

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA

CM/ECF PRACTICE ADVISORY NO. 02-4

PROCEDURE FOR WITHDRAWAL BY COUNSEL REPRESENTING A
PARTY WHEN REPRESENTATION IN A CASE HAS CONCLUDED

ELECTRONIC NOTICE AND FED.R.CIV.P. 4 AND
FED.R.BANKR.P. 7004 INITIAL SERVICE

1. Procedure for Withdrawal by Counsel Representing a Party When Representation has Concluded

When an attorney has completed representation of a party in a case and no longer requires receiving electronic notification, the attorney should electronically file and docket a letter in the ECF system requesting that the attorney's involvement in the case be terminated. The letter would be docketed by: selecting "Bankruptcy" from the CM/ECF [blue] menu bar, then selecting "Miscellaneous" and lastly selecting "letter" from the event pick list. Thereafter, the case administrator assigned to the case would act on the electronically filed letter by terminating the association effective as of the filing date of the letter.

2. Electronic Notice and Fed.R.Civ.P. 4 and Fed.R.Bankr.P. 7004 Service

Effective December 1, 2001, Fed.R.Civ.P. 5(b) was amended to include a new subdivision (b)(2)(D), which permits service by electronic means or any other means, but only if consent is obtained from the person served. Rule 5 applies in adversary proceedings pursuant to Fed.R.Bankr.P. 7005. Both rules authorize electronic service of papers *other than* the initial summons provided for in Fed.R.Civ.P. 4 and Fed.R.Bankr.P. 7004. (This provision was not included in Fed.R.Civ.P. 4.) Thus, service of a summons instituting an adversary proceeding for the purpose of obtaining personal jurisdiction via electronic means is not permitted. Such service must be effected by conventional means. This is consistent with subparagraph II.B.3. of the Exhibit to Standing Order No. 01-6 (Order Adopting Case Management/Electronic Case Filing Procedures), which provides that:

The filer shall serve a filing upon all persons entitled to notice or service in accordance with the *applicable rules*, or, if service by first class mail is permitted under the rules, the filer may make service in accordance with subparagraph II.B.4. below.

(Emphasis added.)

Date: April 16, 2002

William C. Redden
Clerk of Court