

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

In re:)
)
ELECTRONIC MEANS FOR FILING,) General Order No. 97-1
SIGNING, AND VERIFICATION OF)
PLEADINGS AND PAPERS)

ORDER ADOPTING ELECTRONIC CASE FILING PROCEDURES

WHEREAS, Federal Rule of Civil Procedure ("FRCP") 83 and Federal Rules of Bankruptcy Procedure ("FRBP") 5005 (a)(2), 9011, and 9029, and Local Bankruptcy Rule ("LBR") 5005-1, authorize this court to establish practices and procedures for the filing, signing, and verification of pleadings and papers by electronic means; and

WHEREAS, a proposal for Administrative Procedures for Filing, Signing and Verifying Pleadings and Papers by Electronic Means and a proposed Electronic Filing System User's Manual (collectively, the "Electronic Filing Procedures") have been reviewed by the court; and

WHEREAS, the Electronic Filing Procedures are consistent with and further the responsibility of the Clerk of the Court for the control of the court's docket under FRBP 5005, including safeguarding the integrity of the court's docket; and

WHEREAS, the Electronic Filing Procedures do not impose fees inconsistent with the present fee structure adopted by the Judicial Conference of the United States pursuant to 28 U.S.C. sections

1913, 1914, 1926 and 1930; and

WHEREAS, the Electronic Filing Procedures provide a means for the signature on pleadings and papers through the mechanism of a password, in compliance with LBR 5005-1(C)(4) and a secure mechanism for the creation and distribution of passwords; and

WHEREAS, the Electronic Filing Procedures provide adequate procedures for filing pleadings and papers by parties who are not able to access the Electronic Filing System from a remote location by modem; and

WHEREAS, the Electronic Filing Procedures provide adequate access to review and retrieve the records and dockets of this court including access by parties who are not able to access electronic records from a remote location by modem; and

WHEREAS, the Electronic Filing Procedures do not impair the ability of the Clerk of the Court to perform statistical reporting responsibilities both to the court and the Administrative Office of the United States Courts; and

WHEREAS the Electronic Filing Procedures are consistent with notice requirements of the Federal Rules of Bankruptcy Procedure and the Local Bankruptcy Rules:

NOW, THEREFORE, IT IS ORDERED that:

1. The Administrative Procedures for Filing, Signing and Verifying Pleadings and Papers by Electronic Means and the Electronic Filing System User's Manual attached as Exhibits 1 and 2, respectively, establishing administrative procedures for signing, filing, and verifying documents by electronic means in

this court, including the procedure for registration of attorneys and for distribution of passwords to permit electronic filing and notice of pleadings and other papers, collectively the "Electronic Filing Procedures" are hereby approved by the court.

2. The electronic filing of a petition, pleading, motion or other paper by an attorney who is a registered participant in the Electronic Filing System shall constitute the signature of that attorney under FRBP 9011 and LBR 5005-1(C)(4).

3. No attorney shall knowingly permit or cause to permit his/her password to be utilized by anyone other than an authorized employee of his/her law firm.

4. No person shall knowingly utilize or cause another person to utilize the password of a registered attorney unless such person is an authorized employee of the law firm.

5. The electronic filing of a pleading or other paper in accordance with the Electronic Filing Procedures shall constitute entry of that pleading or other paper on the docket kept by the clerk under FRBP 5003.

6. The Office of the Clerk will enter all orders, decrees, judgments, and proceedings of the court in accordance with the Electronic Filing Procedures, which shall constitute entry of the order, decree, judgment or proceeding on the docket kept by clerk under FRBP 5003 and for purposes of FRBP 9021.

7. (a) Whenever a pleading or other paper is filed electronically in accordance with the Electronic Filing Procedures, the Office of the Clerk shall serve the filing party

with a "Notice of Electronic Filing" by electronic means at the time of docketing.

(b) The filing party shall serve the pleading or other paper upon all persons entitled to notice or service in accordance with the applicable rules, or, if service by first class mail is permitted under the rules, the filing party may make service in accordance with subparagraph (c) below.

(c) If the recipient of notice or service is a registered participant in the Electronic Filing System, service by electronic means of the Notice of Electronic Filing shall be the equivalent of service of the pleading or other paper by first class mail, postage prepaid.

8. Participation in the Electronic Filing System by receipt of a password from the Court, shall constitute a request for service and notice electronically pursuant to FRBP 9036. Participants in the Electronic Filing System, by receiving a password from the Court, agree to receive notice and service by electronic means.

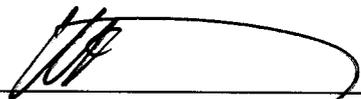
9. The original of this order shall be filed both in accordance with the Electronic Filing Procedures with the Clerk of the Court and conventionally with the Clerk of the Court.

10. Until further order, the provisions of this order shall apply only in the Alexandria Division of this court and only in chapter 11 cases (including adversary proceedings and contested matters in chapter 11 cases) filed on or after the effective date of this order. Amendments to this order may be entered from time

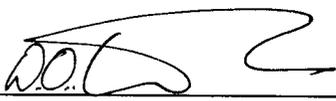
to time in keeping with the needs of the Court.

11. This order shall take effect on October 30,
1997.

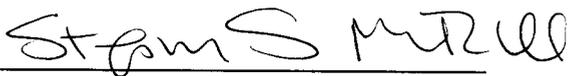
Dated: October 30, 1997



Martin V.B. Bostetter, Jr.
Chief Judge



Douglas O. Tice, Jr.
Judge



Stephen S. Mitchell
Judge

**Electronic Means for Filing, Signing and
Verification of Pleadings and Papers**

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

"Administrative Procedures for Electronically Filed Cases"

Exhibit to General Order # 97-1

ADMINISTRATIVE PROCEDURES

I. REGISTRATION FOR THE ELECTRONIC FILING SYSTEM ("System")

A. Designation of Cases. The Court shall designate which cases shall be assigned to the Electronic Filing System ("System")

B. Passwords. Each attorney admitted to practice in this Court shall be entitled to one System password to permit the attorney to participate in the electronic retrieval and filing of pleadings and other papers in accordance with the System. Registration for a password is governed by paragraph I.C.

C. Registration.

1. A registration form, in the form attached, shall be submitted for each attorney. The attached form may be duplicated for use.

2. All registration forms shall be mailed or delivered to the Office of the Clerk, United States Bankruptcy Court, Eastern District of Virginia, 200 South Washington Street, Alexandria, Virginia 22314, Attn: Regina Williams, System Department.

3. Each attorney registering for the System will receive telephonic notice from the Office of the Clerk indicating that an envelope containing the attorney's assigned System password is available for pick-up at the Office of the Clerk. Only the attorney or an authorized representative may pick up the envelope. Out of state attorneys applying for registration may communicate with the Office of the Clerk to arrange for delivery of the system password.

4. For good cause shown, including the fact that the security of an existing password may have been compromised, an attorney may change the assigned password by contacting the Office of the Clerk/Systems Department. In the event an attorney discovers any compromise of his or her password, the attorney shall forthwith advise the Clerk of Court, Division Manager, or Systems Department Manager by telephone and, in addition, forthwith confirm the same by facsimile.

5. Once registered, an attorney/participant may withdraw from participation in the System by providing the Clerk of the Court, Chief Deputy Clerk or Systems Department Manager with notice of

such withdrawal. Such notice must be in writing. Upon receipt of notice, the Office of the Clerk will immediately cancel the attorney/participant's password and will delete the attorney/participant from any applicable electronic service list.

II. ELECTRONIC FILING AND SERVICE OF DOCUMENTS

A. Filing.

1. Except as expressly provided for in paragraph III.A., below and in exceptional circumstances which prevent an attorney/participant from filing electronically, all petitions, motions, pleadings, memoranda of law, or other documents required to be filed with the Court in connection with a case assigned to the System shall be electronically filed on the System. Notwithstanding the foregoing, parties and attorneys who are not participants in the System are not required to electronically file pleadings and other papers in a case assigned to the System.

2. All documents which form part of a pleading and which are being filed at the same time and by the same party may be

electronically filed together under one docket number, e.g., the motion and a supporting affidavit, with the exception of a memorandum of law. A memorandum of law should be filed separately and shown as a related document to the motion.

B. Service.

1. Whenever a pleading or other paper is filed electronically in accordance with the Electronic Filing Procedures, the Office of the Clerk shall serve the filing party with a "Notice of Electronic Filing" by electronic means at the time of docketing.

2. The filing party shall serve the pleading or other paper upon all persons entitled to notice or service in accordance with the applicable rules, or, if service by first class mail is permitted under the rules, the filing party may make service in accordance with subparagraph II.B.3 below.

3. If the recipient of notice or service is a registered participant in the Electronic Filing System, service of the Notice of Electronic Filing by electronic means shall be the equivalent of service of the pleading or other paper by first class mail, postage prepaid.

C. Signatures; Affidavits of Service.

1. Petitions, lists, schedules, statements, amendments, pleadings, affidavits, and other documents which must contain original signatures or which require verification under FRBP 1008 or an unsworn declaration as provided in 28 U.S.C section 1746, shall be filed electronically with originally executed copies maintained by the filer until 3 years after the closing of the case. The pleading or other document electronically filed shall indicate a signature e.g., "s/Jane Doe".

D. Fees Payable to the Clerk. For filings that require a fee, application for authorization of credit card payment may be made with the financial officer of the office of the Clerk.

E. Orders. All signed orders (including, without limitation, orders to show cause) shall be filed electronically by the presiding judge in the case. In order to facilitate such filing, the party presenting the proposed order shall provide the presiding judge with a 3.5 inch floppy disk containing the proposed order in either WordPerfect or Microsoft Word format (WordPerfect 7 is preferred), together with any attachment, exhibit or related document to be electronically filed in connection therewith. Said party shall also

provide the presiding judge with a paper copy of all such documents. The Office of the Clerk will make the appropriate entry on the System to facilitate the docketing of an order.

F. Title of Docket Entries. The person electronically filing a pleading or other document will be responsible for designating a title for the document by using one of the categories contained in Electronic Filing System User's Manual.

III. CONVENTIONAL FILING OF DOCUMENTS

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

1. Documents to be filed under seal. A motion to file document(s) under seal shall be filed electronically; however, the actual documents(s) to be filed under seal shall be filed conventionally. The order of the Court authorizing the filing of such document(s) under seal shall be filed electronically by the presiding judge and shall indicate that the motion to file documents under seal has been "so ordered" in accordance with Paragraph II.E., above. A paper copy of the order shall be attached to

the document(s) under seal and be delivered to the Clerk of Court.

2. Exhibits. Exhibits, including but not limited to leases, notes and the like, which are not available in electronic form, shall be filed conventionally. Wherever possible, however, such documents, or the relevant portions thereof, should be electronically imaged (i.e., "scanned") and filed using Portable Document Format (PDF).

3. Proofs of claim.

B. Service of Conventional or 3.5 Inch Floppy Disk Filings. Pleadings or other documents which are filed conventionally or on 3.5 inch floppy disk rather than electronically shall be served in the manner provided for in, 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 SYSTEM DOCKET

A. Internet Access without a Password. Any person or organization other than those referred to in paragraph I.B.1. may access the System at the Court's Internet site at www.vaeb.uscourts.gov. Such access to the System through the Internet site will allow retrieval of the docket sheet and documents on a time delayed basis. Unless a user has a password, access to the System will be on a "read only" basis.

B. Public Access at the Court. The public will have electronic access to the documents filed in System and to the System docket in the Office of the Clerk, for viewing during regular business hours, Monday through Friday.

C. Conventional Copies and Certified Copies. Conventional copies and certified copies of the electronically filed documents may be purchased at the Office of the Clerk, 200 South Washington Street, Alexandria, Virginia 22314 during business hours Monday through Friday. The fee for copying and certification will be in accordance with 28 U.S.C section 1930.

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division
ELECTRONIC CASE FILING SYSTEM
ATTORNEY/PARTICIPANT REGISTRATION FORM**

LIVE SYSTEM

This form shall be used to register for an account on the Court's Electronic Filing System. Registered attorneys and other participants will have privileges both to electronically submit documents, and to view and retrieve electronic docket sheets and documents for all cases assigned to the Electronic Filing System. The following information is required for registration-

First/Middle/Last Name: _____

Bar ID# (if applicable): _____

Firm Name: _____

Firm Address: _____

Firm Federal ID#: _____

Voice Phone Number: _____

FAX Phone Number: _____

Internet E-Mail Address: _____

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. Bankruptcy Court for the Eastern District of Virginia, Alexandria Division. It may be used to file and view electronic documents, docket sheets, and notices.

2) At this time, the hardware and software requirements for filing, viewing, and retrieving case documents are: a personal computer (486 minimum) running a standard platform such as Windows, Windows 95, or Macintosh, an Internet provider using Point to Point Protocol (PPP), Netscape Navigator software version 3.0, and Adobe Acrobat Pro software to convert documents from a word processor format to a portable document format (PDF).

3) Pursuant to Federal Rule of Civil Procedure 11, Federal Rule of Bankruptcy Procedure 9011 and Local Bankruptcy Rule 5005-1(c)(4). Every pleading, motion, and other paper (except lists, schedules, statements 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. The court will immediately delete that password from the electronic filing system and issue a new password.

4) An attorney's/participant's registration will constitute a request and an agreement to receive service of pleadings and other papers electronically pursuant to FRBP 9036, where service of pleadings and other papers is otherwise permitted by first class mail, postage prepaid.

5) I understand that by making application for a password, I agree to abide by all of the rules and regulations under the "Administrative Procedures for Electronically Filed Cases" currently in effect, and any changes or additions that may be made to such Administrative Procedures.

Applicant's Signature

Initial of First & Last Name Last 4 Digits of SS#

Notary or Clerk/Deputy Clerk of Court

Please return to: MIS Department, Attn: Regina Williams
U.S. Bankruptcy Court
Eastern District of Virginia, Alexandria Division
200 South Washington Street
Alexandria, Virginia 22314