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3
4 UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON

5 In re:)
6) FIRST AMENDED GENERAL
7 GENERAL ORDER) ORDER ESTABLISHING
02-04) STANDARDS FOR THE ELECTRONIC
8) FILING, SIGNING AND
9) VERIFICATION OF DOCUMENTS
)

10 THE COURT BEING MINDFUL:

11 of the Judicial Conference's Committee on Automation and
12 Technology having designated moving to electronic case files
as a top priority; and

13 of the Court's participation in the case management and
14 electronic case filing system developed by the
Administrative Office of the United States; and

15 that it permits, by local rule, the filing, signing and
16 verification of documents by electronic means so long as
they are consistent with standards established by the Court;
and

17 of its intent to promote and encourage the use of electronic
18 case management methods which include the filing of
documents in cases and Adversary Proceedings and the
19 preparation, signing and distribution of court issued
documents; and

20 of its intent to replace conventional methods of
21 transmitting, receiving and maintaining information with
electronic methods, as quickly and as completely as is
22 practicable, while yet maintaining the reliability,
accessability and security of that information;

23 NOW THEREFORE THE COURT hereby amends its general order
24 establishing standards for the electronic filing, signing and
verification of documents dated June 26, 2001 as follows:

- 25
26 1. *Scope of Electronic Filing* - Unless expressly
27 prohibited, the filing of all documents required or
permitted to be filed with the court in connection with

1 a case or Adversary Proceeding may be accomplished
2 electronically.

3 Documents filed conventionally with the court may be
4 converted into an electronic format by the court and in
5 such cases, such documents will be treated for all
6 purposes as if they had been electronically filed,
7 except that conversion of a conventionally filed
8 document to electronic format by the Court will not
9 effect the original filing date and time of that
10 document.

11 2. *Official Record of Court* - The official record of the
12 Court shall be all documents filed electronically,
13 converted to an electronically filed format and those
14 conventionally filed and not converted to electronic
15 format.

16 3. *Retention of Record Copy* - Where a document filed
17 conventionally is converted to an electronic format by
18 the Court, the document originally filed shall be the
19 record copy only. Record copies of documents will be
20 retained by the Court only so long as required to
21 ensure that the information has been transferred to the
22 Court's data base, for other Court purposes or as
23 required by other applicable laws or rules.

24 4. *Eligibility, Registration, Passwords.* All persons may
25 file pleadings and documents electronically so long as
26 they satisfy the registration requirements established
27 by the Court.

28 5. *Consequences of Electronic Filing* - The electronic
transmission of a document to the Court via an
electronic filing system authorized by the Court and
consistent with administrative and technical
requirements established by the Court, constitutes
filing of the document for all purposes, including
those of the Federal Rules of Bankruptcy Procedure and
local rules of this Court. The filing date and time of
a document electronically filed is when the document is
electronically received by the Court.

Filing a document electronically does not alter the
filing deadline for that document.

6. *Entry of Court Issued Documents* - All orders, decrees,
judgments, and proceedings of the Court may be filed in
accordance with this order. The entry date of an
order, decree, judgment or other proceeding of the
Court is that which is indicated on the Clerk's docket.

7. *Sealed Documents* - A Motion, made in accordance with

1 LBR 9018-1, to file documents under seal may be filed
2 electronically, however the documents sought to be
3 sealed must be filed conventionally.

3 8. *Retention of Documents Signed under Penalty of Perjury*
4 *or Under Oath* - Where a document is signed under
5 penalty or perjury or under oath, and is filed
6 electronically, the filing party shall retain the
7 document containing the written signature for a period
8 of not less than five(5)years, the maximum allowable
9 time to complete any appellate process, or the case or
10 Adversary Proceeding is closed, whichever is later, and
11 shall produce the document upon order of the Court, or
12 a copy made in the regular course of business as
13 described in 28 U.S.C. 1732.

9 9. *Documents Signed Under Penalty of Perjury* - Where a
10 document is signed conventionally under penalty of
11 perjury and filed electronically using a method that
12 does not display an image of the signature, the filing
13 party shall file with the Court as a separate document
14 a statement that the signing was witnessed and by whom.

13 10. *Signatures* - The electronic filing of a document shall
14 constitute the signature of that party for all purposes
15 for which a signature is required in connection with
16 proceedings before the Court, including FRBP 9011.
17 Where an electronic signature is permitted and used,
18 the electronic signature is the signature for all
19 purposes, including orders of the Court.

17 Where a document is filed electronically that was
18 initially signed conventionally, the submission of that
19 document constitutes a signature and will have the same
20 force and effect as a written signature for all
21 purposes, including FRBP 9011.

20 The signature on a document conventionally filed when
21 converted to an electronic format by the Court, will
22 likewise constitute a signature and will have the same
23 force and effect as a written signature for all
24 purposes, including FRBP 9011.

23 11. *Notice and Service of Documents* - A party filing any
24 document, electronically or conventionally, is required
25 to satisfy the notice and service requirements
26 established by the Federal Rules of Bankruptcy
27 Procedure. Any electronic notification given by the
28 Court of a filing is not intended as a substitute to
the duty of the filing party to provide notice or
service as required by statutes and rules,
particularly 11 USC 102, FRBP 2002, FRBP 7004, FRBP

9014, LBR 2002-1, or local rules.

12. *Technical Failures* - Appropriate relief under FRBP 9006 may be sought from the Court where an electronic filing is made untimely as the result of a technical failure of the Court.

13. *Administrative and Technical Procedures* - The Clerk of Court is authorized to develop, adopt and publish administrative and technical procedures to satisfy the technical and administrative requirements of electronic case management and electronic filing so long as they are consistent with the standards, if any, established by the Judicial Conference of the United States, the Administrative Office of the United States Courts, Federal Rules of Bankruptcy Procedure, local rules or this order.

Dated this 11 day of MARCH 2003


Patricia C. Williams, Chief Judge


John A. Rossmeissl, Bankruptcy Judge


John M. Klobucher, Bankruptcy Judge