

ELECTRONIC CASE FILING LOCAL RULES AND ADMINISTRATIVE GENERAL ORDER

ENABLING RULES AND GOVERNING DOCUMENTS

- FEDERAL RULES OF BANKRUPTCY PROCEDURE
 - FED.R.BANKR.P. 5005(a)(2), Filing and Transmittal of Papers
- LOCAL BANKRUPTCY RULES
 - R.I. LBR 5005-1 - Filing and Transmittal of Papers
 - R.I. LBR 5005-4 - Electronic Filing
 - R.I. LBR 1001-1 - Scope of Rules

ENABLING RULES AND GOVERNING DOCUMENTS (cont'd)

- *6th Amended* ADMINISTRATIVE GENERAL ORDER ESTABLISHING PROCEDURES FOR FILING, SIGNING, MAINTAINING, AND VERIFYING PLEADINGS AND OTHER DOCUMENTS IN THE ELECTRONIC CASE FILING (ECF) SYSTEM, WITH EXHIBITS A-E
- NEW LOCAL FORMS -- P.3, P.4
- ATTORNEY TRAINING MANUAL
- COPIES ARE AVAILABLE ON THE COURT'S WEBSITE (WWW.RIB.USCOURTS.GOV)

SCOPE OF ELECTRONIC FILING

- All Pending and Newly Filed Cases and Adversary Proceedings have been assigned to CM/ECF as of April 24, 2003.
- Electronic Filing began officially on October 1, 2003.
- Wave One ECF group included chapter 7 panel trustees, UST and 6 high volume debtor's attorneys.

REGISTERED USERS AND PASSWORDS

TIP

A.G.O. I.D.5

- Acceptance of login and password constitutes:
 - **Waiver of Notice** by first class mail and agreement to receive notice electronically
 - Includes Notices under Fed. R. Bankr.P. 2002(a) as well as Notices of an Order under Fed. R. Bankr.P. 9022.
 - Operates independently of Bankruptcy Noticing Center (BNC) under Fed. R. Bankr.P. 9036
 - **Waiver of Service** by first class mail and agreement to receive service electronically

SERVICE OF DOCUMENTS BY ELECTRONIC MEANS

- Court's automatically generated Notice of Electronic Filing (NEF) constitutes service of document upon Participants
- Exception - Amendments to the Federal Rules (Fed. R. Bankr.P. 7005, Fed. R. Civ.P.5(b) do **not** permit electronic service of process for purposes of obtaining personal jurisdiction (Rule 7004 service)

TIP

A.G.O. II.D

SERVICE OF DOCUMENTS BY ELECTRONIC MEANS (cont'd)

- Service of Documents in hard copy is required under Fed. R. Bankr.P. 7004 (adversary complaints), and 9016(subpoena);
- Service is effective upon transmission under Fed. R. Civ.P. 5(b)(2)(D) and Fed.R.Bankr.P. 7005(b); and
- E service treated the same as mail for purposes of adding three days to respond under Fed. R. Bankr. 9006(f)

SIGNATURES

TIP

A.G.O. I.D.4.

- USE OF LOGIN AND PASSWORD CONSTITUTES SIGNATURE
- EFFECTIVE FOR RULE 9011 PURPOSES
- THE DISPLAY REQUIREMENT (/S/____)
- AUTHORIZED AGENT REQUIREMENT

SIGNATURES UNDER OATH OF DEBTORS OR OTHER INTERESTED PARTIES

- When filing the original petition together with all required schedules and statements in the system-- within 15 days thereafter, the Filing User must file a paper copy of a fully executed **Declaration Regarding Electronic Filing, R.I. Local Form P.3**, which contains the debtor's actual signature under oath.

SIGNATURES UNDER OATH FOR SUBSEQUENT DOCUMENTS FILED BY DEBTORS OR OTHER INTERESTED PARTIES

- For all other documents requiring original signatures under oath (such as amended schedules, affidavits, etc.), a Filing User must file a paper copy of a fully executed **Declaration Regarding Electronic Filing, R.I. Local Form P.4**, which contains the filer's actual signature under oath, within 15 days of the electronic filing.

PROPOSED FORMS OF ORDER

TIP

A.G.O.IV.B.

- PROPOSED ORDERS SUBMITTED **BEFORE** HEARING SHALL BE FILED WITH THE APPLICATION OR MOTION AS **ONE DOCKET ENTRY (ATTACHMENT TO MOTION)**.
- PROPOSED ORDERS SUBMITTED **AFTER** HEARING PURSUANT TO R.I. LBR 9072-1 SHALL BE FILED ELECTRONICALLY AS A **SEPARATE DOCKET ENTRY** ("PROPOSED ORDER AFTER HEARING").

CONSENT ORDERS AND STIPULATIONS

- SHALL BE CIRCULATED AND SIGNED CONVENTIONALLY. FILING USER MUST INITIALLY CONFIRM THAT DOCUMENT CONTENT IS ACCEPTABLE TO ALL PERSONS REQUIRED TO SIGN.
- THE ELECTRONIC VERSION OF THE DOCUMENT SHALL BE FILED IN THE SYSTEM INDICATING THE SIGNATURES WITH AN /S/ AND PRINTED NAMES OF SIGNATORIES.

CONSENT ORDERS AND STIPULATIONS (con't)

- CONSENT ORDERS AND STIPULATIONS --
The Filing User shall retain the original, paper copy of the document containing the signatures for a period of one year after the case is closed.
- ONE YEAR FROM CASE CLOSING
RETENTION PERIOD

ENTRY OF COURT ORDERS

- ELECTRONICALLY SIGNED ORDERS HAVE THE SAME FORCE AND EFFECT AS CONVENTIONALLY SIGNED ORDERS

TIP

A.G.O. IV.D.

TRIAL EXHIBITS

- ONLY EXHIBITS AUTHORIZED BY LOCAL RULE SHALL BE SUBMITTED TO THE COURT (i.e. NO EXHIBITS FILED WITH THE COURT FOR MOTIONS FOR RELIEF FROM STAY, R.I. LBR 4001-1(d)).
- **EXHIBITS SHALL BE SUBMITTED IN PAPER COPY ONLY.** THE CLERK'S OFFICE WILL MAINTAIN SAID EXHIBITS SEPARATELY FROM THE ELECTRONIC FILE.

TIP

A.G.O.I.G.

TRIAL EXHIBITS CON'T

- TRIAL EXHIBITS WILL NOT BE IMAGED AND ARE NOT MADE A PART OF THE ELECTRONIC FILE.
- EXHIBITS ARE RELEASED AFTER TRIAL IN ACCORDANCE WITH R.I. LBR 9070-1(d).

CLAIM EXHIBITS

- EXHIBITS IN SUPPORT OF A PROOF OF CLAIM SHALL BE FILED ELECTRONICALLY, WHENEVER POSSIBLE, AS ONE DOCKET EVENT.
- WHERE EXHIBITS ARE IN PAPER FORM, IT IS PREFERRED THAT SUCH DOCUMENTS BE ELECTRONICALLY IMAGED AND FILED USING THE PORTABLE DOCUMENT FORMAT (PDF).
- THE CLERK'S OFFICE HAS SCANNING EQUIPMENT AVAILABLE IN THE PUBLIC AREA FOR THIS PURPOSE.

SEALED DOCUMENTS/CONVENTIONAL FILING

- MOTION TO BE FILED ELECTRONICALLY
- UNDERLYING DOCUMENTS TO BE FILED CONVENTIONALLY
- IF MOTION TO SEAL IS GRANTED, THE CLERK'S OFFICE WILL HOLD THE PAPER UNDER SEAL UNTIL FURTHER ORDER AND SUCH DOCUMENTS WILL NOT BECOME PART OF THE ELECTRONIC CASE RECORD.

TIP

A.G.O. III.A.

PUBLIC ACCESS

- NEW PRIVACY RULES WENT INTO EFFECT DECEMBER 1, 2003, WHICH LIMIT THE DISPLAY OF THE DEBTOR'S SSN TO THE LAST 4 DIGITS ONLY.
- DEBTOR SUBMITS THE FULL NUMBER TO THE COURT FOR INCLUSION ON THE 341 NOTICE TO ALL CREDITORS.
- CURRENTLY REMOTE ACCESS LIMITED TO USERS WITH A PACER ACCOUNT (FEE BASED)
- PUBLIC ACCESS ALSO AVAILABLE FREE OF CHARGE AT THE CLERK'S OFFICE

CONSEQUENCES OF ELECTRONIC FILING

- E FILED DOCUMENTS OR EVENTS CONSTITUTE ENTRIES ON OFFICIAL DOCKET
- FILING IS DEEMED MADE WHEN ACKNOWLEDGED BY NOTICE OF ELECTRONIC FILING

TIP

A.G.O.I.C.

TECHNICAL FAILURES

- CAUSES:
 - COURT'S WEBSITE INACCESSIBLE
 - PARTICIPANT'S UNANTICIPATED SYSTEM FAILURE
- BACKUP EMAIL SYSTEM IN PLACE TO ADDRESS SYSTEM FAILURES

TIP

A.G.O.I.C.

CM/ECF TRAINING

- CM (Court Operations Staff) live date: **APRIL 24, 2003**
- ECF (External Users) live date for **Wave One Training Group: OCTOBER 1, 2003**
- Wave Two and subsequent waves began training **NOVEMBER 2003**.
- As of June 14, 2004, **66 Attorney Filers and 31 Creditor Filers**.

CM/ECF TRAINING con't

- Approximately 4 Hour Training Class
- 4 Hour CLE Credits Available
- Mandatory Training in order to receive login and password (unless trained in another jurisdiction)
- May bring (and strongly encouraged) office support staff

TRAINING AND REGISTRATION

- Registration Forms available on-line or in Clerk's Office public area.
- Logins and Passwords to Train Database given after training class.
- Separate classes for Debtors attorneys and Creditors attorneys.