

**United States Bankruptcy Appellate Panel
for the Eighth Circuit**

**Administrative Order Regarding Electronic Filing in
All Bankruptcy Appellate Panel Cases
Filed: October 7, 2009**

General Provisions:

Effective October 7, 2009, the court will require filings to be made by means of the Court's electronic case filing system (CM/ECF). Use of the system is mandatory for all filers in this court, unless they are granted an exemption. Registration shall be required to obtain a login and password for use of the electronic case filing system. To register, go to:

<https://www.pacer.gov/psco/cgi-bin/cmecf/ea-regform.pl>

Computer-based training modules explaining CM/ECF, PACER reports and document filing in the Eighth Circuit are available on the court's website at:

www.ca8.uscourts.gov

The court strongly encourages all filers to review these training materials.

A form for exemptions to electronic filing is available from the clerk's office and from the "Forms" Section of the court's website. Exemptions will only be granted for good cause. The clerk is authorized to determine when to grant an exemption and whether and when to allow a non-exempt attorney or party to file a document in paper format.

A filing in electronic format constitutes the official record in the appeal. Filers should not submit paper copies of any documents filed through CM/ECF.

Questions concerning the system, attorney registration and attorney exemptions should be directed to the clerk's office.

Document Filing:

All documents **must** be filed electronically with the court. Counsel no longer needs to prepare an appendix on appeal. Rather, the record on appeal will consist of the bankruptcy court's electronic docket. Original exhibits which are not available electronically must be scanned by counsel and filed through CM/ECF.

Briefs:

References in a brief to the bankruptcy court record must indicate the exact docket entry where that document can be found.

Service:

A Certificate of Service is required for all filings, and filers must comply with the provisions of Fed.R.Bankr.P. 8008(d) when they file electronically. CM/ECF will generate a Notice of Docket Activity when any document is filed. This notice represents service of the document on parties who are registered participants in the CM/ECF system or who have provided the clerk with their email address. An attorney's or party's registration for electronic filing constitutes consent to service through the Notice of Docket Activity. The filing party is not required to serve a paper or electronic copy of a filing of any electronically-filed pleading or document on any party receiving electronic notice. Filing parties must serve paper copies of pleadings or documents on parties not receiving electronic notices. In such instances, the filing party must comply with the paper service requirements of Fed.R.Bankr.P. 8008. The filing party may obtain the names and addresses of parties not participating in CM/ECF from the Notice of Docket Activity they receive when they complete a docketing transaction.

Completion of the Electronic Appellate Case File:

In the event the clerk receives a document in paper format, the clerk will scan the document and attach it to the public docket sheet available on PACER.

Filing Deadlines and Technical Requirements:

Electronic filing is permitted at all times, except when the system is temporarily unavailable due to routine or emergency maintenance. An electronic filing completed at any time before midnight Central Time will be entered on the docket as of that date. The court's electronic case filing system determines the date and time a filing is completed. A filing is timely only if accomplished in accordance with deadlines set by an applicable order, rule or statute. Should technical failure prevent timely electronic filing of any document, the filing party may seek relief from the court.

All electronic versions of the pleadings must be submitted in Portable Document Format (also known as PDF or Acrobat Format). The digital version filed with the clerk must be generated by printing to PDF from the original word processing file so that the text of the digital version of the pleading may be searched and copied. PDF images created by scanning paper documents do not comply with this order. However, exhibits which are submitted as attachments to an electronically-filled

pleading may be scanned and attached if the filer does not possess a word-processing-file version of the attachment. Filers may contact the clerk's office for directions concerning the submission of scanned documents.

Sealed Documents:

Sealed documents shall be filed only in paper format. Motions for permission to file a document under seal must also be filed in paper format. The motion should state whether the filing party believes the motion to seal may be made publically available or should remain sealed.

Privacy:

In compliance with the privacy policies of the Judicial Conference of the United States and in order to address the privacy concerns created by Internet access to court documents, parties must refrain from including, or must partially redact where inclusion is necessary, the following personal data identifiers from all documents filed with the court:

1. Minors' names (use initials only);
2. Social Security numbers (use last four digits only);
3. Dates of birth (use year of birth only);
4. Financial account numbers (identify the type of account and institution and provide the last four digits of the account number); and
5. Home address information (use phrases such as the "4000 block of Elm").

The filer bears sole responsibility for redacting documents.

Effect of Failure to Comply with this Order:

The clerk will contact any non-exempt attorney who submits a document in paper format and will provide the attorney with a copy of this standing order. In the event a non-exempt attorney continues to submit documents in paper format after receiving notice of the order, the clerk is authorized to strike the filings or take other action deemed necessary to enforce this order.