

CHANGES MADE TO LOCAL RULES

October 21, 2005

Several changes have been made to the local rules. The changes made to the local rules encompass changes suggested by the Local Rules Committee and changes made necessary by the Court's conversion to CM/ECF. Comments and solicitations were solicited from the bar and presented to both judges of the district. The judges made the final decision on which comments or suggestions would be included in the rules.

At this time, these revised rules ***DO NOT*** contain any rule changes made necessary by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005.

Rule 1002-1

This rule has been expanded to incorporate the electronic filing of petitions and other documents. Changes to the lettering of sections have been made as well. Section (f) adds deficiency notices and section (g) adds information on the dismissal of petitions.

Rule 1003-1

Removed requirement for multiple copies of petitions, lists, schedules and statements.

Rule 1004-1

Minor change made in ordering of paragraphs.

Rule 1006-1

Title changed to "Fees - Advance Payment or Advance Permission to Charge on File Credit Card."

Rule 1006-2

New numbering of Rule 1006-1.

Rule 1007-1

Title changed to "Statement of Social Security Number." Sections (a) through (d) are new sections regarding the submission of Official form B21. Section (d) details the steps required to correct a social security number.

Rule 1007-2

The order of paragraphs regarding the matrix was rearranged. Proper matrix format information has been inserted and examples provided.

Rule 1007-3

This is a new rule. It requires debtors to notice creditors who were either omitted or listed incorrectly on the master mailing matrix. It also creates a new requirement for a certificate of compliance.

Rule 1009-1

The paragraphs have been reorganized and new sections have been added. New section (g) concerns the debtor's responsibility to notice when new creditors are added to a case by amendment. New section (j) concerns the payment of filing fees for amendments. A new comment has been added prohibiting amendments by interlineation.

Rule 1011-1

Minor change adding words "Consent to" and "Petition to the title.

Rule 1014-1

Minor change to title. Also added paragraph regarding the transfer of case documents if the case is only available electronically.

Rule 1015-1

Minor change of section (d) to accommodate electronic filing.

Rule 1017-3

Minor changes.

Rule 1019-1

Removed requirement for multiple copies .Added new local rule 1007-3 to Comment section.

Rule 1073-1

Minor change. Paragraphs have been re-ordered and re-labeled.

Rule 2002-1

Modified paragraph section (b) to distinguish notice requirements. Modified section (c) to address obtaining matrix for address labels from either PACER or directly from the clerk.

Rule 2014-1

Minor changes. Removed requirement to submit multiple copies. Section (a)(4) added for an Albany only distinction regarding motions pursuant to 11 U.S.C.§ 327(e).

Rule 2015-2

Minor change made to Comment regarding Clerk's registry.

Rule 2015-6

Minor changes.

Rule 2016-1

Paragraphs have been re-ordered and re-lettered. Section (b) revised to address electronic filing and ECF Case-Chambers Copy requirements.

Rule 2016-2

Minor changes. Section (c) increases fee limit from \$500 to \$1,000.

Rule 2090 -1

Minor changes.

Rule 2091-1

Addition of clarification language “Other than by substitution.”

Rule 2092-1

No change.

Rule 3001-1

Removed time-stamped copy language because clerk’s office no longer returns copies. Language regarding social security number modified to reflect privacy requirements. Also removed requirement for multiple copies to be filed.

Rule 3001-2

New rule regarding claims in no asset cases.

Rule 3002-1

New rule regarding claims agents.

Rule 3007-1

Minor change. Section (b) contains language regarding notice of claims served by trustees in Albany.

Rule 3012-1

Removed section (c).

Rule 3015-1

Minor change. Added Chapter 12 to rule.

Rule 3015-2

Added “or modifications” to title. Rearranged section (a) to list requirements for amendment or modification.

Rule 3015-3

Minor change. Added Chapter 12 to rule.

Rule 3015-4

No change.

Rule 3015-5

New rule regarding administration of payroll deduction orders.

Rule 3016-1

No change.

Rule 3016-2

No change.

Rule 3017-1

No change.

Rule 3018-1

No change.

Rule 3019-1

Minor change. Added certificate of service requirement.

Rule 3020-1

No change.

Rule 3021-1

New rule. Chapter 11 - Affidavit Reporting Post Confirmation Disbursements.

Rule 3022-1

Minor change. Certification language added regarding final report.

Rule 4001-1

No change.

Rule 4001-3

No change.

Rule 4001-4

No change.

Rule 4002-2

No change.

Rule 4080-1

No change.

Rule 5005-1

Reworded to address electronic filing.

Rule 5005-2

Abrogated.

Rule 5005-4

Removed sections (a) and (b).

Rule 5005-5

New rule on ECF passwords.

Rule 5005-6

New rule on privacy.

Rule 5010-1

Added comment regarding electronically filed cases.

Rule 5011-1

New rule on withdrawal of reference.

Rule 5073-1

Minor change to add exception language.

Rule 5080-1

No change.

Rule 6004-1

Minor change addressing return date of motion to approve sale and requirement that appraisals be filed conventionally and the envelope be marked confidential.

Rule 6004-2

No change.

Rule 6005-1

No change.

Rule 6007-1

No change.

Rule 7003-1

No change.

Rule 7004-2

Clarification regarding electronic filing of complaint.

Rule 7016-1

Minor change made to comment.

Rule 7024-2

Abrogated.

Rule 7026-1

Minor change made to comment.

Rule 7026-2

No change.

Rule 7033-1

Minor change. Portion of comment stricken.

Rule 7056-1

Minor change.

Rule 7067-1

No change.

Rule 7090-1

No change.

Rule 7091-1

No change.

Rule 8005-1

Language added to section (a) regarding amount to be determined by court to cover costs.

Rule 8013-1

Abrogated.

Rule 8016-2

No change.

Rule 8018-1

Abrogated.

Rule 9001-1

Minor changes. Added definitions for administrative procedure, conventionally, ECF and System.

Rule 9004-1

Minor change regarding backers no longer required.

Rule 9004-2

Minor change.

Rule 9010-1

No change.

Rule 9010-3

No change.

Rule 9011-1

No change.

Rule 9011-2

No change.

Rule 9011-3

New rule regarding signatures and electronic filing.

Rule 9013-1

New requirement at section (b) to identify hearing date, hearing time and hearing location and place it at the top of the page of all motions. Section (c) revised to address service of motions and the “Notice of Electronic Filing.” Section (d) identifies Chambers Copy requirements for Utica and Albany. Section (h) has been added to clarify how to notify the court regarding expedited matters.

Rule 9013-2

No change.

Rule 9013-3

No change.

Rule 9013-4

Minor changes. Proposed orders are to be submitted after the return date of the motion. Number (23) has language added regarding provisions in proposed orders that surplus proceeds obtained by creditor be turned over to Chapter 7, 12, or 13 trustee. Number 26 added regarding motion to revoke or reconsider order of dismissal. Item 27 is an Albany distinction regarding retention applications and motions to waive appearance at § 341 meetings.

Rule 9013-5

Minor change made to title. Added language regarding submission of proposed orders. Added language that allows a proposed order to be included with an electronically filed pleading provided the proposed order is clearly marked :EXHIBIT”.

Rule 9015-1

No change.

Rule 9019-2

No change.

Rule 9021-1

Minor change.

Rule 9022-1

Minor change.

Rule 9025-1

Minor change.

Rule 9027-1

New rule on removal and remand.

Rule 9034-1

Minor change.

Rule 9070-1

New section added regarding exhibits attached to pleadings.