

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF RHODE ISLAND

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In re: : Exemption Order No. 09-008  
:  
MICHAEL KELLY ESQ. :  
: MP 09-108  
:  
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**ORDER DENYING ATTORNEY MICHAEL KELLY 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>. Two years ago, on November 1, 2007, Attorney Michael Kelly filed a motion for exemption from electronic filing in adversary proceeding 07-1051 on the grounds that he did not intend to represent any new parties before the Bankruptcy Court in the future. In reliance on that representation, on November 9, 2007, this Court granted Attorney Kelly a limited exemption from electronic filing for the purpose of completing said adversary proceeding and with the condition that “he [Kelly] will not file any new cases or documents in this Court upon the completion of these cases.” *See*, Exemption Order 07-011.

On September 9, 2009, Attorney Kelly filed a second motion for exemption, seeking another limited exemption from electronic filing, again on the basis that, “he does not foresee representing any new parties before the Bankruptcy Court” and further that becoming an electronic filer would create an undue hardship. No specific reasons were given in support of Mr. Kelly’s hardship request. Moreover, since the filing of Mr. Kelly’s new exemption request, we have

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<sup>1</sup> 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.”


learned that Mr. Kelly is a registered electronic filer with the United States District Court for the District of Rhode Island. Based upon these circumstances, Mr Kelly has failed to establish that using the Bankruptcy Court's electronic filing system would create an undue hardship<sup>2</sup>.


It has been 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). More than 1,200 attorneys are using the electronic filing system at the Bankruptcy Court. 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. In late 2007, we granted Mr. Kelly a limited exemption to complete his then pending adversary proceeding based upon his representation that he would not be representing any new parties in this Court. If Mr. Kelly now intends to reenter the federal bankruptcy practice in this district, he will need to become an electronic filer, just as he has with the U.S. District Court. To make this transition even easier, the Bankruptcy Court has converted its in-person ECF training to a web based version that can be completed by counsel at their offices, whenever convenient.

Accordingly, Attorney Kelly's Motion for Exemption from electronic filing is **DENIED** and he is hereby ORDERED to complete the on-line registration for 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

ENTER:

  
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Susan M. Thurston  
Clerk of Court U.S.  
Entered on docket: 11/12/09

  
\_\_\_\_\_  
Arthur N. Votolato  
Bankruptcy Judge  
Dated: 11/12/09

<sup>2</sup> As an electronic filer in another federal court, Attorney Kelly need only file an Affidavit with this Court in order to become an electronic filer here.