

United States Bankruptcy Court, District of Rhode Island

ON THE DOCKET

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Inner Workings: News and Advice

By: Susan M. Thurston, Clerk of Court

Welcome to the fall edition of *On the Docket*, our court newsletter to update our customers on the latest developments, changes and improvements at the Court.

As you likely are aware, the City of Central Falls filed a Chapter 9 petition with the Court on August 1, 2011, and the case was assigned to Massachusetts Bankruptcy Judge Frank Bailey. Notwithstanding his out of district appointment, the case is being administered in Rhode Island and the majority of the hearings are being conducted here as well. A separate page has been created on the Court's website to include applicable contact information as well as the initial case filings and significant case documents, including the Chapter 9 Plan and Disclosure Statement.

Effective October 3, 2011, the Loss Mitigation Program and Procedures were

amended for the fifth time to streamline the status report filing procedures and to require the use of the DMM Portal if the creditor is a DMM portal lender. Use of the portal has been steadily increasing and it does appear that the loss mitigation process is progressing quicker for those parties using the portal system. Free training on the use of the portal is available on the Court's website. Results of loss mitigation cases filed during the first year of the program (November 1, 2009 – October 31, 2010) show that 87% of the matters have now been completed and 40% of those cases resulted in a successful loan modification agreement, enabling 210 families in this state to remain in their homes. During the second year (November 1, 2010 to present), 680 requests have been filed, of which 35% have completed the process and 28% have entered into a successful loan modification agreement,

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Inner Workings: News and Advice

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resulting in another 67 families keeping their homes. Therefore, the total number of families that have been able to remain in their homes as a result of a new loan agreement is 277. We are extremely pleased with these results and hope that the program continues to bring success to both debtors and lenders in the mortgage modification process.

Also, on October 4, 2011, the Court migrated to the latest release of CM/ECF, Version 4.2, which includes a host of new functionality for our practitioners. This includes the use of filing agents, new sealed records procedures, new payment options, use of RSS feeds, new login procedures, and a new query screen. Further discussion about these changes is covered on page 3 of this newsletter, and training information is posted on the Court's website.

During the week of October 10, the courtroom hallway, library, attorney con-

ference room and chambers received a rejuvenation of fresh paint and new carpeting throughout. In addition, the automation team is working to install an electronic calendar outside the courtroom doors to make it easier to follow along with scheduled matters in the courtroom. These improvements should brighten the court space and hopefully bring new efficiencies to your appearances at the court.

Lastly, our former law clerk, Stacie McHale, has returned to the Massachusetts Bankruptcy Court to work with Judge Bailey. Therefore, the court recently welcomed its new law clerk, Jenna Hashway, who commenced her clerkship with Judge Votolato on September 26, 2011. Jenna is a recent graduate of Roger Williams University Law School. Please join us in making Jenna feel welcome and introduce yourselves to her in the courtroom.



**Welcome
Jenna Hashway**

17th Annual Employee Recognition Ceremony

by Gail Kelleher, Chief Deputy Clerk

September 16th marked the occasion of the court's 17th annual Employee Recognition Ceremony (ERC). The purpose of this program is to recognize, acknowledge and express appreciation to all court employees for their dedicated service and outstanding job performance. While you may have a general idea of the day to day activities of court staff, ERC recognizes those duties and all the "other duties that may be assigned", including: project-related work, involvement in local and national committees, training of the bar and court staff, personal development, court outreach programs, learning new computer applications and implementing local and national initiatives to improve service to the public.

Each year, one employee is selected by his or her peers to receive the Sustained Superior Performance Award. We are very happy to announce that this year's recipient is Ms. Jennifer Davis. Jen began her career with the court as an

intake clerk in 1997 and was promoted to case manager in less than a year. She is currently a member of the Chapter 11 case management team, and was selected to manage the first Chapter 9 bankruptcy filing in our court's history based on her excellent performance. In addition to case management, Jen also serves as the Human Resource backup as well as the security administrator for the court's financial accounting system.

Two court staff received longevity awards this year: Linda S. (currently serving a second term in Washington, DC) was recognized for her twenty years of service to the court and Leah Waterman (Judicial Assistant to Judge Votolato) was recognized for twenty-five years of service. We are proud to have these two intelligent, committed individuals in the court family. Thank you for working so hard every day for the citizens of Rhode Island!



**Congratulations
Jen Davis**

The Newest Version! ECF 4.2

by Jody Venuti, Quality Assurance Specialist

By now, most of you have experienced the newest version of ECF (4.2) with its many enhancements. This upgrade was required by the Administrative Office of the United States and has been tailored to fit the needs of our court. Your feedback and suggestions were extremely helpful during this process.

One of the changes in ECF 4.2 is the requirement for the user to change their password for enhanced security. In addition, a new user type called "Filing Agent" has been created to identify a person who files on behalf of someone else. This feature allows support staff to obtain their own password for filing on behalf of the attorney. Also, ECF 4.2 includes the ability for attorneys to electronically submit documents under

seal by using the "Motion to Seal" event. Unauthorized users will not be able to see restricted or sealed docket entries on the docket report and they will be hidden from view.

I encourage you to learn more about all of the new features on our ECF 4.2 page of our website at <http://www.rib.uscourts.gov/newhome/cmecf/updates.asp>

Lastly, as a reminder, on November 1, 2011 all case filing fees have increased the administrative fee by \$7.00. Please see page 6 for Bankruptcy Court fee changes.

As always, please feel free to call with any questions at 626-3145.

The U.S. Bankruptcy Court Welcomes a New Intern

by Carolyn Sweeney, Case Manager

The U.S. Bankruptcy Court recently welcomed a new intern. Corey Silva, a senior at Bryant University, began his internship in September. During his months with the Court, Corey has assisted with such projects as the quality control of newly filed bankruptcy cases and proofs of claim. He also assisted chambers with the recent renovations of the law library and the attorney conference room. In addition, Corey has been observing all court proceedings and has worked on various other projects.

Please welcome Corey to the Bankruptcy Court!



Welcome
Corey Silva

Bankruptcy Rule and Form Amendments Effective December 1, 2011

by Amy Geraghty-Seale, Operations Supervisor

FEDERAL:

Summary of Amendments to Federal Rules of Bankruptcy Procedure – Effective December 1, 2011

[Source: United States Courts Rule-making page at <http://www.uscourts.gov/RulesAndPolicies/FederalRulemaking/PendingRules.aspx>]

- Bankruptcy Rule 1004.2 (republication of a new rule requiring entity filing a chapter 15 petition to state the country of the debtor's main interest, filer to list each country in which a case involving debtor is pending, and setting deadline for challenging the statement asserting the country of the debtor's main interest)
- Bankruptcy Rule 2003 (requires the filing of a statement upon adjourning a meeting of creditors or equity security holders)
- Bankruptcy Rule 2019 (expands the scope of the rule's disclosure requirements by requiring disclosure in chapter 9 and chapter 11 cases by all committees or groups that consist of more than one creditor or equity security holder, as well as entities or that represent more than one creditor or equity security holder. It also authorizes the court to require disclosure by an individual party in interest when knowledge of that party's economic stake in the debtor would assist the court in evaluating the party's arguments)
- Bankruptcy Rule 3001 (prescribes in greater detail the supporting information required to accompany certain proofs of claim)
- Bankruptcy Rule 3002.1 (new rule implements § 1322(b)(5) of the Bankruptcy Code, which permits a chapter 13 debtor to cure a default

and maintain payments of a home mortgage)

- Bankruptcy Rule 4004 (permits a party under limited circumstances to seek an extension of time to object to a debtor's discharge after the time for objecting has expired)
- Bankruptcy Rule 6003 (clarifies that the requirement of a 21-day waiting period before a court can enter certain orders at the beginning of a case, including an order approving employment of counsel, does not prevent the court from specifying an effective date for the order that is earlier than the date of its issuance)

Amendments to Federal Bankruptcy Forms -Effective December 1, 2011

Official Form 1 is amended to implement new Rule 1004.2, which requires an entity filing a chapter 15 petition to state the country of the debtor's main interests and to list each country in which a case involving debtor is pending.

Official Forms 9A – 9I are amended to conform to the pending amendment of Rule 2003(e). When a meeting of creditors is adjourned, the amendment requires that the presiding official file a statement specifying the date and time to which the meeting is adjourned.

Official Form 10 (Proof of Claim) is amended to clarify that, consistent with Rule 3001(c), writings supporting a claim or evidencing perfection of a security interest – not just summaries – must be attached to the proof of claim. The amended form includes a new section for reporting a uniform claim identifier which is used by some creditors and chapter 13 trustees to facilitate payments by electronic fund transfers. The signature box is revised to include a declaration under penalty of perjury by the person who completes the form.



Tips and Traps

by Dina Fortes, Case Manager

NEW EVENT INFORMATION: The court recently modified some of the events in CM/ECF to include a display message or prompt to assist attorneys in filing court documents and pleadings. This simple solution should hopefully reduce filing errors.

FILING DOCUMENTS IN THE CORRECT CASE: Always check the case number and debtor's name against the information listed in CM/ECF to avoid filing documents in the wrong case.

UPDATED COURT FORMS: Check for recently updated forms on the court's website at www.rib.uscourts.gov before filing any documents. This will prevent your documents from being stricken due to filing an outdated form.

ELECTRONIC SIGNATURES: When filing electronically, make sure all documents are signed in the proper format of /s/ John Doe.

ATTACHING PDFS IN CM/ECF: It is easy to accidentally attach the wrong pdf or an illegible document that was poorly scanned when filing documents in CM/ECF. This can be avoided simply by right clicking your mouse and selecting "open" to view the document to make sure it is legible, upright and the actual pdf you wish to attach. Also, always check the docket after filing a pdf to confirm the image was uploaded.

Bankruptcy Amendments

(Continued from Page 4)

Form 10 (Attachment A), Form 10 (Supplement 1), and Form 10 (Supplement 2) are three new forms for a claim secured by a security interest in the debtor's principal residence that take effect on December 1, 2011, along with pending amendments to Rule 3001 and new Rule 3002.1 which the forms implement.

Form 10 (Attachment A) would be filed with the proof of claim as required by new Rule 3001(c)(2). The form includes a statement of the principal and interest due as of the petition date; a statement of prepetition fees, expenses, and charges; and a statement of the amount necessary to cure a default as of the petition date.

Form 10 (Supplement 1) would be used by the holder of a home mortgage claim to provide the notice required by new Rule 3002.1(b) of any escrow account payment adjustment, interest payment change, and any other mortgage payment change while a chapter 13 case is pending.

Form 10 (Supplement 2) would be used in chapter 13 cases to provide notice of the date incurred and amount of any postpetition fees, expenses, and charges.

Official Form 25A is amended to change the effective date provision in the model small business plan to reflect the 2009 amendments that increased from 10 to 14 days the time to file a notice of appeal and the duration of the stay of a confirmation order.

Director's Form 240 A/B ALT Reaffirmation Agreement.

A technical amendment to Director's Procedural Form 240A/B ALT will take effect on December 1. (The amendment does not require approval by the Judicial Conference). The form is amended at page 5 to conform to an amendment to 11 U.S.C. § 524(k)(3)(J) by the Bankruptcy Technical Corrections Act of 2010, Pub. L. 111-327.

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Links to Forms

B 1 Voluntary Petition (12/11)
Form Committee Note
B 9A Chapter 7 Individual or Joint Debtor No Asset Case (12/11)
Form Committee Notes (B9A -- 9I)
B 9B Chapter 7 Corporation/Partnership No Asset Case (12/11)
Form
B 9C Chapter 7 Individual or Joint Debtor Asset Case (12/11)
Form
B 9D Chapter 7 Corporation/Partnership Asset Case (12/11)
Form
B 9E Chapter 11 Individual or Joint Debtor Case (12/11)
Form
B 9E(Alt.) Chapter 11 Individual or Joint Debtor Case (12/11)
Form
B 9F Chapter 11 Corporation/Partnership Case (12/11)
Form
B 9F(Alt.) Chapter 11 Corporation/Partnership Case (12/11)
Form
B 9G Chapter 12 Individual or Joint Debtor Family Farmer (12/11)
Form
B 9H Chapter 12 Corporation/Partnership Family Farmer (12/11)
Form
B 9I Chapter 13 Case (12/11)
Form
B 10 Proof of Claim (12/11)
Form Committee Note
B 10 Attachment A (12/11)
Form Committee Note
B 10 Supplement 1 (12/11)
Form Committee Note
B 10 Supplement 2 (12/11)
Form Committee Note
B 25A Plan of Reorganization in Small Business Case under Chapter 11 (12/11)
Form Committee Note
B 240A/B ALT Reaffirmation Agreement (12/11)
Form



FEE CHANGES

Bankruptcy Court Miscellaneous Fee Schedule (28 U.S.C. § 1930)

Certification	\$11.00
Exemplification	\$21.00
Audio Recording	\$30.00
Amended Bankruptcy Schedules	\$30.00
Record Search	\$30.00
Adversary Proceeding Fee	\$293.00
Document Filing/Indexing	\$46.00
Title 11 Administrative Fee	\$46.00
Record Retrieval Fee	\$53.00
Returned Check Fee	\$53.00
Notice of Appeal Fee	\$293.00
Direct Appeal Fee	\$157.00
Lift/Stay Fee	\$176.00
Chapter 7	\$306.00
Chapter 9	\$1,046.00
Chapter 11	\$1,046.00
Chapter 12	\$246.00
Chapter 13	\$281.00

Bankruptcy Amendments

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LOCAL:

SUMMARY OF AMENDMENTS TO THE RHODE ISLAND BANKRUPTCY COURT'S LOCAL RULES, FORMS AND APPENDICES

On September 30, 2011, the court signed General Order 11-008 amending local rules, forms and appendices. A portion of the amendments became effective on October 3, 2011, with the remainder going into effect on December 1, 2011. Below is a summary of the amendments: Effective October 3, 2011:

Local Rule 1006-1 Filing Fee - (amended). This rule was amended to reflect new payment options now available to electronic filers via CM/ECF Release 4.1. Electronic filers may now pay by debit card or Automated Clearing House [ACH] from the Treasury Department's Internet payment system.

Local Rule 5005-4 Electronic Filing - (amended). Rule 5005-4 was amended to reflect the court's on-line ecf registration and training program which allows for electronic registration via the court's website.

Local Rule 5079-1 Fees – Form of Payment- (amended). This rule was amended to reflect new payment options now available to electronic filers via CM/

ECF Release 4.1. Electronic filers may now pay by debit card or Automated Clearing House [ACH] from the Treasury Department's Internet payment system.

Local Rule 9014-1 – Contested Matters - (amended). Clarifies that a party must file the one-sided joint pre-trial order along with the affidavit of non-compliance.

R.I. Appendix IX - Loss Mitigation - (amended). Amended to include use of the DMM Portal by debtor's counsel where the Creditor is a DMM Portal Lender. In addition, the Loss Mitigation program was amended to include a provision for debtors who are unable to locate a representative of the LM Creditor, or are unsuccessful in obtaining a joint status report. In these circumstances, the debtor may file a status report, along with a certification stating that they attempted but were unsuccessful in contacting the lender.

Effective December 1, 2011:

Local Rule 3002-1 Filing Proof of Claim or Interest - (amended). Conforms to the new requirements of Federal Bankruptcy Rule 3002.1.

R.I. Bankr. Form W.1 - Chapter 13 Plan- (amended). Conforms to the new requirements of Federal Bankruptcy Rule 3002.1





COMING SOON!!!

The 2012 edition of the Rhode Island Local Bankruptcy Rule book will be available for purchase the first week of December. Further details such as cost, purchasing information and methods of delivery will be sent via e-mail to all ECF registered users and will also be posted on our internet web site as soon as this information becomes available.

C.A.R.E. Program - The Second Year

by Janet Descoteaux, Public Information Specialist

September began the second year of the court's C.A.R.E. (Credit Abuse Resistance Education) Program and it's already proving to be a huge success. The number of volunteer attorneys has grown from eight during the first year to twenty, which is the result of the court's solicitation for volunteers this past summer. This allows for greater flexibility in scheduling as well as achieving the court's goal in reaching more students and schools across the state. A very special thank you goes out to our volunteer attorneys for making this outreach program such a success.

To date, nine high schools have scheduled a total of twenty presentations to be given during the first two semesters, and this trend is expected to continue throughout the remainder of the school year.

If you are interested in learning more about the CARE Program, please visit our website at <http://www.rib.uscourts.gov/newhome/care/care.asp>. Or, if you are interested in becoming a volunteer presenter, please contact me via e-mail at janet_descoteaux@rib.uscourts.gov or by telephone at 626-3111.

New Loss Mitigation Statistics

by Janet Descoteaux, Public Information Specialist

Since the inception of the loss mitigation program in November of 2009, the court has been keeping statistics to track various elements of the program and to determine its success. Recently, however, new data has been captured in these statistics. For instance, data explaining the reason why loss mitigation requests are vacated or terminated is now available. Also included in the new statistics is the amount of loss mitigation requests versus the number of successful loan modification agreements filed each month. To view the loss mitigation statistical report, which is updated monthly, click on the link below or visit the court's website at <http://www.rib.uscourts.gov/newhome/LossMitigation/Statistics.asp>

Check Capture

by April Elderkin, Financial Administrator

The Court recently implemented OTC.net to create on-line deposit tickets and report deposits electronically. OTC.net is a web-based portal that includes a Paper Check feature (PCCOTC) that will accommodate check capture and deposit reporting using electronic collection instead of paper based processing. In its most simple terms, Check Capture allows checks to be scanned and transmits the scanned image to a bank for posting and clearing.

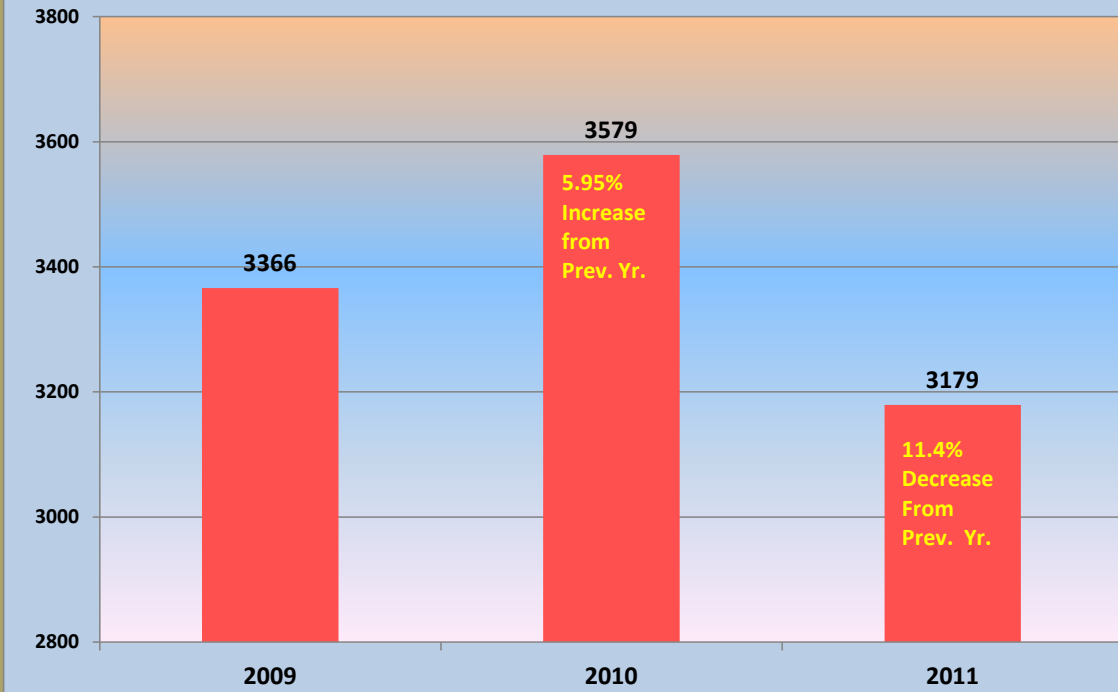
The Administrative Office is migrating 37 courts to PCCOTC- Check Capture. The migration of PCCOTC will be rolled out sometime in January 2012, and courts will begin using the scanning functionality of OTCnet Check Capture once migration has been completed. This will provide the court with the ability to handle cash, coins, and check deposits with one web-based application.

Case Filing Statistics for Period Ending September, 2011

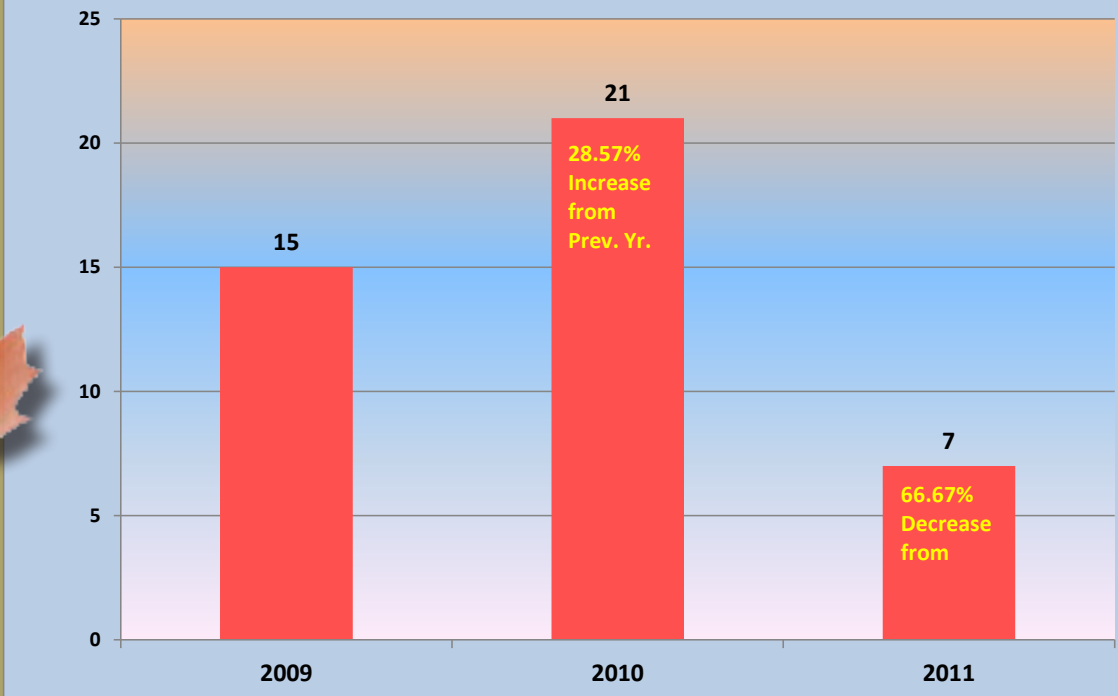
by Gail Kelleher, Chief Deputy Clerk



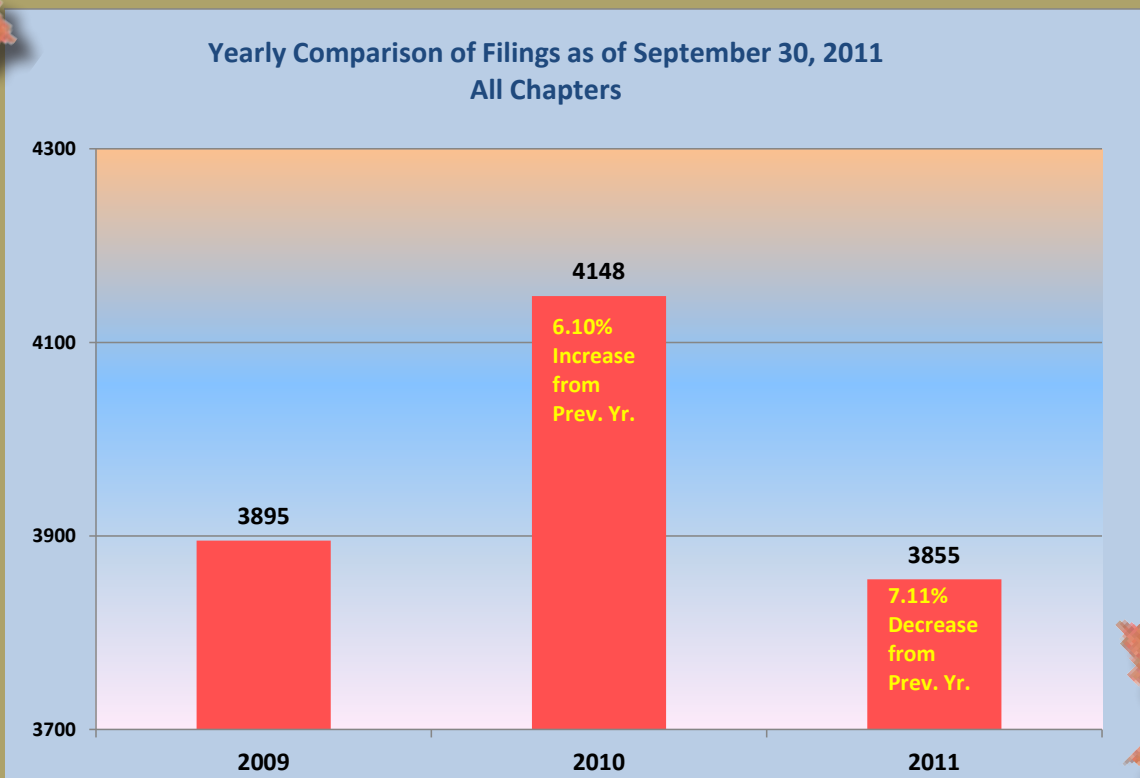
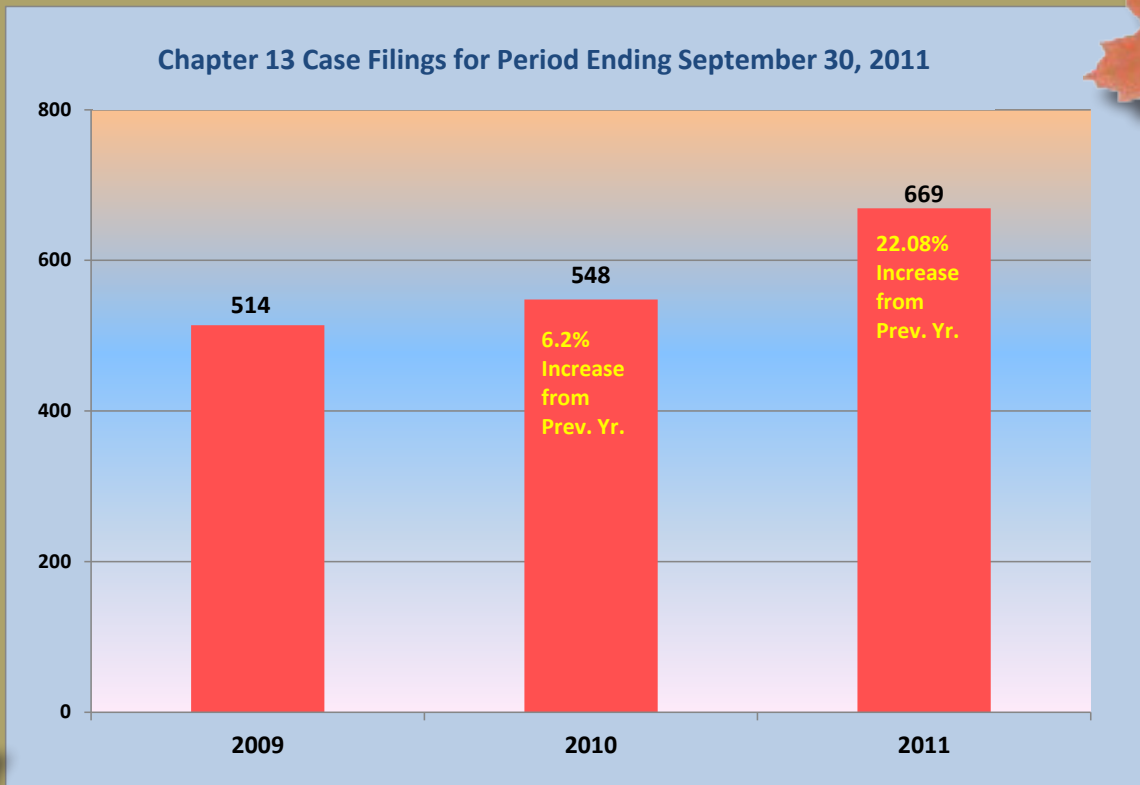
Chapter 7 Case Filings for Period Ending September 30, 2011



Chapter 11 Filings For Period Ending September 30, 2011



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