

# ON THE DOCKET

April, May ,  
June 2008

United States Bankruptcy Court

Volume 9, Issue 2

## Inner Workings: News and Advice

by Susan M. Thurston, Clerk of Court

Inside this issue:

Inner Workings: 1

Charts 2

CM/ECF 3.2 Re- 3  
lease

Transcripts 4-5

Toolbars 6

Website Info. 7

Employee 8

Recognition

We are pleased to bring you another edition of our in-court newsletter, *On the Docket*. These last few months have been extremely busy as we bade farewell to Jonathan and Cindy and welcomed on board Jeffrey Dana, Judge Votolato's new law clerk, and Jennifer Morro, a new case manager. Jennifer is busy training in CM/ECF, intake and docketing procedures, and later in the year will also train as the back-up courtroom deputy. Holly D'Agostino has assumed her new position as the courtroom deputy/calendar clerk and can be reached at 626-3135 for all courtroom related matters.

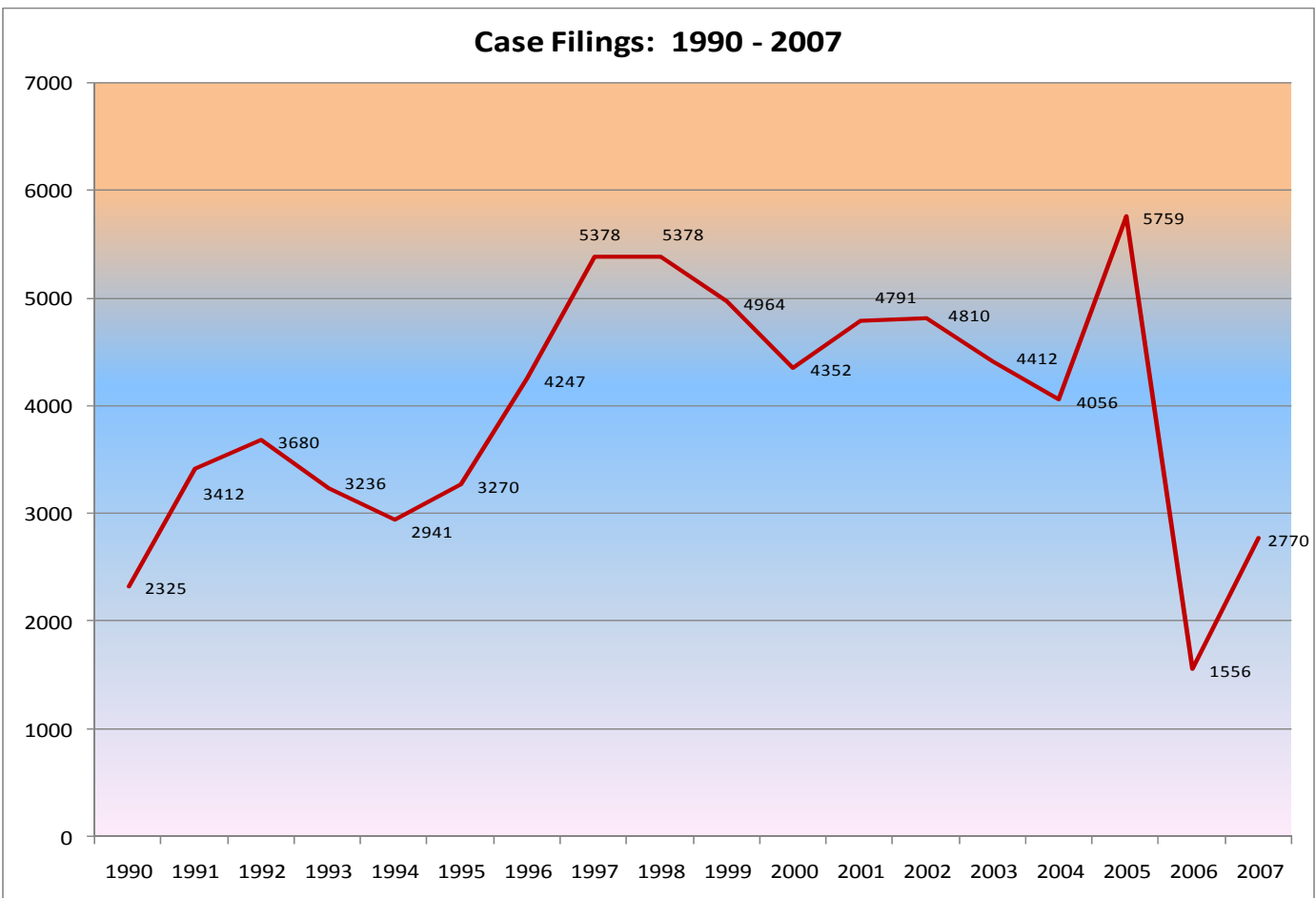
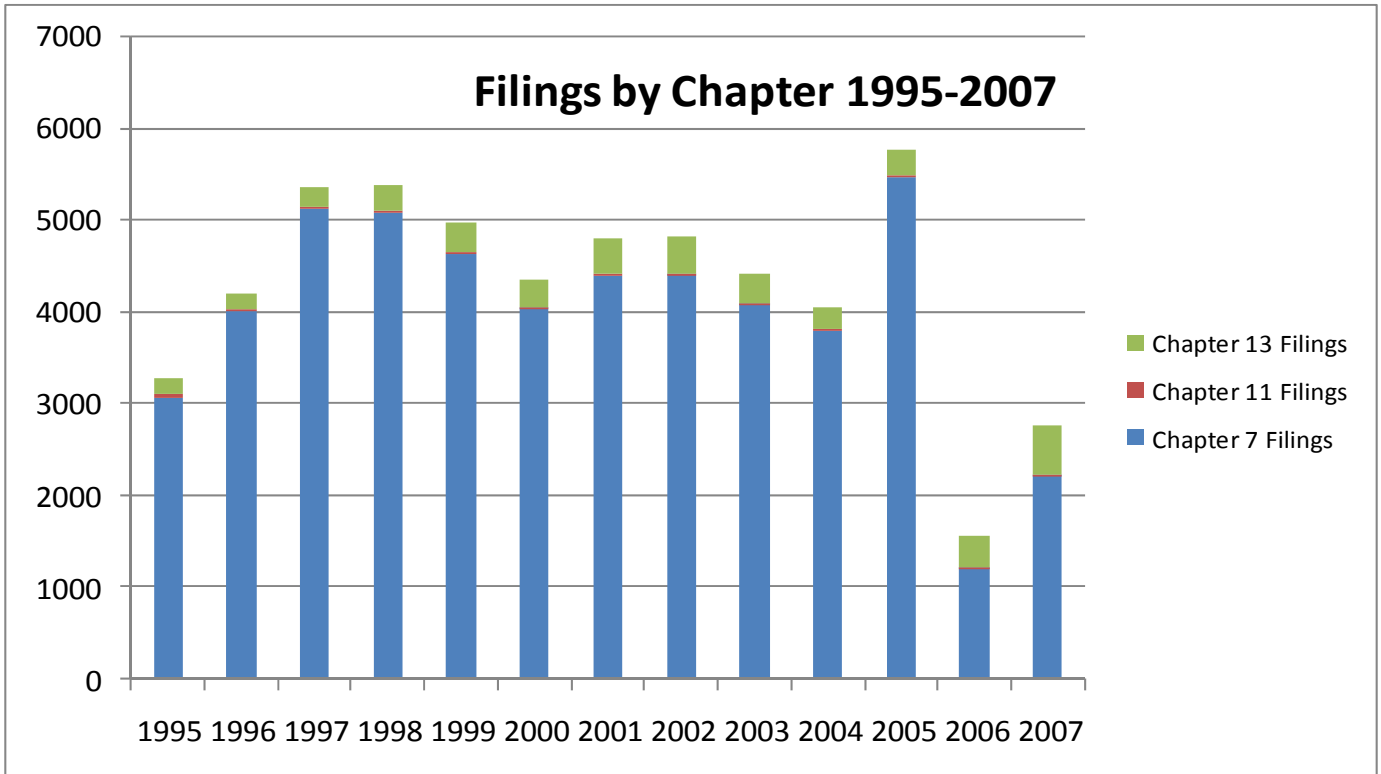
In this edition, you will receive up to date information on the court's upgrade to the newest release of CM/ECF, version 3.2, which is planned for late June. This release has a number of enhancements and improved features including a search capability, cascading menus, new electronic appeal transmission capability, and a new transcript policy. Please read Jody Venuti's detailed column on these important changes on page 3 *infra*.

As most local bankruptcy practitioners will attest, bankruptcy filings in Rhode Island have been steadily increasing monthly since the initial drop off following the October 2005 passage of BAPCPA. For the 12 months ending March 31, 2008, bankruptcy filings in Rhode Island increased 65% over the previous 12 month period. In

May 2008, we ended the month with 389 cases, a 100% increase over the 194 cases filed during May 2007. For the first 5 months of 2008, a total of 1,656 cases have been filed. On page 2 are several charts providing yearly case filing information.

Also of interest is that a record 90% of our new case filings are now being made electronically in CM/ECF. This activity makes the processing and noticing actions by the Clerk's office much more efficient to accomplish. Congratulations to all our CM/ECF registered users for their excellent e-filing work!

The Clerk's office is working on developing a new training program for our electronic filers to provide more distance education through an application known as Adobe Captivate. In the coming months we plan on posting several short training programs on specific topics that can be taken as needed directly from your office desktop. We hope this new technology will make it easier to quickly learn how to complete certain transactions and can be used as a refresher for certain matters performed infrequently, such as the filing of fee applications. If there is a particular event which you find difficult to process, please alert the Clerk's Office staff so that on-line training can be developed.



## CM/ECF 3.2 Release is Near!!

By Jody Venuti, Quality Assurance Specialist

The newest version of CM/ECF has many features that will benefit the user. Some enhancements include:

- a cascading menu
- an option to search menus and docket events
- the ability to bookmark often used events
- ability for any creditor to file an amended claim
- new options on the docket sheet report to view multiple documents and also to apply a header to any document selected

The browsers supported for Release 3.2 are Internet Explorer 6/7 and Mozilla Firefox 2; Netscape should no longer be used!!

Other changes include:

Pop-up Pay Windows: When filers are presented with various pop-up windows relating to payment of fees, closing one of these windows by clicking the X in the upper right corner will prevent subsequent pop-up windows from appearing. The message warning against

using the Back button now also warns against closing any of these windows by clicking the X. To allow the pop up to continue to appear, the user must select "CONTINUE FILING" until they are ready to pay.

Transcripts: In conjunction with Release 3.2 and the Administrative Office of the US Courts, electronic access to transcripts will be restricted to all but the purchaser of the transcript for 90 days pending redaction. Any party wishing to view the transcript must come into the Clerk's Office and view the transcript from our public terminal. No portion of the transcript can be copied or printed during the 90-day restriction period. At the end of the 90-day period, if there are no redaction motions linked to the transcript, the transcript will be available via remote electronic access and at the public terminal for viewing and printing. For a detailed explanation of this new transcript policy, please see pages 4-5.

A power point presentation is in the works and will be emailed to all electronic filers in the days prior to the release being installed into our Live database.

### 2008 Employee Recognition Customer Service Survey

If you have had exceptional service from a member of the clerk's office, why not have that person recognized at our annual employee recognition awards program held in September? Be sure to fill out the Customer Service Survey found on page 8 of this issue, or from our website, at

[www.rib.uscourts.gov](http://www.rib.uscourts.gov)

## Policy and Procedures Concerning the Electronic Availability and Redaction of Transcripts of Court Proceedings

The United States Bankruptcy Court for the District of Rhode Island, in accordance with Judicial Conference Policy and Federal Rule of Bankruptcy Procedure 9037, will implement the following policy regarding official court transcripts:

1. Transcripts will be e-filed by the court reporter or transcriber through CM/ECF, and they will be available at the Clerk's Office, for viewing only, for a period of 90 calendar days after filing.

2. Once a transcript is filed, counsel of record (and unrepresented parties) must review the transcript and request redaction of any personal identifiers listed in the Federal Rules. Unless otherwise ordered by the court, the following portions of the transcript must be reviewed:

- (a) opening and closing statements made on the party's behalf;
- (b) statements of the party;
- (c) the testimony of any witnesses called by the party; and
- (d) any other portion of the transcript as ordered by the court.

3. During the 90-day period, a copy of the transcript - in paper or electronic form - may be obtained from the court reporter

or transcriber at the rate established by the Judicial Conference.

The transcript will be available, for viewing only, at the public terminal at the Courthouse and

remotely electronically available to any attorney of record who has purchased a copy from the court reporter.

4. If a redaction is requested, the court reporter or transcriber must perform the requested redactions and e-file a redacted version of the transcript.

5. After the 90-day period has ended, the transcript will be available remotely to view, download or print through PACER, and to view and print at the Clerk's Office.

To implement the above policy, the following procedures will govern the availability and redaction of electronic transcripts filed with the Court.

### Redaction Request

**If a redaction is requested, a document entitled, "Notice of Redaction of personal data identifiers," must be efiled within 7 days** of the filing of the electronic transcript.

**Within 21 days**, or longer if the Court so orders, from the filing of the original transcript, the party who filed a Notice of Redaction must file a Statement indicating where the personal identifiers

appear in the transcript by page and paragraph and how they are to be redacted. This procedure is limited to the redaction of the following personal data identifiers:

- social security numbers to the last four digits;
- financial account numbers to the last four digits;
- dates of birth to the year;
- names of minor children to the initials; and
- home addresses to the city and state.

If a Notice of Redaction or a Motion to Extend Time is not timely filed, no redactions will be made, and the original transcript will be remotely publicly available after 90 days.

### Requests for Additional Redactions

If a party wishes to request further redactions in addition to those personal identifiers listed above, **a separate Motion for Additional Redactions to Transcript must be filed within 21 calendar days** from the filing of the original transcript. Until the Court has ruled on any such motion, the transcript will not be electronically available, even if the 90-day restriction period has ended.

*(Continued on page 5)*

*(Continued from page 4)*

### Filing of Redacted Transcripts

If a Notice of Redaction is filed, the court reporter or transcriber must perform the requested redactions and **file a redacted version of the transcript within 31 calendar days**, or longer if the Court so orders, from the filing of the original transcript. Unless the Court orders the original unredacted electronic transcript to be sealed, it will be retained by the Clerk and will be available, for viewing only, at the public terminal at the Courthouse and remotely electronically available to any attorney of record who has purchased a copy from the court reporter.

### Remote Public Access to Transcripts

If a redacted transcript is filed with the Court, the redacted

transcript will be remotely electronically available to the public through PACER after 90 calendar days from the date of filing of the original transcript. (While remote access to the original unredacted transcript will remain restricted, both the original transcript and the redacted transcript will be available for viewing at the Clerk's Office unless the Court orders the original transcript to be sealed.) If a redacted transcript is not filed with the Court, the original transcript will be remotely electronically available to the public through PACER after 90 calendar days.

### PACER Fees

Once the restriction on viewing the transcript remotely has been lifted, the user will incur PACER charges each time the transcript is accessed. This applies even if the user purchased

the transcript from the court reporter and obtained remote access during the 90-day period. There is no "free look" for transcripts, and charges will not be capped at 30 pages as they are for other court documents (they accrue for the entire transcript).

**-NOTE: The responsibility for redacting personal identifiers rests solely with counsel and the parties. Neither the Clerk nor the court reporter or transcriber will review transcripts for compliance with this policy.**



## Reminders and Helpful Hints

- Please do not staple Declarations
- When filing a joint document, be sure to pick both parties as party filers
- Amended schedules require a certificate of service to the added creditor(s)
- Be sure to right click and open your PDF before attaching
- If a case has not converted before, file a Notice of Voluntary Conversion. If the case has converted before, a Motion to Convert must be filed.
- All individual Ch. 7 debtors must file Form 22A-Means Test regardless of whether they have primarily consumer or business debts. If the debts are primarily business, complete Part I only.
- Do not include the Certificate of Credit Counseling or the Payment Advices in the petition PDF.
- Do not file Tax Returns with the initial filing of the petition
- When withdrawing as an attorney, you must provide the court with a noticing address for the party you formerly represented

## How many toolbars do you need?

By Craig Balme, ISM

Do you know how many toolbars are loaded in your browser? Do you know what they do or what they are doing while you are browsing? Do they report your clicks to someone? Are they following your every action and compiling data about you? How about blocking pop-ups without your knowledge?

A toolbar is an add-on to your browser that is supposed to increase functionality. One of the biggest things that these toolbars generally offer is pop-up blocking. You know, the pesky windows that seem to jump out of every web page trying to sell you something. There are other features included such as custom buttons, searching, spell checking, etc. which are all sup-

posed to enhance your browsing experience.

Multiple toolbars can often be loaded without conflict. However, a problem can occur when they are all providing similar functionality. For example, if you want to pay for an ECF filing and need to see the pop-up box, you must disable the default pop-up blocker that is in your browser (e.g. Internet Explorer). This is logical, but if you have a toolbar (or more than one) loaded that has pop-up blocking enabled, you won't be able to see the payment window, and be left confused as to why the window didn't appear even though the default blocker was disabled. These additional blockers are preventing functionality instead of adding to it!

How do these toolbars end up on your system? Often,

they appear through third party software. For example, the Firefox browser would ask if you wanted to install the Google toolbar. An easy way to verify what is being loaded with a toolbar is to do a 'custom' install and watch what components are being added to your computer.

The dark side of these toolbars is that they often track where you are going and what you are viewing. If you read the privacy statement for the Google toolbar, it states "... Google may collect information about web pages that you view when you use advanced features such as PageRank, SpellCheck, AutoLink, and WordTranslator." Most of the time the collection is harmless; the problem may be how the information is used.



# Surfing the Court's Website

by Michelle McCurdy, Data Quality Analyst

Did you know that our court's website has a wealth of information right at your fingertips???? Go to [www.rib.uscourts.gov](http://www.rib.uscourts.gov) and check it out. Here are a few highlights of what you can expect to find on our website. Our goal is to provide you with the most up-to-date information and assist you in any way that we can.

On our home page, you will find News and Announcements. This is updated on a regular basis to provide you with the latest news and currently includes the following topics:

- \* Transcript Policy
- \* CM/ECF Version 3.2 Update
- \* Means Testing
- \* Amendments to Local Rules

From the home page, there are almost 20 links that are available for your viewing pleasure. Here is a sampling of some categories that

you may find helpful:

- \* Attorneys - including sections on Court Ex-cusal and Attorney Ad-missions
- \* Bankruptcy Info - in-cluding the US Bank-ruptcy Code and the Bankruptcy Reform Act of 2005
- \* Calendars - Court cal-endar and Section 341 Meeting Calendar
- \* Case Information - in-cluding how to obtain court documents, Fee information and Statis-tics
- \* CM/ECF Information - including Access to CM/ECF, Registration and Training Info, User Manual and Resources and a list of Registered Users
- \* Court Forms
- \* Court Information - in-

cluding Case Manager Assignments, Office Hours and Unclaimed Funds

- \* Court Rules - including our Local Rules, Federal Rules, US District Court Rules and Bankruptcy Appellate Panel (BAP) Rules

- \* Fee Information

- \* SELF HELP/PRO SE PAGE

- \* Trustees' Corner

- \* Search Knowledge Base - including a variety of topics that we've popu-lated based on questions from filers. This is an area that you should defi-nitely check out. And if you don't find what you're looking for, please post your ques-tion. We'll answer it and then add it to the Knowl-edge Base.

**Notice of Closing**

**The Clerk's Office will be closed on Friday, July 4, 2008 in observance of Independence Day.**

**United States Bankruptcy Court**

**District of Rhode Island**

**2008 Employee Recognition Customer Service Survey**

Customer service and your satisfaction are the focus of the Clerk's Office. As we approach the occasion of our Annual Employee Recognition & Awards Ceremony, we ask you to assist in the selection process by nominating the employee whose efforts provide exemplary customer service. Please take a few moments and select the employee who you believe should be honored by circling one name in each of the categories below. After making your selection, you may include a brief statement as to why you feel the employee has earned this honor. Your participation in this survey is greatly appreciated.

**PLEASE RETURN COMPLETED SURVEY TO US BANKRUPTCY COURT, 380 WESTMINSTER ST., PROVIDENCE RI 02903 BY JULY 16, 2008 (ATTN: GAIL), OR FAX TO GAIL AT (401) 626-3150**

**General Counter/Phone Support**

**Anne Amy Carolyn Christine Holly JenD JenW Linda**

Statement in Support of Nomination:

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**ECF Support**

**Anne Amy Carolyn Christine Holly JenD Jen W Linda  
Craig Steve Jody Michelle Sam**

Statement in Support of Nomination:

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**Administrative/Court Related Support**

**Craig Steve Jody Michelle Kristen April Leah Sam**

Statement in Support of Nomination:

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