

CM/ECF Version 3.1

ATTORNEY TRAINING



CM/ECF Version 3.1

Objectives

By the end of this module you will be able to:

- Describe the new statistical requirements in Version 3.1
- Explain the new Bankruptcy and Adversary case opening screens
- Identify changes to the new Official Bankruptcy forms:
 - Voluntary Petition Form 1
 - Adversary Cover Sheet Form 104

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- The Bankruptcy Abuse Prevention and Consumer Protection Act (BAPCPA) of 2005 was signed into law on April 20, 2005.
- Most of the provisions of the Act were effective six months later on October 17, 2005.
- The compiling of additional data in consumer cases became effective 18 months after enactment. Therefore, the requirement for increased statistical reporting becomes effective October 17, 2006.

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CM/ECF Version 3.1 is designed primarily to collect and transmit additional data about bankruptcy filings and adversary proceedings to the Administrative Office's Statistics Division.

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Besides the data required from the BAPCPA, CM/ECF Version 3.1 contains statistical elements from requirements of the Judicial Conference's Committee on the Administration of the Bankruptcy System.

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New Reporting Requirements

- Filing Fees
- in forma pauperis
- Assets
- Amended plans and orders approving plans
- Chapter 11 trustee activity
- Transfer cases
- Appeals
- Rent deposits
- Damages for creditor misconduct
- Debtor attorney sanctions
- Damages under Rule 9011
- Reaffirmation agreements

CM/ECF Version 3.1 will be collecting and reporting more data to send to the Statistics Division. The traditional reporting of case opening and closing data will continue, but new fields from actual docketing events will also be transmitted.

This list is an example of the variety of information being gathered.

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Event Specific Data

- Event frequency
- Filed date
- Role of filer
- Dollar amounts
- Order Actions
- Hearing locations

Some event specific data is extracted through CM/ECF docket events.

Contested Matters are actions that have the potential to raise objections and hearings.

Fifty Contested Matters

- Data not reported until matter is disposed
- Includes all related events, hearings, answers, etc.

Your court will provide you with a list of new events.

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BANKRUPTCY CASE OPENING

CM/ECF Bankruptcy • Adversary • Query • Reports •

Open New Bankruptcy Case

Prior filing within last 8 years ▼

Fee status ▼

Nature of debt ▼

Asset notice ▼

Estimated number of creditors ▼

Estimated assets ▼

Estimated debts ▼

Type of debtor

- Single Asset Real Estate
- Railroad
- Stockbroker
- Commodity Broker
- Clearing Bank
- Other
- Tax-Exempt Entity

A "Prior filing within last 8 years" field has been added. This information is included on the Voluntary Petition.

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BANKRUPTCY CASE OPENING

CM/ECF Bankruptcy • Adversary • Query • Reports •

Open New Bankruptcy Case

Prior filing within last 8 years

Fee status

Nature of debt

Asset notice

Estimated number of creditors

Estimated assets

Estimated debts

Type of debtor

- Individual
- Corporation (includes LLC & LLP)
- Partnership
- Other

Nature of debt

- Stock
- Commodity Broker
- Clearing Bank
- Other
- Tax-Exempt Entity

The "Nature of debt" field default is now blank.

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BANKRUPTCY CASE OPENING

ECF Bankruptcy • Adversary • Query • Reports •

Open New Bankruptcy Case

Prior filing within last 8 years

Fee status

Nature of debt

Asset notice

Estimated number of creditors

Estimated assets

Estimated debts

Type of debtor

- Individual
- Corporation (includes LLC & LLP)
- Partnership
- Other

Nature of business

- Health Care Business
- Single

The "Asset notice" field defaults to "No" for Chapter 7 case openings.

This field defaults to "Yes" for all other chapters.

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BANKRUPTCY CASE OPENING

CM/ECF Bankruptcy

Open New Bankruptcy Case

Prior filing within last 8 years

Fee status

Nature of debt

Asset notice

Estimated number of creditors

Estimated assets

Estimated debts

Health Care Business
 Single Asset Real Estate
 Railroad
 Stockbroker
 Commodity Broker
 Clearing Bank
 Other
 Tax-Exempt Entity

The field default is blank for:
“Estimated number of creditors”
“Estimated assets”, and
“Estimated debts”.

There are five new check-box categories for Estimated Assets and Estimated Debts/Liabilities on the new Voluntary Petition. The software has been updated to reflect this change.

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BANKRUPTCY CASE OPENING

CM/ECF Bankruptcy • Adversary • Query • Reports •

Open New Bankruptcy Case

Prior filing within last 8 years

Fee status

Nature of debt

Esti

Type of debtor

- Individual
- Corporation (includes LLC & LLP)
- Partnership
- Other

Nature of business

- Health Care Business
- Single Asset Real Estate
- Railroad
- Stockbroker
- Commodity Broker
- Clearing Bank
- Other
- Tax-Exempt Entity

Next

Nature of Business:

- “Nature of business” label added above list of business types
 - “Other” type added
- Radio buttons instead of check-boxes
- “Tax-Exempt Entity” can be selected in conjunction with any type of business
- Tax-Exempt Entity was formerly called “Non-Profit”.

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BANKRUPTCY CASE OPENING – Ch. 11

CM/ECF Bankruptcy • Adversary • Query • Reports • Utilities •

Open New Bankruptcy Case

Small business

A plan is being filed with this petition.

Acceptances of the plan were solicited prepetition

Prior filing within last 8 years

Fee status

Nature of debt

Asset notice

Estimated number of creditors

Estimated assets

Estimated debts

Type of debtor

- Individual
- Corporation (includes LLC & LLP)
- Partnership
- Other

Nature of business

- Health Care Business
- Single Asset Real Estate

As provided on the Voluntary Petition, two new options for the **Chapter 11 plan** allow you to indicate if the plan is included with the petition and if it is a prepackaged (pre-approved) field.

These selections only display during Chapter 11 case opening.

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BANKRUPTCY CASE OPENING – Ch. 15

ECF Bankruptcy • Adversary • Query • Reports • Utilities

Open New Bankruptcy Case

Case type bk

Date filed 8/28/2006

Chapter 15

Joint Petition n

Deficiencies n

Next Clear

Main/Nonmain

- Chapter 15 for Recognition of a Foreign Main Proceeding
- Chapter 15 for Recognition of a Foreign Main Proceeding
- Chapter 15 for Recognition of a Foreign Nonmain Proceeding

This screen displays the option for **Foreign Main Proceeding or Foreign Nonmain Proceeding** if the filing under **Chapter 15**.

This Chapter 15 designation selection is also on the revised Voluntary Petition.

This selection will not appear for other chapters.

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BANKRUPTCY CASE OPENING

SUMMARY OF SCHEDULES

ECF Bankruptcy • Adversary • Query • Reports • Utilities • Logout ?

Open New Bankruptcy Case

SUMMARY OF SCHEDULES

Report the totals from Schedules A, B, D, E, F, I, J, Form 22, and Nondischargeable Debt in the boxes provided.

| NAME OF SCHEDULE/FORM | ASSETS | LIABILITIES | OTHER |
|--|----------------------|----------------------|----------------------|
| A - Real Property | <input type="text"/> | | |
| B - Personal Property | <input type="text"/> | | |
| D - Creditors Holding Secured Claims | | <input type="text"/> | |
| E - Creditors Holding Unsecured Priority Claims | | <input type="text"/> | |
| F - Creditors Holding Unsecured Nonpriority Claims | | <input type="text"/> | |
| I - Average Income (line 16) | | | <input type="text"/> |
| J - Average Expenses (line 18) | | | <input type="text"/> |
| 22 - Current Monthly Income line 12 on Form B22A, line 11 on Form B22B, or line 20 on Form B22C | | | <input type="text"/> |
| Total nondischargeable debt From Form 6, page 2 (28 USC 159) | | <input type="text"/> | |
| Total Dischargeable Debt (Computed) Note: Not computed when any value above for D, E, F, or nondischargeable debt is not known. | | <input type="text"/> | |

Next Clear

Certain data from the **Summary of Schedules**, Form 6, will now be collected for reporting when opening a bankruptcy case.

This new screen captures items from the Form 6 **Summary of Schedules** and Form 22A, 22B or 22C, depending upon the chapter.

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BANKRUPTCY CASE OPENING

SUMMARY OF SCHEDULES

Official Form 6 - Summary (10/00)

United States Bankruptcy Court
District Of _____

In re _____
Debtor

Case No. _____

Chapter _____

SUMMARY OF SCHEDULES

Indicate as to each schedule whether that schedule is attached and state the number of pages in each. Report the totals from Schedules A, B, D, E, F, I, and J in the boxes provided. Add the amounts from Schedules A and B to determine the total amount of the debtor's assets. Add the amounts of all claims from Schedules D, E, and F to determine the total amount of the debtor's liabilities. Individual debtors also must complete the "Statistical Summary of Certain Liabilities and Related Data" if they file a case under chapter 7, 11, or 13.

| NAME OF SCHEDULE | ATTACHED (YES/NO) | NO. OF SHEETS | ASSETS | LIABILITIES | OTHER |
|---|-------------------|---------------|--------|-------------|-------|
| A - Real Property | | | \$ | | |
| B - Personal Property | | | \$ | | |
| C - Property Claimed as Exempt | | | | | |
| D - Creditors Holding Secured Claims | | | | \$ | |
| E - Creditors Holding Unsecured Priority Claims (Total of Claims on Schedule E) | | | | \$ | |
| F - Creditors Holding Unsecured Nonpriority Claims | | | | \$ | |
| G - Executory Contracts and Unexpired Leases | | | | | |
| H - Contingent | | | | | |
| I - Current Income of Individual Debtor(s) | | | | | \$ |
| J - Current Expenditures of Individual Debtor(s) | | | | | \$ |
| TOTAL | | | \$ | \$ | |

This is the **Official Form 6, Summary of Schedules** highlighting the items that should be transferred to CM/ECF case opening.

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BANKRUPTCY CASE OPENING

SUMMARY OF SCHEDULES

ECF Bankruptcy • Adversary • Query • Reports • Utilities • Logout ?

Open New Bankruptcy Case

SUMMARY OF SCHEDULES

Report the totals from Schedules A, B, D, E, F, I, J, Form 22, and Nondischargeable Debt in the boxes provided.

| NAME OF SCHEDULE/FORM | ASSETS | LIABILITIES | OTHER |
|--|----------------------|----------------------|----------------------|
| A - Real Property | <input type="text"/> | <input type="text"/> | <input type="text"/> |
| B - Personal Property | <input type="text"/> | <input type="text"/> | <input type="text"/> |
| D - Creditors Holding Secured Claims | <input type="text"/> | <input type="text"/> | <input type="text"/> |
| E - Creditors Holding Unsecured Priority Claims | <input type="text"/> | <input type="text"/> | <input type="text"/> |
| F - Creditors Holding Unsecured Nonpriority Claims | <input type="text"/> | <input type="text"/> | <input type="text"/> |
| I - Average Income (line 16) | <input type="text"/> | <input type="text"/> | <input type="text"/> |
| J - Average Expenses (line 18) | <input type="text"/> | <input type="text"/> | <input type="text"/> |
| 22 - Current Monthly Income line 12 on Form B22A, line 11 on Form B22B, or line 20 on Form B22C | <input type="text"/> | <input type="text"/> | <input type="text"/> |
| Total nondischargeable debt From Form 6, page 2 (28 USC 159) | <input type="text"/> | <input type="text"/> | <input type="text"/> |
| Total Dischargeable Debt (Computed) Note: Not computed when any value above for D, E, F, or nondischargeable debt is not known. | <input type="text"/> | <input type="text"/> | <input type="text"/> |

Next Clear

Values from **Schedules A, B, D, E, F, I and J** on the **Summary of Schedules** should be entered here.

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BANKRUPTCY CASE OPENING

SUMMARY OF SCHEDULES

ECF Bankruptcy • Adversary • Query • Reports • Utilities • Logout ?

Open New Bankruptcy Case

SUMMARY OF SCHEDULES

Report the totals from Schedules A, B, D, E, F, I, J, Form 22, and Nondischargeable Debt in the boxes provided.

| NAME OF SCHEDULE/FORM | ASSETS | LIABILITIES | OTHER |
|--|----------------------|----------------------|----------------------|
| A - Real Property | <input type="text"/> | | |
| B - Personal Property | <input type="text"/> | | |
| D - Creditors Holding Secured Claims | | <input type="text"/> | |
| E - Creditors Holding Unsecured Priority Claims | | <input type="text"/> | |
| F - Creditors Holding Unsecured Nonpriority Claims | | <input type="text"/> | |
| I - Average Income (line 16) | | | <input type="text"/> |
| J - Average Expenses (line 18) | | | <input type="text"/> |
| 22 - Current Monthly Income line 12 on Form B22A, line 11 on Form B22B, or line 20 on Form B22C | | | <input type="text"/> |
| Total nondischargeable debt From Form 6, page 2 (28 USC 159) | | <input type="text"/> | |
| Total Dischargeable Debt (Computed) Note: Not computed when any value above for D, E, F, or nondischargeable debt is not known. | | <input type="text"/> | |

Next Clear

Data for **Currently Monthly Income** is taken from **Form 22A, 22B, or 22C**, depending upon the chapter of the case.

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BANKRUPTCY CASE OPENING

SUMMARY OF SCHEDULES

ECF Bankruptcy • Adversary • Query • Reports • Utilities • Logout ?

Open New Bankruptcy Case

SUMMARY OF SCHEDULES

Report the totals from Schedules A, B, D, E, F, I, J, Form 22, and Nondischargeable Debt in the boxes provided.

| NAME OF SCHEDULE/FORM | ASSETS | LIABILITIES | OTHER |
|--|----------------------|----------------------|----------------------|
| A - Real Property | <input type="text"/> | | |
| B - Personal Property | <input type="text"/> | | |
| D - Creditors Holding Secured Claims | | <input type="text"/> | |
| E - Creditors Holding Unsecured Priority Claims | | <input type="text"/> | |
| F - Creditors Holding Unsecured Nonpriority Claims | | <input type="text"/> | |
| I - Average Income (line 16) | | | <input type="text"/> |
| J - Average Expenses (line 18) | | | <input type="text"/> |
| 22 - Current Monthly Income line 12 on Form B22A, line 11 on Form B22B, or line 20 on Form B22C | | | <input type="text"/> |
| Total nondischargeable debt From Form 6, page 2 (28 USC 159) | | <input type="text"/> | |
| Total Dischargeable Debt (Computed) Note: Not computed when any value above for D, E, F, or nondischargeable debt is not known. | | <input type="text"/> | |

Next Clear

The value for **Total nondischargeable debt** is taken from **page 2 of the Summary of Schedules**.

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BANKRUPTCY CASE OPENING

STATISTICAL SUMMARY OF LIABILITIES

Official Form 6 - Statistical Summary (10/06)

United States Bankruptcy Court
 District Of _____

In re _____ Debtor Case No. _____
 Chapter _____

STATISTICAL SUMMARY OF CERTAIN LIABILITIES AND RELATED DATA (28 U.S.C. § 159)

If you are an individual debtor whose debts are primarily consumer debts, as defined in § 101(b) of the Bankruptcy Code (11 U.S.C. § 101(b)), filing a case under chapter 7, 11 or 13, you must report all information requested below.

Check this box if you are an individual debtor whose debts are NOT primarily consumer debts. You are not required to report any information here.

This information is for statistical purposes only under 28 U.S.C. § 159.

Summarize the following types of liabilities, as reported in the Schedules, and total them.

| Type of Liability | Amount |
|---|--------|
| Domestic Support Obligations (from Schedule E) | \$ |
| Taxes and Certain Other Debts Owed to Governmental Units (from Schedule E) (whether disputed or undisputed) | \$ |
| Claims for Death or Personal Injury While Debtor Was Intoxicated (from Schedule E) | \$ |
| Student Loan Obligations (from Schedule F) | \$ |
| Domestic Support, Separation Agreement, and Divorce Decree Obligations Not Reported on Schedule E | \$ |
| Obligations to Pension or Profit-Sharing, and Other Similar Obligations (from Schedule F) | \$ |
| TOTAL | \$ |

State the following:

| | |
|--|----|
| Average Income (from Schedule I, Line 16) | \$ |
| Average Expense (from Schedule I, Line 18) | \$ |
| Current Monthly Income (from Form 22A Line 12; OR, Form 22B Line 11; OR, Form 22C Line 20) | \$ |

State the following:

| | |
|--|----|
| 1. Total from Schedule E, "UNSECURED PORTION, IF ANY" column | \$ |
| 2. Total from Schedule E, "AMOUNT ENTITLED TO PRIORITY" column | \$ |
| 3. Total from Schedule E, "AMOUNT NOT ENTITLED TO PRIORITY, IF ANY" column | \$ |
| 4. Total from Schedule F | \$ |
| 5. Total of non-priority unsecured debt (sum of 1, 3, and 4) | \$ |

This is Page 2 of the Summary of Schedules, the **Statistical Summary of Certain Liabilities and Related Data (28 U.S.C. §159)**

Liability figures should be entered here. The total of these Types of Liability amounts should be entered online in the appropriate fields on the first Summary of Schedules screen.

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BANKRUPTCY CASE OPENING

SUMMARY OF SCHEDULES

- If the information is not available at case opening, each item can be docketed separately after the case is open.
- There are specific events for each schedule and form, including the summary of schedules.

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BANKRUPTCY CASE OPENING

SUMMARY OF SCHEDULES

- The Summary of Schedules event:
 - Will display the new summary of schedules screen.
 - Will display values previously entered at case opening.
 - Allow you to add or change dollar amounts.
- Entering data on the Summary of Schedules screen has the same effect as docketing the event separately.

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BANKRUPTCY CASE OPENING

SUMMARY OF SCHEDULES

- Your court will provide instructions for filing amended schedules.

CAUTION!

- The amount entered will **OVERWRITE** any previous value. It will not add the new amount to the previous value.