

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA
THIRD DIVISION

In re:

**ORDER TO AMEND
MISCELLANEOUS ORDER 99-101**

MISC 02 - 415

At Minneapolis and St. Paul, Minnesota, March 26, 2002.

FINDINGS

1. On January 15, 1999 this court entered an order establishing administrative procedures for electronic filing, signing and verifying of documents, for the court's Electronic Records System ("ERS").

2. On February 8, 2001 this court entered an order amending the January 15, 1999 order and the administrative procedures promulgated under it. The order further required that effective March 1, 2001, all motions for relief from the automatic stay under 11 U.S.C. §§ 362(d) and 1301 and all responses to such motions be presented to the clerk of this court in electronic format.

3. Since the entry of the order of January 15, 1999, and the amendatory order of February, 2001, the court has completed further development of ERS, and now accepts most forms of documents in cases and adversary proceedings for filing in electronic format.

4. ERS has become the court's case management and automated docketing system, consisting of web and ICMS-BANCAP applications.

5. To make the best use of ERS and the most efficient use of the limited public resources allocated to this court, it is necessary to increase usage of electronic filing by

parties to bankruptcy cases and their counsel. At this time, this can be done most effectively by requiring all documents in cases and adversary proceedings to be filed in electronic format.

6. To enable compliance with such a requirement, it is necessary to further define the forms in which signatures may be evidenced on documents filed in electronic format.

7. Paragraph 13 of the order of January 15, 1999 states that amendments to the order may be entered from time to time in keeping with the needs of the court.

ORDER

IT IS THEREFORE ORDERED:

1. Effective October 1, 2002, all documents in cases and adversary proceedings shall be presented to the clerk of this court for filing via remote electronic means by an ERS registered participant, or by a diskette in electronic format comporting to the clerk's specifications if the presenting party or attorney is not an ERS registered participant.

2. The order of the court entered on January 15, 1999 establishing administrative procedures for electronic filing, signing and verifying of documents is amended as follows:

3. When an original signature of a debtor, authorized individual or joint debtor is required on the (A) petition, schedules and statement; (B) amendment to petition, schedules and statements; (C) chapter 13 plan; or (D) modified chapter 13 plan, the attorney shall print Form ERS 1 (rev. 7/01), *Signature Declaration* (Attachment 2 of the *Administrative Procedures*), have the debtor, authorized individual or joint debtor sign the form, scan the form, convert the form to the Portable Document Format ("PDF"), and insert the form as the last page of the

petition. Alternatively, the attorney may electronically submit to the court the scanned image of the signed form within five days of the electronic filing using the general document filing feature. For all other documents, the signature of a non-ERS registered participant may appear on a page of a document that has been printed, signed by an individual, scanned, converted to PDF, and inserted at the appropriate location in the electronic filing being submitted to the court.

4. The electronic filing of a document by an attorney who is an ERS registered participant in the electronic case filing system shall constitute the signature of that participant under FED. R. BANKR. P. 9011 and LOC. R. BANKR. P. (D. MINN.) 9011-4. A document filed in electronic format by an attorney who is an ERS registered participant may contain the signature of a non-attorney employee of that attorney, or of an agency or firm of which that attorney is an employee, member, or partner, in the typewritten format “/e/ John Doe.” The electronic filing of a document with a such a signature shall constitute a certification by that registered participant that the employee consented to the use and submission of the employee’s signature in this form, and that the employee had attested under penalty of perjury to the truth of any facts so subscribed.

3. Paragraph II.C. of the administrative procedures promulgated on January 15, 1999 is amended to read as follows:

C. [Abrogated]

4. Paragraph I.C.3. of the administrative procedures promulgated on January 15, 1999 is amended as follows:

3. Each attorney who intends to file electronically over the Internet using the court's ERS must be an ERS registered participant. An attorney becomes an ERS registered participant by passing a test demonstrating proficiency in using ERS.

BY THE COURT:



GREGORY F. KISHEL
CHIEF U.S. BANKRUPTCY JUDGE

[/e/ Robert J. Kressel](#)

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NANCY C. DREHER
U.S. BANKRUPTCY JUDGE