



ECF ADMINISTRATIVE PROCEDURES

UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF IOWA

Table of Contents

Registration for Electronic Filing 2
 Designation of Cases..... 2
 Passwords..... 2
 Registration..... 2

Electronic Filing and Service..... 3
 Filing..... 3
 Service..... 4
 Consequences..... 4
 Signatures..... 5
 Filing Fees..... 5
 Orders..... 6
 Attachments 6
 Title of Document Entries..... 6

Conventional Filing of Documents 6
 Conventional Filings..... 7
 Service of Conventional Filings..... 7

Public Access 7
 Internet Access Without a Password..... 7
 Privacy Interests..... 8
 Public Access at the Court 8
 Conventional Copies..... 8

ECF ADMINISTRATIVE PROCEDURES

I. REGISTRATION FOR THE ELECTRONIC CASE FILING SYSTEM

A. DESIGNATION OF CASES

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

B. PASSWORDS

1. Attorneys admitted to the bar of this Court (including those admitted pro hac vice), United States trustees and their assistants, private trustees, and others as the Court deems appropriate, shall be entitled to one System password. This password shall permit the Filing User to participate in the electronic retrieval and filing of pleadings and other documents in accordance with the System.
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. An Attorney/Participant Registration Form must be submitted for each Filing User. The registrant must provide a Credit Card Authorization Form for credit card payment to receive a login and password.
2. A party to a pending action who is not represented by an attorney may register as a Filing User in the Electronic Filing System solely for purposes of the action. Registration is in a form prescribed by the Clerk and requires identification of the action as well as the name, address, telephone number and Internet e-mail address of the party. If, during the course of the action, the party retains an attorney who appears on the party's behalf, the attorney must advise the Clerk to terminate the party's registration as a Filing User upon the attorney's appearance.
3. All registration forms are to be returned to the Clerk's Office. E-mail to clarkdmc@iasb.ucourts.gov or mail to:
U.S. Bankruptcy Court
P.O. Box 9264
Des Moines, Iowa 50306-9264
Attn: Operations Manager

4. After completion of training with a Clerk's Office employee, each registering Filing User will be assigned a login and password for the System. Each Filing User will receive an Internet e-mail message after his/her password has been assigned. This is to insure that the Internet e-mail address has been entered correctly in the System. The registering Filing User may contact the Clerk's Office for activation of his/her live system login and password. The password information for the live system will then either be mailed to the Filing User by regular, first-class mail; or, the Filing User may arrange to pick it up at the Clerk's Office.
5. A Filing User may change the assigned 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.4.
6. 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.
7. Once registered, an attorney/participant may withdraw from participation in the System by providing the Clerk's Office with written notice of such withdrawal. Upon receipt of the written notice, the Clerk's Office will immediately cancel the Filing User's password and delete the Filing User from any applicable electronic service list. However, this does not authorize an attorney to withdraw as the attorney of record for his/her client. The attorney must still follow procedure as set out in S.D. Iowa L.B.R. 2091-1 to withdraw as attorney of record.

II. ELECTRONIC FILING AND SERVICE OF DOCUMENTS

A. FILING ELECTRONICALLY

1. Except as expressly provided for in paragraph III.A. below, and in exceptional circumstances, which prevent a Filing User from filing electronically, all petitions, motions, pleadings, memoranda of law, or other documents required to be filed with the Court in connection with

a case assigned to the System shall be electronically filed on the System. Notwithstanding the foregoing, parties and attorneys who are not participants in the System are not required to electronically file pleadings and other papers in a case assigned to the System.

2. Attorneys who do not file electronically will be required to submit all filings to the Court on diskette in PDF format.
3. All documents which form part of a pleading and which are being filed at the same time and by the same party shall be electronically filed together.
4. Any document, which requires leave of the Court to be filed, such as a document to be filed out of time, is to be attached as an exhibit to the motion requesting leave. If the motion is granted, the Order will direct the movant to electronically file the document with the Court.

B. SERVICE

1. Whenever a pleading or other paper is filed electronically in accordance with the electronic filing procedures, the System 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 the System, 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. Parties not deemed to have consented to electronic notice or service are entitled to receive a paper copy of any electronically filed pleading or other document.

C. CONSEQUENCES OF ELECTRONIC FILING

1. Electronic transmission of a document to the System, 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 the local rules of the Court, 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.

D. 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.D.2. above.

E. FEES PAYABLE TO THE CLERK

1. For filings that require a fee, *registered filers* shall be required to provide a Credit Card Authorization Form for credit card payment with their registration in order to receive a login and password.
2. For filings that require a fee, *non-registered filers* must follow current local court procedures for methods of payment.

F. ORDERS

1. All proposed orders will be submitted to the Court if associated with a motion or application. All other proposed orders will be submitted to the Court by conventional means.
2. 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.
3. Immediately upon the entry of an order or judgment in an action assigned to the System, the Clerk 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 must give notice to a person who has not consented to electronic service in paper form in accordance with the Federal Rules of Bankruptcy Procedure.

G. ATTACHMENTS AND EXHIBITS

Filing Users must submit in electronic form all documents referenced as exhibits or attachments, 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.

H. 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 *Electronic Filing Participant Guide*.

III. CONVENTIONAL FILING OF DOCUMENTS

A. CONVENTIONAL FILINGS

The following documents shall be filed conventionally and not electronically unless specifically authorized by the Court:

1. Documents To Be Filed Under Seal. Documents to be placed under seal must be filed conventionally, and not electronically, unless specifically authorized by the court. A motion to file documents under seal may be filed electronically unless prohibited by law. The order of the Court authorizing the filing of documents under seal may be filed electronically unless prohibited by law. A paper copy of the order must be attached to the documents under seal and be delivered to the Clerk.
2. Exhibits. Trial exhibits shall be submitted conventionally in accordance with Local Rules.
3. Documents and claims that reference exhibits, including but not limited to leases and notes, which are not available in electronic form, shall be filed conventionally with a copy of the Notice of Electronic Filing to indicate the referenced document.

B. SERVICE OF CONVENTIONAL FILINGS

Pleadings or other documents, which are filed conventionally, rather than electronically shall be served in the manner provided in, and on those parties entitled to notice in accordance with, the Federal Rules of Bankruptcy Procedure and Local Bankruptcy Rules except as otherwise provided by order of the court.

IV. PUBLIC ACCESS TO THE DOCKET SYSTEM

A. INTERNET ACCESS WITHOUT A PASSWORD

1. Any person or organization, other than one registered as a Filing User as identified in 1.C.1, may access the System 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.

2. Contact the PACER/RACER Service Center for a login and Password at: **1-800-676-6856** or log onto their website at <http://pacer.psc.uscourts.gov/>

B. PRIVACY INTERESTS

1. In connection with the filing of any material in an action assigned to the System, 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 the System 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 the System and to the System 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).