

## **Rule 5001-1 COURT ADMINISTRATION**

(a)

Complaints concerning the conduct of a judicial officer or of the inability by reason of any mental or physical disability of such an officer to perform the duties of his or her office shall be governed by the Judicial Conduct and Disability Act of 1980, [28 U.S.C. § 372](#) and the rules of the Eighth Circuit Council implementing the Act.

(b)

The United States marshal or a court security officer for this district shall attend sessions of court upon request of the presiding judge or clerk. Any person having a concern regarding the security measures necessary for a proceeding should contact the clerk, or in an emergency, the presiding judge or the United States marshal's office.

## **Rule 5001-2 CLERK - OFFICE LOCATION**

The office of the clerk shall be located in Cedar Rapids. The clerk shall maintain a divisional office in Sioux City.

## **Rule 5003-2 COURT PAPERS - REMOVAL THEREOF**

(a)

### **Temporary Removal Prohibited**

No case file, adversary proceeding file, or other paper filed with the clerk may be removed from the clerk's custody.

(b)

### **Permanent Removal of Papers**

Upon written motion and a showing of good cause, the court may permit the permanent removal of a paper, document, or item from the files of the clerk. An entity requesting withdrawal of papers must furnish to the clerk a copy thereof for certification and a receipt for the original. The certified copy and receipt shall then be filed in lieu of the original, and the party receiving the original shall pay to the clerk any costs incurred by the clerk.

(c)

### **Exception**

This rule does not prohibit the clerk from giving temporary possession of claims to the trustee, or attorney for a plan proponent, or attorney for a chapter 11 debtor-in-possession.

## **Rule 5005-1 FILING PAPERS - REQUIREMENTS**

(a)

#### Location of Files

Unless otherwise ordered by the court, files for all cases and related proceedings within the district shall be maintained by the clerk in the court's case management/electronic case filing (CM/ECF) system and shall be available for viewing at either the clerk's headquarters in Cedar Rapids or at the divisional office in Sioux City.

(b)

#### Place of Filing

Entities may file papers in or for any case electronically in the CM/ECF system, or conventionally (in paper) at the clerk's headquarters in Cedar Rapids or at the divisional office in Sioux City.

#### **Rule 5005-2 FILING PAPERS - NUMBER OF COPIES**

Except as provided by Local Rule [1007-1\(a\)](#), or otherwise in these Rules, an entity filing a paper with the clerk need provide only the original for filing. If the entity filing a paper wants one or more file-stamped copies, the filing shall include the additional copies together with a self-addressed, stamped envelope for the clerk's use in returning the copies.

#### **Rule 5005-4 ELECTRONIC FILING**

(a)

##### Electronic Filing

(1)

Except as otherwise provided in these rules, or when exceptional circumstances prevent an entity from filing electronically, all papers required to be filed with the court shall be filed electronically.

(2)

For each paper submitted for filing via conventional means that is required to be filed electronically pursuant to the Court's Administrative Procedures, an Order To Show Cause shall enter, setting the matter for hearing at least 21 days after service of said Order. At this hearing, the attorney filer will be required to show cause as to why sanctions in the amount of \$25.00 for each paper submitted to the Clerk for filing via conventional means should not be imposed. The Clerk of Court shall issue a notice canceling said hearing, only upon the filing of a Consent to Order Imposing Sanctions, accepting the sanctions as defined, signed by the filing attorney within 14 days of the date of the original Order to Show Cause

(3)

The filing of a petition, pleading, motion or other paper in the court's electronic filing system must comport with the requirements and procedures established through the Procedures, including the procedures for registration of attorneys and distribution of passwords as approved by this court.

(4)

A petition, pleading, motion or other paper filed electronically by an attorney who is a registered participant in the Electronic Case Filing System shall be the equivalent of a filed paper containing the written signature of that attorney under [Fed. R. Bankr. P. 9011](#).

(5)

The electronic filing of a pleading or other paper in accordance with the Procedures shall constitute entry of that pleading or other paper on the docket kept by the Clerk under [Fed. R. Bankr. P. 5003](#).

(6)

The Clerk shall enter all orders, decrees, judgments, and proceedings of the court in accordance with the Procedures, and such entry shall be an entry on the docket under [Fed. R. Bankr. P. 5003](#) and [9021](#).

(7)

Notice of Electronic Filing

(A)

Whenever a pleading or other paper is filed electronically, at the time of its docketing, the Electronic Case Filing System will automatically generate a Notice of Electronic Filing and serve it on all registered participants entitled to service of the notice.

(B)

The filing party shall, under applicable rules, serve the pleading or other paper upon all entities entitled to service who are not registered participants in the Electronic Case Filing System.

(C)

If the entity entitled to service is a registered participant in the Electronic Case Filing 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.

(b)

Passwords

(1)

Participation in the Electronic Case Filing System by obtaining a password from the court shall constitute a request for service and notice electronically pursuant to [Fed. R. Bankr. P. 9036](#). Participants in the Electronic Case Filing System, by obtaining a password from the court, agree to receive notice and service by electronic means.

(2)

An attorney shall not permit his or her password to be used by anyone other than an authorized employee of his or her law firm.

(3)

No one shall intentionally use or cause another person to use the password of a registered attorney unless such person is an authorized employee of the law firm.

(c)

FAX Filing

(1)

Filing papers by FAX is not permitted. Material for filing may be sent to the clerk by facsimile transmission in limited emergency situations only after express authorization by the court.

(2)

Each FAX must be accompanied by a cover page which states the date of the transmission, the name and FAX number of the person to whom the paper is being transmitted, the name and telephone number of the person transmitting the paper, the docket number and title of the case to which the paper relates, the name of the paper, and the number of pages, excluding the cover page, of the paper being transmitted.

### **Rule 5007-1 TRANSCRIPTS**

(a)

Transcripts of court proceedings may only be electronically filed by a transcriber who has been certified by either the American Association of Electronic Reporters and Transcribers (AAERT) or the National Association of Court Reporters (NCRA), or have received provisional approval from the Administrative Office of the United States Courts.

(b)

For a period of 90 days from the filing of the transcript, electronic access via PACER will not be permitted except as provided under paragraph 3 below. However, the transcript will be available for viewing at the office of the clerk of court, free of charge, at any public terminal located in any of the two divisional clerk's offices, but it will not be available for copying during this period.

(c)

During this 90-day restriction period, a copy of the transcript may be obtained from the transcriber. An attorney or party in the case who purchases the transcript from the transcriber will also be given remote electronic access to the transcript through the court's CM/ECF system via PACER, for purposes of creating hyperlinks to the transcript in court filings and for other purposes. PACER fees apply at all times when accessing transcripts remotely and the 30-page cap does not apply to viewing or printing a transcript via PACER.

(d)

Members of the public, including the news media, who purchase a transcript, shall not be granted remote electronic access to a transcript during the 90-day restriction period.

(e)

Upon the filing of a transcript, the clerk shall generate and serve, as applicable, an electronic or paper "Notice of Filing of Transcript and of Deadlines Related to Restriction and Redaction." The parties shall have 7 days from the date of filing of the transcript to file a "Notice of Intent to Request Redaction of Transcript."

(f)

Parties who timely file the "Notice of Intent to Request Redaction of Transcript", shall, within 21 days of the filing of the transcript, unless otherwise ordered by the court, prepare and submit to the transcriber a "Statement of Personal Data Identifier Redaction Request" ("Statement"). This "Statement" shall indicate, by page and line number, the location of the personal data identifiers for which redaction is being requested. For purposes of this procedure, personal data identifiers are defined as:

- (1) individual social security numbers,
- (2) individual taxpayer identification numbers,
- (3) financial account numbers,
- (4) names of minor children, and
- (5) dates of birth.

Upon submission of the "Statement" to the transcriber, the parties requesting the redaction shall also docket the text-only event into the Court's CM/ECF system "Statement of Redaction Submitted," which will appear as a public document on the docket.

(g)

Parties seeking to redact information beyond those elements specified in paragraphs (f) (1-5) of this rule shall file the appropriate motion. If the motion is granted, the Clerk shall serve a copy of the motion and order granting said motion upon the transcriber.

(h)

Redaction responsibilities are solely the responsibility of the attorneys and pro se parties who attended the hearing. Each party is responsible for reviewing and indicating redactions in the testimony of the witnesses that were called by that party and for that party's own statements.

(i)

If a "Notice of Intent to Request Redaction of Transcript" has been filed and subsequently a "Statement" is submitted to the transcriber within the 21-day deadline set forth in paragraph (f), the transcriber shall partially redact the personal data identifiers identified in the "Statement" as follows:

- for Social Security numbers and taxpayer-identification numbers use only the last four digits;
- for financial account numbers, use only the last four digits;
- for names of minor children, use only their initials; and
- for dates of birth, use only the year.

The transcriber shall then file, within 31 days from the filing of the transcript, a redacted transcript with an amended certification indicating that the transcript was amended by the

redaction of certain personal identifiers at the request of the parties. Parties who have previously ordered the unredacted transcript shall be given remote access to the redacted transcript.

(j)

After the 90-day restriction period has expired, the filed transcript (or if a redacted transcript was filed the redacted transcript) will be available for inspection and copying at the clerk's office and for downloading from the court's CM/ECF system via PACER. Copy fees and PACER access fees apply. However, a transcript will not be electronically available until the Court has ruled on intervening motions for extension of time or for protective orders related to the transcript.

(k)

If a redacted transcript has been filed in accordance with the provisions of this rule, ONLY the redacted version will be available via remote electronic access, or for inspection at the clerk's office. The unredacted version will NOT be available.

(l)

The policy set forth in this rule:

(1)

Does not affect the obligation of the clerk to make the official transcript available for copying by the public without further compensation to the transcriber 90 days after the transcript is filed pursuant to Judicial Conference policy.

(2)

Is not intended to create a private right of action.

(3)

Is intended to apply the Judicial Conference policy on privacy and public access to electronic case files to transcripts that are electronically available to the public. It is not intended to change any rules or policies with respect to sealing or redaction of court records for any other purpose.

(4)

Does not prevent the production of a transcript on an expedited basis for a party, or any other person or entity, that may order such a transcript, subject to whatever court rules or orders are currently imposed to protect sealed materials. Any non-party that orders a transcript on an expedited basis should be alerted to the Judicial Conference policy on privacy and public access to electronic case files by the entity providing the transcript to the party.

### **Rule 5071-1 CONTINUANCE**

(a)

A continuance of a trial or hearing may be granted for good cause. Agreement of counsel alone is not sufficient grounds for a continuance.

(b)

A motion to continue must be filed as promptly as practicable after a party or an attorney learns of the grounds necessitating the filing of the motion.

(c)

A person intending to request a continuance must contact all opposing counsel to advise them of the intended motion and to ascertain whether opposing counsel will consent to the motion.

(d)

A motion to continue must be in writing and must specify the grounds therefore. Unless the movant is not represented by an attorney in the proceeding, the motion must state whether all opposing counsel have been contacted about the continuance and whether any opposing counsel objects to the motion. If opposing counsel could not be consulted about the continuance, the motion must specify what efforts were made to contact opposing counsel.

(e)

If an opposing party objects to the continuance, movant's counsel must contact the presiding judge's scheduling clerk to schedule a hearing on the motion. The hearing may be conducted by telephone unless the parties contemplate the introduction of evidence rather than the professional representations of counsel.

(f)

A motion to continue must be served on opposing counsel and on any parties not represented by an attorney. If the motion is resisted, the motion must contain conspicuous notice of the time and date of the hearing on the continuance and whether the hearing will be held at a court location or by telephone. If the hearing is to be held by telephone, it is the responsibility of movant to place the call and ascertain from opposing counsel the telephone number at which each may be called.

(g)

If a motion to continue is filed within 14 days of the hearing or trial date, movant's counsel must telephonically advise the presiding judge's scheduling clerk that the motion is being filed.

(h)

Movant must provide a proposed order with an unresisted motion.

(i)

A motion to continue which does not comply with this Local Rule may be denied without a hearing.

## **Rule 5072-1 COURTROOM DECORUM**

(a)

Attorneys and parties shall conduct themselves in court matters with dignity, propriety, and civility. See Local Rule [2090-1\(d\)](#).

(b)

Attorneys and pro se parties shall stand while addressing the court. Attorneys and pro se parties shall communicate with the court from counsel table or from behind a lectern if one is available and the court so directs or the person so desires. Counsel may not approach the bench unless requested or permitted.

(c)

Counsel and pro se parties may remain seated at counsel table while examining witnesses, unless the court requires use of a lectern. Counsel and pro se parties may approach a witness with court permission for the purpose of presenting or examining an exhibit.

(d)

Witnesses may not be addressed by their first names or nicknames.

(e)

Neither counsel nor a party may leave the court unless and until excused.

(f)

Participants attending court shall dress appropriately considering the serious nature of the proceedings.

## **Rule 5073-1 PHOTOGRAPHY, RECORDING DEVICES, AND BROADCASTING**

(a)

### Prohibited Acts

(1)

A person must not take photographs, make audio tapes or videotapes, or broadcast by television or radio from the courtroom or its environs during the progress of or in connection with judicial proceedings, whether or not court is actually in session.

(2)

The dissemination of any recorded courtroom transmissions by any means, for any purpose, by or to any person, without a court order authorizing such dissemination is prohibited. Any



unauthorized dissemination shall subject the person or persons responsible to appropriate sanctions.

(b)

#### Environs Defined

For purposes of this rule, "environs" means all rooms in a courthouse or building where a judicial proceeding is being conducted or which are being used or occupied by court personnel or proceeding participants, and all passageways and stairways immediately adjacent thereto.

(c)

#### Judicial Proceeding Defined

As used in this rule, "judicial proceeding" means any trial or hearing held by the bankruptcy court and any meeting of creditors held pursuant to [11 U.S.C. § 341](#).

(d)

#### Official Record

This rule does not prohibit the clerk's use of audio equipment in recording proceedings or the use of audio tape recorders by the United States trustee, trustee, standing trustee, or other presiding officer at a meeting of creditors held pursuant to [§ 341](#).

(e)

#### Laptop Computers

Attorneys participating in a case may use laptop computers as technical support.

(f)

#### Portable Telephones

Portable and cellular telephones may be possessed by persons attending court proceedings. However, unless authorized by the court, they must be turned off during court proceedings.

### **Rule 5075-1 CLERK - DELEGATED FUNCTIONS OF**

The clerk is authorized to execute the following orders:

(a)

orders granting applications to pay filing fees in installments pursuant to Local Rule [1006-1\(a\)](#);

(b)

discharges of debtors in chapter 7 cases;

(c)

final decrees;

(d)

pursuant to Rule [4003-1\(c\)](#), orders granting a trustee's or a creditor's first request for an extension of time of up to 30 days in which to object to a debtor's claim of exemptions; and

(e)

such other orders as the court may direct.