

On the Docket

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Inner Workings: News and Advice

By: Susan M Thurston, Clerk of Court

Happy New Year to all! The Rhode Island Bankruptcy Court ended the 2010 year with the largest case filings since the 2005 change in the bankruptcy laws. In 2005, our total caseload was 5,759 (our highest number on record) and in 2010, we ended the year with 5,419 cases, a difference of only 5.9%. We believe this outcome demonstrates that Rhode Islanders continue to suffer in the current economy and that the high mortgage foreclosure rates are still pushing many homeowners to seek bankruptcy relief in many instances. As a way of addressing this ongoing condition, the Court's loss mitigation program serves as a mediation tool to enable debtors and their creditors to explore whether a loan modification or other relief is available to resolve the housing issues. To date, we have had 728 requests for loss mitigation filed (12% of the filing caseload), and 334 of these, or 45%, have been completed – either by successfully modifying their mortgage (35%) or by terminating participation in the program (65%). Thus, in the thirteen months that the program has been in effect,

116 Rhode Island families have saved their homes from foreclosure, or about 9 families a month. We are extremely pleased that our local program has helped so many Rhode Islanders remain in their homes, and are hopeful that with many of the more recent changes in the Home Affordable Modification Program (HAMP), even more Rhode Island families will be successful in their loss mitigation efforts. For those interested in seeing a breakdown of the loss mitigation statistics, please visit the loss mitigation page of our website at <http://www.rib.uscourts.gov/newhome/LossMitigation/Statistics.asp>.

Our Financial Literacy Program, known as CARE, is in full swing and teams of volunteer attorneys and court staff have been out visiting Rhode Island public schools presenting information about the proper use of credit, the difference in credit cards, debit cards, and payday loans, what a credit score is and how to begin developing a credit history, as well as how to create a realistic budget. The Court would like to thank our volunteer attorneys who have

done an amazing job of providing these teens with real life scenarios to make this subject matter more meaningful to them. Kudos to Charlie Pisaturo, Jim Kelleher, Pat Antonelli, Russell Raskin, Lisa Geremia, Steve Boyajian, Jeff Dana and Beth Silberman for volunteering their time to this worthwhile community outreach initiative. Information about the program is posted on the Court's website with a request form for schools to schedule a presentation. If your child's school would be interested in having a presentation made, please refer them to our website to complete the request form. For anyone interested in participating in this community outreach effort, please contact Training Coordinator Janet Tessier, at 626-3111, or by email at Janet.Tessier@rib.uscourts.gov. You can also learn more about the CARE program at <http://www.care.program.us/>.

As the New Year is upon us, I wanted to share with our bankruptcy community what important initiatives the Clerk's office has planned for this coming year. One of our largest projects is an update to

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Inner Workings

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our bankruptcy court website to make it more user friendly and easier to navigate. That project is just starting and will likely take several months before it is ready for prime time debut. The other major initiative that we hope will be very helpful to the Bar is a new attorney user manual that will provide step by step instructions for electronic filing events, procedural instructions and links to

our local rules, forms, federal code and rules, fee schedule, and Bankruptcy and US Trustee websites. See page 5 of this issue for details.

Lastly, we are anticipating a major update of our electronic filing application, CM/ECF, either in late Spring or early Summer 2011. Specific information about this upgrade will be provided in future On the Docket publications

and email alerts.

Finally, I would like to announce the arrival of our second law clerk, John O'Day. John was most recently an assistant city solicitor for the City of Worcester, Massachusetts from 1987 until 2010, and had previously clerked for Judge Votolato from 1986-1987. Please take a moment to introduce yourself to John when you see him



John O'Day
Law Clerk

"After months of review by the FEC Selection Committee, we are delighted to report that April Elderkin, Michelle McCurdy and Linda S. were chosen as the Federal Administrative Employees of the Year for 2010!"

Bankruptcy Staff Honored by RI Federal Executive Council

By Gail Kelleher, Chief Deputy Clerk

Each year, the RI Federal Executive Council (FEC) accepts nominations for Federal Employee of the Year for military and civilian federal employees who have demonstrated exceptional performance in public service. The Court was pleased to nominate April Elderkin, Michelle McCurdy and Linda S. in the Administrative category for their work in implementing our on-line attorney registration and training program for participating in the Court's electronic filing system. These three individuals all have very different positions within the Court, but worked together as a team to convert a labor intensive and costly in-person training program and a paper registration system to a completely electronic experience.

After months of review by the FEC Selection Committee, we are delighted to report that April, Michelle and Linda were chosen as the Federal Administrative Employees of the Year for 2010! Their successful initiative produced not only substantial savings in time and money for the Court

and the Bar, but more importantly, offered the convenience of training for attorneys and their staff whenever or as often as they choose, and wherever they choose. We are extremely proud of them and thrilled to see them get the recognition they deserve – well done!



April and Michelle on the right

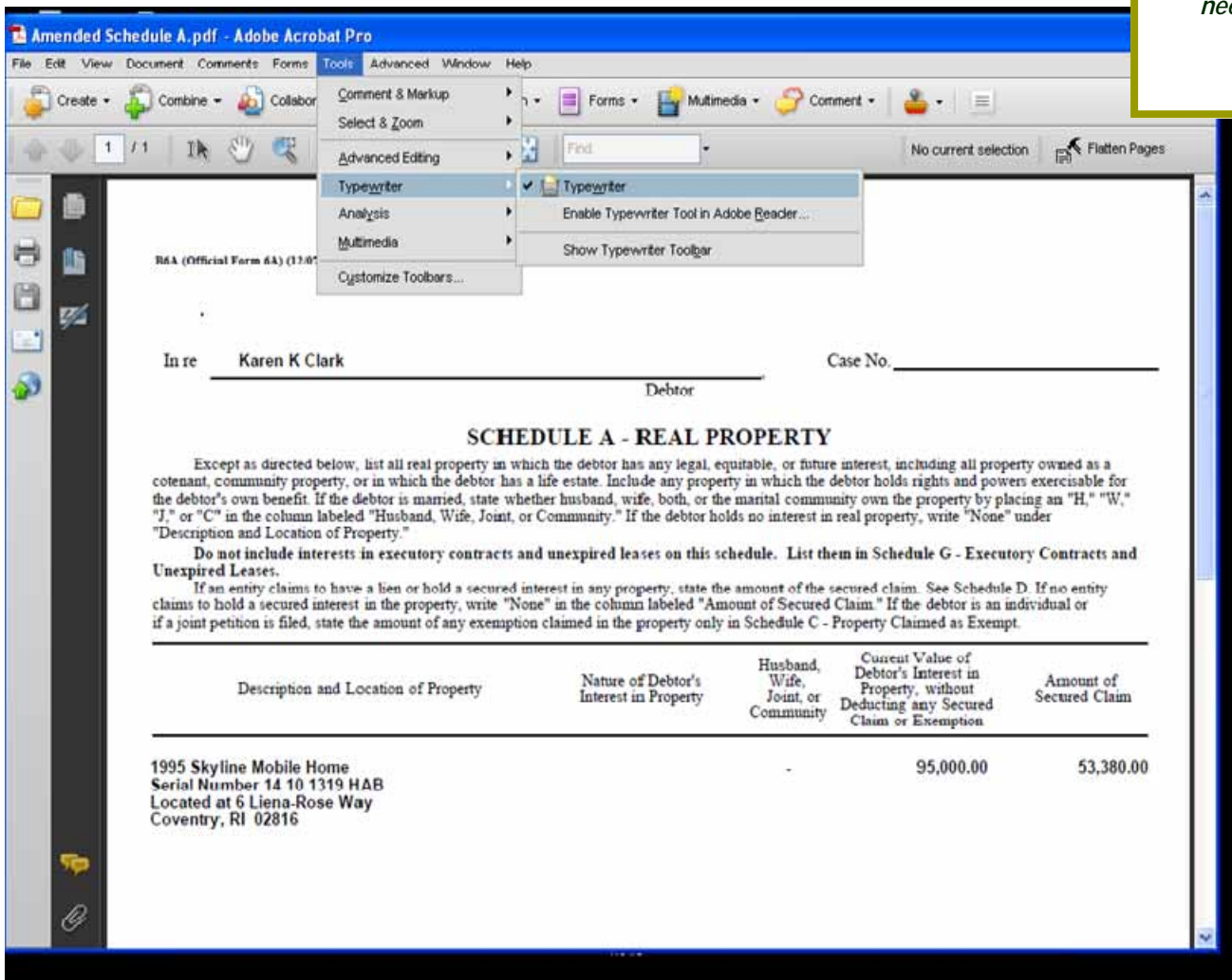
Inserting Debtor’s Electronic Signature on Amended Schedules the Easy Way

By Gail Kelleher, Chief Deputy Clerk

Bankruptcy Rule 1009-1 requires that amendments to the bankruptcy petition, schedules, statements of financial affairs, statements of income and expenses, or summaries of assets and liabilities shall contain an original signature of the amending party. Easy enough, right? Well, it is as long as you are using the correct tools. If you are printing out the schedule, dusting off your old IBM Selectric and typing the debtor’s electronic signature, then rescanning the document and electronically filing it with the court, here is a much simpler method for you to try. So put the dust cover back on your typewriter and use the Adobe typewriter tool instead (see image below):

1. Create the Amended Schedule pdf using your favorite bankruptcy software program.
2. To insert the debtor’s electronic signature, click ‘Tools’ on the toolbar and choose Tools/Typewriter/Typewriter.
3. You will see a symbol followed by the letter “A” appear on the amended schedule indicating that you are in typewriter mode.
4. Position the cursor to the point on the page where you wish to insert the signature and begin typing: /s/John Doe

“Give this technique a try the next time schedules need amending — no typewriter needed!”





"...the Court's Electronic Case Filing [ECF] System has been modified to include a NEW filing category under the Bankruptcy menu entitled: 'Unclaimed Funds'."

Notice of Requirement to Electronically File Petitions for Payment of Unclaimed Funds

By Amy Geraghty-Seale, Operations Supervisor

Effective February 7, 2011:

The United States Bankruptcy Court for the District of Rhode Island has amended Local Bankruptcy Rule 3011-1, to require that unclaimed fund petitioners who file five (5) or more petitions for unclaimed funds in a twelve month period, file such petitions and supporting documentation electronically in the Court's electronic filing system, or request an exemption pursuant to R.I. Local Rule 5005-4.

In order to facilitate this requirement, the Court's Electronic Case Filing [ECF] System has been modified to include a new filing category under the Bankruptcy menu entitled: "Unclaimed Funds". This filing category contains two new events that must be filed contemporaneously: 1) Petition for Unclaimed Funds; and 2) Identification Documents for Unclaimed Funds. It is important to note that the event, "Petition for Unclaimed Funds" is viewable by the

public and therefore documents attached to this event should not contain any personal identifiers or identification documents, such documents should be filed using the Identification Documents event which has restricted access and is not visible to the general public.

To assist electronic filers, step-by-step training modules have been created and can be accessed from the Court's website at <http://www.rib.uscourts.gov/newhome/ecf-training.asp>.

Local Rule and Form Amendments

By Amy Geraghty-Seale, Operations Supervisor

Please take notice that the following amended local rules and forms become effective on February 28, 2011: Local Rules: 1005-1, 3002-1, 5005-4, 5071-1, 5072-1 and RI. Bankr. Form Y.

The following is a brief summary of each change, but practitioners are advised to obtain a complete copy of the amendments and familiarize themselves with the changes. In addition, loose-leaf copies of the re-

vised rules and forms are also available in the Clerk's office at no charge, or online at www.rib.uscourts.gov.

LBR 1005-1 FILING PAPERS – REQUIREMENTS (amended)

New subdivision (I) Motions to Extend Time [other than motion requesting an extension of time to file an objection to discharge under §§ 523 or 727], and (J) Motions to Continue Hearing, have been added as docu-

ments excepted from the usual fourteen day response time.

LBR 3002-1 FILING PROOF OF CLAIM OR INTEREST (amended)

This rule was amended to clarify that the Notice of Contract change must be served via regular first class mail, as the electronic filing of the document does not send a notice of electronic filing to parties in the case.

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Local Rule and Form Amendments

(Continued from page 4)

reflect the new time period for filing a motion to continue a hearing, proposed consent orders, and similar filings that affect a matter scheduled for hearing.

LBR 5071-1 CONTINUANCES

(amended) This rule is amended to correspond with the amendment to rule 5005 -4 which sets out a new time period for filing continuances of matters set for hearing. Further, this rule

sets out time periods for filing one-sided and consented to motions to continue hearings. Notably, the deadline for joint requests has been shortened to 3:00 PM the day before hearing.

LBR 5072-1 COURTROOM DECORUM - (amended)

New subdivision (f) adds a general prohibition against photographing, recording, broadcasting, or otherwise transmitting any proceed-

ing, event or activity in or from the interior portion of the United States Bankruptcy Court. Old subdivision (f) is re-lettered subdivision (g).

R.I. Bankr. Form Y MOTION TO BE EXCUSED FROM COURT (amended)

Form Y has been amended for ease of use by practitioners.

Attorney User Manual

By Michelle McGurdy, Data Quality Analyst

The Bankruptcy Court is pleased to announce the publication of an on-line Attorney User Manual which is located on the court's website (www.rib.uscourts.gov). You may access the manual through either the "Attorneys" or "CM/ECF Info" menu tabs on the left side of the homepage.

Each page of the manual contains links to the following resources which we hope you will find useful:

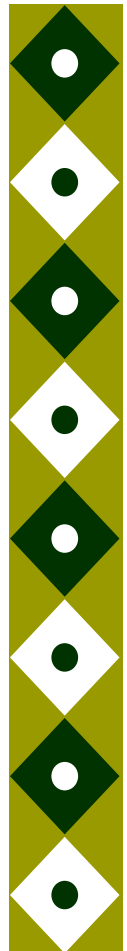
- Official Forms (US Court's website)
- Local Rules, Forms & Appendices

- Federal Bankruptcy Code & Rules
- US Trustee website
- Miscellaneous Fee Schedule
- Bankruptcy Court Training Database
- Bankruptcy Help Desk

The manual contains sixty (60) topics sorted by category. Each topic includes filing procedures, links to applicable local rules and forms and filing tips. The site is fully searchable by clicking the "Search" button located in the lower left corner of the page. Clicking the

"TOC" button will return you to the full Table of Contents.

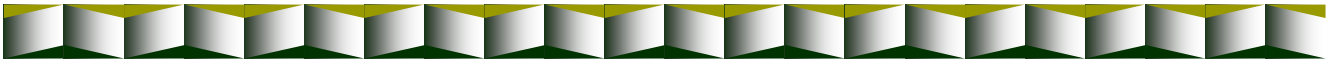
We encourage you to use this manual as a first line of support. If you would like new topics or additional information added to the manual, please use the "Bankruptcy Help Desk" link at the top of each page to send an email request. We hope that you find this manual useful and we look forward to your feedback!



Filing Tips and Traps

By Dina Fortes, Case Manager

- When E-filing Proofs of Claims, please use the address designated for sending payments as the address which will appear in the claims register. You may still include a separate address for notices within the proof of claim.
- Many ECF events include a “free text” box or a drop-down box which will allow you to choose a prefix that may offer an additional description of your filing. But please do not feel that it is necessary to always populate the box or choose a prefix. Sometimes a “response” is just a response.
- Please remember that social security numbers and account numbers must be redacted. And please bear in mind that many creditors use debtors’ social security numbers as a means of identifying an account. These too, must be redacted.
- Fed. R. Bankr. P. 1007-I(b)(1)(E) requires that debtors file payment advices received from their employer for the 60 days prior to filing bankruptcy. It is not necessary to produce pay stubs from further back in time.
- Loss Mitigation Status Reports should be filed using the ECF event located within the Bankruptcy Menu under **Loss Mitigation -> Loss Mitigation Status Report**. Select all relevant parties as filers and link the report back to the **Original Order** Granting Loss Mitigation.
- All Amended Chapter 13 Plans must be filed on RI Bankr. Form W.2 and served on all creditors and interested parties. A certificate attesting to such service must be filed contemporaneously.
- All amended schedules and statements must contain the debtors’ signature and be served on affected creditors and/or parties and must be accompanied by a certificate attesting to such service.



Loss Mitigation Status Reports: Helpful Tips

By Michelle McCurdy, Data Quality Analyst

The Fourth Amended Loss Mitigation Program became effective on February 14, 2011. Among the changes is the requirement that status reports must be filed jointly, or they will be stricken. To avoid this, you must select the Debtor and the LM Creditor. (To select multiple parties, hold down the Control key and highlight each party).

It’s very important to associate (link) the status report to the appropriate Loss Mitigation Order. When the linkage screen displays, you will see the following message:

PLEASE SELECT THE APPLICABLE ORIGINAL ORDER GRANTING LOSS MITIGATION.

On this screen, please select the Order granting the Loss Mitigation Notice Request. Do NOT link the report to any other entries. If you have any questions about which order you should be selecting, please call the Clerk’s Office (626-3100) and we will be happy to assist you.

Screen Change in ECF

By Michelle McGurdy, Data Quality Analyst

When an attorney files a pleading on behalf of a party for the very first time, the ECF System recognizes that an association between the attorney and party does not already exist in that particular case. Filers can create that association within the filing “event” but only if they remember to check the box in the “association” screen. With that in mind, the screen has been changed so that the

box is automatically checked which means that the association between the attorney and party will be automatically created.

If you represent the party, you will click NEXT and the association will be created.

If you do NOT represent the party, you must UNCHECK the box, click OK to the question

“Are you sure you want to do this?” and then click NEXT.

An example of when you would need to uncheck the box is when you file a joint pleading with another attorney. You will uncheck the box so that you are not listed as counsel for the party who is represented by the joint attorney.

File a Motion:

[1:10-bk-11122 Richard N. Larence and Doris J. Larence](#)

Type: bk

Chapter: 13 v

Office: 1 (Providence)

Judge: anv

Case Flag: HoldClosing

If you DO NOT represent the party listed below, UNCHECK the box, click OK to the question "Are you sure you want to do this?" and click Next.

Note well: If you represent this party, the box MUST be checked so that you are listed in the case as the attorney of record and receive all notices in the case.

Larence, Richard(pty:db) represented by Balme, Craig(aty)

Next

Clear

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The US Bankruptcy Court Welcomes Two New Interns

By Carolyn Sweeney, Case Manager

The U.S. Bankruptcy Court welcomes two interns for the spring semester. George Barker is a third year law student at Suffolk University Law School and Tiffany Ling Ho is a senior at Brown University. George and Tiffany will observe court sessions and 341 meetings, and will work on various projects in the Clerk's Office and in Chambers.

Presently, George is keeping our law library up

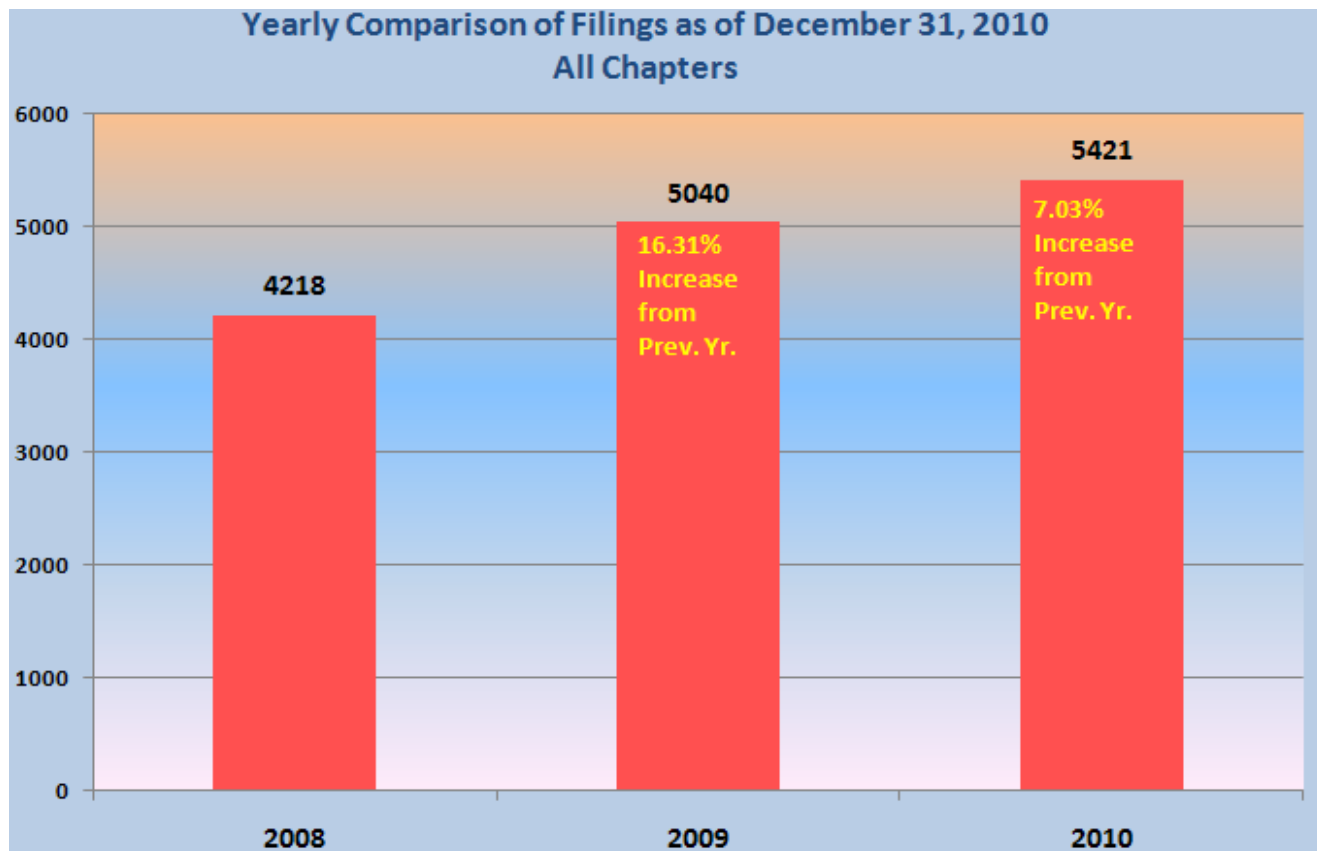
to date with the latest materials and supplements. George has been reviewing the pleadings that are on the Court's calendar in order to familiarize himself with the different issues arising in a bankruptcy case and assist the Chambers staff with research and writing.

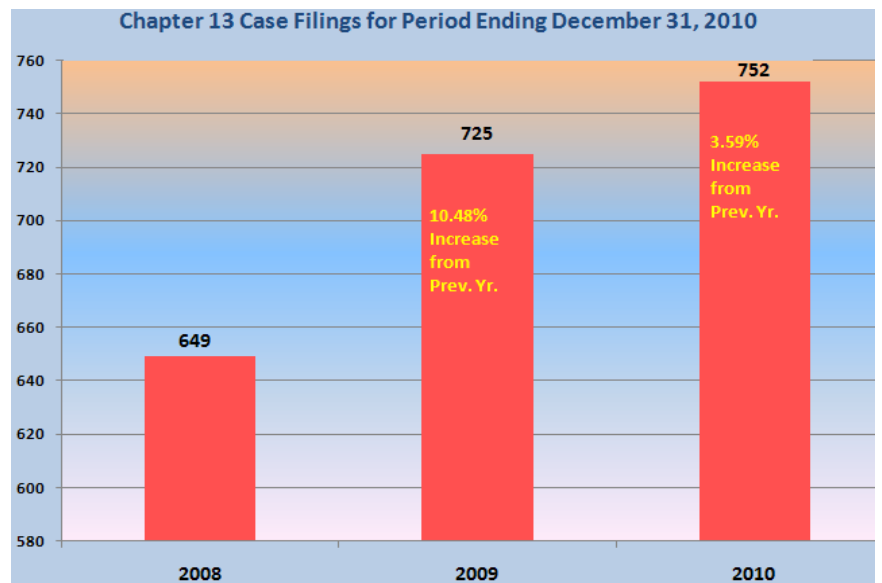
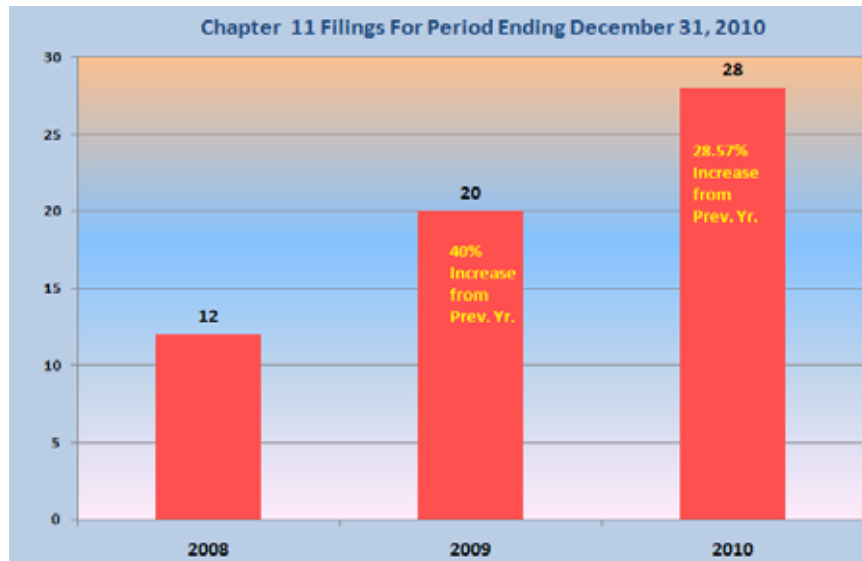
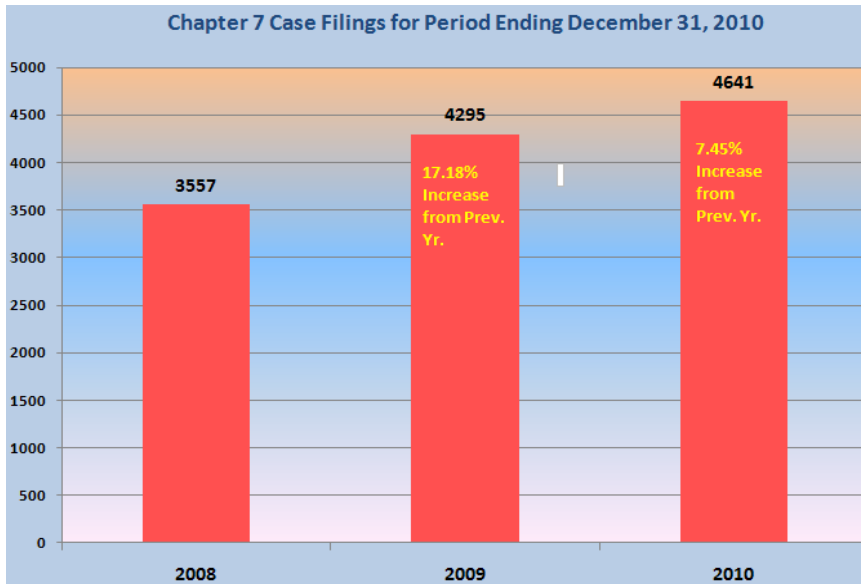
Tiffany, who joined us on February 2, 2011, will help with the quality control of newly filed bankruptcy cases. She will also be assisting Janet Tessier, coor-

dinator for the CARE Program, which is the Court's financial management outreach program for high school students. In addition, Tiffany will also assist Janet with Loss Mitigation statistics.

Please welcome George and Tiffany to the Bankruptcy Court.

Case Filing Statistics





2011 COURT HOLIDAY CLOSINGS

The U.S. Bankruptcy Court will be closed on the following days:

Monday, February 21st—President’s Day

Monday, May 30th—Memorial Day

Monday, July 4th—Independence Day

Monday, September 5th—Labor Day

Monday, October 10th—Columbus Day

Friday, November 11th—Veterans Day

Thursday, November 24th—Thanksgiving Day

Monday, December 26th—Christmas Holiday

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**On the Docket edited by
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