

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MAINE**

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

March 2011

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ADMINISTRATIVE PROCEDURES

I REGISTRATION FOR THE ELECTRONIC CASE FILING SYSTEM

A. Designation of Cases

All cases shall be assigned to the Electronic Case Filing System (hereafter System).

B. Passwords

Each attorney admitted to practice in this Court, and others as the Court deems appropriate, shall create a secure System password to permit the attorney to participate in the electronic retrieval and filing of pleadings and other papers in accordance with the System. Registration for a password is governed by paragraph I(C). No attorney/participant shall permit his/her password to be utilized by anyone other than himself/herself or an authorized employee.

C. Registration

1. A registration form, in the form attached hereto as Exhibit A, shall be submitted for each attorney/participant.
2. All registration forms shall be emailed to the following address: ecf_backup@meb.uscourts.gov. The subject line should include the text "electronic registration."
3. After completion of on-line training, each registering attorney/participant may request access to the training database for additional practice. Once the completed registration form has been received by the court the attorney/participant will be set up in CM/ECF. An email will be sent with the attorney's/participant's login and temporary password and instructions on how to change the password and set up the email.
4. The password required to submit documents to the System serves as the registered user's original signature for all electronic documents filed with the Court. The password also serves as a signature for purposes of Fed. R. Bankr. P. 9011, other 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 this Court.
5. Participation in the System by entering an email address shall constitute a request for service and notice electronically pursuant to Fed. R. Bankr. P. 9036. Participants in the System, by entering an email address, agree to receive notice and service by electronic means.

6. Once registered, an attorney/participant may withdraw from participation in the System only by leave of the Court, and by providing the Clerk of Court with written notice of such withdrawal. Copies of the written notice must also be provided to all registered attorneys/participants who have appeared in a case in which the withdrawing attorney/participant has appeared, and which case remains open at the time of withdrawal. Upon receipt, the Clerk will immediately cancel the attorney/participant's password and will delete the attorney/participant from any applicable electronic service list.
7. The Court reserves the right to revoke an electronic filer's password and, therefore, his or her authority and ability to electronically file documents, for failure to comply with any provision of the agreement contained in the Electronic Filer Registration Form, failure to adequately protect his or her password, failure to comply with the provisions of these Administrative Procedures for Electronically Filed Cases, failure to pay fees required for documents filed electronically, other misuse of the System, or as a sanction ordered by the Court after notice and opportunity for hearing.

II ELECTRONIC FILING AND SERVICE OF DOCUMENTS

A. Filing

1. Except as expressly provided in subparagraph II(B), and in paragraph III below, effective January 1, 2004, all documents shall be filed electronically.
2. All documents that form part of a pleading and that are being filed at the same time and by the same party may be electronically filed together under one docket number; e.g., the motion, a supporting affidavit, the notice of hearing, the certificate of service, and a proposed form of order, as provided in subparagraph II(G), which shall be filed as an attachment to the primary document. A memorandum of law shall be filed separately and shown as a related document to the motion.
3. Because the System is a "real-time" system, the receipt of filing will show the actual date and time a document was filed on the System. Documents submitted electronically on the System outside of normal office hours will be deemed filed on the date and time received. For example, if a document is received at 6:27 p.m. on April 30, 2004, the receipt of filing will show that date and time, and the document will be deemed filed as of that date and time. Deadlines will not change as a result of this policy. The deadline for filing, unless otherwise specifically set, is midnight of the due date (E.S.T.).
4. The person electronically filing a document must designate a title for the document by selecting the appropriate event title from the categories provided in the System. Once a document is submitted and becomes part of the case docket, changes to a docket entry are made only by the Clerk's Office.

5. Attorneys/participants seeking to schedule emergency motions or other expedited matters shall contact the calendar clerk by telephone for a hearing date, after such expedited matter has been filed on the System.
6. A registered filer who files a document on behalf of another attorney will remain the official filer for all purposes, absent an affirmative action taken by the other attorney to be added to the case.

B. System Failure

In instances where a document must be filed immediately, but electronic filing cannot be accessed because of a System failure during normal business hours, the filing party shall, after making at least two attempts to file electronically, contact the Clerk's office to confirm that the System is not accessible. If it is confirmed that the System is not accessible, or, if the System cannot be accessed due to a System failure during non-business hours, the document shall be sent as an attachment in PDF format via e-mail to the following address: ECFbackup@meb.uscourts.gov. The filing party must file with the document an affidavit stating the reason(s) why the document is being filed via e-mail, and demonstrating compliance with the prerequisites of this subparagraph. Filers who experience a System failure and file documents via e-mail must call the Clerk's office prior to 10:00 a.m. of the next business day to inform them that a document has been filed via e-mail. The Clerk's office will download and file the PDF document, and the document will be deemed filed on the date and time of the e-mail transmittal. Nothing contained in this paragraph is intended to take away rights contained elsewhere in these procedures or in local or federal rules.

C. Service

1. Whenever a document 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.
2. The filing party shall serve the document upon all persons entitled to notice or service in accordance with the applicable rules, or, if service by first class mail is permitted under the rules, the filing party may make service on a registered attorney/participant in accordance with subparagraph II(C)(3) below.
3. If the recipient of notice or service is a registered attorney/participant in the System, service of the Notice of Electronic Filing shall be the equivalent of service of the document by first class mail, postage prepaid. In any given case, the ECF System serves only (i) attorneys who have entered their appearance in that case, either to represent a party or by filing a notice of appearance and request for service, (ii) the case trustee, and (iii) the U.S. Trustee. *No other attorneys will be served by the ECF System*, regardless of the fact that they are otherwise registered electronic filers. Attorneys who do not fall within categories (i), (ii), or (iii) must be served by

traditional means.

4. Whether service of documents is on registered attorneys/participants in compliance with subparagraph II(C)(3) above, or on non-registered parties/attorneys in compliance with local and federal rules, a certificate of service is still required for all filings. The certificate must state the manner in which service or notice was accomplished on each party so entitled, and shall be filed together with the pleading under one docket number, as provided in subparagraph II(A)(2). A sample certificate of service is attached to these procedures as Exhibit B.
5. Nothing contained herein shall be construed to eliminate the necessity of service of the summons and complaint in accordance with the Federal Rules of Civil Procedure and the Federal Rules of Bankruptcy Procedure. The return of service shall be filed electronically.
6. Whenever a pleading is filed electronically less than 24 hours prior to the hearing on the pleading, the filer must speak to someone in the Clerk's Office to notify them of the filing. An email or voicemail message will not be sufficient notification.

D. Signatures

1. Petitions, lists, schedules, statements, 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 and in accordance with these Administrative Procedures. The electronically filed document shall indicate a signature with the party's name typed in full, *e.g.*, "/s/ Jane Doe." Original, executed documents that contain the signature of a party *other than the registered filer* must be maintained by the filer until two (2) years following the closing of the case or until the expiration of all appeal periods, whichever is later. Upon request of the Court or any interested party, the filer must provide original documents for review.
2. For a stipulation or other document to be signed by two or more persons:
 - (i) The filing party shall file the document electronically, indicating the signatories, *e.g.* "/s/ Jane Doe," "/s/ John Doe," etc.
 - (ii) By submitting such a document, the filing attorney certifies that each of the other signatories has expressly agreed to the form and substance of the document and that the filing attorney has their actual authority to submit the document electronically.
 - (iii) The filing party shall retain any records evidencing this concurrence for future production, if necessary, in accordance with subparagraph II(D)(1) above. A non-filing signatory or party who disputes the

authenticity of an electronically filed document must file an objection to the document within ten days of the date on the Notice of Electronic Filing.

E. Fees Payable to the Clerk

1. For filings that require a fee, *registered attorneys/participants* shall make a credit card payment by end of day of filing or be locked out of CM/ECF until payment has been made.
2. For filings that require a fee, *non-registered filers* must follow current local rules for methods of payment.

F. Exhibits

Except with regard to exhibits filed in connection with a pleading or motion to be heard on an emergent or expedited basis, as discussed below, attorneys/participants electronically filing documents that refer to exhibits not prepared in electronically produced text shall scan and electronically file only excerpts of the exhibit that are directly germane to the matter under consideration by the Court. Excerpted material must be clearly and prominently identified as such, and the complete exhibit must be made available forthwith to interested parties, counsel, and/or the Court upon request and at the filer's cost (and must be available in the courtroom at any hearing pertaining to the matter). An attorney/participant filing excerpts of the exhibits pursuant to this subparagraph does so without prejudice to their right to file additional excerpts or the complete document(s). Responding parties may timely file additional excerpts or the complete document(s) that they believe are directly germane.

With regard to exhibits filed in connection with a matter to be heard on an emergent or expedited basis, the filing of excerpts of exhibits is not permitted, i.e., the full exhibits must be filed with the motion, application, pleading, etc. In any event, **each document electronically filed may not exceed five MegaBytes (5MB)**. For those pleadings and motions, including attachments, exhibits, etc., that do exceed 5MB, attorneys/participants shall break up their documents into separate attachments, each of which shall be no more than 5MB in length.

G. Orders

As required by Local Rule 9013-1(c), every motion filed must be accompanied by a proposed form of order. The proposed form of order shall be electronically filed in PDF format as an attachment to the motion. If a proposed order is being submitted at the request of the Court (e.g., following a hearing), it shall be filed separately in the System *unless otherwise requested by the Court*. An **agreed** order shall be submitted as set forth in this paragraph II(G), but shall, in addition, conform to the conventions for stipulations set forth in subparagraph II(D)(2) above.

H. Social Security Numbers and Form B21

Attorneys shall enter the debtor's full Social Security Number into the System when filing the petition. The attorney must have a Form B21 signed by the debtor, and must retain the Form B21 with the petition in accordance with subparagraph II(D)(1) above. *Pro se* filers must submit a completed Form B21 with their petition. The form will be retained by the Clerk's office, but will not be available to the public.

I. Amending Social Security Numbers

When it is discovered that a petition has been filed with an incorrect Social Security Number, it must be amended. To accomplish this, debtor's counsel must:

1. notify the trustee, the U.S. Trustee and all creditors of the correct Social Security Number. There is no official form for this.
2. docket a "Certificate of Service re: Change of Social Security Number" and attach to it the PDF reflecting service on the trustee, the U.S. Trustee and all creditors. Do not attach the actual notification. Neither the docket event nor the certificate of service should include the Social Security Number.
3. e-mail the case number, debtor's name and amended SSN to the following e-mail address: ecf_backup@meb.uscourts.gov. Include the case number in the subject line with the caption, "Amended social security #."

III CONVENTIONAL FILING

A. Sealed Documents

A motion to file documents under seal shall be filed electronically unless prohibited by law. Documents sought to be, or ordered to be, placed under seal must be filed conventionally, and not electronically, unless specifically authorized by the Court. 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 delivered to the Clerk of the Court.

B. Non-Registered and Pro Se Filers

Debtors, creditors and other parties without legal representation may file petitions, schedules, motions, pleadings, proofs of claim, and any other documents conventionally in accordance with the Local Rules of the Bankruptcy Court for the District of Maine and with subparagraphs II(A)(1) of the Administrative Procedures.

C. Trial/Contested Matter Exhibits

Trial/contested matter exhibits shall be submitted, maintained, and exchanged outside of the System in a manner that comports with local and federal rules and any applicable pretrial or scheduling order. Exhibit lists submitted prior to trial and/or final hearing in a contested matter shall be filed electronically.

D. Ex Parte Motions

Ex parte motions, other than for cash collateral and the Chapter 13 Trustee's motion to file tax returns, filed in accordance with LBR 9013-1(k), shall be filed conventionally, accompanied by a proposed order. Once the order has been signed, the motion and order shall be docketed by the Clerk's Office in the System.

IV PUBLIC ACCESS TO THE SYSTEM DOCKET

A. Internet Access

Internet access to the System 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.

Such access to the System will allow retrieval of the docket sheet and documents. Access to the System will be on a "read only" basis.

B. Public Access at the Court

The public will have electronic access at the Clerk's Office during regular business hours for viewing the docket sheet and documents filed in the System.

C. Conventional Copies and Certified Copies

Conventional and certified copies of electronically filed documents may be purchased at the Clerk's Office during regular business hours. The fee for copying and certification will be in accordance with the provisions of 28 U.S.C. § 1930.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MAINE
ELECTRONIC CASE FILING SYSTEM
ATTORNEY REGISTRATION FORM

I request that the U.S. Bankruptcy Court, District of Maine, issue me a login and password so that I can use the Court's Electronic Case Filing System (CM/ECF). I have received CM/ECF Bankruptcy training in another state.

I am an attorney admitted to the bar of the U.S. District Court for the District of Maine. OR

I am not admitted to the bar of the U.S. District Court for the District of Maine, but I have read and understood the requirements of D. Me. LDR 83.1.

I understand that the use of my login and password serves as and constitutes my signature. I agree to protect and secure my password and I will immediately notify the Court if I have any reason to suspect that my password has been compromised in any way.

I further agree to abide by all of the rules and regulations in the *Administrative Procedures for Filing, Signing, Maintaining, and Verifying Pleadings and Other Documents in the Electronic Case Filing (ECF) System* currently in effect, and any changes or additions that may be made to these procedures in the future.

On-line Training completed on: _____

First/Middle/Last Name: _____

Bar ID# and State: _____

Law Firm Name _____

Firm Address: _____

Voice Phone Number: _____

Fax Phone Number _____

Internet E-Mail Address: _____

Signature _____ Date: _____

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MAINE

In re:

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}
}

Chapter
Case No.

Debtors

CERTIFICATE OF SERVICE FOR ELECTRONIC FILING

I hereby certify that I served a true and correct copy of _____, dated _____, on each of the parties set forth on [this/the attached] Service List via U.S. mail, postage prepaid, on (date).

All other parties listed on the Notice of Electronic Filing have been served electronically.

Date: /s/ _____

train02
111 Main Street
Saco, ME 04072

train10
112 Main Street
Portland, Me 04101

Thom Thomas
Tommy Hill Road
Thomsville, ME 04383