



Bankruptcy Confidential

News For The Bankruptcy Practitioners

Attorney Survey Actions

Based on your responses to the survey done last fall, the BK court has implemented many changes already:

- E-file B21 and Declaration of Electronic Filing with debtor's scanned original signatures
- Search for Document Events in CM/ECF
- Launch the Attorney /Trustee Online Manual in CM/ECF
- More BAPCPA education - this month, an update on Credit Counseling
- Improved fillable CSD forms. Let us know of any forms needing work.
- One-on-one Refresher training offered. Call Elaine at 619-557-5935 for more info.

New Discharge Requirement for Chapter 13 Cases

All Chapter 13 debtors must certify with the court that they are current with any domestic support obligations prior to receiving their discharge. The court will send a Certification of Eligibility of Discharge (CSD 2120) to debtors when the Interim Final Report is filed by the Chapter 13 Trustee. Debtors must complete the form certifying that they have no domestic support obligations or that they are current in their obligations. If the debtor is certifying that the obligations are current, they must serve a copy of the Certification upon the appropriate parties. Failure to file the Certification of Eligibility of Discharge (CSD 2120) will result in the case being closed without discharge. General Order 172 adopting this requirement went into effect July 26, 2007.

Privacy and Transcripts

The Judicial Conference recently posted redaction procedures for transcripts in order to comply with the privacy policy. Protected personal information must be redacted prior to transcripts becoming public in electronic format. In order to comply with this policy, transcripts posted in the electronic file will be available only to the court and attorneys involved in the case. Each attorney must review the transcript for protected private information and submit a list of redactions to the court reporter. Once the redactions are made, then the redacted transcript can be viewed by the public. The Southern District of California Bankruptcy Court is currently working through a detailed process that we will share with you once completed.

Document Events Reorganized

As requested, the drop-down list in CM/ECF is being modified to show the key word first and moving the verb to the end. For example: Motion for Relief from Stay becomes Relief from Stay (Motion). So rather than scrolling through the endless Motions or Applications or Notices to find what you need, the key word in the document is listed first. This change will go into effect . Any additional suggestions can be given to Jorgette at 619-557- .

Chapter 13 Attorney Fee Survey

All Chapter 13 attorneys should have received a survey from the court in July regarding the basic

fees charged in Chapter 13 cases. Please be sure to complete the survey and return it to the court by August 31, 2007. Contact Dave Grube if you have any questions.

Credit Counseling Update

As part of our BAPCPA education, the first topic we'll update is the Credit Counseling.

Requirements

Each individual debtor must complete credit counseling prior to filing for bankruptcy and file a separate certificate. If counseling taken, but no certificate issued, debtor has 15 days to file certificate. If no certificate, debtor must file Certificate of Exigent Circumstances or Motion for Exemption from Credit counseling at time of filing the petition. On October 1, 2006, the official petition added Exhibit D which is meant to clarify the debtor's credit counseling status with the court. Each Individual must file a separate Exhibit D as part of the petition.

How Are We Doing? Data from 10/17/05 to 3/31/07

4308 Certificates of Credit Counseling were filed. 69 Certificates of Exigent Circumstances were filed. Of those, 46 were granted and 23 Not Approved. Of those granted, 19 were ProSe cases and 16 of those were dismissed for a variety of reasons. Of the 23 Not Approved, all of those case were dismissed and 19 were filed by Pro Se debtors.

Exhibit D Data from 10/10/06 to 3/31/07

Of all the Case filed since these requirement went into effect, 18 were filed as part of the petition and also as a separate document. 56 were filed separately from the petition and 8 had no box or the incorrect box checked indicating status of credit counseling certificate.

Lessons Learned

File Exhibit D as part of the petition, not as separate document, unless filed post-petition. File Certificates of Credit Counseling, Certificate of Exigent circumstances or Motion for Exemptions separately from petition when filing the petition.

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