

Administrative Procedures
for
Electronically Filed Cases and Related Documents



United States Bankruptcy Court
for the
Eastern and Western Districts of Arkansas

Version 4
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**UNITED STATES BANKRUPTCY COURT
EASTERN & WESTERN DISTRICTS OF ARKANSAS**

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

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I. REGISTRATION FOR THE ELECTRONIC FILING SYSTEM

A. Designation of Cases

In accordance with Local Rule 5005-4, the Court designates that all cases and documents filed in the United States Bankruptcy Court for the Eastern and Western Districts of Arkansas (“the Court”) shall be maintained on the Case Management/Electronic Case Filing System (“the System”) in electronic format.

B. Logins and Passwords

Attorneys practicing before the Court are required to use a login and password assigned by the Court to participate in the electronic filing of pleadings and other papers in accordance with the System. Logging onto the System using the assigned login and password constitutes the attorney’s original signature on all documents and actions unless otherwise required by the Court.

C. Eligibility

For the purposes of these procedures, an “attorney” is any individual admitted to practice law before any federal court in the United States.

For purposes of these procedures, a “Filing User” is any individual who has a Court-issued login and password to the System to file documents electronically.

Any attorney may become a Filing User, provided he or she meets the requirements for registration as set forth below.

If the Court permits, a creditor may register as a limited Filing User in the System. Registration is in a form prescribed by the Clerk, and such form may be found on the Court’s website www.arb.uscourts.gov.

Pursuant to 28 U.S.C. § 586(f), the U.S. Trustee for each district is authorized to contract with auditors to perform audits of certain bankruptcy cases, and the report of each audit performed shall be filed with the Court. Any such auditors may register as limited Filing Users in the System. Contact the ECF Help Desk at 501-918-5590 for further information.

D. Registration

1. Anyone wishing to view documents and Court dockets on the System from a location other than the Clerk’s Office **must** have an account on the Public Access to Court Electronic Records (PACER) system. Attorneys who will be filing documents on the System must have a PACER account and a System login and

password assigned by the Court as described below. To establish a PACER account go to www.pacer.psc.uscourts.gov. For public access see section III.(A) below.

2. To obtain a System login, attorneys must complete and sign an ECF Attorney/Participant Registration Form and complete training, as stated in section I.(D)(4), below. This form is available on the Court's website and in the Clerk's Office in Little Rock and Fayetteville.
3. All signed Registration Forms shall be mailed to the ECF Help Desk, U.S. Bankruptcy Court, 300 West 2nd Street, Little Rock, AR 72201 or delivered to the Bankruptcy Clerk's Office in Little Rock or Fayetteville in an envelope marked "Attn: ECF Help Desk." Registration Forms may also be faxed to 501-918-5558.
4. Upon completion of training on the System provided by the Court, each attorney will receive a System login and password. Additionally, the Court currently permits attorneys who are ECF certified in other bankruptcy or federal district courts to obtain an ECF login ID and password for our Court's ECF system without additional training in this District. To obtain a login ID for this Court, attorneys who are ECF certified in other federal courts must provide us with the name of the court where they are certified. **Note:** attorneys who obtain a login ID, but who are not admitted to the bar of either the U.S. District Court for the Eastern District or Western District of Arkansas must determine whether the requirements of Local Rule 2090-1(b) regarding *pro hac vice* admission apply.
5. If an attorney allows his/her employees to access the System using the attorney's login and password, the attorney is responsible for all applicable charges and any documents filed will be deemed authorized and signed by the attorney.
6. Attorneys shall not share his/her login and password with other attorneys for the purpose of having pleadings filed on the System. When a pleading is filed on the System, the login name must match the signature on attached PDF pleading. However, attorneys from the same firm can file on behalf of one another as long as the name of the attorney actually filing in ECF also appears on the pleading.
7. If an attorney realizes her/his password has been compromised, the attorney should notify the ECF Help Desk. If the Clerk notices that an attorney's password has been compromised, the ECF Help Desk will notify the attorney. In all cases, the Clerk will make necessary corrections to the System and establish a new login and password for the attorney.

8. If any of the information on the Registration changes, i.e., mailing address, e-mail address, etc., it is the attorney's responsibility to log onto the System and make the changes by accessing the "Utility" menu and selecting "Maintain Your ECF Account." Additional information is available in the *ECF User Manual* or by selecting the Help button "?" from the menu after selecting "Maintain Your ECF Account." It is not the Court's responsibility to re-send or investigate returned e-mails not properly maintained by ECF users. Attorneys registered with the BNC for noticing purposes must also notify the BNC if their delivery information changes.

II. FILING AND SERVICE OF DOCUMENTS

A. Filing

1. All petitions, motions, pleadings, memoranda of law, or other documents that are required to be filed with the Court in connection with any case shall be filed electronically on the System, unless an exception stated in Local Rule 5005-4 applies. Filers filing pleadings and/or documents via paper who are not subject to an exception will be issued an Order to Show Cause as to why they can not file electronically, and will be requested to appear before this Court.

When a document has been filed electronically, the official record is the electronic recording of the document as stored by the Court, and the filing party is bound by the document as filed. Before filing a scanned document with the Court, a Filing User must verify its legibility.

a) Format

All electronic documents, except as noted below, must be submitted in Portable Document Format (PDF). Any exception to this rule will be specifically noted in these Administrative Procedures, or ordered by a Judge.

b) Size Limit

Documents filed on the System over the Internet must be 8.5 x 11.0 or smaller and cannot exceed 3 megabytes in size. Because files converted to PDF are approximately 10 times smaller than files scanned to PDF, convert documents to PDF whenever possible. In order to control the size of scanned PDF files, any individual document that exceeds the limit of 3 megabytes should be broken into multiple PDF files and filed on the System as a document

and attachment(s). For example, for a 10-page motion with 130 pages of exhibits, the main document might consist of the 10-page motion and then exhibits would be filed as three or four attachments to the main document.

c) Exhibits or Attachments

NOTE: THIS RULE IS NOT A SUBSTANTIVE RULE REGARDING DISCOVERY. IT SIMPLY ADDRESSES PROCEDURES FOR FILING EXHIBITS AND ATTACHMENTS IN ECF.

Filers must submit in electronic form all documents referenced as exhibits or attachments, unless the Court permits paper filing. Filers must submit as exhibits or attachments only those excerpts of the referenced documents that are directly germane to the matter under consideration by the Court. Excerpted material must be clearly and prominently identified as such. Upon request by any party in interest or the Court, the complete document containing any excerpt shall be made available to both the party making the request and the Court, unless otherwise ordered by the Court. Filers 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 the complete document. Responding parties may timely file additional excerpts or the complete document if they believe such items are germane. Exhibits should be included with the main document if possible. If exhibits cannot be scanned, the attorney shall make a note in the docket text that there are unscannable exhibits.

2. Date/Time Filed

Because the system is a “real-time” system, the receipt of filing will show the actual date and time a document was filed on the system. Documents submitted electronically on the system outside of normal office hours will be deemed filed on the date and time received, and filing a document electronically does not alter the filing deadline for that document. For example, if a document is received at 8:30 PM on Sunday, July 7, 2002, the receipt of filing will show that date and time. Filing must be completed before midnight local time where the Court is located in order to be considered timely filed that day.

3. Creditor Lists

Creditor lists must be submitted in ASCII file format with an appropriate text extension (.txt) and shall be submitted over the Internet through the System at the time of case filing. If additional

creditors need to be added, an Amended List of Creditors should be uploaded directly through the System. Instructions for creating an ASCII file are available from the Clerk's Office and on the Court's Internet site. The creditor list, also called a matrix, should meet the following specifications:

- a) The name and address of each creditor must be four (4) lines or fewer.
- b) Each line may contain no more than 40 characters including blanks.
- c) Names and addresses should be left justified (no leading spaces).
- d) If attention lines are used, they should appear on the second line of the address.
- e) City, state, and ZIP code must be on the last line.
- f) All states must be two-letter abbreviations.
- g) If a nine-digit ZIP code is used, a hyphen must separate the first five digits from the last four digits.
- h) Each creditor must be separated by at least one blank line.
- i) Do not include case number, page numbers, line numbers, headers, footers, etc. in the document.

Pro se debtors and attorneys who do not have access to a computer to create a creditor list may complete a request for waiver form, available at the Clerk's Office, and submit a paper list of creditors.

4. When filing expedited matters, the filing attorney shall immediately advise the judge's courtroom deputy clerk of the filing by phone or fax. The telephone and fax numbers for the courtroom deputies are available on the Court's website at www.arb.uscourts.gov.

B. Service

1. Whenever a pleading or other paper is filed electronically in accordance with these Procedures, the System will automatically generate a "Notice of Electronic Filing" and send it via electronic mail to all registered attorneys and trustees assigned to the case at the time of docketing. The notice will include a list of all parties to whom the electronic notice was sent.
2. The filing attorney shall serve the pleading or other paper upon all persons entitled to notice or service in accordance with the

applicable rules, or the filing attorney may make service in accordance with Paragraph II (B)(3), as stated below.

3. An attorney filing a pleading or other paper electronically may serve the “Notice of Electronic Filing” by electronic means and such service will be considered the equivalent of service by first class mail, postage prepaid, *if and only if* the recipient of notice or service is a registered participant in the System and has agreed, in the Electronic Case Filing System Attorney/Participant Registration Form, to accept such service in lieu of service by first class mail. A certificate of service must be included with all documents filed electronically, indicating that service was accomplished through the Notice of Electronic Filing for parties and counsel who are Filing Users and indicating how service was accomplished on any party or counsel who is not a Filing User.
4. At this time, the Court shall continue to notice using the Bankruptcy Noticing Center (BNC).
5. Most sealed filings do not produce a Notice of Electronic Filing, and therefore, service by the filer of any sealed document by alternate method is required.

C. Signatures

1. All pleadings and other papers and documents electronically filed shall either contain a scanned image of any signature(s) therein, an Adobe Acrobat Digital Signature, or indicate the signature by putting “/s/” and the name of the signatory where the original signature occurs. For example: /s/ John Doe
2. Petitions, lists, schedules, statements, amendments, pleadings, affidavits, and other documents that must contain original signatures or require verification under Federal Rule of Bankruptcy Procedure 1008 or an unsworn declaration as provided in 28 U.S.C. § 1746 may be filed electronically by attorneys registered in the System. The attorney who files such a pleading or other document shall retain the originally executed document for audit purposes for a period of no less than three years after the case had been closed.

D. Fees Payable to the Clerk

When a fee payment is required with a filing, the attorney will be prompted for an on-line credit card payment at time of filing. ECF certified attorneys must pay the filing fee on-line by credit card. Failure to pay any fees which are due may result in the Filing User being “locked-out” of the System until payment is made. ECF certified attorneys who experience Internet failure prohibiting on-line payment must fax a “One

Time Credit Card Authorization Form” for each filing to 501-918-5520 for manual processing.

E. Orders

1. Moving parties submitting orders electronically must separately submit, in PDF format, a form of order for entry by the Court for each pleading for which relief is requested. Orders will be submitted to the Court electronically by attaching them to e-mail sent to an address specific to each Judge. These e-mail addresses and specific procedures will be provided when an attorney is trained on the System by the Court. Orders submitted electronically require a case number (e.g., 06-XXXXX) and a specific description of the matter in the subject line of the e-mail transmitting the order.
2. If approved, the Judge’s signature will be added to the order and the order will be docketed to the System by the Court.
3. If the order is not approved, it will be returned via e-mail to the submitting party with an explanation of its rejection.
4. The Court, in its discretion, may grant routine orders by a text-only entry on the docket. In such instances, no PDF document shall issue; the text-only order shall constitute the Court’s only order on the matter. Such text-only orders are official and binding.

F. Documents to be Filed Under Seal

A motion to file document(s) under seal may be filed electronically; however, the actual document(s) to be filed under seal shall be filed in paper format and only after the motion is granted. The Clerk will electronically enter the order of the Court authorizing the filing of such document(s) under seal and a paper copy of the order shall be attached to the document(s) under seal and delivered to the Clerk at the time of the filing of the document(s). These documents will be maintained under seal in original format (paper) by the Clerk’s Office.

G. Title of Docket Entries

An attorney who electronically files 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 and in accordance with the *ECF User Manual*.

H. Correcting Docket Entries

Once a document is submitted and becomes part of the case docket, corrections to the docket are made only by the Clerk.

I. Technical Failures

A Filing User whose filing is made untimely as the result of a technical failure may seek appropriate relief from the Court. If a filing is made untimely due to a technical failure of the Court leading to the inaccessibility of the System, this fact should be brought to the Court's attention when seeking relief. Difficulties connecting to the System should be reported to the Court by contacting the ECF Help Desk at 501-918-5590.

J. Procedures for Filing Proofs of Claim

General Order 22 sets out the procedures for filing Proofs of Claim on the System. Please refer to this document on the Court's Website at www.arb.uscourts.gov.

K. Privacy

To address privacy concerns created by Internet access to Court documents, litigants must comply with General Order 24 regarding nondisclosure or partial redaction of certain personal data identifiers from documents filed with the Court.

III. PUBLIC ACCESS TO THE SYSTEM

A. Public Access at the Court

Electronic access to the electronic docket and documents filed in the System is available to the public at no charge at the Clerk's Office in Little Rock and Fayetteville during regular business hours.

B. Internet Access

Although any person can retrieve and view documents in the System and access information from it without charge at the Clerk's Offices, electronic access to the System for viewing purposes is otherwise limited to subscribers to the Public Access to Court Electronic Records (PACER) system and, in accordance with the ruling of the Judicial Conference of the United States, a

user fee will be charged for accessing certain detailed case information, such as reviewing filed documents and docket sheets, but excluding review of calendars and similar general information. Information regarding subscribing to PACER is available at the PACER Website at www.pacer.psc.uscourts.gov and at each staffed Divisional Office of the Clerk.

C. Paper Copies and Certified Copies

Conventional copies and certified copies of electronically filed documents may be purchased at the Office of the Clerk. The fee for copying and certification will be in accordance with 28 U.S.C. § 1930.

IV. SUBSTITUTION AND WITHDRAWAL OF ATTORNEYS

A. Substitution

If an attorney representing a party in any bankruptcy proceeding wishes to be substituted for another attorney, either a notice of substitution or a motion to substitute must be filed. If a motion to substitute is filed, a precedent should also be submitted.

EXCEPTION: If a debtors' attorney is the attorney of record in more than 20 cases, the debtors' attorney may submit to the Court a single Request for Global Attorney Substitution ("Request"). A form Request is available on the Court's website. The Request should be signed by the original attorney of record and must be signed by the new attorney. A precedent should also be submitted; a sample precedent is available on the Court's website. If the Court grants the Request, the Court will sign an Order substituting the new attorney for the original attorney in all pending matters where the original attorney was named as attorney of record. The Court will make this substitution through the ECF system, and the Order will be kept on file with the Court. A copy will be sent to the original attorney and the new attorney, but the Order will not be entered on the docket in each individual case where a substitution occurs. Attorneys with questions regarding this procedure may contact the ECF Help Desk at 501-918-5590.

B. Withdrawal

If an attorney representing a party in any bankruptcy proceeding wishes to withdraw, that attorney must file a motion to withdraw.