

UNITED STATES DISTRICT AND BANKRUPTCY COURTS
FOR THE DISTRICT OF IDAHO

IN THE MATTER OF AMENDING THE)
PROCEDURE FOR FILING DOCUMENTS) GENERAL ORDER NO. 154
BY FACSIMILE MACHINE)
_____)

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 General Order 110 and all prior general orders with respect to facsimile filing.

1. FAX filing, as more fully described in the following paragraphs, became 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 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. The FAX Service selected by the Court to provide FAX filing service is: Kinko's Boise Downtown, Legal Copying Services Department, 691 S. Capitol Blvd., Boise,

ID. 83702 (208) 331-5100 Fax: (208) 331-5150. The Fax Service will be open for business 24 hours.

13. 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) make conformed copies as requested by the sender.

14. 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.

15. Cost of FAX Filing: (A credit card number will be required for payment)

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

(2) \$0.07 per page for multiple copies required at time of filing.

(3) \$1.00 for confirmation page faxed back to Sender showing Court file stamp.

16. 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 20th day of September, 1999

B. Lynn Winmill, Chief District Judge

US District & Bankruptcy Courts Fax Cover Sheet

Kinko's Boise Downtown
Legal Copying Services Department
691 South Capitol Boulevard
Boise, Idaho 83702
Tel: (208) 331-5100 Fax: (208) 331-5150

To: US District & Bankruptcy Courts	From:
Fax: (208) 331-5150	Contact:
Phone: (208) 331-5100	Phone:
Re: Fax Filing	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 fax a confirmation of the fax filing received, shown filed with the Court.

Billing Information: *Must be filled out*

Charge to my Kinko's Commercial Charge Account – Reference As _____

Charge to my Credit Card # _____, Exp. Date _____
 Visa Mastercard American Express Discover Diner's Club

● **Agreement:** This agreement entered into by and between "Sender" and Kinko's Boise Downtown, 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: Kinko's Boise Downtown is the sole authorized vendor for fax 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 fax 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 confirmation of receipt.
2. Sender further agrees to promptly pay Kinko's Boise Downtown for all appropriate charges, either by an established Kinko's Commercial Charge Account or credit card.
3. Rate: \$0.25 per page received by Kinko's, excluding cover sheet, for original documents to be filed, \$1.00 per page confirmation page faxed back to Sender, \$0.07 per page for required filing copies.

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