

FREQUENTLY ASKED QUESTIONS

What is CM/ECF?

CM/ECF stands for “Case Management/Electronic Case Filing”. The Case Management System (CM) has replaced our previous system NIBS. This system will be used by court staff to manage all case information from case opening to closing.

The Electronic Case Filing System utilizes Internet technology. It allows Filing Users to file documents electronically with the court. The actual document would be sent via the Internet in a PDF format to the court. The system also allows Filing Users to electronically access case data and documents from their office or home.

The CM/ECF system uses standard computer hardware, an Internet connection and a browser, and accepts documents in Portable Document Format (PDF). The system is easy to use – filers prepare a document using conventional word processing software, then save it as a PDF file. After logging onto the court’s web site with a court-issued password, the filer enters basic information relating to the case, party and document being filed, attaches the document, and submits it to the court. A notice verifying court receipt of the filing is generated automatically. Other parties in the case then automatically receive e-mail notification of the filing.

- **Features**

- * Access to case file documents over the Internet
- * Ability to file pleadings electronically with the court
- * Automatic email notice of case activity
- * Ability to download and print documents directly from the court system
- * Concurrent access to case files by multiple parties
- * Savings in time and expenditures for attorneys
- * Expanded search and reporting capabilities
- * Easy to use -- based on Standard Internet browser
- * No waiting in line or unavailable files at the courthouse

How can someone file documents electronically in the system?

ANSWER: Only individuals with logins & passwords (Filing Users) issued by the Clerk may file documents electronically with the Court. To become a Filing User, you must register with the Clerk and complete Court-approved training.

Once I become a Filing User, do all future documents have to be filed electronically? Why can't I have the ability to file a few documents electronically in order to become familiar with the system?

ANSWER: Once you properly register with the Clerk, you consent in writing to file all documents with the Court by electronic means using the Electronic Filing System. See Administrative Order 2003-3 for exceptions. Since the system is so easy to use, you should not need time to become familiar with the system. Plus, the Help Desk is just a phone call away if you have any problems when filing electronically.

How long can we possibly wait until we absolutely have to go live with electronic filing?

ANSWER: Electronic filing is not mandatory in our Court. However, since all courts are moving towards CM/ECF it would be beneficially to you not to wait. The advantages of an attorney filing electronically are:

- * No delays or added expenses associated with mail or courier services
- * Speeds delivery and allows easier tracking of case activity
- * Reduces physical storage space needs and document processing times
- * Low start-up costs -- uses Internet standard software and established "PDF" format
- * Secure and reliable
- * Court dockets are immediately updated and available

How many users can submit documents at once?

ANSWER: There is no fixed limit. Response time and expanded use will ultimately tell us what the acceptable limit might be. The AO and the Court is committee to continue to enhance communications capacity as needed to ensure that we meet the needs of the users.

Will the party filing a document electronically be identified on the docket entry?

ANSWER: Yes. All entries can be identified by the name of the person that logged in and submitted the entry. The users full name will appear at the end of the docket entry and in the body of the text.

How will signature of documents be handled for documents filed electronically?

ANSWER: The Filing User's unique login and password serve as the signature on all electronically filed documents. Administrative Order 2003-3 requires all electronically filed pleading include a signature block in compliance with Fed. R. Bankr.P. 9011(a) and Local Rule 9011-4. In addition, the name of the Filing User under whose login and password the document is submitted must be preceded by "/s/" and must be typed in the

space where the signature would otherwise appear. An alternative would be to scan the pleading containing an original signature.

How does the court record and preserve the debtor's original signature? Who will maintain this document? How long must this be saved?

ANSWER: The court is scanning all documents filed non-electronically. If filed by a debtor, the debtor's original signature will be viewable thru the system. The Clerk will maintain all documents filed non-electronically for a period of 60 days for quality control purposes. After 60 days, the Clerk will destroy or discard the scanned documents. Verified Pleadings (or pleadings signed under penalty of perjury) filed by Filing Users must be maintained in the originally signed and verified paper form by the Filing User for a period of 4 years after closing of the case or proceeding. Pleadings that are electronically submitted that require the signature of anyone other than the filing party shall either contain a scanned image of the manual signature or display "/s/" with the name typed in the space where the signature would otherwise appear. Any Verified Pleading shall be accompanied by a "Declaration Under Penalty of Perjury for Electronic Filing" in PDF format containing an image of the original signature of the party signing the pleading

I file schedules a few days after the filing of the petition. Do I need another Declaration Page?

ANSWER: Yes, You will need to file a Declaration Under Penalty of Perjury anytime a verified pleading is filed.

Will there be restrictions on who may file documents on CM/ECF?

ANSWER: Our court allows trustees, attorneys and claim filers to use the system – after receiving training from our court or another CM/ECF court.

Can the general public view ECF cases and the documents in those cases?

ANSWER: Access to view cases and documents in CM/ECF is available to anyone with a PACER login and password. However, only parties with a court login & password can file electronically in the system.

How will CM/ECF handle the filing of motions or other actions in multiple cases (e.g., trustees filing objections to claim in several cases)?

ANSWER: CM/ECF has a "batch filing" feature which allows you to file the same motion in multiple cases. As a courts will have defined the events for which batch filing is available and you can see these events listed in a pull-down menu. After selecting the event, the user is presented with a box in which multiple case numbers can be entered (or, a list of case numbers can be "pasted in" from a previously created document). The application then prompts the user for the appropriate PDF document to be attached to the event for each case in the list. CM/ECF also has a batch program for use by Chapter 7 trustees, to allow mass docketing of asset and no-asset reports.

When a user files a pleading with the court does the system automatically serve the other parties or does the user have to do something extra to serve the others? And, do the other parties just get notification of a filing or do they get the actual document?

ANSWER: The system is set up so that when a court user or filing user files a document, a notice of electronic filing is generated that includes information about what was filed, the text of the docket entry, and a list of case participants that receive email notification of the filing and a list of those that do not. The notice of electronic filing sent to those listed as receiving email notification contains a hyperlink to the document. Other parties who are not registered CM/ECF filers must be served in the traditional manner, with paper documents.

Can CM/ECF transmit notice data to the Bankruptcy Noticing Center (BNC)?

ANSWER: Yes, under CM/ECF, noticing information is transmitted to the BNC. The certificate of service from BNC is automatically docketed in the case and can be viewed by anyone having a PACER acct.

In what format are filing users required to submit the creditor matrix?

ANSWER: Attorneys filing electronically are able to upload the creditor matrix in .txt format into the CM/ECF system. Court users have the ability to edit the creditor list once it is entered into the system.

How does CM/ECF handle sealed records? Does it track their content and filing location or merely indicate that a document was placed under seal?

ANSWER: Documents order to be placed under seal must be filed in paper form. A copy of the order placing the document under seal should be attached to the document for delivery to the court.

Will ECF allow docketing on closed cases?

ANSWER: You will be able to docket in a close case but should receive a warning message that the case is closed. The clerk's office will not take action on matters docketed in a closed case unless it is a Motion to Reopen.

Some dockets are very long, with hundreds of entries. Can a docket report be run for only part of the docket?

ANSWER: Yes, the docket report program allows the user to request the entire docket report, or limit it by date range or document number.

How do I file ballot in a Chapter 11 case?

ANSWER: Ballots should be filed in paper form only. The Clerk's office will maintain a Ballot File which will be made available for viewing at the front counter. After the Plan is confirmed, the Ballots will be destroyed.

Why was Adobe PDF chosen as the document format? Does CM/ECF accept other formats such as TIFF?

ANSWER: CM/ECF only accepts documents in PDF (Portable Document Format). PDF was selected because it is an open publishing standard that preserves the author's document content and format. Both searchable text and graphical (image) documents can be stored in a PDF (including a variety of formats such as bitmaps and TIFFs). PDF also allows documents to be filed and later retrieved through CM/ECF and to be displayed and printed exactly as they looked to the original author. PDF can also be used with a variety of operating systems, including Windows and Macintosh and in conjunction with common office software products such as word processors and spreadsheets.

How do you accept and process proposed orders?

ANSWER: Presently, the court is accepting a hard copy of a proposed order. Shortly, proposed orders will be submitted via email.

Is it true that we no longer have to furnish copies of proposed orders and postage paid envelopes?

ANSWER: The revised Local Rules will no longer require that you furnish copies of proposed orders with postage paid envelopes.

I filed a Motion for Entry of Default. Do I need to attach a blank default for the court to process?

ANSWER: No. The Clerk's Office will issue it's own default.

I need to issue an alias/pluries summons? Do I still send this to the Clerk's Office in paper form?

ANSWER: Email the Help Desk and attach the pdf image of the alias/pluries summons for the clerk's office to issue. The alias/pluries summons will be made available to you via a Notice of Electronic Transmission.

What should an attorney or court user do if the document he or she is filing is not listed in the pick list?

ANSWER: Our court has a large event dictionary so we hope you can find an event for any pleading you are attempting to file. However, if you wish to file a document that is not listed in the pick list, you should contact the Help Desk and an event can be added.

Will attorneys be able to access the CM/ECF system after the court's regular business hours to file cases and review documents/docket sheets?

ANSWER: The system is available 24 hours a day, 7 days a week. However, the system will be down from time-to-time for maintenance and system updates. Our website will make you aware of any time the system is down.

How are fees paid?

ANSWER: Our courts generally require the Filing User to pay bankruptcy fees for cases filed electronically via credit card payment. We will continue to accept cash and checks for over the counter filings. CM/ECF contains a feature will allows you to pay immediately upon submission of a docket entry requiring a filing fee payment. Upon the successful processing of the credit card payment on the Internet, the filer will receive a

receipt and an "Internet credit card payment" docket event will be automatically entered into the case record.

I am ready to commence filing new petitions electronically; however, I have a number of clients who have already turned over a Money Order made payable to the Clerk's office. Can I still file these electronically?

ANSWER: Yes, they can be filed as a "no fee" case. But you must bring in or mail the money order immediately to prevent the case from being dismissed. You must also note the case number on the transmittal document.

What happens when a wrong code was used to electronically file a document?

ANSWER: Since a full text pull down list is presented to the user during docketing of an event, there are no codes that must be remembered. If an incorrect entry was made, the court staff may either edit the entry, add an amended entry, or indicate the entire entry was entered in error and submit a new docket entry.

What are court procedures with Pro Se debtors?

ANSWER: At this point, our court is handling pro se filings in the traditional manner - over the counter. Court staff scans the documents into the system.