

UNITED STATES DISTRICT AND BANKRUPTCY COURTS
FOR THE DISTRICT OF IDAHO

DEC - 8 1994

M. REC'D _____
LODGED _____ FILED 90

IN THE MATTER OF AMENDING THE)
PROCEDURE FOR FILING DOCUMENTS)
BY FACSIMILE MACHINE)
_____)

GENERAL ORDER NO. 110

The Court previously adopted certain administrative rules and procedures for the filing of documents by facsimile machine, on an experimental basis, through General Order No. 80 dated May 7, 1992, which was later amended by General Order No. 86 dated December 7, 1992 and by General Order No. 97 dated September 20, 1993.

The Court realizes that, because the public and bar of the state of Idaho are disbursed across 84,000 square miles and because the use of a facsimile machine for transmission of documents represents a convenient, expedient and cost-effective alternative to in-person filing which could result in a possible reduction of both time and costs associated with the administration of justice, and because an independent, on-site vendor is willing to provide this optional service for a reasonable fee,

NOW, THEREFORE, IT IS ORDERED that the filing of documents by facsimile transmission is approved and authorized in the District of Idaho. This process shall be governed by the following rules and procedures. This General Order replaces and supersedes all prior general orders with respect to facsimile filing.

1. FAX filing, as more fully described in the following paragraphs, will become an available option in this Court commencing on or about January 1, 1995.

2. Definition of FAX filing. "FAX" is an abbreviation for "facsimile." A facsimile produced document is a document that is produced electronically by facsimile machine (FAX) scanning and transmission or by similar means.

3. Facsimile produced documents submitted for filing with the Court, shall comply with all applicable Local District and Bankruptcy Rules, Federal Rules of Civil and Criminal Procedure, and Bankruptcy Rules on the form, format and number of copies. (See paragraph 6 for the rule pertaining to original signatures.)

4. A document shall be deemed "filed" when it is submitted by the FAX Service and received in the Clerk's Office. Mere transmission by the sender or receipt by the FAX Service does not constitute "filing."

5. FAX Service will immediately contact sender regarding any transmittal that is determined to be illegible.

6. The FAX copy will constitute the original for all Court purposes and will be stamped as such. The original signed document should **not** be filed with the Court and will **not** be accepted by the Court. The signed original should be maintained by the attorney of record or the party originating the document until the conclusion of the case. The sending party is also required to maintain a transmission record in the event FAX filing later becomes an issue.

7. FAX filings will be accepted in all civil, criminal, bankruptcy and adversary cases filed in the District of Idaho as well as those bankruptcy cases filed in Malheur County, Oregon and referred to Idaho for administration.

8. Documents which may be filed by FAX include all civil, criminal, bankruptcy and adversary proceedings **except** search warrants, arrest warrants and their returns, charging instruments, pretrial diversion agreements, plea agreements and presentence investigation reports.

9. FAX filing will be limited to documents which are or can be legibly reduced to 8½ x 11 inches. If a document submitted for FAX filing refers to attached exhibits which, because of their nature, cannot be accurately transmitted via facsimile, then the entire document must be filed in person.

10. The FAX Service shall not be required to accept documents for filing unless appropriate arrangements for payment of filing fees and service charges have been made by the transmitting party. However, use of the FAX filing service shall constitute an implied agreement between sender and FAX Service that sender will reimburse FAX Service for all filing charges and pay FAX Service for all service charges related thereto, as set forth in the terms contained on the FAX cover sheet (see attached sample.) Billing and collection of all fees for filing shall be made through the FAX Service.

11. All FAX filing must be made through the FAX Service approved by this Court. The FAX Service acts as the agent of the filing party and **not** as the agent of the Court. There is no provision for direct filing to the Court or Clerk of Court. Parties or attorneys will be permitted to FAX certain documents directly to a judge's chambers when instructed by chambers to do so. However, the only FAX documents which will be deemed "filed" with the Clerk of Court are those which go through the FAX Service and comply with all the requirements contained in this general order.

12. Government agencies such as the U.S. Attorney's Office and the Federal Defender's Office, which maintain local offices, will be allowed to use the FAX Service for filing purposes **only** in cases of an absolute emergency.

13. The FAX Service selected by the Court to provide on-site FAX filing service is: Court Copy Services, Inc. (208) 334-9463. The Fax Service will be open for business the same hours as the Clerk's Office, Monday through Friday, 8:00 AM to 5:00 PM except on holidays.

14. Duties of FAX Service: The FAX Service shall be the entity that receives documents by FAX for processing and filing with the Court. Additionally, the FAX Service will:

(1) ensure that all documents to be filed with the Court shall be on size 8½ x 11 inch bond;

(2) ensure that additional copies necessary for filing shall be reproduced and billed to the sender;

(3) file the documents with the Court:

(4) pay any applicable filing fee of behalf of the client, attorney or party originating the FAX document.

(5) make conformed copies as requested by the sender.

15. Cover Sheet: Each transmittal to the FAX Service shall be accompanied by a cover sheet, a sample copy of which is attached to this general order. The cover sheet shall indicate the following:

(1) court in which the document is to be filed, e.g., district or bankruptcy;

(2) type of case, e.g., civil, criminal, bankruptcy or adversary proceeding.

(3) case number;

(4) case title;

(5) title of document to be filed;

(6) sender's name, firm name and address;

(7) sender's telephone and FAX number;

(8) number of pages transmitted including cover sheet;

(9) filing instructions;

(10) number of copies required for filing; and

(11) number of conformed copies requested.

16. Cost of FAX Filing:

(1) \$0.25 per page for FAX original, (excluding cover sheet).

(2) \$0.05 per page for multiple copies required at time of filing or for "conformed" copies.

17. Facsimile Standard: The on-site FAX Service shall use a "Group 3" facsimile machine, which is the highest level international standard for scanning, coding and transmission as established by the Consultative Committee of International Telegraphy and Telephone of the International Telecommunications Union (CCITT).

Dated this 5th day of December, 1994



Edward J. Lodge, Chief District Judge



Jim D. Pappas, Chief Bankruptcy Judge

FACSIMILE COVER SHEET

Date: _____

Time: _____

TO: COURT COPY SERVICES, INC.
US DISTRICT & BANKRUPTCY COURTS
550 W. Fort Street, MSC-042
Boise, Idaho 83724
Telephone #(208) 334-9463

Fax # (208) 389-9727

FROM: _____

Contact: _____

Telephone # _____

Fax # _____

The following transmittal, consists of _____ pages, including this cover sheet.

Title of document to be filed: _____

US District Court: Case No. _____

Civil Case

US Bankruptcy Court: Case No. _____

Criminal Case

Adversary Proceeding
Case No. _____

Case Title: _____

Additional filing instructions: _____

- Please make _____ copies of the original fax sent, as required for filing with the Court.
- Please mail a conformed copy of the faxed document, as filed with the Court.

AGREEMENT

THIS AGREEMENT entered into by and between "Sender" and Court Copy Services, Inc., hereinafter referred to as "Agent."

WHEREAS, Sender desires to transmit certain documents for filing with the U.S. District & Bankruptcy Court for the District of Idaho; and WHEREAS, Court Copy Services, Inc., is the sole authorized vendor for facsimile document filing for the U.S. District & Bankruptcy Courts for the District of Idaho.

NOW THEREFORE, in consideration of the promises and of the mutual covenants and undertakings herein set forth, the parties covenant and agree as follows:

- 1. Agent agrees to timely file all documents which are received via facsimile from Sender, providing the documents received are legible and complete, and that Sender has made prior arrangements for billing with Agent. Agent shall make additional copies of documents, as required for filing, and will return to Sender a conformed copy thereof, if requested.*
- 2. In those cases requiring a filing fee of \$60 or more, such as motions for relief of stay, filing of a civil complaint or a petition in a bankruptcy chapter, Agent shall advance the filing fee on behalf of Sender, subject to Sender's immediate reimbursement by placing a check for that amount in the U.S. Mail on the same date that the documents are transmitted and filed.*
- 3. Sender further agrees to promptly pay Agent for all other appropriate charges, according to the terms of the open account established between the parties.*
- 4. Rate: \$ 0.25 per page, excluding cover sheet, for original documents to be filed, plus an additional \$ 0.05 per page for required filing copies and conformed copies.*

IN WITNESS WHEREOF, the Agent, by offering this service, and Sender, by utilizing this service, have agreed to the terms set forth herein.

CLERK'S CERTIFICATE OF MAILING

I certify that a copy of the attached document was mailed to the following named persons:

Ninth Circuit Judge Trott
Ninth Circuit Judge Nelson

Chief Judge Lodge
Sr. Judge Callister
Sr. Judge Ryan

Chief Judge Pappas
Judge Hagan

Chief Magistrate Judge Williams
Magistrate Judge Boyle

Sue Beitia
Tom Murawski

Divisional offices - Pocatello, Moscow, Coeur d'Alene

The Library
United States Court of Appeals
for the Ninth Circuit
P. O. Box 193939
San Francisco, CA 94119-3939

Staff U.S. Courts

The Court Copy Service
Hand Delivered

DATED: December 15, 1993

CAMERON S. BURKE, CLERK

By: Glenda Longstreet

ANNOUNCEMENT

U.S. DISTRICT & BANKRUPTCY COURTS

Beginning January 1, 1995, the U.S. District and Bankruptcy Courts will allow FAX filing in all civil, criminal, bankruptcy and adversary proceedings. This on-site, FAX service will be operated by an independent vendor, Court Copy Services, Inc. (Telephone: (208) 334-9463; FAX: (208) 389-9727) The hours of operation will be the same as the Clerk's Office, Monday through Friday, 8am to 5pm.

The cost of FAX filing will be \$0.25 per page for document to be filed (excluding cover sheet) and \$0.05 per page for all copies required at the time of filing and for conformed copies. The FAX document will constitute the original for all Court purposes and will be stamped as such. The signed original should be maintained by the sender and **not** filed with the Court.

Any fees required by the Court at the time of filing will be advanced on the sender's behalf by Court Copy Services, Inc, subject to prior billing arrangements or subject to the terms of agreement contained on the FAX cover sheet. A document shall be deemed "filed" when it is submitted by the FAX Service and received by the Clerk's Office. Mere transmission by sender or receipt by the FAX Service does **not** constitute "filing."

All FAX filings must be made through Court Copy Services, Inc., which acts as the agent of the filing party not as agent of the Court. FAX filing will be limited to documents which are or can be legibly reduced to 8½ x 11 inches. FAX cover sheet (available from Court Copy Services, Inc.) shall indicate the following: (1) Court in which the document is to be filed, e.g. District or Bankruptcy; (2) type of case, e.g. civil, criminal, bankruptcy or adversary proceeding; (3) case number; (4) case title; (5) title of document to be filed; (6) sender's name, firm name and address; (7) sender's telephone and FAX number; (8) number of pages transmitted including cover sheet; (9) filing instructions; (10) number of copies required for filing; and (11) number of conformed copies requested.

For further information contact Tom Murawski at 334-9205.