

Rule 5005-4. Electronic Filing.

(A) Authority. As permitted under Bankruptcy Rules 5005(a)(2), 7005, 9011, 9022, 9029 and 9036, this court, through these rules, court administrative orders, court guidelines, clerk's instructions, local forms, and other clerk or court issued directives has established practices and procedures that permit filing, signing, verifying and serving documents electronically in this court.

(B) Access to Electronic Filing. Access to electronic filing in this district is required, encouraged or prohibited as follows:

- (1)** All trustees assigned to cases in this district and attorneys appearing in cases in this district under Local Rules 2090-1(A) and 2090-1(B)(3), except for government attorneys appearing for those limited purposes under Local Rule 2090-1(B)(1), and those attorneys excepted under either provision (B)(5) or (B)(6) below, must complete court approved CM/ECF training to become registered users and file documents using CM/ECF.
- (2)** Attorneys seeking to appear pro hac vice under Local Rule 2090-1(B)(2), must conventionally file the Local Form "Motion to Appear Pro Hac Vice" accompanied by the Local Form "Order Admitting Attorney Pro Hac Vice". If the court grants a pro hac vice appearance, the attorney may apply to become a registered user in this district with full filing privileges. The court grants pro hac vice appearances on a case by case basis, and the court must grant the conventionally filed local form motion before that attorney may enter an electronic appearance in that case.
- (3)** The court encourages attorneys appearing under Local Rule 2090-1(B)(1), and creditors without attorneys, to become registered users with limited creditor filing privileges ("limited filer"), permitting them to electronically file notices of appearance, changes of address, requests for service of notices, proofs of claim and other documents related to proofs of claim (not including responses to objections to claims), notices provided pursuant to Local Rule 3070-1(B), reaffirmation agreements, chapter 11 ballots, and other papers as authorized by the court. In addition, without the necessity of becoming a registered user, any claimant or the claimant's agent may utilize the feature available on the court website for electronic submission of a proof of claim form, and the effect of such electronic submission shall be as provided under section (D) of this Rule.
- (4)** Currently, pro se debtors and bankruptcy petition preparers are ineligible to use CM/ECF to file documents electronically.
- (5)** Notwithstanding provision (B)(1) of this rule, any attorney who files ten or fewer documents in the court during a twelve month period shall be exempt from the requirement to become a registered user without further order of the court. The term "documents" shall not include petitions or adversary proceedings. An

attorney who files a bankruptcy petition under chapter 7, 11, 12, 13 or 15, or an adversary proceeding, shall not be exempt from becoming a registered user.

- (6) Notwithstanding provision (B)(1) of this rule, attorneys appearing pro bono on behalf of debtors may seek waiver of the requirement to become a registered user if the attorney does not intend to file non pro bono bankruptcy petitions or other documents that might otherwise require the attorney to become a registered user. Such waiver may be sought by filing the petition accompanied by the Local Form “Ex Parte Motion to Excuse Compliance with Local Rule 5005-4” and the Local Form “Order Granting Ex Parte Motion to Excuse Compliance with Local Rule 5005-4”. Waiver of the electronic filing requirement will be on a case by case basis and shall only apply to the case in which the order granting waiver was entered. If applicable, the attorney shall also file the Local Form “Motion to Appear Pro Hac Vice” required under Local Rule 2090-1(B)(2). An attorney who is granted a waiver of the electronic filing requirement must otherwise comply with all Local Rules, including with respect to service of all papers and filing certificates of service.

(C) Retention of Original Signed Documents by Registered Users. Documents that are electronically filed and require original signatures other than that of the registered user must be maintained in paper form at least five years from the date of discharge of the debtor, dismissal of the case or final resolution of all appeals pending in the case, whichever is later. This retention neither affects nor replaces any other retention period required by other laws or rules of procedure. The court may require the production of original documents for review by the court, a trustee, the U.S. Trustee, or any interested party.

(D) Effect of Electronically Filed Document. Any document signed and filed electronically, or filed conventionally and converted to an electronic document by the clerk, including a proof of claim filed electronically on this court’s website, shall constitute the filer’s approved signature and have the same force and effect as if the individual signed a paper copy of the document. Documents required to be verified or contain an unsworn declaration that are filed electronically shall be treated, for all purposes (both civil and criminal, including penalties for perjury), the same as though signed or subscribed.

☞ 2011 Amendment: Subdivision (B)(3) was amended to delete from the scope of limited filer privileges the filing of responses to objections to claims. Subdivisions (B)(3) and (D) of this rule are also amended to provide that the electronic signature provision shall apply to proofs of claim that are permitted to be filed electronically, including those permitted to be filed using any electronic filing program established for filers not filing as registered users under CM/ECF as indicated on the court’s website.

(E) Official Case Record. Regardless of whether an interested party files the document electronically or files it conventionally and the clerk converts it to an electronic document, the resulting electronic document and docket entry are deemed to be the court’s official record under Bankruptcy Rule 5003. Deletions, substitutions, or public access restrictions of electronic docket entries or PDF images are permitted only with leave of court. The clerk will review documents filed electronically and, when appropriate, will issue a notice of electronic filing deficiency under Local Rule 5005-1(C).

(F) Virtual Docket Entries. A virtual document consists entirely of the text contained in the docket entry and includes no text of any other document. The docket entry for a virtual document is fully effective despite the absence of a separate PDF document attached to the docket entry. Only trustees, the office of the U.S. Trustee, and court staff may enter a virtual docket entry.

(G) Electronic Filing Date and Technical Difficulties.

(1) Electronic Filing Date. Unless the court orders otherwise, a document filed in CM/ECF is deemed filed on the date in which the electronic transmission of the document is completed by midnight Eastern Standard time (or Eastern Daylight Saving, whichever is in place at the time the filing is effected). An electronic filing is confirmed as complete when the NEF is generated. The date and time reflected on the NEF as the “entered on” date is the date the court received the electronic filing. A document filed conventionally, then converted to electronic format by the clerk, is deemed filed on the date stamped by the clerk on the paper document, not the date it is converted to electronic format. The NEF for conventionally filed paper documents will reflect both the date the party filed the paper document and the date the clerk entered the document on the electronic docket.

(2) Technical Difficulties. Parties are strongly encouraged to file documents electronically during normal business hours, in case a technical problem is encountered. If a party is unable to file electronically as a result of a technical difficulty with the court’s system, the party must contact the clerk’s office CM/ECF Help Desk at the telephone number posted on the court’s website during normal business hours. If required to meet a filing deadline, a registered user is permitted to conventionally file a paper document only when the CM/ECF system is inaccessible or the registered user’s computer system is inoperable. A registered user whose filing is made untimely as the result of a technical failure may seek, or the court on its own motion may grant, appropriate relief. No filing deadline shall be deemed to be extended due to technical problems except by court order. The clerk shall, whenever possible, post notice of any scheduled maintenance or technical problems which renders the system incapable of receiving electronic filings. Registered users are expected to monitor these postings and take any required action necessary to ensure the timely filing of documents.