

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA

In re:)
)
MODIFIED TEMPORARY PROTOCOL)
FOR FILINGS BY UNREPRESENTED) Standing Order 21-11
PERSONS IN BANKRUPTCY CASES,)
)

ORDER VACATING STANDING ORDER 20-9, AS EXTENDED IN ITS ENTIRETY BY
STANDING ORDER 20-19, AND ESTABLISHING A MODIFIED TEMPORARY
PROTOCOL FOR FILINGS BY UNREPRESENTED PERSONS IN BANKRUPTCY CASES

On March 27, 2020, in response to the outbreak of Coronavirus Disease 2019 (COVID-19) in the United States and the Commonwealth of Virginia, the Court entered Standing Order 20-9, which established a temporary protocol for bankruptcy filings by unrepresented persons. *See* Standing Order 20-9. Standing Order 20-9 permitted unrepresented persons to file documents by lock box, by mail using the postmarked date at 9:00 am as the filing date and time, and by e-mail. *Id.* Standing Order 20-19, which incorporated by reference Standing Order 20-9, as Exhibit A thereto, extended the original Order's May 31, 2020, expiration date, in its entirety, until further notice. The establishment of the temporary filing protocol was justified by the need to limit in-person contact and movement to slow the transmission of COVID-19, which in turn limited unrepresented persons' in-person access to the Clerk's Office. *See id.* Contemporaneous with the establishment of the temporary filing protocol for unrepresented persons, the Court closed the public areas of the Clerk's Office until further notice. *See* Standing Order 20-10.

In light of significant improvements with respect to the COVID-19 pandemic in the Commonwealth, the Court has entered Standing Order 21-10, which reopens the Clerk's Office to the public effective on June 14, 2021. *See* Standing Order 21-10. Because the temporary filing protocol for unrepresented persons established by Standing Order 20-9 was justified by necessary limitations on unrepresented persons' access to the Clerk's Office to slow the spread of COVID-19, the Court finds that such temporary protocol should be vacated. The Court further finds that a modified temporary protocol for filings by unrepresented persons should be adopted, which accounts for the positive change in circumstances with respect to the COVID-19 pandemic and the

reopening of the Clerk's Office for in-person service to the public, but also provides filing options for those who must continue to limit in-person contact.

Accordingly, it is hereby ORDERED that the temporary filing protocol for unrepresented persons set forth in Standing Order 20-9, as extended in its entirety by Standing Order 20-19, is VACATED effective on June 14, 2021.

It is further ORDERED that **effective on June 14, 2021, persons unrepresented by legal counsel¹ who wish to file a voluntary bankruptcy petition or other documents in a bankruptcy case** may present a filing to the Court by the following methods:

1. In person at the Clerk's Office during the Clerk's Office's operating hours²; or
2. By lock box located on the first floor of the courthouses in the Alexandria, Newport News, Norfolk, and Richmond Divisions of the Court; or
 - a. The lock box will only be available when the courthouse building is open to the public.
 - b. The filer must use the electronic time stamper machine located with the lock box to stamp the document before dropping the document into the lock box.
 - c. The Court will deem the document filed as of the stamped date and time. If a document is submitted to the lock box without the required stamp, the document will be deemed filed when it is docketed by the Clerk of the Court.
3. By United States mail or package delivery service.
 - a. If the filing is a bankruptcy petition that is postmarked on or after June 14, 2021, the Court will deem the document filed as of the date and time the bankruptcy petition is received by the Court, as reflected by a time stamp. The Clerk of the Court will also mail a receipt to the debtor when the bankruptcy petition is docketed.
 - b. For all other filings postmarked on or after June 14, 2021, the document will be deemed filed as of the date it is received by the Court and as of the time the

¹ Persons who are proceeding without legal counsel are encouraged to review the information available on the Court's website (<https://www.vaeb.uscourts.gov/wordpress/>) under the tab Filing Requirements > Filing Without An Attorney (Pro Se).

² The Clerk's Office's operating hours may be found by on the Divisional Office pages on the Court's website at <https://www.vaeb.uscourts.gov/wordpress/>.

document is processed into the Case Management/Electronic Case Files (CM/ECF) system.

It is further ORDERED that **effective on June 14, 2021**, the Court will no longer accept filings via e-mail, any document e-mailed to the Court for filing will be summarily disregarded, and the e-mail addresses established for e-mailed filings will be deactivated.

Finally, it is ORDERED that any Judge of this Court may modify this Order by separate order entered in a specific bankruptcy case if the Judge determines that modification is justified based upon the facts and circumstances of the case.

IT IS SO ORDERED.

FOR THE COURT:



FRANK J. SANTORO
Chief United States Bankruptcy Judge

Dated: June ^{9th} 7, 2021