

**United States Bankruptcy Court  
District of Rhode Island**

**Minutes of the January 17, 2008 Meeting of the Attorney Advisory Committee**

The Meeting of the Bankruptcy Court's Attorney Advisory Committee was held at the Clerk's Office on Thursday, January 17, 2008 at 3:30 p.m.

**Attendance:** Charles Pisaturo Peter Furness  
Steven Boyajian Thomas Quinn  
Sandra Nicholls Robert Huseby  
John Simonian

**Court Staff:** Susan Thurston Jonathan Calianos  
Leah Waterman Jennifer Watts

**Introduction:** The meeting was called to order by Susan Thurston, Clerk of Court

**Old Business**

**1. Update on 2008 Financial Literacy Program; Administrative Support from Leah Waterman, Judicial Assistant to Judge Votolato:**

Leah Waterman has agreed to serve as the Program Coordinator for the Financial Literacy program. In this capacity, she will handle organizing the selection and scheduling of the participating schools, assigning volunteers, distributing materials, etc. We believe that West Warwick is interested in participating again this year and possibly another school within the Providence area. Overall, the committee agreed this is a very worthwhile program and should be continued if possible. As Pat Antonelli was unable to attend the meeting, a current status report on school scheduling was not available. Susan and Leah will follow up with Patty to determine what plans have been made for the spring semester and Leah will then get in touch with the volunteers from last year. North Providence High School and Ocean Tides training school were two possibilities for the other school; Leah will be emailed with ideas and schools.

**2. Final Versions of LBR Amendments 2016-1, 5005-4 and 5078-1 recently published for Notice and Comment:**

There were a few changes to the final proposed rule amendments since the last AAC meeting, which have just been noticed out for 20 days comment. If not further changes are required, these three rule changes will go into effect on February 15, 2008. In addition, copies of

proposed rule changes to the Bankruptcy Rules were mailed to the committee members. The most important potential change is the proposed extension of the time to file appeals from 10 to 14 days. Additionally, the judiciary is soliciting comments from the bar as to whether this time period should be later extended to 30 days, consistent with the appeal of civil matters from the US District Courts. Committee members were encouraged to submit comments if they have a strong opinion on these proposed changes.

### **3. Feedback on Redesigned Website – anything missing?**

The suggestion was made to make the information (table) for In Forma Pauperis eligibility more easily locatable on the redesigned site (DONE – a link added underneath the application form and on the payment options page).

### **New Business**

### **4. Suggestion for Improving Success of Chapter 13 Cases:**

A concern was brought to the committee concerning the substantial failure of Chapter 13 cases due to the inability of debtors to properly budget their mortgage payments and a suggestion was made that the Chapter 13 trustee take over this duty. In other jurisdictions, the Chapter 13 trustee pays the mortgage for the debtor. The committee discussed the difficulty of this approach is that the debtor would then have to pay a 10% commission on this service to the trustee, which for most mortgages would exceed \$100/month. The committee did not feel this was a reasonable expense to place on the debtors and more importantly, that there are other alternatives that the debtor's counsel can pursue such as requiring the debtors to designate that this payment be paid directly from their pay (many employers can do this) or some other payment device that would direct these monies to the secured creditor.

### **5. Need for Training in Bankruptcy Law?**

It has been several years since the court and members of the AAC held a 'Food for Thought' series with the Bar Association covering basic bankruptcy information and training for the Bar. In February, the US Trustee's Office (Sandra Nicholls), and several other practitioners are conducting a bankruptcy training class. Based on the level of expertise and questions generated from that training class, Sandra will let the AAC know whether additional training in 2008 should be considered.

## **6. Suggestions for Managing Increase in Pro Se Filings and Language Issues:**

The number of Pro Se filings in Rhode Island has increased substantially since the change in the law -- from 1% a year to about 10% in 2007. Language issues have also been steadily growing with this filing group. The Clerk's office is working on an Adobe interactive training product to facilitate providing basic bankruptcy filing information on the website and in the clerk's office. The only pro bono legal services that appear to be available are through either Rhode Island Legal Services or the Volunteer Lawyer Program, based on financial eligibility. The Court is researching what other service options might be available to assist this group, such as a pro se law clerk position.

Members of the AAC recommended that the court consider using or making available on the court's website, a link to the International Institute of Rhode Island, which offers translation services at a reasonable price in over fifty different languages. (DONE – link posted to website).

## **7. Court Study Underway on Modified E-Filing Program in Use in CA-E:**

Susan briefed the AAC on a modified e-filing program in place in Sacramento, California (CA-E), where e-filers submit their documents through a more streamlined interface. They would not need to pick parties, view different screens, or pick out of all the different events. The interface is separate from CM/ECF, and the clerk's office does the actual filing of the documents into CM/ECF. This system seems to avoid the numerous filing mistakes, linkage errors and other mistakes consistently made in the CM/ECF system. Since significant improvement to CM/ECF is several years away, the Court is conducting a study of this modified program and will perform a cost/benefit analysis to determine whether it would be valuable to implement in RI in the interim. Six members of the clerk's office are traveling to Sacramento in March to view the program first hand. In addition, Susan asked for a couple of attorney volunteers to look at the interface program and provide us with feedback – Sandra, Charlie and Tom all agreed to do so.

## **8. New Court Technology Specialist – Sam Nogueras**

Susan announced that the clerk's office had hired a new Courtroom Technology Specialist named Sam Nogueras, who also speaks Spanish, which is a big help. Sam comes from an automation background and is well qualified to manage the courtroom sound system, digital recording system, evidence presentation system and upcoming video conferencing system. Members of the AAC were encouraged to introduce themselves to Sam when in the courtroom.

**9. Miscellaneous Issues:**

A discussion was held about different types of identify fraud that has been occurring around the country and one recent instance in Rhode Island. These bankruptcies are being filed by people who use someone else's identity and SSN. Some courts are requiring that the filer show identification at the time of filing, but this present a problem for cases received through the mail.

**The next meeting is scheduled for Thursday, April 24, 2008 at 3:30 p.m.**