

IN THE UNITED STATES DISTRICT AND BANKRUPTCY COURT
FOR THE DISTRICT OF IDAHO

FILED
U.S. DISTRICT COURT
1991 APR 19 P 2:48

DISTRICT OF IDAHO
CAMERON S. BURKE

IN THE MATTER OF ALLOWING)
THE COMMUNITY DEFENDER TO)
FILE DOCUMENTS BY FACSIMILE)
MACHINE)

GENERAL ORDER NO. 105

This matter coming before the Court upon the recommendation of the Clerk of Court; and

The Court having previously adopted General Order 80, (attached hereto) regarding the filing of documents by facsimile machine; and

The Court being aware that the Community Defender is located in Spokane Washington, and has a legitimate need to file documents in a timely manner, and

The Court being aware that the Community Defender will hire an attorney in the Boise area within the next three to four months, and

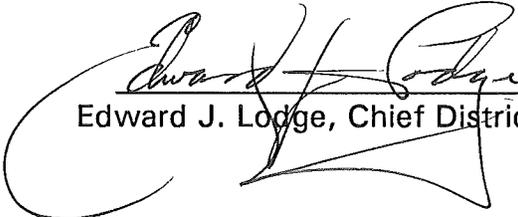
The Court being informed that the U.S. Attorney does not object to the Community Defender filing documents by facsimile machine,

NOW THEREFORE, in time critical instances only, the Community Defender in Spokane is allowed to file documents by facsimile transmission directly with the Clerks Office, subject to the rules governing facsimile filing, without any fee, until the Community Defender branch office is opened in Boise.

Any documents filed by facsimile by the Community Defender shall comply with sections 3, 5, 6, 7, 10, 14, 15 and 16 of General Order 80, and

Any documents filed under the above procedure shall be deemed filed when file stamped by the Clerks office, not as of the time denoted on the facsimile transmission.

Dated this 19th day of April, 1994.


Edward J. Lodge, Chief District Judge

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U.S. DISTRICT COURT

UNITED STATES DISTRICT AND BANKRUPTCY COURT MAY - 7 A 8:53

FOR THE DISTRICT OF IDAHO

DISTRICT OF IDAHO
CAMERON S. BURKE

IN THE MATTER OF FILING DOCUMENTS)
BY FACSIMILE MACHINE)

GENERAL ORDER NO. 80

This Court having been requested by the Lawyer Representatives and the federal bar to experiment with facsimile filing;
and

The Court finding, pursuant to the requirements of the United States Judicial Conference, that there is a "compelling reason" to use this technology; and

The Court having taken judicial notice that the public and the bar disbursed across 84,000 square miles would be properly served by this experiment;

NOW, THEREFORE, IT IS ORDERED that the following administrative rules are adopted for a period of time beginning on June 1, 1992, for the purposes of experimenting with and evaluating the use of this technology in this Court. These rules will govern this program until further order of this Court.

The following Administrative Rules apply during this experiment:

1. FAX filing, as more fully described in the paragraphs which follow, will become an available filing option in this Court commencing on or about June 1, 1992.
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 of papers, except as noted in paragraph 6 of this order pertaining to original signatures. Those documents which are not in proper form will not be accepted for filing by the Clerk.
4. For the purposes of this test, FAX filing shall be allowed for filing in civil, criminal, bankruptcy and adversary proceeding cases filed in the District of Idaho. It does not include Malheur County, Oregon, bankruptcy cases which are filed in Oregon and referred to Idaho for administration.

Documents which may be filed by FAX include: all civil documents; all criminal documents except search warrants, warrants of arrest or the returns of these documents, charging instruments, pretrial diversion agreements, plea agreements, and presentence investigation reports; all adversary proceeding documents; all bankruptcy case documents except for petitions. By Local Rule, petitions may not be accepted for filing which are not accompanied by a master mailing list. Mailing lists filed by FAX are unreadable by the Court's optical scanning equipment.

5. Exhibits: In the event that a proper, facsimile produced document submitted for filing requires or refers to attached exhibits which, because of the nature of such exhibits, cannot be accurately transmitted via facsimile transmission, such documents shall not be allowed by FAX filing for the purposes of this test. As noted in paragraph 12 below, FAX filing of exhibits will be limited to documents which are (or can legibly be reduced to) 8-1/2 x 11 inch documents.
6. The FAX copy will constitute an original for all Court purposes during this test. The original signed document in a case should NOT be filed in the Court and will NOT be substituted except by Court order. The original signed document shall be maintained by the attorney of record or the party originating the document until conclusion of the case.
7. Transmission Record: The sending party is required to maintain a transmission record in the event FAX filing later becomes an issue. The sending party may be requested to provide an original document within fifteen (15) days if a problem with the FAX filing arises. The Transmission Record shall be the document printed by the sending facsimile machine stating the telephone number of the receiving machine, the number of pages sent, the transmission time, and an indication of errors in transmission.
8. During the pendency of this test, all FAX filing must be made through the appropriate FAX Service as approved by this

Court. The Fax Service acts as the agent of the filing party and not as an agent of the Court. There is no provision for direct FAX filing to the Court or Clerk of Court.

9. The FAX Service selected for this test program is "Court Fax & Copy Service," a division of CP&G, Inc., owned and operated by Mr. C. Pat Wees (voice phone: 208/389-9411, FAX: 208/389-9404). The FAX Service has agreed to provide the services described in paragraph 12 during the test phase for a cost of seventy-five cents (\$0.75) per page, excluding the cover page.
10. Facsimile standards: "Facsimile machine" means a machine that can send a facsimile transmission using the international standard for scanning, coding, and transmission established for Group 3 machines by the Consultative Committee of International Telegraphy and Telephone of the International Telecommunications Union (CCITT), in regular resolution. A facsimile machine used to send documents to a court shall be able to produce a transmission record. As applied to a court, "facsimile machine" also means a receiving unit meeting the standards specified in this subdivision that is connected to and prints through a printer using xerographic technology, and a facsimile modem that is connected to a personal computer that prints through a printer using xerographic technology. Only plain paper (bond) facsimile machines may be used for purposes of this test.

Other specifications are found in paragraph 11 of this order.

11. Each sender must have the following equipment standards to participate in this test:

CCITT Compatibility - Group 3

Modem Speed - 9600-2400 bps with automatic step-down

Paper Type - Plain bond (cut sheets)

Paper Cassette - minimum capacity 200 sheets

Image Resolution - Standard 203 x 98

Document Feeder - Automatic/Stack capacity minimum 30 sheets

12. Duties of the 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 8-1/2 x 11 inch bond;

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

(3) take the document(s) to the court and file the document(s) with the court; and

(4) on behalf of the client attorney or litigant, pay any applicable filing fee.

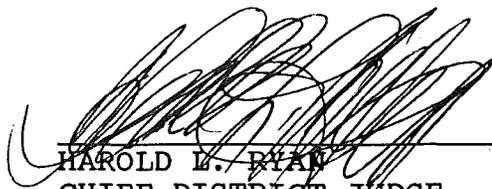
13. A document shall be deemed filed when it is submitted by the FAX Service and received in the Clerk's Office. Mere transmission or receipt by the FAX Service will not be construed as "filing."

14. Any transmittal that is determined to be illegible will be rejected for filing by the Court.

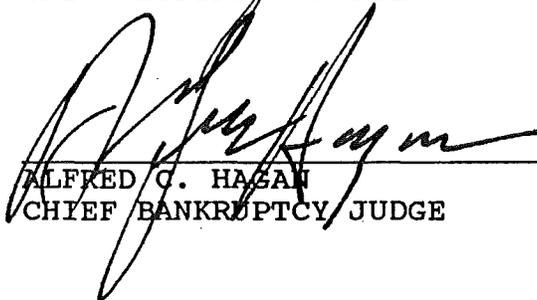
15. Cover Sheet: Each transmittal to the FAX Service shall be accompanied by a cover sheet, a copy of which is attached to this order. The cover sheet shall indicate the following:
 - (1) court in which the pleading is to be filed
 - (2) type of action, e.g., civil, criminal, bankruptcy case, or adversary proceeding
 - (3) case title information
 - (4) case number identification
 - (5) title of documents(s)
 - (6) sender's name and address
 - (7) sender's telephone and FAX numbers
 - (8) number of pages transmitted including cover sheet
 - (9) billing or charge information
 - (10) filing instructions
16. The cover sheet shall be the first page transmitted, followed by any special handling instructions needed to assure the document complies with local rules. Neither the cover sheet nor the special handling instructions shall be filed in the case. Transmittals shall be limited to twenty (20) pages for each transmission.
17. Billing and collection of all fees for filing shall be made through the FAX Service. The FAX Service shall not be required to accept papers for filing unless appropriate arrangements for payment of filing fees and service charges have been made by the transmitting party before the papers are transmitted to the FAX Service.

18. The FAX Service shall keep confidential all documents transmitted to it.

DATED this 7 day of May, 1992.



HAROLD W. RYAN
CHIEF DISTRICT JUDGE



ALFRED C. HASAN
CHIEF BANKRUPTCY JUDGE

FACSIMILE COVER SHEET

Date: _____ Time: _____

This transmittal is to be filed with

District Court: Civil Case _____ Criminal Case _____
Bankruptcy Court: Bankruptcy Case _____ Adversary Proceeding _____

Case Title: _____

Case Number(s): _____
(If Adversary proceeding, please include Bankruptcy case number)

Title of Document(s): _____

Sender's Name and Address: _____

Sender's Telephone Number: _____ Fax Number: _____

Number of pages of transmission including cover sheet: _____

Bill to Master/Visa Card#: _____ Exp. Date: _____

Authorized Signature: _____

Charges:	Facsimile copies received	.75 per page
	Plain paper copies	.25 per page

Filing Instructions: _____

Agreement

Pages received by 3:00 p.m. will be delivered and filed with the Federal Courts before closing that same day. Other deliveries will be made on special request.

C.P. & G. will pay the court filing fee to the court on your behalf. These fees plus the cost of fax copies will be charged to your credit Visa/Master Card account along with other charges listed above. If there is no valid Visa/Master Card account charge authorized the documents will not be filed.

MEMORANDUM

U.S. DISTRICT AND BANKRUPTCY COURTS DISTRICT OF IDAHO

TO: Intake Deputies
District & Bankruptcy Courts

FROM: Ted Moninski, Chief Deputy 

DATE: May 7, 1992

SUBJECT: "Fax Filing" Test Program

Just wanted to let you all know that the final version of the "fax filing" General Order has been signed by the Chief Judges of each court. The program should be up and running by 6/1/92!

Attached to this memo is a copy of the general order and copies of the announcement I drafted for publication in the Advocate as well as the transmittal letter that is being sent to all attorneys. Please take a moment to look through these materials prior to June 1st. If you have any questions, feel free to give me a call.

For now, the "test" phase is somewhat indefinite. As we get a better feel for how the experiment is working, we will focus on developing a long term policy.

Thank you all for your participation in getting this project off the ground. Cam and I invite your ongoing input as we move into the implementation and evaluation phases.

cc: Cam Burke

New "Fax" Filing Test Program Begins in Federal Courts

The Hon. Harold L. Ryan, Chief District Judge, and the Hon. Alfred C. Hagan, Chief Bankruptcy Judge, recently issued General Order #80 implementing a test program for the filing of court documents transmitted by facsimile machine. The program will begin on June 1, 1992, and will require that filings be made via a third party vendor who will receive the fax transmissions and transport the documents to the Clerk's Office for filing.

During the test period, it will be necessary for parties and attorneys taking advantage of the new filing option to work directly with the fax service vendor, Court Fax & Copy Service, a division of CP&G, Inc., owned and operated by C. Pat Wees. Mr. Wees can be contacted at 208-389-9411 (Fax # is 208-389-9404). The cost for this service has been established at \$.75 per page, excluding the cover page. Other pre and post filing services can be arranged directly with the vendor.

The General Order will be circulated to all attorneys who appear on the courts' master mailing list. You are all encouraged to read the order thoroughly to identify procedures that may apply specifically to your practice. In particular, program participants are advised that the court will **NOT** accept the subsequent filing of the original document unless the authenticity of the fax filed copy is called into question or otherwise ordered by the court.

Any questions about the test program should be addressed Ted Moninski, Chief Deputy Clerk, at the U.S. Courthouse (208-334-1361).

CLERK'S CERTIFICATE OF MAILING

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

All Staff & Chambers

All Bar

The Library of
United States Court of Appeals
for the Ninth Circuit
PO Box 5731
San Francisco, CA 94101

DATED: May 27, 1992

CAMERON S. BURKE, CLERK


By: Suzanne M. Butler
Deputy Clerk

**UNITED STATES DISTRICT AND BANKRUPTCY COURTS
FOR THE DISTRICT OF IDAHO**

550 W. Fort St., Box 039
Boise, Idaho 83724

Cameron S. Burke
Clerk of Court

Ted S. Moninski
Chief Deputy

FTS 554-1361
208-334-1361
FAX 208-334-9215

May 7, 1992

To: All Attorneys Practicing
before the Federal Courts

Re: Implementation of Test Program to Accept Filings
Transmitted by Facsimile Machine

Dear Member of the Bar:

On May 6, 1992, the Hon. Harold L. Ryan, Chief District Judge, and the Hon. Alfred C. Hagan, Chief Bankruptcy Judge, executed General Order #80 implementing a test program for the filing of court documents transmitted by facsimile machine. The program will commence on June 1, 1992, and will require that filings be made by way of a third party vendor who will receive the fax transmissions and transport the documents to the Clerk's Office for filing.

During the test period, it will be necessary to work directly with the fax service vendor, Court Fax & Copy Service owned, and operated by C. Pat Wees. Mr. Wees can be contacted at 208-389-9411 (Fax # is 208-389-9404). Basic fax filing services will be provided at \$.75 per page, excluding the cover page.

You are encouraged to carefully read the full text of General Order #80 (enclosed) to identify procedures that specifically apply to your practice. It should be noted that, once submitted via fax, original documents will NOT be accepted by the Clerk's Office for subsequent filing unless the authenticity of the fax filed copy is called into question or otherwise ordered by the Court.

If you have any questions about this program, please contact me directly.

Sincerely,



Ted S. Moninski
Chief Deputy Clerk

CLERK'S CERTIFICATE OF MAILING

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

Judy Clarke, Public Defender
10 North Post, Suite 700
Spokane, WA 99201

All Judges

DATED: April 29, 1994

CAMERON S. BURKE, CLERK

By: Glenda