

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF WASHINGTON

**ADMINISTRATIVE PROCEDURES AND TECHNICAL REQUIREMENTS  
FOR ELECTRONIC FILING**

(The “Electronic Filing Procedures”)  
(Effective \_\_\_\_\_, ~~2023 February 4, 2019~~)

These Administrative Procedures and Technical Requirements for Electronic Filing (~~the~~ “Electronic Filing Procedures”), together with the Federal Rules of Bankruptcy Procedure, Local Bankruptcy Rules of the Western District of Washington Bankruptcy Court (“LBRs”) and General Orders of the Court, govern the use of the Case Management/Electronic Case Filing system (“ECF”) in the Bankruptcy Court for the Western District of Washington (“Court”), ~~both current and Next Generation versions.~~

I. ~~Participation and ECF Registration~~ Participation for Use of ECF.

A. ~~Participation.~~

~~1. Attorneys and Trustees. Participation in ECF is mandatory for attorneys, panel trustees, and standing trustees appearing before the Court. Attorneys must be in good standing and admitted to practice in the United States District Court, Western District of Washington. See Fed. R. Bankr. P. 5005; Local Rules W.D. Wash., LCR 83.1.~~

~~2.1. Limited Participation for Other Entities. Out of state attorneys, paralegals, institutional creditors, mediators in The Honorable Thomas T. Glover Mediation Program, and Court approved transcription service providers may be eligible to participate in ECF on a limited basis for the purpose of filing proofs of claims, transfers of claims, withdrawal of claims, reaffirmation agreements, requests for special notice, and other privileges as may be added at the discretion of the Clerk of the Court.~~

B.A. Registration.

~~1. Participation in the Court’s ECF system requires Each applicant for ECF participation must first obtain an a PACER (Public Access to Court Electronic Records) account and login. Electronic filing privileges with through PACER (Public Access to Court Electronic Records), then register through PACER for the appropriate type of Court access. See~~

~~www.pacer.gov. Permission to file electronically in this Court is~~ are requested through PACER. PACER will alert the Court of the request. If the Court grants the requested permission is granted by this Court, the filer will receive an email confirming activation of the filing privileges. A Those person with electronic filing privileges are is referred to as an "ECF Participant Registered ECF Filer."

a. Full access ECF account privileges may be requested by attorneys and trustees who are admitted to practice in the U.S. District Court, Western District of Washington pursuant to Local Rules, W.D. Wash., LCR 83.1.

b. Limited Participation for Other Entities access ECF account privileges may be requested by o. Out of state attorneys, paralegals, institutional creditors, mediators in The Honorable Thomas T. Glover Mediation Program, and Court-approved transcription service providers. Limited access accounts allow maybe eligible to participate in ECF on a limited basis for the purpose of filing proofs of claims, transfers of claims, withdrawal of claims, reaffirmation agreements, requests for special notice, and other privileges as may be added at the discretion of the Clerk of the Court.

~~4.~~

~~2.1. Permission to file electronically in this Court is requested through PACER. PACER will alert the Court of the request. If the requested permission is granted by this Court, the filer will receive an email confirming activation of the filing privileges. Those with electronic filing privileges are referred to as an "ECF Participant."~~

2. Each Registered ECF Participant Filer is responsible for maintaining current primary and alternate e-mail addresses and account information. The primary email address is maintained through the ECF Participant's Registered ECF Filer's PACER account. The secondary email address is maintained through the Registered ECF Participant's Filer's ECF account. Court notification is not required.

3. The address, telephone number, and email address of a party or the party's attorney, as noted on the first document filed by that party or attorney or as changed in accordance with paragraph 2 above, shall be conclusively presumed to be the last known address, telephone number and email address of said party or attorney.

~~4.3. Once authorized to file electronically in the Court, the ECF Participant will receive all future notices from the Court by electronic means only.~~

#### G.B. Security.

1. ~~ECF Participants~~Registered ECF Filers must protect and secure their PACER password. PACER recommends changing the password regularly to prevent unauthorized use of an account.
2. Sharing PACER account credentials with a third-party service provider or designating that provider as a secondary recipient of a Notice of Electronic Filing (NEF) ~~or Notice of Docket Activity (NEF/NDA) will could~~ give that ~~third-party~~ provider access to restricted or sealed case information and documents, typically in violation of court order. ECF Participants must use caution in computer security practices to ensure that restricted or sealed documents are not disclosed. See WSBA Advisory Opinion 201601 (Ethical Practices of the Virtual Law Office).

D.C. Revocation of ECF Filing Privileges. The Clerk of Court may terminate a ~~Registered ECF Filer's~~ ECF Participant's electronic filing privileges ~~in with~~ the ~~W.D. Washington Bankruptcy~~ Court under the following circumstances:

1. Upon the Registered ECF Filer's ~~Participant's~~ written request to withdraw from participation.
2. Upon entry of a ~~An order is entered~~ by the U.S. District Court of the Western District of Washington suspending or terminating the ~~attorney~~ ECF Participant's Registered ECF Filer's ability to practice; or
3. Upon order of the Court's Chief ~~Bankruptcy~~ Judge.

## II. **Payment of Filing Fees.**

A. Filing Fees Paid Electronically. ~~ECF Participants~~Registered ECF Filer's shall pay all filing fees at the time of filing using a credit card through Pay.gov or bank account debit (ACH).

~~A.~~

- B. Installments. If the ~~ECF Participant~~Registered ECF Filer is filing a petition on behalf of a debtor who is unable to pay the filing fee except in installments, an Application to Pay Filing Fee in Installments must be filed with the petition and be accompanied by payment as established by ~~local~~ court rules.
- C. Filing Lock Out. An ~~ECF Participant~~Registered ECF Filer with fees that are delinquent for a period exceeding one business day may be locked out from further electronic filing until the fees are paid.

### III. **Electronic Filing and Service.**

#### A. Filing.

1. The ~~Local Rules of Bankruptcy Procedure~~LBRs govern the formatting requirements for documents filed electronically with the ~~Ce~~ourt, procedures for redaction of private personal identifiers, and ~~procedures governing the~~ filing of documents under seal. The ~~Court's Local Rules~~LBRs also establish limited exceptions for documents to be filed conventionally on paper.

2. A document filed electronically in the ECF system becomes part of the permanent case record and, unless filed under seal or otherwise restricted by the Court, can be viewed by the public.

~~2.~~—

B. Summons. Summons in adversary proceedings are issued electronically to the ~~ECF Participant~~Registered ECF Filer who initiates the case. Service of the summons in accordance with Fed. R. Bankr. P. 7004 or LBR 7004-1 is required.

#### C. Service.

~~—A paper is served on an ECF Participant by filing the paper with the Court's ECF system. See Fed. R. Civ. P. 5(b)(2)(E) and LBR 5005-1(c). Service on non-ECF Participants is addressed by LBR 5005-1(c)(3).~~

1. ~~—Notwithstanding the foregoing provisions related to electronic service,~~ Ceonventional service of documents in hard copy shall be required in accordance with Fed. R. Civ. P. 4, Fed. R. Civ. P. 45, Fed. R. Bankr. P. 7004, Fed. R. Bankr. P. 9014(b), Fed. R. Bankr. P. 9016, as ordered by the Court, or where otherwise specifically required by the Federal Rules of Civil Procedure or the Federal Rules of Bankruptcy Procedure. Proof of

service pursuant to this subparagraph is required to be filed, ~~however, the proof of service may be filed with the representation, by the ECF Participant, that evidence of service is being maintained at the office of the ECF Participant.~~

2. No certificate of service is required for documents served by filing with the Court's ECF system.

~~D. Orders. All orders shall be submitted electronically pursuant to LBR 5005-1(e).~~

E.D. Title of Docket Entries and Pleadings. All documents are electronically filed using categories and events in ECF. Each document filed in response to a previously filed document shall: (i) be linked to the prior document, and (ii) track the title of the prior document. ~~Pleadings or other documents are electronically filed using the categories and events listed in ECF. Every pleading filed in response to or subsequent to a motion or other initial pleading shall be linked to the initial pleading by including in the title of the subsequent pleading the same title as used in the initial pleading (, e.g., a response to a Motion for Avoidance of Lien shall be entitled "Response to Motion for Avoidance of Lien.")~~

~~F. Time. ECF Participants may file pleadings or other documents in ECF at any time for purposes of LBR 9013-1(d). See also Fed. R. Bankr. P. 5001(a).~~

#### IV. **Technical Failures.**

A. ECF Technical Failure. ~~An ECF Participant~~ A Registered ECF Filer whose filing is untimely as the result of a technical failure of ECF may seek relief from the Court. The Court shall consider ECF to be subject to a technical failure if the system is unable to accept filings, either continuously or intermittently, for more than one hour on any given day. Known system outages will be posted on the Court's web site.

B. Failure of Participant's Filer's System. ~~Problems arising from the Registered ECF Filer's~~ Problems on the ECF Participant's end systems or technology shall not constitute a technical failure under these procedures, nor excuse an untimely filing. ~~An ECF Participant~~ Registered ECF Filer who ~~cannot~~ is unable to file a document electronically because of a problem on the Registered ECF Filer's ~~ECF Participant's~~ end must file the document conventionally.

#### ~~V. Public Access to ECF.~~

~~A. Public Terminals in Clerk's Office. The Clerk of Court maintains computer terminals accessible to the public for the purpose of providing electronic access to ECF, including the electronic docket, during regular business hours, Monday through Friday. There is no charge for viewing documents electronically at the Clerk's Office.~~

~~B. Individual PACER account. Alternatively, a non-ECF Participant may establish a PACER account for the purpose of accessing, but not filing in, ECF. See [www.PACER.gov](http://www.PACER.gov). Fees for accessing court information through PACER are set by the Judicial Conference of the United States and are listed on the PACER website. See 28 U.S.C.1930.~~

~~Effective February 4, 2019.~~