



ON THE DOCKET

In this Issue:

[Inner Workings](#)

Page 1

[Tips and Tricks](#)

Page 2

[“How Do I...”](#)

Page 2

[Next Gen CM/ECF Conversion](#)

Page 3

[Rule 9036 Notice](#)

Page 4

[New Term Law Clerk](#)

Page 4

[Emergency Rental Assistance Programs](#)

Page 4

[Summary of 12/1/2021](#)

[Federal Rule Changes](#)

Page 5

[Employee Recognition Ceremony](#)

Page 7

[NextGen FAQs](#)

Page 8

[A Special “Thank You”](#)

Page 9

[Filing Statistics](#)

Page 10

Inner Workings: News and Advice

by Susan Thurston, Clerk of Court

As we approach the final months of 2021, we are happy to once again publish our court newsletter to share information about current court operations, projects and workload. Of course, we also want to update our users on how we continue to serve the public and litigants in a safe way as the pandemic remains an ongoing concern. Once the entire workforce was fully vaccinated, we were extremely pleased to reopen the Clerk’s office full time to the public on June 1, 2021 and while the foot traffic has been slower than usual, we are open daily from 9:00 AM to 4:00 PM. Staff are rotating working in office and remotely so that we have approximately 50% in court space each day, which has been a really nice return to some level of normalcy and allows us to once again see customers and provide in-person support and assistance, especially to the pro se population.

Much of 2021 was spent preparing for our conversion to the judiciary’s Next

Generation CM/ECF (“NextGen”) electronic filing system, which we completed the weekend of October 2-3, 2021. Our amazing Systems Manager/programmer Craig Balme and our Operations Supervisor Amy Geraghty served as co-project managers and did a fabulous job ensuring that we were well prepared for this enormous task, including months of testing and configuration, and finally the preparation of extensive training materials, web pages, and videos to assist our electronic filers with the new Central Sign On module, which allows attorneys to use one set of login credentials for all federal courts that they have e-filing privileges in. We hope this new feature is a great improvement for your federal court practice. You can find more information about NextGen in the article on [page 3](#).

Since we last published *On the Docket* in March, we have held several in-person hearings and short

Inner Workings

(continued from page 1)

trials in the courtroom with great success. In addition to PPE and physical distancing, we also require all courtroom participants, including court staff, to undergo a rapid COVID-19 test that the Clerk's office administers on site to attendees, and these negative test results have provided a level of reassurance of a safe courtroom experience for all. Masks are still required to enter The Federal Center and throughout the building.

While our caseload remains at an historically low level (see statistics on [page 10](#)), as many of the pandemic related benefits start to expire, we expect the trajectory to change and we feel confident that we are more than ready to capably serve the needs of the bankruptcy bar and our pro se population when it does, with (1) the resumption of in-person services at the Clerk's office; (2) an upgraded state-of-the-art bankruptcy courtroom; (3) improved COVID-19 safety protocols; and (4) an enhanced e-filing capability with NextGen CM/ECF. In the meantime, all of the technological improvements we made in response to the pandemic remain available, including the electronic drop box for non-attorneys, the expansion of pay.gov for the electronic payment of fees, and the continued use of the government Zoom platform for conducting our motion calendars and other hearings. We sincerely hope you and your families have remained safe and healthy during these past 18 months, and we look forward to seeing you in-person in the hopefully not too distant future.

Tips and Tricks

by Jennifer Davis, Case Administrator and
Pamela Ricciarelli, Courtroom Deputy

Installment Payments:

Pursuant to [R.I. Local Rule 1006-1\(d\)](#), an application for installment payments may be approved if the payment schedule provides for at least 25% of the fee at the time of the filing, and continued payments of 25% commencing within thirty (30) days of the petition date and every twenty-eight (28) days thereafter.

While your client may choose to pay more towards each payment, it is important to review the docket prior to paying the final installment. The docket accurately reflects the amount of each installment paid and can assist you in calculating the final installment payment owed. Many times, the final installment is being overpaid and the Clerk is not authorized to refund these monies. See [LBR 1006\(c\)](#).

Court Zoom Hearings:

Please don't be late! All respective parties for scheduled hearings should log into the Zoom.gov video platform **at least 10 minutes** prior to the start of the Court calendar to enable sufficient time for attendance records and testing.

“How Do I...”

by Jennifer Davis, Case Administrator and
Pamela Ricciarelli, Courtroom Deputy

“How Do I... Get a signed order on a Notice of Intended Sale?”

A proposed order or motion to approve must be filed with the Notice of Intended Sale, or the Notice of Intended Sale must contain a signature line for judicial approval.

“How Do I... Dismiss a joint debtor from a case who will not be moving forward with their bankruptcy?”

There are two possible options; you may file either a motion to dismiss or a motion to bifurcate. We explain the difference in these motions below.

Motion to Dismiss v. Motion to Split/Bifurcate

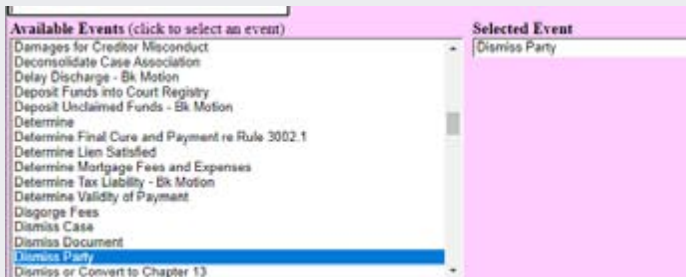
If the intention of joint debtors in a pending bankruptcy case is to dismiss only one spouse, bifurcation is not required. Instead, the applicable spouse should file a “Motion to Dismiss Party” pleading, as opposed to a Motion to Split/Bifurcate. The motion must include [LBR 1005\(d\) language](#) as well as a certificate of service to all parties and creditors.

“How Do I...”

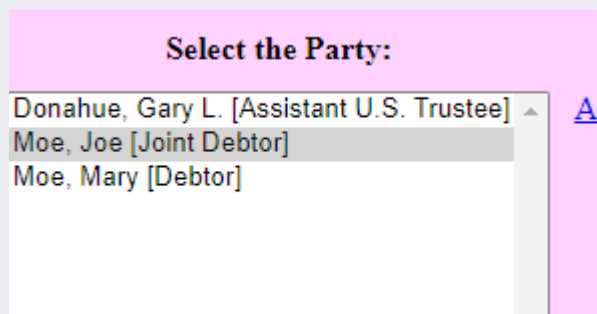
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EVENT: MOTION TO DISMISS PARTY

- 1) Click on Bankruptcy > Motion > Dismiss Party



- 2) Select the party who is being removed from the pending case:



- 3) Enter the name of the joint debtor in the text: “Dismiss Whom”?



- 4) Final docket text appears, click “Next”.

Motion to Dismiss Party Joint Debtor filed by Joe Moe. Objections to Motion due: 10/28/2021, plus an additional 3 days if served by mail or otherwise allowed under FRBP 9006(f). (Davis, Jennifer)

A **Motion to Split/Bifurcate** [sometimes also called a motion to sever], should be filed whenever one debtor in a joint case wants to split/bifurcate from the original case and continue in bankruptcy under either

the original chapter or convert to a different chapter. The debtor seeking to bifurcate should file a Motion to Split/Bifurcate and must pay the applicable filing fee for the new split/bifurcated case.

NextGen CM/ECF Conversion

by Pamela Ricciarelli, Courtroom Deputy

The Rhode Island Bankruptcy Court is now LIVE on NextGen CM/ECF Version 1.6.2!

On October 4, 2021, the Court converted its Case Management/Electronic Filing System to the Next Generation CM/ECF (NextGen) System.

What is NextGen?

NextGen simplifies electronic filing by combining your CM/ECF and PACER accounts into a Central Sign-On account (CSO). Through the PACER website, the CSO account allows registered filers to view documents in PACER and electronically file in ALL NextGen Courts (appellate, bankruptcy and district) in which they have permission to file. For instance, if you are an attorney registered to practice in Massachusetts and Rhode Island, you will now be able to use just one login and password to access and electronically file in both courts!

What has Changed?

Each registered filer must have their own individual PACER account. Shared accounts are no longer allowed. For those registered users wishing to have support staff assist with their filing, firms may use [Filing Agents](#) and establish a PACER Administrative Account to manage all of accounts, including the central billing of PACER access fees.

How to Obtain a Central Sign-On Account

A registered user will first need to upgrade their individual PACER account. If you still have not upgraded your account, follow these [step by step instructions](#).

Once your PACER account has been upgraded, the next step is to link your existing CM/ECF E-filing account with the upgraded individual PACER account.

NextGen CM/ECF Conversion

(continued from page 3)

(E-filers will NOT be able to e-file in NextGen until their existing CM/ECF account has been linked to their upgraded individual PACER account). Please refer to these [instructions](#). For additional information, a short conversion [training video](#) is available on the entire process.

In addition to the enhanced sign-in features of CSO in NextGen, this upgrade also included some new PDF-related functionality for public filers. Please visit Pacer's [FAQ page](#) and search under "PDF" for more detail.

For PACER account assistance, contact the PACER Service Center at 1-800-676-6856 or at pacer@psc.uscourts.gov.

December 1, 2021 Change to Fed. R. Bank. P. 9036 That May Impact Noticing Method for Certain High-Volume Bankruptcy Notice Recipients

by Amy Geraghty, Operations Supervisor

Effective December 1, 2021, the Director of the Administrative Office of the United States Courts has designated any entity that receives 100 or more paper bankruptcy notices in a single calendar month as a high-volume paper notice recipient pursuant to Fed. R. Bankr. P. 9036(b)(2)(B) (as [amended effective December 1, 2021](#)) (Rule 9036). The threshold number of paper notices that will cause a notice recipient to be designated as a high-volume paper notice recipient pursuant to Rule 9036 will be reviewed annually and may be adjusted once a year, effective on December 1st of each year. Once the threshold paper notice amount is reached, the Bankruptcy Noticing Center (BNC) will notify the notice recipient that it must register for Electronic Bankruptcy Noticing or that, if the recipient does not register within 45 days of the date of the notification, the BNC will establish an electronic address where the Director designates the recipient to receive its notices pursuant to Rule 9036.

New Term Law Clerk

by Kristen Batty, Deputy Clerk



Please join us in welcoming **Leah O'Farrell** as Judge Finkle's newest term law clerk, commencing in September 2021. Leah graduated from Northeastern University School of Law in 2020 and has been clerking for the Bankruptcy Court in the District of Massachusetts since then. Currently, Leah is serving as a term clerk to both Judge Finkle and to Judge Frank Bailey (MAB), splitting her time between our two courts. In late winter, Leah will transition to full time clerk for Judge Finkle. Please feel free to introduce yourself or say hello to Leah if you appear on a Zoom hearing for the Court.

Emergency Rental Assistance Programs

by Susan Thurston, Clerk of Court

Dear Bankruptcy Practitioners and Interested Parties,
Please share the below information as appropriate:

If you are a renter having trouble paying your rent or a landlord who has lost rental income due to challenges presented by the COVID-19 pandemic, help may be available. Through funding from the U.S. Department of the Treasury's Emergency Rental Assistance (ERA) program, there are a wide variety of state and local programs that offer assistance—including financial assistance—to those who are struggling to make ends meet.

Please see this Notice in either [English](#) or [Spanish](#) that provides general information and links to ERA assistance programs.



Upcoming Federal Rule and Form Amendments

by Amy Geraghty, Operations Supervisor

Proposed Federal Rule Amendments (Use the above link to access the proposed rule amendments)	Summary of Federal Bankruptcy Rule Amendments, Effective December 1, 2021
Rule 2005 -- Apprehension and Removal of Debtor to Compel Attendance for Examination (amended)	The proposed amendment to Rule 2005(c) replaces the current reference to “the provisions and policies of 18 U.S.C. § 3146(a) and (b)” —sections that have been repealed— with a reference to “the relevant provisions and policies of 18 U.S.C. § 3142”—the section that now deals with the topic of conditions of release.
Rule 3007 -- Objections to Claims (amended)	Subdivision (a)(2)(A)(ii) would be amended to clarify that the special service method required by Rule 7004(h) must be used for service of objections to claims only on insured depository institutions as defined in section 3 of the Federal Deposit Insurance Act, 12 U.S.C. § 1813.
Rule 7007.1 -- Corporate Ownership Statement (amended)	Amendments to this rule conform to recent amendments to Fed. R. Bankr. P. 8012 and Fed. R. App. P. 26.1, and the anticipated amendment to Fed. R. Civ. P. 7.1. Subdivision (a) would be amended to encompass nongovernmental corporations that seek to intervene. Subdivision (b) contains stylistic changes reflecting that some statements will be filed by nonparties seeking to intervene.
Rule 9036 -- Notice and Service by Electronic Transmission (amended)	The rule is amended to take account of the Administrative Office of the United States Courts’ program for providing notice to high-volume paper-notice recipients. <ul style="list-style-type: none">• Under this program, when the Bankruptcy Noticing Center (BNC) has sent by mail more than a designated number of notices in a calendar month (initially set at 100) from bankruptcy courts to an entity, the Director of the Administrative Office will notify the entity that it is a high-volume paper-notice recipient.• As such, this “threshold notice” will inform the entity that it must register an electronic address with the BNC. If, within a time specified in the threshold notice, a notified entity enrolls in Electronic Bankruptcy Noticing (EBN) with the BNC, it will be sent notices electronically at the address maintained by the BNC upon a start date determined by the Director.• If a notified entity does not timely enroll in EBN, it will be informed that court-generated notices will be sent to an electronic

	<p>address designated by the Director. Any designation by the Director, however, is subject to the entity's right under § 342(e) and (f) of the Code to designate an address at which it wishes to receive notices in chapter 7 and chapter 13 cases, including at its own electronic address that it registers with the BNC.</p> <p>The rule is also reorganized to separate methods of electronic noticing and service available to courts from those available to parties.</p> <ul style="list-style-type: none"> • Both courts and parties may serve or provide notice to registered users of the court's electronic filing system by filing documents with that system. • Both courts and parties also may serve and provide notice to any entity by electronic means consented to in writing by the recipient. • Only courts may serve or give notice to an entity at an electronic address registered with the BNC as part of the EBN program. <p>The title of the rule is revised to more accurately reflect the rule's applicability to methods of electronic noticing and service. Rule 9036 does not preclude noticing and service by physical means otherwise authorized by the court or these rules.</p>
<p>Official Form B 122B -- Chapter 11 Statement of Your Current Monthly Income (amended)</p>	<p>Amended – Office Form B122B is amended to correct instructions on the form. The amended instructions clarify that the form is not to be used by an individual debtor filing under Subchapter V of Chapter 11.</p>



27th Annual Employee Recognition Ceremony

by Kristen Batty, Deputy Clerk

September 23, 2021 marked the day the Bankruptcy Court held its 27th Annual Employee Recognition Ceremony. Due to the ongoing threat of COVID-19, all court employees celebrated the occasion via Zoom again this year, which event highlights the many great accomplishments completed by staff throughout the year. Below is a sampling of some of the awards received by our wonderful staff.



PC Systems Administrator, Steve Stricklett, received a **Gold Award** for managing the *Courtroom Technology Upgrade Project*. Steve served as project lead and was responsible for (1) procuring a courtroom consultant/designer; (2) all aspects of the contracting phase to select and monitor the approved installer; and finally (3) the coordination and oversight of the actual installation work, which was performed on-site throughout this COVID period. Once the new equipment and technology was finally installed, Steve also had to test each component to ensure we received a fully functioning system. Lastly, Steve also made sure the proper training was delivered and coordinated everything with our courtroom staff and the install team. The upgraded courtroom technology now provides us with state-of-the-art audio and video capabilities, thus ensuring our courtroom proceedings run smoothly, accurately and efficiently.

Courtroom Deputy Pamela Ricciarelli received the *Customer Service Award*. We think our attorneys would agree that Pam does an incredible job of managing the remote court proceedings in a professional and skillful manner. Comments from her colleagues include:

- “Pam has admirably performed extra service to litigants during COVID on our courtroom protocols and given several Zoom trainings and exhibit-presentation trainings to litigants.”
- “Pam always projects a professional and courteous attitude. When talking with attorneys or debtors, Pam treats everyone with kindness and uses her knowledge to help whenever possible.”

Keeping the Court’s website updated with accurate content and working hyperlinks is a monumental task. A group of court staff (Carolyn, Christine, Jen, Pam, Amy, and Susan) received an award for their hard work of scrubbing and updating our public website. The team mapped out all the menus and webpages in order to review each item of content for accuracy and modify where needed. The final product ensures our public website remains relevant, accurate, and user friendly!

Our highest honor, the *Sustained Superior Performance* award was presented to Judge Finkle’s Career Law Clerk, Jonathan Pincince. Jon has been with the Court since 2013 and during these eight years has proven to be not only an exceptional law clerk, but also a great colleague and friend. This past year,

Jon was instrumental in assisting the Court with creating new procedures for handling *highly sensitive documents* following the nationwide cyber-attack on the judiciary’s e-filing systems. Jon



and his co-workers researched various procedures and options, proposed and implemented an applicable general order, local rule amendment and internal process changes, as well as developed educational materials for the public and finally, reviewed all currently sealed documents for compliance. Jon also produced an attorney training document summarizing the bankruptcy related amendments of the December 27, 2020 Consolidated Appropriations Act. Jon is

27th Annual Employee Recognition Ceremony

(continued from page 7)

highly regarded by his co-workers, who wrote the following in support of this award: “Jonathan has a very strong sense of ethics. He works extremely well under pressure and always maintains a calm demeanor. He is very knowledgeable in all aspects of bankruptcy practice. His attitude is always positive. He maintains a professional demeanor while also being kind and thoughtful, with a pinch of humor.” We are extremely fortunate to have Jon working side by side with us every day.

In addition to the above, awards were also presented to applicable staff for their contributions to the following court projects completed in 2021:

- Updating of numerous court manuals including Attorney Handbook, the Electronic Filer User Manual, the Case Management User Manual, the Electronic Court Recorder Operator Manual and the Courtroom Deputy Manual.
- Implementation of a new check deposit program with the U.S. Treasury called *Mobile Check Capture*.
- Adoption of a new software program to produce instructional videos called *Camtasia*.
- Implementation of a new electronic travel management system called JETS, which stands for *Judiciary Electronic Travel System*.
- Employment of several new IT security applications such as ApexOne Antivirus, SolarWinds, and PacerNet.

While this year’s event was a huge success despite being held remotely, we are looking forward to resuming our in-person celebration in 2022. The staff of the RI Bankruptcy Court never cease to amaze us by how much they accomplish each year; please join us in congratulating them for all their hard work!!

Frequently Asked Questions About the Next Generation of CM/ECF [NextGen]

by Amy Geraghty, Operations Supervisor

Q: *I upgraded my PACER account, but I still can't login to CM/ECF.*

A: Ensure that you are using your CM/ECF login and password to access CM/ECF. You must then [link your CM/ECF account](#) to your PACER account. Once linked, your CM/ECF login and password will become obsolete and going forward you will use your PACER login and password to access NextGen CM/ECF.

Q: *How do I link my PACER account to my CM/ECF account?*

A: Log into CM/ECF, click on Utilities, then click “Link a CM/ECF account to my PACER account” and follow the steps. [Instructions](#) and a short video on linking your accounts can be found on the Court’s [NextGen webpage](#).

Q: *I forgot my login and password to the CM/ECF system..*

A: Please contact the Court. We will reset your CM/ECF password.

Q: *I forgot my PACER login and password.*

A: Please contact the [PACER service center](#) directly.

Q: *I upgraded my PACER account and linked to CM/ECF, but I still cannot file. I only see Query and Reports and my status in PACER is unknown.*

A: You may have registered for a new e-filing account in PACER, instead of accessing CM/ECF to link your PACER account to your CM/ECF account. To resolve, log into CM/ECF, click on Utilities then click Link a CM/ECF account to my PACER account and follow the steps. [Instructions](#) and a short video on linking your accounts can be found on the Court’s [NextGen webpage](#).



Thank YOU

NextGen CM/ECF “Go-Live” Attorney Testers

The Rhode Island Bankruptcy Court would like to express its sincere appreciation to attorneys **Robert Jacquard** and **John Simonian** for their assistance helping the Court prepare to go-live on the Next Generation CM/ECF system over the weekend of October 2-3, 2021.

These two bankruptcy professionals generously volunteered their time during our “go-live” weekend to test the Pacer/CM/ECF linking process, as well as our external-user electronic filing process. These tests provided us assurance that the NextGen system’s external electronic filing functions would be up and running for all of our 1,560 electronic filers on our live date of Monday, October 4, 2021.

Thank you, Robert and John!

A Tremendous Thank You to our Bankruptcy Legal Clinic Volunteer Attorneys -- 2022 Marks our Fifth Year of Operations!

In January 2022, the Court’s free Bankruptcy Legal Clinic (the “Clinic”) will begin its fifth year of operations, offering free legal support to our pro se bankruptcy population. The Clinic was formed in 2017 to address the high percentage of pro se bankruptcy case filings in our district, particularly Chapter 13 cases that were routinely dismissed prior to confirmation. The Clinic is a partnership between the Bankruptcy Court and volunteer members of the Rhode Island Bankruptcy Bar to provide free legal consultations with individuals either contemplating bankruptcy or who already filed bankruptcy in Rhode

Island. The Clinic provides these individuals with an opportunity to meet, one-on-one, with a volunteer bankruptcy attorney for a free half-hour bankruptcy discussion. During the COVID-19 pandemic, these consultations are being held telephonically, enabling the Clinic to continue to provide this vital service to those facing financial challenges.

Without the hard work and dedication of our volunteer bankruptcy attorneys, the Clinic would not exist. The Court is extremely grateful to these dedicated bankruptcy attorneys, who have continued to support the Clinic operations during this especially trying two years of COVID lockdowns and mitigation steps. We are so appreciative of your steadfast donation of time and expertise.

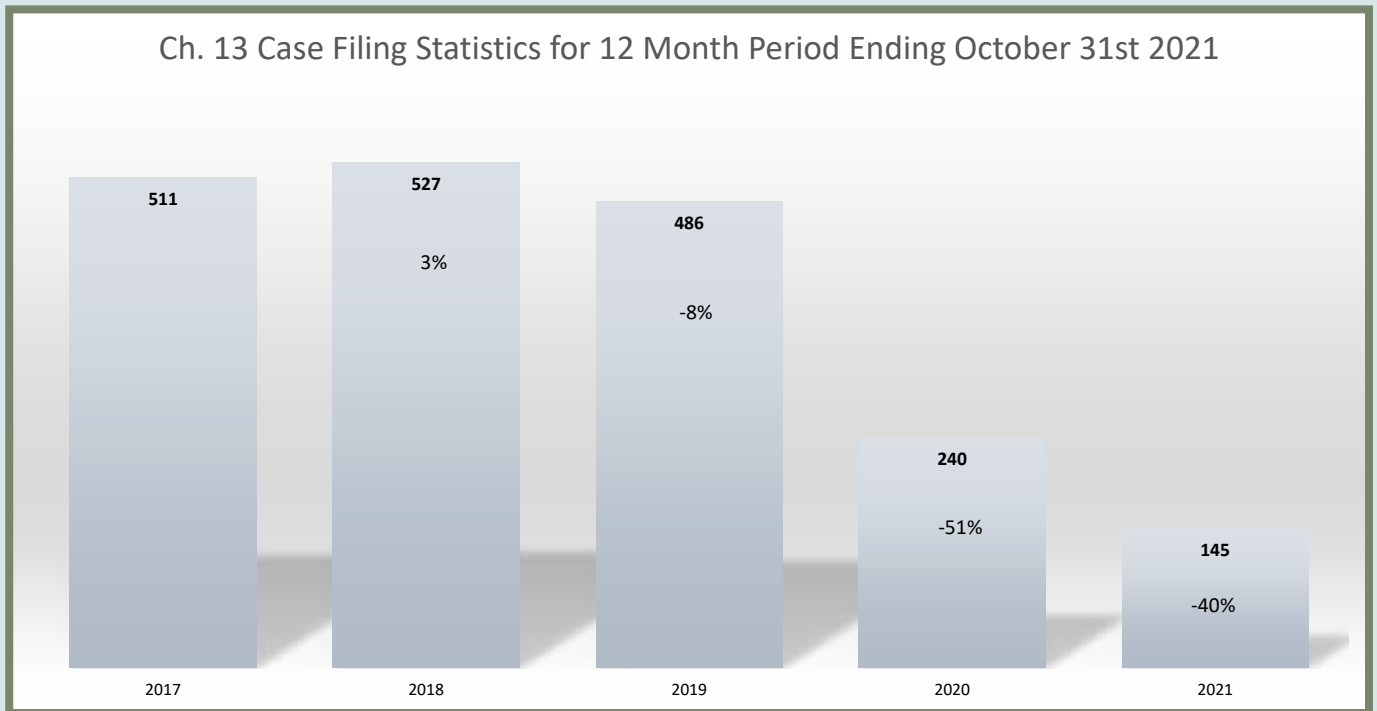
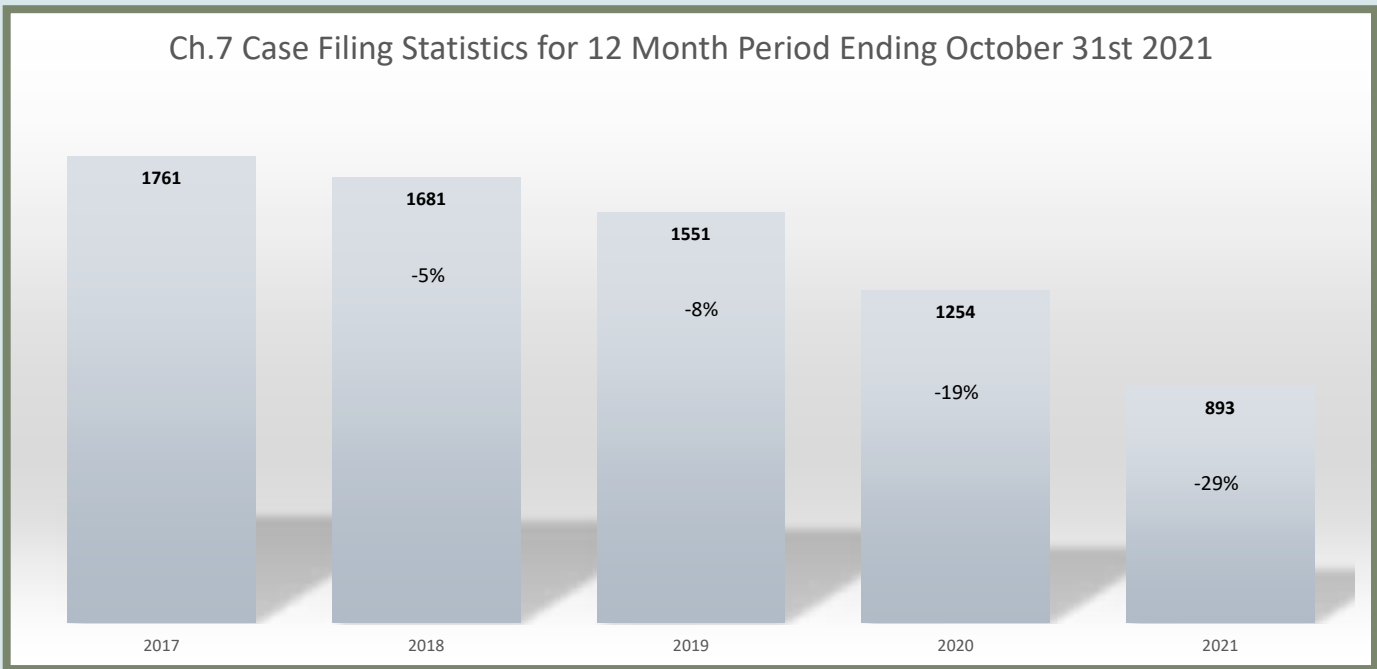
Please join the Court in applauding the following bar members for their volunteer work in this important public service effort:

**Lisa Geremia
Jacqueline Grasso
Janet Goldman
David Hathaway
Peter Iascone
Felicia Manni-Paquette
Charles Pisaturo**

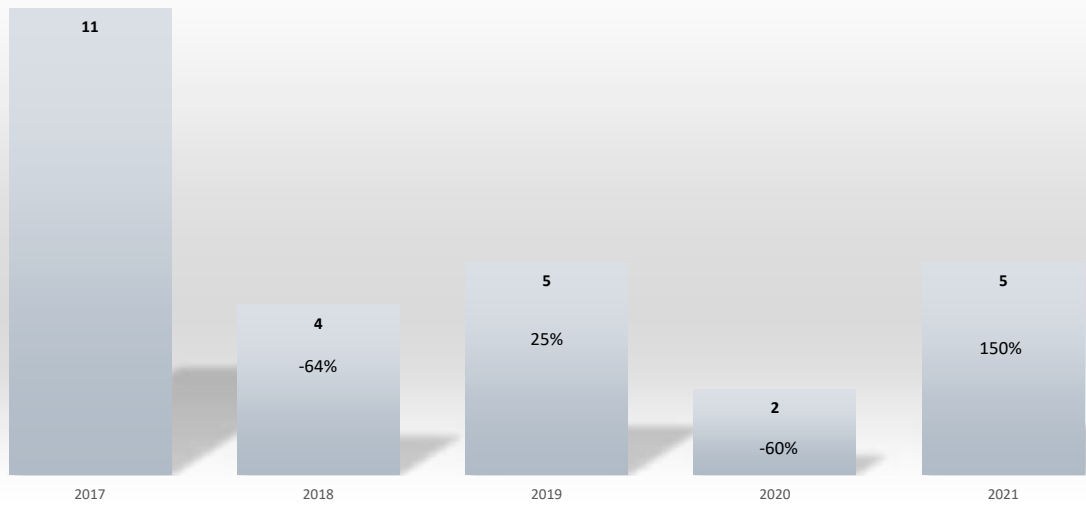
**Jack Pitts
Russell Raskin
Greg Sorbello
Tom Quinn
John Simonian
Edward Gomes**

Case Filing Statistics for Period Ending October 31, 2021

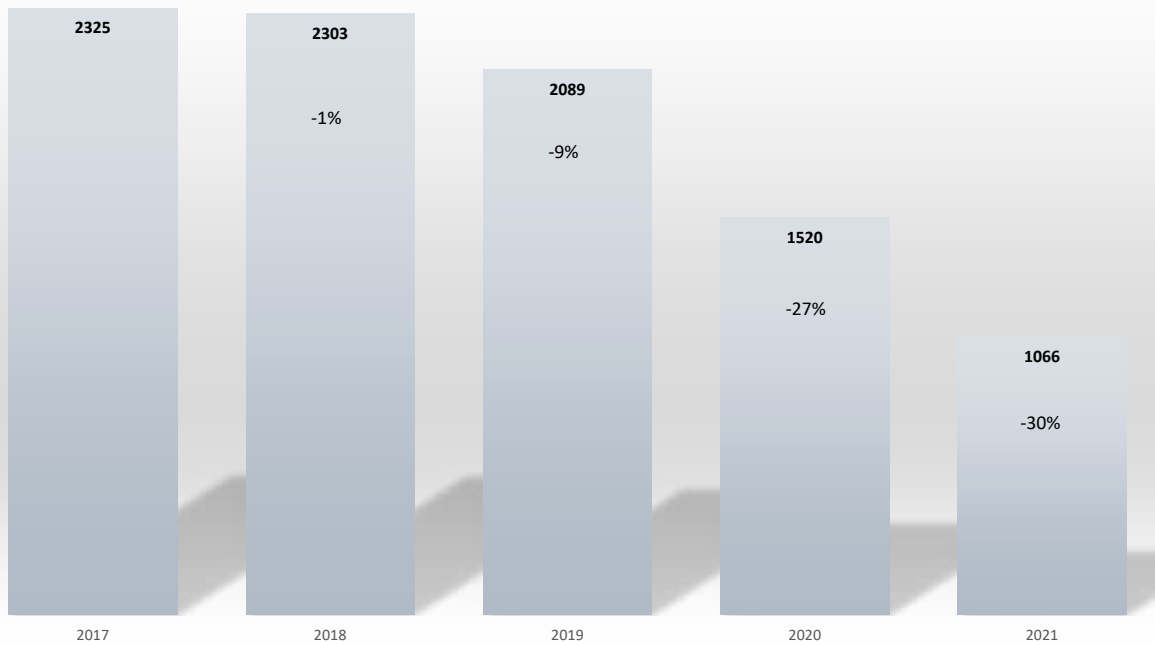
by Dina Fortes, ECF Analyst



Ch. 11 Case Filing Statistics for 12 Month Period Ending October 31st 2021



Total Cases Filing Statistics for 12 Month Period Ending October 31st 2021



UPCOMING COURT HOLIDAY CLOSING DATES

Thanksgiving Day - Thursday, November 25, 2021
Day After Thanksgiving - Friday, November 26, 2021
Christmas Day (Observed) - Friday, December 24, 2021
New Year's Day (Observed) - Friday, December 31, 2021
Martin Luther King Day - Monday January 17, 2022
President's Day - Monday, February 21, 2022
Memorial Day - Monday, May 30, 2022

CONTACT 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
E-Mail Address: rib_helpdesk@rib.uscourts.gov

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.