



# **NextGen CM/ECF Administrative Procedures Manual**

**United States Bankruptcy Court  
Western District of Missouri  
(Revised May 1, 2019)**

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## **I. ELECTRONIC CASE FILING SYSTEM REGISTRATION**

### **A. DESIGNATION OF CASES**

All cases shall be assigned to the Electronic Case Filing System (hereafter the ECF system) unless the court orders otherwise.

### **B. PASSWORDS**

1. Each attorney admitted to practice in this Court and currently in good standing shall be entitled to one ECF system password. This password shall permit the attorney to participate in the filing of pleadings and other documents in accordance with these administrative procedures. Registration for a password is governed by paragraph C.
2. A password for professionals shall permit the professional to electronically file proof of claims and other selected documents in accordance with these administrative procedures. Registration for a password is governed by paragraph C.

### **C. REGISTRATION**

1. The Federal Judiciary has developed a Next Generation (NextGen) Case Management/Electronic Case Files (CM/ECF) system that allows users to access both PACER and ECF using the same account (also called Central Sign-On). This Central Sign-On allows access to all NextGen courts in which the user has permission to file electronically. The Western District of Missouri transitioned to NextGen on July 9, 2018.
2. Before registering with the Western District of Missouri, an attorney or professional must have his/her own PACER account. Further, an attorney is eligible for admission to the Bar of this District if he or she is a member in good standing of either the Missouri Bar or the Bar of the United States District Court for the District of Kansas.
3. If an attorney has a previous login and password with Western District of Missouri, he/she will link the prior account to the new upgraded PACER account.
4. If an attorney is new to practice in the Western District of Missouri, he/she can request e-filing access with our court through PACER.
5. Once registered, an attorney or professional may request deactivation of ECF filing privileges in this district through PACER. However, this does not authorize an attorney to withdraw as the attorney of record for his/her client. The attorney must still follow the procedure as set out in Local Rule 2091-1 to withdraw as attorney of record.

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

### **A. FILING ELECTRONICALLY**

1. Except as expressly provided for in Section III, Part A, all pleadings, claims, and documents required to be filed with the Court in connection with a case assigned to the ECF system shall be electronically filed. Parties without legal representation are not required to electronically file pleadings and other papers in a case but must adhere to the requirements set out in the Local Rules dealing with conventional filing.
2. All documentation that is part of a pleading should be electronically filed together in the appropriate event in the ECF system. See Section II, Part J of this procedure addressing exhibits.
3. Any document which requires leave of the Court to be filed, such as a response to be filed out of time, is to be attached as an exhibit to the motion requesting leave. If the motion is granted, the Order will direct the movant to electronically file the document with the Court.

### **B. SERVICE**

1. When a pleading or other paper is filed electronically in accordance with the electronic filing procedures, the ECF system will automatically generate a “Notice of Electronic Filing” by electronic means at the time of docketing.
2. The filer shall serve the pleading or other paper upon all persons entitled to notice or service in accordance with the applicable rules. If the recipient is a registered attorney in the ECF system, service of the “Notice of Electronic Filing” shall be the equivalent of service of the pleading or other paper by first class mail, postage prepaid.
3. Pleadings or other documents which are filed conventionally (by mail) shall be served in accordance with the Federal Rules of Bankruptcy Procedure and the Local Bankruptcy Rules except as otherwise ordered by the court.

### **C. NOTICE TO THE UNITED STATES TRUSTEE**

1. Chapter 11, 12 and Involuntary 7 Cases: Filers must serve all first-day motions and notices by e-mail, FAX or in person on the United States Trustee.
2. Chapter 7 Cases: Filers must serve all motions and notices listed in Bankruptcy Rule 9034 by e-mail on the United States Trustee.

### **D. SIGNATURES AND DOCUMENT RETENTION**

1. On the day the original petition is filed electronically, the attorney for the debtor(s) shall electronically file the “Declaration Re: Electronic Filing” (See Local Form MOW 1007-1.3) prepared in accordance with Local Rules.

2. Amendments to schedules, statements or lists shall be prepared in accordance with Local Rules.
3. Pleadings, affidavits, and any other documents which must contain original signatures or which require verification or an unsworn declaration under any rule or statute shall be filed electronically. The filer shall follow the applicable retention procedure in this Section II, Part D(5)(b) below.
4. In the case of a stipulation or other document to be signed by two or more persons, the following procedure shall be used:
  - (a) The filer shall initially confirm that the content of the document is acceptable to all persons required to sign the document and shall obtain the actual signatures of all parties on the document.
  - (b) The filer shall electronically file the document and follow the applicable retention procedure in this Section II, Part D(5)(a) or (b).

5. Login Constitutes Signature

(a) Except as required under this Section II, Part D(1) and (2),

- (i) The user login and password required to file documents serves as the filing user's signature on all electronic documents. They also serve as a signature for the purposes of Fed R. Bankr. P. 9011, for the Rules of this Court, and for any other purpose for which a signature is required. The Court requires a "/s/" or other indicia of signature for the attorney's, the debtor's, or another's signature. The court also requires that a typed name appear under any signature block. The filer's login and password serve as the filer's signature and representation concerning other signatures as stated in this Section II, Part D(5)(a)(ii).
- (ii) The filing or submission of a document required to be signed by another person is the filer's representation that the party whose signature is required has, in fact, signed the document. The filing of a stipulation or other document requiring signatures of more than one party constitutes a representation by the filer that all parties whose signatures are represented on the document have, in fact, signed the document.

(b) Retention of Electronically Filed Documents

- (i) The original of any electronically filed petition, schedule, statement of financial affairs, pleading, affidavit, or other document, including all amendments thereto, that contains an original signature or requires verification, or an unsworn declaration shall be maintained by the attorney who filed the document for a period of not less than two years after the case is closed. If the party who filed the document is not represented

by counsel or is not yet a participant in the ECF system, it is the filing party's responsibility to retain and preserve the signed document for the specified time. The Court's two year retention requirement is not meant to supersede any requirements imposed by a local or state bar or the Code of Professional Responsibility that may require a longer period of retention. Upon request of the court, United States Trustee, case trustee, or other interested party, an original document shall be produced for review.

- (ii) If any electronically filed pleading, affidavit, stipulation or other document, including all amendments thereto, has been filed containing an image of an original document signed by the debtor(s) or non-filing party(s), or an image with the debtor'(s) or non-filing party'(s) signature captured electronically at the time of document generation, the Court's two year retention requirement does not apply. For purposes of all schedules, statements and lists not filed with the petition and amended schedules, statements, and lists, the image of the debtor's signature on the verification filed in accordance with local rules shall satisfy the signature requirement and exempt the filer from the retention requirement for all such schedules, statements, and lists. For purposes of the initial petition, schedules, and statements, the Declaration re: Electronic Filing filed in accordance with Local Rules shall satisfy the signature requirement and exempt the filer from the retention requirement for the initial petition, schedules, and statements. This is not meant to exempt filers from any requirements imposed by a local or state bar or the Code of Professional Responsibility that may require a retention period.

6. *Pro Se filers* shall file fully signed paper originals of all petitions, lists, schedules, statements, amendments, pleadings, affidavits, and other documents which must contain original signatures, or which require verification or an unsworn declaration under any rule or statute. These documents will be scanned by the Clerk's Office and shall be maintained in the Clerk's Office after scanning for a period of six months.

#### **E. FEES PAYABLE TO THE CLERK**

1. For filings that require a fee, *registered filers* are required to pay on-line using the court's credit card internet payment program.
2. For filings that require a fee, *non-registered filers* are required to pay by cashier's check, money order or cash. No personal checks or credit cards will be accepted.
3. *Filer* is defined as the attorney of record or the actual party in interest, if not represented by counsel, who transmits any pleading or document to the court.

## **F. ASSIGNMENT OF NON-WESTERN DISTRICT CASES**

Assignment shall be made to the Division closest to the debtor's address.

## **G. ORDERS**

1. The Clerk's Office will electronically file all orders, notices and other court-produced documents in the ECF System.
2. The Court will produce and file standard orders to grant or deny motions. Under certain conditions, a party may be instructed by the Court to submit the proposed order to the Courtroom Deputy responsible for the case. The party will be given a deadline for submission of the proposed order. Microsoft Word format is required.
3. For an order with specific language or text, a proposed order must be sent to the Courtroom Deputy responsible for the case on the day after the deadline set for responses. Microsoft Word format is required.
4. Do not file a pleading which contains an order in the body of the pleading.
5. The Chapter 13 trustee shall prepare and electronically file all voluntary wage orders, all amended voluntary wage orders and cancellation of wage orders pursuant to Local Rule 3083-1.

## **H. TITLE OF DOCUMENT ENTRIES**

The title of a pleading should match the appropriate event from the categories provided in the ECF system.

## **I. EXHIBITS/ATTACHMENTS**

Documents and claims that reference exhibits, including but not limited to leases, notes, and the like, should include all attachments as directed in Local Rule 9040-1. Said exhibits should be legible and be properly redacted. These exhibits must be available in the Courtroom at any hearing pertaining to the matter.

If exhibits exceed 200 pages in total length, paper copies, marked and organized in document binders, shall be provided to the Court in chambers in accordance with the timelines set forth in the Court's Pretrial Order or other order in a contested matter. A summary of exhibits and certificate of service should be filed in the ECF system. (See Local Form MOW 9040-1.1).

## **III. EXCEPTIONS TO ELECTRONIC FILING**

### **A. THREE EXCEPTIONS**

1. Sealed Documents

A motion to file document(s) under seal shall be filed electronically. After the motion is granted, the actual document(s) to be considered by the court shall be prepared in paper form and submitted in a sealed envelope to the Courtroom Deputy responsible for the case or the Clerk's Office. A copy of the court's order shall be attached to the front of the sealed envelope containing the document(s) under seal.

2. Exhibits Not Suitable for Electronic Filing

If you have a physical exhibit that cannot be filed electronically, please contact the Clerk's Office or Courtroom Deputy responsible for the case.

3. Claims for creditor filing fewer than 10 claims per year

Claims shall be filed electronically with the Court either through the ECF system or [ePOC](#) unless a creditor files fewer than 10 claims per year in this District, in which case the creditor may file claims conventionally. All claims filed conventionally will be scanned by the Clerk's Office. Copies of the claims and all attachments shall be served on parties pursuant to the Local Rules.

#### **IV. CASE RECORDS INFORMATION**

##### **A. INTERNET ACCESS WITH PASSWORD**

Access to Electronic Bankruptcy Records is available for a fee through PACER. Contact the PACER Service Center for a login and password at 1-800-676-6856 or go to <http://www.pacer.gov>.

Parties in a bankruptcy case will receive one "free look" at a pleading in the case through the hyperlink included in the Notice of Electronic Filing.

##### **B. PUBLIC ACCESS AT THE CLERK'S OFFICE**

The public will have electronic access to bankruptcy records at no charge. Electronic Bankruptcy records can be reviewed at each federal courthouse (Kansas City, Jefferson City and Springfield) in the Western District of Missouri during regular business hours.

##### **C. VOICE CASE INFORMATION SYSTEM**

The Bankruptcy Clerk's Office offers an electronic voice system which provides callers with basic case information for bankruptcy cases in the Western District of Missouri, including: case number, filing date, chapter, attorney name and telephone number, assigned judge and trustee, status of the case, 341 meeting date and closing date. The Voice Case Information System (VCIS) is available 24 hours a day, seven days a week, and can be accessed by calling (866) 222-8029 #61 from any touch-tone telephone. Using VCIS, court records may be searched by name, case number, tax identification number, or social security number.

##### **D. CONVENTIONAL COPIES AND CERTIFIED/EXEMPLIFIED COPIES**

Conventional copies and Certified/Exemplified copies of electronically filed documents



may be purchased at the Clerk's Office during regular business hours or by mailing in a request and designating the document(s) by title or docket number. If requesting through the mail, a self-addressed, stamped return envelope and the proper fee must be provided for mailing of the copy work. The fee for copying, certification, and/or exemplification will be in accordance with 28 U.S.C. §1930.

## **E. ARCHIVED CASE FILES**

The National Archives and Records Administration (also, Federal Records Center) stores bankruptcy cases from the U.S. Courts for the Western District of Missouri that were closed prior to March 1, 2001. Please note that the case files are not all permanently retained. After a requisite amount of time in storage, the National Archives will only retain a representative sample of bankruptcy cases. When you make a request for documents, you will be informed of whether the case is still available.

1. To obtain copies from records in storage, you must first obtain your case number and storage location information by calling the Bankruptcy Clerk's Office, Monday through Friday from 9 a.m. to 4 p.m. at 816-512-1800.
2. Once you have obtained the case storage information, you have two options for obtaining information from the case file:
  - a. **Option 1:** Order copies of the records from the National Archives and Records Administration Central Plains Region in Lenexa, KS. Use the Bankruptcy Case Order Form below and include your credit card information and signature for payment of copies. Fax or mail this copy request per the instructions on the form, or order online at the Record Center by visiting this link <https://eservices.archives.gov/orderonline/>. Click on "Order Reproductions," then "Court Records." No login or password is required.
    - i. [Bankruptcy Case Order Form](#)
  - b. **Option 2:** Review records in person at the Federal Courthouse, 400 E. 9th Street, Room 1510, Kansas City, Missouri. Send a written request to review the records along with a check payable to the Clerk of Court in the amount of \$64 to retrieve the first box of case file records from storage. There is an extra fee of \$39 for each additional box after the first. Be sure to include a phone number where you can be reached with your request. The Clerk's Office will notify you when the records are available for review at the courthouse. This can take one to two weeks. The Clerk's Office will make copies at a charge of 50 cents per page.

## **V. HOURS AND LOCATION FOR PRO SE FILING**

### **A. HOURS**

The hours for the Clerk's Office are Monday-Friday, 9:00 a.m. – 4:30 pm CST.

### **B. LOCATION**

All pro se bankruptcy petitions and other pro se pleadings should be filed in the Kansas City division at 400 East 9<sup>th</sup> Street, Room 1510, Kansas City, MO 64106. See Local Rule 11002-2 for emergency filing exceptions.