

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

United States Courts, District of Idaho FILED November 15, 2004 by CSB

**PROVISIONS RELATING TO)
ELECTRONIC CASE FILING) General Order # 187**

Federal Rules of Civil Procedure 5 and 83, Federal Rules of Criminal Procedure 49, and Federal Rules of Bankruptcy Procedure 5005(a)(2), 9011, 9022, 9029 and 9036, authorize this Court to establish practices and procedures for the filing, signing, and verification of pleadings and papers by electronic means. This Order authorizes these procedures as follows:

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, after conferring with the Chief Judges. The ECF Procedures shall be available to the public on the Court’s web site: www.id.uscourts.gov.

2. *Scope of Electronic Filing* - Unless expressly prohibited under the Local Rules or CM/ECF Procedures, the District and Bankruptcy Court will require frequent users to file electronically all documents using CM/ECF after January 1, 2005. After January 1, 2006, all users must file all documents in electronic format unless otherwise ordered by the Court. An attorney may be exempted from use of electronic filing for good cause shown.

In the District and Bankruptcy Court, unless exempted for good cause shown, all attorneys shall be required to become a Registered Participant by January 1, 2005, so that they may receive orders and notices of the Court through CM/ECF.

Documents filed conventionally with the Court may be converted into an electronic format by the Court and in such cases, such documents will be treated for all purposes as if they had been electronically filed, except that conversion of a conventionally filed document to electronic format by the Court will not affect the original filing date and time of that document.

If pleadings are filed in paper form, it is the responsibility of the filer to ensure that the paper document can be scanned with a legible image. The Court requires that such documents be submitted in black print on white paper, for maximum contrast. The Court may return filings that are not legible.

On a case by case basis, the presiding judge may direct that paper copies of any documents filed electronically be sent directly to the judge’s chambers.

3. *Official Record of Court* - The docketing and case management system for the District of Idaho shall be the judiciary's Case Management and Electronic Case Files (CM/ECF) Program. The official record of the Court shall be: (1) all documents filed electronically; (2) all documents converted to electronic format, and (3) all documents filed and not capable of conversion to electronic format.
4. *Court Retention of Records - Copies* - Where a document filed conventionally is converted to an electronic format by the Court, the document originally filed shall be maintained as a copy only. Such copies of documents will be retained by the Court only so long as required to ensure that the information has been transferred to the Court's data base, for other Court purposes or as required by other applicable laws or rules.

It shall be the responsibility of any party who has filed a document conventionally who desires to have the document returned by the Clerk, to specifically request, and arrange for its return, or the Clerk is authorized to dispose of the document after electronic conversion.

In the Bankruptcy Court, the Court will retain as copies the original signature page of the original and any amended petition, schedules, and statement of financial affairs. Registered Participants shall file these signature pages within five business days of filing documents under CM/ECF.

5. *Retention of Conventionally Signed Documents by Parties* - The original of all conventionally signed documents that are electronically filed shall be retained by the filing party 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.

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.

6. *Eligibility* - Only a Registered Participant or an authorized employee of the Registered Participant may file documents electronically. To become a Registered Participant, or to act as an authorized employee of the Registered Participant, a person must satisfy the registration requirements established by the Court and participate in training provided by the Court unless the Clerk is satisfied that the person has received adequate training in another district.
7. *Consequences of Electronic Filing* - The electronic transmission of a document to the Court via an electronic filing system authorized by the Court and consistent with the administrative and technical requirements established by the Court, constitutes filing of the document for all purposes. The filing date and time of a document filed electronically shall be the date and time the document is electronically received by the Court, which for purposes of this section, shall be Mountain Time.

8. *Entry of Court Issued Documents* - The Court shall enter all orders, decrees, judgments and proceedings of the Court in accordance with the electronic filing procedures, which shall constitute entry of the order, decree, judgment, or proceeding on the docket kept by the Clerk of Court.
9. *Large Documents, Exhibits and Attachments* - Any document, exhibit or attachment larger than three megabytes must be filed in logical segments and an index of these segments must be created. The Court may also require that these documents be submitted on a CD ROM or DVD for use by the Clerk in filing the documents electronically.
10. *Sealed and In Camera Documents*
 - A. District Court
 1. Sealed documents and sealed cases will be filed in electronic format, with access restricted to the Court and authorized staff, unless otherwise ordered by the Court.
 2. A motion to file document(s) under seal shall be filed electronically. In such cases, the document(s) to be filed under seal shall be submitted as an attachment to the motion, in such fashion as the Court may direct, and only the Court will have access to such document(s).
 3. Documents submitted to the Court for *in camera* review shall be submitted in the same fashion as sealed documents.
 4. It is the attorney's responsibility to ensure that the documents submitted for *in camera* review are not accessible to other parties. On a case-by-case basis, the presiding judge may request that paper copies of documents submitted for *in camera* inspection be sent directly to the judge's chambers.
 - B. Bankruptcy Court

When a party is moving to file documents under seal, the motion must be filed electronically, but the documents proposed to be filed under seal must be filed on paper. If the motion itself contains confidential information, the moving party may file and serve electronically a redacted version of the motion clearly marked as such and must submit the unredacted version on paper to the chambers of the assigned judge for *in camera* review. Orders authorizing the filing of documents under seal will be entered electronically by the Court.
11. *Signatures* - 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 of Civil, Criminal and/or Bankruptcy Procedure. In addition,

- A. Where a document filed with the Court is signed electronically, that electronic signature is the signature for all purposes, including orders of the Court.
- B. Where a document is signed conventionally and then converted to an electronic format before filing, the signature as contained on the electronic record will be treated as the original signature for all Court purposes.
- C. Where a document is signed and filed conventionally, and then converted by the Court to an electronic format, the signature as contained on the electronic record will be treated as the original for all Court purposes.
- D. The retention by Registered Participants or delivery to the Court of documents bearing original signatures is addressed in Section 4 above.

All pleadings and other papers and documents electronically filed shall either contain a scanned image of any signature(s) therein, the use of a signature font, or indicate the signature by inserting “/s/ Jane Attorney” in any place in the document where an original signature would be utilized in a conventional document. The following signature format shall be used for all electronically-filed documents:

/s/ Jane Attorney
E-mail: Jane_Attorney@law.com

Any document that must contain an original signature or that requires verification under the Federal Rules, any unsworn declaration as provided in 28 U.S.C. § 1746, and any affidavit or other pleading in which a person verifies, certifies, affirms or swears under oath or penalty of perjury concerning the truth of matters set forth in that document (“Verified Pleading”) may be filed electronically by Registered Participants.

A Registered Participant filing a Verified Pleading electronically shall insure that the electronic version conforms to the original, signed document. Each signature on the original, signed 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 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.

- 12. *Notice and Service of Documents* - Participation by a Registered Participant in the Court’s CM/ECF system by registration and receipt of a login and password from the Clerk of Court shall constitute consent by that Registered Participant to the electronic service of pleadings, orders and other papers under applicable Federal Rules of Civil, Criminal and/or Bankruptcy Procedure.

13. *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.

Dated this 15th day of November 2004

/S/ B. Lynn Winmill
B. Lynn Winmill, Chief District Judge

/S/ Terry L. Myers
Terry L. Myers, Chief Bankruptcy Judge