

Local Rules Committee
Filing Subcommittee

1. Should electronic filing be mandatory? If so, by what date?

Proposal – Effective January 1, 2005, except as provided herein, electronic filing shall be mandatory for filings. Paper filing shall only be permitted in the following instances:

- Documents filed *pro se*
- Documents filed *pro bono* by non-registered filers
- Proofs of claim signed by non-registered filers
- Motions for relief from electronic filing rules or procedures

2. How are special types of documents going to be excepted? (Exhibits)

Proposal – Other than case initiating documents (i.e. petitions and schedules and statements) and barring any file size limitations, no types of documents will be excepted. However, excepting case initiating documents may be reconsidered after seeing a demonstration of how cases will be filed under ECF.

3. What will be required on the documents? (Attorney name, address, phone, email address)

Proposal - Local Rule 9004-1(a) (name, address, number, and e-mail requirements) will be applicable to documents filed under ECF. *Pro Hac Vice* filer registration should be made available for out of state counsel. However, a new local rule should be adopted requiring out of state counsel to associate counsel that maintains an office within the state of Tennessee within five (5) business days of the filing. An exception should be considered for attorneys representing governmental entities similar the exception found in Local Rule 2090-1(b)(3). The sanction for failure to obtain local counsel within five (5) business days of filing should be that all pleadings filed may be stricken by the Court, either upon motion by a party or *sua sponte* by the Court.

4. How will proposed orders be filed? (Word, WordPerfect, PDF)

Proposal – Proposed orders filed pursuant to Local Rule 9013-1 shall be filed in the same format as the motion and notice. Orders submitted for signature (i.e. after the applicable objection period has run or after a contested hearing where the judge has instructed counsel to submit a proposed order) shall be submitted in Word or WordPerfect to permit editing by the judge. A system should be devised to notify counsel when the Court has revised a proposed order.

5. When are filing deadlines? (Midnight, close of business)

Proposal – Unless otherwise ordered, a filing must be completed before midnight local time to be considered timely filed that day.

6. Whether an attorney or other filer will be required to retain the originally signed copy of a document, and if so, how long?

Proposal – Documents that require verification under Rule 1008, that are sworn to, or that use an unsworn declaration as provided in 28 U.S.C. § 1746 must be retained by the filer of such document for one (1) year after the closing of the case or proceeding.

7. How will payment be handled? (Credit Card, and time frame to wait for payment)

Proposal – Payment must be tendered by the close of business on the third business day following the date of filing. The court should make provision for payment by credit and debit card. The sanction for failing to make payment within the time required should be that all associated pleadings may be stricken by the Court, either upon motion or *sua sponte*, and/or no hearing shall be set.

8. Limit on size of the document filed?

Proposal – Filing of any size should be permitted. However, only filings of five (5) megabytes or less will satisfy electronic notice requirements. Filings in excess of five (5) megabytes or more require the filer, in addition to electronic notice, to promptly respond to a request from a party entitled to notice to provide the document in a format that is accessible.

9. Does the login and password used to file the document constitute his or her signature?

Proposal – The filer’s log-in and password shall constitute his or her signature. An “s/” should be used to indicate a signature on the document.

10. How documents that require several signatures will be filed? (Agreed Proposed Orders)

Proposal – A signature shall be indicated by the use of an “s/”. If an agreed order is signed “with permission,” the agreed proposed order should use an “s/” following by “with permission.”

11. For documents that are excepted from ECF, will the Clerk’s office maintain parallel files, one electronic and one paper? How will the files be integrated?

Proposal – Although some paper filings are contemplated after conversion to ECF (e.g. *pro se* filings), ideally the Clerk’s office should take steps to have such documents scanned into the ECF system as soon as practical.

12. How will documents filed by mistake be handled? (e.g. Filed in the wrong case)

Proposal – A standardize notice of error or mistake should be adopted. The notice should specify the error or mistake. The filer should be required to file the notice of error in both the case were the document was mistakenly filed and the case in which the document should have been filed.