

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF GEORGIA**

**ADMINISTRATIVE PROCEDURES
FOR FILING, SIGNING, AND VERIFYING
PLEADINGS AND PAPERS BY ELECTRONIC MEANS**

Effective: October 1, 2010

**GENERAL ADMINISTRATIVE PROCEDURES
FOR FILING, SIGNING, AND VERIFYING PLEADINGS AND PAPERS
BY ELECTRONIC MEANS**

Definitions:

1. “Electronic Case Files System” (ECF) refers to the Court’s automated system that receives documents filed in electronic form. The program was developed for the Federal Judiciary by the Administrative Office of the United States Courts.
2. “Electronic filing” means uploading a pleading or document directly from the registered user’s computer, using the Court’s ECF system, to file that pleading or document in the Court’s case file. Sending a document or pleading to the Court via e-mail does not constitute “electronic filing.”
3. “Notice of Electronic Filing” (NEF) is a notice automatically generated by ECF at the time a document is filed, setting forth the time and date of filing, the name of the party and attorney filing the documents, the type of document, the text of the docket entry, the name of the party and/or attorney receiving the notice, and a hyperlink to the filed document, which allows recipients to retrieve the document automatically. The NEF also contains a security code of the document filed which can be used to ensure that the document as it was filed is not tampered with in any way.
4. “Public Access to Court Electronic Records” (PACER) is an automated system that allows an individual to view, print, and download Court docket information over the Internet.
5. “Portable Document Format” (PDF). A document created with a word processor or a paper document which has been scanned must be converted to portable document format to be filed electronically with the Court. Converted files contain the extension “.pdf”. The program takes a “picture” of the original document and allows anyone to open the converted document across a broad range of hardware and software, with layout, format, links and images intact. For information on PDF, users may visit the web sites of PDF vendors, such as www.adobe.com.
6. “Technical failure” is defined as a malfunction of Court owned/leased hardware, software, and/or telecommunications facility which results in the inability of a filer to submit a document electronically. Technical failure does not include the malfunctioning of a filer’s equipment or Internet connection.
7. “Separate Attachment” is a separate PDF document appended to an electronic filing.
8. “Proposed order” is a draft order for a judge’s signature submitted as a separate attachment to an electronic filing.

I. THE ELECTRONIC CASE FILES (ECF) SYSTEM

A. IN GENERAL

Effective October 1, 2010, all documents submitted for filing in this district regardless of the original filing date of the case, shall be filed electronically using the Electronic Case Files (“ECF”) system, or shall be scanned and uploaded, unless otherwise required or permitted by these Administrative Procedures or by the assigned judge. Where a judicial waiver has been obtained as set forth in these Administrative Procedures, documents may be submitted for filing to the Clerk’s Office on CD-ROM as portable document format (PDF) files.

Although permitted by these Administrative Procedures, scanning and uploading a document should be used by filers only as a last resort when conversion of the document into PDF format is not feasible. Any party presenting a CD-ROM to be filed will also present a paper “Notice of Filing of Electronic Media” signed by the party and describing the documents on the CD-ROM.

Those members of the Bar who are unable to file electronically must nonetheless, at the earliest opportunity, register for a login and password in order to facilitate the use of electronic noticing by the Court and other electronic filers.

1. Effective October 1, 2010, absent good cause shown, attorneys in good standing admitted to practice before the Bar of this Court, including attorneys admitted *pro hac vice*, must file documents electronically using the Electronic Case Files (ECF) system.
 - a. Electronically filed documents may contain the following types of hyperlinks:
 - (A) Hyperlinks to other portions of the same document; and
 - (B) Hyperlinks to a location on the Internet that contains a source document for a citation.
 - b. Hyperlinks to cited authority may not replace standard citation format. Complete citations must be included in the text of the filed document. Neither a hyperlink, nor any site to which it refers, shall be considered part of the record. Hyperlinks are simply convenient mechanisms for accessing material cited in a filed document.
 - c. The Court accepts no responsibility for, and does not endorse, any product, organization, or content at any hyperlinked site, or at any site to which that site may be linked. The Court accepts no

responsibility for the availability or functionality of any hyperlink.

2. Parties proceeding *pro se* shall not file electronically; provided however an attorney representing him/herself who is in good standing and admitted to practice before the Bar of this Court shall be required to file electronically in accordance with these procedures. *See* section III(B) of these Administrative Procedures.
3. Attorneys who are not admitted to practice in the Southern District of Georgia and creditors may file documents electronically using the Electronic Case Files (ECF) system. *See* I(C)(2) of these Administrative Procedures.
4. Sealed cases, and sealed documents in unsealed cases, will be scanned and uploaded into the Electronic Case Files (ECF) system but will not be available for public inspection until the assigned judge orders the case or document unsealed. The procedures for sealing documents or matters are set forth in section III(A) of these Administrative Procedures.
5. An attorney may apply to the assigned judge for permission to file documents conventionally. Even if the assigned judge initially grants an attorney permission to file documents conventionally, the assigned judge may withdraw that permission at any time and require the attorney to file documents electronically using the Electronic Case Files (ECF) system.

An attorney seeking the Court's permission to file conventionally, rather than electronically, will file a paper "Request for Leave to File Conventionally" setting forth in detail the reasons supporting the request, together with a proposed "Order Granting Leave to File Conventionally." Such requests will be provided to the deputy in charge of the divisional office to which the filer's case is assigned.

6. The Clerk's Office or any judge of this Court may deviate from these Administrative Procedures in specific cases, without prior notice, if deemed appropriate in the exercise of discretion, considering the need for the just, speedy, and inexpensive determination of matters pending before the Court. The Court may also amend these Administrative Procedures at any time without prior notice.

B. LOGINS AND PASSWORDS

Each attorney admitted to practice in the Southern District of Georgia shall be entitled to an ECF login which allows full electronic filing privileges. The login and associated

password permit the attorney to participate in the electronic retrieval and filing of pleadings and other papers.

1. No attorney shall knowingly permit or cause to permit his or her login to be utilized by anyone other than authorized persons within his or her firm.
2. Once registered, the attorney bears the ultimate responsibility for all documents filed with his or her login.
3. Registration for a login is governed by section I(C) of these Administrative Procedures.
4. An attorney admitted *pro hac vice* must register for a login in accordance with these Administrative Procedures.
5. Attorneys not admitted to practice in the Southern District of Georgia, and other limited filers such as creditors, may request a “limited user login” to allow limited access to the ECF system in accordance with these Administrative Procedures.

C. REGISTRATION

1. Attorneys admitted to the Bar of this Court, including attorneys admitted *pro hac vice*, must complete and submit registration form “Full Filing Privileges - Attorneys Admitted to Practice in the Southern District of Georgia” online from the Court’s web page (www.gasb.uscourts.gov), or mail or deliver the completed registration form to the Clerk’s Office. The Clerk’s Office will email the login and password to the attorney and he/she may then access ECF to file pleadings electronically.

The Court will issue logins for full filing privileges only to attorneys in good standing and admitted to practice before the Bar of this Court. To be in good standing, an attorney must meet the requirements in Local Rule 83.

2. Attorneys not admitted to practice in the Southern District of Georgia, and other limited filers such as creditors, may complete and submit registration form “Limited User Access - Attorneys Not Admitted to Practice in the Southern District of Georgia and Creditors” online from the Court’s web page, or mail or deliver the completed registration form to the Clerk’s Office. The Clerk’s Office will email the login and password to the attorney and he/she may then access ECF to file pleadings electronically.

3. Once registered, an attorney may withdraw from participating in ECF by providing the Clerk's Office with a notice of withdrawal. Such notice must be in writing, and mailed or delivered to the Clerk of Court. Upon receipt, the Clerk's Office will immediately cancel the attorney's password and delete the attorney's e-mail address from any applicable electronic service list. An attorney's withdrawal from participation in ECF shall not be construed as authorization to file cases or documents conventionally.
4. After registering, attorneys may change their passwords. If at any time an attorney believes that the security of an existing password has been compromised and/or that a threat to ECF exists, the attorney must change his/her password immediately. In addition, the attorney must immediately notify the Clerk's Office by telephone of the security issue. Attorneys shall not change their court-issued ECF login.
5. An attorney whose e-mail address, mailing address, telephone or fax number has changed from that of the original Attorney Registration Form shall timely file a notice of a change of address and serve a copy of the notice on all other parties of the cases in which the attorney is counsel of record. The attorney is responsible for keeping all of his/her contact information updated in ECF.

II. ELECTRONIC FILING AND SERVICE OF DOCUMENTS

A. FILING

1. General Rules for All Filers

- a. All petitions, pleadings, motions, applications, responses, briefs, memoranda of law, claims, deposition transcripts, transcripts of proceedings, or other documents, to include attachments to the extent feasible, shall be electronically filed in ECF except as otherwise provided by these Administrative Procedures.
- b. A judicial waiver will be required for attorneys to file documents conventionally. If a paper document is submitted without a waiver, the Clerk's Office will accept the document for filing and immediately issue a "Notice of Non-Compliance with Mandatory Electronic Filing."

If the attorney is not a registered ECF filer, s/he will have fourteen (14) days to register for an ECF filing account and comply with the Court's Administrative Procedures for filing by electronic means. If unable to comply with electronic filing procedures, the attorney may file a "Request

for Leave to File Conventionally” under Administrative Procedure I(A)(5).

If the attorney is a registered ECF filer, s/he will have fourteen (14) days to show cause why a waiver was not obtained. The attorney shall file a statement setting forth the circumstances preventing electronic filing or file a “Request for Leave to File Conventionally.” *See* Administrative Procedure I(A)(5).

- c. E-mailing a document to the Clerk’s Office or to the assigned judge shall not constitute “filing” of the document. A document shall not be considered filed for purposes of the Federal Rules of Bankruptcy Procedure until the filing party receives an ECF-generated “Notice of Electronic Filing” described in II(B)(1) of these Administrative Procedures.
- d. The Notice of Electronic Filing reflects the date and time the electronic transmission of a document is completed. Accordingly, a document will be deemed timely filed if the Notice of Electronic Filing reflects a time prior to midnight on the due date. However, the assigned judge may order that a document be filed by a time certain, which then becomes the filing deadline.
- e. If filing a document requires leave of the Court, the attorney shall attach the proposed document as a separate attachment to the motion or request. If the motion or request is granted, the attorney shall then file the document electronically with the Court.
- f. Attachments and exhibits larger than five megabytes (5 MB) must be filed electronically in separate segments of 5 MB or smaller. If the filer is unable to divide a filing into segments of 5 MB or smaller, the filer may file in conventional format.
- g. Entities that file fifteen (15) or more proofs of claim during any 12 month period must file the claims electronically or obtain 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.
- h. Upon request of the Court, attorneys shall submit to the Court a paper courtesy copy of any filed document. These documents should be accompanied by the Notice of Electronic Filing and be sent to the appropriate divisional Clerk’s Office where the judge resides. Attorneys should provide courtesy copies within three (3) business days of the

receipt of the request, unless otherwise directed by the Court.

- i. The Clerk's Office shall not maintain a paper court file in any case begun after the effective date of these Administrative Procedures except as otherwise provided herein. The official court record shall be the electronic file maintained by the Court. The official record shall include, however, initiating documents and other conventional documents or exhibits filed in accordance with these Administrative Procedures.
 1. Documents that are electronically filed and require an original signature, other than that of the filer, should be maintained in paper form by the filer for at least five (5) years after the conclusion of all appeals or the expiration of time for filing a timely appeal, whichever is later.
 2. Except as otherwise provided by these Administrative Procedures, the Clerk's Office may discard all original paper documents after they have been scanned and uploaded into ECF.
 3. An attorney who wishes to have an original document returned after the Clerk's Office scans and uploads it to ECF may, prior to submitting the document to the Clerk's Office, seek authorization from the assigned judge for the document's return. If return is granted by the judge, the attorney must provide a self-addressed, stamped envelope for the return of the document. Authorization will be granted on a case-by-case basis. No standing authorizations for the return of all original documents filed by an attorney or office will be allowed.
- j. Contract court reporters will submit to the Clerk's Office the tapes of transcribed proceedings and original notes, if applicable. Contract court reporters must also either file the certified transcript of those proceedings electronically in ECF or submit a CD-ROM containing the certified transcript of the proceedings in PDF to the Clerk's Office for uploading.

B. SERVICE

1. Participation in the Electronic Case Files (ECF) system by receipt of a login/password provided by the Court shall constitute a request for service and notice by electronic means as provided under Fed. R. Bankr. P. 9036. Participants in the ECF system, by possessing a login/password from the Court, agree to receive notice and service by electronic means, except with regard to service of a summons and complaint under Fed. R. Bankr. P.

7004, both from the Court and from other system participants, wherever located.

- a. Whenever a pleading or other paper is filed electronically in accordance with these Administrative Procedures, ECF shall generate a “Notice of Electronic Filing (NEF)” to the filing party, and any other party who is a registered user and has requested electronic notice in that case.
- b. If the recipient of the notice is a registered participant of the ECF system, the “Notice of Electronic Filing (NEF)” shall be the equivalent of service of the pleading or other paper by first class mail, postage prepaid.

To determine whether a party is a registered user, the filer selects the ECF “Utilities” category, then “Mailings” on the pull-down menu, and “Mailing Information for a Case.” The filer then enters the case number and the ECF information will appear, indicating whether the filer must mail a paper copy or if ECF will electronically generate one.

- c. Electronic service of the Notice of Electronic Filing (NEF) applies only to recipients of the notice or service who are registered participants in the ECF system or have agreed in writing with the filer to accept such service in lieu of service by first class mail. For all remaining recipients of service or notice, the filing attorney shall serve the pleading or paper upon all entities in accordance with applicable bankruptcy rules. *See* section II(B)(3) of these Administrative Procedures.

2. A certificate of service on all parties entitled to service or notice is still required when a party files a document electronically. The certificate must state the manner in which service or notice was accomplished.

- a. The following language is recommended for registered users of the ECF 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 and respective addresses to whom service was rendered by mail.)

3. A party who is not a registered participant of ECF is entitled to a paper copy of any electronically-filed pleading, document or order. The filing party must therefore provide the non-registered party with the pleading, document, or order according to the Federal Rules of Bankruptcy Procedure. When mailing paper copies of documents that have been electronically filed, the filing party must include the “Notice of Electronic Filing” to provide the recipient with proof of the filing.
4. The three-day rule of Fed. R. Bankr. P. 9006(f) for service by mail shall also apply to service by electronic means.
5. A filer who submits a paper document to the Clerk’s Office for scanning and uploading to ECF must serve conventional copies on all non-registered parties to the case and should expect some delay in the uploading and subsequent electronic noticing of the document.

C. SIGNATURES

1. Attorney Signature

- a. The electronic filing of a petition, pleading, motion, claim, or other document that would bear a signature of an attorney or unrepresented party who is a registered participant of the ECF system shall constitute the signature of that attorney or unrepresented party for purposes of the application of Fed. R. Bankr. P. 9011 and other applicable rules. The signature indicated on the document submitted for filing must match the identity of the individual registered as the ECF filer.
- b. A pleading or other document requiring an attorney’s signature shall be signed in the following manner, whether filed electronically or submitted on CD-ROM to the Clerk’s Office: “s/ (attorney name).” The correct format for an attorney signature is as follows:

s/ John Doe, Esq.
Attorney Bar Number: xxxxxx
Attorney for (Party Name)
ABC Law Firm
123 South Street
Savannah, Georgia 31403
Telephone: (xxx) xxx-xxxx
E-Mail: john_doe@abclaw.com

- c. Any party challenging the authenticity of an electronically-filed document or the attorney's signature on that document must file an objection to the document within seven (7) days of receiving the Notice of Electronic Filing.

2. Multiple Signatures

- a. The filing attorney shall initially confirm that the content of the document is acceptable to all persons required to sign the document and shall obtain the signatures of all parties on the document. For purposes of this rule, physical, facsimile, or electronic signatures are permitted.
- b. The filing attorney then shall file the document electronically or submit it to the Clerk's Office on disk, indicating the signatories, *e.g.*, "s/ Jane Doe," "s/ John Doe," etc. The correct format for each signature is as follows:

s/ Jane Doe, Esq.
Attorney Bar Number: xxxxxx
Attorney for (Party name)
ABC Law Firm
123 South Street
Savannah, Georgia 31403
Telephone: (xxx) xxx-xxxx
E-Mail: jane_doe@abclaw.com

- c. A non-filing signatory or party who disputes their acceptance of the contents of the document, the authenticity of an electronically-filed document containing multiple signatures, or the authenticity of the signatures themselves must file an objection to the document within seven (7) days of receiving the Notice of Electronic Filing.

3. Non-Attorney Signature

- a. If the original document requires the signature of a non-attorney, the filing party or the Clerk's Office shall scan the original document, then electronically file it in ECF.
- b. The electronically-filed document as maintained by the Court shall constitute the official court record. *See* section II(A)(1)(i) of these Administrative Procedures.

- c. A non-filing signatory or party who disputes the authenticity of an electronically filed document with a non-attorney signature or the authenticity of the signature on that document must file an objection to the document within seven (7) days of receiving the Notice of Electronic Filing.

D. FEES PAYABLE TO THE CLERK

1. Fees required for the filing of pleadings in Bankruptcy Court are due and payable at the time the document is electronically filed, unless an Application to Pay Filing Fee in Installments is filed pursuant to General Order 2007-1. Filing fee payments shall be made interactively as part of the electronic filing process and filers will receive a receipt number immediately upon charging the credit card.

Filers may use Internet Credit Card Processing (Pay.gov) to pay filing fees with a credit card either at the time of e-filing each document or at the end of the day. With either payment method, filers are expected to pay all incurred fees by close of business the same day the fees are incurred. The receipt of fees paid will be reflected on the docket. The Clerk of Court will not maintain electronic billing or debit accounts for attorneys or law firms. If fees are not promptly paid, the matter may be dismissed without further notice, pursuant to General Order 2007-1.

2. In limited situations, alternate forms of payment may be accepted on a case-by-case basis, if approved in advance by the Clerk of Court. Written requests to pay fees by cash, check, money order, law firm check, or cashier's check for electronically filed documents shall be emailed to the Clerk of Court at samuel_kay@gas.uscourts.gov, and copied to the Court's financial specialist at wendy_pena@gas.uscourts.gov. The email request shall state in the subject line "Request for Alternate Fee Payment" and include the following information:
 - a. Case number, date filed, and type of document (motion, petition, or application);
 - b. Reason for request to pay with alternate form of payment; and
 - c. The alternate form of payment (cash, check, law firm check, cashier's check or money order) the filer will submit by close of business the following day.

E. ORDERS

1. The assigned judge or the Clerk's Office shall electronically file all orders. Any order entered electronically has the same force and effect as if the judge had affixed his/her signature to a paper order and it had been entered on the docket conventionally.
2. Except as the bankruptcy judge in a case may otherwise direct, parties submitting proposed orders to the Clerk's Office shall effect the submission electronically through the CM/ECF system. The proposed order shall be submitted as a separate document attachment titled as "proposed order" and filed with the relevant motion/application, following these guidelines:
 - a. Filers shall ensure that all proposed orders conform to the approved sample order template as provided at www.gasb.uscourts.gov, under *CM/ECF Information, Forms*.
 - b. Documents may be no larger than 8.5" x 11", allowing two (2) inches of space above the signature line for the judge's electronic signature. Format the date line as a continuous line (not "on this ____ day of _____, 2010").
 - c. Provide the names and addresses of all parties to be served under the heading "*Copies furnished to.*" Filers may not include any service certification for the Clerk's Office to complete.
 - d. Proposed orders shall be submitted as PDF documents and shall reference any related motions or applications.
3. Electronic Submission in Response to a Deficiency Notice

In the event a proposed order is not submitted electronically with a motion/application and a deficiency notice is issued by the Clerk's Office requiring a proposed order to be filed, the proposed order shall be emailed to the appropriate in-box for the assigned judge.

Judge Davis Orders

ProposedOrders_LWD@gas.uscourts.gov

SalaryOrders_LWD@gas.uscourts.gov

ReleaseofWages_LWD@gas.uscourts.gov

OrderConfirmingPlan_LWD@gas.uscourts.gov

Judge Dalis Orders

ProposedOrders_JSD@gas.uscourts.gov

SalaryOrders_JSD@gas.uscourts.gov

ReleaseofWages_JSD@gas.uscourts.gov

OrderConfirmingPlan_JSD@gas.uscourts.gov

Judge Barrett Orders

ProposedOrders_SDB@gas.uscourts.gov

SalaryOrders_SDB@gas.uscourts.gov

ReleaseofWages_SDB@gas.uscourts.gov

OrderConfirmingPlan_SDB@gas.uscourts.gov

Proposed orders shall be submitted in this manner **only** in response to a deficiency notice or directive from the Court and shall be used exclusively for the submission of proposed orders. The e-mail shall not include any comment, inquiry, or other communication to the Court. The proposed order must be sent as an attachment to the email and must be in PDF format.

Depending upon the type of order being submitted, the email subject line must include reference to the following:

- a. Subject matter that order refers to (Motion for Relief, Objection to Claim, etc.).
- b. The Case Number in its entirety (for example: 10 - 41234 LWD). In the assignment of case numbers, the first two digits of the case number indicate the year in which the case is filed; the next number indicates the division; the next four digits reflect a sequential number based on the number of cases filed in that year; and the judge's initials assigned to the case.
- c. Division numbers in the Southern District of Georgia are assigned as follows:

Augusta – Division 1

Brunswick – Division 2

Dublin – Division 3

Savannah – Division 4

Waycross – Division 5

Statesboro – Division 6

d. Debtor Name or the Style of the Adversary
Proposed orders will be sorted according to the information provided in the subject line; therefore, it is essential that filers provide the necessary information in the correct format for timely orders processing.

4. Any proposed orders submitted after the initial filing of the underlying pleading shall be e-mailed as a PDF document to the e-mail address specified above which corresponds to the court division where the case is pending.

5. The assigned judge or the Clerk's Office, if appropriate, may grant routine orders by a text-only entry upon the docket. In such cases, no PDF document will be issued; the text-only entry shall constitute the Court's only order on the matter and will have the same force and effect as if the judge had issued a conventional paper order. ECF will generate a "Notice of Electronic Filing" as described in II(B)(1) of these Administrative Procedures.

6. Submission by CD-ROM
A party who is not able to effect the submission of a proposed order electronically, via ECF as a separate document attachment, shall submit a CD-ROM containing the proposed order to the Clerk's Office. The proposed order shall be submitted in a WordPerfect format together with any attachment, exhibit, or related document to be electronically entered in connection therewith.

The filer shall include a complete list of parties to be served, including mailing addresses, under the heading "*Copies furnished to.*" Filers may not include any service certification for the Clerk's Office to complete. The list of parties shall be furnished as provided for in the proposed order template form provided at: www.gasb.uscourts.gov, under *CM/ECF Information, Forms*.

7. ***Submission by Conventional Means***
Parties with or without legal representation who are excused by the Court from complying with the requirement to submit proposed orders electronically will be handled on a case-by-case basis. Except as the assigned bankruptcy judge directs, the proposed order shall conform to the approved template format and include a complete list of parties to be served, including mailing addresses, under the heading "*Copies furnished to.*"

F. TITLE OF DOCKET ENTRIES

The party electronically filing a pleading or other document shall be responsible for designating a docket entry title for the document by using one of the docket event categories prescribed by the Court. Users will find appropriate entry titles under the various attorney menus in CM/ECF.

G. CORRECTING DOCKET ENTRIES

1. Once a document is submitted and becomes part of the case docket, corrections to the docket may be made only by the Clerk's Office. ECF will not permit the filing party to make changes to the document(s) or docket entry once the transaction has been accepted. If a document or pleading needs to be corrected by the filer, the correction must be made by filing an amended document.
2. A document incorrectly filed in a case may be the result of posting the wrong PDF file to a docket entry, selecting the wrong document type from the menu, or entering the wrong case number and not detecting the error before the transaction is completed.
3. As soon as possible after an error is discovered, the filing party should contact the Clerk's Office with the case number and document number for which the correction is being requested. In the event that the document incorrectly attached contains sensitive information, the filing party may request that electronic access to the information be limited to Court personnel until he or she can petition the presiding judge for deletion of the document or other relief as appropriate.

The Clerk's Office at its discretion may also limit access to documents that were incorrectly filed that may contain sensitive information. In those instances when the Clerk's Office exercises its discretion, the filing party will be notified immediately to confirm that the document was filed incorrectly and that the party desires that the limited access continue so that he or she may seek appropriate relief from the Court. If appropriate, the Court will make a corrective entry indicating the original error. If the docket entry is correct, but the document filed is incorrect, the filing party will be advised to refile the document electronically. Refiling the document does not entitle the filer to an extension of filing deadlines. If the docket entry is incorrect, but the attached document is correct, the

Clerk's Office may make the appropriate corrective changes to the docket entry consistent with Clerk's Office internal procedures. No substitution of documents by Clerk's Office staff is permissible.

H. TECHNICAL FAILURES

The Clerk's Office shall deem the Bankruptcy Court's ECF site to be subject to a technical failure on a given day if the site is unable to accept filings continuously or intermittently over the course of any period of time greater than one hour after 9:00 a.m. that day. Known system outages will be posted on the web site, if possible. An attorney may file a declaration seeking relief from the Court for not meeting a filing deadline as a result of a technical failure.

If an attorney filer is unable to access the CM/ECF system due to a technical problem and there is insufficient time to obtain a judicial waiver, the Court will accept a paper filing based upon the attorney's statement of the circumstances preventing electronic filing.

Problems on the filer's end, such as telephone line, Internet Service Provider (ISP), or hardware or software problems, will not constitute a technical failure under these Administrative Procedures nor excuse an untimely filing. A filer who cannot file a document electronically because of a problem on the filer's end must file the document conventionally. *See* Administrative Procedure II(A)(1)(b).

I. PRIVACY

1. Redacted Documents

Pursuant to the E-Government Act of 2002, the policy of the Judicial Conference of the United States, and ECF LR 12, parties are required to omit, or where inclusion is necessary, partially redact the following personal data identifiers from all pleadings or documents, whether filed electronically or conventionally, unless otherwise ordered by the Court:

- a. Minor's names: use minor's initials;
- b. Financial account numbers: identify the name or type of account and financial institution where maintained, but use only the last four numbers of the account number;
- c. Social Security numbers or taxpayer identification numbers: use

only the last four numbers; and

- d. Dates of birth: use only the year.

The responsibility for redacting these personal identifiers rests solely with counsel and the filing party or person. The Clerk's Office will not review documents for compliance with this rule, or redact documents, whether filed electronically or in paper form.

A party wishing to file a document containing the personal data identifiers specified above may file conventionally under seal either an unredacted version of the document or a reference list containing the complete personal data identifiers. *See* ECF LR 12. A party must, however, electronically file a redacted copy for the public file.

2. Other Sensitive Information

Counsel and parties are reminded that all documents filed with the Court, whether filed electronically or conventionally in paper form, will be electronically available over the Internet unless that document is placed under seal. Counsel and parties are further reminded that in addition to the personal data identifiers listed above, other sensitive information implicating not only privacy but also personal security concerns may be prohibited or restricted from disclosure by federal or state statutes or by rule. Counsel and parties, therefore, must exercise caution when filing documents that contain the following information:

- a. Records of medical, psychological, or psychiatric treatment or diagnosis;
- b. A personal identifying number, such as a driver's license number;
- c. Employment history;
- d. Individual financial account identifiers;
- e. Proprietary or trade secret information;
- f. Information regarding an individual's cooperation with the government;
- g. Information regarding the victim of any criminal activity;

- h. National security information; and
- i. Sensitive security information as described in 49 U.S.C. § 114(s).

Where the inclusion of such sensitive information is relevant and necessary to the case, counsel and the filing party should redact such information before submitting the document for the public file.

3. Transcript Redaction

The filer's obligation to redact the personal identifiers and other sensitive information prohibited or restricted from disclosure by law applies to any transcript submitted as an exhibit or attachment to any filing.

4. Bankruptcy Form 21 (Statement of Social Security Number)

In accordance with the E-Government Act of 2002 and its own policy regarding privacy and public access, the Judicial Conference at its September 2003 session, promulgated official Bankruptcy Form 21, Statement of Social Security Numbers. This form was 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.

- a. 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.
- b. With respect to petitions filed as described above, the filing attorney should retain an original executed copy of Official Form 21 for at least five (5) years after the conclusion of all appeals or the expiration of time for filing a timely appeal, whichever is later.
- c. Attorneys shall not file or submit any additional statements or verifications of the debtor's social security number.
- d. With respect to petitions filed on paper by unrepresented debtors, the debtor shall submit an original Official Form 21 as a separate paper document to the Clerk's Office at the same time the petition

is filed. The Clerk's Office shall retain the original Official Form 21, which will not be accessible to parties, the public or the Bar, until five (5) years after the closing of the case.

III. CONVENTIONAL FILING OF DOCUMENTS

The Court, upon application and for good cause shown, may authorize conventional filing of documents otherwise subject to these Administrative Procedures. Paper documents should be printed on only one side of an 8 ½" by 11" page.

When a document has been filed conventionally, the Order Granting Leave to File Conventionally shall be filed with the paper document and a "Notice of Manual Filing" shall be electronically filed, naming the document that was filed conventionally and stating the reason for conventional (rather than electronic) filing. In the event that a party cannot file the requisite Notice of Manual Filing electronically, the party must file the Notice conventionally.

A. DOCUMENTS TO BE FILED UNDER SEAL

A motion to file documents under seal may be filed electronically; however, the actual documents to be filed under seal shall be filed conventionally in paper form. The order of the Court authorizing the filing of such documents under seal will be entered electronically by the Clerk's Office and a paper copy of the order shall be attached to the documents under seal and delivered to the Clerk's Office.

B. PRO SE FILERS

Pro se filers shall file paper originals of all complaints, pleadings, motions, affidavits, briefs, and other documents. The Clerk's Office will scan these original documents and upload them into ECF. Once documents are scanned into the system, the electronic version will become the official record.

C. EX PARTE MOTIONS

Ex parte motions may be filed conventionally in paper form.

IV. EXHIBITS

A. ELECTRONICALLY FILED

In general, evidence in support of, or in opposition to, a motion should be filed

electronically, rather than conventionally. However, exhibits that are submitted in conventional form during a hearing will be maintained by the Clerk's Office in conventional format.

1. A party electronically submitting evidentiary materials to the Clerk's Office in support of, or in opposition to, a motion shall also file electronically a document indexing each item of evidence being filed. Each item of evidence should be filed as a separate attachment to the motion to which it relates.
2. Whenever feasible a filing party must scan a paper exhibit that is less than 5 MB and submit the exhibit as a PDF file. Similarly, filing parties are expected to electronically file an exhibit greater than 5 MB as separate attachments of 5 MB or smaller whenever feasible. Only when division of the document into separate attachments is not feasible may the party file the document in conventional format.
3. Because documents scanned in color or containing a graphic take much longer to upload, filing parties must configure their scanners to scan documents at 200 dpi and in black and white rather than in color. If a color document is critical to the case, an original color copy can be filed conventionally or may be scanned in color and uploaded to ECF.
4. The filing party is required to verify the readability of scanned documents before filing them electronically with the Court. (Similar to the copy process, images of scanned documents could contain pages which skewed during scanning or were omitted altogether).

B. CONVENTIONALLY FILED

A party may conventionally submit exhibits which are not available or cannot be converted into electronic form. The Clerk's Office will note on the docket its receipt of the document(s) or exhibit(s) with a text-only entry. A party submitting evidentiary materials in conventional format shall also file in conventional format an index of evidence listing each item of evidence being filed and identifying the motion to which it relates. Copies of conventionally-filed supporting materials shall be served on other parties pursuant to section II(B)(3) of these Administrative Procedures governing service of conventional documents.

V. PUBLIC ACCESS TO CM/ECF

A. PUBLIC ACCESS AT THE COURT

Viewing access to the electronic docket and documents filed in ECF is available to the public at no charge at each divisional Clerk's Office during regular business hours. Conventional copies and certified copies of electronically filed documents may be purchased. The listing of miscellaneous fees for copying and certification will be in accordance with 28 U.S.C. § 1930.

B. INTERNET ACCESS

Although any person can retrieve and review documents in the system and access information without charge at the Clerk's Office, remote electronic access to ECF for viewing purposes is limited to subscribers to the Public Access to Court Electronic Records ("PACER") system.

The Judicial Conference of the United States has determined that a user fee will be charged for remotely accessing certain detailed case information, such as filed documents and docket sheets in bankruptcy cases, but excluding review of calendars and similar general information.