



United States Bankruptcy Court District of New Jersey

**Honorable Gloria M. Burns, Chief Judge
James J. Waldron, Clerk**

COURT POLICY REGARDING CHAPTER 13 CONFIRMATION HEARINGS AND MODIFIED PLANS

The filing of a Modified Plan does not automatically adjourn a confirmation hearing. Unless the confirmation is adjourned by the trustee or the court, the court will hear arguments in support of the original plan on the scheduled confirmation date, consider the reasons for filing the modified plan, and either adjourn the hearing date, confirm the plan, dismiss or convert the case, or take any other action on the original plan deemed appropriate.

As a result of the above policy, if a modified plan is filed prior to confirmation, and it requires notice, the clerk's office will schedule, in addition to the pending Confirmation of the original plan, a hearing on the Modified Plan. Attorneys are advised that attendance at the confirmation on the original plan is required. Questions concerning specific cases should be directed to the Office of the Chapter 13 Standing Trustee.

The purpose of this notice is to advise New Jersey Bankruptcy CM/ECF participants of new system and operational developments and highlight issues that need immediate attention.

CM/ECF UPGRADE TO V 5.1

The live date for the Courts upgrade to CM/ECF 5.1 is Monday, April 22, 2013. Please be advised that CM/ECF will be unavailable from Friday, April 19 at 6:00 pm to sometime Monday morning. Some of the highlights of this release are:

- \$25 Transfer of Claim Fee (Effective May 1, 2013)
- Multiple Identification Numbers (SSN/ITIN/EIN)
- Mobile CM/ECF Query Access
- Docket Report Enhancements

We will be providing more information on the upgrade in our April Notice to E-filers. The PACER Release Notes for Bankruptcy CM/ECF v 5.0 AND 5.1 are available at www.pacer.gov.

Office Locations

Newark

Martin Luther King, Jr. Federal Building
50 Walnut Street
Newark, NJ 07102
Phone (973) 645-4764

Trenton

Clarkson S. Fisher US Courthouse
402 East State Street
Trenton, NJ 08608
Phone (609) 989-2129

Camden

U.S. Post Office and Courthouse
401 Market Street
Camden, NJ 08101
Phone (856) 757-5485

SUBSTITUTION OF ATTORNEY/CHANGE OF LAW FIRM FORM

Effective immediately the Court is discontinuing the use of its *Change of the Law Firm* form. The following process takes its place:

Attorney is leaving a firm and taking ALL cases – Using the Maintain My ECF Account utility the attorney changes their contact information, including email address, for all cases in which they are involved (Select UPDATE ALL)

Attorney is leaving firm and leaving ALL cases behind – A Substitution of Attorney must be filed in each individual case. If there are 30 or more, please see the process below. After the Substitutions of Attorney are filed the attorney uses Maintain Your ECF Account utility to change their contact information, including the email address, and selects UPDATE ALL.

Attorney is leaving firm and taking some cases, and leaving others – A Substitution of Attorney must be filed in each individual case being left at former firm. (If there are 30 or more, please see the process below). After the Substitutions of Attorney are filed the attorney changes their contact information, including their email address, using Maintain Your ECF Account and selects the cases being taken to the new firm.

Attorney does not leave firm, but cases are going to be handled by a different attorney in the firm – A Substitution of Attorney must be filed in each case. If there are 30 or more, please see the process below.



Process for 30 or more Substitutions of Attorney:

- Attorney contacts Clerk's Office to alert them of the need to file a Substitution of Attorney in more than 30 cases. Clerk's office will give the attorney temporary access to a multi-case *Substitution of Attorney* event.
- Attorney must create one Substitution of Attorney that lists all the case numbers, including Adversaries, in which the substitution will occur. (If cases are being transferred to more than one attorney, a separate Substitution should be created for each attorney. The Substitution should contain only the case numbers of the cases being transferred to that particular attorney).
- Attorney docket the *Substitution of Attorney - Multi* event located in the Multi Case Docketing category (we recommend 30 cases at a time) and uploads one PDF for all 30 cases. If there are more than 30 cases in which the Substitution must be filed, the efiler must docket the multi-case event as many times as necessary, i.e., 5 times for 150 cases.
- When the attorney has finished filing the Substitutions, they must notify the Clerk's Office and provide to us a list of all case numbers involved. The clerk's office staff will terminate the former attorney and add the new attorney in each case and will notify the attorney when the process is complete.

MOTIONS TO REOPEN VS. MOTIONS TO REINSTATE

The Motion to Reopen and Motion to Reinstate events are often misused. A Motion to Reinstate event should be used when a case is dismissed, but has not yet been closed. The filing of this motion does not require payment of a filing fee.

The *Motion to Reopen* event should be used when a case is closed and the movant wants to reopen it. The fee to file this motion is: Chapter 7 = \$260.00, Chapter 11 = \$1,167.00, Chapter 12 = \$200.00, Chapter 13 = \$235.00, Chapter 15 = \$1,000.00. There is no fee due if the case is reopened to file an action related to the debtor's discharge. There is no exemption to the fee if the case was closed without a discharge because the debtor failed to file a Certification of Completion of Instructional Course Concerning Financial Management.

AMENDMENTS TO SCHEDULES G OR H

The Court's *Amendment to Schedule D,E,F,G,H or List of Creditors* form has been modified, effective 11/1/12 to indicate that creditors added to Schedule G or H, and not previously listed on Schedule D, E or F will not receive notice of events in the case unless they are also added to the List of Creditors and the fee for filing an Amended List of Creditors is paid.

AUTOMATIC ADJUSTMENTS TO THE DOLLAR AMOUNT

Please be advised that on April 1, 2013, automatic adjustments to the dollar amounts stated in various provisions of the Bankruptcy Code will become effective. The amended dollar amounts will apply to cases filed on or after April 1, 2013. The following Official Bankruptcy Forms contain references to the affected dollar amounts:

- Voluntary Petition (Official Form 1)
- Schedule of Property Claimed as Exempt (Official Form 6C)
- Schedule of Creditors Holding Claims Entitled to Priority (Official Form 6E)
- Statement of Financial Affairs (Official Form 7)
- Statement of Current Monthly Income and Means Test Calculation - Chapter 7 (Official Form 22A)
- Statement of Currently Monthly Income and Calculation of Commitment Period and Disposable Income - Chapter 13 (Official Form B22C)

Please also be advised that failure to submit the most current version of the above forms on or after April 1, 2013 will result in the issuance of a *Notice of Missing Documents and Notice of Dismissal if Documents Are Not Timely Filed*.



PACER PRIVACY POLICY & FAQ'S

The Judicial Conference Privacy Policy has been amended to restrict public access through PACER to all documents in bankruptcy cases that were filed before December 1, 2003, and have been closed for more than one year. Documents in these closed cases are available in PACER only to court users, case participants* and attorneys. The docket sheet and docket information will remain available to the general public via PACER. Copies of restricted documents, except those under seal, are available at the Clerk's Office and may be printed from the public terminal; please contact the Clerk's Office for information about obtaining copies by mail. Email copies will not be sent. The existing fee schedules are applicable to these documents.

Privacy Policy FAQ's:

Q. What documents are considered "restricted?"

A. All documents in cases filed prior to December 1, 2003 and closed for one (1) year or more.

Q. Who has access via PACER to restricted documents?

A. The Trustee, Trustee, US Trustee and any attorney who e-filed a document in the case.

Q. Can the debtor get a PACER account and see the documents?

A. No. Debtors may either submit their request in writing, or come into the Clerk's Office and use a public terminal to view or print documents.

Q. Is the public permitted to print restricted documents from the public terminals in each clerk's office?

A. Yes, any member of the public may print any document from the public terminals. The fee to do so is 10¢ per page.

Q. Can members of the public, including attorneys, request restricted documents by mail, telephone or email?

A. Yes.

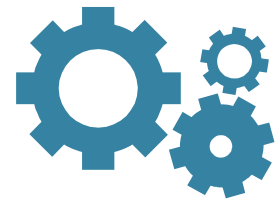
Q. Will court staff send a copy of the restricted document via email?

A. No, sending a copy via email increases the chance that a restricted document can be disseminated further or misrouted.

Q. Can copies be paid for in cash or personal check?

A. If a party prints copies from the public terminal we will accept cash. In all other instances, payment must be made by attorney check or money order.

*Case participants are defined as attorneys who have e-filed a document(s) in the case.



NOTICE OF FINAL CURE PAYMENT

Subsequent to payment to the creditor of the final cure payment made through a chapter 13 debtor's plan, the Standing Trustee will file a Notice of Final Cure Payment. Pursuant to the Federal Rules of Bankruptcy Procedure the creditor shall file a response within 21 days of service of the Notice; which response shall be filed as a supplement to the holder's proof of claim. The court has developed a local form for this purpose: [Statement in Reponse to Notice of Final Cure Payment](#), which is available on the Court's web site. The court also has an event that must be used to efile the statement: *Response to Notice of Final Cure Payment Rule 3002.1*. The event is located in the Claims Action category. Limited users will find the event in the Creditor Batch Filings category. This event places the Statement on the claims register as indicated by the Federal Rules, sends a Notice of Electronic Filing (NEF) to other efilers in the case and places the Statement on the docket for internal users, such as judges and clerk's office staff.

It has come to the Clerk's attention that some attorneys are filing the Statement in Response using our generic *Response* event. We strongly urge efilers to use the correct event so the Statement in Response will be correctly filed. Failure to do so may result in the clerk entering a Notice of Docketing Error.

UNDELIVERABLE NOTICES OF ELECTRONIC FILING (NEF)

The court's HelpDesk e:mailbox is routinely inundated with undeliverable NEFs. Below are some common reasons why this is happening:

- The recipient's primary and/or secondary e:mailbox is full
- The attorney has left the firm, but the case remains and no Substitution of Attorney is filed
- Support staff using a secondary e:mail account have left the firm
- Firms have new servers, domains etc. and the attorney has not updated the information in *Maintain Your ECF Account*
- Spam blockers

E:Filers are encouraged to review and update if necessary the e:mail information associated with your CM/ECF login and password. This is found under *Utilities > Maintain Your ECF Account >* and select the *Email Information* tab.



RETURNED MAIL NOTICE

Debtor's attorneys receive this e:mail notice when Court notices are returned to the Bankruptcy Noticing Center (BNC) as undeliverable. It is the responsibility of the debtor's attorney to update the address. The bottom half of the e:mail contains space to enter the updated address and the entire notice must be uploaded to CM/ECF using the *Change of Address* event. Here are two suggestions for handling this:

- Print and complete the notice; scan the completed notice and upload
- Click *Forward* in the open e:mail which allows you to edit the content, but do not Forward. Complete the *Updated Address* section; add /s/ with your name and date; print to .pdf and save; docket *Change of Address* event and upload the saved .pdf