

# On The Docket

U.S. Bankruptcy Court  
District of Rhode Island

## Inner Workings: News and Advice

By Susan M. Thurston, Clerk of Court

Hello again from the U.S. Bankruptcy Court in Rhode Island. We are pleased to bring you our latest publication of our quarterly newsletter, *On the Docket*. News this quarter centers around our recent neighbors on the sixth floor of the Federal Center. The U.S. Trustee's new §341 Meeting of Creditors room opened in August and all new meetings are being held here. This change allows for the secured screening of all visitors as well as the convenience of stopping in at the Clerk's office or in the courtroom, as necessary. Previously, we had frequent debtors who

would travel to the Court rather than the Dorrance Street location by mistake. This confusion is now an easy and quick fix down the hallway. Other new neighbors on the floor include the General Services Administration, the federal government's landlord, and an almost completed U.S. Marshal Service office for our court security officers.

Business at the Bankruptcy Court has been brisk as of late, as filings are steadily increasing each month. In August 2007, 300 new bankruptcy cases were filed, which is the highest filing month since the change in the law



in October 2005. Our experience in Rhode Island mirrors the rest of the nation, with some districts with the largest mortgage foreclosure business, like California and Florida, accelerating at an even more rapid clip. The use of the electronic filing system continues to expand as well. In August, 87% of new cases were filed electronically and 100% of adversary proceedings came in electronically. We congratulate our e-filers

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on their excellent use of the system, as well as their commitment to the new electronic age of court administration. A pilot program being tested in Maine and several other districts is the posting of the court's digital recordings of hearings and trials on the Pacer Service for download. The Rhode Island Bankruptcy Court is closely following this pilot project and hopes to be able to implement this service here as soon as we get the green light following the completion of the test period.

Lastly, seven members of the Clerk's office traveled to Seattle, Washington in August to participate in the National Conference of Bankruptcy Clerks annual conference. As you may recall, our court hosted the conference in Newport last year (with over 400 people in attendance), so it was a nice respite to attend as a participant and enjoy the excellent educational seminars and great atmosphere of the pacific northwest.



### 2007 EMPLOYEE AWARDS CELEBRATION

The Bankruptcy Court celebrated its 13th Annual Awards and Recognition Ceremony on September 14th with a western theme - including a chili cook-off! In addition to recognizing staff for their hard work on various court initiatives, special recognition was given to these long-time employees for their milestone years of service: Kristen Batty, Jonathan Calianos, April Elderkin, Amy Geraghty (15 years) & Jennifer Davis and Jody Venuti (10 years). Next year's celebration will include a 40-year veteran of the court -- can you guess who?

One of the ceremony highlights is the announcement of the winner of the Sustained Superior Performance Award. This year's winner is Case Manager Holly D'Agostino. Holly began her career with the court on December 4, 1990. "Her intelligence and professionalism throughout her career have made her a vital member of the Operations Team and a sought after resource for answering questions and explaining procedures to her teammates, attorneys and pro se filers alike. She takes the time to understand what is happening in each of her cases, giving her superior judgment in making case management decisions." The next time you have the occasion to speak with Holly, please take the opportunity to extend your congratulations for 17 years of a job well done! In addition to all these fine attributes, Holly is also an excellent cook -- she won the chili cook-off!

## What is CM/ECF - A Brief Technical Overview

by Craig Balme, Information Systems Manager

As most of you reading this article know, the US Bankruptcy Court for the District of Rhode Island has been using the CM/ECF filing system for almost seven years now with great success. What many people don't know is what the system is comprised of, and what makes it run. This article is a brief technical overview of what makes CM/ECF "tick".

The CM/ECF application was written by contractors hired by the Administrative Office of the US Courts. The application was defined more than ten years ago, and at the time was state of the art. There are several major components to the system (both hardware and software). These systems combined allow internal and external users to view reports, file documents and pleadings in cases, receive email notification, and perform many other useful functions.

The hardware that runs the CM/ECF application is very robust and consists of two powerful servers. One server is connected to our internal network and performs all internal processes, holds all the images, databases, processed forms, Perl / Java programs, etc. while the other is connected to the external network which serves the public and allows electronic filings, report generation, fee payment, etc.

The software component consists of the Red Hat Linux operating system that runs an Informix 9.4 database, and an Apache Web Server. The application itself is written in Perl and Java and consists of around 4500 scripts, programs, queries, and utilities. There are three of these application instances, one for the Live, Test and Train CM/ECF systems. The programs handle the processing and presentation of material to the end user by means of the CGI mechanism (Common Gateway Interface). Basically, the web page accepts user input and when the "Submit" (sometimes labeled "Next") button is clicked it sends the data to a Perl program. This program analyzes the entered data (checkbox, entered text, drop down menu, etc) and decides the appropriate action to take which may be opening a new screen for data input, presenting a list of choices based on something you picked, or almost any other function you can imagine. This is the way docketing occurs.

Most screens you see are defined through our Data Dictionary which is a set of pre-built functions used to present or analyze certain data in a pre-defined way. The court combines the functions (text and processing) in combinations that create events. These events are what allow the end-user to perform docketing and case management. The pre-built functions exist in the backend Perl programs and tell

the custom built event what to do, and how to do it. The result of the Perl processed data is then sent back to the end-user in the form of a web page. All of this work occurs in less than a second, although the final presentation can take a bit longer due to computer or network latency.

There are several other packages included with the CM/ECF applications that the court maintains such as forms and form processing (and transferring to the central noticing center in Virginia), automatic assignment of 341 dates and Trustees, many helpful reports, electronic fee payment, automatic mailing of electronic filing notices (NEF's), and many others.

As you can imagine maintaining such a system is no small task, especially when enhancements or changes are requested. The biggest area that impacts end user is how we define events (the screens you see). As always we are interested in hearing from ECF users on what we can do to streamline your work process through the docketing interface.

If you have any questions or suggestions, feel free to email me at [craig\\_balme@rib.uscourts.gov](mailto:craig_balme@rib.uscourts.gov).



## Safeguarding Personal Information in Electronic Transcripts

by Gail Kelleher, Chief Deputy Clerk

In November 2005, at the direction of the Judicial Conference, a pilot program regarding redaction of personal information and identifiers in electronic transcripts was initiated. In compliance with this policy, all transcripts electronically filed on the Bankruptcy Court for the District of Rhode Island's website are view-restricted for five business days to allow case participants to review and request redaction of sensitive information.

Although the redaction procedures are sound, the best method of preventing harmful disclosure of personal data identifiers through transcripts is to educate the bar so that the unnecessary information is not elicited during court proceedings. Avoiding asking for or mentioning restricted information will:

- \$ better protect private data
- \$ save everyone time - including attorneys, court staff, court transcribers & judges
- \$ reduce the likelihood of inadvertent disclosure of sensitive information, as well as the time needed to review records, make redactions, and handle requests for extensions or sealing the record.

A copy of the Electronic Transcript Policy may be viewed at the court's website (under Court Information/Transcript Information) at [www.rib.uscourts.gov](http://www.rib.uscourts.gov).

## Court-Attorney Conference Calls

by Linda Spaight, Case Administrator

The second **Court-Attorney Conference Call** took place on September 7, 2007, at 10:00 a.m., with a number of attorneys and support staff in attendance and actively participating in the call. This is a relaxed, open forum in which the attorneys and their staff may bring their questions and issues and have them addressed. (Instructions on how attorneys and/or their support staff may participate in future calls are included at the end of this article.)

In attendance were attorneys and/or support staff from the following offices: MacAdams &

Wieck, Office of Donald J. Lally, Jr., Edward J. Gomes, LLC, Martinous Law Associates, Ltd., Sinapi Formisano & Co. and Ablitt, Caruolo and DePasquale Attorneys at Law. Participants from the court included Operations staff Holly D'Agostino and Linda Spaight and Michelle McCurdy from Quality Control. The topics covered were suggested by the participants in advance and by Clerk's Office personnel. Additional questions were asked and answered during the course of the call. The court's items included discussions of three of

the most common mistakes made by e-filers, which are: (1) clearly identifying the changes when filing amended schedules (see also LBR 1009-1(a)); (2) large pdfs, and; (3) with regard to a motion to avoid lien, how to comply with the local rule requiring service to the lienholder at their business address when the lienholder is no longer in business.

The call lasted approximately forty-five minutes and covered some additional topics such as the change of the loca

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tion of 341 meetings from the US Trustee's office to The Federal Center and whether there are any specific problems or issues associated with using the CM/ECF system.

Those in attendance indicated that they had no issues with making internet payments, however, we offer the following tips that may be helpful in identifying problems in that regard: (1) Remember that payments can only be processed through Internet Explorer; (2) the payment screen can only be viewed if you are allowing pop-ups from our website, and (3) Pay-

ments are required to be made within 48 hours of filing or you risk being locked out of the system. Additionally, your pleading may also be stricken by the court.

The final agenda item was a reminder that the upcoming Federal Bankruptcy Rule changes are open for public comment until 2/15/08 and they may be viewed at [www.uscourts.gov](http://www.uscourts.gov).

We thank each of the participants who contributed valuable time and information to this conference call forum and for making it a success.

To take part in future conference calls, please refer to our website at [http://www.rib.uscourts.gov/att\\_calls.htm](http://www.rib.uscourts.gov/att_calls.htm). The next attorney-court conference call is scheduled for Friday, December 7, 2007, at 10:00 a.m.



## Team Coach

by Lucinda Cory, Courtroom Deputy

**We offer a few tips and reminders to jog your memories, to clarify procedures, and to make your CM/ECF experience more efficient and easier.**

**Declarations:** When filing P-3 and P-4 declarations, please put the case name and number on the declaration, check that it is completed correctly and put it in an envelope to the Clerk's Office. No cover letters are necessary and please, no staples or folded corners - they have to be put through a scanner. Remember, declarations are important case documents and require the case name and number.

**Amended Schedules:** Please note the nature of the amendment by the use of highlighting, underlining or some other identifying feature. The reason for the amendment must be clear to those parties receiving the document.

**E-Mail Addresses on Pleadings:** Putting your email address on your pleadings makes it easier for us to contact you if there is a problem with a filing. For instance, we may need to let you know quickly that a hearing has been scheduled or we may need a position in a case. We can cut and paste your email address quickly

without having to take the time to research it.

**Mailing Information:** Recently an issue arose about notice and lack of notice. A filer completed a certificate of service WITHOUT actually pulling the information from the particular case in question. Parties who were listed on the certificate of service as receiving email service were not parties in this case and therefore did not receive notice. Parties and attorneys **are** specific to **each** case. A trustee may not be a party in an Adversary Proceeding for example.

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A creditor may have local counsel, but that counsel may not have entered an appearance. Please remember for **EACH** case to go to the **Reports, Mailings, Mailing Information for a Case**, to see who is receiving email and postal notice for that particular case, and adjust your certificate of service to reflect information for that case by copying and pasting the information onto the certificate of

service. Remember: You may need to effect service on parties who haven't yet entered in a case by adding them to your certificate of service and serving them by regular mail **EVEN** if they are registered users in other cases.

**E-Mail Service:** If a registered user is listed among the attorney participants in your particular case, you do not have to send them a separate email in order

to effectuate electronic service. These parties receive notice automatically when the pleading is filed (if they are in the case - see above). You do not have to send separate emails to those parties. The ECF system does it for you.



## Proposed Federal Rule and Form Changes

by Amy Geraghty, Legal Case Manager

### *Proposed Amended Bankruptcy Official Forms*

*Effective on December 1, 2007*

The following new and amended Federal Rules of Bankruptcy Procedure will become effective December 1, 2007. The amendments are as follows: Bankruptcy Rules 1014, 3007, 4001, 6006, 7007.1, and new Rules 6003, 9005.1, 9037.

Below is a brief summary of each change, but practitioners are advised to obtain a complete copy of the amendments and familiarize themselves of the changes. The rules may be found on-line at [www.uscourts.gov/rules/](http://www.uscourts.gov/rules/).

Federal Rules of Bankruptcy Procedure:

Bankruptcy Rule 1014 (Dismissal and Change of Venue) (Allows a court to initiate a change of venue on its own motion after giving notice and an opportunity to be heard.)

Bankruptcy Rule 3007 (Objections to Claims) (Prohibits a party in interest from including in a claim objection a request for relief that requires an adversary proceeding. Places restrictions on, and provides procedures for, omnibus objections to claims. It also establishes minimum standards intended to protect the claimants' due process rights.)

Bankruptcy Rule 4001 (Relief from Automatic Stay; Prohibiting or Conditioning the Use, Sale, or Lease of Property; Use of Cash Collateral; Obtaining Credit; Agreements) (Requires a moving party provide more extensive notice and a summary of the relief requested when seeking authority to use cash collateral, obtaining debtor-in-possession financing, or approval of related agreements.)



NEW Bankruptcy Rule 6003 (Interim and Final Relief Immediately Following the Commencement of the Case Applications for Employment; Motions for Use, Sale, or Lease of Property; and Motions for Assumption, Assignments, and Rejections of Executory Contracts) (Limits the type of motion and relief that can be granted during the first 20 days of a case.)

Bankruptcy Rule 6006 (Assumption, Rejection or Assignment of an Executory Contract or Unexpired Lease) (Authorizes use of an omnibus motion to assume, assign, or reject up to 100 multiple executory contracts and unexpired leases in a single motion.)

Bankruptcy Rule 7007.1 (Corporate Ownership Statement) (Clarifies that a party must file a corporate ownership statement with its initial paper filed with the court in an adversary proceeding.)

NEW Bankruptcy Rule 9005.1 (Constitutional Challenge to a Statute—Notice, Certification, and Intervention) (Applies pending Civil Rule 5.1 dealing with notification requirements involving constitutional challenges to a statute—to all proceedings in a bankruptcy case.)

NEW Bankruptcy Rule 9037 (Privacy Protection for Filings Made with the Court) (Addresses privacy and security concerns arising from electronic case filing.)

### ***Proposed Amended Bankruptcy Official Forms*** ***Effective on December 1, 2007***

The Advisory Committee on Bankruptcy Rules and the Committee on Rules of Practice and Procedure have recommended approval of proposed amendments to a number of Bankruptcy Official Forms. If approved by the Judicial Conference at its meeting in September, the amendments would be effective on December 1, 2007.

Draft copies of amended forms and Committee Notes setting out changes in the forms have been provided in order to give the courts, attorneys, software vendors, publishers, and the public time to prepare for using the amended forms. The proposed amendments are provided for your information. The amended forms will not be final until they have been approved by the Judicial Conference. The proposed amendments include the following forms: Please refer to: <http://www.uscourts.gov/bankform/index.html>

B 1 Voluntary Petition

B 3A Application and Order to Pay Filing Fee in Installments

B 3B Application for Waiver of Chapter 7 Filing Fee

B 4 List of Creditors Holding 20 Largest Unsecured Claims

B 5 Involuntary Petition

B 6 Cover Sheet for Schedules

B6 Summary of Schedules (Includes Statistical Summary of Certain Liabilities)

B 6A Schedule A - Real Property

B 6B Schedule B - Personal Property

B 6C Schedule C - Property Claimed as Exempt

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B 6D Schedule D - Creditors Holding Secured Claims  
B 6E Schedule E - Creditors Holding Unsecured Priority Claims  
B 6F Schedule F - Creditors Holding Unsecured Nonpriority Claims  
B 6G Schedule G- Executory Contracts and Unexpired Leases  
B 6H Schedule H - Codebtors  
B 6I Schedule I - Current Income of Individual Debtor(s)  
B 6J Schedule J - Current Expenditures of Individual Debtor(s)  
B 6 Declaration Concerning Debtor's Schedules  
B 7 Statement of Financial Affairs  
B9 Commencement of Case under the Bankruptcy Code, Meeting of Creditors and Deadlines  
B9A Chapter 7 Individual or Joint Debtor No Asset Case  
B9B Chapter 7 Corporation/Partnership No Asset Case  
B9C Chapter 7 Individual or Joint Debtor Asset Case  
B9D Chapter 7 Corporation/Partnership Asset Case  
B9E Chapter 11 Individual or Joint Debtor Case  
B9E(Alt.) Chapter 11 Individual of Joint Debtor Case  
B9F Chapter 11 Corporation/Partnership Case  
B9F(Alt.) Ch. 11 Corporation/Partnership Case  
B9G Chapter 12 Individual or Joint Debtor Family Farmer  
B9H Chapter 12 Corporation/Partnership Family Farmer  
B9I Chapter 13 Case  
B 10 Proof of Claim  
B 16A Caption  
B18 Discharge of Debtor  
B 19 Declaration and Signature of Non-Attorney Bankruptcy Petition Preparer  
B 21 Statement of Social Security Number  
B 23 Debtor's Certification of Completion of Instructional Course Concerning Financial Mgmt.  
B 24 Certification to Court of Appeals

## Up Coming Holiday Closings

**Monday, November 12th - In observance of Veterans' Day**

**Thursday, November 22nd - In observance of Thanksgiving**

**Tuesday, December 25th – In observance of Christmas**

**Tuesday, January 1st - In observance of New Year's Day**