

November 5, 2002

Clerk's Notice Regarding New Case Management System (CM/ECF) Transition:
Release No. 4

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 (GPO) Number 2001-8 dated December 19, 2001. CM/ECF is a nationally mandated case management system that replaces the BANCAP 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 a pilot group of trustees began doing on August 26, 2002. In October, a second group of trustees and their staffs received training and are increasingly filing electronic documents as well.

As with all major database and automated operating system conversions, implementation of CM/ECF will change the way we conduct business. It is anticipated that minor glitches and disruptions may occur, but we are confident in our ability to find solutions and to correct the problems. We feel it is important to keep you informed during the transition and to explain the procedural changes we make under CM/ECF. However, your continued understanding and cooperation is critical to the success of the transition. We intend to provide information to you in the form of numbered notices. This notice contains information regarding several recent and important changes and we urge you to read this Notice very carefully. Previously released notices may be found on our web site at www.cob.uscourts.gov under the ECF link.

Amended GPO 2001-8 and Amended Administrative Procedures for Electronic Case Files: In an effort to maximize consistency between actual requirements and procedures under CM/ECF and the enabling general procedure order authorizing electronic case files, General Procedure Order 2001-8 and the Administrative Procedures for Electronic Case Files ("Amended Procedures") attached thereto were amended by the Court on November 4, 2002. The Amended GPO 2001-8 and Amended Administrative Procedures for Electronic Case Files become effective December 2, 2002, copies of which are available on the Court's web page at www.cob.uscourts.gov or at the Clerk's Office. Among other minor revisions, Amended GPO 2001-8 and the Amended Procedures attached thereto clarify that

(1) the provisions contained therein apply to all cases filed in the court, whether filed electronically or by paper;

(2) all motions require the attachment of a proposed order, but additional copies of proposed orders need not be submitted to the Court via e-mail unless specifically requested by the judge;

(3) the movant must serve a copy of the proposed order with the certificate of non-contested matter any time the proposed order differs from the original proposed order submitted with the original motion;

(4) copies of petitions, schedules, statements, lists, amendments, motions, applications, notices, objections and other documents generally need not be tendered with the originals except as specifically required in the Amended Procedures, but copies in paper format are required for chapter 11 and chapter 12 plans, chapter 11 disclosure statements, and motions for summary judgment and supporting briefs and affidavits as well as any other document specifically requested by chambers;

(5) exhibits exceeding 25 pages in length may not be filed electronically;

(6) electronic filings containing errors and omissions shall, upon discovery, be brought to the attention of the electronic filer who must then correct the error or omission by the close of the next court day, failing which the document containing the error or omission shall be deemed stricken; and

(7) documents requiring signatures of more than one party may be electronically filed provided that the document contains all necessary signatures.

Certain documents no longer on file: After consideration, the Court has concluded that information appearing in the text of static documents, defined as containing text which does not vary from case to case, will appear in its entirety in the docket entry. Examples of two static documents are the chapter 7 Trustee's Report of No Distribution, and the chapter 13 Trustee's Certificate of Compliance with L.B.R. 307. Because the entire text of the documents can be viewed within the text of docket entry, there will no longer be any document, electronic or otherwise, linked to the docket entry. This change became effective on August 6, 2002.

Report of monthly operations in chapter 11 cases: Due to the size of these documents, often 40 to 50 pages in length, and limitations of the automated systems supporting CM/ECF, the Court has concluded that it is not feasible to permit the electronic filing of these documents with the Court. Therefore, these reports will be filed in paper format and the clerk shall continue to docket the report in CM/ECF with electronic linkage only to the first 25 pages of the report.

"Filed" stamp reminder: In the Clerk's Notice to Attorneys dated May 15, 2002, information was released regarding discontinuation of the "Filed" stamp inscription on notices and orders generated by the Court. Counsel may presume that the date appearing at the bottom of such notices and orders is the date said document was filed. However, the date of entry of the notice or order on the docket may be different from the date the notice or order was filed, particularly when the notice or order was signed or generated very late in the day. This difference does not change from our present practice.

Notice of system unavailability: The Court is aware that the success of CM/ECF, and the

electronic filing of documents in particular, is dependent upon automated operating systems, network servers, software, browser programs, and accessibility via the Internet. Not all of these systems are within the control of the Court. To the extent that access to CM/ECF is unavailable due to internal system causes, the Court will make every attempt to provide reasonable notice of the system's unavailability. This will most likely be via notices posted on the Court's home page at www.cob.uscourts.gov and <http://ecf.cob.uscourts.gov>. Of course, pursuant to paragraph II.B.3. of the Administrative Procedures for Electronic Case Files, an electronic filer whose filing is made untimely as the result of a technical failure may seek appropriate relief from the Court.

Waiver of filing fees for amendments for counsel who file electronically: After considering the impact of the service requirements already imposed upon debtor's counsel by L.B.R. 109(a)(2) as well as the additional work required for filing such amendments electronically, the Court concluded that good cause exists for the waiver of the miscellaneous fee required for the filing of amendments to the debtor's schedules, matrix or list of creditors when said amendment is filed electronically. Therefore, on September 20, 2002, the Court entered General Procedure Order No. 2002-5 waiving the miscellaneous filing fee for amendments to the debtor's schedules, matrix, or lists of creditors when said amendments are filed electronically with the court and properly served upon the affected creditors pursuant to L.B.R. 109(a)(2).

Transition to CM/ECF Version 2: Over the past few months, the Clerk's Office has been preparing for conversion to Version 2 of CM/ECF. Version 2 provides a number of corrections, improvements and enhancements to CM/ECF, most of which are behind the scenes and not readily apparent to the public. During the transition to Version 2, a number of internal procedures will be changed in our Intake and Case Initiation areas. The time required to file a new petition in paper format at our Intake Counter may increase slightly until the new procedures become institutionalized. Your patience is particularly appreciated during this transition.

Attorneys to begin filing electronically: Because of the improvements provided by Version 2, completion of the transition, now scheduled for late November, 2002, is a prerequisite to expanding our electronic filer program. Concurrent with the transition to Version 2 and promulgation of the Amended GPO 2001-8 and the Amended Administrative Procedures for Electronic Case Files, the Court will begin scheduling training courses in mid-December, 2002. A specific notice will be posted on the Court's website identifying dates available for training. Attorneys and their staffs may begin registering for training for electronic filing at that time. Requests will be accommodated on a first-come first-serve basis. Upon completion of training, attorneys interested in becoming electronic filers should closely follow the provisions of Section I of the Amended Administrative Procedures for Electronic Case Files.

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

Bradford L. Bolton, Clerk