

## **Rule 5005-4 Electronic Filing**

**(a) Requirement to File Cases and Documents Electronically.** All pending and newly filed cases and adversary proceedings after February 22, 2005 are part of the court's CM/ECF system. All petitions, motions, memoranda of law, and other pleadings and documents must be electronically filed except as expressly provided in section (c) below, or in circumstances where the electronic filer is prevented from filing electronically, i.e., CM/ECF system failure. "Electronic Filer" refers to those who have a court-issued log-in and password to file documents electronically. Filing of documents submitted, signed, or verified by electronic means must be consistent with technical standards established by the Judicial Conference of the United States and must comply with this LBR and such other LBRs as are applicable.

### **(b) Eligibility and Registration for Electronic Filing; Use of Passwords.**

**(1) Eligibility.** Attorneys, United States trustees and their assistants, private trustees, and others as the court deems appropriate, are entitled to system passwords to enable the user or any support staff so authorized by the user to participate in the electronic retrieval and filing of documents within the system.

### **(2) Registration and Training.**

**(A) Registration and Training Requirements:** In order to receive a login name and password, an attorney or limited user (creditor) must complete the registration application available on the court's website. Both attorneys and creditors must also complete the CM/ECF training established by the clerk's office. For training requirements please refer to the court's website ([www.prb.uscourts.gov](http://www.prb.uscourts.gov)). Applicants must have a PACER login and password. A PACER login and password can be secured by contacting the PACER Service Center to establish an account. Registration may be made online at [www.pacer.gov](http://www.pacer.gov) or by calling their Service Center at (800) 676-6856. PACER access to the CM/ECF system will allow retrieval of the docket sheet and documents. PACER access to the CM/ECF system will be on a "read only" basis.

**(B) Training.** After successful completion of the court's training, or certification by the clerk in circumstances where completion of the court's training is not required, each Electronic Filer will receive a system password.

### **(C) Passwords; Unauthorized Use Prohibited.**

**(i) Admission.** Admission to the system by receipt of a password from the court constitutes a request for electronic service and notice pursuant to Fed. R. Bankr. P. 9036. By receiving a password, Electronic Filers agree to accept notice and service by electronic means, and registration as an Electronic Filer constitutes: (a) waiver of the right to receive notice by first class or certified mail and consent to receive notice electronically; and (b) waiver of the right to service by personal service, first class or certified mail and consent to electronic service, except with regard to service of a summons and

complaint under Fed. R. Bankr. P. 7004. Waiver of service and notice by first class or certified mail applies to notice of the entry of an order or judgment under Fed. R. Bankr. P. 9022.

**(ii) Password.** The login and password serves as the filer's signature. The password required to submit documents to the system serves as the Electronic Filer's original signature on all electronically filed documents. The password also serves as a signature for purposes of Fed. R. Bankr. P. 9011, other Federal Rules of Bankruptcy Procedure, the local rules of this court, and any other purpose for which a signature is required in connection with proceedings before this court. Electronically filed documents must include a signature block that sets forth the name, address, telephone number, and the attorney's bar registration number and email address. In addition, the name of the Electronic Filer under whose log-in and password the document is submitted must be preceded by an "/s/" and typed in the space where the signature would otherwise appear.

**(iii) Unauthorized Use of Passwords.** No Electronic Filer shall permit his/her password to be used by anyone other than himself/herself or an authorized employee. An Electronic Filer shall immediately notify the clerk by telephone, facsimile, or email if they learn that their password has been compromised. Electronic Filers may be subject to sanctions for failure to comply with this provision.

**(iv) Revocation.** The court may revoke an Electronic Filer's password and, therefore, his or her authority and ability to electronically file documents for: (1) failure to comply with any provision of the agreement contained in the Electronic Filer's Registration Form; (2) failure to adequately protect his or her password; (3) failure to comply with the provisions of these LBRs; (4) failure to pay fees required for documents filed electronically; (5) other misuse of the system; or (6) as a sanction ordered by the court after notice and opportunity for hearing.

**(c) Exemption/Withdrawal From Electronic Filing.**

**(1) Attorney Exemption.** If filing electronically creates an undue hardship, an attorney may request permission to file documents conventionally. The request should be made to the court and shall contain a detailed explanation of the reason(s) for the request. However, prior to requesting an exemption, attorneys are urged to register for a login and password and attempt to file after taking the training and to seek assistance from the clerk's office. Information regarding CM/ECF training and support may be obtained from the clerk's office and is also included on the court's web site ([www.prb.uscourts.gov](http://www.prb.uscourts.gov)). If an exemption is granted, the attorney or his representative may be required to scan the filings into the system at a workstation at the clerk's office Intake counter. Upon the issuance of an order to show cause, notice, and hearing, the court may withdraw an exemption and require the attorney to file documents electronically.

**(2) One Time Exemption.** An attorney who is not an Electronic Filer may conventionally file the first document on behalf of a client in an CM/ECF case without leave of court. The attorney must register as an Electronic Filer, or seek an exemption under subsection (1) above and the document filed conventionally must contain such information including the date the attorney is registered for the training. Failure to register or seek an exemption may result in the issuance of an order to show cause why the attorney should not be sanctioned.

**(3) Attorneys Appearing *Pro Hac Vice*.** An attorney who is not a member of the bar of this court, but who is permitted to appear and practice in this court pursuant to [LBR 9010-1](#), may register as an Electronic Filer and participate in the system for the duration of the *pro hac vice* appearance, but is not required to.

**(4) *Pro Se* Litigants.** *Pro se* litigants may conventionally file.

**(5) Withdrawal.** Once registered, an attorney/participant may withdraw as an Electronic Filer by providing the clerk with a request to withdraw, stating the reason(s) for the request. Copies of the request must also be served upon all registered attorneys/participants who have appeared in pending cases in which the withdrawing attorney/participant has appeared. Upon approval of said withdrawal, the clerk will immediately cancel the attorney/participant's password and will delete the attorney/participant from any applicable electronic service list. However, once an Electronic Filer withdraws from the system, he or she will be unable to file documents with the court unless one of the exemptions listed above applies.

#### **(d) Format for Filing Electronic Documents.**

**(1) Format for Transmission of Electronic Documents.** All electronically filed documents must be submitted as a pdf file, and when viewed in the electronic filing system, shall conform in appearance to the requirements listed in [LBR 1005-1](#).

**(2) Designation of Electronic Documents.** Electronic Filers must designate a title for the document by selecting the appropriate event title from the categories provided in the system. Once a document is submitted and becomes part of the case docket, corrections to the docket are made only by the clerk's office or after motion and approval by the court.

**(e) Consequences of Electronic Filing.** Electronic transmission of a document to the CM/ECF system or the e-filing of an event on the system, together with the transmission of a Notice of Electronic Filing from the court, constitutes filing of the document for all purposes under the Federal Rules of Bankruptcy Procedure and the LBRs of this court, and constitutes entry of the document or event on the docket kept by the clerk under Fed. R. Bankr. P. 5003.

**(f) Time of Filing.** The system is "real-time," so the receipt of the Notice of Electronic Filing will show the actual date and time a document was filed on the system. Documents filed electronically outside of normal business hours will be deemed filed on the date and time

received. Deadlines will not change as a result of this rule. The deadline for filing, unless otherwise specifically set, is 11:59 P.M. (A.S.T.).

**(g) Waiver of Notice and Service.** Registration with the court as an Electronic Filer of the CM/ECF system will constitute:

(1) waiver of the right to receive notice by first class or certified mail and consent to receive notice electronically; and

(2) waiver of the right to service by personal service, first class or certified mail and consent to electronic service, except with regard to service of a summons and complaint under Fed. R. Bankr. P. 7004. Waiver of service and notice by first class or certified mail applies to notice of the entry of an order or judgment under Fed. R. Bankr. P. 9022.

**(h) Service of Documents by Electronic Means.**

(1) Each Electronic Filer of the CM/ECF system who electronically files a pleading or other document will automatically receive a Notice of Electronic Filing generated by the system and this Notice of Electronic Filing will automatically be transmitted by the system to all parties who are registered users of the system for that case. Electronic transmission by the court of the Notice of Electronic Filing generated by the CM/ECF system will constitute service or notice of the filed document. Parties having been excepted from the requirement to file and receive documents electronically or not deemed to have consent to electronic notice or service are entitled to receive a paper copy of any electronically filed pleading or other document, and service or notice by the Electronic Filer must be made in accordance with the Federal Rules of Bankruptcy Procedure and these LBRs.

(2) A certificate of service is still required in all filings. The certificate of service must state the manner in which service or notice was accomplished on each party so entitled, and must be filed by the filing user within two (2) days following their receipt of the Notice of Electronic Filing provided by CM/ECF.

(3) Nothing contained herein shall be construed to eliminate the necessity of service of the summons and complaint in accordance with the Federal Rules of Civil Procedure and the Federal Rules of Bankruptcy Procedure. The return of the service on the summons must be filed electronically.

**(i) Official Court Record.** CM/ECF shall constitute the official court record in electronic form. The electronic filing of a pleading or other paper in accordance with the CM/ECF system procedures, or the conventional filing of a document which is subsequently imaged by the court and placed into the system, shall constitute entry of that pleading or other papers on the docket kept by the clerk pursuant to Fed. R. Bankr. P. 5003. The court will not maintain paper except for the following:

(1) Conventionally filed petitions, lists, plans, schedules, statements, amendments, pleadings, affidavits, and other documents which contain original signatures;

(2) [Official Bankruptcy Form B21](#); and

(3) Conventionally filed handwritten documents.

**(j) Original Signatures.** Petitions, lists, plans, schedules, statements, amendments, pleadings, affidavits, stipulations, and other documents which must contain original signatures, documents requiring verification under Fed. R. Bankr. P. 1008, and unsworn declarations under 28 U.S.C. § 1746, shall be filed electronically and bear “electronic signatures” including the /s/. The Electronic Filer shall retain the original documents containing the original signatures for two (2) years after the case is closed. This retention period does not affect or replace any other retention periods required by other applicable laws or rules. The Electronic Filer must produce all such original documents for review or filing at the request of a party in interest or upon order of the court.

**(k) Consent Motions/Joint Motions.** The following procedure shall be used in the case of documents requiring signatures of more than one person, such as stipulations and joint motions the filing user:

(1) The Electronic Filer shall confirm that the content of the document is acceptable to all parties intending to be bound and that all parties consent to the relief requested;

(2) The Electronic Filer shall then file the document electronically indicating all of the parties' signature, e.g. “/s/ Jane Doe,” “/s/ John Doe,” etc.; and

(3) The Electronic Filer shall retain the original documents containing the original signatures for two years after the case is closed.

#### **(l) Exhibits**

**(1) Exhibits.** Exhibits which are not available in electronic form, may be submitted to the court in paper format. The clerk will indicate on the electronic docket the date such exhibits were filed. Trial exhibits will not be scanned unless the court orders otherwise.

**(2) Exhibits to Proofs of Claim.** Exhibits in support of a proof of claim shall be filed electronically whenever possible and shall be e-filed as one event with the proof of claim. The exhibits should be electronically imaged (i.e., scanned) and filed in pdf format as an attachment to the proof of claim.

#### **(m) Orders**

(1) All orders, judgments, and proceedings of the court will be filed in accordance with these LBRs, which will constitute entry in the docket kept by the clerk of court under Fed. R. Bankr. P. 5003 and 9021. Any order signed, filed, and entered electronically by the court has the same force and effect as if the judge had affixed the judge's signature to a paper copy of the order and it had been entered on the docket in a conventional manner.

(2) Orders may also be issued as “text-only” entries (virtual entries of orders) in the docket, without an attached document. Such orders are official and binding.

**(3) Notice of Entry of Orders and Judgments by the Court.** Upon the entry of an order or judgment in an action pending in the CM/ECF system, the system will automatically generate to all Electronic Filers in the case, in electronic form, a Notice of Electronic Filing. Transmission of the Notice of Electronic Filing constitutes the notice required by Fed. R. Bankr. P. 9022. The clerk shall give conventional notice to persons who have not consented to electronic service.

**(n) System Failure.** If electronic filing cannot be accomplished because of a court or filer system failure, the Electronic Filer shall, after making at least two attempts to file electronically, send the document and/or event as an attachment in pdf format via e-mail to the following address: [prbecfsupport@prb.uscourts.gov](mailto:prbecfsupport@prb.uscourts.gov) explaining why it was not possible to file directly in the CM/ECF system. The Electronic Filer must call the clerk’s office prior to 10:00 A.M. of the next business day to advise that a document has been filed via e-mail. The clerk’s office will download and file the pdf document, which will be deemed filed on the date and time of the e-mail transmittal.

**(o) Fees Payable to the Clerk.** All filing fees must be paid electronically by the Electronic Filer using the following methods: credit card, debit card or by ACH withdrawal from a registered bank account in the name of the attorney for the debtor, or the law firm of which the attorney for the debtor is a member, partner or associate. Payment of the filing fee is due on the date the document is filed. Failure to make payment on the date of the filing may cause the Electronic Filer to be locked out of the system, and/or be sanctioned.

**(p) Public Access to Electronically Filed documents.**

(1) Any person or organization may access the CM/ECF at the court’s internet site, [www.prb.uscourts.gov](http://www.prb.uscourts.gov), by obtaining a PACER log-in and password. Such access to CM/ECF will allow retrieval of the docket sheets and documents, but will not allow the filing of documents.

(2) Electronic access at the clerk’s office is available to the public during regular business hours for viewing the docket sheet and documents filed in the system. Conventional and certified copies of electronically filed documents may be purchased at the clerk’s office during regular business hours, or by mail, with a check, money order, or credit card for the exact amount of the purchase.

**(q) Clerk’s Authority.** The clerk may accept for filing documents submitted, signed, verified, or served by electronic means that are consistent with the technical standards, if any, that the Judicial Conference of the United States establishes, and that comply with the administrative procedures established by the bankruptcy court. The electronic filing procedures may be updated by this court as needed. The clerk is authorized to alter these procedures from time to time as circumstances require.