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2
3 UNITED STATES BANKRUPTCY COURT
4 WESTERN DISTRICT OF WASHINGTON
5

6 In re:

7 GENERAL ORDER NO. 2011-2

8 Amending Local Bankruptcy Rules
9 5003-1, 9004-1 and 9021-1 to Accommodate
10 Electronic Order Signing Program and Text
Only Docket Entries

11 The bankruptcy court is implementing new technology to enhance the electronic signing
12 of orders and judgments. This new order signing program requires that orders and judgments
13 submitted to the court be formatted to reserve the top four inches of the document for the judge's
14 signature, court seal, and comments. The formatting changes require amendments to Local
15 Bankruptcy Rules 9004-1 and 9021-1. The new order signing program will go into effect on or
16 about October 17, 2011.

17 The bankruptcy court is also expanding its use of text only docket entries. Text only
18 docket entries are orders and judgments that are entered by the judge or the clerk's office directly
19 onto the docket without an attached document. Local Bankruptcy Rules 5003-1 and 9021-1 are
20 modified to confirm that a text only docket entry is as official and binding as a physical
21 document signed by the judge or the clerk.

22 NOW, THEREFORE, it is hereby ORDERED that Local Bankruptcy Rules 5003-1 and
23 9021-1(e), addressing text only docket entries, are amended as reflected in the redline versions
24 attached hereto as Exhibit A, and are adopted by the judges of this Court to be effective as of the
25 date of this General Order.

26 IT IS FURTHER ORDERED that Local Bankruptcy Rule 9004-1 and the balance of the
27 text of Local Bankruptcy Rule 9021-1, addressing new order and judgment formatting
28 specifications, are amended as reflected in the redline versions attached hereto as Exhibit A, are

1 adopted by the judges of this Court to be effective as of October 17, 2011, or as of the date
2 announced on the court's website as the official implementation of the e-orders signing program,
3 whichever is later. A sample of an order formatted as required by the amended rules is attached
4 hereto as Exhibit B.

5 DATED: September 13, 2011

6 FOR THE COURT:

7 

8

Honorable Paul B. Snyder
Chief Judge

9 Honorable Marc Barreca
10 Honorable Timothy W. Dore
11 Honorable Brian D. Lynch
12 Honorable Karen A. Overstreet

Exhibit A to General Order 2011-2

RULE 9004-1. CAPTION AND FORM OF PAPERS

All petitions, pleadings and other papers ~~offered for filing~~filed with the court shall meet the following requirements of form:

(a) **Size and Font.** All pleadings shall be in 8-1/2 x 11 ~~inches~~inch document format, using a standard ~~embedded~~ font ~~such as Courier, 11~~ or ~~Times New Roman~~12 point, and shall be double spaced.

(b) **Format.** ~~Unless otherwise modified by General Order, all Orders shall be formatted as set forth in LBR 9021-1. All other~~ pleadings shall conform to the following format:

(1) *Numbered Paper.* Except for Official Bankruptcy Forms or other forms provided by the clerk of court, each pleading shall bear line numbers in the left margin.

(2) *Top Notation.* The right side of the top of the front page of all pleadings shall contain the name of the judge assigned to the case. Motions, and Notices of Hearings ~~and Orders~~ shall contain the additional notations required under Local Bankruptcy Rule 9013-1(d).

(3) *Caption and Title.* Each pleading shall be captioned "United States Bankruptcy Court, Western District of Washington" on the first page and shall identify the debtor's name and case number, as well as the title of the pleading indicating the purpose of the paper and the party presenting it.

~~_____ (4) *Date and Signature Line for Court.* Any document requiring the signature of the court shall provide lines for the date and signature of the court. The notation "United States Bankruptcy Judge" shall be typed under the court's signature line.~~

~~_____ (5) _____ (4) *Bottom Notation.* The left side of the bottom of each page of all papers shall contain an abbreviated title of the paper, followed by the page number. The right side of the bottom of each pleading or other paper shall contain the name and current mailing address and telephone number of the attorney, firm, or pro se party preparing the paper.~~

(c) **Linking.** Every pleading filed in response to or in connection with a motion or other initial pleading must be electronically linked to the initial pleading.

(d) **Exhibits and Attachments to Papers.** Exhibits, other than trial exhibits, ~~including but not limited to leases, notes, and the like, which are not available in electronic form may to~~ be filed ~~conventionally or~~ electronically ~~in accordance with the Electronic Filing Procedures. If filed conventionally, each~~ exhibit ~~should be securely fastened to the pleading to which it relates. If filed electronically, the exhibit should be~~ linked to the pleading to which it relates. All attachments and exhibits shall be 8-1/2 x 11 inches, photo-reduced if necessary. An exhibit smaller than 8-1/2 x 11 inches shall be attached to or photocopied onto an 8-1/2 x 11 sheet of paper. All exhibits must be sequentially numbered or lettered and each page must be ~~numbered~~ sequentially from the first page of the first exhibit to the last page of the last exhibit, unless otherwise ordered by the court. For example, if exhibit A is 3 pages and Exhibit B is 2 pages, the exhibit pages shall be numbered A-1, A-2, A-3, B-4, B-5 .

(1) *Trial Exhibits.* Trial exhibits should be filed conventionally, in accordance with Local Bankruptcy Rule 1007-1(d) , unless otherwise ordered by the court.

Committee Comment

~~—The preamble to subsection (b) is necessary in light of the ongoing evolution of electronic filing and signing requirements.—~~

RULE 9021-1. JUDGMENTS & ORDERS - FORM AND ENTRY OF

Unless the court directs otherwise,

(a) **Findings of Fact/Conclusions of Law.** All orders, findings of fact and conclusions of law, and judgments shall be prepared by the prevailing party ~~—and submitted electronically.~~

(b) **Order as Separate Document.** A proposed form order or judgment, including one requested ~~—ex parte~~ or by stipulation, must be filed on a document separate from its attendant motion or stipulation.

(c) **Orders Signed Electronically.** The judges of the court ~~normally~~ sign orders, findings of fact and conclusions of law, judgments, and other pleadings requiring their signatures by electronic means, and such electronic signatures shall have the same effect as a handwritten signature. ~~Orders are generally submitted electronically; however, hard copies of orders may be presented by counsel in the courtroom.~~ Any pleading signed by a judge, ~~whether by hand or electronically,~~ that is not dated shall be deemed to be dated as of the date the pleading is entered on the docket.

(d) **Formatting Specifications.**

~~—~~
~~(1) — Top Notation: 4 inches for Court Use Only. For all orders, the first page of the order must have a 4 inch top margin that is left blank for court use only.~~

~~(2) General Formatting Requirements. Orders must include, shall be in the top right 8-1/2 x 11 inch document format, using a standard embedded font, 11 or 12 point, and shall be double spaced. Each order shall bear line numbers in the left margin.~~

~~(3) “End of Order” Designation, No Date or Signature Line. The designation “///End of Order///” shall be placed after the final line of text on the order. No date or signature line is to be provided for the judge. The attorney(s) presenting the order shall so indicate in the lower left hand corner of the first/last page, of the order by stating “Presented by” with their name of the assigned judge, the chapter under which the case is pending, and the location, date, address, phone number and time the matter was heard or scheduled to be heard. signature line.~~

~~(2) — 4 Text. Orders and judgments shall contain at least two lines of text on the same page as the judge’s signature stamp. each page.~~

~~(e) **Text Only Docket Orders.** The court reserves the right to enter a Text Only Docket Order in any instance. A Text Only Docket Order is an order or judgment of the court that is electronically entered on the case docket without an attached document and is as official and binding as if the judge had signed a document containing the text. A Text Only Docket Order shall include the name of the judge authorizing the entry of said order and shall be deemed to be dated as of the date it is entered on the docket. A Text Only Docket Order, together with the Notice of Electronic Filing, shall constitute the evidence of an order.~~

~~(1) Service of Text Only Docket Order. If a party is required to serve notice of a Text Only Docket Order to parties who are not ECF participants, the party shall send a copy of the Notice of Electronic Filing to such recipients. Only those pages of the Notice of Electronic Filing that contain the filing information, the docket entry and the document descriptions need to be served.~~

A sample form of order is attached to the General Order approving this revised rule.

RULE 5003-1. CLERK OF COURT - GENERAL/AUTHORITY

(a) **Delegation of Ministerial Orders.** The clerk of court and such deputies as the clerk of court may designate are authorized to sign and enter without further direction the following orders, which are deemed to be of a ministerial nature:

- (1) orders on motions and applications of the type described in Fed.R.Civ.P. 77, except that the clerk of court is not authorized to grant orders or judgments for default;
- (2) orders permitting the payment of filing fees in installments and fixing the number, amount, and dates of payment;
- (3) orders discharging a trustee and closing a case after such case has been fully administered;
- (4) orders reopening cases that have been closed due to administrative error;
- (5) orders authorizing the trustee to pay expenses of administration of \$500.00 or less in chapter 7 cases; and
- (6) orders requiring debtors to file amended schedules in converted cases.

~~(b)~~ **(b) Text Only Docket Orders.** The clerk of court may use Text Only Docket Orders for any of the ministerial orders authorized above. A Text Only Docket Order entered by the clerk is an order or judgment electronically entered on the case docket without an attached document and is as official and binding as if the clerk had signed a document containing the text. A Text Only Docket Order signed and entered by the clerk of court will so state in the text of said docket entry. A Text Only Docket Order, together with the Notice of Electronic Filing, shall constitute the evidence of an order.

(c) Administrative Regulations. The clerk of court is authorized to promulgate regulations governing administrative matters, including the submission of forms, content and format of creditor mailing lists, mode of payment of filing fees, and disposition of records. Such regulations shall be available for public reference, and shall be published in such publications and at such intervals as the clerk of court deems appropriate.

(ed) Custody and Disposition of Exhibits and Depositions. Local Rules W.D. Wash. CR 79(g) controls the custody of exhibits and depositions.—

The following Order is hereby GRANTED



Paul B. Snyder

Paul B. Snyder
U.S. Bankruptcy Judge

(Dated as of Entered on Docket date above)

Judges have the option of adding text to orders. That text would appear here.

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

John Doe,)	In Chapter 7 Proceeding
)	
Mary Doe,)	Case No.: 11-11113-ABC
)	
)	ORDER
)	
Debtors.)	
)	
)	

It is so ORDERED that [fill in blank].

///End of Order///

Presented by:
/s/ Gordon Smith
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