffirmation agreements, pro se reaffirmation agreements, and court approvals of reaffirmation agreements;
6. **for chapter 13s**, the number of orders entered determining the value of a claim and the number of cases in which an order was entered valuing property securing a claim at less than the amount of the claim;

7. the number of **chapter 13s** dismissed, dismissed for failure to make payments under the plan, the number of cases refiled after dismissal, and the number of cases in which the plan was completed, itemized by the number of plan modifications;
8. the number of cases in which a **chapter 13** debtor filed another case during the 6-year period preceding the filing;
9. the number of cases in which creditors were fined for misconduct and the amount of punitive damages awarded;
10. the number of cases in which sanctions of damages were awarded under Rule 9011 of the Federal Rules of Bankruptcy Procedure.

The AO is preparing a document titled *CM/ECF Release 3.1 Notes for PACER Users*, which will be posted to the PACER Service Center web page in September 2006. This document's purpose is to provide the public with a description of changes that may be noticed when the court upgrades to Release 3.1. When released, the court also will place a link to this document at the court's CM/ECF Home Page's Users' Guide link, which is accessible at <http://www.vaeb.uscourts.gov/ecfguides/ecfotm.htm>. Additional information regarding the scheduled upgrade to Release 3.1 Linux will be provided later.

The scheduled October 2006 upgrade to Release 3.1 Linux is the final planned modification to CM/ECF until mid 2007. No target date has yet been set by the AO for the release of CM/ECF Release 3.2.

Dated: September 12, 2006

William C. Redden
Clerk of Court