UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

CM/ECF USER'S GUIDE

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INTRODUCTION

Overview of Electronic Public Access to Federal Court Case Files

The federal courts are moving swiftly to create electronic case files and to provide public access to those files through the Internet. This transition from paper files to electronic files is quickly transforming the way case file documents may be used by attorneys, litigants, courts, and the public.

The creation of electronic case files means that the ability to obtain documents from a court case file will no longer depend on the physical presence in the courthouse where a file is maintained. Increasingly, case files may be viewed, or downloaded by anyone, at any time, through the Internet**.**

Electronic files are being created in two ways. Many courts are creating electronic *images* of all paper documents that are filed, in effect converting paper files to electronic files. Other courts are receiving court filings over the *Internet* directly from attorneys, so that the "original" file is no longer a paper file but rather a collection of the electronic documents filed by the attorneys and the court.

Over the next few years, electronic filing, as opposed to making images of paper documents, will become more common as most federal courts begin to implement a new case management system, called *Case Management/Electronic Case Files (CM/ECF*). That system gives each court the option to create electronic case files by allowing lawyers and parties to file their documents over the Internet.

Bankruptcy Court for the District of New Jersey Implements CM/ECF

The Bankruptcy Court for the District of New Jersey has been selected to participate in the first wave of courts to receive the "national roll-out" of the CM/ECF Initiative. Through its various CM/ECF Subcommittees, (i.e Systems, Operations, Training, Chambers,

Local Rules and Procedures, Data Dictionary and Public Relations), the Court has been actively involved in a multifaceted project to implement CM/ECF. This project [1] has included *inter alia*, the promulgation of *Local Rules*, *General Order* and *Administrative Procedures for Filing, Signing, and Verifying Documents by Electronic Means*, which documents will govern the practices and procedures for electronic filing in cases coming before the Court.

The following materials relating to electronic case filing for the Bankruptcy Court for the District of New Jersey as well as for electronic case filing in Bankruptcy Courts nationally, are submitted for information purposes. Materials relating to the CM/ECF Initiative for the Bankruptcy Court for the District of New Jersey were prepared by the Court's Subcommittees, while materials relating to electronic case filing nationally, were prepared by the Administrative Office of the Courts (AOUSC).

The Court's CM/ECF System, as well as its related Local Rules and Administrative Procedures, are

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[1] The scope of responsibility of the Court's various CM/ECF Subcommittee's is set forth as follows:
Chambers Committee: Reviews existing process and work flows; works with judges and chambers' staff to adapt chambers' procedures to CM/ECF;
Systems Committee: Prepares for data conversion; determines needed ancillary hardware and software; supervises installation of hardware and software; evaluates need for interface of local applications;
Operations Committee: Reviews existing processes and work flows; adapts court procedures to CM/ECF;
Local Rules and Procedures Committee: Develops and drafts Administrative Procedures and Local Rules necessary to implement CM/ECF; reviews existing local rules to determine effect of CM/ECF;
Data Dictionary Committee: Creates and Maintains document table; reviews CM/ECF reports/calendars; customizes local reports; prepares for data conversion;
Training Committee: determines the type of training to be provided to judges, court staff and external users; coordinates training schedule; develops training materials.

based to a significant extent on technology, procedures and provisions currently in use in federal district and bankruptcy courts using electronic filing. While in general, the Judicial Conference and its Rules Committee encourages national uniformity of procedure with respect to electronic filing, the AOUSC has recognized that initially, there must be some flexibility and local variation in the rules. (*Implications of Electronic Case Filing for Federal Court Procedural Rules, prepared by the Office of the Judges Programs, AO, October 2000* - see reference materials). Toward that end, the Court's CM/ECF Initiative encourages the active participation of the bar in creating and refining a System for the Bankruptcy Court in this State.

With the exception of the amendments to the District of New Jersey Local Bankruptcy Rules, which were approved by the District Court on May 30, 2001, the documents relating to electronic filing in the Bankruptcy Court for the District of New Jersey are in draft format, and have not been approved by the Board of Judges in final form. These documents are on the agenda for discussion at the December 2001 and January 2002 ICLE seminars, *Electronic Filing in Bankruptcy Court*. The views and experiences of the participants of these seminars will be noted and forwarded to the Court's CM/ECF Project Management/Implementation Team, comprised of all Subcommittee Chairs, which will then endeavor to address these comments and concerns as the System evolves. CM/ECF is expected to go live in early 2002.

The Project Management/ Implementation team of the Court's CM/ECF Initiative is committed to a vision of an electronic Court which encompasses both successful case management and case filing. The Court's team is dedicated to assisting members of the bar in making this transition convenient by providing access to the System and clear information.

Those persons wishing to learn more about the System may reference the Court's Website at www.njb.uscourts.gov or the Court's help desk at **cmecf_help_desk@njb.uscourts.gov.**

Why Electronic Case Filing?

The federal courts are moving to create electronic case files and provide public access to the files, via the Internet. Currently, our court does image many pleadings which are conventionally filed, however the majority are not imaged, therefore the documents are in paper form in a file room, which requires a trip to the courthouse. The documents which are submitted to the court in paper form are usually created first by a computer and then delivered to the court. In order for the court to reduce the amount of paper coming to the courthouse on a daily basis and to improve speed and efficiency with docketing, the United States Bankruptcy Court, District of New Jersey has been selected to move towards electronic case filing. The new program known as CM/ECF (Case Management/Electronic Case Filing) enables the courts stakeholders to file their documents directly from their own computer at any time of day. Electronic filing should aid in the improvement of accuracy and management of records, reduce delays in the flow of information and achieve maximum cost savings for the court and the bar.

Potential Benefits of Electronic Case Filing

- Full case information, including the docketed and filed documents are readily available to judges, chambers and court staff simultaneously without having to retrieve case files.
- Registered attorneys can file and retrieve court documents 24 hours per day, 7 days a week.
- Attorneys filing electronically via the Internet automatically create a docket entry. There is no lapse time between filing and docketing.
- Attorneys, parties and the general public can view the case records using the Internet. This includes the ability to view the document itself.
- Attorneys can receive notices electronically and immediately upon entry of information to the docket.
- Reduces physical handling, maintenance and copying of documents. Attorneys can print documents right in their own office. Reduces cost of couriers and parking.
- There is no waiting in line at the court and trying to get to the court before 4:00.

Capabilities of Electronic Case Filing

- Electronically file pleadings and documents to "live cases" creating docket entries.
- Open bankruptcy cases, adversary cases, file motions, objections, orders, proofs of claim and upload creditors.

- View official docket sheets and documents associated with cases.
- View various reports (i.e. Cases Filed, Judge's Calendars) for electronically filed cases.
- Make electronic documents easily printable.
- Fees charged directly to attorney's credit card.

DISTRICT OF NEW JERSEY LOCAL BANKRUPTCY RULES, AS ADOPTED AND AMENDED BY ORDER OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY, MAY 30, 2001

D.N.J. LBR 1001-1 SCOPE OF RULES

(a) These rules shall be cited as the "District of New Jersey Local Bankruptcy Rules, D.N.J. LBR _____" (hereinafter "Local Rules" or "Rules") of the United States Bankruptcy Court for the District of New Jersey (hereinafter "Court"). These rules and the Local Civil Rules of the United States District Court for the District of New Jersey (hereinafter "District Court Rules") shall be followed insofar as they are not inconsistent with the Bankruptcy Code (hereinafter "Code") and the Federal Rules of Bankruptcy Procedure (hereinafter "Fed. R. Bankr. P."). The forms appended hereto shall be known as the Local Bankruptcy Forms of the United States Bankruptcy Court for the District of New Jersey (hereinafter "Local Forms"). The local forms shall be used in the circumstances indicated by the titles to such forms.

(b) These rules shall be construed to secure the just, speedy and inexpensive determination of cases and proceedings in the Court. The application of these rules in any case or proceeding may be modified or relaxed by the Court in the interests of justice.

(c) From time to time, the Court may issue general orders and administrative procedures to supplement these Local Rules, copies of which may be obtained from the Clerk through the Court's web site, www.njb.uscourts.gov.

1997 Comment: Formerly Local Rule 1

2001 Comment: This Rule Amendment is intended to allow the Court to issue general orders to supplement the Local Rules, such as the Court's issuance of a general order to authorize the Court to establish practices and procedures for the filing, signing, and verification of documents by electronic means.

Reference: Fed. R. Bankr. P. 9029(a) Local Bankruptcy Rules

(June , 2001)

D.N.J. LBR 1007-2 MAILING - LIST OR MATRIX

(a) The matrix shall consist of an alphabetized mailing list of creditors (last name first, first name last), equity security holders, partners and other parties in interest with complete names and addresses, including zip codes. The matrix shall be filed with the petition, schedules and statement of affairs. The matrix shall be supplemented, to the extent required, by the filing of amended matrices containing only those additions in the amended schedules.

(b) The matrix shall be arranged in a single column on each page, left justified, with margins of at least 1 inch using one of the following standard typefaces or print styles:

(1) Courier 10 pitch.
(2) Prestige Elite.
(3) Letter Gothic.

(c) Each name and address block shall consist of no more than 5 lines with at least one blank line between each block. Each line shall be no more than 40 characters in length.

(d) A matrix containing 50 or more parties shall be submitted in the form of a computer diskette accompanied by a paper copy. The diskette shall be prepared in accordance with instructions provided by the clerk.

(e) A matrix submitted electronically shall be prepared in accordance with instructions provided by the clerk.

1997 Comment: Formerly Local Rule 2(c) (1) - (4)

2001 Comment: Subdivision (e) is intended to guide the procedure for submission of a matrix electronically.

Reference: Fed. R. Bankr. P. 1009 Amendments of Voluntary Petitions, Lists, Schedules and Statements; D.N.J. LBR 1009-1.

(June , 2001)

D.N.J. LBR 5005-1-FILING AND TRANSMITTAL OF PAPERS

Electronic filing is authorized subject to general orders and administrative procedures as issued by the Court. In cases in which electronic filing is utilized, documents shall be filed, signed, or verified by means that are consistent with any general orders issued by the Court.

2001 Comment: This Rule is new and provides the general authority for electronic filing as authorized under Fed. R. Bankr. P. 5005(a)(2).

Reference: Fed. R. Bankr. P. 5005(2)(a).

(June , 2001)

D.N.J. LBR 9004-1 PAPERS - REQUIREMENTS OF FORM

All petitions, pleadings, schedules and other ~~papers~~ documents filed in paper form, shall be ~~fastened at the top and~~ legibly typewritten, printed or reproduced. The papers shall be of standard weight and shall have an upper margin of not less than 1-1/2 inches. No such document may be stapled or similarly fastened so as to cause punctures in the paper.

1997 Comment: Formerly Local Rule 2(a)(1)

2001 Comment: This Rule amendment is intended to facilitate the imaging process when utilized in conjunction with the electronic case filing system.

D.N.J. LBR 9004-2 CAPTION - PAPERS, GENERAL

(a) All papers, including motions, complaints, orders, judgments, letters, and briefs shall set forth a caption, and the title shall include a specific reference to the subject of the paper and shall state the hearing date as follows: "Hearing Date: , 20 ."

(b) All papers shall set forth the case number, chapter, initials of judge assigned and, when applicable, the adversary proceeding number. In the case of motions, the notice of motion and any answering papers shall state below the hearing date either "oral argument requested" or "oral argument waived."

(c) All pleadings commencing with the original petition shall contain in the top left margin the typewritten or printed name, address, telephone number, the initials of the first and last names and the last 4 digits of the social security number of the attorney of record for the filing party, and the identity of the party represented, or, if a party is appearing pro se, the typewritten or printed name, address and telephone number of such party.

1997 Comment: Formerly Local Rule 2(a)(2), (3), and (4)

2001 Comment: This Rule amendment substitutes reference to the year "20 " for the year "19 ."

(June , 2001)

D.N.J. LBR 9013-2 BRIEFS & MEMORANDA OF LAW

All moving papers, answering papers, and cross-motions shall include a brief, or a statement that no brief is necessary and the reasons therefor. The brief shall be a separate document**.**~~, not attached to the moving papers, answering papers, or cross-motion and shall note the return date on its cover.~~

1997 Comment: This rule is new [April 1977] and is derived from Local Rule 3(c) and (d).

2001 Comment: This Rule amendment is intended to maintain and clarify the current requirement that a brief is to be a separate document whether submitted electronically or in paper form.

(June , 2001)

D.N.J. LBR 9013-3 CERTIFICATE OF SERVICE - MOTIONS

All moving papers, answering papers, and cross motions must be supported by ~~shall include~~ a certificate of service. The certificate of service shall identify the relationship to the case of each party served.

1997 Comment: This rule is new [April 1997], and is derived from Local Rule 3(c) and (d).

1998 Comment: The second sentence of this rule was added [April 1998]. It is intended to facilitate the court's meaningful review of the certification of service. The service list should identify the name of the party served, the address of the party served, and the party's relationship to the case. For example:

John Doe, Esq. 123 Main Street Anytown, USA 12345 Attorney for Secured Creditor, Big Bank, N.A.	Jane Doe 456 Main Street Anytown, USA 12345 Unsecured Creditor

2001 Comment: This Rule amendment is intended to clarify that where electronic case filing is utilized, a certificate of service may be filed subsequent to the filing of the moving papers, answering papers, and cross motions.

Reference: Fed. R. Civ. P. 5 Service and Filing of Pleadings and Other Papers; Fed. R. Bankr. P. 7005 Service and Filing of Pleadings and Other Papers.

(June , 2001)

D.N.J. LBR 9072-1 ORDERS - PROPOSED

(a) Any order or judgment must be a separate document. The title of an order or judgment shall identify the nature of the relief granted.

(b) The Court may approve standard forms of order and judgment pursuant to Fed. R. Bankr. P. 9021. When a decision by the Court is identical to that provided in any such standard form of order or judgment, and includes no additional relief or ruling, the clerk shall prepare, sign and enter an order or judgment on the appropriate form as directed by the Court. Where use of a standard form of order or judgment is required under this subdivision, there shall be no substitution for, or modification or supplementation of such form without the express consent of the Court.

(c) Except as provided in subdivision (b), if the ruling on a motion or application differs from that reflected in any proposed orders which have been submitted, the prevailing party or applicant shall file and serve a revised form of order within 5 days of the Court's decision. If the prevailing party or applicant fails to do so, any other party may file and serve such form of order.

(d) If all parties consent to the form of an order submitted under subdivision (c), the correspondence transmitting such order shall so state in bold face or upper case type, and such order shall be signed and entered ~~forthwith~~ in the discretion of the court. In all other cases under subdivision (c), all parties served with such order shall have 5 days to file and serve an objection and alternative form of order. A hearing may be conducted on the objection in the Court's discretion.

1997 Comment: Formerly Local Rule 4

2001 Comment: This Rule amendment substitutes the phrase "shall be signed and entered in the discretion of the court" for the phrase "shall be signed and entered forthwith."

Reference: D.N.J. LBR 4001-1(d) Automatic Stay - Relief From; Fed. R. Bankr. P. 9022 Notice of Judgment or Order.

D.N.J. LBR 9072 -2 ORDERS PROPOSED - ELECTRONIC CASE FILING SYSTEM

(a) Orders submitted under D.N.J. LBR 9072-1(c) shall be directed to the presiding judge's electronic mail box designated for this purpose. The address box of the electronic mail shall reflect the names of the parties served. If any party is not served electronically, the filer must serve a copy of the order on that party conventionally and indicate such service in the electronic correspondence directed to the presiding judge's electronic mail box.

(b) Pursuant to the requirements of D.N.J. LBR 9072-1(d), if all parties consent to the form of an order submitted electronically, the electronic correspondence transmitting such order shall so state in bold face or upper case type, and such order shall be signed and entered in the discretion of the court. In all other cases under subdivision (a), all parties served with such order shall have 5 days to submit and serve an objection and alternative form of order to the presiding judge's electronic mail box. A hearing may be conducted on the objection in the Court's discretion.

2001 Comment: This Rule is new and is intended to provide a procedure for orders submitted by electronic means under D.N.J. LBR 9072-1(c).

UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF NEW JERSEY

GENERAL ORDER APPROVING ADMINISTRATIVE PROCEDURES FOR FILING, SIGNING, AND VERIFYING DOCUMENTS BY ELECTRONIC MEANS

(DRAFT 2-4-02)

(DRAFT- February 4th, 2002)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

In Re: **ELECTRONIC MEANS FOR FILING, SIGNING, AND VERIFICATION OF DOCUMENTS**	**GENERAL ORDER** **(Electronic Filing Procedures)**

Federal Rule of Civil Procedure 83 and Federal Rules of Bankruptcy Procedure 5005(a)(2), 9011, 9029, and District of New Jersey Local Bankruptcy Rules 5005-1 and 1001-1, authorize this Court to establish practices and procedures for the filing, signing and verification of documents by electronic means; and

A proposal for *Administrative Procedures for Filing, Signing, and Verifying Documents by Electronic Means*, has been reviewed by the Court;

IT IS ORDERED that:

1. *The Administrative Procedures for Filing, Signing, and Verifying Documents by Electronic Means* (collectively the "Administrative Procedures") establishing administrative procedures for signing, filing, and verifying documents by electronic means in this Court, including the procedure for registration of approved participants ("Participants") and for distribution of passwords to permit electronic filing and notice of pleadings and other papers are hereby approved by the Court.

2. As set forth in the Administrative Procedures, the electronic filing of any document using a login and password issued by the Court, shall constitute the Participant's signature for purposes of signing the document under Fed. R. Bankr. P. 9011.

3. No Participant 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 Participant unless such a person is an authorized employee of the law firm.

5. Electronic transmission of a document to the Electronic Case Filing System ("ECFS") consistent with the Local Rules and Administrative Procedures of this Court, together with the transmission of a Notice of Electronic Filing ("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 Rules of this Court, and constitutes entry of the document on the docket kept by the Clerk under Fed. R. Bankr.P. 5003.

6. When a document has been filed electronically, the official record is the electronic recording of the document as stored by the court, and the filing party is bound by the document as filed.

7. Filing a document electronically does not alter the filing deadline for that document. Filing must be completed before midnight in order to be considered timely filed that day.

8. All orders, decrees, judgments, and proceedings of the Court will be filed in accordance with the Administrative Procedures, which shall constitute entry of the order, decree, judgment, or proceeding

on the docket kept by the Clerk under Fed. R. Bank. P. 5003 and 9021.

9. All signed orders will be filed electronically by the Court or Court personnel. Any order filed electronically without the original signature of a judge has the same force and effect as if the judge had affixed the judge's signature to a paper copy of the order and it had been entered on the docket in a conventional manner. A Participant submitting a document electronically that requires a judge's signature, must deliver the document in accordance with the Administrative Procedures.

10. Immediately upon the entry of an order or judgment in an action assigned to the ECFS, the Clerk will transmit to Participants in the case, in electronic form, the Notice of Electronic Filing. Electronic transmission of the Notice of Electronic Filing constitutes the notice required by Fed. R.Bankr.P. 9022. The Clerk must give notice in paper form, in accordance with the Federal Rules of Bankruptcy Procedure, to a person who has not agreed pursuant to para. I.B.6 of the Court's Administrative Procedures, to receive electronic notice and service.

11. A Participant whose filing is made untimely as the result of a technical failure may seek appropriate relief from the Court.

12. In connection with the filing of any material in an action assigned to the ECFS, any person may apply by motion for an order limiting electronic access to or prohibiting the electronic filing of certain specifically-identified materials on the grounds that such material is subject to privacy interests and that electronic access or electronic filing in the action is likely to prejudice those privacy interests.

13. This Order shall become effective as of the date and time that the ECFS is activated by the Court for live use by Participants.

14. The original of this Order shall be filed both in accordance with the Administrative Procedures with the Clerk of the Court and conventionally with the Clerk of the Court.

Dated:

_____

Hon. Rosemary Gambardella
Chief United States Bankruptcy Judge
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

ADMINISTRATIVE PROCEDURES FOR
FILING, SIGNING, AND VERIFYING DOCUMENTS BY ELECTRONIC MEANS

I. REGISTRATION FOR THE ELECTRONIC CASE FILING SYSTEM

A. Designation of Cases.

1. All pending and newly filed cases and adversary proceedings shall be assigned to the Electronic Case Filing System ("ECFS") as of the effective date of the March 26, 2002 General Order. The Clerk will continue to accept paper filings although all parties are encouraged to use ECFS whenever possible.

B. Registration.

1. Each approved participant ("Participant") will be assigned one or more login and password combinations to permit electronic filing and retrieval of pleadings and other documents in the ECFS. The Court reserves the right to change the assigned ECFS login from time to time as may become necessary.

2. A registration form, will be available electronically, and shall be submitted for each Participant.

3. All registration forms shall be electronically mailed to the Office of the Clerk, at the following e-mail address: **cmecf_help_desk@njb.uscourts.gov**.

4. Each Participant registering for the ECFS will receive notice by electronic mail from the Office of the Clerk indicating the Participant's assigned ECFS login and password combination. This login and password combination, as initially assigned, will be used for training purposes only, and will not be activated for use on the ECFS until the Participant is approved for use on

the ECFS by the Court in accordance with the training as set forth in the ECFS User's Guide. Only the Participant, or an authorized representative, may receive the electronic notice of the assigned login and password combination.

5. Participants may find it desirable to change their passwords periodically. This can be done as set forth in the ECFS User's Guide. In the event a Participant believes that the security of an existing password has been compromised, the Participant shall give immediate notice to the Clerk of the Court in order to prevent access to the ECFS by use of that password. Such notice may be given to the Clerk of the Court either by telephone to the telephone number(s) set forth in the User's Guide for such purpose; or by electronic mail to cmecf_help_desk@njb.uscourts.gov.

6. Participants in the ECFS, by accepting a login and password from the Court, waive the right to receive notice by first class mail, including notice pursuant to Fed. R. Bank.P. 2002(a), and agree to receive notice electronically. Participants in the ECFS, by accepting a login and password from the Court, also waive their right to service by personal service or first class mail and agree to electronic service, except with regard to service of process of a summons and complaint in an adversary proceeding under Fed. R. Bank.P. 7004 and the initiating motion in a contested matter under Fed. R. Bank.P. 9014. The waiver of service and notice by first class mail includes notice of the entry of an order or judgment under Fed. R. Bank. P. 9022.

II. ELECTRONIC FILING AND SERVICE OF DOCUMENTS

A. Filing.

1. Except as expressly provided for in paragraph III.A. below, *Conventional Filings*, any Participant who is registered with ECFS may electronically file all petitions, motions, pleadings, memoranda of law, or other documents in the ECFS. Emergency motions, supporting pleadings

and objections may also be filed electronically as provided in these *Administrative Procedures.*

2. All documents that form part of a pleading and which are being filed at the same time and by the same party shall be electronically filed as individual documents, as attachments to the initiating pleading, under one docket entry, e.g. the motion, supporting affidavit, memorandum of law, and proposed form of order.

B. Service.

1. General Rule: Except as otherwise provided in paragraph 2 below, *Consent to Electronic Service*, all documents required to be served shall be served in paper (i.e. "hard copy") form in the manner mandated by the applicable law and rules.

2. Consent to Electronic Service: Whenever service is required to be made on a person who has agreed to electronic service as defined at paragraph I.B.6 above, the Court's automatically generated "Notice of Electronic Filing" constitutes service. If ECFS service is impracticable, service may be made by hand or by any other means authorized by Fed. R. Bank.P. 7005.

3. In addition to electronic service by the ECFS as identified in paragraph 2, service of documents in hard copy, shall be required in the following circumstances:

(a) Service is required to be made in accordance with Fed. R. Bankr.P. 7004, 9014 and 9016.

(b) The Federal Rules of Bankruptcy Procedure, District of New Jersey Local Bankruptcy Rules, or an order of the Court requires delivery or service upon a state or federal governmental entity, including, the United States Attorney.

C. Signatures

1. Filing any document using a login and password issued by the Court, shall constitute the Participant's signature for purposes of signing the document under Fed.R. Bankr.P. 9011. The

name of the Participant under whose log-in and password the document is submitted must be displayed by an "/s/" and typed in the space where the signature would otherwise appear, e.g., "/s/Jane Doe." No person shall knowingly utilize or cause another person to utilize the password of a Participant unless such a person is an authorized employee of the law firm

2. Documents that are electronically filed and require original signatures, other than that of the Participant ("third party signatures"), must be maintained in paper form by the Participant for a period not less than seven years from the date of closure of the case or proceeding in which the document is filed. Upon request, the original document must be provided to other parties or the court for review. The document requiring third party signatures must be electronically filed either by (1) submitting a scanned document containing the third party signature; or (2) by submitting a document displaying the name of the person signing the document, preceded by an "/s/" and typed in the space where the signature would otherwise appear, e.g., "/s/Jane Doe."

D. <u>Fees Payable to the Clerk</u>

For filings that require a fee, application for authorization of credit card payment must be completed through the registration process.

E. <u>Orders</u>

All proposed forms of orders may be submitted electronically as outlined below.

> 1. Electronically submitted orders must comply with all Local Bankruptcy Rules. Subject to the requirements of paragraph 3 below, Orders Shortening Time must be electronically filed with the moving papers in a form substantially the same as Local Forms 1 and 2 as required by *D.N.J. LBR 9013-1(e)*. Orders to Show Cause shall be limited to adversary proceedings in accordance with *D.N.J. LBR 9013 (e) and D.N.J. LBR 9075-1.*
>
> 2. With the exception of Consent Orders, and Orders submitted

under *D.N.J. LBR 9072-2,* electronically filed proposed forms of orders, shall be combined with the application or motion into one docket entry in accordance with Paragraph II A.2 of these *Administrative Procedures*.

3. Electronically submitted orders shall be formatted in accordance with template instructions provided by the Clerk.

4. All orders, including consent orders, must be in PDF text format at the time of submission.

5. The Court will make an electronic copy of the proposed form of order as submitted by the Participant, and sign same electronically by affixing the signature of the presiding judge. Once signed, the Office of the Clerk or the Judge will make the appropriate entry on the ECFS to docket the order.

_____6. Where a Participant seeks the entry of an emergent order, such as an order shortening time or order to show cause through the ECFS, the Participant shall simultaneously bring such filing, once submitted, to the attention of the Judge's Courtroom Deputy at the e mail addresses set forth in the User's Guide.

_____7. Notification of defects in an order may be provided by e-mail.

8. Service of signed orders is to be effectuated by the Clerk electronically to Participants.

F. <u>Consent Orders</u>

Consent orders shall be circulated and signed conventionally. The Participant shall submit a copy of the consent order, in the manner set forth in the User's Guide, to the presiding judge's electronic mail box designated for such purpose. The original consent order, bearing original signatures of the consenting parties, shall be maintained by the Participant for a period of time prescribed in subparagraph II.C. 2 of these *Administrative Procedures.* The Participant must also simultaneously file with the Court, a Certificate of Consent, which certifies that the signatories have affixed their consent, and that the Participant will retain the original consent order as

executed by the parties for the period of time required under subparagraph II.C.2 of these *Administrative Procedures*. For the court's ease of reference, in addition to the electronic filing of the Certificate of Consent, a chambers' copy of the Certificate of Consent must be annexed by the Participant to the copy of the consent order sent to the presiding judge's electronic mailbox.

G. <u>Exhibits</u>

Documents, including proofs of claim, should be filed electronically in PDF text format on the ECFS. Exhibits should be submitted electronically as attachments to the document or proof of claim, and if originally produced in hard copy (paper) format exceeding 20 pages in length, shall include only those excerpts of each exhibit that are directly germane to the matter under consideration by the Court. Such exhibits must be clearly and prominently identified as excerpts, and, with the exception of attachments to proofs of claim, the complete exhibit must be made available as a chambers' copy provided to the Court. All exhibits to documents, including proofs of claim, must be made available forthwith to counsel upon request, and at any hearing pertaining to the matter. Persons filing excerpts of exhibits do so without prejudice to their right to file additional excerpts or the complete exhibit with the Court at any time. Opposing parties may file additional excerpts if they believe that they are germane.

If the entire exhibit is deemed germane to the document being submitted and the exhibit is in a format that must be electronically imaged, the attorney shall make every effort to electronically image the document(s), including utilization of the Court's facilities.

H. Title of Docket Entries

The person electronically filing a pleading or other document will be responsible for designating a title for the document by using one of the main categories and specific events provided in the ECFS, as e.g. motion for relief from stay, application for retention of counsel, etc.

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. Document(s) to be filed under seal. However, a motion to file documents under seal may be filed electronically. The order of the Court authorizing the filing of such document(s) under seal may be filed electronically by the presiding judge. A paper copy of the order shall be attached to the document(s) under seal and be delivered to the Clerk of Court.

IV. PUBLIC ACCESS TO THE DOCKET

A. Internet Access Any person or organization, may access the Court's Internet site at: www.njb.uscourts.gov. Access to the docket through the Internet site will require registration with the Pacer Billing Center (1-800-676-6856).

B. Public Access at the Court Access by the public to the documents filed in the ECFS and to the ECFS docket is available in the Office of the Clerk for viewing during regular business hours, Monday through Friday.

C. <u>Conventional Copies and Certified Copies</u> Conventional copies and certified copies of the electronically filed documents may be purchased during business hours, Monday through Friday, at the Office of the Clerk at any one of the following locations: Martin Luther King, Jr. Federal Building, 50 Walnut Street, Newark, New Jersey 07102; 402 East State Street, Trenton, New Jersey 08608; or Federal Building 401 Market Street, Camden, New Jersey, 08101-2067. The fee for copying and certification is in accordance with 28 U.S.C. section 1930.

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY

CM/ECF INITIATIVE

Commentary Supplementing Administrative Procedures [1]

The following information supplements the Bankruptcy Court for the District of New Jersey's ***Local Rule Amendments*** (as adopted May 30, 2001), ***General Order of March 27, 2002,*** and ***Administrative Procedures For Filing, Signing and Verifying Documents by Electronic Means (collectively the "Administrative Procedures")*** as they relate to the Court's Case Management /Electronic Case Files Initiative (CM/ECF), by highlighting certain of the issues raised.

This information is provided as a training tool, so as to provide CM/ECF Participants with greater clarity and depth of understanding regarding the scope, intention and/or background of these documents which govern the practices and procedures for electronic case filing in this Court. Any further questions should be addressed to the Court's Help Desk at the telephone number(s) referenced in the User's Guide or through the internet at cmecf_help_desk@njb.uscourts.gov.

I. THE CHAIN OF AUTHORITY AND BACKGROUND INFORMATION -

1. The "chain of authority" for electronic case filing begins at **Fed. F. Bankr.P. 5005(a)(2)** which authorizes a court "by local rule" to permit documents to be filed, signed or verified by electronic means. . ." In New Jersey, two local bankruptcy rules generally authorize the CM/ECF Initiative. First, **D.N.J. LBR 5005-1- *Filing and Transmittal of Papers***, indicates that "in cases in which electronic filing is utilized, documents shall be filed, signed or verified by means that are consistent with any general orders issued by the Court." Second, an amendment to **D.N.J. LBR 1001-1 - *Scope of Rules***, adding paragraph (c), indicates that the Court may issue general orders and administrative procedures to supplement the Local Rules, and that copies of same may be obtained from the Clerk through the Court's web site, www.njb.uscourts.gov.

The comment to **D.N.J. LBR 1001-1** as cited above, specifically notes that the amendment is intended to allow the Court to issue general orders whose purpose is to authorize the Court to establish practices and procedures for the filing, signing, and verification of documents by electronic means. The Court's ***General Order of March 27. 2002,*** in its first decretal paragraph

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[1] Portions of the above Commentary reflect comments to the *Model Local Rules* prepared by the Judicial Conference Committee on Court Administration and Case Management's Subcommittee on Electronic Filing Rules, May 2001. For further information, also reference the notes accompanying the Court's Power Point Presentation entitled *Electronic Case Filing Local Rules and Administrative Procedures*, which is available on the Court's web site.

then approves ***The Administrative Procedures***.

These ***Administrative Procedures*** set forth *inter alia,* the procedure for registration of approved participants ("Participants") and for distribution of passwords to permit electronic filing and notice of pleadings and other papers. The Court's ***Administrative Procedures***, in turn, reference the *User's Guide* which is intended to provide Participant training information of a more technical nature. Supplemental information concerning the provisions of the Court's *Administrative Procedures* is set forth herein.

2. Reference to a ***General Order*** of the Court has been incorporated into the Local Rule amendments adopted May 30, 2001 at the recommendation of the Court's Local Rules and Procedures Subcommittee, for the following reasons: (1) All ECF Courts to date have authorized their Administrative Procedures through the use of a standing or general order, as a necessary tool in the implementation process; (2) the ease of accessibility of such an Order through the Court's Web site; (3) the flexibility provided by the use of a General Order as well as Administrative Procedures should future modifications become necessary.

II. THE COURT'S ADMINISTRATIVE PROCEDURES

Proposed Treatment of Issues

1. Scope of Electronic Filing -

Designation of Cases.

All pending and newly filed cases and adversary proceedings shall be assigned to the Electronic Case Filing System ("ECFS") as of the effective date of the **March 27, 2002 General Order**. The Clerk will continue to accept paper filings although all parties are encouraged to use ECFS whenever possible. **(Admin.Proc. I.A.)**

Comment

1. **Assignment of cases** - Courts are to designate which cases will be assigned to the electronic case filing system (ECFS). A presumption exists that all documents filed in cases assigned to the electronic case filing system should be electronically filed. Some courts have designated certain types of cases for electronic filing, while some have determined that all cases are appropriate for electronic filing. The Bankruptcy Court for the District of New Jersey allows for both cases and adversary proceedings to be electronically filed, without limitation by Chapter, size of case, etc.

2. **Electronic Filing not mandatory** - The Bankruptcy Court for the District of New Jersey does *not* make electronic filing mandatory. The Judicial Conference has indicated that mandatory electronic filing appears to be inconsistent with **Fed.R.Bankr.P. 5005**, which states that a court "may permit" papers to be filed electronically, and provides that the clerk "shall not refuse to accept for filing any paper presented . . . solely because it is not presented in proper form." However, the Federal Rules clearly permit a court to strongly encourage lawyers to participate in electronic case filing, and the Court's ***Administrative Procedures*** are written to provide such encouragement.

From the date of implementation forward, the Bankruptcy Court for the District of New Jersey will incorporate all pending as well as newly filed cases into CM/ECF. Reference to "pending" cases refers to cases which were active as of the date and time of implementation. As to pending cases, a case docket in its entirety will be available electronically. In addition, all documents filed in a pending case subsequent to the date ECFS goes live, as well as documents filed in new cases, will be electronically entered into the ECFS, either through direct electronic filing of the documents by Participants or by the imaging (scanning) of conventionally received documents by Court staff .

3. **Privacy Concerns** - Electronic case filing raises privacy concerns. Electronic case files can be more easily accessible than traditional paper case files, so there is a greater risk of public dissemination of sensitive information found in case files. The Bankruptcy Court for the District of New Jersey, like other Bankruptcy Courts around the country, is investigating and evaluating the privacy concerns attendant to electronic case files, and is working to develop a policy per the

Recommendations of the Judicial Conference on Electronic Case File Availability and Internet Use*, which were adopted by the Judicial Conference on September 19, 2001.*

In the *interim*, until the national recommendations are implemented through, *inter alia,* the revision of national forms, in an effort to address privacy concerns on a case by case basis, the ***General Order of March 27, 2002***, allows for the issuance of a protective order upon application. In addition, the Judicial Conference is considering enhancement of the sealing provisions of **11 USC section 107(b)** to recognize privacy concerns as a legitimate basis for placing a document under seal.

2. Eligibility, Registration, Passwords

Each approved participant ("Participant"), will be assigned one or more login and password combinations to permit electronic filing and retrieval of pleadings and other documents in the ECFS. The Court reserves the right to change the assigned ECFS login from time to time as may become necessary.

A registration form will be available electronically, and shall be submitted for each Participant.

All registration forms shall be electronically mailed to the Office of the Clerk, at the following e-mail address: **cmecf_help_desk@njb.uscourts.gov**.

Each Participant registering for the ECFS will receive notice by electronic mail from the Office of the Clerk indicating the Participant's assigned ECFS login and password combination. This login and password combination, as initially assigned, will be used for training purposes only, and will not be activated for use on the ECFS until the Participant is approved for use on the ECFS by the Court in accordance with the training as set forth in the ECFS User's Guide. Only the Participant, or an authorized representative, may receive the electronic notice of the assigned login and password combination.

Participants may find it desirable to change their passwords periodically. This can be done as set forth in the ECFS User's Guide. In the event a Participant believes that the security of an existing password has been compromised, the Participant shall give immediate notice to the Clerk of the Court in order to prevent access to the ECFS by use of that password. Such notice may be given to the Clerk of the Court either by telephone to the telephone number(s) set forth in the Attorney User's Guide for such purpose, or by electronic mail to cmecf_help_desk@njb.uscourts.gov.

Participants in the ECFS, by accepting a login and password from the Court, waive the right to receive notice by first class mail, including notice pursuant to Fed. R. Bank.P. 2002(a), and agree to receive notice electronically. Participants in the ECFS, by accepting a login and password from the Court, also waive their right to service by personal service or first class mail and agree to electronic service, except with regard to service of process of a summons and complaint in an adversary proceeding under Fed. R. Bank.P. 7004 and the initiating motion in a contested matter under

Fed. R. Bank.P. 9014. The waiver of service and notice by first class mail includes notice of the entry of an order or judgment under Fed. R. Bank. P. 9022. **(Admin. Proc. I.B.)**

Comment

1. **Identity of Potential Participants** - ~~Potential future Participants in the ECFS include attorneys admitted *pro hac vice*~~. At the current juncture, only attorneys and U.S. trustees and their assistants, as well as private trustees, are permitted to be Participants in the Bankruptcy Court for the District of New Jersey's ECF System. Eventually, the Court may wish to permit others, e.g., claims filers, to participate.

With respect to the question of the assignment of a login and password to attorneys located out of state, essentially, pro hac vice admission is governed in this District by D.N.J. LBR 2090-1(b); and D.N.J. L.Civ.R. 101.1 which is made applicable pursuant to D.N.J. LBR 1001-1 (see also New Jersey Court Rule 1:28-2(a) for requirement that payment be made to the New Jersey Lawyers' Fund for Client Protection). Looking to the District Court local rule for guidance on this issue, the Court emphasizes that since only attorneys admitted to practice before this Court may sign and file pleadings and other papers, to provide an applicant admitted pro hac vice with a login and password (i.e. the ability to electronically sign and file a document in this court for all purposes including those under Rule 9011), would contravene our local rule requirements.

Out of state attorneys will follow the same local counsel requirements as they do currently. It is simply that in an electronic context, only the local/NJ attorney will be provided with the login and password.

With respect to the related issue as to notice, it is not incumbent upon the Court to provide paper (or electronic) notice to attorneys admitted pro hac vice. The Court satisfies its responsibilities by noticing the local counsel. Sometime in the future, the Court may consider providing notice (thru multiple e mails) as a courtesy to out of state attorneys.

2. **Waiver of Notice and Service** - As set forth below, once an individual registers as a Participant with the ECFS, the individual waives certain rights and conditions and agrees to be bound by certain other rights and conditions. Specifically, a Participant consents to electronic notice and service of certain documents, as set forth below.

Significantly, this consent to receive electronic notice and service is intended to cover the full range of notice and service *except* those documents to which the service requirements of **Fed.R.Bankr.P. 7004** apply.

Essentially, this exception reflects that:

(A) The requirements of conventional *service* for Complaints (i.e Fed. R. Bankr.P. 7004 - Process; Service of Summons, Complaint) and initiating papers in a contested matter (i.e. Fed. R. Bankr.P. 9014 Contested Matters) have been met;

(B) A final sentence was added to indicate that this waiver of service and notice by first class mail, includes notice by mail of the entry of an Order under **Fed. R. Bankr.P. 9022.**

These provisions operate independently from the notices sent by the Bankruptcy Noticing Center under Fed.R.Bankr.P. 9036.

3. **Compromised Password** - The Bankruptcy Court for the District of New Jersey currently has provisions addressing the possibility of a compromised password which threatens either the integrity of the System or the integrity of a document filed. Court notification is required in this circumstance. If however, a Participant simply wants to change a Password, reference should be made to instructions provided in the User's Guide. In the latter instance, notification to the Court is not necessary.

3. Consequences of Electronic Filing

Electronic transmission of a document to the Electronic Case Filing System ("ECFS") consistent with the Local Rules and *Administrative Procedures* of this Court, together with the transmission of a Notice of Electronic Filing ("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 Rules of this Court, and constitutes entry of the document on the docket kept by the Clerk under Fed. R. Bankr.P. 5003. When a document has been filed electronically, the official record is the electronic recording of the document as stored by the court, and the filing party is bound by the document as filed.

Filing a document electronically does not alter the filing deadline for that document. Filing must be completed before midnight in order to be considered timely filed that day. **(General Order, para. 5).**

Comment

1. **Time of Filing** - A filing is deemed made when it is acknowledged by the Clerk's Office through the CM/ECF System's automatically generated Notice of Electronic Filing ("NEF"). The NEF should appear on the Participant's screen virtually simultaneously with the electronic filing of the document, absent a systemic failure (See section 12 relating to Technical Failures). Filing a document electronically does not alter the filing deadline for that document.

2. **Official Record** - Electronically filed documents are considered to be entries on the official docket.

4. Entry of Court Orders

All orders, decrees, judgments, and proceedings of the Court will be filed in accordance with the ***Administrative Procedures,*** which shall constitute entry of the order, decree, judgment, or proceeding on the docket kept by the Clerk under Fed. R. Bank. P. 5003 and 9021.

All signed orders will be filed electronically by the Court or Court personnel. Any order filed electronically without the original signature of a judge has the same force and effect as if the judge had affixed the judge's signature to a paper copy of the order and it had been entered on the docket in a conventional manner. A Participant submitting a document electronically that requires a judge's signature, must deliver the document in accordance with the *Administrative Procedures*. **(General Order, paras. 8 and 9)**.

Comment

1. Same Force and Effect - The Court's ***Administrative Procedures*** specifically state that an electronically filed court order has the same force and effect as an order conventionally filed.

2. **General Order** - The above provision of the Court's General Order contemplates that a judge can authorize personnel to electronically enter an order on the judge's behalf.

3. **General Order** - The above provision provides that a Participant must follow the instructions set forth in the Court's ***Administrative Procedures*** for submitting a proposed form of order requiring a judge's signature. See also section 5 herein regarding submission of proposed forms of order, as well as the Clerk's instructions set forth on the Court's web site, regarding the required use of templates.

5. Submission of Proposed Forms of Order

All proposed forms of orders may be submitted electronically as outlined below.

1. Electronically submitted orders must comply with all Local Bankruptcy Rules. Subject to the requirements of paragraph 3 below, Orders Shortening Time must be electronically filed with the moving papers in a form substantially the same as Local Forms 1 and 2 as required by *D.N.J. LBR 9013-1(e)*. Orders to Show Cause shall be limited to adversary proceedings in accordance with *D.N.J. LBR 9013 (e) and D.N.J. LBR 9075-1.*

2. With the exception of Consent Orders, and Orders submitted under *D.N.J. LBR 9072-2,* electronically filed proposed forms of orders, shall be combined with the application or motion into one docket entry in accordance with Paragraph II A.2 of these *Administrative Procedures*.

3. Electronically submitted orders shall be formatted in accordance with template instructions provided by the Clerk.

4. All orders, including consent orders, must be in PDF text format at the time of submission.

5. The Court will make an electronic copy of the proposed form of order as submitted by the Participant, and sign same electronically by affixing the signature of the presiding judge. Once signed, the Office of the Clerk or the Judge will make the appropriate entry on the ECFS to docket the order.

_____6. Where a Participant seeks the entry of an emergent order, such as an order shortening time or order to show cause through the ECFS, the Participant shall simultaneously bring such filing, once submitted, to the attention of the Judge's Courtroom Deputy at the e mail addresses set forth in the User's Manual.

_____7. Notification of defects in an order may be provided by e-mail.

8. Service of signed orders is to be effectuated by the Clerk electronically to Participants. **(Admin. Proc. II.E.)**

Comment

1. Formatting instructions provided by the Clerk - The first page of any proposed form of order, whether submitted electronically or conventionally, must substantially conform with the order templates maintained by the Court, and made available on the Court's website www.njb.ucourts.gov. ~~The signature line must be three (3) inches in length and fixed at four (4) inches from the left edge of the paper and eight (8) inches from the top edge of the paper~~. Signatures approving orders will be affixed electronically providing for little tolerance in this area. Orders which do not comply will be returned as defective.

2. Consent Orders - Participants submitting consent orders electronically should first circulate and sign the order conventionally. The Order bearing the original signatures of the consenting parties is to be maintained by the Participant for the required seven year retention period. A copy of the Consent Order (indicating /s/_____ for all consenting parties) is to be submitted to the judge's electronic mailbox designated for such purpose, along with a Certificate of Consent by the Participant. This procedure for the submission of a consent order by electronic mail, includes the submission of an application for a Consent Orders in Lieu of Motion pursuant to **D.N.J. LBR 9013-1(j).**

3. Certification of Consent -
A Form Certification of Consent is located on the Court's web site: www.njb.uscourts.gov under Electronic Case Files (Information). The Certificate of Consent submitted by the Participant should certify to the following:

> (a) The terms of the electronically submitted consent order are identical to those set forth in the original consent order;
>
> (b) The signatures represented by the /s/_____ on the electronically submitted consent order reference signatures of consenting parties obtained on the original consent order;
>
> (c) The Participant will retain the original consent order for the required seven year retention period;
>
> (d) The Participant will make the original consent order available for inspection upon request of the Court or any party in interest; and
>
> (e) Along with electronic mailing of the consent order and the certificate of consent to the judge, the Participant will simultaneously electronically file the certificate of consent.

The simultaneous electronic filing of the Certificate of Consent serves a dual purpose. That is,

by electronically filing this Certification, the Participant is signing same for all purposes including those under **Rule 9011**. The signing of the Certification (effectuated by its filing with the Court through the use of the Participant's login and password), authenticates not only the Certification itself, but also the underlying consent order which is received by the Court as an electronically mailed document**.**

4. D.N.J. L.B.R. 9072-2 Orders under the "Five Day Rule" -

Participants submitting proposed forms of order electronically under **D.N.J. L.B.R. 9072-2** should submit same to the judge's electronic mailbox. The electronic mail submission should reflect the names of the parties served both electronically and conventionally. Conventional service of proposed forms of order submitted under this "five day rule" should be effectuated upon non participants. Objections by Participants are to be submitted to the judge's electronic mailbox within five days. Objections by non participants are to be submitted to the Court conventionally within five days, and are then scanned by Clerk's Office Staff and forwarded to the judge's electronic mailbox for consideration.

6. Attachments and Exhibits

Documents, including proofs of claim should be filed electronically in PDF text format on the ECFS. Exhibits, should be submitted electronically as attachments to the document, and if originally produced in hard copy (paper) format exceeding 20 pages in length, shall include only those excerpts of each exhibit that are directly germane to the matter under consideration by the Court. Such exhibits must be clearly and prominently identified as excerpts, and, with the exception of attachments to proofs of claim, the complete exhibit must be made available as a chambers' copy provided to the Court. All exhibits to documents, including proofs of claim, must be made available forthwith to counsel and at any hearing pertaining to the matter. Persons filing excerpts of exhibits do so without prejudice to their right to file additional excerpts or the complete exhibit with the Court at any time. Opposing parties may file additional excerpts if they believe that they are germane.

If the entire exhibit is deemed germane to the document being submitted and the exhibit is in a format that must be electronically imaged, the attorney shall make every effort to electronically image the document(s), including utilization of the Court's facilities.

Comment

1. **Considerations** - One issue that has arisen in most courts using electronic filing relates to attachments or exhibits not originally available to the filer in electronic form, and that must be scanned (or imaged) into Portable Document Format (PDF) before filing. Examples include leases, contracts, proxy statements, charts and graphs. A scanned document creates a much larger electronic file than one prepared directly on the computer (*e.g.*, through word processing). The large documents can take considerable time to file and retrieve.

2. **Excerpting** - It is often the case that only a small portion of a much larger document is relevant to the matter before the court. In such cases, scanning the entire document imposes an inappropriate burden on both the litigants and the courts. To alleviate some of this inconvenience, the ***Administrative Procedures*** provide that a Participant must submit as the exhibit, only the relevant excerpts of a larger document, not to exceed 20 pages per exhibit . The responding party then has a right to submit other excerpts of the same document. An exception exists for fee applications.

3. **Chambers' Copies** - This Procedure is not intended to alter traditional rules with respect to materials that are before the court for decision. Thus, any material on which the court is asked to

rely *must* be specifically provided to the court. Hard Chambers' copies of full exhibits, clearly marked as such, must be simultaneously provided with all excerpted filings, with the exception of proofs of claim.

4. **Electronic Filing Proofs of Claim** - To the extent Participants wish to file proofs of claim electronically, the Court's ***Administrative Procedures*** allow for it. Official Form 10, the Proof of Claim, already permits creditors to file a summary if the documentation for the claim is voluminous. Attachments to Proofs of Claim are excepted from the Chambers' Copy requirement.

7. Sealed Documents

The following documents shall be filed conventionally and not electronically unless specifically authorized by the Court:

Document(s) to be filed under seal. However, a motion to file documents under seal may be filed electronically. The order of the Court authorizing the filing of such document(s) under seal may be filed electronically by the presiding judge. A paper copy of the order shall be attached to the document(s) under seal and be delivered to the Clerk of Court. **(Admin. Proc. III.A.)**

Comment

1. **Amendment to Federal Rules** - The Bankruptcy Court for the District of New Jersey recognizes that the Judicial Conference is currently considering whether to recommend amendment of section **107(b)** of the Bankruptcy Code to enhance the sealing provision in an effort to recognize privacy concerns. An amendment of this nature would enhance the section **107(b)** sealing provision to clarify that judges may provide protection from disclosures based upon privacy and security concerns.

2. **File underlying documents conventionally** - It is possible that electronic access to the motion or order may raise the same privacy concerns that gave rise to the need to file a document conventionally in the first place. For this reason, while the ***Administrative Procedures*** allow for the electronic filing of the motion to file documents under seal, the actual documents to be filed under seal should ordinarily be filed conventionally. In addition, along with the conventionally filed underlying documents, Participants are requested to provide a copy of the electronically filed motion and proposed form of order for the judge's ease of reference.

3. **General Order and Privacy Concerns - See provision in the Court's *General Order* of March 27, 2002**, allowing for issuance of a protective order to address privacy concerns arising from electronic filing.

8. Retention Requirements

> Documents that are electronically filed and require original signatures, other than that of the Participant ('third party signatures"), must be maintained in paper form by the Participant for a period not less than seven years from the date of closure of the case or proceeding in which the document is filed. Upon request, the original document must be provided to other parties or the court for review. The document requiring third party signatures must be electronically filed either by (1) submitting a scanned document containing the third party signature; or (2) by submitting a document displaying the name of the person signing the document, preceded by an "s/" and typed in the space where the signature would otherwise appear, e.g., "/s/Jane Doe." **(Admin. Proc. II. C.)**

Comment

1. **Retention of Third Party Signatures** - Because electronically filed documents do not include original, handwritten signatures, it is necessary to provide for retention of certain signed documents in paper form in case they are needed as evidence in the future. The ***Administrative Procedures*** require retention only of those documents containing original signatures of persons *other than the person who files the document electronically.* The Participant's use of a log-in and password to file the document is itself a signature under the terms of Court's ***Administrative Procedures.***

2. **Conventionally Filed Documents and the Court's Retention** - The ***Administrative Procedures*** places the retention requirement on the Participant who files the document. With respect to conventionally filed documents, which will then be scanned into the ECF, the filer will submit the signed original to the Court, so that the Court can retain it.

3. **Retention Period** - Courts have varied considerably on the required retention period. The Local Rules and Administrative Procedures Committee of the Bankruptcy Court for the District of New Jersey has required that original documents be retained for a period not less than 7 years from the date of closure of the case or adversary proceeding in which the document is filed. This retention period tracks with the statute of limitations for malpractice actions under New Jersey statutory law.

4. **Practices in Other Districts** - Some districts require the filer to retain a paper copy of *all* electronically filed documents. The Judicial Conference has stated that such a requirement seems unnecessary, as it tends to defeat one of the purposes of using electronic filing. Other courts have required retention of "verified documents," i.e., documents required to be verified under **Fed.R.Bankr.P. 1008** or documents in which a person verifies, certifies, affirms, or swears under oath or penalty of perjury. See, *e.g.*, **28 U.S.C. § 1746** (unsworn declarations under penalty of perjury).

9. Signatures

Filing any document using a login and password issued by the Court, shall constitute the Participant's signature for purposes of signing the document under Fed.R. Bankr.P. 9011. The name of the Participant under whose log-in and password the document is submitted must be displayed by an "s/" and typed in the space where the signature would otherwise appear, e.g., "/s/Jane Doe."

No person shall knowingly utilize or cause another person to utilize the password of a Participant unless such a person is an authorized employee of the law firm.

Documents that are electronically filed and require original signatures, other than that of the Participant ("third party signatures"), must be maintained in paper form by the Participant for a period not less than seven years from the date of closure of the case or proceeding in which the document is filed. Upon request, the original document must be provided to other parties or the court for review. The document requiring third party signatures must be electronically filed either by (1) submitting a scanned document containing the third party signature; or (2) by submitting a document displaying the name of the person signing the document, preceded by an "s/" and typed in the space where the signature would otherwise appear, e.g., "/s/Jane Doe." **(Admin. Proc. II. C).**

Comment

1. **Use of log-in and password constitutes signature** - Signature issues are a subject of considerable interest and concern. The CM/ECF System is designed to require a login and password to file a document. The Court's ***Administrative Procedures*** and ***General Order*** of March 26, 2002 provide that use of the login and password constitutes a signature, and assures that such a signature has the same force and effect as a written signature for purposes of the Federal Rules of Bankruptcy Procedure, including Fed.R.Bankr. P. 9011, and any other purpose for which a signature is required on a document in connection with proceedings before the court.

2. **The "display" requirement - s-slash -** Some users of electronic filing systems have questioned whether an s-slash requirement is worth retaining. The Court's view is that an s-slash is necessary; otherwise there is no indication that documents printed out from the website were ever signed. The s-slash provides some indication when the filed document is viewed or printed that the original was in fact signed. Note the use of the word "display" in the above provision to denote that there has been a signing of a document. With the exception of notation of "Hearing Date," the requirements of **D.N.J. L.B.R. 9004-2 , *Caption - Papers, General*** apply.

3. **Authorized Agent Requirement -** The second paragraph of the ***Administrative Procedure*** cited above, does not require a Participant to personally file his or her own documents. The task of electronic filing can be delegated to an authorized agent, who may use the login and password to make the filing. However, use of the login and password to make the filing constitutes a signature by the Participant under the Procedure, even though the Participant does not do the physical act of filing.

4. **Third Party Signatures** - Issues arise when documents being electronically filed have been signed by persons other than the filer, *e.g.*, stipulations and affidavits. The Court's ***Administrative Procedures*** provides for electronic filing by a Participant, with a seven year retention requirement as to the originals.

10. Service of Documents by Electronic Means

1.General Rule: Except as otherwise provided in paragraph 2 below, *Consent to Electronic Service*, all documents required to be served shall be served in paper (i.e. "hard copy") form in the manner mandated by the applicable law and rules.

2.Consent to Electronic Service: Whenever service is required to be made on a Participant who has agreed to electronic service as defined at paragraph I.B.6 above, the Court's automatically generated "Notice of Electronic Filing" constitutes service. If ECFS service is impracticable, service may be made by hand or by any other means authorized by Fed. R. Bank.P. 7005.

_____3. In addition to electronic service by the ECFS as identified in paragraph 2, service of documents in hard copy, shall be required in the following circumstances:

(a) Service is required to be made in accordance with Fed. R. Bankr.P. 7004, 9014 and 9016.

_____ (b) The Federal Rules of Bankruptcy Procedure, District of New Jersey Local Bankruptcy Rules, or an order of the Court requires delivery or service upon a state or federal governmental entity, including, the United States Attorney. **(Admin. Proc. II.B.)**

Comment

1. **Conventional Service of Process Required** - The new amendments to the **Federal Rules, (Fed.R.Bankr.P. 7005, Fed.R.Civ.P. 5(b),6(e) and 77, and Fed. R. Bankr.P. 9006(f) and 9022),** effective December1, 2001, authorizing service of documents by electronic means, do not permit electronic service of process for purposes of obtaining personal jurisdiction (i.e., **Rule 7004** service). Therefore, the Bankruptcy Court for the District of New Jersey requires conventional service be effectuated where service is required under **Fed. R. Bankr.P. 7004, 9014 and 9016.**

2. **Notice of Electronic Filing (NEF)** - The CM/ECF System automatically generates a Notice of Electronic Filing at the time a document is filed with the System. The Notice indicates the time of filing, the name of the party and attorney filing the document, the type of document, and the text of the docket entry. It also contains an electronic link (hyperlink) to the filed document, allowing anyone receiving the Notice by e-mail to retrieve the document automatically.

3. **NEF Constitutes Service in Limited Circumstances** - The CM/ECF System automatically sends this Notice to all case Participants registered to use the Electronic Filing System. The Bankruptcy Court for the District of New Jersey allows this notice itself to constitute service as set forth in the Court's ***Administrative Procedures***, with the significant exceptions to electronic

service set forth above, for adversary complaints, and initiating motions in contested matters. The December 2001 amendment to **Fed. R. Civ.P. 5(b)(2)(D)** requires the promulgation of a local rule if a court wants to authorize parties to use its transmission facilities to make electronic service. It is therefore anticipated that this Procedure will be elevated to the status of a local rule. In addition, express written consent to electronic service through the Court's transmission facilities as further required by **Fed. R. Civ.P. 5(b)(2)(D)**, is provided by the Participant's signature on the Court's registration form.

4. **Three Additional Days** - The December 2001 amendment to **Fed.R.Bankr. P. 9006(f)** provides that the three additional days to respond to service by mail will apply to electronic service as well. The Committee Note on the parallel amendment to **Fed.R.Civ.P. 6(e)** states:

> Electronic transmission is not always instantaneous, and may fail for any number of reasons. It may take three days to arrange for transmission in readable form. Providing added time to respond will not discourage people from asking for consent to electronic transmission, and may encourage people to give consent. The more who consent, the quicker will come the improvements that make electronic service ever more attractive.

5. D.N.J. L.B.R. 9013-3 Certificate of Service - Motions - Pursuant to the Court's Local Rule, **D.N.J. L.B.R. 9013-3**, all moving papers, answering papers, and cross motions must be supported by a certificate of service. The Local Rule indicates "the certificate of service shall identify the relationship to the case of each party served." The Rule was amended in May of 2001. The 2001 Comment indicates that this Rule was amended to clarify that where electronic filing is utilized, a certificate of service may be filed subsequent to the filing of the moving papers, answering papers, and cross motions."

Pursuant to section II. B.2 of the Court's ***Administrative Procedures***, "Whenever service is required to be made on a Participant who has agreed to electronic service as defined at paragraph I B. 6 above, the Court's automatically generated "Notice of Electronic Filing" ("NEF") constitutes service." In such circumstances, where under the Court's Administrative Procedures, the NEF itself constitutes service, the Certificate of Service must specify the parties served electronically through the Court's electronic mail notification system and the parties served conventionally by first class mail. The Certificate should list the parties in each category by name. If the Certificate currently includes the mailing addresses used, as the Comments to **D.N.J. L.B.R. 9013-3** indicate, that practice should continue for reference to those parties receiving service by first class mail.

Participants are to be aware that pursuant to para. II.B. 3 of the Court's ***Administrative Procedures,*** in addition to electronic service by the ECFS through the NEF, service of documents in hard copy must be effectuated with respect to the following circumstances:

> (A) Service is required to be made in accordance with Fed. R. Bankr.P. 7004, 9014 and 9016,
> (B) The Federal Rules of Bankruptcy Procedure, District of New

Jersey Local Bankruptcy Rules, or an order of the Court requires delivery or service upon a state or federal governmental entity, including, the United States Attorney. **(Admin., Proc. II. B. 3)**.

11. Notice of Court Orders and Judgments

> Immediately upon the entry of an order or judgment in the ECFS, the Clerk will transmit to Participants in the case, in electronic form, the Notice of Electronic Filing. Electronic transmission of the Notice of Electronic Filing constitutes the notice required by Fed. R.Bankr.P. 9022. The Clerk must give notice in paper form, in accordance with the Federal Rules of Bankruptcy Procedure, to a person who has not agreed pursuant to para. I.B.6 of the Court's Administrative Procedures, to receive electronic notice and service. **(General Order, para. 10)**

Comment

1. **Notice of Orders under Fed. R. Bankr.P. 9022** - Pending amendments to **Fed.R.Bankr.P 9022** authorize electronic notice of court orders where the parties consent. The Court's ***Administrative Procedures*** provide that for all Participants, electronic notice of the entry of an order or judgment has the same force and effect as traditional notice. The CM/ECF System automatically generates and sends a Notice of Electronic Filing upon entry of the order or judgment. The Notice contains a hyperlink to the document.

12. Technical Failures

> A Participant whose filing is made untimely as the result of a technical failure may seek appropriate relief from the Court. **(General Order, para. 11)**

Comment

1. **Court's Web site inaccessible** - CM/ECF is designed so that Participants access the Court through its Internet website. The ***Administrative Procedures*** address the possibility that a party may not meet a filing deadline because the Court's website is not accessible for some reason. Cf. **Fed.R.Bankr.P. 9006(a)** (permitting extension of time when "weather or other conditions have made the clerk's office inaccessible"). The provision also addresses the possibility that the Participant's own unanticipated system failure might make the filer unable to meet a filing deadline.

2. **Court's Discretion to Grant Relief** - The ***Administrative Procedures*** do not require the Court to excuse the filing deadline allegedly caused by a system failure. The Court has discretion to grant or deny relief in light of the circumstances.

13. Public Access

A. Internet Access Any person or organization, may access the Court's Internet site at: www.njb.uscourts.gov. Access to the docket through the Internet site will require registration with the Pacer Billing Center (1-800-676-6856). **(Admin. Proc. IV A.)**

Public Access at the Court Access by the public to the documents filed in the ECFS and to the ECFS docket is available in the Office of the Clerk for viewing during regular business hours, Monday through Friday. **(Admin. Proc. IV B.).**

Privacy In connection with the filing of any material in an action assigned to the ECFS, any person may apply by motion for an order limiting electronic access to or prohibiting the electronic filing of certain specifically-identified materials on the grounds that such material is subject to privacy interests and that electronic access or electronic filing in the action is likely to prejudice those privacy interests. **(General Order, para. 12)**

Comment

1. **Judicial Conference Committee** - A Subcommittee of the Judicial Conference Committee on Court Administration and Case Management is currently assessing the privacy concerns arising from electronic case filing. *See* ***Report on Privacy and Public Access to Electronic Case Files (June 26, 2001)*** which was approved by the Judicial Conference on September 19, 2001.

For more information on privacy issues, *See Also* the following web site: www.privacy.uscourts.gov. .

2. **Limit Remote Access** - The practice of the Bankruptcy Court for the District of New Jersey is consistent with Judicial Conference policy to limit remote public access to electronic case files to those who have obtained a PACER password.

3. **Protective Order** - The third paragraph referenced above is not intended to create substantive rights. It simply highlights the fact that a person may apply for a protective order when Internet access to a case file or document is likely to result in the loss of that person's legitimate interest in privacy.

14. Creditor Matrix -

A matrix submitted electronically shall be prepared in accordance with instructions provided by the clerk. **(D.N.J. L.B.R. 1007-2)**

Comment

1. **D.N.J. L.B.R. 1007-2 Mailing - List or Matrix** - This Local Rule sets forth the requirements for submission of a creditors' matrix to the Court. The requirements, with the exception of paragraph (d) (i.e. "A matrix containing 50 or more parties shall be submitted in the form of a computer diskette accompanied by a paper copy. The diskette shall be prepared in accordance with instructions provided by the clerk."), apply to a matrix submitted electronically. With respect to the requirement of paragraph (d), Participants of the ECFS may file a matrix containing 50 or more creditors electronically without the submission of a diskette.

May 7, 2002

HARDWARE/SOFTWARE REQUIREMENTS

HARDWARE

Computer: Any computer that can produce pdf files and connects to the Internet.

Printer: The printer should be able to handle your printing needs if the case files are online.

Scanner: You should have available at least one scanner to scan documents which were not created on your computer. The scanned documents can then be electronically filed with the Court.

Storage: After viewing a document, it is recommended that users save a copy on their computer for future viewing. This will require increased storage capacity as well as an efficient file management system.

SOFTWARE

Internet Browser: An Internet provider using Point to Point Protocol (PPP)

CM/ECF is currently certified for use with Netscape Navigator version 4.6x or 4.7x. Microsoft Internet Explorer version 5.5 and above will be certified shortly. Currently, IE 5.5 has some cosmetic issues in the application but otherwise, works correctly with CM/ECF. Netscape 6 is not recommended for use with CM/ECF.

Word Processor: Any word processor that can work with Adobe Acrobat version 5 is acceptable. The court will only accept electronically filed documents in PDF format.

Adobe Acrobat v5: A few precautions should be taken when installing and using Version 5 with CM/ECF. Adobe Acrobat Version 5 offers two packages for converting documents to PDF - Acrobat 5 *Distiller* and Acrobat 5 *Writer*. While Adobe's standard installation automatically installs the Distiller package, the Court **strongly recommends** that all CM/ECF users opt for the "Custom" installation and also install the *Writer*. The Acrobat 5 *Wr*iter converts files into PDF considerably faster and produces significantly smaller PDF files than Adobe 5 *Distiller*.

Access to the Internet

Connection to the Internet for the purpose of using CM/ECF should be faster than a standard modem connection. Therefore, we do not recommend using dial-up access for use with CM/ECF. Cable modems or DSL connections are recommended. For information on DSL, try www.dslreports.com. For DSL connection, a minimum speed of 256K in the format of SDSL is recommended. For example, in the Newark area this service costs approximately $150 per month. Cost will be proportional to the distance between the office and the local telephone exchange.

Resources to Help with Electronic Filing

Court's website: www.njb.uscourts.gov

Frequently check the website for updates on cm/ecf. Improvements to cm/ecf, changes in policies and procedures, frequently asked questions.

Help Desk: If you require technical assistance or help in filing any documents, please contact the ECF Help Desk associated with the office the document is to be filed in or email us at cmecf_help_desk@njb.uscourts.gov

Camden: (856)

Newark: (973)

Trenton: (609)

Local Rules and Administrative Procedures: Refer to both of these documents for procedures and rules on how documents are to be formatted, filed and for all service and noticing requirements.

BASIC CONCEPTS

In order to properly file documents with using CM/ECF, there are several basic concepts which users must understand. The basic concepts provide the backbone structure of the program and our procedures. In addition, this user's guide provides common steps which are tasks performed in almost every docketing event. The following list contains the basic concepts discussed in this Guide:

- Login and Password as Signature
- PACER Account
- Filing Creates A Docket Entry
- Adobe Acrobat
- Portable Document Format (PDF)
- Problems Caused by Lengthy Scanned Documents
- Linking Documents
- Fees
- Need for Patience if the System is Slow
- Hyperlinks and URL's
- CM/ECF Main Menu
- Categories and Events
- Notice of Electronic Filing (NEF)
- Notice of Bankruptcy Case Filing (NBCF)
- Saving an Notice of Electronic Filing

Login and Password as Signature

When filing documents electronically, a user's CM/ECF login and password constitute his signature for purposes of signing the document under Fed.R.Bank.P. 9011. It is the responsibility of the user to guard against unauthorized use of his password. Users are encouraged to change their password as employees leave the firm. Users can change their password directly on-line through the CM/ECF program.

In the event a participant believes the security of an existing password has been compromised, the participant shall give immediate notice to the Clerk of the Court either by telephone to **(973)645-4764** or by electronic mail to cmecf_help_desk@njb.uscourts.gov. Upon notification to the court, participants must change their own password on-line through the CM/ECF program. For more information on changing your password, refer to the *Utilities* section of this Guide.

By accepting a login and password from the court, participants in the CM/ECF system waive their right to receive notice by first class mail, including notice pursuant to Fed. R. Bank.P. 2002 and agree to receive notice electronically. Participants also waive their right to service by personal service or first class mail and agree to electronic service, except with regard to service of process of a summons and complaint in an adversary proceeding under Fed.R. Bank.P. 7004 and initiating motions in contested matters under Fed.R. Bank.P. 9014.

PACER

In addition to the login and password issued by the Court, a CM/ECF participant must have a PACER account to access reports and documents in the ECF database. Each participant accessing the court's CM/ECF database from a location other than public terminals at the courthouse in the district will be charged a fee of $.07 per page for each report or document retrieved, whether or not the report or document is printed. The Clerk's office does not charge to view the documents on the public terminals, however we do charge $.10 per page for copies.

As part of the participant's training, users will learn how to elect the use of e-mail notification of docket activity in cases in which they are a party. Receiving the e-mail notification of all docket activity in a case allows participants one free look at each document filed in those cases when accessing the CM/ECF database. There is no charge for filing of documents electronically, except for those documents which have a fee associated, e.g. petitions.

A PACER account may be opened on the Internet at http://pacer.psc.uscourts.gov/

Filing Creates a Docket Entry

Filing a document in CM/ECF requires the user to respond to various prompts such as supplying the case number, identifying the type of document being filed and deciding if the document relates to a previously filed document (also known as linking). Many steps in this process construct a "canned" portion of the docket text for that event. In most instances, if the filing requires a hearing, the date, time and location of the hearing will be scheduled during the event. This will appear in the docket text and will be placed on the Judge's calendar automatically.

Once a document is filed electronically, it is placed on the docket as an entry. This is the reason accurate and precise docketing is necessary to minimize errors. Once something is placed on the docket, immediate access to the docket can be made by anyone logged in.

Adobe Acrobat

Adobe Acrobat is software manufactured by Adobe Systems, Inc. that is used almost universally to convert word processing (text) and imaged files to Portable Document Format (PDF).

Portable Document Format (PDF)

CM/ECF only accepts PDF documents, with the exception of the List of Creditors (matrix). "**P**ortable **D**ocument **F**ormat" is a format in which documents created by various programs can be converted using Adobe Acrobat software. Each computer program has a unique method for formatting documents. Thus, a document created by one word processing program (a text-based document) may not look the same or even be accessible using a different word processing program. Converting documents into PDF format is a way to preserve the integrity of a document and make it viewable to anyone.

The feature of Acrobat utilized to convert documents is "Adobe PDF Writer". An Acrobat user can "print" or convert a document to a new, but identical document in PDF format, leaving the original document intact. Acrobat can also convert an image file to PDF format. Documents such as deeds or pictures which do not exist in text form can be scanned to create image files, which in turn may be converted to PDF format. A user can also combine a text-based document with another document created by scanning (image file).

Problems Caused by Lengthy Scanned Documents

Scanned images can be converted to PDF, but the resulting image or graphic file is much, much larger than a PDF document of equal length created by converting a text (word processing) file.

File size is important in two ways:

(1) It takes more time to bring up an image than a text file, and

(2) A large file requires more storage capacity on our court's system.

For these reasons, our Court is limiting the size of image or graphic files to 20 pages. If your document is more than 20 pages, you make break it up into 20 page attachments.

Linking Documents

Often times, pleadings being filed relate or link back to a document previously filed. For example, a motion is filed and then an objection may be filed which relates back to the original motion. The link must actually be created by the user when filing documents. In the docketing process, a screen will display which asks "*Does this filing refer to an existing document in the case*." This screen begins the linking process.

If the user places a checkmark indicating the pleading being filed does refer to another document, a drop -down list of categories available in CM/ECF will display. The user then selects the appropriate category to display a list of documents previously filed. The user places a checkmark in the box to indicate to which the document to link should be created. For more specific information on linking documents, please refer to the Common Tasks section of this Guide.

Establishing a link in CM/ECF has two effects. Certain reports, such as calendar events reports can display the docket text and hyperlinks to the subsequent documents filed, as well as to the initial documents. The link allows both external and internal users of the system to view the relevant documents on a calendar. If the links are incorrect, the report will be incomplete. In addition, links should only be made when reference to another document is needed.

The second effect of linking is that the document number of each earlier filed document that the current document is linked to will appear as a hyperlink in the docket text. This allows those viewing a docket sheet to quickly identify the linkage of documents from the docket text and allows them to quickly "jump" to the actual documents.

Fees

Before being certified by the court as a registered participant of the CM/ECF system, the user **must** complete a credit card authorization form providing the court with credit card information and authorizing the Clerk to charge the participant's credit card each time a document requiring a fee has been filed. The court will maintain the credit card numbers in a secure location. The collection of fees is an automated process done by the court each day.

In the list of events, users will see (fee) after certain events, this will remind users that their credit card will be charge for the filing of the document. The only notification the participant will receive verifying that the credit card has been debited is the Notice of Electronic Filing (NEF) sent when the court dockets the receipt for the payment. Note: the receipt will not contain the participant's credit card number.

Need for Patience if System is Slow

The speed at which the CM/ECF server will respond to a request by a user's PC to accept and/or transmit data is a function of many factors. One factor is the time of day the user logs into CM/ECF. If the Internet is carrying a lot of traffic at the time a user tries to file a document or run a report, the Internet will be slower to respond. Speed is also a function of how many people are logged into the CM/ECF server at one time.

A similar effect could occur on the user's network or server of the user's Internet Service Provider (ISP). Speed will also depend upon the size of the files that the user is trying to download or upload and the speed of the connection to the Internet. For these reasons the Court recommends a DSL or cable modem. In addition, filing or viewing image-based PDF documents takes much longer than filing or viewing text-based PDF documents. Image-based PDF documents means that a document was scanned and then converted. A text-based image is when a document is created directly using an application on the user's system and converted to PDF.

When the process of filing documents is slow, it is a natural reaction to press the Submit or Next button several times. Doing this will not speed up your filing, it will only cancel your first request and initiate a new request. The first time you click Submit or Next the request is made to the server and puts the request in line for the next available server processing time. A second effect of clicking Submit or Next more than once is that you may actually cause the event to be re-docketed, giving the same document two different document numbers.

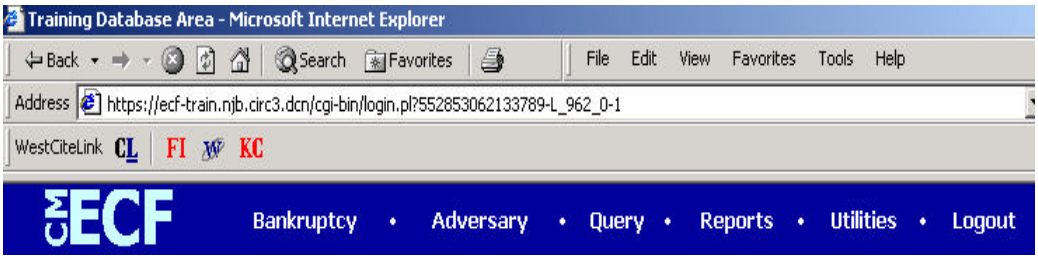
URL (Universal Resource Locator) and Hyperlinks

URL: The naming scheme used to find WEB pages. It is similar to a street address, but referred to as a WEB address. The URL for the court is www.njb.uscourts.gov

Hyperlink: A URL imbedded in a document which is most often underlined and highlighted. Hyperlinks allow users to move from one area of a web based program to another. This is used throughout CM/ECF, enabling the user to move from documents in a case with ease.

CM/ECF Main Menu

The blue banner across the top of the CM/ECF screen is known as the Main Menu and contains access to the following selections: Bankruptcy, Adversary, Query, Reports, Utilities and Logout.



Category and Events

A category is a collection of similar events which appear under the Bankruptcy and Adversary main menu selections. For example, the category called *Motions/Applications* includes various types of motion and application events. Each type of document within the category is a separate event.

A motion to avoid liens, a fee application and a proof of claim are types of events. Events are often referred to as docket events because the item appears on the docket or in the claims register.

Among other things, CM/ECF uses events to:

(1) Identify particular types of documents or proceedings so that searches can be made by type of event.

(2) Help insure that for certain types of activities a related activity occurs, such as collecting a filing fee.

(3) Provide standard "canned" docket text when a docket entry is being created.

The term "event" may be used to describe the occurrence of a particular activity in the case, such as the filing of a document.

Notice of Bankruptcy Case Filing

This screen confirms that the system has received the petition and it is now an official bankruptcy case. The **only** time a user receives the notice of bankruptcy case filing is at the end of opening a new bankruptcy case electronically. The notice bears the court seal and the "filed date" of the petition. This official document may be printed by the filer, as proof of the filing of a petition and may be provided to state courts or sheriffs if necessary.

The Notice of Bankruptcy Case Filing provides the following information:

- Date and Time case was filed
- Name of filer, Case Name and Case Number
- Document Number and Document Text
- Name and Address of person(s) who will receive notice via conventional mail or email address of person(s) who will receive electronic notification

Notice of Electronic Filing (NEF)

The Notice of Electronic Filing (NEF) is the last screen which displays after filing a document electronically. The NEF serves as your confirmation that the court has received the filing. This screen is the point when an entry on the court's docket is official. All registered participants of the system who are a party in the case or have requested to receive information for a particular case will receive the NEF via electronic mail automatically. The NEF also provides electronic participants one free view of the filed document, both for documents they file and for documents others file.

The NEF provides the following information:

- Date and Time the transaction was received and from whom it was received
- Case Name
- Case Number
- Document Number
- Docket Text
- Documents associated with the transaction.
- Document Description: Main document and attachments, if any.
- Original Filename: Filename of document uploaded from user's system.

- Electronic Document Stamp: This is a stamp automatically generated by computer.
- Parties in the case who will receive notice electronically and parties who should receive notice via conventional mail.

☛ *TIP - The list of names which displays states who will receive notice electronically. This list guides the filer in determining who they must serve in paper form conventionally. Please refer to Administrative Procedures for guidelines on service.*

Saving a Notice of Electronic Filing

STEP 1 From the browser pull down menu select **File, Print**

STEP 2 Choose PDF writer as the printer option.

STEP 3 When *save as* dialog box displays, select directory to save in and name file accordingly.

☛ *TIP - Although the Notice of Electronic Filing (NEF) or the Notice of Bankruptcy Case Filing can be saved, the imbedded hyperlinks are not functional.*

☛ *TIP - To access the Notice of Bankruptcy Case Filing (with the seal) you must click on the hyperlink on the NEF after filing the petition.*

COMMON TASKS

CM/ECF utilizes many *common tasks* during the docketing process. These tasks include a variety of screens or routines that perform specific functions in docket events. The inclusion of a specific task or routine will vary depending upon the desired functionality of the event. The following is a list of *Common Tasks:*

- Select party
- Create Attorney/Party Relationship
- Link Documents
- Browse for & Upload PDF/Attachments
- Edit docket text
- Setting Hearings
- Key Commands & Shortcuts

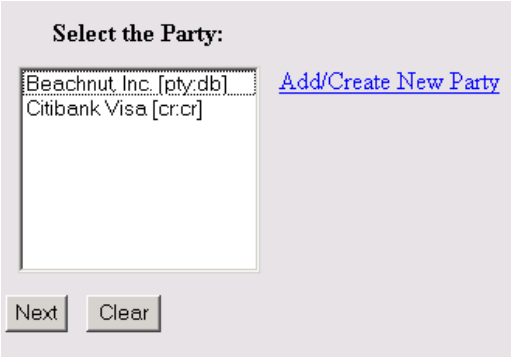
Select Party(s)

This routine is used to identify the party on whose behalf a document is being filed. The following are helpful hints when searching for parties.

Search Hints for Creditor Database

- Searching is case sensitive.
- Include punctuation.
- Partial names can be entered.
- Significant words or names are effective (Radio for Radio Shack or Northwest Radiology).
- Try alternate search clues if your first search is not successful.
- Wildcards (*) are not required but may be used.
- For more information, see Selecting, Adding & Creating Parties in the Common Tasks section of this manual

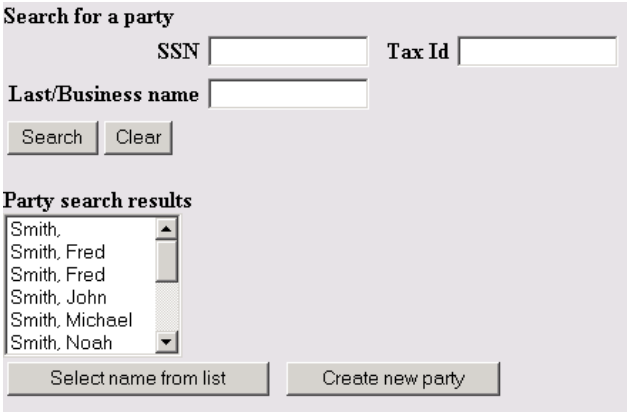
- A list of the parties in the case is presented. If the party on whose behalf the document is being filed is listed, click on the name to highlight and click [Next]. If more than one party is filing the document and they are on the list, hold down the control key and click on all applicable parties. (NOTE: When filing for more than one party, you must first add any missing parties to the list before selecting parties; you may not select one party, add a party and then select the second added party). If the party is not listed, click [Add/Create New Party].



- Complete the **Search for Party** screen by entering the last/business name of the party. **Note:** The search mechanism is case sensitive.

Search for Party screen

- If the **Party search results** produces a list of names and the party you are searching for is listed, click on the name to highlight and click [Select name from list]. If the list does not include the party you are searching for, click [Create new party].



Party Information
Last name Smith First name
Middle name Generation Title
SSN 222-11-1234 Tax ID
Office Address 1
Address 2 Address 3
City State Zip
County Country
Phone Fax
E-mail
ProSe no Role Unknown Role Type (none:pty)
Party text
Submit Cancel Clear

- Complete the Last, First and Middle Name fields only; select the role type; click [SUBMIT]

IMPORTANT: Ensure that the "Role" field is completed.

Creating an Attorney-Party relationship

If any of the following occur you will be presented with a screen that states "*The following attorney/party associations do not exist for this case. Please check which associations should be created for this case.*"

- You represent a party who was previously in the case and was either Pro Se or was represented by another attorney
- The party you represent is new to the case
- You also represent another party in the case

The following attorney/party associations do not exist for this case.
Please check which associations should be created for this case:

☐ Smith, Fred(pty:cr) represented by Wong, Jennifer (aty)

Next Clear

- To create the association, place a check in the box and click [NEXT].

Editing Docket Text

CM/ECF has been designed to limit the amount of editable docket text. The execution of specific docket routines, such as *Add Party* places "canned" language in the docket text. The illustrations below show the different types of docket text boxes and are accompanied by instructions for each.

The docket text box in Figure 1 displays the docket text for a Motion for an Accounting. When uploading the document the user also uploaded three attachments. This docket text box cannot be edited. If the correct information was entered during the docketing process, the docket text should not require editing. If, however, incorrect information appears, users must click the [BACK] button on their browser to retrace the steps of the docket event and correct any erroneous information.

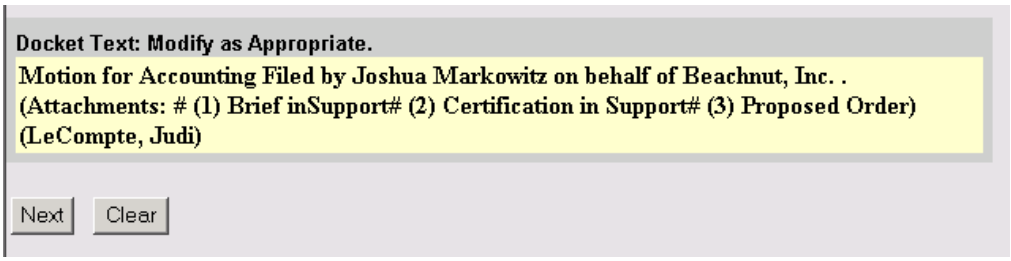


Figure 1 - Uneditable docket text

The docket text box in Figure 2 displays a Prefix. By clicking on the pull-down arrow, a list containing various words is displayed. The prefix box is not available in all docket events and it's use is optional. In the example above an *Amended* Certificate of Service is being filed. To accomplish this, the user dockets the Certificate of Service event. The *Amended* prefix is added to the docket text by utilizing the Prefix Box.

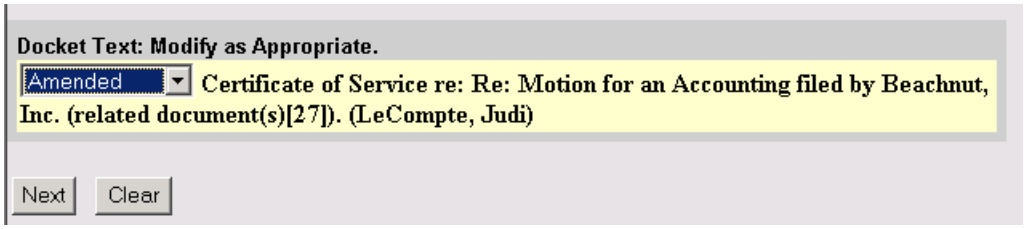
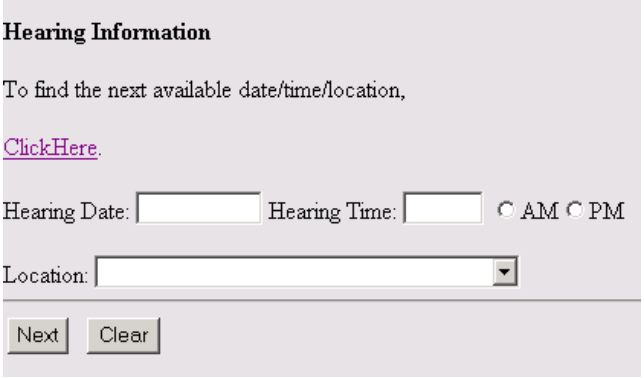


Figure 2 - Prefix Box

Setting Hearings

When filing a document that typically requires a hearing, such as a motion, you will be given the opportunity to set the hearing within the docket event. This routine will also place the hearing on the judge's calendar.



- Click the "Click Here" hyperlink. The link will take you to a web page containing a list of available hearing dates and times for the judge assigned to that case. Determine an appropriate date and time and click [BACK] button on your browser to return to the **Hearing Information** screen.

- Enter the hearing date and time, click on AM or PM, choose the location from the pull-down list and click [Next].

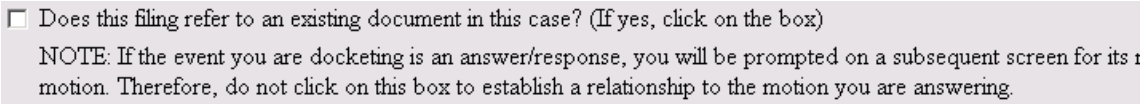
NOTE:

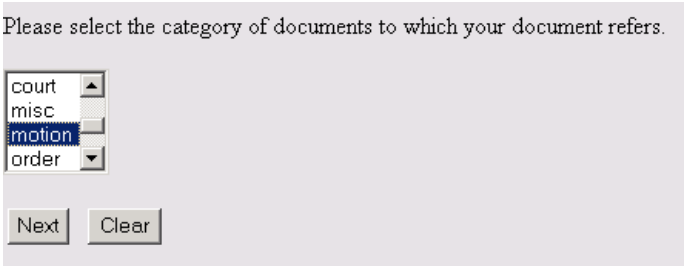
- **Hearing date format: 01/15/01**
- **Hearing time format: 10:00**

Linking Documents

Establishing a link between the document being filed and a related document that was previously filed creates a relationship in the court's database that makes it easier to find a subset of documents relevant to the document being filed. For example, an Objection must be linked to the document to which it refers. Not all documents require linking, only those documents that refer to a previously filed document should be linked.

- To create a link to another document, place a check in the box next to "Does this filing refer to an existing document" and click [NEXT].





- Select the category of documents to which your document refers and click [NEXT]. For example, if the document you wish to create a link to is a motion, scroll to "motion," click to highlight and click [Next]. For more information on categories, please refer to the Event List (sorted by category) attached

- A list of docket entries that fall under the category you chose is presented. Place a check in the box to the left of the entry which relates to your document and click [NEXT].

Include	Date	#	Docket Text
☐	05/11/2001	2	Motion to Consolidate the following cases: 01-11111 and 01-11112 Filed by Beachnut, Inc.. (LeCompte, Judi)
☐	05/16/2001	3	Motion to Transfer Case To Another Division - Newark Filed by Beachnut, Inc.. (LeCompte, Judi)
☐	05/16/2001	5	Motion to Transfer Case To Southern District of California, Filed by Beachnut, Inc.. (LeCompte, Judi)
☐	05/16/2001	7	Motion to Transfer Case To Trenton, Filed by Beachnut, Inc.. (LeCompte, Judi)
☐	09/14/2001	16	Application for Compensation for John Smith, Debtor's Attorney, period: 1/1/2001 to 9/1/2001, fee: $10,000, expenses: $1,000. Filed by John Smith. Hearing scheduled for 10/10/2001 at 02:00 AM at Courtroom 1, Camden. (LeCompte, Judi)

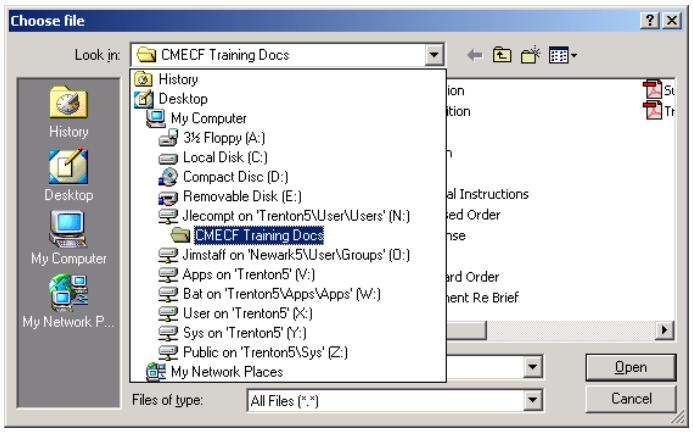
Browse for and Upload PDF/Attachments

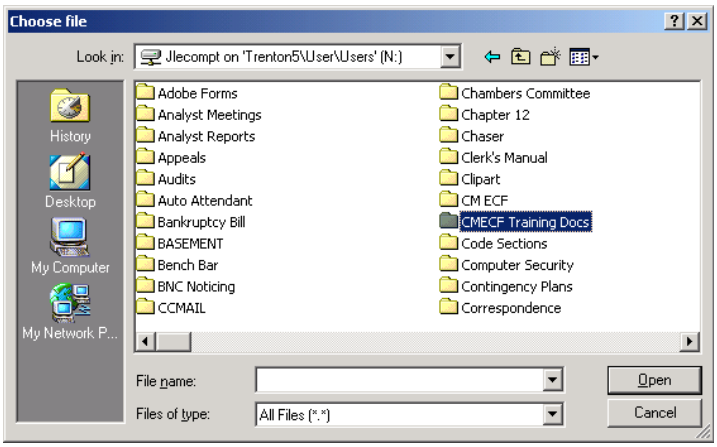
This common task is used to locate the PDF document and attachments to be filed.

- Click on the [Browse] button to navigate to the directory containing the PDF document. If you intend to upload attachments, be sure to click the [YES] radio button.

Select the **pdf** document (for example: C:\199cv501-21.pdf).
Filename
Browse...
Attachments to Document: No Yes
Next Clear

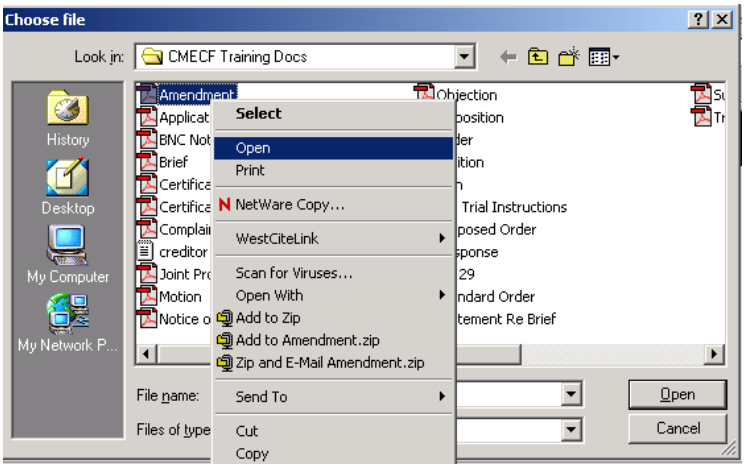
- Use the pull-down arrow to the right of the "Look in" box, to view the drive structure of your computer. All drives available to you will appear in a drop-down box. Click on the drive which contains the file you wish to download. **Note:** When searching for a PDF document, be sure to select All files {*.*} in the "Files of Type" box.



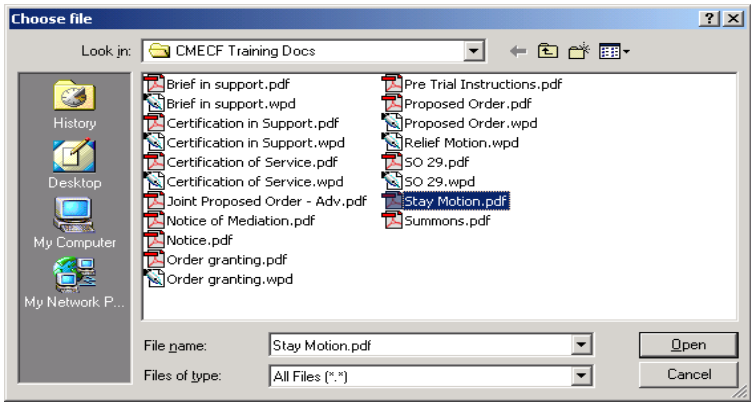


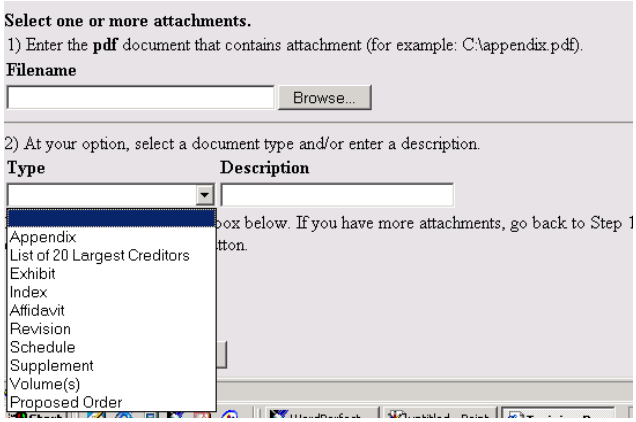
♦ If the file you are looking for is in a folder, double click on the folder to open it.

♦ Right click on the document and select OPEN to view the document before uploading. **NOTE:** Because all documents must be in PDF format, this step will open the document in Adobe Acrobat.

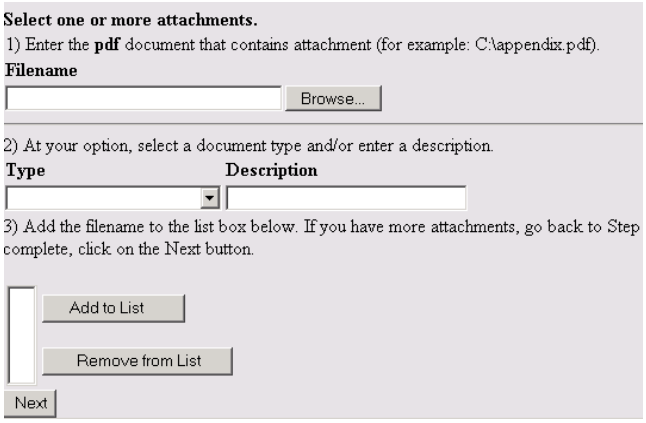


♦ After viewing the document to ensure that the correct document is being uploaded, return to the CM/ECF page in your browser and click [OPEN] to upload the document.





Steps 1 and 2



Step 3

- (1) Repeat the previous steps to locate each attachment.

  (2) Select a document type general description by clicking on the drop down arrow under **TYPE**. If the name of the attachment is not listed, enter the name of the attachment in the **DESCRIPTION** box. Click [Add to list]. Repeat this process for every attachment.

  (3) When finished adding the main document and all attachments, click [Next].

NOTE: The text entered in the **TYPE** and **DESCRIPTION** boxes appears in the docket text. This allows a reader to know what the attachment is without having to open it.

Key Commands & Shortcuts

Microsoft Windows contains many key commands or shortcuts that have become virtually universal, that is, they can be used in most windows applications. Many are helpful when using CM/ECF. These shortcuts can reduce your docketing time and the amount of time spent using a mouse. The following are brief descriptions of the most frequently used shortcuts.

- **Ctrl + c** (Copy). Select the text you wish to copy by dragging your mouse across it; press and hold down the Control (Ctrl) key, then press the (c) key. This copies the selected text to an imaginary "clipboard."
- **Ctrl + v** (Paste). Place the cursor where you want to place the copied text, press and hold down the Control (Ctrl) key, then press the (v) key.
- **Ctrl + f** (Find). If you are looking for a specific word or number in a document or web page, including CM/ECF you may use this shortcut to find that word or number. Press and hold down the Control (CTRL) key, then press the (f) key. Type the word or number into the "Find What" box. Press [ENTER] to perform the search or to repeat the search.
- **Ctrl + End**. The Control End command takes you to the end of a document. Press and hold down the Control (Ctrl) key, the press the (End) key.

GETTING READY TO FILE

Document Creation and Format

Pleadings may be created using any word processing application, however all documents must be converted to Portable Document Format (PDF) prior to filing electronically with the court, with the exception of the matrix. If you attempt to upload a non-pdf file, or try to submit a docket entry without a document attached, an error message will display.

When preparing a document, you must comply with the Administrative Procedures Section IIC. The name of the Participant under whose log-in and password the document is submitted must be displayed by a "/s/" and typed in the space where a signature would otherwise appear, e.g., "/s/Jane Doe". In addition, documents filed electronically which require original signatures, other than the Participants ("third party signatures"), must be maintained in paper form by the Participant for a period not less than seven years from the date of closure of the case or proceeding in which the document is filed. The third party signature on a document must be electronically filed in one of the following two ways: (1) submitting a scanned document containing the third party signature; or (2) by submitting a document displaying the name of the person signing the document, preceded by "/s/" and typed in the space where the signature would otherwise appear.

When creating documents in a word processing application, we recommend you create folders for each of your cases in which to save the documents, as well as the Notice of Electronic Filing (NEF) which you will receive back from the court. In order to track your pleadings with ease, your office should develop some type of file naming convention. For example, you may want to use the case number and abbreviations for the type of document being filed. (i.e. 12345rs is the equivalent of case number 01-12345 Motion for Relief from Stay).

All documents should be captioned just as they are now. On motions, do not include a hearing date on the document. You will be prompted during the docketing of a motion to set your own hearing, which will automatically be placed on the Judge's calendar. For more specific information on setting hearings, please refer to the Common Tasks and Filing a Document sections of the this Guide.

Converting a Document to PDF Format

Conversion to PDF is necessary for any document prior to electronically filing with the court. Converting a document to PDF will not alter your original, it will only create a copy. Refer to the instructions below for converting a document to PDF from WordPerfect; other applications may vary in the how the conversion process is done.

STEP 1 Open the document to be converted.

STEP 2 Click on *File* on the tool bar and select the *Print* option. The print dialog box will display. Select the drop down arrow to change the option for the selected printer.

STEP 3 Select Acrobat PDFWriter. Click on Print button.

☛ *TIP - Pressing Print will save the file as a PDF, it will not actually print the document.*

STEP 4 The Save PDF File As dialog box displays. Select the directory in which to save the PDF file. Create file name; ensure PDF Files (*.pdf) displays in the *List of Files Type* window; click [SAVE].

Optional Feature

In the Save PDF File As dialog box, there are two additional functions:

- **Edit Document Info** - This feature is located in the lower left corner of the dialog box and allows the user to edit the PDF document before saving it.
- **View PDF File** - If a check mark is place in this box, it will open the acrobat document once you click Save.

Viewing PDF Documents before Filing

Often, users file the correct document in the wrong case, or the incorrect document in the right case. In order to prevent filing in the wrong case, users should be careful to take note of the name of debtor and case number, which will display hyperlink, at the top of the screen when docketing.

To ensure that the correct document is being filed the user must review the PDF before submitting. During the docketing of an event, a screen will always display requiring the user to upload their document. During the upload process, the user will browse their own file directories and search for the file previously created. Once you find the correct document, and before uploading it, be sure to open the document and view it. Follow the direction below for viewing a document during the uploading process:

- Highlight the file name and right click on the name of the document with the mouse. A menu will display.
- Using the left mouse button, select Open, this will allow you to view the PDF document prior to sending it to the court. Make sure that all the pages you intended are there and if it is a scanned document that it is legible and did not skip any pages during scanning.

Once the document has been verified, the user would close the PDF viewer and click Open on the cm/ecf screen. Upon clicking Open, the filename and path will display in the box labeled "filename". If there are no separate attachments to the document (i.e. certificate of service), continue by clicking Next. If there are attachments, place a dot in the radio button to say "yes" to attachments, then click Next.

CAUTION:

Be sure to view document before accepting and filing with the court.
Filing with the court creates a docket entry immediately.

To view the document and ensure it was converted prior to the docketing process, refer to the steps below:

STEP 1 Open *Adobe Acrobat* program.

STEP 2 Select File from the men bur, then select Open.

STEP 3 Click on the location and filename of the document to be viewed.

STEP 4 Highlight the file name and click Open.

STEP 5 Use the scroll bars or the buttons on the tool bar to move through the multi-page documents. Click on View on the menu bar for other viewing options of the document.

Combining Different Types of Papers in One Document

The CM/ECF software has no method to decipher PDF documents to determine the type of pleading being filed, e.g. motion, brief etc. Thus, choosing the correct docket event is imperative. Do not combine into one file any papers which can be filed separately. NEVER combine events from different CM/ECF categories into the same PDF document. You may only combine the petition, schedules, summary of schedules, statement of financial affairs, attorney's disclosure statement, and statement of intention in one document (do not include the chapter 13 plan/summary or the matrix).

Never combine (1) a motion with a response or answer to another document, (2) a plan or disclosure statement with each other or with any other documents (except for a certificate of service), (3) a pleading in an adversary proceeding with a motion.

Users may file multi-part motions electronically. In the event pick list, the user must select all types of motions that describe the PDF document. To select more than one item from the list use the <CTRL> key. The resulting docket text will list each motion event type selected, but the user is not able to edit the docket text. In addition, the user cannot put the motion events selected in a particular order to emphasize which motion should be listed first. Do not worry about how the docket text reads, draft the document so that is clearly explains the relief requested.

Combining Supporting Documents with Main Document

It is permissible to file a document that is a combination of several different types of documents (which may have been filed separately), where one section is the main document (e.g. the motion), and the other document(s) are the support to the main document (i.e. brief, certificate of service, proposed order). When docketing motions or applications be sure to select the event for the main document which is the Notice of Motion or application, from the *Motions/Applications* category. At the upload screen, the main document is be the Notice of Motion or Application. To "attach" supporting documents such as a Certification, select the [YES] radio button and click [NEXT]. On the attachments screen, upload the supporting documents such as the Certificate of Service and/or proposed order. Use the "*type*" drop-down box to identify the type of document (if the document type is not on the list, use the free text description box.) After each attachment, click Add to List. After all attachments have been uploaded, click [NEXT]. For more specific instructions on uploading PDF's, please refer to the Common Tasks section of this Guide.

FILING A DOCUMENT IN CM/ECF

Filing a document in CM/ECF requires identifying the nature of the document to be filed from the category list and uploading the PDF document from your computer to the court. Before filing a document, the user must decide whether the document should be filed in a bankruptcy case or an adversary case, this will determine the category to select. The *ECF Event List* located in this users guide will help you identify the appropriate category in which to file.

Accessing CM/ECF

STEP 1 Click on Internet access icon.

STEP 2 Access the courts website at http://www.njb.uscourts.gov

STEP 3 Click on the hyperlink to CM/ECF

Login And Passwords

Your login and password are used to access the CM/ECF system. The login and password serve as your signature. (*Refer to the Administrative Procedures II(C) for guidelines on electronic signatures and retention of original signed documents*)

STEP 1 Enter your login and password in the appropriate fields and click [LOGIN].

STEP 2 Choose from the Main Menu at the top of the page (the blue banner). The menu options are listed below:

- **Bankruptcy:** This displays all categories relating to Bankruptcy cases.
- **Adversary:** This will display all categories relating to Adversary cases.
- **Query:** This will display the query screen which enables the user to retrieve information pertinent to a case (i.e. parties, related proceedings).

- **Reports:** This will display the reports available for case information.
- **Utilities:** This will display the utilities menu, which enables users to maintain their accounts and notification.
- **Logout:** This will return you to the login screen.

STEP 3 Once you select from the Main Menu listed above, you will then be prompted to select a Category type in which to docket, such as *Motions and Applications* or *Responses and Answers*. Within each of these categories are Events to select in order to docket the pleadings. The Category types for docketing under *Bankruptcy* are listed below:

- **Appeals** - Contains the Notice of Appeal event and all pleadings relating to an appeal (i.e. Designation of Record, Statement of Issues)
- **Bk Case Opening** - Use to file a voluntary or involuntary petition
- **Claim Actions** - Contains events used to file pleadings related to claims, e.g. withdrawal of claim, transfer of claim.
- **Claim Filing** - Allows the filing of a proof of claim
- **Uploading Creditors** - Allows user to upload the creditor matrix
- **Miscellaneous** - Contains events used to file various documents, such as Amendments, Notices of Appearance and Reaffirmation Agreements.
- **Motions/Applications** - Contains events used to file Motions, Applications and their initial supporting documents.
- **Response/Objections** - Events under this heading include Objections, Responses, Objections and Objection to Notice of Information
- **Plan** - The category contains Chapter 13 and 11 Plan events and those events used to file pleadings related to Plans, such as the Chapter 13 Summary and Disclosure Statements.

The Category types for docketing under *Adversary* are listed below:

- **AP/MP Case Opening** - This category is utilized when filing an Adversary Proceeding or Miscellaneous Proceeding. **NOTE**: Adversary coversheet should be included as the last page in the file that contains the complaint.
- **Answer/Response** - Contains events used to file a response to a Motion and the event used to file and answer to a complaint.
- **Appeals** - Contains the Notice of Appeal event and all pleadings relating to an appeal (i.e. Designation of Record, Statement of Issues)
- **Motions/Applications** - Contains events used to file Motions, Applications and their initial supporting documents.
- **Miscellaneous** - Contains events used to file various documents, such as Pre Trial Memoranda, Requests to Enter Default and Certifications of Service.
- **Complaint** - Events in this category include amended complaint, counterclaim, crossclaim and third party complaint.

NOTE: If you determine prior to final submission that an error was made while filing a document, click the BACK button on your browser until you have returned to the screen of the error. Once you make a change, you will have to re-enter the information on the following screens, it will not save it.

Setting Hearings

During the docketing of *motions and applications*, a hearing screen will display allowing user's to set their own hearing. The user will be prompted to click on the hyperlink to the Judge's calendar and select the next available hearing date. Hearings should be set on all motions filed electronically, *except* for the following:

- Motions for which you are also filing an application and order to shorten time
- Applications, *with the exception of* Applications for Compensation over $1,000

If the court determines for some reason that the hearing date you have set is not valid, you will receive electronic notification of the new hearing date and time.

☛ *REMINDER - Do not include a hearing date on the actual motion paper. User will set the hearing date during the docketing of the motion.*

COMPLETING COURT FORMS ONLINE

The United States Bankruptcy Court, District of New Jersey will make several forms available on our Internet site in PDF format for filers to complete prior to docketing electronically. The forms are easy to complete. If you notice, when your curser is placed over a document in Adobe Acrobat a hand similar to the one pictured below replaces your normal cursor. Although the form fields are invisible, the cursor changes from a "hand" to an "I-Beam." when placed over a form field. Just click where an I-Beam appears and type the necessary information.

Normal cursor in Windows

Normal cursor in Adobe Acrobat Reader - changes to I-Beam when cursor is placed over a "fillable" field

I - Beam cursor - appears when cursor is placed over a "fillable" field in Adobe Acrobat Reader

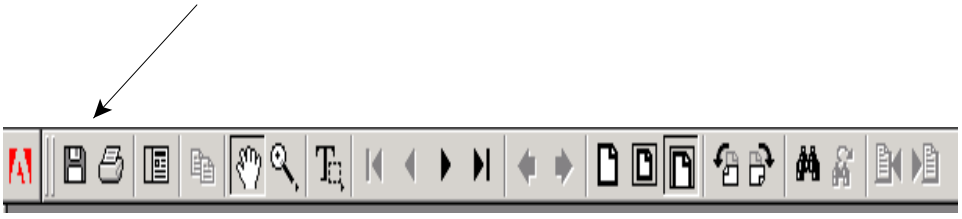
Finger cursor - Hand cursor changes to a finger when placed over a box that can be "checked."

Many of the interactive (fillable) forms on our intranet site contain information in a pull down menu as shown to the right. For example, our appearance sheet has been redesigned and includes a pull-down menu which lists the name of each bankruptcy judge in our district. To use the pull-down menu, click on the down arrow, scroll down until the information you need is highlighted then click on that information.

Saving a PDF for Uploading

After completing the form online, you will want to save it to your own directory so that you can upload it during the docketing process.

STEP 1 Click on the **Save A Copy of the File** button on the Adobe menu bar.



STEP 2 Select the folder in which to save the form; name the document; click [SAVE].

☛ *TIP - It is important to note the folder you saved the file in and the filename so you can locate it during the upload process.*

Inserting Additional Pages into a PDF Document

After you have completed a form online and saved it as a pdf document you may need to add additional pages. For example, a filer will create a complaint and convert it to pdf. The user will then go to the court's website for the cover sheet, which must be part of the complaint. The filer will complete the cover sheet online and save as it as pdf document. The cover sheet can then be inserted into the complaint as the last page before filing electronically.

STEP 1 Complete form to be inserted into original document and save as pdf, using instructions above.

STEP 2 Open the original pdf document you created and saved to your own directory.

STEP 3 Click Document, Insert Page, a dialog box will display requesting you to select the file to insert. Browse to the directory of the saved file, highlight the file name and click Open.

STEP 4 The Insert dialog box will display. Select from the drop-down list the location for the inserted file to be placed, before or after the original document. Then select before or after the first page, last page or a specific page number. Click **OK.**

STEP 5 Open the original pdf document to confirm that the pages were inserted.

EVENT/DOCUMENT	BANKRUPTCY/ ADVERSARY	CATEGORY	SUB-CATEGORY
20 Largest Unsecured Creditors	Bankruptcy	Misc. Events	
Addendum to Record on Appeal	Bankruptcy & Adversary	Appeals	
Adversary Proceeding	Adversary	Open an AP/MP Case	
Amended Complaint	Adversary	Complaint	
Amended List of Creditors (Fee)	Bankruptcy	Misc. Events	
Amended Schedules	Bankruptcy	Misc. Events	
Amended Schedules D, E or F (Fee)	Bankruptcy	Misc. Events	
Answer (Involuntary)	Bankruptcy	Misc. Events	
Answer to Amended Complaint	Adversary	Answers/Responses	
Answer to Complaint	Adversary	Answers/Responses	Complaint, 3rd, Cross, Counter
Answer to Complaint & Counterclaim	Adversary	Answers/Responses	Complaint, 3rd, Cross, Counter
Answer to Complaint & Crossclaim	Adversary	Answers/Responses	Complaint, 3rd, Cross, Counter
Answer to Complaint & Third Party Complaint	Adversary	Answers/Responses	Complaint, 3rd, Cross, Counter
Answer to Counterclaim	Adversary	Answers/Responses	
Answer to Crossclaim	Adversary	Answers/Responses	
Answer to Third Party Complaint	Adversary	Answers/Responses	

EVENT/DOCUMENT	BANKRUPTCY/ ADVERSARY	CATEGORY	SUB-CATEGORY
Application (Generic)	Bankruptcy & Adversary	Motions/Applications	
Application for Compensation	Bankruptcy	Motions/Applications	
Application for Compensation (under 1000)	Bankruptcy	Motions/Applications	
Application for Order to Show Cause	Adversary	Motions/Applications	
Application for Administrative Expenses	Bankruptcy	Motions/Applications	
Application to Waive Appearance	Bankruptcy	Motions/Applications	
Application to Employ	Bankruptcy	Motions/Applications	
Application to Pay Filing Fees in Installments	Bankruptcy	Motions/Applications	
Application to Shorten Time	Bankruptcy/Adversary	Motions/Applications	
Appraisal	Bankruptcy	Misc. Events	
Ballot	Bankruptcy	Misc. Events	
Bond	Bankruptcy	Trustee	
Certification of Ballot	Bankruptcy	Misc. Events	
Certificate of Consent	Bankruptcy & Adversary	Misc. Events	
Certificate of Service	Bankruptcy & Adversary	Misc. Events	
Certification of Debtor in Possession	Bankruptcy	Misc. Events	
Certification of Non Receipt of Payment	Bankruptcy	Trustee	
Ch13 Trustee Final Report - Completing	Bankruptcy	Trustee	

EVENT/DOCUMENT	BANKRUPTCY/ ADVERSARY	CATEGORY	SUB-CATEGORY
Ch13 Trustee Final Report - Conversion	Bankruptcy	Trustee	
Ch13 Trustee Final Report - Dismissal	Bankruptcy	Trustee	
Change of Address	Bankruptcy	Misc. Events	
Chapter 7 Trustee's Report of No Distribution	Bankruptcy	Trustee	
Chapter 9 Plan	Bankruptcy	Plan	
Chapter 11 Plan	Bankruptcy	Plan	
Chapter 12 Plan	Bankruptcy	Plan	
Chapter 12 Trustee Final Report and Account	Bankruptcy	Trustee	
Chapter 13 Plan	Bankruptcy	Plan	
Chapter 13 Summary	Bankruptcy	Plan	
Complaint	Adversary	Open an AP/MP Case	
Counterclaim	Adversary	Complaint	
Creditor's Certification of Non Payment	Bankruptcy	Misc. Events	
Cross Appeal (Fee)	Bankruptcy & Adversary	Appeals	
Crossclaim	Adversary	Complaint	
Designation of Record	Bankruptcy & Adversary	Appeals	
Disclosure Statement	Bankruptcy	Plan	
Document	Bankruptcy & Adversary	Misc. Events	

EVENT/DOCUMENT	BANKRUPTCY/ ADVERSARY	CATEGORY	SUB-CATEGORY
Exhibit	Bankruptcy & Adversary	Misc. Events	
Final Decree	Bankruptcy	Motions/Applications	
First Meeting Continued	Bankruptcy	Trustee	
First Meeting Minutes	Bankruptcy	Trustee	
List of Creditors	Bankruptcy	Creditor Maintenance	Upload a Creditor Matrix
Matrix	Bankruptcy	Creditor Maintenance	Upload a Creditor Matrix
Mediator's Certification of Completion	Bankruptcy & Adversary	Misc. Events	
Miscellaneous Proceeding	Adversary	Open an AP/MP Case	
Missing Document(s) Filed	Bankruptcy	Misc. Events	
Modify Claims	Bankruptcy	Motions/Applications	
Motion for Accounting	Bankruptcy	Motions/Applications	
Motion for Adequate Protection	Bankruptcy	Motions/Applications	
Motion for Contempt	Bankruptcy & Adversary	Motions/Applications	
Motion for Default Judgment	Adversary	Motions/Applications	
Motion for Examination	Bankruptcy	Motions/Applications	
Motion for Hardship Discharge	Bankruptcy	Motions/Applications	
Motion for Joint Administration	Bankruptcy & Adversary	Motions/Applications	
Motion for Leave to Appeal	Bankruptcy	Motions/Applications	

EVENT/DOCUMENT	BANKRUPTCY/ ADVERSARY	CATEGORY	SUB-CATEGORY
Motion for Prospective Relief	Bankruptcy	Motions/Applications	
Motion for Relief from Co-Debtor Stay	Bankruptcy	Motions/Applications	
Motion for Relief From Stay	Bankruptcy	Motions/Applications	
Motion for Sanctions	Bankruptcy & Adversary	Motions/Applications	
Motion for Stay Pending Appeal	Bankruptcy & Adversary	Motions/Applications	
Motion for Summary Judgment	Adversary	Motions/Applications	
Motion for Withdrawal of Reference	Bankruptcy & Adversary	Motions/Applications	
Motion (Generic)	Bankruptcy & Adversary	Motions/Applications	
Motion to Allow Payment Arrearages	Bankruptcy	Motions/Applications	
Motion to Appoint Creditors' Committee	Bankruptcy	Motions/Applications	
Motion to Appoint Trustee	Bankruptcy	Motions/Applications	
Motion to Assume	Bankruptcy	Motions/Applications	
Motion to Avoid Lien	Bankruptcy	Motions/Applications	
Motion to Compel	Bankruptcy & Adversary	Motions/Applications	
Motion to Compel Abandonment	Bankruptcy	Motions/Applications	
Motion to Consolidate	Bankruptcy & Adversary	Motions/Applications	
Motion to Convert Case to Chapter 7	Bankruptcy	Motions/Applications	
Motion to Convert Case to Chapter 11	Bankruptcy	Motions/Applications	

EVENT/DOCUMENT	BANKRUPTCY/ ADVERSARY	CATEGORY	SUB-CATEGORY
Motion to Convert Case to Chapter 12	Bankruptcy	Motions/Applications	
Motion to Convert Case to Chapter 13	Bankruptcy	Motions/Applications	
Motion to Deconsolidate Case Association	Bankruptcy & Adversary	Motions/Applications	
Motion to Deposit Funds into Court Registry	Bankruptcy	Motions/Applications	
Motion to Dismiss Adversary Proceeding	Adversary	Motions/Applications	
Motion to Dismiss Case	Bankruptcy	Motions/Applications	
Motion to Enforce	Bankruptcy & Adversary	Motions/Applications	
Motion to Extend Time	Bankruptcy & Adversary	Motions/Applications	
Motion to Limit Notice	Bankruptcy	Motions/Applications	
Motion to Quash	Bankruptcy & Adversary	Motions/Applications	
Motion to Reconsider	Bankruptcy & Adversary	Motions/Applications	
Motion to Recuse Judge	Bankruptcy & Adversary	Motions/Applications	
Motion to Reject	Bankruptcy	Motions/Applications	
Motion to Reinstate Case	Bankruptcy & Adversary	Motions/Applications	
Motion to Reinstate Stay	Bankruptcy	Motions/Applications	
Motion to Reopen Case	Bankruptcy & Adversary	Motions/Applications	
Motion to Sell	Bankruptcy	Motions/Applications	
Motion to Sever	Bankruptcy	Motions/Applications	

EVENT/DOCUMENT	BANKRUPTCY/ ADVERSARY	CATEGORY	SUB-CATEGORY
Motion to Transfer Adversary Case (Other District)	Adversary	Motions/Applications	
Motion to Transfer Adversary Case (Divisional)	Adversary	Motions/Applications	
Motion to Transfer Case(Other District)	Bankruptcy	Motions/Applications	
Motion to Transfer Case (Divisional)	Bankruptcy	Motions/Applications	
Motion to Use Cash Collateral	Bankruptcy	Motions/Applications	
Motion to Vacate	Bankruptcy	Motions/Applications	
Motion to Withdraw as Attorney	Bankruptcy & Adversary	Motions/Applications	
Notice of Appeal (Fee)	Bankruptcy & Adversary	Appeals	
Notice of Appearance and Request	Bankruptcy	Misc. Events	
Notice Appointing Successor Trustee	Bankruptcy	Trustee	
Notice of Continuance of Meeting of Creditors	Bankruptcy	Trustee	
Notice of Information	Bankruptcy	Misc. Events	
Notice of Information	Bankruptcy	Trustee	
Notice of Pro Bono Services	Bankruptcy & Adversary	Misc. Events	
Notice of Removal	Adversary	Complaint	
Notice of Settlement of Controversy	Bankruptcy & Adversary	Misc. Events	

EVENT/DOCUMENT	BANKRUPTCY/ ADVERSARY	CATEGORY	SUB-CATEGORY
Notice of Settlement of Controversy	Bankruptcy	Trustee	
Notice of Voluntary Conversion to Chapter 7 (Fee)	Bankruptcy	Misc. Events	
Notice of Withdrawal of Claim	Bankruptcy	Claim Filings	
Notice Re: Creditors' Committee	Bankruptcy	Trustee	
Objection	Adversary	Answers/Responses	Motion/Application
Objection	Bankruptcy	Responses/Objections	Reference an Existing Motion
Objection to Claim	Bankruptcy	Claim Filings	
Objection to Debtor's Claim of Exemptions	Bankruptcy	Trustee	
Objection to Debtor's Expenses	Bankruptcy	Trustee	
Objection to Notice of Information	Adversary	Answers/Responses	Motion/Application
Objection to Notice of Information	Bankruptcy	Responses/Objections	Reference an Existing Motion
Objection to Transfer of Claim	Bankruptcy	Claim Filings	
Operating Report	Bankruptcy	Misc. Events	
Opposition	Bankruptcy	Responses/Objections	Reference an Existing Motion
Opposition	Adversary	Answers/Responses	Motion/Application
Petition	Bankruptcy	Open a BK Case	
Pre Trial Memorandum	Adversary	Misc. Events	

Attorney/Trustee Event List
Sorted Alphabetically

EVENT/DOCUMENT	BANKRUPTCY/ ADVERSARY	CATEGORY	SUB-CATEGORY
Proof of Claim	Bankruptcy	Claim Filing	
Reaffirmation Agreement	Bankruptcy	Misc. Events	
Registration of Foreign Judgment	Adversary	Complaint	
Request to Defer Payment	Bankruptcy & Adversary	Misc. Events	
Request to Enter Default	Adversary	Misc. Events	
Request to Enter Default Judgment	Adversary	Misc. Events	
Response	Bankruptcy	Responses/Objections	Reference an Existing Motion
Response	Adversary	Answers/Responses	Motion/Application
Statement of Intention	Bankruptcy	Misc. Events	
Statement of Issues on Appeal	Bankruptcy & Adversary	Appeals	
Stipulation	Bankruptcy & Adversary	Misc. Events	
Stipulation of Dismissal in an Adversary Proceeding	Adversary	Misc. Events	
Subpoena	Bankruptcy & Adversary	Misc. Events	
Substitution of Attorney	Bankruptcy & Adversary	Misc. Events	
Support	Bankruptcy & Adversary	Misc. Events	
Third-Party Complaint	Adversary	Complaint	
Transfer of Claim	Bankruptcy	Claim Filings	
Trial Brief	Bankruptcy & Adversary	Misc. Events	

EVENT/DOCUMENT	BANKRUPTCY/ ADVERSARY	CATEGORY	SUB-CATEGORY
Trustee Appointment Rejection	Bankruptcy	Trustee	
Trustee Motion to Dismiss/Pay Trustee/Default Clause (Newark)	Bankruptcy	Trustee	
Trustee Motion to Dismiss/Wage Order (Camden/Trenton)	Bankruptcy	Trustee	
Trustee's Final Rpt/Acct-Asset	Bankruptcy	Trustee	
Trustee's Motion to Dismiss Case	Bankruptcy	Trustee	
Trustee's Notice of Assets	Bankruptcy	Trustee	
Trustee's Objection to Confirmation of Plan	Bankruptcy	Trustee	
U.S.T. Statement of Review	Bankruptcy	Trustee	

SPECIFICATIONS FOR SUBMITTING SCHEDULED CREDITORS ELECTRONICALLY OR ON DISKETTE

General Information

To enable a high volume of cases to be processed within limited time constraints, the computer system in this court provides a procedure for the processing of creditors listed in each case filed. Creditors are initially loaded into the computer database for each case in one of the following ways:

1. by "scanning" the paper Matrix supplied by the debtor at the time the case is filed
2. by loading information from a diskette supplied by the debtor
3. via electronic submission by the debtor's attorney
3. by manual entry performed by a member of the court staff

Scanning is a process that enables a deputy clerk to feed the Matrix sheets into an optical character reader ("OCR"). The OCR reads the Matrix and transmits the creditor information directly into the system. After a case is scanned or loaded by diskette, all creditors on the Matrix are available for query, noticing or claims processing.

The specifications for submitting scheduled creditors have been modified as of April 1, 2002. Matrices **MUST** be produced using the specifications noted below. An incorrect Matrix or diskette will result in a delay in noticing the first meeting of creditors set for the case. Failure to comply with these requirements will result in this matter being brought to the attention of the Court.

Amended matrices containing added parties only may also be submitted on diskette.

Common Requirements for Paper, Diskette and Electronic Submission:

1. Lists should be typed in a single column on the page.

2. Each block of name and address must consist of no more than five (5) total lines, with at least ONE BLANK LINE between blocks. Be sure the address is deliverable.

3. Each line must NOT exceed 40 characters in length.

4. Do not use all caps. Use both upper and lower case characters where appropriate.

5. List the creditor's last name first, first name next, and middle initial. Do not include titles. (i.e., Mr., Mrs., Ms., etc.)

6. Zip codes must be on the last line, along with the city and state. Use the standard 2 letter abbreviations for states. Use capital letters for state abbreviations (i.e., NJ). Do not use periods to separate these initials (i.e., N.J.).

7. Use 9 digit zip codes as much as possible. Use a hyphen for nine digit zip codes. Use only numbers for zip codes.

8. Do not use attention lines or account numbers on the last line (see item 11). Put these on the second line following the creditor's name if needed. The account number should be listed on the second line.

9. Do not include the following parties on your Matrix: debtor, joint debtor, attorney(s) for the debtor(s), U. S. Trustee, trustees. They will automatically be included by our computer for noticing.

10. Do not use the following symbols:

% ` (this is a backward apostrophe) ! # $ ^ * \ + ~ [ ] ( ) @ |

11. Use "ATTN:" instead of "c/o".

12. Use "PO Box" instead of "P.O. Box".

13. Do not put any other information on the Matrix, such as heading, date, lines, page numbers, etc.

Paper Submission:

1. Matrices containing under 50 creditors may be submitted on either hard copy or on diskette. However, the diskette must be accompanied by a paper copy for verification pursuant to Local Rule 1007-2. (See “Diskette Submission” for specifications.) **The court encourages attorneys to use electronic or diskette submissions because of the accuracy of creditor data and efficiency of court time.**

2. Lists MUST be typed in one of the following standard typefaces or print styles:

   (a) Courier 10 Pitch
   (b) Prestige Elite
   (c) Letter Gothic

3. No letters should be closer than one (1) inch from any edge of the paper.

4. Case number and debtor's name must be listed on the reverse side.

5. Do not staple matrices.

6. Matrices should be inserted straight in the typewriter or printer. Do not remove the list and reinsert it to complete the Matrix.

7. Do not use onion skin, colored or half-sized paper, or erasable bond.

8. Make sure the Matrix is clean and reads easily. Use of correction fluid or tape is unacceptable.

9. Submit only clear originals. Photocopies or carbon copies are unacceptable.

10. Printing from dot matrix printers or worn out typewriter or printer ribbons is unacceptable.

Diskette Submission:

All matrices filed conventionally with more than 50 creditors and less than 5000 must be submitted on diskette. Matrices with 5000 or more creditors should not be submitted on diskettes without prior court approval. Submission by diskette is preferred by the clerk's office because it reduces the time involved in adding creditors and ensures greater accuracy. Only one case may be included on each diskette.

1. Follow the same instructions as you would to produce a paper Matrix.

2. Diskettes must be 3-½" or 5-1/4" floppy, double density or high density.

3. Matrices must be created with a program that will produce ASCII text files such as a word processor or text editor, or other programs with the capability of producing output in ASCII format. Sample programs include:

   (a) WordPerfect (process to save WordPerfect 8 document as ASCII file):

      i. Click the **FILE** pull-down menu;
      ii. Select **SAVE AS**;
      iii. Navigate to the A drive;
      iv. Name the file creditor.txt;
      v. Select ASCII DOS TEXT as the “File Type;”
      vi. Click SAVE;

   (b) Microsoft Word;
   (c) Lotus AMI PRO;

   or any other word processor or editor (Note Pad, etc.) with the capability of creating ASCII files.

4. "Write protect" the diskette and label the diskette with the case name, attorney or law firm name and address, contact person’s name and telephone number, and production date; file the diskette with the petition. If you are mailing the petition, be sure the package is clearly labeled so the diskette doesn't get damaged during shipping and handling. Use special protective diskette envelopes if possible. Diskettes that cannot be processed will be returned for resubmission.

   EXAMPLE LABEL:

Debtor:	John Doe, Inc.
File:	creditor.txt 4/19/96
Attorney:	John Lawyer
	101 Judicial Dr.
	Newark, NJ 07102
Contact:	John Paralegal
	(201) 555-1234

5. A paper copy of the Matrix **must** accompany the diskette.

6. Only one Matrix may be included on each diskette.

7. Diskettes should be scanned for viruses prior to being filed with the court.

Electronic Submission:

1. Follow the same instructions as you would to create a paper matrix.

2. Save the file to a folder on your computer.

3. Upload according to directions contained in the CM/ECF User's Guide.

Revision Table

Date of Revision	Item Revised	Reason/Comments re Revision
March 5, 2002	Event List added as Appendix A	
March 5, 2002	Matrix Specifications added as Appendix B	
March 11, 2002	"Last Revised" date added to Cover Page	
March 11, 2002	Revision Table added as Appendix C	
May 17, 2002	Commentary to Administrative Procedures updated. Commentary revised 5-7-02.	Commentary was revised to address Pro Hac Vice concerns and to clarify procedures relative to the Filing of Consent Orders.
May 23, 2002	Administrative Procedures updated. Administrative Procedures revised 5-7-02.	Administrative Procedures were revised to address Pro Hac Vice concerns and to clarify procedures relative to the Filing of Consent Orders.
May 23, 2002	General Order updated. Order revised 3-27-02.	