

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE**

IN RE

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

Miscell. No. 95-28

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 The authorization to conduct a jury trial and the procedure set forth herein shall remain in effect until modified or withdrawn by subsequent order of this Court.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

HON. JULIA S GIBBONS
CHIEF UNITED STATES DISTRICT JUDGE

October 19, 1995

DATED

HON. ODELL HORTON
SENIOR UNITED STATES DISTRICT JUDGE

DATED

James D. Todd

HON. JAMES D. TODD
UNITED STATES DISTRICT JUDGE

10/19/95

DATED

Jerome Turner

HON. JEROME TURNER
UNITED STATES DISTRICT JUDGE

10/19/95

DATED

Jon P. McCalla

HON. JON P. McCALLA
UNITED STATES DISTRICT JUDGE

10/19/95

DATED