

## United States Bankruptcy Court, District of Rhode Island

# ON THE DOCKET

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### Inner Workings: News and Advice

By: Susan M. Thurston, Clerk of Court

Welcome to the fall publication of our court newsletter. Although the court caseload has continued to decline this year, we remain extremely busy managing numerous projects to improve the efficiency and service level at the court.

In late September, we will be converting to a new telephone system with converged service capabilities (voice, data and video) supported by the judiciary's data communications network. Our phone numbers will remain the same, and the new system will provide improved service reliability and enhanced features from voice, video, and data delivered over a single network. Our cutover date is Thursday, September 24, 2015 at 5:00 PM and during the couple hour transition, our phone service may be off line, however we should be ready to go first thing Friday morning.

As we reported in our last edition, we are also working on the migration of our ECF servers to a centralized server architecture, which will provide enhanced continuity of court operations capability. This conversion will also take place in late September,

but an actual cutover date has not yet been determined. We will send out notification once we have the date, which will require ECF to be offline for several hours to complete the process. Please be sure to sign up for our [email alert system](#) on our website to receive court notices on this and other important court announcements.

In mid-October, the court will be launching its new and improved public website. This has been a project we have been working on for about a year and we are very excited about the improved organization, navigation, page displays and content improvement. In addition to linking to the nationally developed videos about the bankruptcy process, we have also created several YouTube videos explaining general information about our court and the credit counseling requirement. We hope you will encourage your clients to view the video series to gain a better understanding of what to expect from the bankruptcy process. In addition, we have developed a Pro Se Manual which provides detailed procedural instructions on filing requirements and the deficiency process, and is a

*continued on page 2*

## Inner Workings

(continued from page 1)

complement to our other user manuals – the Attorney Handbook and the Electronic Filer User Manual.

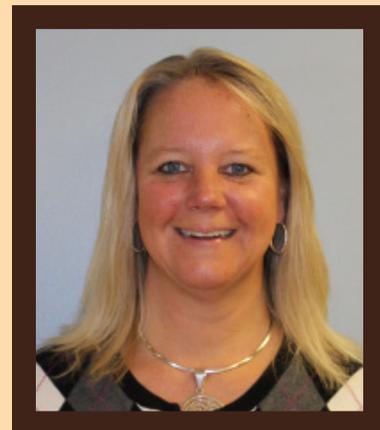
On December 1, 2015, extensive amendments to the official bankruptcy forms will take effect. These changes are part of the [national forms modernization project](#) and will result in the renaming of most forms, creation of new forms and new formatting design. Among other things, the new forms introduce different versions of case opening forms for individual debtors and non-individual debtors. The new forms are easier for debtors to understand and complete, and are designed to work with scheduled enhancements to the federal courts' case opening and electronic case management system. To prepare for this extensive change, the court is reviewing all local rules and forms for updating in conformity with the new form numbering system, as well as ECF event review and changes to implement the new form requirements. We expect to issue local rule changes this fall to be effective on December 1, 2015, contemporaneous with the national forms. For those that use bankruptcy software to prepare petitions, it is strongly suggested that you ensure you have uploaded these new forms in time for the December 1 effective date. The court will publish training information as we get closer to this time period.

And finally, I am delighted to announce the selection of Kristen Batty as Chief Deputy Clerk. Kristen began her career in the court in 1992 as a docket clerk

and over the course of the subsequent 20+ years, has worked in nearly every administrative position in the office, including human resources, procurement, finance, website maintenance, training, continuity of operations, audit, space and facilities, security, disposal, project management and operational support. Given Kristen's vast experience in all facets of court operations, including her recent graduation from the Michigan State University Judicial Administration program, she is well prepared to take on this new role at the court. Please join me in congratulating Kristen on her promotion and feel free to contact her at [Kristen.Batty@rib.uscourts.gov](mailto:Kristen.Batty@rib.uscourts.gov) if you need assistance in any administrative functions of the court.

Please feel free to email me at [Susan.Thurston@rib.uscourts.gov](mailto:Susan.Thurston@rib.uscourts.gov) with any concerns or suggestions for improving the Bankruptcy Court and its operations.

## Congratulations



Kristen Batty



## R.I. Local Rule Amendments Effective July 1, 2015

by Amy Geraghty, Operations Manager

Recent Local Rule Amendments	Summary of Rhode Island Local Bankruptcy Rule Amendments Effective July 1, 2015
<a href="#"><u>Rule 1002-1 Petition – General (amended)</u></a>	<p>Subdivision (c)(1) – Which was previously titled, “Mailing Format”, is now called, “Mailing Format for Conventionally Filed Cases”.</p> <p>In addition, the subdivision was amended to update the forms of electronic media which may be used for conventionally filing a creditor list.</p>
<a href="#"><u>Rule 1005-1 Filing Papers Requirements (amended)</u></a>	<p>Subdivision (d)(2)(F) has been amended to clarify that, when filing a motion to shorten time, the underlying motion must also contain the seven day language.</p> <p>Subdivision (d)(2)(M) has been amended to clarify that a Motion to File a Proof of Claim out of Time must contain the standard objection language set forth in R.I. LBR 1005-1(d)(1).</p>
<a href="#"><u>Rule 1009-1 Amendments of Petitions, Lists, Schedules and Statements (amended)</u></a>	<p>Subdivision (d)(2) is amended to exempt from the miscellaneous filing fee, amended mailing lists required upon approval of a Motion for Joint Administration pursuant to R.I. LBR 1019-1.</p>
<a href="#"><u>Rule 1015-1 Joint Administration and Consolidation (amended)</u></a>	<p>Subdivision (c), previously titled, “Notice of Order to All Creditors”, has been renamed, “Notice to All Creditors”.</p> <p>The rule was further amended to require that, upon entry of an order authorizing the consolidation or joint administration of cases, the moving party shall must serve notice of said order upon all creditors and interested parties, and in jointly administrated cases, serve R.I. Local Form 1015-1.1, “Notice of Joint Administration and Requirements for Filing Documents”.</p> <p><i>See</i> New R.I. Local Bankr. Form 1015-1.1</p>
<a href="#"><u>Rule 1019-1 Conversion of Chapter 11, Chapter 12, or Chapter 13 case to Chapter 7 Liquidation (amended)</u></a>	<p>New subdivision (b), “Deadline for Chapter 13 Trustee to File Final Report and Account”, sets the deadline for the Chapter 13 Trustee to file the Final Report and Account required by Fed. R. Bankr. P. 1019(5)(B)(ii), not later than sixty (60) days after conversion of the case.</p> <p>Previous subdivision (b) was re-lettered to (c).</p>
<a href="#"><u>Rule 2002-1 Notice to Creditors, Equity Security Holders, United States, and United States Trustee, and Changes of Address (amended)</u></a>	<p>New subdivision (f), “Change of Address”, requires creditors seeking to change their address for noticing purposes from the address on the proof of claim, request for notice or other document previously filed with the court to use new local form R.I. Bankr. Form 2001-1.1.</p> <p><i>See</i> New R.I. Local Bankr. Form 2002-1.1</p>
<a href="#"><u>Rule 3007-1 Claims –Objections (amended)</u></a>	<p>Subdivision (a) has been amended to extend the deadline to file proof of claims in chapter 13’s to 60 days from confirmation of the plan or the deadline for filings proofs of claim, whichever is later, or within sixty (60) days after the filing of a late filed proof of claim or within such additional time as the Court may allow upon the filing of a motion to extend time and for good cause shown.</p>

<p><b><u>Rule 5005-5 Filing of Papers Procedure for Striking Defective Pleadings and Other Documents (amended)</u></b></p>	<p>Subdivision (a) has been amended to incorporate the Courts new procedure for handling defective documents in which a filing fee has been paid. The Court will no longer issue a Notice of Defective pleading for those filing in which a filing fee has been paid. Instead, the Court will now immediately terminate the filing and issue a notice instructing the filer to refile the terminated document in correct form within fourteen (14) days. Once the corrected document is filed, the previously paid filing fee will be applied to the corrected filing. If the corrected document is not filed before the deadline expires, a new filing fee will be required.</p> <p>Subdivision (b) has been abolished.</p> <p>Subdivision (c) was re-lettered to (b).</p>
<p><b><u>Rule 5072-1 Courtroom Decorum (amended)</u></b></p>	<p>Subdivision (e), “Cellular Telephones, Laptop Computers, Tablets and Beepers” was amended to incorporate previously issued General Order 15-001 which outlines the devices permitted to be used in the courtroom and who may use such devices.</p> <p>In addition, the entire rule was reorganized and re-numbered for readability.</p>
<p><b><u>Rule 5077-1 Transcripts (amended)</u></b></p>	<p>Subdivision (a) has been amended to remove the reference to a filing event and instead, instruct filers where the new filing events and instructions for transcripts can be found.</p>
<p><b><u>Rule 9019-2 Alternative Dispute Resolution (abolished)</u></b></p>	<p>Abolished</p>
<p><b><u>Rule 9013-2 Motion Practice (amended)</u></b></p>	<p>Subdivision (b), “Scheduling of Motion for Hearing”, has been renamed, “Scheduling of Hearings, Notice and Service”.</p> <p>The subdivision has been reformatted into four paragraphs.</p> <p>Paragraph (1) titled, “General”, contains general information from the rule which addresses the scheduling of a hearing by the Court.</p> <p>Paragraph (2) “Service of Notice of Hearing” –, requires the movant to serve a copy of the hearing notice on all interested parties.</p> <p>Paragraph (3) “Scheduling of Hearing”, contains information from the rule which addresses the Court’s time period used to schedule hearings in the normal course.</p> <p>Paragraph (4) New - “Amendments or Supplements to Matters Scheduled for Hearing”, addresses substantive amendments or supplements made to matters scheduled for hearing. Specifically to require that substantive amendments must be filed not later than two business days prior to the hearing date. Filings which do not comply with this rule will be automatically terminated and not considered by the Court, and unless otherwise directed by the Court, the hearing will proceed as scheduled.</p>
<p><b><u>Rule 9072-1 Orders – Proposed (amended)</u></b></p>	<p>Subdivision (d) is a conforming amendment correcting a citation affected by these amendments.</p>

**Summary of Rhode Island Local Form Amendments  
Effective July 1, 2015**

<b>All Local Bankruptcy Forms</b>	Amended to rename all forms from an alpha citation reference to numeric local rule reference.
<b>R.I. Bankr. Form 1002-1.1 Instructions for Submission of the Creditor List by Non- Electronic Filers (amended)</b>	Amended to update the forms of electronic media which may now be used by non-electronic filers to submit their creditor list.
<b>R.I. Bankr. Form 1007-1.2 Certification by Pro se Debtor</b>	Amended to include the new Debtor Electronic Noticing Request form on the reverse side of the form.
<b>R.I. Bankr. Form 1015-1.1 Notice of Joint Administration of Cases and Requirements for Filing Documents</b>	New – This is a new form which must be sent out by the debtor or debtor’s counsel after an order is entered granting a motion to approve joint administration.  <i>New - See Amendment to Local Rule 1015-1 in the rules summary chart.</i>
<b>R.I. Bankr. Form 2002-1.1</b>	New – <i>See Amendment to Local Rule 2002-1 in the rules summary chart.</i>
<b>R.I. Bankr. Form 2083-1.1 Chapter 13 Agreement Between Debtor and Counsel</b>	Amended to require that debtor’s counsel inform the debtor of the Court’s Debtor Electronic Bankruptcy Noticing program (DeBN).

**Summary of Rhode Island Bankruptcy Appendices  
Effective July 1, 2015**

<b>Appendix II – USDC LR Gen 109 – Appeals</b>	This appendix was abolished from the Bankruptcy Court’s local rules. In addition to the Bankruptcy Court’s local rules, filers should consult the Rhode Island District Court’s Local Rule Gen 109 for rules governing appeals.
<b>Appendix VI – LR Gen 204 Pro Hac Vice Counsel</b>	This appendix was abolished from the Bankruptcy Court’s local rules. In addition to the Bankruptcy Court’s local rules, filers should consult the Rhode Island District Court’s Local Rule Gen 204 for rules governing pro hac vice practice before the Court.
<b>All Appendices</b>	All appendices were renumbered.



# Crosswalk of Change to Forms

by Amy Geraghty, Operations Manager

Crosswalk of Change to Forms		
Former Form Name	New Form Name	Affected LBR
R.I. Local Form A	R.I. Local Form 1002-1.1	1002-1
R.I. Local Form B	R.I. Local Form 1007-1.1	1007-1
R.I. Local Form C.1	R.I. Local Form 1007-1.2	1007-1
R.I. Local Form C.2	R.I. Local Form 2016-1.1	2016-1
R.I. Local Form C.3	R.I. Local Form 2016-1.2	2016-1
R.I. Local Form C.4	R.I. Local Form 2016-1.3	2016-1
R.I. Local Form D	R.I. Local Form 1006-1.1	1006-1
R.I. Local Form E	R.I. Local Form 3011-1.1	3011-1
R.I. Local Form F.1	R.I. Local Form 3011-1.2	3011-1
R.I. Local Form F.2	R.I. Local Form 3011-1.3	3011-1
R.I. Local Form G	R.I. Local Form 4002-3.1	4002-3
R.I. Local Form H	R.I. Local Form 4002-3.2	4002-3
R.I. Local Form I	R.I. Local Form 3018-1.1	3018-1; 3020-1
R.I. Local Form J	R.I. Local Form 3018-1.2	3018-1
R.I. Local Form K.1	R.I. Local Form 3020-1.1	3020-1
R.I. Local Form K.2	R.I. Local Form 3020-1.2	3020-1
R.I. Local Form L	R.I. Local Form 3020-1.3	3017-1; 3020-1
R.I. Local Form M	R.I. Local Form 3020-1.4	3020-1
R.I. Local Form N	R.I. Local Form 3022-1.1	3022-1
R.I. Local Form N.1	R.I. Local Form 3022-1.2	3022-1
R.I. Local Form O	R.I. Local Form 4001-1.2; 7016-1; 9014-1.1; 9070-1.1	4001-1; 7016-1; 9014-1; 9070-1
R.I. Local Form O.2	R.I. Local Form 7026-1.1	7026-1
R.I. Local Form P	R.I. Local Form 4002-2.1	4002-2
R.I. Local Form Q	R.I. Local Form 6005-1.1	6005-1
R.I. Local Form R	R.I. Local Form 4001-1.1	4001-1
R.I. Local Form T	R.I. Local Form 9010-1.1	9010-1
R.I. Local Form T.1	R.I. Local Form 9010-1.2	9010-1
R.I. Local Form T.2	R.I. Local Form 9010.3	9010-1
R.I. Local Form V	R.I. Local Form 2083-1.1	1007-1; 2083-1
R.I. Local Form W.1	R.I. Local Form 3015-1.1	1007-1; 3015-1
R.I. Local Form W.2	R.I. Local Form 3015-2.1	3015-2
R.I. Local Form X	R.I. Local Form 3015-3.1	3015-3
R.I. Local Form Y	R.I. Local Form 9013-1.1	9013-1

## **EZ-Filing Bankruptcy Software Support to Sunset on November 30, 2015**

by Amy Geraghty, Operations Manager

Due to the extensive federal bankruptcy form changes scheduled to go into effect on December 1, 2015, we have learned that CINgroup will no longer update or support its EZ-Filing bankruptcy software after November 30, 2015. If you are currently using EZ-Filing software, you may have already received notification directly from CINgroup regarding this announcement. It is strongly recommended that current EZ-Filing users obtain an alternative bankruptcy software provider prior to this date in order to use the new bankruptcy forms, which will be mandatory for all new and pending cases as of December 1, 2015.

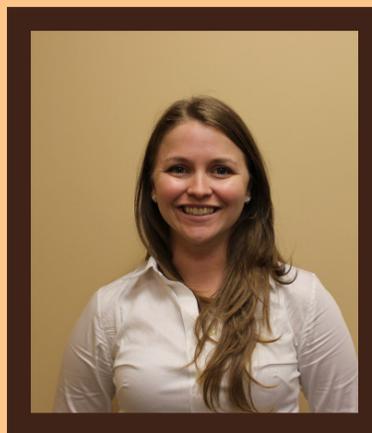
## **Recent Court Opinions**

by Jonathan Pincince, Law Clerk

Here is a short digest of a recent noteworthy opinion of the Court. As always, opinions are available on the Court's website at <http://www.rib.uscourts.gov/?q=judges-info/opinions>.

*Ruddick v. Read*, A.P. No. 14-01027 (In re Read, BK No. 14-11622, Chapter 7) (July 10, 2015): The Court concluded that abstention from this adversary proceeding under 28 U.S.C. § 1334(c)(1) was warranted because the plaintiff sought to prevent the defendant's discharge of a debt incurred in connection with the parties' divorce and, while the debt would be a nondischargeable debt under 11 U.S.C. § 523(a)(15), defenses asserted by the defendant to the validity and interpretation of the property settlement agreement raised issues more suitable for adjudication in state court.

## **Welcome New Term Law Clerk**



Louisa Gibbs

## Tips and Tricks

by Dina Fortes, Case Manager

Be sure to use the correct events when filing the means test documents.

Chapter 7 means test events are:

- [Chapter 7 Form 22A-1 Statement of Your Monthly Income \(means test\)](#)
- [Chapter 7 Form 22A-2 Means Test Calculation](#)

Chapter 13 means test events are:

- [Chapter 7 Form 22A-1 Statement of Your Monthly Income \(means test\)](#)
- [Chapter 7 Form 22A-2 Means Test Calculation](#)

2. On July 1 2015, the court entered [General Order 15-002](#). This general order amends local rules, forms and appendices. Be sure to use the most updated forms when filing documents. Updated documents can be found on the courts website [www.rib.uscourts.gov](http://www.rib.uscourts.gov) >Rules and Forms.

3. ECF has a comprehensive search feature to assist users in querying topics such as finding correct events to file documents. Simply click on the Search tab located on the blue menu bar in ECF. This will bring up the search menus and events box, type in the name of the event to be queried.



This will display all events relating to that specific topic. Simply select the appropriate event for which the document will be filed under, and proceed with the additional screen prompts. There is also a shortcut bar under the menu tabs to our website, local rules, helpdesk, captivate training, modules and attorney user manual. Using this feature almost guarantees that your document will be filed using the correct event.

## Reminders on Courtroom Protocol

by Jody Venuti, Quality Assurance Specialist

*Please* remember to state your name for the record before addressing the Court.

*Please* stand at the podium or applicable counsel table when addressing the Court and speak clearly into the microphone.

There should only be one person at the podium or per microphone, speak directly into the microphone.

Lastly, in accordance with Local Bankruptcy Rule 5072-1, anyone entering the courtroom is required to turn off all cellular phones or noise emitting beepers before entering the courtroom.

## Notice of Substantial Revisions to Official Bankruptcy Forms, effective 12/1/15

by Janet Descoteaux, Public Information Specialist

In furtherance of the judiciary's forms modernization project, please be advised that most Official Bankruptcy Forms are scheduled to be replaced with substantially revised, reformatted, and renumbered versions effective December 1, 2015, subject to approval by the Judicial Conference of the United States at its September meeting. Please see the [attached Notice](#) for additional information.

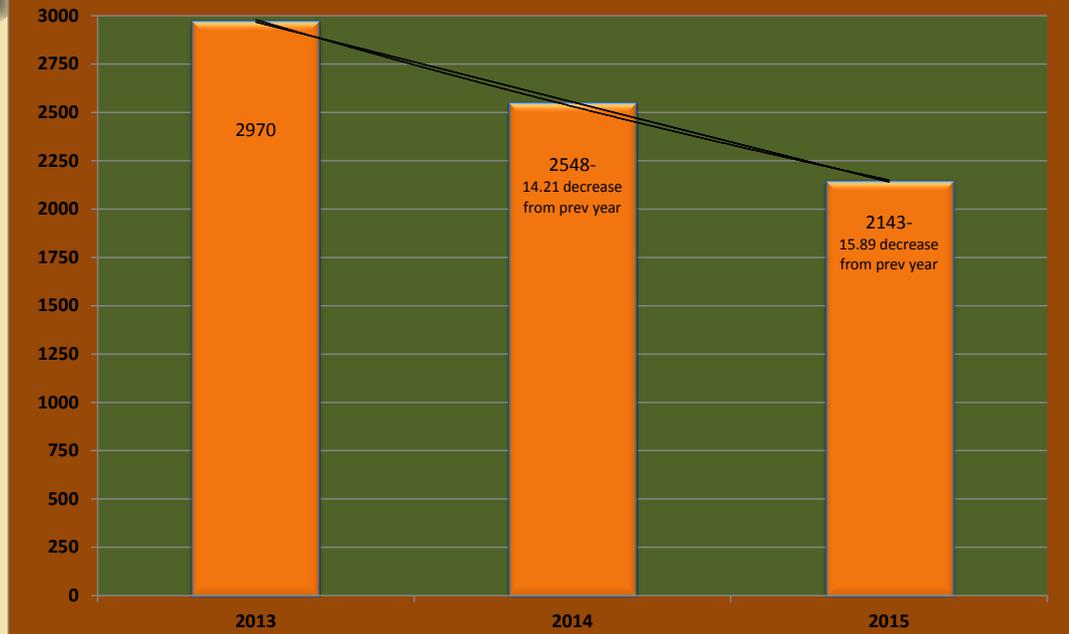


# Case Filing Statistics for Period Ending August, 2015

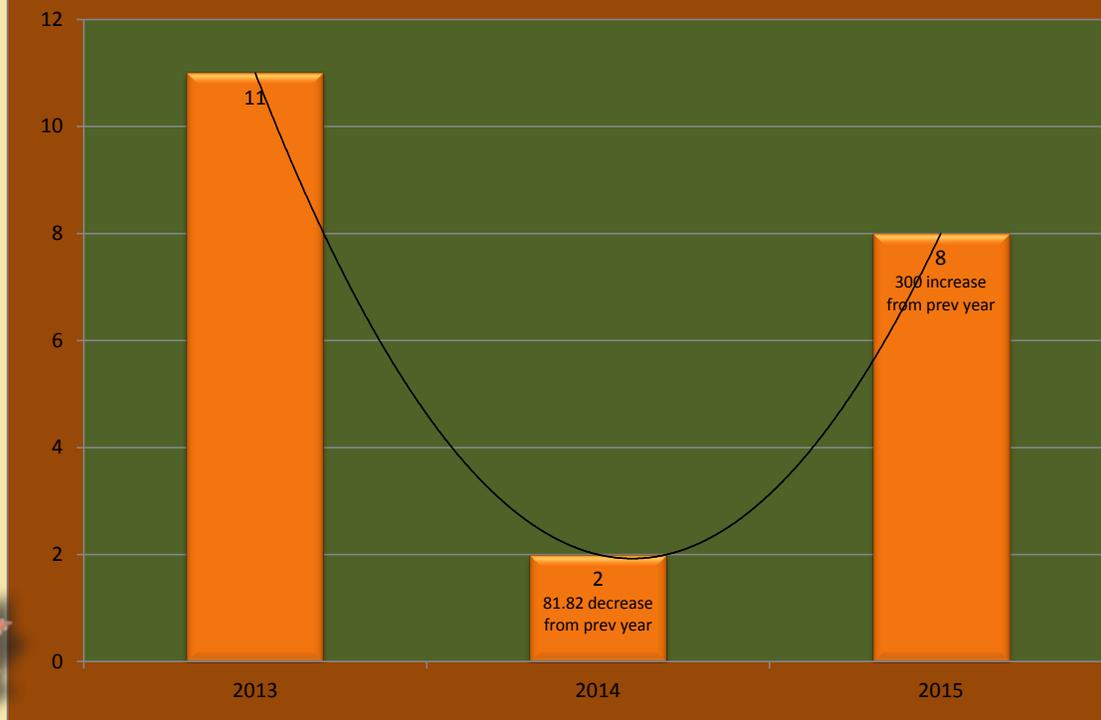
by Jody Venuti, Quality Assurance Specialist



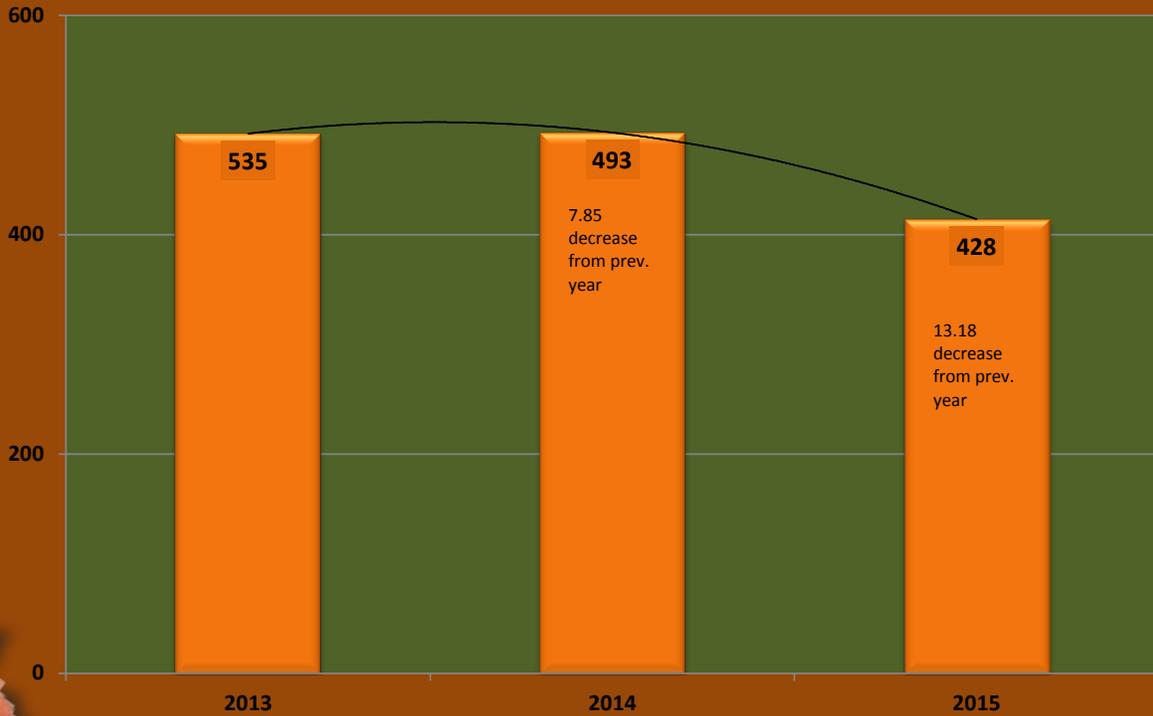
### Ch. 7 Case Filings for 12-Month Periods Ending August 31



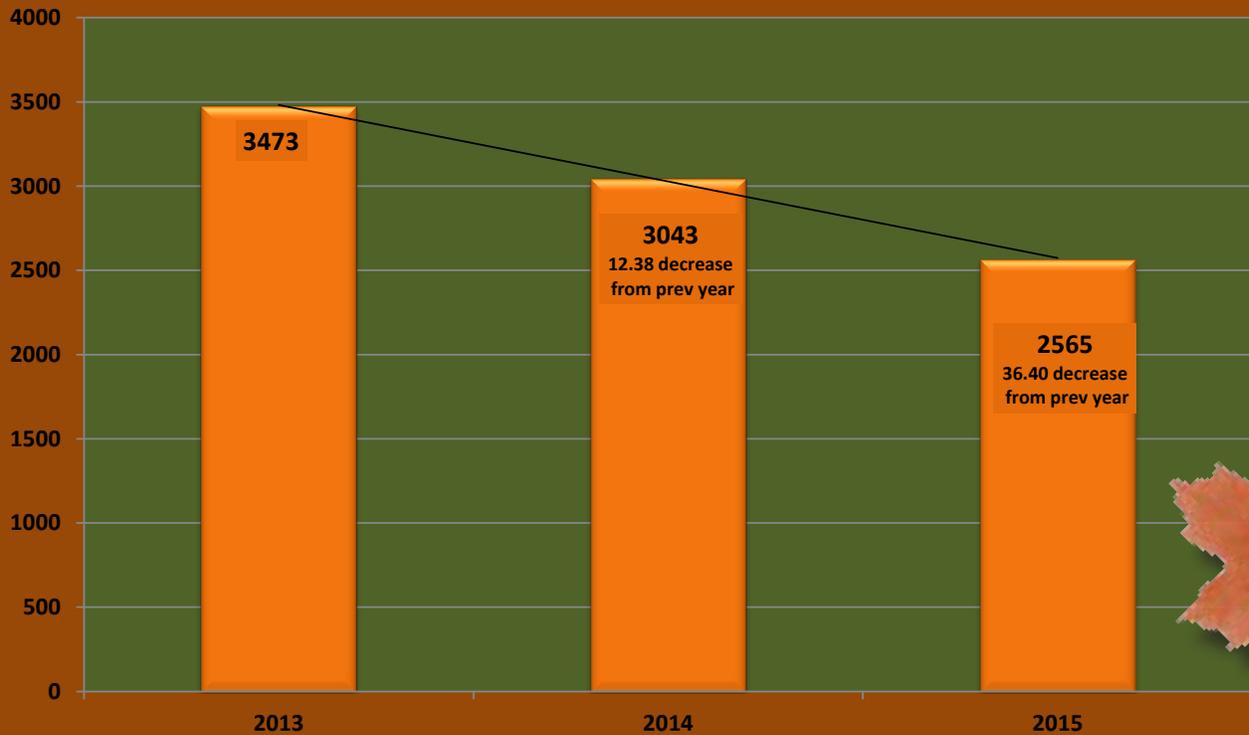
### Ch. 11 Case Filings For 12-Month Periods Ending August 31

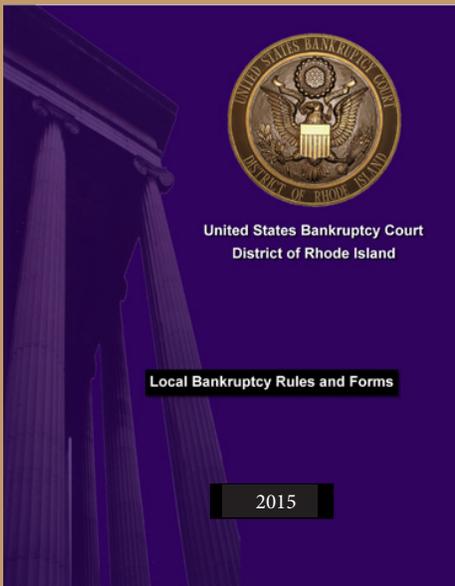


### Ch. 13 Case Filings for 12-Month Period Ending August 31



### Comparison of Filings for 12-Month Periods Ending August 31- All Chapters





## **COMING SOON!!!** **New 2016 Local Rule Book**

By Janet Descoteaux, Public Information Specialist

In December, the 2016 Edition of the R.I. Bankruptcy Rule book will be on sale at the Clerk's Office.

Once released, Local Rule books can be conveniently ordered through our on-line Local Rule Book Store accessed from the Rhode Island Bankruptcy Court's website, or by calling the Clerk's office.

All book store, fax, or phone-in orders require a Federal Express account number to cover shipping costs.

**STAY POSTED FOR RELEASE DATE!!!**

### **UPCOMING COURT HOLIDAY CLOSING DATES**

Columbus Day: Monday, 10/12/15  
Veteran's Day: Wednesday, 11/11/15  
Thanksgiving Day: Thursday, 11/26/15  
Christmas Day: Friday, 12/25/15  
New Year's Day: Friday, 1/1/16

### **CONTACT ON THE DOCKET PUBLICATION STAFF**

If you have any comments regarding this issue or want to suggest ideas for future articles, please contact "On the Docket" staff at the following email address:

[Janet\\_Descoteaux@rib.uscourts.gov](mailto:Janet_Descoteaux@rib.uscourts.gov)

Please do not use the above email address to file or send papers to the court or to ask questions about court procedures or status of a particular case. Contact the clerk's office at the number below for assistance in these matters.

Visit the court website [www.rib.uscourts.gov](http://www.rib.uscourts.gov)  
for local filing information.  
Thank you.

Clerk's Office: (401) 626-3100

***Please Note:***  
***Clerk's office staff is not permitted to give legal advice.***