



■ Volume 19  
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# ON THE DOCKET



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## Inner Workings: News and Advice

*By Susan Thurston, Clerk of Court*

As I look out my window today, I see daffodils! How happy are we that spring is finally arriving in Rhode Island! Over this long winter, the Bankruptcy Court staff have been busy planning and implementing several technology projects as well as working to improve the services and support that we provide to the Bankruptcy Bar and to the public. Highlighted below are several of these projects.

One of the biggest technology undertakings our court has been working on over the past year and continues in 2018, is the Microsoft Government Community Cloud, Office 365 and Collaboration features project, collectively called "the Unify Project". The Unify Project is a judiciary-wide effort to transition its email, calendaring, instant messaging, file sharing, and other

collaboration and productivity tools to Microsoft Office 365 and Microsoft's Government Community Cloud over the next two years. This transition will bring with it tremendous new collaboration and productivity tools (OneNote, OneDrive, Skype for Business, SharePoint, Email migration to MS Outlook/Exchange) on a cloud-based platform, making them accessible anytime, anywhere to individual employees and will include new capabilities that will enhance productivity, mobility and keep data secure. Judiciary units throughout the country are working collaboratively with the Administrative Office to complete each stage of the project. In preparation for this effort, in April, our court launched an on premises MS SharePoint site to replace our intranet and shared network drives. This new platform gives court staff tremendous flexibility and transparency in finding content,



## Inner Workings

*(Continued from Page 1)*

documents, forms, and other information in an easy to navigate and search program.

A second major IT project we are working on is the move to a cloud hosted environment for virtual desktops and servers using the Administrative Office's hosted virtual data center, which will provide centralized support and a continuity of operation environment in the event of a natural disaster or other unexpected problem impacting building function/access. Currently, a majority of staff participate in weekly telework and the move to a cloud hosted environment will further this capability by enabling login to virtual desktops from any location with internet capability. Staff will also be converting from desktop computers to mobile devices (Surface Pro notebooks) to further expand the flexibility and mobility of our workforce. These technology improvements allow us to serve our customers wherever we are and with little downtime. Through our current telework program, we already are able to continue service to the public during unexpected weather events on-line and with our telephone service.

Another national initiative that our Court is involved in is the [Government Publishing Office's \(GPO\) Federal Digital System \(FDsys\)](#). FDsys is considered a content management system, a preservation repository and an advanced search engine. It offers the public free online access to official publications from all three branches of the Federal Government.

In the last five years, more than 115 federal courts (including Rhode Island bankruptcy and district court), have joined FDsys by

providing digitally signed PDF copies of court opinions, including all appellate and most bankruptcy and district courts, as well as the Court of International Trade. Opinions are pulled nightly from the courts' electronic filing systems and sent to the GPO, where they are posted on the FDsys website. Much of the content of the United States Courts Opinions collection dates back to April 2004, though GPO states that searchable electronic holdings for some courts may be incomplete for this earlier time period. Collections are divided into appellate, district or bankruptcy court opinions and are text-searchable across courts. According to the GPO, once an opinion is located, all associated opinions within the same case can be accessed from the opinion More Information page. The Administrative Office of U.S. Courts reports that the FDsys database now contains more than 1.92 million individual court opinions available to the public. While the public already can view federal court opinions for free on [PACER](#), the FDsys project presents yet another way to make court-related information more accessible to the public.

At its March 2018 session, the Judicial Conference approved a new 3-day transcript delivery category, defined as "a transcript to be delivered within three (3) calendar days after receipt of an order," with rates of \$5.45 per page for original transcript, \$1.05 per first copy page, and \$0.75 per additional copy page to the same party. Additionally, the Judicial Conference approved language clarifying the definitions of daily, hourly, and real time transcripts. The new language removes references to "adjournment" and "unusual circumstances," for tolling delivery time. Now, the definitions for all transcript





## Inner Workings

*(Continued from Page 2)*

categories and rates are applicable based on when a transcript is ordered from the court transcriptionist, not when the underlying proceeding ended.

A revised Schedule of Maximum Rates for all categories of transcript is available on the Court's website under [Case Info/Transcript Procedures and Rates](#). Questions regarding transcript ordering and delivery should be directed to the Transcription Clerk, Steve Stricklett, at 401-626-3126 or [Steve.Stricklett@rib.uscourts.gov](mailto:Steve.Stricklett@rib.uscourts.gov).

Lastly, we are so extraordinarily pleased to have reached the one year anniversary of our free Bankruptcy Legal Clinic. Since commencing operations a year ago, the Clinic has held 29 separate clinic sessions and has helped 33 unrepresented persons seeking bankruptcy assistance. The work of the Clinic would not be possible without the generous volunteer legal services provided by select members of the Bankruptcy bar. When we announced this initiative early last year, twenty-two bankruptcy attorneys immediately answered the call to serve, attended the clinic training session, signed up for a clinic date and came to the Court to conduct their scheduled clinic session assisting one or more unrepresented persons. Several of our attorney volunteers have since conducted multiple clinic sessions for us. Without this extraordinary response by our volunteer attorneys, our efforts to help the Rhode Island pro se debtor population would not be possible. To recognize these individuals, we are hosting an Appreciation Celebration at the Court on Thursday, May 31, 2018 from 3:30-5:00 PM for our volunteer attorneys. Please join the Court in congratulating:

John Boyajian

Stacy B. Ferrara

Brian D. Fogarty

Peter J. Furness

Lisa A. Geremia

Janet J. Goldman

Edward J. Gomes

Jacqueline M. Grasso

David B. Hathaway, Sr.

Kevin D. Heitke

Peter M. Iascone

Christopher Lefebvre

Stephen P. Levesque

George J. Lough, III

Felicia Manni-Paquette

Charles A. Pisaturo, Jr.

Jack D. Pitts

Thomas P. Quinn

Russell D. Raskin

John S. Simonian

Greg Sorbello

Paul F. Waldman





## Contacting the Court: What's Your Communication Style?

*By Amy Geraghty, Operations Supervisor*

In an age of instant messaging and on-line information access, slow customer response times are no longer acceptable. Multitasking millennials, and tech-savvy Gen Xers cut the phone cord a long time ago and now expect direct, immediate communication from anywhere, at any time. Fortunately, the Rhode Island Bankruptcy Court has several options to help you quickly communicate with the Court. Please visit our [Ways to Contact the Court page](#) under the About the Court menu at [www.rib.uscourts.gov](http://www.rib.uscourts.gov) for all available methods of court communication. Highlighted below are two easy and fast electronic methods.

**Live Chat:** If you are looking for real-time answers to non-legal bankruptcy questions concerning RI Bankruptcy Court practice, then we encourage you to take advantage of the Court's Live Chat feature on our website, which is located on the top left hand side under the red-menu bar on practically every page of our site:



Live Chat is available Monday – Friday between 9:00 AM and 4:00 PM (except during federal holidays), and your chat will be routed to the appropriate department selected for assistance. It's fast, easy, convenient and best of all, allows you to get an immediate answer to your question even when you are in the middle of filing a document with the Court!

**Help Desk:** Live chat not your style, or maybe you're working late in the office and you suddenly have a burning question you need answered but the Court is closed? Shoot us an email! Our email helpdesk is yet another channel of communication to help you get the job done properly. One of our Operations staff will answer your question the following business day morning, possibly even before you've arrived at the office. Email your questions to: [rib\\_helpdesk@rib.uscourts.gov](mailto:rib_helpdesk@rib.uscourts.gov). Please also visit [this webpage of our site](#) for additional information about ECF Help Desk support.

Both Live Chat and the Helpdesk are frequently used for:

- requesting PDF copies of bankruptcy papers;
- providing help with ECF account information such as updating logins, passwords and email addresses;
- general case information;
- information on how to file a specific document;
- information for debtors looking to file for bankruptcy without an attorney;
- filing certificates of credit counseling and/or financial management.

With multiple channels of communication available to the public, the Rhode Island Bankruptcy Court is just a click away!



## Ways to Contact the Court

### Accessing the Court By Phone



- Court Phone Directory
- Multi-Court Voice Case Information System (McVIS)
- Trustees

### Accessing the Court In Person



- Court Address, Directions and Hours
- Case Manager Assignments

### Accessing the Court via the Internet



- Court Website
- Live Chat (business hours only)
- Help Desk eMail Box

### The R.I. Bankruptcy Court Welcomes New Term Law Clerk

*by Kristen Batty, Deputy Clerk*

Please join me in welcoming Natalie Medved, Judge Finkle's newest term law clerk, to the court. Natalie is a 2016 graduate of Suffolk University Law School and lives with her husband in Boston, MA. Natalie will be a member of Judge Finkle's chamber staff from August, 2017 through August, 2019. Welcome Natalie!



**Welcome  
Natalie Medved**

## Jody Venuti Retirement as Quality Assurance Specialist

*By Amy Geraghty, Operations Supervisor*



Jody Venuti retired from the Rhode Island Bankruptcy Court on February 2, 2018, after twenty years of dedicated service, largely serving as the Quality Assurance Specialist. Jody started her career in 1998 as an unpaid, volunteer intern, assisting customers at the intake counter. Her intelligence, motivation and “can do” attitude were quickly noticed, and she was later hired as a permanent employee. In October 2002, after Jody had worked in numerous areas and positions within the Court, Jody was selected for the position of Quality Assurance Specialist, at the inception of the Court’s new electronic filing system. Throughout her bankruptcy employment, Jody consistently distinguished herself as an efficient, productive, reliable and talented employee, and received numerous special service,

best suggestion and best customer service awards. Jody was a wonderful resource person to everyone she interacted with including court staff, attorneys and their staff, creditors and the general public. Jody is already missed at the Court, but we wish her many happy years of retirement!

## Dina Fortes Promoted to CM/ECF Analyst

*By Amy Geraghty, Operations Supervisor*

Dina Fortes began her career at the Rhode Island Bankruptcy Court in 2009 as a Case Manager and upon the recent retirement of Quality Assurance Specialist Jody Venuti in February 2018, Dina was promoted to a newly created position of CM/ECF Analyst and Operations Support Clerk. Some of Dina’s new job functions include: electronic filing helpdesk support and electronic case filing (ECF) administration, such as dictionary, filing events, forms maintenance, statistics and reports. In addition, Dina continues to serve as the primary Electronic Court Recording Operator in the courtroom and is the lead producer of Adobe Captivate training modules on ECF. Dina is a very quick learner who embraces new technology and a perfect fit for this new role at the court! Congratulations, Dina!

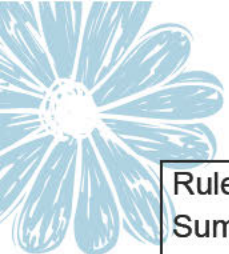




# Chart of December 1, 2018 Proposed Federal Bankruptcy Rule Amendments


By Holly D'Agostino, Courtroom Deputy

<p>Rule 3002.1 – Notice of Payment Change</p>	<p>Subdivision (b)(1) change: The rule requires 21 days' advance notice of any payment change, however, in cases of home equity lines of credit (HELOC), the courts may specify alternative notice requirements either by local rule or orders in individual cases.</p> <p>Subdivision (b)(2) change: The rule now acknowledges the right of a party in interest to object to a home mortgage payment change by filing a motion to determine validity of payment change ("the motion"). There is no deadline for filing the motion but if it is filed later than the effective date, the change will go into effect. If a motion is filed after the effective date and it is determined that the change was not required, appropriate adjustments will have to be made to reflect any overpayment. If the motion is filed before the effective date and leads to a suspension of the payment change, and it is later determined that the payment change was valid, the debtor will be required to cure the resulting default.</p>
<p>Rule 5005 – Filing and Transmittal of Papers</p>	<p>The rule makes electronic filing mandatory in all districts for entities represented by an attorney, unless the court allows non-electronic filing for good cause or by local rule. The rule also establishes what constitutes an electronic signature as "[a] filing made through a person's electronic-filing account, together with the person's name on the signature block".</p> <p>The rule permits an unrepresented individual to file electronically if allowed by the local court.</p>



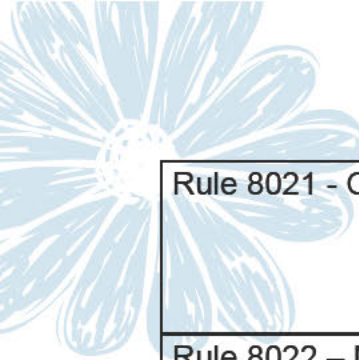
Rule 7004 – Process; Service of Summons, Complaint	The rule modifies and renumbers to update the cross reference to Civil Rule 4.
Rule 7062 – Stay of Proceedings to Enforce a Judgment	The rule incorporates all of Fed R. Civ. P. 62, except for retaining in bankruptcy the 14 day stay to enforce a judgment (the civil rule is being amended to provide a 30 day stay to enforce a judgment).
Rule 8002 – Time for Filing Notice of Appeal	<p>If Fed.R.Civ.P 58(a) requires a judgment to be set out in a separate document, the time for filing the notice of appeal runs from the earlier of when the judgment is docketed, or if no separate document is prepared, 150 days from when the judgment, order or decree is entered on the docket under Rule 5003(a).</p> <p>Subdivision (c) modifies the requirements in the inmate filing rule of what would constitute “timeliness” with respect to the filing of an appeal.</p>
Rule 8006 – Certifying a Direct Appeal to the Court of Appeals	This rule provides authority for the bankruptcy court, within 14 days after the parties’ certification, to file a supplemental statement about the merits of the certification.
Rule 8007 – Stay Pending Appeal; Bonds; Suspension of Proceedings	This rule is being amended to conform with the changes to Fed.R.Civ.P. 62, which formerly required a party to provide a “supersedeas bond” to obtain a stay or to enforce a judgment pending an appeal. As amended, the rule allows a party to obtain a stay by providing a “bond or other security.”
Rule 8010 – Completing and Transmitting the Record	Same change as Rule 8007 of removing term “supersedeas” and replacing with “bond or other security,” to obtain a stay or to enforce a judgment pending appeal.





Rule 8011 – Filing and Service; Signature	With respect to bankruptcy appeals pending in the BAP or district court, the rule generally makes electronic filing mandatory, establishes what constitutes an electronic signature, authorizes service via electronic filing on all registered users, eliminates the requirement of proof of service when service is made via the court's electronic filing system and clarifies the operation of the inmate filing rule.
Rule 8013 – Motions; Intervention	With respect to bankruptcy appeals pending in the BAP or district court, page limits are replaced with word limits for motions and responses produced using a computer. Page limits are retained for papers prepared without the aid of a computer.
Rule 8015 – Form and Length of Briefs; Form of Appendices and Other Papers	This rule reduces the word limits generally allowed for briefs but makes clear the court's authority to extend all length limits in Part VIII of the Bankruptcy Rules. The list of items excluded from length computations in form subdivision (a)(7)(B)(iii) is deleted and replaced with new subdivision (g).
Rule 8016 – Cross Appeals	This amendment reduces the word limits generally allowed for briefs
Rule 8017 – Brief of an Amicus Curiae	A new subdivision (b) is added to address the permissibility of filing an amicus brief during the court's consideration of whether to grant rehearing. It also authorizes the district court or BAP to prohibit the filing of, or strike an amicus brief, if it would result in a judge's disqualification.
Rule 8018.1 – District Court Review of a Judgment that the Bankruptcy Court Lacked the Constitutional Authority to Enter	This rule is new. If on appeal, the district court determines that the bankruptcy court did not have constitutional authority to enter the order from which the appeal was taken, the district court may treat the bankruptcy court order as proposed findings of fact and conclusions of law.





Rule 8021 - Costs	The rule eliminates the term “supersedeas bond” and replaces with “bond or other security” in order to tax costs on appeal.
Rule 8022 – Motion for Rehearing	The rule replaces page limits in a motion for rehearing with a word limit, when produced using a computer. Page limits are retained for papers prepared without the aid of a computer.
Rule 9025 – Security: Proceedings Against Security Providers	This rule is amended to reflect the amendment to Fed.R.Civ.P. 62, which allows a party to obtain a stay of judgment “by providing a bond or other security.” This rule is amended to reference “security providers”, not just “sureties”.



## ON SALE NOW!!!

### 2018 Local Rule and Form Book

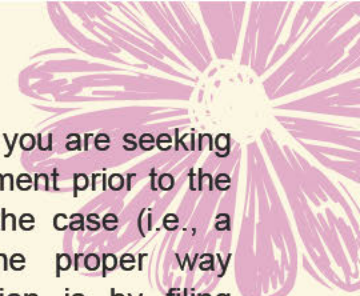
In December, the 2018 Edition of the R.I. Bankruptcy Local Rule and Form book became available for purchase. This edition includes all prior amendments since last published in 2016, as well as the December 1, 2017 changes.

Local rule books can be conveniently ordered either [through our website](#) or by visiting or calling the Clerk’s office. The cost of the 2018 book is \$14.50.

All online, fax, or phone orders require a Federal Express account number to cover shipping costs.

We only have a limited number of Rule books left, so hurry and order yours while supplies last!!!





## Tips and Tricks

By Jennifer Davis and Pamela Ricciarelli,  
Case Managers

**Financial Management Course Certificates (“FMCs”)** – Always check your case docket prior to filing the debtor(s) certificate(s). The certificates are frequently filed by the issuing agency as they now have the ability to electronically file them. This will eliminate duplicate docket entries and extra work on your part! Also, if filing FMC’s in a joint case, please scan both certificates as one PDF document before uploading to the docket. This will reduce unnecessary entries on the Court’s docket.

**Payment Advices or Affidavit of Non-Existence** – In joint bankruptcy cases, please scan both the debtor and joint debtor’s payment advices and/or affidavit of non-existence together as one PDF document before uploading to the case docket. Be sure both parties are selected as ‘party filers’.

**Notice/Entry of Appearance on Behalf of the Debtor** – If you seek to represent an existing debtor after the case has been filed, you must file a Notice of Appearance notifying the Court of your representation (whether for a prior pro se debtor or in substitution of another attorney). In these instances, you must also file a certificate of service with the Court, demonstrating service of your notice on all parties and creditors. The certificate of service should include as an attachment, a copy of the case’s Mailing Matrix evidencing the names and address of the parties served. See [Appendix V](#) and [LBR 9013-3](#). The mailing matrix can be found under “Utilities->Miscellaneous->Mailing Matrix by Case”.

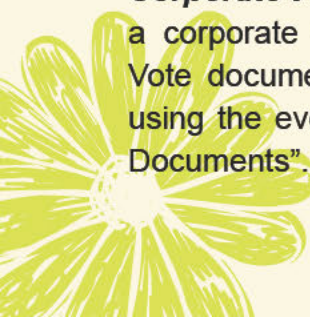
**Corporate Vote** - In non-individual cases where a corporate vote is required, the Corporate Vote document should be electronically filed using the event “Bankruptcy->Other->Missing Documents”.

**Motions to Extend Time** - If you are seeking to extend time to file a document prior to the discharge being entered in the case (i.e., a reaffirmation agreement), the proper way to request such an extension is by filing a “Motion to Delay Discharge,” using the event located under “Bankruptcy>Motions/Applications>Delay Discharge”.

**Motion to Continue Hearing** - Please remember to link the motion to continue hearing to the underlying moving/relief document (ie, motion, application) and not to the ‘hearing held’ event.

**Chapter 13 Plan** - In the new Chapter 13 Plan form ([Local Form 3015-1.1](#)) that took effect on December 1, 2017, the second paragraph of Part I includes a Notice to debtors. It states clearly, in bold and in capital letters, that in each of Parts 1.1, 1.2, and 1.3 the debtor **MUST** check either the “Included” box or the “Not Included” box. As to each Part (1.1, 1.2, and 1.3), the debtor should always check one of the boxes and may not leave either box unchecked. If the Plan includes one of these motions or nonstandard provisions in Part 8, and the applicable “Included” box is not checked, then that provision will be VOID.

**Motion to Declare a Lien Satisfied** - [Fed.R.Bankr.P. 5009](#) was amended on December 1, 2017 to add new paragraph (d). Rule 5009(d) permits a Chapter 13 debtor to file a motion for an order declaring that a secured claim has been satisfied and the lien released under the terms of a confirmed plan. The rule requires that the debtor serve the motion on the holder of the claim “in the manner provided by Rule 7004 for service of a summons and complaint.” Note in particular, that for a lienholder that is an insured depository institution, [Fed.R.Bankr.P.7004\(h\)](#) requires service by certified mail to an officer of the institution. The Court’s [Loss Mitigation Program](#) page has tips and service information for service on Financial Institutions.





# Passwords - The Keys to Your Web Access

*By Stephen Stricklett, PC Systems Administrator*

Passwords help protect our data. We need passwords to log into our computers, websites and even most cell phones. They also help protect your online identity. However, in our current era of hacking, cyber-espionage and spoofing, passwords are only able to protect your devices if they are complex, reliable (ie, easy to remember), not shared and changed frequently. With the number of passwords most people use throughout the day for both work and personal accounts, it can be daunting, if not impossible, to remember and/or keep track of different strong passwords. Sometimes people use the same passwords for multiple websites, or a combination of several. This certainly makes life easier for the user, but unfortunately could become a serious problem if one of the passwords is compromised. Once a password is stolen, hackers often attempt to use that information to log into other sites, gain access to your data and test account vulnerabilities.

To help users with password management, we offer the following best practice tips:

1. Use a Password vault type program to securely save your password credentials (login username and passwords). There are many free and paid options available (search "password manager apps"). Some only hold your login information while others interact with your web browser and programs. Most password programs have the ability to "generate" a strong password for you based on the requirements of the account, which takes the guesswork out of knowing if your password will be acceptable.

2. Keep different passwords for all of your accounts. If a hacker obtains one password for one account/site, they will not be able to unlock other accounts with different passwords.

3. The longer the password, the better. A good starting point would be to use at least 10 character passwords. Passwords should use a mix of: (a) upper case letters; (b) lower case letters; (c) at least 1 number; (d) at least 1 special character. Never write your passwords down except in a password management program.

4. When setting up your password recovery options, do not use real information. Most websites allow you to do a password reset from their webpage. If you use real information to answer the questions that most use (ie mother's maiden name), how much of that type of personal information is accessible elsewhere on the web, allowing someone to impersonate you and make changes to your account?

Simple misdirection may save your account

Example: Question: Mother's Maiden Name

Answer: instead of answering that question, enter the name of a song you like.

Do not use these for passwords:

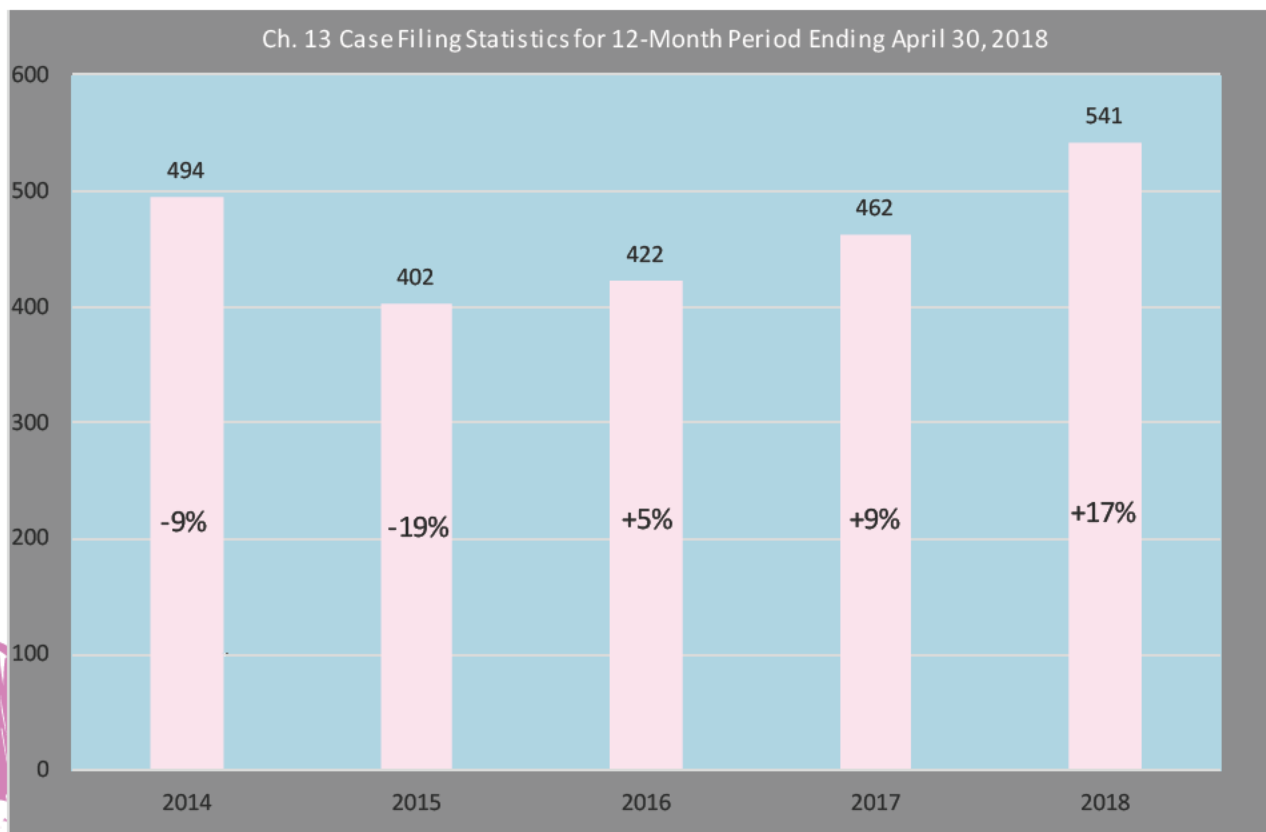
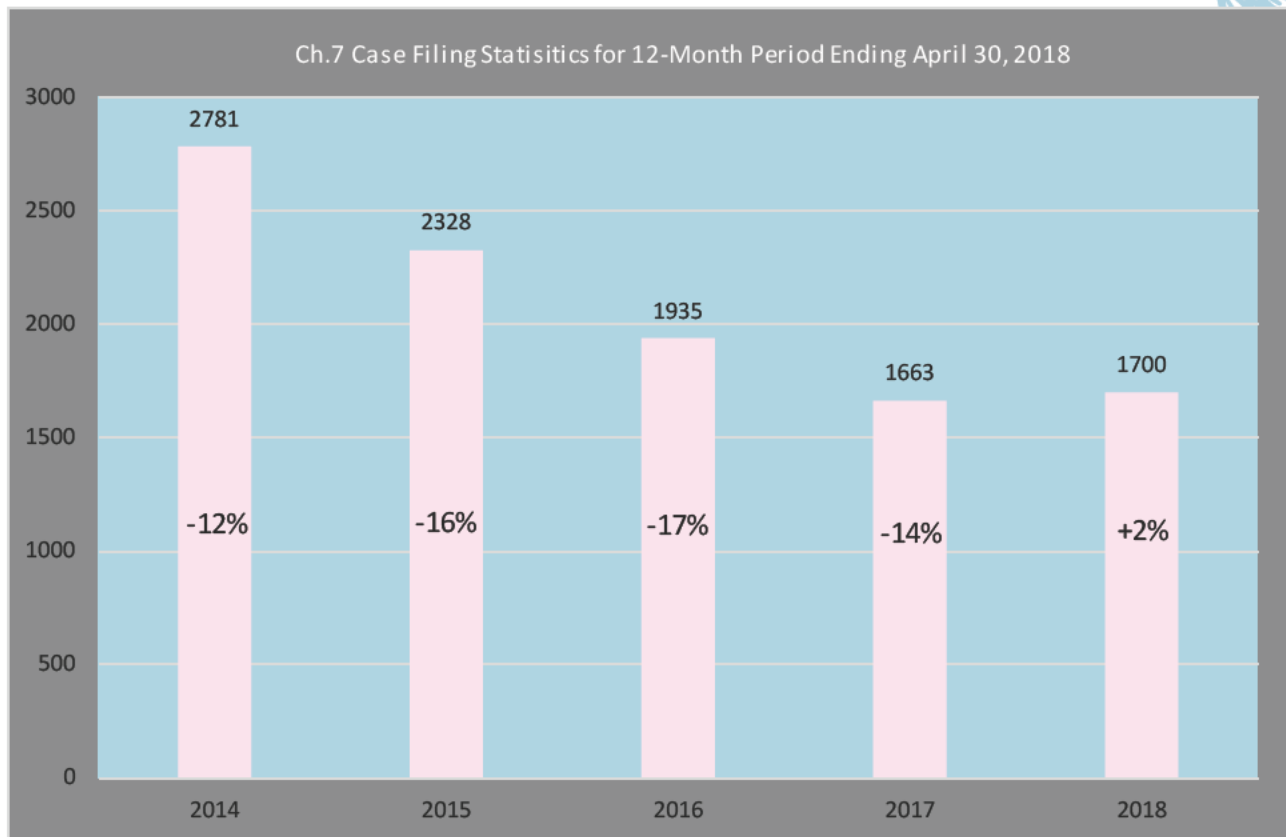
- Words in the dictionary – even two words together is not secure;
- Names and dates that relate back to your relatives or pets.

If you follow these best practices, you will be in a much better position to protect yourself and your personal data from theft, misuse or corruption in our computerized world!

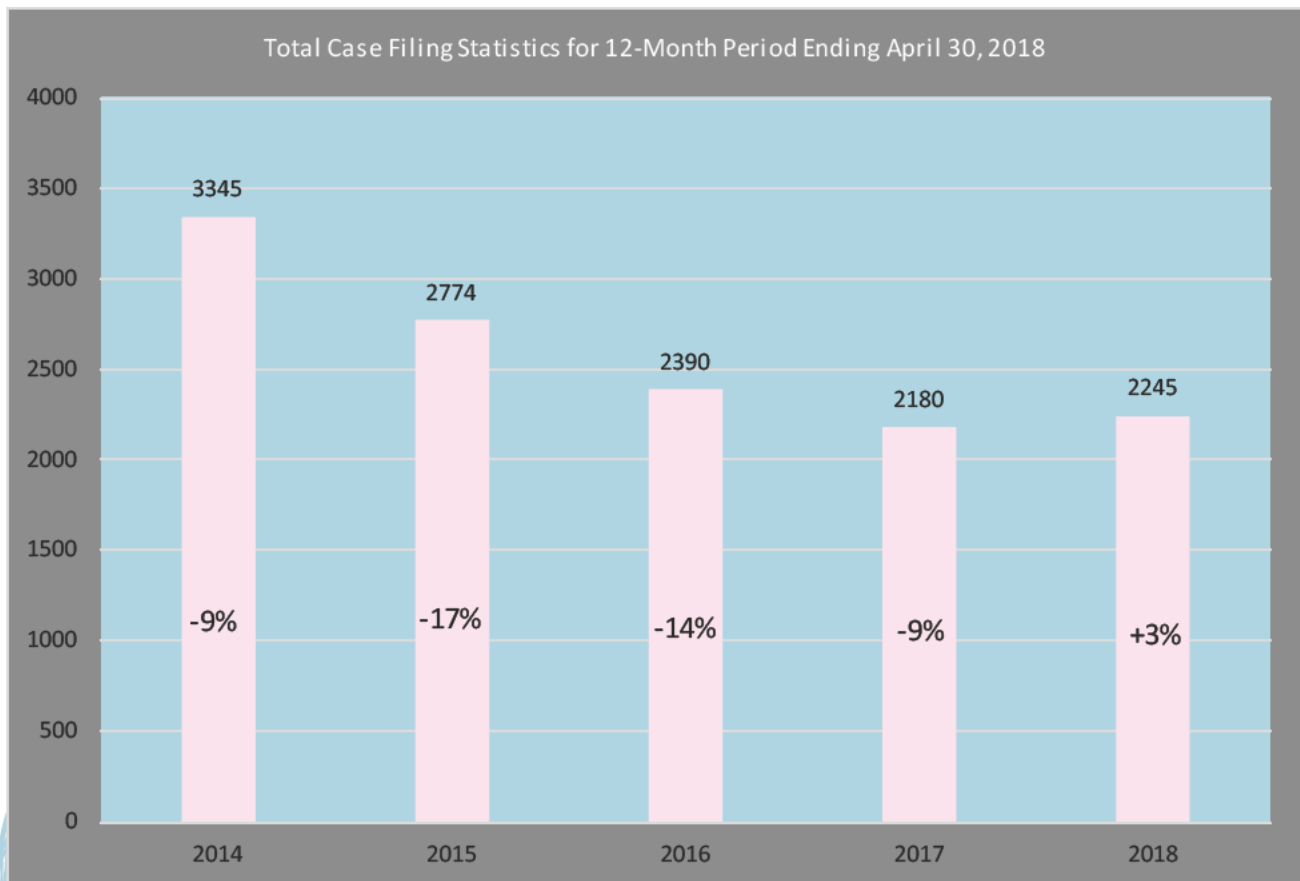
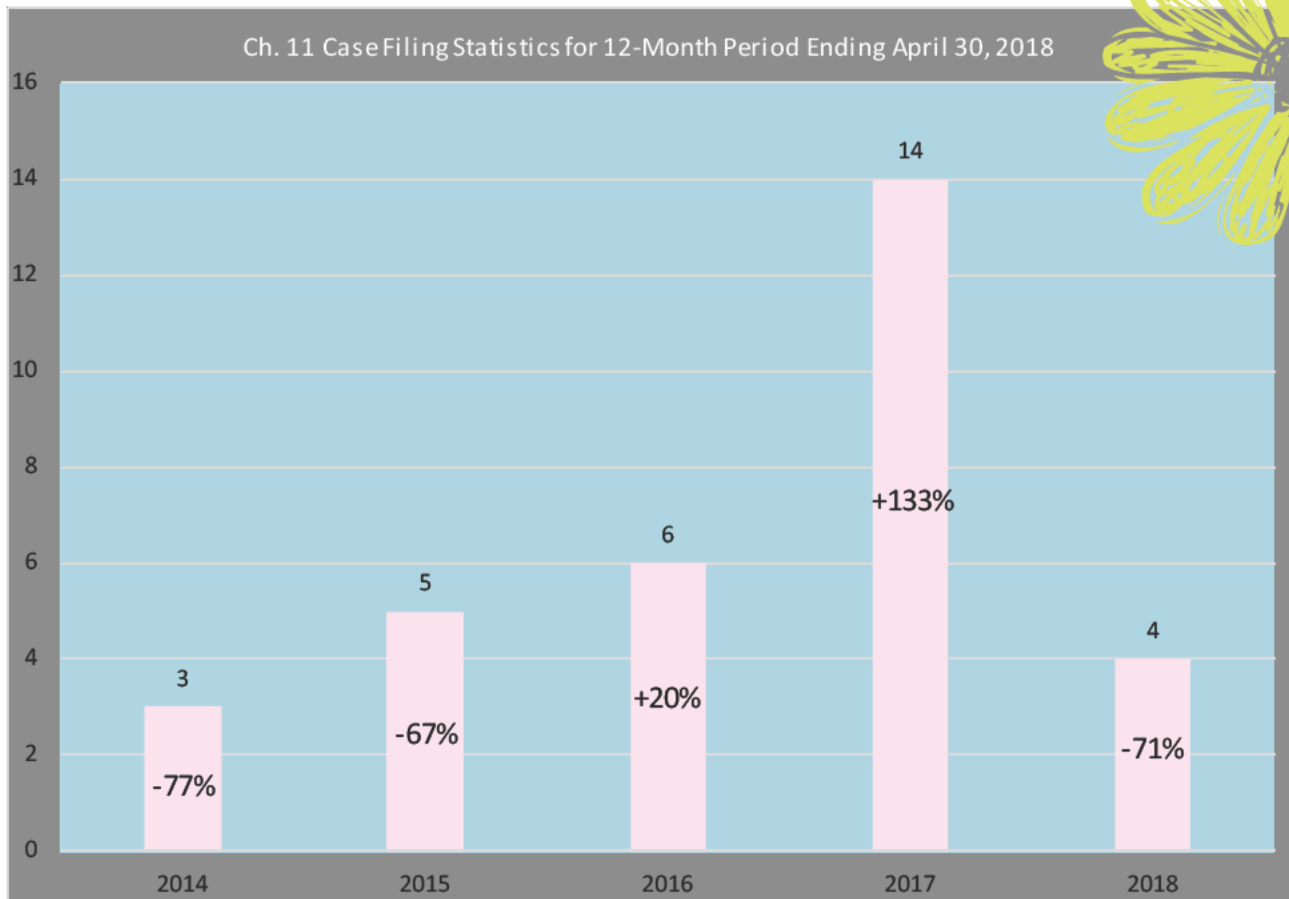


# Case Filing Statistics for 12 Month Period Ending April 30, 2018

by Dina Fortes, CM/ECF Analyst











## 2018 COURT HOLIDAY CLOSING DATES

Memorial Day - Monday, May 28th  
Independence Day - Wednesday, July 4th  
Labor Day - Monday, September 3rd  
Columbus Day - Monday, October 8th  
Veterans Day - Monday, November 12th  
Thanksgiving Day - Thursday, November 22nd  
Christmas Day - Tuesday, December 25th

## 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](mailto: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](http://www.rib.uscourts.gov)  
for local filing information.  
Thank you.

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