

[Proposed Amended] Rule 1001-2

CASE MANAGEMENT AND ELECTRONIC CASE FILING SYSTEM – CM/ECF

(a) **Case Management/Electronic Case Filing System.** The Court has established an online case management and electronic case filing system (“CM/ECF”), on which the Court maintains paperless court files and dockets and which allows a party with a login and password issued by the Clerk (“Electronic Filing User”) to electronically file papers in court files.

(b) **Electronic Filing Users.** Attorneys filing papers with the Court must be Electronic Filing Users. Those persons entitled to become Electronic Filing Users include attorneys admitted to practice in the United States District Court for the Middle District of Florida, United States Trustees and their assistants, private trustees, governmental units, commercial claim filers, or others as may be provided by administrative order. To become an Electronic Filing User, attorneys and other parties must complete CM/ECF training and register with the Clerk. The Clerk shall establish registration, training, and certification procedures, which shall include administering a CM/ECF training program. ~~The Clerk shall keep a registry of authorized Electronic Filing Users.~~ Electronic Filing Users shall adhere to all requirements as promulgated by the Clerk and posted on the Court’s website, www.flmb.uscourts.gov. The Clerk shall maintain and promulgate the requirements and guidelines as necessary.

(c) **Restriction on Use of User Login and Password.** No Electronic Filing User or other person may knowingly permit or cause to permit an Electronic Filing User’s password to be used by anyone other than an authorized agent of the Electronic Filing User. An attorney is not permitted to use another attorney’s password to file a paper with the Court using CM/ECF. An Electronic Filing User agrees to protect the security of the Electronic Filing User’s login and password and shall immediately notify the Clerk if the security of their password has been compromised. An Electronic Filing User may be subject to sanctions for failure to comply with this provision.

(d) **Waiver of Service by Mail.** Registration as an Electronic Filing User constitutes (1) waiver of the right to receive notice by first-class mail and the right to service by first-class mail or personal service and (2) consent to receive notice electronically and consent to electronic service, except with regard to service of a summons and complaint under Fed. R. Bankr. P. 7004. Waiver of service and notice by first-class mail applies to notice of the entry of an order or judgment under Fed. R. Bankr. P. 9022.

(e) **Access to CM/ECF by Non-Electronic Filing Users.**

(1) **PACER Access.** Any person or organization, including parties appearing before the Court *pro se*, may access CM/ECF at the Court’s website by obtaining a login and password from PACER (Public Access to Court Electronic Records), available at www.pacer.gov. Those who have PACER access but who are not Electronic Filing Users may retrieve docket sheets and court papers but may not file documents electronically.

(2) **Request by Pro Se Debtors to Receive Electronic Notification.** Individual *pro se* debtors who have an Internet email address may request to receive electronic notification of filings made in their bankruptcy cases by submitting the form available on the Court's website at www.flmb.uscourts.gov/cmecf. A *pro se* debtor's election to receive electronic notification of filings is not a waiver of service by mail. However, if a *pro se* debtor makes the election, the Court will serve notices and orders upon the debtor electronically and will not serve the debtor by mail.

(f) **Format.** Papers filed electronically shall be submitted in Portable Document Format (PDF). Papers in electronic format shall be converted to PDF from the word processing original, not scanned, to permit text searches and to facilitate transmission and retrieval. If only a paper copy of a paper to be filed with the Court (*e.g.*, an original or copy of an exhibit) is available, it may be converted to PDF format by scanning.

(g) **Signatures.**

(1) **CM/ECF User Login and Password Serve as Attorney's Signature.** A filing made through an Electronic Filing User's CM/ECF account and authorized by the Electronic Filing User, together with the Electronic Filing User's name on a signature block, constitutes the Electronic Filing User's signature for all purposes for which a signature is required in connection with cases and proceedings before the Court, including Fed. R. Bankr. P. 9011, the Federal Rules of Bankruptcy Procedure, and the Local Rules.

(2) **Client Signatures.** Attorneys may file papers signed by their clients by including a scanned paper bearing the client's signature or, subject to the retention requirements of section (h) of this rule, by including the client's name on a signature block.

(3) **Papers Requiring More Than One Signature.** Electronically filed papers that require the signatures of more than one party shall be filed:

(A) by filing a scanned signature page that contains all necessary signatures;

(B) by including a signature block for each signatory together with an attestation by the filing attorney that concurrence in the filing of the paper has been obtained from each of the other signatories. The filing attorney's attestation may be included after the signature block of the additional signatory or may take the form of a declaration attached to the paper. An acceptable form of attestation is:

"Filer's Attestation: Pursuant to Local Rule 1001-2(g)(3) regarding signatures, [name of filing attorney] attests that concurrence in the filing of this paper has been obtained;"

or

(C) in any other manner approved by the Court.

(h) ***Retention of Original Papers.*** Electronic Filing Users shall retain paper copies bearing original signatures of the following papers for two years after the closing of the case:

(1) petitions, lists of creditors, schedules, Statements of Financial Affairs, and Statements About Your Social Security Numbers;

(2) affidavits, other papers that require verification under Fed. R. Bankr. P. 1008, and unsworn declarations as provided for in 28 U.S.C. § 1746;

(3) the written and fully executed contracts required of debt relief agencies by 11 U.S.C. §528(a)(1) and § 528(a)(2); and

(4) proofs of service executed by a non-lawyer in compliance with Local Rule 9013-3.

On request, the Electronic Filing User shall provide original documents for review to the Court, the Office of the United States Trustee, or any party in interest as ordered by the Court.

(i) ***Proof of Service.*** Proof of service of a paper is not required if service of the paper is effectuated on Electronic Filing Users when the paper is filed via CM/ECF. However, when a filing party serves a paper on a person who is not an Electronic Filing User, the filing party, or the party directed by the Court to serve the paper (*e.g.*, a court order), shall file a proof of service with the paper or within a reasonable time after its service.

(j) ***Electronic Filing of Proofs of Claim and Related Documents.*** Claimants who are not Electronic Filing Users may file proofs of claim in paper or through the eProof of Claim hyperlink on the Court's website, www.flmb.uscourts.gov. All claimants who have filed or expect to file ten or more claims and/or claim-related papers, such as transfers of claims and withdrawals of claims, within a one-year period, shall file these claims and documents electronically through CM/ECF or the eProof of Claim hyperlink.

(k) ***Electronic Ballot Filing in Chapter 11 Cases.*** Parties may file paper ballots with the Court under Local Rule 3018-1, but are encouraged to electronically file ballots through the Chapter 11 eBallots hyperlink on the Court's website, www.flmb.uscourts.gov.

(l) ***Filing Papers Under Seal.*** Local Rule 5005-4 governs the filing of papers under seal.

(m) ***Unavailability of CM/ECF or Hyperlinks.*** Electronic Filing Users may file paper documents whenever CM/ECF is inaccessible or an Electronic Filing User's computer system is not functioning. Filers of proofs of claim who cannot access the Court's eProof of Claim hyperlink and filers of ballots who cannot access the Court's eBallot hyperlink may file paper proofs of claim and ballots. After-hours emergency filing procedures are set forth in Local Rule 5001-2.