

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

IN RE: LOCAL RULES

Misc. 71-7673

GENERAL ORDER
RE: AMENDMENTS TO LOCAL RULES

Pursuant to 28 U.S.C. § 2071, Fed. R. Civ. P. 83(a)(1) and Fed. R. Crim. P. 57(a)(1), this Court hereby approves amendments to the Local Rules of the United States District Court for the District of Rhode Island, effective December 1, 2015. The Local Rules, as amended, shall govern all proceedings in this Court that are pending, commenced or re-opened on and after that date. A copy of the amended local rules is attached to this Order.

Date: November 16, 2015

/s/ William E. Smith
Chief Judge William E. Smith

/s/ John J. McConnell, Jr.
Judge John J. McConnell, Jr.

/s/ Ronald R. Lagueux
Senior Judge Ronald R. Lagueux

/s/ Mary M. Lisi
Senior Judge Mary M. Lisi

LR Gen 102 DOCUMENTS CONTAINING CONFIDENTIAL INFORMATION

- (a) **Privacy Protections.** It is the responsibility of any party or non-party filing a document, not the Clerk's Office, to review each document to determine if pleadings are in compliance with Fed. R. Civ. P. 5.2, Fed. R. Crim. P. 49.1, and the Judicial Conference Policy on Privacy and Public Access to the Electronic Case Files.

If the Court finds a document that contains personal identifiers referenced in Fed. R. Civ. P. 5.2 and Fed. R. Crim. P. 49.1, the Clerk's Office will limit non-parties' remote electronic access to the document containing the personal identifiers, and direct the party responsible for the filing to file a redacted version of the document.

- (b) **Sealed Documents Generally.**

- (1) Documents filed with the Court may not be sealed unless ordered by the Court. If a party or non-party filing a document has a good faith basis for believing that a document should be sealed, the document shall be accompanied by a motion to seal, which explains why the document should be sealed.
- (2) Unless the Court otherwise permits, if a party or non-party has good reason to believe that a document that such party or non-party proposes to file contains material that another party or non-party would maintain is confidential, the document shall not be filed until such other party or non-party has been notified and afforded an opportunity to file a motion to seal.
- (3) If only a portion of a document contains confidential information, the party or non-party requesting sealing shall file both an unredacted version of the document and a redacted version that excises the confidential information.
- (4) The motion to seal shall not be filed electronically, but shall be filed by hand or by mail, together with the documents or materials which are the subject of the motion.

- (c) **Filing of Sealed Documents in Civil Cases.** Upon receipt of a motion to seal in a civil case, the clerk shall docket the motion but not the documents which are the subject of the motion and shall immediately transmit the motion and documents to the chambers of the judge to whom the case has been assigned. If the Court grants the motion to seal and unless otherwise ordered by the Court, the sealed documents shall be retained by the clerk in a secure location until further order of the Court. If the Court denies the motion to seal, the order denying the motion to seal shall be docketed, and the memorandum and the documents accompanying the motion shall be returned to the filer, unless otherwise ordered by the Court.

- (d) **Filing of Sealed Documents in Criminal Cases.** Upon receipt of a motion to seal in a criminal case, the clerk shall immediately transmit the motion and the documents which are the subject of the motion to the chambers of the judge to whom the case has been assigned. If the Court grants the motion to seal and unless otherwise ordered by the Court, the motion to seal, the order granting the motion to seal, and the sealed documents

shall be retained by the clerk in a secure location until further order of the Court. If the Court denies the motion to seal, the motion to seal and the order denying the motion to seal shall be docketed, and the memorandum and the documents accompanying the motion shall be returned to the filer, unless otherwise ordered by the Court.

- (e) **Unsealing of Documents.** Documents sealed by the Court may be unsealed at any time upon motion of a party or non-party or by the Court *sua sponte*, provided that the parties first are given notice and an opportunity to be heard.

LR Gen 109 BANKRUPTCY

- (a) **References and Withdrawals of References of Bankruptcy Cases.** All cases arising under Title 11 shall be referred automatically to the bankruptcy judge(s) of this District. The reference of any case or proceeding or any portion thereof may be withdrawn at any time by the District Court, *sua sponte*, or, for good cause shown, upon the motion of any party. A motion for withdrawal of a reference shall not automatically stay any proceeding, but the District Court in its discretion may order a stay.

If a bankruptcy judge or district judge determines that entry of a final order or judgment by a bankruptcy judge would not be consistent with Article III of the United States Constitution in a particular proceeding referred under this rule and determined to be a core matter, the bankruptcy judge shall, unless otherwise ordered by the District Court, hear the proceeding and submit proposed findings of fact and conclusions of law to the District Court.

The district judge shall make a de novo review upon the record or, after additional evidence, of any portion of the bankruptcy judge's findings of fact or conclusions of law to which specific written objection has been made in accordance with the federal and local rules of bankruptcy procedure. The district judge may accept, reject, or modify the proposed findings of fact or conclusions of law, receive further evidence, or recommit the matter to the bankruptcy judge with instructions.

The District Court may treat any order of the Bankruptcy Court as proposed findings of fact and conclusions of law in the event the District Court concludes that the bankruptcy judge could not have entered a final order or judgment consistent with Article III of the United States Constitution.

- (b) **Jury Trials in Bankruptcy Court.** Pursuant to 28 U.S.C. § 157(e), a bankruptcy judge may conduct jury trials in bankruptcy proceedings where the right to a jury trial applies and all parties have consented.
- (c) **Reports and Recommendations by Bankruptcy Judge.**
- (1) **Time for Objections.** Any objection to proposed findings of fact and/or rulings of law by a bankruptcy judge in a proceeding shall be filed and served within 14 days after such proposed findings and rulings are served on the objecting party.
 - (2) **Content of Objections.** Any objection to the proposed findings of fact and/or rulings of law shall be accompanied by (A) a memorandum of law specifying the proposed findings and/or rulings to which objection is made and the basis for the objection(s), and (B) a transcript of any evidentiary hearing(s) before the bankruptcy judge. The memorandum shall comply with LR Cv 7.
 - (3) **Responses and Replies.** A response to an objection shall be served and filed within 14 days after the objection is served. The objecting party may serve and file a reply to the response within 7 days thereafter. Any response and /or reply shall comply with LR Cv 7. Unless otherwise permitted or required by the Court,

nothing further shall be filed in support of or in opposition to an objection to a bankruptcy judge's proposed findings of fact and rulings of law.

- (d) **Appeals to Bankruptcy Appellate Panel.** In accordance with 28 U.S.C. §158(b)(6), appeals from any judgment, order or decree of a bankruptcy judge which are referred to in 28 U.S.C. § 158(a) will be heard and determined by the U.S. Bankruptcy Appellate Panel for the First Circuit unless a party elects to have the appeal heard by the District Court in accordance with Bankruptcy Rule 8005.
- (e) **Appeals to District Court.** Except as otherwise provided in this subsection (e) or elsewhere in these rules, or unless otherwise ordered by the District Court, appeals or motions for leave to appeal to the District Court from any judgment, order or decree of a bankruptcy judge shall be governed by the applicable provisions of Rules 8001-8028 of the Federal Rules of Bankruptcy Procedure ("Bankruptcy Rules").
- (1) **Notice of Appeal.** Upon the filing of a notice of appeal to the District Court, the bankruptcy clerk shall promptly transmit the following to the District Court in accordance with Bankruptcy Rule 8003:
- (A) Notice of appeal;
 - (B) Judgment, order, or decree that is the subject of the appeal;
 - (C) Bankruptcy Court docket sheet; and
 - (D) Appellate transmittal form.
- (2) **Notice of Appeal and Motion for Leave to Appeal.** Upon the filing of a notice of appeal and a motion for leave to appeal to the District Court in accordance with Bankruptcy Rule 8004, the bankruptcy clerk shall promptly transmit the following to the District Court:
- (A) Notice of appeal;
 - (B) Order or decree that is the subject of the appeal;
 - (C) Bankruptcy Court docket sheet;
 - (D) Appellate transmittal form; and
 - (E) Motion for leave to appeal.
- (3) **Extensions of Time by a Bankruptcy Judge.** Extensions of time for filing notices of appeal may be granted by the bankruptcy judge in accordance with Bankruptcy Rule 8002(d). Extensions of time for filing motions for leave to

appeal and designations of the record or issues on appeal may be granted by the bankruptcy judge for a period not to exceed 30 days.

- (4) **Dismissal of Appeals by Bankruptcy Judge.** A bankruptcy judge may dismiss an appeal if the notice of appeal is not filed within the time specified in Bankruptcy Rule 8002.
- (5) **Record on Appeal.** Upon the completion of the record on appeal, the bankruptcy clerk shall transmit the following to the District Court in accordance with Bankruptcy Rule 8010:
 - (A) Designation(s) of the contents of the record on appeal;
 - (B) Statement(s) of the issues on appeal;
 - (C) Opinion, findings of fact, and conclusions of law relating to the issues on appeal;
 - (D) Transcripts;
 - (E) Bankruptcy Court docket sheet; and
 - (F) Clerk's certification for transmittal of record on appeal.
- (6) **Form of and Schedule for Filing Briefs.** Upon confirmation by the bankruptcy clerk that the record on appeal is complete in accordance with Bankruptcy Rule 8010, the District Court will set the briefing schedule, the form of which shall be governed by Bankruptcy Rules 8014 and 8015.
- (7) **Appendices to Briefs.** Unless otherwise ordered by the District Court, appendices to briefs need not be filed with the Court.
- (f) **Stays Pending Appeal to the District Court.** When a motion is made in the District Court in accordance with Bankruptcy Rule 8007(b) to stay a judgment, order or decree of a bankruptcy judge or for any other relief pending appeal, the movant shall file the following with its motion:
 - (1) a copy of the judgment, order or decree that the movant seeks to have stayed;
 - (2) a copy of the bankruptcy judge's order denying the movant's motion to stay;
 - (3) any written decision(s) and/or transcript(s) of any oral decision(s) of the bankruptcy judge stating the reasons for the orders referred to in paragraphs (1) and (2) of this subsection; and
 - (4) a memorandum of law setting forth the reasons why a stay should be granted and the legal authorities supporting the motion for a stay.

Such motion and any related objection(s) and replies shall be governed by the applicable provisions of LR Cv 7.

(g) Local Bankruptcy Rules.

(1) Authority. The bankruptcy judge(s) may make and amend rules governing practice and procedure in all matters referred to and pending before them.

(2) Notice to District Court. The bankruptcy court must give notice to the District Court of any amendment to the bankruptcy court's local rules prior to such rules taking effect. After notice is given, such amendment shall take effect on the date specified by the bankruptcy court, unless abrogated by the District Court.

(h) Applicability of Local Rules. In proceedings before a bankruptcy judge, the local bankruptcy rules shall apply. In proceedings before the District Court, these Local Rules shall apply unless the Court otherwise directs.

(i) Discretion of District Court. This rule is not intended to restrict the District Court's discretion as to any aspect of any appeal.

LR Gen 111 PHOTOGRAPHING; RECORDING; BROADCASTING

- (a) **General Prohibition.** Except to the extent expressly authorized by the Court, no person shall photograph, record, broadcast, or otherwise transmit any proceeding, event or activity in or from any interior portion of the United States Courthouse or that portion of the John O. Pastore Building that is occupied by the Court. The Court may permit photographing, recording or broadcasting of ceremonial proceedings upon such terms and conditions as the Court may specify.
- (b) **Note-Taking.** Nothing in subsection (a) of this Rule shall prevent any person from taking notes in the courtroom during a proceeding in Court, provided that such note-taking is not disruptive of Court proceedings. ***[see Comment, end of Rule]**

***COMMENT**

Pursuant to the General Order dated January 31, 2014, authorized members of the media may use electronic devices in the courtrooms of the judicial officers who have approved a standing exemption to LR Gen 111 and LR Gen 112. Please consult the General Order dated January 31, 2014, and related materials available on the Court's website.

LR Gen 112 USE OF ELECTRONIC DEVICES

- (a) **General Prohibition.** Except as provided in subsection (b) of this rule or expressly authorized by the Court, no person shall bring into the Courthouse or that portion of the John O. Pastore Building that is occupied by the Court any device of any kind that has the capability of sending or receiving communications, making sound or video recordings, or making, recording or transmitting photographs or videos.* **[see Comment, end of Rule]**
- (b) **Electronic Devices.** Electronic devices, including but not limited to cellular or smart phones, laptops, and tablets, may be brought into the Courthouse or that portion of the John O. Pastore Building that is occupied by the Court only by attorneys or those having express authorization and only upon the following conditions:
- (1) Unless the use of the electronic device is expressly authorized by the presiding judicial officer, before entering any courtroom, chambers or Grand Jury room, anyone carrying an electronic device shall at the direction of the presiding judicial officer either:
- (A) turn off the device completely and keep the device turned off during all times in the courtroom, chambers or Grand Jury room; or
- (B) check it with the courtroom clerk or court security officer at that location.
- (2) Upon entering the building, any person carrying an electronic device shall acknowledge and agree that, upon violation of the conditions set forth in paragraph (1) above and/or of any other limitations placed on the use of such instruments, said device may be confiscated.

***COMMENT**

Pursuant to the General Order dated January 31, 2014, authorized members of the media may use electronic devices in the courtrooms of the judicial officers who have approved a standing exemption to LR Gen 111 and LR Gen 112. Please consult the General Order dated January 31, 2014, and related materials available on the Court's website.

LR Gen 203 CONTINUING OBLIGATIONS OF MEMBERS OF BAR

- (a) **General.** Unless otherwise permitted by the Court for good cause shown, in order to remain a member in good standing of the bar of this Court, an attorney must:
- (1) remain a member in good standing of the Bar of the Supreme Court of the State of Rhode Island and all other bars to which he or she has been admitted; and
 - (2) not be suspended, disbarred or found unfit, for any reason, to continue practicing law by any other court or body having disciplinary authority over attorneys.
- (b) **Notifications**
- (1) **By Counsel.** Each member of the bar of this Court shall promptly notify the Court of:
 - (A) any change in the member's name, address, telephone number, fax number, e-mail address and/or law firm name shown on such member's application for admission or if the member has re-registered, on the most recent re-registration form by the member.
 - (B) any disciplinary proceedings initiated or disciplinary action taken against such member and/or any restrictions placed on such member's practice by any court or body having disciplinary authority over attorneys; and
 - (C) any conviction of such member for any crime regardless of whether the conviction resulted from a plea of guilty or *nolo contendere*, was not followed by a term of imprisonment and/or is pending on appeal.
 - (2) **By the Court.** Any notice sent to a member of the bar of this Court shall be deemed delivered if sent to the most recent address or fax number or e-mail address provided by such member pursuant to subsection (b)(1)(A) of this rule.
- (c) **Periodic Registration Procedure.**
- (1) **Renewal of Bar Registration.** Each member of the bar of this Court shall renew his or her bar registration between January 1 and March 31 of every fourth year ("Registration Renewal Period"), beginning with the year 2010. Bar registrations must be renewed even if an attorney has been a member for only a portion of the 4 years preceding the Registration Renewal Period.
 - (2) **Notice by Clerk.** At least 60 days prior to each deadline date for registration, the Clerk shall issue a notice and registration form to each attorney who is then registered as a member of this Court's bar.
 - (3) **Method of Registration.** A member shall register by:
 - (A) Completing and filing the registration form provided by the Clerk which form shall include: (i) a certification that the attorney continues to satisfy

all of the requirements set forth in subsection (a) of this rule; and (ii) a statement as to whether the attorney has been convicted of a serious crime as defined in LR Gen 213(a)(3) or been disciplined by any other court or body having disciplinary authority over attorneys; and

- (B) Paying the applicable registration fee established by the Court, except that the fee need not be paid by attorneys employed on a full-time basis by the United States and/or the State of Rhode Island.

(4) Action by the Court.

- (A) Except as provided in subsection (B) of this subsection, upon receipt of an attorney's properly completed registration form and registration fee, the Clerk shall maintain the attorney's name on the list of active members of the bar of this Court.

- (B) If an attorney fails to register in accordance with this Rule or if an attorney's registration form shows (i) that the attorney does not satisfy the requirements set forth in subsection (a) of this rule; (ii) that the attorney has been the subject of disciplinary action referred to in subsection (b)(1)(B) or (iii) that the attorney has been convicted of a crime as defined in subsection (b)(1)(C), the Clerk shall notify the Chief Judge who, then, may issue a show cause order as to why the attorney should not be administratively suspended or why disciplinary action should not be initiated pursuant to LR Gen 209.

- (d) Effect of Failure to Register.** An attorney's failure to register in accordance with the provisions of subsection (c) may be cured by filing the completed registration form no later than 60 days after the applicable deadline for registration and paying the registration fee and the late fee established by the Court except that the Court, for good cause shown, may permit the attorney to cure more than 60 days after the applicable deadline for registration.

An attorney who does not cure a failure to register within the aforesaid 60-day period, or at any extension permitted by the Court, must apply for reinstatement pursuant to LR Gen 215.

- (e) Use of Registration Fees.** All registration and late fees paid shall be deposited in the Bar Fund maintained by the Court and shall be used only for purposes benefitting the members of the bar of this Court in accordance with the regulations governing the Bar Fund adopted by this Court and any applicable regulations established by the Judicial Conference of the United States.

LR Gen 209 BASIS FOR DISCIPLINARY ACTION

- (a) **Conferred Jurisdiction.** Any attorney admitted or permitted to practice before this Court pursuant to LR Gen 202 or 204 shall be deemed to have conferred disciplinary jurisdiction upon this Court for any alleged attorney misconduct arising during the course of a case pending before this Court or the Bankruptcy Court in which that attorney has participated in any way.
- (b) **Forms of Discipline.** When an attorney, after notice and an opportunity to be heard, has been found to have engaged in misconduct, the Court may:
- (1) Disbar or suspend the attorney from practicing before this Court, if the attorney is a member of the bar of this Court; or
 - (2) Publicly or privately reprimand or censure the attorney; or
 - (3) Take such other disciplinary action against the attorney as the circumstances may warrant, including but not limited to the imposition of monetary sanctions.

The provisions of this subsection (b) shall not limit, in any way, the authority of an individual judge to impose any sanctions or take any other disciplinary action that is permissible and appropriate pursuant to these Rules or otherwise.

- (c) **Misconduct.** Misconduct for which an attorney may be disciplined pursuant to Rule 209 may include:
- (1) Violation of the Standards of Professional Conduct referred to in LR Gen 208;
 - (2) Intentional violation of these Local Rules or any order of this Court or the Bankruptcy Court;
 - (3) Failure to promptly provide the notifications required by LR Gen 203(b)(1)(B) and/or (C);
 - (4) Conduct which resulted in suspension, disbarment or any other disciplinary action taken against the attorney by any other court or disciplinary body having disciplinary authority over attorneys;
 - (5) Conviction of a crime; and/or
 - (6) A pattern or practice of violating §§526, 527, or 528 of the Bankruptcy Code.

LR Gen 210 DISCIPLINARY PROCEEDINGS

- (a) **Definition of “Court.”** As used in this Rule 210, the term “Court” refers to the active district judges of this Court, and any action taken or required by the “Court” refers to action by a majority of the active district judges.
- (b) **Initiation of Proceedings.** Whenever allegations of misconduct by an attorney admitted or permitted to practice before this Court come to the Court’s attention, whether by complaint or otherwise, and the applicable procedure is not otherwise provided for by these Rules, the Court may initiate disciplinary proceedings in any one or more of the following ways:
- (1) If the matter has not already been referred by an individual judge to a disciplinary agency with jurisdiction over the attorney, the Court may refer the matter to such agency with a request that the agency report its actions to the Court. However, any action taken by the agency shall not necessarily preclude additional disciplinary action by this Court.
 - (2) Designate a magistrate judge or appoint special counsel to investigate the matter, to make appropriate recommendations to this Court, and to perform any other duty specified by the Court. The Court shall consider any recommendation made by the magistrate judge or special counsel but such recommendation will not be binding upon the Court.
 - (3) Provide written notice to the attorney specifying the alleged misconduct and affording the attorney an opportunity to explain, either verbally or in writing, why he or she believes that formal disciplinary proceedings should not be commenced.
 - (4) In cases where the attorney has been notified in accordance with subsection (3) and has failed to provide a satisfactory reason why formal disciplinary proceedings should not be commenced, or in cases where there does not appear to be any dispute with respect to the relevant facts, the Court may commence formal disciplinary proceedings in accordance with subsection (c) of this Rule.
- (c) **Commencement of Formal Proceedings.**
- (1) Formal disciplinary proceedings against an attorney shall be commenced by the issuance of an order by the Court directing the attorney to appear and show cause why disciplinary action should not be taken against the attorney for reasons stated in the order.
 - (2) The order may be served upon the attorney by mailing a copy to him or her at the address provided by the attorney pursuant to these Local Rules or by any other means reasonably calculated to provide notice to the attorney.
 - (3) The attorney shall file a written response to the show cause order and the allegations of misconduct contained therein within 14 days from the date of the order. If any issue of fact is raised in the response or if the attorney wishes to be

heard in mitigation, the Court shall set the matter for hearing in accordance with subsection (d) of this Rule.

(d) Hearing

- (1) Forum.** In the Court's discretion, any hearing conducted pursuant to this Rule 210 may be conducted before a magistrate judge or bankruptcy judge designated by the Court, a single district judge or all of the active judges of the Court who are eligible and able to participate. However, if the disciplinary proceeding was initiated by a complaint by a district judge, magistrate judge, or bankruptcy judge; or, if a magistrate judge or bankruptcy judge made any recommendation to the Court pursuant to Rule 210(b)(2), any such hearing shall not be conducted by that judge, nor shall that judge participate in any decision or other action taken by the Court with respect to the matter.
- (A) If the hearing is conducted by a district judge, the Court may authorize that district judge to order whatever disciplinary action is appropriate under these rules without further action by the Court.
- (B) If the hearing is conducted by a magistrate judge or bankruptcy judge, the magistrate judge or bankruptcy judge shall submit findings of fact and recommendations for disposition to the Court and the Clerk shall serve a copy of the findings and recommendations upon the attorney and any special prosecutor appointed by the Court.
- (C) Within 14 days from the date of the order, the attorney and/or any special prosecutor appointed by the Court may serve and file written objections to the report. Failure to file an objection within the 14-day period shall be deemed a waiver of any objection. Those portions of the magistrate judge or bankruptcy judge's findings and recommendations to which objection is made shall be reviewed by the Court *de novo* based on the record compiled before the magistrate judge or bankruptcy judge. The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge or bankruptcy judge or it may receive further evidence or recommit the matter to the magistrate judge or bankruptcy judge with instructions.
- (2) Conduct of Hearing.** The Court may elect to appoint a special prosecutor to present evidence at any disciplinary hearing and to cross-examine any witnesses. The respondent attorney shall have a similar right to present evidence and cross-examine witnesses and to be represented by counsel.

LR Gen 303 SPECIAL FILING REQUIREMENTS

- (a) **Civil Case Opening Documents.**
- (1) **Complaints and Notices of Removal.** Absent an exemption under LR Gen 302, complaints or notices of removal, together with the civil cover sheet and a summons for each defendant to be served, shall be filed electronically, and the required filing fee shall be paid at the time of filing. The Clerk's Office will issue a summons for each defendant to be served to the filer.
 - (2) **Other Civil Case Initiating Documents.** Civil case initiating documents not mentioned in (a)(1), or to be filed under seal, shall be filed conventionally, together with the civil cover sheet, a summons for each defendant to be served, and the required filing fee. The Clerk's Office will issue a summons for each defendant to be served to the filer.
- (b) **Miscellaneous Case Opening Documents.** Miscellaneous case opening documents shall be filed conventionally along with the prescribed filing fee.
- (c) **Other Documents to be Conventionally Filed.** The following documents must be conventionally filed:
- (1) Motions to file documents under seal and documents filed under seal;
 - (2) Records of administrative review proceedings other than social security cases;
 - (3) The state court record and other Rule 5 materials in habeas corpus cases filed in 28 U.S.C. §2254 proceedings;
 - (4) *Ex parte* motions and applications;
 - (5) Consent to Proceed Before a Magistrate Judge;
 - (6) All pleadings and documents filed by prisoner *pro se* litigants and non-prisoner *pro se* litigants not granted permission to file documents electronically;
 - (7) The charging document in a criminal case, such as the complaint, indictment and information;
 - (8) Affidavits for search and arrest warrants and related papers;
 - (9) Fed. R. Crim. P. 20 and Fed. R. Crim. P. 5 papers received from another court;
 - (10) Any pleading or document in a criminal case containing the signature of a defendant, such as a waiver of indictment or plea agreement; and
 - (11) Appearance Bonds.

(d) Format of Electronically Filed Documents. Documents must be formatted for electronic filing by converting the original word processing document into PDF, resulting in what is referred to as a “native PDF” or “text PDF.” PDF images created by scanning paper documents should be avoided unless the filer does not possess a word processing file version of the document (e.g., Exhibits).

Unless otherwise required by statute, rule, or court order, documents that require an original signature(s) other than that of the Filing User must be submitted in a scanned PDF format, and the Filing User must maintain the document with the original signature in accordance with LR Gen 307.

LR Gen 304 ELIGIBILITY, REGISTRATION, PASSWORDS

- (a) **ECF Login and Password.** An attorney admitted to the bar of this Court pursuant to LR Gen 202 will automatically become a Filing User of the Court's ECF system and will be permitted to file documents electronically using ECF without further authorization. The Filing User will receive notification from the Court of the user login and password after admission.

An attorney eligible to appear before the Court pursuant to LR Gen 201(b) and permitted to file documents electronically under the Local Rules must register as a Filing User of the Court's ECF system prior to filing any documents electronically. Registration will be on an ECF Registration Form provided by the Clerk. Once ECF registration is completed, the Filing User will receive notification from the Court of the user login and password.

- (b) **Confidentiality of Login and Password.** Filing Users agree to protect the security of their passwords and immediately notify the Clerk's Office if they learn that their password has been compromised.*[see Comment, end of Rule]
- (c) **Consent to Electronic Service.** ECF registration as a Filing User constitutes consent to electronic service of all documents as provided in these Local Rules and in accordance with the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure.

***COMMENT**

Since failure to comply with this provision could cause serious harm to the administration of justice, attorneys are reminded that, as officers of the Court, they are responsible for ensuring full compliance with this provision.

LR Gen 314 REFUND OF ELECTRONIC FILING FEES

- (a) Authority of the Clerk.** The Clerk is authorized to administer refunds of all duplicative or erroneous fees paid to the Court electronically. The Clerk may refund only duplicative payments in which the payor has inadvertently paid the filing fee more than once in the same case, resulting in two or more identical credit card charges and erroneous payments in which the payor has inadvertently made a fee payment when no fee was due.
- (b) Requests for Refund.**

 - (1) Application.** A payor seeking a refund must complete an Application for Refund form. The completed Application for Refund form, along with supporting documentation, shall be submitted to the Clerk's Office via email.
 - (2) Verification of Erroneous Payment.** The Clerk, upon verification of an error, shall process the refund to the same credit card from which the duplicative or erroneous payment was made.
- (c) Review of Denial of Refund.** If the Clerk denies the application for refund, the payor may, within 14 days of the denial, file a motion requesting that the presiding judge or the Chief Judge, if it is not case specific, review the denial.

LR Cv 5 FORM AND FILING OF DOCUMENTS

- (a) **Form and Content of Documents.** All documents filed in a civil case shall be on 8½" x 11" paper and shall include the following:
- (1) **Captions.** Any pleading or other document asserting a claim or counterclaim of any type shall include the full caption showing the names of all parties. Documents filed after a case is docketed shall also include the name, case number and initial(s) of the judge to whom the case has been assigned.
 - (2) **Titles.** All documents shall bear a title that concisely states the precise nature of the document and identifies the party filing it.
 - (3) **Format; Page Numbering.** Unless otherwise provided or ordered by the Court, all documents shall be double-spaced and typed in at least 12-point font. Footnotes shall be in at least 10-point font and may be single-spaced. Where a document is more than one page in length, the pages shall be numbered at the bottom center of each page.
 - (4) **Jury Demand.** Any pleading containing a demand for a jury trial shall set forth the demand to the right of the caption, below the case number.
 - (5) **Signing of Pleadings.** All documents filed on behalf of a party shall be signed by counsel representing the party on whose behalf the document is filed, or in the case of parties proceeding *pro se*, by the party himself or herself. The name, address and telephone number of the individual signing the document shall be typed or printed below the signature. Documents filed by attorneys also shall bear the attorney's bar number, and the name, address, fax number and e-mail address of the attorney's law firm.
- (b) **Civil Cover Sheet.** Any person filing a complaint in a civil case or any other document that requires a file to be opened shall contemporaneously file a completed local civil cover sheet describing the type of case and identifying any related case previously filed or pending in this Court. The Clerk may reclassify a case if the cover sheet does not accurately describe its type. Cover sheets shall be provided by the Clerk upon request.*[see Comment, end of Rule]
- (c) **Filing Fee.** Any applicable filing fee prescribed by law shall be paid to the Clerk at the time of filing. If payment is made by check, the check shall be made payable to "Clerk, United States District Court."
- (d) **Discovery Documents.** Unless otherwise ordered by the Court, disclosures made under Fed. R. Civ. P. 26(a)(1)-(3), notices of deposition, deposition transcripts, interrogatories, requests for production, requests for admission, and answers and responses thereto, shall not be filed with the Court. The parties in possession of such documents shall be responsible for preserving them and making them available for use at trial and/or for other purposes required by the Court.

- (e) **Subpoenas.** Subpoenas, including proofs of service, shall not be filed with the Court, unless otherwise ordered by the Court or required by the Federal Rules of Civil Procedure. The parties in possession of such documents shall be responsible for preserving them and making them available for use at trial and/or for other purposes required by the Court.

- (f) **Place for Filing Documents.** The original and all copies of any document filed with the Court that is part of the record in a case shall be filed with the Clerk. Such documents shall not be filed in a judge's chambers, unless otherwise required by these Rules or authorized by that judge. The Clerk will retain and docket original documents and will forward copies to the judicial officer to whom the case has been assigned.

***Comment**

The United States District Court for the District of Rhode Island uses a local version of the JS-44 Civil Cover Sheet, which is available in the "Forms" section of the Court's website.

LR Cv 81 REMOVAL FROM STATE COURT

- (a) It is the responsibility of the party filing the notice of removal to ensure that the state court record is filed with the Court. Within 14 days after filing a notice of removal, the party filing the notice shall do whatever is necessary to enable the clerk of the state court to assemble and electronically transmit a certified copy of the docket sheet and all documents filed in the case being removed.

- (b) The Court may direct the party filing the notice to furnish and to file certified copies of the docket sheet and all documents filed in the case being removed if the clerk of the state court is unable to electronically transmit the record or if the record is unusually voluminous.