

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN

**NOTICE TO BANKRUPTCY PRACTITIONERS REGARDING REQUESTS
FOR COMPENSATION FOR TIME EXPENDED BY ATTORNEYS
FILING PAPERS IN THE COURT'S ELECTRONIC FILING SYSTEM (ECF)**

It has recently come to the Court's attention that there may exist some confusion over whether an attorney may be compensated for the time expended by that attorney electronically filing a paper in the Court's ECF systems. This notice is intended to address that issue.

ECF Procedure 2(f) defines a "Filer" as an individual with an approved login and password, registered to use the ECF system in this Court under ECF Procedure 4(a). ECF Procedure 4(a)(1) provides that attorneys admitted to practice in the United States District Court for the Eastern District of Michigan shall register as Filers in the Court's ECF system. That same ECF Procedure also provides that members of a Filer's staff are encouraged to participate in ECF training but will not themselves receive a separate login and password. ECF Procedure 4(d) provides that each Filer is required to protect the security of the assigned password. ECF Procedure 11(a) provides that an electronic filing of a paper is the equivalent of signing a paper for all purposes. ECF Procedure 11(c) provides that a Filer "shall not knowingly permit or cause to permit the Filer's . . . password to be used by anyone other than an agent specifically authorized by the Filer . . ."

The Court's ECF Procedures make clear that only an attorney may be a Filer. The attorney is responsible for the login and password. That does not mean, however, that only the attorney may perform the task of electronic filing. ECF Procedure 11(c) specifically provides authority for a Filer to authorize a secretary, clerical person or other agent of the Filer to use the Filer's password. The Court considers the performance of the electronic filing task itself to be a clerical task that can be delegated to personnel performing clerical services for such attorney and, as such, non-compensable. The Court does not consider the task of electronic filing to be a service required to be performed by an attorney. Accordingly, requests for compensation for an attorney's time in performing an ECF filing, pulling documents off of the ECF system via the internet, reviewing notices of electronic filing that merely confirm that a particular pleading has actually been filed, and pulling off of the internet ECF notifications of documents filed by such attorney, shall be denied.

Hon. Steven W. Rhodes, Chief Judge
Hon. Marci B. McIvor
Hon. Walter Shapero
Hon. Phillip J. Shefferly
Hon. Thomas J. Tucker

Dated: June 28, 2006