

# 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 2023 – a year that will be filled with many notable changes in the bankruptcy court system in Rhode Island. For one, this will be my final *Inner Workings* column for our **On the Docket** newsletter. After almost three decades as Rhode Island's bankruptcy clerk, I will be retiring on March 31, 2023, two months before my twenty-ninth anniversary on the job. Never did I expect this to be my career path when I left law school in 1987, but what an incredible honor and experience it has been.

A second significant change this year is the recent appointment of Charles Pisaturo as the new standing Chapter 13 trustee, superseding attorney John Boyajian after an incredible 43 years of service in that position. We are delighted to provide question and answer exposés with each of them as they assume and complete the role respectively.

Continuing with more change will be the transition of my successor from career law clerk to bankruptcy clerk of court, commencing later this summer. Read about Jon's background and plans for this career change in his Q&A column on page 6, *infra*. Judge Finkle recently selected Jon's successor for career law clerk, Natalie Medved, who will be coming to us from the District of New Hampshire Bankruptcy Court, where she is currently serving as term law clerk to the Honorable Bruce Harwood.

Hopefully, many of you will remember Natalie, as she previously served as a term clerk for Judge Finkle from 2017 to 2019. The Court and staff are looking forward to welcoming her back to our district in this new career position, and we have a more complete article about her background on page 8, *infra*. So yes, this will be a year filled with many staffing moves, which changes bring a unique opportunity for fresh ideas, energy, and enthusiasm to the bankruptcy court system in Rhode Island. Please join us in congratulating Charlie, Jon and Natalie on their new career paths.

I am choosing to use the remainder of this *Inner Working's* column to reminisce and highlight some of the most rewarding accomplishments we have achieved over these past three decades together. As our readers know, nothing is accomplished without hard work and dedicated people, and during my tenure here I feel very blessed to have worked with incredible judges, amazing staff and talented attorneys, trustees and government employees who supported our work and contributed to our success in so many vital ways.

When I first came to the court in 1988 as a term law clerk to the Honorable Arthur N. Votolato we were still writing decisions on legal pads, using paper dockets and files, tape deck recorders for managing the official court record, and everything was done in person – from coming to the clerk’s office to file papers, to conducting all manner of court proceedings. Nary a computer could be found back then. During those early years, we received 40-60+ Chapter 11 cases a year, resulting in a pending open caseload of about 90 cases per year for the better half of the 1990’s -- a volume of business reorganizations we have never seen since. This meant we held court sessions practically every day and even on weekends to manage the relentless emergency matters that regularly arise in new chapter 11 filings such as cash collateral disputes, valuation hearings and requests for trustee appointments.

After I was appointed clerk of court on May 31, 1994, the judiciary began its march toward automation, although very slowly at first. Each individual court had to build its own local area network for connecting our nascent stand-alone personal computers and for introducing a form of email (cc:Mail) to begin having electronic conversations. Many will remember the analog modems used to access Pacer by the legal community and the sounds it would make to boot up. Those beeping sounds still ring in my head to this day! By the end of the 1990’s, the judiciary finally had a national data communication

network (DCN) that the court’s local network joined via a 56K leased phone line (same speed as a modem!). Back then, the bankruptcy courts had moved to using a program called BANCAP on dumb terminals<sup>1</sup> to maintain case dockets, and hard copy paper case files were still in use. It is not until the early 2000’s that we began imaging/scanning case documents as electronic files by using an in-house solution developed by the bankruptcy court in Kansas to have an electronic image of each document filing.

This was a tremendous amount of work for our staff as in addition to docketing each paper, they then had to scan them into high speed and desktop scanning systems to capture the document images. Our court was on the cutting edge of this new technology and well ahead of most others in the circuit, some of whom did not feel the added workload was worthwhile. I am very grateful that our staff did not share that skepticism and grasped the tremendous advantages to the ability to effortlessly look up case documents without having to track down paper files and to easily fax documents to users in need of case information.

<sup>1</sup> A **dumb terminal** is a terminal that does not performing local processing of entered information but serves only as an input/output device for an attached or network-linked processor. <https://www.gartner.com/en/information-technology/glossary/dumb-terminal>

The imaging revolution was the precursor to the judiciary going full electronic filing and by having many years of electronic records already in our database, our eventual conversion to the judiciary's nationwide electronic filing system, CM/ECF<sup>2</sup>, resulted in a more comprehensive and complete electronic record of case files.

During the subsequent 20 years (2003 to 2023), we have been actively advancing court technology in practically every way imaginable:

- Full electronic filing system, CM/ECF, with continual upgrades including NextGen CM/ECF;
- Courtroom technology including professional sound system, digital recording system, videoconferencing system, evidence presentation system, courtroom displays, etc.;
- Public website and communication and social media platforms, internal content management systems – SharePoint on premises and online, electronic documentation manuals for internal and external users including our local rules, attorney, ECF and pro se manuals;
- Operational support software systems such as electronic court calendaring and court workflow (BCAP) program, case manager quality control program

(CMAssist), electronic bankruptcy noticing (BNC & EBN), electronic proof of claim and financial management certificate programs (ePOC, eFIN), Debtor electronic bankruptcy noticing (DeBN), electronic Drop Box for pro se filers (EDB), pay.gov for automated fee payments;

- Automated administrative functions including finance, HR, procurement, property management, internal controls, travel;
- Migration to national cloud hosting of servers and applications; and
- Mobile workforce – just in time for the arrival of the Covid-19 pandemic, video hearings via Zoom.

There are two other (non-IT related) meaningful programs that deserve special recognition and of which I am particularly proud. They are the 2009 enactment of the Court's Loss Mitigation Program in response to the great housing collapse of that period, and the 2017 development of the free Bankruptcy Legal Clinic in response to our burgeoning pro se filing population.

<sup>2</sup> Which stands for "case management/electronic case files".

Each of these programs were established in partnership with our Attorney Advisory Committee as well as certain members of the bankruptcy bar, and both have had a tremendous positive impact on the bankruptcy practice in the State of Rhode Island. I am truly grateful to those of you who contributed to the success of these vital programs, which continue to thrive to this day.

So much has happened in these 29 years and it has only been achieved through the collective hard work, dedication, bright ideas, stamina, and cooperation of our amazing court staff and members of the bankruptcy bar, who jointly made it all happen. I am indebted to all of you who worked to bring about these momentous changes which enabled us to deliver the highest level of service and support to our customers -- both internal and external. Thank you from the bottom of my heart.

### **DOJ Announces new Guidance Regarding Bankruptcy Student Loan Discharge (Information)**

On November 17, 2022, the Department of Justice (DOJ) [announced](#) a [new process](#) for handling the discharge of federal student loans in bankruptcy cases. The DOJ's process will help ensure consistency across loan discharges, reduce the burden on student loan debtors, and make it easier to identify cases where discharge is appropriate. Under the guidance, the DOJ will identify, in coordination with the Department of Education, when undue hardship appears to exist, justifying a recommendation to the court that a loan be discharged.

## Congratulations on your retirement Susan!



## New Bankruptcy Clerk of Court Selected for the District of Rhode Island; Appointment early Fall *by Kristen Batty, Chief Deputy Clerk*



On November 15, 2022, Judge Diane Finkle announced the selection of Jonathan E. Pincince for appointment as the next Bankruptcy Clerk of Court for the district, following the impending retirement of long-time clerk Susan M. Thurston, who will retire on March 31, 2023. Jon, who currently serves as Judge Finkle's career law clerk, will officially assume his new position in September and, together with senior management, will provide informal assistance to the Clerk's office during the vacancy period.

Jon joined the Rhode Island Bankruptcy Court in 2013, initially as a term law clerk to Judge Finkle and later elevated to the position of career law clerk. Prior to serving the Bankruptcy Court, Jon practiced law in both Rhode Island and Massachusetts state and federal courts concentrating in commercial, litigation and insolvency laws. Jon is a 2004 graduate of Roger Williams University School of Law, where he served on its Law Review from 2002-2004, including as its Editor-in-Chief from 2003-2004, and is a 1999 graduate of Stonehill College.

On the Docket checked in with Jon about his upcoming position change and what he is looking forward to.

**OTD:** You have been Judge Finkle's law clerk for nearly 10 years. What interested you about becoming the Clerk of Court?

**Jon:** Well, first, just the chance to continue working here at the Court. It's a pleasure to come to work with the people I do and to help the Court serve the public and fulfill its important mission. And second, after 19 years of practicing law and working in chambers, I am looking forward to the new responsibilities and challenges that come with the Clerk position; it's a real opportunity for me to learn and grow.

**OTD:** Since your selection as incoming Clerk of Court, what kind of interaction and communication have you had with outgoing Clerk Susan Thurston?

**Jon:** I think I'm very fortunate to already be working here at the Court in a different capacity and to have been named to succeed Susan several months before her departure. It has given me the ability to meet with her regularly and to learn from her and her more than 30 years of experience about all aspects of the job, as well as to continue to learn from my many coworkers who also have decades of experience here at the Court.

**OTD:** With your appointment, do you anticipate any changes to Bankruptcy Court or Clerk's office administration or processes?

**Jon:** No, at least not right away. But my experience here at the Court has shown me that everyone from Judge Finkle to our managers to our staff are always reviewing, evaluating, and refining how the court operates and can better serve the public, and I certainly expect that to continue when I am Clerk.

**OTD:** Do you have any thoughts on the status of bankruptcy practice generally, including, but not limited to, the effects of COVID on the practice and what we might expect in terms of bankruptcy filings in the coming years?

**Jon:** It's no secret that both local and national bankruptcy filings, which already were declining pre-COVID, dropped sharply in 2020 and have continued to be low. There are some projections of increased filings in the coming year, but that remains to be seen. While the last few years have been challenging for the Court, as they have been for practitioners and the public, we have learned a lot about how our Court can be flexible and can continue to operate under virtually any circumstances to serve the public and fulfill its mission under the law, and in my observation many practitioners have similarly adapted their practices to be able to better serve their clients.

**OTD:** Is there anything else you want people to know?

**Jon:** I'm a lifelong Rhode Islander and I love this state and its people. I hope I can help the U.S. Bankruptcy Court for the District of Rhode Island continue to serve the public as well as it has for nearly a half century, and I hope anyone who thinks the Court is not doing that – be it a staff member, an attorney, a party, or anyone else – will let me know about it.



## New Career Law Clerk Coming in September

by Jonathan Pincince, Career Law Clerk

Judge Finkle has announced the selection of Natalie Medved to serve as her next career law clerk beginning in the Fall of 2023. Natalie is presently in her third year as term law clerk to U.S. Bankruptcy Judge Bruce Harwood of the District of New Hampshire, during which time she also has assisted U.S. Bankruptcy Judge Peter Cary of the District of Maine. Natalie previously served as term law clerk to Judge Finkle from 2017 to 2019. In addition to her experience as a law clerk, Natalie has practiced law at Kelly Law Offices, LLC in Massachusetts and served as a judicial intern to retired U.S. Bankruptcy Judge Joan Feeney of the District of Massachusetts. Natalie is a 2016 *cum laude* graduate of Suffolk University Law School and a 2012 *cum laude* graduate of St. Mary's College of California, where she earned a Bachelor of Arts in English. Please join us in welcoming Natalie in her upcoming career position later this year.



## New Term Law Clerk

by Jonathan Pincince, Career Law Clerk



Jacqueline Dagle joined the Court as Judge Finkle's term law clerk in August of 2022 and will be serving until 2024. Jacqueline is a 2022 graduate of New England Law | Boston, where she was in the top 10% of her class, and a 2019 *summa cum laude* graduate of the University of Rhode Island, where she earned a Bachelor of Arts in English and a Bachelor of Science in Human Development and Family Studies. Jacqueline also teaches yoga. Please join us in welcoming Jacqueline and feel free to introduce yourself in court.

## Upcoming Personnel Changes at the Rhode Island Bankruptcy Court



After 14 years of dedicated service to the Court, Janet Descoteaux will be leaving us in September to pursue new endeavors with her family and friends. Janet began her employment in 2009 as our *Public Information Specialist*, primarily responsible for handling the intake of new

cases at the public counter and customer service support for the Clerk's office. In January 2020, she was promoted to the position of Case Administrator.

In addition to her case management responsibilities, over the course of nearly a decade and a half, Janet has also worn many other hats in the Operations and Administrative departments including:

- Legal Clinic Coordinator
- Loss Mitigation Statistical Analyst
- Backup Courtroom Deputy and Electronic Court Recorder
- Court Training Coordinator
- On the Docket Editor (2011-2022), and
- Continuity of Operations Administrator

These many varied roles and duties required Janet to become proficient in numerous software applications used at the court including Office 365 (she is an expert in Excel and Word), SharePoint, Adobe publishing software *InDesign*, MadCap Flare, SignUp Genius, Appointy, BCAP (court calendaring), VoiceIQ (digital recording), and many others.

As regular readers of this newsletter, please join us in thanking Janet for her many, many years serving as our Editor in Chief for *On the Docket*. Her amazing creativity and talent allowed us to produce

and deliver a top-quality newsletter to our customers for the last ten years.

Janet's final day with us will be Friday, September 8, 2023. We wish her much happiness in her future plans and thank her for her many, many contributions to the court. She will be greatly missed by all of us!

### New On the Docket Editor and Backup Electronic Court Recording Operator (ECRO)

Janet's upcoming departure gave rise to the need for a new editor of our *On the Docket* newsletter, as well as a new backup ECRO for taking the official court record. Thankfully, two of our seasoned operations staff stepped up to meet these challenges!

Many of you already know Christine Lanni, who was one of Ms. Thurston's first Clerk's office hires in 1994 and has been performing case administration ever since. Christine's creative talents made her the perfect fit for assuming the Editor in Chief role of producing our newsletter, *On the Docket*. To save costs, we recently transitioned from Adobe *InDesign* to Microsoft *Publisher* as our publication platform and this meant Christine was further stretched to learn another software program to produce this amazing edition you are currently reading!

Another familiar face, Jennifer Davis, is also a longtime case administrator, who agreed (did she really?) to learn the ECRO function as a backup when needed. Some of you may have seen her recently in court shadowing our primary ECRO, Dina Fortes. Jen is diligently being trained in this now very complex high-tech recording function under Dina's expert tutelage.

We thank Christine and Jennifer for taking on these new roles and responsibilities on behalf of the Court, and extend our appreciation to Dina and Janet for their hardworking efforts in training these two exceptional staff members!

## Reflections from John Boyajian on his 43 Year Career as Rhode Island's first Standing Chapter 13 Trustee

*by Susan M. Thurston, Clerk of Court*

Over the course of a 43-year time span, attorney John Boyajian served the District of Rhode Island's Bankruptcy Court with distinction as its sole chapter 13 standing trustee from the fall of 1979 through 2022. During this time, John was appointed chapter 13 trustee in approximately 13,455 bankruptcy cases, an incredible feat. 2011 marked the highest year of chapter 13 case filings in the state with 710 cases filed that year alone. Since the onset of the Covid-19 pandemic, bankruptcy filings under all chapters have declined significantly, with chapter 13 cases now averaging just under 200 cases per annum for the last three years. John's sense of fairness, steady hand and easy-going disposition were appreciated by the court, attorneys and case participants alike, and he has left an indelible imprint on the chapter 13 practice of law in Rhode Island.

On the occasion of his recent retirement, On the Docket reached out to John for his thoughts on how the chapter 13 practice has evolved over these past four decades, his most memorable cases and legal challenges, as well as the change in the practice of law caused by bankruptcy legislation and technological advancements during his incredible career.

**OTD:** Can you describe what the chapter 13 bankruptcy practice was like when you first became standing trustee in 1979, and how it was upon your retirement in 2022?

**JB:** Before I became standing trustee I remember going to the clerk's office to file a Chapter XIII case on behalf of a client (before 1978 the chapters were referred to by Roman numerals). Cases were filed in the Federal District Court clerk's office. I remember handing the petition to a clerk named, I think, Leonard Feiner who was the District Court Judge Day's courtroom clerk. He had a handlebar moustache and in a deep booming voice that everyone could hear told me that the clerk's office didn't accept Chapter XIII cases in Rhode Island. As I recall another clerk came over and processed the case but that was my introduction to Chapter XIII in Rhode Island.

I remember that Russell Raskin was one of the first attorneys in Rhode Island to file Chapter 13 cases on a regular basis. Judge Votolato used to kid him about a radio commercial he ran that ended with "13 may be your lucky number." Now there are more attorneys than only Russell who consistently file Chapter 13 cases.

Chapter 13 is meant to allow debtors to solve their debt problems. If there have been more than 13,000 Chapter 13 filings, just think of the number of families who have been helped over the years.

**OTD:** During your forty years as chapter 13 trustee, are there any particular chapter 13 cases or issues that stand out to you?

**JB:** Thanks for the "softball" question ... the answer is helping debtors save their homes.

Imagine a family which, because of illness, loss of job or some other unfortunate event, is about to lose their home at a foreclosure sale. It is devastating. Chapter 13 has afforded members of these families a way to rebuild their lives.

The real credit is due to the attorneys who represent these debtors. They are the ones who are able to recognize problems and help their clients solve them. While it is satisfying as trustee to play a small part in this, the real credit belongs to lawyers who represent these families. Aside from being compensated for their services, I hope and fully expect they realize the invaluable services they have provided to their clients.

**OTD:** What was your impression of the 2005 BAPCPA law changes and how it impacted the bankruptcy practice and chapter 13 in particular? What did you find most constructive and what did you find least beneficial about the changes?

**JB:** The biggest change was the use of the means test to calculate disposable income for over median income chapter 13 debtors. Prior to this change, a review of debtors' schedules I and J allowed for a common-sense consideration of what debtors could afford to pay into a chapter 13 plan including a review of the reasonableness of expenses. The means test's secured debt deduction set up a system where over-median debtors' secured debt expenses could consume a completely unreasonable portion of the income that could be used to pay creditors. This was especially true

around the time of BAPCPA's effective date when households commonly had mortgage debt that was unreasonable in relation to their income. At the same time, the review of schedules I and J remained effectively unchanged for under-median debtors. While the trustee and the court could continue to consider the reasonableness of housing and automobile expenses for under-median debtors, over-median debtors could seek to deduct unreasonable home mortgage and auto loan expenses from their income for the purpose of calculating plan payments. It seemed better and fairer to debtors with differing levels of income, when common-sense, good faith and good judgment were the standards for considering a debtor's proposed chapter 13 plan payments.

**OTD:** Is there anything else you want people to know?

**JB:** Sure ... and in case you think this is self-serving, it's not. Any future practice of law I do is for *pro bono* cases only so I have no need to curry favor. I have been incredibly fortunate to practice before two really good (I deleted "great" ... didn't sound right) judges ... Judge Votolato and Judge Finkle. Going back many years I remember a meeting when Dana Gallup, who was then Clerk of the First Circuit Court of Appeals, had a meeting here with local attorneys (Allan ... I remember you were there) and asked about Judge Votolato's reappointment. I forget the question Dana asked, but I remember my answer. It was "Yeah, but he

gets it right.” It was true about Judge Votolato. I may not have always agreed with his rulings, but I never ever questioned that he tried to make the “right” decision, and he most always did.

Now let’s go on to Judge Finkle who I first met at Rhode Island Legal Services where she was volunteering before becoming a lawyer. We worked on a case involving inmates at the ACI being coated with benzidine, a substance used by the State to detect the presence of blood on a body. An expert at trial testified that even one application of benzidine to the human body would likely cause bladder cancer in the future. The plaintiff won at trial and retrial ... but that’s another story.

Diane (I hope you don’t mind that I address you that way now that I’m gone) ... good job and keep it up. It’s truly been a pleasure.

Finally ... thanks Susan to you and to all the people in your office too numerous to name. It’s also been a pleasure.

### **Change To Mandatory Electronic Bankruptcy Noticing Threshold From 100 To 50 Notices Per Month**

Effective December 1, 2022, the Director of the Administrative Office (AO) lowered the threshold at which certain high-volume paper notice recipients must receive electronic bankruptcy notices. The Director is authorized under [Federal Rule of Bankruptcy Procedure 9036\(b\)\(2\)\(B\)](#) to designate paper notice recipients that must receive electronic notices, and this designation may be adjusted annually.

Given that the transition to mandatory electronic noticing was seamless this past year, the AO Director made the decision to lower the threshold from 100 to 50 notices per month to encourage additional, large entities to receive the less expensive, electronic notices. For information about electronic bankruptcy noticing, please visit their website:

<https://bankruptcynotices.uscourts.gov/>



## New Standing Chapter 13 Trustee

*by Amy Geraghty, Operations Supervisor*

On December 20, 2022, the United States Trustee for Region 1, William K. Harrington, announced the selection of Charles A. Pisaturo, Jr. to serve as standing trustee in cases filed in the District of Rhode Island under chapter 13 of the Bankruptcy Code. Mr. Pisaturo's appointment was effective on January 1, 2023.

As members of the Rhode Island bankruptcy bar know, Mr. Pisaturo for more than 20 years served on the District of Rhode Island's panel of trustees under chapter 7, for more than 30 years has represented both debtors and creditors in bankruptcy cases in this district, and for many years has been a member of the Bankruptcy Court's Attorney Advisory Committee as well as a volunteer attorney for its free Bankruptcy Legal Clinic since its inception.

On the Docket checked in with Mr. Pisaturo on the occasion of his appointment. The following Q&A has been lightly edited for length and clarity.

**OTD:** You were a chapter 7 trustee for many years. What interested you about becoming the chapter 13 trustee?

**CAP:** I was interested in a new challenge, and as a chapter 13 trustee, one can be part of the process to help debtors save necessary assets, e.g., their homes and vehicles and to try, in good faith and with good intentions, to repay their creditors what they can afford. The process

really serves well those parties – debtors and creditors alike – who participate in it. The chapter 13 process is an integral part of the bankruptcy system and it offers hope to a lot of people. I want to be an important part of that process.

**OTD:** Since your selection as the chapter 13 trustee, what kind of interaction and communication have you had with outgoing chapter 13 trustee John Boyajian?

**CAP:** John Boyajian is a trailblazer and a recognized, foremost expert in chapter 13, besides being a consummate professional and mentor - and he was very generous and gracious with his time with me during my transition. John and I talked and met over several weeks discussing the mechanics of the chapter 13 process from start to finish, important applicable First Circuit case law and he regaled me with a few good war stories too! He also allowed me time with his terrific staff, Martha and Teri who are also excellent teachers. I like to think that John educated me well, and consequently I feel confident and comfortable starting this job. I know I can call him for advice, too, which is very comforting.

**OTD:** What is your view of the role of the trustee in the chapter 13 process, and do you anticipate any changes to that process?

**CAP:** I believe my role is multi-tiered, really. As an advocate for the chapter 13 process, it is to understand the debtor's financial condition and his/her/their reasons for filing; to advocate for the best outcome for creditors, while balancing that advocacy with a debtor's needs; and to empathize with debtors, and understand and evaluate their proposed plans in recommending approval or denial. To me, the process has worked very well here in RI thanks to all of the parties involved, the Chapter 13 Trustee and his staff, the Court and Court staff and the debtors' and creditors' bar. For now, I don't anticipate any changes, but if I felt something could be tweaked for the better, I would suggest it.

**OTD:** How will your appointment as the standing chapter 13 trustee affect your law practice?

**CAP:** I see my role as the chapter 13 trustee as a full time position, requiring most if not all of my time and energy. Nonetheless, if I can use my skills to help others, I wouldn't decline such an invitation. But truly, the chapter 13 trustee operation is first and foremost.

**OTD:** Do you have any thoughts on the status of bankruptcy practice generally, including, but not limited to, the effects of COVID on the practice and what we might expect in terms of chapter 13 and other bankruptcy filings in the coming years?

**CAP:** I started my legal career in 1991 in private practice working for a private chapter 7

trustee. Since then, insolvency law remains the largest part of my practice. I believe in the bankruptcy process. Bankruptcy is vitally important. It provides a clear, practical and efficient way for (honest) people and businesses to receive debt relief.

Clearly since the Covid pandemic (and frankly, even before Covid) bankruptcy filings have substantially declined across the board. I have seen far fewer attorneys filing cases over the last couple of years. I, too, was affected, both as a chapter 7 trustee and as a bankruptcy practitioner. I've experienced some bankruptcy filing highs and lows over the years, but the current downward turn in filings has lasted longer than I can remember (even before Covid hit in 2020 filings had been decreasing).

From what I've been reading and hearing (academically and anecdotally) the expectation is that bankruptcies are on the cusp of rising, and maybe even sharply. I don't have a crystal ball and I cannot predict whether that will happen, but I like to think the bankruptcy field will be ready if it does.

**OTD:** Is there anything else you want people to know?

**CAP:** I owe a debt of gratitude to many people who have helped me to this point in my life and legal career. Too many to list here. Thank you to all of them. I will keep my door open to any and all – to listen and to help if I can.

## 28th Annual Employee Recognition Ceremony by Janet Descoteaux, Case Administrator

September 15, 2022, marked the day the Bankruptcy Court held its 28<sup>th</sup> Annual Employee Recognition Ceremony. After two years of holding this event remotely, court employees enjoyed the return of an in-person celebration starting with a luncheon at Costantino's Restaurant and concluding with dessert and award presentations back at the court. This annual event is leadership's opportunity to highlight the many great accomplishments achieved each year and to recognize individual employees and project teams who contributed to these achievements. Below is a sampling of select awards received by our wonderful staff.

**A Gold Award** was presented to the entire court family for the successful migration of our old electronic filing system to the judiciary's replacement system known as the *Next Generation CM/ECF*. This was a big lift and involved staff from all departments, in some form or fashion, whether managing the server configuration, the application, the numerous new modules including single sign on and chambers citation links, new electronic filing registration and approval process through PACER, new dictionary filing events, new access methods for internal and external users, court-wide decision making, public communications and support services, and more. The award was given in recognition of everyone's hard work, diligence,

resourcefulness, patience, and steadfast commitment to supporting this newly improved electronic filing system, the backbone of our official court record.

Case Manager Christine Lanni received the *External Customer Service Award*. If you've had the pleasure to speak with Christine, you know that the following remarks from our customers ring true. Comments from customers include:

- I have dealt with Christine for years and she always responds quickly and very professionally to my inquiries.
- Christine went above and beyond to assist me with bankruptcy information. Her time and energy were very much appreciated.
- Christine is always very professional and prompt with her responses to my requests. She's simply outstanding.
- Christine has always been a tremendous help with any questions or assistance I have needed in the past. It is always a pleasure working with her.

As many know, the Court's e-filing training modules are a set of on-line instructional videos which are required education for any new electronic filing applicant not currently registered to file in another federal court. These modules demonstrate the electronic filing of common events and procedures, and are used by both attorneys as well as their support staff. For many years these videos were

originally created using **Adobe Captivate**, but that software became obsolete and a new video editing application was required. After much internal research, the court selected a software product called **Camtasia**. The migration of our existing videos to this new software required a team of staff to convert and update more than 30 existing videos from Captivate to the new Camtasia video format. This team -- Carolyn, Janet, Jennifer, Pam, and Steve -- worked together to re-record and confirm accuracy of all existing ECF training modules and the rumble of outside traffic and meowing of cats didn't stop this group. **A Gold award** was presented to these individuals for their outstanding efforts recording, and re-recording until they got them right!

**The Bronze award** was presented to a team of court staff -- Janet, April, Amy, and Christine -- for their excellence in sharing knowledge with other bankruptcy courts. Courts across the country have always shared knowledge amongst each other and provided support within the bankruptcy community. Knowing how important these information sharing relationships are, our staff said, "yes!", without hesitation when asked to provide advice and assistance to Kentucky Eastern on the use of the Madcap Flare<sup>1</sup> program to create on-line user manuals, to California Southern on the use of the Electronic Drop Box for pro se filers, to Missouri Eastern by beta testing its new judiciary Unclaimed Funds SharePoint site, and by providing court information to the judiciary's training arm, the Federal Judicial Center, on its Federal Courts' Electronic Filing by Pro Se Litigants study. Helping

other courts improve their services and support functions is enormously gratifying for our small but mighty bankruptcy court in Rhode Island.

Other recipients at this year's ERC ceremony include those staff who worked on the implementation of the Bankruptcy Administration Improvement Act of 2020 -- Jen, April, Dina, Amy, and Susan -- which involved communications, training, testing, quality control and financial work. Additionally, the Systems Department -- Craig and Steve -- were busy this year with multiple server upgrades, NextGen upgrades, mandatory security patches, IT disposal, as well as the implementation of a complex password security system.

Finally, our highest honor, the *Sustained Superior Performance* award was presented to Christine Lanni, Case Administrator. Christine has been with the court for 28 years! During her extensive career, in addition to being a superb case manager, over the years she has also grown in her abilities as a project manager. She is very organized, conscientious, and a hard worker, so this is no surprise. She has increasingly stepped up to lead numerous endeavors including chairing the Court Resources Review project, the Plain Language Committee, the Records Committee, and chair of the Employee Recognition Committee.

Regardless of whether she chairs, or is a member of a committee, Christine can be counted on to be an

<sup>1</sup>MadCap Flare is a powerful content management application used to create, manage, and publish content in a wide variety of formats, languages, and devices.

active member who provides critical feedback and contributes to the project, all while taking on new roles in the Clerk's office! This past year Christine assumed the role of *On the Docket* publisher as well as **primary Legal Clinic Coordinator**, where she learned how to manage the program including its two software applications, as well as maintaining clinic statistics for producing its annual report. Christine is consistently someone her coworkers and managers depend upon, and she embodies the meaning of an employee who is proud of her profession. She understands that every case she expertly administers, and every project she undertakes is not just a job or busy work, but instead a service to the public and to our customers. Her constant eye for process improvement and her drive to do what is right and

not what is easy, continually demonstrates her dedication to the Bankruptcy Court and its customers. Please join the court family in congratulating Christine for her *Sustained Superior Performance* over these past 28 years!

The staff of the RI Bankruptcy Court never cease to amaze us by how much they accomplish each year; please join us in congratulating them for all their hard work!!



**WE ACCEPT DEBIT CARD AND ACH PAYMENTS FROM SELF REPRESENTED PARTIES. - HELP US SPREAD THE WORD!**

*By Amy Geraghty, Operations Supervisor*

Since April 30, 2020, the Rhode Island Bankruptcy Court has been accepting Automated Clearing House (ACH) Direct Debit and Debit Card payments from self-represented parties. These forms of electronic payment are free and can be used to pay filing fees and make other payments online using [Pay.gov](https://www.pay.gov). In fact, did you know that electronic payments are now the *preferred* method of payment at the Court, and payment with cash is discouraged? Help us spread the word!

Please visit our [Online Fee Payment Program Page](#) for complete details, including links to the online payment program as well as a step-by-step [training document](#).

## Justice Department Announces New Director of the U.S. Trustee Program

On Wednesday, January 18, 2023, the Justice Department announced that Attorney General Merrick B. Garland has selected Tara Twomey to serve as Director of the U.S. Trustee Program at the Department of Justice. Ms. Twomey will assume her duties on Feb. 27. See [Press Release](#) for details.

### Recent Court Decision

*by Jacqueline Dagle, Term Law Clerk, and Jonathan Pincince, Career Law Clerk*

Here is a short digest of a recent noteworthy decision of the Court. As always, published opinions and orders are available on the Court's website's [opinions page](#).

[\*\*John J. Tworog v. William Burke, A.P. No. 20-01008 \(In re John J. Tworog, BK No. 18-11752\) \(Chapter 7\) \(January 20, 2023\):\*\*](#)

In this adversary proceeding, in a May 2021 decision and order the Court denied the debtor-plaintiff's motion to amend his complaint to assert a certain claim that the defendant had violated the automatic stay. That motion was denied because the claim was not listed on the debtor's bankruptcy schedules. Over one year after that order was entered, the plaintiff brought a motion for reconsideration and a motion to reopen the underlying bankruptcy case, in an effort to schedule and assert the stay violation claim. In a January 20, 2023 decision and order, the Court denied both motions. The motion for reconsideration was denied in the interests of justice because: (1) the plaintiff waived the argument that he should be allowed to bring the stay violation claim because he had scheduled it by listing a claim for "intentional infliction of emotional distress"; (2) the plaintiff's argument and motion were inexcusably delayed; and (3) if the court granted the motion for reconsideration, the defendant would suffer undue prejudice. As a corollary, because the motion for reconsideration was denied, the motion to reopen the bankruptcy case to schedule the stay violation claim also was denied as futile.

### Local Rules

**A printable pdf version of the [R.I. Bankruptcy Local Rule book](#), updated as of December 1, 2022, is now available for downloading and printing free of charge!**

#### Rules and Procedures

##### Local Rules and Orders

[Administrative General Orders](#)

[Local Rules](#)

[\(NEW\) 2022 Local Rule Book PDF Version](#)

[Table of Prior Local Rule and Form Changes By Date](#)



## Chambers Notes

*by Jacqueline Dagle, Term Law Clerk, and Jonathan Pincince, Career Law Clerk*

It has not escaped the attention of Judge Finkle's chambers staff that over the years there has been significantly increased care on the part of the bankruptcy bar to ensure the proper service of filings brought before the Court, including proposed chapter 13 plans, motions to avoid judicial liens, proposed orders regarding modification of a secured claim filed on completion of a chapter 13 plan, and other motions and applications.

For example, [R.I. LBR 4003-2\(b\)](#) requires a motion to avoid a judicial lien to be served in accordance with the requirements of [LBR 9013-3\(b\)\(2\)](#), which requires such a motion to be served on both the lienholder and the lienholder's counsel, if known, as specified in LBR 9013-3(b)(2)(A) and (B). Additionally, LBR 9013-3(b)(2)(C) requires that, if the lienholder is an insured depository institution, then the lienholder must be served as prescribed in [Fed. R. Bankr. P. 7004\(h\)](#), including being addressed to a named officer of the institution by title as well as to a registered agent of the institution. The Court acknowledges that complying with this rule can take a bit of work, but alas, it is required by the federal rules, and the Court appreciates counsel's efforts.

Another example: [LBR 9013-3\(b\)\(1\)](#) details the requirements both for service of a chapter 13 plan that contains a motion to modify a secured claim and for service of a proposed order regarding modification of a secured claim filed on completion of a chapter 13 plan. In addition to the other requirements, note that such service must be made by both first class and certified mail on the lienholder.

Other local rules that specify service requirements, and have at times in the past been overlooked, include, but are not limited to: [LBR 9013-3\(a\)](#) (regarding service of motions generally); [LBR 9013-2\(d\)](#) (regarding requests for expedited or emergency determination); [LBR 7004-1](#) (regarding service of an adversary proceeding summons and complaint); and [LBR 4001-1\(b\)\(2\)](#) (regarding service of a motion for relief from codebtor stay).

While on occasion the Court still must deny motions due to insufficient service or order filings to be re-served in accordance with the rules, such instances are few and far between at this point, and the Court appreciates the attention counsel have given to these issues. Thank you!

## Bankruptcy Legal Clinic Update

By Susan Thurston

Our [2022 Annual Report of Clinic Operations](https://www.rib.uscourts.gov/clinic) was recently completed and posted to the clinic webpage: <https://www.rib.uscourts.gov/clinic> Notably, in our six years of operation, we have helped 114 individuals undergoing financial distress to become more educated about the bankruptcy process. Additionally, as the report indicates:

“over the past six years, of the 53 individuals who had already or subsequently filed bankruptcy in Rhode Island after attending a clinic session, 58.5% of these (31 individuals) received a discharge in bankruptcy. Receiving a discharge in bankruptcy is generally considered an indicator of success in bankruptcy. Compare this statistic with the percentage of pro se filers who received a discharge in bankruptcy who *did not* attend a clinic session during this same period; only 14% of these persons received a discharge. Thus, 44.5% *more debtors* were successful in bankruptcy after obtaining legal assistance from Clinic volunteers than those that did not utilize clinic services. This significant improvement in the discharge outcomes for those utilizing Clinic services is a compelling indicator of how effective and valuable the Court’s free Bankruptcy Legal Clinic is to Rhode Islanders experiencing financial distress, as well as a key reflection of the excellent legal work provided by our bankruptcy volunteer attorneys.” *2022 Annual Report of Clinic Operations*, pgs. 3-4.

Our Clinic’s operations are a success due to the outstanding assistance provided by our volunteer bankruptcy attorneys. We are extremely grateful for your service!

- \* Stacy B. Ferrara
- \* Brian D. Fogarty
- \* Peter J. Furness
- \* Lisa A. Geremia
- \* Janet J. Goldman
- \* Edward J. Gomes
- \* Jacqueline M. Grasso
- \* David B. Hathaway, Sr.
- \* Kevin D. Heitke
- \* Peter M. Iascone
- \* Christopher Lefebvre
- \* Stephen P. Levesque
- \* George J. Lough, III
- \* Felicia Manni-Paquette
- \* Charles A. Pisaturo, Jr.
- \* Jack D. Pitts
- \* Thomas P. Quinn
- \* Russell D. Raskin
- \* John S. Simonian
- \* Greg Sorbello
- \* Paul F. Waldman

## New CM/ECF Events in Chapter 15 Cases

*By Amy Geraghty, Operations Supervisor*

Chapter 15 bankruptcy is a case filing type that allows a foreign debtor to file for bankruptcy in the United States bankruptcy court system. It is used for insolvency cases that involve people or businesses with assets in more than one country. Pursuant to [11 U.S.C. §1501](#), “The purpose of this chapter is to incorporate the Model Law on Cross-Border Insolvency so as to provide effective mechanisms for dealing with cases of cross-border insolvency ...”

To facilitate the collection and transmittal of statistical information for judiciary analysis, new events have been created in CM/ECF to capture certain key events in Chapter 15 cases, as noted in the chart below. If the correct event is not used, a *Corrective Action Required* entry will be made by the Clerk’s Office and the document will need to be re-submitted in proper form/entry.

CM/ECF Category	Event Name
Misc. Events*	Objection to Recognition of Foreign Proceeding
Motions/Applications	Motion for Provisional Relief under <a href="#">Section 1519</a>
Misc. Events*	Objection to Provisional Relief under <a href="#">Section 1519</a>
Motions/Applications	Motion for Post-Recognition Relief under <a href="#">Section 1521</a> and/or <a href="#">1507</a>
Misc. Events*	Objection to Post-Recognition Relief under <a href="#">Section 1521</a> and/or <a href="#">1507</a>

\*The objection is found in the Misc. Events category, **not** the Response/Objections category, where most objection events are located.

**Chart of December 1, 2022 Amendments to Local Rules and Form 1017-1.1**  
*By Pamela Ricciarelli, Courtroom Deputy*

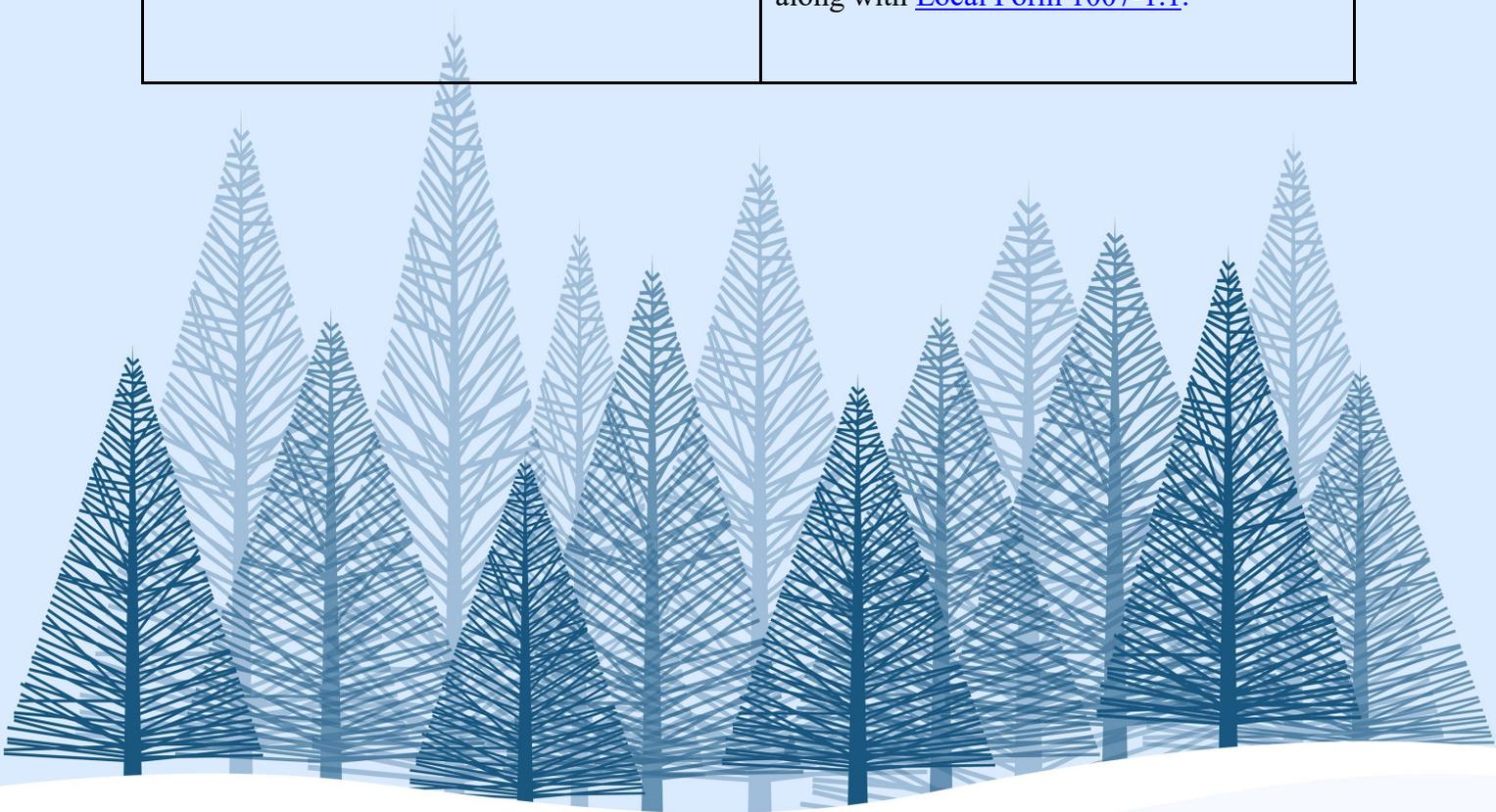
<b>Amendments to Local Rules and Form 1017-1.1</b>	<b>Summary of Amendments to Local Rules and Form 1017-1.1 Effective December 1, 2022</b>
<a href="#"><u>Rule 1005-1 - Filing Papers – Requirements (amended)</u></a>	<p>Subdivision (d)(2)(P) is new and adds a Motion to Attend a Non-Evidentiary Hearing by Telephone or Video as an excepted motion which should not contain the standard response language under 1005-1(d)(1).</p> <p>Amended to include a cross reference to <a href="#"><u>LBR 5005-5</u></a> (Filing of Papers – Procedure for Striking or Terminating Defective Pleading and Other Documents).</p>
<a href="#"><u>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 (amended)</u></a>	<p>Local Form 1007-1.1 was amended to remove, as an attachment, the Official Proof of Claim form, and subdivision (e) was amended to note the Debtor’s continued requirement to serve the most recent applicable <a href="#"><u>Official Proof of Claim form [B 410]</u></a> along with <a href="#"><u>Local Form 1007-1.1</u></a>.</p>
<a href="#"><u>Rule 5001-2 Clerk’s Office (amended)</u></a>	<p>Amended to include the methods for emergency filings by self-represented parties. The rule is further amended to remove the requirement of using the Electronic Drop Box as this is now incorporated into <a href="#"><u>New LBR 5005-6</u></a> as a standard method of filing for self-represented parties.</p>



## Chart of December 1, 2022 Amendments to Local Rules and Form 1017-1.1

<p><a href="#">Rule 5005-4 - Electronic Filing (amended)</a></p>	<p>In addition to stylistic amendments, this rule is amended to include new subdivision (a)(3) which encourages financial management course providers to electronically file the certificate of course completion required by <a href="#">FRPB 1007(b)(7)</a>, via the Court's website electronic eFIN program (<a href="#">eFinCert</a> button located at the upper left of the home page) in lieu of becoming a Limited Filer in the Court's ECF system.</p> <p>Subdivision (i) Official Court Record. In addition to stylistic amendments, this rule has been reorganized and renumbered for readability which includes a new section (3) indicating the electronic submission of a document using the Electronic Drop Box accepted by the Court and uploaded to CM/ ECF constitutes entry on the official docket maintained by the Clerk.</p> <p>Subdivision (k) is amended to include the electronically filing of a financial management certificate as having the same force and effect as if the individual signed a paper copy of the document.</p>
<p><a href="#">Rule 5005-5 – Filing of Papers – Procedure for Striking Defective Pleadings or Other Documents (amended)</a></p>	<p>Subdivision (a) of this rule is amended to include a reference to <a href="#">LBR 1005-1(e)(4)</a> for the deadline to refile in order for the corrected document to relate back to the original filing date.</p>
<p><a href="#">Rule 5005-6 Electronic Drop Box</a></p>	<p><i>New:</i> This new rule contains the procedure and requirements for a self-represented party to use the Electronic Drop Box (EDB). The EDB requirements were previously contained in <a href="#">LBR 5001-2</a> as an emergency method of filing and have now been adopted as a standard method of filing for self-represented parties.</p>

<p><a href="#">Rule 9074-1 – Telephone and Video Conference and Hearing (amended)</a></p>	<p>This rule is amended to set new requirements for a party wishing to request remote attendance at a court proceeding by use of telephone or video technology.</p>
<p style="text-align: center;"><b>Amendment to Local Form 1007-1.1 Effective December 1, 2022</b></p>	
<p><a href="#">LF 1007-1.1 Notice to Creditors in Chapter 11 Case Scheduled as Disputed, Contingent, or Unliquidated (amended)</a></p>	<p>Local Form 1007-1.1 was amended to remove as an attachment the Official Proof of Claim form.</p> <p>Note: subdivision (e) of LBR 1007-1 was amended to note the debtor’s continued requirement to serve the most recent applicable <a href="#">Official Proof of Claim form [B 410]</a> along with <a href="#">Local Form 1007-1.1</a>.</p>



**Recent Federal Rule and Form Amendments**  
*By Pamela Ricciarelli, Courtroom Deputy*

Federal Rule and Form Amendments	Summary of Federal Bankruptcy Rule and Form Amendments Effective December 1, 2022
<p><b>Rules <a href="#">1007</a>, <a href="#">1020*</a>, <a href="#">2009</a>, <a href="#">2012</a>, <a href="#">2015</a>, <a href="#">3010</a>, <a href="#">3011</a>, <a href="#">3014</a>, <a href="#">3016</a>, <a href="#">3017.1</a>, <a href="#">3017.2 (new)</a>, <a href="#">3018</a>, <a href="#">3019</a></b></p>	<p>The interim rules issued in response to the Small Business Reorganization Act of 2019 were adopted as full rules within the Federal Rules of Bankruptcy Procedure, effective 12/1/2022.</p> <p>*Interim SBRA Rule 1020 was amended in accordance with the Bankruptcy Threshold and Technical Corrections Act (BTATCA).</p> <p>Rule 3017.2 is new. Because there generally will not be a disclosure statement in a subchapter V case, the rule was added to authorize the court in such a case to act at a time other than when a disclosure statement is approved to set certain times and dates.</p>
<p><b><a href="#">Rule 3002. Filing Proof of Claim or Interest</a></b></p>	<p>Subdivision (c)(6) is amended to provide a single standard for granting motions for an extension of time to file a proof of claim, whether the creditor has a domestic or foreign address. The court may grant an extension, if the notice to such creditor was insufficient under the circumstances.</p>
<p><b><a href="#">Rule 5005. Filing and Transmittal of Papers</a></b></p>	<p>Subdivision (b)(1) is amended to authorize the clerk or parties to transmit papers to the U.S. Trustee by electronic means. Subdivision (b)(2) is amended to recognize that parties meeting transmittal obligations to the U.S. Trustee using the Court's electronic-filing system do not need to file a statement evidencing transmittal under Rule 5005(b)(2). The amendment also eliminates the requirement that statements evidencing transmittal filed under Rule 5005(b)(2) be verified.</p>

## Recent Federal Rule and Form Amendments

<p><a href="#"><u>Rule 7004. Process; Service of Summons, Complaint</u></a></p>	<p>Subdivision 7004(i) is new and is intended to reject those cases interpreting Rule 7004(b)(3) and Rule 7004 (h) to require service on a named officer, managing or general agent or other agent, rather than use of their titles. Service to a corporation or partnership, unincorporated association or insured depository institution as its proper address directed to the attention of the “Chief Executive Officer”, “President”, “Officer for Receiving Service of Process”, “Managing Agent”, “General Agent”, “Officer”, or “Agent for Receiving Service of Process” or other similar titles is sufficient.</p>
<p><a href="#"><u>Rule 8023. Voluntary Dismissal</u></a></p>	<p>This amendment is intended to conform the rule to the revised version of Appellate Rule 42(b) on which it was modeled. It clarifies that the fees that must be paid are court fees, not attorney’s fees. The rule does not alter the legal requirements governing court approval of a settlement, payment, or other consideration. The amendment clarifies that any order beyond mere dismissal including approving a settlement, vacating, or remanding, requires a court order.</p>
<p><b>Amendments to Official Bankruptcy Forms</b></p>	
<p><a href="#"><u>Official Form 101</u></a></p>	<p>The amendment eliminates language in former Part 1, Question 4 and instead, Part 1, Question 2 is modified to add to the direction with respect to “other names you have used in the last 8 years” – it asks the debtor to include “any assumed, trade names or doing business as names” and directs the debtor not to include the names of legal entities that are not filing. The amendment also conforms Form 101 to Forms 105, 201 and 205 regarding the same information.</p>
<p><a href="#"><u>Official Form 309E1</u></a></p>	<p>Line 7 of this Form is amended to clarify which deadline applies for filing complaints to deny the debtor a discharge and which applies for filing complaints seeking to except a particular debt from discharge.</p>
<p><a href="#"><u>Official Form 309E2</u></a></p>	<p>Line 8 of this Form is amended to clarify which deadline applies for filing complaints to deny the debtor a discharge and which applies for filing complaints seeking to except a particular debt from discharge.</p>

## Tips and Tricks

By Jennifer Davis, Case Administrator

As we start off a fresh new year, here are a few of the most common mishaps that may be helpful to review that will help get your ECF filing year off without a hitch, i.e., Corrective Action Required!

### Amended Schedules and Statements:

All amendments must be marked “Amended” and 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. The addendum shall be included as an attachment to the amended schedule event. The amended document shall contain the electronic signature of the amending party.

Closed Cases: Amendments to bankruptcy schedules or statements in closed cases may be made only after the granting of a motion to reopen and a motion to amend.

See [RI LBR 1009-1](#)

### Adding Creditors (Schedules D, E/F) re: Amended Schedules and Statements:

Please remember to include [Local Form 1009-1.1](#) "Notice to Added Creditors of Pending Bankruptcy and Applicable Case Deadline" along with a Certificate of Service.

### Motions to Extend Time:

When filing a Motion to Extend Time, please ensure that the motion includes the [RI LBR 1005-1\(d\)\(1\)](#) response language, if applicable. See also [RI LBR 1005-1\(d\)\(2\)](#) for excepted papers with different response times.

### Party Filers in Jointly Filed Cases:

If you are filing a document, such as a Financial Management Certificate, on behalf of only one debtor in a joint case, please remember to *only choose* the one individual from the ‘Select the Party’ screen. This will ensure that the docket correctly reflects the party filer.

### Need to Continue a Matter on the Court’s Calendar?

Simply file a joint or consented to Motion to Continue Hearing prior to 3:00 p.m. the day before the scheduled hearing. See [RI LBR 5071-1](#). Be sure to link the Motion to the underlying matter scheduled and NOT the Hearing Set entry.



**“How Do I...?”**

*by Pamela Ricciarelli, Courtroom Deputy*

**“Appear at a Court Proceeding by Telephone or Video?”**

In December 2022, [LBR 9074-1](#) was amended to include a requirement that any party wishing to attend either an evidentiary or non-evidentiary court proceeding by telephone or video, must file the request by motion.

If the matter is an **evidentiary hearing**, the motion must be filed no less than 21 days prior to the scheduled hearing; must contain the standard [LBR 1005-1\(d\)\(1\)](#) response language, and shall set forth good cause for the request.

If the matter is scheduled as a **non-evidentiary hearing**, the motion must be filed no later than 3:00 p.m. the day before the scheduled hearing. The response time language pursuant to [LBR 1005-1\(d\)\(2\)\(P\)](#) should not be included, but the motion should set forth good cause for the request.

**“Electronically File a Document if There is a CM/ECF System Failure?”**

If electronic filing cannot be accomplished because of a court or filer system failure, pursuant to [LBR 5005-4\(p\)](#), the electronic filer shall, after making at least two attempts to file electronically, send the document as an attachment in pdf format in an e-mail to [RIBECFSupport@rib.uscourts.gov](mailto:RIBECFSupport@rib.uscourts.gov). In the email, please include an explanation of why it was not possible to file directly in the CM/ECF system and the electronic filer must contact the Clerk’s office prior to 10:00 a.m. the next business day to notify the court that a document for filing has been emailed. Once received by the Clerk’s office, the document will be docketed as filed on the date and time of the e-mail transmittal. See [RI LBR 5005-4\(p\)](#).

## **Why Should You Install Microsoft Windows Updates and Antivirus Software on Your Computer?**

*by Steve Stricklett, Automation Support Specialist*

### **Why Install Microsoft Windows Updates on Your Computer?**

Windows updates are important for several reasons. First, they often include security patches that help protect your device from malicious software, hackers, and other security threats. These updates also address vulnerabilities in the operating system that could be exploited by malicious actors, so it is crucial to install them promptly to maintain the security of your device and the data stored on it.

Additionally, Windows updates often bring new features, performance improvements, and bug fixes to your device. These updates can improve the overall stability and usability of your device and can help ensure that your device continues to work smoothly and efficiently. They also help resolve compatibility issues with new hardware or software that you might want to use in the future. By installing the latest updates, you can ensure that your device stays up-to-date and fully functional, and that you are able to take advantage of all the latest features and improvements offered by Windows.

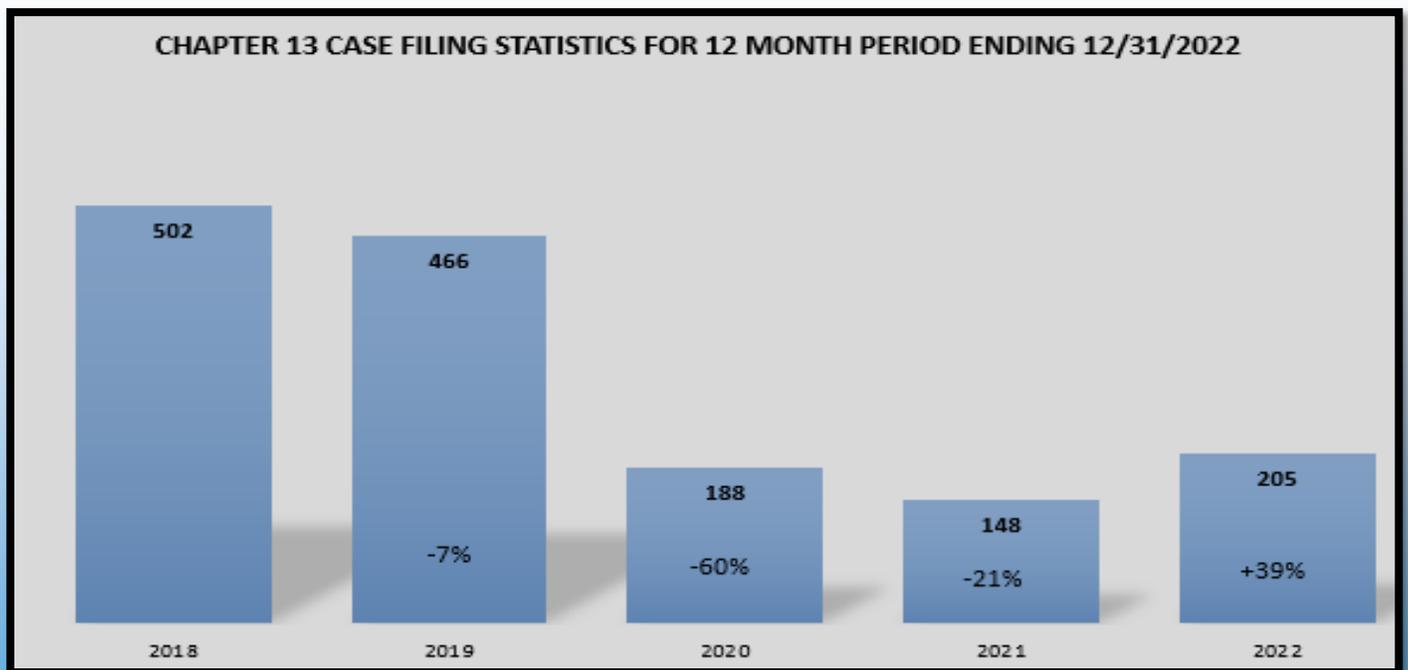
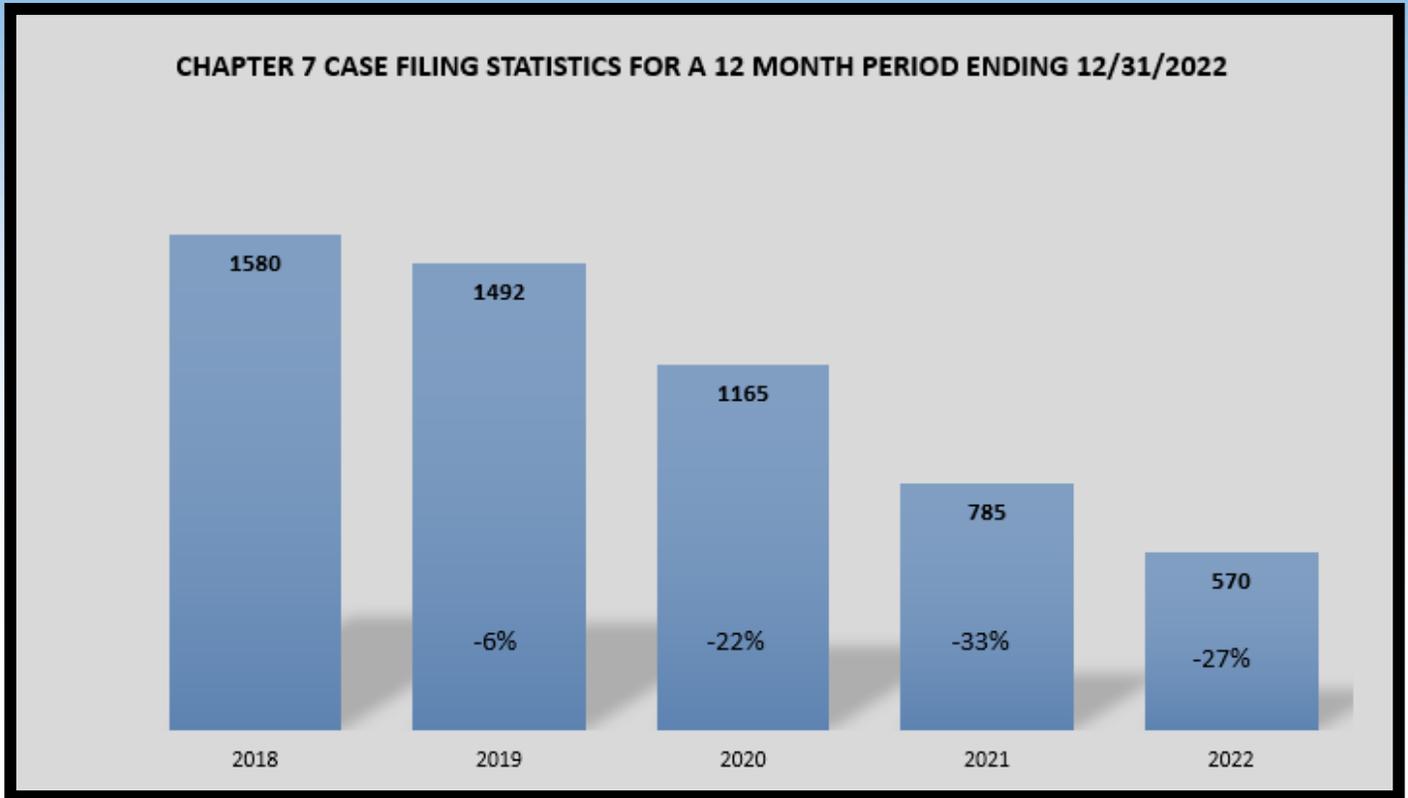


### **Why install antivirus on your computer?**

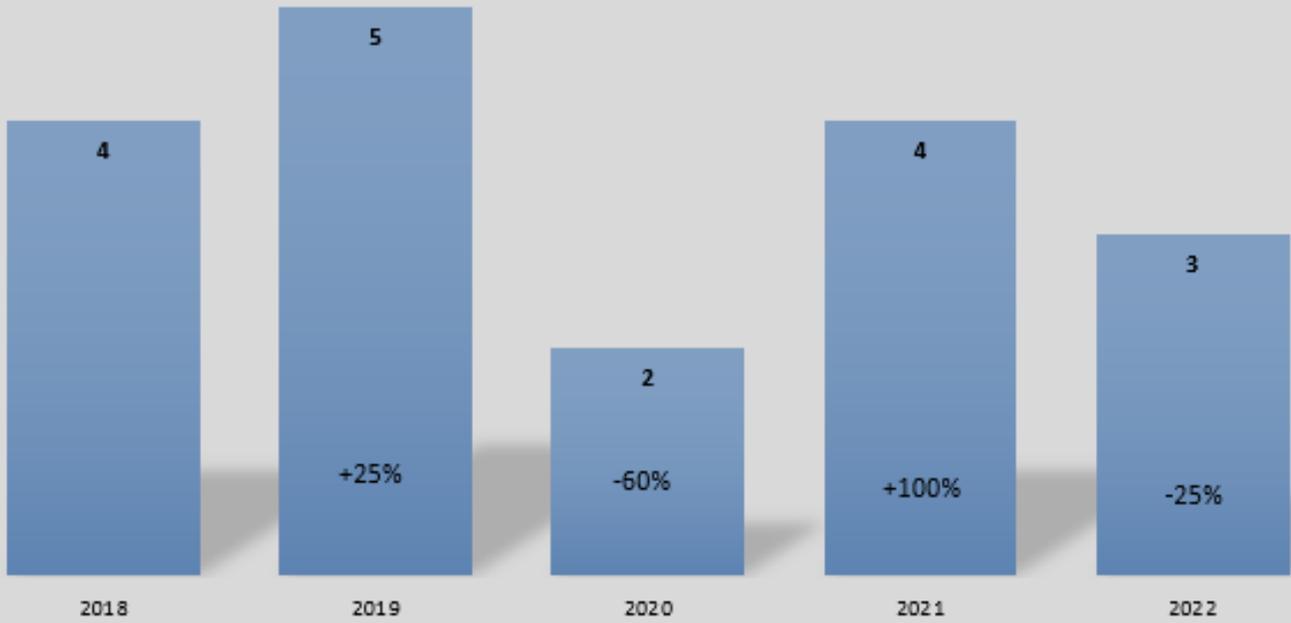
Antivirus software is crucial to protect your computer and personal information from malicious software and cyber threats such as viruses, malware, and hackers. The primary purpose of an antivirus program is to prevent, detect, and remove malicious software that can harm your computer and steal sensitive information.

Having antivirus software installed on your computer can give you peace of mind knowing that you are protected against a wide range of online threats. It helps to safeguard your personal and financial information by blocking phishing attempts, detecting and removing malware and viruses, and monitoring your network for suspicious activity. With the increasing number of cyber threats, it's essential to have an anti-virus program installed to help secure your computer and personal information from potential harm.

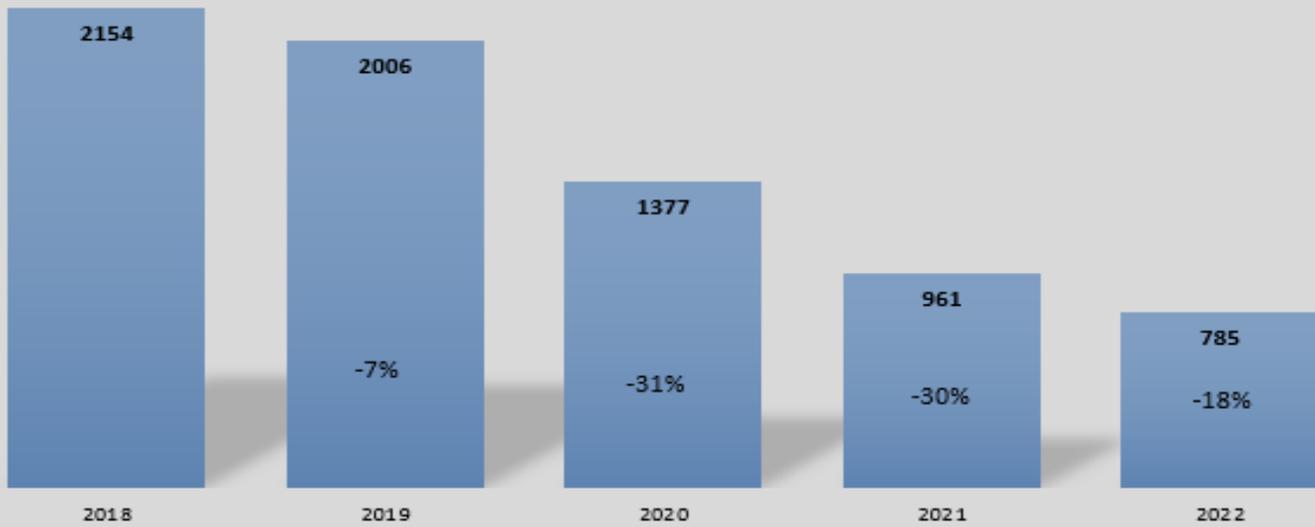
### Case Filing Statistics for Period ending December 31, 2022



### CHAPTER 11 CASE FILING STATISTICS FOR 12 MONTH PERIOD ENDING 12/31/2022



### TOTAL CASE FILING STATISTICS FOR 12 MONTH PERIOD ENDING 12/31/2022



## UPCOMING COURT HOLIDAY CLOSING DATES

Washington’s Birthday - Monday, February 20, 2023

Memorial Day - Monday, May 29, 2023

Juneteenth – Tuesday, June 19, 2023

Independence Day (Observed) – Tuesday, July 4, 2023

Victory Day – Monday, August 14, 2023

Labor Day - Monday, September 4, 2023

Columbus Day - Monday, October 9, 2023

## CONTACT 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:

[Christine\\_Lanni@rib.uscourts.gov](mailto:Christine_Lanni@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 following number for assistance in these matters.

Clerk’s Office: (401) 626-3100

E-Mail Address: [rib\\_helpdesk@rib.uscourts.gov](mailto:rib_helpdesk@rib.uscourts.gov)

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