

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 amended procedures become effective October 1, 2013 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 may visit the court's online application via the court's website www.lamb.uscourts.gov. 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. Each attorney within a firm shall submit a separate registration form.
- c. Persons who have been authorized to file documents electronically in another federal district may become Electronic Filers in this court by registering online at www.lamb.uscourts.gov.

2. Training

- a. 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, online at www.lamb.uscourts.gov.
- 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.
 - In person training opportunities are posted on the court's website, www.lamb.uscourt.gov.

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 via e-mail to the e-mail address designated by the registrant.
- 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 change the password online.

6. Change in Password

An Electronic Filer desiring to change a password may do so under the Utilities section of CM/ECF.

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 or these Administrative Procedures.

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. After regular business hours, report errors by leaving a voicemail 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 the time given on the deficiency 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.
2. 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.

3. **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.

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 208
Baton Rouge, LA 70801

Internal Revenue Service
Centralized Insolvency Operations
P.O. Box 7346
Philadelphia, PA 19101-7346

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

Internal Revenue Service
District Counsel
P.O. Box 30509
New Orleans, LA 70190

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 document for the** certificate of service stating the method of service that was used for each party.

If a filer fails to file a separate certificate of service, the document will be stricken without further notice.

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.

If the filer is going to pay a case filing fee in installments, **a minimum of \$100 is required** at the time of filing.

VI. APPEARANCE AT SCHEDULED HEARINGS

A. Chapter 13 Hearings

Chapter 13 hearings are held on Wednesdays at 9:00 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 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 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 Wednesdays at 9:00 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.

C. Participation in Proceedings by Telephone

Although the court encourages counsel to appear at the courthouse for all hearings, conferences and other matters, it may grant permission to participate by telephone subject to the following provisions.

1. Only lawyers may participate by telephone in a hearing, conference or other proceeding. Witnesses, parties represented by lawyers or *pro se* parties may not participate by telephone.
2. Lawyers may participate in a hearing by telephone only with prior leave of court. Counsel electing to participate by telephone must contact chambers (225-346-3335) no later than 48 hours before the hearing to arrange to participate by telephone, absent an emergency.
3. Lawyers may participate in a pre-trial or status conference by telephone without prior leave of court only if they have an office more than 30 miles from the courthouse. Counsel electing to participate by telephone must

contact chambers (225-346-3335) no later than 24 hours before the conference to arrange to participate by telephone, absent an emergency.

4. No telephone appearances are allowed for trials and evidentiary hearings on contested matters. Lawyers electing to participate by telephone in an evidentiary hearing may not question witnesses.
5. Lawyers who are not members of the Middle District of Louisiana bar shall move for admission *pro hac vice* before the telephone proceeding, if possible, or if not within five days after the proceeding.
6. The court may reject any request to participate by telephone in any hearing or conference.
7. Counsel participate by telephone in lieu of a personal appearance at their risk. Unavailability of service or loss of a telephone connection for any reason shall not be ground for continuing a scheduled matter or reconsidering a ruling. A lawyer making an appearance by telephone during a proceeding will be deemed to have heard and participated in the entire proceeding regardless of the loss of telephone connection for any reason, including loss of cellular telephone signal, accidental disconnection or discharged batteries.
8. Lawyers shall not record or rebroadcast a telephone hearing, conference or other proceeding, and shall not allow persons who have not appeared and identified themselves to the court and other participants to monitor the telephone proceeding.
9. Telephone participants in hearings are connected with the courtroom public address system and electronically recorded. To ensure the quality of the court's electronic recording of proceedings, participants may not use speaker phones or other phones that render background noise audible to other participants.

- 10.** Telephone participants must identify themselves the record each time they speak.
- 11.** Telephone participants shall not place the call on hold at any time, in order to prevent interference from "on-hold" music or tones.
- 12.** Unless the court orders otherwise, counsel participating by telephone shall bear the cost of the conference call service.

[To be filed and noticed by email or fax to all interested parties no later than 48 hours before the conference or hearing by the interested party wishing to participate by telephone.]

United States Bankruptcy Court
Middle District of Louisiana

In re:

Case Number:

Debtor

Chapter

REQUEST FOR TELEPHONE APPEARANCE

I, _____, representing _____,

request to participate by telephonic appearance. The information for the hearing is as follows:

Case number: _

Case name: _

Name of judge: _

Hearing date and time: _

Name and telephone number
of attorney or participant: _

Name of filer
Address
Phone Number

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.

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 and instructions for filing an application for payment of unclaimed funds may be viewed at: <http://www.lamb.uscourts.gov/unclaimed-funds>

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.lamb.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 4:00 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.