



PUBLIC NOTICE

03-2

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA
Brenda K. Argoe, Clerk of Court**



TO: Practitioners/Constituents

SUBJECT: Message from the Clerk – 41 Days Into CM/ECF

DATE: March 5, 2003

We have now been “live” on the new Case Management/Electronic Case Files system for 41 days and they have been both exciting and challenging. The excitement has come from seeing years of work come to fruition and hearing from users what a benefit it is to them. Each day we see documents being filed early in the mornings and late in the afternoons – before we are open and after we close – as well as on weekends and holidays, so we know that the accessibility of the court is increased. Outside filers have submitted 5,455 documents electronically, or an average of 133 per day (using 41 days since access is available on weekends and holidays). Several of the outside filers are from the Charleston and Spartanburg Divisions, so these individuals are also saving postage costs and/or courier charges. Our biggest challenge has been having to continue handling documents in paper form while learning the tricks and treats of receiving and managing electronic files. Since January 21, the court has docketed an average of 994 documents each business day (29 days). CM/ECF is, by its nature, a slower system for us when we have to docket and image paper documents internally – it is web-based, uses a browser, and requires a mouse (versus memorizable keystrokes), all of which mean a slower internal system but all of which are a necessity in order to give you access to file documents electronically over the Internet. We are not able to process work as quickly as you have become accustomed to our doing and we will not be able to do so for at least several more months. When we have more electronic filers so that we are not also having to manage the paper documents in a slower world, we should be able to regain the standards we had before CM/ECF. We also hope that with more experience we will be able to find shortcuts to some of the steps we now take.

A contributing factor to the time we are spending managing the work is the amount of time we are having to spend responding to questions from existing electronic filers as well as the time required to “fix” errors. The more automation-friendly your staff is and the more experience they have with windows-based programs, the better off you will be and the fewer questions and concerns you will have.

You have had the benefit for a number of years of being able to view document images directly from your offices because we imaged them. Moving to an imaging system in 1997 was a decision we made because we thought that electronic filing would be here in 2-3 years and because we

wanted to give you easier accessibility to the court. However, images take considerably more space on a server than PDF documents, it has cost us in equipment, time and staff, and we simply cannot continue imaging at the rate we are currently doing for much longer. When we took back the chapter 13 claims in January of 2001, that step alone required an additional 5 people. The fact that we have had a 31% increase in cases from 1/1/2001 - 12/31/2002 is also a significant consumer of resources. The single largest part of the solution is to receive most documents directly and electronically in PDF format.

To that end, we are scheduling training classes for electronic filers in March and April and will continue to have several classes each month until we have the vast majority of persons who regularly file documents in this court trained and using CM/ECF.

For those who have questions about the processing of a document – paper or electronic – we are establishing a special e-mail address to which you should direct the question – scbk_pleading_status@scb.uscourts.gov. Please make note of and use this address to question the status of documents which you are tracking and which **do not** appear on the docket sheet versus calling us because it will enable us to track the document quicker. At this time, it may be as many as 7 working days between submission and docketing of paper documents. We are working to shorten that time as much, and as soon, as we possibly can.

Please refer to Public Notice 02-3 for information on changes to Clerk's Instructions necessitated by CM/ECF. This notice also advises that only an original of a document is needed by the court after converting to CM/ECF and we will only process one extra, or courtesy, copy of documents submitted for filing in conventional form. Parties who deliver multiple copies of a document in conventional form to the court will have one of those copies stamped with an "Original Filed" stamp. Parties who request copies of electronically filed documents from the court with a "clocked" stamp on them, will receive a copy of the Notice of Electronic Filing (NEF) of that document which has the court seal and the "Filed" stamp on it. The document itself does not have a "Filed" stamp on it if it is filed electronically – the NEF takes its place.

Other materials to which you should refer are Public Notice 03-01, Operating Order 02-08 and its Exhibit A (Administrative Procedures), the Commentary Supplementing Administrative Procedures, and What's New, all of which are available on our web site (www.scb.uscourts.gov), as well as the CM/ECF link on the web site which has a great deal of information on it, including Frequently Asked Questions (FAQs).

We firmly believe that you will ultimately find CM/ECF to be a superior system to BANCAP – not only because of increased accessibility, but also because it has a number of report features which you will be able to use in your own offices to manage cases and because it will enable us to more easily track documents. Any new system with changes of the magnitude of CM/ECF takes time and effort to assimilate and fully implement. We ask for your patience during this transition and assure you that we are doing everything we can to process the work as quickly as possible, which includes a considerable amount of overtime work being done every week by court staff.