

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

**Electronic Noticing Guidelines
Pursuant to New Mexico Local Bankruptcy Rule 9036-1**

**These guidelines pertain only to service and
notice of Court-generated documents¹.**

1. Background

On September 3, 2004, the Court entered an order which, among other things, adopts New Mexico Local Bankruptcy Rule 9036-1 with an effective date of October 1, 2004:

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.

This action is in keeping with the Court's vision of functioning virtually without paper and enables us to fulfill our duty to diligently administer limited and decreasing court funds.

The administrative order also set a deadline of Friday, September 24, 2004, for persons served with the order (existing practitioners and bankruptcy petition preparers) to notify the Court in writing of their preferred method for receiving Court-generated notices electronically – via facsimile or via ACE mailbox – using Form 80 A (attorneys) or Form 80 P (bankruptcy petition preparers). The order is on the Court's website (www.nmcourt.fed.us/web/BCDOCS/bcindex.html; see News & Notices).

Self-represented parties may also elect to receive Court-generated documents via facsimile, using Form 80 S (self-represented parties).

2. Process

2.1 Initial Registration for Existing Practitioners

Complete Form 80 A (see website) and return it to the Court by the Friday, September 24, 2004,

¹ "Court-generated documents" are all orders and notices other than (1) those sent by the Bankruptcy Noticing Center (BNC), and (2) certain notices which cannot yet be electronically filed by the clerk's office. Exceptions include some notices of corrections, some final decrees, and notices of reconversion. Notice of any document which cannot be transmitted electronically will be provided via United States mail.

deadline.

2.2 Initial Registration for First-time Practitioners (out-of-jurisdiction attorneys admitted *pro hac vice* and attorneys seeking a waiver of bar membership while their application for admission is pending)

2.2.1 Admission of Out-of-Jurisdiction Attorney (*pro hac vice*)

Review NM LBR 2090-1(b). Prepare a motion for *pro hac vice* admission to the bar, using your own form which meets the requirements of the rule. Prepare a proposed order, using the form Order Granting Motion for Admission of Out-of-Jurisdiction Attorney which can be found on the Court's website under Forms.

2.2.2 Temporary Waiver of USDC-DNM Bar Membership

Review NM LBR 2090-1(c). Prepare a motion for temporary waiver of membership, using your own form. Prepare a proposed order, using the form Order Granting Motion for Temporary Waiver of Membership, Allowing Attorney to Appear and Plead, which can be found on the Court's website under Forms.

2.3 Resident Attorneys Who Have Not Practiced in the Court Before August 2004

Submit Form 80 A before or concurrently with the filing of a paper in a case before the Court.

2.4 Requesting an Exemption

Although the Court considers a fax line and a computer with access to the Internet to be basic tools for an attorney, practitioners may seek an exemption from the requirement of NM LBR 9036-1 by preparing a proposed Order of Exemption from Requirement for Service and Notice of Court-generated Documents Via Electronic Transmission, using the Court's form which can be found on the Court's website under Forms.

2.5 Failing to Register

Attorneys who fail to register within five business days of being notified by the clerk will be subject to enforcement action by the Court.

2.6 Revising Registration: Changes in Method Preference or Contact Information

Submit requests for a change in noticing method or a change in fax number in writing, using Form 80 A. The completed form may be submitted to the clerk via e-mail (bcquality@nmcourt.fed.us) or via mail or at the customer service counter.

2.7 Procedures for Bankruptcy Petition Preparers

Complete Form 80 P (bankruptcy petition preparers). The completed form may be submitted to the clerk via e-mail (*bcquality@nmcourt.fed.us*) or via mail or at the customer service counter.

Bankruptcy petition preparers who fail to register within five business days of being notified by the clerk will be subject to enforcement action by the Court.

Submit requests for a change in fax number in writing, using Form 80 P. The completed form may be submitted to the clerk via e-mail (*bcquality@nmcourt.fed.us*) or via mail or at the customer service counter.

2.8 Procedures for Self-represented Parties

Complete Form 80 S (self-represented parties). The completed form may be submitted to the clerk via e-mail (*bcquality@nmcourt.fed.us*) or via mail or at the customer service counter.

Submit requests for a change in fax number in writing, using Form 80 S. The completed form may be submitted to the clerk via e-mail (*bcquality@nmcourt.fed.us*) or via mail or at the customer service counter.

3. Assistance and Additional Information

If you need additional information or assistance in complying with these guidelines, please check with the Court's quality clerk function via telephone at 505-348-2500 (toll-free: 866-291-6805) or via e-mail at *bcquality@nmcourt.fed.us*.

F:\Procedure\electronic notice\electronic noticing guidelines pursuant to NMLBR 9036-1.wpd