

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



**ADMINISTRATIVE PROCEDURES FOR
ELECTRONIC CASE FILES SYSTEM**

Effective September 5, 2017

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I. INTRODUCTION AND SCOPE OF ELECTRONIC FILING

The United States Bankruptcy Court for the Northern District of Mississippi uses the Case Management/Electronic Case Files system (“CM/ECF”) to administer the filing of pleadings and other documents. This system permits properly registered users to file documents and to view and search court records twenty-four hours a day. Non-registered parties may view, but not file, documents by utilizing the Public Access to Court Electronic Records (PACER) system.

The following information explains the Court’s procedures applicable to the use of the Electronic Case Files (“ECF”) System.

A. Authorization for Electronic Filing

The Uniform Local Rules of the United States Bankruptcy Court for the Northern and Southern Districts of Mississippi (“Local Rules”) require electronic filing. See Miss. Bankr. L.R. 5005-1. These procedures shall govern electronic filing in this district unless, due to extraordinary circumstances in a particular case, a Judge or the Clerk of the Court determines that these policies and procedures should be modified in the interest of justice.

B. Participants in Electronic Filing

The system permits Registered Users to file documents with the Court from any location using the Internet. While all parties, including those proceeding pro se, may register to view and print documents through PACER, only Registered Users of ECF are permitted to file documents via ECF.

C. Training and Technical Assistance

These procedures are not a technical guide for the use of the ECF system. Information regarding technical guidance on equipment and training can be obtained by contacting the Court.

D. Definitions and Explanations

Bankruptcy Noticing Center (BNC): a national processor for bankruptcy court notices (mail and e-mail).

Conventional/Paper Filing: presentation of an original copy of a document, by a filing party, to the Clerk’s office.

Document: pleadings, motions, exhibits, declarations, affidavits, memoranda, papers, orders, notices, and any other filing by or to the court, whether the document is in electronic or paper format.

e-Orders: a program integrated with CM/ECF to upload proposed orders directly into the ECF system.

ECF: the Court's Electronic Case Files system.

ECF User (or Registered User): an individual who is registered with this Court to use the ECF system.

Electronic Filing: uploading a document or other information into the Court's online case docket using the ECF system. Sending a document or pleading to the Court via e-mail or facsimile is not authorized and does not constitute "electronic filing."

Electronic Proof of Claim (ePOC): a module available on the Court's website that allows a claimant to file, amend, or withdraw a proof of claim electronically without an ECF login and password.

E-Mail Address of Record: the e-mail address of each registered user that is a party or attorney in the case.

Limited ECF User: an attorney, creditor, or creditor representative who has a login which allows restricted access to the ECF system. A Limited User may file only certain documents.

Notice of Electronic Filing (NEF): a receipt generated by the ECF system upon completion of an electronic filing. The Notice of Electronic Filing, when e-mailed to the e-mail addresses of record in the case, provides proof of service.

Public Access to Court Electronic Records (PACER): an online public system that provides access to case information from federal appellate, district, and bankruptcy courts.

Portable Document Format (PDF): a file format that provides an electronic image of text and/or graphics in the appearance of a printed document.

E. Selection and Designation of Cases for ECF

Pursuant to Miss. Bankr. L.R. 5005-1(a)(2)(A), all cases are designated to be assigned to the CM/ECF system.

II. ACQUIRING AND MAINTAINING AN ECF ACCOUNT

A. Eligibility

Attorneys admitted to practice in this Court, as well as attorneys authorized to appear before this Court pursuant to provisions of the Local Rules, shall be eligible to register as

an ECF User. Other parties (i.e., creditors and creditors' representatives) may register for a Limited ECF User login and password.

B. Registration

1. Attorneys – ECF Registration Required

- a. Pursuant to Miss. Bankr. L. R. 5005-1, attorneys who practice in this Court must register as ECF Users (including attorneys admitted through regular admission, through pro hac vice admission, and those attorneys authorized to represent the United States).
- b. Each attorney who files documents must register for a login and password via CM/ECF Attorney Registration (“AttorneyReg”) available under the CM/ECF tab on the Court’s website at www.msnb.uscourts.gov. Registration constitutes consent to receive electronic service or notice of documents filed in the CM/ECF system, except with regard to service of a summons and complaint under Fed. R. Bankr. P. 7004 for adversary proceedings.
- c. Access to the ECF system for viewing and printing purposes only is available through PACER. (Visit www.pacer.gov for PACER registration and account information.)

2. Limited ECF Users

- a. A creditor (or agent or representative thereof) may register as a Limited ECF User in order to file a limited number of documents via the ECF system. The Clerk of Court will determine the scope of documents that may be filed by a Limited ECF User.

Note: An ECF account is not required to file, amend or withdraw a proof of claim. The Electronic Proof of Claim (ePOC) module located under the CM/ECF tab on the Court’s website may be used for these claim actions.

- b. A creditor or other entity that routinely files documents within the scope of a limited ECF account must register as a Limited ECF User (or use the ePOC module if the filings are limited to certain proof of claim actions). The Clerk of Court shall determine when a party is a “routine filer” and therefore required to register as a Limited ECF User.
- c. The Limited ECF User registration is available in the CM/ECF Attorney Registration (“AttorneyReg”) program under the CM/ECF tab on the Court’s website at www.msnb.uscourts.gov.

- d. A Limited ECF User must be an employee or authorized agent of the creditor.
- e. Registration as a Limited ECF User constitutes consent to:
 - i. Pay any required filing fees at the time of filing;
 - ii. Immediately notify the Court in writing if the Limited ECF User ceases to be authorized to file documents on behalf of the entity; and
 - iii. Comply with applicable statutes, federal rules, Local Rules, and these Administrative Procedures.

C. Login and Password

1. The user will create a proposed username (login) and password during the registration process. Before an ECF account is activated with a valid login and password for an ECF User or Limited ECF User, the user must confirm that these Administrative Procedures have been reviewed and receive training from this Court or provide proof of training and registration in another bankruptcy or district court.
2. An ECF User's login and password serve as the user's unique signature for purposes of Fed. R. Bankr. P. 9011 and for other purposes. The ECF User is not authorized to transfer a login and password to a new user. A new user must complete the registration process.
3. An ECF User must protect and secure his/her password. If the ECF User has any reason to suspect that the password has been compromised, the user shall immediately notify the Clerk's Office and ensure the password is changed.
4. In the interest of judicial security the Clerk of Court reserves the right to lock an ECF User's account and/or revoke an assigned login and password.
5. An ECF User shall not permit use of his/her login and password by anyone other than an authorized employee of his/her office. The ECF User is responsible for all documents (and associated fees) filed with his/her login and password.
6. The name of the ECF User associated with the login and password used to submit filings in the ECF system must match the name on the documents filed. A Registered User may not submit filings for another party other than in a representative capacity.

D. Maintaining Your ECF Account

All Registered Users are responsible for maintaining and updating their user information associated with their respective ECF account. If any information used at registration changes (i.e., mailing address, e-mail address, phone number, etc.), it is the Registered User's responsibility to log onto the ECF System and make the changes by accessing the "Utilities" menu and selecting "Maintain Your ECF Account." **The Clerk's office will not re-send notifications or investigate undeliverable ("bounce-back") e-mails.**

III. FEES

A. Payment of Required Fees

ECF Users must pay all filing fees for ECF transactions through Pay.gov, a secure online payment portal for federal agencies. Filing fees for ECF transactions must be paid on the same day the ECF filing is submitted unless the filer is exempt from paying the fee or submits an appropriate filing to seek court approval for alternate payment arrangements (i.e., motion to defer filing fee or application to pay filing fee in installments). Failure to timely pay filing fees will result in the ECF account being locked with the exception of the ECF User's ability to pay the outstanding fees. See Pay.gov for system and security requirements.

B. Errors in Electronic Payments and Refund of Fees Paid Electronically

If the Clerk's Office discovers an erroneous filing for which a fee has not yet been collected, administrative corrective action may be taken to prevent collection of the fee. However, if a filing fee has been collected, a court order is necessary to secure a refund, even if the filing was made in error, as the authority to approve a refund is a judicial determination.

A request for refund of fees should be made by filing a motion or application and serving a copy to the Office of the United States Trustee and the case trustee. The Court, at its discretion, may grant or deny the request *ex parte* or set the matter for hearing. If granted, a refund will be processed electronically. The court will not issue a refund via check.

IV. ELECTRONIC FILING OF DOCUMENTS

A. Mandatory Electronic Filing

Pursuant to Miss. Bankr. L.R. 5005-1, all attorneys who practice in this Court shall register as ECF Users. All documents submitted in all cases and adversary proceedings must be filed electronically through the ECF system and in compliance with these Administrative Procedures unless an exception is applicable.

B. Exceptions to Mandatory Electronic Filing

1. Pro se debtors and other individuals not represented by an attorney may be exempt from the mandatory electronic filing requirement.
2. A corporation, limited liability company, partnership or other entity that files fewer than ten (10) proofs of claim per year in this Court may be exempt from the mandatory electronic filing requirement.
3. Documents to be filed under seal should not be filed via ECF. See section IV(E) below for information regarding documents to be filed under seal.
4. Any other exceptions to mandatory electronic filing must be authorized by a Judge, Clerk of Court, Chief Deputy or an authorized designee.

C. General Filing Information

1. The proper filing of a document through the ECF system will constitute filing of the document for the purposes of the Federal Rules of Bankruptcy Procedure and the Local Rules and will constitute entry of that document into the case docket maintained by the Clerk pursuant to Fed. R. Bankr. P. 5003. The official record is the electronic record as maintained by the Court.
2. After a document is properly filed, a real-time receipt reflecting the date and time of filing will appear on the ECF User's screen. Although documents may be filed electronically at any time, ECF Users are strongly encouraged to file documents during the regular business hours of the Clerk's Office (8:00 a.m. – 5:00 p.m., Monday through Friday) when assistance is available.
3. Once a document is filed through the ECF system, it becomes part of the Court's record, and only the Court can make a correction. See section IV(I) below for additional information on corrections.
4. The Court may, upon the motion of a party or upon its own motion, strike any inappropriately filed document.
5. Unless otherwise ordered by the Court, electronic filings through the ECF system must be completed prior to midnight (Central Time) on the date set as a deadline to be considered timely filed.

D. Documents with Exhibits and Attachments

All documents that form part of a pleading shall be filed under one ECF docket entry (i.e., a motion and supporting affidavits/exhibits). Memoranda of law, however, should be filed and docketed separately.

E. Documents to be Filed Under Seal

1. See Miss. Bankr. L. R. 9018-1. Documents may be filed under seal only by order of the Court. A motion to file a document under seal shall be filed electronically unless an exception to mandatory electronic filing is applicable.
2. Once the Court has entered an order authorizing a document to be filed under seal, the filer should contact the Clerk's Office for proper submission instructions in order to prevent inadvertent disclosure.

F. Matrix/List of Creditors

The list of creditors, also called a matrix, must be submitted in ASCII file format with an appropriate text extension (.txt) and shall be submitted electronically through the ECF system at the time of case filing. If additional creditors need to be added post-petition, an Amended List of Creditors should be submitted with the appropriate Amended Schedule(s). The list of creditors must meet the following specifications:

- The name and address of each creditor must be five (5) lines or fewer.
- Each line may contain no more than 40 characters including blank lines.
- Names and addresses should be left justified (no leading spaces).
- If attention lines are used, they should appear on the second line of the address.
- City, State, and Zip code must be on the last line.
- All states must be two-letter abbreviations.
- If a nine-digit Zip code is used, a hyphen must separate the first five digits from the last four digits.
- Each creditor must be separated by at least one blank line.
- Do not include case number, page numbers, line number, headers, footers, etc., in the document.
- Neither the debtor(s)' nor the debtor(s)' attorney's name should appear on the matrix.

G. Expedited Matters

See Miss. Bankr. L. R. 9013-1(f). When filing expedited matters via ECF, the filing attorney shall immediately advise the presiding judge's courtroom deputy or calendar clerk of the filing by telephone.

H. Proofs of Claim

A proof of claim must be filed electronically unless the claimant is an individual or entity that files fewer than ten (10) proofs of claim per year. While filing a proof of claim electronically may be accomplished through the ECF system, an ECF login and password is not required for certain claim actions. The Electronic Proof of Claim (ePOC) module located under the CM/ECF tab on the court's website may be used to file, amend, or withdraw a proof of claim.

I. Correcting Documents Filed in Error

Once a document or docket entry is submitted through the ECF system, it becomes part of the case docket, and corrections can only be made by the Office of the Clerk or as the Court may direct. The ECF system will not permit a filer to make changes to a document or docket entry filed in error (i.e., incorrect case number, incorrect PDF attached, incorrect event selected, etc.) once the transmission has been accepted. **DO NOT ATTEMPT TO REFILE THE DOCUMENT!**

If the filer discovers an error, the filer should contact the Clerk's Office as soon as possible after the error is discovered. The filer should have the case number and filing information readily available. The Clerk's Office may make a corrective entry or provide corrective instructions to the filer. A filer should refile a document only after being instructed to do so by the Clerk's Office.

If the Clerk's Office discovers an error, a *Clerk's Request for Corrective Action* will generally be placed on the docket explaining the nature of the filing error and the time in which to correct the error. If the error is not corrected by the deadline provided, the document in question may be stricken or dismissed, subject to judicial review.

V. SUBMISSION AND ENTRY OF ORDERS

A. Submission of Proposed Orders

Pursuant to Miss. Bankr. L. R. 5005-1(a)(2)(D), a proposed order should be submitted electronically with each application or motion filed with the Court as outlined below:

Judge Olack's Cases:

Upload the proposed order as an attachment to the main pleading or other document. The proposed order should also be uploaded to the ECF system through the e-Orders program.

Judge Woodard's Cases:

Upload the proposed order to the ECF system through the e-Orders program.

All other orders, including consent orders or orders resulting from a hearing or other disposition shall be uploaded to the ECF system through the e-Orders program.

B. Approval or Rejection of Proposed Orders

Once the Judge signs a proposed order, the Clerk's Office will make the appropriate entry on the CM/ECF system to docket the order. When a new or revised order is required, the submitting party will be notified through the ECF system.

C. Requirements for Proposed Orders

Proposed orders and all exhibits must be uploaded as one PDF document. Orders should be created using a word processing application (i.e., Microsoft Word) then saved as a PDF document after being formatted as follows:

Document Size: 8½ x 11 standard paper size; file must not exceed 20 MB.

<u>Margins:</u>	<u>First Page</u>	<u>Subsequent Pages</u>
	3" Top	1" Top
	1" Bottom	1" Bottom

End of Order: Below the last paragraph in the proposed order, insert one blank line followed by **##END OF ORDER##** in the center of the next line. Do not include a signature line for the judge.

Additional information and instructions regarding the e-Orders program may be found in the e-Orders User Guide located under the CM/ECF tab on the Court's website at www.msnb.uscourts.gov.

VI. RETENTION REQUIREMENTS

Registered ECF Users must maintain originally executed copies of signed documents for one year after the case is closed by the bankruptcy court. This retention period does not affect or replace other retention periods required by applicable laws or rules.

VII. SIGNATURES

See Miss. L. R. 9011-1(a)(2). The ECF User's name associated with the login and password used to file a document must be displayed as an image of a signature or by an "/s/" with the filer's name typed in the space where the signature would otherwise appear (e.g., /s/ Jane Doe).

Pursuant to Miss. Bankr. L. R. 5005-1(a)(2)(H), if the filer is an attorney, a complete mailing address, telephone number, e-mail address, and bar number must be included on the document.

VIII. ELECTRONIC SERVICE OF DOCUMENTS

A. Service of Filed Documents on Parties

1. The ECF system will generate a "Notice of Electronic Filing" when any document is filed. This notice will constitute service on parties who are also Registered Users in the system pursuant to Miss. Bankr. L. R. 5005-1(a)(2)(A). The filing party is not required to serve any pleading or other document on any party receiving the Notice of Electronic Filing, except as set out in numbered paragraph 3 below.

2. The filing party shall serve those parties not designated or able to receive electronic notice but that are nevertheless entitled to notice of said pleading or other document in accordance with the Federal Rules of Bankruptcy Procedure and the Local Rules, except as otherwise provided by order of the Court.
3. A party may not electronically serve a summons and complaint, but instead must perfect service according to Fed. R. Bankr. P. 7004.

B. Certificate of Service

A certificate of service is required when documents are filed through the ECF system. The certificate of service must be attached to the document(s) served, must specify the method of service, and must identify all parties served. See examples below.

Example – Parties Served via Notice of Electronic Filing through ECF:

...certify that the following have been served electronically via ECF:

John Doe, Esq.
Jane Doe, Chapter Trustee
Office of the U.S. Trustee

Note: The e-mail address of the parties served via ECF is not required.

Example – Parties Served via U. S. Mail:

...certify that I have served by U.S. mail, postage prepaid, a true and correct copy to:

John Doe	Jane Doe
P. O. Box 123	123 Main Street
City, State Zip Code	City, State Zip Code

IX. NOTICE OF ENTRY OF COURT ORDERS AND JUDGMENTS

Immediately upon entry of an order or judgment in the ECF system, the Clerk's Office will transmit a Notice of Electronic Filing (NEF) to participants in the case. Transmission of the NEF will constitute the notice required by Fed. R. Bankr. P. 9022. The Clerk's Office shall utilize the Bankruptcy Noticing Center to provide notice to all other parties in accordance with the Federal Rules of Bankruptcy Procedure.

X. TECHNICAL REQUIREMENTS AND FAILURES

To prevent timeouts and other technical issues, a PDF file should not exceed 20MB. Additionally, all documents must conform to the 8½ x 11 standard size.

Although the ECF system is generally available 24 hours/7 days, ECF Users are encouraged to use the ECF system during the regular business hours of the Clerk's Office and to allow sufficient time for an alternative filing should systems issues arise.

If the ECF system is not available for technical reasons during regular business hours of the Clerk's Office, the ECF user should contact the Clerk's Office to confirm that the system is not accessible, state the reason(s) why an immediate filing is necessary, if requested, and make suitable arrangements with the Clerk's Office for the filing.

If an ECF user cannot access the system outside of regular business hours of the Clerk's Office, the user should notify the Clerk's Office as soon as possible. If a filing is made untimely as a result of a technical failure of ECF, the filer may seek relief from the Court.

XI. PUBLIC ACCESS

A. Public Access at the Court

The Court provides free public access to view case files in the ECF system in the Office of the Clerk during regular business hours (8:00 a.m. – 5:00 p.m., Monday through Friday). A statutory copy fee is required for printed documents.

B. Public Access through PACER

Public access to the ECF system for viewing and printing purposes is available to subscribers through the Public Access to Court Electronic Records (PACER) system. PACER access requires registration with the PACER Service Center and, in accordance with the mandate of the Judicial Conference of the United States, a fee will be charged. Information regarding PACER is available at the PACER website: www.pacer.gov.

XII. PRIVACY – REDACTION OF CERTAIN PERSONAL IDENTIFIERS

See Fed. R. Bankr. P. 9037. Parties shall refrain from including, or shall partially redact where inclusion is necessary, the following personal data identifiers from all documents filed with the Court, unless otherwise ordered by the Court or required by statute, the Federal Rules of Bankruptcy Procedure or the Official Bankruptcy Forms:

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 appear.

Names of Minor Children – If a minor child must be mentioned, only the initials of that child should appear.

Dates of Birth – If an individual's date of birth must be included in a pleading, only the year should appear.

Financial Account Numbers – If a financial account number is relevant, only the last four digits of the number should appear.

The responsibility for properly redacting personal identifiers rests solely with the filing party. A party may file a local form motion and proposed order asking the Court to restrict the view of an improperly redacted document. The local forms are available on the Bankruptcy Forms page of the court's website at www.msnb.uscourts.gov. The Clerk's Office will not review documents filed for compliance with redaction requirements.