



UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA

**ADMINISTRATIVE PROCEDURES
CONCERNING ELECTRONIC CASE FILES**

October 2004

TABLE OF CONTENTS

| | |
|---|---|
| DESIGNATION OF CASES, PASSWORDS AND REGISTRATION FOR THE CASE MANAGEMENT/ELECTRONIC CASE FILING SYSTEM | 1 |
| Designation of Cases | 1 |
| Passwords | 1 |
| Registration | 1 |
| ELECTRONIC FILING AND SERVICE OF DOCUMENTS | 2 |
| Filing | 2 |
| Filing Requirements | 2 |
| Accessibility for Filing Via the Internet | 3 |
| Filing Documents with Attachments Under One Docket Entry Number | 3 |
| Attachments to Documents | 3 |
| Large Documents | 4 |
| Expedited Matters | 4 |
| Claims | 4 |
| Effect of Electronic Filing | 4 |
| Service | 5 |
| Signatures: Certificate of Service | 5 |
| Registered Attorneys and Parties with Legal Representation | 5 |
| Electronic Filing of Documents | 6 |
| Pro Se Filers (Parties Without Legal Representation) | 6 |
| Fees Payable to the Clerk of Court | 6 |
| Registrants | 6 |
| No Refunds | 7 |
| Non-Registered Participants | 7 |
| Orders | 7 |
| Electronic Submission via E-Mail Attachment | 7 |
| Electronic Submission for Non-Registered Users | 7 |
| Submission by Conventional Means | 7 |
| Signed Orders | 7 |
| Filing Documents via the Internet | 7 |
| Maintaining Documents and Pleadings filed in CM/ECF | 8 |

| | |
|---|----|
| CONVENTIONAL FILING OF DOCUMENTS; EXCEPTIONS TO ELECTRONIC FILINGS | 8 |
| Conventional Filings | 8 |
| Documents to be Filed Under Seal | 8 |
| Trial Exhibits | 8 |
| <i>Pro Hac Vice</i> | 9 |
| Service of Conventional or 3.5 Inch Floppy Disk or CD-ROM Filings | 9 |
| PUBLIC ACCESS TO THE CM/ECF DOCKET | 9 |
| Internet Access | 9 |
| Public Access at the Court | 9 |
| Conventional Copies and Certified/Exemplified Copies | 10 |
| Access Charges | 10 |
| Antiviral Software | 10 |

ADMINISTRATIVE PROCEDURES CONCERNING ELECTRONIC CASE FILES

I. DESIGNATION OF CASES, PASSWORDS AND REGISTRATION FOR THE CASE MANAGEMENT/ELECTRONIC CASE FILING SYSTEM

A. Designation of Cases

The provisions of these Administrative Procedures shall apply to all electronically filed cases and proceedings. Except as otherwise directed by the Court, all pending and newly filed cases shall be assigned to the Electronic Case Filing System (ECF). All motions and other pleadings and documents required to be filed in connection with cases shall be filed electronically except as otherwise noted in these Administrative Procedures.

B. Passwords

Attorneys admitted to practice in this Court and currently in good standing, attorneys representing the United States Government, trustees and limited registrants shall receive a login username and password after completion of mandatory training for participation in the Internet retrieval and filing of petitions, motions, memoranda of law, or other pleadings, documents and papers in accordance with the Case Management/Electronic Case Filing System (CM/ECF).

C. Registration

1. A registration form shall be submitted by each attorney described in paragraph I.B. above. From time to time, the Clerk of Court may direct a registrant to resubmit an executed registration form.
2. Registration forms will be available on the Court's website. Completed forms shall be e-mailed to the following website for processing: [CM/ECF Registration Department@insb.uscourts.gov](mailto:CM/ECF%20Registration%20Department@insb.uscourts.gov). Registrants will be notified of scheduled training classes.
3. After completion of court provided classroom training, each registrant will receive a login username and password. Reciprocal training may be accepted if the registrant provides certification of training from another court.
4. No registrant shall knowingly permit a password to be used by anyone who is not authorized to use the password and no person shall knowingly

use the password of a registrant unless such a person is so authorized. If an employee of a registrant no longer serves in such a capacity, the registrant shall forthwith select and activate a new password as provided for in CM/ECF.

5. A registrant may withdraw from participation in the Internet ECF filing component of CM/ECF by filing a motion requesting withdrawal of participation or may be ordered, for cause, to withdraw from participation in the Internet ECF filing component of CM/ECF. Upon receipt of the Court order, the CM/ECF Help Desk will initiate a procedure approved by the Clerk of Court, which governs withdrawal of registrants from the Internet filing component of CM/ECF, and immediately cancel the registrant's password and delete the name of the registrant from any applicable electronic service list. A registrant who is an attorney withdrawing from a case must still withdraw as counsel of record pursuant to the procedures and practices of the United States Bankruptcy Court for the Southern District of Indiana.
6. A limited registrant is defined as a person who is eligible to file only a proof of claim form, via the Internet component of CM/ECF, with the Clerk of Court and any other person who may be authorized by the Court to so register for other limited purposes.

II. ELECTRONIC FILING AND SERVICE OF DOCUMENTS

A. Filing

1. **Filing Requirements**

- a. All documents shall be filed separately and related to the pleading to which they refer with the exception of exhibits which may be filed together under one docket number. **Effective April 12, 2005**, non-registrants shall effect filings through submission of a 3.5 inch diskette (disk) or CD-ROM. Parties without legal representation (*pro se*) shall effect filings conventionally.
- b. Electronic filings, via the Internet, will be considered timely filed with the Clerk of Court prior to midnight on the date set as the deadline, unless the presiding Judge specifically requires an earlier filing time.

- c. All references to time contained in these Administrative Procedures are to the Indianapolis Division which remains on Eastern Standard Time all year around.
- d. A conventional filing is defined as a filing submitted in paper form.
- e. An electronic filing is defined as a filing submitted either via the Internet, disk or CD-ROM.

2. **Accessibility for Filing Via the Internet**

If the registrant cannot access CM/ECF via the Internet to effect a filing, the registrant shall contact the appropriate divisional office and speak with a deputy clerk to confirm that CM/ECF is not accessible, to state why an immediate filing is necessary and to make suitable arrangements with the Clerk of Court for the filing to take place. After submission of the document to the Clerk of Court and when CM/ECF is accessible, a deputy clerk will effect the electronic entry and docketing of the document. If a document is filed untimely for any other technical failure, the registrant may seek appropriate relief from the Court.

Filing a document electronically does not alter the filing deadline.

3. **Filing Documents with Attachments Under One Docket Entry Number**

All documents with attachments capable of electronic imaging and filing shall be filed electronically together under one entry number. Registrants shall submit as exhibits or attachments only those excerpts of the referenced documents that are germane to the matter under consideration by the Court. Excerpted material must be clearly and prominently identified as such. Registrants who file excerpts of documents as exhibits or attachments under this rule do so without prejudice to their right to timely file additional excerpts or to file the complete document. Responding parties may timely file in electronic form additional excerpts that they believe to be germane to the matter under consideration by the Court.

4. **Attachments to Documents**

Except as the presiding Judge in a case may otherwise direct, attachments to documents (including, but not limited to, leases, notes, etc.) which may

not exist in electronic form shall be electronically imaged (scanned) and filed in the format specified in the “Notice Concerning Electronic Filing Procedures.”

5. **Large Documents**

Electronic filings via the Internet should not be more than 1.5 megabytes in size (approximately 30-35 pages). For security reasons, filings that take more than 5 minutes to transmit will time out. If a filing is larger than 1.5 megabytes and if any portion of the filing has been scanned, settings for the filing document should be no more than 8.5 x 11 inches, without color and with a resolution not exceeding 300 DPI. If making these adjustments does not reduce the size of the filing to 1.5 megabytes or less, the document must be broken down into 2 or more smaller files. For example, if Exhibit A is a 3MB PDF file, it must be divided into 2 equal parts prior to filing. Each component part of the exhibit would be filed as an attachment to the main document and described appropriately as Exhibit A (part 1 of 2) and Exhibit A (part 2 of 2).

6. **Expedited Matters**

Attorneys must contact the courtroom deputy for the presiding Judge by telephone after filing an expedited matter.

7. **Claims**

Claims may be filed electronically if the claimant is a registrant. Non-registrants and *pro se* filers must file claims conventionally. All claims that are filed conventionally will be imaged (scanned) without exhibits. Originally executed claims must be retained by the claimant for three (3) years or until the case is closed, whichever is earlier.

8. **Effect of Electronic Filing**

Effecting an electronic filing via the Internet, in accordance with these Administrative Procedures, shall constitute entry of that filing on the docket kept by the Clerk of Court pursuant to Federal Rule of Bankruptcy Procedure (FRBP) 5003. All orders, decrees, judgments and proceedings of the Court will be entered in accordance with these Administrative Procedures, which shall constitute an entry on the docket kept by the Clerk of Court pursuant to FRBP 5003 and for purposes of FRBP 9021.

B. Service

1. All registrants shall maintain a current and active e-mail address to receive notification in CM/ECF.
2. Whenever a filing is effected via the Internet, disk, CD-ROM or conventionally, a “Notice of Electronic Filing” will be transmitted by e-mail to all parties who are registrants in the case or proceeding.
3. The filer shall serve a filing upon all persons entitled to notice or service in accordance with the applicable rules, or, if service by first class mail is permitted under the rules, the filer may make service in accordance with paragraph II.B(4) below.
4. The “Notice of Electronic Filing” that is automatically generated by the Court’s ECF system constitutes service or notice of the filed document on registrants. Parties who are not registrants must be provided notice or service of any pleading or other documents electronically filed in accordance with the Federal Rules of Bankruptcy Procedure and Local Rules of the Bankruptcy Court for the Southern District of Indiana.

C. Signatures: Certificate of Service

1. Registered Attorneys and Parties with Legal Representation

All filings that (a) contain original signatures; (b) require verification under FRBP 1008; or (c) contain an unsworn declaration as provided in 28 U.S.C. §1746, shall be filed electronically or in accordance with the “Notice of Electronic Filing Procedure.”

Originally executed copies must be retained by the registrant until three (3) years after the closing of the case by the Clerk unless the Court orders a different period. This retention period does not affect or replace any other retention periods required by other applicable laws or rules. Upon request by the Court, the filer must provide original documents for review.

At the request of the trustee assigned to the case, the debtor’s counsel shall provide to the trustee a paper copy of the petition, schedules, statements, lists and any amendments thereto.

2. **Electronic Filing of Documents**

A filing effected electronically, via the Internet, by a registrant constitutes that person's signature under FRBP 9011. For purposes of FRBP 9011, the document shall indicate a signature with the filing party's name typed in full (*e.g.*, /s/ Jane Doe) followed by the registrant's typewritten name. An attorney shall indicate a signature in the same manner and in addition must provide a complete mailing address, telephone number and the name of the party the attorney represents. In the case of a stipulation or other document to be signed by two or more persons:

- a. The filer shall initially confirm that the content of the document is acceptable to all persons required to sign the document and shall obtain the actual signatures of all parties on the document.
- b. The filer shall then file the document electronically indicating the signatures (*e.g.*, /s/ Jane Doe /s/ John Doe).
- c. The filer shall maintain the original paper copy of the document in accordance with subparagraph C(1) above.

3. ***Pro Se* Filers (Parties Without Legal Representation)**

All conventional filings that (a) contain original signatures; (b) require verification under FRBP 1008; or (c) contain an unsworn declaration as provided in 28 U.S.C. §1746, must be submitted with full signature. The Clerk of Court will scan these documents and the originals shall be retained by the Clerk of Court.

D. Fees Payable to the Clerk of Court

1. **Registrants**

On-line Credit Card Payments: Registrants shall pay the appropriate filing fee using the on-line Credit Card Module which will allow the registrant to pay after each transaction or make one payment at the end of all transactions. All required fees must be paid at the time of the transaction or by the end of the day. Failure to complete payment will result in being locked out of the ECF system. An e-mail will be sent for the payments due and the "Internet Payments" option will become the only ECF item available. Upon receipt of all payments due, the lockout will be automatically terminated.

2. **No Refunds**

Pursuant to Judicial Conference policy no filing fee will be refunded on a case, proceeding or paper that requires a filing fee even if the filing is in error or the Court dismisses or denies the relief requested.

3. **Non-Registered Participants**

For filings that require a fee, the current methods of payments must be followed.

E. Orders

1. **Electronic Submission via E-Mail Attachment**

Except as the presiding Judge in a case may otherwise direct, a party submitting a proposed order to the Clerk of Court shall effect the submission electronically via E-Orders in PDF Format. (See “Users Guide” for instructions).

2. **Electronic Submission for Non-Registered Users**

A non-registered party wishing to submit electronically must submit a 3.5 inch floppy disk or CD-ROM containing the proposed order to the Clerk of Court in PDF format.

3. **Submission by Conventional Means**

Non-registrant and *pro se* parties shall provide one copy of the proposed order.

4. **Signed Orders**

All signed orders shall be entered electronically by the Clerk of Court or presiding Judge in the case.

5. **Filing Documents via the Internet**

The registrant filing a document via the Internet shall be responsible for effecting the filing by selecting the appropriate event from the list of docketing events in CM/ECF. Once a document is submitted and becomes part of the case docket, corrections to the docket can only be made by the Clerk of the Court.

F. Maintaining Documents and Pleadings filed in CM/ECF

1. FRBP 5005 (a)(2) authorizes this Court to establish practices and procedures for the filing, signing, maintaining and verification of documents by electronic means.
2. Documents maintained in CM/ECF shall constitute the official record of the Court. **Effective April 12, 2005**, the Court will no longer create or maintain new paper case files for documents filed with the Court. Documents not submitted via the Internet will be filed on a 3.5 inch floppy disk or CD-ROM in PDF format. Documents filed by non-registrants will be processed (imaged or scanned) and the original will be returned to the filer. Originally executed, verified documents must be retained by the filer for three (3) years after closing of the case and upon request by the Court, the filer must provide original documents for review. Documents that the Court is unable to return will be recycled ten (10) days from the date of filing.

III. CONVENTIONAL FILING OF DOCUMENTS; EXCEPTIONS TO ELECTRONIC FILINGS

A. Conventional Filings

The following documents shall be filed conventionally unless specifically authorized by the Court:

1. Documents to be Filed Under Seal

A motion to file a document(s) under seal shall be filed electronically; however, the actual document(s) to be filed under seal shall not be filed electronically but shall be filed conventionally in paper form. If requested by the Court, the movant shall deliver hard copies of the documents proposed to be filed under seal to the presiding Judge for *in camera* review. The order of the Court authorizing the filing of a document(s) under seal shall be entered on the docket by the Clerk of Court.

2. Trial Exhibits

Exhibits shall be tendered or submitted as outlined in the presiding Judges' pretrial order.

- a. A party without legal representation will be required to file conventionally in accordance with Local Bankruptcy Rule S.D.

Ind. B-1007-1. The Clerk of Court will process any such filings pursuant to filing procedures.

3. ***Pro Hac Vice***

A party filing a request to appear *pro hac vice* shall electronically file the request with a proposed order if said party is a registered user in CM/ECF. Non-registered users shall conventionally file the request and proposed order. Once an order is entered and the appropriate filing fee is collected, the non-registered user may apply to become a registered user in ECF.

B. Service of Conventional or 3.5 Inch Floppy Disk or CD-ROM Filings

Pleadings or other documents that are filed conventionally, or electronically on 3.5 inch floppy disks or CD-ROM, will be served by conventional means in the manner provided for and on those parties entitled to receive notice, in accordance with the Federal Rules of Bankruptcy Procedure and Local Rules of the Bankruptcy Court for the Southern District of Indiana.

IV. PUBLIC ACCESS TO THE CM/ECF DOCKET

A. Internet Access

Internet access to CM/ECF is only available with a login username and password issued by the Public Access to Electronic Records Center (PACER). Any person or organization with a valid PACER login username and password, may access the System at the Court's Internet site: www.insb.uscourts.gov. A PACER login username and password can be secured by contacting the PACER service center to establish an account. PACER registration may be made online at <http://pacer.psc.uscourts.gov> or by calling the PACER Service Center at 1-(800)-676-6856. Access through the CM/ECF system will allow retrieval of the docket sheet and documents.

B. Public Access at the Court

During regular business hours electronic access is available at each division of the Court, at no charge, for viewing documents and docket records filed in CM/ECF.

C. Conventional Copies and Certified/Exemplified Copies

Conventional and certified/exemplified copies of electronically filed documents may be purchased at each division of the Court. The fee for copying and certification/exemplification will be in accordance with 28 U.S.C. § 1930.

D. Access Charges

Charges required by the Judicial Conference of the United States, as set out in 28 U.S.C. §1930 for electronic access to Court records, are assessed in accordance with the fees and procedures established by the Administrative Office of the United States Courts.

E. Antiviral Software

All registrants who will retrieve and effect filings must purchase, install, utilize and keep current antiviral software at all locations from which CM/ECF will be accessed. All disks must be checked for viruses and worms before such disks are submitted for filing with the Clerk of Court or submitted to a Judge for any purpose. Failure to comply could result in suspension or loss of CM/ECF filing account privileges.