

RULE 1002-1 PETITION - GENERAL [Modified 12/1/15]

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(b) Form. A petition commencing a bankruptcy case shall conform substantially to the applicable Official Forms, and be fully completed by petitioner. All petitions must include the full name(s) and address(es) (including zip codes) of the debtor(s); the firm name, mailing address, telephone and facsimile number, and state bar admission number of the attorney for each debtor.

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RULE 1005-1 FILING PAPERS - REQUIREMENTS [Modified 12/1/15]

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(d) Required Response Time Language Must Be Included on All Papers.

(1) Usual Papers. In order to provide adequate notice to interested parties of the time to respond, every motion (except those set forth in paragraph (2) below), application, petition (not including bankruptcy petition), objection to claim or objection to exemption filed with the clerk's office shall contain language substantially similar to the following, in single or double space and must appear in at least 11 point type:

Within fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if served by mail, any party against whom such paper has been served, or any other party who objects to the relief sought, shall serve and file an objection or other appropriate response to said paper with the Bankruptcy Court Clerk's Office, 380 Westminster Street, 6th Floor, Providence, RI 02903, (401) 626-3100. If no objection or other response is timely filed, the paper will be deemed unopposed and will be granted unless: (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the Court, the interest of justice requires otherwise.

(2) Excepted Papers with Different Response Times. A different objection/response time applies to the following matters and should be substituted for the above fourteen (14) day period:

- (A) Application to Compromise -- 21 days;
- (B) Motion/Notice of Intended Sale -- 21 days;
- (C) Motion to Amend or Modify a Plan -- 21 days;

(D) Motion to Modify Secured Claim -- 21 days;

(E) Application (or Notice) to Abandon -- 21 days;

(F) Applications for Compensation -- 21 days;

(G) Motion for Expedited Determination, seven (7) days -- See R.I. LBR 9013-2(d)(1);

(H) Motion for Emergency Determination -- left to discretion of Court, above language should not be used-- See R.I. LBR 9013-2(d)(2);

(I) Motion for Rule 2004 Examination -- see R.I. LBR 2004-1(b)(2);

(J) Motion to Extend Time for filing schedules, statements, reports, responses, and replies -- left to discretion of Court, above language should not be used. For the following types of motions to extend time, the required response language contained in 1005-1(d)(1) for usual papers should be used: (1) a motion to extend or delay entry of discharge filed by the debtor; (2) a motion requesting an extension of time to file an objection to discharge under §§ 523 or 727; (3) a motion to extend the time to object to exemptions under Fed. R. Bankr. P. 4003(b); or (4) a motion to extend time to respond to a Notice of Final Cure.

(K) Motion to Continue Hearing -- See R.I. LBR 5005-4 and 5071 for the deadline for filing motions to continue hearing;

(i) One-sided motion - four calendar (4) days by 3:00 p.m. If less time is needed, the motion should be filed as an emergency motion pursuant to LBR 9013-2(e) and served as specified in subsection (d)(2)(G) above;

(ii) Consent/Joint motion -- left to discretion of Court, above language should not be used;

(L) Motion to Vacate an Order and Motion to Reconsider - seven (7) days;

(M) Motion for Relief from Co-Debtor Stay - 20 days;

(N) Motion to File Out of Time - left to discretion of Court, above language should not be used (other than a Motion to File a Proof of Claim Out of Time which should contain the standard objection language, *See* R.I. LBR 1005(d)(1));

(O) Petition for Certification for Direct Appeal - left to discretion of Court, above language should not be used.

(3) Objection to Claim. See R.I. LBR 3007-1.

(4) Objection to Exemption. See R.I. LBR 4003-1(b).

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RULE 1006-1 FILING FEE [Modified 12/1/15]

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(c) Payment of Filing Fee in Installments. The clerk may approve a debtor's Application to Pay the Filing Fee in Installments, if the application contains a payment schedule that provides for at least 25% of the fee at the time of the filing, and continued payments of 25% commencing within thirty (30) days of the petition date and every twenty-eight (28) days thereafter. The application to pay in installments must comply with Official Form 103A.

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(e) Procedure to Waive Filing Fee (Proceed in forma pauperis). An individual who files a voluntary Chapter 7 petition may request to have all filing fees waived by filing a completed and signed Application for Waiver of the Chapter 7 Filing Fee using Official Form 103B and R.I. Local Form 1006-1.1. In addition, the debtor(s) must also file Schedules I and J with the Application. Failure to timely file all of these required forms will result in the automatic denial of the Application. The granting of the application approves the waiver of all future filing fees which may arise in the case while pending under Chapter 7.

RULE 1007-1 LISTS, SCHEDULES AND STATEMENTS; TIME LIMITS; ORDER TO FILE MISSING DOCUMENTS AND NOTICE OF AUTOMATIC DISMISSAL FOR NON-COMPLIANCE; NOTICE IN CHAPTER 11 [Modified 12/1/15]

(a) Certification of Pro Se Debtor Required. All pro se debtors are required to complete at the time of filing of the petition, a certification listing the names, addresses and amounts paid to persons who assisted with the bankruptcy filing, using R.I. Local Form 1007-1.2.

(b) Filings Subject to Seven (7) Day Filing Deadline: The following, as applicable to the case and chapter, are required to be filed within seven (7) days of the bankruptcy filing or any authorized extension thereof, or will be subject to the procedures set forth in subparagraph (d) below and R.I. LBR 1017-2:

(1) Creditor Mailing List (names and addresses)

(2) Official Form B121 - Statement of Social Security Number. Form 121 shall be filed in all cases as a separate private event (not combined with the bankruptcy petition or schedules) and will be restricted from public access.

(3) Debtor's Mailing Address

(4) Official Form 101, Part 5, Question 15 and , if applicable, a Certificate of Credit Counseling, or a Motion to be Exempt from Credit Counseling, or Statement of Exigent Circumstances, Local Form 1007-1.3.

(5) Application for Individuals to Pay the Filing Fee in Installments, if applicable.

(6) Application to Have the Chapter 7 Filing Fee Waived, if applicable.

(c) Filings Subject to Fourteen (14) Day Filing Deadline: The following, as applicable to the case and chapter, are required to be filed within fourteen (14) days of the bankruptcy filing, or any authorized extension thereof, or will be subject to the procedures set forth in subparagraph (d) below and R.I. LBR 1017-2:

(1) Schedules A/B through J2, as applicable;

(2) Statement of Financial Affairs;

(3) Summary of Assets and Liabilities and Certain Statistical Information (28 U.S.C. § 159);

(4) Statement of Executory Contracts;

(5) Attorney Fee Disclosure Statement;

(6) All required declarations having been properly executed;

(7) The Chapter 13 plan (R.I. Local Form 3015-1.1); and/or

(8) The Chapter 13 agreement (R.I. Local Form 2083-1.1);

(9) Chapter 11 Exhibit A;

(10) Chapter 11 twenty (20) largest unsecured creditors;

(11) Applicable Means Test Forms [B122A-1 through B122C-2];

(12) Copies of pay stubs for 60 days before the filing of the petition;

(13) Notice to Debtor by Non-Attorney Bankruptcy Petition Preparer (Form 119);

(14) Certificate of Credit Counseling if Official Bankruptcy Form 101, Part 5, Question 15 box #2 applies.

RULE 1009-1 AMENDMENTS OF PETITIONS, LISTS, SCHEDULES AND STATEMENTS [Modified 12/1/15]

(a) **Procedure and Form.** In any open bankruptcy case, amendments to the bankruptcy petition, schedules, statements of financial affairs, statements of income and expenses, or summaries of assets and liabilities and applicable means test forms [B122A-1 through B122C-2] shall be filed with the Clerk.

The amended document shall be marked, "Amended" and shall either: (1) clearly identify the amendment through the use of highlighting emphasis such as: asterisks, underlined, italics or bold to identify the added or changed information, or (2) include all of the items from the original document along with the amended items and include an addendum document listing only the information that has been amended on the applicable schedule/statement/summary/means test form. If filed electronically, the addendum shall be included as an attachment to the amended schedule event. The amended document shall contain an original signature by the amending party, or if electronically filed, the electronic signature of the amending party. If the case is closed, amendments to bankruptcy schedules or statements may be made only after the granting of a motion to reopen and a motion to amend.

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RULE 2090-2 DISCIPLINARY PROCEEDINGS [Modified 12/1/15]

(a) An attorney who appears for any purpose in any case or proceeding submits himself or herself to the Court's disciplinary jurisdiction and shall be held to the standards of professional conduct set forth in Local Rule Gen 208 of the United States District Court for the District of Rhode Island (the "District Court").

(b) In any matter in which a bankruptcy judge has reasonable cause to believe that an attorney has committed a violation of any Rules of Professional Conduct as set forth in District Court Local Rule Gen 208, the bankruptcy judge will refer the attorney for disciplinary proceedings to the District Court pursuant to District Court Local Rule Gen 210 and to any state or other applicable disciplinary authority. In connection with any such referral, the bankruptcy judge may recommend expedited interim action by the District Court and any state or other applicable disciplinary authorities if in the opinion of the bankruptcy judge such action is necessary to avoid an imminent risk of harm to the public.

(c) Upon the filing of any motion or complaint by the United States Trustee alleging that an attorney has committed a violation of 11 U.S.C. § 526, 527 or 528, or any Rules of Professional Conduct as set forth in District Court Local Rule Gen 208, copies of the motion or complaint and the responsive pleading thereto will, pursuant to District Court Local Rule Gen 203(b), be forwarded by the Bankruptcy Clerk to the District Court Clerk.

RULE 4001-4 AUTOMATIC STAY OF EVICTION PROCEEDINGS IN WHICH LESSOR HAS OBTAINED JUDGMENT OR POSSESSION PRIOR TO DATE OF FILING [Modified 12/1/15]

(a) Required Certification by Debtor. The Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, as codified in 11 U.S.C. §§ 362(b)(22) and 362(l), creates certain rights and obligations with respect to the cure of a monetary default giving rise to a pre-petition judgment of possession regarding residential property in which the debtor resides as a tenant under a lease or rental agreement. The debtor shall be deemed to have complied with 11 U.S.C. §362(l)(1) by:

(1) Making the required certification by completing Official Form 101A, Initial Statement About An Eviction Judgment Against You, including the landlord's name and address, and

(2) Delivering to the Clerk, together with the petition (or within one business day of the filing, if the petition is filed electronically) a certified or cashier's check or money order, made payable to the lessor, in the amount of any rent that would become due during the 30 day period after the filing of the petition.

(b) If the debtor complies with the preceding paragraph, the Clerk of the Court shall, within one (1) business day, send notice of compliance to the lessor who shall then have the option, exercisable within fourteen (14) days of the date of the notice:

(1) to consent to receive the check in which event the lessor shall provide payment instructions; or

(2) object to the debtor's certification, which objection shall constitute a request for a hearing.

If the lessor does not respond within the fourteen (14) day deadline, the lessor shall be deemed to have consented to receive the check, and the Clerk shall send the check to the lessor at the address set forth in the debtor's certification.

RULE 4004-1 GRANT OR DENIAL OF DISCHARGE [Modified 12/1/15]

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(c) Procedure for Obtaining a Discharge in a Closed Case. If an individual bankruptcy case is closed without entry of a discharge due to failure of the debtor to timely file the Certification About A Financial Management Course (Official Form B423), to later obtain a discharge, the debtor must:

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RULE 4008-1 REAFFIRMATION [Modified 12/1/15]

(a) Mandatory Reaffirmation Agreement Form. In cases filed on or after December 1, 2015, the most current version of the Official Reaffirmation Agreement Cover Sheet and Director's Reaffirmation Agreement Form shall be used.

(b) Pro se Reaffirmation Agreements.

(1) Pro se debtors must complete a "Motion For Court Approval of Reaffirmation Agreement", unless the agreement concerns real estate, or the debtor is reaffirming a debt with a credit union. Failure to complete the, "Motion For Court Approval" will result in the reaffirmation agreement being treated as defective, and if not cured within the deficiency period, will result in the agreement being stricken.

(c) Defective Reaffirmation Agreements. If a filed reaffirmation agreement is not in compliance with 11 U.S.C. § 524(k), Fed. R. Bankr. P. 4008, or these LBRs, the agreement will be stricken, and no further action will be taken.

(d) Reaffirmation agreement without Attorney Certification. In cases where debtor's counsel has not signed the Attorney Certification in the Agreement, a hearing will be conducted and debtor's counsel will be required to attend with the debtor.

***RULE 7016 - PRE-TRIAL PROCEDURE; FORMULATING ISSUES [Modified 12/1/15]**

(a) Scheduling Conference. Unless otherwise ordered at the discretion of the Court or unless an affirmative request is made by a party, the Court will not conduct a scheduling or pretrial conference in an adversary proceeding.

(b) Joint Pretrial Statement. In all adversary proceedings, a joint pretrial statement conforming to the standards set forth in R.I. LBR 9014-1 and R.I. Local Form 7016-1.1 shall be filed within twenty-one (21) days after the close of discovery unless specifically ordered otherwise by the Court.

(c) **Scheduling Order.** A scheduling order shall issue from the Court within the time specified in Fed. R. Civ. P. 16 unless the Court directs otherwise.

* Conforming change only.

RULE 9010-1 ATTORNEYS ADMISSION TO PRACTICE, REPRESENTATION AND APPEARANCES [Modified 12/1/15]

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(e) Appearances:

(1) Filing Constitutes Appearance. The filing of any pleading or other paper shall constitute an appearance in the case or proceeding in which the pleading or paper is filed by the attorney who signs it, unless the pleading or paper states otherwise.

(2) Request for Service of Papers. If an attorney wishes to receive copies of filed papers, the attorney must file a formal entry of appearance containing the attorney's name, bar identification number, firm name, mailing address and telephone and facsimile number of the person entering the appearance, specifically requesting to be so served, and a copy of such request must be served on the debtor's attorney, or debtor if pro se, the case trustee, and the local office of the United States trustee; otherwise, the attorney will receive only those papers that deal directly with said attorney's client, as required by the Federal Rules of Bankruptcy Procedure. With respect to notices and copies of orders served by the Court, the attorney will receive only those notices and orders that deal directly with said attorney's client as required by the Federal Rules of Bankruptcy Procedure, these LBRs or as otherwise ordered by the Court.

(3) Appearance List. The Clerk shall maintain a general appearance list in each case, which shall be available to any attorney upon request. The Clerk shall also maintain such list on the Court's electronic records system (PACER), to the extent technically possible.

(4) Withdrawal of Attorney.

(A) Leave of Court Not Required. An attorney representing a party may withdraw from a case or proceeding without leave of court by filing a Notice of Withdrawal with the Court, provided that:

- (i) such notice is accompanied by a Notice of Appearance of other counsel;
- (ii) there are no motions pending before the Court; and
- (iii) no trial or hearing date has been scheduled

(B) Service of Notice of Withdrawal. The Notice of Withdrawal shall be served on:

- (i) the client;
- (ii) the local office of the United States trustee;
- (iii) any trustee serving in the case;
- (iv) in cases under chapter 11, any committee that has been appointed and is serving in the case under 11 U.S.C. § 1102, or upon counsel or the authorized agent for such committee;
- (v) in adversary proceedings, all parties to the proceeding; and
- (vi) all other persons or parties as the Court may require.

(C) Leave of Court Required. If any of the requirements contained in subparagraph (A) is lacking, a written motion for leave to withdraw, with service on the parties listed in subparagraph (B) is required. Until an order granting withdrawal is entered, counsel remains the attorney of record in the case or proceeding.

(5) Substitution of Attorney. An attorney seeking to substitute for another attorney must file Local Form 4002-2.1 Notice of Substitute Counsel. Both attorneys must sign the form.

RULE 9013-2 MOTION PRACTICE [Modified 12/1/15]

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(d) Emergency or Expedited Determination; Single Motion only

(1) Expedited Determination: If movant seeks to have a motion considered by the Court on an expedited basis (e.g., before the objection period expires), the caption of the motion shall be entitled, "Motion for Expedited Determination of _____[include specific type of relief being sought]."

(A) Contents of Motion for Expedited Determination. The request shall set forth in detail the facts and circumstances which justify expedited treatment of the underlying motion. To the extent the Court is able to accommodate requests for expedited consideration, it will make every effort to do so. Where, however, the expedited nature of the request is due to lack of diligence by a party or counsel, or because of a deadline imposed by agreement, the Court may refuse to grant expedited consideration.

(B) Limited Notice. If the facts and circumstances supporting the request for expedited determination warrant limited notice, the request for expedited determination shall include a request that notice be limited to designated recipients and shall, in addition, recommend a practical manner of notice reasonably calculated to inform affected parties of the pending motion and that a determination of the motion will take place on an expedited basis. It is the duty of the party seeking expedited determination and limited notice to make a good faith effort to advise all affected parties of the pending motion and of the time and date of the hearing, if any. Such good faith efforts may include providing notice of the substance of the motion and of the date and time of the hearing by telephone, email or by facsimile transmission.

(C) Responses to Expedited Motions. Written responses are required to expedited motions within seven days. *See* R.I. LBR 1005-1(d)(2)(F). The content of responses to expedited motions shall, to the extent possible, include the information required for responses to non-expedited motions.

(D) Hearings on Expedited Motions. The Court shall set the conditions for hearing, and shall schedule and conduct the hearing, telephonically or otherwise, as appropriate under the circumstances.

(2) Emergency Determination. If a movant seeks to have a motion considered by the Court earlier than seven days after the motion is filed, the caption of the motion for shall be entitled, "Motion for Emergency Determination of _____ [include specific type of relief being sought]," and shall call the Clerk's attention to the emergency filing.

(A) Contents of Motion for Emergency Determination. The request shall set forth in detail the facts and circumstances which justify emergency treatment of the underlying motion. To the extent the Court is able to accommodate request for emergency consideration, it will make every effort to do so. Where, however, the emergency nature of the request is due to lack of diligence by a party or counsel, or because of a deadline imposed by agreement, the Court may refuse to grant emergency consideration.

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See the Court's Electronic Filer User Manual for specific instructions on how to electronically file this type of request.

RULE 9070-1 EXHIBITS [Modified 12/1/15]

(a) Submission and Service of Exhibits. When directed by the Court, parties must submit three hard copies of all exhibits as well as submitting exhibits electronically as specified below. Exhibits shall be exchanged between counsel via email.

(b) Format for Exhibits. Conventional and electronic copies of exhibits intended to be offered as exhibits in a contested matter or hearing shall be legible, and copies of photographs shall be in color, unless the original photograph is black and white. Each set of exhibits shall be accompanied by an exhibit list, using R.I. Local Form 9070-1.1. The moving party/plaintiff's exhibits shall be marked alphabetically (A-Z), and the respondent/defendant's exhibits shall be marked numerically (1-100). Electronic exhibits shall be submitted in Portable Document Format (PDF) and stored on a USB flash drive or compact disc. Each individual PDF file shall be limited to a file size of no more than 10MB. Additionally, each PDF shall contain exhibits that are bookmarked or indexed. Exhibits submitted in violation of this rule may be deemed inadmissible at trial/hearing.

(c) Release of Exhibits After Trial. At the conclusion of the hearing, exhibits shall remain in the custody of the Court. If there is no appeal from the Court's decision after the time for filing a notice of appeal has elapsed, or after any appeal has been finally determined, the Clerk shall notify the parties that the exhibits should be withdrawn within thirty (30) days, and that if they are not removed within that time, the Clerk will dispose of them. If the exhibits are not removed or another arrangement made with the Clerk within thirty (30) days, the Clerk may, without further notice, destroy or otherwise dispose of them. If a notice of appeal is filed, the Clerk shall make the exhibits available to the parties for duplication for the record on appeal. After any appeal has been finally determined the Clerk shall make any disposition of the exhibits required by the Clerk, or order of the appellate court, or as otherwise permitted under this rule.

CROSS REFERENCE See R.I. LBR 5005-4 (Electronic Filing)

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

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In re: :

Debtor(s) : BK No.
Chapter

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STATEMENT OF EXIGENT CIRCUMSTANCES

Pursuant to 11 U.S.C. § 109 (h)(3)(A), debtor¹ _____, asks the Court to determine that debtor’s certification herein is satisfactory and warrants a temporary waiver of the credit counseling requirements of 11 U.S.C. § 109(h)(1) and that debtor be given 30 days from the date of filing of the petition to complete budget and credit counseling and file a certificate of completion with the court.

Debtor’s certification: I certify that I requested credit counseling services from an approved agency but was unable to obtain the services during the **seven days** from the time I made my request, and the following exigent circumstances merit a temporary waiver of the credit counseling requirement so I can file my bankruptcy case now:

I certify under penalty of perjury that the information provided above is true and correct.

Debtor’s Signature: _____
Name of debtor: _____
Debtor’s address: _____
Debtor’s telephone: _____

DATED: _____

Attorney for the Debtor

¹ If the circumstances apply to each debtor in a joint case, submit a separate statement for each debtor.

Crosswalk of Official Form Changes Impacting Local Rules, Forms and Appendices

Local Rule	Old Official Form Name	New Official Form Name
1002-1	Official Form No. 1	Official Form B101
1006-1(c)(e)	Form B3A; Form B3B	Official Form B103A; B103B
1007-1(b)(2)(4)	Form B21; Form B1	Official Form B121; B101
1007(c)(11)(14)(15)	Form B 22; Form 22A; Form 19B;Form 1 Exhibit D	Official Form B122A-1 through B122C-2;119B;101
3001-1 (a)	Form B210	Directors Form B2100A
4004-1(a)(b)(c)	Form 23	Official Form B423
7003-1(b)	Form 104	Director Form B1040
FORMS		
Local Form 2083-1.1	Official Form 23	Official Form B423