

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

In re:)
)
Filing, Signing, and Verification) Standing Order No. 99-1
of Pleadings and Papers in the)
Electronic Case Filing System)

ORDER ADOPTING ELECTRONIC CASE FILING PROCEDURES

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, maintaining, and verification of pleadings and papers by electronic means; and

The Administrative Procedures for Filing, Signing, Maintaining and Verifying Pleadings and Papers in the Electronic Case Filing System (hereafter Procedures) have been reviewed by the Court; and

The 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

The 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

The 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

The Procedures provide adequate procedures for filing pleadings and papers and access to review and retrieve records and dockets of this Court by parties who are not able to access the Electronic Case Filing System from a remote location by modem; and

The 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

The 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, Maintaining and Verifying Pleadings and Papers in the Electronic Case Filing System, attached as Exhibit 1, including the procedure for registration of attorneys and for distribution of passwords to permit electronic filing and notice of pleadings and other papers, 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 Case 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 Procedures shall constitute entry of that pleading or other paper on the docket kept by the Clerk of Court under FRBP 5003.
6. The Office of the Clerk will enter all orders, decrees, judgments, and proceedings of the Court in accordance with the Procedures, which shall constitute entry on the docket record kept by the Clerk under FRBP 5003 and for purposes of FRBP 9021.

7. Notice of Electronic Filing
 - a. Whenever a pleading or other paper is filed electronically, a Notice of Electronic Filing will be automatically generated by the Electronic Case Filing System 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 Case Filing System, service 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 Case 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 Case 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 Procedures with the Clerk of the Court and conventionally with the Clerk of the Court.
10. The provisions of this order shall apply to all electronically filed cases and proceedings presently pending, and subsequently filed in the United States Bankruptcy Court for the Eastern District of Virginia. 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 August 1, 1999.

Dated: July 29, 1999

/s/ Douglas O. Tice, Jr.
DOUGLAS O. TICE, JR
CHIEF JUDGE

/s/ Blackwell N. Shelley
BLACKWELL N. SHELLEY
JUDGE

/s/ David H. Adams
DAVID H. ADAMS
JUDGE

/s/ Stephen S. Mitchell
STEPHEN S. MITCHELL
JUDGE

/s/ Stephen C. St. John
STEPHEN C. ST. JOHN
JUDGE

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA**

Administrative Procedures for Filing, Signing, Maintaining
And Verifying Pleadings and Papers in the
Electronic Case Filing (ECF) System

Exhibit to Standing Order # 99-1

July 1999

ADMINISTRATIVE PROCEDURES

I. REGISTRATION FOR THE ELECTRONIC CASE FILING SYSTEM

A. Designation of Cases

The Court shall designate which cases shall be assigned to the Electronic Case Filing System (hereafter 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 form may be duplicated for use.
2. All registration forms shall be mailed or delivered to the divisional office where the attorney practices the majority of the time.
Attention: ECF Committee, Office of the Clerk, United States Bankruptcy Court, Eastern District of Virginia.
3. After completion of training with a Clerk's Office employee, each registering attorney will select a password for the training system. Upon completion of the training materials, registering attorney may contact the Clerk's Office for selection/activation of their live 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 advising the ECF Help Desk. In the event an attorney discovers any compromise of his or her password, the attorney shall forthwith advise the ECF Help Desk by telephone and arrangements will be made for the issuance of a new password.
5. Once registered, an attorney may withdraw from participation in the System by providing the ECF Help Desk with written notice of such withdrawal. Upon receipt of written notice, the ECF Help

Desk will immediately cancel the attorney's password and will delete the attorney 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 from filing electronically, all petitions, motions, memoranda of law, or other pleadings and documents required to be filed with the Court in connection with a case assigned to the System shall be electronically filed on the System. A "Notice of Electronic Filing Procedure" will be generated in all cases that are assigned to the System and will accompany the "Notice of Meeting of Creditors". A copy of the notice is attached. Parties with legal representation must comply with the guidelines set out in such notice. Parties without legal representation are not required to electronically file pleadings and other papers in a case, but must adhere to the requirements set forth in the notice dealing with conventional filings.
2. All documents should be separately filed and shown and related to the pleading to which they refer, with the exception that exhibits may be electronically filed together under one docket number.
3. Exhibits/Attachments to documents – including but not limited to leases, notes and the like, which are not available in electronic form, shall be electronically imaged (i.e., scanned) and filed using Portable Document Format (pdf).
4. Expedited Matters
 - a. Richmond, Newport News and Norfolk – Attorneys shall contact the courtroom deputy for the Judge by telephone after such expedited matter is filed on the System.
 - b. Alexandria – Attorneys shall contact the Judge's chambers by telephone after such expedited matter is filed on the System.

B. Service

1. Whenever a pleading or other paper is filed electronically in accordance with the electronic filing procedures, the System will automatically generate a "Notice of Electronic Filing" 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 attorney in the System, service of the Notice of Electronic Filing shall be the equivalent of service of the pleading or other paper by first class mail, postage prepaid.

C. Signatures; Affidavits of Service

1. Registered Attorneys and Parties with Legal Representation

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 or in accordance with the Notice of Electronic Filing Procedure. Originally executed copies must be maintained by the filer until five (5) years after the closing of the case, and upon request of the Court, the filer must provide original documents for review. The pleading or other document electronically filed shall indicate a signature with the party's name typed in full, e.g. /s/ Jane Doe.

2. Pro Se Filers

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, must be submitted with full signature. These documents will be scanned by the Clerk's Office, and shall be maintained in the Clerk's Office after scanning.

D. Fees Payable to the Clerk

1. Registered Users

For filings that require a fee, application for authorization of credit card payment must have been mailed or delivered to the divisional

office where the attorney most frequently practices. (Attention: ECF Committee, Office of the Clerk, United States Bankruptcy Court, Eastern District of Virginia). That divisional office will retain the original credit card application form and provide copies to the other applicable divisions.

2. Non-Registered Users

For filings that require a fee, current rules for methods of payments must be followed.

E. Orders

In order to facilitate the entry of the order, the party presenting the proposed order shall provide the presiding judge with a 3.5 inch floppy disk containing the proposed order in either Microsoft Word or WordPerfect format (Microsoft Word is preferred), together with any attachment, exhibit or related document to be electronically entered in connection therewith. All signed orders (including, without limitation, orders to show cause) shall be entered electronically by the Clerk's Office or presiding judge in the case. All requirements under LBR 9022-1(B) with regard to the list of parties, copies of orders, and envelopes must be followed, unless the party to be served is a registered user of the System. For registered users of the System, no envelope is required as electronic notice will constitute service.

Note: Parties without legal representation will be handled on a case by case basis.

F. Docketing of Pleadings or Other Documents

The person electronically filing a pleading or other document will be responsible for docketing the pleading or document by selecting the appropriate event from the categories contained in the System.

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 document(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 entered electronically by the Clerk's Office or 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 3.5 inch floppy disk containing the order only shall be attached to the document(s) under seal and be delivered to the Clerk of Court.

2. Trial Exhibits

Trial Exhibits shall be filed conventionally.

3. Transcripts

Transcripts shall be filed conventionally.

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, shall be served in the manner provided for, 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:

<http://www.vaeb.uscourts.gov> **or** <http://ecf.vaeb.uscourts.gov>

Such access to the System through the Internet site will allow retrieval of the docket sheet and documents. Access to the System will be on a "read only" basis.

B. Public Access at the Court

The public will have electronic access in the Clerk's Office for viewing the documents and docket record filed in the System during regular business hours, Monday through Friday.

C. Conventional Copies and Certified Copies

Conventional copies of the electronically filed documents may be purchased at the Clerk's Office or through their on-site copy service. Certified copies may be purchased at the Clerk's Office during regular business hours Monday through Friday. The fee for copying and certification will be in accordance with the fee charged by the copy service and/or 28 U.S.C. section 1930.

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA**

**ELECTRONIC CASE FILING SYSTEM
ATTORNEY REGISTRATION FORM**

LIVE SYSTEM

This form shall be used to register for an account on the Court's Electronic Case Filing System. Registered attorneys 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 Case Filing System. The following information is required for registration.

First/Middle/Last Name: _____

Bar ID#: _____

Firm Name: _____

Firm Address: _____

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. 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, Windows 98, or Macintosh, an Internet provider using Point to Point Protocol (PPP), Netscape Navigator software version 3.0 or higher, and Adobe Acrobat Reader and Writer 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.

An attorney's password (combined with the user's identification) serves as and constitutes the attorney's signature. Therefore, an attorney must protect and secure the password. If there is any reason to suspect the password has been compromised in any way, it is the duty and responsibility of the attorney to immediately notify the ECF Help Desk. The ECF Help Desk will immediately delete that password from the Electronic Case Filing System and the attorney may select a new password.

4. An attorney'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 in the Administrative Procedures for Filing, Signing, Maintaining and Verifying Pleadings and Papers currently in effect, and any changes or additions that may be made to such Administrative Procedures in the System.

Applicant's Signature

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

Notary or Clerk/Deputy Clerk of Court

Please return to the divisional office where the attorney most frequently practices.

United States Bankruptcy Court
Eastern District of Virginia
Office of the Clerk
Attention: ECF Committee

Richmond: Mailing Address
1100 East Main Street
Suite 310
Richmond, VA 23219-3515

Street Address
1100 East Main Street
Suite 301
Richmond, VA 23219

Alexandria: Mailing Address
P.O. Box 19247
Alexandria, VA 22320-0247

Street Address
200 South Washington Street
Alexandria, VA 22314

Norfolk and
Newport News:

Mailing Address
P.O. Box 1938
Norfolk, VA 23501-1938

Street Address
600 Granby Street
4th Floor, Room 400
Norfolk, VA 23510

UNITED STATES BANKRUPTCY COURT
Eastern District of Virginia

NOTICE OF ELECTRONIC FILING PROCEDURE

Case name:

Case number:

Date Filed:

The above case has been filed in this court electronically and can be accessed via the Court's Internet site at <http://www.vaeb.uscourts.gov> or <http://ecf.vaeb.uscourts.gov>. In compliance with Federal Rule of Civil Procedure 11 and in accordance with the Standing Order Adopting Electronic Case Filing Procedures (#99-1), the attorney's password shall constitute the signature of the attorney; therefore security of a password issued to an attorney is the responsibility of that attorney. **An original signed copy of the filing shall be maintained in the attorney's files in accordance with the Administrative Procedures, Section II.C.1. (Exhibit 1 to Standing Order #99-1).** All parties with legal representation must file documents in accordance with the following:

1. The requirements for filing, viewing and retrieving case documents are: A personal computer running a standard platform such as Windows, Windows 95, Windows 98 or Macintosh; an Internet provider using Point to Point Protocol (PPP), Netscape Navigator software version 3.0 or higher and Adobe Acrobat Pro software to convert documents from a word processor format to a portable document format (PDF). The URL address is www.vaeb.uscourts.gov and a password is needed to access this system. Please contact the Court for further assistance. If you are unable to comply with this requirement, then
2. You must submit your documents on a diskette using PDF format. The Adobe Acrobat software will provide this format. Further instruction may be found in Adobe's manual. Use a separate diskette for each filing. Submit the diskette in an envelope with the case name, case number, type and title of document, and the file name on the diskette. If you are unable to comply with this requirement or requirement number 1, then
3. You must submit your documents on a diskette using one of the following formats: Word, WordPerfect, or DOS text (ASCII). If you are unable to comply with this requirement, requirement number 2, or requirement number 1, then
4. You must submit an affidavit of your inability to file in any of the above formats. You may then file conventionally on unstapled, unbound, 8 ½" x 11" single-sided paper. Documents must be submitted with full signature(s), and will be scanned by the Clerk's Office. The scanned file will constitute the original signature(s). **Include your affidavit with your filing.**

Important Note: All parties without legal representation may file documents conventionally in accordance with the Local Bankruptcy Rules. Any item submitted for filing not in compliance with this notice will not be accepted in the Electronic Case Filing system.

Dated:
VAN-062

William C. Redden
Clerk of Court