

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF ALABAMA

ADMINISTRATIVE PROCEDURES MANUAL
April 2002

GUIDELINES FOR ELECTRONIC FILING

Guideline No. 1-Attorney Password

After completing training prescribed by the court, attorneys admitted to the bar of this court, bankruptcy administrators and their assistants, private trustees, and others as the court deems appropriate, must register as filing users of the court's Electronic Filing System by filling out and returning this court's Application for Attorney Password (Local Form No. 1).

Guideline No. 2-Limited Use Password

No. 2 The following filers shall obtain a Limited Use Password by filing Local Form No. 2 with the court:

1. Attorneys appearing *pro hac vice*;
2. Individuals authorized to prepare and file Proofs of Claim;
3. Individuals authorized to appear on behalf of a child support creditor;
4. Individuals authorized to file Motion to Withdraw Unclaimed Funds;
5. Individuals authorized to submit Reaffirmation Agreements.

Guideline No. 3-Filer Declaration

Petitioners, affiants other than petitioners, and attorneys shall file a Declaration regarding Electronic Filing for each case filed (Local Form No. 3).

Guideline No. 4-Method of Filing and Payment of Fees

1. Fees may be paid by attorneys by credit card in accordance with guidelines established by the U.S. Treasury Department; or
2. Fees may be paid by a firm's check, money order, certified check and must be tendered to the court within two (2) business days' of the date of electronic filing; or
3. Fees may be paid at the court when filing at that location.

Guideline No. 5 – Verification of Petitions and Accompanying Papers

Debtors. The signatures of debtors upon all verifications or unsworn declarations accompanying petitions, statements, schedules, and amendments thereto shall be made upon the papers filed electronically of record on the docket of the court by means of a signature designation: “s/(name of signatory),” or, if the declaration, verification, etc., is an imaged (scanned) document, a digital copy of the original signature will suffice.

Creditors. The signatures of creditors upon the verification or unsworn declaration upon a proof of claim shall be made upon the claims filed electronically of record on the docket or claims register of the court by means of a signature designation: “s/(name of signatory),” or, if the claim is an imaged (scanned) document, a digital copy of the original signature will suffice.

Other parties; Other Persons; Attorneys: The signatures of all other parties, persons, entities, and of all attorneys upon verifications, unsworn declarations, and affidavits shall be made upon the papers to be filed electronically of record on the docket of the court by means of a signature designation: (s/(attorney’s name),” or, if the claim is an imaged (scanned) document, a digital copy of the original signature will suffice.

Submission to Court of Original Form of Declaration to be Retained by Court. Within five (5) days after the filing of any petition, statement, schedule, verification of mailing matrix, amendment, and/or any verification, and/or unsworn declaration, or other affidavit or paper required by these Guidelines to be made subject to this subsection that bears the electronic signature of a debtor, creditor, person, party, or entity, other than one whose electronic signature is the name of a party to whom a court-issued password has been issued, the attorney for the signing person, or if there is no attorney, the signing person, shall mail to the court an original signed Declaration conforming to Local Form No. 3 Designating the paper(s) covered by the Declaration. Original Declarations shall be maintained by the Clerk of Court. If the electronic signature upon a verification, declaration, affidavit, or other paper that would otherwise be subject to this Guideline is one of a person to whom an electronic password has been issued by the court, it will not be necessary to transmit a Declaration, as the signature, pursuant to these Guidelines will be the original signature of that person for all purposes under law, pursuant to the terms of issuance of the password.

Guideline No. 6 – Maintaining Original Documents Containing Original Signatures

Attorneys practicing before this Court shall maintain a signed original of every petition, statement, schedule, amendment, verification, declaration, pleading, or paper of any kind that is electronically filed of record on the docket of this Court, for which a Declaration must be transmitted to the court by the attorney under Local General Order No. 23 or that contains an original signature of a client of the attorney, the representative of the client of the attorney, or the attorney. The original papers required to be

maintained under this Guideline shall be maintained for a period of one year after the case or proceeding is closed.

Guideline No. 7 – Filing Claims

Creditors must apply to the court for a limited use login ID. All electronic files will have electronic claims registers. Claims may be filed from remote locations at any date and time. Claims may be filed at the court Monday through Friday, 8:30 a.m. to 4:30 p.m., excepting holidays.

Guideline No. 8 – Filing and Transmitting Papers

Petitions, pleadings and other papers may be filed electronically at the U.S. Bankruptcy Court, 201 St. Louis St., Mobile, AL 36602, Monday through Friday, from 8:00 a.m. to 4:30 p.m., at the U.S. District Court, 908 Alabama Avenue, Selma, AL 36701, Monday through Friday during hours specified by that Court.

Petitions, pleadings and other papers may be filed electronically from remote locations twenty-four hours per day, seven days per week.

Guideline No. 9 – Certificate of Service

Each entity electronically filing a pleading or other document must transmit a “Notice of Electronic Filing” to parties entitled to service or notice under the Federal Rules of Bankruptcy Procedure and the Local Rules of this court. The “Notice of Electronic Filing” must be transmitted by eMail, hand, facsimile, or by first-class mail postage prepaid. Electronic transmission of the “Notice of Electronic Filing” constitutes service or notice of the filed document.

Guideline No. 10 – Proposed Orders; Method of Submission

Attorneys shall submit proposed orders for consideration by the Court to an eMail address at this court which shall be used exclusively for submitting proposed orders

Guideline No. 11 – Confidentiality of Certain Information

1. Documents under seal must be filed conventionally upon proper motion of the filer and will not become part of the electronic record. Upon instructions from the judge, the clerk’s office will note the record appropriately.
2. In the case of Social Security numbers, Federal Rule of Bankruptcy Procedure-1005 shall apply.

Guideline No. 12-Attachments and Exhibits to Pleadings
And Proof of Claims

Filers should submit all exhibits and/or attachments to pleadings and proof of claims in electronic format unless the attachment to the pleading or proof of claim exceeds 30 pages or if the attachment to the pleading or proof of claim cannot be converted to electronic format.

If the attachment to the pleading or proof of claim exceeds 30 pages or cannot be converted to electronic format, then the filer shall attach a summary only to the document that is filed electronically.

If a hearing is required, or if the court otherwise orders, the filer shall provide the complete exhibit or attachment to the court at the time of the hearing.

In all cases the filer shall provide the opposing party or the objecting party with a complete set of the exhibits and/or attachments.

Guideline No. 13 – Public Access to Court Records

1. In order to obtain access to electronic court records from remote locations, the user must first apply to the court for a login ID;
2. The public will have access to electronic case records at the U.S. Bankruptcy Court in Mobile and at the U.S. District Court in Selma.

Guideline No. 14 – eMail Registry

The clerk shall maintain a registry of attorney's eMail addresses.

Guideline No. 15 – Interrogatories

File a Notice of Service of Interrogatories only. Do not file the entire set of interrogatories electronically. Upon request of the court or party, the filer may be required to produce the interrogatories at issue in open court or at another location.