The Frequent Filer

ISSUE #36 MAY 30TH, 2014

IN THIS ISSUE:

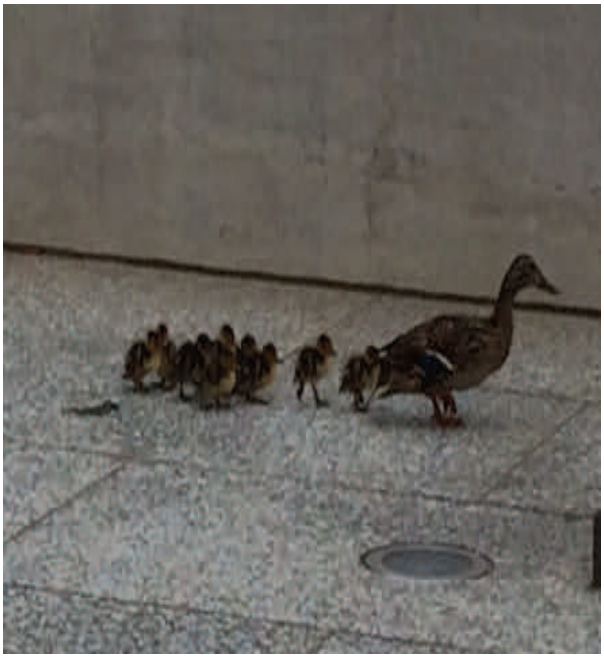
- **Redaction Requirements in Electronic Filing**
- **New Fee Schedule**
- **Becoming a Super Scanner**
- **Certificates of Service**

Questions or comments about this issue of The Filer? Contact us via email (training@ianb.uscourts.gov) or by phone at 319-286-2200.

Spring 2014

It's finally happened! After what everyone in the Clerk's Office has agreed was the longest winter *EVER*, Spring has finally arrived at the Iowa Northern Bankruptcy Court, as evidenced by the following:

- Warmer weather ('bout time, Mother Nature!)
- Longer days, which makes it nearly impossible to get our kids to bed at a decent hour
- The duck who took up residence in front of the courthouse became a new mama last week (see photo!)
- We have to close the blinds in Courtroom 5 when court's in session, because the view of the river is proving too distracting for, well, pretty much everybody
- Gnats! And is it just me, or is their single mission in life to fly up your nose EVERY time you go outside?
- It's time for another edition of The Frequent Filer!



This edition of The Filer is bursting at the seams with important information which, if followed, will help make your filing experience a smooth one. We'll be discussing the importance of redacting personal identifiers, make sure you're aware of some upcoming fee changes, and help you become a super scanner! Settle back, relax, and enjoy…and, as always, be careful out there or a gnat might fly up your nose.

SPOTLIGHT ON: REDACTION

PRIVACY REQUIREMENTS IN ELECTRONIC FILING

In September of 2001, the Judicial Conference of the United States adopted a policy to address privacy concerns resulting from public access to electronic case files. Since 2001, the policy has been revised and updated a number of times to further address and clarify the issues surrounding public access to electronic case files. Bankruptcy Rule 9037 (which was developed as part of the E-Government Act of 2002 and became effective in December 2007) requires that personal information be redacted from documents filed with the court. This "Spotlight On" article showcases Bankruptcy Rule 9037, and is an important reminder of the need for redaction of personal identifiers.

The 411 on FRBP 9037

Federal Rule of Bankruptcy Procedure 9037 establishes specific privacy protection requirements for filings made with the court. Subparagraph (a) states: "Unless the court orders otherwise, in an electronic or paper filing made with the court that contains an individual's social security number, taxpayer identification number, or birth date, the name of an individual, other than the debtor, known to be and identified as a minor, or a financial account number, a party or nonparty making the filing may include only:

(1) the last four digits of the social security number and taxpayer-identification number;
(2) the year of the individual's birth;
(3) the minor's initials; and
(4) the last four digits of the financial account number."

One of the key tenets of FRBP 9037 is that the redaction of personal identifiers *lies with the filing party.* The Advisory Committee Note accompanying FRBP 9037 further clarifies: "The clerk is not required to review documents filed with the court for compliance with this rule. As subdivision (a) recognizes, the responsibility to redact rests with counsel, parties and others who make filings with the court."

Ensuring Compliance with FRBP 9037

The Clerk's Office for the Iowa Northern Bankruptcy Court encourages you to examine the redaction procedures for your office to ensure that all of the pleadings you file comply with the identifier protection requirements outlined in FRBP 9037. To aid you in this effort, we've prepared a list of the documents that most commonly contain personal identifiers. Taking the time to "scrub" each of these documents prior to filing will ensure that you are keeping the privacy of your clients a top priority.

Privacy and Redaction, Continued

Top 5 Bankruptcy Documents Most Likely to Contain Personal Identifiers

- Voluntary Petition
- Payment Advices
- Reaffirmation Agreements
- Motions to Lift Stay
- Proofs of Claim

On each of the above documents, review and redact the following personal identifiers: social security numbers, taxpayer-identification numbers, names of minor children, and financial account information.

Document Attachments

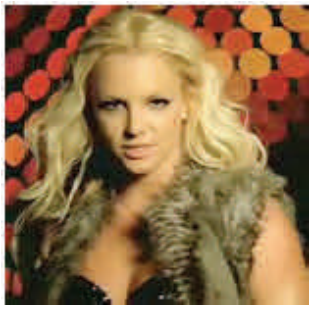
Don't forget to review these, too; various personal identifiers are often buried deep within attachments and can be easy to miss.

Redaction Reminder

Worried that you'll still forget to redact personal identifiers? Don't be! The CM/ECF login screen will be your wing man on this, as it provides a reminder to all filing parties of the importance of redaction. Located to the right of the login and password fields, a Notice of Redaction Responsibility reminds you of the redaction requirement. Prior to logging in to CM/ECF, you must check a box stating you have read the notice and will comply with the redaction rules. Failure to check this box will result in a login error.

Oops! I Did it Again!

Forgetting to Redact Personal Identifiers



Let's say that, despite your best efforts to scrub a document, a personal identifier slips through the cracks and gets filed. What's a conscientious filer to do? If you discover a personal identifier in a document, contact the Clerk's Office immediately to request that access to your filing be restricted. You will then have 24 hours to file a Motion to Request Redaction of Personal Information and submit a proposed order to the scheduling deputy. If the order is granted, access to the original document will be permanently restricted, and you may then file a new, redacted document. If your motion is not filed within 24 hours, the security restriction is lifted and the document remains permanently available for public access.

REDACTION ROUNDUP

Redaction of personal identifiers is no laughing matter, and should be taken very seriously. Careless Electronic filing procedures can compromise your clients' privacy and damage your professional reputation. Don't let this happen! Ensure your office's redaction procedures are clearly outlined, and that all staff members understand their role in ensuring that your clients' personal identifying information remains personal.

Follow these simple tips to maintain privacy:

- Thoroughly scrub your documents prior to filing to look for personal identifiers
- Remove or redact social security numbers, taxpayer identification numbers, and financial account information
- Use only the initials of minor children
- List only the year of an individual's birth

When preparing documents for filing, keep in mind that redaction is more than just drawing a thin line through an account number. The clerk's Office regularly sees scanned documents (especially payment advices and bank statements) where a line has been drawn through personal information in an attempt to redact, but the account number, SSN, etc. is still clearly visible. The **best** way to ensure that personal identifiers are redacted on scanned documents is to use a thick black marker to cross out the identifying information. See the examples below:

Do This:

[redacted]-6789

Account No: [redacted]

Not This:

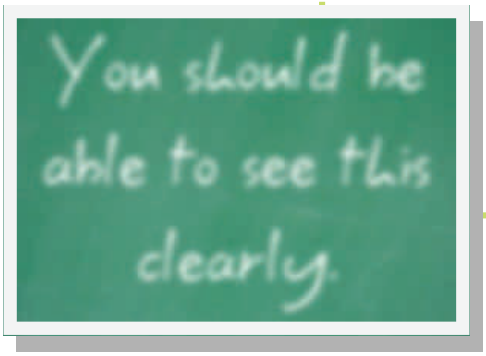
~~123-45~~-6789

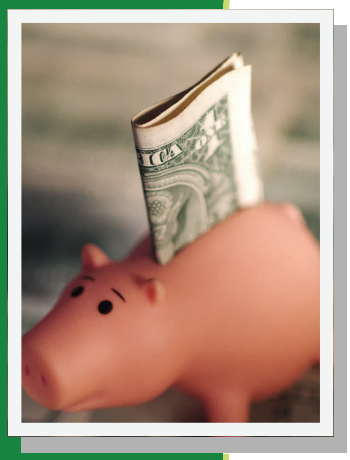
Account No: ~~4445879874~~

Becoming a Super Scanner

In recent months, staff at the Clerk's Office have reported an increase in scanned documents (especially payment advices) that are of poor image quality. When scanning documents to be electronically filed, make sure that the document is positioned to allow your scanner to capture an image of the **printed** side of the document (not the blank side), and that the final scanned image is clear, legible and right side up. We've seen a large number of documents lately where the image quality was so poor that we deemed them not legible. In these cases, the attorney's office is contacted and a new, clearer image is requested. To minimize this problem, please be certain that you verify the quality of your scanned images before uploading them into CM/ECF. Take a look at your scanned document: can you read it easily? Keep this in mind: if you have to squint to see it, if you have to rotate it to see it, or enlarge it to 400% because your scanner somehow shrunk it, or if you just generally can't make heads or tails of the document, it's NOT legible and shouldn't be filed. Bottom line: if you can't read it, there's a good chance nobody else can, either.

A couple of other handy tips regarding document quality: the ideal setting for your scanner is 300 pixels per inch (ppi). This setting meets the requirements set forth by the National Archives and Records Administration (NARA), as it best supports archival preservation. In addition, the maximum file size setting for CM/ECF is 3 MB. Documents larger than 3 MB will be rejected by CM/ECF. If this happens to you, simply split your .pdf into smaller segments.



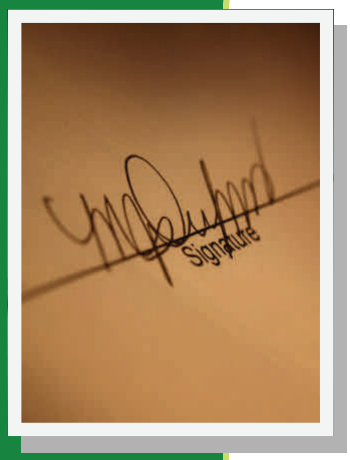


Fee Increases Effective June 1, 2014

At its March 2014 session, the Judicial Conference of the United States approved changes to the Bankruptcy Court Miscellaneous Fee Schedule, which will go into effect on **June 1, 2014.** The changes are as follows:

- An increase to the adversary filing fee in bankruptcy cases. The new fee will be $350, an increase of $57 from the current bankruptcy adversary filing fee of $293.
- Increases to the administrative fee (currently $47) assessed at the filing of every bankruptcy case. As revised, separate administrative fees will apply to cases filed under the six different chapters of the Bankruptcy Code: a $75 fee for Chapters 7, 12, and 13 cases, and a $550 fee for Chapters 9, 11, and 15 cases. This increase in the administrative fee portion of filing fees will cause a corresponding rise in the overall fee due when a bankruptcy case is filed and when an existing joint case is divided. See the chart below for the new fee amounts.

ITEM	Current Fee	New Fee (as of June 1, 2014)
Adversary Proceedings	$293.00	$350.00
Chapter 7 Petition	$306.00	$335.00
Chapter 9 Petition	$1,213.00	$1,717.00
Chapter 11 Petition	$1,213.00	$1,717.00
Chapter 12 Petition	$246.00	$275.00
Chapter 13 Petition	$281.00	$310.00
Chapter 15 Petition	$1,213.00	$1,717.00
Fees Due Upon Dividing Cases		
Chapter 7	$306.00	$335.00
Chapter 11	$1,213.00	$1,717.00
Chapter 12	$246.00	$275.00
Chapter 13	$281.00	$310.00



Motion Commotion

Including a Certificate of Service with Your Motion

Lately, the Clerk's Office has had an increasing number of filers who are not including a Certificate of Service when a motion is filed. Although a Certificate of Service doesn't necessarily need to be a separate document (it can be included on the motion itself, below the signature block), all motions must show the parties served and how the service was effected. Need additional information? Check out Local Rule 9013-3, which states:

Rule 9013-3 Certificate of Service – Motions

Proof of service of all papers required or permitted to be served, other than those for which a method of proof is prescribed in the Federal Rules of Bankruptcy Procedure, shall be filed promptly with the clerk and, in any event, before action is to be taken thereon by the court. The proof of service must show the date and manner of service and may be by written acknowledgement of service, by certification of a member of the bar of this court, by affidavit of the person who served the papers, or by any other satisfactory proof.

If you have questions about certificates of service, don't hesitate to contact the Clerk's Office to speak with one of our case administrators. We're open Monday through Friday from 8 – 4:30, and any of our friendly staff are happy to assist you. Our Cedar Rapids staff can be reached at 319-286-2200, and our Sioux City staff can be reached at 712-233-3939.

What'd We Miss?

If you have topics or questions you'd like to see covered in future editions of The Frequent Filer, we'd love to hear from you! Email us at the address shown below, and we'll do our best to address your topic in a future edition of The Filer.

Have a wonderful summer!

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