

## Rule 5005-2: Electronic Court Filing System

### (a) Mandatory Electronic Filing.

~~(1) **Attorneys and Trustees.** Except as specified in subparagraph (c) below, an attorney or trustee must file electronically all pleadings, petitions and other documents on the bankruptcy court's Electronic Case Filing ("ECF") system.~~

~~(2) **Other Filers.** The following documents are required to be filed provided in subsection (2) of this rule, all documents submitted in any case or proceeding must be filed electronically, signed or verified by the filer:~~

~~(A) all electronic means in compliance with the court's ECF Guidelines available from the Clerk on the court's website. Proofs of claim and assignments/transfers of claim relating to secured or priority claims;~~

~~(B) all proofs of claim, assignments/transfers of claim, and requests for notice ("Claim Documents") filed by creditors and other filers after 30 days of receipt of notice from the clerk that they have filed 10 or more Claim Documents in any one year period;~~

~~(C) all affidavits or certificates of service, by either the process server who made the service or the attorney or trustee who contracted for the service;~~

~~(D) all applications for compensation and expenses of an examiner, or a professional employed by a trustee or debtor in possession.; and~~

~~(E) all applications for payment of unclaimed funds ("Unclaimed Funds Applications") filed by any claimants or agents for claimants after 30 days of receipt of notice from the clerk that they have filed 5 or more Unclaimed Funds Applications in any one year period.~~

~~(3) **Bankruptcy Petition Preparers.** The following requirements apply to cases in which a bankruptcy petition preparer has prepared the documents for filing.~~

~~(A) The following documents prepared by a bankruptcy petition preparer shall be may be filed electronically by the preparer and paper copies containing the original signatures of the debtor and bankruptcy petition preparer shall be submitted to the clerk of through ECF or submitted online on the court for retention:website.~~

~~Mailing List of Creditors;  
Schedules and Statement of Financial Affairs;  
Debtor Statement of Intention;  
Individual Debtor Statement of Current Monthly Income;  
Bankruptcy Petition Preparer Notice to Debtor;~~

~~Disclosure of Compensation of Bankruptcy Petitioner Preparer; and Exhibits to these documents.~~

~~(B) The debtor shall file with the clerk on paper, with the original signature of the debtor, the following documents:~~

~~Bankruptcy petition;  
Statement of social security number;  
Credit counseling certificate  
Declaration of evidence of employers' payments; and  
Copies of any payment advices.~~

~~(C) A document preparer who provides his/her full Social Security Number on their ECF Password Registration and who thereafter makes the above required electronic filings may, in lieu of placing his/her Social Security Number on documents they prepare, instead place his/her Arizona Supreme Court Certified Legal Document Preparer number on the documents and on the Disclosure of Compensation of Bankruptcy Preparer.~~

~~Any pleading, petition, or other document presented for filing on paper in contravention of the requirements of this paragraph (a) is subject to rejection as provided in paragraph (d) below.~~

~~(2) Only the following shall be excepted from the mandatory electronic filing requirement:~~

~~(A) Pro Se Exception. An individual who is not represented by an attorney may file and serve documents non-electronically.~~

~~(B) Bankruptcy Court Order Exception. Any documents required to be filed on paper pursuant to a bankruptcy court order in a particular case or proceedings may be filed non-electronically.~~

~~(C) Emergency Exception. A document may be filed non-electronically in an emergency when electronic filing is not possible.~~

**(b) Documents Under Seal.** Unless submitted by a pro se party or ordered by the court, a motion to file documents under seal must be filed electronically in accordance with paragraph (a) above. The court will file electronically any order authorizing the filing of documents under seal. A paper copy of such order must be attached to all documents subsequently delivered under seal to the clerk.

**(c) Exceptions from Mandatory Electronic Filing.** Pro se parties may file pleadings and other documents on paper. In addition, the following documents are excluded from the electronic filing requirement and must be filed on paper:

(1) trial and evidentiary hearing exhibits;

(2) documents required to be filed under seal; and

(3) other documents required to be filed on paper pursuant to a bankruptcy court order in a particular case or proceeding.

**(d) Rejection of Paper Filings.** Any pleading, petition, or other document presented for filing in contravention of the requirements of paragraph (a) above is subject to rejection. Upon presentation, any such paper filing will be deemed lodged, but not filed. The judge assigned to the case or, if not available, another judge, will determine whether such paper filing is to be rejected or accepted for filing. A paper document accepted for filing will be deemed filed on the date that it was lodged and will be so entered on the docket. A paper document rejected for filing will be returned to the person or entity who lodged it, with such action noted on the document.

**(e) ECF Guidelines.** All attorneys and other filers utilizing the ECF system shall comply with Administrative Procedure Guidelines for Electronically Filed Cases, as approved by the court (the “ECF Guidelines”). A copy of the ECF Guidelines will be available on the court’s public website.

**(f) Document Signatures on Documents filed by Electronic Means.**

**(1) Signature** ~~—The electronic filing of a pleading, petition, or other document by an attorney or other filer who is the Registered User Filing the Document.~~ A registered participant in the ECF system constitutes the signature user has been issued a username and password. Use of the attorney or other filer for purposes user name and password of federal law. ~~The filing attorney or other filer must retain an individual who is registered to use the court’s electronic filing system serves as that individual’s signature on any electronically filed document. The signature shall be represented as /s/Name, Bar Number, if applicable, on the document filed. The signature may be used with the same force and effect as a written signature under these rules and for any other purpose for which a signature is required in proceedings before the court. Nothing in this Rule shall prevent a registered user from filing a document using an original signature document in accordance with the ECF Guidelines or digital signature.~~

**(2) Signature of a Registered User Who Is Not Filing the Document.** A registered user may electronically sign for another registered user with permission of that user. The filer of the document must retain the written confirmation of permission to file the document, permission can be in the form of an e-mail. The user who is filing the document must retain the written confirmation either in hard copy or digital form during the pendency of the case. The signature may be used with the same force and effect as a written signature under these rules and for any other purpose for which a signature is required in proceedings before the court and shall be represented as /s/Name with permission on the document filed. Nothing in this rule shall prevent a registered user from filing an original signature or using a digital signature.

### **(3) Signature of Other Individuals.**

**(A) Signature.** When the document filed electronically contains the signature of an individual who is not a registered user of the court's electronic filing system, a registered user may either file a scanned copy of the signed document or a /s/ of the signature.

**(B) How Shown on Docket.** The document filed with the court must be either a scanned copy of the signature page of the document bearing the individual's signature, or a document identical to the one signed by the non-user with the non-user's signature represented as /s/Name.

**(C) Effect.** A signature submitted in compliance with this provision may be used with the same force and effect as the signature on the original documents for the purpose of applying these rules and for any other purpose for which signature is required in proceedings before the court.

**(D) Retention of Signed Original Documents.** If the non-user's signature was filed with a /s/ and the document was signed under penalty of perjury then the user must retain the document for a period of 5 years from the date a Discharge has been granted in a case, or 5 years from the date a Confirmation Order has been entered in a Chapter 11, Chapter 12, or Chapter 13 case or the case is dismissed. The user filing the document bearing the non-user's signature must retain the original signed document through the pendency of the case. Once the case is closed if a facsimile of the non-user's signature has been filed with the court, the user filing the document has no obligation to keep the original signed document. If the non-user's signature was filed with a /s/ and the document was not signed under penalty of perjury then the user must retain the written confirmation of permission to file the document during the pendency of the case, permission can be in the form of an e-mail.

**(g) Case Filing Declaration.** An original declaration containing a verification of the petition, lists, schedules, statement of affairs and debtor's social security number must be filed with the clerk as a separate document pursuant to the ECF Guidelines. Failure to file the signed original declaration within the time periods stated in the ECF Guidelines may result in dismissal of the case without further notice.

**(h) Password Use.** A password issued for electronic filing may be used by only the attorney or other filer to whom the password is assigned and authorized agents or employees of such attorney or other filer. Passwords will be issued to only specified individuals and not to entities, such as law firms. Pursuant to the ECF Guidelines, the clerk may issue limited use passwords to parties who are not attorneys for the purpose of filing applications for compensation by professionals, operating and other reports, reaffirmation agreements, affidavits of service or process, allowed filings by bankruptcy petition preparers, proofs of claim, assignments/transfers of claims, and requests for notice.

**(i) Docket Entry.** The electronic filing of a pleading, petition, or other document in accordance with the ECF Guidelines and this rule constitutes entry of such pleading, petition, or other document on the docket.

**(j) Electronic Entry of Orders and Judgments and Issuance of Summons.** The clerk or judge shall enter all orders, decrees, and judgments in the ECF system. Such entry will constitute entry of such orders, decrees, or judgment on the docket for all purposes. 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 such order or other court-issued document and it had been entered on the docket nonelectronically. Orders also may be issued as “text-only” entries on the docket, without an attached document. Such orders are official and binding. The court may sign, seal, and issue a summons electronically, although a summons may not be served electronically.

**(k) Electronic Service.** Pursuant to the ECF Guidelines, and except as provided in paragraph (l) below: (1) the clerk may serve any notice required by Rule 9022 by electronic means on any party who has consented to such service; and (2) anyone electronically filing a pleading, petition, or other document, when required to serve a copy on an attorney or party in accordance with applicable law or court order, may serve such pleading, petition, or other document by electronic means on an attorney or party who is a registered Electronic Case Filing participant or who otherwise has consented in writing to service by electronic means. Such electronic service constitutes service of the pleading, petition, or other document.

**(l) Required Service of Paper Copies.** Notwithstanding paragraph (k) above, and unless otherwise ordered, anyone electronically filing a pleading, petition, or other document, when required to serve a copy on an attorney or party in accordance with applicable law or court order, shall serve paper copies of the pleading, petition, or other document on:

- (1) the debtor, when service on both debtor and debtor’s attorney is required;
- (2) all creditors, when applicable law or court order requires service on all creditors; and
- (3) all parties entitled to service who are not registered ECF participants or who have not otherwise consented in writing to service by electronic means.

**(m) Address Information.** An attorney or other filer shall include his or her physical address, telephone and fax numbers, and Internet e-mail address on any pleading, petition, or other document, except for the list of creditors and official bankruptcy forms for lists, schedules and statements and declarations contained therein. Any attorney or other filer utilizing the ECF system must notify the bankruptcy court of any changes in physical address, telephone or fax numbers, or Internet e-mail address.

**(n) Untimely or Otherwise Improper Filings.** An attorney or other filer whose filing is untimely or otherwise improper may seek appropriate relief from the bankruptcy court upon a showing of good cause or excusable neglect.

**(o) Privacy Interests.** Any person may apply by motion for an order limiting or prohibiting electronic access to specifically identified materials on the grounds that such materials are subject to privacy interests under applicable law that electronic access would likely prejudice. Information posted on the ECF system may not be downloaded for uses inconsistent with applicable law regarding the privacy concerns of any person.

**(p) Documents Filed on Paper.** ~~Paper documents scanned into the bankruptcy court's Case Management/Electronic Case File (EM/ECF) system are not to be destroyed, but are to be retained by the clerk for an appropriate period of time to be determined by the clerk and then shall be sent to the Federal Records Center for storage and disposition by the Federal Records Center five years from the date the records were sent. Any document submitted to the Clerk in a paper format shall be converted into an electronic format prior to docketing. It is the duty of the filing party to confirm that such document has been accurately submitted into the court's electronic file. If no challenge regarding the presentation of the document in the court's electronic file is communicated to the Clerk within fourteen days of the date of docketing, then the document as presented is conclusively confirmed as the document submitted, unless otherwise ordered by the court. Upon conversion of a paper document to an electronic format, the Clerk may dispose of such paper documents at its discretion.~~

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~~Committee Notes 2008: Incorporates changes to subsection (p) from General Order 101.~~

~~Committee Notes 2007: New rule. Proposed Local Rule 5005-2 incorporates provisions from General Order Nos. 69, 87 and 97 and Interim Operating Order No. 8. Committee Notes 2015: Rule changed to require mandatory electronic filing in all cases except pro se. Change makes electronic filing the default instead of the current rule which lists all those who need to file electronically. Provides that attorney must provide his/her email address on pleadings (not just a general email for receipt of ECF filings). The change in the rule eliminates the requirement that the clerk keep paper records and after 14 day waiting period allows clerk discretion on disposal of paper documents.~~