

Case Management



CM / ECF

Electronic Case Files

*United States Bankruptcy Court
for the
Western District of Missouri*

ADMINISTRATIVE PROCEDURES

(Revised 1/1/13)

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ECF 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) unless the court orders otherwise.

B. PASSWORDS

Each attorney admitted to practice in this Court and currently in good standing shall be entitled to one System password. This password shall permit the attorney to participate in the filing of pleadings and other documents in accordance with these administrative procedures. Registration for a password is governed by paragraph C.

C. REGISTRATION

1. A registration form (See Appendix) must be submitted for each attorney filer. The form may be duplicated for use.
2. All registration forms are to be returned to the Charles Evans Whittaker United States Courthouse, Room 1510, 400 East Ninth St., Kansas City, Missouri 64106; ATTN: Bankruptcy Operations Manager.
3. Training with a Clerk's Office employee is available but not required. Each registering attorney will be assigned a login and password for the System. The password information for the live system will be e-mailed to the attorney .
4. An attorney may change the assigned password. In the event an attorney believes that the security of an existing password may have been compromised, the attorney shall immediately change that password. If an attorney forgets password information, the Clerk's Office will assign a new password which will be provided to the attorney as in Section I. C. 3.
5. Once registered, an attorney may withdraw from participation in the System by providing the Clerk's Office with written notice of such withdrawal. Upon receipt of the written notice, the Clerk's Office will immediately cancel the attorney's password and delete the attorney from any applicable electronic service list. However, this does not authorize the attorney to withdraw as the attorney of record for his/her client. The attorney must still follow procedure as set out in Local Rule 2091-1 to withdraw as attorney of record.

II. ELECTRONIC FILING AND SERVICE OF DOCUMENTS

A. FILING ELECTRONICALLY

1. Except as expressly provided for in paragraph III A, all pleadings, claims, and documents required to be filed with the Court in connection with a case assigned to the System shall be electronically filed. Parties without legal representation are not required to electronically file pleadings and other papers in a case, but must adhere to the requirements set out in the Local Rules dealing with conventional filing.
2. All documentation that is part of a pleading should be electronically filed together as one; e.g., the motion, affidavits, support brief, memorandums of law. See III A 1 b and II J regarding exhibits.
3. Any document which requires leave of the Court to be filed, such as a document to be filed out of time, is to be attached as an exhibit to the motion requesting leave. If the motion is granted, the Order will direct the movant to electronically file the document with the Court.
4. *Filer* is defined as the attorney of record or the actual party in interest, if not represented by counsel, who transmits any pleading or document to the Court.

B. SERVICE

1. Whenever a pleading or other paper is filed electronically in accordance with the electronic filing procedures, the System will automatically generate a “Notice of Electronic Filing” by electronic means at the time of docketing.
2. The filer shall serve the pleading or other paper upon all persons entitled to notice or service in accordance with the applicable rules. If the recipient is a registered attorney in the 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.

C. NOTICE TO THE UNITED STATES TRUSTEE

1. Chapter 11, 12 and Involuntary 7 Cases.
Filers must serve all first-day motions and notices by e-mail, FAX or in person on the United States Trustee.
2. Chapter 7 Cases.
Filers must serve all motions and notices listed in Bankruptcy Rule 9034 by e-mail on the United States Trustee.

D. SIGNATURES AND DOCUMENT RETENTION

1. On the day the original petition is filed electronically, the attorney for the debtor(s) shall electronically file the “Declaration Re: Electronic Filing” (See Appendix) prepared in accordance with local rules.
2. Amendments to schedules, statements or lists shall be prepared in accordance with local rules.

3. Pleadings, affidavits, and any other documents which must contain original signatures or which require verification or an unsworn declaration under any rule or statute shall be filed electronically. The filer shall follow the applicable retention procedure in subparagraph II. D. 6.
4. In the case of a stipulation or other document to be signed by two or more persons, the following procedure shall be used:
 - (a) The filer shall initially confirm that the content of the document is acceptable to all persons required to sign the document and shall obtain the actual signatures of all parties on the document.
 - (b) The filer shall electronically file the document and follow the applicable retention procedure in subparagraph II. D. 6(a) or (b).
5. Login Constitutes Signature
 - (a) Except as required under II D. 1. and 2.,
 - (i) The user login and password required to file documents serves as the filing user's signature on all electronic documents. 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. No signatures are required to appear on documents filed electronically. The Court does not require a "/s/" or other indicia of signature for the attorney's, the debtor's, or other signature. The court does require that a typed name appear under any signature block. The filer's login and password serve as the filer's signature and representation concerning other signatures as stated in II. D. 5(a)(ii).
 - (ii) The filing or submission of a document required to be signed by another person is the filer's representation that the party whose signature is required has, in fact, signed the document. 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.
6. Retention of Electronically Filed Documents. The original of any electronically filed petition, schedule, statement of financial affairs, pleading, affidavit, or other document, including all amendments thereto, that contains an original signature or requires verification or an unsworn declaration shall be maintained by the attorney who filed the document for a period of not less than two years after the case is closed. If the party who filed the document is not represented by counsel or is not yet a

participant in the ECF system, it is the filing party's responsibility to retain and preserve the signed document for the specified time. The Court's two year retention requirement is not meant to supersede any requirements imposed by a local or state bar or the Code of Professional Responsibility that may require a longer period of retention. Upon request of the court, United States Trustee, case trustee, or other interested party, an original document shall be produced for review.

(b). If any electronically filed pleading, affidavit, stipulation or other document, including all amendments thereto, has been filed containing an image of an original document signed by the debtor(s) or non-filing party(s), or an image with the debtor's(s) or non-filing party's(s) signature captured electronically at the time of document generation, the Court's two year retention requirement does not apply. For purposes of all schedules, statements and lists not filed with the petition and amended schedules, statements, and lists, the image of the debtor's signature on the verification filed in accordance with local rules shall satisfy the signature requirement and exempt the filer from the retention requirement for all such schedules, statements, and lists. For purposes of the initial petition, schedules, and statements, the Declaration re: Electronic Filing filed in accordance with local rules shall satisfy the signature requirement and exempt the filer from the retention requirement for the initial petition, schedules, and statements. This is not meant to exempt filers from any requirements imposed by a local or state bar or the Code of Professional Responsibility that may require a retention period.

7. *Pro Se filers* shall file fully signed paper originals of all petitions, lists, schedules, statements, amendments, pleadings, affidavits, and other documents which must contain original signatures or which require verification or an unsworn declaration under any rule or statute. These documents will be scanned by the Clerk's Office, and shall be maintained in the Clerk's Office after scanning.

E. SPECIAL DOCUMENT FILING REQUIREMENTS

Creditor Matrix. The creditor matrix is prepared with word processing software in a single column format with a 1" left margin (not centered). Creditors are single spaced with a double space separating one creditor from the next. The city, state and zip must all be on the last line. The word processing file is saved as a text (.txt) file and uploaded to the Electronic Case Filing system per the user's manual.

F. FEES PAYABLE TO THE CLERK

1. For filings that require a fee, *registered filers* shall be required to pay on-line using the court's Internet Credit Card Program.
2. For filings that require a fee, *non-registered filers* must follow current local rules for methods of payment.

G. ASSIGNMENT OF NON-WESTERN DISTRICT CASES

Assignment shall be made to the Division closest to the debtor's address.

H. ORDERS

1. The Clerk's Office will electronically file all orders, notices and other court-produced documents in the System.
2. The Court will produce and file standard orders to grant or deny motions. Under certain conditions, a party may be instructed by the Court to submit the proposed order to the Courtroom Deputy responsible for the case. The party will be given a deadline for submission of the proposed order. WordPerfect or Word format is preferred.
3. To request an order with specific language or text, send a proposed order to the Courtroom Deputy responsible for the case on the day after the deadline set for responses. WordPerfect or Word format is preferred.
4. **DO NOT ATTEMPT TO FILE A PLEADING WHICH CONTAINS AN ORDER IN THE BODY OF THE PLEADING.**
5. Wage orders under Local Rule 3083-1 H 1, voluntary assignments pursuant to the filed Chapter 13 Plan, all amendments thereto, and cancellations of wage orders shall be prepared and entered electronically by the Chapter 13 trustee.

I. TITLE OF DOCUMENT ENTRIES

The person electronically filing a pleading or other document will be responsible for designating a title for the document by selecting the appropriate event from the categories provided in the System.

J. EXHIBITS/ATTACHMENTS

Documents and claims that reference exhibits, including but not limited to leases, notes, and the like, may include up to 5 pages of attachments. Unless otherwise required, if exhibits exceed 5 pages, then the document or claim shall only include a brief description of the exhibits that are directly germane to the matter under consideration by the Court. A Summary of the Exhibits shall be submitted as part of the document and shall include a Certificate of Service with the notation that the exhibits are available to counsel and the Court upon request. The Summary of Exhibits and Certificate of Service shall be appended to the document. These exhibits must be available in the Courtroom at any hearing pertaining to the matter. (See Appendix)

III. EXCEPTIONS TO ELECTRONIC FILING

Pleadings and papers must be filed via the Internet with the following exceptions: documents under seal, exhibits and claims.

A. ALTERNATE PROCEDURES

1. Sealed Documents and Exhibits

The following documents shall be filed conventionally and not electronically unless specifically authorized by the Court.

(a) Documents under seal - The motion to file document(s) under seal shall be filed electronically. However, the actual document(s) to be considered by the court shall be prepared in paper form and submitted to the Courtroom Deputy responsible for the case. If the motion is granted, a copy of the court's order shall be attached to the document(s) under seal.

(b) Exhibits -

(i) Trial Exhibits shall be submitted conventionally in accordance with the Local Rules.

(ii) Documents and claims that reference exhibits, including but not limited to leases, notes, and the like, may include up to 5 pages of attachments. If exhibits exceed 5 pages, then the document or claim shall only include a brief description of the exhibits that are directly germane to the matter under consideration by the Court. A Summary of the Exhibits shall be submitted as part of the document and shall include a Certificate of Service with the notation that the exhibits are available to counsel and the Court upon request. The Summary of Exhibits and Certificate of Service shall be appended to the document. These exhibits must be available in the Courtroom at any hearing pertaining to the matter. (See Appendix)

2. Claims -

Claims shall be filed electronically unless a creditor files fewer than 25 claims per year in this District, in which case the creditor may file claims conventionally. In asset cases, all claims filed conventionally will be scanned by the Court without attachments. Any attachments submitted will be forwarded to the Trustee, if one is appointed, or to the attorney for the Debtor.

In no asset cases, any attachments to claims will be returned to the filer.

Copies of the claims and all attachments shall be served on parties pursuant to the Local Rules.

B. CONVENTIONAL SERVICE

Pleadings or other documents which are filed conventionally shall be served in the manner provided for, and on those parties entitled to notice, in accordance with the Federal Rules of Bankruptcy Procedure and the Local Bankruptcy Rules except as otherwise provided by Order of the Court.

IV. PUBLIC ACCESS TO THE DOCKET SYSTEM

A. INTERNET ACCESS WITHOUT A PASSWORD

(Not available at this time.)

B. INTERNET ACCESS WITH A PASSWORD

Access to Electronic Bankruptcy Records is available for a fee through the Court's Web site. Contact the PACER Service Center for a login and password at 1-800-676-6856 or go to <http://www.pacer.gov/> for information or <https://www.pacer.gov/psco/cgi-bin/regform.pl> to register on-line.

Parties in a bankruptcy case will receive one free look at documents in the case through the hyperlink included in the Notice of Electronic Filing.

C. PUBLIC ACCESS AT THE COURT

The public will have electronic access to bankruptcy records at no charge. Electronic Bankruptcy records can be reviewed at each of the Federal Courthouses (Kansas City, Jefferson City and Springfield) in the Western District of Missouri during regular business hours.

D. CONVENTIONAL COPIES AND CERTIFIED/EXEMPLIFIED COPIES

Conventional copies and Certified/Exemplified copies of electronically filed documents may be purchased at the Clerk's Office during regular business hours Monday through Friday or by mailing in a request and designating the document(s) by title or docket number. If requesting through the mail, a self-addressed, stamped return envelope and the proper fee must be provided for mailing of the copy work.

The fee for copying, certification, and/or exemplification will be in accordance with 28 U.S.C. §1930.

APPENDIX

United States District and Bankruptcy Courts Western District of Missouri
Case Management/Electronic Case Files Attorney/Participant
Registration Form

This form shall be used to register for an account on the Court’s Case Management/ Electronic Case Files (CM/ECF) system. Registered attorneys and other participants will have privileges to electronically submit documents and to receive electronic notice of documents filed in the Western District of Missouri CM/ECF system in those cases in which the registered user is a participant.

NOTE: This is a restricted Web site for official court business only. Unauthorized entry or use or any use that attempts to circumvent access controls or the **PACER** billing processes is prohibited and subject to prosecution under Title 18 of the U. S. Code. All activities and access attempts are logged and any prohibited actions may result in immediate withdrawal of access privileges, referral for prosecution and permanent suspension of filing and use privileges in any court of the Western District of Missouri.

The following information is required for registration:

First/Middle/Last Name: _____

Last Four Digits of Social Security Number: _____

Attorney Bar #: _____ State: _____

Firm/Company Name: _____

Firm/Company Address: _____

Firm/Company City, State and Zip: _____

Voice Phone Number: _____ FAX Number: _____

Internet E-Mail Address: _____

Please specify which court you are registering in (or both):

_____ District _____ Bankruptcy

By submitting this registration form, the undersigned agrees to abide by the following rules:

1. This system is for use only in cases permitted by the U.S. Courts for the Western District of Missouri. It may be used to file and view electronic documents, docket sheets, and notices.
2. At this time, the requirements for filing, viewing, and retrieving case documents are: a personal computer running a standard platform such as Windows or Macintosh, an Internet provider using Point to Point Protocol (PPP), Internet Explorer 5.5 or higher or Mozilla Firefox 2.0, and Adobe Acrobat Writer software to convert documents from a word processor format to a portable document format (PDF).
3. Pursuant to Federal Rule of Civil Procedure 11, Every pleading, motion, and other paper (except list, schedules, statement or amendments thereto) shall be signed by at least one attorney of record or, if the party is not represented by an attorney, all papers shall be signed by the party. An attorney’s/participant’s password issued by the court combined with the user’s identification, serves as and constitutes the attorney/participant’s signature. Therefore, an attorney/participant must protect and secure the password issued by the court. If there is any reason to suspect the password has been

compromised in any way, it is the duty and responsibility of the attorney/participant to immediately notify the court. This should include the resignation or reassignment of the person with authority to use the password. The attorney/participant should change the password immediately.

4. It is YOUR responsibility to keep your contact information current. If you relocate and/or change email addresses, it is imperative that those changes be made to your User Account.

5. An attorney's/participant's registration will constitute a waiver in law of conventional service of documents. The attorney/participant agrees that the CM/ECF-generated notice of electronic service will constitute service of the electronic filing on behalf of the client.

6. The undersigned attorney agrees to abide by the Court's most recent General Orders, Administrative Procedures for Electronic Case Filing Manual and all technical and procedural requirements set forth therein, to include any updates or amendments.

Please return to: U.S. Bankruptcy Court
Western District of Missouri
Attn: Roberta Kostrow, Operations Manager
400 East 9th Street, Room 1510
Kansas City, MO 64106

If for District Only, please return to ONE of the following offices:

U.S. District Court
1400 U.S. Courthouse
222 John Q. Hammons Pkwy.
Springfield, MO 65806

U.S. District Court
Charles Whittaker Courthouse
400 E. 9th Street
Kansas City, MO 64106

U.S. District Court
80 Lafayette Street
Jefferson City, MO 65101

Applicant Signature

Initial of First and Last Name/Last 4 Digits of SS#

Subscribed and sworn to before me this _____ day of _____, 20__.

Notary

My Commission Expires

MOW 9040-1 (revised 05/07)

IN THE UNITED STATES BANKRUPTCY COURT FOR THE WESTERN DISTRICT OF MISSOURI

In re:))) Case No.)

SUMMARY OF EXHIBITS AND CERTIFICATE OF SERVICE

The following exhibits in reference to the (Motion/Claim to be filed) are available upon request:

- 1..... 2..... 3.....

Date: _____ Respectfully submitted ATTORNEY FOR _____

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of all documents supporting my (claim/motion) referenced above, including legible copies of all documents evidencing perfection of security interests have been served on the trustee and debtor's counsel this ___ day of ___, 20__.

Name

Instructions: File with document or as an attachment to the document to which the exhibits pertain. ECF Event: If filed separately, Bankruptcy>Other>Summary of Exhibits

[Type text]