UNITED STATES BANKRUPTCY COURT
for the
EASTERN DISTRICT OF VIRGINIA

CASE MANAGEMENT/ELECTRONIC CASE FILES (CM/ECF) POLICY STATEMENT

REVISION TO POLICY STATEMENT 6

Effective July 30, 2025
(Ver. 07/30/2025)

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA

CASE MANAGEMENT/ELECTRONIC CASE FILES (CM/ECF)
POLICY STATEMENT

CM/ECF POLICY 1 − DESIGNATION OF CASES; APPLICATION; AND WAIVER

(A) ***Designation of Cases***: Consistent with <<LBR 5005-2>>, the provisions of the Court's CM/ECF Policy shall apply to all cases and proceedings filed on and after the effective date of any amendment to <<LBR 5005-2(A)>>, and to any previously filed cases and proceedings pending or closed.

(B) ***Application***: Pursuant to CM/ECF Policy 2(A)(1)(a), a registered Electronic Case Files System (hereafter "ECF System") User with full privileges shall electronically file all petitions, motions, memoranda of law, or other pleadings and documents (hereafter "documents") with the Clerk according to the CM/ECF Policy. Pursuant to CM/ECF Policy 2(A)(2)(b), a governmental unit or institutional entity, as a User with limited privileges, shall electronically file the documents specified therein according to the CM/ECF Policy. These electronic filing requirements, however, are subject to the waiver provision set forth in Paragraph (C) below and in exceptional circumstances that prevent a User from filing documents electronically. A User shall abide by all of the requirements set forth in the CM/ECF Policy. An entity without legal representation that is not a governmental unit or institutional entity may electronically file a document(s) as specified at CM/ECF Policy 2(A)(2)(a).

(C) ***Waiver***: An attorney, governmental unit and institutional entity may file a <<Request for Waiver to File by flash drive due to financial constraints and the inability to access the equipment necessary to comply with the requirements set forth at Paragraph (B) above. An attorney who is not able to file a document(s) on a flash drive shall file on paper and, further, shall scan the paper document(s) to a flash drive that is available to the Bar and public in the public areas of each division of the Court.

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***

(a) ***Generally***: An attorney admitted to practice in this Court or an attorney representing the United States Government, any State, or Trustee shall register to become a User with full privileges to file documents electronically. All trustees appointed or elected, examiners, consumer privacy ombudsmen and patient care ombudsmen shall register to become a User with full privileges to file documents electronically.

(b) ***Electronic Proof of Claim (ePOC) Application Web Filing User***: The Court's Electronic Proof of Claim (ePOC) application may be used by a claimant or claimant's agent to file a Proof of Claim electronically in all chapters via the Court's internet web home page. See the "**E-Filing Proof of** C**laim**" link located on that page, which includes instructions and related information for using this filing feature. No ECF registrant login or password is required to file a proof of claim in this manner.

(2) ***Registration with Limited Privileges***

(a) ***Generally***: An entity may register to become a User with limited privileges in the ECF System for the purpose of filing or withdrawing a proof of claim, notice of mortgage payment change, notice of postpetition mortgage fees, expenses, and charges, response to a notice of final cure payment, request for notices or notice/service, notice of appearance, reaffirmation agreement, creditor change of address, transfer of claim, or Official Form 423 with the Clerk.

(b) ***Governmental Unit or Institutional Entity*:** A governmental unit or institutional entity that is not represented by counsel shall register to become a User with limited

privileges to file electronically those documents specified at CM/ECF Policy 2(A)(2)(a).

(c) ***Contract Court Reporter or other Individual Designated to Produce the Transcript***: A contract court reporter shall register to become a User with limited privileges solely for the purpose of filing transcripts of court proceedings electronically with the Clerk as provided for in <<Standing Order No.09-3>>. Any other individual designated to produce the transcript also shall register to become a User with limited privileges solely for the purpose of filing transcripts of court proceedings electronically with the Clerk.

(d) ***Approved Post-Petition Personal Financial Management Course Provider***: A post-petition personal financial management course provider approved by the United States Trustee Program shall register to become a User with limited privileges solely for the purpose of filing a completed Official Form 423 as provided for in <<Standing Order No. 13-5>>.

(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.

(B) ***Registration***: The Clerk will prescribe the appropriate registration form. Unless otherwise directed by the Clerk, the prescribed registration form shall be mailed or hand-delivered to the Clerk's Office.

(C) ***Withdrawal***: Except by order of the Court, a User may not withdraw from participation in the ECF System.

(D) ***Login and Password***

(1) ***Requirements to Receive Login and Password***: Each User will receive a login and password upon submission of the registration form and completion of ECF System training on-line or live, with an employee of the Clerk's Office, or completion of such training in

another bankruptcy court in which the User is certified to use the ECF System.

(2) ***Proper Use of Password***: Any password issued for the ECF System shall be used exclusively by the User to whom the password is assigned and any employee to whom proper authorization is given. A User will not knowingly permit a password to be used by anyone not so authorized. Use of a login and password constitute the official signature of the User on all documents filed.

(3) ***Password Security***: A User agrees to select and activate a new password to protect the security of the password and immediately to notify the Clerk if a password has been compromised.

CM/ECF POLICY 2.1 – DEBTOR ELECTRONIC BANKRUPTCY NOTICING

(A) ***Eligibility to Receive Electronic Bankruptcy Noticing***: Debtors are eligible to participate in Debtor Electronic Bankruptcy Noticing (DeBN).

(B) ***Completion and Submission of Debtor's Electronic Bankruptcy Noticing Request***: An eligible debtor will complete and file with the Court a Debtor's Electronic Bankruptcy Noticing Request (DeBN Request) on a form provided by the Clerk for this purpose. Each DeBN Request must indicate whether the debtor is:

(1) creating a new DeBN account to begin receiving court-generated notices and orders via email pursuant Federal Rule of Bankruptcy Procedure 9036,

(2) updating or reactivating an existing DeBN account, or

(3) deactivating an existing DeBN account.

(C) ***Processing a Filed DeBN Request Form***: The Clerk will act upon a DeBN Request form once it has been properly completed, signed, and filed.

(D) ***Service on Debtors who Request DeBN*:** A debtor who requests service through DeBN, via email delivery, of court-generated notices and orders, pursuant to Federal Rule of Bankruptcy Procedure 9036, only consents to service of such notices and orders from the Court through the Bankruptcy Noticing Center. All other parties, including creditors, attorneys, and trustees, must serve documents upon debtors according to applicable court rules (by U.S. mail, overnight mail, or personal delivery).

(E) ***DeBN Page on Court's Internet Web Site***: The Clerk will cause the creation of a DeBN page on the Court's Internet web site. As needed, that page will be updated. Debtors shall adhere to all applicable requirements, as set forth on the DeBN page and otherwise accessible from that page.

CM/ECF POLICY 3 − ELECTRONIC FILING; GENERALLY

(A) ***Effect of Electronic Filing***: Consistent with the Court's CM/ECF Policy, electronic transmission of a document to the ECF System, together with the transmission of a Notice of Electronic Filing from the Court, constitutes filing of the document for all purposes of the Federal Rules of Bankruptcy Procedure and the Local Bankruptcy Rules of this Court and further constitutes entry of the document on the docket kept by the Clerk under FRBP 5003.

(B) ***Electronically Filed Document Constituting Official Record***: When a document has been filed electronically, the official record is the electronic recording of the document as stored by the Court, and the User is bound by the document as filed. A document filed electronically is deemed filed at the date and time stated on the Notice of Electronic Filing from the Court.

(C) ***Document Filing Deadline***: Filing a document electronically does not alter the filing deadline for that document. Filing must be completed before midnight local time where the Court is located in order to be considered timely filed that day.

(D) ***Fees Payable to the Clerk***: For document filings that require a fee, payment by a User shall be made electronically by means of on-line credit card payment. Fee payments shall be made in accordance with the on-line credit card processing procedure set forth in the <<CM/ECF Users' Guides>> page and accessible through the Court's <<CM/ECF web site>>. For a non-User, current rules for methods of payment must be followed for filings that require a fee.

(E) ***Document Size and Scanner Settings***: Electronically filed documents should not be more than 10 megabytes in size. Transmission time for filing documents electronically is time sensitive. For security reasons, filings that take more than 5 minutes to transmit will cause the ECF System to time out. A scanned document, or a portion thereof, shall not exceed 8½ by 11 inches.

(1) ***Bitonal (1-bit) scanned at 300 ppi*:** This is appropriate for documents that consist exclusively of clean printed type possessing high inherent contrast (*e.g.*, laser printed or

typeset on a white background).

(2) ***Gray scale (8-bit) scanned at 300 ppi*:** This is appropriate for textual documents of poor legibility because of low inherent contrast, staining or fading (*e.g.*, carbon copies, thermofax, or documents with handwritten annotations or other markings), or that contain halftone illustrations or photographs.

(3) ***Color (24-bit RGB [Red, Green, Blue]) scanned at 300 ppi***: Color mode (if technically available) is appropriate for text containing color information important to interpretation or content.

If making these adjustments does not reduce the filing size to 10 megabytes, the document(s) must be split into its component parts (*e.g*., main document and exhibits) or into sections. The document(s) should be split into the smallest number of component parts or sections possible, consistent with the 10-megabyte limit. If this method does not provide an adequate solution, the filer shall make suitable arrangements with the Clerk to file the document(s).

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

(A) ***Entry of Orders, Judgments, Decrees and Proceedings of the Court***: Orders, judgments, decrees and proceedings of the Court shall be entered in accordance with the CM/ECF Policy and will constitute entry on the docket kept by the Clerk under FRBP 5003 and FRBP 9021. All signed orders and judgments will be entered electronically by the Court or court personnel. Orders also may be issued as "text-only" entries on the docket, without an attached document. Such orders are official and binding.

(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 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) S***ubmission 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 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>>.

(D) ***Entry of Signed Orders***: Except as the presiding judge in a case otherwise may direct, all signed orders shall be entered electronically by the Clerk or presiding judge in the case. All orders, judgments, decrees, and proceedings of the Court will be entered in accordance with the CM/ECF Policy, which shall constitute entry on the docket record kept by the Clerk under FRBP 5003 and for purposes of FRBP 9021.

(E) ***Notice of Electronic Filing***: Immediately following the entry of an order, judgment, decree or proceeding of the court on the docket, the ECF System will transmit to attorney Users in the case, in electronic form, a Notice of Electronic Filing. Electronic transmission of the Notice of Electronic Filing, with a hyperlink to the document, constitutes the notice required by FRBP 9022. As part of the registration process to become a User, an attorney must provide an e-mail address to the Clerk. In so doing, and consistent with FRBP 9036, the attorney User is deemed to have requested, in writing, to receive notice and service of documents by electronic transmission. The Clerk will provide notice through the Bankruptcy Noticing Center to any party who is a non-attorney User in the ECF System as set forth on the list of parties filed with the order.

(F) ***Summons***: The Clerk may sign, seal and issue a summons electronically, although a summons may not be served electronically.

CM/ECF POLICY 5 − ATTACHMENTS AND EXHIBITS

Except as the presiding judge in a case otherwise may direct, a User shall submit all documents referenced as exhibits or attachments in electronic form in the format specified in the <<Notice of Electronic Filing Procedure>> as set forth in the <<CM/ECF Users' Guides>> page accessible through the Court's <<CM/ECF web site>>. All documents with exhibits and attachments capable of electronic imaging and filing shall be electronically filed together under one entry number. Trial exhibits shall be filed in paper form in accordance with <<LBR 9070-1>>.

CM/ECF POLICY 6 – SEALED DOCUMENTS; MOTION TO REDACT A PREVIOUSLY FILED DOCUMENT

(A) A motion to file a document(s) under seal shall be filed electronically without inclusion or attachment of the confidential information or document(s) containing such confidential information. The Court may require that paper copies of the document(s) proposed for filing under seal be submitted in a sealed envelope prior to ruling on the motion. Upon granting of the motion, the order shall require that paper copies of the sealed document(s) be submitted in a sealed envelope. A copy of the order shall be affixed to the sealed envelope when the sealed document is filed.

(B) A Motion to Redact a Previously Filed Document must be filed and served in accordance with Rule 9037 of the Federal Rules of Bankruptcy Procedure and its Committee Note, including, except as the Court otherwise may direct, identifying all required information that is set forth in that Rule and submitting the proposed redacted document as a separately filed attachment to the Motion, rather than including the document as part of the Motion itself.

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.

(B) ***Retention of Paper Documents by the Clerk's Office***: The Clerk's Office only will retain paper documents that are filed until they are scanned and docketed into the official Court record, which is the electronic file maintained on the Court's servers.

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)>>.

(B) ***Filings Requiring Original Signatures***: All filings that require original signatures pursuant to <<LBR 5005-1(F)(1)>> 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).

(C) ***Form of Signature***: 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.

(D) ***Pro Se Filer***: All filings on paper by a *pro se* filer 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)>>.

CM/ECF POLICY 9 − SERVICE OF DOCUMENTS

(A) ***User's E-Mail Address***: A User shall maintain a current and active e-mail address to receive notification in the ECF System.

(B) ***Notice of Electronic Filing***: The Notice of Electronic Filing that is automatically generated by the Court's ECF System constitutes notice and service of the filed document on an attorney User. A non-attorney User shall be provided notice or service of any electronically filed document, in paper form, in accordance with the Federal Rules of Bankruptcy Procedure and the Court's Local Bankruptcy Rules.

(C) ***Certificate of Service***: A certificate of service must be included with all documents filed electronically, indicating that service upon the parties and attorney(s), if any, who are Users was accomplished through the Notice of Electronic Filing and indicating how service upon any non-User party and attorney, if any, was accomplished.

(D) ***Service of Flash Drive and Paper Filings***: Except as the presiding judge otherwise may direct, documents that are filed on flash drive or paper, shall be filed in the manner provided for, and on those parties entitled to notice, in accordance with the Federal Rules of Bankruptcy Procedure, the Local Bankruptcy Rules and this CM/ECF Policy.

CM/ECF POLICY 10 –TECHNICAL FAILURES

A User who cannot access the ECF System must contact the appropriate divisional office, confirm that the ECF System is not accessible and arrange to file the document(s) by other means. A User, whose filing is not timely as the result of a technical failure, may seek appropriate relief from the Court.

CM/ECF POLICY 11 – PUBLIC ACCESS

(A) ***Internet Access***: Any entity may access the ECF System by obtaining a login and password issued by the Public Access to Court Electronic Records (PACER) Center. Registration may be made on-line at http://pacer.psc.uscourts.gov or by calling the PACER Service Center at (800) 676-6856 or (210) 301-6440. Such access is limited to viewing, saving, and printing docket sheets and documents.

(B) ***Public Access at the Court***: During regular business hours, electronic access is available at each division of the Court, at no charge, for viewing documents and docket records filed in the ECF System.

(C) ***Access Charges***: As set forth under 28 U.S.C. §1930, charges for electronic access to Court records, are assessed in accordance with the fees and procedures established by the Judicial Conference of the United States Courts.

(D) ***Antiviral Software***: A User retrieving and/or filing a document(s) shall utilize antiviral software that is updated on a daily basis, at all locations from which the ECF System is accessed for such purposes. All flash drives also shall be scanned for viruses and worms before they are submitted for filing to the Clerk or submitted to a judge for any purpose.

CM/ECF POLICY 12 – HYPERLINKS

(A) ***Electronically Filed Documents Containing Hyperlinks***: Electronically filed documents may contain hyperlinks to other portions of the same document and hyperlinks to a location on the Internet that contains a source document for a citation.

(B) ***Hyperlinks to Cited Authority***: Hyperlinks to cited authority may not replace standard citation format. Complete citations shall be included in the text of the filed document. Neither a hyperlink, nor any site to which it refers, shall be considered part of the record. Hyperlinks are simply convenient mechanisms for accessing material cited in a filed document.

(C) ***Hyperlinked Site Disclaimer***: The Court accepts no responsibility for, and does not endorse, any product, organization, or content at any hyperlinked site, or at any site to which that site may be linked. The Court accepts no responsibility for the availability or functionality of any hyperlink.