

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA

In re

Revision to Case Management/Electronic)
Case Files Policy Statement 2, 4, 7 and)
8)

Standing Order 23-10

**ORDER ADOPTING REVISION TO CASE MANAGEMENT/ELECTRONIC CASE FILES
POLICY STATEMENT 2, 4, 7 AND 8**

The Clerk's Case Management/Electronic Case Files Policy Statement (CM/ECF Policy Statement), as authorized for preparation and amendment pursuant to Local Bankruptcy Rule 5005-2(B), is revised, as set forth in the attachment to this Order. Changes are made to:

1. CM/ECF Policy Statement 2(A)(1)(b) is removed and placed at new CM/ECF Policy Statement 2(B)(e) to conform to Part VIII.B, Exhibit 15 to the Court's Local Bankruptcy Rules, Procedures for Complex Chapter 11 Cases in the Eastern District of Virginia. CM/ECF Policy Statement 2(A)(1)(c) is redesignated 2(A)(1)(b).
2. CM/ECF Policy Statement 4(B) and 4(C) and 7(A) are amended to conform to new Local Bankruptcy Rule 5005-1(F), Original Signatures. CM/ECF Policy Statement 8(A) is new. Current CM/ECF Policy Statement 8(A), 8(B), and 8(C) are redesignated 8(B), 8(C), and 8(D), therein. These three redesignated provisions also are amended to conform to new Local Bankruptcy Rule 5005-1(F), Original Signatures.

NOW, THEREFORE, IT IS ORDERED that:

Effective June 1, 2023, the above-referenced CM/ECF Policy Statement changes be and the same hereby are adopted.

Attachment

FOR THE COURT:


FRANK J. SANTORO
Chief United States Bankruptcy Judge

Dated: May 2, 2023

UNITED STATES BANKRUPTCY COURT
for the
EASTERN DISTRICT OF VIRGINIA

**CASE MANAGEMENT/ELECTRONIC CASE FILES POLICY
STATEMENT**

REVISION TO POLICY STATEMENT: 2, 4, 7 AND 8



Effective: June 1, 2023

(Ver. 05/02/2023)

**REVISION TO THE CASE MANAGEMENT/ELECTRONIC CASE FILES POLICY
STATEMENT –
POLICY STATEMENT: 2, 4, 7 AND 8**

**CM/ECF POLICY 2 -ELIGIBILITY; REGISTRATION WITHDRAWAL; AND
PASSWORDS**

(A) ***Eligibility***: Those attorneys who intend to practice in the Court and entities that intend, or are required, to file documents with the Clerk, are eligible to become a registered User as follows:

(1) *Registration with Full Privileges; ~~Pro Hac Vice Admission~~*

....

~~(b) ***Pro Hac Vice Admission***: Out-of-District counsel that are admitted *pro hac vice* also shall register for document filing purposes, but such filings first must be endorsed by local counsel, as provided for in <<LBR 2090-1>>, who are ECF System Users. Upon termination of the case or action to which counsel has been admitted *pro hac vice*, counsel shall notify the Clerk forthwith that counsel should be removed as a User.~~

~~(e)(b) ***Electronic Proof of Claim (ePOC) Application Web Filing User***:~~

(2) *Registration with Limited Privileges*

....

(e) ***Pro Hac Vice Admission***: Out-of-District counsel that are admitted *pro hac vice* may register as CM/ECF Limited Participant Users. Except for filings permitted <<LBR 9010-1>>, all filings by attorneys admitted *pro hac vice* must be signed and filed by local counsel, as provided for in <<LBR 2090-1>>, who are ECF System Users.

CM/ECF POLICY 4—ENTRY OF COURT-ISSUED DOCUMENTS

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(B) ***Submission via E-Mail Attachment:*** A User shall submit an order(s) as a PDF format e-mail attachment in accordance with the order processing procedure set forth in the Bankruptcy Orders Processing Solution (BOPS) materials, located on the <<CM/ECF Users' Guides>> page and accessible through the Court's <<CM/ECF web site>>. The order proponent shall file a list of parties, with mailing addresses indicated, who are to receive notice of entry of the order and shall comply with all other requirements of ~~endorsement~~ signature or proof of service set forth in <<LBR 9022-1>>. The list of parties shall be furnished in the appropriate format provided in the order processing procedure set forth in the BOPS materials, located on the <<CM/ECF Users' Guides>> page and accessible through the Court's <<CM/ECF web site>>.

(C) ***Submission via Flash Drive:*** A party who is unable to submit an order electronically shall submit a flash drive containing the proposed order to the Clerk. The order, inclusive of any attachment(s), exhibits and/or related document(s), shall be submitted in PDF format. The order proponent shall file a list of parties, with mailing addresses indicated, who are to receive notice of entry of the order and shall comply with all other requirements of ~~endorsement~~ signature or proof of service set forth in <<LBR 9022-1>>. The list of parties shall be furnished in the appropriate format provided in the order processing procedure as set forth in the BOPS materials, located on the <<CM/ECF Users' Guides>> page and accessible through the Court's <<CM/ECF web site>>.

CM/ECF POLICY 7 – RETENTION REQUIREMENTS

(A) ***Retention of Electronically Filed Documents:*** Documents that are electronically filed

and require original signatures pursuant to LBR 5005-1(F)(1) shall be maintained by the User until 3 years after the closing of the case. If in the ordinary course of the User's business, the User maintains imaged copies of that person's records, the user may retain an imaged copy in lieu of the document with the original signature to the same extent that the User otherwise retains imaged records in the ordinary course of the User's business. Upon request of the Court, the User shall provide such originally executed document or imaged record, as the case may be, for review.

....

CM/ECF POLICY 8 – SIGNATURES

(A) *Effect of Electronic Filing*: An electronic filing by a User constitutes that person's signature under FRBP 5005(a)(2)(C), FRBP 9011 and <<LBR 5005-1(D)(4)>>.

(A)(B) *General Requirements Filings Requiring Original Signatures*: All filings, which (1) must contain that require original signatures pursuant to <<LBR 5005-1(F)(1)>> (2) require verification under FRBP 1008, or (3) contain an unsworn declaration as provided in 28 U.S.C. §1746, shall be filed by the User electronically or in accordance with the <<Notice of Electronic Filing Procedure>>. Such electronic filing shall constitute the User's certification that (1) all original signatures on the filed document(s) were obtained in accordance with <<LBR 5005-1(F)(2)>>; (2) each signer was afforded a reasonable opportunity to review the document(s) prior to the signer's affixation of the original signature(s); and (3) the User or another attorney at the User's law firm advised each signer regarding the substance and purpose of the document(s) prior to the signer's affixation of the original signature(s). An electronic filing by a User constitutes that person's signature under FRBP 9011 and <<LBR 5005-1(C)(4).

~~(B)~~(C) ***Form of Signature of Attorney User and Non-Attorney User:*** For purposes of FRBP 9011, the electronically filed document shall indicate a signature of the attorney or non-attorney User in the form “/s/” followed by the typewritten full name of the User, *e.g.*, Jane Doe. In addition, for purposes of <<LBR 5005-1(D)(5)>>, the attorney User shall provide that person’s State Bar number, complete mailing address, telephone number and the name of the party the attorney represents.

~~(C)~~(D) ***Pro Se Filer:*** All filings on paper by a *pro se* filer, ~~which (1) must contain original signatures, (2) require verification under FRBP 1008, or (3) contain an unsworn declaration as specified at 28 U.S.C. §1746,~~ that require an original signature pursuant to <<LBR 5005-1(F)(1)>> shall be submitted with full original signature pursuant to <<LBR 5005-1(F)(2)(a)>>.