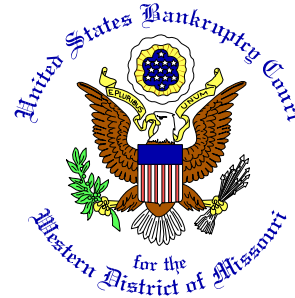


**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF MISSOURI**



**2011 GENERAL ORDER AMENDING LOCAL RULE DEFINITIONS, LOCAL  
RULE 1009.1 AND ECF ADMINISTRATIVE PROCEDURES RELATED TO  
SIGNATURES AND DOCUMENT RETENTION**

For good cause shown, and pending revision to this Court's local rules, it is hereby ORDERED that Local Rule Definitions, Local Rule 1009-1, and ECF Administrative Procedures are amended to read:

**Local Rule Definitions are amended to read:**

**Signature** Means "electronic typed signature" unless local rules require an imaged or electronically-captured signature. For all documents which require a signature, the name of the signer typed below the signature line combined with the attorney's use of the login and password issued for ECF and an imaged or electronically-captured signature if required, shall constitute the signature of the attorney and/or attorney's client for all purposes, including Fed. R. Bankr. P. 9011 and Local Rule 9011-1.

**Rule 1009-1 is amended to read:**

**Rule 1009-1. Lists and Schedules Not Filed with the Petition and Amendments to Lists and Schedules**

**A. Verification.** Any schedules, statements or lists not filed with the petition and amendments to schedules, statements or lists filed with the Court must be accompanied by a debtor verification (See **Local Forms - MOW 1009-1.1 and MOW 1009-1.2**). The debtor verification filed by the attorney for the debtor(s) shall be filed as a separate document and shall contain the image of the original signature of the debtor(s) or an image with the debtor's signature captured electronically at the time of document generation.

**ECF Administrative Procedures Part II D is amended to read:**

**D. SIGNATURES AND DOCUMENT RETENTION**

1. On the day the original petition is filed electronically, the attorney for the debtor(s) shall electronically file the "Declaration Re: Electronic Filing" (See Appendix) prepared in accordance with local rules.

2. Amendments to schedules, statements or lists shall be prepared in accordance with local rules.

~~2. Amendments,~~ 3. Pleadings, affidavits, and any other documents which must contain original signatures or which require verification or an unsworn declaration under any rule or statute shall be filed electronically. ~~Upon request, the original documents must be provided to the Court or other parties for review in accordance with~~ The filer shall follow the applicable retention procedure in subparagraph II. D. ~~5~~ 6.

~~3.4.~~ In the case of a stipulation or other document to be signed by two or more persons, the following procedure shall be used:

(a) The filer shall initially confirm that the content of the document is acceptable to all persons required to sign the document and shall obtain the actual signatures of all parties on the document.

(b) The filer shall ~~retain the hard copy of the document containing the original signatures~~ electronically file the document and follow the applicable retention procedure in accordance with subparagraph II. D. ~~5~~ 6(a) or (b).

~~4.~~ 5. Login Constitutes Signature

(a) Except as required under II D. 1. ~~and 2,~~

(i) The user login and password required to file documents serves as the filing user's signature on all electronic documents. They also serve as a signature for the purposes of Fed R. Bankr. P. 9011, for the Rules of this Court, and for any other purpose for which a signature is required. No signatures are required to appear on documents filed electronically. The Court does not require a "/s/" or other indicia of signature for the attorney's, the debtor's, or other signature. The court does require that a typed name appear under any signature block. The filer's login and password serve as the filer's signature and representation concerning other signatures as stated in II. D. ~~4. (b)~~ 5(a)(ii).

(ii) The filing or submission of a document required to be signed by another person is the filer's representation that the party whose signature is required has, in fact, signed the document. The filing of a stipulation or other document requiring signatures of more than one party constitutes a representation by the filer that all parties whose signatures are represented on the document have, in fact, signed the document.

~~5:~~ 6. Retention of Electronically Filed Documents.

(a) Except as provided in (b), the original of any electronically filed petition, schedule, statement of financial affairs, pleading, affidavit, or other document, including all amendments thereto, that contains an original signature or requires verification or an unsworn declaration shall be maintained by the attorney who filed the document for a period of not

less than two years after the case is closed. If the party who filed the document is not represented by counsel or is not yet a participant in the ECF system, it is the filing party's responsibility to retain and preserve the signed document for the specified time. The Court's two year retention requirement is not meant to supersede any requirements imposed by a local or state bar or the ~~Rules of Professional~~ Code of Professional Responsibility that may require a longer period of retention. Upon request of the court, United States Trustee, case trustee, or other interested party, an original document shall be produced for review.

(b) If any electronically filed pleading, affidavit, stipulation or other document, including all amendments thereto, has been filed containing an image of an original document signed by the debtor(s) or non-filing party(s), or an image with the debtor'(s) or non-filing party'(s) signature captured electronically at the time of document generation, the Court's two year retention requirement does not apply. For purposes of all schedules, statements and lists not filed with the petition and amended schedules, statements, and lists, the image of the debtor's signature on the verification filed in accordance with local rules shall satisfy the signature requirement and exempt the filer from the retention requirement for all such schedules, statements, and lists. For purposes of the initial petition, schedules, and statements, the Declaration re: Electronic Filing filed in accordance with local rules shall satisfy the signature requirement and exempt the filer from the retention requirement for the initial petition, schedules, and statements. This is not meant to exempt filers from any requirements imposed by a local or state bar or the Code of Professional Responsibility that may require a retention period.

6. 7. *Pro Se filers* shall file fully signed paper originals of all petitions, lists, schedules, statements, amendments, pleadings, affidavits, and other documents which must contain original signatures or which require verification or an unsworn declaration under any rule or statute. These documents will be scanned by the Clerk's Office, and shall be maintained in the Clerk's Office after scanning.

This General Order shall apply to all affected filings filed on or after January 1, 2012, and shall remain in effect until further order or notice of this court.

/s/ Dennis R. Dow  
Dennis R. Dow, Chief Bankruptcy Judge

/s/ Arthur B. Federman  
Arthur B. Federman, Bankruptcy Judge

/s/ Jerry W. Venters  
Jerry W. Venters, Bankruptcy Judge

Kansas City, Missouri  
Dated: November 1, 2011

## **Explanatory Note:**

These changes include modifications to Local Rules and ECF Administrative Procedures in the Western District of Missouri Bankruptcy Court. Reasons for these changes are as follows:

### **1. To insure that debtors have consented to amendments to bankruptcy documents.**

All schedules, statements, or lists not filed with the petition, and all amendments to schedules, statements, or lists must now contain a debtor verification with an image of the original document signed by the debtor(s) or an image with the debtor'(s) signature captured electronically at the time of document generation. This verification shall be filed as a separate document with the court.

### **2. To remove burdensome document retention requirements if certain procedures are used.**

Attorneys **may** file any documents with an image of the original document signed by the debtor(s) or party filer(s) or an image with the debtor'(s) or party filer'(s) signature captured electronically at the time of document generation subject to the specific local rule requirement to file verifications of amended schedules, statements, or lists as separate documents. If the attorney adopts this procedure, the attorney is exempt from the Court's two year document retention requirement. For purposes of the initial petition, schedules, and statements, the filing of the Declaration re: Electronic Filing in accordance with local rules satisfies the signature requirement and exempts the filer from the retention requirement.

### **3. To permit technology to electronically capture signatures.**

Signatures on filed documents may now be captured electronically and not exist in a "hard copy" state.