
Commonly Asked Questions by Attorneys

1. Is Electronic Filing mandatory?

Yes, as of January 1, 2005. (See next question for how to register for ECF training.)

Non-electronic filer Options:

a. If you are *scheduled* for training you may file paper through the mail so long as you attach a copy of the court's email to you confirming your class.

b. You may bring the documents to the court and use a scanner at the front counter. After they are scanned, the intake staff will accept them.

2. How do I register for ECF?

Go to www.mab.uscourts.gov and Click on the ECF Access and Training button.

To see what dates are available, click on the ECF Training Schedule. To sign up for a class, click on "*To put your name on the list for a future class please click here.*"

3. Who can register for an ECF account?

Attorneys admitted to the bar of the United States District Court for the District of Massachusetts (including those admitted pro hac vice, pursuant to Local Rule 9010-1(b)), attorneys representing the United States of America or any state, the United States trustee and his/her assistants, Chapter 7, 11, 12, or 13 trustees, limited access users, and others as the Court may allow in its discretion on prior motion and order, may register as Registered Users of the ECF System after completion of such electronic filing training as the Clerk of this Court may establish and require from time to time.

4. How do I learn to use the system?

The best way to learn to use the e-filing system is to be trained by the Court and to practice using the on-line tutorial found on the PACER website at <https://dcecf.psc.uscourts.gov/cgi-bin/login.pl>

5. How do PACER and ECF fit together?

In addition to your ECF login and password, you must have a PACER (Public Access to Court Electronic Records) account. If you do not already have a PACER account, you can contact PACER via e-mail, phone or on-line:

- a. Email: pacer@psc.uscourts.gov
- b. Phone: 1 -800-676-6856
- c. On-line at: <http://www.pacer.gov>

A separate ECF login is required to file documents. Only attorneys may register to become electronic filers, but anyone can sign up for a PACER account. When you receive a Notice of Electronic Filing in your email, you'll note that the case number and document number are both hyperlinks. You can click the document number to retrieve the pleading. That first retrieval is your service and it is free. For subsequent retrievals, even of documents you have posted, you will be charged.

6. Are there fees for PACER access?

Yes, the Judicial Conference of the United States has set a fee for access. The current fee can be found at <http://www.pacer.gov/psc/hfaq.html>. Parties entitled to documents as a part of the legal process receive a free electronic copy as part of the e-mail Notification of Filing. This free look is only available for 15 days from the date of filing. It is recommended that you not only save the Notice itself, but open and view the document in your e-mail and save a copy on your own office computer system or print out a paper copy at that time. Opening the same e-mail attempting to view the document subsequent times will require that you enter your PACER account information for billing purposes.

7. I have been trained by District Court. Can I get a login and password from the Bankruptcy Court?

Yes, an attorney can get a waiver as long as he or she has been trained in another jurisdiction. We do recommend that they take our training as it is somewhat different, but they do not have to. Also, the login and password given by District Court is different. They will receive another one from us.

8. What are some of the privacy issues?

Bankruptcy cases have always been public records viewable by anyone requesting to see the case. However, there has not been the same ease of universal access that there is now by having access to the entire case record via the Internet. There is concern over the availability of personal information such as social security numbers and names of minor children. Also, persons may be

able to determine the debtor's medical conditions based upon the doctors and medical companies who are owed money. Addresses would become available to abusive ex-partners from whom the debtor has been successfully hiding. There is also concern over the availability of financial information such as account numbers of credit cards.

9. What should I do when support staff leaves my firm?

Change your password immediately. This function is available to you under the Utilities option. If you fill the position with a new employee and need to have them trained to use ECF, go to the Court's website www.mab.uscourts.gov and complete an application for training for them.

10. How do I sign a document filed electronically?

All documents with the exception of the Declaration of Electronic Filing (Official Form 7) should be signed in the following manner: /s/ YOUR NAME. **We need both the /s/ and the name.** Your client's signature may be presented in the same fashion. Example: /s/ Joe Debtor /s/ Josephine Debtor /s/ Jo Attorney

Official Form 7 Re: Declaration of Electronic Filing requires an **imaged original signature**, not just the /s/ name. Filing a pleading through ECF is the equivalent of "signing" that pleading. The use of an imaged original signature or a "/s/ name" is required, and it is a helpful and unambiguous indication that a signature has been electronically affixed. The "/s/ name" should be placed precisely where you would have placed the signature in a conventional document.

11. How are privacy issues being addressed?

In September 2001, the Judicial Conference of the United States adopted a policy to address the protection of individual privacy in the context of remote public access to electronic case files. With courts accepting electronic filings and converting paper documents into electronic form, information that was once available only at the federal courthouse is now potentially available to anyone, at any time, electronically through PACER. While the majority of the records of the court are public, certain information found in court documents (e.g., Social Security numbers, financial account numbers, dates of birth, and names of minor children) need protection from wide dissemination and possible misuse.

However, the responsibility for redacting personal data identifiers from documents rests solely on the filers, not the clerk's office. This requirement is true for pro se filers as well. The Court will not redact documents filed with sensitive information, as such redaction could raise issues of liability (if done

improperly or inconsistently.) In addition, redaction could be viewed as an alteration to the original record.

The Court is responsible for ensuring that court-generated documents are consistent with the privacy requirements listed below:

- Except for the 341 Notice, Social Security Numbers are displayed with only the last four numbers: “xxx-xx-1234.” The 341 Notice provides the recipients with the full SSN. The file copy returned from the Bankruptcy Noticing Center displays a redacted number.
- Bank Accounts are displayed with only the last four numbers.
- Dates of birth are display only the year.
- Minor children’s names are shortened to initials
- Payment Advices are submitted to the trustee and not filed with the Court
- Tax Returns are submitted to the trustee directly and are not filed with the Court and if they are filed, they are docketed using a private event.
- Sealed documents are handled manually and should never be electronically filed using ECF.

Note: Fed. R. Bankr. P. 9037(d) provides the court may, for cause, and by order:

- Require redaction of additional information.
- Limit or prohibit a nonparty’s remote electronic access to a filed document.

These orders may be issued by the court *sua sponte* or by motion of a party in interest. Fed. R. Bankr. P. 9037

12. Will this policy be enforced retroactively?

No. Older cases that are moved to the system contain all the information that they currently contain so documents that have been scanned with a social security number will continue to be seen. However, social security numbers are no longer reported on the public dockets for any cases in the system.

13. I just filed a duplicate bankruptcy case, what do I need to do?

You must file a **Motion to Dismiss** the case and a **Motion to Refund** Filing. Once an order has entered granting the refund, contact the Court’s Finance Department at 617-748-6610 and you will be assisted.

14. What should be done if the document you are filing is not listed in the “pick-list” of documents?

It is important to use the correct Document Event because it allows CM/ECF to trigger the proper associated actions for the document being filed, such as

Frequently Asked Questions and Troubleshooting

producing notices and setting deadlines. Filing your documents under an incorrect Document Event may result in you having to re-file the documents, as well as a delay in the processing of those documents. The associated Document Event for a particular document can usually be found through the Search option on the CMIECF menu bar.

If you are unable to find the correct event after searching, contact the case administrator for that case at the court for help in choosing the event to use when filing your document. After regular business hours, determine if a more generic code can be used. For example, a “Motion for Extension of Time to Complete Discovery” could be filed using the generic “Motion for Extension of Time” event. Then, contact the case administrator at the court the next business day to inform them of your solution. Court personnel can edit the docket text as needed and can advise you if a different event should have been used. In certain circumstances, court personnel may determine that there is a need to create a new event to enable the filing of your document, so it is worth contacting them and informing them of the problem. Telephone numbers may be found on the Court’s website. [Contact Information](#)

15. What happens when an error is made (such as the wrong event is selected) during the electronic filing of a document?

Case administrators in the court read each document filed as part of the quality control process. Depending upon the problem, a telephone call will be made to the user or an order will be issued to correct the filing deficiency. Since parties are automatically noticed with the incorrect information, our court has chosen to minimally edit the entry and to instead enter a “corrective entry” on the docket. This allows for the distribution of the correct information to the participants who originally received the erroneous information.

16. How are Proofs of Claim and their attachments filed?

Claims are filed using the File Claims event and attachments attached in the same manner as pleadings.

17. Is there a special process to handle filing the same document in multiple cases?

Yes, ECF has a “batch filing” feature. After selecting the appropriate event, the user will be able to enter or “paste in” multiple case numbers. Then, the application will prompt the user for the appropriate PDF document to be attached to the event in each case. ECF also has a special feature to allow batch docketing of asset and no asset reports for trustees. Contact the Court if you have questions.

18. Why does it matter if I file something regarding an adversary complaint using the bankruptcy case number?

Misfiled documents cannot be noticed properly and parties who should receive notice will not. Any document regarding an adversary that is filed in the bankruptcy case will be marked as "Entered in Error" on the docket and an Order will enter requiring the filer to re-file the document in the correct proceeding.

19. How do I file documents to be sealed?

Manually. Check the local rule MLBR 9018-1 Impounded Documents.

20. What if I want to file a proof of claim and the creditor is not there?

Add them to the Courts database. Under Bankruptcy, click on Creditor Maintenance and select Enter individual creditors.

21. Have Court deadlines changed now that I can file 24/7?

No, deadlines for paper and ECF filings are the same. See MLBR 5001-2(b).

22. How do I get a clerk's certificate?

Attorneys prepare the certificate and send it into the Clerk's office for verification and endorsement. There is a fee for this service.