

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA**

Preview of Updated
CM/ECF Administrative Procedures

&

Online Procedures Manual

November 14, 2014

Introduction

These CM/ECF Administrative Procedures ("Procedures") are designed to assist attorneys and others who file with the United States Bankruptcy Court, Northern District of Georgia ("Court"), by setting forth basic procedures for filing documents under the Court's Case Management – Electronic Case Filing System ("CM/ECF" or "CM/ECF System"). These procedures address processes for filing documents by electronic transmission using CM/ECF. The Procedures apply to all documents filed in this Court and govern access to, and usage of, the CM/ECF System and supplement Bankruptcy Local Rules 5005-5 through 5005-9.

The Court anticipated adoption of these Procedures in drafting the Court's Local Rules. However, the Local Rules do not address many of the technical requirements specified in the Procedures. It is therefore important for those filing documents with this Court to review these materials as well as the Local Rules and become familiar with the contents. These Procedures are critical to CM/ECF training but are in no way a summary or substitute for the detailed, step-by-step filing instructions contained in the online Procedures Manual used in formal CM/ECF training. The complete external user's version of the online Procedures Manual is available at www.ganb.uscourts.gov.

This document is not a comprehensive guide to all aspects of the CM/ECF System as it cannot address every contingency which may arise during the course of filing documents. Any questions about these Procedures may be directed to the Court's CM/ECF Help Desk at (404)215-1000. When the automated attendant answers, press option 2, then option 1 for CM/ECF Help.

The Local and Federal Rules most often associated with CM/ECF Administrative Procedures

Enabling Rules

| | | |
|--|--------------------------------------|---|
| | Fed. R. Bank. P. 5005(a)(2) | Filing by Electronic Means. A court may by local rule permit documents to be filed, signed, or verified by electronic means that are consistent with technical standards, if any, that the Judicial Conference of the United States establishes. A document filed by electronic means in compliance with a local rule constitutes a written paper for the purpose of applying these rules, the Federal Rules of Civil Procedure made applicable by these rules, and § 107 of the Code. |
| | Fed. R. Bank. P. 9036 | Notice by Electronic Transmission. Whenever the clerk or some other person as directed by the court is required to send notice by mail and the entity entitled to receive the notice requests in writing that, instead of notice by mail, all or part of the information required to be contained in the notice be sent by a specified type of electronic transmission, the court may direct the clerk or other person to send the information by such electronic transmission. Notice by electronic transmission is complete, and the sender shall have fully complied with the requirement of notice, when the sender obtains electronic confirmation that the transmission has been received. |
| | Bankruptcy Local Rule 5005-5. | Electronic Filing. The Clerk of the Bankruptcy Court may accept for filing documents submitted, signed, verified or served by electronic means that are consistent with technical standards, if any, that the Judicial Conference of the United States establishes and that comply with the administrative procedures established by the Bankruptcy Court. |
| | Bankruptcy Local Rule 5005-6 | (a) Attorneys, Trustees, and Examiner. Any document filed by any attorney, any trustee or examiner serving in any case pending in the Bankruptcy Court, or the United States Trustee, shall be filed electronically, unless otherwise permitted by these Rules. (b) Exceptions to Electronic Filing. (1) Miscellaneous Documents, (2) Discretionary Exceptions, (3) Emergencies, (4) Inability to File Electronically, (5) Documents under seal. |
| | General Orders | From time to time the Court enters general orders governing the use of the CM/ECF system. All general and administrative orders may be viewed on the Court's web site. |

CM/ECF Registration

Starts the process to gain access to the court's database to allow users to file electronically with the court.

| Step | Description | Notes |
|------|--|--|
| 1 | Complete a CM/ECF Registration form | Attorneys and creditors interested in obtaining access to (CM/ECF) in order to electronically file should complete the PDF-fillable Registration form available on the court's Web site. The Registration form may be submitted electronically or by printing and mailing to: CM/ECF Coordinator, Clerk's Office, United States Bankruptcy Court, 75 Spring Street, S.W., Room 1340, Atlanta, Georgia 30303. |
| | Attorney Registration Form | http://www.ganb.uscourts.gov/cmecf/forms/2011_ECF_AttorneyForm71910_distributed.pdf |
| | Creditor Registration Form and signatures | <ul style="list-style-type: none"> Parties who are not attorneys may become Limited Participants in the Court's CM/ECF System for the purpose of filing electronically proofs of claims, transfers of claims, Certificates of Debtor Education, and reaffirmation agreements without the assistance of any attorney. At least one employee or agent of a Creditor who is to be responsible for uploading documents for that creditor must complete and submit the filer registration form which is available at the Court's website. http://www.ganb.uscourts.gov/cmecf/forms/2011_ECF_CreditorForm102610_distributed.pdf |
| | | <ul style="list-style-type: none"> No person or entity shall cause a document to be filed electronically without the express authorization of the individual whose signature appears on the electronically filed document and the entity on whose behalf the document is being filed. The imaged /s/ or signature of the Responsible Person must appear on each document. In filing each document, the Filer certifies that (i) he or she is authorized to file the document by the entity on whose behalf the document is being filed, (ii) the Creditor is the same entity stated on that individual's application to use the CM/ECF System, and (iii) the Responsible Person whose signature appears on the document has authorized its filing. The Responsible Person who directs the filing of a document bears the same responsibility for the document and information provided therein as would be the case if the document were filed in paper form. |
| 2 | Training | <ul style="list-style-type: none"> A participant must complete the training provided by the Court and learn the basics using the training database before the Clerk will issue a login and password to the LIVE database. The CM/ECF Live password will not be assigned until a Participant has demonstrated sufficient aptitude in using CM/ECF, based on testing conducted by Court personnel. A new Participant should notify the Clerk's Office when testing requirements have been completed and/or submitted, so they can be reviewed. The CM/ECF Train database is a safe environment used to practice CM/ECF entries for new or unfamiliar events, train new employees, and to complete Court training requirements. https://ecf-train.ganb.circ11.dcn/cgi-bin/login.pl Training requirements may be waived for current CM/ECF participants in another Bankruptcy Court. |
| 3 | Use and Protection of Password | <ul style="list-style-type: none"> A participant may permit employees or other persons associated with the Participant to use the Participant's password. A new Participant should change the assigned password immediately upon receiving it. It is prudent to change a password periodically, especially after a change in office personnel who used it. A Participant whose password is used to electronically file a document thereby certifies that the Participant authorized the filing, and the use of the Participant's password constitutes the Participant's signature on the document filed, regardless of whether the signature is shown on the document. Unauthorized use of a password is prohibited. Any Participant having reason to believe that the security of an existing password has been compromised or that a threat to the Court's computer system may exist shall immediately notify the Clerk, the Chief Deputy Clerk or Systems Department Manager by telephone, and confirm the notice in writing, so as to prevent possible unauthorized access to the Court's computer System. If a Participant has any reason to suspect the password has been compromised, it is the Participant's duty to change the password immediately through the "Your Account", "Change My Password" option under the "Utilities" function of the CM/ECF System. Contact the CM/ECF Operations Help Desk for forgotten Login or Passwords. |

Fees

| | | |
|--|---|--|
| | Fees policy | <ul style="list-style-type: none"> • The Clerk is required to collect fees at the time of filing of any fee related document (See <u>28 U.S.C. Section 1930</u>). • Filers should pay fees before closing each CM/ECF session. • If a fee is due, CM/ECF will prompt the user to Continue Filing or Pay Now. • To access the credit card module pop-up window at any time select Reports – Credit Card Payments (Outstanding). |
| | Email notice for outstanding fees | <ul style="list-style-type: none"> • An automated notice will be e-mailed to the participant regarding any outstanding fees due. • If fees remain outstanding, the participant's ability to file documents via CM/ECF will be automatically disabled. |
| | How to pay an outstanding fee | <ul style="list-style-type: none"> • Click on link <u>Internet Payments Due</u> to log in to CM/ECF to make payments. |
| | How to create a fee | <ul style="list-style-type: none"> • If a document was filed using an incorrect event code and the fee was not auto-generated, the user or the Clerk can create the charge. • Select Bankruptcy - Payment of Fees – select the appropriate fee event. |
| | How to reinstate filing privileges after lockout | <ul style="list-style-type: none"> • When the outstanding fees have been paid, filing privileges are automatically restored. • If not, log out of CM/ECF, close and reopen your browser and log in to CM/ECF and/or clear your cache and temp files. |

Documents which cannot be filed electronically

| | Description | Notes |
|--|--|--|
| | Sealed Documents (sealed or to be sealed) | <ul style="list-style-type: none"> • Documents that should be sealed must NOT be filed electronically. • A filer may electronically file a Motion to Seal requesting an order that specifies documents to be filed in paper form be sealed. • Bankruptcy Local Rule 5005-6(b)(5) governs motions with regard to the filing of documents under seal. • Counsel should alert Chambers when filing such a motion. |
| | Pre-Petition Federal Tax Returns | <ul style="list-style-type: none"> • Typically, these documents are to be submitted directly to the Trustee. |
| | Applications to Appear Pro Hac Vice | <ul style="list-style-type: none"> • Bankruptcy Local Rule 9010-2. Permission to practice in a particular case. See online Procedures Manual for instructions for filing an Application for Admission Pro Hac Vice. See the Court's website for the local form. |
| | Proposed Orders to Disburse Unclaimed Funds | <ul style="list-style-type: none"> • These proposed Orders, with original signatures, should be forwarded to the Court in paper format for processing upon filing of the Application or Petition to Disburse. |
| | CM/ECF Attorney Participant's Change of Address | <ul style="list-style-type: none"> • The change of address for an attorney must be submitted in writing and the Clerk's office will make the change to the attorney's CM/ECF account. Please send a change of address letter to: CM/ECF Coordinator, Clerk's Office, United States Bankruptcy Court, 75 Spring Street, S.W., Room 1340, Atlanta, Georgia 30303. Please note in your letter if this address change affects all your cases; if not, please specify the case numbers affected by your change of address. |

Application for Admission Pro Hac Vice

| | | |
|-------------------------------------|--|---|
| <u>Procedure Date:</u> 6/27/2014 | <u>Official/Local Form:</u> <u>Local Form F69</u> | <u>Rules/Code Sections:</u> <u>Local Rule 9010-2</u> |
|-------------------------------------|--|---|

How to Process

Click the boxes below to navigate to the appropriate section

The Overview for each event includes tips / reminders.

| |
|-------------------------------|
| <u>Overview</u> |
| <u>Filing</u> Requirements |

Overview

An Application for Admission Pro Hac Vice is filed, in paper format only, by designated local counsel for a non-resident attorney who is not an active member in good standing of the State Bar of Georgia, but who is a member in good standing of the Bar of any United States Court or the highest court of any State. The applicant seeks admission to practice in a particular case only, not in all cases.

The attorney designated as local counsel must be an active member in good standing with the State Bar of Georgia and a member in good standing with the U.S. District Court for the Northern District of Georgia.

Once admitted to appear pro hac vice, the attorney is required to file electronically unless the Court grants an exemption pursuant to LR 5005. The attorney may apply for an ID and password on the Court's website (<http://www.ganb.uscourts.gov>) under the tab "Electronic Case Filing (ECF)."

Note: The fee for admission pro hac vice **must be paid directly to the U.S. District Court** via credit card, cash, cashier's check, money order, or law firm check made payable to the Clerk, U.S. District Court.

END OF OVERVIEW



Filing Requirements

- Application should be filed using Local Form F69
- Receipt for the filing fee paid to **U.S. District Court** - see Fee Table
 - **IF** application is sent to the clerk's office via mail
 - The clerk's office will take payment to USDC and obtain receipt
- Proposed Order

END OF FILING REQUIREMENTS

Amendment to Schedules D, E, and/or F

| | | |
|------------------------------------|---|---|
| <u>Procedure Date:</u> 4/1/2014 | <u>Official/Local Form:</u> <u>Official Form 6D (12/07)</u> <u>Official Form 6E (4/10)</u> <u>Official Form 6F (12/07)</u> | <u>Rules/Code Sections:</u> <u>FRBP Rule 1009</u> <u>28 U.S.C. §1930</u> <u>BLR 9007-2</u> |
|------------------------------------|---|---|

How to Process

Click the boxes below to navigate to the appropriate section

Filing requirements include specific information, links & reminders.
The docket section offers step by step instructions.

| |
|----------------------------|
| <u>Overview</u> |
| <u>Filing Requirements</u> |
| <u>Docket</u> |

Overview

An Amendment to Schedules D, E and/or F is filed by the debtor or debtor's counsel at any time during the case to modify or correct the information contained in the existing, previously-filed schedules.

Note: When filing a supplemental list of creditors in response to a Notice of Deficiency, use the event Exhibit to docket and link to the amendment/deficiency to avoid the filing fee.

END OF OVERVIEW



Filing Requirements

- Cover sheet in the basic captioned format and/or amended schedule(s)
- \$30 Filing Fee
 - **Unless:**
 - Amendment is to change the address of a creditor or an attorney for a creditor listed on the schedules
 - Amendment is to add the name and address of an attorney for a creditor listed on the schedules

Miscellaneous Pleadings:14-50186 Janet R. Johnson

Chapter: 13 v

You are responsible for verifying these creditors are added correctly. Warning: Failure to add a creditor correctly may affect the discharge of the debt

Amendment to Schedules Schedule D, Schedule E, Schedule F, with Certificate of Service (creditors added); Fee Collected \$ 30 Receipt Number 123456. filed by Fred Childers Wiggins on behalf of Janet R. Johnson.

Depending on the answers provided to docketing procedure questions, the final text will read: "creditors added"; "creditors added by upload"; "no creditors added".

Motion to Sell Free & Clear [363(f)]

&

Motion to Sell

an example of a combined CM/ECF event

and an example of the frequent use of

IF / THEN charts

- Select **Sell Free and Clear of Liens, Motion to OR Motion to Sell**

- Click **Next**

- Answer the question: **Does this motion include a completed notice of hearing?** [y/n] (Enter "Y" for Yes or "N" for No)

- **Browse** to select the document to be filed (.pdf)

- Click **Next**

- Answer the question: **Is this an amended or corrected motion?** (y/n)

- Click **Next**

| If... | Then... |
|------------|--|
| Yes | <ul style="list-style-type: none"> • Select the appropriate event(s) to which your event relates • Insert hearing information, if applicable <ul style="list-style-type: none"> ◦ Click the clock icon to select Hearing Time ◦ Click the calendar icon to select Hearing Date ◦ Click the drop-down menu to select Location • Click Next |
| No | <ul style="list-style-type: none"> • Answer the question: Does the motion seek relief under 11 USC 363(f)? (i.e. Does the motion seek to sell free and clear of any liens?) <ul style="list-style-type: none"> ◦ If yes <ul style="list-style-type: none"> ▪ Fee amount will appear on screen • Insert hearing information, if applicable <ul style="list-style-type: none"> ◦ Click the clock icon to select Hearing Time ◦ Click the calendar icon to select Hearing Date ◦ Click the drop-down menu to select Location • Click Next |

- Modify the docket text by using the free-text box to enter additional information, if necessary

- Verify the docket text

- Click **Next**

END OF DOCKET



The following pages highlight the
Overview section of five
frequently confused CM/ECF events.

Notice the links that allow one
to toggle from one event to another.

Motion to Reconsider

| | | |
|------------------------------------|------------------------------------|---|
| <u>Procedure Date:</u> 03/25/13 | <u>Official/Local Form:</u> N/A | <u>Rules/Code Sections:</u> BLR 9023-1 |
|------------------------------------|------------------------------------|---|

How to Process

Click the boxes below to navigate to the appropriate section

| |
|-------------------------------------|
| Overview |
| Filing Requirements |
| Docket |

Overview

A Motion to Reconsider is filed by any party in interest to request that the court reconsider an order entered in the case.

A Motion to Reconsider must be filed within fourteen days of the entry of the order. If the motion is filed outside the fourteen days, the motion should be filed using the event [Motion to Vacate](#).

Note: Do not use this event to request the Court reconsider the entry of a dismissal order. Use event [Motion to Reconsider Order of Dismissal](#).

END OF OVERVIEW



Filing Requirements

- Motion should be in [basic captioned format](#)
- Certificate of Service
- Notice of hearing

END OF FILING REQUIREMENTS



Docket

Motion to Vacate

| | | |
|-------------------------------------|------------------------------------|-----------------------------|
| <u>Procedure Date:</u> 3/22/2013 | <u>Official/Local Form:</u> N/A | <u>Rules/Code Sections:</u> |
|-------------------------------------|------------------------------------|-----------------------------|

How to Process

Click the boxes below to navigate to the appropriate section

| |
|----------------------------|
| <u>Overview</u> |
| <u>Filing Requirements</u> |
| <u>Docket</u> |

Overview

A Motion to Vacate is filed by any party to request that the court vacate an order entered in the case.

A Motion to Vacate is used if the motion is filed more than fourteen days after the order was entered. If the motion is filed within fourteen days of the entry of the order, the event Motion to Reconsider should be used.

Note: Do not use this event to request that the Court vacate a dismissal order. Use event Motion to Vacate Dismissal Order (FEE).

END OF OVERVIEW



Filing Requirements

- Motion should be in basic captioned format
- Certificate of Service
- Notice of hearing

END OF FILING REQUIREMENTS



Docket

Motion to Reconsider Order of Dismissal

| | | |
|------------------------------------|------------------------------------|---|
| <u>Procedure Date:</u> 09/25/13 | <u>Official/Local Form:</u> N/A | <u>Rules/Code Sections:</u> BLR 9023-1 |
|------------------------------------|------------------------------------|---|

How to Process

Click the boxes below to navigate to the appropriate section

| |
|----------------------------|
| <u>Overview</u> |
| <u>Filing Requirements</u> |
| <u>Docket</u> |

Overview

A Motion to Reconsider Order of Dismissal is generally filed by a debtor or debtor's counsel, but may also be filed by any other party in interest, to request that the court reconsider the dismissal order and reinstate the case.

The Motion to Reconsider Order of Dismissal must be filed within fourteen days of the dismissal. If the motion is filed outside the fourteen days, the motion should be filed using the event Motion to Vacate Dismissal Order (FEE)

If the case has been statistically closed and not just dismissed, the event Motion to Reopen Case (FEE) should be used.

END OF OVERVIEW



Filing Requirements

- Motion should be in basic captioned format
- Certificate of Service
- Notice of hearing

END OF FILING REQUIREMENTS



Docket

Motion to Vacate Dismissal Order (FEE)

| | | |
|------------------------------------|------------------------------------|--|
| <u>Procedure Date:</u> 09/25/13 | <u>Official/Local Form:</u> N/A | <u>Rules/Code Sections:</u> FRBP 9024 |
|------------------------------------|------------------------------------|--|

How to Process

Click the boxes below to navigate to the appropriate section

| |
|----------------------------|
| <u>Overview</u> |
| <u>Filing Requirements</u> |
| <u>Docket</u> |

Overview

A Motion to Vacate Dismissal Order (FEE) is generally filed by a debtor or debtor's counsel, but may also be filed by any other party in interest, to request that the court vacate the dismissal order and reinstate the case.

The event Motion to Vacate Dismissal Order (FEE) is used if the motion is filed more than fourteen days after the dismissal of the case. If the motion is filed within fourteen days of the dismissal, the event Motion to Reconsider Order of Dismissal should be used.

If the case has been statistically closed and not just dismissed, the event Motion to Reopen Case (FEE) should be used.

END OF OVERVIEW



Filing Requirements

- Motion should be in basic captioned format
- Filing Fee
 - \$235.00 Chapter 13
 - \$260.00 Chapter 7
 - \$1,167.00 Chapter 11
- Certificate of Service
- Notice of hearing

Motion to Reopen Case (FEE)

| | | |
|------------------------------------|------------------------------------|--|
| <u>Procedure Date:</u> 10/25/13 | <u>Official/Local Form:</u> N/A | <u>Rules/Code Sections:</u> <u>11 U.S.C. § 350(b)</u> <u>FRBP 5010</u> |
|------------------------------------|------------------------------------|--|

How to Process

Click the boxes below to navigate to the appropriate section

| |
|--|
| <u>Overview</u> |
| <u>Filing Requirements</u> |
| <u>Docket</u> |

Overview

A Motion to Reopen Case (FEE) is filed by a debtor, debtor's counsel or any other party in interest, to request that the court reopen the case for further administration. If a case has been closed, and not just dismissed, it is considered statistically closed.

If the case has only been dismissed, CM/ECF will not allow you to continue docketing. Instead, the event Motion to Vacate Dismissal Order (FEE) should be used, if the motion is filed more than fourteen days after the dismissal of the case. If the Motion is filed within fourteen days of the dismissal, the event Motion to Reconsider Order of Dismissal should be used.

END OF OVERVIEW



Filing Requirements

- Motion should be in basic captioned format
- Filing Fee
 - \$235.00 Chapter 13
 - \$260.00 Chapter 7
 - \$1,167.00 Chapter 11
- Certificate of Service