

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA**

Administrative Procedures for Filing, Signing, Verifying,
and Maintaining Pleadings and Other Papers in the
Electronic Case Filing (ECF) System

Exhibit to Standing Order No. 1

Effective Date of Revisions
January 1, 2005

ADMINISTRATIVE PROCEDURES

I. ELECTRONIC CASE MANAGEMENT/ELECTRONIC CASE FILING

1. Electronic Case Management System (CM)

The United States Bankruptcy Court for the Northern District of Iowa (hereinafter “court”) has assigned all of its pending and future cases to the Electronic Case Management System. This system is a browser-based (Graphic User Interface) replacement for the BANCAP case management and docketing system.

2. Electronic Case Filing (ECF)

The Electronic Case Filing system, as integrated with the Case Management component, allows, accepts and routes remote filing(s) via Internet access to the court’s Case Management system and electronic court file.

II. SCOPE OF ELECTRONIC FILING

1. Designation of Cases

The court has designated that all chapters and proceedings shall be assigned to the Electronic Case Filing System (hereinafter “System”). Except as otherwise provided by these procedures, all pleadings or other papers required to be filed with the court in connection with a case assigned to the Electronic Filing System must be electronically filed. *Paragraph III-A. of these procedures specifically identifies those documents that will be accepted through conventional means only.*

2. Participation in Electronic Filing Initiative

1. Attorneys admitted to the bar of this court (including those admitted *pro hac vice*) who file, on the average, in excess of eleven (11) pleadings or other papers within a calendar year (excluding Proofs of Claim), **shall** register as Filing Users of the court’s Electronic Filing System.
2. Attorneys meeting the criteria as set forth in paragraph 2-1 of this section, who are experiencing exigent circumstances that preclude their effective/efficient use of the court’s Electronic Filing System, may petition the court for relief from participation as a Filing User. The court will address these petitions/requests on a case-by-case basis.
3. Attorneys admitted to the bar of this court (including those admitted *pro hac vice*) who file, on the average, eleven (11) or less pleadings or other papers within a calendar year, are excused from mandatory participation as a Filing User of the court’s Electronic Filing System.

4. Pursuant to the Court's Standing Order #2, attorneys who meet the criteria for required participation in electronic filing, but continue to file pleadings and other papers conventionally (over the counter or via U.S. Mail), and attorneys who are registered Filing Users of the system who continue to file pleadings and other papers conventionally (over the counter or via U.S. Mail) will be sanctioned at a cost of \$25 for each pleading filed conventionally.
 5. Once registered, an attorney may withdraw from participation in the System only for cause, on order of the court.
 6. United States trustees and their assistants, private trustees, and others as the court deems appropriate, shall register as Filing Users of the court's Electronic Filing System.
3. Passwords
1. Filing User Passwords - Those individuals required to participate in the System, as identified in paragraphs 2-1 and 2-4 of this section, shall register as Filing Users of the court's Electronic Filing System. Registration shall be on a form prescribed by the clerk, requiring the Filing User's name, address, telephone number, Internet e-mail address, and, in the case of an attorney, a declaration that the attorney is admitted to the bar of this court. Registration for a password is governed by paragraph 4 of this section.
 2. Creditor Filing User Passwords - Creditor representatives that the court deems appropriate and attorneys for creditors may register as Creditor Filing Users of the court's Electronic Filing System. Registration shall be on a form prescribed by the clerk requiring the Filing User's name, address, telephone number, and Internet e-mail address. *System access for this password type will be limited to filing of papers for which no filing fee is assessed (including claims and transfer of claims).* Registration for a password is governed by paragraph 4 of this section.
4. Registration
1. A registration form, as approved by the Clerk of the Court, shall be submitted for each attorney or other user of the System. The blank form may be duplicated for use.
 2. All registration forms shall be mailed or delivered to the divisional office which processes most of the cases in which the attorney appears.
 3. After completion of training with a clerk's office employee, each registering attorney will obtain from the clerk's office a live system password.

4. Attorneys have been afforded access within the System to change their initial live system password to a password of their choice/convenience. This is accomplished by the attorney/registered Filing User accessing the “Maintain Your ECF Account” option of the System’s Utilities Menu.
5. Once registered, an attorney may withdraw from participation in the System only for cause and on order of the court. The registered attorney shall provide a copy of the court order to the ECF Help Desk. Upon receipt of the court order, the ECF Help Desk will initiate a procedure approved by the clerk governing the withdrawal of the registered attorney from participation in the System. Once the registered attorney has met all of the requirements set forth in the procedure, the ECF Help Desk will immediately cancel the registered attorney’s password and will delete the registered attorney from any applicable electronic service list. The registered attorney still must follow the procedure set out in LR 2091-1 to withdraw as counsel of record in any case or proceeding.

III. ELECTRONIC FILING AND SERVICE OF DOCUMENTS

1. Filing

1.
 - a. Except as expressly provided for in paragraph IVA. below or where exceptional circumstances prevent an attorney from filing electronically, all papers required to be filed with the court in connection with a case assigned to the system shall be electronically filed on the System.
 - b. Commencing January 1, 2005, sanctions will be imposed, at a cost of \$25 per pleading for each occurrence of a conventional filing (over the counter or via U.S. Mail delivery), by a registered Filing User of the System, of any pleading or other paper not expressly provided for in paragraph IVA.
 - c. Filing Users shall serve one copy each of the petition, statement, schedules, and all attachments on the U.S. trustee and case trustee within three (3) business days after filing the papers with the court.
 - d. Every paper filed electronically in the System will generate a “Notice of Electronic Filing,” in a form approved by the clerk. Papers filed in the System which initiate the case opening process will generate a “Notice of Electronic Case Filing,” in a form approved by the clerk.
 - e. When a paper has been filed electronically, the official record is the electronic

recording of the paper as stored by the court, and the filing party is bound by the paper as filed. Except in the case of papers first filed in paper form and subsequently submitted electronically under Rule 1, a paper filed electronically is deemed filed at the date and time stated on the Notice of Electronic Filing from the court.

- f. Filing a paper electronically does not change the filing deadline for that paper. Unless notice has been given of an earlier time deadline, filing must be completed before midnight in order to be considered timely filed that day.
 - g. Parties without legal representation are not required to electronically file pleadings or other papers in a case, but they must adhere to the requirements set forth in the notice dealing with conventional filings.
2. All papers should be separately filed, shown and related to the pleading to which they refer, with the exception that exhibits may be electronically filed together as an attachment under the docket number of the supported document.
3. Exhibits/Attachments to documents
- a. Attachment(s) to Papers - Filing Users must submit in electronic form all papers referenced as exhibits or attachments, unless the court permits or requires conventional filing. A Filing User must submit as exhibits or attachments only those excerpts of the referenced documents that are directly relevant 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 the complete document or additional excerpts which they believe are relevant.
 - b. Trial Exhibits - Trial exhibits shall be submitted, maintained, and exchanged outside of the System in a manner which comports with Local Rules and the Federal Rules of Bankruptcy Procedure.
4. Electronic transmission of a paper to the Electronic Filing system consistent with these rules, 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 this court, and is the equivalent of entry of the document on the docket kept by the clerk under Fed.R.Bankr.P. 5003.
5. Expedited Matters

- a. Pursuant to L.R. 9073-2, an attorney shall immediately notify appropriate court staff by telephone when a request for an expedited hearing or relief is filed on the System.

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” at the time of docketing. Electronic service of the “Notice of Electronic Filing” upon a filing user constitutes service or notice of the filed document. Parties not deemed to have consented to electronic service of notice are entitled to service of a paper copy of any electronically filed pleading or other paper. Service must be made by the filing party according to the Federal Rules of Bankruptcy Procedure and the Local Rules.
2. Immediately upon the entry of an order or judgment in an action assigned to the Electronic Filing System, the system 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.

C. Signatures; Affidavits of Service

1. The user log-in and password required for submission of documents to the Electronic Filing System serve as the Filing User’s signature on all electronic documents filed with the court. They also serve as a signature for purposes of Fed.R.Bankr.P. 9011, the Federal Rules of Bankruptcy Procedure, the Local Rules of this court, and any other purpose for which a signature is required in connection with proceedings before the court. Electronically filed papers must include a signature block and must set forth the name, address, telephone number, internet e-mail address, and the attorney’s Iowa bar registration number, if applicable. In addition, the name of the Filing User under whose log-in and password the document is submitted must be preceded by an “/s/” and typed in the space where the signature would otherwise appear. The pleading or other paper electronically filed shall also indicate a signature with the party’s name typed in full, e.g. /s/ Jane Doe.
2. Pursuant to the privacy revision of Rule 1007(f), enacted on December 1, 2003, electronically filed papers which commence a bankruptcy case shall not include the debtor’s full nine digit social security number. NOTE: Only the last four digits of the

debtor's social security number shall be displayed in any PDF attachment electronically submitted to the court. As part of the case opening process, attorney filers shall enter the debtor's full nine digit social security number(s) directly into the system, but this information will not be available for public access.

3. The attorney filer's electronic signature on these papers serves as certification that he/she has received a signed paper copy of the Statement of Social Security Number from the debtor, and shall retain such signed statement in accordance with Paragraph III D of these procedures.
4. A Filing User or other person shall not permit a Filing User's password to be used by anyone other than an authorized agent of the Filing User.
5. Papers requiring signatures of more than one party must be electronically filed by either (1) submitting a scanned paper containing all necessary signatures; (2) representing the consent of the other parties on the paper; (3) identifying on the paper the parties whose signatures are required and by the submission of a notice of endorsement by the other parties no later than seven (7) business days after filing; or (4) in any other manner approved by the court.

D. Retention

A paper that is electronically filed and which requires an original signature other than that of the Filing User must be maintained in paper form by the Filing User until five (5) years after the case is closed. The Filing User must provide original papers for review upon request.

E. Fees Payable to the Clerk

All applicable filing fees shall be paid by approved credit card, via the CM/ECF internet credit card payment module.

F. Orders

In order to facilitate the entry of an order, the party presenting a proposed order shall e-mail said order as an attachment in Portable Document Format (PDF) to designated clerk's or chambers' staff, together with any attachment, exhibit or related paper to be electronically entered in connection therewith. All signed orders (including, without limitation, orders to show cause) shall be entered electronically by the clerk's office or presiding judge in the case. Any order filed electronically by the court without the original signature of a 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. All requirements under L.R. 9036-1 with regard to the list of parties, copies of

orders, and envelopes must be followed, unless the party to be served is a registered user of the System. For registered users of the System, no envelope is required as electronic notice will constitute service.

G. Docketing of Pleadings or Other Papers

The person electronically filing a pleading or other paper shall docket the pleading or paper by selecting the appropriate event from the categories contained in the System.

IV PAPERS WHICH MUST BE CONVENTIONALLY FILED

A. Conventional Filings

The following papers shall be filed conventionally and not electronically unless specifically authorized by the court:

1. Papers to be filed under seal
A motion to file paper(s) under seal shall be filed electronically, unless prohibited by law; however, the actual papers proposed to be filed under seal shall be filed conventionally. The order of the court authorizing the filing of such paper(s) under seal shall be entered electronically by the clerk's office or the presiding judge and it shall indicate that the motion to file papers under seal has been granted or denied in accordance with Paragraph II.E above. The proposed order shall be attached to the papers under seal and be delivered to the Clerk of Court.
2. Transcripts
Transcripts shall be filed conventionally.
3. Involuntary Petitions
Involuntary Petitions must be filed conventionally unless otherwise authorized by the clerk.

B. Service of Conventional Filings

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

V. PUBLIC ACCESS TO THE SYSTEM DOCKET

A. Internet Access without a Password

Internet access to the System at the court's Internet web site is not available without a PACER login and password. A PACER login and password can be secured by contacting the PACER Service Center to establish an account. Registration may be made online at <http://pacer.psc.uscourts.gov> or by calling the PACER Service Center at (800) 676-6856 or (210) 301-6440. Such access to the system through the Internet web site will permit retrieval of the docket sheet and documents, but will not permit filing of papers. Access to the System will be on a "read-only" basis.

In connection with the filing of any papers in a case or proceeding assigned to the Electronic Filing 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.

Information posted on the System must not be downloaded for uses inconsistent with the privacy concerns of any person.

B. Public Access at the Court

The public will have electronic access in the clerk's office for viewing the documents and docket record filed in the System during regular business hours, Monday through Friday.

C. Technical Failures

1. In the event of a technical failure of the system, a Filing User shall contact the appropriate divisional office and speak with a deputy clerk to confirm that the System is not accessible, and state why an immediate filing is necessary. The Filing User will make suitable arrangements for the filing to take place.
2. A Filing User whose filing is made untimely as the result of a technical failure may seek appropriate relief from the court.

D. Certified Copies

Certified copies of electronically filed papers may be obtained at the clerk's office during regular business hours Monday through Friday. The fee for copying and certification will be in accordance with the fee charged by the copy service and/or 28 U.S.C. § 1930.

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA**

**ELECTRONIC CASE FILING SYSTEM
FILING USER REGISTRATION FORM**

Live System

This form shall be used to register for an FILING USER ACCOUNT on the U.S. Bankruptcy Court for the Northern District of Iowa's (IANB) Electronic Case Filing (ECF) System. A registered user will have privileges both to submit documents electronically, and to view and retrieve docket sheets and documents for all cases assigned to the IANB ECF system (NOTE: a PACER account is necessary for access to files and documents in the IANB ECF system. You may register for a PACER account either online at <http://pacer.psc.uscourts.gov/> or by calling 1-800-676-6856.) The following information is required by IANB ECF registration.

First/Middle/Last Name: _____

Bar ID#: _____

State of Admission: _____

Firm Name: _____

Mailing Address: _____

Voice Phone Number: _____

Fax Phone Number: _____

Internet E-Mail Address: _____

Access Requested: **9 General Filing User** **9 Creditor Filing User**

By submitting this registration form, the undersigned agrees to abide by the following rules:

1. This access is for use only in ECF cases filed in the U.S. Bankruptcy Court for the Northern District of Iowa. It may be used to file and to view electronic papers, docket sheets, and reports. **Note:** A PACER account is necessary for this access (see above for registration information).
2. At this time, the hardware and software requirements for filing, viewing, and retrieving case papers are: a personal computer (486 minimum) running a standard platform (such as Windows 95, 98, 2000 or Macintosh), an Internet provider using Point to Point Protocol (PPP), Netscape Navigator software (version 4.6 or 4.7), and Adobe Acrobat 4.0 Reader and Writer software to convert documents from a word processor format to a portable document format (pdf). Filing attorneys are responsible for ensuring system/software compatibility with the ECF system. Updated software requirements are available at www.ianb.uscourts.gov.
3. Pursuant to Federal Rule of Civil Procedure 11, Federal Rule of Bankruptcy Procedure 9011, and Local Bankruptcy Rule 5005-1(C)(4), every pleading, motion, and other paper (except lists, schedules, statements or amendments thereto) shall be signed by at least one attorney of record. Signatures on papers submitted to the court that do not contain the original/facsimile signature shall be indicated by “/s/” and the typed name of the person signing. For example, attorney Jane Smith’s signature would be noted by “/s/ Jane Smith” on the signature line. Additionally, the ECF user’s password shall constitute the user’s signature. Therefore, a user must protect and secure the password. If there is any reason to suspect the password has been compromised, it is the duty of the user to immediately change his/her login and/or password. After doing so, the user should contact the ECF Help Desk at (319) 286-2203 to report the suspected password compromise.
4. Registration shall constitute a request and an agreement to receive service of pleadings and other papers electronically pursuant to FRBP 9036, where service of pleadings and other papers is otherwise permitted by first-class mail, postage prepaid.
5. I understand that by making application for a password, I agree to abide by all of the rules and regulations in the Administrative Procedures for Filing, Signing, Maintaining and Verifying Pleadings and Papers currently in effect, and any changes or additions that may be made to such Administrative Procedures in the System.

Applicant’s Signature

Clerk/Deputy Clerk of U.S. Bankruptcy Court

Last 4 Digits of SS# (for security purposes)

Please return this form to the divisional office where the attorney most frequently practices:

Cedar Rapids

U.S. Bankruptcy Court
Attn: DQA Team
PO Box 74890
Cedar Rapids, IA 52407

Sioux City

U.S. Bankruptcy Court
Attn: DQA Team
PO Box 3857
Sioux City, IA 51102