

Administrative Procedures

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 using the court’s Case Management - Electronic Case Filing System (“CM/ECF” or “CM/ECF system”). These Procedures supplement the court’s Local Rules and govern use of the CM/ECF System either by electronic transmission using CM/ECF or by filing documents at the Clerk’s Office.

These procedures become effective March 23, 2023. 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 or via email helpdesk@lamb.uscourts.gov.

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Access to Electronic Filing

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”).

A. Registration

In order to file documents electronically with the court a party must register an electronic filing account with the court. Individuals may create and register their account at <https://pacer.uscourts.gov>.

Pro se debtors are not permitted to register an electronic filing account with the court. Pro se debtors must file documents in person at the Clerk’s Office.

B. Training

The court offers training on the use of the CM/ECF system in person by appointment and via tutorial videos available at <https://www.lamb.uscourts.gov/training-information>.

Individuals may schedule live training sessions by written request to helpdesk@lamb.uscourts.gov.

The CM/ECF Train database is a safe environment used to practice CM/ECF entries for new or unfamiliar events and to train your new employees. Please contact the Clerk’s Office to obtain access to the Train database.

C. Account Types

Three types of accounts may be registered with PACER to file documents via the CM/ECF system:

1. Attorneys admitted to practice in the Middle District of Louisiana, may register an attorney filing account.
2. Attorneys not admitted to practice in the Middle District of Louisiana, may register a pro hac vice attorney filing account after the court grants their motion to appear pro hac vice.
3. Creditors or other non-attorney parties may register a limited use filing account.

D. Use of Electronic Filing Account

Use of an electronic filing account to file a document in the CM/ECF System constitutes the Electronic Filer’s signature for purposes of FRBP 9011 and all applicable law.

E. Password Security

An Electronic Filer having reason to believe that the security of the filer’s password has been compromised shall change the password.

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F. Change of Personal Information

To change a password, address and/or email address associated with their account an Electronic Filer must visit <https://pacer.uscourts.gov/>. Failure to maintain current contact information with the court may result in the suspension of filing privileges.

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.

An electronic filing account is not required to:

1. File, amend, or withdraw a proof of claim via Electronic Proof of Claim (ePOC), <https://www.lamb.uscourts.gov/epoc>
2. File a petition via Electronic Self Representation (eSR), <https://www.lamb.uscourts.gov/electronic-self-representation-esr>

B. File Limitations

No single scanned PDF file, whether containing a document or an attachment, shall exceed 35MB in size.

Scanned documents should be in black and white with a resolution of 300dpi.

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. Sealed Documents

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 any ruling on the motion.

Pleadings or other documents filed under seal shall have the seal vacated automatically upon the closing of a bankruptcy case or adversary proceeding, unless otherwise ordered by the court. The Clerk’s Office shall return those previously sealed documents to the

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official case record. If a party or parties require that the pleadings and/or documents remain sealed, the party or parties must file a motion requesting that it continue to be sealed.

E. CM/ECF System Failure

An Electronic Filer unable to complete a filing due to a technical failure of the CM/ECF system should contact the Clerk's Office via email 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

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.

Exhibits must comply with subsection J of these Procedures, Privacy Provisions.

G. Filing Errors

If an error is discovered, the Electronic Filer should contact the Clerk's Office on the same business day via phone or email.

If the Clerk's Office discovers the error, the Clerk's Office may issue a notice of deficiency delivered via e-mail. The Electronic Filer should make the appropriate corrections within the time given on the deficiency notice. Please contact the Clerk's Office with any questions regarding corrections.

H. Privacy Provisions

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:

1. Social Security Number(s): include last 4 digits only
2. Names of Minor Children: include initials of minor children only
3. Date(s) of Birth: include year only
4. Financial Account Number(s): include last 4 digits of account numbers only

Electronic Filers should not redact personal data identifiers from the following documents which are restricted from public view by CM/ECF:

1. Official Form 21 should include the debtor's full social security number.
2. Local Form 2 should include the debtor's full social security number.

The Clerk's Office 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.

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If a document containing personal data identifiers is filed with the court, the filing party is responsible for redacting the document from the record. Once the order is signed, the Clerk's Office will restrict access to the document. If multiple documents containing personal identifiers are filed in a single case, a single motion may be filed to redact all documents. See Local Rules for further guidance on motion requirements.

I. Required Addresses for Mailing Lists

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

Office of the U.S. Trustee, Region V
600 S. Maestri Place, Suite 840-T
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

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.

An exhibit introduced into evidence in a non-electronic format will be filed into the electronic record by the Clerk's Office. The Clerk's Office will notify the offering party of their right to retrieve the non-electronic copy from the court no later than 30 days after the conclusion of the hearing on the matter in which it was introduced. If not retrieved timely, the Clerk's Office will dispose of the non-electronic copy.

Parties should present electronic exhibits in the following file formats:

1. Documents and photographs in PDF format
2. Audio recordings in MP3 format
3. Video recordings in MP4 format

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Fees

The Clerk's Office is required to collect fees at the time of filing for any document requiring a filing fee. 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's Office accepts all major credit cards.

Appearance at Scheduled Hearings

A. Hearings Schedule

Chapter 13 hearings are held on selected Wednesdays at 9:00 a.m. Chapter 7, 11, 12 or adversary proceeding hearings are held on selected Wednesdays at 2:00 p.m. All available hearing dates can be found at <https://www.lamb.uscourts.gov/hearing-dates>.

The court calendar is updated multiple times daily. It is considered final at 3:00 p.m. the day before the scheduled hearing. Matters removed from the court calendar by order or docket entry will not appear on the final docket and do not require an appearance by the parties involved. The inclusion of a matter on the final docket indicates the parties involved must appear. Failure to appear at a hearing could result in dismissal of the case, denial of motion or other request for relief or any other appropriate sanction.

B. Conferences

The court conducts all pre-trial and status conferences in person unless otherwise ordered.

C. Remote Participation in Hearings

Although the court expects counsel to appear in person for all hearings and other matters, it may, on a proper showing of necessity, grant permission to participate by telephone or video conference ("remotely") subject to the following specific provisions:

1. Only attorneys may participate remotely in a hearing or other proceeding. Witnesses, parties represented by attorneys or pro se parties may not participate remotely.
2. Attorneys may participate in a hearing remotely only with prior approval of court. Absent an emergency, counsel requesting remote participation must submit the request for remote appearance form to Chambers no later than 12:00 p.m. (Noon) 3 business days prior to the hearing. The form may be found on our website [here](#) and should be submitted via email to connect@lamb.uscourts.gov.
3. No remote appearances are allowed for trials or evidentiary hearings on contested matters. Attorneys who are granted permission to appear remotely may monitor a trial or evidentiary hearing remotely but shall not be permitted to question witnesses.

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4. Attorneys requesting remote participation who are not members of the Middle District of Louisiana bar shall move for admission pro hac vice before the remote proceeding, if possible, or if not, within five days after the proceeding.
5. The court may reject any request to participate remotely in any trial, hearing or conference.
6. Counsel's remote participation in lieu of a personal appearance is at their risk. Unavailability of service or loss of connection for any reason shall not be grounds for continuing a scheduled matter or reconsidering a ruling. An attorney making an appearance remotely during a proceeding will be deemed to have heard and participated in the entire proceeding regardless of the loss of connection for any reason, including, but not limited to, loss of cellular telephone signal and/or internet service, accidental disconnection or discharged batteries.
7. Attorneys shall not record or rebroadcast a remote hearing or other proceeding and shall not allow persons who have not appeared and identified themselves to the court and other participants to monitor the remote proceeding. Sanctions for violation of this prohibition, after notice and a hearing, may include monetary fines and/or suspension of privileges to appear in the Middle District of Louisiana Bankruptcy Court.
8. Remote 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 audio devices that render background noise audible to other participants.
9. Remote participants must identify themselves on the record each time they speak.
10. Remote participants shall not place the call on hold at any time, in order to prevent interference from "on-hold" music or tones.
11. Unless the court orders otherwise, counsel participating remotely shall bear the cost of the service.

Submission of Orders and Judgments

A. Submission of Orders Upon Filing

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.

The following requests for relief do not require submission of an order. The court will prepare the orders relating to these motions:

- Debtor's Motions to Convert or Dismiss Case
- Applications to Pay Filing Fee in Installments
- Applications to Waive the Chapter 7 Filing Fee

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B. Email Transmission

Proposed orders and judgments shall be submitted to the court by e-mail as an attached document in Word format to orders@lamb.uscourts.gov. Only one order shall be attached per e-mail.

C. Subject Line of Email

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: 01/01/22 22-10001

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 22-10001

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 22-10001

D. Document Formatting

The Bankruptcy Noticing Center requires the use of Times New Roman or Courier in the color black and at a size of 12 points. Please use the same font throughout the proposed order or judgment.

E. Affixing Signatures

Signatures of parties or their attorneys on any agreed order or judgment must be made by means authorized under the Local Rules.

Guidelines for Consent Orders

A. Proposed Orders Need Not Recite Facts

Prior acts or omissions, including a history of prior payments made or missed, need not be separately described. The order should prescribe only future obligations, including for example required payments or filing amended or modified plans. If you believe prior acts or omissions must be included, please describe them in the preamble, not in the ordering paragraphs.

B. Required Notice in the Event of Default

Pursuant to Local Rule 4001-3(b), the proposed order must provide for service of the ex parte motion, affidavit and other supporting materials on debtors and their attorney (if debtors have counsel). To ensure that debtors (and their counsel) receive adequate notice of the request for default relief, the judge typically holds the proposed orders for five days before considering them.

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C. Attorney Fee Limitations

Consent orders/APOs containing requests for fees and costs totaling more than \$750.00 plus the filing fee must be set for hearing.

D. Relief Not Permitted in Consent Orders

The judge will not sign proposed orders that:

- a) Provide for abandonment of property in the event of default.
- b) Include language stating that any relief granted is res judicata if the case is converted to a proceeding under another chapter of the Bankruptcy Code.
- c) Recite that default relief will be granted on submission of an affidavit only. Local Rule 4001-3 requires that a party seeking stay relief for default of a consent order file a motion for relief, affidavit and copy of the consent order.
- d) Immediately place the debtor in default. For example, the judge will not sign a consent order requiring the filing of an amended plan by a date already past, if no amended plan was filed by that date.
- e) State a creditor can “immediately” foreclose in the event of default.

E. Default by the Debtor

In the event of default by the debtor of the terms of the consent order, in order for a successor to the original party to the consent order to enforce the consent order, the successor must prove that it has succeeded to the rights of the original party.

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.

Default Judgment Guidelines

A Motion for Clerk’s Entry of Default shall include the following:

1. Date that the summons and complaint were served;
2. Date that the certificate of service for the summons was filed with the Clerk’s Office;
3. 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
4. Statement that the defendant is not in the military service, as required by 50 U.S.C. app §520. See Local Form 10 or 10A.

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>.

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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. Reproducing Any Document in Paper Form

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, <https://www.lamb.uscourts.gov/schedule-fees>.