



CM/ECF ADMINISTRATIVE PROCEDURES

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**UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF IOWA**

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ECF ADMINISTRATIVE PROCEDURES

I. REGISTRATION FOR THE CASE MANAGEMENT/ELECTRONIC CASE FILING SYSTEM

A. DESIGNATION OF CASES

The Court shall designate which cases shall be assigned to the Case Management/Electronic Case Filing System (hereafter CM/ECF).

B. LOGINS AND PASSWORDS

1. Attorneys admitted to the U.S. District Court for the Southern District of Iowa, attorneys admitted pro hac vice, United States Trustees and their assistants, private trustees, and others as the Court deems appropriate, shall be entitled to one CM/ECF login and password. This login and password shall permit the Filing User to participate in the electronic retrieval and filing of pleadings and other documents in accordance with CM/ECF.
2. *Filing User* is defined as the attorney of record or the actual party in interest, if not represented by counsel, who transmits any pleading or document to the Court.

C. REGISTRATION

1. A CM/ECF registration form is available on the Court's website under the *Services* tab. All registration forms are to be submitted electronically via the Court's website.
2. After completion of training with a Clerk's Office employee or confirmation that the Filing User has obtained training and is an active Filing User in another federal court, each registering Filing User will be assigned a login and password for CM/ECF. Each Filing User will receive an e-mail from the Clerk's Office containing the login and password that has been assigned.
3. A Filing User may change the assigned password by accessing the *Utilities* menu in CM/ECF and selecting *Release 4.0 Menu Items, Change Your Password*. In the event a Filing User believes that the security of an existing password may have been compromised, the Filing User shall immediately change that password. If a Filing User forgets password information, the Clerk's Office will assign a new password provided to the Filing User as in Section I.C.2.

4. If any information on the registration changes, i.e., mailing address, e-mail address, etc., it is the Filing User's responsibility to log onto CM/ECF and make the changes by accessing the *Utilities* menu in CM/ECF and selecting *Maintain Your ECF Account*. It is not the Court's responsibility to re-send or investigate returned e-mails from accounts not properly maintained by CM/ECF users.
5. Registration as a Filing User constitutes: (1) waiver of the right to receive notice by first class mail and consent to receive notice electronically; and (2) waiver of the right to service by personal service or first class mail and consent to electronic service, except with regard to service of a summons and complaint under Federal Rule of Bankruptcy Procedure 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.

II. ELECTRONIC FILING AND SERVICE OF DOCUMENTS

A. FILING ELECTRONICALLY

1. Aside from exceptional circumstances which prevent a Filing User from filing electronically, all petitions, motions, pleadings, memoranda of law, or other documents filed with the Court in connection with a case assigned to CM/ECF shall be electronically filed. Notwithstanding the foregoing, parties and attorneys who have not received training in CM/ECF are not required to electronically file pleadings and other papers in a case assigned to CM/ECF until such time as the training has been completed and a CM/ECF login and password has been issued by the Clerk's Office.
2. All electronic documents, except as noted in the following, must be submitted in Portable Document Format (PDF). A list of creditors (also referred to as a mailing matrix) or an amended list of creditors shall be submitted in ASCII file format with the text extension (.txt).
3. All documents which form part of a single pleading and which the same party is filing shall be electronically filed together as one document, e.g., the motion and certificate of service.

B. SCANNED DOCUMENTS

Documents filed in CM/ECF must be 8.5 x 11.0 or smaller and cannot exceed 32 megabytes in size. In order to control the size of PDF files electronically filed, documents that are scanned into PDF format should not exceed 20 pages. Any individual document that exceeds these limits should be broken into multiple PDF files and filed in CM/ECF as a document and attachment(s). Each attachment shall be no longer than 20 pages although one document may have multiple attachments.

C. SERVICE

1. Whenever a pleading or other paper is filed electronically in accordance with the electronic filing procedures, CM/ECF will automatically generate a “Notice of Electronic Filing” by electronic means at the time of docketing.
2. The Filing User shall serve the pleading or other paper upon all persons entitled to notice or service in accordance with the applicable rules. If the recipient is a registered attorney in CM/ECF, service of the “Notice of Electronic Filing” shall be the equivalent of service of the pleading or other paper by first class mail, postage prepaid.
3. The Filing User shall serve the document with a copy of the Notice of Electronic Filing upon all other persons entitled to notice or service who are not registered e-filers and in accordance with the applicable rules. The document shall contain a Certificate of Service containing language similar to the example below:

This document was served electronically on parties who receive electronic notice through CM/ECF as listed on CM/ECF’s Notice of Electronic Filing and by first class mail on the following: (list names and addresses of those served via mail).

4. Pleadings or other documents which are not filed electronically, as referenced in II.A.1. above, shall be served on those parties entitled to notice in accordance with and in the manner provided in the Federal Rules of Bankruptcy Procedure except as otherwise provided by order of the court.

D. CONSEQUENCES OF ELECTRONIC FILING

1. Electronic transmission of a document to CM/ECF, together with the transmission of a Notice of Electronic Filing from the Court, constitutes filing of the document for all purposes of the Federal Rules of Bankruptcy Procedure and constitutes entry of the document on the docket by the Clerk under Fed. R. Bankr. P. 5003.
2. 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. A document filed electronically is deemed filed at the date and time stated on the Notice of Electronic Filing from the Court.

3. Filing a document electronically does not alter the filing deadline for that document. Filing must be completed before midnight in order to be considered timely filed that day.

E. SIGNATURES AND AFFIDAVITS OF SERVICE

1. Petitions, lists, schedules, and statements requiring the signature of the debtor(s) shall be filed electronically.
2. Amendments, pleadings, affidavits, and other documents which must contain original signatures or which require verification under Fed. R. Bankr. P. 1008 or an unsworn declaration as provided in 28 U.S.C. § 1746, shall be filed electronically. The attorney of record or the party originating the document for a period not less than the maximum allowable time to complete the appellate process shall maintain the original signed document. Upon request, the original document must be provided to the parties or the court for review. The pleading or other document electronically filed shall indicate a signature; e.g., “/s/ Jane Doe.”
3. In the case of a stipulation or other document to be signed by two or more persons, the following procedure shall be used:
 - (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 signatories, e.g., “/s/ Jane Doe,” “/s/ John Doe,” etc.
 - (c) The filer shall retain the hard copy of the document containing the original signatures in accordance with subparagraph II.E.2. above.

F. FEES PAYABLE TO THE CLERK

1. For filings that require a fee, Filing Users shall make payment via the pay.gov website which is displayed as a pop up window after the docketing of all fee based events. In the unusual event the pay.gov website is not functioning, the Filing User shall contact the Clerk’s Office to arrange another method of payment to avoid a temporary loss of CM/ECF login/filing privileges.
2. For filings that require a fee, *non-registered filers* must follow current local court procedures for methods of payment.

G. ORDERS

1. The Office of the Clerk will electronically file all orders and notices. **Do not submit a proposed order to the Court unless instructed to do so.**
2. The court will produce and file standard orders to grant or deny motions. Many orders will be in the form of a text-only docket entry “order”, entered by the Court. These orders shall constitute the only court order concerning the matter.
3. All orders, decrees, judgments, and proceedings of the Court will be filed in accordance with these procedures, which will constitute entry on the docket kept by the Clerk of Court under Fed. R. Bankr. P. 5003 and 9021. Any order filed electronically without the original signature of the Judge has the same force and effect as if the Judge had affixed the Judge’s signature to a paper copy of the order and it had been entered on the docket in a conventional manner.
4. Immediately upon the entry of an order or judgment by the court, CM/ECF will transmit to Filing Users in the case, in electronic form, a Notice of Electronic Filing. Electronic transmission of the Notice of Electronic Filing constitutes the notice required by Fed. R. Bankr. P. 9022. The Clerk, or Filing User, if ordered by the Court, shall serve the document with a copy of the Notice of Electronic Filing upon all other persons entitled to notice or service who are not registered e-filers and in accordance with the applicable rules.

H. ATTACHMENTS AND EXHIBITS OTHER THAN EXHIBITS FOR HEARINGS AND TRIALS

Filing Users must submit in electronic form all documents referenced as exhibits or attachments, including exhibits in support of a proof of claim, unless the Court permits conventional filing. A Filing User 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. Filing Users 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 that they believe are germane. Exhibits should be included as part of the main document if possible.

I. TITLE OF DOCUMENT ENTRIES

The person electronically filing a pleading or other document will be responsible for designating a title for the document by using one of the categories contained in the *CM/ECF E-Filing Manual*.

III. PUBLIC ACCESS TO CM/ECF

A. INTERNET ACCESS WITHOUT A PASSWORD

Any person or organization, other than one registered as a Filing User as identified in I.C.1, may access CM/ECF at the Court's Internet site www.iasb.uscourts.gov by obtaining a PACER login and password. Those who have PACER access but who are not Filing Users may retrieve docket sheets and documents, but they may not file documents. A PACER login and password may be obtained from the PACER Service Center at www.pacer.gov or by calling (800) 676-6856 for assistance.

B. PRIVACY INTERESTS

1. In connection with the filing of any material in an action assigned to CM/ECF, any person may apply by motion for an order limiting electronic access to or prohibiting the electronic filing of certain specifically-identified materials on the grounds that such material is subject to privacy interests and that electronic access or electronic filing in the action is likely to prejudice those privacy interests.
2. Information posted on CM/ECF must not be downloaded for uses inconsistent with the privacy concerns of any person.

C. PUBLIC ACCESS AT THE COURT

The public will have electronic access to documents filed in CM/ECF and to the CM/ECF docket in the Office of the Clerk, for viewing during regular business hours, Monday through Friday.

D. CONVENTIONAL COPIES AND CERTIFIED/EXEMPLIFIED COPIES

1. Conventional copies and Certified/Exemplified copies of electronically filed documents may be purchased at the Clerk's Office during regular business hours Monday through Friday or by mailing in a request and designating the document(s) by title or docket number. If requesting through the mail, a self-addressed, stamped return envelope and the proper fee must be provided for mailing of the copy work.
2. The fee for copying, certification, and/or exemplification will be in accordance with 28 U.S.C. § 1930(b).