

# ON THE DOCKET

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Clerk of Court

## Welcome

To the first edition of "On the Docket", the Rhode Island bankruptcy court's first public newsletter! We are very excited to bring this publication to you, and hope and expect that it will become a valuable tool in your efforts to remain current on changes and devel-

opments in the bankruptcy arena. In this newsletter, we plan to bring you information on current technological initiatives in the clerk's office, recent bankruptcy decisions, training opportunities and suggestions for ways the bar and the public can improve the

administration and processing of cases in the court.



Waterplace Park at Night as featured on our Website  
Photo by Stephen Cloutier

### Inside this issue:

Imaging	1
Proposed Local Rule Amendments	1,5
Website	2
Recent Court Decisions	2
AutoCOP	3,5
Clerk's Office Hours and Upcoming Closings	3
Electronic Filing	3
Vision and Mission Statement	4
Public Notice on Access to Bankruptcy Data	4
Electronic Bankruptcy Noticing	5

Thanks!

## Imaging

A year ago this January, we began imaging public documents filed with the court for display on the court's website at [www.rib.uscourts.gov](http://www.rib.uscourts.gov).

Starting with 1998 cases, each paper filed in the Clerk's Office is scanned into our computer and stored under its case number. Anyone wishing to view a document may examine the exact image (without having to go to the actual hard-

copy file) by retrieving the image in the Case Image Lookup section of the website and typing in the applicable case number.

Give it a try. We think you'll find it to be an extremely valuable resource in managing bankruptcy cases.

To help this office more efficiently process cases, we have developed the following *Tips for Imaging*:

- Do Not Staple Pages Together on the original document
- Do leave room on the 1st page or signature page of the paper for the Court "filed" stamp.
- Do leave room on the bottom of a one page document or signature page for an endorsement order stamp.
- Do include heading information on the signature page of multiple page documents.
- Do include the certificate of service at the bottom of the pleading, if possible.

## Proposed Local Rule Amendments

Notice is hereby given of the proposed amendment of local bankruptcy rules and forms: 1005-1, 3002-1, 3015-1, 7004-1, 9070-1,

RI Bankr. Forms A, K.2 and J. Copies of the proposed amendments may be obtained at the Clerk's Office

(Continued on page 5)



"While most of the proposed amendments cure technical defects, the proposed amendments to rules 3002-1, 7004-1 and 9070-1(c) are substantive in nature."

## Website

While you're surfing the Web, check out the U.S. Bankruptcy Court's Web Site. You can access it by typing <http://www.rib.uscourts.gov>.

Our site includes access to court information such as filing fees, filing requirements, telephone numbers and case manager assignments, directions to the courthouse, statistics and instructions for obtaining records from the Federal Records Center or through VCIS.

In addition, the case information section allows for expanded access to the court's

bankruptcy database, including the ability to view bankruptcy and adversary proceeding dockets and claims registers. Even more exciting – for all cases filed from 1998 forward, imaged copies of the actual filed documents are available for retrieval, viewing and local printing.

Our WebSite also includes the court's local rules and forms, judge's opinions, as well as a large variety of official and local bankruptcy forms such as the petition, schedules and statements, appeals and adversary proceeding forms, and in-



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

structions for various types of filings.

Check it out. There's a lot to see. If you think of something that you would like to have added to the Web site, please let us know.

## Recent Court Decisions

*In re Keach*, 225 B.R. 264 (Bankr. D.R.I. 1998)–The Court denied confirmation of the Debtor's Chapter 13 plan, finding that the plan was not presented in good faith and that the plan was not feasible. On the heels of receiving his Chapter 7 discharge, discharging more than \$100,000 of unsecured debt, the Debtor filed a Chapter 13 petition to deal with certain tax obligations and a \$180,000 debt determined to be non-dischargeable in the prior Chapter 7 on account of the Debtor's pre-petition fraudulent conduct. The Court set forth a series of factors to consider when confirming a "Chapter 20"

case and stated that increased scrutiny was required in such circumstances. Applying the factors, the Court found that the plan was not presented in good faith.

*In re Warren D. Atlas*, B.K. No. 92-12610 (Bankr. D.R. I. December 14, 1998)–The Debtor filed a motion to reopen his bankruptcy

case, seeking a determination that a particular debt owed to the Debtor's former mother-in-law was discharged even though she was inadvertently omitted from the creditor matrix and never received actual notice of the bankruptcy. The Court granted the motion to reopen and found that the pre-petition loan was discharged.

All of the Court's bankruptcy cases from 1996 forward are available on the Court's Web site at [www.rib.uscourts.gov](http://www.rib.uscourts.gov). There are also computers located in the Court's Library and in the Clerk's Office Public Area that can access opinions dating back to 1989.



Judge Votolato's Bankruptcy Decisions



In our next publication, look for case summaries of decisions from the 1st Circuit Bankruptcy Appellate Panel

Individuals can search the data base using key words and phrases to find relevant case law. If the case is published, a West Bankruptcy Reporter cite is provided.

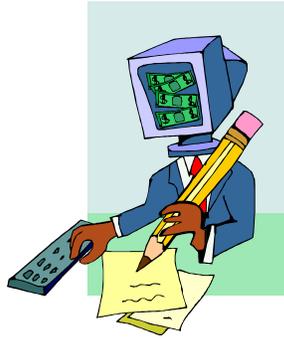
## AutoCOP

The Automated Case Opening Program (AutoCOP) was developed by the U.S. Bankruptcy Court for the Southern District of Iowa and is currently being modified to fit the needs of our court. AutoCOP accurately and expediently opens a new bankruptcy case into our automated case management system (BANCAP) and financial system (FINSYS) in a one-step process. A user friendly, Windows '95, 32-bit front end

communicates with BANCAP and FINSYS and helps the user avoid common case opening errors. Data redundancy is dramatically reduced and case administration is greatly enhanced. Immediate case opening information is provided to the party filer, thus enhancing customer service.

AutoCOP is designed to perform the following intake processes:

- Writes receipts
- Opens cases in BANCAP (automatically assigns case number, judge, trustee)
- Scans matrix
- Automatically docketed lead events
- Automatically schedules 341



(Continued on page 5)



**Clerk's Office Closings are also listed on the Internet at [www.rib.uscourts.gov](http://www.rib.uscourts.gov)**

## Clerk's Office Hours and Upcoming CLOSINGS

The Clerk's Office is open to the public Monday through Friday, 8:30 am to 4:30 pm. In accordance with Fed.R.Bankr.P. 5001 (a) and LBR 5001-2(c) filings before 8:30 am and after 4:30 pm weekdays, or on weekends and holidays may be made, for cause



shown, by advance appointment or in emergency circumstances with the Judge, the clerk, or the clerk's designee. Filings during nonbusiness hours may also be made by using the outside night deposit box located at the front of The Federal Center. See LBR 5001-2(b).

February 15, 1999 is President's Day. The Clerk's Office will be CLOSED. Please remember to use the outside deposit box for any filings during this day.

## Electronic Filing

Three bankruptcy courts are currently piloting the Administrative Office's Electronic Case Files prototype system, which allows for the electronic filing of petitions, motions and all matters arising in a bankruptcy case. Presently, the Bankruptcy Court in the Southern District of Cali-

fornia (San Diego) is piloting chapter 7 cases, the Bankruptcy Court in the Northern District of Georgia (Atlanta) is electronically filing chapter 13 cases, and the Southern District of New York Bankruptcy Court (Manhattan) is piloting chapter 11 cases. Each of these courts are giving rave reviews

of the systems and are consistently adding new attorneys to the electronic filing world. This year, the Judicial Conference expects to make a decision on what system to support on a national level, and thereafter will begin a two year



Electronic Filing is the wave of the future

roll out in the courts. The Bankruptcy Court in Rhode Island is excited and enthusiastic to soon be able to bring this new filing option to the bar.



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BANKRUPTCY COURT  
DISTRICT OF RHODE ISLAND**

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## ***Vision and Mission of the U.S. Bankruptcy Court, District of Rhode Island:***

**Vision Statement:** The Clerk’s Office for the U.S. Bankruptcy Court, District of Rhode Island is committed to the vision that: *We remain current with new and emerging technologies so that we may offer our customers – - the legal community, the public and the court – - the most efficient, reliable, useful, and state of the art resources to fulfill their missions. Within this vision, is the commitment of the Clerk’s Office to fulfill its mission in the most efficient, economical and practical way possible.*

**Mission Statement:** The mission of the Bankruptcy Court is to: *serve the public, bar and court personnel in a timely, accurate and courteous manner; to maintain current, accurate records; to provide accurate information on cases and on the Court’s procedures, and to proactively move bankruptcy matters to a prompt conclusion.*

We’re on the Web  
[www.rib.uscourts.gov](http://www.rib.uscourts.gov)

## ***Public Notice on Access to Bankruptcy Data***

The Clerk’s Office has developed a Public Notice to advise all users of the bankruptcy system in Rhode Island that papers filed with the Court, including debtors’ petitions and schedules, are posted on our website and are thus available on the Internet. We encourage practitioners to provide a copy of this notice to all prospective debtors, in order that they be fully advised of this consequence of filing bankruptcy in this district. The substance of the notice is as follows:

“All users of the United States Bankruptcy Court for the District of Rhode Island please be ad-

vised that upon the filing of a petition for bankruptcy, all information contained therein and filed thereafter, is accessible to the general public through the Internet, in addition to at the courthouse. Please advise your clients accordingly.”

11 USC § 107

§ 107. ***Public access to papers.***

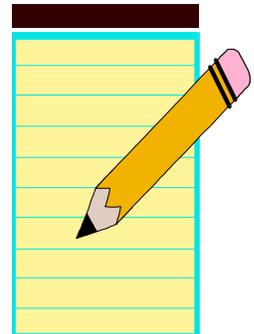
***(a) Except as provided in subsection (b) of this section, a paper filed in a case under this title and the dockets of a bankruptcy court are public records and open to examination by an entity at reasonable***

***times without charge.***

***(b) On request of a party in interest, the bankruptcy court shall, and on the bankruptcy court’s own motion, the bankruptcy court may -***

***(1) protect an entity with respect to a trade secret or confidential research, development, or commercial information; or***

***(2) protect a person with respect to scandalous or defamatory matter contained in a paper filed in a case under this title.***



PUBLIC NOTICE

*(Proposed Local Rule Amendments Continued from page 1)*

and are also available on the Court's website. Comments should be received by March 1, 1999. While most of the proposed amendments cure technical defects, the proposed amendments to rules 3002-1, 7004-1 and 9070-1(c) are substantive in nature. LBR 3002-1 will require that, contemporaneous with the filing with the Clerk, all proofs of claim

are to be served on the debtor's attorney in the case (debtor, if pro se) and on the case trustee. Similarly, proposed LBR 7004-1 will require that, contemporaneous with service of a summons and complaint on the defendant in an adversary proceeding, a copy of the summons and complaint shall also be served on the attorney representing the debtor in the bankruptcy case and on the trustee.



Respond by March 1, 1999 to the Proposed Local Rule Amendments.

tee. Proposed LBR 9070-1(c) will require that all exhibits offered into evidence be legible and that copies of photographs be in color, unless the original is in black and white.

*(AutoCOP Continued from page 3)*  
meeting

- Automatically docket 341 notice and ships to BNC.

In most situations, the file can be shelved after intake has completed an AutoCOP case opening. There

is no need for the case manager to make any additional docket entries or handle the case until the next event occurs.

- AutoCOP takes an experienced user approximately 2.5 minutes for entry of a

typical Chapter 7 no-asset case with a three-page matrix and deficiencies. This results in a savings of 12 minutes per case over our current case opening process. AutoCOP is due to go "live" around March 1, 1999.

*"Autocop ... results in a savings of 12 minutes per case over our current case opening process"*

## Electronic Bankruptcy Noticing

### What is EBN?

The United States Bankruptcy Courts, in conjunction with the Administrative Office of the U.S. Courts, is now offering a new way for your organization to receive notices from the bankruptcy courts. Electronic Bankruptcy Noticing, or EBN, is the process by which bankruptcy notice information is transmitted electronically to creditors who have requested the service. EBN allows your company to choose to receive bankruptcy notice data formatted in Electronic Data Interchange

(EDI) and transmitted to your electronic mailbox in lieu of paper notices.



For more information on EBN, please call the Clerk and check out the EBN website at [www.ebnuscourts.com](http://www.ebnuscourts.com)

### Benefits of EBN

Participation in the free Electronic

Bankruptcy Noticing program can offer many benefits to creditors. EBN technology is operated by the Bankruptcy Noticing Center (BNC) to provide en-

hanced service for creditors. Bankruptcy noticing data can now be formatted in Electronic Data Interchange (EDI) and transmitted to an electronic mailbox in lieu of paper notices. EDI bankruptcy notices are delivered days faster than the U.S. Mail. In addition, the EDI information can be processed by computer, providing the capability for processing bankruptcy noticing information at a fraction of the cost of manual methods. Electronic notices can be routed to a single electronic mailbox, eliminating the need to route paper notices to the proper peo-

ple in an organization.

- Creditors that receive thousands of bankruptcy notices can replace paper with a computer-to-computer process
- EDI bankruptcy notices are delivered days faster than the U.S. mail.
- Creditors can reduce their processing expenses and improve data accuracy by replacing manual processes with automated procedures.