

**United States Bankruptcy Court  
District of New Mexico**

**Document Verification**

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UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW MEXICO

In re

COURT ADMINISTRATIVE MATTERS

Case No. MP 05-001

**ORDER AMENDING  
NEW MEXICO LOCAL BANKRUPTCY RULES 5005-4 AND 5001-1,  
ESTABLISHING REQUIREMENT FOR FILING PAPERS VIA ELECTRONIC MEANS**

In keeping with the Court's vision to function virtually without paper<sup>1</sup>, it appears to the Court that the following changes to the local rules should be made without public notice and opportunity to comment, as authorized by 28 U.S.C. § 2071(e),

THEREFORE, in accordance with Fed. R. Bankr. P. 9029(a) and the March 19, 1992, Administrative Order of the United States District Court for the District of New Mexico (Misc. No. 84-0234; Addendum A to the Local Rules of the United States Bankruptcy Court for the District of New Mexico, October 1, 1996);

IT IS ORDERED:

1. Effective March 1, 2005, New Mexico Local Bankruptcy Rule 5005-4 is amended to read as follows (*new material appears in italics*; removed material appears ~~as stricken~~):

**RULE 5005-4      ELECTRONIC FILING**

***a. b. Filing by Electronic Transmission Required.*** ~~A party may file any paper using electronic transmission in accordance with guidelines when established by the court.~~ *Attorneys and trustees shall file all papers by electronic transmission in accordance with guidelines established by the court.*

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<sup>1</sup> United States Bankruptcy Court, District of New Mexico, Vision Statement, October 5, 1994.

**b.a. Facsimile Filings.** Any party may, upon a showing of good cause, and with prior judicial approval, file any paper by facsimile to a court facsimile machine. *If the judges are not available, the clerk has the discretion to authorize filing by facsimile.* ~~No special showing or judicial approval is required for facsimile filing through an intermediary.~~ Any required filing fee must be paid to the clerk of the bankruptcy court at or before the time of the facsimile filing.

*A certificate of inability to electronically file due to technical problems (or any other document prescribed by the court's Electronic Filing Procedures) may be filed by facsimile to the clerk's facsimile machine at any time without prior approval.*

2. New Mexico Local Bankruptcy Rule 5001-1 is amended, effective immediately. The rule reads as follows (*new material appears in italics; removed material appears as stricken*):

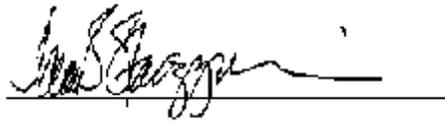
**RULE 5001-1 COURT ADMINISTRATION**

**a. Clerk's Practice and Procedure Guide.** The clerk of the bankruptcy court shall prepare, distribute and maintain a practice and procedure guide containing procedural instructions, copy requirements, fee schedules, standard forms of pleadings and similar information. The guide may include guidelines, policy statements, suggested forms and similar information provided by the United States Trustee. ~~Publication and revision of the guide shall be exempt from the requirements for adoption of local rules.~~

**b. Electronic Filing Procedures.** *The clerk of the bankruptcy court shall prepare, distribute and maintain procedures for electronic filing and shall make them available on the Court's website. These procedures shall have the force of local bankruptcy rules but shall be made, amended, and applied with due regard for developing technology.*

**c. Revisions of Guide and Procedures.** *Publication and revision of the Clerk's Practice and Procedure Guide and Electronic Filing Procedures shall be exempt from the requirements for adoption of local rules.*

3. This order and the Electronic Filing Procedures supersede the provisions of the Court's August 18, 1999, order which adopted guidelines for electronic filing.



JAMES S. STARZYNSKI  
Chief United States Bankruptcy Judge



MARK B. McFEELEY  
United States Bankruptcy Judge

A certificate of service of this order is filed concurrently with this order. The certificate has attached to it a list of persons who have indicated a desire to receive Notices to Practitioners.

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