

# ON THE DOCKET



Kristen E. Batty, Editor

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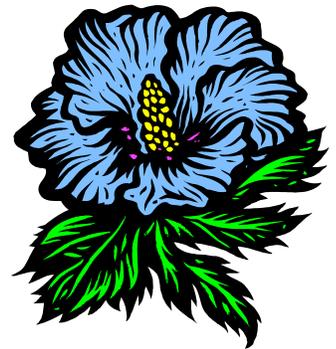
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## The Inner Workings of the Court: News and Advice

*By: Susan M. Thurston, Clerk of Court*

Welcome to another edition of the Bankruptcy Court's premier newsletter, *On the Docket*. The summer months have quickly passed and we are once again thrilled to put the kids on the school buses and get back to work in earnest! This fall and winter promise to be extremely demanding at the court as we enter the Implementation Phase of our conversion to our new system, Case Management/Electronic Case Files (CM/ECF), which will replace our 15 year

old Bancap system. During this phase, clerk's office staff will be building the database dictionary and adding features that will allow attorneys and other filers to file documents electronically with the court. While the rollout of the system is taking place nationwide, each court must customize the database to work in conjunction with their own existing local rules and procedures, as well as new rules and procedures being written to facilitate the program. On page 7 *infra*, you



can read more about this exciting new initiative and also see page 2 *infra*, for what hardware and software requirements will be required by external users of the system.

We are delighted to announce

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***News & Advice continued from page 1)***

that the renovation of Bankruptcy Judge, Arthur N. Votolato's, courtroom and conference room are complete and ready for use! The conference room was enlarged to permit a larger conference room table and greater elbow room for all visitors. Those who remember the previous room will be both impressed and relieved, I imagine. In addition, a sound proof wall and ceiling were installed to ensure the privacy of conference room proceedings from the courtroom. In the courtroom, we have removed the jury box and replaced it with additional chairs, thus widening the audience seating throughout the room. New carpeting has been installed and soon, new drapes will be hung to brighten up and complete the courtroom renovation. Next year, we are

expecting to install a new audio sound system which should provide greater amplification within the courtroom for everyone's benefit. Anyone who has not yet attended the courtroom technology training to learn how to use all the nifty evidence presentation gadgets and devices, should contact the Court Training Coordinator, Kristen Batty, at 528-4477, ext. 33, or speak to one of the courtroom staff while there.

Finally, I would like to introduce a new column that was added this quarter to the publication called ***Technical Help: Tips and Tricks***. As work at the court evolves, we rely more and more on the use of automation to support the mission and vision of the Bankruptcy Court. So too do most of you in your day to day business activities and personal lives. To assist readers in this

area, our automation department (comprised of three individuals) have agreed to write this column to cover many common automation questions, concerns and areas of confusion. In this edition, we have included three articles: "*What to look for when upgrading a computer*"; "*Virus Prevention*", and "*New Website Enhancements*". We hope these are helpful and informative. If there are specific automation areas you would like to see addressed in future editions, please notify our Executive Editor, Kristen Batty.

Always remember — our website continues to be a place for valuable information about the court and its activities. Visit us often at [www.rib.uscourts.gov](http://www.rib.uscourts.gov) !

### **CM/ECF Hardware/Software Requirements**

- **Pentium PC running Windows 95/98 or Macintosh**
- **Internet Service**
- **Word Processing and/or petition software**  
Netscape Navigator software version 4.6 or 4.7
- **Adobe Acrobat software (Reader and Writer), to convert documents from word processing software to Portable Document Format (PDF), or to save scanned documents to PDF**
- **A scanner for documents not in any software**

## Team Coach

*By: Cindy Cory, Courtroom Deputy*

As the Office gets ready for electronic case filing, we notice that many filing attorneys ARE NOT complying with the court's Local Rules. Compliance is even more critical now, since in addition to managing our regular workload, all staff at the court are involved in developing, implementing and learning the new system and procedures for electronic case filing. This important process is interrupted and delayed by having to continually issue notices of defective pleading for noncomplying filers. Adherence to the court's local rules should be part of the routine practice of every law office. The most common local rule errors include:

1. **Reaffirmation Agreements** must be filed using **RI Local Bankruptcy Form U**. This form is available in the Local Rules book or from the Court's website: [www.rib.uscourts.gov](http://www.rib.uscourts.gov). This form includes case name and number on all pages as well as the inclusion of necessary information to process the reaffirmation.

2. **Chapter 13 Plans** must be filed in compliance with Rule 3015-1, specifically using **RI Bankruptcy Form W**. Again, copies can be obtained from the court's website, in the public area of the Clerk's

Office, or in the back of the local rules book. The Plan is separate from the petition and should not be placed in the middle of the petition.

3. **Case Name and Number required on signature pages.** Local Bankruptcy Rule 1005-1(a) requires the case name, number and chapter appear on all signature pages. This requirement ensures that papers are not misfiled or put with other pleadings. It also prevents pages containing only signatures from being imaged and attached to the wrong pleading and/or case.

4. **Original pleadings should not be stapled.** Original pleadings are imaged (copies are not imaged and should be stapled). A stapled pleading cannot be imaged!

5. **Matrix on Disk:** It has been almost two years since the matrix on disk requirement went into effect and still we have noncompliance. The matrix must be filed on a 3" computer disk, Microsoft compatible, named matrix.txt. Due to the short time frame for giving notice to creditors of a bankruptcy filing, defective matrices must be cured within 48 hours or the case is dismissed. As a reminder, attorneys for debtors are requested to review the Section 341 Meeting Notice for

accuracy. It is also the responsibility of the filing office to ensure that the schedules and the matrix match, otherwise a defective notice is issued and a miscellaneous fee collected to cure the defect.

6. **Motions for Relief from Stay:** DO NOT ATTACH ANY SUPPORTING DOCUMENTATION TO THE MOTION! Pursuant to LBR 4001-1(d), any attached documents are destroyed and result in needless copying by the filing office. Supporting documents should *only* be attached to the Joint Pretrial Order, if the motion becomes contested.

Now is the perfect time to review the court's local rules and ensure that your office practices are in compliance. Once the court converts to the new electronic filing system in the spring, there will be a tremendous amount of new related filing procedures and computer skills to learn and previous old habits will be even harder to break. Most importantly, we appreciate your cooperation as it allows us to focus more of our time on bringing you this exciting new system.



# TECHNICAL HELP: TIPS & TRICKS

## What to look for when upgrading a computer

By: *Craig M. Balme, Information Systems Manager*

In both today's business environment and personal life, our dependence on computers is ever increasing. This reality results in the need to continually upgrade our systems to adequately run the most current software versions. The difficulty is knowing what to upgrade and what not to. This article seeks to clarify some of the computer jargon used with computers and to also provide advice to make these important upgrade decisions, when the time comes.

A computer is composed of several necessary components that work together to form an information storage and processing unit. The main components are the **CPU** (processor), **RAM** (memory), **hard drive** (storage), **video card** (display), and **input devices** such as the mouse and keyboard. There are many more options such as sound cards, DVD or CD writer drives, and other types of input/output devices that aren't necessary for the computers basic functions. Upgrades are only required when you can no longer run software that you use or wish to use, or if you need functionality that doesn't exist (playing DVD movies for example).

The **CPU** is the workhorse of the computer and is usually rated in "gigahertz" which is billions of instructions per second. Advertising would like you to believe that the fastest rated CPU is the best but that isn't always the norm. A safe middle ground is something you can afford that will last several years (3 is the standard). AMD processors try to incorporate more work per second where Intel tries to run at a faster speed to do the same thing, thus the disparity between gigahertz and actual work done. One difficulty in upgrading your CPU is that your motherboard, which holds most of the components, must be rated for the CPU's gigahertz. If the motherboard isn't, then it will also have to be replaced. Often when this situation happens it also causes the person to upgrade their memory since older memory does not always work correctly with newer motherboards.

Memory is the term usually used for **(R)andom (A)ccess (M)emory**. This is the workspace or "scratchpad" area

of the computer and is rated in "megabytes". Most people will say "the more the better" which is generally true but the noticeable performance increases disappear after about 256M. Upgrading memory is usually comprised of adding a chip to the motherboard and takes less than 5 minutes on average. Occasionally it may take longer if components have to be removed in order to access the memory slots. RAM is volatile, if you turn your computer off everything in memory is lost.

**The main components of a computer are the CPU, RAM, hard drive, video card, and input devices.**

You would upgrade your RAM in cases where your programs load very slowly or perform sluggishly but you know your processor is relatively new.

**Hard Drive** is the term used for the involatile storage space on your computer. Everything you save on your computer (files, pictures, documents, etc)

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## TECHNICAL HELP: TIPS & TRICKS CONTINUED

*(Upgrading your computer continued from page 4)*

is stored magnetically on your computer's hard drive. This is one of the most common up-



grades preformed. If you are replacing a drive then this procedure can be tricky without the correct software, but adding a drive usually takes about 30 minutes or less. You would replace your drive when your disk space begins to run low. This is something you would have to monitor by viewing the properties of your

drive in Windows Explorer (or a similar utility).

**Video cards** are used to display information on your monitor. They are generally only upgraded when there is a need for more video performance or better graphics capability. Most business machines don't require high end graphics but if you do any kind of work with video, 3d graphics, or gaming then you will want a decent adapter. Currently the top video cards are in excess of \$400.

**Keyboards and mice** are usually upgraded when they stop working, or you want features such as a scroll wheel on your mouse or quick buttons on your keyboard. It may also be necessary to upgrade these when you change your motherboard depending on the connectors that are available to plug into.

To summarize, the upgrade of your computer should be painless and straightforward but it is often mired in technical jargon and technical mumbo-jumbo that is lost on the average user. When researching upgrades for your system ask as many questions as possible, read packaging and research online. If you are a "do-it-yourself" type make sure your parts carry warranties and/or you have a good return policy. If you contract with someone to do the work be sure they are charging for the correct amount of time and that they aren't applying a huge markup to their parts. I would also recommend not spending a lot of money upgrading a machine that is more than a couple of years old.

Happy computing.

## Virus Prevention

*By: Matthew Ward, Automation Support Specialist*

One of the most important utilities available for your computer in today's market is virus protection software. Viruses, Trojans, and Worms can cause a significant amount of damage that could potentially cost time, money, and possible

embarrassment.

**Virus:** A program or piece of [code](#) that is loaded onto your computer without your knowledge and runs against your wishes.

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(*Virus Prevention continued from page 5*)

**Trojan:** a Trojan horse is a program in which malicious or harmful code is contained inside apparently harmless programming or data in such a way that it can seize control and do its chosen form of damage. A destructive [program](#) that masquerades as a benign application.

**Worm:** A program or [algorithm](#) that replicates itself over a computer network and usually performs malicious actions, such as using up the computer's resources and possibly shutting the system down.

Here are a few tips to help keep your computer virus free.

1. Scan floppies with an anti-virus software before using them. Especially if you use them in multiple computers.

2. Be careful with software you download from the web. Make sure it is a reliable source and that you know what you are downloading.

3. Do not open e-mail attachments that you are not sure about. Especially if the name of the file has an ending of .exe, .vbs, .scr, .bat, .lnk, .pif, .reg. There are many others but these are the most common. A good rule of thumb is never open an attachment from someone you don't know or are not expecting.

4. Make sure your computer is protected with a good Anti-

virus package that allows for 'real-time' protection. Also, make sure your virus definitions files are current.

Following these guidelines will not guarantee that you will never become infected, but it does lower your risk by a significant margin. If you would like to learn more about this topic there are numerous sources available such as Symantec.com, Sophos.com, and McAfee.com. These sites have a wealth of information on how to protect your computer from harmful programs.

The Clerk's Office will be **CLOSED**:



**Friday, September 20, 2002**

**from 1:30—5:00 pm** in celebration of the annual employee recognition luncheon.

**Monday, October 14**, in observance of Columbus Day

**Monday, November 11**, in observance of Veteran's Day

**Thursday, November 28**, in observance of Thanksgiving

## INTAKE INPUT

*By: Jody Venuti, Intake Clerk*

As you are probably aware, the big conversion to CM/ECF is just around the corner. Feel free to take a copy of the brochures and/or any information that is available in our public area. Don't forget to check out our website ([www.rib.uscourts.gov](http://www.rib.uscourts.gov)) to answer any questions you may have on CM/ECF and also find out how to become a registered user.

Many people are taking advantage of the Electronic Bank-

ruptcy Noticing that is available. You can receive your court notices by fax or email a lot faster through Electronic Noticing than by regular mail. Also, for the first 30 days, the electronic notice is followed up with an actual mailed notice to ensure that the fax or email notice is received by you. Sign up forms are available online or in the public area.

In light of all the imaging of documents that we've been doing since 1998, imaged cases are



being shipped to the federal records center one year after they are closed. If you need to reopen a case 1998 or older, please check with the Clerk's Office to make sure the case has not been shipped away prior to filing a motion to reopen. The file retrieval must occur before the motion can be acted on. (Just a reminder that there is a \$35.00. retrieval fee).

## CM/ECF Public Relations Committee Update

*By: Joseph Wilkicki, Chair*

Regular readers of this publication, as well as visitors to our office have heard about our conversion to a new Case Management/Electronic Case Filing (CM/ECF) system. This conversion is expected to take place in early February of 2003. However, the entire office has been actively engaged in the planning of this conversion since March of this year. This planning time is crucial to a smooth transition from our old, outdated case management system to CM/ECF - the high efficiency, state of the art system cur-

rently in use by 40 some Bankruptcy courts across the country.

Attorneys and creditors that will need to access our new case management system should begin planning also. This would be a good time to assess the computer skills of office staff, and attend training classes, if necessary plan for computer purchases or upgrades and research appropriate Internet service providers.

The Clerk's office will be assisting our outside customers by publishing brochures that

contain up to the minute information on the needed hardware, software and skills training that will be required to use the CM/ECF system. In addition, visitors to the Court will soon be able to view information about CM/ECF in the courtroom before each court session. These brief presentations will change regularly and will help to keep you informed of our progress toward the CM/ECF conversion, as well as give you planning tips for your office.

## New Website Enhancements

*By: Susan M. Thurston, Clerk of Court*

In our ongoing effort to improve communication with the public and increase access to important court information, we continue to update existing areas and develop new features on the court's website, located at [www.rib.uscourts.gov](http://www.rib.uscourts.gov). Recently, we have added several new sections of interest including the *Forum/Calendar*. Under the Forum, users may access three valuable resources — recent bankruptcy updates; attorney excusals; and the court calendar in a easier to read format. There is also a question and help section, that users can leave messages for court staff to respond to.

Another important new addition is the link to a newly created CM/ECF section, which explains the project, the requirements for the Bar and other proposed users of the system, as well as three areas that are under development — attorney training, local rules and local support. During the next few months, these areas will be populated with information as we move forward in the implementation process.

Under the Court Resources section, we have added an important announcement about court technology training. As visitors to the courtroom have undoubtedly noticed, the electronic evidence system is now completed and working! However, we request that anyone interested in using the equipment to please first participate in a brief courtroom training program. This training will familiarize users with how the equipment works and the extensive flexibility and variety of options available. Check out the announcement on the website to learn how to obtain training.

Lastly, we have enhanced the asset search feature on our site under the Case Information page. Parties interested in learning about what bankruptcy assets may be available for sale in Rhode Island or Massachusetts, may visit the Asset Sale page and view reports on Rhode Island notices of sale and motions for relief from stay, or link to similar pages on the Massachusetts bankruptcy website.

### OPINIONS RECENTLY ADDED TO OUR WEBSITE: Visit [www.rib.uscourts.gov](http://www.rib.uscourts.gov)

#### June-

Date: 6/24/02

In Re: Anthony J. Pontes

BK No. 99-13945 AP No. 99-1133

#### July-

Date: 7/30/02

In Re: Debora Richard

BK No. 01-13943

Order

Date: 7/30/02

In Re: Cherise Wilson-Gomes

BK No. 01-12360

Order

#### August-

Date: 8/9/02

In Re: Sean T. Healey

BK No. 01-12418 AP No. 01-1117

Order

Date: 8/9/02

In Re: Newport Creamery

BK No. 01-13196

Order

Date: 8/9/02

In Re: Slater Health Center

BK No. 01-10273 AP No. 02-1048

Order

Date: 8/21/02

In Re: Jennifer L. Kelly

BK No. 01-11314 AP No.001089

Order

## How are Cases Assigned within the Clerk's Office?

*By: Susan M. Thurston, Clerk of Court*

All bankruptcy cases filed with the Court receive a case number in the format YR-1XXXX, such as 02-10001. As indicated, the first two numbers before the dash sign signify the year the case was filed. The number one (1) that begins the next sequence indicates it is a bankruptcy case (BK) (as opposed to an adversary proceeding that begins with a zero (0)), and the remaining four numbers indicate the order that the case was filed during the calendar year. In the example above, 02-10001, this case was the first one filed in the year 2002.

Why is this case numbering information important to you? Well, it is based on this system that cases are assigned to case managers within the bankruptcy court clerk's office. It is the responsibility of the case managers to docket the pleadings and events that transpire within the bankruptcy cases. This includes all activity within the case including setting case deadlines, scheduling hearings and continuances of hearings, docketing case filings, notices and orders, imaging all pleadings and eventually closing the case. Case managers handle their assigned cases from cradle to

grave (opening to closing). Thus, questions concerning actions or activities within individual cases should be directed to the assigned case manager who has the best knowledge of what is happening in that case (not to the Judge's law clerk or to the Court Clerk, neither of whom handle the daily activities of cases).

To assist the public with identifying the correct case manager to contact for specific case related questions, we have developed a Case Manager Assignment Sheet, (*see back page of this edition* and also posted on our website under Court Information). All cases are assigned based on the terminal digit numbers of the case. On the schedule, next to the case manager's name, Carolyn, for example, for Chapter 7 and 13 cases, all cases ending with the number zero (0), as well as 09, 08, 88, and 89, are assigned to Carolyn. Next to each case manager's name is their telephone extension, so you may call them directly with your questions. Also, underneath their name in parenthesis is listed their first and second back-ups. Back-ups cover case manager's cases whenever they are not in. Therefore if you receive a voice mail that the case manager is on

vacation, etc., you should then contact the first back-up for assistance. Because only four case managers handle Chapter 11 cases, there is a separate column specifically listing which cases each of these four people manage. Adversary proceedings (AP) are assigned to the same case manager that is handling the bankruptcy case, so you will need to have the BK number available to determine who to contact in the associated AP.

Due to variations in workload and staffing changes, case manager assignments due occasionally change throughout the year. Thus, you should check the schedule on the website every month or so to make sure that you are still using the most current assignment schedule.



# Bienvenido Miami

## (A summary of this year's National Conference of Bankruptcy Clerks conference)

*By: Jody, Jen, April, Dana & Joe*

This year's National Conference of Bankruptcy Clerks annual conference was held in sunny Miami. In attendance from our office were Jennifer, April, Dana, Jody and Joe. The NCBC is committed to the professional improvement of its members and to the continued improvement of the federal judiciary, and the bankruptcy system, of the United States of America.

Over 300 members (the largest number of attendees thus far) were in attendance to hear such speakers as H. Lee Meadow and Russell Wheeler, from the Federal Judicial Center and Glen Palman from the Administrative Office of the US Courts. Glen pulled no punches as he outlined the bleak forecast for the 2003 fiscal year budget. However, he reiterated the Administrative Offices' continuing efforts to secure the necessary funding that will allow the courts to fulfill their missions.

Participating staff attended workshops on topics such as financial planning and retirement, learning how to overcome burnout, and writing training manuals for the up and coming CM/ECF move.

Another great aspect of the conference was the Vendor Fair. Vendors in attendance promoted such new devices as software to assist attorneys to upload case information for CM/ECF, digital recording options, and insurance providers for federal benefits. These vendors also kindly sponsored several events including the NCBC's President Reception and Latin Night where we danced the night away and enjoyed a delicious buffet with other members of the court family from distances as far as California, Hawaii, Guam and Alaska. The opportunity to network with other court employees is a valuable learning tool in itself. The Information exchanged varied from CM/ECF, to court technology, to streamlining work processes and was shared over "working" lunches during which several excellent speakers addressed the attendees.

Finally, a new NCBC president was inducted — Wayne Wolfe, Clerk of the US Bankruptcy Court, District of Alaska. Larry Bick, Clerk, Western District of Texas, did a wonderful

job as our past president (KUDOS to you Larry)!

Our fine court was the recipient of 2 awards at the awards banquet. The "Special Service" award went to none other than Susan Thurston, our clerk, for her dedication, loyalty and continued hard work on behalf of the NCBC through committee work, legislative updates, and service to the board.

The other award we proudly received is the "Gold Membership Award" for having 76% participation in the NCBC (thanks Kristen for your dedication in convincing the members of our court to join)!

The U.S. Bankruptcy Court, District of Rhode Island received 2 distinguished awards at this year's NCBC Conference in Miami, Florida.

We would like to thank the Miami court staff and Karen Eddy, Clerk, Florida Southern, for the wonderful job they did hosting this conference and providing us with such wonderful accommodations. A lot of hard work went in to making this conference the success that it was.

As of 9/4/02

U.S. BANKRUPTCY COURT  
DISTRICT OF RHODE ISLAND  
(401) 528-4477

Ch.7/13

Ch.11

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<b>Carolyn</b> (ext. 34) (1 <sup>st</sup> : Linda 2 <sup>nd</sup> : Christine)	<b>0, 09, 08, 88, 89</b>	
<b>Debby</b> (ext. 22) (1 <sup>st</sup> : Holly 2 <sup>nd</sup> : Florence)	<b>1, 19, 18</b>	
<b>Jennifer</b> (ext. 10) (1 <sup>st</sup> : Dana 2 <sup>nd</sup> : Carolyn) <u>CH 11 backup</u> : 1 <sup>st</sup> : Holly 2 <sup>nd</sup> : Linda	<b>2, 29, 28</b>	<b>Slater Health Center</b> 01-10273 <b>Turner Mill Pond Assoc</b> 02-10683 <b>American Homes of Prov</b> 02-13146
<b>Holly</b> (ext. 35) (1 <sup>st</sup> : Debby 2 <sup>nd</sup> : Linda) <u>CH 11 backup</u> : 1 <sup>st</sup> : Linda 2 <sup>nd</sup> : Jennifer	<b>3, 39, 38</b>	<b>Gregory Mercurio</b> 98-14990 <b>First Newport Dev. Corp.</b> 02-12040 <b>Cartie's Health Ctr.</b> 99-12544 <b>Newport Creamery</b> 01-13196
<b>Amy</b> (ext. 27) (1 <sup>st</sup> : Christine 2 <sup>nd</sup> : Linda)	<b>04-54, 49, 48</b>	
<b>Cindy</b> (ext. 32) (1 <sup>st</sup> : Carolyn 2 <sup>nd</sup> : Amy)	<b>64-94, 99, 98</b>	
<b>Christine</b> (Ext. 12) (1 <sup>st</sup> : Amy 2 <sup>nd</sup> : Jenn)	<b>5, 59, 58</b>	
<b>Dana</b> (ext. 25) (1 <sup>st</sup> : Jenn 2 <sup>nd</sup> : Flo) <u>CH 11 backup</u> : 1 <sup>st</sup> : Holly 2 <sup>nd</sup> : Linda	<b>6, 69, 68</b>	<b>Develco 01-10713</b> (cons. w/ 01-10939, 01-10940 & 01-10941) <b>Presto Lifts</b> 02-11154
<b>Linda</b> (ext. 21) (CH 11 back-up - 1 <sup>st</sup> : Jenn 2 <sup>nd</sup> : Holly) (1 <sup>st</sup> : Dana 2 <sup>nd</sup> : Holly)	<b>7, 79, 78</b>	<b>A.J. Holdings</b> 97-11047 <b>Rylah Construction</b> 00-12283
<b>Flo</b> (ext. 13) (1 <sup>st</sup> : Carolyn 2 <sup>nd</sup> : Amy)		

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\*Note: A.P.'s are assigned according to the associated bankruptcy case.

