

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OKLAHOMA



IN RE:)
) No. 20-GO-02
TEMPORARY SUSPENSION OF)
"WET SIGNATURE" REQUIREMENT.)

WHEREAS, this Court's Local Rule 9011-1 requires attorneys to obtain the original signature ("wet signature") of any signer on "[p]etitions, lists, statements, amendments, pleadings, affidavits, motions, and other documents which must contain original signatures or which require verification under Bankruptcy Rule 1008 or an unsworn declaration, as provided in 28 U.S.C. § 1746" before filing such documents electronically; to maintain the documents with original signatures for at least one year after the bankruptcy case is closed, and in adversary proceedings, until after the proceeding is concluded and all time periods for appeals have expired; and to provide the original document to other parties or to the Court for review upon request; and

WHEREAS, federal, state and local officials are advising, and in some instances mandating, citizens to stay at home, limit physical contact with others, and/or practice social distancing to prevent or deter the spread of the novel coronavirus/COVID-19;

NOW THEREFORE, the Court temporarily suspends attorney compliance with the original ("wet") signature requirement of LR 9011-1, and authorizes use of the following means of obtaining signed documents:

Attorneys may obtain a client's or other third party's original signature (a) in "wet signature" form in accordance with prior practice; or (b) by facsimile, email, text, or photo

transmission of the signed document from the signer (in which case attorneys shall use reasonable safeguards to ensure that the signature transmitted is the signature of the party required to sign the document); or (c) as a digital signature generated by a commercially available electronic signing technology, such as DocuSign, that maintains an audit trail and other security features to ascertain the authentic identity of the signer.

The electronic filing by an attorney of a document requiring the signature of a debtor, but is filed without the original “wet signature” in the attorney’s possession, constitutes a certification by the debtor’s attorney that: (1) the debtor’s attorney transmitted the entire document to the debtor for review and signature, communicated with the debtor regarding the substance and purpose of the document, and received express authorization from the debtor to file the document; and (2) the debtor has signed the document and that, at the time of filing, the debtor’s attorney is in possession of an electronic image or other facsimile of the document, including the signature page received electronically from the debtor.

Attorneys shall maintain possession of, and produce upon request, electronic images of signed documents electronically transmitted to the attorney under method (b) above, and electronic images of documents signed digitally under method (c) above, for same periods as required by LR 9011-1.

This General Order is effective immediately and shall remain in effect until further order of the Court.

SO ORDERED this 30th day of March, 2020.


DANA L. RASURE, CHIEF JUDGE
UNITED STATES BANKRUPTCY COURT

BY THE COURT:


TERRENCE L. MICHAEL
UNITED STATES BANKRUPTCY JUDGE