

ON THE DOCKET

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Inner Workings: News and Advice

By: Susan M. Thurston, Clerk of Court

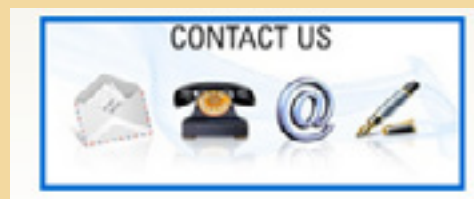
It's hard to believe that it is already October with summer just a sweet memory gone by. October 1 was also the commencement of the Court's fiscal year and although our case filings have been on the decline, we are grateful to have finished FY14 without having to further reduce staff.

After six months of contractors renovating our court space, we are delighted that the construction project is finally complete and we hope you all enjoy the updated lighting and ceilings that brighten up the library and rooms surrounding the courtroom. We also added some new bankruptcy artwork and scenes of Rhode Island in our public spaces, so please take a few minutes to study the Bankruptcy Timeline outside the courtroom [see [page 2](#) for image] and the various Bankruptcy Chapter Flow Charts in the Attorney Conference room. You might learn something new!

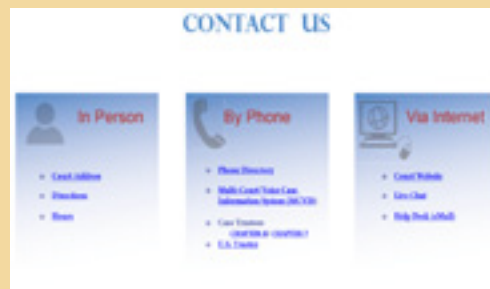
In addition, you may notice a new iPad system, set up in the courtroom corridor, for attorneys to easily look up case filing

information through the ECF Query feature. See [page 3](#) for a more in-depth discussion of this new court service.

Recently we added a new Contact Us link to our website to describe the many ways to obtain information from the Court.



By clicking on this icon, a new page opens providing links to reach the Clerk's office staff either in person, by phone or via the internet, including our Live Chat feature. I encourage you to visit this page and share it with your staff so that we may provide the method of customer service that best suits your needs.



continued on page 2

Inner Workings

(continued from page 1)

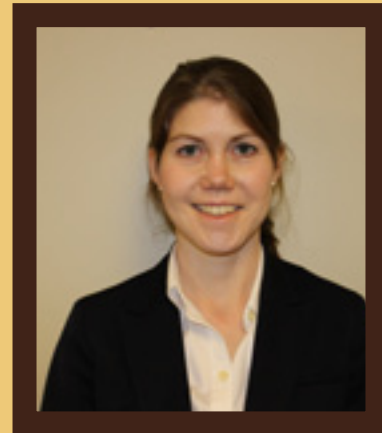
As mentioned in our June newsletter, we have been working to improve our on-line attorney resources with updated court practice and electronic filing procedures. I'm am very pleased to announce that these updated resources -- a new [Attorney_Handbook](#) and [Electronic Filer User Manual](#) -- are now posted on the [Attorney Resource page](#) [For Attorneys> Bankruptcy Resources and Manuals] and contain hyperlinks to associated topics, rule and form references and related websites. I would like to thank three of our court staff -- Gail Kelleher, Amy Seale and Janet Descoteaux -- who worked together as a team to not only update the content and incorporate cross-references and hyperlinks, but who also took on the challenge of learning a new software application (Flare) in order to present the information in a user friendly, easy to navigate format.

Lastly, please remember to sign up for our social media communication systems -- email, Facebook and Twitter. While we try to limit how many emails we distribute, we use Twitter to send out reminders of upcoming changes and also recent circuit opinions that cover bankruptcy topics. If you follow other bankruptcy feeds on Twitter, consider adding our court to your list. You

can find us at <https://twitter.com/USBCDRI1>.

Please feel free to email me at Susan_Thurston@rib.uscourts.gov with any concerns or suggestions for improving the Bankruptcy Court

Welcome New Law Clerk



Catherine E. Thomas

New Artwork Outside of the Courtroom The Evolution of U.S. Bankruptcy Law (Timeline)



Recent Court Opinions

by Catherine Thomas, Law Clerk; Jonathan Pincince, Law Clerk; and Keith Phillis, Chambers Intern

Here is a short digest of some noteworthy opinions of the Court. As always, opinions are available on the Court's website at <http://www.rib.uscourts.gov/?q=judges-info/opinions>.

Taylor v. Calise, A.P. No. 12-01052 (In re Calise, BK No. 12-12948) (July 9, 2014) (Chapter 7): After a non-jury trial on the plaintiff's claims under 11 U.S.C. §§ 523(a)(2)(A) and 523(a)(4), the Court concluded the defendant's debt to the plaintiff was nondischargeable pursuant to § 523(a)(2)(A) because the plaintiff proved by a preponderance of the evidence that the debt was for money obtained by a false representation with the intent to deceive. The Court also concluded the debt was not nondischargeable pursuant to § 523(a)(4) because the plaintiff did not prove by a preponderance of the evidence that the defendant intended to wrongfully and permanently deprive the plaintiff of the money.

In re DiRuzzo, BK No. 08-12571 (July 24, 2014) (Chapter 13): The Court granted in part and denied in part the Chapter 13 trustee's motion for turnover of funds paid to a creditor for five years under a Chapter 13 plan, where the creditor had not filed a proof of claim before the claims bar date, the plan confirmation order had provided for the allowance of the creditor's claim as an unsecured claim, and the Court, after plan confirmation, had sustained the trustee's objection to the creditor's claim as untimely when the creditor did not respond to the trustee's objection to the claim.

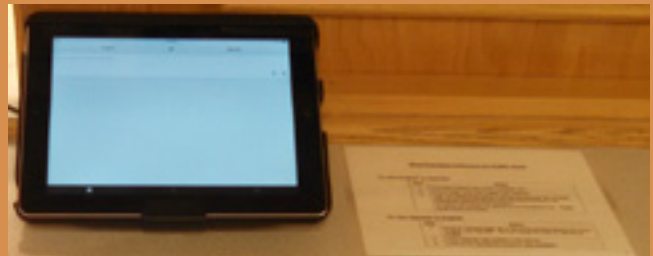
In re Lanois, BK No. 13-13070 (Sep. 10, 2014) (Chapter 13): The Court overruled an objection to plan confirmation made by the mortgagee of the debtor's real property, a multifamily dwelling that served as both the debtor's principal residence and as income-producing rental property. The mortgagee objected to the plan because it did not provide for the continued payment of private mortgage insurance, to which the mortgagee

argued it was entitled under the terms of the mortgage. The Court concluded, however, that omitting private mortgage insurance from mortgage payments was not in contravention of the anti-modification provision of 11 U.S.C. § 1322(b)(2) because that section does not bar modification of a secured claim on a multifamily dwelling where the security interest extends to the income-producing units.

Additional Technology for Our Customers

by Steve Stricklett and Kristen Batty

The Bankruptcy Court is pleased to offer 2 iPads for customer use. One iPad is set up in the Clerk's Office Intake Area, this iPad is set to the "Google Translate" application in order to increase customer service to those needing translation services. Customers are able to speak, type, or write in their native language for a complete translation. Simply pass the iPad back and forth to the clerk for your answer in any one of 80 offered languages.



The second iPad is located in the courtroom waiting area, this iPad is set up with ECF Mobile Query which provides an easy to use interface to access ECF. Directions are posted directly above the iPad. Please take a look and try them out if you'd like. If you need any assistance, please ask one of the clerk's in the Clerk's Office.



20th Annual Employee Recognition Ceremony

by Gail Kelleher, Chief Deputy Clerk

The Court celebrated the end of another year of its service to the public, and recognized the individual contributions of staff members. Highlights of some of the exceptional work performed included implementation of:

- eFIN & ePOC – these two programs allow non-registered ECF users to file Financial Management Completion certificates and Proofs of Claim electronically with the Court;
- Gov.Delivery – this communication platform allows subscribers to choose more specifically what information they wish to receive by email;
- Improved Captivate training modules – new modules were included to assist ECF users; and all modules now include voice-over instructions.

Several staff reached longevity milestones: Case Manager Dina Fortes & Public Information Specialist Janet Descoteaux each completed their fifth year of service; Case Managers Carolyn Sweeney and Christine Lanni each completed twenty years of service; and Chief Deputy Gail Kelleher completed her 35th year with the Court.¹

Customer Service is a priority of the Court – these staff were recognized by you and their co-workers as having provided exceptional service during the last year: Holly D’Agostino; Jody Venuti; Steve Stricklett; and Pam Ricciarelli. Thank you to everyone that took a minute to submit a nomination. Your kind words were directed to each staff, and they were most appreciative.

Judge Finkle was this year’s Pell Award recipient recognizing her commitment to public service. In addition to her continued commitment to the Loss Mitigation program, Judge Finkle participated in the following educational programs: American Bankruptcy Institute NE Consumer Bankruptcy Conference; Massachusetts MCLE Annual NE Bankruptcy Conference; and the RI Annual Bar Association Meeting.



Each year, one person is selected by the staff to receive the Court’s Sustained Superior Performance award. You may have seen this year’s recipient in the courtroom recording proceedings, or you may have spoken with him on the phone for technical support. Steve Stricklett has served as the Automation Specialist for the past eleven years. Whenever staff have computer problems, or when there is a hiccup with ECF, Steve is the person who makes things right. He never loses his patience (even when it’s user error). In fact, Steve smiles and says, “no problem... it’s not an issue.” As one person said, “I could not do my job without Steve being just a phone call or an IM away.” Congratulations Steve!

¹ No, I will not be attempting to break Judge Votolato’s record of 44 years of service; I’ll be retiring effective January 2, 2015.

We Heard You – Q and A from Recent Attorney Customer Service Survey

by Susan Thurston, Clerk of Court

Recently the Clerk’s office conducted a survey of our most frequent attorney filers to provide us feedback on the use of our website and customer service. Below are answers to the questions/comments posed by the participating Bar members from the survey:

Question/Comment 1: Why so many ECF events?

[Attorney comments: It sometimes seems that the number of events in the cm/ecf system is exceedingly large and not very intuitive as to where to find certain events leading to wasted time as you hunt for what you want or try and determine if it’s the closest event to what you are actually filing. Some of the “events” are redundant, i.e. Objection to Claim vs. Motion to Disallow Claim, which can be confusing].

Answer 1: We agree! There are instances in the ECF database where it is confusing to know which event to use particularly as some seem to be the same. In response, we have gone through our list of events and simplified many of them by combining them and adding questions within the event if necessary to refine what separate information might need to be identified for further case processing. For example: We consolidated the Motion to Borrow with the Motion to Borrow under Section 364 events. By using the Motion to Borrow event, you will be presented with a question as to whether the motion refers to obtaining credit under Section 364 or not. Depending on how you answer will determine what the rest of the event will do. If you answer yes to the § 364 question, the event will add specific language to the final docket text and a statistical record will be sent to the Administrative Office (because the AO collects data when a Motion to Borrow references Section 364 only). However, there are some events that continue to require separation because of when they might be used, i.e. Seal (Motion to) and Sealed Motion are separate events because one relates to sealing something already on the docket and the other refers to sealing the motion about to be filed. For further information see “*Simplification of Events*” article on [page 8](#).

There is also a search feature available to help locate the proper event – by clicking on the Search tab in the blue bar within ECF and typing in what you want to file, you will be presented with a display that includes links to where the event is located. This can save you some time.



Question/Comment 2: Why is it so difficult to locate credit counseling agencies on the court website?

Answer 2: Since the approval of credit counseling agencies is managed by the Office of the United States Trustee, not by the Bankruptcy Court, the court’s website links to the US Trustee site for access to this information. Unfortunately, as the list of approved agencies changes frequently it is not possible for the Court to maintain a separate list of these agencies. However, a [direct link to the Rhode Island approved agencies](#) posted by the US Trustee is available on our [credit counseling page](#) found under Filing Without an Attorney>Before You File>Credit Counseling. Attorneys might consider bookmarking this page so they can forward the list of Rhode Island agencies to their clients. We are in the process of updating our website and will work to improve the placement of the credit counseling link information.

Question/Comment 3: Could there be a more direct and accessible link to docket information? The “case information” link takes the user to the PACER website. There is no need for that link for CM/ECF filers.

A direct link to a sign in screen for docket information would be a great addition.

Answer 3: The direct link for docket information is posted on the top left hand section of the Home page of the website. It is called “E-Filing (CM/ECF)” and appears just under the Pacer link.



Question/Comment 4: The website navigation needs improvement. The rules and forms section provides an example. Click forms and you don't get the forms or even the links right in front of you but off to the side in a link to the actual list of forms (broken down by type) and why are rules and forms separate drop down submenus when clicking one puts you on a page with both rules and forms on that side menu? If you are only going to get a list of other links then why have the drop down submenu at all... just do a rules and forms tab which drops you to the page that has all of it anyway instead of pretending each part of the drop down menu will take you somewhere different.

Answer 4: We agree! This site was built several years ago and was not designed with the best use of menus and submenus and side panels. We have a team working on re-organizing the site and fixing the menu options so that you do not need to open unnecessary pages or click extra links. We understand your frustration and are working to have the site updated in FY15.

Question/Comment 5: Are case managers really assigned to a specific number of cases? Ending in specified digits? Is it antiquated to have them still assigned to certain cases? I don't see the benefit from the user side, but there may be from your side.

Answer 5: Yes, case managers are assigned their work based on assigned case numbers ending in specific digits. This works for a number of reasons. The case managers run daily reports based on their case numbers to identify which of their cases have new filings that need to be reviewed and to run deadline reports for sending matters into chambers or taking action. Without some form of work distribution, case managers would not know who was doing what work. Additionally, since many of our cases pend for many years, it is very helpful for the same case manager to handle the case from start to finish as they are aware of the case history, case parties, the numerous pending matters that may impact each other and the case status. The court receives several thousand cases a year and has several thousand pending cases at any one time and having staff who are familiar with the specific details of certain cases, particularly chapter 13 and 11 cases, is invaluable to managing an accurate case management system.

Simplification of ECF Events

by Gail Kelleher

Several months ago, a customer service survey was sent to the most frequent users of the Court's electronic filing system (ECF). Many worthwhile suggestions were submitted, including an observation made by several users regarding the sheer number of events from which to choose. A small committee has been working to address this problem by combining similar events and adding conditional logic so that screens display correctly based on user input during filing. A few duplicative events were archived as well, and will no longer appear in the pick list. If you have suggestions regarding other events that would be suitable for combining, please contact Jody_Venuti@rib.uscourts.gov (401-626-3145).

To date, the following events have been combined into a single event; prompts have been added to address various scenarios. Note: if the original event offered the option of text only or required a fee, the new 'combined' event provides the same text only option or fee screen.

Original Events	Combined Event
Chapter 13 Installment Payment for efiled case Chapter 7 Installment Payment for efiled case	Ch 7/13 Installment Payment for efiled case
Request for Notice Request for Notice (Text Only)	Request for Notice
Notice of Appearance & Request for Notice Notice of Appearance & Request for Notice (Text Only) Notice of Appearance on Behalf of Debtors)	Notice of Appearance & Request for Notice
Notice of Substitute Attorney Motion to Substitute Attorney	Notice of Substitute Attorney
Withdrawal of Document Withdrawal Document (Text Only)	Withdrawal of Document
Withdrawal of Claim Withdrawal of Claim (Text Only)	Withdrawal of Claim
Objection to Claim Motion to Disallow Claim	Objection to Claim
Reply Response	Response
Amended Application Amended Motion Amended Motion for Relief From Stay	Amended Application/Motion
Application for Final Compensation Application for Interim Compensation	Application for Final/Interim Compensation
Motion to Appoint Examiner Motion to Appoint Trustee Motion to Appoint Creditors' Committee	Motion to Appoint

Motion to Approve Compromise Under Rule 9019 Motion/Application to Compromise Controversy	Approve Compromise 9019/Compromise Controversy
Motion to Bifurcate Chapter 7 Case Motion to Bifurcate Chapter 11 Case Motion to Bifurcate Chapter 13 Case	Motion to Bifurcate
Motion to Borrow Motion to Borrow 364	Motion to Borrow
Motion to Dismiss Case Motion to Dismiss Case for Failure to Make Plan Payments	Motion to Dismiss Case
Motion for Exemption from Credit Counseling Motion for Exemption from Means Test Motion for Exemption from Financial Mngmt Course	Motion for Exemption from Credit Counseling/Mean Test/Financial Mngmt
Motion to Reopen 11 Case Motion to Reopen 7/13 Case	Motion to Reopen
Motion for Sanctions Motion for Sanctions under USC 28 section 1927 Motion for Sanctions for Debtor's Attorney Motion for Sanctions for Violation of the Automatic Stay Motion for Sanctions for Violation of the Discharge	Motion for Sanctions
Motion to Sell Motion to Sell Free & Clear of Liens	Motion to Sell

Notification of Court Closing Due to Inclement Weather

by Janet Descoteaux, Public Information Specialist

Winter is just around the corner and snowy days will be upon us soon. Remember that there are several ways for the public to check if the clerk's office is closed due to inclement weather. Notices are posted on both the court's [website](#) as well as on our [Facebook](#) page. This is another great reason to "LIKE" us on Facebook. In addition, we post to the state-wide broadcaster's site, which sends this information to all of the television and radio stations. Our telephone system is also updated to inform callers of closings or delayed openings, including any changes in the court calendar.

Lastly, if you are a registered electronic filer, you will automatically receive an email notice issued by the court if our opening status changes. However, in the event of a court closing, you can continue to file documents through the Court's Electronic Case Filing system. Even when the Clerk's office is closed for inclement weather, the majority of our staff telework so we are able to continue to review document filings and respond to email inquiries.

Tips and Tricks

by Dina Fortes, Case Manager

- If you are having email issues or you think you may have missed a Notice of Electronic filing, you can check the Notices that were sent to you via ECF by running a Summary Report from the Reports tab in ECF. If you need to change an email address within your ECF account, you go to the “Utilities” page, and under “Your Account” select “Maintain your ECF account”, select the “Email Information” tab, make your changes and select “return to account screen” and click “submit”. If you need any assistance doing this, please contact the court. We will be more than happy to assist you.
- Remember that ECF has a comprehensive search feature to assist users in querying topics such as finding correct events to file documents. Simply click on the “Search” tab located on the blue menu bar in ECF. This will bring up the search menus and events box, type in the name of the event to be queried, a screen will appear displaying all events relating to the specific topic. Select the appropriate event for which the document will be filed under, and proceed with the additional screen prompts. There is also a shortcut bar under the menu tabs which includes links to our website, local rules, helpdesk, captivate training modules and attorney user manual.
- When filing a Motion to Reconsider be sure to include LBR 1005-1(d) language. A seven (7) objection deadline should be included within the language unless the Motion to Reconsider is being filed in regards to missing documents. The language should read as follows:

Within seven (7) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if served by mail, any party against whom such paper has been served, or any other party who objects to the relief sought, shall serve and file an objection or other appropriate response to said paper with the Bankruptcy Court Clerk’s Office, 380 Westminster Street, 6th Floor, Providence, RI 02903, (401) 626-3100. If no objection or other response is timely filed, the paper will be deemed

unopposed and will be granted unless: (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the Court, the interest of justice requires otherwise.

- Are there times when you don’t know how to file a certain document, OR ask “Which event should be used?” The court has training modules with step by step instruction on how documents should be filed within specific events. These training modules can be heard via audio while working on other assignments and/or tasks. If you are more of a visual learner, these training modules will also show you step by step instructions ensuring the documents you wish to file, are filed using the correct event. The training modules can be found on the courts website: www.rib.uscourts.gov. Simply hover over the “For Attorneys” tab and select “Bankruptcy Resources & Manuals” from the drop-down list. Click on “Registration and Training” link located on the left side of the screen.

REMINDER

**PLEASE BE
RESPECTFUL OF
YOUR CLIENTS’ TIME!**

Every week debtors appear in court for a scheduled hearing only to find that the matter has been removed from the Court’s calendar. Please remember to update your clients of any last minute changes!

Upcoming Training on Federal Rule and Form Amendments, Effective December 1, 2014, to be Held on December 17, 2014

by Amy Geraghty-Seale, Operations Supervisor

In light of the extensive changes to the Federal Rules on Bankruptcy Procedure appeal process, the Bankruptcy Court, along with Molly Sharon, Clerk of the Bankruptcy Appellate Panel, will be conducting a joint training for the bar on **December 17, 2014 at 11:00 a.m.**, immediately following the motion calendar. Training will focus on the Bankruptcy Court's procedural and local rule changes as well as the Bankruptcy Appellate Panel's local rule changes in response to the upcoming federal rule amendments.

In addition, written training materials on these appellate changes will also be made available to the bar.

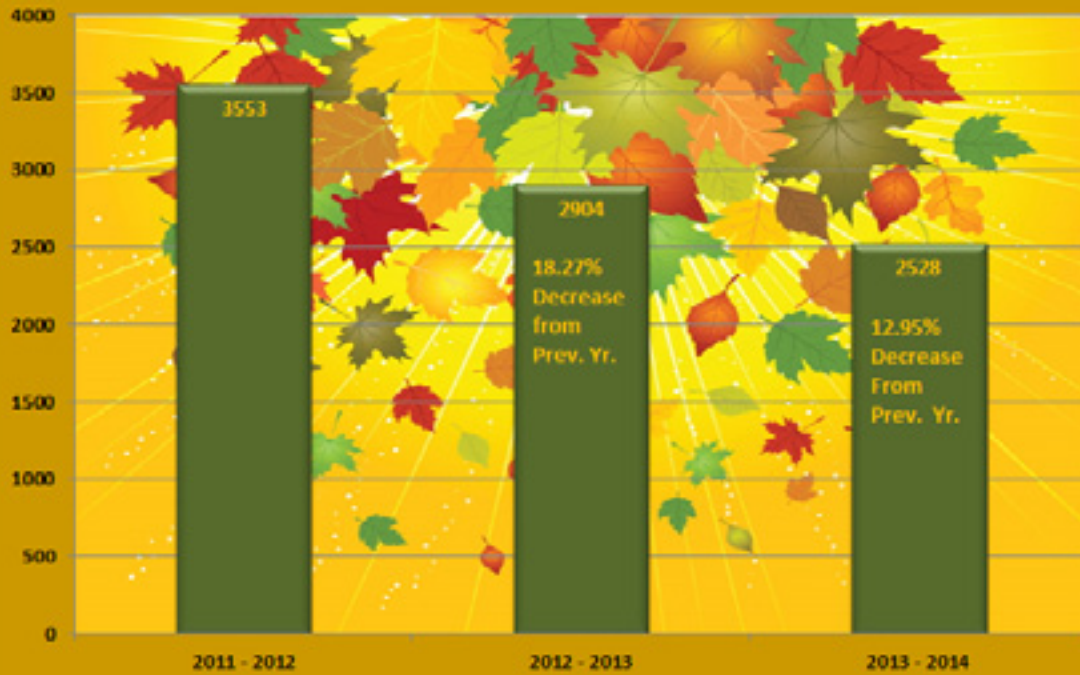
Proposed Federal Rule Amendment	Summary of Federal Bankruptcy Rule Amendments Effective December 1, 2014
Rule 1014(b) Dismissal and Change of Venue (amended)	Subdivision (b) – proceedings in subsequently filed cases are stayed only upon order of the court in which the first-filed petition is pending. Expands the list of persons entitled to receive notice of the motion in the first court.
Rule 7004(e) Process; Service of Summons, Complaint (amended)	Subdivision (e) amended to shorten the time to serve a summons from 14 to 7 days after issuance.
Rule 7008 (b) General Rules of Pleading (amended)	Generally, these rules change the procedure for seeking attorney's fees In bankruptcy proceedings aligning them closer to the Civil Rules. Subdivision (b) is deleted. This section required a request for attorney's fees always to be pleaded as a claim in an allowed pleading.
Rule 7054 Judgments; Costs (amended)	Subdivision (b) amended to included much of the substance of Rule 54(d)(2) which sets out the procedures for seeking an award of attorney's fees. See proposed new R.I. Local Rule 7054-1.
Rules 8001-8028 Appeals	(Part VIII of the Bankruptcy Rules) are the products of a comprehensive revision of the rules governing bankruptcy appeals to district courts, bankruptcy appellate panels, and, with respect to some procedures, courts of appeals. They result from a multi-year project to bring the bankruptcy appellate rules into closer alignment with the Federal Rules of Appellate Procedure; to incorporate a presumption favoring the electronic transmission, filing, and service of court documents; and to adopt a clearer style. Existing rules were reorganized and renumbered, some rules were combined, and provisions of other rules were moved to new locations. Much of the language of the existing rules was restyled.
Rule 9023 New Trials; Amendment of Judgments (amended)	Amended to include a cross reference to Rule 8008 which governs Indicative Rules.
Rule 9024 Relief from Judgment or Order (amended)	Amended to include a cross reference to Rule 8008 which governs Indicative Rules.

Case Filing Statistics for Period Ending September, 2014

by Gail Kelleher, Chief Deputy Clerk



Ch. 7 Case Filings for 12-Month Period Ending Sep 30th

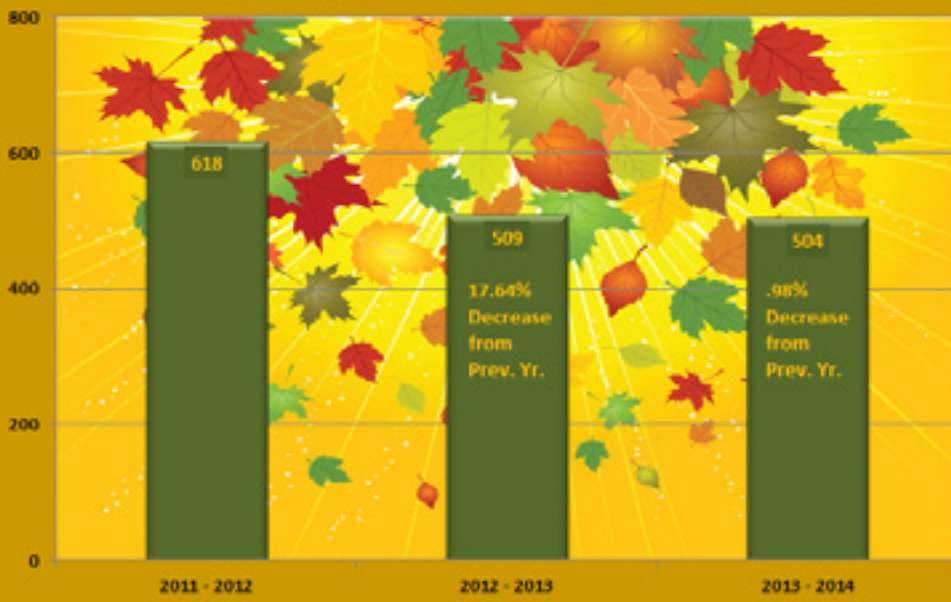


Ch. 11 Case Filings for 12-Month Period Ending Sep 30th

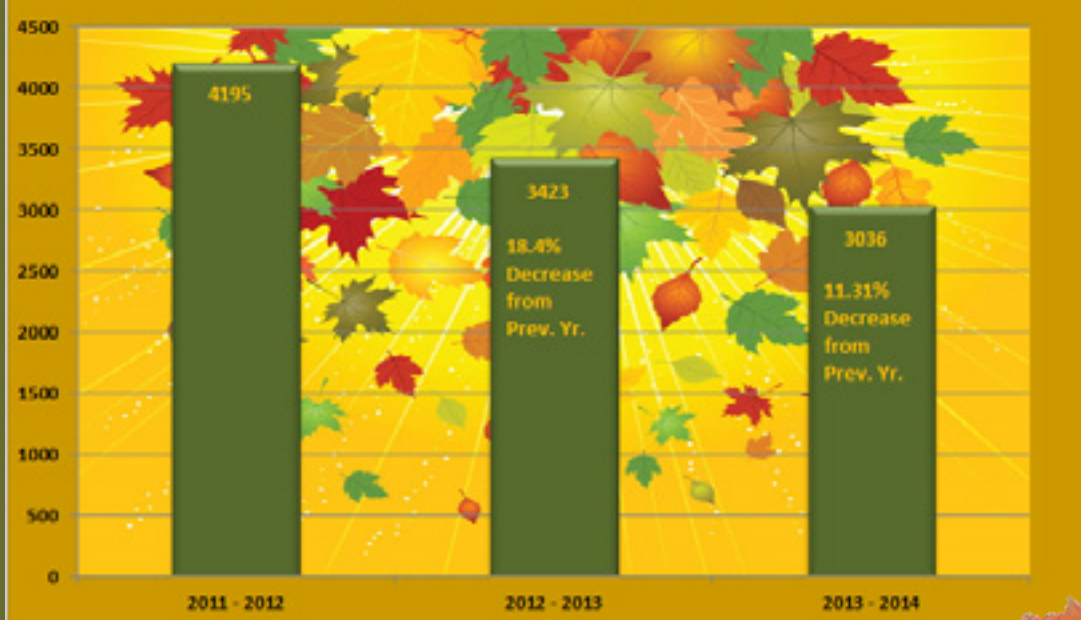


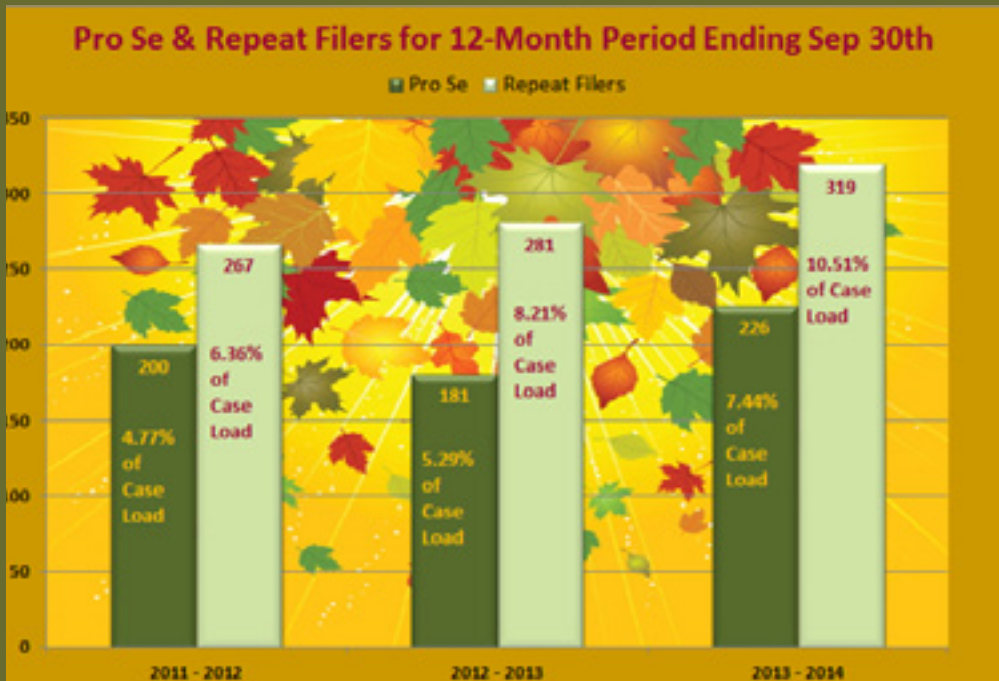


Ch. 13 Case Filings for 12-Month Period Ending Sep 30th



Comparison of Filings for 12-Month Period Ending Sep 30th - All Chapters





UPCOMING COURT HOLIDAY CLOSING DATES

Veterans Day: Tuesday, 11/11/14
 Thanksgiving Day: Thursday, 11/27/14
 Christmas Day: Thursday, 12/25/14
 New Year's Day: Thursday, 1/1/15

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

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.

Visit the court website www.rib.uscourts.gov
 for local filing information.
 Thank you.

Clerk's Office: (401) 626-3100

Please Note:
Clerk's office staff is not permitted to give legal advice.