



THE DOCKET ELECTRIC

CM/ECF NEWSLETTER FOR THE

NORTHERN DISTRICT OF OKLAHOMA

DECEMBER 2005

BANKRUPTCY COURT

'Twas the Night Before BAPCPA (with sincere apologies to Clement C. Moore)

'Twas the night before BAPCPA,
and all through the land
Every lawyer was typing, they were using both hands.
The clients were waiting, lined up in great stress,
In hopes that their finances could be less of a mess.

The e-filers were working, it was something to see,
While visions of attorney fees filled them with glee—.
The trustees and clerk's staff were beginning to wonder,
if this whole reform-thing was just a huge blunder.

When outside of the courthouse right by the door
were pro se filers—there were hundreds, or more!
They were lined up on the street all the way to the light,
the hallways were crowded--there were two or three fights.

When what to my wondering eye should appear,
but a whole host of clerk's-staff with case filing gear.
They were ready to take all the papers for filing,
but the biggest surprise was they did it while smiling.

More rapid than eagles their fingers did fly
entering data, case numbers, but why????
They all knew quite well, or at least they had thought,
that the new law's "mean's test"
the mass-filings would stop.

But off in the distance I heard someone shout
the names of some lawyers with bankruptcy clout:
Now Grisso! Now Huckabee!
Now Cotter and Colpitts!
On Henshaw! On Matthews!
McWilliams and Jeff Potts!

But there were even more lawyers,
more than I can remember,
I feared we'd be working straight through 'til December.
But then it just stopped, in the blink of an eye.
We were startled, confused, some even cried!

Ah! The new law was working---but could it be so,
That the means test and counseling, filings would slow?
Indeed it was true, new cases were few,
We worried that we would have nothing to do.

But those silly old fears would soon be relieved,
The bankruptcy lawyers had begun to believe---
That perhaps that old "means test", wasn't so mean
and that debtors still need them to be on the scene.

Well, now that the crush of new filings is done
Go out and enjoy yourselves, go have some fun.
I hope you keep smiling since the line's out of sight,
Merry Christmas to all and to all a good night!

Rendered by Paul Thomas - Trial Attorney, AUST Office

Training Opportunities

CM/ECF Training will be held at the Court
from 1:00 pm to 4:00 pm on

- January 11 - Debtor Attorneys & Staff
- January 25 - Creditor Attorneys & Staff
- February 8 - Debtor Attorneys & Staff
- February 22 - Creditor Attorneys & Staff

Please register online at
<http://www.oknb.uscourts.gov/cmreg/>

**THE BANKRUPTCY
COURT WILL BE CLOSED
MONDAY 12/26 & MONDAY 1/2/2006
THE CM/ECF SYSTEM WILL
REMAIN OPEN FOR FILING**



Viewing this newsletter online? Check out the hyperlinked articles!

DECEMBER INFO POINT CASE DISMISSALS



TIP OF THE MONTH

To assist users in complying with Bankruptcy Rule 7004 the following information may be helpful.

What is a registered agent?

Appointed in the state where the company is formed, the registered agent is responsible for receiving important legal and tax documents including: notice of litigation (service of process), franchise tax forms and annual report forms.

The registered agent may be an individual or a company approved by the state to act as agent, located at a street address in the state where the company is formed. The registered agent's name and address are included on the formation documents. This information is a matter of public record.

In searching for a registered agent the following link may be helpful. It provides links to the "business entity pages" on websites of the Secretaries of State for the majority of the 50 states.

<http://www.residentagentinfo.com/>

Registered Service Agents may also be found by calling the Tulsa Library research department.

With the implementation of the Bankruptcy Abuse Prevention and Consumer Protection Act there is the possibility of a case being dismissed because certain documents have not been filed in a case at the appropriate time.

The Court has recently dismissed cases for failure to file all documents required under 521 (i). This includes the Means Test, Schedules of Assets and Liabilities, and Current Income and Expenditures among others.

Automatic Dismissals will happen on the 46th day after filing IF items required by 521 (i) are not filed and no extension is requested.

The Court has also had to dismiss a couple of cases for failure to file a Certificate of Credit Counseling indicating that the counseling had been obtained within the 180 days prior to filing. Both the check box (located on page 2 of the petition) and the appropriately dated certificate are required at the time of filing to avoid a dismissal of the case.

FINANCIAL MANAGEMENT CERTIFICATE

The financial management certificate should NOT be attached to the petition packet. It should be filed separately and is due within 45 days of the conclusion of the 341 meeting in a Chapter 7 case, and before the final plan payment in a Chapter 13 case. Failure to file this may result in the case being closed without a discharge. See TIPS from AUST on the next page—727 (a)(11).

SAVE MONEY!

When corrected motions or schedules are filed in order to cure a deficiency, a fee is NOT due. In these situations, when the fee box comes up in CM/ECF, zero out the amount by deleting the value and inputting 0.0.

COMING SOON!! Reduced Paper Module

Starting early in 2006 we will be turning on the reduced paper module of CM/ECF. This will stop some paper notices that presently go to attorneys who receive notice electronically.

More Information on this in the January newsletter.



ADVERSARY INFO

Here are a number of tips to assist in the opening of an adversary proceeding.

1. Review the training Module found on the Courts Website under training, attorney training documents, open an adversary. LINK
2. If all the information was captured in opening that would have been on the cover sheet the filer does not need to file a cover sheet. Admin Procedures III A.6 LINK
3. After opening, the court will email the summons to the plaintiff's attorney. The attorney must then have the summons served on the appropriate parties.
4. After serving the parties, a filer should docket into the adversary case a Certificate of Service of Summons.

seasons
greetings





TIPS FROM THE OFFICE OF THE U.S TRUSTEE

Credit Counseling/Eligibility to be a Debtor. 11 U.S.C. § 109(h)(1)

An individual may not be a debtor under this title unless such individual has, during the 180-day period preceding the date of filing of the petition by such individual, received from an approved nonprofit budget and credit counseling agency...an individual or group briefing...and assisted such individual in performing a related budget analysis. The credit counseling must take place in the six months PRIOR to filing the petition, or else the individual may not be a debtor.

Debtor's Duty to File Payment Advices. 11 U.S.C. § 521(a)(1)(B)(iv)

Debtors are required to file payment advices or other evidence of payments received in the sixty days prior to filing bankruptcy. If no payment advices are available because a debtor did not receive any payments during any portion of the sixty days prior to filing, a statement should be filed with the Court indicating why no payment advices exist for the relevant period so that the entire sixty day period is accounted for.

Tax Returns. 11 U.S.C. § 521(e)(2)

The debtor shall provide, not later than seven days before the date first set for the first meeting of creditors, to the trustee a copy of the Federal income tax return required under applicable law for the most recent tax year ending immediately before the commencement of the case. The case trustee may file a motion to dismiss for failure to provide the tax returns seven days prior to the first meeting of creditors.

Debtor Education/Discharge. 11 U.S.C. § 727(a)(11)

The debtor education required by 727(a)(11) must take place AFTER the petition is filed and is a separate requirement from the credit counseling that must take place prior to filing. After filing and before discharge, each debtor must attend a debtor education course given by a debtor education provider, approved in the district of filing, and so certify attendance with the Court. Debtor education and certification thereof are pre-requisites to discharge.



DOCKET TEXT CHANGE

The docket text for the Meeting of Creditor's held and concluded has been changed to show the date that the meeting was actually held.