UNITED STATES BANKRUPTCY CO	URT
FOR THE DISTRICT OF RHODE ISLA	ND
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In re:	:
	:
ERIC S. BRAINSKY ESQ.	:
	:
	x

Exemption Order No. 09-007 MP 09-107

ORDER DENYING ATTORNEY ERIC S. BRAINSKY 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 $5005-4(c)^1$. On September 9, 2009, Attorney Brainsky filed a Motion for Exemption from electronic filing in *In re Brayton, et al v. Booth*, AP 09-1075, on the grounds that he does not foresee representing any new parties before the Bankruptcy Court, and to require him to become an electronic filer would create an undue hardship. On October 1, 2009, at the request of the Court for a more detailed explanation in support of his request, Attorney Brainsky filed a Memorandum. In a first in these matters, on October 7, 2009, Attorney Thomas Orr, representing the defendant in adversary proceeding 09-1075, filed an objection to Attorney Brainsky's exemption request.

Attorney Brainsky offers two reasons in support of his hardship request – first, that he does not often practice before this Court and second, that he is presently before this Court "solely for the purpose of representing the Plaintiffs as creditors" in AP 09-1075. Neither of these reasons are adequate grounds to grant Mr. Brainsky's motion. It should come as no surprise that most

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."

creditors that appear before the Bankruptcy Court do not choose to come here, but are required to if they wish to participate in the bankruptcy process. Attorneys in Rhode Island that represent creditors in bankruptcy are required to use the Court's electronic filing system the same as attorneys representing any other parties in this Court.

As we have stated in several recent orders denying electronic filing exemptions, it is now nearly three years since this Court commenced mandatory electronic filing, and more than three years since the U.S. District Court in Rhode Island went to full electronic filing (effective August 1, 2006). There are more than 1,200 attorneys now using the Bankruptcy Court's electronic filing system. For attorneys practicing in the federal courts in Rhode Island, and in almost every federal district in the United States, the use of the federal courts' electronic filing system is required. Furthermore, to make the transition even easier for counsel, the Bankruptcy Court converted its in-person ECF training to a web based version that can be completed by attorneys in their own offices, and at their own convenience.

Accordingly, Attorney Brainsky's Motion for Exemption from electronic filing 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: <u>www.rib.uscourts.gov</u>.

ORDER

Susan M. Thurston Clerk of Court

ENTER:

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Arthur N. Votolato U.S. Bankruptcy Judge Dated: 11/12/09

Entered on docket: 11/12/09