

United States Bankruptcy Court, District of Rhode Island

ON THE DOCKET



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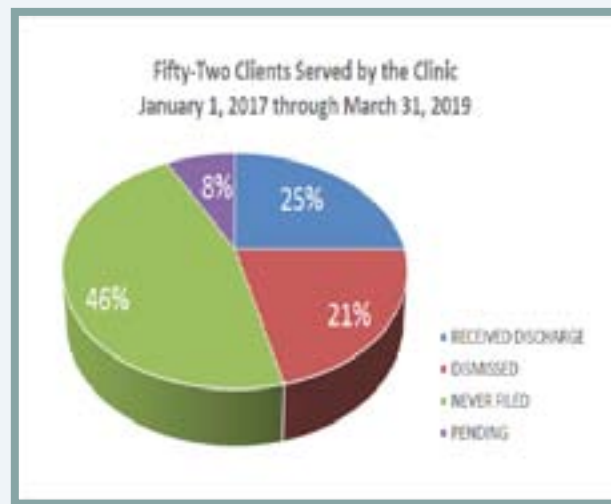
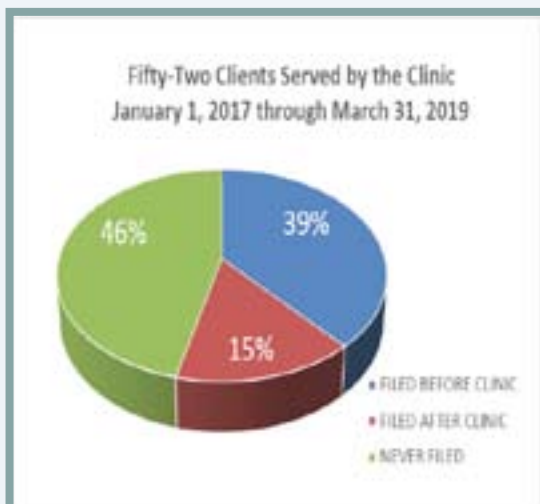
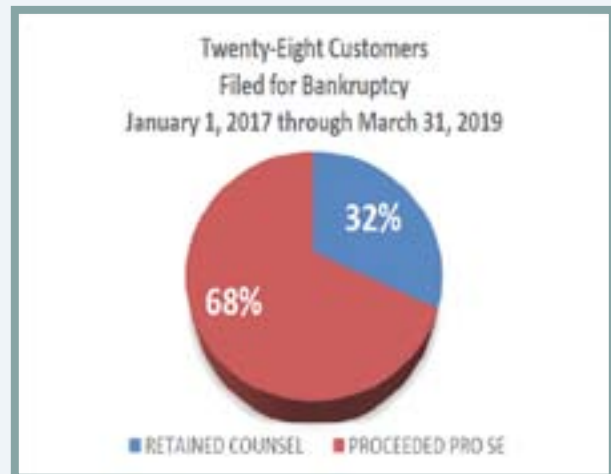
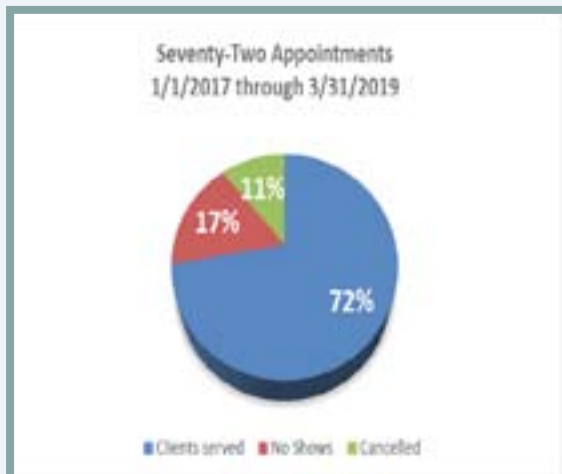
Court Holiday Closing Dates

Inner Workings: News and Advice

by Susan Thurston, Clerk of Court

Welcome to the Spring edition of our court newsletter, *On the Docket*. Throughout the winter months, we completed the conversion to a new email system and are now using all the Unify programs (Outlook, OneDrive, OneNote, SharePoint, Office Suite) for better collaboration and efficiency. In addition, we continue with our migration to a fully cloud-hosted environment for better access and continuity of operations and expect this work will complete by the end of 2019. This project has been a tremendous investment of time and energy and I would like to personally thank and acknowledge the hard work of our small IT team – Systems Manager Craig Balme and PC Systems Administrator Steve Stricklett for their dedication to this enormous effort. These two individuals work tirelessly every day to ensure our vast and complex network of servers, computers and electronic systems remain secure, available and up to date.

In March, we relocated our Bankruptcy Legal Clinic to the office adjacent to the court library. This decision was based on feedback from our volunteer attorneys and has resulted in a more spacious, traditional office setup with a window view that is more conducive to meeting with clinic customers. We also published [clinic statistics as of March 31, 2019](#), which are available in full on the clinic website, but are summarized in the below charts. We remain extremely grateful for the generous support of our volunteer attorneys who serve the clinic and know that their commitment to the program is making a difference in people's lives.



Inner Workings: News and Advice

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Word of our excellent clinic program has been spreading throughout the bankruptcy court community. In February, we were asked to present details of our clinic at the 2019 Access to Justice conference at the Mohonk in New Paltz, New York, which conference was attended by judges, clerks and court staff from throughout the New England and East Coast regions. More recently, in May, we were invited to conduct a presentation about our free bankruptcy clinic to the New York Southern Bankruptcy Court and its Bankruptcy Bar, for possible adoption there. We had a wonderful experience sharing the success of our clinic and the incredible work of our volunteer attorneys who make it possible. In addition, we were fortunate to include a video at the end of the presentation from two of our volunteer attorneys – Lisa Geremia and Janet Goldman – who shared their experience and interest in the clinic and how it is serving our community by providing limited legal advice, while encouraging representation for maximum success. They did an outstanding job!

After enjoying the upcoming summer months (warm weather is finally coming??), get ready to meet and greet in the Fall! We have two training and networking opportunities for Rhode Island legal practitioners scheduled in Autumn, and we encourage your participation at both. On September 12, 2019, the Bankruptcy Court will be partnering with the RI Bar Association's Volunteer Lawyer Program to present a free CLE Bankruptcy Seminar from 1:00-4:00 PM, for attorneys who agree to accept a pro bono case. We have an excellent faculty lined up including the Honorable Bankruptcy Judge Diane Finkle, Chapter 13 Trustee John Boyajian, Chapter 7 Trustee Lisa Geremia, and attorneys Christopher Lefebvre and Russell Raskin. A brochure with details about the program will be available at the upcoming June

Annual Bar Association meeting, as well as additional communication by the Court in the coming months.

Then, on Friday, October 18, 2019, the Federal Court will be hosting the 2019 District Court Conference at the Omni Providence, which all members of the Federal Bar are invited and encouraged to attend. Attorney Lisa Geremia serves on the conference planning committee and provided the following advance information:

The theme of the conference is: *Independence of the Judiciary* – a relevant and intriguing topic area. Preliminary topics include: “Court Packing”, Judicial Discipline and Origins of Judicial Independence. There will be 3 practice law sessions: Civil, Criminal and Immigration. There will also be morning and afternoon plenary sessions. It will be an exciting conference to attend with national speakers – more to come!

We strongly encourage your attendance at this year's District Conference as it is only held every-other year and is an excellent opportunity to gain insights into federal practice, as well as the opportunity to network with court members and colleagues.

Lastly, I wanted to share news about the recent retirement of Massachusetts Bankruptcy Judge Joan N. Feeney. On Thursday, May 2nd, the Massachusetts Bankruptcy Court held a special session to bid farewell to Judge Feeney, who has served that court for nearly 27 years, having first been appointed on October 6, 1992. Judge Feeney also recently concluded her tenure as the Chief Judge of the First Circuit Bankruptcy Appellate Panel. During her long career, Judge Feeney occasionally served as a bankruptcy judge in Rhode Island due to judge conflicts or caseload needs and was always a delight to work with. Thus, many of you may have appeared before her either in Massachusetts or Rhode Island and experienced what a kind and gifted

Inner Workings: News and Advice

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jurist she was. Her presence among the First Circuit bankruptcy bench will be missed. At the recent May ceremony, her judicial portrait was unveiled, a photo of which we share with you below.



April 1 and May 1, 2019 Updates to Administrative Expense Multipliers, IRA Data, and Census Bureau Median Income Data for Completing Means Test Forms(s)

by Amy Geraghty, Operations Supervisor

The Census Bureau's Median Family Income Data has been updated and applies to all cases filed **on or after April 1, 2019**. Additionally, the Administrative Expense Multipliers and IRS's National Standards for Allowable Living Expenses and Local Standards for Transportation and Housing and Utilities Expenses have also been updated. The revised multipliers and standards will apply to cases filed **on or after May 1, 2019**.

This updated information is accessible from the Department of Justice's U.S. Trustee Program website, [Means Testing Information](https://www.justice.gov/ust/means-testing) page. Consider bookmarking the link for future reference: <https://www.justice.gov/ust/means-testing>.

RI Bankruptcy Legal Clinic Volunteer Attorney Honor Roll

by Amy Geraghty, Operations Supervisor

The United States Bankruptcy Court for the District of Rhode Island is honored to recognize the volunteer attorneys who provide free limited legal assistance to customers of the Bankruptcy Legal Clinic. Their advocacy and commitment to the work of the Clinic ensures its continued success in providing those who face substantial economic hardship with expert advice and brief guidance on the best solution for their financial situation.

For their selfless efforts, we recognize and thank the following legal clinic volunteers for their current and continued support in serving the customers of the Rhode Island Bankruptcy Legal Clinic:

Stacy B. Ferrara

Brian D. Fogarty

Lisa A. Geremia

Janet J. Goldman

Jacqueline M. Grasso

David B. Hathaway, Sr.

Kevin D. Heitke

Peter M. Iascone

Stephen P. Levesque

George J. Lough, III

Charles A. Pisaturo, Jr.

Jack D. Pitts

Russell D. Raskin

John S. Simonian

Greg Sorbello

Trustee Tips

by Lisa Geremia, Chapter 7 Trustee

1. Debtor's attorney should arrive at least 15 minutes prior to 341 meeting in order to meet with client;
2. Debtor's attorney should make sure that they upload to Document Portal at least 10 days prior to MOC: 1) Last filed tax return; 2) Three (3) months of bank statements; 3) Any other documents required by the Trustee; and
3. Please ensure client has social security card and photo ID for identification purposes.

Amendments to Official Bankruptcy Forms, Effective April 1, 2019

by Amy Geraghty, Operations Supervisor

On April 1, 2019, automatic adjustments were made to the dollar amounts stated in various provisions of the Bankruptcy Code and one provision of Title 28. **Seven Official Bankruptcy Forms (106C, 107, 122A-2, 122C-2, 201, 207, and 410) were amended** to reflect these adjusted dollar amounts. The adjustments apply to cases filed on or after April 1, 2019.

The following **Official Bankruptcy Forms** were amended.

1. Voluntary Petition for Non-Individuals
Official Form 201
Amendment: Line 8
2. Statement of Financial Affairs for Non-Individuals
Official Form 207
Amendment: Lines 3 and 4
3. Schedule C: The Property You Claim as Exempt
Official Form 106C
Amendment: Line 3
4. Statement of Financial Affairs for Individuals Filing for Bankruptcy
Official Form 107
Amendment: Line 6
5. Chapter 7 Means Test Calculation
Official Form 122A-2
Amendment: Lines 29 and 40
6. Chapter 13 Calculation of Your Disposable Income
Official Form 122C-2
Amendment: Line 29
7. Proof of Claim
Official Form 410
Amendment: Line 12

Please visit the [uscourts.gov pending amendments website](https://uscourts.gov/pending-amendments-website) for additional information and instructions regarding these Official Forms, as well as adjustments to two Director's Forms and Instructions for Individual and Non-Individual Debtors.

Recent Court Decision

by Natalie Medved and Jon Pincince, Law Clerks

Here is a short digest of the Court's most recently published decision. As always, many opinions and orders are available on the Court's website.

In re Soori-Arachi, BK No. 17-10570 (Chapter 7) (March 26, 2019):

The Court sustained the chapter 7 trustee's objection to the debtor's exemption of his non-qualified deferred variable annuity, which the debtor's father had purchased pre-petition in a custodial capacity pursuant to Nebraska's Uniform Transfers to Minors Act, under R.I. Gen. Laws §§ 27-4-11 and 27-4-12. The Court determined that [R.I. Gen. Law § 27-4-12](#) did not protect the debtor's interest in the annuity from the reach of his creditors because he, having reached Nebraska's age of majority prior to his bankruptcy filing, was not a non-owner beneficiary who lacked the contractual ability to exercise dominion and control over the annuity. The Court also found that [R.I. Gen. Laws § 27-4-11](#) did not exempt the debtor's interest in the annuity from the bankruptcy estate because the governing annuity contract was not a life insurance policy.

Debtor Electronic Noticing (DeBN)

Email delivery of orders and court-generated notices for debtors

by Janet Descoteaux, Public Information Specialist

What is DeBN?

- All Debtors can sign up to receive pdfs of orders and court-generated notices by email rather than by U.S. Mail.
- DeBN is a free voluntary program

How do I Sign Up?

- Debtors may request DeBN at any time during the case by filling out the [Debtor's Electronic Noticing Request Form](#) online or in person.
- Attorneys may electronically file the request for the debtor by using the new, "Debtor Electronic Noticing" event in the ECF system.

To learn more about DeBN, or to download the DeBN request form, please visit the Court's [website](#).

Stay Up to Date on Court Changes

by Janet Descoteaux, Public Information Specialist

Visit the Court's [website](#) to sign up for the following:



December 1, 2019 Proposed Bankruptcy Rule Changes

by Susan Thurston, Clerk of Court

- This year, there are only four Federal Bankruptcy Rules proposed for amendment: Bankruptcy Rules 4001, 6007, 9036, and 9037.
- Please visit the [uscourts Pending Rules and Forms Amendments website](#) for detailed information about these proposed changes, as well as [the full Congressional Rules package here](#).
- Detailed instructions and training materials about the impact of these proposed changes in Rhode Island will be shared on our website and list serv this fall, as well as in the November 2019 edition of our *On the Docket* publication.

Tips and Tricks

by Pam Ricciarelli and Jen Davis, Case Managers

1. **LBR 1005-1(d) Objection Response Language** *should not be included on Objection-type pleadings (with the exception of objection to claim/exemption)* – When filing an *Objection* (or other response) to a pending motion or similar moving document (notice of proposed sale, application to compromise, etc.) you should not include the Required Response Time Language specified in LBR 1005-1(d) to your objection/response pleading. This language is intended to provide notice of the time to respond to moving documents, and not to provide further response deadlines to objections/responses. The Clerk’s office has noticed many *Objections* filed with this template language included, causing confusion to recipients.
2. **Payment Advices** -- Have you had an *Affidavit of Non-Existence of Payment Advices* terminated by the Court for failure to comply with **LBR 1005-2(a) or (b)**? To help ensure your affidavit is properly drafted, we have created a MS Word template of the *Affidavit of Non-Existence of Payment Advices*, which is available on our website under **commonly used forms** for your use. Please consider using this form to avoid having to refile with the correct affidavit language included.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF RHODE ISLAND

IN RE: (Case Name) Case No. _____
Debtor _____ Chapter _____

**AFFIDAVIT OF NON-EXISTENCE OF PAY ADVICES OR
NON-EXISTENCE OF BENEFIT DOCUMENTS**

The undersigned, _____, swears or affirms that
within the 60 days prior to my bankruptcy filing, from _____ to _____
[insert date range]:

1. _____ I was not employed and therefore have no pay advices;
2. _____ I was not employed but received government benefits in the total amount of
\$ _____, however I have no documentation of such benefits, or
3. _____ I was employed but did not receive any pay advices. My total earnings
during the 60 day period prior to my bankruptcy filing was \$ _____.

I CERTIFY UNDER THE PENALTY OF PERJURY THAT THE ABOVE AND
FOREGOING REPRESENTATIONS ARE TRUE AND CORRECT.

Executed on _____ (Signature)

3. **Electronic Filing Log-In Issues** – Do you sometimes have trouble logging into the Bankruptcy Court’s electronic filing system? Below are some steps to take to help achieve success:
 - Confirm that you are using the correct web address for the Court’s electronic filing system, <https://ecf.rib.uscourts.gov/>, which you should bookmark for direct access or can also be accessed via the **Court’s main website** under **Electronic Filing Access Links**.

Tips and Tricks

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- Have you verified that you are using the correct login credentials assigned to you by the Bankruptcy Court? If you are not sure or are still having difficulty, please contact CM/ECF Analyst Dina Fortes at Dina_Fortes@rib.uscourts.gov, or (401)-626-3122 and she will assist you with assigning a new temporary password if necessary.
4. **Difficulty with Finding Electronic Filing Events?** -- Not sure which electronic filing event to use for submitting your pleading in the case? There is an excellent “**Search**” feature in ECF to help you quickly and accurately locate filing events. It is located on the top blue ribbon of the Court’s ECF landing page. See diagram of location below.



5. **“Where to find recent Court news and official announcements?”** In addition to sending email news alerts via our list serv (a sign up button is located on our website), all official court notices and news items are posted to the News & Announcements column located on the [Home page of our website](#). There you will find announcements regarding upcoming amendments to bankruptcy rules and official forms, training opportunities and materials, vacancy announcements, appellate court news and much more!



Tips and Tricks

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6. **Bankruptcy Fraud** -- Do you suspect someone of committing bankruptcy fraud? If so, you should report any concerns or suspicions to the United States Trustee using the “Quicklinks” button available on the [Bankruptcy Court’s website home page](#) (see picture below). There you will be taken to the Department of Justice’s website for submission.



Instant Customer Service with LiveChat

by Janet Descoteaux, Public Information Specialist

On each page of the Court’s website, you will see the Court LiveChat Icon that allows you to immediately speak on-line with a member of the Clerk’s office during normal business hours. Just click on the link and choose to chat with any one of our 3 departments:

1. Case Support
2. Technical Support
3. Court/Calendar Support



2018 Local Rule Book on Sale

by Janet Descoteaux, Public Information Specialist

The 2018 Edition of the R.I. Bankruptcy Rule book is on sale at the Clerk’s Office for \$14.50 per copy. This edition includes ALL changes through December 1, 2017. There have been no amendments after this date.

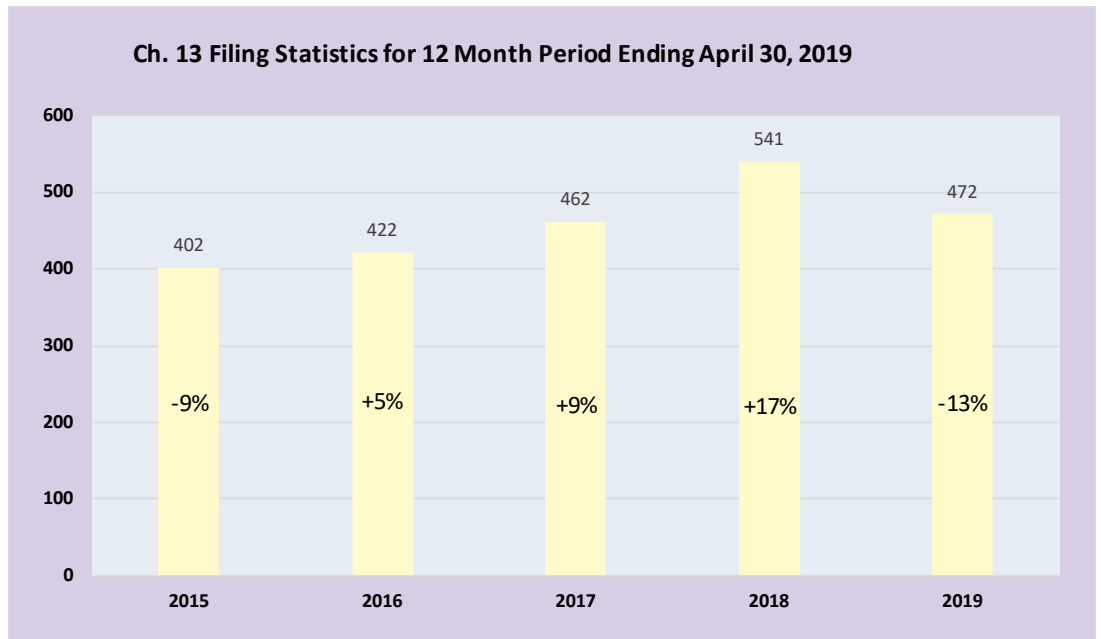
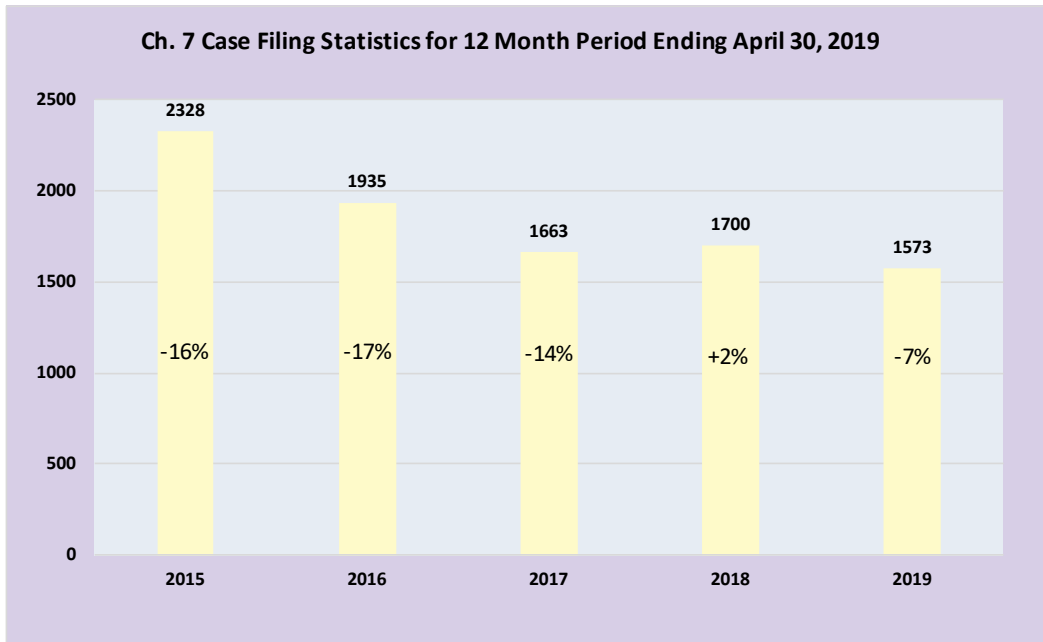
Local Rule books can also be ordered through our [on-line submission page on our website](#), or via e-mail, fax, or phone-in orders.

A Federal Express account number is required to cover shipping costs. The book weighs approximately 15.5 ounces.

Visit our website or the Clerk’s office for the [mail in/fax order form](#).

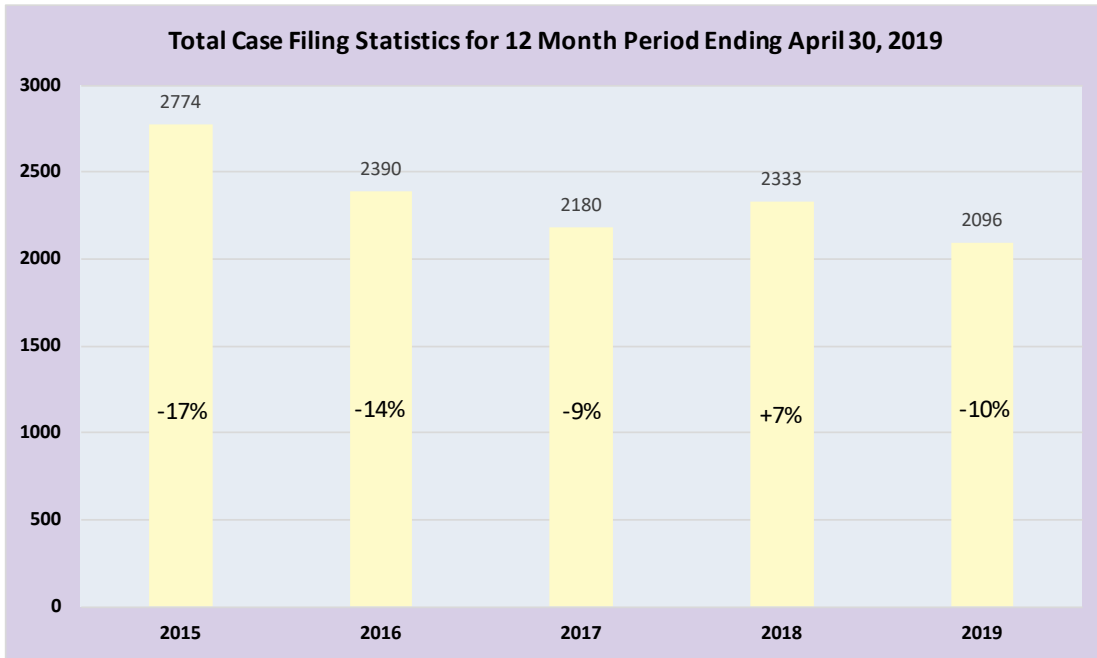
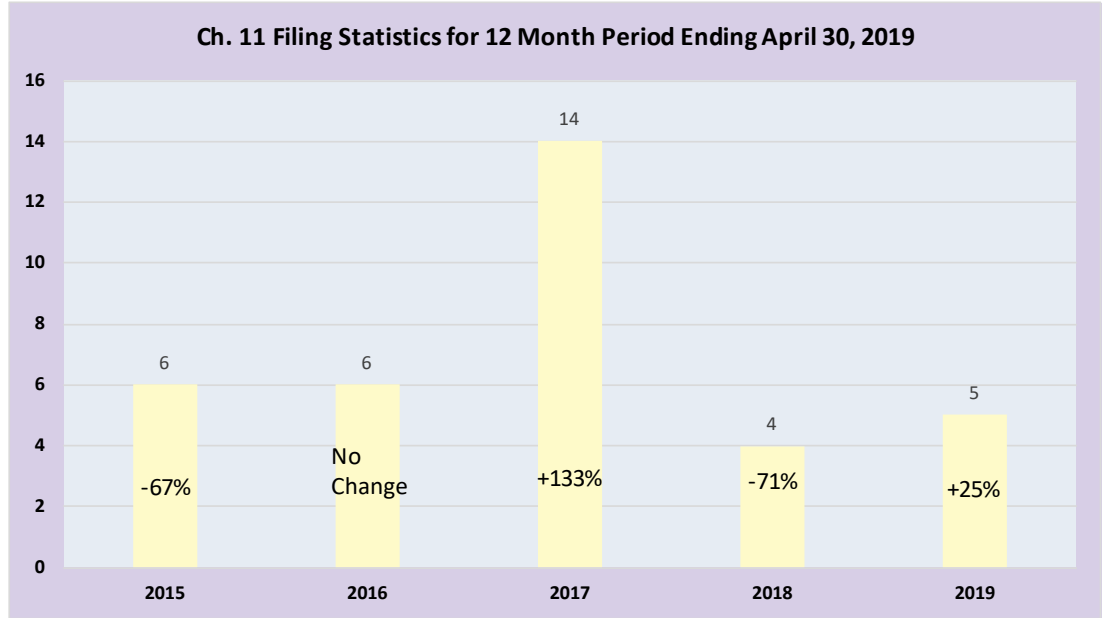
Case Filing Statistics for 12 Month Period Ending April 30, 2019

by Dina Fortes, CM/ECF Analyst



Case Filing Statistics for 12 Month Period Ending April 30, 2019

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2019 COURT HOLIDAY CLOSING DATES

Memorial Day - Monday, May 27th
Independence Day - Thursday, July 4th
Labor Day - Monday, September 2nd
Columbus Day - Monday, October 14th
Veterans Day - Monday, November 11th
Thanksgiving Day - Thursday, November 28th
Christmas Day - Wednesday, December 25th
New Year's Day - Wednesday January 1, 2020

PLEASE TAKE NOTICE

The U.S. Bankruptcy Court, District of Rhode Island will close at 2:00 p.m. on Tuesday, December 24th and Tuesday, December 31st in celebration of Christmas Eve and New Year's Eve.

CONTACT ON THE DOCKET PUBLICATION STAFF

If you have any comments regarding this issue or want to suggest ideas for future articles, please contact "On the Docket" staff at the following email address: Janet_Descoteaux@rib.uscourts.gov.

Please do not use the above email address to file or send papers to the Court, or to ask questions about court procedures or status of a particular case. Contact the Clerk's Office at the following number for assistance in these matters.

Clerk's Office: (401) 626-3100

Visit the court website www.rib.uscourts.gov
for local filing information.

Thank you.

Please Note:
Clerk's Office staff is not permitted to give legal advice.