



LexisNexis® File & Serve Update

***File & Serve* November 2009 Newsletter Kanawha, Raleigh & Ohio County Litigations Asbestos, Digitek, Flood & Tobacco**

I. Thompson v. AEP 06-C-1122 KAN Case Continued for Trial in January 2010

Judge Wilson set the **Thompson v. AEP (06-C-1122 KAN)** case for trial on January 20, 2010. This case is not part of the three trial groups regularly scheduled for February, June & October 2010. The court Ordered this case to be subject to electronic filing and service, effective nunc pro tunc to October 23, 2009 when the case was loaded on File & Serve (TID# 27921283).

II. How to File Dismissal Orders for Multiple Cases, Some of Which are Subject to E-file and Some of Which are Not.

Recently the court has received Dismissal Orders from counsel which covers the dismissal of parties in multiple cases, some of which are subject to electronic filing and some of which are still filed in paper. When this occurs, you need to process the Dismissal Order both ways: file it in paper for the paper filed cases and file it electronically for the e-file cases.

III. Do I have to Upload a Civil Case Information Sheet with Every Answer?

Yes. WVRCP 12(a) requires "Every answer shall be accompanied by an completed civil case information sheet." This question has come up quite a bit in recent weeks and the court wants to remind all firms to upload a Civil Case Information Sheet with **every answer** they are e-filing. This includes amended answers and is a requirement even if you have already filed a Civil Case Information Sheet with your original answer. The court clerks will reject your filing if a Civil Case Information Sheet is not included with your answers.

IV. Access to Cases After Party is Dismissed

In last month's newsletter, we reminded firms that they needed to use the Case & Party Management feature of **File & Serve** to "dismiss" their parties after the Judge entered a dismissal order. We received a few inquiries from firms telling us that once their party was dismissed, they were prompted to "pay" to search and view the docket of the case.

Since we want our users to be able to access the cases they have been dismissed from, **we changed the system to allow for free searches of cases after your**

party has been dismissed.

Remember that firms are obligated to dismiss their party through File & Serve under provisions in the litigation specific Case Management Orders.

By using the Case & Party Management feature located in the Toolbox area of **File & Serve**, firms can either provide the transaction ID or easily upload the order dismissing their party to have their party dismissed from the case service list.

V. Additional West Virginia Training Classes

- West Virginia Tobacco Litigation: Introduction to E-service, November 17 @ 1:00pm - 2:30pm
- West Virginia Asbestos Training: Introduction to File & Serve, November 12 @ 10:00am-11:30am
- File & Serve Case & Party Management Training: November 11 & 18 @ 3:00-3:30pm

VI. How to Handle the Case Service Lists of an Attorney Who is Leaving the Firm.

Prior to an attorney leaving your firm, it is important to file Motions to Withdraw or Substitutions of Counsel **before** the attorney actually departs. Many **File & Serve** firm administrators remove the attorney from the firm account, but that does not remove the attorney from your firm's case service lists which is what needs to be done. Otherwise, the attorney will continue to appear as counsel for your firm's client and will receive service (via US Mail).

Steps to Take to Properly Remove an Attorney from your Cases and **File & Serve Account:**

- Attorney announces departure and is not taking any existing cases with him/her;
- File Motions to Withdraw or Substitutions of Counsel for all cases in which attorney is listed as counsel for your firm's clients;
- Once the motions are granted, the firm can then withdraw or substitute the departing attorney from the individual cases using the Case & Party Management feature;
- Once that is done, the firm administrator can remove the attorney from the firm **File & Serve** account.
- If departing attorney is taking some of the existing firm's cases with him/her, you will still need to file a withdrawal or substitution to remove your existing attorney(s) from the case(s).

Note: If these steps are not properly followed, the departing attorney will appear on the service list of the cases as a non-member of **File & Serve**. This means they are served via US Mail, typically at the former law firm address. When the court serves documents, they are inundated with returned mail for these attorneys who are not removed properly from their cases.

VII. What is "Accepted with Edits?"

After a transaction is clerk reviewed, you may receive back confirmation that it was "Accepted with Edits." Many users are concerned that there is an issue with their transaction. There is no need to worry! As long as your transaction has been accepted, your documents have docketed to the case.

A notation of "Accepted with Edits" may indicate that a clerk changed the document title, the document type or that the clerk reviewed a transaction with a large number of documents in multiple sessions. The clerk may also provide a comment indicating what was changed for your future reference. These comments can be found under the "Reason Column" in Document History.

If you have any questions about how to use *File & Serve*, please call our Customer Service line at 888-529-7587 or contact me directly at 866-356-4323.

Rosemary Willcox

File & Serve Firm Coordinator, Central Region

Direct: 866-356-4323

rosemary.willcox@lexisnexis.com

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LexisNexis, Miamisburg, OH

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