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MEMORANDUM

To: Members of the Local Rules Committee

Re: Bankruptcy Local Rules Chambers Sub-Committee Meeting

Following are the recommendations of the Chambers Sub-Committee Meeting:

1. Signing Electronic documents: The recommendation of the committee will be that the presence of the “/s/” on an electronically filed document is a presumption that the original signature was obtained or otherwise authorized.

This will include both signatures of counsel on documents such as agreed orders (and such will be designated “with permission”) as well as the signature of a debtor where necessary (ex. Reaffirmation agreements, etc.). While the details of an “authorized” signature have not been ironed out, the committee desires to keep open the possibility that no actual original signature will be required.

2,3,4) Entering Chamber Orders: The recommendation of the committee will be that the judges will have the ability to make “redline” changes to any order submitted for entry. The changes made by the judge on the order will be made a part of the final order and will most often be in “handwriting.” The judges, of course, may make “typed” changes at any time they believe it is prudent to do so. Further, the committee recommends that a local rule be enacted which allows any attorney wishing to incorporate the judge’s changes into a “clean” order be allowed to do so by submission of an “Amended Order” containing the same. The effective date of a resubmitted order would be the date of entry of the first order.

The technology available at this time allows for changes to be made “by hand” on the screen, but such changes will generally not be typed and incorporated into the actual document; they will be “handwritten” on the electronic order.

It was further discussed, and will be recommended apart from the formal list of questions to the entire committee, that certain “stock” orders be reduced to standard, online forms (such as stay-relief orders) which could then be submitted with an electronic signature directly via CM/ECF. All such orders would be required to be in the “model form.”

5) Filing deadline. As discussed previously, it appears to be the consensus of the entire committee that the daily deadline will be 12:00 midnight C.S.T. This committee will make a formal recommendation as to the same if called upon to do so.

6) Technical Failures: It is clear that procedures must be enacted to cover many kinds of technical failures. In this sub-committee, most of the technical problems discussed centered around two areas: file size (what if your file is too large?) and the procedures for expedited matters. At this time, the recommendation of the committee as to file size is no larger than 5mb per file.

A procedure for “human intervention” must be developed for the expedited process. Receipt of such matters must be guaranteed in some way that allows the filer to rely upon the same and which does not defeat the purpose of CM/ECF.

7) Courtesy Copies: It is the recommendation of this committee that no courtesy copies will be necessary or accepted by chambers. It is clearly the intent of CM/ECF to reduce the amount of paper transmitted in cases; to require or accept “courtesy copies” would defeat the spirit of this intent.

8) Adoption of Administrative Procedures v. Changes to Local Rules. No formal recommendation will be made as to this matter. The sub-committee will request that the full committee reach an end goal before it locks into the “means” of getting there.

9) Implementation. It is the recommendation of this committee that the implementation of CM/ECF be as standardized as possible, especially as relates to the Cookeville/Nashville/Columbia matters. Some flexibility will be maintained, however, for the personal preferences of each judge as relates to in-chambers procedures.

10) Show Cause orders for Non-Compliance with Electronic Filing. It is the recommendation of the sub-committee that repeated non-compliance will be met with a multi-tiered approach. However, while options such as returned, non-entered orders with an indication of the problem, having matters set for hearing and monetary sanctions were discussed, this matter will need further review by the full committee as to what is appropriate and as to how many non-compliant filings is too many.