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WESTERN DISTRICT OF WASHINGTON
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

In the Matter of DOCUMENT FACSIMILE FILING	GENERAL ORDER

The court finding, pursuant to the requirements of the Judicial Conference of the United States, that there is a compelling reason to allow for filing facsimiles of documents due to the large geographical area served, and

The court finding it appropriate to commence a pilot program designed to test the efficacy of allowing the filing of document facsimiles in order to provide both increased service and increased access to the court,

NOW, THEREFORE, it is ordered that effective March 1, 1994, document facsimiles, including complaints, will be accepted for filing by the Clerk subject to the following administrative rules:

A. DEFINITIONS:

1. "Facsimile transmission" means the transmission of a copy of a document by a system that encodes a document into electronic signals, transmits these electronic signals over a telephone line, and reconstructs the signals to print a duplicate of the original document at the receiving end.

2. "Facsimile filing" or "filing by fax" means the facsimile transmission of a document to a fax filing

agency who will then file that document with the court. Facsimile transmissions are not made directly to the court.

3. A "fax filing agency" is a private entity (business, law firm, etc.) that receives facsimile transmission of documents to be filed with the court. The fax filing agency acts similar to a messenger service, filing a hard copy facsimile transmission as if it were the original with the court.

4. "Fax" is an abbreviation for "facsimile" and refers, as indicated by the context, to a facsimile transmission or to a document so transmitted.

5. "Transmission record" means 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.

B. TRANSMISSION DOES NOT CONSTITUTE FILING: Electronic transmission of a document via facsimile machine does not constitute filing; filing is complete when the document is filed with the Clerk.

C. TECHNICAL REQUIREMENTS: Only plain paper (no thermal paper) facsimile machines may be used. All documents to be filed with the court shall be on size 8-1/2" x 11" bond.

D. ORIGINAL SIGNATURE: The image of the original manual signature on the fax copy will constitute an original signature for all court purposes. The original signed document shall 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, for a period no less than the maximum allowable time to complete the appellate process. Upon request, the original document must be provided to other parties for review.

E. TRANSMISSION RECORD: The sending party is required to maintain a transmission record in the event fax filing later becomes an issue.

F. FAX FILING AGENCY AS INTERMEDIARY: A fax filing agency may file fax transmitted pleadings on behalf of the parties or their counsel. NO DOCUMENTS MAY BE TRANSMITTED DIRECTLY TO THE CLERK BY FAX FOR FILING. ANY DOCUMENTS SO TRANSMITTED SHALL BE REJECTED AND NOT FILED. The following requirements shall apply:

1. The fax filing agency acts as the agent of the filing party and not as agent of the court. A document shall be deemed to be filed when it is submitted by the fax filing agency, received in the Clerk's office, and filed by the Clerk. Mere transmission to or receipt by the fax filing agency will not be construed as filing.

2. The fax filing agency must meet all technical requirements under "C" of these guidelines.

3. Counsel or parties utilizing a fax filing agency will:

3.1 Ensure that additional copies necessary for filing shall be reproduced by the fax filing agency;

3.2 Ensure that the document(s) are taken to the court and filed with the court;

3.3 Ensure that on behalf of the client, attorney or litigant, pay any applicable filing fee.

G. COMPLIANCE WITH COURT RULES: The Clerk will not accept and is directed to return all document facsimiles which do not comply with this General Order.

H. This General Order supersedes the portions of Local Civil Rule 10(d) governing the acceptance of fax pleadings.

DATED this 21st day of January, 1994.

BARBARA J. ROTHSTEIN
CHIEF UNITED STATES DISTRICT JUDGE