

**United States Bankruptcy Court
District of New Mexico
*Office of the Clerk***

Federal Building and United States Courthouse
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Clerk of Court

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Notice to Practitioners

1	Fee Applications to be Required in Chapter 13 Cases
2	Upgraded Electronic Records Access and E-filing Program (ACE)¹ to be Released January 2003
3	Sign Up Now to Access and Use ACE v.2 <i>before its Official Release in January 2003</i>
4	Procedure for E-mailing Creditor.txt File When 10 or More Creditors are Added by Amendment
5	Include Page Numbers on Documents
6	Include Name, Address, and Telephone of Professional in Application to Employ Professional

1. Fee Applications to be Required in Chapter 13 Cases

Effective for all cases filed as or converted to a chapter 13 case on or after January 1, 2003, any attorney seeking payment or reimbursement from the chapter 13 estate must file a fee application pursuant to 11 U.S.C. § 330(a)(4)(B), regardless of whether the amount sought does or does not exceed \$1,500.00. The fee application shall contain a narrative description of the work done and have, as attachments, billing statements or time records that detail the time devoted to various tasks, in one-tenth hour increments. Fee applications must also comply with FED. R. BANKR. P. 2002(a)(6). Practitioners may wish to update the information on this subject contained in section 14.2.4 of the Clerk's Practice and Procedure Guide, 2d ed., 10-01-96, United States Bankruptcy Court, District of New Mexico.

2. ACE Version 2 Release Scheduled for January 2003

As many of you already know, we were looking forward to releasing ACE v.2 this month. That is not possible; ACE v.2 will be released in January 2003. ACE is the District of New Mexico's own unique electronic records access and e-filing program which provides users with access to court records

¹ ACE officially stands for "Advanced Court Engineering," but has become the name of our e-filing program.

as well as the ability to file documents electronically via the Internet.. It is similar to the Electronic Court Filing (ECF) program sponsored by the Administrative Office of the United States Courts, but it is not the same.

ACE v.2 is incredibly stable, and response times show dramatic improvement. ACE can now also handle the ever-increasing number of customers who access the court's website and have come to rely on ACE as a way of doing business with the clerk's office.

There are a couple of functional changes in ACE v.2 from what you have been using in ACE v.1. The most important of these is the creation of a virtual drop box for e-filed documents. If any e-filed document has a fee associated with it (such as a new petition), the document will no longer be automatically filed. Instead it will be received for review, and if it meets the filing standards, will be filed. For example, if the payment for filing a new petition fails (e.g., the credit card is rejected), then the case will not be filed. What this means to you is when you e-file a new case, at that time you will only get a confirmation of receipt that does not have the new case number, judge, or trustee assignments. We will send you notice of these assignments once the filing criteria are met – please note that we will apply the "drop box" rule, so that successful case filings will use the received date as the filing date.

I have decided that this functional change is necessary in order to properly perform my duties as Clerk of Court. I promise you we are putting into place internal procedures to ensure swift review and filing of e-filings (our goal is to have all e-filed new case petitions processed within two business hours of receipt), including the option in an emergency of calling us to get immediate processing and case number assignment.

Due to time constraints, we will not be able to provide you the function of e-filing claims at this time. We anticipate that this will be made available sometime in 2003.

3. Sign Up Now for Advance Access and Use of ACE v.2 Before Its Release in January 2003

If you would like advance access to the court's database via ACE v.2 for searching and displaying records only, please send an e-mail to skologie@nmcourt.fed.us² and provide your name, telephone number, and ACE username (NOT your password) requesting advance access to ACE v.2. With advance access you will be able to search, run reports, display documents, and generally practice using ACE v.2 before its official release in January 2003. You will not be able to e-file to ACE v.2, but you will have access to ACE v.1 for e-filing. The database for ACE v.2 will be a *24 hour old copy* of the live database; docket entries will be 24 hours old and we're not sure yet but think we can make the document images available between 24 and 48 hours from receipt by ACE. Even with this delay, we think you will

²If you have already been receiving e-mails on ACE updates from Sharon Kologie, you will automatically be given advance access.

want to use the database not only to see the new design of the ACE v.2 screens and navigation but also to experience the speed and stability which will be available when ACE v.2 is officially released. Please contact Sharon Kologie, 505-348-2443, if you have questions about signing up for advance access to and use of ACE v.2.

4. Procedure for E-Mailing Creditor.txt File When 10 or More Creditors are Added by E-Filing an Amendment

When e-filing an amendment adding 10 or more creditors, e-filers may submit the creditor.txt (or creditor.scn) file via e-mail to the Clerk's Office. Please follow the guidelines below to ensure receipt and proper handling by the clerk's office of a creditor mailing list submitted via e-mail:

- Use the full case number (e.g., 7-02-13434 MA) as the subject reference of the e-mail message.
- Attach the creditor list as an ASCII DOS text file (named creditor.txt or creditor.scn).
- In the message, include the debtor name, date amendment filed, and the number of creditors added.
- Address the e-mail to web_ops@nmcourt.fed.us and send with a receipt confirmation.

You will receive a response from someone in the clerk's office within 4 hours to confirm receipt and action on the creditor.txt file. If you have questions regarding this new procedure, please contact Renee Marquez (505-348-2467), Cherise Griego (505-348-2485), Monica Montoya (505-348-2474, or Isabelle Lamkin (505-348-2456).

5. Include Page Numbers on Documents

Please help us ensure high-quality scanning of paper documents by including a "*page number of total number of pages*" footer in your documents whenever possible. Including additional information, such as the case title, case number, and document title is most helpful. For example:

Fisher, 7-95-12347 MA, Motion by Sears to Require Performance of Statement of Intent, Page 2 of

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6. Include Name, Address, and Telephone of Professional *on first page* of Application to Employ Professional

Be sure to include the full name, title, address, telephone, and fax number of the proposed professional *on the first page* of an application to employ a professional. This enables the clerk to enter the name and address of the professional into the case record and the case mailing list.