

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

ADMINISTRATIVE PROCEDURES
FOR ELECTRONIC FILING, SIGNING AND VERIFYING OF DOCUMENTS

January 15, 1999

I. DESIGNATION OF DOCUMENTS AND REGISTRATION FOR THE ELECTRONIC FILING SYSTEM

A. *Designation of Documents.* The court permits documents in cases and adversary proceedings to be filed electronically.

B. *Passwords.* Each attorney admitted to practice in the court shall be entitled to one electronic filing system (“system”) password to permit the attorney to participate in the electronic retrieval and filing of documents in accordance with the system.

C. *Registration and Training.*

1. A completed Electronic Filing Training form (Attachment 1) shall be submitted for each person to be trained. The form may be duplicated.

2. All completed registration forms shall be mailed, faxed, electronically mailed (“e-mailed”) or delivered to:

Attn: Registration
United States Bankruptcy Court
200 United States Courthouse
316 North Robert Street
St. Paul, Minnesota 55101
Fax Number: 651-848-1098
E-Mail: ersmail@mnb.uscourts.gov

Exhibit 1

3. Each attorney who intends to file electronically shall attend and complete a training session conducted by the court staff and shall complete electronic test filings on the ERS training database within 30 days of the training. After the attorney completes the training session and the electronic test filings successfully, and is certified by the court, the attorney may file documents electronically.

4. The court encourages attorneys to change their court-assigned system passwords periodically and strongly encourages changing passwords when changing firms. A password can be changed by following instructions on the court's web site.

5. In the event that an attorney believes the security of an existing password has been compromised or a threat to the system exists, the attorney shall immediately call the clerk, the chief deputy, a deputy-in-charge, or the systems manager and confirm by facsimile in order to prevent unauthorized access to the system.

II. ELECTRONIC FILING AND SERVICE OF DOCUMENTS

A. *Filing.*

1. An attorney or other person may elect to file electronically any document in a case or adversary proceeding.

2. An attorney or other individual filing any document electronically shall follow the procedures contained in the *Electronic Records System Users' Guide*.

3. All moving papers specified in Local Rule 9013-2(a) which are being filed at the same time and by the same party shall be filed electronically under one document number. The moving papers which may be filed electronically include:

- (1) a notice of hearing and motion;

- (2) if facts are at issue, an affidavit or verification of the motion;
- (3) a separate, concise memorandum of facts and law;
- (4) a proposed order; and
- (5) proof of service.

4. Any entity may file electronically a response under one document number. The responsive papers specified in Local Rule 9013-2(b) in addition to the response include:

- (1) a concise memorandum of facts and law;
- (2) if facts are at issue, an affidavit; and if appropriate
- (3) a request for an order denying the motion or a request for an order imposing costs, fees and expenses, but shall not include a request for any other relief.

B. *Service.*

1. Whenever a document is filed electronically in accordance with the electronic filing procedures, the clerk shall electronically serve the filing party with a “Notice of Electronic Filing” at the time of docketing.

2. The filing party shall electronically serve the Notice of Electronic Filing and any other documents on all ERS registered participants who are entitled to service.

3. If the recipient of the notice is not an ERS registered participant in the electronic filing system, service shall be accomplished conventionally.

C. *Signatures; Affidavits of Service.* If a document being filed electronically requires the signature of a person who is not an ERS registered participant, such as a petition, or a verification under Fed. R. Bankr. P. 1008, or an unsworn declaration as provided in 28 U.S.C. § 1746, the

attorney must prepare a signature declaration form (Attachment 2) and have the person whose signature is required sign the form. The documents being filed electronically shall indicate a signature, *e.g.*, “/s/ Jane Doe.” The signature declaration form must be saved in a *.PDF format and attached to the documents being filed electronically. The original signature declaration form containing the original signature shall be filed with the court within five days of the date the documents were filed electronically. The court shall file, docket and scan the original signature declaration form and place the form in the court paper file for the case or adversary proceeding.

D. *Fees Payable to the Clerk.* Application for authorization of credit card payment for electronic filings which require a fee shall be made with the financial administrator of the clerk.

E. *Orders.* All orders shall be filed electronically. Deputy clerks will make the appropriate entry on the docket.

F. *Exhibits.* Motions shall be filed in electronically produced text format on the system. If exhibits were originally produced in electronic text format, they shall be attached to the motion in a *.PDF format. If the exhibits were originally produced in hard copy (paper) format, and in a format that can be electronically imaged, the attorney shall make every effort to electronically image the documents. In the ordinary course, if the entire exhibit is deemed by the attorney to be relevant to the motion being submitted, and the exhibit was not originally produced in an electronic text format, and if it is impractical to image electronically the entire document, the entire paper exhibit shall be sent to the court to be separately filed and docketed by the case administrator. In unusual circumstances, the attorney may annex to the motion that will be filed electronically excerpts of the exhibit that are directly germane to the matter under consideration by the court. Such exhibits must be clearly and prominently identified as excerpts, and the complete exhibit must be made available

forthwith to counsel and the court on request and must be available at the hearing. Persons filing excerpts of exhibits do so without prejudice to their right to file additional excerpts or the complete exhibit with the court at any time. Other parties may file additional germane excerpts.

G. *Docket Entries.* The person electronically filing a petition, pleading or other document will be responsible for the docket entry.

III. CONVENTIONAL FILING OF DOCUMENTS

A. *Conventional Filings.* Persons who are not ERS registered participants may continue to file documents in a conventional manner.

B. *Documents to be Filed Under Seal.* A motion to file documents under seal may be filed electronically, however, the documents themselves shall not be filed electronically. A paper copy of the order granting the motion shall be attached to the document(s) under seal and be delivered to the clerk of court, the chief deputy, the deputy-in-charge or a supervisor. The document to be filed under seal should also be submitted on a disk so that it can be electronically filed if an order is entered unsealing the document.

IV. PUBLIC ACCESS TO THE SYSTEM DOCKET

A. *Internet Access Without a Password.* Any person may access the system at the court's Internet site at **www.mnb.uscourts.gov**. Access to the system through the Internet site without using a password allows retrieval of the docket sheet and documents in a "read only" format.

B. *Public Access at the Court.* Public access viewing of the docket and documents filed in the system is available in all of the offices of the clerk during regular business hours, Monday through Friday.

C. *Conventional Copies and Certified Copies.* Conventional copies and certified copies

of electronically filed documents may be purchased in any of the offices of the clerk during business hours Monday through Friday. The fees charged for copying and certifying are required by 28 U.S.C. § 1930.

D. *Access Charges.* The Judicial Conference of the United States requires that a fee be charged for usage of electronic access to court data. When the Administrative Office of the United States Courts establishes procedures for fee collection, users will be charged accordingly.