

**CUMULATIVE SUMMARY OF PREVIOUS LETTERS
DATED 1987 THROUGH MARCH 1999**

#1987-1

**IMPORTANT NOTICE REGARDING DISMISSAL OF CASES
FOR FAILURE TO ATTEND 341(a) MEETING OF CREDITORS**

Due to judicial and administrative concern over the steadily increasing number of adjourned 341(a) meetings, and a request for this change from the incoming U.S. Trustee program, the court's policy of allowing one automatic adjournment of the 341(a) meeting of creditors will be terminated. Commencing with cases filed on May 1, 1987, there will be no adjournments of 341(a) meetings except as allowed upon motion and order based on a post-filing emergency. The motion (together with a proposed order) must be filed at least 48 hours prior to the time scheduled for the 341(a) meeting.

CASES IN WHICH THE DEBTOR(S) DOES NOT APPEAR AND SUBMIT TO A COMPLETE EXAMINATION AT THE 341(a) MEETING OF CREDITORS WILL BE DISMISSED WITHOUT FURTHER NOTICE UNLESS A COURT ORDER IS OBTAINED AS DESCRIBED ABOVE.

As a reminder, **HEARINGS MAY BE SCHEDULED UPON FILING (AND IN CASE NUMBER ORDER)**. To avoid scheduling conflicts, debtors and debtor's attorneys should submit, at the time of filing a case Petition, a list of dates on which they will be unavailable during the 30 to 50 days following the filing date.

#1987-2

**NEW PROCEDURES ELIMINATING REQUIREMENT FOR
DEBTORS WITH REAFFIRMATION AGREEMENTS ACCOMPANIED
BY ATTORNEY AFFIDAVITS TO ATTEND A DISCHARGE HEARING**

In order to promote further economies and efficiencies for individual debtors, the court is implementing a portion of the proposed Local Rule procedures dealing with approval of reaffirmation agreements.

Effective immediately, if a debtor is represented by an attorney and all the debtor's reaffirmation agreements filed within 60

days of the first date set for the 341(a) meeting also include an attorney's 11 U.S.C. 524(c)(3) affidavit, then each such agreement will be deemed enforceable without the necessity of the debtor's or debtors' attorney's attendance at a formal hearing. A brief affidavit should also be filed in the event the parties feel the need for a reaffirmation agreement as to a consumer debt secured by real property.

The discharge will be effective six (6) days after the date of the discharge order to allow for rescission. The information required by 11 U.S.C. 524(d) will be provided on the back of the discharge document and the debtor ordered to review such information.

The court suggests attorneys file such affidavits to relieve the burden on both their clients as well as the court. This system has proven successful in other districts throughout the country. It should be noted that when the Local Rules are enacted, the court will not schedule a discharge hearing for consideration of a reaffirmation agreement which does not contain an attorney's affidavit unless a written request for such hearing is timely filed and includes a complete explanation by the attorney as to why such affidavit was not attached. The attorney will also be required to attend the hearing. An exception is made for pro se debtors who will automatically have hearings set.

#1988-1

GENERAL INFORMATION

The new computer system (BANCAP) brings us the potential for vastly improved service eventually, but also the need for the following reminders of past information:

1. Use of attorney's Oregon State Bar number is essential;
2. Complete case numbers must be on all documents and correspondence;
3. Copies of docket sheets and claims registers for new cases will be available on the business day following your request; and
4. There will be a new format for preparing a matrix in cases and a matrix will again be required in each case.

As a final note, we have been reminded by the Administrative Office in Washington, D.C. that all documents must contain original signatures as required by BR 9011. Therefore, any faxed materials which are submitted must be returned unfiled.

#1989-1

SERVICE ENHANCEMENTS

The Portland office will soon begin an "Office Hours" document drop service presently available in Eugene, and retain an "After Hours" service which unfortunately is not available in Eugene due to restrictions of the building. Specifically, a document drop slot will now be available in Portland from 7:30 A.M. to 6:00 P.M. on all federal business days. Its use will guarantee the receipt date (except documents submitted on federal holidays receive the next business day's date), but not the exact time. In Eugene the box used for this purpose is generally only available from 9:00A.M. to 4:30 P.M. PLEASE NOTE: 1) If a document is time sensitive or you are unsure of filing requirements, wait in line during office hours; 2) Each Petition, document type, etc. must be separately deposited, and (if appropriate) have a separate check; 3) Do not deposit cash; and 4) File multiple Petitions early to ensure consecutive numbering.

A second public use photocopy machine has been added in the Portland office. This machine works only with "credit cards" (which can be purchased at the counter and will normally reduce the 15 cent charge).

MOST COMMON DOCUMENT ERROR

My deputies in both offices indicate the most common mistake still being made is a failure to add after the basic case number a hyphen, and the initials of the judge immediately followed by the current chapter number (or just the judge's initials following an adversary number). We greatly appreciate everyone's substantial (and often perfect) compliance with the LBR requirements.

U.S. TRUSTEE

There was some confusion concerning delivery of amendments to the UST. All parties have agreed to continue the BR 1009 practice, wherein amending parties mail a copy to all affected parties (including the UST) and file the original with the clerk's office, with an attached mailing certificate.

The UST added the requirement that a copy of adversary complaints filed under 727 of the Code must be sent to their office. As a reminder, the UST must also receive copies of all documents filed in Chapter 7, 11 and 12 cases (excluding claims or documents

filed with the Petition), and all documents filed in an adversary proceeding either arising in a Chapter 11 case or where the trustee is a defendant.

#1989-2

SERVICE ENHANCEMENTS

I am delighted to announce that if you call (503)326-2249 you will receive a computer answering system which most likely will be able to answer many of your general questions about either a currently active bankruptcy case or an adversary proceeding filed after August 1, 1988. This service may be accessed from a standard touch-tone telephone virtually 24 hours a day, 7 days a week. It will not require assistance of my office staff, and hopefully other questions therefore may be more readily answered. If the cost to the government is reasonable, I will attempt to obtain a Eugene phone number which will automatically tie into the above number at no extra charge to you.

A new large bulletin board has been hung on the wall in Portland. All items of general information will normally be placed on this board in lieu of posting on the other boards. You are not required to read this information, rather it is simply posted for your assistance. It is divided into four parts which will ensure a document stays up for at least five weeks. Documents will rotate through the sections so you will know how long the information has been available, and hopefully which items you have already read. Documents perceived (by someone) to be of a more enduring nature will be placed in the "Miscellaneous" section for an undetermined amount of time (probably until more space is needed). The Eugene office general notice bulletin board is in the public area of the clerk's office.

PORTLAND TRANSCRIPT FEES

Please be advised that effective immediately all fees for transcripts to be provided from the Portland office will be paid directly to the court reporter. You will still need to contact the court to order the transcript and receive an estimate of the fees so you may immediately mail your deposit. You will also receive the name and address of the transcriptionist.

#1989-3

MAILING MATRIX

Matrixes are back (hopefully for the better and not the worse) as of November 6, 1989, and sooner if it is at all possible for you. Please contact our closest office if you don't have LBF #104 (instructions). I might note Stevens-Ness Publishing outlets will also have the instructions soon.

With regard to the matrix for the 20 largest unsecured creditors in a Chapter 11 case, a stamped envelope will now be required for each entity [i.e., the debtors (or designated person), any debtor's attorney, and a contact person for each creditor listed]. This is necessary as the new matrix requirements of the court will not allow the U.S. Trustee to immediately perform their duties of setting and noticing the organizational meeting.

BANKRUPTCY RULE 9006(a)

Now, a hedge against malpractice. BR 9006(a) was modified to ONLY exclude weekends and legal holidays from the computation of a time period IF the time allowed is LESS THAN eight (8) days. Be especially careful with regard to those short ten (10) day appeal periods!

CHAPTER 13

All Chapter 13 attorneys in this district must be aware of a modified interpretation as to the debtor's payments. Specifically, the Oregon bankruptcy judges handling Chapter 13 cases are of the opinion that 11 U.S.C.1326(a) requires not only that the debtor's first payment be made to the trustee within 30 days of the filing of the plan, but that it also requires the debtor make monthly payments until the plan has been confirmed. Failure to make such payments may be grounds to refuse confirmation, dismiss the case, or grant relief from the automatic stay to creditors dealt with by the plan.

Another piece of Chapter 13 information has to do with LBF #1378 (Notice of Motion for Hardship Discharge). Please note that LBF #1378 must be mailed to ALL parties in a case.

"USER" FEES

This financially bad news comes from Washington, D.C. We are required to again charge two of our past user fees. The first results from an interpretation of our General Counsel that courts (such as ours) cannot have a general procedure waiving the \$20

fee to be charged for filing amendments to a debtor's Schedules or list of creditors after notice to creditors. Therefore we must immediately stop our practice and begin charging this \$20 fee.

ATTORNEY OF RECORD

There are a few important items to remember about being an attorney of record. The first, remember that once you are an attorney of record you must comply with BR 9011 and LBR 9010 (which incorporates by reference LR 110). Among other things, this means the initial attorney on a pleading will be the attorney of record or responsible party in the court's eyes (though it is recognized others in an attorney's firm may file pleadings on behalf of a party). Therefore, once you represent a party you will be required to file all further pleadings (e.g., responses, complaints, answers, etc.) until you receive a court order substituting another attorney or permitting your withdrawal from representation. The judges require pleadings signed only by your client, except as provided in BR 9011(a), be returned unfiled. Further, if the attorney of record changes firms, but does not retain the bankruptcy client, then an order will be required substituting a new attorney for that original client.

#1989-4

BANKRUPTCY NEWS

There is a slight modification to our matrix requirements. Rather than requiring you to place the debtor's name, page number information, and case number (if known) on the back of each page in each copy of a matrix, this information will only be required on the back of the original matrix which must be separate from all other documents. We are also continuing our research to see if any other requirements may be modified for potential relief to you.

Effective December 21, 1989 the following changes will be made to our fee schedule as to all pending and future cases: A new \$60.00 fee will be charged for a Motion (and presumably stipulated orders) for Relief from the Automatic Stay (via 11 U.S.C. 362(d)), a Motion to Withdraw Reference of a Case (via 28 U.S.C. 157(d)), or a Motion to Compel a Trustee or DIP to Abandon Property (via BR 6007(b)).

It appears fairly certain that fees future will see, effective January 11, 1990:

1. A new \$100.00 fee will be charged to docket a cross appeal (via BR 8006).

2. An interesting new fee of one-half the filing fee applicable at the time for filing a new case under the relevant chapter for deconsolidation of a joint Petition. This seemingly includes any situation where each debtor's estate is not being administered in exactly the same manner (e.g., one dismissed and one not). This fee has another twist which states that if an estate is deconsolidated and converts to another chapter, the fee due on conversion is the full fee due under the chapter to which the case is being converted less any amount paid upon deconsolidation.

#1990-1

ATTORNEY ADDRESS CHANGES, WITHDRAWALS AND SUBSTITUTIONS

It is critical that you remember to inform us in writing whenever your mailing address changes! This is your responsibility (see LBR 9010) and we presume any different address on a pleading only applies to that document and is not to be used for general noticing. Yes, occasionally we ask if we catch a possible change, but there are too many of you for us to do your work and obviously a failure to appear can be a problem. A bit of good news, however, our new computers allow us to no longer require a list of cases as stated in LBR 9010-2(b). Also, don't forget LR 110-5 and LBR 9010-2(a) concerning attorney withdrawals and substitutions, respectively. These apply even when you leave a firm, but do not take all cases for which you are the attorney of record.

CONVERSION FEES (AGAIN)

A rare bit of good news from our friends in D.C. Generally there will no longer be a charge for conversion of a case from one chapter to another. The two exceptions: (1) the statutory \$400 fee remains for conversion of a Chapter 7 or 13 to a Chapter 11 on the debtor's motion; and (2) for the initial severance of a joint case into two separate estates at the debtor's request, there is a fee equal to one-half the current filing fee for the chapter under which the joint case was commenced (e.g., if only

one of two joint Ch. 7 debtors converts to an 11 there would be a total fee of \$460 due).

As a side note, the anticipated \$100 fee to docket a cross-appeal is now a reality.

MAILING MATRIX (AGAIN)

The judges have noticed a number of you filing "emergency" Petitions and including only one or two creditors or only the list of the 20 largest in an 11. Remember, even in a "skeleton" filing the National Rules require a complete list of all names and addresses of ALL creditors.

On a lighter note, while we still require a separate original matrix plus a copy attached to each Petition copy, we are eliminating the requirement that a copy of the matrix also be attached to the original Petition.

FEE APPLICATIONS

While LBR 2016 allows only one fee app in any given trimester, this may be done at ANY time. My staff urges you consider filing early to avoid the typical "end of the trimester rush." Especially if there are no objections, this may substantially reduce potential discovery time.

#1990-2

SETTING OF 341(a) MEETINGS FROM ORIGINAL MATRIX

Due to the increased concern of the judges and U.S. Trustee, effective 7/2/90 we will be slightly modifying our procedures for setting 341 meetings in both new and converted cases per LBR 2003-1(a).

In the new cases, whether or not schedules are simultaneously filed, the 341(a) will be immediately set from the original matrix filed with the Petition. As always, LBF #728 must be used (including the need to send a copy of the notice) for any amendments. This also applies to creditors put on the original schedules that weren't on the original matrix no matter when those schedules are filed.

In converted cases the same procedure will be followed once the original 15 days expires for filing the list of "gap" creditors.

Even if the court grants an extension, LBF #728 will again be required after the 15 days pass.

MATRIX REMINDERS

To maximize the probability creditors will be accurately read into the system by our scanner, remember:

1. States must be listed only in the 2 letter postal abbreviation without periods;
2. All characters after the 30th on a line will be cut off;
3. Use the number "1" and not a lower case "L" when the number is meant;
4. In a 9-digit Zip Code, a hyphen must separate the first 5 from the last 4 digits; and
5. It would be helpful if:
 - a. You put 3, not 2, lines between creditors;
 - b. Creditors were entered alphabetically.

REDUCTION IN NUMBER OF REQUIRED COPIES

Notwithstanding contrary requirements in the LBRs or other information, the following reductions in required copies are effective immediately and we anticipate will be made permanent. You need only file:

1. An original (i.e., no copies) of the mailing matrix;
2. 1 (i.e., not 3) copy of an amended Ch. 11 disclosure statement and/or plan;
3. 2 (i.e., not 3) copies of a Ch. 13 Petition, statement, plan, etc.; and
4. 3 (i.e., not 6) copies of a Ch. 12 Petition, Schedules, plan, etc.

#1990-3

BAR NUMBERS ON DOCUMENTS

Like just about everyone else, we too have reduced you to just a number. In our case, the Local Rules require you place your Oregon State Bar Number on ALL documents. It comes as no surprise to me that most of you are already helping us out by fully complying with this Rule. I suppose that is why generally (even though we shouldn't) we have let others slide on it. However the volume is getting just too great to continue this approach, so effective December 1, 1990 we must insist on the inclusion of your OSB number on all documents you submit.

MATRIX

REMINDER: A matrix is required any time you add creditors (**NOTE: ONLY** include **NEW** creditors!). Further, an AMENDMENT FORM must also be used **EXCEPT** for creditors listed on a matrix filed **WITH THE ORIGINAL** Petition, or on **TIMELY** filed post-conversion schedules and gap creditor lists.

CHAPTER 12 AND 13 BUSINESS CASE STATEMENT OF AFFAIRS

The court has decided to immediately loosen up LBR 1007-3(b) and require the filing of a Statement of Affairs for Debtor Engaged in Business **ONLY** if the debtor is actually in business at the time of filing.

PRE-CONFIRMATION ATTORNEY FEES IN CHAPTER 13 CASES

Among the documents which must be filed in a Chapter 13 case is a disclosure statement signed by the attorney for the debtor setting forth the amount received upon attorney fees and the balance owing in accordance with the agreement between the debtor and the debtor's attorney. This disclosure statement is a part of the record of the case and can be examined by creditors before the 341(a) meeting of creditors or the hearing on confirmation. The creditors are entitled to file objections to allowance of such attorney fees.

It has been the practice of the court to provide for allowance of attorney fees in the order of confirmation. Now and then unexpected legal services have been rendered by the attorney prior to confirmation because of objections offered by the trustee or a creditor. In such cases it is appropriate that fees in excess of those set forth in the disclosure statement be requested. On the other hand, creditors are entitled to know of the request for additional fees and be given an opportunity to object if such fees appear to be excessive.

Therefore, in the future the court will not, as a part of the confirmation order, award attorney fees in excess of the amounts shown in the disclosure statement unless an application for additional fees has been filed and creditors have been notified and given an opportunity to object.

#1990-4

REMINDER RE: SUBSTITUTION OF ATTORNEY PROCEDURE

Another quick reminder to "attorneys of record." You must obtain orders substituting another attorney whenever you leave a firm and do not take all cases with you upon which the court shows you as attorney of record. In other words, cases remaining with your old firm must have substitutions filed or else all correspondence from the bankruptcy court will go to your new address. The reason for this reminder is that failure to follow this procedure has already posed lack of notice problems for the firm retaining the case, as well as an occasional financial detriment to the original attorney of record.

#1991-1

JOINDER OF PARTIES IN AN ADVERSARY PROCEEDING

The judges asked that I mention to you their policy regarding the appropriate joinder of parties in one adversary proceeding (i.e., as opposed to the need to file multiple APs). Please be advised that separate complaints will be required unless all facts and issues are identical to all parties.

CHAPTER 7 CASE CLOSING

In closing, it has been suggested I remind you about the timing of Chapter 7 case closings. This is to avoid the need to reopen a case and pay another fee by helping ensure you file all necessary pleadings before that dreaded date. In no-asset cases we normally enter the discharge and closing order at the same time, so you better get your stuff filed within 60 days after the FIRST date set for the 341(a)! In asset cases you should file prior to the trustee's distribution to be safe.

#1991-2

PETITION CAPTIONS (DEBTORS' ALIASES THEREIN)

It is imperative you exactly conform to the provisions of LBR 1005-2 regarding the listing of any entity type different from the debtor that appears in the "Other Names Used" section of the caption. The failure to state the debtor's relationship to such entity (e.g., owner, president, shareholder, partner, etc.) will result in that entity not being listed in the caption of court generated notices. You will then have to file an amended Petition, and certify service of such amendment on all interested parties, before the court will add a name to the caption. Finally, while you might get lucky and we have time to call and straighten out the confusion before data entry, we unfortunately normally don't have the ability to cure omissions in that manner.

**REVISED PROCEDURE RE: COLLECTION OF DELINQUENT
FILING FEE PAYMENTS**

To relieve the administrative burden created by increased applications to pay filing fees in installments, the court has approved a new one-step procedure. If any installment or conversion payment is missed, the court will send only one notice requiring, within 15 days, either full payment of the entire balance or a written request for hearing including specific reasons therefore). Be aware this procedure will start immediately.

#1991-3

PETITIONS, SCHEDULES, STATEMENTS, ETC.

Generally, please do not forget to:

1. Put packets in proper order (e.g., Petition, etc.; then Summary of Schedules; then Schedules; lastly the Statement of Affairs); and
2. Always complete questions 16-21 on the Statement of Affairs (even if using "NONE" or "DNA").

Use of computer generated forms brings the following thoughts:

1. I suggest adding to your certification of compliance a clear indication of the software package you are using so we can easily verify your documents are approved for use; and
2. LBF #521 may be printed using two pages (for printing ease) if the wording on the front concerning non-judicial relief indicates there is a second page attached (i.e., it is not on the back).

**POLICY STATEMENT FOR SCHEDULING HEARINGS
BEFORE THE UNITED STATES BANKRUPTCY COURT IN EUGENE**

The Eugene judges, in conjunction with the local bar, have promulgated the following procedures for that office:

1. All persons with cases or proceedings pending before the bankruptcy court who reasonably expect that a hearing shall be scheduled in that case or proceeding, shall submit to the scheduling clerk of the bankruptcy court a list of extended scheduled absences (e.g., vacations, long trials, CLE sessions) at least 90 days before the beginning of the extended scheduled absence.
2. All persons who receive notice of a hearing before the bankruptcy court shall, within three business days from receiving that notice, inform the scheduling clerk of any conflict which will prevent that person from attending the hearing on the scheduled date and inform the clerk why the court was not notified of the scheduling conflict pursuant to paragraph 1.
3. If a person who is scheduled to appear at a hearing before the bankruptcy court develops a conflict which may prevent that person from appearing on the scheduled date, that person shall immediately notify the scheduling clerk of the potential conflict and request that such hearing be rescheduled. Notice to the clerk shall be accompanied by a detailed statement of the reason why that person may be unable to attend the scheduled hearing. Notice to the clerk may be given either by telephone or in writing. If notice is given to the clerk by telephone, a written confirmation of the request for rescheduling, including the detailed statement of reason, shall be sent to the bankruptcy court. Hearings will not normally be rescheduled under the following circumstances:

- a. After notice of the bankruptcy court hearing, the requesting attorney has been notified of a hearing in a different court.
 - b. The requesting attorney accepted employment in the bankruptcy case with knowledge that a scheduling conflict would or probably would exist.
 - c. There are other attorneys in the requesting attorney's firm who can adequately represent the firm's clients in either the bankruptcy court or the other court in which an appearance is required.
 - d. The conflict is of the type described in paragraph 1 above and the requirements of such paragraph have not been met.
4. If a request for rescheduling is granted, the person who requested the rescheduling shall be responsible for sending out notice of the rescheduling to the other parties entitled to receive notice in the case or proceeding.

The person required to send notice shall file with the bankruptcy court a certificate of mailing as proof that the required notices were sent.

#1992-1

REVISED FEE FOR DEPOSIT OF MONIES INTO THE COURT'S REGISTRY

Our head office snuck in another fee change (for about the fourth time in three years) dealing with monies deposited into the court's registry. The bad news is that while I only learned of this on 2/18/92, it will be retroactively applied to all deposits on and after 2/3/92. Existing accounts will be adjusted for time served, and we will still deduct the fee periodically (e.g., always upon a distribution of principal).

There is, however, a new twist. The good news outweighs the bad if you are willing to pay us for babysitting funds deposited over the long haul, or in the "big buck" range (i.e., over \$100M - yes, that is six more zeros after the first two and before the dot). For principal deposits aggregating less than \$100M, the 10% fee on interest earned continues through year 5. It then reduces

to 7.5% for years 5-10, 5% for 10-15, and 2.5% thereafter. The general rule concerning aggregate deposits exceeding \$100M is a reduction, for every additional \$50M, of 1% from the rate stated above for 0-5, 5-10, and 10-15 years (e.g., between \$150M and \$200M the fee is 8% for the first 5, 5.5% for years 5-10, and 3% for years 10-15).

Where is the proverbial exception to the general rule you ask? Well, in this case there is a straight 2% rate for all aggregate deposits exceeding: (a) \$100M after the 15th year; (b) \$200M and held more than 10 years; (c) \$350M and held over 5 years; and (d) \$450M.

This may be the time when you wish to remember that parties may agree to deposit funds outside the court!

#1992-2

TESTIMONY DURING TELEPHONIC HEARINGS

Another major Saturday Session request was for the court to develop a uniform policy regarding the taking of testimony during telephone hearings. First I will give you the general rule, then the lone exception.

General Rule - Testimony may be taken, but only if all parties (including the judge) agree.

The only exception is that no testimony will be taken during the initial telephone hearing on a motion for relief from stay (see LBF updates).

GENERAL REMINDERS

1. More and more hearings are being scheduled in court, so don't forget your schedules to avoid a non-alterable conflict.
2. The judges require the return of any summary judgment motion not accompanied by a separate document labeled "Separate Concise Statement" which details material facts supporting the motion(see LBR 7056-1 and LR 220-10).

#1992-3

CH. 13 ATTORNEY FEES

Now for an important positive change to, and comments about, LBF #1305. First, it has already been modified to include any required appellate work as an exception to a Schedule 1 fixed fee. The new form is now in subsequent packets, though not yet shown on the index. You may add this language to the original form, or send a SASE for the update. Second, if you didn't already guess, #1305 will be considered the attorney's initial application for fees. Finally, don't forget that any purported fee app filed on a regular claim form will be processed as an ordinary claim.

LOCAL FORMS SPAWNED BY A PC

Compliance with LBR 1001-6(c) is required. As a reminder, you must initial appropriate fine print at the bottom of a page or a stamp on the back (which does not bleed through), and ensure the format is identical in all respects.

WHY ARE MY DOCUMENTS RETURNED???

The survey says:

#1 Reason - You and/or your client did not sign in some/all places (e.g., Petition, pg #2).

#2 - The fee or installment app was missing; third party check tendered; check unsigned (see #1).

#3 - Matrix missing or did not conform to LBF #104 (e.g., all caps; 2 or 5 line addresses; name and page #s missing from back of each page).

#4 - (See "Local Forms Spawned by a PC" above.)

#5 - Outdated form tendered.

#6 - No motion to reopen and/or fee in closed/dismissed case.

#7 - No LBF #728 with amendments to Schedules D, E or F; LBF instructions not followed.

Impending #8 - No SASE with adversary complaint or involuntary Petition (per LBF #ADV/ADV-2).

#1993-1

PACER AND VCIS

I heartily urge you fire up the PC and check into the improvements on our PACER system by dialing 1-900-463-3361! Yeah, I remember it is a buck/min., but you get access to: an extensive case/ap index; 341 and conf. hrg. calendars; LBRs and GOs; phone #s of other courts' machines; all active claims registers; last six months of docket entries; new case listings; closed case info; acceptable forms; and hopefully soon the LBF library, attorney letters since '91 and any other stuff you request.

Need something free for a change? Use VCIS for basic case/ap info (active and almost ten years of closed) by calling 326-2249 (or outside PDX -(800)726-2227).

#1994-1

PROCEDURAL CHANGES FOR PORTLAND CHAPTER 13 CASES

1. All confirmation hearings are now set at 9:00 AM. Any party wishing to be heard should appear in court and check in with the courtroom deputy at 8:45 AM, and also be present at 9:00 AM. A party should orally request the court to consider any case the party is interested in that is not called. Oral objections are permitted.
2. All responses to IRS or ODR motions to dismiss for failure to file tax returns/documents must be filed at least 3 business days before the first date set for the confirmation hearing or the motions will be granted.

NEW BANKRUPTCY NOTICING CENTER (BNC)

For 10 years most notices we sent (including these things) were prepared and mailed fro D.C. by a court organization known as BANS. BANS is now inadequate (no kidding). In its place comes an independent contractor (coincidentally also in the greater D.C.

area) to handle, more efficiently and cost effectively, all bankruptcy noticing.

While the court will "win" through elimination of redundant efforts and a user-friendly interface, the public should win even bigger as follows:

1. All notices to the exact same address, and emanating from the same office, will be in one envelope;
2. A better chance to have only one notice copy sent (LIMITATION - we can't control how many times an entity is listed (it should be once!!), nor what address is used, on a matrix);
3. Increased formatting options (e.g., different styles and fonts, multiple sides and pages) for potential visual palatability;
4. The debtor's address used for return on all notices to help ensure proper receipt (except court address used when multiple notices from multiple cases are in one envelope);
5. Notices not sent if address missing city or state, or city or country if foreign, and list of such "bad" addresses sent to debtor (on back of notice if possible);
6. Use of automation, wrappers for single page notices, and all available postal discounts (e.g., 11-digit zip bar codes, national presorting of all notices); and
7. Your immediate access to a mailing matrix (which must then be put onto labels - PACER access coming soon).

Now for the following inevitable "BUTS":

1. Matrix updates (e.g., requests for all notices, mod/adds, changes on claims) cannot be guaranteed until two business days after filing- so get them in at once (i.e., under BANS any update during a day applied to all notices requested that day, but now the matrix is extracted at the exact time of request); and
2. Case and adversary numbers must have all three of the judges' initials (listed in small case) immediately after the case/AP # and before, if a case, the chapter. That is all I envision - not too bad eh?

#1994-2

NEW GENERAL ORDERS

The recent judges' meeting gave birth to three new G.O.s. #94-1 is entitled GUIDELINES FOR COSTS, TRAVEL TIME, HOURLY RATES AND LOCAL COUNSEL. It sets up guidelines for use in fee applications by, or for, professionals. The guidelines apply to costs incurred on or after May 1, 1994.

#94-2 is entitled APPLICATION OF FEDERAL RULES OF CIVIL PROCEDURE 26 IN CONTESTED MATTERS AND ADVERSARY PROCEEDINGS. As you guessed, it deals with the 12/1/93 amendments to FRCP 26. Due to its complexity, a reading of this G.O. is mandatory. In brief, the court opted out of many, but not all, provisions in contested matters. In adversary proceedings, there is less definitive opt out, but clearly the opportunity for opt out when FRCP 26 is discussed at the initial pre-trial conference.

NOTES re #94-2: (1) Should you file an adversary after May 1, 1994, you must serve a copy of it along with the summons and complaint. (2) For the folks practicing in Eugene, after 5/1/94 all summonses will include a date for the initial pre-trial conference since, among other things, discovery may not occur prior to that meeting.

#94-3 brings four more miscellaneous technical amendments to the LBRs. First, case and adversary proceeding numbers will, in the spot currently reserved for the first initial of the judges' last name, now require all three of the judges' initials be included in small case letters (i.e., dds, psh, elp or aer as the case, contested matter or AP may be). Second, in a tremendously exciting change of events, there is a new address for the S.E.C. The final two LBR changes in #94-3 basically deal with the fact that we are no longer able to provide mailing labels. On the other hand, we are able to give you same day service when a mailing matrix is requested. Additionally, we hope to soon make it possible for you to download your own mailing matrix with an overnight request from the PACER system. As soon as that ability is available, however, the court must immediately begin charging for any matrix pages we produce.

ADR APPLICATIONS AND FORMS

The ADR application form and all related forms are also available off the PACER system. At this time we envision having copies of all applications on the PACER system. You will be able to select

some or all applications off a menu which will include the applicant's last name and first and middle initial, along with the date of the application or its most recent update. For your convenience we have also properly formatted an application form on PACER for display and capture into a file if for some crazy reason you don't want to retype all the questions.

Finally, per G.O. #93-1, you are required to send the court an application form on either a 5 1/4" or 3 1/2" disk along with a paper original. It is imperative the disk be created as follows:

1. Only put a maximum of 80 characters on a line.
2. NO special formatting of any kind (e.g., bold print, italics, graphics, line drawing, boxes, page numbering, columns, tables, etc.).
3. Answer using any word processing software, but put it on the disk in DOS text format (i.e., ASCII text). (If necessary, contact our systems staff at (503)326-6430 for instructions.)
4. The applicant's name must be on the first page of the document in column one in last, first initial, middle initial order (e.g., Edison, T.A.).
5. ALL QUESTIONS must be included, and be typed in UPPER case letters. ALL ANSWERS must follow in mixed case letters.

#1995-1

ADDRESSES TO USE FOR THE IRS & ODR

To help all of us ensure prompt notification of both the IRS & Or. Dept. of Rev. (as I know we all want to do!), please ALWAYS use the following addresses (ESPECIALLY on the matrix):

IRS	ODR BKCY
1220 SW 3 rd MSO240	955 Center NE #353
Portland OR 97204	Salem OR 97310

MOTIONS TO SELL FREE AND CLEAR OF LIENS

Effective immediately you are required to also include the potential buyer's name and relation to the debtor in the "Details

of Motion" section of LBF#760.5 (Motion for Authority to Sell Free and Clear of Liens...)!

**REQUIREMENT TO INCLUDE OSB # ON ALL
DOCUMENTS FILED WITH THE COURT**

We would sure appreciate it if you would remember that whenever you send ANY document to the court it is essential to include your OSB # after your name (e.g., whether it be a letter requesting addition to a case or its matrix, memo, brief, pleading, etc.)!

**FILING FEES FOR ACTIONS COVERED BY BANKRUPTCY RULE 7001
(I.E., ADVERSARY PROCEEDINGS)**

An adversary proceeding filing fee and cover sheet must be filed pursuant to LBR 7003-2 not only with any action covered by BR 7001, BUT ALSO WITH any STIPULATED motion, order or judgment that initiates an action which is covered by BR 7001 (i.e., and therefore should normally be filed as an adversary proceeding using a complaint).

PAYMENT OF CHAPTER 7, 11 & 12 FILING FEES IN INSTALLMENTS

A small change will be made with regard to the failure to completely pay each filing fee installment by its due date in Chapter 7, Chapter 11 individual, and Chapter 12 cases. Rather than initially sending a notice just to the debtor that the payment is delinquent, we will immediately go straight to the general notice to all parties of proposed dismissal for failure to pay. Unfortunately we seem to get to that second stage often even under the current system. If a notice of proposed dismissal is sent, the debtor must pay the entire remaining balance due on all filing fees prior to the response deadline to avoid dismissal.

CHANGES RE: '94 CODE AMENDMENTS

The 1994 Code Amendments necessitated a few more changes in our lives. These include:

1. GENERAL ORDER #95-1 (APPLICATION OF LEGISLATION RE: ACCELERATED CHAPTER 11 CASES) - This GO is effective 4/17/95. Section 1.0 deals with the "Small Business" category. It requires that election to be treated as a small business must be done within 15 days after relief is ordered by filing the new LBF #1121. This requirement is in addition to any such notation of election on the petition. Motions to dispense with a creditors' committee must also be filed within that same 15-day period.

Section 1.0 also provides for a 25-day notice period re: a conditionally approved disclosure statement and confirmation hearing unless, upon a party's request, the court orders reduction of the period to not less than 10 days. Finally, a new case number will be required on all documents except the 341(a) notice. Specifically the letters "sb" must be placed at the end of the case number after the "11" (e.g., 394-30000-elp11sb for a Judge Perris small business case).

Section 2.0 of GO #95-1 continues the ability to elect the current accelerated treatment procedure in Chapter 11s (commonly known as 11A). Effective immediately, to designate such a case, all case numbers must include an "A" after the "11" (e.g., 394-30000-elp11A).

2. DISTRICT COURT ORDER RE: JURY TRIALS - As you probably know, the district court used the amendments to enter an order (Misc. No. 394-147) authorizing the bankruptcy judges to conduct jury trials with the consent of the parties.

3. LBFs - A couple LBFs needed modification per the amendments. Ex.C has a new section entitled "Bankruptcy Document Preparer's Declaration;" and LBF #719 (Attorney's 524(c) Declaration) adds to such declaration the newly required text stating "... that he/she fully advised the debtor(s) of the legal effect and consequences of the agreement and any default thereunder."

PORTLAND CHAPTER 13 CASES

Judges Higdon and Perris have agreed on a number of procedures which, unless otherwise noted, will be effective as to all Chapter 13 cases on and after 4/17/95. For those of you in Eugene, you will find many of these procedures strikingly familiar. Here we go:

1. FAILURE TO TIMELY PAY CHAPTER 13 FILING FEE INSTALLMENTS - Effective immediately, three changes have been made with respect to payment of Chapter 13 filing fees in installments.

First, just as has always been the case for failing to timely file schedules, the case will be dismissed without further notice if a debtor fails to pay a filing fee by the deadline (and notice of this will be added to the debtor's initial letter to be on the safe side).

Second, it will be extremely rare that the court will grant a request to extend the deadline to pay the filing fee beyond the date of the confirmation hearing. Third, if the filing fee is paid within 10 days of the date of the confirmation hearing, you

must bring a copy of the receipt for the payment with you to the confirmation hearing and deliver it to the judge when your case is called. Remember, all filing fees must be paid prior to confirmation.

2. COMMENCEMENT OF PAYMENTS - As required by 11 U.S.C. §326(a), debtors will be expected to make their first plan payment to the trustee no later than 30 days after filing of the proposed plan. A debtor wishing to defer commencement of these payments or make pre-confirmation payments less frequently than monthly shall be required to file, with the plan, a motion to defer, explicitly demonstrating cause for such deferral. The motion will be heard on an expedited basis before the confirmation hearing. The debtor will be required to obtain a hearing date for the motion from the calendar clerk, immediately serve a copy of the motion and the notice of hearing on all interested parties so at least 8 days notice is given, and then file a proof of service with the court within 8 days per LBR 2002-7.

3. NUMBER OF PAYMENTS REQUIRED PRIOR TO THE DATE OF CONFIRMATION HEARING - Once a debtor commences making plan payments, the debtor will be required to make a plan payment monthly thereafter unless a court order allowing less frequent payments has been obtained. The monthly payments will be due on the same day of each month thereafter. For example, if the debtor files his/her plan on August 10, the first payment will be due on September 10, and a payment will be due on the 10th day of each month thereafter. If the confirmation hearing is scheduled for October 22, the debtor will be required to have made two plan payments unless a court order has been obtained allowing alteration of the plan payment requirements. The initial letter to the debtors has been updated accordingly.

4. PLAN PAYMENT REPORT AT CONFIRMATION - At the time of the confirmation hearing the court will ask the trustee to report whether all the debtor's plan payments due more than 10 days before the confirmation hearing have been made. If a plan payment is due 10 or fewer days before the confirmation hearings, the court will confirm the plan without proof the debtor has made that payment.

If, within 10 days of the date of the confirmation hearing, a debtor makes a plan payment that was due more than 10 days prior to confirmation ("late payment"), the debtor will be required to produce at the confirmation hearing proof that the late payment has been made. The court will accept as proof any one of the following: copy of a cashier's check or money order which has been mailed to the trustee's bank or a receipt from the trustee's bank demonstrating the payment has been made. Instructions

regarding how to make payments to the trustee's bank are provided to each debtor shortly after filing of the case.

If all payments due more than 10 days before confirmation have not been timely paid, or the debtor or debtor's counsel does not appear at the confirmation with proof regarding all such late payment(s) paid within 10 days of the confirmation hearing date, the court will assume, for purposes of the trustee's motion to dismiss, that the payment(s) has not been paid and the case will be dismissed without further notice.

5. CONFIRMATION AND WAGE ORDERS (LBFs #1350;1351L,M&R) - Effective immediately, the date of the confirmation hearing at which documents will be considered must be PROMINENTLY identified in the caption under the case number.

Additionally, it is essential you remember to comply with LBR 3015-3(b) and file these documents AT LEAST 48 hours PRIOR to the hearing! Your assistance in complying with both the above requirements will ensure we can get the documents to the trustee for review and submittal at the hearing, and also avoid any levying of sanctions.

6. FORMAT OF CONFIRMATION HEARING CALENDAR - The confirmation calendar will be printed solely in case number order. Should an attorney wish an itemization of only his/her cases scheduled for that day, however, the PACER system still provides a calendar sorted by office, attorney, and then case number.

7. FILING OF TAX RETURNS - The court will no longer confirm plans in cases in which there is an objection to confirmation by the taxing authorities on the basis that the debtor has failed to file required tax returns.

The confirmation hearing will be continued for a reasonable period, typically 28 days and only once, to permit the debtor to file the necessary returns. If there has been no withdrawal of the objection filed by the taxing authority at the second confirmation hearing and the debtor does not appear at the hearing with proof of filing, the case will be dismissed without further notice.

8. MOTIONS TO REOPEN OR VACATE ORDER CONVERTING OR DISMISSING CASE - The court will not grant a motion to reopen a Chapter 13 case and/or vacate a dismissal or conversion order unless you demonstrate that you are entitled to relief under FRBP 9024, which incorporates FRCP 60(b). Errors by debtors and their attorneys are generally not grounds for relief.

When such a motion is filed it will be reviewed by the judge who will either deny it without hearing or direct that a hearing with notice to all interested parties be set. It will be the debtor's responsibility to give the notice.

PACER - FEES AND PORTLAND JUDGES' CALENDARS

The first bit of good news is that PACER fees will be dropping to 75 cents per minute effective 4/1/95! If you don't know about this method of obtaining court info from the convenience of your own computer, please dial 1-800-676-6856 at once!

The second piece of good news is that hopefully by the time you read this the upcoming week's worth of all calendars for each Portland judge will be available on PACER. This is in addition to the existing PACER selection for copies of 341(a) and confirmation hearing calendars for BOTH offices. The calendar database will be updated Thursday nights and will include information for Friday and the next work week. Initial downloading selections will be a bit limited, but we are working on that along with more frequent updates. Unfortunately we are not in a position to include the calendars for our Eugene judges at this time.

The court is moving to put more and more pieces of information on PACER for download so I heartily urge you to try the system again, or keep looking at the menu options, for information. I anticipate that in the near future copies of LBFs, General Orders, and possibly even updated LBRs will be available only via this service.

#1995-2

NEW CH. 7 FEE

Beginning October 22, 1995 there will be an additional \$15 fee in Ch. 7 cases. The fee of course applies to all new cases, and it must be paid along with the other \$160 fee (i.e., for a total of \$175). It also applies to any case converted to Ch. 7 on or after that date no matter when the case was originally filed. Payment of the fee in conversions is required at the same time a debtor files a request to convert a Ch. 12 or 13 case, or along with any party's motion to convert any chapter case to one under chapter 7.

CHAPTER 13

As I promised last time we chatted, there has been more activity in the Ch. 13 world. Please note the following important information:

1. NEED FOR CONFIRMATION HEARING DATE ON WAGE ORDERS AND CONFIRMATION ORDERS. It is imperative you clearly set out any upcoming or, if none, the most recent past confirmation hearing date on ALL confirmation and wage orders filed in Ch. 13 cases. Yes, for example this is true even if you are sending in a wage order many months or years after the case was filed!

2. NEW "WAGE ORDER" FORM. The wage order (LBF #1351L,M&R) has a new look and a new name. It is now titled "Order Directing Chapter 13 Payment to Trustee". What is new is information to be filled-in regarding the confirmation hearing dates; any child support/maintenance payments; debtor's attorney's name and phone number; the employer's name and address (now in the lower left hand corner); and, if requesting PRE-confirmation entry of the order, the debtor's signature in the lower right hand corner.

3. DEBTOR'S POST-CONFIRMATION PROPOSED MODIFIED PLAN. Effective immediately, new General Order 95-2 applies when a debtor is filing a POST-confirmation proposed modified plan. In those instances the debtor must prepare, and verify, updated versions of Schedules A (including present amount of secured debt on property), B, I and J, along with a copy of the latest tax assessment statement on any real property. Copies of these documents must be sent to the trustee with every post-confirmation proposed modified plan as required by LBF #1355.10.

IN ADDITION, the original verified modified Schedules and any tax assessment statements must be attached to the original LBF #1355.10 and proposed modified plan that is filed with the court. LBF #1355.10 has been updated to include this language.

4. FILING OF PROPOSED CONFIRMATION ORDERS AND WAGE ORDERS. The court will soon enter a General Order requiring your original proposed confirmation orders and wage orders be filed not less than one week prior to the confirmation hearing. The General Order, which is expected within two weeks, will specify whether the originals will come to the court (with duplicate originals sent by you to the trustee), or whether you will need to send only one set of originals to the trustee (except when you want a wage order entered PRE-confirmation) who will then tender them to the court on the date of the confirmation hearing. Either way, be

advised of this impending change so you can look at your operation and be able to readily comply because you will probably receive only two weeks notice of the effective date. Please note that faxing of these documents to the trustee will not be acceptable since even in the situation where an original is filed with the court, the trustee's copy may end up being the actual document filed.

5. UNTIMELY CH. 13 CLAIMS. It will no longer be a viable excuse when filing a motion to have an untimely Ch. 13 claim considered as timely to state that the attorney or debtor was waiting until they received the trustee's claim report before filing such motion. As you will recall, FRBP 9024 sets out the time frame within which debtors or trustees may file claims on behalf of creditors.

6. MOTIONS TO DISMISS; REOPEN/VACATE DISMISSAL. Better watch out, trustees will soon be using motions to dismiss which change the debtor's response time to 28 days, and also contain new language regarding appropriate methods of response. However, LBFs #1367.90, "Motion to Vacate Dismissal", and #1367.92, "Motion to Reopen Case (and, if Applicable, to Vacate Dismissal)", have been created in an effort to simplify those procedures in Ch. 13.

Please read them carefully, and remember it is your responsibility to file the correct form (i.e., if the case is closed you will need to use #1367.92 and submit the appropriate reopening fee). Each have a fill-in-the-blank format requiring reason(s) for dismissal and grounds for reopening and/or vacating dismissal under FRBP 9024.

7. ABOLITION OF MOTIONS TO SUSPEND. I've been told the court will no longer entertain motions to suspend payments. It would behoove you to immediately remove LBF #1370 from your forms library!

8. CONVERSION ORDERS. As a reminder, debtors are required to file a full new set of schedules upon conversion of their case to another chapter if it has been in Ch.13 for more than 180 days.

9. NOTICE OF PROPOSED DISMISSAL. The first meeting notice and the letter to debtor both include "heads up" information concerning the potential for automatic dismissal for failure to make payments or file documents in a timely manner. While this only codifies long-standing practice, you may want to take a peek just to be safe.

10. SETTING OF 341(a)s IN EUGENE CASES. As you may have noticed, and as I have been warning you for a number of years, first meetings in Eugene Ch. 13 cases are being set within a day or so of filing just as we have always done with 7s and Portland 13s. Obviously this means that to ensure all your cases will be heard in basically the same time slot, you must group them at filing. If you don't we will still try to keep your cases close together if we can, but we will be limited to some extent by the need not to destroy Fred by overbooking.

**NEW BAP PROCEDURES (aka "OBJECTIONS" ARE ON THEIR WAY OUT,
AND "ELECTIONS" ARE ON THEIR WAY IN)**

The 9th Circuit issued an Order Continuing the Bankruptcy Appellate Panel (BAP) for this circuit. Included are the following changes to procedure which apply ONLY to cases filed after 10/22/94 (i.e., adversary proceedings which relate to cases filed prior to 10/22/94, no matter when filed, still will be processed under the old "objection" procedure):

1. All appeals will be determined by the BAP unless a party opts out as set forth in pt. 2 below.
2. To opt out of having an appeal determined by the BAP, parties must file a separate written "election" to have the case transferred from the BAP to the district court. Appellants no longer have 30 days in which to make this election; it must be filed up front at the same time the notice of appeal or motion for leave to appeal is filed. All other parties have 30 days from the date of service of such notice or motion in which to file the separate written election.

#1995-3

NEW CH. 7 FEE (SAME FEE - MORE INFO)

Beginning 10/22/95 there is an additional \$15 fee required in all new Ch. 7 cases as well as along with EVERY motion or request to convert a case to Ch. 7 on or after that date. Yes, I really did mean EVERY motion or request to convert (i.e., even if that happens multiple times in a case).

BUT THE GOOD NEWS IS that the fee will not be charged if you reopen a case (don't worry trustees, I'm assured you will still get your additional \$15).

CHAPTER 13

While dwindling, indeed there has been the following important activity on the Ch. 13 front:

1. SUBMISSION OF PROPOSED ORDERS OF CONFIRMATION AND DIRECTION OF PAYMENT TO CHAPTER 13 TRUSTEES. G.O. 95-3, which will be effective as to all cases where the confirmation HEARING will be held on or after NOVEMBER 9, 1995, has been entered specifying you must send your ORIGINAL proposed confirmation orders and any Order Directing Payment to Ch. 13 Trustees DIRECTLY TO the case TRUSTEE. The trustee MUST RECEIVE these documents NO LATER THAN one week PRIOR TO the confirmation hearing. They may NOT BE FAXED, since they will be submitted as the original court document. Additionally, please note for your pocketbook that a failure to timely submit these documents to the trustee (who is required to immediately date stamp each document) will result in an order reducing your fees.

2. MOTIONS TO SUSPEND. As I told you last time, the judges will no longer consider motions to suspend payments in Ch. 13 cases. Per G.O. No.95-3, G.O. 92-1 and LBF #1370 are history.

3. OBJECTIONS TO CONFIRMATION. All judges agreed the language in the notice of confirmation should be followed. Specifically, an objecting party must either show up with their objection or send in a written objection. Unless the objection is deemed to be without merit by the judge, the matter will be reset to a future date during the normally scheduled confirmation hearings (i.e., the confirmation hearing will still be held since someone may show up to object in person even though another written objection had already been filed). Another exception to the resetting process are trustee objections. These too will be heard at the original time set for the confirmation hearing if the objection was filed in advance and it is not deemed overly complex. Finally, remember, even if you object in person at a confirmation hearing the judge may require you to promptly submit such objection in writing.

MATRIXES

We have these teeny weeny changes in the matrix world:

1. UPDATED PREPARATION REQUIREMENTS (LBF #104). The following are highlights of changes to LBF #104 (which is now only one page) that have been identified as essential to ensure your matrixes are properly read: a one-inch margin at the top of the page is required; the debtor name, page number and total pages of the matrix should now be placed on the front of each page, in the top 1/2" and in one corner, instead of the back (we hope this will make it easier for you!); please do not use the 8 symbols & % \$! * ~ \ " ANYWHERE; use all caps on state abbreviations, BUT NOT for anything else; if using a 9-digit ZIP, you must use all 9 #s, but do not use "0000" for the last four unless that is the code; do not capitalize the abbreviation "c/o" for "in care of"; foreign addresses must always include the name of any foreign country, AND have it FULLY spelled out; and, for you big spenders out there, please don't use bond paper.

2. MATRIXES WITH CREDITORS/INTERESTED PARTIES EXCEEDING 300. Unfortunately we have determined we need an electronic diskette to enter matrixes having a combination of over 300 creditors and interested parties. Besides the option to use Poorman-Douglas for diskette creation, we also provide a procedure which, if followed exactly, will allow for preparation by anyone.

3. ADDRESSES PREFERRED FOR USE BY CERTAIN CREDITORS. A number of creditors besides the IRS and ODR asked that we use a single address for them no matter what address may be provided by the debtor. Since we rely on you for this stuff, I am passing this on and urge you use these whenever possible! This should help those of you who maintain master lists of creditors (the proverbial "win"/"win") and ensure these creditors know what is going on. A list of these creditors is available upon request at either office, or in writing sent along with a SASE.

CALENDARS

I don't want you to forget our various calendar features on PACER (nor that the PACER fee has been reduced. As you may recall, we have added the option of obtaining calendars for the Portland judges off the system. These calendars may be obtained for a certain judge on a certain day, and now for all judges for the next 15-day period. The newest feature is that the calendars are updated nightly with the regular PACER update, so the next 15-day's worth of Portland information is extremely current. Yes, we hope to have access to the Eugene judges' calendars available at least by the spring (yes, of '96).

Also remember we have two weeks of 341 calendars and confirmation hearing calendars on the system for both offices. These are either sorted in numeric order (i.e., just as they are heard in

court), or by attorney should you prefer to simply check on your cases.

We hope you continue to be pleased with PACER and its various services (e.g., copies of this newsletter and an index of all previous letters); and most importantly that you contact me with any ideas you have as to how we can help it to serve you even better.

1995-4

NEW AND IMPROVED CH. 13 PLAN AND CONFIRMATION ORDER FORMS

After months of hard work by the court and many of you, we now have G.O. No. 95-4 which, among other things, brings you new 2-page Ch. 13 Plan and Confirmation Order forms (don't forget to duplex using a legal-turn!!). But you better watch out because these cute little things (LBFs 1300.1 and #1350.1, respectively) are to be used only in cases filed on and after 2/1/96! The old LBFs #1300 (yes, even for modifications) and #1350 must still lways be used in cases filed prior to 2/1/96.

Each form includes a certification at the bottom that must be signed by a debtor (or counsel). Immediately PRIOR to its filing, the Plan must be served on certain creditors WITH a detailed list attached. Remember, if you get too wordy you will have to serve copies on everyone!

The Confirmation Order certification requires(per G.O. and LBRs) that BOTH: (1) it be sent to the trustee; AND (2) pre-addressed, stamped, envelopes be attached for all creditors specifically named in the Order.

NOTICE OF POST-CONFIRMATION MODIFICATION OF PLAN

LBF #1355.10 has been modified to clarify that Schedule A must always be filed, even if there isn't any real property. If there is, then follow the form's instructions.

MARION AND POLK COUNTIES 13s

G.O. No. 95-4 also requires that on and after 4/1/96 all Ch. 13 cases out of Marion and Polk Counties be filed in, and administered by, the Eugene office. Cases filed before that date will be filed in, and fully administered by, the Portland office.

S.E.C. ADDRESS

Thanks to another move by our friendly SEC types, effective immediately you must use new versions of LBF #s 1165 (Notice of Ch. 11 Disclosure Statement Hearing), 1175 (Order Okaying D/S and Notice of Conf.Hrg.) and 1175.5 (Conditional D/S Approval and Notice of Conf. Hrg.). You must also send all further notices to their new address which is "S.E.C., 5670 Wilshire Blvd, 11th Flr., Los Angeles, CA 90036."

LBR 9004-10

Effective 1/15/96 this Rule, which permits accepting and then returning documents, will be rescinded. Following national mandate, this process will instead be handled by court order. While the process is not complete, it appears documents must still be returned if unsigned, lacking the filing fee, incomplete (e.g., Petitions without proper exhibits or matrix), or a non-emergency filing in the wrong office. All other documents will be retained; however an order will immediately be entered striking them, indicating they have no legal effect, and requiring any tendered fee also be retained. Unless the stricken document's "problem" is cured by filing a proper AMENDED document within 7 days, any refiled document will be treated as a totally new filing.

MEDIATOR FEES

Thanks to the graciousness of about 38 of our mediators, you may be able to get a reduced mediation rate under restricted and compelling circumstances. The index of mediators on PACER identifies a kind person who is willing to consider working for a reduced fee once or twice a year with an asterisk preceding the last name. The court appreciates this fine gesture!

#1996-1

EUGENE OFFICE TO HANDLE MARION AND POLK COUNTY 13s

Just a reminder that G.O. No. 95-4 requires that all Chapter 13 cases filed on and after 4/1/96 on behalf of Marion and Polk county debtors MUST BE FILED IN, and will be administered by, this court's EUGENE office. Cases filed prior to that date must still be filed in, and will still be fully administered by, the Portland office. PLEASE FILE YOUR CASES IN THE CORRECT OFFICE TO INSURE PROMPT FILING!

CH. 13 CONFIRMATION/WAGE ORDERS

To make sure your attorney fees don't get magically reduced, PLEASE REMEMBER that all Chapter 13 Confirmation Orders and Wage Orders (unless immediate action is requested) MUST BE FILED WITH THE TRUSTEE!! IN ADDITION a pre-addressed, stamped, envelope must be attached for EACH creditor specifically named in the Confirmation Order. G.O. #95-4 requires you do that stuff, and that it be doed (i.e., filed with the TRUSTEE) AT LEAST one week prior to the confirmation hearing.

CH. 13 PLAN

Don't forget that if you filed a Chapter 13 case on or after 2/1/96 you must use LBF #1300.1, WHICH INCLUDES THE REQUIREMENT THAT THE CERTIFICATION AT THE BOTTOM BE COMPLETED (i.e., immediately prior to filing, a copy of the plan must be served on specific creditors AND a detailed list of who receives such plan must be attached to the one filed with the court)!! SOME OTHER THINGS that may help you with the new plan form include: (1) if the first sentence of point 1 does not apply, then the text must remain and you must either "x" through the letters or put a line through the letters so everyone at the court knows exactly what you want and how to prepare your notice; (2) it is NOT PERMISSIBLE TO STRIKE OTHER BOILER-PLATE TEXT (e.g., subsections (a), (b), (c), or (d) of point 1), AND ANY CHANGES YOU WISH TO MAKE (e.g., to pt. 1.(b) or (c), Pt. 2.e., etc.), MUST BE PLACED IN POINT 10 along with any other potential changes to boilerplate; and (3) if you do not have enough room to explain yourself in point 1, (e.g., explaining lump sum payments) then again finish the explanation in point 10 (though if too wordy it will require that you serve copies of the plan on all creditors - so please be frugal).

THE DEATH OF LBF #1312

We are also only days away from a General Order which kills LBF #1312 (Motion to Withdraw as Attorney in Chapter 13 Cases). Therefore would you please IMMEDIATELY CEASE using this form and simply prepare your motions to withdraw as attorney in Chapter 13 cases the same as you would in any other chapter (i.e., file the motion along with service on all affected parties such as the debtor, trustee/creditor committee chair, but not the UST since it's a Chapter 13). The judge will continue deciding whether or not to hold a hearing with regard to each particular motion. I can guarantee you the court GREATLY APPRECIATES your PROMPT ATTENTION to this change!

MAILING MATRIXES

In general all of you folks are really doing' good on this, but we do have the following major headache which may require your special attention.

PLEASE REMEMBER THE REQUIREMENT THAT IF YOU PUT THE DEBTOR'S NAME AND NUMBER OF PAGES ON THE FRONT OF THE MATRIX, THAT IT MUST BE IN THE TOP 1/2 INCH OF THE PAPER. Actually all we need is the name of the debtor (i.e., not co-debtor) and then "Page of ". This should all be on one line, it can be in very small (tho readable) print, and there should be no other information on the front of a page (such as OSB#, firm/atty name, etc.) except, obviously, for creditor names and addresses in a single column. Oh by the way, did I remind you it MUST be within the top ½ inch if it is on the front of the matrix? THANK YOU !!

AMENDMENTS

Just a reminder, if you goof (or whatever) up and have to change something in a document you submitted to the court, no matter how small, you must comply with the rules which require you file an entirely new document and serve it on all affected parties. Unfortunately we cannot augment your own excellent staffs by taking out old pages and inserting replacement ones within documents already on file.

FEE REMINDERS

A couple of money "don't forgets": (1) If you wish to split a co-debtor case into 2 separate ones, you must file a \$65 fee along with your motion; AND (2) the Chapter 13 filing fee stayed at \$160, even though the Chapter 7 fee increased to \$175!

PACER NEWS

Should you wish copies of my brilliant epistles, you can find them, along with an index, on the PACER menu. The index will be updated shortly after each attorney letter is sent out. Another selection allows you to download each of the last three attorney letters, while a final option allows you to download a "letter" which includes all the substantive issues from previous letters which remain applicable and on the index. Hopefully this will help you!

Also, pursuant to UST request, you are able to download 341 calendars in one week segments rather than two.

NO, IT AIN'T THE WORLDWIDE WEB, BUT PACER SURE IS A FINE WAY TO KEEP UP ON WHAT WE'RE DOING AROUND HERE! As I mentioned before, soon paper copies of items such as LBRs, LBFs, General Orders, etc. will not be otherwise available so I urge you to call

1-800-676-6856 to sign up if you are not already using this very helpful service!!!

#1996-2

NEW LBRs

Effective on and after September 1, 1996 there will be new Local Bankruptcy Rules (LBRs) required for use in all of this district's bankruptcy cases and adversary proceedings (i.e., pending, new, or reopened). These were last promulgated in 12/91, so we were due. The good news is that, for the most part, substantive changes are simply codifications of current General Orders. One slight format modification involves the numbering scheme. We are now required to follow a national format which basically mirrors what we have done here for years. The bad news is that nonetheless our national benefactors did modify things a bit in their infinite wisdom. What we have done to help is provide Cross-Reference Exhibits A and B in the Table of Contents(i.e., from old to new, and vice versa).

The Index section has also been beefed-up a bit. Finally, for those having PACER access, we created a red-lined version for download. Please don't be too critical re: details, as this was a very complicated document. It should, however, still give you a good feel for the actual changes. We also created a brief substantive change document which you may receive even if for some unfortunate reason you must obtain a paper copy.

NEW LBFs FOR GENERAL PUBLIC USE

You didn't think we would skip a chance to update Local Forms (LBFs) did you? Well, we didn't. These too will be effective on and after 9/1/96 for all cases and adversary proceedings (i.e., pending, new, reopened, etc.). Before you get too ticked, please remember that, with only a few exceptions, there has not been a release of required new public forms since 11/93!

Except for motions and stipulations for mediation, all mediation (i.e., ADR) related forms (and the mediator list) are still in a separate packet in WP5.1, and available for download from PACER. ONE copy per firm or organization may also be obtained by sending a self-addressed 9" x 12" envelope with \$1.24 postage to the Portland office.

As virtually all forms have either been updated, or newly added, the Index does not signify changes (other than via version dates). I also did not prepare a separate list of the changes, since this time it will be better if you carefully examine each form before use.

IT IS ESSENTIAL YOU IMMEDIATELY THROW OUT ALL OTHER COPIES ANYONE HAS AND USE THESE SO YOU DO NOT HAVE ANY FILING PROBLEMS!!

DON'T FORGET, if you are going to use a local form downloaded from the PACER system (or otherwise electronically received), you MUST put in very small print at the bottom that it "Fully conforms with LBR 1001-1.F."; and then initial!

ORDERS CONVERTING CHAPTER 7 CASES TO ONES UNDER CHAPTER 13

Please be aware that the court has codified current general practice, and now includes in all of its conversion orders the text that "IT IS FURTHER ORDERED that any discharge order previously entered in this case is hereby vacated." You may already have seen this in recent orders, but I wanted to give everyone a heads up.

SKELETON FILINGS

For those of you who sadly do not file all your documents with the debtor's petition, we are slightly changing our approach per judicial request. To help eliminate confusion, the only order regarding these documents, and the timely filing thereof, will be the initial Order and Notice Regarding Filing of Documents. If you fail to completely and accurately correct all deficiencies as ordered by that document, you will receive no further notice prior to a dismissal or notice of dismissal. An attempt to file a document, which would otherwise be stricken under any other scenario, will not result in an order striking as this simply adds to the confusion and the potential belief that you have more than 15 days from the date of the petition to actually correct and file the documents. As you know, the FRBPs won't let you.

DOCUMENT REVIEW AT CLERK'S OFFICE COUNTER

Beginning immediately, both offices will follow the long-standing approach in Eugene and provide only a very cursory review of documents at the counter. Unless a document is unsigned or does not have the appropriate filing fee, it will typically be routed to the appropriate case administrator for further review and action as necessary. This will normally happen within one business day. Don't totally panic, however, as in non-peak hours we will still attempt to assist at the front counter as best we

can. Among other things, we are attempting to avoid the dreaded "double bounce back" of a document.

TRAVEL MILEAGE

For those of you who are required to pay travel mileage, please note that it has been increased to \$.31 for privately owned vehicles; \$.25 for privately owned motorcycles; and \$.85 for privately owned airplanes.

1996-3

ADVERSARY PROCEEDING FEE INCREASES TO \$150

The Federal Courts' Improvement Act of 1996 may or may not have improved anything, but it certainly did increase the fees for adversary proceedings from \$120 to \$150. This fee goes into effect for all adversaries filed on and after December 18, 1996.

NEW GENERAL ORDERS [GO]

1. GO #96-2: Effective September 10, 1996, this G.O. involves "Reminders to the Court." It basically mirrors the long standing U.S. District Court rule which requires all parties affected by a matter which has been under advisement for more than 60 days to write the appropriate judge a letter particularly describing the matter under advisement and stating the date the matter was taken under advisement. It goes on to require those same parties to further notify such judge, and also the chief judge, at intervals of 45 days thereafter.

2. GO #96-3: Effective November 22, 1996, this one cleans up three LBR booboos. The most important corrects 3001-1.A.3.a. by striking the current "(ii)"; renumbering the current (iii) as (ii); and adding a new (iii) which really only updates the old (ii) to indicate the debtor has 30 days after the 90 days expires for regular creditors, AND 30 days after the 180 days expires for governmental agencies to file a claim, before the untimely claims procedures kick in. 2002-1.F.3. is modified to indicate LBF #101, NOT #728, should be used by the debtor to correct any errors regarding addresses of entities who were PREVIOUSLY LISTED on a mailing matrix. Finally, 3022-1. is modified to eliminate the need to file LBF #1195 within 120 days after entry of a conversion order since such orders require a final report within 30 days (NOTE: Of course all other filing requirements in 3022-1. remain applicable).

EUGENE COURT REPORTER FEES

[This holiday note comes from Judge Alley] The Eugene office pays court reporters on a daily basis. They are entitled to payment for any day they have committed to the court, unless advised 24 hours in advance that they will not be needed. Late settlements, or late advice of settlement, costs taxpayers a lot of money. Please keep this 24-hour deadline in mind when approaching trial dates.

Note that LBR 9001-3.F. provides for sanctions (such as paying the reporter's fees) if a party does not "timely notify" the court of any settlement.

NEW YEAR "GIFTS" (PROBABLY REQUIRING RESOLUTIONS)

The new year will bring the following "presents" to your doorsteps:

1. IMMEDIATE NOTICE OF PROPOSED DISMISSALS IN CHAPTER 7 CASES: A Notice of Proposed Dismissal will soon be sent with the first meeting notice in Chapter 7s where either: (a) there is an order allowing payment of filing fees in installments, or (b) not all documents are filed with the petition. The notice will indicate which apply, and also tell all parties (i.e., the second warning to the debtor and debtor's attorney) the case will be immediately dismissed without further notice unless an objection is timely filed if the debtor fails to either: (a) pay all installments as ordered (if applicable), (b) file the remaining documents as required by the Rules (if applicable), OR (c) complete the 341(a) meeting. Please be sure you stay on your toes, and let your clients know the traditional extra breathing room provided by our old NPD "tickler" system will no longer exist to keep a case alive!

2. DISMISSAL/CLOSING OF CASES: Pursuant to a suggestion from the D.C. gurus, sometime after 1/1/97 we will immediately close cases on the date of dismissal. Trustees will still be required to file their final reports before being discharged from their duties. This will, of course, require the debtor to normally file a motion to reopen and pay a reopening fee if continuance of the case is sought.

3. JUDGE/TRUSTEE ASSIGNMENT: The new year will also soon bring us a new automated system for automatically, and randomly, assigning judges and trustees to cases. Don't worry - if you file your cases all at one time, they will still all be assigned to the same trustee assigned to the first such case. Sporadic filing, however, can still lead to cases being assigned during the same 20-40/50 day period to more than one trustee. This

program will be implemented pursuant to the UST request to help ensure trustee shopping does not occur. Obviously the "bundling" of cases will be even more important than it was before.

**LBF #1366.3 (NOTICE OF HEARING ON CH. 13 TRUSTEE'S
MOTION TO DISMISS/CONVERT)**

We have a new form which right this second is used only in Chapter 13 cases where Robert W. Myers is the trustee. I say "right this second" because I anticipate it will spring to life for use whenever either Fred Long or Bob Ridgway file a Motion to Dismiss or a Motion to Convert in their Chapter 13 cases in the future. As you can tell, it is simply a notice of hearing form which the debtor must file, ALONG WITH a request for hearing, if they wish to respond to a trustee's motion. Just as with Chapter 7 and 13 Motions for Relief from Stay, for example, the respondent must obtain from the court a hearing date time and location and fill that in on the form BEFORE mailing it to the trustee and filing the original with the court. Be alert if you have 13s in front of the other two trustees because their forms may change soon and require that additional notice. In the meantime, those of you working with Mr. Myers already know of this wonderful form which will be added to the PACER system as mentioned below.

PACER UPDATES

First is the exciting news, if you didn't know already, that the PACER fee has been reduced to 60 cents per minute. In addition, we are anticipating beginning to test a "mirror" PACER machine which will allow you access to all case data, and on a "real-time" basis! Therefore not only will you have access to all our live data, but you will also have it within about a minute of its addition to the database! Yes, it will make searches slightly slower, but the additional information should be well worth it.

Also, as I've said before, financial considerations may require use of the PACER system for these interesting epistles, rather than sending personal copies to each of you. I therefore heartily urge those of you who have not already signed up for PACER to IMMEDIATELY get a PC and modem and call 1-800-676-6856 to do so!!

How fast are our modems you ask? Well, we are running at 14.4 right now. We have been told, however, that in the next few months we will upgrade to 28.8. TO FURTHER ASSIST in your downloading efforts, our fine systems people have added an option to use "Z modem" in addition to "Kermit" (no, not the frog!) as a

communications package. They tell me the big Z is not only more accurate, but is much faster than our little green friend.

In addition to the many other pieces of information we have on PACER, on or about 12/17/96 we will be adding G.O. 96-3; LBFs #ADV and #115 (both of which update the adversary fee); a WP6.1 version of the LBRs, redlined LBRs and Rose's memo re: significant changes; and LBF #1366.3.

VCIS

This system is also supposed to be upgraded within the next year. The benes should be: (a) a voice which is a tad more intelligible; (b) more incoming lines; and (c) access to more information (e.g., Social Security/Tax ID #). We are also hoping names will be added periodically during the day so you will be able to know within at least a few hours of entry into the system regarding new filings.

1997-1

G.O. #97-1

The provisions of this G.O. are all effective 3/1/97. It begins with LBF items, even though some are not technically required to be in a G.O. Point 1 tells us that, after a year of use and pursuant to your printable comments, there are improved versions of both LBF #1300.1 and #1350.1 to be used whenever either such LBF is required (e.g., use the new #1350.1 even if an old #1300.1 was used for the Plan, or use new #1300.1 to modify an old #1300.1).

Points 2 and 3 require REPLACEMENT of LBF #Ex. D with two new LBFs. Therefore, DESTROY ALL copies of #Ex. D! These should help the court, trustee, UST, and hopefully everyone else! #Ex. D-1 deals with a FARMING business and must be filed in a Chapter 12 case, though it could also be applicable in a 13. #Ex. D-2 deals with a NON-FARMING business, and it could be applicable in either a Chapter 12 or 13 case.

Point 4 tells you how to handle claims for, or reimbursement of, secured creditor attorneys' fees claims. This should close a gap in our present LBRs.

COMING ATTRACTIONS

As I warned you last time, the following procedures will soon be in effect:

1. IMMEDIATE NOTICE OF PROPOSED DISMISSALS IN CHAPTER 7 CASES: A Notice of Proposed Dismissal will soon be sent with the first meeting notice in Chapter 7s where either: (a) there is an order allowing payment of filing fees in installments, or (b) not all documents are filed with the Petition. The notice will indicate which apply, and also tell all parties (i.e., the second warning to the debtor and debtor's attorney) the case will be immediately dismissed without further notice unless an objection is timely filed if the debtor fails to: (a) pay all installments as ordered (if applicable), (b) file the remaining documents as required by the Rules (if applicable), AND (c) complete the sec. 341(a) meeting. Please be sure you stay on your toes, and let your clients know the traditional extra breathing room provided by our old NPD "tickler" system will no longer exist to keep a case alive!

2. DISMISSAL/CLOSING OF CASES: Pursuant to a suggestion from the D.C. gurus, we will also soon begin immediately closing cases on the date of dismissal. Trustees will still be required to file their final reports before being discharged from their duties. This will, of course, require the debtor to normally file a motion to reopen and pay a reopening fee if continuance of the case is sought.

3. JUDGE/TRUSTEE ASSIGNMENT: We have already begun the automated system for randomly assigning judges to cases. Hopefully the same will happen for trustees in the near future. Don't worry - if you file your cases all at one time, they will still all be assigned to the same trustee assigned to the first such case. Sporadic filing, however, can still lead to cases being assigned during the same 20-40/50 day period to more than one trustee. The UST requested this change to prevent trustee shopping. Obviously the "bundling" of cases will be even more important!

Sec. 341(a) MEETINGS

1. ATTENDANCE - Don't forget, YOU must make sure the debtors attend these 341 meetings the FIRST time! Absent exceptional circumstances, the cases will be dismissed for failure to attend. Therefore you must ALWAYS file WITH the Petition a list of your unavailable dates, AND ALSO the debtor's for the next 60 days (and we will do our best to accommodate!!)

ANOTHER KEY ITEM is to make sure they know where and when the meeting will be held. It is very effective when you require they call you and tell you not only the date and time, but also the

day of the week and the location (e.g., we do not hold 341 meetings at the court!). IT IS ALSO IMPORTANT TO REMEMBER THAT WE SET THESE IMMEDIATELY, SO IF EITHER YOU OR YOUR CLIENT HAS NOT HEARD FROM THE COURT WITHIN TWO WEEKS OF FILING, YOU SHOULD CONTACT US IMMEDIATELY!

2. HEARING IMPAIRED DEBTORS - The UST requests that if your clients are hearing impaired, you contact their office immediately upon filing to ensure interpreters are available for the hearing.

THOUGHTS FROM THE LAND OF DEPUTY CLERKS

Your friendly neighborhood deputy clerks have these little ideas (of EQUAL importance) which, if followed, should make for a very happy '97:

1. Sign all documents, AND sign in ALL appropriate places.
2. Always use current forms. Current forms are defined as those on the Index. Sometimes we update forms and give them out for use. Unless the Index is updated (e.g., to handle the forms mentioned herein), however, we still prefer their use even though you are not required to do so.
3. Do NOT staple checks to cover letters and documents. Use cover letters ONLY if there is a SPECIAL processing request involved. Cover letters are NOT required with proofs of claim, reaffirmation agreements, debtor's change of address, and other self-explanatory documents. (AKA the Save a Tree suggestion.)
4. Carefully review LBF #104 to ensure matrices are prepared correctly. Common problems include duplicate creditors, stapled matrix, using all upper case, excess line and/or address length, account number on last line and dirty copies. Any of the above could result in a failed filing since a proper matrix is mandatory with a Petition!
5. When filling out a Chapter 13 Plan, please use bold type for the debtor's answers to questions. This will help ensure the court and creditors receive all appropriate information.
6. Don't forget to file Exhibit C. This is required with the Petition!
7. Don't forget you must send a SASE for any interested party with orders or other forms requiring them.

8. Always file documents in the correct clerk's office (i.e., Portland or Eugene in case you forgot).

9. Make sure your OSB# is on the first page of the Petition.

10. When filing documents, please remember the simple things such as two-hole punching, having papers in correct order, and filing Petitions in the correct order per LBFs #100 and #100.1.

11. Use the latest version of LBF #345 (i.e., 3/1/97) when preparing fee applications (e.g., it is not necessary to attach a separate statement explaining the method of determining amounts of expenses unless the amounts billed exceed guidelines set out in LBR 2016-1.C.).

12. Call case administrators ONLY for SPECIFIC information regarding a filed document. Information on the docket can be answered by the telephone receptionist. The PACER system will soon be able to answer your questions almost as fast as a CA.

#1997-2

FEES

Effective January 5, 1998 you can expect: (1) the \$30 Miscellaneous Administrative Fee to offset noticing costs, etc. to apply when filing either a voluntary or involuntary Petition under any chapter of the Code, or an ancillary proceeding; (2) there will be no more noticing charges against any case, nor fees for excess claims; (3) the fee increases to \$75 for filing motions for relief from stay per Sec. 362(a), abandonment, and withdrawal of reference; and (4) the exemplification fee will become \$10.

FRBPs/FORMS

Being the astute folks you are, you already know some FRBPs and Official Forms (e.g., the Petition and Schedule F) have been modified. The FRBP changes, effective 12/1/97, don't seem to have any major procedural implications so I shant bother you further on those. PETITION CHANGES NOTWITHSTANDING, IF AT ALL POSSIBLE WE WOULD CERTAINLY APPRECIATE IT IF YOU COULD PUT THE DEBTOR'S ATTORNEY'S NAME AND OSB# ON THE FRONT PAGE!

Happily you need no longer deal with LBFs #300/.1 (Adversary Proceeding Summons) nor #700.2/.21 (Involuntary Summons) since they are now automated and we will create them for you in-house. If you automated your Certificate of Service, however, you may simply staple it to the original Summons for filing. By the way, each Summons now also includes a reference to the OSB Lawyer Referral Service to further assist defendants. And nope - nothing else re: LBFs (this time)!

FILINGS

I can't believe it, but we will file about 18,000 cases in the district this year. The PDX office already has over 10,000, so the 5-digit portion of the case number for some Portland cases will begin with a "4" as opposed to a "3" for obvious reasons. Don't let this new look fool you, and yes, PDX cases will again be brought to you by the number "3" in January.

ORDERS RETURNING/STRIKING

I know, I know - you hate these suckers. Believe me, so do we! Please note you must serve copies of the Order, new documents and/or any hearing request on all parties who received copies of the originals.

G.O. No. 97-2

Presumably you are also aware this little devil was entered in May. On the off chance you aren't, it deals with a technical amendment to LBR 2002-1.C.3.; the opening text of LBR 3001-1.A.3.b.; Pro Hac Vice admission (e.g., use LBF #120; file it with us; no fee); and a now moot fee provision.

SERVICE OF DOCUMENTS

First, we have been informed that the United States Department of Agriculture, Rural Housing Service (formerly Farmers' Home Administration) has centralized all bankruptcies. They request that any current and future bankruptcy filings, and any related documents, be addressed as:

USDA, CSC
P.O. Box 66879
St. Louis, MO 63166

In addition, the court, in an effort spearheaded by Judge Perris, is attempting to ease your burden as to FRBP service requirements. Specifically, we are attempting to obtain from a large number of affected entities the name and service address for their registered agent or other person as specified by FRBP

7004(b). Entities returning the form by 1/1/98 will appear on a list which will be available only through the PACER system (and we will take another shot at trying to show non-filers the error of their ways).

Entities may update these lists only twice a year (i.e., on 2/1 and 8/1 of each year). Nonetheless, we will attempt to keep this PACER listing updated as promptly as possible. Finally, at those same times, we will also attempt to put on the PACER system a list of standard addresses as requested by other creditors.

CH. 7 DEBTOR'S ATTORNEY FEES

The 9th Circuit this year decided the case of Hessinger & Associates v. U.S. Trustee (In re Biggar), 110 F.3d 685(9th Cir 1997) which held that a Ch. 7 debtor's attorney fee, arising from pre-petition bankruptcy services but payable in post-petition installments, is discharged. The court and UST's office have received reports that some attorneys have not altered their fee arrangements in response to that case and/or are continuing collection of fees Hessinger determined were discharged. The UST's office intends to become active in this area and may take formal action against attorneys who do not comply with Hessinger. The Oregon Attorney General's office could become active as well. In addition to complying with Hessinger, debtor's attorneys should review 11 USC Sec. 329(a) and FRBP 2016(b) to ensure their fee arrangements, including any post-petition modifications, are appropriately disclosed.

1998-1

GENERAL ORDER (G.O.) NO. 98-1

1. Per the Debtor/Creditor Section's Professionalism Subcommittee, spawned from the last Saturday Session, LBR 2004-1 (on depositions and examinations) was beefed up re: preliminary contact with opposing counsel, order format, and minimum notice.
2. LBR 3001-1.A.1.d. now requires a trustee's motion to request a possible Notice of Surplus Assets due to elimination of FRBP 3002(c)(6).

3. LBR 4008-1.A. now adds a requirement for future pro se debtors to attach a new cover sheet (LBF #718) to all reaffirmation agreements.

4. Remember, the court will now create your AP Summons, so LBR 7001-1.B.1.b. now solely requires a SASE with the complaint.

5. Also as a result of Professionalism Subcommittee comment, LBRs 7001-1.D. and 9013-1.E. (on 2004 exams and expedited hearing requests) were beefed up re: proofs of service and a certificate as to contact with opposing counsel.

6. Paragraphs 4(b)(1)(B) & (C) of G.O. No. 97-1 were amended to clean up some confusion re: secured creditor attorneys' fee claims.

OFFICIAL FORMS (OF) AND LOCAL BANKRUPTCY FORMS (LBF)

First, the Supremes okayed modified forms of the Voluntary Petition, Ex. A, Installment Fee Application, Ch. 7 Statement of Intent, and the Proof of Claim. As a result the court modified its LBF #110 (Fee Installment Application) and #521 (Ch. 7 Statement of Intent). The new OFs, with LBFs #110 and #521 which are to be used in lieu of those two, will be required as of 3/1/98 (though you have until 3/15 re: the two LBFs). I have been contacted by Stevens-Ness and Collier "Top Form" from Matthew Bender (fka Forms of Law) who are working on the changes as we speak. I presume the others are also.

I'm sure you guessed already, but we are also taking this golden forms opp to update other LBFs and recreate the packet. These little devils, which may be used whenever you get them, MUST be used as of 3/15/98.

As with G.O. 98-1, the BEST way to get these is a download from the comfort of your own office computer using PACER. They should be on the system by mid-February. The format is still WP 5.1 as many of you require, and you can download using the faster Z modem communications protocol (whatever that means). As before, the court will not be preparing individual diskettes for users. To sign up for PACER just call 1-800-676-6856. One thing further, you 5.1 (i.e., DOS) folks should take this year to finally step into the Windows world with the rest of us since it is becoming increasingly difficult for the court to maintain forms in that old format!

Non-PACERites may obtain ONE master paper copy PER FIRM by either personally visiting one of our offices, or sending a 10"x14" SASE

with \$3.00 postage to my Portland office at 1001 SW 5th Ave., #700, Portland, OR 97204. Copies should be mailed out in late February.

REMEMBER, DESTROY ALL OLD LBF COPIES AT ONCE!!!

NEW YEAR "GIFTS" (PROBABLY REQUIRING FURTHER RESOLUTIONS)

A year ago I told you about the following procedural changes (which will unfortunately probably cause some heartburn to the less diligent). Circumstances led to a delayed implementation. Since I thought it only fair to remind you of these before starting, I do so now - SO BE ALERT!

1. IMMEDIATE NOTICE OF PROPOSED DISMISSALS IN CHAPTER 7 CASES: Per national urging, and agreement by our judges, a Notice of Proposed Dismissal will soon be sent with EACH Ch. 7 first meeting notice. The notice will tell all parties (i.e., the second warning to the debtor/debtor's attorney) the case will be IMMEDIATELY DISMISSED without further notice, unless an objection is timely filed, if the debtor fails to either: (a) complete the §341(a) meeting, (b) timely file any documents as required (if applicable), OR (c) timely pay all fee installments as ordered (if applicable). Please be sure to stay on your toes, and let your clients know the traditional extra breathing room provided by our old NPD "tickler" system will soon no longer exist to keep a case alive! By the way, the OF changes will also bring you a new look in all 341(a) notices and claims forms. Sure hope it is worth the millions of extra dollars it will cost nationally to mail these!

2. DISMISSAL/CLOSING OF CASES: Pursuant to a suggestion from the same D.C. gurus, and approval from the same judges, we will soon immediately close a case at the same time it is dismissed. Trustees will still be required to file their final reports before being discharged from their duties. This process will, of course, require the debtor to file a Motion to Reopen and pay a reopening fee if continuance of the case is sought.

PHOTOCOPIES FILED WITH THE COURT

Just thought you'd want to know the judges are becoming extremely distressed by a number of perhaps "budget-minded" practitioners who are using poorly maintained photocopiers, or making multi-generational copies, to produce LBFs. Especially common are Ch. 13 Plans and Orders Confirming Plans. Some are so faint or blurred as to be virtually illegible. Others have cramped interlineations and/or excessive white-out. Still other problems

are poor photocopying techniques resulting in non-existent margins and text being cut off. Please be especially advised that some judges are beginning to refuse to sign such documents!

ORDER STRIKING/"ORIGINAL" SIGNATURES ON ATTACHED COPIES

As you will recall, the court is required to file documents unless there is a jurisdictional problem (e.g., no signature or fee). Thus a noncomplying document is filed in the court file, but immediately followed by a striking order. Occasionally the original document also has original signatures which are not easily replicated in time to avoid a loss of the original filing date. Should you find yourself in this predicament, you may file a copy of the original document along with a signed certification that it is an exact duplicate of that original on file. Hopefully this approach will be of some assistance!

SUBMITTING PROPOSED ORDERS

First, my case administrators would appreciate it if you all remembered to write the "cc:" and the names of the parties to receive a copy of any proposed order submitted to the court as required by the LBRs.

Second, the attorneys on the Professionalism Subcommittee mentioned above also wanted you to know that in their opinion a party presenting a proposed order or judgment after a matter was heard by the court, should serve copies of the order or judgment on all parties present at the hearing not less than three business days prior to submission of the proposed order or judgment to the court. If any responding party objects to the form of proposed order or judgment, the submitting attorney must notify the court of such objection at the time of submission.

HEARING IMPAIRED DEBTORS

Pam Griffith, our excellent AUST, has asked me to tell you her office must provide interpreters for the 341(a) meeting of hearing impaired debtors. In an attempt to help everyone, she requests the debtors or their counsel contact her office IMMEDIATELY upon receipt of a case number so appropriate arrangements can be made for an interpreter. Please also clearly note this on your Petition at the time of filing in the event the court has any ability to adjust the scheduling of that case to avoid delays. Unfortunately the need to have an automated random trustee assignment of cases (hopefully to begin later this year) may tie the court's hands regarding scheduling.

VCIS/PACER

While I have been promising some good news in this area for awhile, fortunately it is now beginning! We have installed the new VCIS system whereby case information may be obtained from a touch-tone telephone. Theoretically the voice is better (though that remains to be heard), but for sure there are new goodies like the ability to search by SSN or Tax ID number. We are also installing two more lines (i.e., for a total of four) to hopefully eliminate most access problems.

Don't forget we added to the PACER system a list of registered agents who may be used to fulfill the requirements of FRBP 7004(b) when serving motions on corporations. We will attempt to keep this updated as changes are received, but it is imperative you download a new list at least on February 1 and August 1 of each year!

Perhaps more exciting is the fact we have finally received our long awaited mirror machine. Once installed, while there may be a slight increase in waiting time, you will for the first time have on-line access to court data, including all of a case docket (i.e., as opposed to six month's worth) and the claims register (i.e., as opposed to a weekly update). Other features will also be enhanced. Unfortunately you must still wait a few months due to the complexity of installation, and, most importantly, due to the fact the court is totally consumed in beginning to upgrade its entire base of computers to the new Windows NT operating system. I urge you keep looking for this exciting upgrade! Again that phone number to begin using the PACER system is 1-800-676-6856.

PARTY/CASE INDEX

The judiciary has just instituted a new program whereby you can search for all cases filed by a debtor, plaintiff, or against a defendant or prisoner. This applies not only to bankruptcy cases, but also those filed in U.S. District Court. As with PACER, you will receive a 1-800 number for access, and the charge will be \$.60 per minute. For more information you may contact Ted Willmann, PACER Service Center Mgr at (800)676-6856, ext 445. If you have a PACER account, your existing log-in and password should work with the Index if you dial 1-800-974-8896.

341(a) MEETINGS

General Rule - the judges strongly believe you are in charge of getting debtors to their meeting WITHOUT the need for a reset. That said, the following are points with which you should become well acquainted to avoid the dreaded phone call, or the even more dreaded denial of a reset motion:

1. Reread LBR 2003-1. & FRBP 2003!
2. Cases are set immediately and in case number order (to make sure we don't get sideways with FRBP 2003(a) or the UST). Therefore tell yourself and your client that if you haven't received a notice within about two weeks of filing, you should call VCIS or PACER and check it out. No notice does NOT equal a valid excuse.
3. Don't assume the 341 meeting will be set a long time off. It could be within 21-25 days of filing, and not more than 50.
4. Send a separate list of unavailable dates within 50 days of filing for both you AND your client, along WITH each Petition, Motion to Convert or to Reset (use LBF #101 if you want). A minute late may be too late. NOTE: Don't wipe out all 341(a) days in your area, or we will have to make you appear anyway on one of those days due to the mandatory 20-40/50 day time frame.
5. Cases will be set where a debtor, not the mailbox, resides. See LBR 2003-1. re: criteria for setting before you request a different location. If you do want the court to consider another 341(a) venue, send the request along WITH the Petition, etc. NOTE: If it is in another office's territory, you MUST still file it in the office required per LBR 5001-2., and also file a Motion to Change Venue.
6. Make sure the debtor gets the notice, understands it, AND GETS TO THE MEETING. To accomplish this some of you call, some write. I caution against writing as often the excuse is "I didn't get it," "Someone stole it," "The dog ate it," etc. (until of course they receive a dismissal, or at least for awhile a Notice of Proposed Dismissal). Another good option is to have the debtor call you and verify the date, day of the week, time, and location (i.e., not at the court). Obviously if you don't hear from them then you can move on to plan B.
7. PDX CH. 13s - Watch your notices carefully as the location for these will probably change for hearings set after 4/1!
8. If you must request a reset, have pity on the creditors and do it at once. You do NOT need to send a proposed order. Should you be fortunate enough to get one the court will prepare the order, and then send it to you for mailing to all creditors and ultimately return to us with a certificate of mailing.

9. Did I mention the court does not favor resets?

LRs (aka U.S. DISTRICT COURT LOCAL RULES)

Heads up - it appears the U.S. District Court Local Rules will soon be amended. At this point the primary affect on LBRs appears to involve the new numbering system which will coincide with FRCP numbering. This will of course require us to issue a G.O. for reconciliation, so stay tuned to PACER and court bulletin boards for the gory details once you hear the new LRs have been promulgated.

FEEES

The new year brought NO fee change to Chapter 7 or 13 cases. It did, however, increase the original filing fee by \$30 in Chapter 11 and 12 cases and Ancillary Proceedings. Yes there were other increases, but only these items were raising questions.

APPROVED SOFTWARE

Recently Forms of Law (aka Bankruptcy Master (BAMS) - Hopkins, MN) was purchased by Matthew Bender and is now called Collier "Top Form." This is the same product and still acceptable for filing. Technovation Software (Corona, CA) is also acceptable, though you still need to use some LBFs. Another winner is software created by David James Thorpe, Esq. of NY, NY. Finally, remember everyone must update to the new OFs discussed above by 3/1!

1998-2

GENERAL ORDER (G.O.) NO. 98-2

1. Effective 11/2/98 regarding all Motions to Use Cash Collateral or to Obtain Credit, the moving party will have to clearly state that either none of the provisions the court normally will not approve (as listed in new LBF #541.7) appear in the document, or identify the ones that do and explain the justification for each.

2. The balance of the items were all effective as of 10/8/98:

- a. LBRs that reference district court LRs were amended to reference the new LR numbering system.
- b. Certain non-attorney professional fee applications need not be submitted using LBF #345 to coincide with established practice.
- c. Per an attorney suggestion, the time frame and methodology were hopefully clarified for filing administrative claims for fees earned while a case was being administered under another chapter of the Code.
- d. Per recent rulings, clarification that if the Chapter 13 trustee holds more than \$1000 when a case converts to 7, then the monies will be sent to the debtor, in care of any attorney, 10 days after the first scheduled 341(a) meeting in the 7 despite language to the contrary in the Confirmation Order.
- e. Following the district court's lead, detailed which type of stipulations between the parties regarding hearings, trials, etc. require a court order for approval and the time frame for obtaining such order.
- f. Indicates the court does have some limited video equipment for use in court, and counsel may work with the appropriate courtroom deputy to try to schedule its use rather than bringing his/her own.
- g. States we are required to unseal all sealed documents before shipment to the archives, and provides procedures for effecting their return to the submitting party if so desired.

As always, the BEST way to get a copy of this General Order AND an LBF #541.7 are to download them from PACER. If ABSOLUTELY necessary, we can send ONE COPY PER FIRM if you stop by or send a 9"x12" SASE (\$.32) with your request.

**NEW §341(a) NOTICE FORMAT
(INCLUDING IMMEDIATE PROPOSED DISMISSAL NOTICE!)**

There are new 341(a) notices with hopefully improved readability and information. Do be careful because all but the ones for Chapter 11 include the Notice of Proposed Dismissal right up front regarding missing fee installment payments, untimely filing of satisfactory deficiency documents, or failure to complete the 341(a) meeting. In other words no more delayed second chances on these before the case is promptly dismissed and closed.

CHAPTER 12/13 PLAN SIGNATURES

Due to some confusion, the judges wanted me to make one thing perfectly clear - ALL Chapter 12 and 13 Plans (i.e., including amended ones) MUST be signed by the DEBTOR and NOT by counsel (except re: the Certificate of Service).

CHAPTER 12 REPEALED

On 10/1/98 Chapter 12 was repealed and expired. Even though it has ridden off into the sunset, it does have some powerful backers so you never know when it might pop up again. In the meantime, the repeal does not affect cases commenced or pending under Chapter 12 on 10/1/98, nor any matters or proceedings in or related to such cases. Chapter 12 Petitions filed after 10/1/98 will be returned unfiled to minimize confusion and perhaps save some filing fees.

MILEAGE REIMBURSEMENT

For those who get to pay travel mileage (e.g., for witnesses), please note that effective 9/8/98 the rates increased a bit to \$.325 for cars; \$.26 for motorcycles; and \$.88 for privately-owned airplanes.

VCIS

VCIS info is now updated every two hours, you can search by Social Security or Tax ID number, and we have more phone lines operating. Try it by dialing 326-2249 in Portland, or otherwise 1-800-726-2227!

PACER

Coming to a computer screen near you in the very near future will be the new PACER system. For those of you who are not familiar with the PACER (Public Access to Court Electronic Records) system, this dial-in service allows you to retrieve electronic case summaries, docket information, and much more virtually 24 hours a day using your personal computer and modem. The access fee is \$.60 per minute. For a registration packet, please contact the PACER Service Center at 1-800-676-6856.

Although upon initial review this new system may look very much like the present one, it actually is quite improved. Most notable improvements include:

1. Up to the minute information. New PACER allows you to make inquiries directly to a copy of the court's live database.

The new PACER system is maintained current to the minute with all additions, deletions, and changes to bankruptcy case information.

2. All docketing information. Rather than just the previous six months of docketing information, as with the present PACER system, the new PACER system maintains all docket information as reflected on the court's live case dockets.

3. New ways to search for case information. Now, rather than just case number or name, you can search by case participant's Social Security or Tax ID number.

4. New docket text search & display options. Search by date range or document number.

5. Creditor matrix production. Users will be able to request up to ten separate matrices per day in three different formats.

6. New format for "New Cases Report". You can view case information for cases which have been entered into the court's database during a specified range of dates. New cases are available almost immediately after they are entered into the court's database.

7. Archived cases. The new PACER system consolidates the search for case information into a single selection "Case Information", instead of the separate active & archived options.

8. Retention of all other court information you have grown to know and love.

In order to access the new PACER system the only real change in your system's communications will be a temporary phone number change which will be given in the message on old PACER. For a short period of time both the new and old systems will be on-line for your use. After a short transition period, the original phone number for PACER (i.e., 326-5650 locally and 1-800-610-9315 outside the Portland area) will again be the only number for PACER access.

One of the selections available on the new PACER system will be "DOWNLOAD PACER USER'S GUIDE". This WordPerfect 6/7/8 document is intended to aid PACER users in learning and using the new PACER system.

The new PACER design will allow us in the future to unveil the new PACER2000 system. This year 2000 compliant system will have present and new functionality wrapped into a very user-friendly Internet-based look and feel. You'll be able to access the

system over your Internet connection. Watch future editions of this newsletter for more information about this upcoming new and exciting development.

COURT CLOSURE NOTICE

We have modified our telephone answering system so in case the court has to close for some reason (e.g., weather), we will be able to promptly put a notice on the recording that tells you when we are closed, and hopefully an idea of when we might reopen. Judges will NOT hear matters during a closure, and all affected scheduled hearings and trials will be promptly rescheduled by the court when we reopen. Hopefully this will be better than trying to figure out which radio or TV station might give you closure updates.

TELEPHONE ETIQUETTE

Some time ago the attorneys on the Debtor/Creditor Section's Professionalism Subcommittee created the following language on recommended telephone practice amongst professionals. While this was included in a Debtor/Creditor Newsletter, it is important enough that I am including it again in this letter for your viewing, educational enjoyment, and hopeful compliance:

1. If leaving a message for a return call on voicemail, the caller should leave enough information about the subject to allow the responding party to respond either in writing or, if by phone, with the file in hand and the issue well understood when the call is returned.

2. If leaving a message for a return call, the caller should clearly indicate the existence of an emergency. However, the caller should not indicate the existence of an emergency unless one actually exists.

3. If the party is determined that it facilitates communication, the parties are encouraged to use the fax machine rather than the phone to obtain information or respond to inquiries.

4. Professionals should attempt to respond to all messages from other professionals within 24 hours even if it is only to say that the problem is being worked on.

5. If a paralegal has been assigned to address a phone or fax inquiry, the paralegal simultaneously should be provided with sufficient authority to respond adequately to the inquiry and not simply be told to take the message.

6. Agreements made by telephone should be confirmed in writing. If one of the parties then objects to the form of the written agreement, he or she should promptly notify the other, preferably by fax, with the suggested changes.

FUTURE LBFs, ETC.

All future mass distributions of LBFs, General Orders, etc. will be for download using WordPerfect 6/7/8 format. WP 5.1 will no longer be maintained as it has been years since we have used it in the court for anything but forms and we simply cannot continue with that outdated software.

1999-1

DISTRICT COURT LOCAL RULES UPDATE

The district court recently modified its LRs 2100 and 2200. The substantive changes are found in 2100.3(d), 2100.4, and 2100.8(b). LR 2100.4 now provides procedures for handling withdrawal of reference matters. Specifically withdrawal will be effective, and the matter actually transmitted to the district court, only upon lodging of the pretrial order. Until then the bankruptcy judge will conduct all pretrial proceedings. Some of you may immediately note this coincides with the current 2100.8(b) procedure for jury trials. The other changes adjust LR references to their new numbering system, and make reference to the more appropriate "proposed findings of fact and conclusions of law" as opposed to a "report and recommendation" in 2100.12(e).

MEDIATION - PORTLAND STYLE

If you file an adversary proceeding relating to a Portland Chapter 7 or 13 case, and at the time of filing some parties are pro se, and all pro se parties are individuals and reside in either Clackamas, Multnomah or Washington County, have we got a deal for you! Actually the "we" is really a hard working subcommittee of the Debtor/Creditor Section chaired by Gary Scharff that includes nine attorneys and mediators and the Portland judges.

For now, this exercise is simply a pilot project to span the six-month adversary proceeding complaint filing period of 3/15/99 (surprise!)-9/15/99. If it turns out to be as successful as hoped, I am sure Misc. Order No. 1999-01 which spawns this

adventure will blossom into a full fledged General Order later this year. Maturation will be achieved, however, only if the sub-subcommittee's evaluation recommends it continue and the judges agree.

In addition to the Misc. Order, which Chief Judge Higdon signed on March 10, there is a general information document (LBF #220) which must be read by all plaintiffs and plaintiff's attorneys and served (along with the Order) on all defendants. A special summons has also been created, as well as evaluation forms for all parties to fill out. To help plaintiffs through this, the court will send a cover notice of designation which has the completed summons plus copies of the Misc. Order and LBF #220 attached for review and service. BE SURE TO **CLEARLY** INDICATE SERVICE OF THE ORDER AND LBF #220 ON THE CERTIFICATE OF SERVICE OF THE SUMMONS!

Briefly, if all parties do not obtain counsel prior to the pretrial conference, then the conference will begin at 9:00 AM in courtroom #2. Parties may then decide whether or not they want to go to mediation. If indeed the mediation option is used THAT DAY, then you get up to two hours free work from the talented mediator corps. There will typically be three mediators available for each Tuesday session of pretrial conferences for Project cases. **NOTE:** The pretrial conference **WILL** still be held **EVEN IF** all parties do obtain counsel prior to such conference.

As a final indication that an adversary is part of the Project, a special code of "ADR" will appear on the left side of the second line of the hearing entry on the court calendar for that case. PACER will be your conduit for checking that code until our web page is up. By the way, the three-digit number next to the "ADR" is the code the plaintiff puts on the coversheet to designate what type of action is involved.

TO AVOID DISMISSAL ALL PARTIES MUST APPEAR BEFORE THE JUDGE ON THE DAY OF THE PRETRIAL CONFERENCE WHETHER IT BE TO REPORT A SETTLEMENT, OR COMPLETE THE PRETRIAL!

Don't be fooled, however, if you file an adversary proceeding which is not designated to the Pilot Project, the pretrial conference could also be held on the same day as Project cases. I strongly suggest you show up!

Be sure to also check the upcoming Debtor/Creditor Newsletter for a more detailed article from Gary Scharff.

MILEAGE FEE REDUCTION

For those choosing a car as their means of transportation instead of their motorcycle or airplane, be advised that, effective April 1, 1999, the reimbursement amount will be reduced from 32.5¢ to 31¢.

PREPARATION OF CH 12/13 PLANS

A few items are coming to the court's attention when working with your Plans that I have been asked to pass on. The first is a request that you cease use of abbreviations in your text.

Other items to consider are the use of **bold print** on all information you put into the Plan itself for easy reading by others. Also be sure the Plan always has original signatures whether it be an original Plan, or an amended Plan (the **ORIGINAL** of which **MUST BE ATTACHED** to either a pre- or postconfirmation modification form).

LBF #521 (STATEMENT OF INTENT) UPDATE

While not mandatory, we do have an optional use version of LBF #521 (10/98) (Individual Debtor's Statement of Intent Re: Collateral) which can be downloaded from PACER (only in WP6, 7 or 8 format). Per requests from the bar, it both: (1) allows for the attorney to certify intent while providing a separate certification the attorney may sign regarding mailing, and (2) gives the debtor additional options to select regarding their intent as to any given piece of secured property. And, just to be perfectly clear, the 3/15/98 version of this form is still acceptable for filing at this time.

ACCEPTABLE PETITION FORMS

Just a reminder that we continue to approve hard copy and software versions of forms for filing Petitions, Schedules, etc. Be sure to periodically check PACER for updated lists of acceptable/ unacceptable versions so we can both enjoy your filing experience!

CHAPTER 12

IS BACK. And, as you probably surmised, laws were enacted to make sure it never really went away.

THE COURT IS ABOUT TO CATCH A WAVE

Soon the court will begin to put most of the information currently found under the "Local Options" selection on PACER out

for free access on the Internet. The only exception will be the closed case report for which a fee must still be collected. Since we are just learning, we may make some mistakes, but our steps will be small to hopefully make sure the mistakes are equally tiny and don't cause anyone to drown while surfing.

For example, the only item which may be available initially will be Judge Higdon's calendars. This is because she is the first to use our new calendaring system, and unfortunately it does not format very well on PACER. Shortly thereafter will be the calendars for the two other Portland judges. In the meantime, the calendars for Judges Perris and Dunn will remain on PACER until their conversion to the new system is complete. We will also add access to Local Rules and forms, my impressive memos, registered agent lists, ADR information, possibly a pretty picture, etc. as rapidly as possible. Again, all brought to you free of charge!

Please remember there is still a fee for access to court case data. Such a fee will always be charged even though there are plans to provide Internet access to this data sometime in the future.

When do we start? Well, we will do everything possible to at least have Judge Higdon's calendars available by April 15. To know whether we have a web presence or not feel free to surf our way at www.orb.uscourts.gov.
