



ECF Court Link

JANUARY 8, 2009

VOLUME 4, ISSUE 1

*Eastern District
of
North Carolina
CM/ECF
Newsletter*

News Alert

On January 16, 2009, the Raleigh office will close at noon and the Wilson office will close at 1:30 p.m. for Peggy Deans' retirement ceremony. During this time, contact Stephanie Edmondson at Stephanie_Edmondson@nceb.uscourts.gov in case of emergencies.

2009 Court Calendar

In this issue:

- *News Alert*
- *2009 Court Calendar*
- *New CM/ECF Events*
- *ECF Tips*
- *Q&A*
- *ECF Contacts*

Holiday	When Observed	Date
New Year's Day	January 1	January 1
Martin Luther King's Birthday	3rd Monday in Jan	January 19
President's Day	3rd Monday in Feb	February 16
Memorial Day	Last Monday in May	May 25
Independence Day	Friday before July 4	July 3
Labor Day	1st Monday in Sept	September 7
Columbus Day	2nd Monday in Oct	October 12
Veteran's Day	November 11	November 11
Thanksgiving	Last Thursday in November	November 26
Christmas	December 25	December 25

Reminder: Notify the courtroom deputies of scheduled vacations for the year as you are aware of them. Contact the applicable courtroom deputies as follows:

Judge Doub
Judge Leonard
Judge Small

Dana_Sebastian@nceb.uscourts.gov
Felecia_Lucas@nceb.uscourts.gov
Allyson_McNeill@nceb.uscourts.gov

New CM/ECF Events

Form 22A (Chapter 7 Means Test) has been revised and should be used to comply with The National Guard and Reservists Debt Relief Act of 2008 that went in to effect on December 19, 2008. The Act provides temporary exclusion from chapter 7 bankruptcy means test for National Guardsmen and Reservists who were called to active duty or homeland defense activity after September 11, 2001, for at least 90 days.

A text event entitled Statement Of Debtor's Temporary Exclusion from Means Test has been created. This event would be docketed to state the presumption of abuse is temporarily inapplicable and the debtor (s) is temporarily excluded from the Means Test.

A text event entitled Release From Active Duty has been created. This event would be docketed to state the debtor(s) has been released from active duty. The new events are located in the Miscellaneous category.

ECF Tips

Adding Creditors On Amended Schedules- When amended schedules are filed with the court and creditors have been added, ensure that the additional creditor(s) is served with the amended schedule and the 341 notice. A certificate of service should be filed with the court.

QUESTIONS/ANSWERS:

Q. HOW SHOULD I DOCKET A MOTION TO MODIFY LOAN OR A MOTION TO ALLOW DEBTOR TO NEGOTIATE LOAN MODIFICATION?

A. THESE SHOULD BE DOCKETED AS A MOTION TO INCUR DEBT.

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ECF Court Link

FEBRUARY 18, 2009

VOLUME 4, ISSUE 2

Eastern District
of
North Carolina
CM/ECF
Newsletter

In this issue:

- News Alert
- 341 Meeting
Location Change
- CM/ECF 3.2 &
3.3 Upgrade
- CM/ECF
Downtime
- Q&A
- ECF Contacts

*** News Alert ***

On February 27, 2009, the Raleigh office will close at noon and the Wilson office will close at 1:30 p.m. for a Special Session of Court. Email Jeff Elmore at Jeffrey_Elmore@nceb.uscourts.gov in case of emergencies.

*** 341 Meeting Location Change ***

Beginning April 1, 2009, New Bern Division 341 Meetings will be held at the Bankruptcy Administrator's Meeting Room, 1760B Parkwood Blvd., Wilson, NC, in lieu of the NC Global Transpark Education & Training Center, Room 148, 3800 Hwy 58 North, Kinston, NC.

** CM/ECF 3.2 & 3.3 Upgrade **

Effective Monday, March 9, 2009, the court will upgrade CM/ECF to the most recent version. The upgrade contains multiple changes that affect attorney filings and reports. Information has been posted to our website for your review. It is *imperative* that this information is reviewed prior to implementation, at www.nceb.uscourts.gov.

*** NOTE: CM/ECF will be down from Friday, March 6, at approximately 6:00 p.m. until Monday morning, March 9, 2009, for the upgrade.*

CM/ECF Downtime

If CM/ECF is down for any reason for an extended period of time, contact information will be posted on the court's webpage for emergency filings.

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QUESTIONS/ANSWERS:

Q. I'VE RECENTLY RECEIVED A NOTICE FROM THE COURT ENTITLED "NOTICE TO DEBTOR OF REQUIREMENT TO FILE VERIFICATION OF AMENDMENT." IS THIS NEW?

A. THIS IS A NEW REQUIREMENT BASED ON F. B. RULE 1008 STATING AMENDMENTS ARE TO BE VERIFIED BY THE DEBTOR. IF AMENDMENTS ARE RECEIVED WHICH DO NOT CONTAIN THIS VERIFICATION, THE COURT WILL SEND THIS NOTICE TO THE DEBTOR. ONCE VERIFICATION IS OBTAINED, IT SHOULD BE DOCKETED VIA THE BANKRUPTCY/MISCELLANEOUS CATEGORY AS "VERIFICATION RE: AMENDMENT."

Q. WHAT DO I DO IF I'VE GOT A CLIENT WHO SEEMS TO HAVE A MENTAL ILLNESS?

A. THE COURT HAS A SECTION POSTED ON THE WEBSITE ENTITLED "MENTAL HEALTH PROJECT." THIS OFFERS DETAILED INFORMATION ABOUT THE SYMPTOMS OF MENTAL ILLNESSES AND RESOURCES FOR TREATMENT AND ASSISTANCE, AND HELPS TO TEACH MENTAL HEALTH PROFESSIONALS ABOUT THE COURT SYSTEM. ADDITIONALLY, THERE IS A BROCHURE DESCRIBING MENTAL ILLNESSES, RESOURCES FOR DISTRIBUTION AND AN APPLICATION FOR THE CLIENT TO SUBMIT TO THE COURT FOR A REFERRAL, IF APPLICABLE.

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ECF Court Link

MARCH 17, 2009

VOLUME 4, ISSUE 3

*Eastern District
of
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CM/ECF
Newsletter*

In this issue:

- *Volunteer
Paralegals
Needed*
- *Update USBA
Stats*
- *Request For
Separate
Notices*
- *Adding
Hyperlinks*
- *Q&A*
- *ECF Contacts*

Volunteer Paralegals Needed

The court is looking for a limited number of volunteers who would be willing to participate in a Train-The-Trainer program. This would require periodic meetings and/or telephone conferences with court staff regarding CM/ECF docketing events, data collection, system updates, procedure changes and helpful tips. Additionally, information would be shared relating to Federal and Local Rule modifications, service issues, proposed order issues and general filing information. It would be a way for court staff and paralegals to bridge the gap between the two. These volunteer paralegals would then share their knowledge with other paralegals. Please email Carolyn Baker at carolyn_baker@nceb.uscourts.gov by April 10, 2009, if interested.

Update USBA Stats

A new event has been created entitled "Update USBA Stats" and is located in the Bankruptcy/Miscellaneous Category. This event will be used after April 1, 2009, to update statistical data for the Bankruptcy Administrator. This is in response to new requirements for the Bankruptcy Administrator to capture and store additional data elements from individual consumer debtors. This event will be used to update data when schedules are filed or amended after a bankruptcy case has been opened.

Request For Separate Notices

A new event has been created entitled "Request for Separate Notice" and is located in the Bankruptcy/Miscellaneous category. When the debtor and joint debtor reside at the same address, the BNC serves them jointly with one notice. This event will allow the debtor or joint debtor to request to receive separate notices even though they reside together.

Adding Hyperlinks

When Word 2007 is used to create hyperlinks between documents filed in the same event, errors are occurring when the main document is uploaded at the browse for a PDF screen in CM/ECF. The following solution has been provided by the Administrative Office of the Courts:

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1) Make sure 2007 Microsoft Office Suite Service Pack 1 (SP1) and the 2007 Microsoft Office Add-In: Microsoft Save-As PDF or XPS are installed. They can be downloaded from <<http://www.microsoft.com/downloads>> (Select "Office" from "Product Families" menu at the top, select the update, download and install. You can also search on these names in the "Search All Download Center" box at the top of the website). NOTE: There are several Add-Ins for Save-As, make sure you download "2007 Microsoft Office Add-In: Save-As PDF or XPS" and not the Add-In for "Save-As PDF" or "Save-As XPS". The "2007 Microsoft Office Add-In: Save-As PDF or XPS" will add a "PDF or XPS" option to the Office, Save As menu selection in Word.

(2) After installing these, open Word and select the Acrobat tab from the top menu bar and then select the Preferences button. A dialog box labeled Acrobat PDFMaker will appear. Make sure the Settings tab has the Conversion Settings set to "PDF/A-1b:2005(RGB)" and you must check the box for "Create PDF/A-1a:2005 compliant file". Click OK to save these settings.

(3) Prepare a document in Word and insert a hyperlink to a different PDF file. (To insert a hyperlink, highlight the text, select the Insert tab from the top menu bar and then the hyperlink button. Browse to where the PDF document is saved, select it and click OK.)

(4) To turn the Word file into a PDF document, you need to use the Office feature, select "Save As" and then "PDF or XPS" option. Name the file and browse to where the PDF file should be saved (if different from the default directory) and click Publish. To verify if the hyperlink worked, open the PDF file in Adobe and when you hover your mouse over the link, your mouse should change to a pointer finger with a "w" and a bubble should appear with the directory where the hyperlinked PDF file is saved. If the pointer finger does not have a "w", then the hyperlink did not work and you will receive the above-listed error message when attempting to upload this file in CM/ECF.

Note: The steps for this solution were written and tested by PAMB using Microsoft Office Word 2007.

QUESTIONS/ANSWERS:

Q. HOW DO I GO ABOUT CHANGING THE ADDRESS OF AN EXISTING CREDITOR IN A CASE?

A. THERE IS AN EVENT ENTITLED "ADDRESS CHANGE – CREDITOR/PARTY (TEXT) FOR MODIFYING THE ADDRESS. PLEASE NOTE THAT THIS SHOULD ONLY BE USED TO MODIFY AN ADDRESS. ADDING A NEW CREDITOR REQUIRES THE FILING OF AN AMENDMENT.

Q. HAS THE B22A – CHAPTER 7 STATEMENT OF CURRENT MONTHLY INCOME AND MEANS TEST CALCULATION BEEN CHANGED? WHAT FORM SHOULD I BE USING?

A. THE B22A – CHAPTER 7 STATEMENT OF CURRENT MONTHLY INCOME AND MEANS TEST CALCULATION WAS REVISED IN DECEMBER OF 2008 AND THAT IS THE FORM THAT SHOULD BE UTILIZED.

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ECF Court Link

APRIL 15, 2009

VOLUME 4, ISSUE 4

*Eastern District
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Mortgage Payment Changes

A supplemental proof of claim may be filed in bankruptcy cases to indicate that the debtor's mortgage payment has changed. All interested parties should be served with the claim. This process should be followed versus the filing of a notice of payment change on the docket.

Amended Schedules

Amended schedules should not be filed as an attachment to another document. For example, you may file a Motion to Modify Plan and attach an amended schedule. The amended schedule must be filed separately in order to record applicable statistical data and prompt for payment of any necessary fee. The amended schedule should also be verified by the debtor(s).

Email Addresses

It is not necessary to insert an email address when adding a creditor to a case. You, as the attorney, will be linked to the creditor, and your email address is included in your address. Therefore, it is not necessary to insert it into the creditor address.

Exhibit Copies

Attorneys should bring sufficient copies of previously admitted exhibits to court hearings. There may be times when the judge or other parties do not have their copy with them and extra copies may be needed.

In this issue:

- *Mortgage
Payment
Changes*
- *Amended
Schedules*
- *Email Addresses*
- *Exhibit Copies*
- *Ch 11 Judge
Assignments*
- *Q&A*
- *ECF Contacts*

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Chapter 11 Judge Assignments

Beginning May 1, 2009, judge assignments for new chapter 11 cases will be manually handled by the court. If an emergency hearing needs to be scheduled, you should contact Julie Boyette or Barbara Langston.



QUESTIONS/ANSWERS:

Q. I KNOW THAT SOCIAL SECURITY NUMBERS SHOULD NOT APPEAR ON PLEADINGS FILED WITH THE COURT. WHAT OTHER ITEMS SHOULD BE EXCLUDED?

A. ALL FILINGS WITH THE COURT INCLUDING ATTACHMENTS MUST COMPLY WITH FED. R. BANKR. P. 9037: SOCIAL SECURITY OR TAXPAYER-IDENTIFICATION NUMBERS; DATES OF BIRTH; NAMES OF MINOR CHILDREN; AND FINANCIAL ACCOUNT NUMBERS MAY NOT APPEAR, EXCEPT AS ALLOWED BY THE RULE.

Q. WHEN I AM DOCKETING AN EVENT TO CORRECT A DEFICIENCY NOTICE THAT HAS BEEN ISSUED BY THE COURT, IS IT PROPER TO REFERENCE THE DEFICIENCY NOTICE ITSELF OR THE DOCUMENT THAT I AM ACTUALLY CORRECTING?

A. YOU SHOULD REFERENCE THE DOCUMENT THAT IS BEING CORRECTED.

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ECF Court Link

MAY 13, 2009

VOLUME 4, ISSUE 5

*Eastern District
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****Effective Friday, May 15, 2009****

Pursuant to the General Order entered on April 30, 2009, an Amended Form B6, "Summary of Schedules & Statistical Summary of Certain Liabilities and Related Data" is required to be filed each time an Amended Schedule is filed in a bankruptcy case. If it is attached to an Amended Schedule, the "Summary of Schedules" event must be selected by holding down the "Ctrl" key and choosing this event in addition to any Amended Schedule(s). If it is not attached to an Amended Schedule, it should be filed as a separate docket entry.

**** NOTE:** There is a new category for Schedules and/or Amended Schedules. It's in the Bankruptcy Category titled "**Schedules (NEW)**."

In this issue:

- *News Flash*
- *Discharge*
Related Motions
- *Newsletter*
Search Feature
- *Holiday Closing*
- *Q&A*
- *ECF Contacts*

Discharge Related Motions

Please note that there is a Motion to Delay Discharge and a Motion To Extend Time To Object To Discharge. Please ensure the event chosen when making this docket entry is consistent with the pdf document you are filing.

Newsletter Search Feature

A "Search" Feature has been added to the Court's CM/ECF - Newsletters page on our website. We hope this will be extremely helpful in searching for topics that may have been addressed in previous issues.

Holiday Closing

Reminder: The Court will be closed on Monday, May 25, 2009, in observance of Memorial Day.

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QUESTIONS/ANSWERS:

Q. IF, WHEN PROMPTED WHILE FILING A DOCUMENT THAT REQUIRES A FEE, THE QUESTION OF WHETHER OR NOT A FEE IS DUE WAS ANSWERED AS "NO" INSTEAD OF "YES", CAN I PAY THE FEE ON-LINE THROUGH PAY.GOV?

A. NO. IF YOU RECEIVE A DEFICIENCY MEMORANDUM FROM THE COURT STATING THE FILING FEE IS DUE, YOU'LL NEED TO EITHER MAIL A CHECK TO THE COURT OR CONTACT THE CASE ADMINISTRATOR THAT IS RESPONSIBLE FOR THE CASE TO GIVE THEM YOUR CREDIT CARD INFORMATION VIA TELEPHONE.

Q. DOES AN APPLICATION FOR APPROVAL OF COMPENSATION OF AN OFFICER HAVE TO BE SIGNED BY ANYONE IN PARTICULAR?

A. YES. PURSUANT TO LOCAL BANKRUPTCY RULE 4002-1(D)(1)(A), AN APPLICATION FOR APPROVAL OF COMPENSATION OF AN OFFICER MUST BE SIGNED UNDER OATH BY AN OFFICER OF THE DEBTOR.

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ECF Court Link

JUNE 15, 2009

VOLUME 4, ISSUE 6

*Eastern District
of
North Carolina
CM/ECF
Newsletter*

In this issue:

- *Announcements*
- *CM/ECF Downtime*
- *Pro Se Debtors*
- *Case Statistics*
- *Q&A*
- *ECF Contacts*

ANNOUNCEMENTS

Christine Castelloe has accepted the position of Chief Deputy Clerk and will begin on September 1, 2009, after completing her internship with the Administrative Office.

New Members of the Court Family:

Derek Rubright began on June 8, 2009, as the Court Technology Administrator in the Raleigh Office.

Aileen Gibson will begin on June 22, 2009, as a Case Administrator in the Raleigh Office.

Summer externs:

Rob Munro – Judge Leonard

Matt Gibson – Judge Doub

CM/ECF Downtime

If CM/ECF is unavailable, an email message will be sent to everyone that receives electronic notification via CM/ECF, indicating an approximate restoration time. This message will also provide instructions for filing during the time CM/ECF is unavailable.

Pro Se Debtors

The court lists the telephone number of all pro se debtors at the top of the docket report. Additionally, if the pro se debtor provides the court with an email address for notification purposes, this will be listed on the docket as a NOTE.

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Case Statistics

May, 2009		Year to Date	
Ch. 7	370	Ch. 7	1912
Ch. 11	16	Ch. 11	63
Ch. 12	0	Ch. 12	3
Ch. 13	535	Ch. 13	2531
Ch. 9	0	Ch. 9	0
Ch. 15	0	Ch. 15	0
Total	921	Total	4509

QUESTIONS/ANSWERS:

Q. SINCE AN AMENDED FORM B6 SUMMARY, OFFICIAL FORM 6 - SUMMARY, HAS TO BE FILED WHEN SCHEDULES ARE AMENDED, CAN JUST THE SUMMARY BE FILED OR ARE BOTH PAGES NEEDED?

A. BOTH PAGES, THE SUMMARY OF SCHEDULES AND THE STATISTICAL SUMMARY OF CERTAIN LIABILITIES AND RELATED DATA, SHOULD BE FILED.

Q. WHEN FILING THE AMENDED FORM B6 WITH AMENDED SCHEDULES, SHOULD THIS BE DOCKETED AS A SEPARATE ENTRY?

A. IT SHOULD BE DOCKETED AS A SEPARATE ENTRY OR, IF INCLUDED WITH AMENDED SCHEDULES, SHOULD BE DOCKETED UTILIZING THE "CTRL" KEY IN ORDER TO SELECT IT AS A SEPARATE DOCKET ENTRY.

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ECF Court Link

AUGUST 31, 2009

VOLUME 4, ISSUE 7

*Eastern District
of
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CM/ECF
Newsletter*



In this issue:

- *The Honorable A. Thomas Small, an exceptional man and judge*
- *Notice For CM/ECF Filers*
- *Case Statistics*
- *Q&A*
- *ECF Contacts*

The Honorable A. Thomas Small, an exceptional man and judge.

By Chief Judge Randy D. Doub

When Judge Small telephoned me in mid-December, 2008, to tell me of his intention to retire as a United States Bankruptcy Judge on September 1, 2009, I felt a big void in my heart and mind. Not only was Judge Small retiring, but his retirement would start on my birthday. He quickly reminded me that September 1 was also his beloved wife Judy Jo's birthday, and that they would be very busy traveling, spending time with grandchildren, and spending time with one another. Many times, he had told me of his love for serving as a United States Bankruptcy Judge. He always said he had the best job in the world because he got to work with some of the finest public servants in the Clerk's office, and with some of the best lawyers. But now, it was time for him to enjoy a much deserved and earned retirement. During my tenure on the bench, I have learned a great deal from him with his wealth of knowledge and experience. I have tried several times to persuade him to stay for the good of our court. But after nearly three decades of service, it was increasingly difficult to argue with his decision to retire. Let's look at his

career.

First appointed as a United States Bankruptcy Judge in December, 1982, Judge Small's judicial career spans nearly 27 years. He served as our Chief Judge from 1992 through 1999 and again from 2006 through 2007. He has been everything a bankruptcy judge could ever hope to be. He was appointed by the Chief Justice of the United States, William Rehnquist, to serve as the first ever Bankruptcy Judge Representative to the Judicial Conference of the United States from 2004 to 2008. He served as President of the National Conference of Bankruptcy Judges from 2000 through 2001. He chaired the United States Judicial Conference Advisory Committee on Bankruptcy Rules from 2000-2004, and served as a member from 1996 to 1999. He served on the Board of the Federal Judicial Center from 1997 through 2001; the Board of the American Bankruptcy Institute from 1989 through 1995; the Board of the American College of Bankruptcy from 2002 through 2005; and from 2007, continues to serve on the Board of Editors of *Collier on Bankruptcy*.

He has appeared at numerous continuing legal education events, not only in North Carolina, but throughout the nation and the world. Judge Small has regularly appeared and testified before committees of the United States House of Representatives and the United States Senate on various bankruptcy, consumer and financial issues. He and Judge Moore were the authors of the Chapter 12 Family Farmer bankruptcy provisions adopted by Congress. His accomplishments, as you can see from the aforementioned, are many. But there are many more accolades that I have not mentioned. Judge Small is an outstanding bankruptcy judge and national leader. He has served our court and our nation well. But the endearing quality about Tom Small, is that when he began his judicial career, he did not set out to compile a resume. Where there was a need and he felt he could help, he did. Where there were questions that needed answers and he felt he could provide answers, he did. And that has been my experience with Tom Small. He has always taken the time to answer questions, always taken an interest in things important to you, always glad to see you or talk with you, always patient, always a great listener, and always willing to give good advice, when asked. He is one of the finest men I have ever known, and I am proud to call him friend.

He cares in a quiet way. When my father went to heaven on March 7, 2007, Judge Small wrote a note to my sons about their granddaddy, and the legacy of good character my dad had instilled in our family. My heart was touched by such caring and kindness. On the first year anniversary of my dad's physical death, I was in Raleigh that day visiting with Judge Small. In a kind and compassionate way, he told me he had been thinking about me on that day as he knew I was probably having a tough day. He genuinely cares.

Tom Small has blessed me in so many ways. His wisdom, demeanor, experience and advice have made me a better judge. His compassion, caring and friendship have made me a better man. So to you Tom Small, thank you, Godspeed, good health and much happiness in the years ahead. Where the important things in life are concerned, Tom Small is a great man. His humility won't allow him to tell you, so I just did. We can all learn a lot from this warm, genuine and exceptional

man.

Thursday, August 27, 2009 will be a special day for our court family. We will have the opportunity to gather at the second floor courtroom of Century Station in Raleigh to say thank you to Judge Small, and celebrate the man, his career and his accomplishments.

Notice For CM/ECF Filers

The court would like to make CM/ECF filers aware of certain security concerns relating to a software application or “plug-in” called RECAP, which was designed by a group from Princeton University to enable the sharing of court documents on the Internet.

Once a user loads RECAP, documents that he or she subsequently accesses via PACER are automatically sent to a public Internet repository. Other RECAP/PACER users are then able to see whether documents are available from the Internet repository. RECAP captures District and Bankruptcy Court documents, but has not yet incorporated Appellate Court functionality. At this time, RECAP does not appear to provide users with access to restricted or sealed documents. Please be aware that RECAP is “open-source” software, which can be freely obtained by anyone with Internet access and modified for benign or malicious purposes, such as facilitating unauthorized access to restricted or sealed documents. Accordingly, CM/ECF filers are reminded to be diligent about their computer security practices to ensure that documents are not inadvertently shared or compromised.

The court and the Administrative Office of the U.S. Courts will continue to analyze the implications of RECAP or related-software and advise you of any ongoing or further concerns.

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Case Statistics

July, 2009		Year to Date	
Ch. 7	382	Ch. 7	2672
Ch. 11	7	Ch. 11	82
Ch. 12	1	Ch. 12	4
Ch. 13	588	Ch. 13	3677
Ch. 9	0	Ch. 9	0
Ch. 15	0	Ch. 15	0
Total	978	Total	6435

QUESTIONS/ANSWERS:

Q. I HAVE MULTIPLE CERTIFICATIONS RE: DISCHARGE AND DOMESTIC SUPPORT TO FILE. HOW SHOULD I FILE THESE?

A. THE EVENT ENTITLED "CERTIFICATION RE: DISCHARGE & DOMESTIC SUPPORT" HAS BEEN ADDED TO THE BATCH FILINGS CATEGORY. THIS WILL ENABLE A FILER TO DOCKET CERTIFICATES FOR MULTIPLE CASES AT ONCE.

Q. I NEED TO FILE A MOTION FOR EXTENSION OF TIME FOR FILING FINANCIAL MANAGEMENT COURSE CERTIFICATE. WHICH EVENT DO I USE?

A. DOCKET USING THE EVENT "EXEMPTION FROM/EXTENSION OF TIME FOR FILING" LOCATED IN THE MOTIONS CATEGORY. PLEASE DO NOT DOCKET MOTION TO EXTEND TIME/DEADLINES FOR THIS EVENT.

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ECF Court Link

OCTOBER 5, 2009

VOLUME 4, ISSUE 8

*Eastern District
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In this issue:

- *Announcements*
- *New Guidance For Scanning Documents*
- *Lien Avoidances*
- *Chapter 11 Bank Statements*
- *Case Statistics*
- *Q&A*
- *ECF Contacts*

ANNOUNCEMENTS

Malinda Hayes began as Judge Leonard's career law clerk on August 31, 2009.

Fall externs

Sean Alford – Judge Leonard

Justin Wong – Judge Leonard

Nikeisha Vandecruise – Judge Leonard

New Guidance For Scanning Documents

The recommended scanner settings for filing documents in cm/ecf is 300 ppi or higher. This may require the purchase of new scanners that can scan at a minimum of 300 ppi, or it may simply require an adjustment on existing scanners to a higher ppi.

Lien Avoidances

The property on which the debtor is seeking to avoid a lien should be listed in Schedule C, even if there is no net value in the property after the deduction of liens on the property. What is being avoided is the lien on the debtor's interest in the property, even though there is no equity.

Chapter 11 Bank Statements

When filing chapter 11 bank statements, docket with the event “Bank Statements (Ch.11)”. This is a private event located in the miscellaneous category and is not viewable by the public. Additionally, the bank statements are required to be filed with the small business reports.

Case Statistics

September, 2009		Year to Date	
Ch. 7	319	Ch. 7	3444
Ch. 11	16	Ch. 11	114
Ch. 12	0	Ch. 12	4
Ch. 13	645	Ch. 13	4949
Ch. 9	0	Ch. 9	0
Ch. 15	0	Ch. 15	0
Total	980	Total	8511

QUESTIONS/ANSWERS:

Q. Do I need to submit a proposed order with a motion to continue a hearing?

A. It is not necessary to submit a proposed. The court has a form order.

Q. I need to file a Motion To Waive Payment. Which event do I use?

A. Docket using the event “Defer/Waive Payment” located in the motions category

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ECF Court Link

NOVEMBER 23, 2009

VOLUME 4, ISSUE 9

*Eastern District
of
North Carolina
CM/ECF
Newsletter*

In this issue:

- *Train the Trainer*
- *Reaffirmation Cover Sheet*
- *Court Requirements*
- *Case Statistics*
- *Federal Rule Changes*
- *Tips & Reminders*
- *New Court Employees*
- *Q&A*
- *ECF Contacts*

TRAIN THE TRAINER

The Train the Trainer Program officially kicked off on October 22, 2009, in Wilson. Participants in the program are Gail Stanley, Kim Gilbert, Betsy Ray, Elaine VanCise, Annette Buss, Christy Weiss, Nichole Smith, Sharon Beadnell, Kimberly Summerlin, and Judy Sullivan. This first meeting was a great success, with everyone getting to know each other and share their expectations of this program. The group plans to meet again early next year.

REAFFIRMATION COVER SHEET

The Reaffirmation Cover Sheet is a new official form (B27) that goes into effect on December 1, 2009. It gathers certain financial information, including information necessary for the court to determine whether a reaffirmation agreement creates a presumption of undue hardship, and allows the debtor to provide additional information that may rebut such a presumption.

To implement the requirements of Rule 4008(b), the form also provides for a disclosure of any differences between the income and expenses reported on schedules I and J and the income and expenses reported in the debtor's statement in support of the reaffirmation agreement, together with an explanation of any such differences. The form also requires a certification that the information supplied is true and accurate.

GUIDELINES TO USE FOR DOCUMENTS FILED ONE DAY BEFORE AND ON THE DAY OF COURT HEARING

The court requires that when a document is electronically filed within one day or on the day of a hearing scheduled in that case, the filing party must send an email to the appropriate judge's law clerk and to the courtroom staff notifying them of the filing. Additionally, when a matter scheduled for hearing has been settled or continued, email notification should be given accordingly.

Current Law Clerks:

Heather_Kelly@nceb.uscourts.gov (Chief Judge Randy D. Doub)

Malinda_Hayes@nceb.uscourts.gov (Judge J. Rich Leonard)

Meghan_Pridemore@nceb.uscourts.gov (Judge J. Rich Leonard. Chief Judge Randy D. Doub, New Bern Divisional cases)

Courtroom Staff:

Dana_Sebastian@nceb.uscourts.gov (Chief Judge Randy D. Doub)

Wendy_Parker@nceb.uscourts.gov (Chief Judge Randy D. Doub)

Felecia_Lucas@nceb.uscourts.gov (Judge J. Rich Leonard)

Anne_Moell@nceb.uscourts.gov (Judge J. Rich Leonard)

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CASE STATISTICS

October, 2009		Year to Date	
Ch. 7	351	Ch. 7	3809
Ch. 11	9	Ch. 11	120
Ch. 12	0	Ch. 12	4
Ch. 13	687	Ch. 13	5626
Ch. 9	0	Ch. 9	0
Ch. 15	0	Ch. 15	0
Total	1047	Total	9559

FEDERAL RULE CHANGES

On March 26, 2009, the Supreme Court approved changes to Bankruptcy Rule 9006, as well as changes to similar appellate, civil, and criminal rules, which address the method in which time is calculated in the federal courts. The statutory and rule changes will take effect on December 1, 2009.

Under the current federal rules, intermediate weekends and holidays are excluded when calculating time periods fewer than eight days. The amended rules count intermediate weekends and holidays for all time periods. In addition, all deadlines of less than 30 days are changed to multiples of seven days so that the expiration of the deadline ordinarily will not occur on a weekday. Under the revised rules: 5-day deadlines become 7 days, 10- and 15-day deadlines become 14 days, 20-day deadlines become 21 days, and 25-day deadlines become 28 days.

The amendments to the Local Rules can be viewed on the courts website.

In addition to these rule changes, the Local Schedule C will be revised to incorporate the new homestead exemption legislation that was recently approved. This revised form also has an effective date of December 1, 2009.

HELPFUL TIPS & REMINDERS

- The Response and Response to Stay events in CM/ECF have been updated to allow the option of "in support of" or "in opposition to".
- A new event entitled "Witness List" has been added in CM/ECF in both the Bankruptcy and Adversary Miscellaneous categories.
- To obtain all of the creditors for a case, you will need to go to Utilities/Mailings/Mailing Labels rather than Query/Creditor. This will ensure that creditors listed with the National Creditor Registry are listed and will also show anyone that has been added by the court.
- To obtain a list of your current open cases, you can go to Query, type in your name, choose Type Attorney and choose Open.
- Remember that you can save your pdf documents as one versus one main document with numerous attachments. (Ex. Motion for Relief from Stay, Notice of Motion, Certificate of Service, Exhibits)

NEW MEMBERS OF THE COURT FAMILY:

Ashley Taylor began on July 6, 2009, as Financial Specialist.

Samantha Lyles began on October 26, 2009, as a Case Administrator in the Raleigh Office.

QUESTIONS/ANSWERS:

Q. WHEN I UPLOAD AN ORDER, SHOULD I BE USING UPLOAD SINGLE OR UPLOAD SUA SPONTE?

A. YOU SHOULD USE UPLOAD SINGLE IF IT RESOLVES A PENDING MOTION. UPLOAD SUA SPONTE SHOULD ONLY BE USED IF THERE IS NO PENDING MOTION.

Q. DO I NEED TO INCLUDE ANY UPDATED SCHEDULES WITH MY NOTICE OF CONVERSION WHEN I CONVERT A CASE?

A. NO. THE UPDATED SCHEDULES SHOULD BE FILED USING THE REPORT UPON CONVERSION EVENT AS A TOTALLY SEPARATE DOCKET ENTRY.



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ECF Court Link

DECEMBER 7, 2009

VOLUME 4, ISSUE 10

*Eastern District
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CM/ECF
Newsletter*

Time Period Changes Effective December 1, 2009

On March 26, 2009, the Supreme Court approved changes to Bankruptcy Rule 9006, as well as changes to similar appellate, civil, and criminal rules, which address the method in which time is calculated in the federal courts. The statutory and rule changes became effective on December 1, 2009. The Administrative Guide incorporating these changes can be viewed on the court's website.

Changes To Eastern District of North Carolina Divisions

Effective January 1, 2010, there will be changes to the divisions in the Eastern District of North Carolina. A color coded map is attached to the end of this issue of the newsletter to reference the changes.

In this issue:

- *Time Period Changes*
- *Changes To EDNC Divisions*
- *2010 Court Calendar*
- *Case Statistics*
- *Reminder*
- *Q&A*
- *ECF Contacts*
- *Division Map*



2010 Court Calendar



Holiday	When Observed	Date
New Year's Day	January 1	January 1
Martin Luther King's Birthday	3rd Monday in Jan	January 18
President's Day	3rd Monday in Feb	February 15
Memorial Day	Last Monday in May	May 31
Independence Day	Monday after July 4	July 5
Labor Day	1st Monday in Sept	September 6
Columbus Day	2nd Monday in Oct	October 11
Veteran's Day	November 11	November 11
Thanksgiving	Last Thursday in Nov	November 25
Christmas	Friday before Dec 25	December 24
New Year's Day	Friday before Jan 1	December 31

CASE STATISTICS

November, 2009		Year to Date	
Ch. 7	278	Ch. 7	4087
Ch. 11	13	Ch. 11	133
Ch. 12	1	Ch. 12	5
Ch. 13	548	Ch. 13	6174
Ch. 9	0	Ch. 9	0
Ch. 15	0	Ch. 15	0
Total	840	Total	10399

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Reminder

If a matter scheduled for a motions day is expected to last an hour or more, notify the Courtroom Deputy in advance so ample time may be given.

Questions/Answers:

Q. Is there a way I can file a proof of claim through the website without having to login into cm/ecf?

A. Yes. Proof of claims may be filed through the Proof Of Claims link on the court's main webpage. A login and password are not required and you do not need to attach the B10 claim form. The fillable form will be created during the filing. Instructions, frequently asked questions and helpful hints for filing claims are located under this same link.

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*Eastern District of North Carolina Divisions
Effective January 1, 2010*

