

ON THE DOCKET

U.S. Bankruptcy Court—District of Rhode Island

July, August,
September 2008

Volume 9, Issue 3

Inner Workings: News and Advice

By Susan M. Thurston, Clerk of Court

Inside this issue:

Inner Workings	1-2
Team Coach	3
Form Changes	4
New Forms	5
Email Addresses	6
Employee Recognition Ceremony	7
Unclaimed Funds	7

Greetings as we bring you another edition of the Rhode Island Bankruptcy Court's quarterly newsletter, *On the Docket*. This quarter, we have welcomed two new clerk's office staff – Katharine Flaherty, as Public Information Specialist and Pamela Ricciarelli, as Case Manager. Given the substantial amount of new work created by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, combined with the steady increase in bankruptcy filings during the past year (up 64.9%), Katie and Pam's arrival are a truly grateful addition to the Clerk's office and we hope you join us in welcoming them to the Court.

A new Clerk's office advancement since we last reported is the improved calendaring program on our

website at www.rib.uscourts.gov. Now, attorneys, parties and the public can quickly determine whether court is scheduled on a particular day, can readily locate their matter on the calendar, and can then immediately view the documents set for hearing via hyperlinks. In addition, matters that are settled or continued display in red on the calendar as vacated matters, providing a historical context of proceedings. To efficiently locate a particular matter, use the Control F feature (Find), which allows you to type in a word and quickly jump to that part of the page. The improved calendar directly integrates with CM/ECF, so as soon as a matter is updated on the docket, it immediately pulls into the calendar, providing up to the moment accuracy and

greatly reducing clerk's office time in replicating hearing information.

Hopefully, all CM/ECF users have become familiar with Version 3.2, which we upgraded to this summer. Later this fall, we will be moving to the next release, Version 3.3, which will include some new data element collection at case opening, various reports will be updated to provide improved sort options, claims activity will be improved to display administrative claims on the report, and check boxes for searching open and closed cases will be available when searching docket activity or using query. Users can also limit results to "only cases to which I am linked" in the docket activity report. Previously, the
(Continued on page 2)

Inner Workings

Continued from page 1

Notice of Electronic Claims Filing showed only the name and email address of recipients (and names of those not notified electronically). Now, an attorney recipient also shows “on behalf of” and the type and name of the party represented. This feature has also been added when docketing, to be displayed on the Notice of Electronic Filing. For a complete review of all of the upcoming enhancements, download the CM/ECF Release Notes, Release 3.3, from the Pacer Service Center at

http://pacer.psc.uscourts.gov/announcements/general/cmecf_relnotes.html

Our Attorney Advisory Committee will be reconvening on October 16, with several new members. The Court is pleased to welcome Patricia Davis, Kathy Eastwood and Russell Raskin as new members of the committee. At the upcoming meeting, the committee will be reviewing proposed local rule changes, local form changes and proposed changes in various procedures. Minutes of the meetings are posted on the website under Attorneys/Attorney Advisory Committee, for interested parties to review.

Lastly, the Court held its annual Employee Recognition Program on Monday, September 22. We are thrilled to announce that this year’s Sustained Superior Performance Award recipient is none other than Judge Votolato’s Judicial Assistant, Leah Waterman. Leah deservedly earned the award in recognition of her more than twenty two years of outstanding service to chambers and the Bankruptcy Court. Congratulations Leah!



Notice of Closings

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

Monday, October 13th - Columbus Day

Tuesday, November 11 - Veteran's Day

Thursday, November 27 - Thanksgiving

December 25th - Christmas

January 1st - New Year's

TEAM COACH

By Holly D'Agostino, Courtroom Deputy

As do farmers gather their bounty during the autumn harvest, we've decided to do some "gathering" of ideas from our deputy clerks to pass on to members of the bar. Our goal is to assist attorneys and members of their staff avoid common mistakes and make the practice before the Bankruptcy Court a more positive experience.

When filing an adversary proceeding through the ECF system, please bear in mind that you are creating a new case that contains no electronic users other than yourself. Although the complaint will "spread" to the associated bankruptcy case, users will not be issued a copy of the summons, which contains important information and deadlines. The complaint and summons should be served by regular mail to those parties delineated in RI LBR 7004-1 and this information must be reflected in the return of service.

When Chapter 13 Confirmation Hearings have been continued or removed from the calendar, debtors' attorneys must remember to inform their clients of the change. It is not unusual for debtors to appear feeling con-

fused and searching for their attorneys.

Please remind your clients to have a photo ID and social security card on hand when appearing at the 341 meeting. Also, debtors not fluent in English must be accompanied by a translator. This individual must be prepared to be sworn in when interpreting for the debtor. And don't forget to forward a copy of the debtor's last filed tax return to the trustee 7 days before the meeting.

In offices with multiple electronic users, passwords often get mixed up. Documents filed must contain the electronic signature of the user who has logged onto the system. Remember: your password is your original signature and it must correspond with one that appears on the image filed.

When filing proposed orders, please omit the word "Proposed" from the title. Subject to approval by the Court, this is the document that will be signed and entered on the docket. And on a related topic, when filing a document titled as "Stipulation",

please use the so-named event located in the "Other" category within the Bankruptcy/Adversary events. When signed and approved by the Court, these stipulations will be entered and appear on the docket as "Order Approving Stipulation...".

We hope that you've found these suggestions and reminders helpful. Have a Healthy and Happy Thanksgiving!



Changes in Bankruptcy Forms Effective December 1, 2008

1. B1 Exhibit D (12/08)

Paragraph 3 of Exhibit D is amended to delete any reference to a requirement that a debtor file a motion with the court to obtain an order approving a request for the postponement of the debtor's obligation to obtain a credit counseling briefing prior to the commencement of the case. The paragraph immediately following numbered paragraph 3 is also amended to reflect the deletion of the need for a separate motion beyond the completion of the certification itself and continues to warn the debtor that the case may be dismissed if the court does not find that a postponement is warranted. It also advises the debtor that, even if the court concludes that postponement of the obligation is appropriate, the debtor still must complete the briefing within the time allowed under the Code.

2. B8 Chapter 7 Individual Debtor's Statement of Intention (12/08)

The form is amended to conform to § 362(h) by expand-

ing the questions directed to the debtor regarding leased personal property and property subject to security interests. The form is also amended and reformatted to require the debtor to complete a series of statements describing the property and setting out what actions the debtor intends to take for each listed asset. In addition, the form is amended to specify that the debtor's signature is a declaration under penalty of perjury, as required by Rule 1008, and to provide space for the co-debtor's signature. A

continuation page has been provided for use if necessary. The Declaration of Non-Attorney Bankruptcy Petition Preparer has been deleted from the form as duplicative of Form 19, Declaration and Signature of Non-Attorney Bankruptcy Petition Preparer.

3. B9F - Notice of Chapter 11 Bankruptcy Meeting of Creditors (12/08)

The form was revised to delete the debtor's phone number.

4. B10 Proof of Claim (12/08)

The form is amended at box seven on page one, and instructions

two and seven on page two, to instruct the claimant that the information contained in or attached to a claim based on the delivery of health care goods or services should be limited so as to avoid embarrassment or the unnecessary disclosure of confidential information. The claimant is informed that additional disclosure may be required if the trustee or another party in interest objects to the claim.

Page two of the form is also amended to revise slightly the definitions of "creditor" and "claim" to conform more closely to the definitions of those terms in the Code.

5. B23 Debtor's Certification of Post-Petition Financial Management Course (12/08)

The paragraph describing Filing Deadlines at the bottom of the form was revised to include a reference to § 1141(d)(5)(B).

Check this out!

New Bankruptcy Forms Effective December 1, 2008

1. B25A Plan of Reorganization in Small Business Chapter 11 (12/08)

This form for a small business chapter 11 plan of reorganization may be used in cases where the debtor (whether an individual or an artificial entity) is a small business debtor under § 101(51D) of the Code. The form is intended to be used in conjunction with the small business chapter 11 disclosure statement form (Official Form 25B).

2. B25B Disclosure Statement in Small Business Chapter 11 (12/08)

This form may be used in cases where the debtor (whether an individual or an artificial entity) is a small business debtor under § 101(51D) of the Code and is intended to be used in conjunction with the form small business chapter 11 plan (Official Form 25A).

3. B25C Small Business Monthly Operating Report (12/08)

This form is an official form to assist small business debtors in chapter 11 cases to fulfill their responsibilities under § 308 of the Code, a provision added by the 2005 Act. The form directs the debtor to disclose the information required under § 308 and resembles those developed earlier by the United States trustees for use in supervising debtors in possession in chapter 11 cases.

4. B26 Periodic Report Regarding Value, Operations & Profitability of Entities in Which the Debtor's Estate Holds a Substantial or Controlling Interest (12/08)

The form is to be used when required by Bankruptcy Rule 2015.3, with such variations as may be approved by the court pursuant to subdivisions (d) and (e) of that rule. The form includes instructions and examples of the types of

information needed to complete it.

Updated Census Bureau Data Effective October 1, 2008

The Census Bureau's Median Family Income Data has been updated:

- National Standards for Allowable Living Expenses
- Median Family Income by Size
- Transportation Expenses - Local
- National Standards for Out of Pocket Health Care
- Bankruptcy Allowable Living Expenses - Local Housing & Utilities

The updated data required for completion of the Means Test will apply to cases filed on or after October 1, 2008 and is available in the public area and the Court's website.

New forms!

Important Reminder for Email Addresses and Account Information

By Jody, Venuti, Quality Assurance Specialist

It is very important for E-filers to periodically check their user account (under Utilities>Maintain Your ECF Account) to make certain the office and address information is correct, as well as the phone and fax numbers. It is **MOST** important to keep your email information current so that

you do not miss any important notices pertaining to cases you are involved in. It is also advisable to have at least one or two backup emails in your account. Yahoo, Hotmail, MSN and Google are some of the email providers that will allow you to set up a free email account. After you add in your new email addresses, check the box that

indicates **additional addresses**, and select **Return to Account Screen** and then **Submit** your changes. We don't want you missing notices!!

See example below.

e-mail information for Carolyn A. Sweeney

Primary e-mail address

Send the notices specified below

- to my primary e-mail address
- to these additional addresses

- Send notices in cases in which I am involved
- Send notices in these additional cases
- Send a notice for each filing
- Send a Daily Summary Report

Format notices html format for most modern email programs or ISP e-mail service
 text format for cc:Mail, GroupWise, other e-mail service

14th Annual Employee Recognition Ceremony

By Gail Kelleher, Chief Deputy Clerk

The court's annual Employee Recognition Ceremony was held September 22nd, with special recognition given to Ms. Leah G. Waterman, Judge Votolato's Judicial Assistant. Leah was this year's recipient of the *Sustained Superior Performance Award*. She began her career with the U.S. Courts 22 years ago this month, and throughout her tenure has been an indispensable part of the "chambers operation". In addition to her chambers responsibilities, Leah often provides administrative support to the Clerk's office, where in a pinch, she has even filled in as court recorder operator! Leah has consistently demonstrated

her many skills and talents that personify the attributes of the *Sustained Superior Performance Award*, and it was a pleasure to bestow this honor to her at this year's ceremony.



This year's *Longevity Awards* focused on the men in the office: Mr. Craig Balme and Mr. Steve Stricklett were recognized for their years of service with the court. Craig, celebrating his 15th year, as the Information Systems Manager and Steve completed his fifth year as the court's Automation Specialist. The final recipient of this award was none other than Judge Votolato, who recently celebrated his 40th year as Bankruptcy Judge. Judge Votolato was recognized for his work in overseeing nearly 90,000 bankruptcy cases during his tenure. Please join us in congratulating him for his many years of service.

Looking for Money? Check out the Unclaimed Funds Report

By Gail Kelleher, Chief Deputy Clerk

A new report has been added to CMECF that allows anyone with PACER access to search the Unclaimed Funds database. These funds are deposited with the court whenever a distribution is made in an asset case, and the check is returned to the trustee as unde-

liverable for lack of a good mailing address. Because there can be many years between the filing of a bankruptcy and the distribution of dividends, creditors often neglect to keep the court apprised of their most current address.

The same problem surfaces in Chapter 13 bankruptcy cases. It is

quite common for the debtor to have overpaid his plan and have a refund check issued. While the court does its best to locate these debtors, it is not always successful. The money is deposited into the Court's Registry where it will remain until claimed.

Cont'd on page 8

Unclaimed Funds

cont'd from page 7

So take a few moments and check out this report. Available search options include by case number, amount or date; searching by creditor name will be available shortly!

The report is located in the *Reports* section of CMECF to the right of the screen under the heading: *New Items*. If you locate a client whose money has been deposited into this account, please direct him to the

court's website to download the forms necessary to reclaim it:

<http://www.rib.uscourts.gov/CourtResources/ucfunds/ucfunds.htm>

Reports

[Cases v3.0](#)

[Claims Register](#)

[Docket Report](#)

[Adversary Proceedings/Involuntary Petitions](#)

[Calendar - Daily](#)

[Calendar - Monthly](#)

[Calendar Events](#)

[Case Flags](#)

[Docket Activity](#)

[Professional Fees Applied For/Awarded](#)

[Professional Fees Awarded](#)

[Claims Activity](#)

[Summary Report](#)

[RPM Module ...](#)

[Local Reports ...](#)

New Items

[Written Opinions](#)

[Unclaimed Funds](#)