UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA

IN RE:

ORDER AMENDING ADMINISTRATIVE PROCEDURES FOR CASE MANAGEMENT/ELECTRONIC CASE FILING

IT APPEARING that the Administrative Procedures for Filing, Signing, Retaining and Verification of Pleadings and Papers in the Case Management/Electronic Case Filing (CM/ECF) System were adopted by this court and became effective on September 7, 2004; and,

IT FURTHER APPEARING it has become necessary to amend said Administrative Procedures to further facilitate the implementation of Electronic Case Filing and to assist the Court and Bar in the orderly and efficient administration of justice, it is wherefore,

O R D E R E D

1. That the Amended Administrative Procedures for Filing, Signing, Retaining and Verification of Pleadings and Papers in the Case Management/Electronic Case Filing (CM/ECF) System, attached as an exhibit to this Order, is hereby adopted.
2. That the provisions of this Order shall apply to all cases and proceedings filed on and after the effective date of this Order in the United States Bankruptcy Court for the Western District of Virginia.
3. Further amendments to this Order may be entered from time to time in keeping with the needs of the Court.
4. This Order shall be effective on October 1, 2005.

Dated: May 2, 2005

Ross W. Krumm

ROSS W. KRUMM, CHIEF JUDGE

William E. Anderson

WILLIAM E. ANDERSON, JUDGE

William F. Stone, Jr.

WILLIAM F. STONE, JR., JUDGE

UNITED STATES BANKRUPTCY COURT

FOR THE WESTERN DISTRICT OF VIRGINIA

Amended Administrative Procedures for Filing, Signing, Retaining and Verification of Pleadings and Papers in the Case Management/Electronic Case Filing (CM/ECF) System

Revisions Effective Date: October 1, 2005

ADMINISTRATIVE PROCEDURES

I. DESIGNATION OF CASES, PASSWORDS AND REGISTRATION FOR THE CASE MANAGEMENT/ELECTRONIC CASE FILING SYSTEM

A. Designation of Cases

The provisions of these Administrative Procedures shall apply to all cases and proceedings filed on and after September 7, 2004, and to any previously filed cases or proceedings thereafter made subject to these provisions.

B. Passwords

Each attorney admitted to practice in this Court and currently in good standing as defined by Local Rule 2090-1 and limited registrants shall be eligible to receive login and password for participation in the Internet retrieval and filing of petitions, motions, memoranda of law, or other pleadings, documents and papers (hereafter filings) in accordance with the Case Management/Electronic Case Filing System (hereafter CM/ECF).

C. Registration

Pursuant to Local Rule 2090-1, those individuals eligible for participation in CM/ECF shall complete one of the attached forms and file same with the Clerk of Court, P O Box 2390, Roanoke, VA 24010. Only those attorneys who have been certified by the Clerk to file electronically may file documents electronically including petitions, motions, memoranda of law, or other pleadings and documents required to be filed with the Court in connection with a case assigned to the Electronic Filing System.
There are two (2) types of registration:

1. Full Registration
Allows full filing privileges for filing and viewing documents in the CM/ECF system in the U S Bankruptcy Court for the Western District of Virginia. A registered participant will have the privilege to file documents via the Internet with the Clerk's's Office, including all documents which may be filed by a limited registrant.

2. Limited Registration
Allows limited privileges for filing documents in the CM/ECF system, in the U S Bankruptcy Court for the Western District of Virginia. Limited filing privileges are limited to the authorization to: (i) file proofs of claim and amendments thereto, (ii) file a request to receive notice in a case, and (iii) file a notice of transfer of claim.

II. FILING AND SERVICE OF DOCUMENTS

A. Filing

1. Date and Time of Filing
Any petition, pleading, or other document filed electronically shall be deemed filed as of the date and time in effect at the Clerk's Office of this court when the electronic transmission effecting such filing is received.

2. Mandatory Use of Electronic Filing System
Effective **October 1, 2005** all pleadings and other papers filed in all cases and proceedings, whether pending or new, shall be filed electronically according to the procedures established by the Court, except as follows:

a. Parties without legal representation (*pro se* parties) shall file all pleadings and other papers conventionally and not electronically.

b. Creditors who are not registered Electronic Case Filing users will be allowed to file documents conventionally.

c. If either the Court's or a registered user's electronic filing equipment is temporarily inoperable, users may file pleadings and other papers conventionally, providing the filing party has contacted the Clerk's office in attempt to resolve the technical problem and to state why an immediate filing is necessary.

d. Documents previously ordered sealed or documents to be filed under seal.

e. Involuntary petitions.

f. Items set forth in the designation of record in cases that are appealed.

g. Exhibits for evidentiary hearings, unless otherwise directed by the Court.

h. Court hearing transcripts.

i. Official Form 21, if filed to correct a Social Security number.

j. Motions for leave to file a document conventionally.

k. Any document for which prior authorization to file conventionally has been obtained from the Court upon motion and order.

B. Conventional filing is defined as a filing submitted in paper form.

C. Electronic filing is defined as a filing submitted via the Internet.

D. Accessibility for Filing Via the Internet

If the filer cannot access CM/ECF via the Internet to effect a filing, the filer shall contact the appropriate divisional office and speak with a deputy clerk to confirm that CM/ECF is not accessible, to state why an immediate filing is necessary and to make suitable arrangements with the Clerk of Court for the filing to take place. After submission of the filing to the Clerk of Court and when CM/ECF is accessible, a deputy clerk will effect the electronic entry and docketing of the filing.

E. Filing Documents with Exhibits and Attachments Under One Docket Entry Number

1. All documents with exhibits and attachments capable of electronic imaging and filing shall be electronically filed together under one entry number.

2. Exhibits/Attachments to Documents

Except as the presiding judge in a case may otherwise direct, exhibits/attachments to documents, including but not limited to leases, notes and the like, which are not available in electronic form, shall be electronically imaged/scanned and filed in the format specified by the Clerk.

3. Large Documents

Electronic filings should not be more than one (1) megabyte in size. Transmission time for effecting such filings is time sensitive. Filings that take more than five (5) minutes to transmit, for security reasons, will time out. If a filing is larger than one (1) megabyte and if any portion of the filing has been scanned, the filing document should be no more than 8 ½ by 11 inches, without color and the resolution should not exceed 300 DPI. If making these adjustments does not reduce the filing size to one (1) megabyte or less, the filer will make suitable arrangements with the Clerk of Court to effect the filing.

F. Fees Payable to the Clerk of Court

For filings that require a fee, registered participants shall pay such fees electronically via the internet by means of the on-line credit card payment system required by the Court. All payments are to be made contemporaneously with the filing.

III. ORDERS

Pursuant to Local Rule 9072-1 any Order entered electronically by the Court as provided by these Administrative Procedures shall have the same force and effect as if it had been entered by the Court in the traditional manner.

IV. NOTIFICATION BY ELECTRONIC MEANS

All those who register to use this court's CM/ECF system must agree to receive service of documents and any docket activity electronically pursuant to FRBP 9036, where service of documents is otherwise permitted by first class mail, except with regard to a complaint initiating an adversary proceeding or a motion initiating a contested matter which must be served pursuant to FRBP 7004. All registrants are further required to maintain a current and active e-mail address to receive said notifications in CM/ECF cases .

V. CONVENTIONAL FILING OF DOCUMENTS; EXCEPTIONS TO ELECTRONIC FILINGS

A. Conventional Filings

The following documents may be filed conventionally unless specifically authorized by the Court:

1. Documents to be Filed Under Seal

   A motion to file a document under seal shall be filed electronically; however, the actual document to be filed under seal may be filed conventionally. If the motion itself contains confidential information, the movant shall file and serve electronically, a redacted version clearly marked as such. If requested by the Court, the movant shall deliver hard copies of the documents proposed to be filed under seal to the presiding Judge for review. The Order of the Court authorizing the filing of such document under seal shall indicate that the motion to file document under seal has been so ordered.

2. Trial Exhibits

   Pursuant to Local Rule 9070-1 all exhibits must be filed electronically unless the Court permits, upon proper motion, conventional filing.

3. Transcripts

   Transcripts must be filed electronically unless the Court permits, upon proper motion, conventional filing.