

LexisNexis® File & Serve NEWSLETTER

Friday, February 06, 2009

NEWS & ANNOUNCEMENTS

IMPORTANT TIPS FOR SUCCESSFUL E-FILING

As you know, we've been "live" in W.V. Kanawha County for 2 months. Both the court and the law firms are doing a terrific job of mastering F&S !!! Nonetheless, with the large number of Motions that have just been filed, many issues have come up that we want to clarify. Hopefully this newsletter will answer many of these questions.

Did I Miss the Deadline When My Filing Was Rejected? No. We are currently in an introductory period for e-filing. As long as your original filing was made in good faith and met the original deadline, your re-filed documents correcting the reason for the rejection will be considered timely. As the project progresses, a motion permitting the document to be filed Nunc Pro Tunc may be required. You do need to re-file your corrected documents as soon as possible after receiving the rejection notice.

Multi-Plaintiff Asbestos Personal Injury Complaints filed prior to 12/1/2008: Where a multiple plaintiff complaint has one case designated for e-filing and another case designated for paper filing, you will need to e-file your answer for the e-filing case and paper file your answer for the paper cases. Be sure to title your captions correctly pursuant to the 1/21/2009 Asbestos CMO at A.3., C. and Appendix B. For the e-filed answer, it must reference only the subset of cases that are designated for e-filing. Do not reference a paper filed case number on an e-filed pleading. **Do Not File Using the Master Case Number.**

Plaintiff Responsibility to Get F&S Case Information: Pursuant to both the Asbestos and Digitek CMOs, after the plaintiff firm paper files a new complaint with the clerk's office, it is the firm's responsibility to get File & Serve the completed case information template **within 5 days of the filing** so we can load the case onto F&S. This timing is important so that defendants who need to file into the case can do so electronically. The Case Information Template is available on the Resource Center page of File & Serve.

Filing Sealed Documents: Many firms have filed documents with private information such as social security numbers, medical information, etc. Personally identifiable information should be filed under seal. For procedural information on documents filed under seal, see TCR 15.12. If the firm does not want to file the documents under seal, they need to redact the sensitive information on the document.

Please check to see Clerk Notes: When your filing is rejected, the clerk always puts reasons regarding the rejection in the [Document History](#) link on the transaction page. Many times the clerk adds comments for accepted filings too – so be sure to review the Document History link.

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File & Serve Training Offerings:

Free training is available online by clicking on the [Resource Center](#) link in the F&S application. Click on the Education & Training link and select W.V. from the drop down menu. You can register by clicking on the name of the class and completing the registration form online.

Next Web Class: Intro to WV E-filing
Friday 2/13/09: 10:00am – 11:45am EST
Friday 2/27/09: 10:00am – 11:45am EST

Case & Party Management Web Class

Pursuant to both the Asbestos & Digitek CMO, it is the Law Firm's Responsibility to update Case & Party Information (See Asbestos CMO E.3.). This means if a new party is added, or a party is dismissed, the law firms must use the Case & Party Management link to make the necessary changes to the case service list. Case & Party Management web classes are offered every other week at no charge.

Next Web Class: WV Case & Party Management

Monday 2/9/2009: 10:00-11:00am EST
Monday 2/23/2009: 10:00-11:00am EST

****IMPORTANT****

Please read the Special Instructions & Frequently Asked Questions to ensure you are filing your documents correctly.

TIPS & TRICKS

When to Use the Multi-Case Filing Feature

This feature is a great shortcut to use when the documents you are filing belong in multiple cases. The caveat, however, is that the documents you upload for the Multi-Case Filing must apply to **ALL** the cases you are filing into. We've seen firms select 5 cases for Multi-case filing and then upload a variety of documents that belong in some, but not all cases. Your filings will be rejected if you do not use this feature correctly. Ask yourself: **"Do all the documents I'm uploading properly belong in all the cases I checked for filing?"** If so, then you are using the Multi -Case feature properly.

Important Reminders

The **Quick Case Field** on the Homepage of F&S only gives you access to **your firm's cases** – meaning – you have to be on the service list of a case to retrieve case information from that field. If you're not on the Service List, you need to use the Case History Search to access the docket of the cases.

For cases filed after **12/8/2008**, you must file an answer or other type of pleading to get your firm added to the service list as counsel for a particular party.

WV Mass Litigation Panel Website is located at:
<http://www.state.wv.us/wvsca/MLP>

When to File Into the Master Case

We are seeing firms file documents into the Master Asbestos Case that do not belong there. The court specifically outlined in the Asbestos CMO, Section 3: **"The master case shall contain only pleadings or documents of general applicability to the Asbestos Personal Injury Litigation."** If you are filing documents in the Master Case that do not meet this criteria, they will be rejected.

Next Month's Newsletter...

Information on Pro Hac Vice filings, billing information, removing an attorney from your Firm's File & Serve account and more!!!

Also, I welcome all of you to send me suggestions for future newsletter topics. I can be contacted at rosemary.willcox@lexisnexis.com

Please refrain from calling the court if you have F&S questions. You need to contact Customer Service, Angela Melton or Rosemary Willcox (contact info below).

CUSTOMER SERVICE

File & Serve offers Customer Support 24 hours a day, 7 days a week. If you have any questions, don't hesitate to call our Customer Service department at:

1-888-529-7587

CONTACT INFORMATION

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