

When You Cannot Reach CM/ECF

What to do.

What to Do if CM/ECF is Inaccessible.

- Submit your document by alternate means.
 - Call the Clerk's Office ASAP to alert us to look for the submission.
- If you get it to the Clerk's Office, we will file it.
 - Preferred: Email the electronic document to the Case Administrator assigned to the case.
 - Hand-deliver to the Clerk's Office.
 - Fax it to the divisional office where the case is assigned.
 - Wichita: (316) 315-4111
 - Topeka: (785) 338-5911
 - Kansas City: (913) 735-2111
- Keep records that CM/ECF was inaccessible at the time. (E.g., notice that CM/ECF was temporarily down, or your law office's internet crashed.)

What to Do if CM/ECF is Inaccessible.

- Service

- Serve the document to all appropriate parties.
- File a Certificate of Service that accurately reflects the method actually used to serve the document that was not electronically served.
 - D. Kan. LBR 5005.1 App. 1-01 § IX.B states that “Certificates of Service shall be in substantial compliance with D. Kan. LBR 9013.3.”
 - D. Kan. LBR 9013.3 (a) requires a filer to “make proof of service of any pleading, motion, or other document required to be served, by filing a certificate. The certificate must either be included in the pleading or document served, or filed separately as soon as possible, and in any event before any action based on the service is requested or taken by the court.”
 - Note: D. Kan. LBR 5005.1 App. 1-01 § IX.C “Nothing contained in this procedure [for electronic filing] relieves counsel of the burden of obtaining personal service under Fed. R. Bankr. P. 7004 or Fed. R. Civ. P. 4, where appropriate.”

What to Do if CM/ECF is Inaccessible.

- File a motion seeking appropriate relief from the presiding Bankruptcy Judge.
 - D. Kan. LBR 5005.1 App. 1-01 § XI (Technical Failures): “A Filing User whose filing is made untimely as the result of a technical failure may seek appropriate relief from the court.”
 - D. Kan. LBR 5005.1 App. 1-01 § I.C “The court may, from time to time, and only in exceptional circumstances, relieve attorneys from the electronic filing requirement.”

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- Caveat: D. Kan. LBR 5005.1(c):
 - “All petitions, motions, memoranda of law, or other pleadings and documents filed with the court in a case assigned to the Electronic Filing System *must be filed electronically* unless otherwise permitted in these rules, the administrative procedures guide, or court authorization.” (emphasis added).
- Example: Local Rules no longer formally recognize fax filing, so if you submitted the document by facsimile, you may want to ask the Court to approve the “filing” method.