

United States Bankruptcy Court Middle District of Louisiana Administrative Procedures

Introduction

These Administrative Procedures (“Procedures”) are designed to assist attorneys and others who file with the United States Bankruptcy Court, Middle District of Louisiana (“court”), by setting forth basic procedures for filing documents under the court’s Case Management - Electronic Case Filing System (“CM/ECF” or “CM/ECF system”). These Procedures govern filing documents electronically, either by electronic transmission using CM/ECF or by scanning documents at the Clerk’s Office.

These procedures become effective April 1, 2008 in conjunction with the court’s Local Rules. Persons filing documents should review these materials as well as the Local Rules. Though this guide is intended to be comprehensive, it may not address every contingency that may arise. Questions regarding these Procedures may be directed to the Clerk’s Office at (225) 346-3333.

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Case Management/Electronic Case Filing Administrative Procedures

I. REGISTRATION AND PASSWORDS

A. Scope

These Procedures supplement the court's Local Rules and apply to all documents filed and govern access to, and use of, the CM/ECF System. Local Rule 5005-1 requires attorneys and other court officers to file any petition, complaint, motion, notice, answer, objection, comment, response, memorandum of law, proof of claim, and other document electronically in the portable document format ("PDF").

B. Training and Registration

1. Forms

- a. Persons desiring to become an Electronic Filer must complete and submit Local Form 7 (Application for Attorney Password for Electronic Case Filing System) to: United States Bankruptcy Court, Middle District of Louisiana, 707 Florida Street, Room 119, Baton Rouge, LA 70801. An Electronic Filer is an individual to whom the Clerk has issued a login and password with which to file documents electronically into the Case Management/Electronic Case Filing system.
- b. The Clerk may require an Electronic Filer to resubmit an executed registration form from time to time as terms and conditions for using the CM/ECF system change. Only attorneys, trustees, creditors, auditors, examiners and other persons whom the court designates may become Electronic Filers.
- c. Each attorney within a firm shall submit a separate registration form.
- d. Persons who have been authorized to file documents electronically in another federal district may become Electronic Filers in this

court by completing and submitting a registration form and submitting it to the Clerk.

2. Training

- a. Electronic Filers shall attend training conducted by the Clerk's Office. The CM/ECF Live password will not be assigned until an Electronic Filer has completed training either in this court or in another CM/ECF court.
- b. Persons who have been authorized to file documents by electronic means in another federal district may become Electronic Filers in the Middle District of Louisiana by completing either Local Form 7 or Local Form 8 (Application for Limited Use/Claim Password for Case Filing System), whichever is applicable, and submitting it to the Clerk.
- c. Two training databases are available to CM/ECF Electronic Filers:
 - The **CM/ECF Train** database - a safe environment used to practice CM/ECF entries for new or unfamiliar events and to train your new employees.
 - The **CM/ECF Live** database - used to file new cases and documents. Training opportunities are posted on the court's website, www.lamb.uscourts.gov.
- d. Electronic Filers requiring only limited access to the CM/ECF system may not be required to attend classroom training, but instead may receive training assistance by telephone. Contact the court's trainer at (225) 346-3314 for more information regarding telephonic training.

3. Login and Password

- a. Access to the CM/ECF system requires a login and password.
- b. A login and password will be delivered to a new Electronic Filer:
 - (1) via e-mail to the e-mail address designated by the Electronic Filer in the CM/ECF system; or
 - (2) personally to the Electronic Filer at the Clerk's Office.

- c. Limited use passwords are available for non-attorneys and attorneys, who are applying for admission pro hac vice. Limited use passwords can only be used to file: proofs of claim, reaffirmation agreements, withdrawals of claims, transfers of claims, applications to withdraw unclaimed funds, responses to objection to claim, notices of appearance and request for notice, notices of mortgage payment change, and withdrawals of transfer of claim.
- d. The Clerk will not issue limited use passwords to debtors.

4. Use and Protection of Password

Use of an electronic password to file a document in the CM/ECF System constitutes the Electronic Filer's signature for purposes of FRBP 9011.

5. Password Security

An Electronic Filer having reason to believe that the security of the filer's password has been compromised shall immediately notify the Clerk's Office by telephone, confirm the notice in writing, and contact the court's trainer at (225) 346-3314 to change the password.

6. Change in Password

An Electronic Filer desiring to change a password should contact the court's trainer.

7. Consent to Electronic Service

Pursuant to FRCP 5(b)(2)(D) and FRBP 9022, with the exception of service of process under FRBP 7004 and FRBP 9016, and Local Rule 2090-1, registration to file electronically constitutes the Electronic Filer's consent, except for limited use password holders, to accept service by electronic means from the Court and any other party and is a written waiver of service by other means including first class mail.

8. Change of Address and/or E-Mail Address

An Electronic Filer assumes sole responsibility for updating registration information through a written request to change or update the Electronic Filer's information. The request shall be mailed or e-mailed to the Clerk - 707 Florida Street, Room 119, Baton Rouge, LA 70801 or helpdesk@lamb.uscourts.gov

II. ELECTRONIC FILING OF DOCUMENTS

A. Methods of Electronic Filing

For purposes of Bankruptcy Local Rule 5005-1, any of the following methods of electronic filing may be used:

1. An Electronic Filer may electronically file a document through the CM/ECF system.
2. A limited Electronic Filer may electronically file a proof of claim, transfer of claim, withdrawal of claim, request for notice, or reaffirmation agreement through the CM/ECF system.
3. An attorney admitted to practice in this court who is not an Electronic Filer or a pro se party may electronically file a document by scanning the paper document into electronic format at scanners available at the Clerk's public intake filing desk..

B. Scanned Document File Limitations

No single scanned PDF file, whether containing a document or an attachment, shall exceed 25 pages in length. Attachments exceeding 25 pages shall be divided into multiple PDF files.

C. Signatures

Pursuant to Local Rule 1008-1(a), a document filed by electronic means shall either:

1. contain a scanned image of the manual signature; or

2. display the electronic signature “s/” with the name typed in the signature location. example: s/John Smith

D. Motions under Seal

A motion to file a document under seal shall be filed electronically without attachment of the subject document(s) for which protection is sought. The court may require the submission of paper copies of the subject document(s) in a sealed envelope before of any ruling on the motion.

E. CM/ECF System Failure

An Electronic Filer unable to complete a filing due to a technical failure of the CM/ECF system, should e-mail the court’s help desk at helpdesk@lamb.uscourts.gov for assistance. The CM/ECF system records the time that the system cannot be accessed by an Electronic Filer.

F. Exhibits

1. An exhibit is any document filed in support of, or in conjunction with, any pleading, memorandum, or proof of claim filed with the court. Exhibits must be submitted as a PDF attachment to and docketed with the document to which they relate.
2. Exhibits must comply with subsection J, Privacy Provisions, of these Procedures.

G. Scanner Settings

An Electronic Filer’s scanner settings should be configured with a resolution of 300 dpi and to black and white.

H. Docket Entry Titles in CM/ECF

An Electronic Filer must select a docket entry title for the document being filed by using one of the docket event categories prescribed by the CM/ECF Attorney Filing Guide.

I. ECF Filing Errors

1. CM/ECF filing errors should be reported to the Clerk at 225-346-3333.
2. If the Electronic Filer discovers the error, he or she should contact the Clerk at 225-346-3333, ext. 3308, 3314 or 3302. After regular business hours, report errors by leaving a voice mail message. The court will make an entry indicating the error with the document and will notify the Electronic Filer if a correction should be made.
3. If the court discovers the error, the Clerk will issue a notice of deficiency and notify the Electronic Filer by e-mail of the change. The Electronic Filer should make the appropriate corrections within 7 days of the e-mail notice. Please contact the Clerk with any questions regarding corrections.

J. Privacy Provisions

1. In accordance with the E-Government Act of 2002 and the policy regarding privacy and public access of the Judicial Conference of the United States, Electronic Filers must partially redact the following personal data identifiers from documents filed with the court:
 - a. **Social Security Numbers:** Only the last 4 digits of a person's social security should be included.
 - b. **Names of Minor Children:** Only the initials of minor children should be listed.
 - c. **Dates of Birth:** Only the year should be listed.
 - d. **Financial Account Numbers:** Only the last 4 digits of an account number should be used.
3. All bankruptcy petitions should include only the last 4 digits of the debtor's social security number. In accordance with the CM/ECF Attorney Filing Guide, Official Form 21, should be filed immediately after the petition as a private entry and should include the debtor's full social

security number.

K. Mailing List – Required Addresses

All mailing lists filed with the court must contain these addresses:

Office of the U.S. Trustee, Region V
400 Poydras Street, Suite 2110
New Orleans, LA 70130

Office of the U.S. Attorney
777 Florida Street, Suite
Baton Rouge, LA 70801

Internal Revenue Service
Centralized Insolvency Operations
P.O. Box 21126
Philadelphia, PA 19114

Louisiana Department of Revenue
P.O. Box 66658
Baton Rouge, LA 70896

III. SERVICE OF DOCUMENTS

A. Generally, including Notices.

See Local Rule 9013-4.

B. Certificate of Service

The reference to electronically mailed notice appearing on most CM/ECF Notices of Electronic Filing constitutes service to the parties appearing on that notice. Electronic Filers are responsible for serving documents upon all appropriate parties that do not receive service via the CM/ECF system. Electronic Filers must file a separate certificate of service stating the method of service that was used for each party.

IV. EXHIBITS OFFERED AT TRIALS OR HEARINGS

Parties intending to offer exhibits at trial or hearing should provide copies for all parties, the official record, the court, and the law clerk, unless otherwise ordered.

V. FEES

The Clerk is required to collect fees at the time of filing any document requiring a filing fee. If fees remain unpaid for more than 2 business days, the court may order the attorney owing the fees to show cause why he should not be sanctioned. Electronic Filers shall pay fees through the court approved internet payment processing vendor, pay.gov, to pay by credit card, or shall pay fees by cash, check or money order. The Clerk accepts the following credit cards: Visa, MasterCard, American Express, Discover Card, and Diner's Club.

VI. APPEARANCE AT SCHEDULED HEARINGS

A. Chapter 13 Hearings

Chapter 13 hearings are held on Wednesdays at 8:30 a.m., 10:00 a.m. and 11:00 a.m. All available hearing dates can be found on the court's website www.lamb.uscourts.gov. The court usually prepares the final docket by 3:00 p.m. the day before the scheduled hearing. The following explains when a party must appear at the hearing:

1. All matters scheduled for 8:00 a.m. on the final docket do not require the appearance of the parties involved.
2. All matters scheduled for any other time require the appearance of the parties involved. Failure to appear at a hearing could result in dismissal of the case or motion or any other appropriate sanctions.

B. Chapter 7, 11, 12, or Adversary Proceeding Hearings

Chapter 7, 11, 12 or adversary proceeding hearings are held on Fridays at 9:00 a.m., 9:45 a.m., 10:00 a.m. and 11:00 a.m. All available hearing dates can be found on the court's website. The court usually prepares the final docket by 3:00 p.m. on the day before the scheduled hearing. The following explains when a party must appear at the hearing:

1. All matters scheduled for 9:00 a.m. on the final docket do not require the appearance of the parties involved.
2. All matters scheduled for any other time, require the appearance of the parties involved. Failure to appear at a hearing could result in dismissal of the case, proceeding, or motion or any other appropriate sanction.

VII. SUBMISSION OF ORDERS AND JUDGMENTS

A. Submission of Orders Upon Filing

1. For all motions, applications, objections to claims, and other requests for relief, the Electronic Filer shall e-mail an appropriate proposed order at the time of filing.
2. The following requests for relief do not require submission of an order. The court will prepare the orders relating to these motions:
 - a. Motions to Convert or Dismiss Case
 - b. Applications to Pay Filing Fee in Installments
 - c. Applications to Waive the Chapter 7 Filing Fee

B. E-mail Transmission

Proposed orders and judgments shall be submitted to the court by e-mail as an attached document in **WordPerfect** or **Word** format. The e-mail shall be sent to the e-mail address for orders and judgments. Only one order shall be attached per e-mail.

C. E-Mail Addresses for Orders and Judgments:

orders@lamb.uscourts.gov

D. Subject Line of E-Mail (Pursuant Local Rule 9013-5)

1. For orders or judgments regarding matters noticed for hearing or set for trial, the subject line of the e-mail shall include the hearing date and case

number only.
Example: 01/01/07 07-10001

2. For orders or judgments regarding ex parte matters or orders resolving matters prior to a scheduled hearing or trial date, the subject line of the e-mail shall include the word ex parte and the case number only.
Example: Ex Parte 07-10001
3. For orders or judgments regarding expedited matters, the subject line of the e-mail shall include the word expedited and the case number only.
Example: Expedited 07-10001

E. Restrictions on Fonts

The Bankruptcy Noticing Center requires the use of Courier and Times New Roman, 12 point type and black type face only. Please use the same font throughout the proposed order or judgment.

F. Affixing Signatures

Signatures of parties or their attorneys on any agreed order or judgment must be made by means authorized under section II C of these Procedures.

VIII. APPEALS

An Electronic Filer shall link the Notice of Appeal to the order or judgment being appealed. The Designation of Record and Statement of Issues on Appeal shall be filed electronically.

Reminder: The Clerk is not responsible for redacting the social security number or other personal data from documents filed with the court, whether in paper or electronic form. The party filing the document is responsible for redacting personal data before filing.

IX. DEFAULT JUDGMENT GUIDELINES (Pursuant to Local Rule 7055-1)

A. *Motion for Clerk’s Entry of Default*

1. The motion shall include the following:
 - a. date that the summons and complaint were served;
 - b. date that the certificate of service for the summons was filed with the Clerk’s Office;
 - c. statement that the defendant has failed to answer, plead, or otherwise defend in the case within the time limit fixed by Bankruptcy Rule 7012(a) or the court; and
 - d. statement that the defendant is not in the military service, as required by 50 U.S.C. app §520.
2. The Clerk will issue the Entry of Default.

B. *Motion for Default Judgment*

1. The motion shall be filed electronically pursuant to Local Rule 7055-1.
2. A proposed default judgment for the judge’s signature shall be submitted via e-mail pursuant to Local Rule 9013-5.

X. UNCLAIMED FUNDS

“Unclaimed Funds” are funds held by the court for an owner or recipient who is entitled to the money, but who has failed to claim ownership of it. The Unclaimed Funds Registry for this court may be viewed at: <http://www.lamb.uscourts.gov/publicinfo.htm>

A. *Filing the Application*

Applications requesting withdrawal of unclaimed funds shall be filed in the CM/ECF system. Persons routinely requesting unclaimed funds on behalf of others shall apply for a limited use password for electronic access by completing and submitting Local Form 8.

B. *Required Documents*

Upon obtaining a password, an Application to Withdraw Unclaimed Funds, a certificate of service, and an original power of attorney with a notarized signature shall be filed. In addition, proof of identification such as a passport or other

official document, verifying any of the names, addresses or signatures appearing on the power of attorney or petition shall be filed as a separate exhibit. **Please refer to Exhibit 1 for unclaimed fund forms.**

C. *Proposed Order*

A proposed order shall be e-mailed to the court as an attachment in Word or WordPerfect format. The e-mail address is: orders@lanb.uscourts.gov and the subject line of the e-mail should include the word *ex parte* and the case number only. **Example: Ex Parte 07-10001**

For questions regarding unclaimed funds, contact the court's Financial Administrator at (225) 346-3315.

XI. PUBLIC ACCESS TO THE DOCKET AND DOCUMENTS

A. *Internet Access with a Password*

Any person with a valid PACER login and password may access the CM/ECF system at the court's website: <http://www.lanb.uscourts.gov>. PACER logins and passwords are issued by the PACER Service Center at **1-800-676-6856** or online at <http://pacer.psc.uscourts.gov>. In accordance with the mandate of the Judicial Conference of the United States, a user fee will be charged.

B. *"Free Look"*

Electronic Filers will not be charged for a one-time "free-look" (*i.e.*, initial retrieval, download, viewing or printing of a document) when the document is accessed directly from an e-mail notification or summary of documents filed in cases in which the Electronic Filer has appeared.

C. *Public Access at the Clerk's Office*

The public may view bankruptcy records at no charge at the courthouse during regular business hours, Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding federal holidays and extraordinary circumstances.

D. *Copies*

Copies and certified copies of electronically filed documents may be purchased at the Clerk's Office, 707 Florida Street, Room 119, Baton Rouge, LA 70801. The fee for copies and/or certifications is imposed pursuant to 28 U.S.C. §1930. The

fee schedule is available on the Court's website, www.lamb.uscourts.gov.

Attachments to Administrative Procedures (April 1, 2008)

- Application to Withdraw Unclaimed Funds
- Certificate of Service
- Letter Regarding Application to Withdraw Unclaimed Funds
- Order For Payment of Unclaimed Funds
- Motion for Temporary Waiver of Credit Counseling and Request for Expedited Hearing
- Motion for Determination of Credit Counseling Exemption and Request for Expedited Hearing

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF LOUISIANA**

IN RE:

CASE NO.:

debtors name

DEBTOR

APPLICATION FOR PAYMENT OF UNCLAIMED FUNDS

Considering the dividend check in the above named case issued to John Doe in the amount of \$100.00, and said check having not been cashed by said payee, the trustee pursuant to 28 U.S.C. §2042 of the Bankruptcy Code paid this unclaimed money to the Clerk, U.S. Bankruptcy Court,

Application is hereby made for the Clerk, U.S. Bankruptcy Court, with certificate of service showing that the United States Attorney has been notified, to pay this unclaimed money to the rightful payee, John Doe, 123 Main Street, Baton Rouge, LA 70801.

Date

Signature

John Doe
123 Main Street
Baton Rouge, LA 70801

CERTIFICATE OF SERVICE

I certify that the Application for Unclaimed Funds was sent to the U.S. Attorney by United States Mail, postage paid at the following address:

U.S. ATTORNEY
777 Florida Street, #208
Baton Rouge, LA 70801-1717

Date

Signature

John Doe
123 Main Street
Baton Rouge, LA 70801

John Doe
123 Main Street
Baton Rouge, LA 70801

Date:

U.S. ATTORNEY
777 Florida Street, #208
Baton Rouge, LA 70801-1717

Re: Application for Payment of Unclaimed Funds

Debtor: John Doe

Case No.: 07-11090

Amount: \$100.00

Dear Sir/Madam:

This is to advise you that in accordance with the provisions of 28 U.S.C. 2042, I am applying to the United States Bankruptcy Court, Middle District of Louisiana for payment of unclaimed funds due to me.

Sincerely,

John Doe

(This is an example of a proposed order and it is the only document that will be e-mailed to the court)

UNITED STATES BANKRUPTCY COURT

MIDDLE DISTRICT OF LOUISIANA

IN RE:

CASE NO.:

Debtor's name

DEBTOR

ORDER FOR PAYMENT OF UNCLAIMED FUNDS

Considering the application of John Smith for payment of unclaimed funds,

IT IS ORDERED that the Clerk, U.S. Bankruptcy Court pay \$100.00 to the order of John Doe and mail the payment to :

John Doe, 123 Main Street, Baton Rouge, LA 70801.

Date

UNITED STATES BANKRUPTCY JUDGE

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF LOUISIANA**

IN RE:

CASE NO.:

CHAPTER:

DEBTOR(S)

**MOTION FOR TEMPORARY WAIVER OF CREDIT COUNSELING
AND REQUEST FOR EXPEDITED HEARING**

The debtor(s) respectfully represents that he/she has been unable to obtain services from an approved credit counseling agency in the five days prior to the filing of this bankruptcy case.

The exigent circumstances that require the debtor(s) to file the bankruptcy case today,
_____, are:

For these reasons, the debtor requests a temporary waiver of the credit counseling requirement for 30 days from the date of the filing of the bankruptcy petition.

Respectfully Submitted,

Debtor

Joint Debtor (if any)

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF LOUISIANA**

IN RE:

CASE NO.:

CHAPTER:

DEBTOR

**MOTION FOR DETERMINATION OF CREDIT COUNSELING
EXEMPTION AND REQUEST FOR
EXPEDITED HEARING**

The debtor respectfully represents that he/she is exempt from obtaining services from an approved credit counseling agency prior to the filing of this bankruptcy case for the following reason:

- Incapacity. (Defined in 11 U.S.C. §109(h)(4) as impaired by reason of mental illness or mental deficiency so as to be incapable of realizing and making rational decisions with respect to financial responsibilities.)

- Disability. (Defined in 11 U.S.C. §109(h)(4) as physically impaired to the extent of being unable, after reasonable effort, to participate in a credit counseling briefing in person, by telephone, or through the Internet.)

- Active military duty in a military combat zone.

Accordingly, the debtor requests that he/she be exempted from the credit counseling requirement.

Respectfully Submitted,

Debtor