

United States Bankruptcy Court

Eastern District of Washington

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Clerk

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DATE: February 17, 2004

FROM: Ted McGregor

TO: Bankruptcy Bar Members

SUBJECT: ITEMS OF INTEREST

CM/ECF TO GO LIVE JUNE 1, 2004

CM/ECF is an acronym for Case Management/Electronic Case Filing. "GO LIVE," in the world of CM/ECF means the date when the court turns off its old case management system, for our court (NIBS) and turns on the new system (CM), with (ECF) following close behind.

As has been previously announced, the court intends to replace its current case management/operating system, NIBS, with a nationally developed system called CM. Once the court converts to CM, it can then also offer electronic case filing (ECF), a nationally developed electronic filing system. Initially a target date of February 1, 2004 was set for "going live." This target date was unable to be met, and the date of June 1, 2004 is now set as a hard date, barring any unforeseen circumstances, which are not anticipated.

The internal process of converting from NIBS to CM was begun in early 2003. It is a herculean task for the court, due in part to the considerable automation applications in use by the court and its desire to retain as many of them as possible as well as the intent to completely convert and on the "go live" date, have only one active case management system.

The electronic case feature, known as ECF, is likely to be of much more interest to the court's users. It is the intent of the court to have as many documents as possible filed electronically and as soon as possible. Since under this system, the filing party must identify by codes new pleadings, and properly relate them to previously filed documents, work that is presently accomplished by deputy clerks, filing parties must acquire skill and knowledge in order to accomplish these tasks correctly.

The responsibility for providing the necessary training and assistance is that of the Clerk's office.

The responsibility of users is to have the necessary hardware and software and to ensure that they acquire the requisite knowledge and skill. The court has taken the position that anyone who requests and is properly trained will be allowed to electronically file documents and that all documents, with only very limited exceptions, will be able to be electronically filed. It is further the sense of the court that the role of deputy clerks in the electronic filing process will be primarily quality control, and not to correct errors, but to bring those errors to the attention of the filing parties for correction.

You are invited to visit the court's website at www.waeb.uscourts.gov and "click" on CM/ECF to get more information concerning this initiative.

FLOPPY DISKS NO LONGER WILL BE RETURNED

In late 2002, the court required that matrices of creditors lists be submitted to the court on 3 ½" floppy disks. Since then, the processing of creditor lists cases has become more efficient and accurate, however, returning disks for reuse once they have been submitted has caused some problems, the most most common of which are:

Disks that have become worn with overuse can get stuck inside floppy drives, which damages both the disk and the drive;

Information on re-used disks that have not been erased properly are subject to corruption;

When any of these or other errors occur, the processing of the information is made much less efficient and more time consuming, both for the court and the user.

Re-using disks may also be false economy since the cost of buying new disks in bulk is oftentimes less expensive than the time and postage required to process them and return them.

Therefore, beginning March 1, 2004, the court will no longer return floppy disks used to submit matrices.

CHAPTER 13 ADVISORY COMMITTEE RESTRUCTURED

Chapter 13 cases account for about one fourth of all cases filed in the district and the Chapter 13 trustee disburses approximately \$20 million dollars annually to creditors and attorneys. For many years regular meetings concerning Chapter 13 matters have been participated in by members of the court, the trustee's office, practicing attorneys and creditor groups. The result of these meetings has created an effective forum for dialogue among the various entities interested in the Chapter 13 process. Recently, the court's Standing Advisory Committee adopted a more formal organizational structure for the committee. The principal purpose of establishing this structure was to ensure that as many parties interested in the Chapter process as possible, have the opportunity to participate.

The meetings are held by telephone conference and generally last from two to four hours. Noted below is the document that establishes the committee; please review it, and if you are interested in participating, please let me know in writing by contacting Clerk of the Court, P.O. Box 2164, Spokane, WA 99210 or Fax at 509-353-2417. The next meeting of this committee is set for Friday, February 20.

**CHAPTER 13 SUB-COMMITTEE
OF THE STANDING ADVISORY COMMITTEE
OF THE U.S. BANKRUPTCY COURT, EDWA**

PREAMBLE

Chapter 13 cases represent a significant amount of the activity in the U.S. Bankruptcy Court for the Eastern District of Washington, both in the number of cases filed and in the amount of activity generated. Chapter 13 cases have a significant impact on a great many groups and interests, and many of the issues raised in the Chapter 13 context are unique or at least greatly limited to Chapter 13. It is also recognized that a significant part of the Chapter 13 process is administrative and procedural, and that there is benefit and value in ensuring the process be as efficient and responsive as is possible. It is also recognized that great benefit has been realized in the past and anticipated to be provided in the future by regular meetings of interested parties in Chapter 13 matters.

ESTABLISHMENT

With this in mind, the Standing Advisory Committee of the U.S. Bankruptcy Court establishes, as a permanent sub-committee, a Chapter 13 Sub-Committee for the purpose of:

Providing a forum for discussion of Chapter 13 issues and concerns;

Serving as a resource for the Standing Advisory Committee on Chapter 13 matters; and

Providing a sounding board for those charged with the administration of the Chapter 13 cases.

MEMBERSHIP

The sub-committee is a voluntary and open committee with two categories of membership, Ex Officio and Participating. The chair is shared between the court and the Chapter 13 office. The Co-chairpersons shall be appointed by the judges and the Chapter 13 trustee, respectively. The Clerk of the Court shall serve as the secretary to the sub-committee.

EX OFFICIO MEMBERSHIP

Ex-officio groups represented shall be the Bankruptcy Judges, the Office of the Chapter 13 Trustee, the Clerk of Court, the United States Trustee, the Washington State Attorney General and the United States Attorney. Heads of these groups would be expected to either participate or

appoint a representative to participate in the meetings of the sub-committee.

PARTICIPATING MEMBERSHIP

Participating Membership is open to all without restriction. Any party wishing to be a Participating Member of the sub-committee may become such by notifying in writing the Clerk of Court as secretary of the sub-committee. Upon receipt of such a request, that party will be placed on the membership roster as a Participating Member. The Membership as a Participating Member will remain in effect until the member either notifies the secretary to be removed, or fails, without advising the secretary in advance of the meeting, to participate in two consecutive meetings of the sub-committee.

Participating Members will be provided with advance notice of the meetings, agendas and materials by the secretary, as well as meeting reports. The court's website will be used to the fullest extent possible.

AGENDA

The Agenda for the meetings is approved by the co-chairpersons. Any member may request that an item be placed on the agenda by notifying the Clerk in writing no less than 15 days before the meeting.

MEETINGS

The sub-committee shall meet tri-annually by telephone conference, as set by the Standing Advisory Committee.

Voting at regular meetings shall be limited to representatives of ex officio groups and Participating Members.

Reports of the meetings shall be sent to all Participating Members and Ex Officio Members of the sub-committee. The co-chairpersons will report the work of the sub-committee to the Standing Advisory Committee at its regular meetings. In those cases where the subcommittee has taken a vote concerning a recommendation to the Advisory Committee, and that vote was less than unanimous, the report shall include a poll of the persons voting by name.