

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ALABAMA**

IN RE:)	
)	ADMIN. ORDER 21-01
PROCEDURES FOR FILING, SERVICE,)	ALL DIVISIONS
AND MANAGEMENT OF HIGHLY)	
SENSITIVE DOCUMENTS)	

ADMINISTRATIVE ORDER

WHEREAS, in response to recent disclosures of wide-spread breaches of both private sector and government computer systems, federal courts are immediately adding new security procedures to protect highly sensitive documents filed with the courts;

THE COURT FINDS that, pursuant to Federal Rules of Civil Procedure Rule 5(d)(3) and Federal Rules of Bankruptcy Procedure Rule 5005, cause exists to require all parties to file certain highly sensitive documents outside of the court’s electronic filing system (CM/ECF).

THEREFORE, IT IS HEREBY ORDERED that, effective as of the date of this order and until such time as the court orders otherwise, the filing of certain highly sensitive documents (HSD) shall be subject to the procedures and requirements set forth below. This Administrative Order supersedes inconsistent provisions in existing local rules or other administrative orders of this court.

1. Filing of Motions to Treat a Document as an HSD

a. Represented parties

- i. A represented party shall file a motion to treat a document as an HSD and a proposed order electronically under existing procedures, except that a copy of the proposed HSD shall not be filed electronically. The motion shall explain why the proposed document should be subject to heightened protection from HSDs. Not all documents that meet the criteria for filing under seal will qualify for treatment as an HSD.
- ii. As soon as practicable after the motion is filed, the filing party shall deliver to the clerk’s office the HSD sought to be filed along with a certificate of service in the form of either two paper copies or an electronic copy on a secure electronic device (as defined below). These documents or secure electronic device should be packaged as specified in paragraph 2.b.

- iii. The filing party shall serve the proposed HSD on the other parties as specified in paragraph 2.c.
- iv. The court will issue an order on the motion and, if granted, an informational entry will be made on the case docket indicating that the HSD has been filed with the court. The clerk's office will maintain the HSD in a secure paper filing system or a secure standalone computer system that is not connected to any network.

b. *Pro se* parties

- i. *Pro se* parties shall submit to the clerk's office for filing a motion to treat a document as an HSD, the HSD sought to be filed, and a certificate of service in the form of either two paper copies or an electronic copy on a secure electronic device (as describe below). These documents or secure electronic device should be packaged as specified in paragraph 2.b.
- ii. The filing party shall serve the proposed HSD on the other parties as specified in paragraph 2.c.
- iii. The court will issue an order on the motion and, if granted, an informational entry will be made on the case docket indicating that the HSD has been filed with the court. The clerk's office will maintain the HSD in a secure paper filing system or a secure standalone computer system that is not connected to any network.

2. Filing of Authorized HSDs

- a. A party filing an HSD pursuant to a court order or applicable law shall submit to the clerk's office the HSD, the certificate of service, and, if applicable, a copy of the court order authorizing the treatment of that document as highly sensitive in the form of either two paper copies or an electronic copy on a secure electronic device, such as a USB flash drive, a CD or DVD.
- b. The required documents, unfolded, or the secure electronic device shall be submitted to the clerk's office in a sealed envelope marked "HIGHLY SENSITIVE DOCUMENT." The outside of the envelope shall be affixed with a copy of the HSD's caption page (with confidential information redacted).
- c. The filing party shall serve the HSD on the other parties in accordance with Rule 2002 of the Federal Rules of Bankruptcy Procedure and Local Rule 9013-3.

- d. The clerk's office will make an informational docket entry in the court's electronic filing system indicating that the HSD was filed with the court and will maintain the HSD in a secure paper filing system or a secure standalone computer system that is not connected to any network.

3. Service of Highly Sensitive Court Orders

If the court determines that a court order contains highly sensitive information, the clerk's office will file and maintain the order in a secure paper filing system or a secure standalone computer system that is not connected to any network and will serve paper copies of the order on the parties via mail.

4. Removal of Existing HSDs or Highly Sensitive Cases from the Court's Electronic Filing System

- a. Upon motion of a party or upon its own motion, the court may determine that a document, case, or any portion of it, that has been filed electronically is highly sensitive and direct that the HSD or case be removed from the court's electronic filing system and maintained by the clerk's office in a secure paper filing system or a secure standalone computer system that is not connected to any network.
- b. A party's motion to remove an HSD or highly sensitive case from the court's electronic filing system shall explain why such document or case is highly sensitive.

5. Questions about HSD Filing Procedures

Any questions about how an HSD should be filed with the court pursuant to this Administrative Order should be directed to the Clerk of Court or the Chief Deputy Clerk.

DATED: January 15, 2021

/s/ James J. Robinson
James J. Robinson, Chief Judge
U.S. Bankruptcy Court

/s/ Tamara O. Mitchell
Tamara O. Mitchell, Judge
U.S. Bankruptcy Court

/s/ Jennifer H. Henderson
Jennifer H. Henderson, Judge
U.S. Bankruptcy Court

/s/ Clifton R. Jessup
Clifton R. Jessup, Jr., Judge
U.S. Bankruptcy Court

/s/ D. Sims Crawford
D. Sims Crawford, Judge
U.S. Bankruptcy Court