

## Administrative Procedures for Electronic Filing

1. Registration.
  - A. Designated Cases. All bankruptcy cases and adversary proceedings will be filed electronically.
  - B. Account Name & Password. An attorney admitted to practice in this court and in good standing may register for one account name and password that will permit him to file and retrieve documents electronically.
  - C. Registration.
    - (1) Each attorney must submit an individual registration form.
    - (2) Registration forms may be obtained from and returned to:

Electronic Registration  
United States District Court  
515 Rusk Avenue  
Post Office Box 61010  
Houston, Texas 77208-1010  
or  
[www.txs.uscourts.gov](http://www.txs.uscourts.gov)
    - (3) The attorney will be assigned an account name and password by e-mail after he has registered and attended training by the clerk. This will insure that the registrant's e-mail address has been entered correctly. The attorney must then confirm to the clerk that the e-mail message was received.
    - (4) A registrant may change his password and must change it immediately if he believes that its security may have been compromised. If an attorney forgets his password, the clerk will assign a new password under Section 1.C.3.
    - (5) An attorney may withdraw from participation in the system by sending the clerk written notice mail. Withdrawal from the system does *not* withdraw the attorney as counsel of record for the party. On receipt of the notice, the clerk will (a) cancel the account name

and password and (b) delete the attorney from the lists for electronic service.

2. Electronic Filing and Service.

A. Filing Electronically.

- (1) All petitions, complaints, motions, memoranda of law, and other documents filed with the court in connection with a case or adversary proceeding must be filed electronically, except: (a) under paragraph 3 or (b) under exceptional circumstances that prevent electronic filing.

A “Notice of Electronic Filing,” in the form of **Appendix A** will be generated and will accompany the notice of meeting of creditors in cases or notice of pretrial conference in adversary proceedings.

- (2) Parties with counsel must comply with these procedures for electronic filing. Parties without counsel may not file electronically, and they must file paper documents with the clerk.
- (3) A document requiring leave of the court to be filed, like a document to be filed out of time, is to be attached as an exhibit to the motion for leave. If the motion is granted, the movant will be ordered to file the document electronically.
- (4) Electronic filing of a document constitutes entry on the docket kept by the clerk under Fed. R. Bankr. P. 5003.

B. Service of Summons and Complaint. The summons and complaint must be served conventionally under Fed. R. Bankr. P. 7004; they may not be served electronically.

C. Service of Other Pleadings.

- (1) When a document is filed electronically, the system will automatically generate a “Notice of Electronic Filing” in the form of **Appendix B**. The clerk will serve this notice electronically on the parties the filer has identified from the master service list who can receive notice electronically. Electronic service by the clerk of the

Notice of Electronic Filing is the equivalent of service of the paper by first class mail, postage prepaid, by the party.

- (2) The filer must serve the document in paper on all others entitled to notice under the rules who are not registered for electronic service.
- (3) Papers that are filed conventionally will be served (a) on those parties entitled to notice and (b) in the manner required under the Federal Rules of Bankruptcy Procedure, and the Local Bankruptcy Rules, except as otherwise provided by an order.

D. Signatures.

- (1) When an original bankruptcy petition is filed electronically, within five business days the attorney for the debtor must file a paper copy of the executed "Declaration for Electronic Filing," in the form of **Appendix C**. The clerk will docket, scan, and maintain the original declaration for not fewer than ten years.
- (2) Electronically-filed documents requiring a signature, verification, or unsworn declaration under a rule or statute must indicate a signature by the person's name typed, unless the document has been scanned to show a manual signature. Examples of signatures in type are:

Waller T. Burns

*or*

T. C. Hutcheson & Co.

By James V. Allred, President

*or*

Ben C. Connally, Notary Public

- (3) Original, executed paper copies of documents filed electronically must be maintained by the filer for five years after (a) the expiration of the time for filing an appeal or (b) a longer time required by law. On request of the court, the filer must deliver the original document.
- (4) In the case of a stipulation or other document signed by multiple persons, this procedure must be used:
  - (a) The filer will confirm that the content of the document is acceptable to everyone and will get the actual signatures of

all parties on the document. Facsimile and agent signatures and counterparts or duplicate originals are acceptable.

- (b) The filer will then file the document electronically, indicating all of the signers by their names in type.
- (c) The filer must retain a paper copy of the document with signatures under subparagraph 2.D.(3).

(5) Parties without counsel must file signed paper documents.

E. Fees to the Clerk.

- (1) The clerk will send registrants an electronic invoice for filing fees payable within three business days.
- (2) Non-registrant filers must follow the rules for payment.

F. Proposed Orders.

- (1) Proposed orders accompanying electronically filed pleadings must be attached in Portable Document Format (PDF).
- (2) Orders submitted after hearing or by agreement (greensheet orders) may be filed conventionally in paper with the greensheet attached or electronically by selecting the “greensheet” event from the menu.
- (3) The court may order the parties to file proposed orders on a 3-1/2" disk, through e-mail, or by other means.

G. Service of Orders. The clerk may serve notice of orders including final judgments electronically. Fed. R. Bankr. P. 9022(a) (effective December 1, 2001).

3. Exceptions to Electronic Filing.

A. Attorneys. Attorneys not registered to file electronically must file documents on paper.

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- B. Schedules and Statement of Financial Affairs. Whether filed electronically or conventionally the filer must serve a complete paper copy on the case trustee.
- C. Unrepresented Parties. Parties without counsel must file paper documents. The clerk will docket and scan paper documents into the electronic file. The clerk will maintain original paper documents in date-entry order in a master file, not in the case file.
- D. Sealed Documents. A motion and proposed order to file documents under seal must be filed electronically. The actual documents to be sealed must *not* be filed electronically, but they will be delivered to the clerk *after* the motion is granted. The order that authorizes sealing will be entered electronically, and a paper copy of that order must be attached to the documents sealed when they are delivered to the clerk.
- E. Excepted Papers. For disclosure statements and motions for temporary restraining orders, summary judgments, and other emergency or expedited matters and their responses:
- (1) If filed electronically, the filer must deliver a complete paper copy including all attachments to chambers and contact the case manager for a setting.
  - (2) If filed conventionally, the filer must deliver a complete original and one copy including all attachments to chambers.
  - (3) The filer must serve complete paper attachments on other parties.
- F. Fee Applications. Fee applications will be filed electronically, except that, instead of attaching exhibits, the applicant must attach a summary sheet of exhibits and attachments in the form of **Appendix D**. The filer must deliver a paper copy with attachments to the court and the U.S. Trustee. The filer will make complete copies of attachments available to other parties on request.
- G. Attachments. Attachments—including exhibits—to other pleadings will be filed in a summary in the form of **Appendix D**, with the filer making complete copies of attachments available to other parties on request.

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- H. Trial Exhibits. Trial Exhibits must be filed in paper or other tangible form in court or as the court directs.
  - I. Transcripts. Transcripts will be filed conventionally.
  - J. Technological Problems. If either the registrant's system or the clerk's system should be inaccessible because of technical difficulties, documents may be filed on paper.
4. Claims.
- A. Attachments to claims must be filed as a summary in the form of **Appendix D**, with complete paper copies furnished to the case trustee and to parties in interest on request.
  - B. The clerk will scan the claim and summary of claims filed conventionally for the electronic case file. The clerk will maintain the paper original in a master file by filing date.
  - C. The notice of creditors meeting will include a proof-of-claim form and exhibit-summary form in cases other than no-asset Chapter 7 cases.
5. Access By Non-Registrants.
- A. No Filing. Those who are not registered may review the court's electronic docket but may not file documents electronically.
  - B. Internet Access Without a Password. Access without a password is now not available.
  - C. Internet Access with a Password. Access to electronic bankruptcy records is available for a fee through the court's web site. Contact the PACER Service Center for an account name and a password at (713) 250-  
\_\_\_\_\_
  - D. Registrant's Free Access. Parties in a bankruptcy case who are served a document electronically may view, save, or print it by using a hyperlink that will be included in the Notice of Electronic Filing.

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- E. Free Public Access at the Court. The public may have electronic access to bankruptcy records at no charge at each of the federal courthouses in the Southern District of Texas.
6. Conventional, Certified, and Exemplified Copies. Anyone may buy conventional paper, certified, and exemplified copies of electronically filed documents from the clerk in person at the courthouse or by mailing a request designating the case number and document by title or docket number. Requests by mail must include a self-addressed, stamped return envelope and the fee. The fee for copying, certification, or exemplification will be under 28 U.S.C. § 1930.
7. Consequences of Electronic Filing.
- A. When a document has been transmitted to the system consistent with these procedures and the court has transmitted a responsive Notice of Electronic Filing, the document is *filed* for all purposes of the bankruptcy and local rules and is *entered* on the docket kept by the clerk under Fed. R. Bankr. P. 5003.
- B. A document filed electronically is *filed* at the date and time on the Notice of Electronic Filing from the court; documents filed in paper before being submitted electronically are filed on the date delivered in paper to the clerk.
- C. When a document has been filed electronically, the official record is the electronic copy of it stored by the court; the filer is bound by the document as filed.
- D. A document is *filed* on a day if it is transmitted completely by midnight by the court's local time.
8. Entry of Orders.
- A. Orders, decrees, judgments, and instruments by the court are *entered* on the docket kept by the clerk under Fed. R. Bankr. P. 5003 and 9021 when they are delivered to the clerk electronically—whether by transmission or scanning.
- B. Paper orders signed by a judge will be scanned into the electronic file by the clerk. Orders delivered electronically with only a signature of the judge in type have the same effect as if the judge had affixed his signature by hand to a paper order and it had been entered on the docket conventionally.

9. Notice of Orders. When an order is entered in the electronic system, the clerk will immediately transmit an electronic Notice of Electronic Filing to registrants in the case. That transmission is the notice required by Fed. R. Bankr. P. 9022. The clerk will notify non-registrants in paper form under the Federal Rules of Bankruptcy Procedures.
10. Technological Failures. If a filing is made untimely because of a technical failure, the filer may seek relief from the court.
11. Appeals.
  - A. Record. After designating the record on appeal electronically, the parties must deliver paper copies of the designated instruments to the clerk. L. Bankr. R. 8007.
  - B. Briefs and Later Documents. All filings in the district court will be in conventional paper form under its local rules and the federal rules.

Appendix

United States Bankruptcy Court  
Southern District of Texas

Notice of Electronic Filing

Case Name:

Case Number:

Date Filed:

This case is in the court's electronic filing system. Case documents may be filed, reviewed, and retrieved through the Internet after the attorney registers with the clerk at:

<http://www.txs.uscourts.gov>

Parties represented by attorneys are encouraged to file documents electronically under these practices.

1. The requirements for filing, viewing and retrieving documents are: (a) a personal computer at a minimum speed of 486 MHz running a standard platform like Windows, Windows 95, or Macintosh, (b) an Internet provider using Point to Point Protocol (PPP), Netscape version 4.5 or higher, and (c) Adobe Acrobat Writer version 3.0 or Adobe Acrobat 4.0 software to convert documents from a word processor format to a portable document format (PDF). You must register with the court to get a password for access.
2. If you are unable to comply with the electronic standards, then you must file conventional unstapled, unbound, 8½" x 11" single-sided paper. Paper documents must be filed with full signatures; they will be scanned by the clerk and added to the electronic file.

**Parties not represented by lawyers may only file documents in paper under the Local Bankruptcy Rules.**

For technical support, please call the court's help desk at 1-800-\_\_\_\_\_, Monday-Friday, 8:30–4:30.

Dated:

*Michael N. Milby*  
Clerk of Court

Appendix A

*Sample of Notice of Electronic Filing  
Generated by System When a Document Is Filed*

00-00000-ABC Notice of Electronic Filing

This document was filed by Jim C. Doe on 01/01/2001 at 12:01 AM

**Case Name: Debtor name**

**Case Number: 00-00000-ABC**

**Document Number: 14**

**Docket Text:**

MOTION FOR RELIEF FROM STAY filed by Jim C. Doe of Creditors law firm on behalf of Creditor.  
(Doe, Jim C.)

These documents are associated with this transaction:

**Document description:** Main Document

**Original filename:** x:/xxxx/12345.pdf

**Electronic document Stamp:**

[STAMP MOWBStamp\_ID=1111111111[Date=01/01/2001][File Number=11111-1][other codes]]

**00-00000-ABC Notice will be electronically mailed to:**

Jim C. Doe                    [jdoe@creditors.com](mailto:jdoe@creditors.com)

Julie W. Doe                [jdoe@lawfirm.com](mailto:jdoe@lawfirm.com)

**00-00000-ABC Because these people could not be notified electronically, the filer must send them a paper copy of the document.**

John Doe  
123 Main St.  
Nowhere, USA

Jane Doe  
456 Main St.  
Somewhere, USA

Appendix B

United States Bankruptcy Court  
Southern District of Texas

In re: §  
§  
§ Bankruptcy Case No.  
§  
Debtor. §

Declaration for Electronic Filing

Part 1. Declaration of Petitioner:

As the debtor, corporate officer, partner, or member, I declare under penalty of perjury that the information (a) I have given and will give my attorney and (b) the information provided in the electronically filed petition, statements, and schedules is true. I understand that this declaration is to be filed with the clerk within five business days after the petition has been filed electronically. If I fail to file a signed original of this declaration, I understand that my case will be dismissed without notice.

Q I am an individual whose debts are primarily consumer debts and who has chosen to file under chapter 7. I have been advised of my opportunity to file under chapters 7, 11, 12, or 13 of the Bankruptcy Code and of the relief available to me under each of them.

Q By signing for a corporation, partnership, or limited liability company, I declare under penalty of perjury that the information in the petition is true and that I have been authorized to file this petition on behalf of the debtor.

Signed: \_\_\_\_\_  
Debtor Joint Debtor (If joint, both spouses must sign)

Date: \_\_\_\_\_  
\_\_\_\_\_  
Corporate Officer, Partner, or Member

Part 2. Declaration of Attorney:

I declare under penalty of perjury: (a) I will give the debtor a copy of all documents filed with and received from the United States Bankruptcy Court. (b) I have told the individual petitioner with primarily consumer debts filing under chapter 7 that he may proceed under chapters 7, 11, 12, or 13 and have explained the relief available under each of them.

Date: \_\_\_\_\_ Signed: \_\_\_\_\_  
Attorney for Debtor  
Texas Bar No.  
Address  
Address  
Telephone  
Facsimile  
E-mail

*File Paper Original with Court — Do Not File Electronically*

Appendix C

United States Bankruptcy Court  
Southern District of Texas

In re:

§  
§  
§  
§  
§  
§  
§  
§

Case No.

Summary of Exhibits

These exhibits are referred to in the \_\_\_\_\_ [*Title of Motion/Claim*] \_\_\_\_\_.

Description of Exhibit

Summary of Pertinent Parts

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_

Copies of the exhibits are available by request to:

Signature: \_\_\_\_\_

Name: \_\_\_\_\_ [*Typed*] \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_

Facsimile: \_\_\_\_\_

E-Mail: \_\_\_\_\_

Appendix D