

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA

COURT'S APPROACH TO CM/ECF ACCESS ISSUES

Thanks to all who responded to the request for input on how the Court should handle situations where ECF is unavailable because of system problems on the Court's end, and how the Court should handle weather emergencies that may create access issues for our customers. (See the Court's notice of January 21, 2014 [here](#).) The Judges have considered those comments and now offer the following guidance.

Because system problems would affect e-filing customers universally, if a system outage threatens to last beyond the normal business day, the Chief Judge will issue a general order extending deadlines that expire on the day the system outage began. Any general order will invoke Fed.R.Bankr.P. 9006(a)(3), concerning the inaccessibility of the Clerk's office, and deadlines will be extended to the first business day that system access is restored. Usually, this day will be the next business day. Even if CM/ECF access is unavailable when the general order is issued, the Court retains the ability to send an e-mail blast to e-filing customers and will do so.

Weather emergencies tend to affect customers and Court staff differently. Even when the Court and/or the Clerk's office have closed their physical location in one division because of weather, the work of the Court continues – either by staff who are teleworking or staff located in a division that remains open. Therefore, the Clerk's office (CM/ECF) has not been rendered inaccessible and no blanket extension of deadlines will occur. However, if counsel lacks access to the resources necessary to file electronically and suffers the consequences of a missed deadline, the inability to file because of a weather emergency may be grounds for the Court to grant relief from the order. (During weather emergencies, the Court will be particularly sensitive to deadlines affecting pro se parties who are not permitted to file electronically and must deliver documents to a Courthouse.)

April 2, 2014

/s/ Kevin P. Dempsey
Clerk