



**UNITED STATES BANKRUPTCY COURT
DISTRICT OF HAWAII**

Case Management

CM / ECF

Electronic Case Files

**ADMINISTRATIVE PROCEDURES
FOR THE ELECTRONIC FILING, SIGNING,
VERIFICATION AND SERVICE OF DOCUMENTS**

March 1, 2004

I. SCOPE OF CM/ECF PROCEDURES

A. Applicability

The provisions of these Administrative Procedures for the filing of documents through the Case Management / Electronic Case Files (“CM/ECF”) system apply in all pending cases and proceedings in the United States Bankruptcy Court for the District of Hawaii. These procedures contain provisions for both the electronic filing of documents through the Internet and the filing of paper documents and their electronic recording and storage by the court.

B. Participation

A person registered as a full or limited participant in the CM/ECF system (“ECF User”) may file documents only in accordance with these procedures. Non-ECF Users, including pro se parties, may continue to file documents conventionally by submitting paper documents to the court.

II. CONSEQUENCES OF ELECTRONIC FILING

A. Effectiveness of Electronically Filed Document

The electronic filing of a document consistent with these procedures, together with the transmission of a Notice of Electronic Filing from the court, constitutes the filing of the document for all purposes of the Federal Rules of Bankruptcy Procedure and local rules of this court, and constitutes entry of the document on the docket by the clerk under Fed. R. Bankr. P. 5003. The official record of all documents is the electronic recording of the document as stored by the court.

B. Time of Filing

Filing a document electronically does not alter the filing deadline for that document. Filing must be completed before midnight Hawaiian Standard Time in order to be considered timely filed that day. The date and time of filing is that stated on the Notice of Electronic Filing from the court. This time stamp is based on the time of the electronic receipt of the document by the court, not by the time of transmission by the ECF User.

C. Virtual Documents

Virtual documents are certain documents (including some orders) which are frequently used by trustees and the court and the text of which does not vary from case to case. A virtual document consists entirely of the text contained in the docket entry and is not embodied in any other document or electronic recording. The docket

entry for a virtual document shall be fully effective despite the absence of a document or electronic recording apart from the docket entry. Examples of virtual documents are a trustee's report of no distribution, a trustee's initial report in an asset case, and a final decree closing the case.

III. SIGNATURES

A. Filing Party

1. Use of login and password. The use of a login and password assigned to an ECF User in the electronic filing of a document shall constitute the ECF User's signature on the document, for purposes of Fed. R. Bankr. P. 9011, 28 U.S.C. § 1746, the local rules of this court, and any other purpose for which a signature is required in connection with matters before the court.
2. Signature block. Electronically filed documents must include a signature block for the ECF User filing the document. The signature block shall contain either an image of the filing party's signature or "/s/" followed by the name of the filing party (e.g., "/s/ Jane Q. Doe").
3. Authority to sign. An ECF User may authorize one or more employees or office staff members to use the ECF User's login and password for the electronic filing of a document. No ECF User or other person may knowingly permit or cause to permit an ECF User's login and password to be used by anyone other than an authorized agent of the ECF User, and all ECF Users shall take reasonable precautions to prevent such unauthorized use. The use of the ECF User's login and password, whether authorized or not, constitutes the ECF User's signature on the document for all purposes, including those under Fed. R. Bankr. P. 9011.
4. Virtual documents. The use of the trustee's ECF User's login and password shall constitute the trustee's signature on a virtual document. A virtual document that is a court notice or order entered by the court shall be deemed signed by the individual whose name appears as Judge or Clerk.

B. Party Other than Filing Party

A document requiring the signature of an individual other than the ECF User may be submitted for filing only as follows.

1. Image of signature
 - a. The ECF User may file a document containing the scanned image of the individual's original signature on the signature page or a

counterpart page.

- b. The ECF User may file a document containing the scanned image of the individual's signature on a document received by fax transmission to the ECF User.
- c. Seals may be noted by expressions such as "Legal Seal," "L.S.," "Notary Seal," etc., if the seal is not readily apparent in the scanned image of the document.
- d. The use of the ECF login and password is the ECF User's representation that, to the best of the ECF User's knowledge, the document being filed is a true and correct copy of the original document bearing such other individual's signature.

2. Use of "/s/"

- a. The ECF User may file a document that has a signature block containing "/s/" followed by the name of the individual who has signed another copy of the document.
- b. The use of the ECF login and password is the ECF User's representation that, to the best of the ECF User's knowledge, all individuals whose signatures are represented by /s/ have in fact signed a copy of the document at or prior to the time of electronic filing.

3. Waiver of signature

- a. The ECF User may file a document with "**waived**" on the signature line of an individual who waives the requirement for that individual's approval of the document.
- b. The use of the ECF login and password is the ECF User's representation that the ECF User has obtained an explicit waiver from the individual not signing the document.

C. Declaration re: Electronic Filing

- 1. Requirement. The declarations and certifications by a debtor required on the petition, the accompanying schedules and statements, any amendments thereof, and, if a chapter 13 case, the proposed plan, shall be made by filing (in paper form) a Declaration re: Electronic Filing (local form hib_1008-1) with the original signature of each individual or joint debtor, or the original

signature of an authorized individual on behalf of a debtor that is a corporation, partnership or other artificial entity. The use of the ECF User's login and password in the filing of a bankruptcy petition shall be a representation to the court that, at the time of filing, the filing party is in possession of a copy of the petition with the original signature of the debtor(s) or a Declaration re: Electronic Filing with the original signature(s) of the debtor(s).

2. Time to file. The Declaration re: Electronic Filing shall be filed not later than 5 business days after the date of the electronic filing of the subject document(s). Failure to file a timely Declaration re: Electronic Filing for the petition may result in dismissal of the case without further notice or a hearing. Failure to file a timely Declaration re: Electronic Filing for documents other than the petition may result in expunging such documents from the docket.
3. Social Security number. In lieu of submitting a Statement of Social Security Number (Official Form B21), an ECF User shall submit the full (9-digit) Social Security number of the debtor by manual data entry or by using the "case upload" feature in CM/ECF. The full Social Security number shall not be included on the PDF image of the electronically filed petition. The debtor shall verify that the Social Security number submitted at the time of the electronic opening of the bankruptcy case is true and correct by so declaring on the Declaration re: Electronic Filing. Failure to submit the debtor's full Social Security number at the time the case is opened may result in dismissal of the case without further notice. If the debtor does not have a Social Security number, the debtor shall submit, within 2 business days after the date the petition was filed, a signed paper copy of the Statement of Social Security Number(s) with that information.

IV. ELIGIBILITY, REGISTRATION, TRAINING, PASSWORDS

A. Eligibility

1. Full participants. Attorneys admitted to practice before the United States District Court for the District of Hawaii, including those admitted *pro hac vice*, United States Trustees and their assistants, trustees in bankruptcy and their assistants, attorneys representing the United States of America, and others as the court deems appropriate, may register as full participant ECF Users.
2. Limited participants. The court may designate additional individuals or entities as eligible for registration as limited participant ECF Users. Such ECF Users may be limited to filing electronically certain types of documents,

such as proofs of claim, or limited to filing documents in a particular case or proceeding.

B. Registration

1. Registration form. Registration as a full or limited ECF User shall be made by using a form prescribed by the clerk. At a minimum, the form will require the registrant's name, address, telephone and fax numbers, e-mail address, and, if the registrant is an attorney, a statement that the attorney has been admitted to practice before this court. The registration form is available at the court's website: www.hib.uscourts.gov. A completed registration form may be delivered in person or by mail to: Clerk, United States Bankruptcy Court, District of Hawaii, 1132 Bishop Street, Suite 250L, Honolulu, Hawaii 96813.
2. Registration as consent to receive notice and service electronically. Submission to the court of a completed and signed registration form by a full participant ECF User shall constitute: (i) consent in writing to receive notice electronically and waiver of any right to receive notice by any other means; and (ii) consent in writing to electronic service, except with regard to service of a summons and complaint under Fed. R. Bankr. P. 7004, and waiver of any right to service by any other means. The waiver includes, without limitation, notice of the entry of an order or judgment under Fed. R. Bankr. P. 9022. The consent and waiver is effective upon activation of the full participant ECF User's login and password in the ECF live database.

C. Training

The court will provide training as necessary to attorneys and other registrants for participation in the CM/ECF system. The court may require satisfactory completion of a training program as qualification for CM/ECF participation and issuance of a password for use in the "live" database. Training may be modified or waived by the court for a limited ECF User or a full participant ECF User registered as an ECF user in another district.

D. Login and Password

1. Use of login and password. The login and password assigned to an ECF User shall be used exclusively by the registered ECF User and any non-attorney employee or staff member explicitly authorized by the ECF User to use the login and password. The ECF User shall not knowingly permit use of the login and password by any person not so authorized, shall take reasonable steps to prevent such unauthorized use, and shall be fully responsible for all use of the login and password whether authorized or

unauthorized. If authorization to use a login and password is withdrawn (e.g., when a staff member leaves employment) or if unauthorized use of a login and password is suspected, the ECF User shall forthwith select and activate a new password for use in the ECF system. The ECF User also shall immediately notify the court's ECF Help Desk upon learning of any unauthorized use. Failure to change the password and notify the court under the aforementioned circumstances may result in sanctions.

2. Suspension or cancellation by court. Upon appropriate notice and for cause shown, the court at any time may suspend or cancel an ECF User's use of a login and password. The court may require that additional training be taken in order to reactivate ECF participation.
3. Withdrawal. An ECF User may withdraw from ECF participation by giving notice of not less than 30 days to all parties in matters in which the ECF User is a party or represents a party. Such withdrawal will be deemed to be cancellation of the consent to receive notice and service by electronic means, unless otherwise stated in writing by the withdrawing party.

V. ELECTRONIC FILING PROTOCOLS

A. General

The clerk is authorized to establish detailed procedures and requirements regarding the electronic filing of documents. Such detailed procedures and requirements may be contained in guidelines, notices, user guides, and the like, posted at the court's website and available in the clerk's office.

B. Relevant Excerpts of Documents

An exhibit to an electronic filing shall include only excerpts of the referenced document that is directly germane to the matter under consideration by the court. To support a proof of claim, only documents that are necessary to show the basis for the amount of the claim and the basis for any secured claim or perfected security interest should be filed as attachments to a proof a claim. Thus, a creditor should file a summary of invoices rather than copies of the invoices themselves. Excerpted material must be clearly and prominently identified as such. A party filing excerpts of a document under this provision does so without prejudice to the right to file timely additional excerpts or the complete document. A responding party may file timely additional excerpts or the complete document that the party believes to be directly germane to the subject matter.

C. Verification of Document Image

An ECF User shall verify, by checking the link in the Electronic Notice of Filing or by reviewing the docket within 2 business days after the electronic filing, that the image of the document filed is a correct and complete copy of the document intended to be filed. An ECF User shall immediately notify the court of the discovery of an incorrect or incomplete image of a document.

D. Anti-Virus Software

Each ECF User shall utilize updated anti-virus software at all locations from which Internet ECF access is made. The filing party must check all electronic files submitted on disk or transmitted by e-mail to the clerk's office or a judge's chambers for viruses and worms.

VI. PAYMENT OF FILING FEES

Fees due for the electronic filing of documents through the Internet shall be paid through the U.S. Treasury Internet credit card program, in accordance with procedures established by the clerk. It is the ECF User's responsibility to maintain a credit limit adequate to cover all filing fees due.

VII. SERVICE OF DOCUMENTS BY ELECTRONIC MEANS

A. Consent to Electronic Service

ECF Users shall be required to consent to service of all documents except a summons and copy of a complaint as a condition of full participation in the CM/ECF system. The consent is effective upon activation of the ECF User's login and password in the ECF live system. An entity which is not a registered ECF User may consent in writing to electronic service of all documents, except a summons and copy of a complaint, through the CM/ECF system by completing a court-approved consent form available at the court's website. The consent shall apply in all cases in which the consenting entity is a party. The entity may withdraw the consent to electronic service by giving notice of not less than 30 days to all parties in matters in which the entity is a party.

B. Notice of Electronic Filing

Each entity electronically filing a document must transmit a Notice of Electronic Filing to parties entitled to service or notice under the Federal Rules of Bankruptcy Service and the local rules. The Notice of Electronic Filing must be transmitted by e-mail, hand delivery, fax, or by first class mail postage prepaid. Electronic transmission of the Notice of Electronic Filing through the court's transmission facilities constitutes service or notice of the filed document to those parties who have consented in writing to accept such service or notice. A paper copy of the Notice of Electronic Filing, together with a paper copy of the electronically filed document,

shall be served in accordance with the Federal Rules of Bankruptcy Procedure and the local rules, upon parties not deemed to have consented in writing to electronic service or notice.

C. Notice of Claim Filed by Debtor or Trustee

A debtor's attorney or a trustee electronically filing a proof of claim on behalf of a creditor under Fed. R. Bankr. P. 3004 shall be responsible to give the notice of the filing to the creditor, debtor and trustee as required by that rule. A form of notice is available from the clerk's office.

VIII. SUBMISSION OF PROPOSED ORDERS

Proposed orders and judgments may be submitted to the judge in electronic format by e-mail, in accordance with guidelines established by the court. Proposed orders should not be electronically filed in the CM/ECF system unless the proposed order is intended only as an exhibit.

IX. NOTICE OF ORDERS AND JUDGMENTS

A. Electronic Transmission

Immediately upon the entry of an order or judgment, the clerk will transmit to ECF Users in the case or proceeding a Notice of Electronic Filing through the court's transmission facilities. Electronic transmission of the Notice of Electronic Filing constitutes the notice required by Fed. R. Bankr. P. 9022.

B. Notice by Mail

To the extent required by Fed. R. Bankr. P. 9022, the clerk shall give notice of the entry of an order or judgment by mail to parties who have not consented to notice by electronic transmission.

C. Service of Orders

If the court directs a party to prepare a proposed order or judgment, the drafting party shall serve, as soon as practicable after notification of the entry of the order or judgment, a paper copy of the order on all contesting parties who have not consented to service by electronic transmission. Conformed copies of orders and judgments will be available for collection at the clerk's office. The clerk will mail conformed copies to the drafting party if a stamped, addressed envelope is included with the copies of the proposed order or judgment submitted to chambers.

X. TECHNICAL FAILURES

An ECF User who is unable to effect a filing through the Internet due to a technical failure should document the incident and report the occurrence to the ECF Help Desk or a deputy clerk. An ECF User whose filing is made untimely as the result of a technical failure may seek appropriate relief from the court.

XI. FILING OF PAPER DOCUMENTS

A. General

Non-ECF Users may continue to file documents conventionally by submitting paper documents in accordance with detailed procedures and requirements established by the clerk. Such detailed procedures and requirements may be contained in guidelines, notices, user guides, and the like, posted at the court's website and available in the clerk's office, and will supersede any conflicting procedures and requirements contained in a local rule or general order.

B. Submission of Debtor's Social Security Number

To commence a voluntary case, the debtor shall submit with the petition a Statement of Social Security Number (Official Form B21), providing the debtor's full (9-digit) Social Security number or a statement that the debtor does not have a Social Security number. The clerk may require submission of the Statement of Social Security Number before filing the petition and opening the bankruptcy case.

XII. PUBLIC ACCESS TO CASE FILES

A. In compliance with the policy of the Judicial Conference of the United States, and the E-government Act of 2002, and in order to promote electronic access to case files while also protecting personal privacy and other legitimate interests, parties shall refrain from including, or shall partially redact where inclusion is necessary, the following personal data identifiers from all documents and pleadings filed with the court, including exhibits thereto, whether filed electronically or in paper, unless otherwise ordered by the court or required by statute, the Federal Rules of Bankruptcy Procedure or the Official Bankruptcy Forms.

1. Social Security numbers. If an individual's social security number must be included in a pleading, only the last four digits of that number should be used.
2. Names of minor children. If the involvement of a minor child must be mentioned, only the initials of that child should be used. On Schedule I of Official Bankruptcy Form 6, list relationship and age of the debtor's

dependents (i.e., son, age 6).

3. Dates of birth. If an individual's date of birth must be included in a pleading, only the year should be used. On Schedule I of Official Bankruptcy Form 6, list the age of each of the debtor's dependents.
 4. Financial account numbers. If financial account numbers are relevant, only the last four digits of these numbers should be used. On Schedules D, E, and F of Official Bankruptcy Form 6, debtors, if they so choose, may include their full account numbers to assist the trustee and creditors.
- B. In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal data identifiers listed above may file an unredacted document under seal. The court will consider a request to file an unredacted document under seal by ex parte motion, although the court may require the filing party to give notice and an opportunity to request a hearing, or may set the matter for hearing. The unredacted document shall be retained by the court as part of the record. The party shall file a redacted copy for the public file.
- C. The responsibility for redacting these personal identifiers rests solely with counsel and the parties. The clerk will not review each document for compliance with this provision.