

**United States Bankruptcy Court
District of New Mexico**

Document Verification

Case Title: COURT ADMINISTRATIVE MATTERS v.
Case Number: 04-00001
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Judge Code:
Reference Number: 04-00001 -

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Description:	Order, Amending NM Local Bankruptcy Rule 9010-1 Adopting NM Local Bankruptcy Rule 9011-5, Adopting NM Local Bankruptcy Rule 9036-1, and Establishing Requirement for Receipt of "Court-Generated Documents" Via Electronic means Including Notice of Deadline to Notify Court of Electronic Transmission Method Preference .	
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Submitted By:	Mary B. Anderson	
Comments:	Order AMENDING NEW MEXICO LOCAL BANKRUPTCY RULE 9010-1, ADOPTING NEW MEXICO LOCAL BANKRUPTCY RULE 9011-5, ADOPTING NEW MEXICO LOCAL BANKRUPTCY RULE 9036-1, AND ESTABLISHING REQUIREMENT FOR RECEIPT OF	

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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

In re

COURT ADMINISTRATIVE MATTERS

Case No. MP 04-001

**ORDER AMENDING
NEW MEXICO LOCAL BANKRUPTCY RULE 9010-1,
ADOPTING NEW MEXICO LOCAL BANKRUPTCY RULE 9011-5,
ADOPTING NEW MEXICO LOCAL BANKRUPTCY RULE 9036-1,
AND ESTABLISHING REQUIREMENT FOR RECEIPT OF
"COURT-GENERATED DOCUMENTS" VIA ELECTRONIC MEANS,
INCLUDING NOTICE OF DEADLINE TO
NOTIFY COURT OF ELECTRONIC TRANSMISSION METHOD PREFERENCE**

In keeping with the Court's vision to function virtually without paper¹, it appears to the Court that the following changes to the local rules should be made without public notice and opportunity to comment, as authorized by 28 U.S.C. § 2071(e),

THEREFORE, in accordance with Fed. R. Bankr. P. 9029(a) and the March 19, 1992, Administrative Order of the United States District Court for the District of New Mexico (Misc. No. 84-0234; Addendum A to the Local Rules of the United States Bankruptcy Court for the District of New Mexico, October 1, 1996),

IT IS ORDERED:

1. Effective September 7, 2004, New Mexico Local Bankruptcy Rule 9010-1 is amended to read as follows:

RULE 9010-1 NOTICE OF APPEARANCE

An attorney admitted to practice before the court or an unrepresented party shall have a continuing duty to notify the clerk, in writing, of all changes in mailing address, telephone number, facsimile number, and e-mail address.

¹ United States Bankruptcy Court, District of New Mexico, Vision Statement, October 5, 1994.

2. New Mexico Local Bankruptcy Rule 9011-5 is adopted, effective September 7, 2004.

The rule reads as follows:

RULE 9011-5 CONTACT INFORMATION

A paper submitted to the Court shall state the signer's address, telephone number, and facsimile number (or contain an affirmative statement that the signer has no facsimile number).

3. New Mexico Local Bankruptcy Rule 9036-1 is adopted, effective October 1, 2004. The rule reads as follows:

RULE 9036-1 SERVICE AND NOTICE OF COURT-GENERATED DOCUMENTS BY ELECTRONIC TRANSMISSION

Notice of entry of orders and judgments and service of certain papers by the clerk shall be by electronic transmission in accordance with guidelines established by the court. Service and notice by electronic transmission is complete upon transmission.

4. As of October 1, 2004, all "Court-generated documents"² delivered by the United States Bankruptcy Court for the District of New Mexico to attorneys, trustees, the United States Trustee, and all petition preparers will be in electronic form, via facsimile or through an ACE³ mailbox. Attorneys, trustees, the United States Trustee, and all petition preparers who do not provide the Court with the Clerk's form of agreement to receive service and notice of Court-generated documents by electronic transmission within the time frame required by the Court's guidelines (available from the Court's website at <http://www.nmcourt.fed.us/web/BCDOCS/bcindex.html>) will be subject to enforcement action by the court. Delivery of notices to and service of papers on

² "Court-generated documents" includes orders and notices other than those sent by the Bankruptcy Noticing Center (BNC). Certain notices prepared by the Clerk's Office are not currently feasible for electronic filing and/or for mailing via the BNC, and thus are mailed directly from the Clerk's Office. Eventually, all Court-generated documents will be delivered by electronic means, except to those persons who are specifically exempted from this requirement.

³ ACE is an acronym for Advanced Court Engineering, the project name for the Internet-based, electronic records access and electronic filing program jointly developed by the United States District Court and the United States Bankruptcy Court for the District of New Mexico.

unrepresented parties who have not specifically agreed to receive notices via electronic delivery will be in paper form, sent via the United States Postal Service.

a. Any request for exemption from the requirement for electronic receipt of Court-generated documents shall be made in accordance with the Court's guidelines⁴ and will be considered only on a recipient-by-recipient basis.

b. **NOTICE OF DEADLINE TO NOTIFY COURT
OF ELECTRONIC SERVICE METHOD PREFERENCE**

All attorneys, trustees, the United States Trustee, and all petition preparers listed in the certificate of service filed concurrently with this order must notify the Court in writing by

September 24, 2004

of their preferred electronic transmission method using the Clerk's Form 80 (Election of Method for Service and Notice of Court-generated Documents by Electronic Transmission).

Persons presently enrolled with the Court to receive notice via electronic means are not required to resubmit their preference; the existence of a preference may be ascertained by contacting Isabelle Lamkin at 505-348-2456 or Paul D. Yeomans at 505-348-2542.



JAMES S. STARZYNSKI
Chief United States Bankruptcy Judge

A certificate of service of this order is filed concurrently with this order. The certificate has attached to it a list of persons who have indicated a desire to receive Notices to Practitioners, along with all attorneys who have received paper notices from the Court's ACE system in the last year and a half. This list will be used to monitor compliance with the provisions of this order, particularly the requirement to specify a preferred electronic method using Form 80 to the Clerk by September 24, 2004.

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⁴ Access <http://www.nmcourt.fed.us/web/BCDOCS/bcindex.html> to obtain the Court's guidelines for Service and Notice of Court-generated Documents by Electronic Transmission.