



TOTAL PRACTICE SOLUTIONS
Client Development Research Solutions Practice Management Litigation Services

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

I. Kanawha County Updates

a. Changes to October 2009 and February 2010 Trial Group Designations (see TID# 27030011)

- Frazee R. Colley 08-C-206 MSH removed from the October 2009 trial group and added to the February 2010 trial group.
- Thomas E. Dunlap 09-C-97 MSH removed from the February 2010 trial group and is redesignated to the October 20, 2010 trial group.

In light of these changes, do not forget to update any case groups your firm has created for these trial groups.

b. Reminder to Dismiss Your Parties from *File & Serve* after the court dismisses your party from the case.

The court has noticed that many firms are forgetting to dismiss their party from the service lists of the cases after the court has entered an order dismissing their party from a case. **Firms are obligated to do this under the provisions of the 1/21/2009 Asbestos E-Filing and Service Case Management Order, paragraph E(3), Responsibility to Update Case & Party Information.** By using the Case & Party Management feature located in the Toolbox area of ***File & Serve***, firms can easily upload the order dismissing their party to have their party dismissed from the service list.

If you are unsure how to use the Case & Party Management feature, we are offering additional web based training classes at no cost. Please register for one of these classes if you need training:

- F&S Case & Party Management Training: October 7, 2009, 3:00-3:30pm
- F&S Case & Party Management Training: October 14, 2009: 3:00-3:30pm
- F&S Case & Party Management Training: October 21, 2009: 3:00-3:30pm
- F&S Case & Party Management Training: October 28, 2009: 3:00-3:30pm

Remember to register by going to the F&S Resource Center > Education & Training link > select West Virginia from the drop down > click on title of class.

c. Notice of Deadline Change for February 2010 Trial Group (TID# 26966636)

Judge Wilson served a Notice of Deadline Change for the February 2010 trial group via transaction # 26966636 on September 8, 2009. Trial was originally scheduled to begin on President's Day, February 15, 2010. Trial has been rescheduled to commence on Tuesday February 16, 2010. Jury Selection shall begin at 2:00pm on Wednesday February 17th, 2010.

d. Reasons Kanawha County Court is Rejecting Transactions

- Firms continuing to E-file discovery with the court. Remember to select **Serve Only - Private** for submitting discovery transactions.
- Firms failing to include a Civil Case Information Sheet or Certificate of Service with their answer.
- Firms failing to use the multi-case filing feature when uploading a pleading with more than one case number on it.
- Incorrect case number on pleading.

Please review the Case Management Orders and the **File & Serve** Special Instructions located in the **File & Serve** Resource Center. Rejected documents cost your firm money and the court extra time in having to review transactions.

II. Raleigh County Updates

a. Due to firm requests, we are offering additional training classes for the Raleigh County Flood Litigation. We encourage all firms to attend if they have not done so already. The rules for the Flood Litigation are unique and firms have had some issues submitting their transactions in accordance with the guidelines outlined in the **July 20, 2009 Flood Litigation Electronic Filing and Service Case Management Order**.

The classes will be offered on the following dates:

- Flood Litigation Training: October 6th, 2009 2:00-3:30pm
- Flood Litigation Training: October 29th, 2009 2:00-3:30pm

Please register by going to the F&S Resource Center > Education & Training area.

b. New Document Types Available: The document types "**Certificate of Compliance**" and "**Trial Group Designation**" have been added to the list of documents for the Raleigh County Flood Litigation.

III. Ohio County Updates

We have been "live" with E-service using **File & Serve** in the Ohio County Tobacco Litigation for approximately one month. We have had 24 transactions submitted through the system to date. While there is no clerk review of these transactions, it is still important that firms follow the instructions outlined in the **Electronic Filing and Service Case Management Order for In Re: Tobacco Litigation**. Some firms are forgetting to include the case number in the document title field and are not titling their documents as outlined in the CMO. Failure to follow the court's instructions in the CMO will result in rejection of filings once E-filing is implemented, which can be costly to your firm or client.

We have scheduled additional training classes for those participants in the Tobacco Litigation. Please register for one of the following classes through the File & Serve Resource Center > Education & Training link.

- Tobacco Litigation: Introduction to E-service: October 8, 2009: 10:00-11:15am
- Tobacco Litigation: Introduction to E-service: October 27, 2009: 10:00-11:15am

IV. Find Out How You Can Set Up Other Cases On File & Serve

We often hear that our clients wish more courts were allowing E-filing and E-service of documents because it streamlines the process of filing and service and reduces the cost of traditional document delivery and related processes. What surprises us is when our customers think they need to wait for a court to implement electronic filing and service in order to use **File & Serve** to E-serve all parties in a case. Well - we want you to know you do not need to wait. If you are involved in a complex civil matter, a class action suit or a commercial litigation involving multiple parties and firms, and you have your court's permission to serve documents electronically, you should contact File & Serve to get your case online for **E-service**. You will also increase your efficiency with access to an online repository of documents including discovery.

Hopefully we've piqued your interest in how you can benefit from adding your firm's cases to **File & Serve**. If you have questions or want more information, please contact Christopher Shaw at 937-550-4423 (christopherdean.shaw@lexisnexis.com).

V. Are you Aware of **File & Serve's** "Saved Transactions" Feature?

If your system connection is lost while you are in the middle of a transaction, did you know that **File & Serve** actually saves the transaction? It does. "Saved Transactions" is an excellent feature because it enables you to pick up where you left off, whether you purposefully close out of **File & Serve** or your internet or browser connection is lost. The "Saved Transactions" feature is located under the **File & Serve** tab.

Many of you are interrupted during the course of submitting a transaction in **File & Serve** to work on something else. If this happens, just click "save" and return to the transaction using the "Saved Transactions" feature later in the day or the next day. A "saved transaction" will remain in **File & Serve** for 30 days.

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.

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