

ON THE DOCKET

Inner Workings: News and Advice

By Susan M. Thurston, Clerk of Court

We are pleased to bring you another edition of our Court Newsletter, "On the Docket". The Court has been busy implementing several new programs to enhance our services to the Bar and to the public. One such program which you will hear more about in detail in this publication is our new electronic filing registration program and on-line adobe captivate training modules. Now, attorneys can sign up and receive the required training to become electronic filers directly from their office computers, without needing to travel to the court. The process is much quicker and allows new filers to go back and retake any modules that they wish to in order to become more comfortable with the filing process.

Another new program that the Court implemented on April 1, 2009 is the Court Talk pilot program. This program allows ECF and Pacer users to access the audio recording of courtroom proceedings almost immediately after they have occurred directly from the case docket. Rhode Island is part of a pilot program in the Judiciary testing out this new technology, which we believe is very helpful to the public in being able to hear exactly what took place at a court hearing or trial. Due to the wide publication of this audio, counsel are reminded to adhere to the judiciary's

Privacy Policy in their courtroom proceedings and to avoid introducing personal data identifiers and other sensitive information into the record. Detailed instructions on how to access this audio from the docket is available on the front page of the court's website.

On April 1, 2009, the Court issued a number of local rule and form amendments, including significant changes to the Chapter 13 form and process. Included in these changes is a new Chapter 13 Plan that includes within it all related motions to be heard at confirmation (motion to modify secured claim, motion to assume or reject executory contracts, motion to avoid lien), as well as new duties on Chapter 13 creditors to notify the debtors when a contract change or request for outstanding obligations is being made. These requests must now be noticed to the court by the filing of a notice document with copies served on the debtor, debtor's attorney and trustee within specified time periods. See LBR 3002-1(c). For detailed information on these recent rule and form changes, please visit the Court's website. You will also notice that we have reorganized our local rules into a new format that we believe is much easier to navigate, search and print from. Please feel

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free to drop me a line on any comments you have to this new format, which we plan to start using in other resource areas of our website.

Recently, the Clerk of the Bankruptcy Appellate Panel for the First Circuit traveled to Rhode Island and visited with the Court and with the Attorney Advisory Committee. The Clerk, Molly Sharon, shared with the committee a new BAP local rule that allows for parties to request that the BAP oral argument be held in the district that the appeal originates, rather than requiring a trip to Boston. The new rule is designated 1st Cir. B.A.P.L.R. 8012(f) and a court notice providing information about it is on our website.

Lastly, I would like to give all practitioners a heads up

about an extensive federal rule change that goes into effect on December 1, 2009. The change is designed to simplify and reduce inconsistencies in the computation of time periods under the procedural rules. The new rule periods will be based on a “days are days” approach without excluding intermediate weekends and holidays. Virtually all short periods in the federal rules are lengthened to offset the change in the computation method. The following specific time periods are being changed with respect to the federal bankruptcy rules, and the Court will also be revising our local rule time periods to be consisted herewith:

-Five (5) days are extended to seven (7) days in Bankruptcy Rules: 2006, 2007, 2008, 2015.3, 6004, 9006 and 9027

-Ten (10) days are extended to fourteen (14) days in Bankruptcy Rules: 1007, 2003, 2015.1, 2015.2,

2016, 3020, 4001, 6004, 6006, 7004, 7012, 8001, 8002, 8003, 8006, 8009, 8015, 8017, 9027 and 9033.

-Fifteen (15) days are revised to fourteen (14) days in Bankruptcy Rules: 1007, 1019, 1020, 2015, 2015.1, 2016, 3015, 4001, 4002, 6004, 6007, and 8009.

-Twenty (20) days are extended to twenty-one (21) days in Bankruptcy Rules: 1011, 2002, 2003, 2007.2, 2015, 2015.3, 3001, 3015, 3019, 6003, 7012, 8002, 9027 and 9033

-Twenty five (25) days are extended to twenty-eight (28) days in Bankruptcy Rules: 2002, 3017 and 4004.



Happy 4th of July!!



Please be advised that the U.S. Bankruptcy Court will be closed on Friday, July 3rd in observance of Independence Day

ECF Training—Now Open 24/7

By Linda S. and Michelle M.

No longer will you have to wait until the court schedules an ECF training class in order to become an electronic user in the Rhode Island Bankruptcy Court! In March, the court went live with on-line training for Creditor Attorneys and limited users. Debtor Attorney training followed in April.

The Court's on-line training is comprised of a series of Adobe Captivate modules designed to walk the electronic filer through the events they will use most often. The benefits of this new on-line system include:

- 24/7 availability
- may be completed at your own pace
- may be used over and over as a refresher

While there are certain required modules that potential electronic filers must take in order to receive an ECF login and password, these modules are available to everyone. At any time, any training module (or all) may be taken as a refresher by our current electronic filers and their staff. And as changes are made to our Local Rules and Forms, the Captivate modules will be updated to reflect them.

Registration:

The Court's registration process is now on-line as well. Applicants who already have a CM/ECF login and password from another Bankruptcy or Federal District Court are not required to complete the training modules. Simply register to request a login

and password. Applicants who are not registered users in another Bankruptcy or Federal District Court are required to complete the training modules. To register, please click on the following link:

<http://www.rib.uscourts.gov/newhome/ERA/index.asp>



Court Talk

By Jody Venuti, Quality Assurance Specialist

Beginning April 1, 2009, the United States Bankruptcy Court for the District of Rhode Island began participating in a pilot program to make digital audio recordings of court proceedings available to the public over the internet through the Public Access to Court

Electronic Records (PACER) system. All audio files of court proceedings held in this courtroom, unless otherwise specified by the judge, will be uploaded to the Case Management/Electronic Case Files (CM/ECF) system.

If information subject to the court's privacy policy is stated

on the record, *see* LBR 9004-1, it will be available in the audio files placed on CM/ECF and accessible through PACER. Since counsel and the parties are solely responsible for guaranteeing that pleadings and testimony

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comply with the court's rules requiring redaction of personal data identifiers, the better practice is to avoid introducing personal data identifiers and other sensitive information into the record in the first place, unless absolutely necessary to prove an element of the case. Also, be advised that courtroom deputies cannot redact audio files before they are placed in CM/ECF. Please take this into account when questioning witnesses or making other statements in court.

If private information is mentioned during a hearing or trial, you may move the court to seal, restrict or otherwise prohibit placement of the digital audio file of the hearing or trial on the Internet through the PACER system.

The judiciary's privacy policy restricts the publication of certain personal data identifiers in documents filed with the court. The policy requires limiting the disclosure of Social Security and financial account numbers to the last four digits, using only initials for the names of minor children, and limiting dates of birth to the year. However, if such

information is elicited during testimony or other court proceedings, it will become available to the public.

To access these files, simply bring up the docket report for the case and click on the document with the court talk symbol :



PDF with attached Audio File. There is a paperclip icon in the lower left of the page. Click once to bring up the audio file. You will need to double click on the file to open.

ANNOUNCEMENTS

The U.S. Bankruptcy Court is pleased to announce that Mrs. Amy Seale has been promoted to Operations Supervisor and Ms. Katie Flaherty has been promoted to Case Manager. Congratulations to Amy and Katie!!

In addition, the Court welcomes 2 new employees to the staff: Ms. Dina Fortes has been hired as a Case Manager and, on July 20th, Ms. Janet Tessier will join the Court as a Public Information Specialist. Welcome Dina and Janet!!

Email Blasts from the Court

If you change your email address, it would be beneficial to you if you were to inform the court of the new email address, in addition to updating your CM/ECF account, so that the court can update the address in our notification list. The notification list is used to send email blasts, including *On The Docket* and other important court news. The email addresses that are used are not pulled directly from ECF, but were added to the notification list when you became a registered user. If you haven't received an email blast from the court, you may contact Jody Venuti at (401) 626-3145 in order to update your email address in this notification list.

Removing Writeable Functionality from Data Enabled Forms Prior to Filing

by Gail Kelleher, Chief Deputy Clerk

Please fill out the following form.

Case 1:09-bk-10857 Doc 7 Filed 04/27/09 Entered 04/27/09 11:03:45 Desc Main Document Page 1 of 1

Certificate Number: 00927-RI-DE-006823958

Bankruptcy Case Number: 09-10857

CERTIFICATE OF DEBTOR EDUCATION

I certify that on April 22, 2009, at 5:23 o'clock PM EDT,

Michael P Drew completed a course on personal financial management given by internet by

A 24/7 Bankruptcy Class, Inc.

The above example shows a 'writeable' pdf document. Writeable (fillable) forms are easily recognized by the shaded text fields. Documents submitted in this format may be altered by anyone, even after they are filed in CMECF.

To maintain the integrity of documents filed with the Court, the writeable functionality must be removed from documents prior to uploading in CMECF:

1. Click 'File' on the toolbar
2. Choose 'Print'
3. Use the drop-down box in the "Printer" section of the screen and choose "Adobe PDF"; Click 'OK' at the bottom of the screen
4. Using the drop down box, choose the location to which you want to save the file - e.g. Desktop; click 'Save'.
5. The document is now secure and ready to be attached for filing in CMECF.



OFFICE OF THE CLERK
UNITED STATES BANKRUPTCY COURT
DISTRICT OF RHODE ISLAND

Susan M. Thurston
Clerk of Court

Gail Kelleher
Chief Deputy Clerk

June 3, 2009

Please be advised that the U.S. Bankruptcy Appellate Panel for the First Circuit has recently amended its local rules to include a provision permitting the conducting of oral argument for BAP appeals in the district from which the appeal originates. *See* 1st Cir.. B.A.P. L.R. 8012(f).

BAP Local Rule 8012(f) provides:

Location of Oral Argument. The BAP generally conducts oral argument monthly in Boston. For cases originating in Puerto Rico, Maine, New Hampshire and Rhode Island, the BAP may conduct oral argument in those districts. The parties may set forth their preference for the timing or location of oral argument in the Statement. The BAP may accommodate those preferences depending on considerations of scheduling and caseload.

Please contact the Bankruptcy Appellate Panel Clerk's Office at (617) 748-4774 with any questions about this new travel rule.

Susan M. Thurston
Clerk of Court

6 Month (Jan - Jun) Filing Comparison by Chapter

