

Electronic Case Filing Administrative Procedures

United States Bankruptcy Court District of Massachusetts

Effective Date: May 1, 2025

ECF ADMINISTRATIVE PROCEDURE 1

SCOPE OF ELECTRONIC FILING

(a) Title, Effective Date

The Electronic Case Filing Administrative Procedures of the United States Bankruptcy Court for the District of Massachusetts (Court) shall be known as the ECF Administrative Procedures and shall be referred to in abbreviation as ECF Administrative Procedures or EAP. They are intended to supplement the Local Bankruptcy Rules of the United States Bankruptcy Court for the District of Massachusetts (Local Rules or MLBR)¹ and to provide procedures for the signing, filing, service, maintenance, and verification of any petition, motion, application, memorandum of law or other pleading, proof of claim, or other document (Document) by electronic means. As of the Effective Date, the ECF Administrative Procedures shall supersede all prior electronic filing rules and govern in all proceedings insofar as is just and practicable. The Court may modify or waive the ECF Administrative Procedures or excuse a failure to comply with the ECF Administrative Procedures, without prior notice, if circumstances so warrant.

(b) Official Court Record, Paper Filings

Electronic filing is the process of uploading a Document from a computing device and using the Court's Internet-based Case Management/Electronic Case Files system (ECF) to file the Document in the Court's official case file. All cases and proceedings are assigned to ECF, except as otherwise ordered or permitted by these ECF Administrative Procedures. The official Court record shall be the electronic file maintained on the Court's database servers together with any paper Document, attachments, and exhibits filed in accordance with these procedures or the Local Rules. The Court may discard any original Document after it has been scanned and uploaded to ECF.

(c) Mandatory Electronic Filing

Except as provided in subsection (d) of EAP 1, electronic filing of any Document shall be mandatory.

¹ See <https://www.mab.uscourts.gov/massachusetts-local-bankruptcy-rules>

(d) Limited Exceptions to Mandatory Electronic Filing

The following are limited exceptions to EAP 1(c) and such filings are not subject to these ECF Administrative Procedures:

(1) Paper

The following may be filed in paper form at the Clerk's Office and by U.S. Mail:²

(i) Proofs of claim filed by a party in interest or creditor other than the United States Internal Revenue Service or the Commonwealth of Massachusetts Department of Revenue;

(ii) Any Document filed by parties who are pro se;

(iii) Motions for ex parte determination, pursuant to MLBR 9013-1(h);

(iv) Motions to seal or impound, pursuant to MLBR 9018-1;³ and

(v) With prior permission from the Clerk of Court (Clerk), any Document filed by a Registered User, defined below, who is unable to file electronically on account of temporary exigent circumstances.

(2) Electronic Filing

The following may be filed electronically other than by ECF:

(i) Proofs of claim, other than those of the United States Internal Revenue Service or the Commonwealth of Massachusetts Department of Revenue and other notices, and requests and responses listed under Creditor Information on the Court's website;⁴

(ii) Official Form 23 filed by U.S. Trustee-approved debtor education provider;⁵ and

(iii) The notices and matters listed under Creditor Information on the Court's website.

² For locations of the Clerk's Office, see <https://www.mab.uscourts.gov/court-info/court-locations>

³ A motion to seal or impound may be filed electronically but the underlying document sought to be impounded must be filed pursuant to MLBR 9018-1.

⁴ See <https://www.mab.uscourts.gov/creditor-information>

⁵ See <https://www.mab.uscourts.gov/notice-approved-personal-financial-management-course-providers>

(2) Email/Facsimile

The following may be filed by email/facsimile:

(i) Any Document filed by parties who are pro se;⁶and

(ii) With prior permission from the Clerk, any Document filed by a Registered User who is unable to file electronically on account of temporary exigent circumstances.

ECF ADMINISTRATIVE PROCEDURE 2

**ELIGIBILITY, REGISTRATION, SECURITY,
WITHDRAWAL OR AMENDMENT OF
REGISTRATION, INVOLUNTARY TERMINATION**

(a) ECF Filing Eligibility

An attorney in good standing who is admitted to the bar of the United States District Court for the District of Massachusetts (including those admitted pro hac vice, pursuant to MLBR 9010-1(f)), attorneys representing the United States of America or any state or territory of the United States, the United States trustee and the United States trustee's assistants, any chapter 7, 11, 12, or 13 trustees, and others as the Court may allow in its discretion on prior motion and order, may register as users (Registered User) of ECF.

(b) Registration

- (1) Each registrant is required to have an individual account with Public Access to Court Electronic Records Service Center (PACER). For more information, see www.pacer.uscourts.gov.
- (2) Each registrant shall submit to the Court a completed Attorney Application and Certification form found on the Court's website and shall email the registration form to: ecf_accounts@mab.uscourts.gov.⁷
- (3) After the Court approves the Attorney Application and Certification, it will notify the Registered User by email with further instructions on how to access ECF for filing.
- (4) Registration for ECF constitutes consent to receive service and notice electronically via ECF.

⁶ See Administrative Procedures for Electronic Filing for Pro Se Parties [website link].

⁷ See <https://www.mab.uscourts.gov/ecf-access>

(c) Security

- (1) Registration constitutes a Registered User's agreement to protect the security of their PACER login and password and to notify the Clerk immediately if the Registered User believes that the security of their PACER login or password has been compromised.
- (2) No Registered User shall knowingly permit their PACER login and password to be utilized by anyone other than an authorized agent of the Registered User.
- (3) Registration constitutes a Registered User's agreement to receive a Document electronically and a waiver of the right to receive it by any other means except with respect to service of a summons in an adversary proceeding or an involuntary petition, in accordance with Fed. R. Bankr P. 7004, or as otherwise ordered by the Court. This waiver of service and notice by non-electronic means shall include waiver of notice by first class mail of the entry of an order or judgment under Fed. R. Bank. P. 9022.

(d) Amendment or Withdrawal of Registration

Registered Users have a continuing responsibility to maintain accurate information with PACER. If a Registered User will no longer be filing and wishes to stop receiving notice through ECF (due to, for example, retirement), the Registered User may send the Clerk a written request to terminate the Registered User's account to ecf_accounts@mab.uscourts.gov. Upon receipt of such written request, the Clerk will immediately terminate the Registered User's filing access and will delete the Registered User from any applicable electronic service list.

(e) Involuntary Suspension or Termination of Registration; Sanctions

The Clerk may suspend the use of ECF without notice to any Registered User who fails to comply with the ECF Administrative Procedures.

On notice from the Clerk that a Registered User and/or the Registered User's agents has/have repeatedly and/or egregiously failed to comply with the ECF Administrative Procedures, the Court may, after notice and hearing, sanction a Registered User for such failure, including, without limitation, suspending or terminating the Registered User from use of ECF.

ECF ADMINISTRATIVE PROCEDURE 3

CONSEQUENCES OF ELECTRONIC FILING

(a) Filing and Entry

Transmission of a Document by ECF, or electronically as provided in EAP 1(d)(2), together with the transmission of a Notice of Electronic Filing (“NEF”) from the Court, constitutes the filing of the Document for all purposes of the Federal Rules of Bankruptcy Procedure and the Local Rules, and constitutes the entry of the Document on the docket kept by the Clerk pursuant to Fed. R. Bank. P. 5003.

(b) Methodology

The Registered User is responsible for designating an appropriate title for any Document by utilizing one of the docket event categories authorized by ECF. Where permitted, the Registered User may add docket text more particularly describing the Document to be filed.

(c) Effect on Official Record

When a Registered User files a Document electronically, the electronic recording of the Document as stored by the Court becomes part of the official record, and the filing party is bound by the Document as filed. The Document is deemed filed on the date and at the time reflected on the NEF from the Court. Thereafter, only the Clerk may correct the docket and will make such corrections by adding the correct docket entry with the appropriate Document and referencing the incorrect docket entry.

(d) Filing Deadline

A Document may be filed at any time, except that (i) where the Court orders that filing must be completed by a specific date and time, filing a Document electronically does not alter the filing deadline for that Document; and (ii) where the Court orders that filing must be completed by a specific date but does not specify the time, entry of the Document into ECF must be completed before 11:59 PM Eastern Standard (or Daylight Savings, if applicable) Time in order to be deemed timely filed.

(e) Fees

Although there is no fee for using ECF, Registered Users must pay applicable filing fees at the time of filing. Failure to make a complete payment by midnight on the day of filing may result in suspension from ECF until the Registered User pays the filing fee in full.

ECF ADMINISTRATIVE PROCEDURE 4

FILING FORMAT REQUIREMENTS, ATTACHMENTS, FILE SIZE

(a) Electronic Filing and PDF

ECF only accepts a Document in ‘portable document format’ (PDF). There are two types of PDF documents:

- (1) Electronically converted PDF documents are created from word processing documents (MS Word, etc.) using any appropriate software such as case filing software. These documents can be text searchable, and the file size is generally smaller than a scanned document. ECF users may use any brand of software to convert documents to PDF. **This type of PDF is preferred.**
- (2) Scanned PDF documents are created from paper documents run through a scanner. Scanned PDF documents are generally not searchable and have a larger file size. Please note that software used to create scanned documents may (and should) be set in such a way that the document is “text-searchable.”

(b) Attachments

Any Document filed electronically may include attachments, including exhibits, and shall be filed as one docket entry.

Exhibits may, but need not, be attached to Proofs of Claim when filed electronically. The claimant shall promptly provide to any party in interest all exhibits upon request.

ECF ADMINISTRATIVE PROCEDURE 5

SIGNATURES

(a) Electronic Filing Constitutes Signature of Registered User

The transmission by a Registered User of any Document constitutes the Registered User’s signature for all purposes, including, without limitation, Fed. R. Bankr. P. 9011. The Registered User need not manually sign any transmitted Document and the signature information on the Document must match the ECF login.

(b) Electronic Filing Constitutes Certification of Other Signatures

The transmission by a Registered User of any Document constitutes certification by the Registered User that all other persons represented to have signed the Document, or any exhibit thereto, have affixed their original signature to the Document or authorized their signatures to be affixed to the Document prior to electronic filing with the Court.

(c) Document filed “under penalty of perjury”

Except a Document signed by a Registered User, any Document containing information that is sworn to be true, for example, a Document that include the words “under penalty of perjury”, must contain a handwritten signature. A Registered User may file such Document using an imaged signature or “/s/ [name]” before receiving the paper form of the electronically filed Document with a “wet signature” provided they receive a “wet signature” within 14 days of filing. The Registered User must promptly file a motion to withdraw any Document if the Registered User does not receive the paper form of the electronically filed Document with a “wet signature” within 14 days of filing the Document.

(d) Form of Electronic Signature

A Registered User filing a Document via ECF shall include in the Document a signature block setting forth a handwritten signature, imaged signature or, “/s/ [name]” of the Registered User, non-filing attorney, or entity other than the Registered User or non-filing attorney. The following lines must contain the signer’s name, address, voice telephone number, e-mail address, BBO or Pro hac vice number and firm affiliation, if applicable. This signature block should be located at the bottom right of the Document.

(e) Retention of Signature Requirements, Sanctions

Any Document which must contain a handwritten signature or that requires verification under Fed. R. Bankr. P. 1008 or is an unsworn declaration as provided in 28 U.S.C. § 1746 shall be retained by the Registered User who files such a Document for a minimum of five (5) years from the closing of the case or proceeding. Failure to maintain such a Document for the specified period shall subject the Registered User to sanctions, including without limitation, disgorgement of fees. On request of the Court, the Registered User must provide the original Document for review.

ECF ADMINISTRATIVE PROCEDURE 6

**SERVICE OF DOCUMENT FILED BY
ELECTRONIC MEANS**

The NEF or service by other electronic means constitutes service or notice of the filed Document for Registered Users only. Person not deemed to have consented to electronic notice or service by other electronic means are entitled to service by U.S. Mail of any electronically filed Document according to the Federal Rules of Bankruptcy Procedure and the Local Rules.

Whether service of a Document is accomplished by the NEF, by other electronic means, or by mail, a certificate of service is still required for all filings. The certificate of service must state the manner by which service or notice was accomplished on each party so entitled.

Nothing herein shall be construed to eliminate the necessity of Registered Users to serve a summons in an adversary proceeding or with respect to an involuntary petition in accordance with Fed. R. Bankr. P. 7004, or as otherwise ordered by the Court. A Registered User shall file the return of service electronically.

ECF ADMINISTRATIVE PROCEDURE 7

COURT ORDERS

(a) Entry of Orders

Any order, judgment, or memorandum of decision entered electronically without the original signature of a judge, but reflecting the judge’s electronic signature (“/s/” [Judge Name]) shall have the same force and effect as if the judge had affixed the judge’s

handwritten signature to a paper copy of the order, judgment, or memorandum of decision.

(b) Notice to Filers or Users

Upon the entry of an order, judgment, memorandum of decision, certificate, notice, or proceeding memorandum in a case or proceeding, the Clerk will transmit an NEF to Registered Users in the case or proceeding. Transmission of the NEF constitutes the notice required by Fed. R. Bankr. P. 9022. The Clerk will give service by U.S. Mail to any party who has not consented to electronic service in accordance with the Federal Rules of Bankruptcy Procedure and the Local Rules.

ECF ADMINISTRATIVE PROCEDURE 8

PUBLIC ACCESS

A person may view electronically any filed Document that has not been sealed or impounded by the Court at the PACER kiosks located at the Clerk's Office during regular business hours at no charge. A person may also access ECF at the Court's Internet site, www.mab.uscourts.gov, or directly at <https://ecf.mab.uscourts.gov>, by obtaining a PACER login and password. A person who has a PACER account may retrieve dockets and docket entries. User fees may be charged for accessing Court records through PACER. Paper copies and certified paper copies of docket entries may be obtained from the Clerk's Office. Fees may apply.

ECF ADMINISTRATIVE PROCEDURE 9

PRIVACY REQUIREMENTS

Registered Users and those filing electronically as provided in EAP 1(d)(2), must comply with Fed. R. Bankr. P. 9037 and MLBR 9037-1. This requirement applies to any Document, including attachments.