



THE BANKRUPTCY BUGLE

DECEMBER 2009

A Newsletter

Sponsored by the
United States Bankruptcy Court
District of Nevada

HELP DESK: 866-232-1266

HelpDesk@nvb.uscourts.gov

NEVADA LEADS THE NATION

In the rate of bankruptcy filings! According to the Administrative Office of the U.S. Courts, it is reported that nationwide, bankruptcies for the fiscal year ending Sept. 30 surged 34.5 percent to 1.4 million -- with Nevada posting the highest rate in the nation.

Nevada led the nation in filings for the year with a rate of 10.49 per 1,000 people, well above the national rate of 4.52 filings per 1,000 people.

In 2008, Nevada was No. 2 in the nation with a filing rate of 6.39 per 1,000 people and the national rate was 3.38 filings per 1,000 population.

In Nevada in the 2009 fiscal year, ending September 30, 2009, bankruptcy filings totaled 27,560 -- up 64.5 percent from 2008.

The numbers are in line with the state's unemployment rate of 13 percent, which has soared from 7.7 percent one year ago as the recession reduced travel to Las Vegas and dramatically slowed the state's construction and development industries.

Of the 27,560 Nevada bankruptcy filings, 881 were business filings and 26,679 were personal filings. The personal filings were dominated by 19,255 Chapter 7 liquidations.

Also, credit report company Trans Union issued third-quarter credit card delinquency statistics, with Nevada again leading the nation with a rate of 1.98 percent.

WELCOME NEW E-FILERS



Every month new CM/ECF e-filers are joining the District of Nevada. We welcome you all, and want to assure you the Court's goal is to serve, assist and support you and your staff so that the transition from paper docketing to electronic filing becomes an asset to your office. Even when classes have ended, our staff is here to support you - you're not on your own! Call our HELP DESK at 866-232-1266 for any assistance you may need for e-filing. The hours of operation are: Monday - Friday from 9 AM - 4 PM, closed from 12:00 PM to 1:00 PM, and all official federal holidays. If you prefer, you can also e-mail us at: helpdesk@nvb.uscourts.gov.

COURTESY COPIES



All Nevada Bankruptcy judges require paper courtesy copies on matters with a hearing date and time. Courtesy copies are required to be filed within 2 business days of the electronic filing or 1 business day if the matter is to be heard on shortened time.

REMINDER: The Bankruptcy Court will be closed on **December 24th and 25th, 2009, and January 1st, 2010** in observance of the Holiday Season.
HAPPY HOLIDAYS!

**A
SECRET!!!**



Passwords and logins assigned by the court to an individual represents one way you sign your document. You have agreed to be responsible for anyone who uses that login. This also includes financial responsibility. That is why it is so important to change your passwords often! CM/ECF passwords should be changed on a regular basis and should always be changed when you have staff turnover.

REDACTIONS

Per Local Rule 9037, to redact protected private information from documents other than transcripts or a document other than a transcript that discloses protected private information, the party seeking to redact that information from the publicly accessed electronic docket may file an ex parte motion to redact.

Upload the order once the ex-parte motion has been submitted. **A redacted copy of the document must be attached to the order.**

ATTORNEY'S CHANGE OF ADDRESS



If attorneys change their mailing address or e-mail address, a Notice of Change of Address of Attorney must be filed for every case and adversary proceeding for which the attorney is the attorney of record in order to maintain a current mailing matrix.

The form is available on the court's website: http://www.nvb.uscourts.gov/LocalRules_Forms/Local_Home.htm

As a separate requirement, the attorney must also update the CM/ECF System. Substitutions of counsel must be obtained for all cases and proceedings for which the attorney will not remain the counsel of record.

Attorneys must notify the court's ECF Department in writing of the change of address, and of any orders of substitution, by sending a letter to:

Attn: CM/ECF Department
United States Bankruptcy Court
300 Las Vegas Blvd. South, Suite 4-242
Las Vegas, Nevada 89101

or

Attn: CM/ECF Department
United States Bankruptcy Court
300 Booth Street, Suite 1109
Reno, Nevada 89509

Failure to update a mailing address or e-mail address as required by Local Rule 5005(d)(1), may result in service made to the attorney's address of record being deemed good service, unless the court orders otherwise.



JUST ASK MRS. CLAUS

This month we're going to discuss some common docketing errors.

CERTIFICATES OF SERVICE. Not everyone is remembering to include Certificate of Service in their docket text. Remember, you are prompted during a docketing event to answer yes or no to include a Certificate of Service. Selecting YES within the event will reflect that the Certificate of Service is included in the document.

REQUEST FOR SPECIAL NOTICE. After you have docketed this event, be sure to go in and add yourself to the mailing matrix! Do this by going to > Bankruptcy > Creditor Maintenance > Enter Individual Creditor. Follow the same format you would when adding a creditor, name on the first line, address on the second and third line.

MULTI-PART MOTIONS. It's very important to capture all the events you are covering in a pleading so that subsequent orders can be docketed correctly. For instance, if you are filing a Motion to Dismiss OR Convert, you would docket BOTH events in the same entry. Always choose the events in the order they are listed in the pleading. So, in the example above, you would first choose "DISMISS", then scroll up to "CONVERT". Holding down the Ctrl key, click on *convert* and both events should appear on the screen. This applies to ANY multi-part motion you are filing. A good way to remember is this: If you are asking the judge to rule on MORE THAN ONE MATTER, your pleading should include a separate event for each of these matters so the judge can grant or deny each request.

PROPOSED ORDER. When you are docketing a motion that includes a proposed order, please type Proposed Order on the MODIFY DOCKET TEXT screen so that it will appear on the docket entry. For further details about proposed orders, please see Local Rule 9014(g).

RELATIONSHIPS

There's all kinds! But in this case, we're talking about *document* relationships!

Here's the deal. When you are docketing something that RELATES to a specific motion or matter in a case, we want you to relate them!

There is a prompt that will appear within the docket event that asks if the matter you are working on relates to something on docket. In most cases it DOES. For instance, you want to docket a reply to a motion that is already on the docket. By clicking on the box that asks you to relate to a document, AND on the actual document number, this information will carry through to the docket text and show that you are responding to that document! You won't have to do any extra typing, and by this simple act, it tells everyone involved in the case that these two documents are involved with each other. Relationships! That's it in a nutshell...



TRAINING

When you have staff turnover, consider having our staff train yours to e-file. The classes are free, and by using our trained Support Staff to get your new employee(s) started just might speed up the learning process, make it easier on your remaining staff by not having to sacrifice valuable time and skills to train a new employee, not to mention help maintain the continuity required to be a successful e-filer in the Court. Visit our website for training times and registration.



The new Local Rules, effective December 1, 2009, are available on our website at www.nvb.uscourts.gov for your review.