

# ERS NEWS

United States Bankruptcy Court for the District of Minnesota

A New Approach to Information Management  
[www.mnb.uscourts.gov](http://www.mnb.uscourts.gov)

November 2003

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## Transition From ERS to CM/ECF

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In his address to the Bankruptcy Institute on September 22, 2003, Chief Judge Gregory F. Kishel announced that the bankruptcy court is beginning a transition to the U.S. Court's national case management and electronic case filing program (CM/ECF). The transition is expected to take a minimum of eighteen months. In his remarks Chief Judge Kishel explained that the court has anticipated the change since the development of its own electronic filing program, ERS, five years ago. ERS utilizes a case management program that within a few years will be replaced by the case management system in CM/ECF.

While attorneys will find some differences between Minnesota's ERS and the AO's CM/ECF, the programs are similar. Both systems require the use of a log-in and password to file documents. Both systems use a credit card for payment of applicable fees, and newer versions of CM/ECF now include an internet credit card payment option. Both systems require high-speed internet, scanners, and the use of Adobe Acrobat (Writer) for the creation of PDF documents. Both systems also use hyperlinks from docket entries to related case documents.

There is one major difference between the two systems, however. While all information on the

ERS is free of charge, CM/ECF users/filers must have a PACER account to access reports and documents in the database.

Court staff completed a preliminary comparison of the two systems this summer and are determining how the court's current work process might be integrated most effectively into CM/ECF. Staff also visited the bankruptcy court offices in Madison and Eau Claire, Wisconsin, this summer to evaluate their CM/ECF system, and will be working with a CM/ECF mentor court in the Western District of Washington during this transition phase. A site visit to Minnesota by a CM/ECF team will be held in early December.

Court staff are reviewing enhancements to CM/ECF made by other courts, and among those under consideration are one-step case processing and internet credit card payment.

An attorney training program will be developed to assist ERS certified attorneys in making the transition to the CM/ECF system. If you are interested in serving on an Attorney Advisory Committee which will provide feedback during development, conduct testing, and work with staff in the design of an attorney training program, please contact Margaret Dostal-Fell at 651-848-1073.

## Privacy-Related Rule Changes Effective December 1, 2003



The Judicial Conference recently approved proposed amendments to the Federal Rules of Bankruptcy Procedure and the Official Bankruptcy Forms which will implement the Conference Policy on privacy and public access to electronic case files. These amendments will take effect on **December 1, 2003**. A summary of the amendments is outlined below:

### Requirements for Debtors and Debtors' Attorneys

- Petitions filed on and after December 1, 2003 should contain **only the last four digits** of individual debtors' Social Security numbers.
- In cases filed electronically **over the court's website**, the debtor's attorney should include the **debtor's full nine-digit social security number only in the "Debtor Information Pages"** prepared as a component of electronic case commencement. The **image** of the petition should contain only the last four digits (e.g., XXX-XX-1234). An updated **Signature Declaration Form** (*see [www.mnb.uscourts.gov](http://www.mnb.uscourts.gov)*) should also be submitted with the petition; this updated document contains the necessary debtor verification of the Social Security information submitted in the Debtor Information Pages, as required by amended Federal Rule of Bankruptcy Procedure 1007.
- **Petitions submitted on diskette or in paper form** (NOTE: paper petitions should be submitted by pro se debtors only) **must be accompanied by a PAPER "Statement of Social Security Number."** (*see [www.mnb.uscourts.gov](http://www.mnb.uscourts.gov)*)

- Debtors and debtors' attorneys should continue to send copies of the 341 meeting notice (which will contain the debtor's full nine-digit social security number) to creditors who do not appear on the original matrix provided to the court.
- **Amendments** to the debtor's social security number should be filed **in paper form** or to the **ERS In Box** using the **Amendment to Petition Form**. (*see [www.mnb.uscourts.gov](http://www.mnb.uscourts.gov)*)

### Creditors, Trustees and the U.S. Trustee

- The 341 Meeting Notice will provide recipients — the debtor, creditors, the trustee and the U.S. Trustee — with the debtor's full Social Security Number.
- The proof of claim form will require a wage creditor to disclose only the last four digits of his or her Social Security number.

### The Clerk's Office

- Statements of Social Security Number submitted with a paper or diskette petition will **not** be filed in the case or become a part of the electronic record.
- The Clerk will include the debtor's **full** Social Security number, obtained either from the data file or from the paper Statement of Social Security Number, on the 341 meeting notice sent to the debtor, creditors and the trustee. However, the **meeting of creditors notice in the case file or electronic record will display only the last four digits of the debtor's social security number**.
- Amendments to the debtor's social security number will **not** be filed in the case or become a part of the electronic record. However, an entry will be made on the docket, reflecting the filing of an amendment to the debtor's social security number, but that entry will not be linked to a document. The Clerk's office will send out a Notice to Creditors re: Correct Social

Security Number containing the debtor's full correct social security number. However, the Notice to Creditors re: Correct Social Security Number in the case file or electronic record will display only the last four digits of the debtor's corrected social security number.

- On **December 1, 2003**, the first five digits of debtors' social security numbers will be redacted from the court's **docket** in **all** cases. However, complete social security numbers will appear on the images of petitions and other documents in cases filed before December 1, 2003.
- The Clerk's Office will **not** provide the debtor's social security number to parties making phone or in-person inquiries. However, if the Clerk's Office is given a debtor's full social security number, the Clerk's Office can verify whether the number given is correct.

**\*\*Note: Filers---- Not the Clerk — are responsible for redacting social security number and other personal data in documents after December 1.**



### **New Credit Card Authorization Form**

A new credit card authorization form has been issued by the court (*see* [www.mnb.uscourts.gov](http://www.mnb.uscourts.gov)). While the old form enabled multiple attorneys in a firm to use the credit card number listed on the form, the new procedure requires **each attorney** (ERS and non-ERS registered attorney) to submit a form, even if the **same** credit card is used by multiple attorneys. Attorneys with up-to-date credit card information on file with the court need not submit a new form at this time; however, if an attorney has changed address, credit card number, or has submitted a card number that has or is due to expire, a new form should be submitted to the court.

### **Fees Increased November 1, 2003**

**O**n November 1, 2003, certain bankruptcy fees increased.

The fee changes are summarized below:

#### **Filing Fees**

##### **Petitions**

Chapter 7 .....	<del>\$200.00</del>	209.00
Chapter 9 .....	<del>\$830.00</del>	839.00
Chapter 11 .....	<del>\$830.00</del>	839.00
Chapter 12 .....	<del>\$230.00</del>	239.00
Chapter 13 .....	<del>\$185.00</del>	194.00

##### **Motions**

For relief from stay .....	<del>\$75.00</del>	150.00
To compel abandonment ....	<del>\$75.00</del>	150.00
To withdraw reference .....	<del>\$75.00</del>	150.00

#### **Miscellaneous Fees**

Certification .....	<del>\$7.00</del>	9.00
Exemplification .....	<del>\$14.00</del>	18.00
Fee for splitting a Chapter 7 or Chapter 13 .....	<del>\$65.00</del>	155.00
Notice of appeal .....	<del>\$105.00</del>	255.00
Cross-appeal .....	<del>\$105.00</del>	255.00
Record retrieval from archives ..	<del>\$35.00</del>	45.00
Miscellaneous proceedings .....	<del>\$30.00</del>	39.00

#### **Service Charges**

Returned Check .....	<del>\$35.00</del>	45.00
Search per name or item searched ..	<del>\$20.00</del>	26.00
Tape Copy .....	<del>\$20.00</del>	26.00

## Federal Judiciary's Bankruptcy Noticing Center Provides a Free Service

One of the most successful ongoing initiatives of the Administrative Office of the U.S. Courts is the national Bankruptcy Noticing Center (BNC). Each day the BNC retrieves case data from all bankruptcy courts and sends notices such as the Notice of Commencement of Case, Discharge of Debtor, Chapter 13 plans, to name just a few. The BNC processes over 300,000 bankruptcy notices per day. This nationwide system saves the federal judiciary millions of dollars each year.

For several years the BNC has also offered electronic bankruptcy noticing at no charge. The BNC sends notices by e-mail or fax to attorneys, creditors, and trustees who request this feature. For notice recipients, this means faster delivery.

This is **not** electronic service. This is electronic **noticing**. For example, rather than receive a meeting of creditors notice and a chapter 13 plan by mail, the BNC sends the notice and plan as a PDF attachment to an e-mail, or sends them by fax.

Electronic bankruptcy noticing is a great fit with ERS **and** CM/ECF. The only thing you have to do to take advantage of this feature is to request it. You don't have to buy any hardware or software. Electronic bankruptcy noticing is the perfect complement to electronic filing.

For more information about electronic bankruptcy noticing, visit [www.EBNuscourts.com](http://www.EBNuscourts.com). Or contact Ed Fisher at 612-664-5231 or [ed\\_fisher@mn.uscourts.gov](mailto:ed_fisher@mn.uscourts.gov).

## Technical FAQ

*If you are using Internet Explorer and are unable to save data to file(.dat) in case opening, you will need to change the security settings in Internet Explorer.*

Instructions for changing the security settings in Internet Explorer:

1. Open Internet Explorer
2. Select Tools
3. Select Internet Options
4. Select the Security tab
5. Select the Custom Level button
6. The third one down is Initialize and Script Active X controls not marked as safe, select Prompt.

If you get the following message:

*Illegal parameters have been passed into an input string*

This means that an illegal character was used in naming the file:

File names can contain dashes, underlines, and periods without any problem, keeping in mind that it is whatever is after the last period that defines the file type.

Slashes, either front or back, are directory or folder indicators and therefore won't be interpreted as part of a file name.

The asterisk and question mark are wildcards for doing file searches and can't be used for naming a specific file.

Other punctuation marks are illegal for file names.

Use only alphabetic and numeric characters.