

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF RHODE ISLAND

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In re: :  
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BERNARD LEMOS ESQ. : Exemption Order No. 09-004  
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**ORDER DENYING ATTORNEY BERNARD LEMOS A PERMANENT  
EXEMPTION FROM ELECTRONIC FILING**

Pursuant to R.I. Local Rule 5005-4 which governs electronic filing, effective January 1, 2007, all papers must be filed and served electronically, unless an exemption is granted as specified under R.I. Local Rule 5005-4(c)<sup>1</sup>. On February 12, 2009, attorney Bernard Lemos, counsel for the Rhode Island Division of Taxation, filed a Motion for Exemption from Electronic Filing in the case of *In re: John D. Blue III*, Docket 08-13964, stating as grounds that the Tax Division appears before this Court no more than 15 times per year and files no more than 30 papers per year<sup>2</sup>, and that due to the small size of his office, scheduling and attending training would be difficult<sup>3</sup>.

Since the time of the filing of this motion, the Bankruptcy Court has converted its in-person ECF training to a web based version that can be completed by counsel at their own offices. Therefore, Attorney Lemos' concern in having to schedule and attend training at the Court is no

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1 LBR 5005-4(c)(1) provides in relevant part that, "[i]f filing electronically creates an undue hardship, an attorney may request permission to file documents conventionally. The request should be made to the Court and shall contain a detailed explanation of the reason(s) for the request. However, prior to requesting an exemption, attorneys are urged to participate in Court-sponsored ECF training and to seek assistance from the Clerk's Office."

2 This is either 30 or 40 papers per year, as attorney Lemos has a typo in his document which says "forty (30) legal papers annually."

3 Prior to ruling on the Motion for Exemption, the Clerk's office contacted Attorney Lemos numerous times in an attempt to obtain registration forms and set up training, but Attorney Lemos failed to follow up with the court in each instance.

longer applicable. Additionally, as it has been two and a half years since this Court commenced mandatory electronic filing, and nearly three years since the U.S. District Court in Rhode Island went to full electronic filing (effective August 1, 2006), the State of Rhode Island through its Division of Taxation, needs to also get on the band wagon and learn how to file its documents electronically. To date, there are more than 1,200 attorneys using this system at the Bankruptcy Court and we are confident that Attorney Lemos will find it equally user friendly and efficient in filing documents on behalf of the State Division of Taxation. In order to assist Attorney Lemos with this transition however, the Court will provide the following accommodation:

The requirement that all fees be paid by credit card will be waived as to Attorney Lemos, who may continue to pay all filing fees by check.

Accordingly, Attorney Bernard Lemos' Motion for Exemption is **DENIED** and he is hereby ORDERED to complete the on-line registration and training modules in this Court's ECF system in order to file any future documents with this Court. Detailed information may be found on the Court's website at: [www.rib.uscourts.gov](http://www.rib.uscourts.gov).

ORDER



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Susan M. Thurston  
Clerk of Court

ENTER:



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Arthur N. Votolato  
U.S. Bankruptcy Judge  
Dated: 6/22/09