

Western District Bar Advisory Committee Minutes

January 18, 2012

Ft. Smith, Arkansas

In attendance: Jean Rolfs, Kay Greenhaw, Charles Tucker, Joyce Babin, Jill Jacoway, Theresa Pockrus, Jeff Conner, Stanley Bond, Don Brady, Lee Kuykendall, and Kathryn Stocks.

1. The Clerk's office has revised their procedures regarding the issuance of Memorandum(s) of Document Deficiency (MDDs) in response to perceived issues with documents/pleadings electronically filed by outside parties. In general, staff will modify the docket text to reflect the information provided on the attached .pdf. MDDs will still be issued in limited circumstances, i.e. incorrect court address provided, incomplete form, no signature, etc.

2. Are there any events in ECF that give you particular problems? Are there documents you file from time to time which you would like for the court to establish a docket event for?

Comment: Under "Notices" in ECF you are not able to convert from Chapter 13 to Chapter 7. Would like this notice added.

RESPONSE: The event in ECF is located under Notices > Notice Convert Ch. 13 to 7.

Comment: When responding to a Motion or Objection, attorneys are able to link to the original document, but then have a blank box to fill in. Some would like the blank box to be auto-populated with the title of the original motion/objection. Some prefer the box to remain blank, so the attorney can fill in information as they deem appropriate.

RESPONSE: This event will remain "as is."

Comment: Every time attorneys log in to ECF they have to mark a check-box acknowledging a redaction statement. They would like to be able to choose a "do not show me this again" option.

RESPONSE: This is hard coded into the system, and will remain "as is."

Comment: When filing an AP, a cover sheet is required. Can the cover sheet be added to ECF as a separate event?

RESPONSE: The event in ECF is located under Adversary > Miscellaneous > AP Cover Sheet.

Comment: Can the information be populated into the cover sheet form as the case is being filed in ECF to avoid duplication of work?

RESPONSE: No.

Comment: Request to add a "Reply" event in the AP section in ECF.

RESPONSE: This event in ECF is located under Adversary > Answers > Motion/Application > Objection/Reply/Response.

3. ECF 4.2 Issues

Comment: We understand having to change password when we went to ECF 4.2. We have heard that in the future we will have to change passwords every 90 days in ECF. Requested that we do NOT require attorneys to change password every 90 days.

RESPONSE: This will **not** be required.

Comment: Like 4.2 better; clearer.

Comment: The new Calendar Events report is longer and more difficult to read.

RESPONSE: A modified version of the Calendar Events report has been created: Calendar Events - Less Space, which is located right below Calendar Events on the Reports menu.

Comment: Do not like the new form or ECF format for Proof of Claim.

RESPONSE: This is a national form and we cannot change it. The ECF format reflects the new national form.

Comment: Do not like that in the new "pay" system you have to click 3 times to pay a fee.

RESPONSE: This is part of the new Pay.gov system.

Comment: Like seeing the name of the filing attorney when viewing new cases that are filed, but would like to be able to run the report for time periods longer than 31 days.

RESPONSE: A MR (modification request) has already been submitted to the Administrative Office (AO) and we have endorsed the MR. A change is being implemented now to enable users to run the reports for 365 days (an increase from the original 31 days per report). The 365 day report will be available by February 1.

Comment: A case was dismissed, but ECF still generated a notice of requirement for Debtor Education Course.

RESPONSE: We have modified our financial management reminder ADI program to check for a dismissed case, which should solve this issue.

Comment: Mentioned that parties in Chapter 13s are getting the Debtor Education Course notice also.

RESPONSE: We are required under the Rule to send the notice out on Chapter 13 cases and the timing of sending the notice is also dictated in the Rule.

Comment: Wish there was a way to advise Pro Se debtors to provide their tax returns to the Trustee at the First Meeting.

RESPONSE: Jill made an excellent suggestion that she sends a letter or makes a telephone call to pro se debtors advising them to bring their tax returns.

4. Is there any information not provided on the Court's website that you think would be helpful? For instance, information that may reduce the instances where you would need to contact the court for the information.

Comment: The group will consider this request and let Jean know over the next several weeks if they have ideas.

5. Some attorneys continue to file Form B21 (Statement of SSN) with the Voluntary Petition, which lists the debtor's complete SSN. The Clerk's office does not issue an MDD or redact the information. It is up to the attorney to take any action as the attorney may see fit.

6. Frequently motions are filed as miscellaneous documents or miscellaneous reports. The CAs are required to re-docket these as motions so they will appear on the appropriate internal reports for the purpose of setting hearings and entering orders. If attorneys cannot locate or determine the motion event, they should contact the Help Desk for assistance.

7. Open discussion from all members

Joyce mentioned the Chapter 13 Trustees are re-looking at attorney fees/kicker fees.

Chuck mentioned that Debtor Audits have resumed. Joyce Talley in his office has retired.

Stanley asked that the BNC electronic notification of First Meeting notices be sent to multiple addresses in his firm.

RESPONSE: The BNC electronic notification can only be sent to the main stipulated

address at a law firm (not multiple addresses). But this request to send the form to multiple addresses in a firm was passed on to the BNC.

Joyce asked if continued first meetings in ECF can include the information/deadlines from the original notice in the text of the continued notice event (i.e. the way it would appear in brackets if the original notice were linked).

RESPONSE: We are unable to make this change.

Kathryn Stocks requested that when changes are made to an attorney's Profile Page, can the attorney be notified automatically?

RESPONSE: Yes, we will make this modification so that ECF will automatically send an email to the account holder if their account is modified on the outside server.

The committee expressed their appreciation for the meeting, for requesting their input, and for the professional responses daily from the Clerk's office staff.