

Dear Point and Click – January 2016

Dear Point and Click;

Question: I have to serve an order in an Adversary Proceeding, and all the parties received notice of the entry of the order via CM/ECF. Must I also prepare and file a Proof of Service?

Answer: In short, the answer is no. In any situation where all required recipients received the order via CM/ECF activity emails, no proof of service is needed. This happens primarily in Adversary Proceedings. Previously, the Court was requiring the entry of a text-only entry stating all parties were served electronically via CM/ECF. Use of the text entry is no longer required.

As a reminder, here are some of the key points of the Service of Orders requirements in the Bankruptcy Court for the Middle District of Florida:

- When submitting a proposed order, always include service language as outlined in the Court's Style Guide posted on the Court's website.
- The name of the attorney included in the service direction language should be an attorney associated with the case in CM/ECF. It is acceptable for someone else in that attorney's office to complete the service.
- When directed to serve an order, service of the order and the filing of a proof of service must be completed within three days of the date of the order.
- Proof of Service is the preferred title to use on your service document (as opposed to Certificate of Service) so a non-attorney may prepare a proof of service, if needed.
- The appropriate docket event to use to file the Proof of Service is Proof of Service located in CM/ECF in the Miscellaneous categories located under both the Bankruptcy and Adversary menus. It is also available to Trustees in the Trustee/US Trustee event category under the Bankruptcy menu.
- There are two learning modules available to assist with service of orders. They are:
 - 1) Generating a Mailing Matrix, and
 - 2) Service of Orders Process.

Both are available on the Court's website under CM/ECF – eLearning.

Is there a CM/ECF related question you'd like to see answered in a future edition of the Court Connection? Send your questions to newsletter@flmb.uscourts.gov