

A stylized graphic of the United States flag, featuring a blue field with white stars in the upper left corner and red and white stripes that flow and curve across the right side of the page. The graphic is semi-transparent, allowing the text to be overlaid.

United States Bankruptcy Court

District of Idaho

Presents “In a Perfect World”

Bankruptcy Forms Update and ECF Best Practices

Presenters: La Donna Garcia
Nicole Knight Lynch
Tami Williams

“In a Perfect World” Bankruptcy Forms Update and ECF Best Practices

New Form Highlights and Filing Information

The goal of the Forms Modernization Project was to simplify the language to make it more understandable to both the legal community and debtors filing pro se. All forms have a new numbering sequence.

Remuneration

Individual Forms = 100 series

Non-Individual Forms = 200 series

As of December 1, 2015 all new bankruptcy cases must be filed on the new forms. The only time old forms may be filed is when they are amendments to pre December 1, 2015 cases.

The case opening process of voluntary and involuntary bankruptcy cases remains the same.

Dec. 1, 2015 Bankruptcy Forms

Case Opening Forms

Form B101 Voluntary Petition for Individual Debtors

- This form is now 8 pages
- Includes credit counseling information, Exhibit D now included as part of the petition.
- Includes chapter 7 and 11 individual business data
- Language and instructions are now simpler on all forms
- There are comprehensive instructions accompanying all the new forms.

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Forms required for filing a new “skeletal/bare bones” petition

Voluntary Petition

Social Security Statement (Form B121)

Matrix

Filing Fee/Application to Pay in Installments /Waiver of Filing Fee

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Helpful Hints: opening a new case

Case Opening Deficiencies

If you are not filing all of the required documents on the same day as opening the case, please remember to select "Y" for deficiencies and select all applicable documents. If there are only select schedules that are deficient, please mark the deficient schedules only. Often all of the schedules are deficient, if that is the case please select A/B-J (not each individual schedule listed).

- Schedule A/B
- Schedule C
- Schedule D
- Schedule E/F
- Schedule G
- Schedule H
- Schedule I
- Schedule J
- Schedule J-2
- Schedules A/B-J

Preferred Case Opening Filing Sequence

It is very important that the case opening process is done in a specific order.

Step 1 - Open Case

Step 2 - Upload Creditor Matrix

Step 3 - Judge/Trustee Assignment Event

Do not file other documents *prior* to completing Step 3. The matrix upload and the Judge/Trustee Assignment event *must* be completed immediately after opening the case, before filing any additional documents. This will ensure that the US Trustee and Trustee receive the Notice of Electronic Filings (NEF's) of all subsequently filed documents.

Step 4 - File remaining documents required to be filed individually.

For the purpose of consistency, we ask that these documents be filed in a preferred order.

Fee/ Installments/Waive (if applicable)

Social Security Statement

Attorney Compensation

Means Test

Certificate of Credit Counseling

Employee Income Records

Statement of Domestic Support Obligations

Signature Pages

Chapter 13 Plan

Inputting Information into ECF

We really appreciate it when attorneys and their staff take the time to make sure the information they are inputting into the system is accurate. Errors regarding these basic elements of filing can create numerous problems. **For example:** Debtors Names, aliases, addresses, social security numbers, schedule amounts, etc.

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Statistical information on the petition should always match what is entered in ECF.

18. How many Creditors do you estimate that you owe?	<input checked="" type="checkbox"/> 1-49 <input type="checkbox"/> 50-99 <input type="checkbox"/> 100-199 <input type="checkbox"/> 200-999	<input type="checkbox"/> 1,000-5,000 <input type="checkbox"/> 5001-10,000 <input type="checkbox"/> 10,001-25,000	<input type="checkbox"/> 25,001-50,000 <input type="checkbox"/> 50,001-100,000 <input type="checkbox"/> More than 100,000
19. How much do you estimate your assets to be worth?	<input type="checkbox"/> \$0 - \$50,000 <input type="checkbox"/> \$50,001 - \$100,000 <input checked="" type="checkbox"/> \$100,001 - \$500,000 <input type="checkbox"/> \$500,001 - \$1 million	<input type="checkbox"/> \$1,000,001 - \$10 million <input type="checkbox"/> \$10,000,001 - \$50 million <input type="checkbox"/> \$50,000,001 - \$100 million <input type="checkbox"/> \$100,000,001 - \$500 million	<input type="checkbox"/> \$500,000,001 - \$1 billion <input type="checkbox"/> \$1,000,000,001 - \$10 billion <input type="checkbox"/> \$10,000,000,001 - \$50 billion <input type="checkbox"/> More than \$50 billion
20. How much do you estimate your liabilities to be?	<input type="checkbox"/> \$0 - \$50,000 <input type="checkbox"/> \$50,001 - \$100,000 <input checked="" type="checkbox"/> \$100,001 - \$500,000 <input type="checkbox"/> \$500,001 - \$1 million	<input type="checkbox"/> \$1,000,001 - \$10 million <input type="checkbox"/> \$10,000,001 - \$50 million <input type="checkbox"/> \$50,000,001 - \$100 million <input type="checkbox"/> \$100,000,001 - \$500 million	<input type="checkbox"/> \$500,000,001 - \$1 billion <input type="checkbox"/> \$1,000,000,001 - \$10 billion <input type="checkbox"/> \$10,000,000,001 - \$50 billion <input type="checkbox"/> More than \$50 billion

Prior filing within last 8 years <input type="text" value="yes"/>	Type of debtor <input checked="" type="radio"/> Individual <input type="radio"/> Corporation (includes LLC & LLP) <input type="radio"/> Partnership <input type="radio"/> Other
Fee status <input type="text" value="Paid"/>	Nature of business <input type="radio"/> Health Care Business <input type="radio"/> Single Asset Real Estate <input type="radio"/> Railroad <input type="radio"/> Stockbroker <input type="radio"/> Commodity Broker <input type="radio"/> Clearing Bank <input type="radio"/> None of the above
Nature of debt <input type="text"/>	
Asset notice <input type="text" value="No"/>	
<input checked="" type="checkbox"/> Estimated number of creditors <input type="text"/>	
<input checked="" type="checkbox"/> Estimated assets <input type="text"/>	
<input checked="" type="checkbox"/> Estimated liabilities <input type="text"/>	

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Official Form 206Sum

Summary of Assets and Liabilities for Non-Individuals

12/15

Part 1: Summary of Assets

1. *Schedule A/B: Assets—Real and Personal Property* (Official Form 206A/B)

1a. Real property: Copy line 88 from <i>Schedule A/B</i>	\$ _____
1b. Total personal property: Copy line 91A from <i>Schedule A/B</i>	\$ _____
1c. Total of all property: Copy line 92 from <i>Schedule A/B</i>	\$ _____

Part 2: Summary of Liabilities

2. *Schedule D: Creditors Who Have Claims Secured by Property* (Official Form 206D)

Copy the total dollar amount listed in Column A, *Amount of claim*, from line 3 of *Schedule D*

\$ _____

3. *Schedule E/F: Creditors Who Have Unsecured Claims* (Official Form 206E/F)

3a. Total claim amounts of priority unsecured claims:
Copy the total claims from Part 1 from line 5a of *Schedule E/F*

\$ _____

3b. Total amount of claims of nonpriority amount of unsecured claims:
Copy the total of the amount of claims from Part 2 from line 5b of *Schedule E/F*

+ \$ _____

4. Total liabilities

Lines 2 + 3a + 3b

\$ _____

Summary of Assets and Liabilities and Certain Statistical Information

Report the totals from Schedules A/B, D, E/F, I, J, Forms 122, and Nondischargeable Debt in the boxes provided.

NAME OF SCHEDULE/FORM	ASSETS	LIABILITIES	OTHER
Schedule A/B - Total Real Estate/Property			
Schedule A/B - Total Personal Property			
Schedule D - Total Secured Claims			
Schedule E/F - Total Priority Unsecured Claims			
Schedule E/F - Total Nonpriority Unsecured Claims			
Schedule I - Monthly Income			
Schedule J - Monthly Expenses			
Current Monthly Income (Official Form 122A-1, 122B or 122C-1)			
Total Nondischargeable Debt (Official Form 106Sum, 9g)			
Total Dischargeable Debt (Computed) Note: Not computed when any value above for D, E/F, or total nondischargeable debt is not known.			

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Schedules

Dec. 1, 2015 Bankruptcy Forms

New form numbers and form names for schedules

- Schedules A and B **combined** into Schedule **A/B**.
- Schedules E and F **combined** into Schedule **E/F**.

Current Form #	Current Name	New Form #	New Name
B6A	Schedule A - Real Property	B106A/B	Schedule A/B Property - Individual
B6B	Schedule B - Personal Property	B206A/B	Schedule A/B Property - Non-Individual
B6E	Schedule E - Creditors Holding Unsecured Priority Claims	B106E/F	Schedule E/F - Creditors Who Have Unsecured Claims - Individual
B6F	Schedule F - Creditors Holding Unsecured Nonpriority Claims	B206E/F	Schedule E/F - Creditors Who Have Unsecured Claims - Non-Individual

- Separate A/B Forms for **Individual** and **Non-Individual** debtors.
- Separate E/F Forms for **Individual** and **Non-Individual** debtors.

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Department of Technology Services

Dec. 1, 2015 Bankruptcy Forms

Schedules and Summary of Schedules

Schedules I and J only apply to individual debtors.

Individual
B106I - Income
B106J - Expenses



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Dec. 1, 2015 Bankruptcy Forms

Schedules and Summary of Schedules

- New Form: B106J-2 Expenses for Separate Household of Debtor 2

Part 4: Describe Your Household

1. Is this a joint case?

No. Go to line 2.

Yes. Does Debtor 2 live in a separate household?

No

Yes. Debtor 2 must file Official Forms 106J-2, *Expenses for Separate Household of Debtor 2*.

- The total of Debtors 1 and 2 expenses will be included on line 22b of Schedule J

Copy the result to line 22b of Schedule J to calculate the total expenses for Debtor 1 and Debtor 2.

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Means Test – Chapter 7

Fill in this information to identify your case:

Debtor 1 _____
First Name Middle Name Last Name

Debtor 2 _____
(Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: _____ District of _____

Case number _____
(if known)

Check one box only as directed in this form and in Form 122A-1Supp:

1. There is no presumption of abuse.

2. The calculation to determine if a presumption of abuse applies will be made under *Chapter 7 Means Test Calculation* (Official Form 122A-2).

3. The Means Test does not apply now because of qualified military service but it could apply later.

Check if this is an amended filing

Official Form 122A-1

Chapter 7 Statement of Your Current Monthly Income

12/15

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for being accurate. If more space is needed, attach a separate sheet to this form. Include the line number to which the additional information applies. On the top of any additional pages, write your name and case number (if known). If you believe that you are exempted from a presumption of abuse because you do not have primarily consumer debts or because of qualifying military service, complete and file *Statement of Exemption from Presumption of Abuse Under § 707(b)(2)* (Official Form 122A-1Supp) with this form.

Fill in this information to identify your case:

Debtor 1 _____
First Name Middle Name Last Name

Debtor 2 _____
(Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: _____ District of _____

Case number _____
(if known)

Check the appropriate box as directed in lines 40 or 42:

According to the calculations required by this Statement:

1. There is no presumption of abuse.

2. There is a presumption of abuse.

Check if this is an amended filing

Official Form 122A-2

Chapter 7 Means Test Calculation

12/15

To fill out this form, you will need your completed copy of *Chapter 7 Statement of Your Current Monthly Income* (Official Form 122A-1).

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for being accurate. If more space is needed, attach a separate sheet to this form. Include the line number to which the additional information applies. On the top of any additional pages, write your name and case number (if known).

Fill in this information to identify your case:

Debtor 1 _____
First Name Middle Name Last Name

Debtor 2 _____
(Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: _____ District of _____

Case number _____
(if known)

Check if this is an amended filing

Official Form 122A-1Supp

Statement of Exemption from Presumption of Abuse Under § 707(b)(2)

12/15

File this supplement together with *Chapter 7 Statement of Your Current Monthly Income* (Official Form 122A-1), if you believe that you are exempted from a presumption of abuse. Be as complete and accurate as possible. If two married people are filing together, and any of the exclusions in this statement applies to only one of you, the other person should complete a separate Form 122A-1 if you believe that this is required by 11 U.S.C. § 707(b)(2)(C).

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Statement of Domestic Support Obligation

Each Debtor must file a separate form. If the form is not completed in its entirety or has not been filed on separate forms for each debtor, you will receive a corrective entry. If the form has been filed for only 1 debtor, a deficiency will be set for the remaining debtor.

In addition, if there is a joint debtor, both forms may be filed together as a single event. Use the same process for Employee Income Records, Certificates of Credit Counseling, and Financial Management.

Filing v Viewing Documents

There are two logins and passwords required to successfully use ECF.

*ECF login/password is needed to e-file documents.

*PACER login/password is needed to look up information, review the docket, or run reports.

An easy way to differentiate between the two is to remember that the ECF login will be the bar ID of the filing attorney

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ECF Best Practices

Adversary Events vs Bankruptcy Events

The event codes under the Adversary heading are very limited. All events in the Bankruptcy category may be used for adversary cases as long as the adversary case number is used.

Amended Schedules

Per LBR 1009.1, only include what is changing in the document. When ECF asks what you are amending, please be specific and enter the full amount of the schedule into ECF, not just the amended amount.

(a) Any amendment of the petition, list, schedule or statement of financial affairs shall bear, on its face, the debtor's name and case number, and the notation "amendment." The amendment shall identify the schedule or document being amended and include an explanation of the change(s) or addition(s) in the amendment and shall be limited to the changed or additional information being offered and shall not include unaffected portions of the schedule or document being amended.

(b) Where the amendment adds additional creditors, the debtor shall:

- (1) Send to the creditor(s) so added a copy of the filed "Notice of Commencement of Case under the Bankruptcy Code, Meeting of Creditors, and Deadlines" and a copy of any "Notice of Need to File Proof of Claim due to Recovery of Assets" and plan if applicable;
- (2) File a certificate of service with the clerk;
- (3) Complete the appropriate ECF event, or if a pro se debtor, submit a written request to the clerk to add the creditor(s) to the Master Mailing List, and
- (4) Submit the applicable filing fee.

Applications for Compensation

-Is the total amount requested under \$1000?

Yes -> Does **not** give a deadline. Use this event if the amount is under \$1000 or a hearing will be set

No -> Gives a 24 day deadline (21 + 3 for mailing)

Corrective Entries/Status Requests

Do not ignore. Please read them carefully. If you do not understand or if you feel it does not apply, please contact the person (initials in parenthesis at end of entry) who entered it to let them know your concerns and/or questions. (i.e., (tw) (nl))

Fillable forms

Do not file as fillable. They should all be saved as **certified or printed to PDF** and filed as non-fillable PDF Documents.

Warning for electronic filers: Certain versions of Adobe Acrobat and other PDF editing software allow the user to save a fillable form after data has been entered, and edit that information at a future date. If a form with saved data is filed electronically, (by someone with internet filing privileges in ECF), the data can be easily extracted. To "flatten" the electronic file (i.e., to make the field data indistinguishable from the rest of the text in the form), "print" the form to PDF (using the print dialogue) box, and file the resulting document.

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Filing documents with the Court Formatting

For all pleadings as well as orders; see ECF Procedure Guide #9(a) and LBR 5005.2.

(c) General format of papers presented for filing.

(1) Except for proposed orders submitted to the court, starting 1 inch from the top of the first page, the following information must appear in the upper left-hand corner of the first page of each paper presented for filing, except that in multiparty actions or proceedings, reference may be made to the signature page for the complete list of parties represented:

(A) Name of the attorney (or if in propria persona, of the party);

(B) E-mail address;

(C) Idaho State Bar Number (if applicable);

(D) Office mailing address;

(E) Telephone number;

(F) Facsimile number; and

(G) Specific identification of the party represented by name and interest in the litigation (i.e., debtor, creditor, plaintiff, defendant, etc.).

(2) Any pleading, motion or other paper presented for filing must be submitted in 12 to 14 font, with the exception of forms, exhibits, attachments or other documents which cannot be converted to this font.

Caption

(3)

(A) Following the counsel identification, a caption in the following form should appear:

UNITED STATES BANKRUPTCY COURT	
DISTRICT OF IDAHO	
In Re	Case Number: _____
[Debtor Name]	
Debtor	Chapter Number:

(B) In completing the form of caption, insert in place of bracketed material the debtor(s) name and designation of character of paper. When completing the case number, include three letter suffix indicating the assigned judge (i.e., 07-00001-TLM or 07-00001-JDP)
[Designation of Character of Paper]

Submitting orders via email

Abbreviate in the subject line. When the order relates to an adversary, add the adversary case number, as well.

(i.e., Disney_16-41234-JDP_35_Comp or
RSH v Bugs Bunny_16-08000-TLM_(12-41234)_6_Default)

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Incorrect filing

When you refile a document because it was either filed incorrectly or the wrong event was used; please do **not** file it as “*amended*”. ONLY add or use “amended” if something in the document was changed or you were otherwise instructed.

Motions

Approve Employment vs Motion to Appoint

Use the event “Application to Employ.” The event “Motion to Appoint” does not set the correct deadline or allow the Court to grant the application correctly.

Relief from Stay

Does **not** require negative notice. See LBR 4001.2(b)(7) and (g). See appendix for example.

Motion to Pay vs Application for Compensation

Always use the event “Application for Compensation” when requesting to be compensated. This ensures statistical information is correct.

Miscellaneous Motions

The Court does not have a general motion for selection. Therefore, when you have an “odd” motion and are unable to find an event that fits your title or objective. Use either the event “Motion for Approval” or “Motion to Consider.” Both options are found in the Motions/Applications category.

Notices

Hearing

Do **not** link to the objection/response, corrective entry or meeting minutes.

Only link to the Motion (or objection in the case of Objections to Claims/Exemptions) to which the Notice of Hearing pertains.

Notice vs Withdrawal

A notice will **not** withdraw a document. Therefore, always use the “Withdrawal” event when wishing to withdraw a document.

(ECF) Procedure Guide

www.idb.uscourts.gov

Bankruptcy Court > ECF PACER > Reference Guides

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Reaffirmation Agreements

Credit Unions vs other creditors

PART II. DEBTOR'S STATEMENT IN SUPPORT OF REAFFIRMATION AGREEMENT

A. Were you represented by an attorney during the course of negotiating this agreement?

Check one. Yes No

B. Is the creditor a credit union?

Check one. Yes No

C. If your answer to EITHER question A. or B. above is “No,” complete 1. and 2. below.

1. Your present monthly income and expenses are:

a. Monthly income from all sources after payroll deductions
(take-home pay plus any other income) \$ _____

b. Monthly expenses (including all reaffirmed debts except
this one) \$ _____

c. Amount available to pay this reaffirmed debt (subtract b. from a.) \$ _____

d. Amount of monthly payment required for this reaffirmed debt \$ _____

Reports

See below for a list of the Reports available. Many of these reports can only be run for a 1 month period.

Reports

- [Cases](#)
- [Claims Register](#)
- [Docket Report](#)
- [Calendar Events](#)
- [Creditor Mailing Matrix](#)
- [ECF Activity Summary](#)
- [Docket Activity](#)
- [Judgment Index](#)
- [Mailing Matrix by Case](#)
- [Written Opinions](#)

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Rule of 7

Remember the rule of 7 when adding a deadline to your document. ECF automatically adds **3** days for mailing. If the deadline in the pleading is 21 - the court system should state 24, if applicable. If you state the deadline is 24 in the document, then the Court must edit the deadline to add the 3 days.

Seal v Redact

Seal - If document is erroneously filed that does not need to be replaced.

Redact - To seal an erroneously filed document **and** refile with a redacted version.

For attorneys who have filed documents with sensitive information, or have attached the wrong documents:

If a filed document contains sensitive information, the attorney must file Motion to Seal/Redact, pay the \$25 filing fee and submit a proposed order to seal/redact. Then file a redacted version using the “Redacted Document” event found in the

Examples:

- Used the docketing event “Signature page(s)” but accidentally attached the SSN statement
- Docketed the Statement of Domestic Support event but attached the Employee Income Records
- Filed a voluntary petition with children’s full names included

Search

Can’t find what you are looking for? Try using the **SEARCH** button located on the Menu Bar.



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Service

A certificate of service must indicate that **an officer, a managing or general agent, or any other agent authorized by law to receive service was served.** The served parties should be indicated on the certificate **by both name and title**, as per Rule 7004(b)(3).

Certificates of Service

Per ECF Procedure Guide, 8.

8. **Service.** A certificate of service on all parties entitled to service or notice is still required when a party files a document electronically. The certificate must state the manner in which service was accomplished on each party and shall appear as the last page of the document being electronically filed. A certificate of service is not required when submitting a proposed order. The certificate of service form shall be in the form shown below:

I HEREBY CERTIFY that on the ____ day of _____, 20__, I filed the foregoing electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

Robert Jones, Attorney for Debtor (e-mail address)	Samuel Adams, Attorney for ABCD Bank (e-mail address)	J.D. Smith, Trustee (e-mail address)
Office of the U.S. Trustee (e-mail address)	Stephen Stevens, Attorney for Trustee (e-mail address)	

AND I FURTHER CERTIFY that on such date I served the foregoing on the following non-CM/ECF Registered Participants in the manner indicated:

Via first class mail, postage prepaid addressed as follows:

John and Jane Debtor 1234 South 1st Street Smalltown, ID 83777	Idaho Construction Corp., Inc. c/o BR Corporation, its registered agent P. O. Box 1115 Boise, ID 83701	Robert Doe, President Boise Receivables, Inc. 623 Main St. Meridian, ID 83715
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Via certified mail, return receipt requested, addressed as follows:

USA First Bank, N.A.
Attn: I. M. Rich, President
616 Parkway Drive
Minneapolis, MN 55454

/s/
R. Johnson, Attorney for Movant

Signature page(s)

Make sure they are filed the day you file your case/amendment, even if it's a short filing. See ECF Procedure Guide: Page 12, 13.B. Also, make sure the signature pages match the document filed.

- B. In bankruptcy cases, the Registered Participant must electronically submit a scanned pdf copy of the original signature page of the original and any amended petition, schedules and statement of financial affairs to the Clerk at the time of electronically filing these documents with the Court in CM/ECF.

Statement of No Objection

Please refer to LBR 2002.2(d)(3). Please use Statement of No Objection rather than affidavit.

(3) Statement of No Objection. To obtain the requested order if no objection is filed within the applicable notice period, **the movant shall file a Statement of No Objection** and a proposed Order. The statement shall contain the Bankruptcy Court docket number for the initial motion/application sent under subsection (d) of this Rule, any related certificate of service, and a certification that no objection has been received to the requested relief.

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Stipulations

To Continue Hearing

Use the event “Motion to Continue Hearing” even if it is “stipulated”. This will allow ECF to term the old hearing and set the new date without extra work from staff. Also true with a “Dismissal.” See below.

Relief from Stay

Use the event “Stipulation for Relief from Stay.”

Dismiss

Use the event “Motion to Dismiss” rather than “Stipulation.”

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Addendum

Adversary

A Certificate of Service should be filed as a “Summons Service Executed”
The only parties receiving an electronic notification are those who are actually a party to the case as noted on the docket. You may also look in “Utilities” -> “Mailings” -> “Mailing Information for a Case” to see who the recipients are.

Adding additional text/explanation

Be specific.

Examples:

Affidavit

This: *Re: No filing requirement of 2015 taxes*

Not this: *Re: No filing requirement*

Supplement:

This:

(Attachments: # 1 SigPg)

Not this:

(Attachments: # (1) Supplement)

Signature page(s)

Use the event “Signature page(s)”.

Do not use the “Declaration About Individual Debtors Schedules” event.

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Helpful Information and Forms Appendix

- A. Contact information
- B. Documents to file – Chapter 7 (individual)
- C. Documents to file – Chapter 13
- D. Notice of Requirements at 341 Meeting
- E. Notice of Motion for Relief from Automatic Stay
- F. ECF Procedure Guide

Case Assignments by Judge

Judge Myers Case Administration

<u>Name</u>	<u>Digits</u>	<u>Phone Number</u>
Lynette Parson lynette_parson@id.uscourts.gov	0,1	(208) 665-6846
Zach Springer zach_springer@id.uscourts.gov	3	(208) 334-9009
Annie Williams annie_williams@id.uscourts.gov	4,5,6	(208) 665-6844
Andrea Rutter andrea_rutter@id.uscourts.gov	2,7,8,9	(208) 665-6845
Bonnie Crowder bonnie_crowder@id.uscourts.gov	Supervisor	(208) 665-6848

Judge Pappas Case Administration

<u>Name</u>	<u>Digits</u>	<u>Phone Number</u>
Tami Williams tami_williams@id.uscourts.gov	0,1,2,3	(208) 478-4121
Cathy Somsen cathy_somsen@id.uscourts.gov	4,5,6	(208) 478-4131
Dana Hoyle dana_hoyle@id.uscourts.gov	7,8,9	(208) 478-4141
Pam Fulwyler pam_fulwyler@id.uscourts.gov	(Case Opening Quality Control) 1-5	(208) 478-4101
Nicole Knight Lynch nicole_lynch@id.uscourts.gov	(Case Opening Quality Control) 6-9,0 & New Adversary Case Opening	(208) 478-4130
La Donna Garcia ladonna_garcia@id.uscourts.gov	Supervisor	(208) 478-4144

Bankruptcy Finance

<u>Name</u>	<u>Title</u>	<u>Phone Number</u>
Stephanie Williams	Financial Specialist	(208) 334-9207

Courtroom Deputies Contact Information

<u>Judge</u>	<u>Name</u>	<u>Phone Number</u>
Chief Judge Myers	Melanie Battle melanie_battle@id.uscourts.gov	(208) 334-9396
Judge Pappas	Deborah Jenson (Boise) deborah_jenson@id.uscourts.gov Any initial hearing for Judge Pappas.	(208) 334-9698 (208) 334-9343
	Dana Hoyle (Pocatello/Twin Falls) dana_hoyle@id.uscourts.gov Inquiries regarding courtroom procedural questions, including exhibit lists and any evidentiary matters that are already on Judge Pappas' Pocatello or Twin Falls calendar.	(208) 478-4141

Documents to file– Chapter 7 (Individual)

IMPORTANT: You must complete and sign each required document (even if “none” or “zero” inserted in a blank).

FILE THE FOLLOWING DOCUMENTS IN THE ORDER LISTED:

- Tender the [filing fee](#) or Individual Debtor’s Application to Pay Fees in Installments (OBF #103A) or Application for Waiver of the Chapter 7 Filing Fee (OBF #103B)
- Voluntary Petition for Individuals Filing for Bankruptcy (OBF #101) [include copy of Credit Counseling Certificate(s)]
- Initial Statement About an Eviction Judgment Against You (OBF #101A) [if you rent your residence and your landlord has obtained a judgment for possession in an eviction, unlawful detainer action, or similar proceeding against you to possess your residence. *NOTE: Requires service on landlord - see additional note below regarding OBF #101B]
- Schedules A/B, C, D, E/F, G, H, I & J (OBF #106A-J, J-2)
- Summary of Your Assets and Liabilities and Certain Statistical Information (OBF #106Sum)
- Declaration About an Individual Debtor’s Schedules (OBF #106Dec)
- Statement of Financial Affairs for Individuals Filing for Bankruptcy (OBF #107)
- Statement of Intention for Individuals Filing Under Chapter 7(OBF #108)
- Mailing list of creditors Form -1 Memorandum instructions [signature not required]
- Statement About Your Social Security Numbers (OBF #121)
- Chapter 7 Statement of Your Current Monthly Income (OBF #122A-1, #122A-2, #122A-1 Supp) [if individual debtor with primarily consumer debts]; **NOTE:** data required for completing the form may be found on the Department of Justice website at <http://www.justice.gov/ust/eo/bapcpa/meanstesting.htm>
- Debtor’s/Joint Debtor’s Statement of Domestic Support Obligations
- Bankruptcy Petition Preparer’s Notice, Declaration, and Signature (OBF #119) [forms are mandatory if debtor(s) have paid a Bankruptcy Petition Preparer and are to be prepared and signed by said preparer]
- Disclosure of Compensation of Bankruptcy Petition Preparer (Idaho Form #B2800) [forms are mandatory if debtor(s) have paid a Bankruptcy Petition Preparer and are to be prepared and signed by said preparer]
- Copies of all payment advices or other evidence of payment received by the debtor(s) from any employer within 60 days before the filing of the petition [mandatory for all individual debtors]

DUE WITHIN 30 DAYS OF FILING OF THE VOLUNTARY PETITION [*ONLY IF OBF #101A FILED]

- Statement About Payment of an Eviction Judgment Against You (OBF #101B)

DUE TO CASE TRUSTEE BEFORE INITIAL 341(a) MEETING OF CREDITORS:

- Copies of Federal and/or State Income Tax Returns pursuant to the Court’s Income Tax Turnover Order entered upon filing of the petition [mailing address for trustee will be provided on said Order]

DUE WITHIN 60 DAYS OF INITIAL 341(a) MEETING OF CREDITORS:

- Certification About a Financial Management Course (OBF #423) [separate forms must be submitted for each debtor]
-

AMENDMENT OF MAILING LIST OR SCHEDULES D AND/OR E/F ([fee required](#)):

Submit ONLY the pages of the schedules which are being amended. If you are adding a creditor, do not send all pages of a particular schedule (e.g.: Schedule E/F Creditors Who Have Unsecured Claims – send in the last page with the additional names and the required fee).

If you are submitting Schedules D or E/F to correct any information contained on them, or for more detailed information as required by an Order to Amend Schedules, PLEASE BE SURE to submit a cover letter stating this to avoid delays. A Court memo may otherwise be sent to you stating that no fee had been paid, or that the certificate of mailing of the first meeting notice was not submitted.

Documents to file– Chapter 13

IMPORTANT: You must complete and sign each required document (even if “none” or “zero” inserted in a blank).

FILE THE FOLLOWING DOCUMENTS IN THE ORDER LISTED:

- Tender the [filing fee](#) or Individual Debtor's Application to Pay Fees in Installments (OBF #103A)
- Voluntary Petition for Individuals Filing for Bankruptcy (OBF #101) [include copy of Credit Counseling Certificate]
- Initial Statement About an Eviction Judgment Against You (OBF #101A) [if you rent your residence and your landlord has obtained a judgment for possession in an eviction, unlawful detainer action, or similar proceeding against you to possess your residence. *NOTE: Requires service on landlord - see additional note below regarding OBF #101B]
- Schedules A/B, C, D, E/F, G, H, I & J (OBF #106A-J, J-2)
- Summary of Your Assets and Liabilities and Certain Statistical Information (OBF #106Sum)
- Declaration About an Individual Debtor's Schedules (OBF #106Dec)
- Statement of Financial Affairs for Individuals Filing for Bankruptcy (OBF #107)
- Mailing list of creditors Form -1 Memorandum instructions [the mailing list does not require a signature]
- Statement About Your Social Security Numbers (OBF #121)
- Statement of Current Monthly Income (OBF #122C-1, #122C-2) [if individual debtor with primarily consumer debts]; **NOTE:** data required for completing the form may be found on the Department of Justice website at <http://www.justice.gov/ust/eo/bapcpa/meanstesting.htm>
- Debtor's/Joint Debtor's Statement of Domestic Support Obligations
- Chapter 13 Plan and Related Motions (Idaho Form)
- Bankruptcy Petition Preparer's Notice, Declaration, and Signature (OBF #119) [forms are mandatory if debtor(s) have paid a Bankruptcy Petition Preparer and are to be prepared and signed by said preparer]
- Disclosure of Compensation of Bankruptcy Petition Preparer (Idaho Form #B280) [forms are mandatory if debtor(s) have paid a Bankruptcy Petition Preparer and are to be prepared and signed by said preparer]
- Copies of all payment advices or other evidence of payment received by the debtor(s) from any employer within 60 days before the filing of the petition [mandatory for all individual debtors]

DUE WITHIN 30 DAYS OF FILING OF THE VOLUNTARY PETITION [*ONLY IF OBF #101A FILED]

- Statement About Payment of an Eviction Judgment Against You (OBF #101B)

DUE TO CASE TRUSTEE WITHIN 30 DAYS OF THE FILING OF THE PETITION:

- Chapter 13 Plan payment per §2.1 of the filed plan.

DUE TO CASE TRUSTEE BEFORE INITIAL 341(a) MEETING OF CREDITORS:

- Copies of Federal and/or State Income Tax Returns pursuant to the Court's Income Tax Turnover Order entered upon filing of the petition [mailing address for trustee will be provided on said Order]

DUE ANY TIME AFTER CASE FILING, BUT NO LATER THAN FINAL PLAN PAYMENT IS TENDERED:

- Debtor's Certification About a Completion of Financial Management Course (OBF #423) [separate forms must be submitted for each debtor]

AMENDMENT OF MAILING LIST OR SCHEDULES D AND/OR E/F ([fee required](#)):

Submit **ONLY** the pages of the schedules which are being amended. If you are adding a creditor, do not send all pages of a particular schedule (e.g.: Schedule E/F Creditors Who Have Unsecured Claims – send in the last page with the additional names and the required fee).

If you are submitting Schedules D or E/F to correct any information contained on them, or for more detailed information as required by an Order to Amend Schedules, PLEASE BE SURE to submit a cover letter stating this to avoid delays. A Court memo may otherwise be sent to you stating that no fee had been paid, or that the certificate of mailing of the first meeting notice was not submitted.

**NOTICE OF REQUIREMENT AT §341(a) MEETING
DEBTORS TO PROVIDE PROOF OF IDENTIFICATION AND
SOCIAL SECURITY NUMBER**

ALL INDIVIDUAL DEBTORS appearing at §341(a) Meetings **MUST** provide the trustee with proof of their **IDENTITY** and correct **SOCIAL SECURITY NUMBER**.

IDENTIFICATION

Acceptable forms of **ID** include:

- (1) Driver's license
- (2) Government ID
- (3) State picture ID
- (4) Student picture ID
- (5) United States passport
- (6) Military ID
- (7) Resident alien card

SOCIAL SECURITY NUMBER

Acceptable forms of proof of **SOCIAL SECURITY NUMBER** include:

- (1) Social security card
- (2) Medical insurance card
- (3) Pay stub
- (4) W-2 form
- (5) IRS form 1099
- (6) Social Security Administration report

Originals of all documents are required

NOTE: This Notice concerns only requirements for proof of **IDENTITY** and **SOCIAL SECURITY NUMBER** at the meeting of creditors. The Trustee may have other requirements, and you are encouraged to contact the Trustee.

NOTICE OF MOTION FOR RELIEF FROM AUTOMATIC STAY

NOTICE IS HEREBY GIVEN that [Creditor] has filed a motion with this Court for an Order granting it relief from the automatic stay.

Please take notice that pursuant to Local Bankruptcy Rule 4001.2 and subject to Fed. Bankr R. 9006, any party in interest opposing the Motion must file and serve an objection to the motion **not later than seventeen (17) days after the date of service of the motion**. The objection must specifically identify those matters contained in the Motion that are at issue and any other basis for opposition to the motion. **Absent the filing of a timely objection, the Court may grant the relief without a hearing.** In addition, as required by Local Bankruptcy Rule 4001.2(d)(3), if an objection is filed to this motion, the objection must be served upon the movant and upon all parties receiving service of the motion. In accordance with Local Bankruptcy Rule 4001.2(e)(1), any party opposing a motion for stay relief must contact the Court's calendar clerk to schedule a preliminary hearing. At the time of filing the objection to a motion, the objecting party shall file and serve a notice of such hearing.

In addition, pursuant to Local Bankruptcy Rule 4001.2 (g) and 11U.S.C. §362(e), 30 days after a request under 11U.S.C. §362(d) for relief from the stay of any act against property of the estate under 11U.S.C. §362(a), such stay is terminated with respect to the party in interest making such request, unless the Court, after notice and a hearing, orders such stay continued in effect pending the conclusion of, or as a result of, a final hearing and determination under subsection (d) of this section.

**UNITED STATES DISTRICT AND BANKRUPTCY COURT
FOR THE DISTRICT OF IDAHO**

ELECTRONIC CASE FILING PROCEDURES

Effective January 16, 2006

Amended January 1, 2009

Amended January 1, 2011

Amended September 22, 2014

1. Establishment of Electronic Case Filing Procedures.

The Clerk of Court for the United States District and Bankruptcy Court for the District of Idaho is authorized to establish and promulgate Electronic Case Filing Procedures (ECF Procedures), including the procedure for registration of attorneys and other authorized users, and for distribution of passwords to permit electronic filing and notice of pleadings and other papers. The Clerk may modify the ECF Procedures from time to time, subject to approval by the Chief Judges. The ECF Procedures shall be available to the public on the Court's web site: www.id.uscourts.gov.

2. Definitions and Standards.

- A. **CM/ECF** refers to Case Management/Electronic Case Files, which is the docketing and filing system used by the judiciary and by this Court.
- B. **Electronic document** is an electronic version of information otherwise filed in paper form.
 - 1. An electronic document has the same legal effect as a paper document.
 - 2. An electronic document is considered timely if received by the Court before midnight, Mountain Time, on the date set as a deadline, unless the judge specifically requires another time frame. If time of day is of the essence, the assigned judge will order the document filed by a time certain.
- C. **Electronic filing** is the electronic transmission of a pdf (portable document format) document to the Court for case processing by uploading the document directly from the user's computer and using the Court's CM/ECF system to file that document in the case file. It includes the transmission of pdf documents and scanned images.
- D. **Pdf** is a document created with a word processing program that has been converted to pdf. The pdf conversion program, in effect, takes a picture of the original document so the converted document can be opened across a broad range of hardware and software, with layout, format, links, and images intact.
- E. **Scanning.** When converting a document to pdf format, do it directly from the word processing application, (Word or Word Perfect). Do **not** scan the document because this will result in a significantly larger size document and also creates a graphic, which prevents or significantly inhibits the use of all editing features built into the Adobe software. When no alternative exists other than scanning documents, filing parties must configure their scanners for black and white at 300

dpi (without color). The filing party is responsible for the legibility of the scanned image.

- F. **Electronic signature** refers to the fact that an electronic document is deemed signed when filed by an attorney, trustee, judicial officer, deputy clerk or other person authorized by the Court, using a valid CM/ECF login and password.
- G. **Notice of Electronic Filing** is an e-mail verification of the Court's receipt of the electronic pleading, as well as official notice of the filing to all other parties. The Notice includes the text of the docket entry, as well as a link to the filed document(s).
- H. **Registered Participant** is an attorney, trustee, judicial officer, deputy clerk or other authorized person who has successfully completed the registration and training requirements, and has been issued a CM/ECF login and password.

Registered Participants who are attorneys in good standing with this Court and are appearing *pro se* may use their CM/ECF account to file electronically without seeking prior Court approval.

3. Registration, Logins and Passwords.

- A. **Registration.** Each person or entity wishing to participate in the electronic filing system must first complete and sign a registration form on the Court's web site at www.id.uscourts.gov.
 - 1. Attorneys and authorized employees acting on behalf of the Registered Participant must complete the on-line certification to become a CM/ECF Registered Participant in this Court.

Attorneys and others who can demonstrate they have successfully filed electronically with another U.S. Court may apply to become Registered Participants in this district without any additional training or certification.
 - 2. Registered Participants will receive their login and starter password after successful completion of the on-line certification. If an attorney is registered in another district, the login and password will be e-mailed to that attorney.

It will be the responsibility of the Registered Participant to immediately change the password. In the event the Court rejects or suspends login and password privileges, the applicant will be notified.
 - 3. Provided a Registered Participant has an Internet e-mail address, registration 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. Waiver of service and notice by first class mail also applies to notice of the entry of an order or judgment.
 - 4. If the Court permits, a party to a pending action who is not represented by an attorney may register as a Registered Participant in the Electronic Filing

System solely for purposes of the action. Registration is in a form prescribed by the Clerk. If, during the course of the action, the party retains an attorney who appears on the party's behalf, the attorney must advise the Clerk to terminate the party as a Registered Participant upon the attorney's appearance.

It is each attorney's responsibility to maintain their respective CM/ECF user account information and ensure its accuracy with respect to items such as firm name, e-mail addresses, and secondary account users.

B. Limited Registered Participants.

1. *Pro hac vice.* An application for *pro hac vice* admission shall be submitted by Local Counsel through CM/ECF and accompanied by the appropriate fee. If appropriate, the Court will enter a docket text order granting the *pro hac vice* application. Immediately upon granting of the application, out-of-state counsel must register for CM/ECF.

Upon completion of training or demonstration that out-of-district counsel participate(s) in CM/ECF in another U.S. Court, a login and password will be issued by the Court. All subsequent documents filed by *pro hac vice* counsel shall be submitted through CM/ECF.

2. In the Bankruptcy Court, a limited Registered Participant also includes a person who is eligible to file only certain documents, such as a proof of claim form, a stipulation for relief from stay and a notice of appearance, or any other person who may be authorized by the Court to register for other limited purposes.

C. Logins and Passwords. Only attorneys in good standing with the Court, trustees, and others authorized by the Court will be issued system logins and passwords in CM/ECF.

1. Registered participants will require two logins and passwords: a National PACER account for viewing documents and a local Court CM/ECF account for electronic filing. All members of the Federal Court Bar are required to register for the CM/ECF account to facilitate service of notices and orders from the Court, as well as meeting the service requirements of the other parties in the case.

Registration for the accounts may be accomplished on-line at the links provided below.

CM/ECF

http://www.id.uscourts.gov/cfCourt/ECF_Register/RegistrationForm.cfm

PACER

<http://pacer.psc.uscourts.gov/>

2. Any CM/ECF password issued for electronic filing shall be used exclusively by the Registered Participant to whom the password is assigned or by an employee(s) of such person to whom proper authorization has been given by the Registered Participant.
3. No Registered Participant shall knowingly permit a password to be used by anyone who is not authorized to use the password and no person shall knowingly use the password of a Registered Participant unless such person is so authorized.
4. If an employee of a Registered Participant is no longer permitted such access or if the Registered Participant has reason to believe the security of their password has been compromised, the Registered Participant shall forthwith change their password and contact the CM/ECF Help Desk if necessary. The local number is 334-9258 or, for those calling outside the Boise area, use the toll free number, 1-800-699-9842.

4. Filing of Documents in CM/ECF and by other Electronic Medium.

- A. Unless otherwise permitted by the Court or these procedures, all complaints, petitions, motions, pleadings, memoranda of law, or other documents, except for creditor matrices and orders, are to be converted into portable document format (.pdf) and filed directly on the CM/ECF System or other medium as directed by the Court. Creditor matrices are to be filed in a similar manner, but in text (.txt) format. Proposed orders shall be submitted in the form required in section 12.
- B. If permitted by the Court, documents submitted on CD ROM, DVD or other medium as directed by the Court, must only contain documents relating to a single case and must be labeled with the attorney's name, the case number, case name, a brief description of the documents on the medium, and the phone number of the attorney submitting the medium. Any video files submitted must be in media player (.wav) format.

5. Exceptions from Mandatory Electronic Filing.

The following types of cases and documents shall not be filed electronically, unless otherwise authorized by the Court:

- A. Any document filed by a non-attorney *pro se* party.
- B. Administrative Records as specified in section 10.

- C. Grand Jury material and warrants. While these must be filed in a traditional manner, if possible, they should be accompanied by a disk or CD-ROM containing the documents in .pdf format.
- D. State Court records submitted with a respondent's answer to a habeas corpus petition.
- E. Discovery: In accordance with [Dist. Idaho Loc. Civ. R 5.4](#) and [LBR 7005.1](#) discovery requests and responses shall not be filed with the Court. Discovery materials may, however, be submitted in support of or in opposition to any motion filed with the Court.
- F. Any document that cannot be scanned or otherwise converted to electronic format.
- G. Charging documents in a criminal case including complaints, informations and indictments.
- H. Consents to Proceed before a Magistrate Judge. These shall be e-mailed to consents@id.uscourts.gov as specified in [Dist. Idaho Loc. Civ R. 73.1\(b\)](#).

6. Filing Specific Documents Electronically.

- A. **Civil Complaints and Removals.** Civil Complaints, Notices of Removal, and Civil Case Cover Sheets shall be filed through CM/ECF and accompanied by the applicable fee, payable by credit card. The Civil Case Cover Sheet shall be submitted in .pdf format as an attachment to the Complaint or Notice of Removal. When filing a Notice of Removal, the copies of the State Court documents are to be filed electronically as attachments to the Notice of Removal. Each pleading is to be added as a separate attachment.

A party may not electronically serve a civil complaint, but instead must effect service according to Rule 4 of the Federal Rules of Civil Procedure.

- B. **Bankruptcy Creditor Matrix**

When preparing the mailing matrix, avoid using any special "meta" characters. Using these characters causes a failure during the upload process. Specifically avoid using the ~!@#\$\$%^&*+|\` characters. For example, do not use "%" for "in care of" language. Rather, use the "c/o" designation. Also, avoid using any punctuation, including the apostrophe.

7. Summonses.

- A. **Summonses in Civil Cases.** When initiating a new civil proceeding, a Registered Participant shall electronically prepare the standard Summons for a civil proceeding and electronically file it as an attachment to the electronically filed Complaint. Thereafter, the Clerk will electronically issue the summons and return it to the party who submitted it.

Affidavits of service, which may include executed summonses, may be filed electronically through CM/ECF.

B. Summonses in Bankruptcy Adversary Proceedings. To file an adversary proceeding, a Registered Participant shall electronically prepare Form B250A (Summons in an Adversary Proceeding) and electronically file it as an attachment to the electronically filed Complaint.

A party may not electronically serve a summons, but instead must effect service according to Rule 7004 of the Federal Rules of Bankruptcy Procedure.

- 8. Service.** A certificate of service on all parties entitled to service or notice is still required when a party files a document electronically. The certificate must state the manner in which service was accomplished on each party and shall appear as the last page of the document being electronically filed. A certificate of service is not required when submitting a proposed order. The certificate of service form shall be in the form shown below:

I HEREBY CERTIFY that on the ____ day of _____, 20__, I filed the foregoing electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

Robert Jones, Attorney for Debtor (e:mail address)	Samuel Adams, Attorney for ABCD Bank (e:mail address)	J.D. Smith, Trustee (e:mail address)
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Office of the U.S. Trustee (e:mail address)	Stephen Stevens, Attorney for Trustee (e:mail address)
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AND I FURTHER CERTIFY that on such date I served the foregoing on the following non-CM/ECF Registered Participants in the manner indicated:

Via first class mail, postage prepaid addressed as follows:

John and Jane Debtor 1234 South 1st Street Smalltown, ID 83777	Idaho Construction Corp., Inc. c/o BR Corporation, its registered agent P. O. Box 1115 Boise, ID 83701	Robert Doe, President Boise Receivables, Inc. 623 Main St. Meridian, ID 83715
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Via certified mail, return receipt requested, addressed as follows:

USA First Bank, N.A.
Attn: I. M. Rich, President
616 Parkway Drive
Minneapolis, MN 55454

_____/s/
R. Johnson, Attorney for Movant

- A. Whenever a pleading or other document is filed electronically** in accordance with these procedures, CM/ECF will generate an e-mail “Notice of Electronic

Filing” to the filing party and to any other party who is a registered user. This Notice is equivalent to the conformed copy traditionally stamped *Filed*.

1. If the recipient is a Registered Participant in CM/ECF, the e-mailing of the Notice of Electronic Filing shall be the equivalent of service by first class mail.
2. If the recipient is not a Registered Participant in CM/ECF, service must be made pursuant to the Federal Rules.

B. **Whenever a pleading or other document is filed in paper form** for the Clerk’s Office to scan and upload to CM/ECF, the filer must serve conventional copies on all parties to the case.

C. If the filer doesn’t know whether another party is a registered CM/ECF user:

1. Select CM/ECF’s “Utilities” category.
2. Select “Mailing Information for a Case” on the pull-down menu.
3. Enter the case number and Submit
4. The mailing information will appear reflecting the means of service for each party in the case. This information may be “cut and pasted” into your word processing program to facilitate creation of the Certificate of Mailing.

9. **Motions and Related Paperwork.**

A. **Formatting.** Documents must comply with [Dist. Idaho Loc. Civ. R 5.2](#), [LBR 5005.2](#), or [LBR 7003.1](#).

B. **Submission of Motions as Separate Documents.** Motions and responses should always be filed as **separate documents**. For example, a Cross-Motion for Summary Judgment should never be combined with a Response to a Motion for Summary Judgment. It is critical the Cross-Motion be filed separately so it will appear on the Pending Motions Report and can be properly linked to any subsequent Responses, Replies, Notices and Orders. Any exhibits or attachments to Motions/Responses should be included with said Motion/Response and not filed as a separate docket entry.

C. **Supporting Memorandum and Affidavits Filed with the Motion** Documents filed in support of a motion, which are filed *concurrently* with the motion, should be submitted to the Court as attachments to the main motion. On the screen where the filer browses and selects the motion.pdf, they should answer “yes” to attachments. On the attachments screen, the filer should include all additional pleadings being filed in support of the main motion, listed in a logical sequence.

D. **Filing Subsequent Supporting Documents.** If a brief or affidavit in support of a motion is filed at a later time, do not refile the motion. File the document using the proper event and link it to the previously filed motion.

In Bankruptcy Court: Use “Other” under the Bankruptcy section to select the affidavit or brief. This may be used in an Adversary or Bankruptcy matter.

In District Court: Select the correct event from the “Responses and Replies” events list. There are separate event lists under the Civil and Criminal sections.

10. **Administrative Records in the District Court.** Administrative records shall be filed electronically and are subject to [Dist. Idaho Loc. Civ. R 79.1.](#)

11. **Large Documents, Non-Trial Attachments and Exhibits.** Registered Participants must submit in electronic form all documents referenced as exhibits or attachments unless otherwise ordered by the Court. Registered Participants shall submit as exhibits or attachments only those excerpts of the referenced documents that are directly germane to the matter under consideration by the Court. Excerpted material must be clearly and prominently identified as such. Parties who file excerpts of documents as exhibits or attachments under this section do so without prejudice to their right to timely file additional excerpts of the exhibit. Responding parties may also timely file additional excerpts of the exhibit they believe are directly germane.

A. Transmission time for filing documents created by scanning that are more than five (5) megabytes in size will fail, and CM/ECF will issue an error message.

Documents in excess of 5MB will need to be divided into logical segments for filing as attachments. If a Registered Participant electronically files documents, exhibits or attachments created by scanning (imaging) that are more than five (5) megabytes in size, they must be segmented, indexed, and filed as multiple attachments (the system will allow multiple attachments to any pleading/document to be filed electronically). If a document is segmented, it shall be done in such a manner that each exhibit or attachment is divided in a logical sequence, easily understood as a stand-alone document. Alternatively, these documents may be submitted on CD-ROM or DVD to the Court for filing within two (2) business days. All pleadings/documents and attachments/exhibits which are created by scanning (imaging) shall be black and white (without color), in .pdf format and the resolution *should not exceed 300 DPI*. Please check your PDF compression settings in the printer "properties" button to ensure you are using high compression.

B. In the Bankruptcy Court, exhibits, attachments or supporting documentation for Proofs of Claim are to be attached to the Proof of Claim when submitted for filing. The creditor must provide a copy of the original documentation to any party objecting to its claim. In the event of a hearing on an objection to the claim, the Proof of Claim and all original exhibits, attachments and supporting documentation may be introduced at the hearing for possible admission to the official record.

C. Exhibits that are not in paper format should be photographed so they can be scanned or converted by the filer into .pdf format for electronic submission into the System.

12. **Court Issued Documents and Proposed Orders.**

- A. **Court Orders.** All orders, decrees, judgments, and proceedings of the Court will be filed in accordance with these procedures, which will constitute entry on the docket kept by the Clerk. All signed orders will be filed electronically by the Court. Any order or other Court-issued document filed electronically without the original signature of a judge or clerk has the same force and effect as if the judge or clerk had signed a paper copy of the order and it had been entered on the docket in a conventional manner.
1. The assigned judge or the Clerk's staff, if appropriate, may grant routine orders by docket entry order. In such cases, no .pdf document will be created, and the text-only entry shall constitute the Court's only order on the matter. CM/ECF will generate a "Notice of Electronic Filing" as described previously in these procedures.
 2. When mailing paper copies of an electronically filed order to a party who is not a Registered Participant, the Clerk's Office will include the Notice of Electronic Filing to provide the non-participant with the proof of filing.
- B. **Proposed Orders.** Proposed orders are to be submitted by e-mail in a format compatible with WordPerfect, unless expressly directed by the Court to be submitted in a different format. A certificate of service is not required when submitting a proposed order.

The following procedures will assist the Court in processing proposed orders:

1. **Simplify the font style or face.** Use Times Roman or a similar well-accepted and recognized, standard font. Elaborate and stylish fonts do not transfer or translate well. Use 12 or 13 point font throughout the document.
2. **Eliminate as much "formatting" as possible.** For example, don't use hidden or internal codes and omit irregular line spacing, odd line or block justifications.
3. **There shall be no attorney information (name, firm, address, etc.) above the caption.** After the text of the order, the end of the text shall be indicated with the phrase "//end of text//". Below the end of text designation, the submitting attorney shall indicate the name of the attorney(s) submitting the order, the name of the party(s) represented, and in the Bankruptcy Court, any endorsements of the order by other parties (see paragraph B.7 below).
4. When e-mailing the proposed order in the correct format to the Court, all proposed orders must list in the e-mail subject line, the following items, separated by an underscore: (1) the case number, (2) judge's initials, (3) the docket number of the motion filed electronically, which is the subject of the proposed order; and (4) a description. (Example: 05-1234_TLM_10_Order_Dismissing.wpd)

5. Proposed orders shall be sent to the appropriate address from the following list:

District Court

BLW_Orders@id.uscourts.gov

EJL_Orders@id.uscourts.gov

CWD_Orders@id.uscourts.gov

REB_Orders@id.uscourts.gov

MHW_Orders@id.uscourts.gov

LMB_Orders@id.uscourts.gov

VisitingJudgeOrders@id.uscourts.gov

Bankruptcy Court

TLM_Proposed@id.uscourts.gov

JDP_Proposed@id.uscourts.gov

6. The submitting party shall not include a date, or signature line or block, for the judge in any proposed order submitted to the Court. So, please DO NOT USE the following type of format for your proposed orders.

Dated this ___ day of _____, 20__.

(The date and signature will be added by the Court at the time the order is entered.)

7. **Bankruptcy Court Signature Approval.** If a party submitting a proposed stipulation to obtain a court order or is submitting an order in which the party is directed by the Court, or required by applicable rule, to obtain the approval from other parties prior to its submission to the Court, the submitting party shall indicate such approval, after the text of the order and before the space provided for the Court's entry per paragraph B.3 above, the name(s) of such approving parties and noting their signature approval by inserting "/s/" above their name, as illustrated below. Telephonic, facsimile, or e-mail approval, shall be indicated as illustrated. Submission of such stipulation or order constitutes a certification by the submitting party that the indicated approvals were obtained. The submitting party shall be required to retain any original, facsimile or scanned signatures. For example:

The above order has been approved by the following party or parties on the date(s) indicated:

/s/

John D. Doe, Chapter 13 Trustee
April 15, 2014

/s/

Jane A. Roe
Counsel for creditor, Mortgage Co. of America
April 15, 2014

/s/ (telephonic approval)

James A. Smith
Counsel for debtor
April 15, 2014

/s/ (facsimile approval)

James A. Smith
Counsel for debtor
April 15, 2014

/s/ (e-mail approval)

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Counsel for debtor
April 15, 2015

13. **Signatures and Verified Pleadings.** The electronic filing of any document by a Registered Participant shall constitute the signature of that person for all purposes provided in the Federal Rules. Any document that must contain an original signature or requires verification under the federal rules or an unsworn declaration as provided in 28 U.S.C. § 1746, and any affidavits or other pleadings in which a person verifies, certifies, affirms or swears under oath or penalty of perjury concerning the truth of matters set forth in that pleading or document (“Verified Pleading”) may be filed electronically by Registered Participants in the System.

The correct procedure is to type /s/ and then your full name. Another option is to place the /s/ on the signature line and type your complete name under the signature line. For example:

/s/ Jane Attorney

or

/s/ _____
Jane Attorney

Electronic signature requirements for Registered Participants are the same in District and Bankruptcy Court, except as noted below in paragraph B .

- A. A Registered Participant filing a Verified Pleading electronically shall insure the electronic version conforms to the original, signed pleading/document. Each signature on the original, signed pleading/document shall be indicated on the electronically filed Verified Pleading with the typed name on the signature line of the person purported to have signed the pleading/document. The electronic filing of a Verified Pleading constitutes a representation by the Registered Participant that he or she has the original, signed document in his or her possession at the time of filing. The Registered Participant shall retain the Verified Pleading for a period of not less than the maximum allowed time to complete any appellate process, or the time the case or Adversary Proceeding of which the document is a part, is closed, whichever is later. The document shall be produced upon an order of the Court.
- B. In bankruptcy cases, the Registered Participant must electronically submit a scanned pdf copy of the original signature page of the original and any amended petition, schedules and statement of financial affairs to the Clerk at the time of electronically filing these documents with the Court in CM/ECF.
- C. Several documents in criminal cases may require the signature of a non-attorney, such as a defendant, a third-party custodian, a United States Marshal, an officer from Pretrial Services or Probation, or some other federal officer or agent. In general, the Clerk's Office will scan these documents and upload them to CM/ECF. Such copies of documents will be retained by the Court only so long as required to ensure the information has been transferred to the Court's data base, for other Court purposes or as required by other applicable laws or rules. The electronically filed document, as it is maintained on the Court's servers, shall constitute the official version of that record.

14. Sealed Documents. Sealed documents and sealed cases in the District and Bankruptcy Court will be filed in electronic format, with access restricted to the Court and authorized staff, unless otherwise ordered by the Court.

Motion to File under Seal. Motions to file under seal must comply with [Dist. Idaho. Loc. Civ. R 5.3\(a\)\(1\)](#) or [LBR 5003.2\(1\)](#).

Motion to Seal Existing Documents. Motions to seal existing documents must comply with [Dist. Idaho. Loc. Civ. R 5.3\(b\)](#) or [LBR 5003.2\(2\)](#).

Public information. Unless otherwise ordered, the motion to seal will be noted in the public record of the court. The filing party or the clerk of court shall be responsible for restricting public access to the sealed documents, as ordered by the court.

Procedure for the Electronic Filing of Sealed Documents:

- A. If a party wishes to file a document under seal in CM/ECF, they should first contact the Clerk's Office for instructions regarding how to file the document and how to maintain the confidentiality of the information.
- B. If a party wishes to file a sealed motion, they must first choose "motion" then browse to "sealed motion," describe the motion, and if there are attachments,

indicate and describe those. Pay particular attention when providing a description of the sealed motion to not include information intended to be sealed. The docket entry is public even though the sealed document is not. The motions and attachments should be in “pdf” format. The attachments will be sealed as well.

If a party wishes to file a motion asking they be allowed to file a document under seal, then the document they are asking to file under seal should **not** be an attachment to the motion. Proposed Orders are sent to chambers by e-mail, not electronically filed, and not in the “pdf” format.

- C. Also, any sealed motion filed, should include at the end of the motion, a request for the corresponding order to be sealed as well. It shall also indicate who the order shall be served upon (e.g. “Counsel for _____ requests the Order corresponding to this motion be sealed and copies be sent only to counsel for _____.” If appropriate in criminal cases the US Marshal Service, US Probation and Interpreter should be added for service)
- D. If a proposed order is submitted with the sealed motion and it too shall be sealed, the order shall be entitled clearly “SEALED ORDER” and it shall indicate who the order shall be served upon. (e.g. “IT IS FURTHER ORDERED that this Order shall be and remain sealed. The Clerk is directed to serve this order only upon counsel for _____.” If appropriate in criminal cases the US Marshal Service, US Probation and Interpreter should be added for service)
- E. Any order which is not sealed will be served on all parties in the case.
- F. Parties are reminded they must serve sealed documents by mail on counsel if required by rule. The CM/ECF system will not electronically serve sealed material.
- G. Documents submitted to the Court for *in camera* review shall be submitted in the same fashion as sealed documents.
- H. It is the attorney’s responsibility to ensure documents submitted for *in camera* review are not accessible to other parties. On a case-by-case basis, the presiding judge may request paper copies of documents submitted for *in camera* inspection be sent directly to the judge’s chambers.

15. **Public Access, Services and Privacy.**

A. **District and Bankruptcy Court Access and Services**

- 1. **Access:** Access to the electronic docket and documents filed in the System is available to the public at no charge at each Office of the Clerk during regular business hours. Printing of any document accessed for free in the Clerk’s Office, is subject to the fee required by the Judicial Conference of the United States (e.g. currently 10 cents per page).

Those accessing the CM/ECF system from outside the Clerk’s office are required to obtain a PACER account from www.pacer.psc.uscourts.gov.

In addition to the PACER login, a Court-issued CM/ECF login is required to file documents with the Court.

2. **One Free Look and e-mail notice:** Registered Participants will receive one-free look of all documents filed in cases in which they are a party. Registered Participants may also receive notices of electronic filing in cases in which they are not a party. In those instances, PACER fees will be charged.

When an e-mail notification is received of an electronic filing, **single click** on the document number hyperlink. Do not click on the case number hyperlink since that will incur PACER fees. Save or print the document upon the first viewing. Any subsequent viewing of the document through email will incur PACER fees.

Registered participants may specify additional e-mail addresses to receive the electronic notification of filings. Each of these addresses will be entitled to the “one free look” if the attorney is listed as a party in the case. This may be accomplished in the “User Account” information found under the “Utilities” section. Select “e-mail information” at the bottom of the User Account screen and add additional e-mail addresses to the user account.

The one-free-look period expires 15 days from the date of the e-mail.

3. **Services:** Conventional copies and certified copies of electronically filed documents may be obtained at the Office of the Clerk. The fee for copying and certification will be in accordance with 28 U.S.C. §1914 and 1930.

B. **Privacy**

1. Privacy: Documents filed with the Court must comply with [Dist. Idaho Loc. Civ. R 5.5](#) or [LBR 9037.1](#).
2. In addition to the procedures outlined in the Court’s local rules, the Judicial Conference of the United States has adopted a policy which requires Counsel to redact personal identifiers in any transcripts filed with the Court. Counsel are required to follow the transcript redaction procedures outlined on the Court’s web site.
3. In addition to the privacy items listed in section #1 above, the Judicial Conference policy requires that the Court not provide public access to the following documents: unexecuted warrants of any kind; pretrial bail or presentence investigation reports; statement of reasons in the judgment of conviction; juvenile records; documents containing identifying information about jurors or potential jurors; financial affidavits filed in seeking representation pursuant to the Criminal Justice Act; ex parte requests for expert or investigative services at Court expense; and sealed documents.

4. You are advised to exercise caution when filing documents that contain the following:
 - a. Personal identification number, such as driver's license number;
 - b. Medical records, treatment and diagnosis;
 - c. Employment history;
 - d. Individual financial information;
 - e. Proprietary or trade secret information;
 - f. Information regarding an individual's cooperation with the government;
 - g. Information regarding the victim of any criminal activity;
 - h. National security information;
 - i. Sensitive security information as described in 49 U.S.C. §114(s).
5. Counsel is strongly urged to share this information with all clients so that an informed decision about the inclusion of certain materials may be made. If a redacted document is filed, it is the sole responsibility of counsel and the parties to be sure that the redaction of personal identifiers is done. The Clerk will not review each pleading for redaction.

C. Additional Bankruptcy Court Provisions

1. In accordance with the E-Government Act of 2002 and its own policy regarding privacy and public access, the Judicial Conference of the United States (Judicial Conference), promulgated Official Bankruptcy Form B21, Statement of Social Security Number(s) ("Official Form B21"). This form has been created to satisfy the requirement set forth in Federal Rule of Bankruptcy Procedure 1007(f) that a debtor must submit a verified statement of his or her Social Security number along with the debtor's petition.
2. With respect to petitions filed by electronic means via the Internet, the debtor's declaration signed under penalty of perjury that information in the petition is true and correct shall apply to the debtor's Social Security number as filed electronically with the petition.
3. With respect to Official Form B21, this form shall be filed separately in CM/ECF. The use of the "Social Security Statement" event will seal this information. This event can be found under "other" in CM/ECF.
4. Attorneys shall not file or submit any additional statements or verifications of the debtor's Social Security number.
5. Originally executed copies of Official Form B21 will be maintained by the Clerk, but will not be accessible to parties, the bar or the public.

16. **CM/ECF Fees.**

- A. **On-Line Payment of Fees.** All CM/ECF transactions that require a payment shall be paid on-line on the same day that the transaction is docketed.
- B. **Acceptable Credit Cards.** Only VISA, MASTERCARD, AMERICAN EXPRESS, DISCOVER and DINERS CLUB credit cards will be accepted. Debit cards from the above mentioned providers that do not require a “PIN” code will also be accepted.
- C. **Rejected Credit Card.** Any transaction declined by the credit card issuer for any reason must be paid to the Court by counsel in cash or by check or money order by the close of business on the next business day after notification by Court staff of the deficiency. Failure to timely submit the filing fees will result in revocation of the CM/ECF password.
- D. **Pay.Gov Set-Up.** Each time a document is electronically filed which requires the payment of fees, Pay.gov will prompt the user to provide credit card information. This includes providing the security code on the credit card. If this prompt screen does not appear, the internet browser pop-up blocker has been set-up or the memory cache in the browser is not allowing the screen to refresh. The user should ensure that their internet browser preferences are set up to accommodate the payment of fees through Pay.gov.

17. **Docket Entries and Corrections of Docket Entries.**

- A. Registered Participant who electronically files a pleading or other document shall be responsible for designating a docket entry title for the document by using one of the docket event categories prescribed by the Court.
- B. Once a pleading/document is electronically filed and becomes part of the electronic record, corrections to the docket may be made only by the Clerk's Office staff. Some examples of potential mistakes include: posting the incorrect .pdf file to a docket entry; selecting the incorrect document type from the menu selection; or entering the incorrect case number.
- C. The CM/ECF system will not permit a Registered Participant to withdraw an incorrectly filed document or to change the form of an incorrect docket entry once the transaction has been accepted. Registered Participants shall not attempt to re-file a document incorrectly filed or docketed, unless directed by the Clerk's Office.
- D. If a Registered Participant notifies the Clerk's Office that a document was filed in error, or if the Court determines that a document is filed in the wrong case, the signature line does not match the attorney in the case, or the docket text does not match the pleading, the Clerk may enter a text entry, notifying all parties of record, that the document was filed in error and shall be corrected. A notice of correction will be entered on the docket.

18. Technical Failures.

Any Registered Participant or other person whose filing is made untimely or who is otherwise prejudiced as a result of a technical failure at or by the Court, may seek appropriate relief from the Court. The Court shall determine whether a technical failure has occurred or whether relief should be afforded on a case by case basis.

19. Retention of Conventionally Signed Documents by Parties.

The original of all conventionally signed documents shall be retained pursuant to [Dist. Idaho Loc. Civ. R 5.1\(e\)](#) or [LBR 5003.1\(e\)](#).

Anyone who disputes the authenticity of any signature on electronically-filed documents shall file an objection to the document within ten days of receipt of the document or notice of its filing, whichever first occurs.

Dated this 22nd Day of September, 2014.

On behalf of the Court

Elizabeth A. Smith, Clerk of Court