

**United States Bankruptcy Court**  
WESTERN DISTRICT OF TENNESSEE

Administrative Procedures Manual- Exhibit to Standing Order, Miscell. No. 03-0006

AMENDED GUIDELINES FOR ELECTRONIC FILING

**(NOTE THAT THESE AMENDED GUIDELINES CHANGE  
GUIDELINES 2,5,9,12 and 17-21, inclusive)**

**Guideline No. 1 - Attorney Password**

After completing training prescribed by the Court, attorneys admitted to practice before this Court, the U.S. Trustee, and his assistants, private trustees, and others as the Court deems appropriate, must register as filing users of the Court's Electronic Filing System by filling out and returning this Court's Application for Attorney Password (ECF Guidelines Form 1).

An attorney (or the staff person thereof) who exceeds the number of errors allowed to maintain the integrity of the Court docket, will be required to attend retraining. Re-certification must occur within (60) sixty days of being notified. While waiting to be re-certified, documents will be filed by such attorney(s)(or the staff persons thereof) via diskette or CD in PDF format. If not re-certified within (60) sixty days of notification, an exception for not filing ECF should be sought from the Court.

No Filing User or other person may knowingly permit or cause to permit a Filing User's password to be used by anyone other than an agent of the Filing User authorized to use such log in and password.

**Guideline No. 2 - Limited Use Password**

The following filers shall obtain a Limited Use Password by filing (ECF Guidelines Form 2):

- Individuals authorized to prepare and file proofs of claim;
- Individuals authorized to file reaffirmation.

No Limited User or other person may knowingly permit or cause to permit a Filing User's password to be used by anyone other than an agent of the Filing User authorized to use such log in and password. No debtor's attorney may obtain both an Attorney Password and a Limited Use Password.

*Revised February 3, 2004*

### **Guideline No. 3 - Method of Filing and Payment of Fees**

- a) Fees may be paid by attorneys filing electronically by credit card in accordance with guidelines established by the U. S. Treasury Department, *when documents are filed electronically*. Payments made at the Clerk's Office will be as follows:

Memphis	-	business check, money order or cash
Jackson	-	business check or money orders <i>only</i>

- b) Fees may be paid by business check, money order, or certified check and must be tendered to the Clerk's Office on the date of electronic filing or by the close of business the next day.

### **Guideline No. 4 - Verification of Petitions and Accompanying Papers**

Debtors. The signatures of a debtor or joint debtors upon all verifications or unsworn declarations accompanying petitions, statements, schedules, and amendments thereto shall be made upon the documents filed electronically of record on the docket of the Court by means of a signature designation: "/s/(name of signatory)," or, if the declaration, verification, etc., is on diskette or CD in PDF format.

Creditors. The signatures of creditors upon the verification or unsworn declaration will be made upon the claims filed electronically of record on the docket or claims register by means of a signature designation: "/s/(name of signatory)," or on diskette or CD in PDF format.

Other Parties; Other Persons; Attorneys: The signatures of all other parties, persons, entities, and of all attorneys upon verifications, unsworn declarations, and affidavits shall be made upon the documents to be filed electronically of record on the docket of the court by means of a signature designation: "/s/(attorneys' name)," or on diskette or CD in PDF format.

No Digital Signatures: Digital signatures are not to be used. The electronic signature designation should be the conformed "/s/(name of signatory)."

### **Guideline No. 5 - Maintaining Original Documents Containing Original Signatures.**

Attorneys practicing before this Court shall maintain all pages, of any petitions, statements, schedules, amendments, verifications, declarations, or affidavits that contain original signatures for five (5) years after the case or proceeding is closed. Original reaffirmation agreements may be maintained by the creditor or debtor at the parties' option. A reaffirmation should be filed as a text searchable PDF file if possible, but a scanned reaffirmation, up to four pages, will be accepted. Exhibits to reaffirmations should not be filed, unless requested by the Court, except that exhibits will be accepted in pro se cases. See Guideline 7.

### **Guideline No. 6 - Filing Proofs of Claim and Interests**

Effective January 12, 2004, all proofs of claims, supporting documentation and interests must be filed in paper format with the Bankruptcy Clerk's Office. Effective October 1, 2004, Chapter 13 creditors will have the ability to file claims and interests electronically. All other creditors will be able to file electronically as soon as they are capable. Creditors may then apply to the Court for a limited use login ID. All electronic case files will include electronic claims registers. Claims and interests may be filed from remote locations at any date and time according to electronic procedures. Claims and interests may be filed at the Court Clerk's Office Monday through Friday, 8:30 a.m. to 4:30 p.m., except holidays, and posted closings, according to established procedures for filing electronic proofs of claim. In cases filed with over 1000 creditors, the Court may require the debtor to retain a claims agent.

### **Guideline No. 7 - Filing and Transmitting Documents**

Initially, petitions, pleadings, and other documents may be filed at the U. S. Bankruptcy Court Clerk's Office, in either Memphis or Jackson, Monday through Friday, from 8:30 a.m. to 4:30 p.m., except holidays, and posted closings, for those persons filing documents by diskette/CD in PDF format, until such time as they may begin filing documents online. Documents may be filed electronically via the internet from remote locations twenty-four (24) hours per day, seven (7) days per week.

A pro se debtor(s), without legal representation, filing petitions, 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, must submit these documents with full signature. These documents will be processed by the Clerk's Office, and shall be maintained according to procedures established by the Clerk of Court. The pro se debtor(s) will be responsible for appropriate noticing in accordance with Federal Rules of Bankruptcy Procedure or Local Bankruptcy Rules.

### **Guideline No. 8 - Certificate of Service**

In the event that a document is not served by the Court, each entity electronically filing a pleading or other document must verify "Notice of Electronic Filing" to parties entitled to service or notice under the Federal Rules of Bankruptcy Procedure and the Local Rules of this court. The "Notice of Electronic Filing" must be transmitted by eMail, hand-delivery, facsimile, or by first-class mail postage prepaid. Electronic transmission of the "Notice of Electronic Filing" constitutes service or notice of the filed document, in accordance with Federal Rules of Bankruptcy Procedure or the Local Bankruptcy Rules. Examples of documents that are not served by the Court are motions (see Guideline 17), amendments by the debtor to voluntary petitions, lists, schedules and statements pursuant to FED. R. BANKR. P. 1009(a) and amendments by the debtor to its statement of intention pursuant to FED. R. BANKR. P. 1009(b).

Parties who have not consented in writing to electronic service of documents or notice must be served with a paper copy of any electronically filed pleading or other document. Filers may be required in some instances to separately serve eMail notice to the U. S. Trustee, and/or Trustee according to FED. R. BANKR. P. 9034.

### **Guideline No. 9 - Proposed Orders: Method of Submission**

**A. Submission of Orders in Electronic Format.** All orders proposed for consideration by the court shall be submitted in electronic format (by ECF, or on CD or diskette) with the conformed (“/s/ John Q Attorney”) signature of the person submitting the order. **The first four inches on the first page of such orders must be completely blank** to permit the addition of the judge’s signature and court seal. In addition, proposed orders may contain directions for service listing the names and complete mailing addresses (including, as applicable, the telecopy number and/or e-mail address) of each person to be served with a copy of the order upon entry. It is not necessary to list the names and addresses of the Debtor, the Debtor’s Attorney, the Case Trustee, the United States Trustee, or the United States Attorney (only the generic “Debtor, Debtor’s Attorney, Case Trustee, United States Trustee, or United States Attorney” need be listed). For those orders that should be served upon all creditors and interested parties, it is sufficient simply to direct that service be made upon “the Matrix.” If no directions for service are given, the order will be served upon those persons listed in the certificate of service provided in any underlying electronically filed motion or application , or will be returned to the submitting party for correction. If the underlying motion or application was filed in paper format, the proposed order must contain directions for service.

**B. Proposed Orders After No Response.** If a proposed order results from no response being timely filed to a motion or application, the person submitting the order shall comply with Local Bankruptcy Rule 9013-1(b)(2) by appending a certificate to the end of a proposed order substantially in the form of Local Form No. 8.

**C. Proposed Consent Orders.** If a proposed order results from an agreement of the parties, submission of a proposed order for consideration by the court shall constitute a representation that the person submitting the order has in fact obtained the consent of all persons affected by the order to the terms and form of the order. All proposed consent orders must contain directions for service (see Guideline 9.A.).

**D. Proposed Orders After a Hearing.** If a proposed order results from a hearing, submission of the proposed order for consideration by the court shall constitute a representation that the person submitting the order has in fact obtained the approval of all persons effected by the order as to its form only, or if such approval has not been obtained, that the submitting person has complied with Local Bankruptcy Rule 9074-1(d)(2). The certificate required by Rule 9074-1(d)(2) shall be appended to the proposed order.

**E. Judicial Signatures.** When an order is ready for entry, a judge shall cause his or her electronic signature to be attached to the order. This may take the form of either a conformed signature or electronic facsimile signature. An order entered upon the docket with an electronic signature shall have the same force and effect as a paper order bearing the judge's handwritten signature.

**F. Service of Orders.** Upon entry, the bankruptcy court clerk may serve (either electronically or by mail, or both) a copy of the order as finally entered upon those persons designated in the certificate of service, or the clerk may serve an entered order upon the person filing the order with direction for that person to serve all others designated in the certificate of service.

### **Guideline No. 10 - Confidentiality of Certain Information**

Documents under seal must be filed on CD in PDF format. An electronic motion should be filed with the court, unless prohibited by law. Once the proposed Order is approved and filed by the court, a copy of the approved Order should be placed on top of the documents under seal and filed conventionally with the Court Clerk's Office. The document(s) will not become part of the electronic record. Upon instructions from the judge, the Clerk's Office will note the record(s) appropriately.

When captioning cases, (e.g., use of social security numbers) FED. R. BANKR. P. 1005 and any revisions shall apply.

### **Guide No. 11 - Transcripts**

An electronic sound recording is made of any proceeding before a judge. This sound recording constitutes the "official court record," and remains the official court record even if a transcript is prepared therefrom. FED. R. BANKR. P. 5007(A) requires that a person preparing a transcript shall file a certified copy of that transcript with the Court. A transcript is not recorded, conventionally or electronically, to the case docket. Therefore the Court will retain said copy only for the purpose of transmission of record on appeal. (*i.e.*, if a party designates a transcript as part of the record on appeal, the Court will forward this copy to the appropriate appellate court. No additional copy need be supplied by the appellant/appellee.)

**Guideline No. 12 - Required Attachments and Exhibits to Pleadings And to Proofs of Claims or Interests.**

Filers should submit all required exhibits and/or attachments to pleadings and proof of claims or interests in electronic format unless the attachment to the pleading or proof of claim or interests exceeds twenty (20) pages or two (2) megabytes in file size, or if the attachments cannot be converted to electronic format. Required exhibits or attachments which are scanned will only be accepted if the document(s) in question are not original documents submitted by the attorney filer.

If the attachment to the pleading or proof of claim or interests exceeds twenty (20) pages or two (2) megabytes in file size or cannot be converted to electronic format, the filer shall attach a summary of exhibit or attachment (ECF Guidelines Form 3) only to the document that is filed electronically. In this event, the filer shall retain the original of the exhibit until the finality of an order entered on the relevant pleading, the final allowance or disallowance of the proof of claim, or the specific order of the Court concerning the exhibit, but the filer shall not forward to the Court the original unless the Court so directs.

If a hearing is required, or if the Court otherwise orders, the filer shall provide the complete exhibit or attachment to the Court in such format as the Court directs and in the time frame directed by the Court. Exhibits introduced into evidence in relation to any contested matter will still be governed by L.B.R. 9072-1.

In all cases or proceedings the filer shall provide the opposing party or the objecting party with a complete set of the exhibits and/or attachments.

**Guideline No. 13 - Filing of Ballots in Chapter 9 and Chapter 11 Cases**

Ballots shall be filed with the attorney of record for the Chapter 9 and Chapter 11 plan proponent for the purpose of providing the court with a total ballot count. The attorney will then provide to the Clerk of Court a statement attesting to the total ballot count electronically.

**Guideline No. 14 - Depositions and Interrogatories**

These documents are governed generally by the applicable Federal Rules of Civil Procedure as incorporated in Federal Rules of Bankruptcy Procedure Part VII and in accordance with L.B.R. 7026-1.

### **Guideline No. 15 - Public Access to Court Electronic Records (PACER)**

The public will have access to electronic case records at the U. S. Bankruptcy Court at both Memphis and Jackson via public terminals provided at the Clerk's Office locations, at no charge, during regular business hours.

Although any person can retrieve and view electronically filed documents within the system and access information from it without charge at the Clerk's Office(s), electronic access to the system for viewing purposes is otherwise limited to subscribers to the Public Access to Court Electronic Records (PACER) system and, in accordance with the ruling of the Judicial Conference of the United States, a user fee will be charged for accessing certain detailed case information, such as reviewing filed documents and docket sheets.

The public may access the electronic filing system at the court's internet site, [ecf.tnwb.uscourts.gov](http://ecf.tnwb.uscourts.gov), by obtaining a PACER login and password. Information regarding subscribing to PACER is available at the PACER Website at [www.pacer.psc.uscourts.gov](http://www.pacer.psc.uscourts.gov). A person who has PACER access may retrieve docket sheets and documents. Only an attorney who has been issued a password or an entity which has been issued a limited use password may file documents electronically.

Paper Copies and Certified or Exemplified Copies of electronically filed documents may be purchased at the Office of the Clerk. The fee for copying and certification will be in accordance with the Judicial Conference Bankruptcy Court Miscellaneous Fee Schedule accompanying 28 U.S.C. §1930(b). Fee information may be found on our website at [www.tnwb.uscourts.gov](http://www.tnwb.uscourts.gov).

### **Guideline No. 16 - Technical Failure**

A Filing User whose filing is made untimely as the result of a technical failure may seek appropriate relief from the Court.

### **Guideline No. 17–Motion Practice and Service of Motions**

**A. Submission of Motions, Applications and Objections.** All motions, applications and objections shall be submitted in electronic format (by ECF, or on CD or diskette) with the conformed signature (“/s/ *Jane Q. Attorney*”) signature of the attorney for the movant or applicant, or if unrepresented, the conformed signature of the moving party or applicant. All motions, applications and orders shall contain a certificate of service listing the names and complete mailing addresses (including, as applicable, the telecopy number and/or e-mail address) of each person served with a copy of the motion, application or objection indicating the date and manner of service. It is not necessary to list the names and addresses of the Debtor, the

Debtor's Attorney, the Case Trustee, the United States Trustee, or the United States Attorney (only the generic "Debtor, Debtor's Attorney, Case Trustee, United States Trustee, or United States Attorney" need be listed). For those motions that have been served upon all creditors and interested parties, it is sufficient simply to indicate that service was made to the "the Matrix." It is the responsibility of the filing party to verify that the addresses on the matrix are correct and to add to the certificate of service the names and addresses of any persons served whose name (or correct address) does not appear on the matrix. This corrected address affects only this relevant pleading, and it remains the duty of the debtor or debtor's attorney to amend and update the matrix if appropriate.

**B. Service of Motions, Applications and Objections.** Motions, applications and objections may be served by the moving party, applicant, or attorney by any means including mail, e-mail, telecopy or hand delivery, unless the Federal Rules of Bankruptcy Procedure specify the manner of service. *See* FED. R. BANKR. P. 7004. All motions, applications and objections shall be accompanied by a copy of the "Notice of Electronic Filing" received upon electronically filing the document. *See* Guideline No. 8 - Certificate of Service. Service shall be completed within one business day of the electronic filing.

**C. Notices of Hearings.** Upon receipt, the bankruptcy court clerk will set the motion or application for hearing, if a hearing is required. The clerk will prepare a notice of hearing or of opportunity for hearing, which may contain a deadline for response or objection. The clerk shall serve the notice upon those persons listed in the certificate of service.

### **Guideline No. 18 – Adversary Proceeding Practice**

**A. Filing of Complaints.** All complaints shall be filed in electronic format (by ECF, or on CD or diskette) and shall be accompanied by an adversary proceeding cover sheet, also in electronic format, as a separate PDF document, and payment of the required filing fee. *See* Appendix to 28 U.S.C. § 1930 Bankruptcy Court Fee Schedule; and Guideline No. 3. The adversary proceeding cover sheet shall contain the names and complete addresses of all defendants and their attorneys, if known. This information will be used in the preparation of summonses.

**B. Preparation and Issuance of Summons.** Upon the filing of an adversary complaint, the bankruptcy court clerk shall prepare one summons, listing each defendant, using the information provided by the plaintiff in the adversary proceeding cover sheet. The summons shall bear the signature of the clerk, the seal of the court, and the date of issue. The summons may include a date for an initial pre-trial, or scheduling, conference. The clerk shall electronically transmit the summons to the plaintiff's attorney, or if unrepresented, to the plaintiff, for service. The plaintiff's attorney, or unrepresented plaintiff, must make a copy of the summons for service on each defendant.



**C. Service of Process.** Service of process shall be made as required by FED. R. BANKR. P. 7004. Proof of service as required by FED. R. CIV. P. 4(m) shall be filed electronically. The complaint and summons shall be accompanied by a copy of the “Notice of Electronic Filing.” See Guideline No. 8. A separate return of service must be filed for each defendant served.

**D. Service of Complaints for Turnover of Property.** Because hearings on complaints for the turnover of property may be expedited (*see* Local Bankruptcy Rule 9075-1(d)), upon the filing of a complaint for turnover, the plaintiff’s attorney, or if unrepresented, the plaintiff, shall serve a copy of the complaint upon the defendant (and the defendant’s attorney if known), immediately after filing. The complaint shall be accompanied by a copy of the “Notice of Electronic Filing.” See Guideline No. 8. If electronic or telecopy service is not available, the filing attorney or plaintiff shall telephone the defendant to advise of the filing of the complaint. The complaint for turnover of property shall contain a certificate of service listing the names and complete addresses (including, as applicable, the telephone number, telecopy number and/or e-mail address) of each person served with a copy of the complaint indicating the date and manner of service.

**E. Notices of Hearing on Complaints for Turnover of Property.** Upon the filing of a complaint for turnover of property, the bankruptcy court clerk shall set the complaint for hearing and provide electronic or paper notice of the hearing to the debtor, the debtor’s attorney, the trustee, and any other persons listed on the certificate of service provided by the plaintiff.

#### **Guideline No. 19 -- Forms**

The bankruptcy court clerk shall make available for download copies of all forms referenced by these guidelines. The address of the court’s web site is [www.tnwb.uscourts.gov](http://www.tnwb.uscourts.gov).

#### **Guideline No. 20 -- Electronic Certification**

The electronic signing and submission of any petition, pleading, motion, application or other document, other than a list, schedule or statement, shall constitute the certification required by FED. R. BANKR. P. 9011.

#### **Guideline No. 21 – Submitted Document Technical Specifications**

With the exception of creditor matrices, electronic documents filed with the Court must be submitted as Portable Document Format (PDF) documents. At the discretion of the Clerk of Court, the Court may issue a Show Cause hearing notice if the document(s) do not adhere to the following specifications:

A. Original documents shall not be printed by the attorney for the filer and subsequently scanned. Documents shall be saved as original PDF documents using common technical standards, so as to enable text-based searches by the Court or others. Required documents provided as exhibits or attachments may be scanned in accordance with Guideline No. 12 if these documents do not originate in the office of the attorney filer.

B. Each PDF document should be no more than two (2) megabytes in size or twenty pages in length. Files larger than this will be automatically rejected by the Court's filing system at the time of electronic filing.

C. With the exception of scanned attachments or exhibits, each page of a PDF document should be no more than thirty thousand (30,000) bytes (30kb) in size. The aggregate total size of this type of document should not exceed the number of total pages in the document multiplied by 30kb.

(Documents greater than twenty pages which are filed by pro se debtors will be inserted into a case file in the Clerk's Office)

D. Documents submitted by external filers shall contain a conformed signature as specified in **Guideline No. 4**. Documents containing scanned facsimiles of signatures and/or scanned documents (other than attachments or exhibits as specified in **Guideline No. 12**) should not be filed.

E. When using Adobe Acrobat to save files in PDF format, the submitting party must ensure that the generated files are saved in Acrobat 5 format or lower. When using non-Adobe products to save files in PDF format, the software must be set to save in PDF 1.4 (or lower) compatibility mode.

F. The Bankruptcy Noticing Center (BNC) supports the following non-embedded fonts within PDF documents:

**For Acrobat 3 (PDF level 1.2) and Acrobat 4 (PDF level 1.3) fonts**

Courier (Regular, Bold, Oblique, and Bold Oblique)

Helvetica (Regular, Bold, Oblique, and Bold Oblique)

Times Roman (Regular, Bold, Italic, and Bold Italic)

Symbol

Zapf Dingbats

**For Acrobat 5 (PDF level 1.4)**

Arial (Regular, Bold, Italic, and Bold Italic)

Courier (Regular, Bold, Oblique, and Bold Oblique)

Times New Roman (Regular, Bold, Italic, and Bold Italic)

Symbol

Zapf Dingbats

**The use of non-embedded fonts other than the ones specified will result in the inability of the noticing center to process the file.** In such instances the Clerk's Office will then issue a deficiency notice to the filer so that a corrected document may then be served by the BNC.

The BNC will support embedded fonts other than the ones described above. However, the use of embedded fonts increases the size of the PDF file - dramatically in some cases. *It is the user's responsibility to ensure that if embedded fonts are used, the 30kb limitations described in Guideline 21 (C) are not exceeded.*

G. 'Digital signature' standards must **not** be used when preparing PDF documents to be submitted to the Court. The Court recognizes a filer's login as their signature and conformed signatures in all other instances. (See Misc. 03-0004 'Standing Order Re ECF)