

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE

FILED BY                      D.C.

95 OCT 24 AM 11:12

IN RE

Robert R. Di Tollo  
CLERK, U.S. DIST. CT.  
W. D. OF TN, MEMPHIS

THE AUTHORITY OF BANKRUPTCY JUDGES  
TO CONDUCT JURY TRIALS IN CERTAIN  
CIVIL PROCEEDINGS

Administrative Order No. 28  
Miscell. No. \_\_\_\_\_

GENERAL ORDER

It appears to the Court that H. R. 5116, cited as the "Bankruptcy Reform Act of 1994," Pub. L. No. 103-394, was enacted on October 22, 1994, and amends 28 U.S.C. § 157 by adding a new subsection (e) to empower a bankruptcy judge to conduct a jury trial provided that the bankruptcy judge is specially designated to exercise such jurisdiction by the district court and further provided that all parties expressly consent.

Specifically, Title 1, section 112 of H.R. 5116, amends 28 U.S.C. § 157 to create a new subsection (e) as follows:

"If the right to a jury trial applies in a proceeding that may be heard under this section by a bankruptcy judge, the bankruptcy judge may conduct the jury trial if specially designated to exercise such jurisdiction by the district court and with the express consent of all the parties.

Pursuant to 28 U.S.C. § 157(e), IT IS HEREBY ORDERED as follows:

1. The United States District Court for the Western District of Tennessee hereby specially designates all Bankruptcy Judges of this District to conduct jury trials, with the express consent of all the parties, if the right to jury trial applies in any proceeding that may be heard by a Bankruptcy Judge.
2. The Bankruptcy Court is authorized to promulgate a standing order or local rule governing procedure in jury trials, including a procedure for trial by consent of all the parties.
3. The authorization to conduct a jury trial and the procedure set forth herein shall remain in effect until modified or withdrawn by subsequent order of this Court.

*Julia Smith Gibbons*

*October 19, 1995*

HON. JULIA S GIBBONS  
CHIEF UNITED STATES DISTRICT JUDGE

DATED

HON. ODELL HORTON  
SENIOR UNITED STATES DISTRICT JUDGE

DATED

*James D. Todd*

*10/19/95*

HON. JAMES D. TODD  
UNITED STATES DISTRICT JUDGE

DATED

*Jerome Turner*

*10/19/95*

HON. JEROME TURNER  
UNITED STATES DISTRICT JUDGE

DATED

*Jon P. McCalla*

*10/19/95*

HON. JON P. McCALLA  
UNITED STATES DISTRICT JUDGE

DATED