

Administrative Procedures for Filing, Signing and Verifying Pleadings

I Registration for the Electronic Filing System

A. Registration

- (1) Each attorney desiring to file pleadings or other papers electronically must complete and sign an Attorney Registration Form. Attorneys must participate in on-line training provided by the court if he/she is not a currently registered ecf participant in another jurisdiction with a valid login and password. He/she must also provide the court with a current e-mail address for use with the System. Limited filers can also submit a Registration form for Limited Use access to the Electronic Case Filing System.
- (2) CMECF Attorney registration forms and Limited Filer registration forms can be accessed on line at <http://www.gamb.uscourts.gov/USCourts/cmecf-registration>. These on-line registration forms should be completed and submitted electronically.
- (3) Upon approval of the forms submitted and satisfactory completion of on-line training, if required, attorneys will receive their assigned system login and password from the Office of the Clerk. This information will be delivered to the e-mail address provided on the CM/ECF registration form. Limited filers may request the opportunity to conduct on-line training, but it will only be mandatory at the discretion of the clerk.
- (4) If any of the information on the registration form changes, for example, the user's mailing address, e-mail address, or other relevant information, the user must update that information in CM/ECF through his/her user account.
- (5) Once registered, a user may withdraw from participation in the system by providing the court with written notice of such withdrawal. Upon receipt, the court will immediately cancel the user's login and password and will delete the user's name from any applicable electronic service list.

B. Passwords

- (1) All attorneys and limited use filers are required to use a password to participate in electronic retrieval and filing of pleadings and other papers in accordance with the electronic case filing system. Registration for a login and password is governed by Paragraph I(A).
- (2) No attorney shall knowingly permit or cause to permit his/her password to be utilized by anyone other than the attorney's authorized agent.
- (3) No person shall knowingly utilize or cause another person to utilize the password of a registered attorney unless that person is an authorized agent of that attorney.

II Filing and Service of Documents

A. Filing

- (1) Documents filed in paper form when allowed under FRBP 5005(a)(2) shall be converted to electronic form by the Clerk's office and the electronic document shall be the official document. Creditor matrices are to be filed in a similar manner, but in text (TXT) format. Information regarding the formatting of orders can be found in II. D. A judicial waiver will be required for attorneys to file documents in hard copy format. If hard copies are submitted without a waiver, the Clerk's Office will "lodge" the document for filing and the attorney will have 14 days to show cause why a waiver was not obtained. After the 14 days with no cause shown, the court will dismiss the matter or if appropriate, strike the hard copy document.
- (2) Entities that file 15 (fifteen) or more proofs of claim during any 12-month period must file the claims electronically or obtain a judicial waiver. If such entities file paper claims without a judicial waiver, the court will consider striking the documents. Attorneys that file claims for themselves, their firms, or on behalf of any other entity must file all claims electronically regardless of number.

- (3) A party to a pending action or an individual or entity that files documents with the Court frequently as determined by the Clerk of Court and who is not represented by an attorney may register as a Filing User in the electronic case filing system. Registration shall be in the form prescribed by the Clerk of Court in the Clerk's Instructions.
- (4) If at any time a filer is unable to access the electronic case filing system due to technical problems, and there is insufficient time to obtain a waiver, the court will accept a paper filing based upon the affidavit of the filer as to the circumstances preventing the electronic filing.

B. Service

- (1) Whenever a pleading or other paper is filed electronically in accordance with these procedures, the electronic case filing system shall automatically generate a notice of electronic filing by electronic means at the time of the docketing.
- (2) Participation in the system by receipt of a password provided by the court shall constitute a request for service and notice by electronic means as provided under FRBP 9036. Participants in the electronic case filing system, by possessing a password from the court, agree to receive notice and service by electronic means both from the court and from other system participants, wherever located.
- (3) An attorney filing a pleading or other document electronically resulting in a notice of electronic filing shall be deemed to have served the notice on participants in the Court's system and such service shall be considered the equivalent of service of the pleading or other document by first class mail, postage pre-paid. However, such electronic service will not be entitled to the additional three days under FRBP 9006(f). This form of service applies only to recipients of a notice of service who are registered participants in the electronic case filing system or have agreed in writing with the filer to accept such service in lieu of service by first class mail but shall not apply to service of a motion or a contested matter pursuant to FRBP 9014. The named respondent in a contested matter under FRBP 9014 must receive service by first class mail. If a debtor is the respondent to a motion or contested matter under FRBP 9014, the attorney for debtor can still receive service by electronic means. For all remaining recipients of service or notice, the filing attorney shall serve the pleading or the document upon those recipients in accordance with applicable bankruptcy rules.
- (4) The following language is recommended for registered users of this electronic case filing system for certificate of service purposes:

“The following parties were served by electronic notice:”

(Show the parties to whom service was rendered electronically)

“The following parties were served by standard first-class mail:”

(Show the parties to whom service was rendered by mail)

C. Signatures

- (1) The electronic filing of a petition, pleading, motion, claim, or other paper that would bear a signature of an attorney or unrepresented party who is a registered participant of the electronic case filing system shall constitute the signature of that attorney or unrepresented party for purposes of the application of FRBP 9011 and other applicable rules. The signature indicated on the document submitted for filing must match the identity of the individual registered as the CM/ECF electronic filer.
- (2) All pleadings and documents electronically filed shall contain either a scanned image of a signature as a part of that document, or for registered users, an indication of the name of the filer with their signature represented by “/s/ Jane Doe” in a location where the original signature would have occurred.
- (3) Filing of pleadings, documents, and other papers that require original or verified signatures.

A. Electronic filing by registered users. Petitions, lists, schedules, statements, amendments, pleadings, affidavits and other documents that must contain original signatures or that require verification under FRBP 1008 or an unsworn declaration as provided in 28 U.S.C. Section 1746 may be filed

electronically by attorneys registered in this electronic case filing system. An original copy containing an original signature must be retained by the attorney who files such a petition, pleading, document, or other paper for one (1) year after the closing of the case. If the case is later reopened, the one-year retention period for documents already on file is not extended. However, any new filings as defined herein filed after the case is reopened shall be retained by the attorney who files such a petition, pleading, document, or other paper for one year after the re-closing of the case.

B. Filings initially received in paper format. Filings initially received in paper format as allowed under FRBP 5005(a)(2), the court will retain the original documents bearing original signatures of any paper filings where such signatures are a required verification under FRBP 1008 or an unsworn declaration as provided under 28 U.S.C. § 1746 for 6 months after the filing has been converted to an electronic image.

C. Receipt of facsimile filings or emailed pleading or document. Only with prior approval, a pleading, complaint, petition or other document to be filed with the Court may be accepted as timely filed by transmission to the Court by facsimile or email to the appropriate court email inbox at EmergencyFilings@gamb.uscourts.gov. The pleading, complaint, petition or other document to be filed shall be authorized to be received for filing by a judge of this Court, the Clerk of Court, or by the Clerk's designee. Such authorization shall be obtained prior to the sending of the document and shall be based on a showing of time-critical need and that the filer is unable to gain access to the Court's Electronic Case Filing System. In the event the filer is a non-attorney, discretion shall be used to determine whether to approve the receipt of the document by facsimile or email. No facsimile or emailed pleading or document shall be accepted or deemed filed without prior approval.

D. Approval of Facsimile or Emailed Pleading or Document. The pleading, complaint, petition or other document to be filed shall be authorized to be received for filing by a judge of this Court, the Clerk of Court of Court, or by the Clerk's designee. Such authorization shall be obtained prior to the sending of the document and shall be based on a showing of time critical need and that the filer is unable to gain access to the Court's Electronic Case Filing System. In the event the filer is a non-attorney filer, discretion shall be used to determine whether to approve the receipt of the document by facsimile or email.

E. Procedure for Filing Facsimile Documents. The facsimile copy sent to the Court shall include (1) a cover sheet that includes a brief statement of the time critical status of the pleading, complaint, petition or other document, (2) the reason the original cannot be filed timely and, (3) the identification of the Court individual authorizing its receipt. This cover sheet shall be filed with the pleading in the electronic case file. The party sending the facsimile document is solely responsible for calling the court to ensure that it is fully and accurately received. The docketing of the document shall reflect that it is a facsimile document, the name of the Court employee who authorized the receipt of the document, and the name of the attorney or other individual who sent the document.

F. Procedure for Emailing Documents. The email containing the document sent to the Court shall include (1) a brief statement of the reason the filer has requested permission to send the pleading or document by email and, (2) the identification of the Court individual authorizing and/or accepting its receipt. A copy of this email shall be filed with the pleading in the electronic case file. All documents attached to emails and submitted to the court shall be in PDF format. The party sending the emailed document is solely responsible for calling the court to ensure that it is fully and accurately received. The email address to which these emails should be sent is EmergencyFilings@gamb.uscourts.gov. The docketing of the document shall reflect that it is an emailed document, the name of the Court employee who authorized the receipt of the document, and the name of the attorney or other individual who sent the document.

G. Conversion of the Faxed Documents. The pleading, complaint, petition or other document submitted by facsimile shall be converted to an electronic image by the Court and the electronic image shall be the official record of the document.

D. Orders

(1) All orders are to be submitted electronically using the court's E-Orders system.

(2) All orders must conform with the following format requirements:

- a. The top margin on the **FIRST PAGE** must be **FOUR (4) INCHES**. All other pages of the order will have a top margin of one (1) inch.
- b. To assist the court in verifying that the entire body of the submitted order has been properly transmitted, the **LAST LINE** in the order must contain the following text: **END OF DOCUMENT**, centered, to indicate the order is complete.
- c. A line for the date and a signature line for the judge is omitted. All orders will be signed electronically by the judge in the space provided by the top margin on the first page.
- d. All orders prepared by legal counsel shall indicate the name of the law firm, name of the attorney responsible for the order, mailing address and phone number for the firm and, if desired, the fax number and/or e-mail address. This information shall be included on the order, after the line containing the text END OF DOCUMENT.
- e. If the submitting party wishes to indicate to whom copies of the signed order should be sent, those parties' names and addresses shall be included on the order, after the line containing the text END OF DOCUMENT.
- f. The font used to create orders must be Courier or Times New Roman (regular, bold, italic, and bold italic). Other fonts will not process correctly through the court's noticing center.
- g. All signatures of consent including those of unregistered users of the electronic case filing system, are to be indicated by putting "/s/ Jane Doe" where the original signature was to have occurred. In accordance with Paragraph II.C(3)a, any original signatures obtained for consent purposes are to be kept on file by the party submitting the order for one (1) year after the closing of the case.

E. Attachments to Pleadings and Proofs of Claim

If a filed document includes exhibits or attachments, then such exhibits or attachments are to be attached to the document submitted for filing. If the filed document is set for a hearing, hard copies of the exhibits or attachments shall be introduced at the hearing for possible admission to the official record.

F. Documents under Seal

A motion to file documents under seal should be filed electronically. The actual documents to be filed under seal can be filed conventionally in paper form or they can be filed electronically, only after the motion is granted. The order of the court authorizing the filing of such documents under seal will be entered electronically by the Clerk. If the sealed document is filed in paper form, a paper copy of the order granting the motion shall be attached to the documents under seal and delivered to the Clerk at the time of the filing of the documents. Please contact the Clerk's office for complete detailed instructions related to filing the sealed documents.

G. Title of Docket Entries

An attorney who electronically files a pleading or other document shall be responsible for designating a docket entry title for the document by using one of the docketing categories prescribed by the court.

H. Correcting Docket Entries

Once a document is submitted and becomes part of the case docket, corrections to the docket may be made only by members of the clerk's staff. If a document or pleading needs to be corrected by the filer, the correction must be made by filing an amended document.

III Public Access to the Electronic Case Filing System Docket

A. Public Access at the Court

Electronic access to the electronic docket and the documents filed in the electronic case filing system is available to the public at no charge at each Office of the Clerk during regular business hours.

B. Internet Access

Although any person can retrieve and review documents in the system and access information from it without charge at the Clerk's Office, electronic access to the electronic case filing system for viewing purposes is otherwise limited to subscribers of the Public Access Court Electronic Records (PACER) System. Information regarding subscribing to PACER is available on the court's website.

C. Conventional Copies and Certified Copies

Conventional copies and certified copies of electronically filed documents may be purchased at the Office of the Clerk. The listing of miscellaneous fees for copying and certification can be found at 28 U.S.C. Section 1930.

D. Privacy Provisions

In accordance with the E-Government Act of 2002 and its own policy regarding privacy and public access, the Judicial Conference of the United States at its September 2003 session, promulgated an official Bankruptcy Form (Official Form B121), Statement of Social Security Numbers. This form has been created to satisfy the requirement set forth in Federal Rule of Bankruptcy Procedure 1007(f) that a debtor must submit a verified statement of his/her social security number along with the debtor's petition.

- (1) With respect to petitions filed by electronic means by the Internet, the debtor's signature declaring under penalty of perjury that information in the petition is true and correct shall apply to the debtor's social security number as filed electronically with the petition.
- (2) With respect to petitions filed as described above, the filing attorney shall retain an original executed copy of Official Form B121 until one year after closing of the case.
- (3) Attorneys shall not file or submit any additional statements or verifications of the debtor's social security number.
- (4) With respect to petitions filed on paper by unrepresented debtors, the debtor shall submit an original Official Form B121 as a separate paper document with the Clerk at the same time the petition is filed. The Clerk shall retain the original Official Form B121 which will not be accessible to parties, the Bar, or the public.