

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA**

**CM/ECF USERS' ADVISORY GROUP  
JULY 18, 2000, MEETING**

**MINUTES**

A meeting of the CM/ECF Users' Advisory Group (UAG) was held on Tuesday, July 18, 2000. The meeting, which was held via videoteleconference, at the court's Alexandria, Norfolk and Richmond facilities, commenced at 12:00 Noon and concluded at 1:00 P.M. The following persons were in attendance at the meeting: Roy Lasris, Barry Spear, Frank Santoro, Debera Conlon, Judge David Adams, Charles Krumbein, William Parker, Jr., Dobbie Hodges for Gregg Nivala, Edna Ponce-Martinez for Robert Weed, Peggy Grivetti, Steve Kopacki, Chuck Miller, Renee Mitchell-Paxton, Andrea Redmon, Dick Napoli and Bill Redden.

**Opening Comments (Bill Redden)**

Bill Redden made some opening comments, including an update on the status of the bankruptcy reform legislation, the sunseting of Chapter 12 of the Bankruptcy Code and an article that appeared in the July 2000 edition of the *ECF Flier*. This article noted that in June 2000, 837 petitions were filed with the clerk's office via ECF. This not only was a one-month all-time high in ECF petition filings, it also represented the highest percentage of such filings (36.7) to total monthly petition filings (2,282) taken in to date by the clerk's office.

Chuck Miller noted that a group of representatives from the Office of Judges Programs and Office of Court Programs of the Administrative Office of the U.S. Courts (AO) planned to visit the Alexandria Division on July 19, 2000, to preview CM/ECF. The group's focus is to obtain information on how best to prepare instructional and guidance material for Bankruptcy Judges and chambers staff members in courts that will be phasing out their existing case management systems (NIBS and BANCAP) and converting to CM/ECF. [Update: The visit took place as scheduled on July 19. The AO staff members were pleased with the information provided to them by clerk's office staff and by Bankruptcy Judge Robert G. Mayer who met with the group on the afternoon of July 19.]

**1. Current Status and Information of Interest**

**a. CM/ECF Server Equipment Set-up/Configuration and Data Transfer Status (Barry)**

Barry Wells advised that software installation is proceeding for the CM/ECF server equipment that was delivered to the clerk's office in May 2000. The servers have passed the required one-month burn-in period without incident. The clerk's office's automation staff is working with the AO's Technology Training and Support Division (AO-TTSD) to complete software installation. The AO should be providing the clerk's office with a copy of the court's ECF data, for testing purposes, by the end of August 2000. It is anticipated that the server equipment and ECF data will be available for use by internal and external users before the end of September 2000.

**b. CM/ECF Version 1 Set-up/Configuration; Testing at AO's Independent Test Center (Andrea)**

Andrea Redmon reported that considerable effort would be required to undertake and complete the set-up and configuration requirements for CM/ECF Version 1. (Version 1 will replace the current prototype version of CM/ECF.) A recent preview of CM/ECF Version 1

by clerk's office automation staff members, at the AO, included an overview of set-up and configuration issues. The preview also outlined the planned 12-to-16 week testing process, which began at the end of June 2000, at the AO's Independent Test Center (AO-ITC). In August 2000, the AO plans to place Version 1 on a test database that will be available for internal court testing. At a later date, the test database will be made available to external users.

**c. NIBS Conversion Program Update (Barry)**

Barry reported the AO was not able to meet its projected July 17, 2000, delivery date to provide the court with a NIBS data conversion program. Two AO staff members plan to visit the clerk's office, at Richmond, on July 20, to discuss in more detail issues that require resolution to complete the conversion program (and provide the program to the clerk's office's automation staff for internal testing). Extensive internal testing by the clerk's office will be required once the program is delivered by the AO to that office. It is not anticipated that conversion of NIBS data to the Case Management (CM) component of CM/ECF could take place before the first quarter of Calendar Year 2001. Barry noted that it is very difficult to mix NIBS-to-CM and ECF case data. In-depth testing is required to ensure that the transfer of the NIBS data occurs without incident. For internal and external users alike, it will be beneficial to deal with one case management system (*i.e.*, CM/ECF) rather than the two currently being used (NIBS and CM/ECF). Nightly consolidation of NIBS data will not be required when the data is converted to the CM component of CM/ECF. Duplication of effort to search both the NIBS and CM/ECF databases and the need to undertake two VCIS searches also will not be necessary once the NIBS data conversion process is completed. In addition, ECF case opening and closing information will not have to be duplicated in NIBS, for statistical reporting purposes, to the AO. [Update: Two representatives from the AO's Applications Management and Development Division met with the clerk's office's automation staff on July 20. At this meeting, different approaches were discussed concerning how best to convert the NIBS data. The clerk's office's automation staff is continuing to work closely with AO staff to ensure a timely and successful completion of the NIBS conversion program.]

**d. Local Court Development of Enhancements to CM/ECF; Methodology and Initial Prototype Court Projects – Case Opening, On line Uploading of Data; Case Auto-Discharge, Closing (Barry)**

Barry reported that VAEB, together with CASB and NYSB had reviewed the draft design specifications for a macro program that is being developed by the AO to facilitate local court development enhancements to CM/ECF. If successful, the development of these macros will permit the courts to modify to execute any CM/ECF functions currently available, such as auto-discharges, which the clerk's office automation staff is developing. CASB has prepared a case opening process that the clerk's office will be examining in addition to an on line data uploading process, which currently is under development. [Update: Barry Wells, Dick Napoli and Bill Redden met with AO representatives via teleconference on August 9, to follow up on macro program development by the AO. A follow up teleconference has been scheduled for September 7.]

**e. ECF Courtroom Pilot Project (Barry)**

The first phase of the pilot project for viewing ECF documents in the courtroom is scheduled for completion by August 1, 2000, in Judge Adams' courtroom. Judge Adams suggested that

a demonstration be scheduled for the Bar. Estimates are in the process of being prepared for expanding the project to include all the Bankruptcy Judges' courtrooms. **[Update:** Plans are underway to make preparations for ECF courtroom demonstrations. Judge St. John's courtroom was examined on July 27 to secure a GSA estimate to wire that courtroom. The courtrooms at the Alexandria Division have been wired. The wiring in Judge Shelley's courtroom has been completed. The wiring in Chief Judge Tice's courtroom also has been completed. A floor core drill, however, must be completed to accept an enlarged dataline.]

**2. Communication and Training Efforts**

**a. ECF On Line Training Manual Status; AO On Line Training Site Status (Renee and Andrea)**

Renee Mitchell-Paxton and Andrea Redmon reported on two online training efforts that are underway. First, the court's online training manual, which can be retrieved from the ECF Home Page at the court's Internet web site, was reformatted in June 2000. Second, the AO-TTSD and TXWB are working to complete a CM/ECF online training module, which hopefully will be released by mid-August 2000 to the prototype and alpha courts. This training module will be CM/ECF Version 1 compliant. The release will be made available to internal and external users.

**b. CM/ECF Version 1 Training, ECF Fairs for Registered Users, New User Training (Andrea and Renee)**

Andrea and Renee reported on CM/ECF Version 1 training efforts. Depending upon the success of CM/ECF Version 1 testing by AO-ITC and follow-up bug fixes by the AO, CM/ECF Version 1 training for internal users should commence in late Summer or early Fall of 2000 followed up by training for external users. Plans are being developed to hold ECF fairs within the Eastern District for external registered users and potential users.

**[Update:** CM/ECF Version 1 testing is underway at the AO-ITC. Andrea Redmon is participating in this testing effort. While there has been success in several areas of the testing process, a number of bugs have been documented that will require correction by the AO. By mid-August, the AO-ITC testing effort will be at the mid-way point. The clerk's office will assess initially the testing effort and the status of bug fixes by the AO at that time.]

**c. Bar Survey for CM/ECF (Dick)**

Dick Napoli reported on clerk's office plans to undertake an ECF Bar survey. The planned survey is one means by which the court will be able to facilitate the transition from NIBS to CM/ECF. The survey will be designed to assist the court in assessing external user CM/ECF readiness. The UAG will be providing input on the content and format of the survey instrument. It is anticipated that the survey will be distributed no later than early September 2000.

**3. Procedures Update – CM/ECF Version 1 Review at the AO (Andrea and Barry)**

Andrea reported on the CM/ECF Version 1 review she, Barry and Sandra Heagle participated in at the AO, June 26-29. Considerable enhancement, for example, has been made to the case opening process. Configuration issues for Version 1 will be addressed by the clerk's office prior to implementation of that version of CM/ECF.

**4. Hand-out Materials (at meeting sites)**

AO prototype court statistics, through June 30, 2000, were provided to all UAG meeting participants at the Alexandria, Norfolk and Richmond meeting sites.

**5. Technical Questions**

No technical questions were raised for consideration at the meeting.

**6. Issues of Interest to UAG Members**

**a. Calling ECF Cases at Section 341 Meetings (Andrea)**

Andrea reported on the outcome of efforts undertaken by the clerk's office and U.S. Trustee's Office concerning inquiries received from debtors' attorneys that their cases were being called last at section 341 creditors' meetings. The problem originated from the order in which the cases are printed from the U.S. Trustee Office's report. Since ECF case numbers begin with the numbers 5, 6, 7 or 8, they automatically are placed at the bottom of the trustee's hourly docket. The U.S. Trustee's Office has advised the clerk's office that section 341 creditors' meeting dockets should now be called in such a way to ensure that ECF filers are not treated unfairly because of their position on the docket.

**b. Electronic Mailboxes for Judges' Signature (Dick, Barry and Andrea)**

Barry reported on an initiative being undertaken by the clerk's office to develop a program that would create electronic mailboxes to receive, forward and otherwise process proposed orders in ECF cases for consideration and entry by the Judges. This program will be designed to work with Version 1 of CM/ECF. Development, testing and implementation may take up to a six-to-nine month period. **[Update:** With respect to this program, Barry has been testing an approach to determine its feasibility. The initial test results have been satisfactory. A written proposal will be prepared, which, when finalized, will be presented to the Judges for their review, consideration and approval.]

**c. WebPACER Fees Prescribed by the Judicial Conference of the United States (Bill)**

Bill reported on the status of the Judicial Conference-approved WebPACER fees that will be assessed for information retrieved electronically in ECF cases. Access to PACER on the Internet will generate page-based charges. Pages produced as a result of a query entered will accrue a \$.07 per page charge. Background information on WebPACER fees is set out in the minutes from the January 21, 2000, UAG meeting.

A question was raised concerning under what circumstances WebPACER fees would be assessed. When a registered user receives an e-mail "notice" notification there will be a hyperlink to the document and to the docket sheet. The registered user will have one opportunity to view/download or print the document from the hyperlink free of charge. **[Additional Information:** Without charge, the registered user may review the e-mail notice notification as many times as the user desires. As noted above, when the registered user first

clicks on the hyperlink to the pdf file, the user can view the file and download/print without charge. After this first time, however, the external user will be assessed to view download/print the pdf file attached to the e-mail notice notification message. Every query generates a minimum charge of \$.07. There is no charge for an invalid case number result. Registered PACER users will not need to re-register for WebPACER usage over the PACERNET. Passwords assigned to public users will work both with the NIBS EPA system and WebPACER over PACERNET.] PACERNET will show accounting information to the registered user.

**d. Incentive to Encourage ECF Chapter 13 petition Filings**

At the July 12, 2000, Norfolk/Newport News Local Liaison Committee meeting, a suggestion was made and discussed about amending LBR 2016-1(C) to provide for a fee enhancement of \$100 in those Chapter 13 cases in which the debtor's attorney filed the debtor's petition and schedules via ECF. The proposal was referred to the UAG for review and further consideration. A discussion ensued at the UAG meeting concerning this proposal. The UAG agreed to refer the proposal to the Court's Standing Committee on Local Bankruptcy Rules (Standing Committee). **[Update:** The Standing Committee met on July 25, 2000, and took up this proposal. Although the Standing Committee was not able to arrive at a consensus on the proposal, a report to the Court will be prepared concerning the proposal and other issues addressed by the Standing Committee.]

**7. Next Meeting Date, Location(s) and Time**

It was agreed that the next UAG meeting would be scheduled for September 12, 2000. The meeting will be held via videoteleconference, through Sprint, from 12:00 Noon to 1:00 P.M., at the court's Alexandria, Norfolk and Richmond facilities. UAG members are requested to provide Bill Redden with proposed agenda items and technical questions, by close of business September 1, 2000. This will facilitate a review by court representatives of any submitted agenda items and technical questions prior to the next scheduled UAG meeting. Bill Redden will send out an agenda for the next UAG meeting by close of business September 7, 2000.

The meeting adjourned at 1:00 P.M.

Respectfully Submitted,

William C. Redden