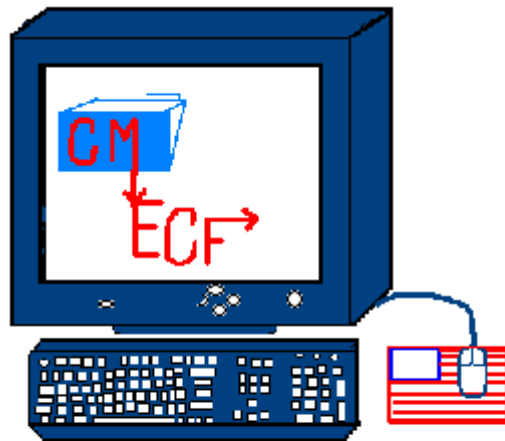


United States Bankruptcy Court Eastern District of Wisconsin



Administrative Procedures July 2004

**United States Bankruptcy Court
Eastern District of Wisconsin**

**Case Management/Electronic Case Filing
Administrative Procedures**

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CM/ECF Administrative Procedures

I. DESIGNATION OF CASES, PASSWORDS AND REGISTRATION

A. Designation of Cases

The provisions in these Administrative Procedures and any amendments thereto apply to documents filed or submitted on or after February 23, 2004. These Administrative Procedures govern access to and use of the United States Bankruptcy Court for the Eastern District of Wisconsin's Case Management/Electronic Case Filing System. ("CM/ECF System" or "System").

B. Passwords

Attorneys admitted to practice in this district, United States Trustees, private trustees, and others with court approval may register as Filing Users. Registration will permit the User to participate in the electronic retrieval and filing of pleadings and other documents. An attorney/participant's password, combined with the user's identification, constitutes the participant's signature on any document or pleading submitted electronically through the System.

C. Registration

1. **Registration Form.** Each participant must submit a completed ECF Registration Form. A copy of the registration form is attached to these procedures. Registration forms are to be submitted to the Clerk at: **Attention: CM/ECF Registration, 517 East Wisconsin Avenue, Room 126, Milwaukee, Wisconsin 53202.**
2. **Obtaining Login and Password and Maintaining Account.** After successfully completing ECF training and/or qualifying exercises, the Clerk will issue the participant's assigned login and password. Upon receipt, the participant should change the assigned password on the System using the "Utilities" feature by selecting "Maintain Your ECF Account." Participants are responsible for maintaining their accounts. The court may require users to attend refresher or additional training after issuance of a password.
3. **Use and Protection of Login.** Any login issued for the System should be used exclusively by the registered participant or by persons authorized by the registered participant. Registered participants should not knowingly permit a login to be used by anyone who is not authorized to use the login, and no person should knowingly use another's login unless such person is so authorized.

4. **Password Security.** If a participant has reason to suspect the login and password have been compromised, it is the participant's duty to change the password through the "Maintain Your ECF Account" option under the "Utilities" function of the ECF System and to inform the Clerk of the suspected compromise if necessary.
5. **Withdrawal from System.** Once registered, a participant must maintain a current and active e-mail address to receive e-mail notification from the System. A participant may withdraw from the System by providing the Clerk with written notice of such withdrawal. Upon receipt of the written notice, the Clerk will cancel the participant's login and delete the participant from any applicable electronic service list. Terminating access to the System does not constitute an attorney's withdrawal as the attorney of record for his/her client.

II. FILING DOCUMENTS

A. Manner of Filing

1. **Electronic Filing.** Electronic Filing is filing through the ECF System by registered participants.
2. **Conventional Filing.** Conventional Filing is filing documents in paper format, or on floppy diskette or CD. A conventional filer must comply with the Local Rules and the Appendix to the Local Rules.

B. Creditor Matrix

Whether filed conventionally or electronically, the creditor matrix must be prepared and filed in accordance with LR 1007 and the Appendix to Local Rules - Requirements for Filing a Master List (Matrix).

C. Effect of Electronic Filing

1. **Entry on Docket.** Electronic transmission of a document to the System, confirmed by the Court's transmission of its Notice of Electronic Filing, constitutes filing of a document for purposes of the Federal Rules of Bankruptcy Procedure and the Rules of this Court and constitutes entry of the document on the docket kept by the Clerk of Court under Fed. R. Bankr. P. 5003.

2. **Official Record.** The official record of a document filed or scanned by the Clerk after February 23, 2004 is the electronic record of the document as stored by the Clerk. A document filed electronically is deemed filed at the date and time stated on the Notice of Electronic Filing from the Court.

D. Exhibits

1. For the convenience of the filer and other parties, documents and claims that reference exhibits, including but not limited to leases, notes, and the like, may be submitted in summary form. The summary need only include a brief description of the exhibits that are directly germane to the matter under consideration by the Court. The summary should be submitted as part of the document. The actual exhibits must be available to counsel and the Court upon request. The actual exhibits must also be available in the courtroom at any time they are intended to be used as evidence. A sample Exhibit Summary and Certificate of Service is attached to this document (Attachment A-2).
2. **Trial Exhibits.** Exhibits for trial (on an adversary or contested matter) should not be filed with the Clerk. Except as provided in a pretrial order, exhibits should be listed on an Exhibit Summary and delivered to the Judge's chambers and opposing counsel in paper format at least three business days prior to trial.

E. Pro Hac Vice

A motion and proposed order for admission pro hac vice must be filed conventionally and must be accompanied by a check for the required admission fee. Upon admission, the attorney may register to file electronically.

F. Exceptions to Electronic Filing

Documents Under Seal. Documents may be filed under seal on motion to the Court. Registered participants shall file such motion electronically; however, the actual document(s) to be sealed shall not be filed electronically. If the documents are required for the Court to rule on the motion, the documents should be submitted to the Court for an *in camera* review. If the motion is granted, the movant must submit the documents to the Clerk conventionally in an envelope indicating they are being filed under seal, and shall affix to the envelope a copy of the

order authorizing the filing under seal.

III. NOTICE AND SERVICE OF DOCUMENTS

A. Notice of Electronic Filing

When a document is filed electronically or conventionally in a case assigned to the System, the System will automatically transmit a “Notice of Electronic Filing” by e-mail to all registered participants in the case. The Notice of Electronic Filing will indicate the time of filing, the name of the party and attorney/participant making the filing, the type of document filed, and the text of the docket entry. The Notice will also contain a hyperlink to the filed document, allowing the e-mail recipient to view, print, and download the document without fee. A list of those persons who will receive the document electronically through the System and a list of those to whom it will not be sent electronically is also provided on the Notice.

It is the filer's responsibility to serve by conventional methods any persons required to receive the document, who have not received the document electronically. For example, it is not anticipated that consumer debtors will receive e-mail notification of documents filed in their cases. If the Bankruptcy Rules require the debtor to be served with a document, the filer should use conventional service methods, such as first class mail, to serve the debtor.

B. Consent to Electronic Service and Effect of Notice

Pursuant to Fed. R. Civ. P. 5(b)(2)(D), and Fed. R. Bankr. P. 9022, with the exception of service of process under Fed. R. Bankr. P. 7004, registration to file electronically constitutes the participant's consent to receive notice and service by electronic means and is a written waiver of service by other means (e.g., first-class mail). For registered participants, notice through the Court's ECF System constitutes service of the documents referenced in the Notice of Electronic Filing.

C. Conventional Service

When documents are filed conventionally, the filer must serve all documents via first-class mail or as otherwise permitted by the Federal Rules of Bankruptcy Procedure upon all persons entitled to notice or service.

D. Certificate of Service

The certificate of service should indicate on whom the document was served and the manner of

service. If service is made through the ECF System, it is sufficient for the certificate of service to state that service was made by the ECF Notice of Electronic Filing and to show the names of those served without listing each participant's e-mail address. When service is made through the System on some parties and by mail or otherwise on others, the names and manner of service must be delineated.

E. Service of Summons

Nothing herein shall be construed to eliminate the necessity of serving a summons and complaint in accordance with the Federal Rules of Civil Procedure and Federal Rule of Bankruptcy Procedure 7004.

IV. SIGNATURES

A. Login Constitutes Signature

The user login and password required to submit documents to the System serve as the registered participant's signature on electronic documents filed through the System. They also serve as a signature for the purposes of Fed. R. Bankr. P. 9011, for the rules of this Court, and for any other purpose for which a signature is required in connection with proceedings before the Court. The filing of a stipulation or other document requiring signatures of more than one party constitutes a representation by the filer that all parties whose signatures are represented on the document have, in fact, signed the document.

B. Format

1. **Electronic Filing.** No signatures are required to appear on documents filed electronically. The Court does not require “/s/” or other indicia of signature for the attorney's, the debtor's, or other verified signature. The attorney's login and password serve as the attorney's signature. The filer must retain original documents bearing other signatures (e.g. debtor's, etc.) as required in paragraph C. below.
2. **Conventional Filing.** Documents filed in paper format or on floppy diskette/CD must contain signatures.

C. Retention

Documents which must contain original signatures of the debtor(s) or other entities, including

those which are: signed under penalty of perjury; require verification under Fed. R. Bankr. P. 1008; or contain an unsworn declaration as provided in 28 U.S.C. § 1746 must be maintained by the filer of the document for a period of five (5) years after the closing of the case unless the Court orders a different period. On request of the Court or when the signature is at issue, the filer must provide original documents for review.

V. FEES

A. Credit or Debit Cards

Registered participants must use a credit or debit card to pay filing fees. The Credit Card Authorization Form is available in the Appendix to the Local Rules.

B. Delinquent Fees

When a fee is required with any pleading or document filed electronically, and the fee is not simultaneously paid with a credit or debit card because the card is rejected, the filer must deliver the required fee to the Clerk within two business days of the date the registered participant is aware of the rejection. The Court may dismiss the case or deny the subject pleading for failure to pay the required fee.

C. Installment Fee Applications

When permitted in individual cases, Installment Fee Applications may be filed electronically to address the filing fee required for new petitions.

VI. ORDERS

A. Manner of Submission

1. **Electronic Filing.** {This section is reserved pending review of the E-Orders system.}
2. **Conventional Filing.** Proposed orders for motions or pleadings filed conventionally should be submitted in paper format unless otherwise permitted by the Court. Only one proposed order is required. Envelopes or mailing labels are not necessary unless the

filer wishes to have a file-stamped copy returned by mail.

B. Entry of Orders and Service

1. **Entry.** Orders, and judgments of the Court will be docketed electronically by the Court in accordance with these procedures. Any order docketed by the Court and transmitted through the ECF System without the original signature of the judge has the same force and effect as if the judge had affixed the judge's signature to a paper copy of the order.
2. **Service of Notice.** Upon the entry of an order or judgment, the System will electronically transmit to registered participants in the case, a Notice of Electronic Filing advising of entry of the order. For an interim period, the Clerk will also mail a paper copy of the order through the Bankruptcy Noticing Center (BNC) to those parties designated on the order's service list.

VII. APPEALS

A. Documents Required for Appeal

1. **Electronic Filing.** As with all documents, a notice of appeal must be filed in PDF format. To file an appeal of a judgment or order, one must file the notice of appeal and electronically link that notice to the order being appealed. The appellant must also file the designation of record and statement of issues on appeal within the time required by the Rules. The appellant and appellee are responsible for delivering paper copies of all documents, pleadings, exhibits, and transcripts referenced in the designation of record to the Bankruptcy Clerk.
2. **Conventional Filing.** The procedures for electronic filing apply to appeals except that documents may be filed in paper or floppy diskette/CD format.

VIII. PUBLIC ACCESS TO THE CM/ECF SYSTEM

A. Internet Access with a Password

Any person with a valid PACER login and password may access the System at <https://ecf.wieb.uscourts.gov/>. A PACER login and password can be obtained by contacting the PACER Service Center at **1-800-676-6856** or online at <http://pacer.psc.uscourts.gov>.

B. “Free Look”

Registered participants will not be charged for one “free-look” (i.e., initial retrieval, download, viewing or printing of a document) when a document is accessed directly from the e-mail Notice of Electronic Filing. Users are encouraged to download or print the notice and underlying documents because the link to those documents from the e-mail will only operate once.

C. Public Access at the Court

The public will have electronic access to view bankruptcy records at no charge at the Bankruptcy Clerk’s Office (517 E. Wisconsin Ave., Suite 126, Milwaukee, Wisconsin) during regular business hours. A fee will be charged for printed copies.

D. Conventional Copies and Certified/Exemplified Copies

Conventional copies and Certified/Exemplified copies of electronically filed documents may be obtained at the Clerk’s Office. The fee for copying, certification, and/or exemplification will be in accordance with the fees imposed by 28 U.S.C. §1930.

**United States Bankruptcy Court
Eastern District of Wisconsin
ELECTRONIC CASE FILING (ECF) SYSTEM
PARTICIPANT REGISTRATION FORM
AND USER AGREEMENT**

The undersigned agrees to the following conditions for filing electronic documents:

1) Rule 9011 of the Federal Rules of Bankruptcy Procedure requires that every pleading, motion, and other paper (except lists, schedules, statements or amendments thereto) filed with the court be signed by at least one attorney of record or, if the party is not represented by an attorney, by the party. The unique password issued to an attorney registered to use the ECF system identifies that attorney to the court each time the attorney logs on to the ECF system. The use of an attorney's password serves as and constitutes the signature of the attorney, for purposes of Bankruptcy Rule 9011 and all applicable laws, rules of ethics, and standards of conduct, on any document or pleading filed electronically using that attorney's password. Therefore, an attorney must protect and secure the password issued by the court. If any reason exists to suspect the password has been compromised in any way, it is the duty and responsibility of the attorney to notify the court immediately. The court will thereafter delete that password from the electronic filing system and issue a new password if appropriate.

2) The password is a privilege granted solely by the United States Bankruptcy Court for the Eastern District of Wisconsin. At no time shall any property interest vest in the user or any other person.

3) Any electronic filing which involves a fee identified on the Bankruptcy Court Miscellaneous Fee Schedule will be collected in a manner detailed in the Administrative Procedures. The undersigned electronic filer agrees to pay fees timely by the method detailed in the procedures.

4) An attorney/participant's registration constitutes a waiver in law of conventional service of documents, and the attorney/participant agrees to accept electronic service of notice on behalf of the client.

5) The undersigned attorney agrees to abide by the most recent set of Administrative Procedures promulgated by the Court, and all technical and procedural requirements set forth therein.

Type of ECF Filer	<input type="checkbox"/> Attorney	<input type="checkbox"/> Claims Filer
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ECF Filer Applicant Name

If Attorney, State Bar ID #

Signature of Electronic Filer Applicant

Date

e-mail address of Electronic Filer Applicant

Send completed form to: Attn: CM/ECF Registration
 U.S. Bankruptcy Court
 517 East Wisconsin Avenue, Suite 126
 Milwaukee, WI 53202

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN

In re DEBTOR NAME)
)
) Case No. ____ - _____ - ____
) Chapter ____
 Debtor(s).)

EXHIBIT SUMMARY AND CERTIFICATE OF SERVICE

The following exhibits are referenced in support of _____ (*the motion, pleading, or claim to be filed*). These exhibits are available on request:

- 1
- 2
- 3

Signature Block

Copy of the above served this _____
day of _____, _____, on:

[respondent(s) - motion]
[debtor's attorney and trustee, if claim]