

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

Administrative Procedures for Filing, Signing, Verifying
And Maintaining Pleadings and Other Documents in the
Case Management/Electronic Case Filing System (CM/ECF)

Effective Date of Revisions
June 16, 2022

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ADMINISTRATIVE PROCEDURES

I. ELECTRONIC CASE MANAGEMENT/ELECTRONIC CASE FILING

1. Case Management/Electronic Case Filing System

The United States Bankruptcy Court for the Northern District of Iowa (hereinafter “Court”) has assigned all of its pending and future cases to the Case Management/Electronic Case Filing System (“CM/ECF”). CM/ECF allows images of all documents to be viewed through PACER (Public Access to Court Electronic Records).

II. SCOPE OF ELECTRONIC FILING

1. Designation of Cases

The Court has designated that all chapters and proceedings shall be maintained in CM/ECF. Except as otherwise provided by these procedures, all pleadings or other documents required to be filed with the Court in connection with a case must be electronically filed.

2. Electronic Filing Participation

- a) Attorneys admitted to the bar of the Court (including those admitted *pro hac vice*) must register as filers via PACER.
- b) Pursuant to the Court’s Standing Order #3, attorneys who file pleadings and other documents conventionally (over the counter or via United States mail) will be sanctioned at a cost of \$25 for each pleading or document filed conventionally.
- c) United States Trustees and their assistants, private trustees, and others as the Court deems appropriate, must register as limited filers in CM/ECF.

3. Electronic Filing Registration

Attorneys filing federal court records electronically or being admitted to practice at the Court must first register for a PACER account and then request access to the Court’s CM/ECF.

Non-attorney filers (users that have limited filing privileges such as creditors, trustees, United States Trustees, transcribers, filing agents and other parties) must also register for a PACER account and then request limited access to the Court’s CM/ECF.

The Court has implemented NextGen CM/ECF. As such, PACER and CM/ECF accounts are no longer separate. Usernames and passwords are maintained in PACER. Questions regarding forgotten usernames and passwords should be sent to PACER, not the Court.

The following steps should be performed to electronically file with the Court:

- a) Begin the attorney or non-attorney registration process at www.pacer.uscourts.gov. If you attempt to access CM/ECF without a PACER account, you will be prompted to first register for a PACER account.
- b) Complete the Attorney Admissions and/or E-File Registration or the Non-Attorney E-File Registration based on your type of account (“role”). Upon completion, the request is transmitted to the Court for verification and processing.
- c) Once the Court processes the request, the requestor will receive an email notification from the Court indicating they are admitted or if there are additional steps to be taken. If approved, then the requestor will be able to use the PACER account to file at the Court. Document filing is not permitted until the Court processes and approves the request. Depending on the role selected, only certain filing options will be available.
- d) If the requestor is already admitted to practice in another federal court, the requestor can log into PACER and request permission to file with the Court. The filer will proceed to PACER’s Manage My Account tab, select the Maintenance tab, and then select Attorney Admissions/E-File Registration (or Non-Attorney E-File Registration). Select U.S. Bankruptcy Court as the court type and Iowa Northern Bankruptcy Court as the court. Submit your request.
- e) Filers do not need to register more than once. Even if the filer changes firms, the username and password remain valid. However, the filer must update their contact information (address, phone number, email, etc.) under the Manage My Account tab in PACER. Secondary noticing email addresses need to be updated within CM/ECF. Within CM/ECF, click the Utilities tab and select Maintain Your CM/ECF Account.

Additional registration information can be found on the Court’s website, under the Electronic Filing tab (CM/ECF Registration (NextGen) or on the PACER website.

III. ELECTRONIC FILING AND SERVICE OF DOCUMENTS

1. Filing

- a) Electronic Filing
 - i. Except as expressly provided in paragraph IV.3(a) below or where exceptional circumstances prevent an attorney from filing electronically, all

documents required to be filed with the Court in connection with a case assigned to the system shall be electronically filed in CM/ECF.

- ii. 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 filer of CM/ECF.
 - iii. Every document filed electronically in CM/ECF, except for Court ordered sealed documents, will generate a Notice of Electronic Filing, in a form approved by the Clerk. Documents filed in CM/ECF which initiate the case opening process will generate a Notice of Electronic Case Filing, in a form approved by the Clerk.
 - iv. Electronic transmission of a document to CM/ECF consistent with these administrative procedures, 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 kept by the Clerk under Federal Rule of Bankruptcy Procedure 5003.
 - v. 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.
 - vi. Filing a document electronically does not change the filing deadline for that document. Unless notice has been given of an earlier time deadline, filing must be completed on or before 11:59 PM central time to be considered timely filed that day.
 - vii. Pro Se filers are not permitted to electronically file pleadings or other documents in a case, but they must adhere to the requirements set forth in the notice dealing with conventional filings.
- b) Before filing a scanned document with the Court, a filer must verify its legibility.
 - c) Attachments to Documents
 - i. Attachment(s) to Documents - Filers must submit in electronic form all documents referenced as attachments.
 - ii. Voluminous Attachments – In lieu of filing voluminous attachments with the Court (i.e. supporting documentation to a Proof of Claim), a registered filer shall file ONLY an excerpt of the referenced document that is 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 attachments do so without prejudice to their right to timely file additional excerpts or the complete document.

- (1) Registered filers of CM/ECF shall be responsible for maintaining complete documents and voluminous attachments represented by excerpted materials filed with the Court and shall make said documents or attachments available upon request.
- iii. Responding parties may timely file the complete document or additional excerpts which they believe are relevant. The Court may require parties to file additional excerpts or the complete document.
- iv. Trial Exhibits - Pursuant to Section III.4(d) of these procedures, trial exhibits are to be submitted to the Court via conventional (non-electronic) means. No other documents will be accepted via conventional means from Registered Users of CM/ECF.
- d) Hyperlinks in Filed Documents are not permitted.
- e) Expedited Matters

A filer shall immediately notify the Courtroom Deputy by telephone when a request for an expedited hearing or relief is filed in CM/ECF.
- f) Entry of Court Issued Documents
 - i. All orders, decrees, judgments, and proceedings of the Court will be filed electronically by the Court, which will constitute entry on the docket kept by the Clerk under Federal Rules of Bankruptcy Procedure 5003 and 9021.
 - ii. Any order or other court-issued document filed electronically without the original signature of a judge or clerk, to include "text-only" orders, has the same force and effect as if the judge or clerk had signed a paper copy of the order and it had been entered on the docket in a conventional manner.
 - iii. The Court may sign, seal and issue a summons electronically, although a summons may not be served electronically.

2. Service

- a) Registration as a filer in CM/ECF 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 Federal Rule of Bankruptcy Procedure 9022.

- b) Whenever a pleading or other document is filed electronically in accordance with these procedures, CM/ECF will automatically generate a Notice of Electronic Filing at the time of docketing. Electronic service of the Notice of Electronic Filing upon a registered filer constitutes service or notice of the filed document. Parties not registered as electronic filers are entitled to service of a paper copy of any electronically filed pleading or other document. Service must be made by the filing party according to the Federal Rules of Bankruptcy Procedure and the Local Rules.
- c) Immediately upon the entry of an order or judgment by the Court, CM/ECF will transmit to registered filers in the case, in electronic form, a Notice of Electronic Filing. Electronic transmission of the Notice of Electronic Filing constitutes the notice required by Federal Rule of Bankruptcy Procedure 9022. The Clerk must give notice to a person who is not a registered filer in paper form in accordance with the Federal Rules of Bankruptcy Procedure.
- d) Affidavits/Certificate of Service - A certificate of service must be included with all documents filed electronically, indicating that service was accomplished.
- e) Service of Documents Filed Conventionally with the Court – Pleadings or other documents 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 Rules except as otherwise provided by order of the Court.

3. Signatures

- a) The log-in and password required for submission of documents to CM/ECF serve as the registered filer's signature on all electronic documents filed with the Court. They also serve as a signature for purposes of the Federal Rules of Bankruptcy Procedure, the Local Rules, and any other purpose for which a signature is required in connection with proceedings before the Court.
- b) Electronically filed documents must include a signature block and must set forth the name, address, telephone number, e-mail address, and the attorney's bar registration number, if applicable. In addition, the name of the registered filer 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 document electronically filed shall also indicate a signature with the party's name typed in full, e.g. /s/ Jane Doe.
- c) Documents requiring signatures of more than one party must be electronically filed by either (1) submitting a scanned document containing all necessary signatures; (2)

representing the consent of the other parties on the document; (3) identifying on the document the parties whose signatures are required and by the submission of a notice of endorsement by the other parties no later than seven (7) days after filing; or (4) in any other manner approved by the Court.

An attorney filer's electronic signature on documents filed with the Court serves as certification that the attorney has received a signed paper copy of the Statement of Social Security Number from the debtor(s) they represent and shall retain such signed statement(s) in accordance with Paragraph III.5 of these procedures.

4. Protection of Personal Privacy

- a) Parties shall refrain from including, or shall partially redact where inclusion is necessary, the following personal data identifiers from all documents and pleadings. Documents include exhibits, whether filed electronically or in paper, unless otherwise ordered by the Court or required by statute, the Federal Rules of Bankruptcy Procedure or the Official Bankruptcy Forms:
 - i. **Social Security numbers.** If an individual's social security number must be included in a pleading, only the last four digits of that number should be used.
 - ii. **Names of minor children.** If the involvement of a minor child must be mentioned, only the initials of that child should be used. On Schedule J (Official Bankruptcy Form 106J), list relationship and age of the debtor's dependents (i.e., son, age 6).
 - iii. **Dates of birth.** If an individual's date of birth must be included in a pleading, only the year should be used.
 - iv. **Financial account numbers.** If financial account numbers are relevant, only the last four digits of these numbers should be used.
- b) Documents electronically filed 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.
- c) The responsibility for redacting these personal identifiers rests solely with counsel and the parties. The Clerk will not review each document for compliance with redaction requirements.
- d) Sealed Documents

- i. A motion to file document(s) under seal shall be filed electronically, unless prohibited by law. The order of the Court authorizing the filing of such document(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 documents under seal has been granted or denied in accordance with Paragraph III.1(f) of this document. Immediately upon the entry of an order authorizing the filing of a document under seal, the moving party will be permitted to file the document electronically, under seal, and removed from public access.
- ii. In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal data identifiers listed above may file an unredacted version of the document under seal or file a reference list under seal. The reference list shall contain the complete personal data identifier(s) and the redacted identifier(s) used in its (their) place in the filing. All references in the case to the redacted identifiers included in the reference list will be construed to refer to the corresponding complete personal data identifier. The reference list must be filed under seal and may be amended.
- iii. The Court may require a party to file a redacted copy of any document filed under seal, for access in the public file.
- iv. Sealed filings do not produce a Notice of Electronic Filing, and therefore, service by the filer of any sealed document by an alternate method is required.

5. Retention

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

6. Fees Payable to the Clerk

- a) All applicable filing fees shall be paid by approved credit card or ACH payment, via the CM/ECF internet credit card payment module.
- b) Petitions filed *In Forma Pauperis* shall be accompanied by an application to waive filing fees at the time of filing.
- c) If a petition is filed *In Forma Pauperis*, and the application is subsequently denied by Order of the Court, filers shall be ordered to pay all applicable filing fees either:
 - i. in full, within fourteen (14) days of the entry of the order denying; or

- ii. pursuant to the installment payment schedule defined in the order denying.

Note: Installment payments and payments in full originating from an order denying In Forma Pauperis status must be made conventionally, directly to the Clerk's Office or via Pay.Gov (see Court's website for instructions).

If payment of fees is not received pursuant to the Order of the Court, the case shall be dismissed.

- d) Refund of filing fees paid in error - the authority to approve a refund is a judicial determination. This authority has been delegated to the Clerk of Court for processing only those refunds associated with systems' communication errors or events for which the Clerk has no statutory authority to accept fees (paragraphs ii. and iii. below, respectively).
 - i. If a filing user enters a duplicate event which results in an additional payment, a refund will not be issued without an order of the Court.
 - (1) Requests for refunds should be made by motion to the Court.
 - (2) Upon receipt of an order to refund filing fees, the Clerk's Office will process the refund through Pay.Gov or issue a check pursuant to Court order, dependent on original method of payment.
 - (3) The financial deputy will contact the affected attorney to advise of the refund.
 - ii. If an erroneous payment resulting from technical systems communication failure occurs, a refund may be issued.
 - (1) The Clerk shall authorize the financial deputy to refund the erroneous payment.
 - (2) The financial deputy will process the refund through Pay.Gov or issue a check directly to the filer, dependent on original method of payment.
 - (3) The financial deputy will contact the affected attorney to advise of the refund.
 - iii. If a payment is received that the Clerk's office does not have the authority to accept, a refund must be issued.
 - (1) The Clerk shall authorize the financial deputy to refund the erroneous payment.

- (2) The financial deputy will process the refund through Pay.Gov or issue a check or return the check/money order.
- (3) The financial deputy will contact the affected attorney to advise of the refund.

In the event that a particular filer continues to make repeated mistakes when submitting fees and requesting refunds, the Court shall consider remedial actions such as issuing an order to show cause why further requests should be considered.

7. Orders

- a) Proposed Orders - The party presenting a proposed order shall e-mail said order as a PDF attachment to the Courtroom Deputy, together with any attachments or related documents to be electronically entered in connection therewith. The designated e-mail address for proposed orders is: CRSched@ianb.uscourts.gov.
- b) All signed orders shall be entered electronically by the clerk's office or presiding judge in the case.
- c) Any order filed electronically by the Court without the original signature of a judge, to include a text only order entry, 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.

8. Docketing of Pleadings or Other Documents

- a) The person electronically filing a pleading or other document shall docket the pleading or document by selecting the appropriate event from the categories contained in CM/ECF.
- b) The person electronically filing and docketing a Chapter 7 petition for an individual debtor shall select the "Presumed Abuse" designator appropriate for the case being filed (Presumption Arises/Presumption Does Not Arise) and ensure that the designator selected matches the box checked on the Means Test form, which is required to be filed with the petition.

IV. PUBLIC ACCESS TO THE SYSTEM DOCKET

1. Internet Access without a Password

Internet access to CM/ECF from the Court's internet website 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 <https://pacer.uscourts.gov> or by calling the PACER Service Center at (800) 676-6856. Such

access to the system will permit retrieval of the docket sheet and documents but will not permit filing of documents. This access will be on a “read-only” basis. Registered PACER users may be charged a fee based on the amount and type of information accessed in a calendar quarter.

In connection with the filing of any documents in a case or proceeding in 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.

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

2. 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 CM/ECF during regular business hours (dates and times are posted on the Court’s website).

3. Technical Failures

- a) In the event of a technical failure of CM/ECF, a registered filer may contact the Clerk’s office and speak with a deputy clerk to confirm that CM/ECF is not accessible, and state why an immediate filing is necessary. The filer may make suitable arrangements for the filing to occur conventionally.
- b) A filer whose filing is made untimely as the result of a technical failure may seek appropriate relief from the Court.

4. Certified Copies

Certified copies of electronically filed documents 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 under 28 U.S.C. § 1930.