

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NEW YORK**

**ADMINISTRATIVE PROCEDURES  
FOR FILING, SIGNING AND VERIFYING  
PLEADINGS AND PAPERS  
BY ELECTRONIC MEANS**

**December 1, 2003**

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**I. REGISTRATION FOR THE ELECTRONIC FILING SYSTEM.****A. DESIGNATION OF CASES.**

1. On June 13, 2003, all documents submitted for filing in this district, no matter when a case was originally filed, may be filed electronically using the Electronic Filing System (“System”) or will be scanned and uploaded to the System.
2. Parties proceeding pro se or non-registered users will not be permitted to file electronically. All filing requirements as provided in the *Federal Rules of Bankruptcy Procedure* (“Fed.R.Bankr.P.”) and the *Local Rules of Bankruptcy Procedure* (“LBR”) will prevail.

**B. LOGINS AND PASSWORDS.**

Attorneys admitted to the bar of this Court (including those admitted *pro hac vice*), United States Trustees and their assistants, private Trustees, and others as the Court deems appropriate, may register with the Court’s Electronic Filing System (“Filing Users” and/or “Registered Participants”). Registration is in a form directed by the Clerk and requires the Filing User’s name, address, telephone, number, Internet e-mail address, and, in the case of an attorney, a declaration that the attorney is admitted to the bar of this Court. Registration for a login and password is governed by “Section I. (C).”

Registration as a Filing User constitutes: (1) waiver of the right to receive notice by first class mail and consent to receive notice electronically; and (2) waiver of the right to service by personal service or first class mail and consent to electronic service, except with regard to service of a summons and complaint under Fed.R.Bankr.P. 7004. Waiver of service and notice by first class mail applies to notice of the entry of an order or judgment under Fed.R.Bankr.P. 9022.

Issuance of a login and password to the Filing User immediately activates access to the Court’s electronic Filing System together with all procedures related thereto.

**C. REGISTRATION.**

1. Each attorney or authorized participant desiring to file pleadings or other papers electronically must complete and sign an Attorney/Participant Registration Form (Form A), or a Pro Hac Vice Registration Form (Form B), and a Credit Card Blanket Authorization

Form (Form C) and attend the necessary training required by the Court. These forms are also available on our web site at [www.nywb.uscourts.gov](http://www.nywb.uscourts.gov). The Court reserves the right to allow authorized participants, i.e. non-attorney filers such as creditors or governmental agencies, to become Filing Users at a future date.

2. All signed original Attorney/Participant or Pro Hac Vice-Registration Forms will be mailed or delivered to the Clerk of Court, United States Bankruptcy Court, Olympic Towers, 300 Pearl Street, Buffalo, NY 14202.
3. To ensure that the Clerk's Office has correctly entered a registering attorney's or participant's Internet e-mail address in the *System*, the Clerk's Office will send the attorney or participant an Internet e-mail message after assigning his/her login and password. The Clerk's Office will then either mail the password information to the attorney or participant by regular, first-class mail with the envelope marked "CONFIDENTIAL," or the attorney may arrange to pick up his/her password at the Clerk's Office location designated on his/her registration form.
4. A registered participant is encouraged to change the Court-assigned password. This change can be made by accessing the menu option "Maintain Your ECF Account" under utilities. In the event that a filer believes that the security of an existing password has been compromised and in order to prevent unauthorized access to the *System* by use of that password, the registered participant will immediately change his/her password in the *System* and thereafter provide notice to the Clerk's Office's Help Desk and confirm by facsimile to the Clerk of Court. If a registered participant forgets his/her password, the Clerk of Court, through designated individuals, will assign a new password.
5. All signed original Credit Card Blanket Authorization Forms will be mailed or delivered in an envelope marked "CONFIDENTIAL" and addressed to the Financial Administrator, United States Bankruptcy Court, Olympic Towers, 300 Pearl Street, Suite 250, Buffalo, NY 14202.
6. Once registered, a registered participant may withdraw from using the *System* by providing the Clerk's Office with notice of withdrawal. Such notice must be in writing, and mailed or delivered to the Clerk, United States Bankruptcy Court, Olympic Towers, 300 Pearl Street, Suite

250, Buffalo, NY 14202. Upon receipt, the Clerk's Office will immediately cancel the participant's password and will delete his/her name from any applicable electronic service list.

7. If any of the information on the Attorney/Participant or Pro Hac Vice Registration Forms or the Credit Card Blanket Authorization Form changes, (e.g., mailing address, e-mail address, credit card information, etc.), the registered participant must submit the appropriate amended form addressed to the Clerk of Court and/or the Financial Administrator as indicated in Section I. (C.)( 2.) and (4.) above.

## **II. ELECTRONIC FILING, SERVICE OF DOCUMENTS, AND TIMELINESS.**

### **A. FILING.**

1. Except as otherwise provided by these procedures, registered filers will submit electronically all petitions, motions, pleadings, briefs, memoranda of law, proofs of claim or other documents required to be filed with the Court in connection with a case or proceeding, in Portable Document Format ("PDF") file.
2. The creditor matrix is to be prepared with word processing software in a single column format, one inch from the left edge of each page (not centered). The name and address of each creditor must not exceed 5 lines and each line may not contain more than 40 characters, including blank spaces. "Attention" lines should be placed on the second line of the name/address. Creditor names and addresses are to be single spaced, with a double space separating each creditor. The city, state, and zip must all be on the last line. State names must be two-letter abbreviations. The word processing file must be saved as a **text ("TXT")** file and uploaded to the Electronic Case Filing System pursuant to the CM/ECF User's Manual.
3. Notwithstanding the foregoing, anyone filing documents with the Court who is not as Filing User in the *System* is not required to electronically file pleadings and other papers in a case assigned to the *System*.
4. All summonses submitted to the Clerk of Court for filing will be presented conventionally pursuant to FRBP.
5. The Clerk's Office will not maintain a paper Court file in any case filed

after the effective date of these procedures except as otherwise provided by these procedures. The official Court record will be an electronic file maintained on the Court's file server.

6. Chambers "Courtesy copies", of all documents filed electronically, are required to be provided to the Court within 2 business days of the electronic filing, EXCEPT voluntary Chapter 7 initiating petitions, schedules and statements. The courtesy copy must be printed on paper and clearly marked as "**ELECTRONICALLY FILED DOCUMENT - CHAMBERS COPY**" and must be submitted in compliance with these procedures.
7. Any documents received in paper format in Chambers or the Clerk's Office will be disposed of when it is determined that they are no longer needed.
8. Any adjournment letters and status conference requests will be filed conventionally.
9. In expedited matters, the movant will contact the Courtroom Deputy in Rochester or the Judge's Secretary in Buffalo by phone as soon as possible after filing the item needing expedited treatment. Compliance with the FRBP 9006 is required.
10. The United States Trustee requires that immediately upon filing a petition, the attorney for the debtor or the pro se debtor must provide the United States Trustee with a paper copy of the electronically filed petition, lists, schedules, statement of financial affairs, 2016(b) Statement and any amended schedules, together with an attached copy of the "Notice of Electronic Filing." The United States Trustee requires within two days of the notification of the trustee assignment the attorney for the debtor or the pro se debtor to submit to the case trustee a paper copy of the electronically filed petition, lists, schedules, statement of affairs, 2016(b) Statement, and any amended schedules, together with an attached copy of the "Notice of Electronic Filing."

Upon conversion of a case, the attorney for the debtor or the pro se debtor must provide paper copies of the electronically filed documents listed above, together with any documents filed pursuant to the Western District of New York Local Rules, to the United States Trustee within two days of the conversion and to the newly appointed case trustee within two days of notification of the trustee assignment.

**B. SERVICE.**

1. Whenever a pleading or other paper is filed electronically, in accordance with these procedures, the *System* will generate notice of electronic filing and send it to the filing party and any other party who has requested electronic notice in that case. Attached to these procedures as “Form F” is an example of a Notice of Electronic Filing.
2. If the recipient is a registered participant in the *System*, the Clerk’s e-mailing of the “Notice of Electronic Filing” will be the equivalent of service of the pleading or other paper by first class mail, postage prepaid, subject to the provisions of Fed.R.Bankr.P. 7004 and 9014(b).
3. A Certificate of Service is still required when a party files a document electronically. The Certificate of Service must state the manner in which service or notice was made on each party served. Sample language for a “Certificate of Service” is attached to these procedures as “Form D.”
4. A party who is not a Filing User or Registered Participant of the *System* is entitled to a paper copy of any electronically filed pleading or paper. The filing party must, therefore, serve the non-registered party with the pleading or paper according to the FRBP and LBR.

**C. SECTION 341(a) MEETING OF CREDITORS**

The attorney for the debtor must bring to the Section 341(a) meeting of creditors the electronically filed petition, schedules, lists and statement of affairs bearing the original signatures, as required by “Section III (B)” of these Procedures. Debtors and their attorneys will execute a “Declaration Re: Electronic Filing” at the meeting of creditors “Form G.”

The attorney for the debtor must bring to the Section 341(a) meeting of creditors Official Form 21, Statement of Social Security Number(s) bearing the original signatures.

**D. TIMELINESS**

1. Filing a document electronically does not alter the filing deadline for that document.

2. Filings are considered timely if received by the Court before midnight on the date set as a deadline, unless the judge specifically requires an earlier filing, such as close of business.
3. Due to variations in time zones, timeliness is established based on the Eastern Standard time zone where the Western District of New York is located.
4. A Filing User whose filing is made untimely as the result of a technical failure of the Court's CM/ECF site, as prescribed in Section XII of these procedures, may seek appropriate relief from the Court.

### III. SIGNATURES.

- A. Petitions, lists, schedules and statements, amendments, pleadings, affidavits, and other documents which must contain original signatures or which require verification under FRBP 1008 or an unsworn declaration as provided in 28 U.S.C. § 1746, will be filed electronically. **THE ELECTRONIC FILING OF ANY DOCUMENT REQUIRING AN INK SIGNATURE CONSTITUTES A REPRESENTATION BY THE FILING USER THAT THE ORIGINAL SIGNATURE(S) WERE OBTAINED AND AFFIXED TO SUCH DOCUMENT(S) PRIOR TO THE ELECTRONIC FILING. VIOLATIONS OF THIS REQUIREMENT WILL BE SUBJECT TO DISCIPLINARY ACTION AGAINST THE FILING USER.** The Statement of Social Security Number, Official Form 21, must be verified and signed prior to the electronic filing of the petition. Official Form 21 will not be electronically filed with the Court.
- B. For a period of not less than five (5) years after the closing of the bankruptcy case, the Filing User originating the document must retain "verified documents," i.e., documents required to be verified under Fed.R.Bankr.P. 1008 or documents in which a person verifies, certifies, affirms, or swears under oath or penalty of perjury. (See, e.g., 28 U.S.C. § 1746 [unsworn declarations under penalty of perjury]). For a period of not less than five (5) years after the closing of the bankruptcy case, documents that are electronically filed and require original signatures other than that of the Filing User must be maintained in paper form by the Filing User. Upon request of the Court, the Filing User must provide original documents for review. Compliance with Fed.R.Bankr.P. 9011 is required.
- C. The pleading or other document electronically filed must indicate a signature, i.e. "/s/ name," unless the document is a scanned PDF document and shows an original handwritten signature.

- D. The following procedure applies when a stipulation or another document requires two or more signatures:
1. The Filing User must initially confirm that the content of the document is acceptable to all persons required to sign the document and must obtain the handwritten signatures of all parties on the document. For purposes of this rule, the pleading or other document electronically filed must indicate a signature, i.e., “/s/ name,” unless the document is a scanned PDF document and shows an original handwritten signature. Compliance with FRBP 9011 is required.
  2. The Filing User must file the document electronically, indicating each signature, i.e. “/s/ name,” unless the document has been scanned and shows the actual signature
  3. The Filing User originating the document must maintain the original signed document as provided for in Section III. C. above.
- E. Official Form 21, Statement of Social Security Number(s) must be signed by the debtor(s) before the petition is electronically filed with the Court and retained by the debtor’s attorney in accordance with the requirements of Paragraphs “A” and “B” of this Section.

#### **IV. FEES.**

- A. Fees for electronic filing of any pleading or paper requiring a filing fee will be paid by the filer via credit card over the Internet.
- B. Only VISA, MASTERCARD, AMERICAN EXPRESS, DISCOVER, AND DINER’S CLUB credit cards will be accepted.
- C. The fee for any transaction declined by the credit card issuer for any reason must be paid to the Court in cash, check or money order by the close of business on the next business day after notification by Court staff of the deficiency. The attorney or participant has the responsibility to furnish updated credit card information to the Court.
- D. Except as otherwise provided, all registered participants of the *System* will be subject to the fees set forth in the Fee Schedule for Electronic Public Access “EPA Fee Schedule,” adopted by the Judicial Conference of the United States.

- E. Registered Users in a case receive one free electronic viewing of the filed document through PACER, at the time the document is filed, without being assessed a fee. Users are encouraged to print or save the document at that time to avoid additional PACER fees. Should the Registered User not print or otherwise save the document, any subsequent PACER access to documents is subject to PACER fees.

## **V. ATTACHMENTS.**

- A. Registered participants must submit all documents referenced as attachments, or only relevant excerpts that are directly relevant to the matter under consideration by the Court, including but not limited to leases, notes and mortgages in Portable Document Format (PDF), unless the Court permits conventional filing. Attachments may be summarized using (Form E). Cover sheets are considered attachments.
- B. The size of the electronic file will be limited to a manageable size so as not to degrade system performance. Attachments exceeding the recommended size requirement must be split into separate PDF files and the multiple PDF files attached to the document. Document size limits are posted to the Court's website and will be adjusted with improvements in technology.
- C. For attachments not available in electronic form, it is preferred that such documents, or the relevant portions thereof, should be electronically imaged, i.e., scanned, and filed using the Portable Document Format (PDF). Excerpted material must be clearly and prominently identified as such. The file size requirements as stated in Section V. (B.) are required.
- D. Filing Users who file excerpts of documents do so without prejudice to their right to timely file additional excerpts or complete documents.
- E. Filing Users must promptly provide full and complete versions of excerpted documents upon the request of the Court or responding party.

## **VI. SEALED DOCUMENTS.**

- A. A motion to file a document under seal may be filed electronically unless prohibited by law.
- B. Documents ordered to be placed under seal must be filed conventionally, and NOT electronically, unless specifically authorized by the Court.

- C. The filing party must file with the Clerk through conventional means a paper copy of the proposed order attached to the documents to be sealed.

## VII. ORDERS.

- A. Proposed Orders must be submitted conventionally to the Court, with the following exception: Proposed Orders submitted as part of the Default Motion Procedures in effect for cases filed in Rochester and Watkins Glen may be submitted electronically as a separate attachment to the motion. All other proposed Orders should be submitted to the Court within 3 business days of the granting of said Order. Document backers should not be affixed.
- B. Proposed Orders may not be combined with the application or motion into one document. The application or motion must be entered on the docket prior to submitting the Order. **DO NOT ELECTRONICALLY FILE A PLEADING WHICH CONTAINS A PROPOSED ORDER IN THE BODY OF THE PLEADING.** Pleadings which contain a proposed Order within the body of the pleading or are not properly labeled as “proposed” will be ignored.
- C. Any Order filed and docketed electronically by the Court without the original signature of a Judge has the same force and effect as if the Judge had affixed the Judge’s signature to a paper copy of the Order and it had been entered on the docket in a conventional manner. Only the Court and authorized Clerk’s Office Staff may file and enter Orders electronically. Orders purported to be filed electronically by filers other than the Court or authorized Clerk’s Office Staff shall have no validity.
- D. Any ministerial Order filed and entered electronically by the Clerk of Court without the original signature of the Judge or Clerk has the same force and effect as if the Clerk had affixed his/her signature to a paper copy of the Order and it had been entered on the docket in a conventional manner.

## VIII. DOCKET ENTRIES.

- A. A filer who electronically submits a pleading or other document must be responsible for designating a docket entry for the document by using one of the docket event categories prescribed by the Court. This action constitutes an entry on the official Court docket as provided in FRBP 5003.
- B. The Clerk will enter all Orders and Judgments in the *System*, which constitute docketing of the Order and Judgment for all purposes. The Clerk’s notation in the appropriate docket of an Order or Judgment will constitute the entry of

the Order or Judgment as provided in FRBP 5003.

#### **IX. CORRECTING DOCUMENTS FILED IN ERROR.**

- A. Once a document is submitted and becomes part of the case docket, corrections to the docket are made only by the Clerk's Office.
- B. A document incorrectly filed in a case may be the result of posting the wrong PDF file to a docket entry, or selecting the wrong document type from the menu, or entering the wrong case number and not catching the error before the transaction is completed. **Do not attempt to re-file the document.**
- C. As soon as possible after an error is discovered, the filer must contact the Help Desk in the Clerk's Office in Buffalo or Rochester, whichever has jurisdiction over the case or proceeding. Be sure to have the case number and document number for which the correction is being requested. As appropriate, the Clerk may either make an entry indicating that the Filing User has represented that a document was filed in error or the error will be brought to the attention of the Court for proper resolution. The Filing User will be advised as to how the error will be corrected and what additional actions will need to be taken by the Filing User, such as re-filing the document or providing an affidavit of the error with service to affected parties. The *System* will not permit Filing Users to make changes to the document(s) or docket entry filed in error once the transaction has been accepted.

#### **X. TECHNICAL FAILURES.**

- A. Technical failure of the Court's CM/ECF site which prevents the filer from being able to timely file documents may seek appropriate relief from the Court or file by conventional means available. Known systems outages [generally for maintenance and system upgrades] will be posted to the Court's web site with as much advance notification as possible.
- B. Problems with the filer's system(s), such as phone line problems, problems with the filer's Internet Service Provider (ISP), or hardware or software problems, will not constitute a technical failure under these procedures. A filer who cannot file a document electronically because of a problem on the filer's end may file the document conventionally or seek other appropriate relief from the Court.

#### **XI. SECURITY OF THE SYSTEM.**

Each electronically filed paper will be assigned a special identification number which can be traced, if necessary, to detect post filing alterations to a document.

## **XII. PRIVACY.**

- A. To address the privacy concerns created by Internet access to Court documents, filers should limit certain personal identifiers appearing in pleadings or other papers. The suggested limitations are as follows:
1. Names of Minor Children: Use the minors' initials;
  2. Financial Account Numbers: Identify the name or type of account and the financial institution where maintained, but use only the last four numbers of the account number;
  3. Social Security Numbers except as required by statute, rule or official form;
  4. Dates of Birth: Use only the year; and
  5. Other data and/or information as identified by order of the Court.
  6. Documents such as tax returns, bank account statements, driver licenses, copies of cancelled checks, etc. should not be filed with the Court to avoid public disclosure.
- B. Information posted on the *System* must not be downloaded for uses inconsistent with the privacy rights of any person.
- C. Pursuant to the Bankruptcy Rules, the Court 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. Filers are cautioned to carefully review documents being filed with the Court and redact personal data protected under the new Bankruptcy Rules. The Court staff will safeguard the original Statement of Social Security Number(s), Official Form B21, which will not be made a part of the bankruptcy case file. Additionally, the CM/ECF software will be modified to comply with the new noticing considerations and protection of the debtor(s) Social Security number in full compliance with the privacy related Rules.

## **XIII. PUBLIC ACCESS TO THE SYSTEM DOCKET.**

- A. Electronic access to the electronic docket and documents filed in the *System* is available for viewing to the public at no charge at each Clerk's Office's public counter during regular business hours. A fee for a paper copy of an electronic document is required in accordance with 28 U.S.C. § 1930.
- B. Although any person can retrieve and view the documents in the *System* and access information from it without charge at the Clerk's Office, electronic access to the *System* for viewing purposes is otherwise limited to subscribers to the Public Access to Court Electronic Records ("PACER") *System* and, in accordance with the ruling of the Judicial Conference of the United States, a user fee will be charged for accessing detailed case information, such as reviewing filed documents and docket sheets, but excluding review of calendars and similar general information.
- C. Conventional copies and certified copies of the electronically filed documents may be purchased at the Clerk's Office. The fee for copying and certification will be in accordance with 28 U.S.C. § 1930.

FORM A
UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

CASE MANAGEMENT/ELECTRONIC CASE FILES SYSTEM (CM/ECF)
ATTORNEY OR PARTICIPANT REGISTRATION FORM

LIVE SYSTEM

This form will be used to register an attorney or participant on the U.S. Bankruptcy Court for the Western District of New York Electronic Case Files (CM/ECF) System (hereinafter System). A registered participant will have privileges to submit documents electronically, and to view and retrieve docket sheets and documents for all cases assigned to the Western District's ECF System. (NOTE: A PACER account is necessary for access to files and documents. You may register for a PACER account either online at http://pacer.psc.uscourts.gov or by calling 1-800-676-6856).

First/Middle/Last Name: \_\_\_\_\_

Bar ID #: \_\_\_\_\_

State of Admission: \_\_\_\_\_

Admitted to Practice in U.S. District Court for the WDNY: \_\_\_\_\_

Firm Name, if applicable \_\_\_\_\_

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

Voice Phone Number: \_\_\_\_\_

Fax Phone Number: \_\_\_\_\_

Internet E-MAIL Address: \_\_\_\_\_

Send Notices to these additional E-MAIL Addresses: \_\_\_\_\_

Send Electronic Notice (check one) [ ] Each Filing [ ] End of Day Summary

Send Electronic Notice in the following format (check one):

- [ ] HTML for Netscape, ISP mail service, i.e., AOL, Hotmail, Yahoo, etc.
[ ] Text for cc:Mail, Groupwise, Outlook, Outlook Express, other (please list) \_\_\_\_\_

In order to schedule you for the appropriate training class, please indicate your type of legal practice.

- [ ] Debtor [ ] Creditor [ ] Trustee [ ] Other (please specify) \_\_\_\_\_

Return my login and password by: [ ] first class mail with the envelope marked confidential OR [ ] pick up at public counter in [ ] Buffalo or [ ] Rochester.

By submitting this registration form the applicant agrees to adhere to the following:

1. This access is for use only in ECF cases filed in the U.S. Bankruptcy Court for the Western District of New York. It may be used to file and view electronic documents, docket sheets, and reports. **NOTE: A PACER account is necessary for this access and the registration information is referenced above.**
2. The FRBP 9011 requires that every pleading, motion, and other paper (except lists, schedules, statements, or amendments thereto) filed with Court be signed by at least one attorney of record or, if the party is not represented by an attorney, by the party. The unique password issued to a participant identifies that participant to the Court each time he or she logs onto the *System*. The use of a participant’s password constitutes the signature of the purposes of FBRP 9011 on any document or pleading filed electronically using that participant’s password. Therefore, a participant must protect and secure the password issued by the Court. If there is any reason to suspect the password has been compromised, it is the duty of the participant to immediately change his or her password through the “Utilities” menu in the *system*. After doing so, the participant should contact the ECF Help Desk to report the suspected password compromise.
3. Registration will constitute a request and an agreement to receive service of pleadings and other papers electronically pursuant to FRBP 9036, where service of pleadings and other papers is otherwise permitted by first class mail, postage prepaid.
4. I understand that by submitting an application for a password I agree to adhere to all of the rules and regulations in the WDNY Administrative Orders for Filing, Signing, and Verifying Pleadings and Papers by Electronic Means currently in effect, and any changes or additions that may be made to such Administrative Orders. The Court may periodically post announcements and updates to the Court’s website that are pertinent to CM/ECF practice.
5. I assume all responsibility and liability for the payment of all applicable filing fees due at the time the document is electronically filed.
6. I understand that prior to electronically filing any document with the Court, I must obtain the original signature of the party or parties I represent on a paper copy of the document and that I must retain the original of that signed document for the length of time set forth in the “Administrative Procedures.”
7. For individual debtor cases filed electronically on or after December 1, 2003, I understand that prior to the electronic filing of a petition, I must obtain the original signature(s) of the debtor(s) I represent on a paper copy of the Statement of Social Security Number(s), (Official Form B21), and that I must retain the original of that signed document for the length of time set forth in the “Administrative Procedures.” I also understand I must compare the social security number(s) provided by the debtor(s) on Official Form B21 to the numbers entered into the Court’s CM/ECF System to ensure they are the same.

\_\_\_\_\_  
Applicant’s Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Last four Digits of Social Security Number (for security purposes)

*Privacy Disclaimer: The information contained within this application will not be sold or otherwise distributed by this office to outside sources.*

Please return this form to the New York Western Office at:

U.S. Bankruptcy Court  
Attn: Clerk of Court  
Olympic Towers  
300 Pearl Street, Suite 250  
Buffalo, NY 14202

FORM B

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NEW YORK

CASE MANAGEMENT/ELECTRONIC CASE FILES SYSTEM (CM/ECF)  
PRO HAC VICE ATTORNEY REGISTRATION FORM

LIVE SYSTEM

This form will be used to register an out of district attorney on the U.S. Bankruptcy Court for the Western District of New York Electronic Case Files (CM/ECF) System (hereinafter *System*) by attorneys who (1) reside and **practice outside of this district** and/or (2) represent parties in New York State on a **pro hac vice basis**. A registered participant will have privileges to submit documents electronically, and to view and retrieve docket sheets and documents for all cases assigned to the Western District ECF *System*. **(NOTE: A PACER account is necessary for access to files and documents.** You may register for a PACER account either online at <http://pacer.psc.uscourts.gov> or by calling 1-800-676-6856).

First/Middle/Last Name: \_\_\_\_\_

Bar ID #: \_\_\_\_\_

State of Admission: \_\_\_\_\_

Admitted to Practice in the U.S. District Court for \_\_\_\_\_

Firm Name, if applicable: \_\_\_\_\_

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

Voice Phone Number: \_\_\_\_\_

Fax Phone Number: \_\_\_\_\_

Internet E-MAIL Address: \_\_\_\_\_

Send Notices to these additional E-MAIL Addresses: \_\_\_\_\_

Send Electronic Notice (check one)     Each Filing     End of Day Summary

Send Electronic Notice in the following format (check one):

- HTML for *Netscape*, ISP mail service, i.e., *AOL*, *Hotmail*, *Yahoo*, etc.
- Text for cc:Mail, GroupWise, Outlook, Outlook Express, other (please list)

In order to schedule you for the appropriate training class, please indicate your type of legal practice.

Debtor\_\_  Creditor\_\_  Trustee\_\_  Other (please specify)\_\_\_\_\_.

In order to qualify for an account on the *system*, the out-of-district attorney/participant must certify that he or she meets one of the following conditions. **Please check the applicable box(es):**

- I am registered as an ECF participant in the United States Bankruptcy Court in another state or district. Please indicate court or district(s):
- I have read the WDNY Administrative Orders and Procedures regarding ECF and have completed training as required by the WDNY Administrative Procedures.

By submitting this registration form the applicant agrees to adhere to the following:

1. This access is for use only in ECF cases filed in the U.S. Bankruptcy Court for the Western District of New York. It may be used to file and view electronic documents, docket sheets, and reports. **NOTE: A PACER account is necessary for this access and the registration information is referenced above.**
2. The FRBP 9011 requires that every pleading, motion, and other paper (except lists, schedules, statements, or amendments thereto) filed with Court be signed by at least one attorney of record or, if the party is not represented by an attorney, by the party. The unique password issued to a participant identifies that participant to the Court each time he or she logs onto the *System*. The use of a participant's password constitutes the signature of the purposes of FRBP 9011 on any document or pleading filed electronically using that participant's password. Therefore, a participant must protect and secure the password issued by the Court. If there is any reason to suspect the password has been compromised, it is the duty of the participant to immediately change his or her password through the "Utilities" menu in the *system*. After doing so, the participant should contact the ECF Help Desk to report the suspected password compromise.
3. Registration will constitute a request and an agreement to receive service of pleadings and other papers electronically pursuant to FRBP 9036, where service of pleadings and other papers is otherwise permitted by first class mail, postage prepaid.
4. I understand that by submitting an application for a password I agree to adhere to all of the rules and regulations in the WDNY Administrative Procedures for Filing, Signing and Verifying Pleadings and Papers by Electronic Means currently in effect, and any changes or additions that may be made to such Administrative Orders. The Court may periodically post announcements and updates on the Court's website that are pertinent to ECF practice.
5. I assume all responsibility and liability for the payment of all applicable filing fees due at the time the document is electronically filed.
6. I understand that prior to electronically filing any document with the Court, I must obtain the original signature of the party or parties I represent on a paper copy of the document and that I must retain the original of that signed document for the length of time set forth in the "Administrative Procedures."
7. For individual debtor cases filed electronically on or after December 1, 2003, I understand that prior to the electronic filing of a petition, I must obtain the original signature(s) of the debtor(s) I represent on a paper copy of the Statement of Social Security Number(s), (Official Form B21), and that I must retain the original of that signed document for the length of time set forth in the "Administrative Procedures." I also understand I must compare the social security number(s) provided by the debtor(s) on Official Form B21 to the numbers entered into the Court's CM/ECF System to ensure they are the same.

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Last four Digits of Social Security Number (for security purposes)

*Privacy Disclaimer: The information contained within this application will not be sold or otherwise distributed by this office to outside sources.*

Please return this form to the New York Western Office at: U.S. Bankruptcy Court, Attn: Clerk of Court, 300 Pearl Street, Suite 250, Buffalo, New York 14202.

FORM C
UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

CREDIT CARD BLANKET AUTHORIZATION FORM

I hereby authorize the U.S. Bankruptcy Court for the Western District of New York to charge the bank card listed below for payment of fees, costs and expenses which are incurred by the authorized users listed below. I understand if a document requiring a fee is received without the fee, the court will automatically charge the account number listed on this form. A copy of both sides of the credit card must accompany this form. I certify that I am authorized to sign this form on behalf of my law firm.

THIS FORM MUST BE TYPED, FILLED OUT COMPLETELY WITH ORIGINAL SIGNATURES, AND DELIVERED TO THE U.S. BANKRUPTCY COURT FOR THE WESTERN DISTRICT OF NEW YORK. A new original form must be submitted to the Court upon any change of any of the information below. It is the responsibility of the cardholder to notify the Court if a card has been stolen or cancelled. If the information on the form is not current, the transaction will not be processed. This form will remain in effect until the expiration date of the credit card or the form is specifically revoked in writing. Photo identification will be requested from the authorized users listed on this form when appearing personally at the Court.

Name as it appears on card

Card Type: [ ] MasterCard [ ] Visa [ ] Discover [ ] American Express [ ] Diners Club

Account Number: AmEx ID#: Expiration Date:

Cardholder Signature: Date:

Names and signatures of individuals authorized to use account number listed above for payment of fees, costs, or expenses:

Name Signature
Name Signature
Name Signature

Name of Firm: (Sole practitioner, type or print your name)

Billing Address:

Contact Person: Phone No:

e-mail address:

Please send your form to either office. The originals will be held in a secure location in the Buffalo office.

[ ] BUFFALO OFFICE
300 Pearl St., Suite 250
ATTN: Financial Dept.
Buffalo, NY 14202

[ ] ROCHESTER OFFICE
100 State St., Suite 1220
ATTN: Financial Dept.
Rochester, NY 14614

Court Use Only:
Date Received: CC copy attached: Y N Info verified: Y N By:

**FORM D**  
**(SAMPLE FORMAT)**

**UNITED STATES BANKRUPTCY COURT**  
**WESTERN DISTRICT OF NEW YORK**

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In Re:

Case No.

Chapter

Debtor(s).

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**CERTIFICATE OF SERVICE**

I hereby certify that on, \_\_\_\_\_, I electronically filed the foregoing with the  
(Date)

Clerk of the Bankruptcy Court using the CM/ECF system which sent notification of such filing

to the following:     1.....  
                          2.....  
                          3.....

And, I hereby certify that I have mailed by the United States Postal Service the document  
to the following non CM/ECF participants:

1.....  
2.....  
3.....

/s/name

**FORM E**  
**(SAMPLE FORMAT)**

**UNITED STATES BANKRUPTCY COURT**  
**WESTERN DISTRICT OF NEW YORK**

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In Re:

Case No.

Chapter

Debtor(s).

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**SUMMARY OF EXHIBITS/ATTACHMENT(S) AND CERTIFICATE OF SERVICE**

The following attachment(s) in reference to \_\_\_\_\_ are  
available upon request:

- 1.....
- 2.....
- 3.....

Respectfully submitted

/s/ name

ATTORNEY FOR \_\_\_\_\_

Copy of the above served this

\_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ on:

[respondent parties if motion]  
[debtor's (s') attorney and trustee if claim]

**FORM F****SAMPLE NOTICE OF ELECTRONIC FILING  
GENERATED BY SYSTEM WHEN A DOCUMENT IS FILED**

00-00000-ABC Notice of Electronic Filing

The following transaction was received from 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 Creditor's law firm on behalf of Creditor. (Doe, Jim C.)

The following document(s) are associated with this transaction:

**Document description: Main Document**

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

**Electronic Document Stamp:**

[STAMP NYWBStamp\_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 The person(s) listed below could not be notified electronically because that person's e-mail notification service is not activated:**

John Doe  
123 Main St.  
Nowhere, USA

Jane Doe  
465 Main St.  
Somewhere, USA

**FORM G****UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NEW YORK**

In Re:

Case No.

Debtor(s)

**DECLARATION RE: ELECTRONIC FILING OF  
PETITION, SCHEDULES & STATEMENTS****PART I - DECLARATION OF PETITIONER**

I (WE) and, the undersigned debtor(s), **hereby declare under penalty of perjury** that the information provided in the electronically filed petition, statements, and schedules is true and correct and that I signed these documents prior to electronic filing. I consent to my attorney sending my petition, statements and schedules to the United States Bankruptcy Court. I understand that this DECLARATION RE: ELECTRONIC FILING is to be executed at the First Meeting of Creditors and filed with the Trustee. I understand that failure to file the signed original of this DECLARATION may cause my case to be dismissed pursuant to 11 U.S.C. § 707(a)(3) without further notice. I (we) further declare under penalty of perjury that I (we) signed the original Statement of Social Security Number(s), (Official Form B21), prior to the electronic filing of the petition and have verified the 9-digit social security number displayed on the Notice of Meeting of Creditors to be accurate.

If petitioner is an individual whose debts are primarily consumer debts and who has chosen to file under a chapter: I am aware that I may proceed under chapter 7, 11, 12 or 13 of Title 11, United States Code, understand the relief available under each chapter, and choose to proceed under this chapter. I request relief in accordance with the chapter specified in this petition. I (WE) and, the undersigned debtor(s), **hereby declare under penalty of perjury** that the information provided in the electronically filed petition, statements, and schedules is true and correct.

If petitioner is a corporation or partnership: I declare under a penalty of perjury that the information provided in the electronically filed petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor. The debtor requests relief in accordance with the chapter specified in this petition.

If petitioner files an application to pay filing fees in installments: I certify that I completed an application to pay the filing fee in installments. I am aware that if the fee is not paid within 120 days of the filing date of filing the petition, the bankruptcy case may be dismissed and, if dismissed, I may not receive a discharge of my debts.

Dated:

Signed:

\_\_\_\_\_  
(Applicant)\_\_\_\_\_  
(Joint Applicant)**PART II - DECLARATION OF ATTORNEY**

I **declare under penalty of perjury** that the debtor(s) signed the petition, schedules, statements, etc., including the Statement of Social Security Number(s), (Official Form B21), before I electronically transmitted the petition, schedules, and statements to the United States Bankruptcy Court, and have followed all other requirements in Administrative Orders and Administrative Procedures, including submission of the electronic entry of the debtor(s) Social Security number into the Court's electronic records. If an individual, I further declare that I have informed the petitioner (if an individual) that [he or she] may qualify to proceed under chapter 7, 11, 12 or 13 of Title 11, United States Code, and have explained the relief available under each chapter. This declaration is based on the information of which I have knowledge.

Dated:

\_\_\_\_\_  
Attorney for Debtor(s)\_\_\_\_\_  
Address of Attorney

## SUMMARY OF UPDATES TO THE ADMINISTRATIVE PROCEDURES EFFECTIVE DECEMBER, 2003

Section	Page	Description of Change
II. A. 10.	4	<p><b>Added clarifying text:</b> The United States Trustee requires that immediately upon filing a petition, the attorney for the debtor or the pro se debtor must provide the United States Trustee with a paper copy of the electronically filed petition, lists, schedules, statement of financial affairs, 2016(b) Statement and any amended schedules, together with an attached copy of the "Notice of Electronic Filing." The United States Trustee requires within two days of the notification of the trustee assignment the attorney for the debtor or the pro se debtor to submit to the case trustee a paper copy of the electronically filed petition, lists, schedules, statement of affairs, 2016(b) Statement, and any amended schedules, together with an attached copy of the "Notice of Electronic Filing."</p> <p><b>Added clarifying text:</b> Upon conversion of a case, the attorney for the debtor or the pro se debtor must provide paper copies of the electronically filed documents listed above, together with any documents filed pursuant to the Western District of New York Local Rules, to the United States Trustee <b><u>within two days of the conversion and to the newly appointed case trustee within two days of notification of the trustee assignment.</u></b></p>
II. C.	5	<p><b>Added text:</b> The attorney for the debtor must bring to the Section 341(a) meeting of creditors Official Form 21, Statement of Social Security Number(s) bearing the original signatures.</p>
III. A.	6	<p><b>Added text:</b> The Statement of Social Security Number, Official Form 21, must be verified and signed prior to the electronic filing of the petition. Official Form 21 will not be electronically filed with the Court.</p>
III. E. [new]	7	<p><b>Added text:</b> Official Form 21, Statement of Social Security Number(s) must be signed by the debtor(s) before the petition is electronically filed with the Court and retained by the debtor's attorney in accordance with the requirements of Paragraphs "A" and "B" of this Section.</p>
XII. A. 6.	11	<p><b>Added text:</b> Documents such as tax returns, bank account statements, driver licenses, copies of cancelled checks, etc. should not be filed with the Court to avoid public disclosure.</p>
XII. C. [new]	11	<p><b>Added text:</b> Pursuant to the Bankruptcy Rules, the Court 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. Filers are cautioned to carefully review documents being filed with the Court and redact personal data protected under the new Bankruptcy Rules. The Court staff will safeguard the original Statement of Social Security Number(s), Official Form B21, which will not be made a part of the bankruptcy case file. Additionally, the CM/ECF software will be modified to comply with the new noticing considerations and protection of the debtor(s) Social Security number in full compliance with the privacy related Rules.</p>

Form A	13	<p><b>New item 7:</b> For individual debtor cases filed electronically on or after December 1, 2003, I understand that prior to the electronic filing of a petition, I must obtain the original signature(s) of the debtor(s) I represent on a paper copy of the Statement of Social Security Number(s), (Official Form B21), and that I must retain the original of that signed document for the length of time set forth in the “Administrative Procedures.” I also understand I must compare the social security number(s) provided by the debtor(s) on Official Form B21 to the numbers entered into the Court’s CM/ECF System to ensure they are the same.</p>
Form B	15	<p><b>New item 7:</b> For individual debtor cases filed electronically on or after December 1, 2003, I understand that prior to the electronic filing of a petition, I must obtain the original signature(s) of the debtor(s) I represent on a paper copy of the Statement of Social Security Number(s), (Official Form B21), and that I must retain the original of that signed document for the length of time set forth in the “Administrative Procedures.” I also understand I must compare the social security number(s) provided by the debtor(s) on Official Form B21 to the numbers entered into the Court’s CM/ECF System to ensure they are the same.</p>
Form G	21	<p><b>Added text to Part I:</b> I (we) further declare under penalty of perjury that I (we) signed the original Statement of Social Security Number(s), (Official Form B21), prior to the electronic filing of the petition and have verified the 9-digit social security number displayed on the Notice of Meeting of Creditors to be accurate.</p> <p><b>Added text to Part II:</b> I <i>declare under penalty of perjury</i> that the debtor(s) signed the petition, schedules, statements, etc., <b><u>including the Statement of Social Security Number(s), Official Form B21,</u></b> before I electronically transmitted the petition, schedules, and statements to the United States Bankruptcy Court, and have followed all other requirements in Administrative Orders and Administrative Procedures, <b><u>including submission of the electronic entry of the debtor(s) Social Security number into the Court’s electronic records.</u></b></p>