

UNITED STATES BANKRUPTCY COURT
DISTRICT OF ARIZONA

ECF Users' Administrative Guide

Developed Pursuant to Local Rule of Bankruptcy Procedure 5005

Revised: August 1, 2018

I. ADMINISTRATIVE PROCEDURES

A. Passwords.

1. Each trustee and attorney admitted to practice in this Court shall be entitled to only one Electronic Case Filing (ECF) password to permit the trustee or attorney to participate in the electronic filing of pleadings and other documents in accordance with the ECF System. Other filers may be issued limited use passwords that permit the electronic filing of specific documents.
2. For security purposes, users are encouraged to change their Court assigned passwords periodically or in the event that a user believes the security of an existing password has been compromised. The password may be changed by the user in the ECF System.

B. Registration.

1. To obtain a password, a registration form, as prescribed by the clerk, shall be submitted for each trustee, attorney or limited user.
2. Registration forms shall be mailed or delivered to the Office of the Clerk, United States Bankruptcy Court, District of Arizona, 230 North First Avenue, Suite 101, Phoenix, Arizona, 85003, and Attn: Data Quality Administrators. Registration forms may also be faxed to the Court at 602-682-4901 or e-mailed to AZBml_ALL_DQA@azb.uscourts.gov.
3. The following non-attorney persons may be issued a limited use password for the electronic filing of documents:

- a. Creditor, employee or agent of creditor for filing proofs of claim, assignments/transfers of claim, requests for notice and reaffirmation agreements;
- b. Non-attorney professionals for filing applications for compensation and expenses and reports prepared for the debtor or trustee;
- c. Process servers for filing affidavits/certificates of service of process;
- d. Auditors filing UST reports pursuant to 28 USC Section 586;
- e. Applicants filing for payment of unclaimed funds.

C. Account Maintenance.

1. An attorney or other user shall notify the Court in writing of any change in address, phone number, fax number or e-mail address. In addition, whenever an attorney changes firm affiliation, a notice shall be electronically filed in each case in which that attorney has appeared and the notice must state the attorney and law firm that will thereafter represent the party.
2. When e-mail messages sent by the ECF System are returned as undeliverable, the following actions may be taken by the clerk as to those undeliverable e-mail addresses:
 - a. Secondary e-mail address:
 - i. If e-mail to a secondary address is returned as undeliverable, that address may be removed from the associated ECF user account;
 - b. Primary e-mail address:
 - i. If the associated ECF user account has not been used within the past three (3) months, the undeliverable e-mail address may be removed

and the ECF user password may be deactivated. The password may be reactivated on request of the user and submission of a valid e-mail address;

- ii. If the ECF user account has been used within the past three (3) months, the user will be contacted to provide a valid e-mail address. If the user fails to provide a valid e-mail address, the undeliverable address may be removed.
- c. If an attorney is changing law firms or leaving a law firm and will not continue to represent the clients of that firm, the attorney should contact the ECF Support line at 602-682-4900 for further instructions prior to making any changes to the e-mail information.
- d. Debtor e-mail addresses:
 - i. If e-mail to a debtor address, primary or secondary, is returned as undeliverable, the undeliverable e-mail address may be removed.

II. ELECTRONIC FILING AND SERVICE OF DOCUMENTS

A. Filing.

1. All motions, pleadings, sealed documents, memoranda of law or other documents required to be filed with the Court, when filed by an attorney or trustee, shall be electronically filed in the ECF System.
2. Before filing a document with the Court, all filers must redact social security or taxpayer-identification numbers, dates of birth, names of minor children and financial account numbers in compliance with Fed. R. Bankr. P. 9037. This requirement applies to all documents, including attachments.

3. Before filing a scanned document with the Court, the person electronically filing the document must verify its legibility.
4. All documents which form part of a pleading, which are being filed at the same time and by the same party, may be electronically filed together under one docket number, e.g., the motion, memorandum of points and authorities and exhibits thereto.

B. Exhibits.

1. Except as set forth below, exhibits or attachments must be filed in their entirety with the pleading to which they relate.
2. In lieu of electronically filing the complete exhibits/attachments, the filer may file a list of the exhibits/attachments with a summary of each item on the list. If such a list and summary are filed, complete copies of the exhibits/attachments shall be served on those parties entitled by the Federal Rules of Bankruptcy Procedure (FRBP) or Local Rules of Bankruptcy Procedure (LRBP) to receive a copy and on chambers if required by the judge.
3. Notwithstanding the above, all exhibits to a disclosure statement, amended disclosure statement, plan or amended plan shall be electronically filed in their entirety.
4. Exhibits/attachments to a proof of claim, if electronically filed by the claimant or agent of the claimant, shall be electronically filed in their entirety or, alternatively, a list and summary may be filed as provided above. If such a list and summary are filed, complete copies of the exhibits/attachments shall be served on the case trustee and the attorney for the debtor.

C. Ballots.

1. Original ballots are not to be filed with the Court, but are instead to be sent by the party completing the ballot directly to the attorney for the debtor or other plan proponent.
2. The attorney for the debtor or other plan proponent shall retain the original ballots for the time period specified for original signature documents.
3. The attorney for the debtor or other plan proponent shall electronically file a report of the balloting.

D. Service.

1. A party filing electronically is not required to serve the actual document on any party who is a registered Electronic Case Filing participant and has been issued a live ECF System password or who has otherwise consented to service by electronic means. The Notice of Electronic Filing (NEF) generated by the ECF system shall instead constitute service. Any non-registered users will be served by other means in accordance with the FRBP. Service of a paper copy is required of any exhibits to the pleading or other documents that are not electronically filed in their entirety. Notwithstanding the above, the FRCP and the FRBP do not permit electronic service of process. Service of summonses, subpoenas, or other process must be in accordance with LRBP 9076-1, FRCP 4 and 4.1, and FRBP 7004.
2. The clerk is authorized to serve on those parties who have consented to service by electronic means, the notice of entry of an order or judgment by service of the “Notice of Electronic Filing” generated on the entry of the order

or judgment. For such electronic service to be accomplished by the Court's server, the consenting party must enable the ECF System-provided e-mail notification so that such service can be made. Such electronic service will be noted on the docket when a docket report including "Links to Notice of Electronic Filing" is generated.

3. Paper copies of documents filed electronically are only required for the Court in the following instances:
 - a. Clerk's office only when, during the filing of the document, the filer is instructed to submit a copy to the Court.
 - b. A paper copy of the "Notice of Electronic Filing" and of the electronically filed pleading or document is to be delivered by hand or mail to the judge assigned in the case when the document filed relates to a matter that will be or has been set for hearing and the document exceeds twenty pages, including attachments, unless otherwise directed by a judge.

E. Fees Payable to the Clerk.

1. For attorney filings that require a fee, the fee shall be paid within 72 hours of the filing using a credit card on-line through the ECF Internet Fees/Payments process. An electronically filed document, other than a petition, that requires a filing fee shall be deemed lodged, and not filed, and no further action shall be taken until the filing fee is paid. Failure to timely pay the filing fee constitutes good cause for the clerk to suspend the filer's ECF password until such time as all outstanding fees are paid.

F. Judgments or Orders.

1. An attorney or trustee submitting a proposed judgment or order shall lodge the judgment or order electronically using the Order Upload feature in the ECF System. Unless otherwise permitted or directed by the Court, proposed judgments or orders on paper will not be accepted.
2. Immediately after electronically submitting the proposed judgment or order in the ECF System, the attorney or trustee shall also electronically file on the case docket a Notice of Lodging the Judgment or Order with the proposed judgment or order attached pursuant to LBRP 9022-1(c).

G. Title of Docket Entries.

1. The person electronically filing a pleading or other document will be responsible for designating a title for the document, using the filing event that most accurately describes the pleading or document.

H. Retention of Original Signature Documents.

1. The attorney or other user electronically filing a document which must contain original signatures or which require verification under FRBP 1008 or an unsworn declaration as provided in 28 USC Section 1746 shall retain (as set forth below) the paper document containing the original signature(s) for a period of five (5) years from the date of discharge or dismissal in a chapter 7 and the entry date of a confirmation or dismissal order in a chapter 11, 12 or 13, unless the Court orders a different period. This retention requirement does not affect or replace any other retention period required by other applicable law or rules.

- a. Pleading or other document signed by electronic filing attorney or other user:
 - i. No original signature document need be retained.
- b. Petitions, lists, schedules, statements, amendments, affidavits or other document requiring a signature other than the filing attorney or other user:
 - i. Original signature paper documents shall be retained for the period set forth above.
- c. Stipulation or other documents signed by two or more persons:
 - i. The paper document containing the original signatures of all signatories shall be retained for the time period set forth above.
- d. If an original signature document subject to these retention provisions is returned to the client, the attorney shall advise the client of the requirement to retain the document as set forth above.
- e. The original executed Declaration Re: Electronic Filing shall be filed on paper with the clerk.

III. CONVENTIONAL FILING OF DOCUMENTS

A. Trial or Hearing Exhibits.

- 1. Unless electronic filing is required by a judge, trial or hearing exhibits shall be filed conventionally on paper.

B. Pro Se Filings and Exceptions.

- 1. Allowed paper documents are those filed by pro se parties and any paper documents filed by attorneys that are accepted and not rejected by the Court. The clerk shall image and electronically file these documents.

C. Proofs of Claim, Assignments/Transfers of Claim and Requests for Notice

1. Proofs of Claim, Assignments/Transfers of Claim and Requests for Notice may be filed on paper by those claimants who are not required to file electronically.

IV. PUBLIC ACCESS TO THE ECF SYSTEM DOCKET

A. Internet Access Without a Password.

1. Any person or organization with a valid PACER login and password may access the ECF System on the Court's internet site at <http://ecf.azb.uscourts.gov>. Such access to the ECF System through the internet site will allow retrieval of the docket sheet and electronically filed documents and will be on a "read-only" basis.

B. Public Access at the Court.

1. The public will have electronic viewing access to the docket and electronically filed documents in the Office of the Clerk during regular business hours, Monday through Friday.

C. Conventional Copies and Certified Copies.

1. Paper copies and certified copies of electronically filed documents may be purchased at the Office of the Clerk during regular business hours, Monday through Friday. The fee for copying and certification will be in accordance with 28 USC Section 1930.