

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

U.S. DISTRICT COURT  
FILED AT WHEELING, WV

JUN 18 2009

NORTHERN DISTRICT OF WV  
OFFICE OF THE CLERK

IN RE: )  
)  
DELEGATION OF AUTHORITY TO )  
PROMULGATE LOCAL RULES OF )  
BANKRUPTCY PRACTICE AND )  
PROCEDURE TO THE BANKRUPTCY )  
COURT )

5:09-mc-13

**ORDER**

28 U.S.C. § 2071 grants all courts established by Congress the authority to prescribe rules for the conduct of their business. Bankruptcy courts are units of the district courts. § 151. Bankruptcy judges may exercise the authority conferred on them by title 28 of the United States Code with respect to any action, suit, or proceeding over which the bankruptcy court exercises jurisdiction. §§ 151, 157, 1334.

The adoption of new Local Rules of Bankruptcy Procedure for the Bankruptcy Court of the Northern District of West Virginia is necessary considering: (1) the enactment of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, effective on October 17, 2005; (2) the appointment of a new bankruptcy judge in this one-judge District on March 13, 2006; and (3) the need to bring the current Local Bankruptcy Rules (effective as of November 21, 2003), into conformity with changes in the law and existing bankruptcy practice. Concluding that the Bankruptcy Court for the Northern District of West Virginia is best suited to promulgate the local rules of practice and procedure before that Court, it is

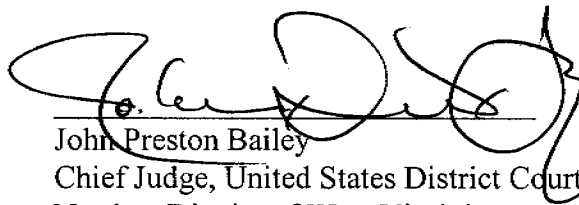
**ORDERED** that, subject to the requirements of Fed. R. Civ. P. 83, the authority of the United States District Court for the Northern District of West Virginia to promulgate local rules of bankruptcy practice and procedure be and hereby is DELEGATED to the United States Bankruptcy Court for the Northern District of West Virginia. It is

**FURTHER ORDERED** that the United States Bankruptcy Court for the Northern District of West Virginia may undertake any and all acts necessary for the implementation of new Local Rules of Bankruptcy Procedure consistent with title 28 of the United States Code and Fed. R. Civ. P. 83. Such acts include, but are not limited to:

- A. Appointing an advisory committee for the study of the local rules of practice and procedure;
- B. Drafting new local rules;
- C. Allowing an appropriate notice and time for public comment;

- D. Approving the draft of the local rules;
- E. Forwarding the local rules to the District Court for approval; and
- F. Forwarding a copy of the approved rules to the judicial counsel of the Court of Appeals for the Fourth Circuit, and to the Director of the Administrative Office. It is

**FURTHER ORDERED** that this delegation of authority to promulgate Local Rules of Bankruptcy Procedure to the Bankruptcy Court for the Northern District of West Virginia shall expire one-year after the date of this Order.

  
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John Preston Bailey  
Chief Judge, United States District Court  
Northern District of West Virginia

4-8-2009  
Date