



## Where's My Order?

(When obvious typographical errors are made)

**Dear Point and Click:** Some of my proposed orders seem to take a little longer than others to get entered, and several are sent back to me to correct errors. Regrettably I must admit, in the interest of time, some of my best proofreading is done after I hit "send." Do you have any tips for me?

**Answer:** As a practice pointer, especially considering that you may be billing your client for reviewing a proposed order (of course you'll want to review all proposed orders before submitting them in any event), you should spell and grammar check each one. It is my understanding the Court is experiencing more and more proposed orders with obvious typographical errors -- primarily misspellings and missing words. If the Court must correct obvious errors, the processing of your proposed order will be delayed. Alternatively, and as you mentioned, the Court could send back the order for corrections, which also results in a delay. In this instance and in fairness, the Court hopes your client is not being billed for your initial review of the proposed order and for correcting your mistakes. In addition to spell and grammar checks, it is a good idea to regularly review the Style Guide, located on The Source page on the Court's Website, to ensure your order meets all requirements and to further reduce the number of rejected orders and time spent correcting and resubmitting your order.

**Dear Point and Click:** I have questions about signature requirements, proofs of service, and correcting social security number issues on documents and orders submitted through the Court's electronic filing (CM/ECF) System.

**Question 1:** In light of recent rule updates regarding signatures on electronically filed papers, need I continue to use an "/s/" on signature lines for papers filed via CM/ECF?

**Answer 1:** Federal Rule of Bankruptcy Procedure 5005, amended on December 1, 2018, and Local Rule 1001-2, amended on July 1, 2019, both require that the name of the filing user appear in the signature block of electronically filed documents. The key here is that the name of the person whose CM/ECF login is used to make the filing must appear somewhere within the signature block. As a best practice, you

should continue to place that person's name on the signature line. However, there is no longer a requirement to include an "/s/."

**Question 2:** If I have an adversary proceeding or a contested matter where all who were served were served electronically, am I required to file a certificate or proof of service?

**Answer 2:** Local Rule 9013-3(b), effective July 1, 2019, reads: "In adversary proceedings and contested matters in which all parties are represented by counsel or have consented to service via CM/ECF, service of papers and Court orders is effectuated upon the parties by CM/ECF; counsel are not required to file a separate proof of service reflecting such service."

**Question 3:** When preparing orders, what service language should be included and, if all recipients receive service electronically, am I required to file proof of service of the order after it is entered?

**Answer 3:** Local Rule 9072-1(b)(6), effective July 1, 2019, includes the most up-to-date service language required when preparing orders. Therefore, as of July 1, 2019, service language on orders must state:

"Attorney [or Trustee], [insert name of attorney/trustee] is directed to serve a copy of this order on interested parties who do not receive service by CM/ECF and file a proof of service within three days of entry of this order."

Once the order is entered, if all recipients received the order electronically via CM/ECF then, pursuant to Local Rule 9013-3(b), counsel (or trustee) is not required to file a separate proof of service reflecting service.

**Question 4:** When filing amendments to the petition to correct a social security number, should we include an amended Statement About Your Social Security Numbers with the amended petition?

**Answer 4:** If you are filing an amended petition to correct an error with the social security number, it is appropriate to also file an amended Statement About Your Social Security Numbers if the statement was also incorrect. However, because the statement provides the full, unredacted social security number, it must be filed separately in CM/ECF using the corresponding filing event. Doing so ensures the proper viewing restrictions are applied to the statement based on privacy standards.