

April 2, 2002

Clerk's Notice Regarding New Case Management System (CM/ECF): Release No. 2

Effective Monday, January 7, 2002, the U. S. Bankruptcy Court for the District of Colorado implemented a new case management system known as CM/ECF, by General Procedure Order Number 2001-8, entered by the bankruptcy judges on December 19, 2001. Copies of General Procedure Order Number 2001-8 and Administrative Procedures for Electronic Case Files attached thereto are available on the Court's web page at www.cob.uscourts.gov or at the Clerk's Office.

As we have announced in the past, CM/ECF is a nationally mandated case management system that replaces our outdated BANCAP case management system. In the next few years, all bankruptcy courts in the nation will convert to CM/ECF. District courts will follow soon thereafter. Among other things, CM/ECF provides capability for the electronic filing of documents which we intend to implement in stages beginning later this year.

As with all major database and automated operating system conversions, implementation of CM/ECF will change the way we conduct business. In addition, unanticipated minor glitches and disruptions will continue to occur. As these challenges arise, we are confident in our ability to find solutions and correct the problems. However, your continued understanding and cooperation is critical to the success of the transition. It is also important that we communicate with you regarding these problems and their resolutions, particularly as they might create additional changes in procedures under CM/ECF. We intend to provide information to you in the form of numbered releases such as this notice. You may recall that the first notice was issued on January 28, 2002 and addressed initial image quality, processing time required by the BNC, and multi-part motions. This notice addresses the "Filed" stamp appearing on electronically filed notices and orders, GPO 2002-2 directing the clerk to refuse to accept bankruptcy petitions tendered for filing without the filing fee, application to pay filing fee in installments (if applicable), or the list of 20 largest unsecured creditors, returned mail, reporting errors, and discontinued use of staples.

Filed stamp on electronically filed notices and orders: At present, there are a number of documents generated by the court that, although filed in the electronic records of the court, do not bear a stamped "Filed" date inscription thereon. Included are documents such as the Notice of Chapter [7] Bankruptcy Case, Meeting of Creditors, & Deadlines and the Discharge of Debtor. In the future, increasingly more notices and orders will be electronically generated without a "Filed" stamp appearing thereon. Within the next few weeks, minutes of proceedings will be electronically generated and filed. Later this year, documents filed electronically by attorneys will not bear a "Filed" stamp. With respect to court-generated documents, the actual date appearing on the notice, order or minute sheet corresponds to the date of filing. The date of filing prominently appears in the electronic docket record of the case. We bring this to your attention because in the future, you may receive notices, orders, minutes of proceedings, and other documents which do not bear a "Filed" stamp, but are otherwise filed with the court as of the date appearing on the court-generated notice, order or minute sheet.

Clerk authorized to refuse to accept for filing bankruptcy petitions tendered without payment of filing fees or, for chapter 9 and 11 cases, the list of 20 largest unsecured creditors: The judges have recently promulgated General Procedure Order No. 2002-2 which, effective May 1, 2002, directs the clerk to refuse to accept for filing any bankruptcy petition tendered without either: (1) payment of the filing fee prescribed by 28 USC 1930(a) or promulgated by the Judicial Conference of the United States pursuant to its authority under 28 USC 1930(b) and required by Fed.R.Bankr.P. 1006(b)(1); or (2) if the petition is filed voluntarily by an individual, an application to pay filing fee in installments. In addition, this same GPO directs the clerk to refuse to accept for filing any chapter 9 or 11 petition that is not accompanied by the list of 20 largest unsecured creditors required by Fed.R.Bankr.P. 1007(d). The full text of GPO 2002-2 is available on the web site at www.cob.uscourts.gov

Returned mail: For many years, undeliverable envelopes containing the Notice of Chapter [7] Bankruptcy Case, Meeting of Creditors, & Deadlines due to incorrect or obsolete addresses have been returned to debtors' counsel. The reason is that the court strongly encourages debtors' counsel to submit as accurate a creditor's address matrix as possible. For this reason, the court does not charge the debtor to amend addresses that are incorrect on the matrix or various schedules of creditors. In addition, the clerk's office intends to take a more active role in accurately maintaining the address matrices and other addresses on file in the electronic records of the court. More specifically, if an envelope mailed by the court is returned due to an incorrect or invalid address, and a different address appears thereon, the clerk's office will scan and link the face of the envelope to a docket entry indicating that the party's address of record has been changed accordingly. In addition, CM/ECF allows the returned envelope to be linked to the BNC's certificate of mailing that shows the specific address which is incorrect or invalid. Invalid addresses will be eliminated from the system and a complete audit trail for the change will appear in the record. Although the names of creditors with invalid addresses will continue to appear in the electronic records of the case, their incorrect or invalid addresses will not. This will also save postage and mail handling costs charged by the BNC.

Errors: In the event you discover an error or what appears to be an error in the electronic records of the court, please report the error to our Quality Assurance team at 303.844.0207/0640 or 0218. They will research and, if appropriate, correct the problem. They may also be reached via E-mail at cobqa@cob.uscourts.gov If using E-mail, be sure to provide the case number and docket number as well as any other information that will assist them in correcting the error.

Staples: We are finding that our scanning equipment often jams due to damaged documents caused by our removal of staples. To the extent possible, we ask that you no longer staple multiple documents together, particularly bankruptcy petitions, statements, schedules and plans. If necessary, binder clip are a more acceptable alternative.

Again, we appreciate your continued understanding and cooperation during this transition.

Bradford L. Bolton, Clerk