



**United States Bankruptcy Court
District of New Mexico
Office of the Clerk
Norman H. Meyer, Jr., Clerk of Court**

August 12, 2004

Notice to Practitioners No. 2004-03

**Notice of Intent to Establish Mandatory Electronic Delivery of
"Court-generated Documents" as of October 1, 2004**

REQUEST FOR CUSTOMER COMMENTS AND SUGGESTIONS

In 1994, the Court established the vision of using state-of-the-art automation to function virtually without paper. In furtherance of that vision, to lower operating costs, and to increase the speed of receipt of documents, the Court is planning to require that the vast majority of "Court-generated documents" (orders and notices other than those sent by the Bankruptcy Noticing Center [BNC]) be delivered either via fax or via an attorney's ACE mailbox¹. Certain notices prepared by the Clerk's Office are not currently feasible for electronic filing or for mailing via the BNC, and thus are mailed directly from the Clerk's Office. Eventually, all Court-generated documents will be delivered by electronic means, except to those persons who are specifically exempted from this requirement.

We propose to make this requirement effective October 1, 2004, but would appreciate receiving any comments or suggestions you may have by Monday, August 23, 2004, so that your needs and concerns may be addressed prior to publication of the approach we will use.

The approach currently planned is detailed as follows:

Electronic Delivery of "Court-generated Documents" Project Summary	
Objectives: <ul style="list-style-type: none">♣ Move closer to the Court's paperless vision♣ Increase efficiency of Court operations♣ Lower Court costs associated with service/delivery of "Court-generated documents"♣ Increase the speed of receipt of "Court-generated documents"	Target Group: <ul style="list-style-type: none">♣ Attorneys♣ United States Trustee's office♣ Trustees♣ Bankruptcy petition preparers

¹ACE is an acronym for Advanced Court Engineering, the project name for the Internet-based, electronic records access and electronic filing program jointly developed by the United States District Court and the United States Bankruptcy Court for the District of New Mexico.

Approach:

- A. The Court will enter an order which:
 - (1) Will put in place a requirement that a bankruptcy petition preparer or the filer of a pleading or other paper include and maintain up-to-date not only the preparer's or filer's name, address, and telephone number (as required by Federal Rule of Bankruptcy Procedure 9011) but also the preparer's or filer's facsimile number or an affirmative statement made in accordance with the provisions of Fed. R. Bankr. P. 9011 that the filer has no facsimile number.
 - (2) Requires preparers or filers who have a facsimile number or an ACE attorney mailbox to receive "Court-generated documents" electronically; where a preparer or filer has both, the option to register a preference between the two methods will be provided.
 - (3) Authorizes the creation and publication of procedural guidelines necessary to implement these requirements.

- B. The Court will consider comments and suggestions received from customers before publishing a Notice to Practitioners which will provide the procedural guidelines adopted by the Court and advise preparers and filers of the actions required of them and the associated deadlines for compliance.

- C. Absent a change due to unforeseen circumstances, the Court will establish October 1, 2004, as the effective date for the procedural guidelines for notice by electronic transmission and will require that New Mexico attorneys and out-of-jurisdiction attorneys admitted to practice in this Court, trustees, the United States Trustee, and all petition preparers submit their delivery preference by September 15, 2004.

- D. Anyone currently included on the Court's Notice to Practitioners mailing list, along with attorneys who are not on the mailing list but who have received paper notices from the Court in the last year and a half, will receive a preference registration form with instructions in early September. Petition preparers and attorney filers who are not already signed up for a method of electronic noticing will need to return the registration form to the Court by the September 15, 2004, deadline.

- E. The Court will establish internal procedures for ensuring that all preparers and filers who submit documents after September 30, 2004, comply with the Court's requirements.

Please give us your comments via e-mail, US mail, hand-delivery or by fax:

Via e-mail: E-mail your comments with the subject line, "Electronic Delivery" to pyeomans@nmcourt.fed.us.

Via US mail:

Via hand-delivery:

Via fax:

Clerk's Office
 United States Bankruptcy Court
 PO Box 546
 Albuquerque, NM 87103-0546

Clerk's Office
 Dennis Chavez Federal Building
 and United States Courthouse
 500 Gold Avenue SW, 10th Floor
 Albuquerque, New Mexico

505-348-2473

Questions concerning this matter should be directed to Lana Merewether, Information Technology Manager, at 505-348-2490.

NORMAN H. MEYER, JR.
 Clerk of Court