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AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
BY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

In the Matter of )  
 ) GENERAL ORDER  
DOCUMENT FACSIMILE FILING )  
\_\_\_\_\_ )

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

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

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

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

13 5. "Transmission record" means the document printed by  
14 the sending facsimile machine stating the telephone number  
15 of the receiving machine, the number of pages sent, the  
16 transmission time, and an indication of errors in  
17 transmission.

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

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

24 D. ORIGINAL SIGNATURE: The image of the original manual  
25 signature on the fax copy will constitute an original signature for  
26 all court purposes. The original signed document shall not be  
substituted, except by court order. The original signed document

1 shall be maintained by the attorney of record or the party originating  
2 the document, for a period no less than the maximum allowable time to  
3 complete the appellate process. Upon request, the original document  
4 must be provided to other parties for review.

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

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

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

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

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

22 3.1 Ensure that additional copies necessary for filing  
23 shall be reproduced by the fax filing agency;

24 3.2 Ensure that the document(s) are taken to the court and  
25 filed with the court;

26 3.3 Ensure that on behalf of the client, attorney or  
litigant, pay any applicable filing fee.

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

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

6 DATED this 21<sup>st</sup> day of January, 1994.

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9 BARBARA J. ROTHSTEIN  
10 CHIEF UNITED STATES DISTRICT JUDGE