



UNITED STATES DISTRICT COURT
District of Rhode Island

NOTICE REGARDING DISCOVERY DISPUTES

The District Judges of the United States District Court for the District of Rhode Island have recently added language to their Pretrial Scheduling Orders regarding discovery disputes. As of the date of this notice, no discovery motions shall be filed until after the party in good faith tries to resolve the matter with opposing counsel. If that does not resolve the dispute, the party must first have an informal conference with the Court, which can be arranged by contacting the judge's case manager.

Chief Judge John J. McConnell, Jr.

Ryan Jackson, Case Manager
(401) 752-7213
Ryan_Jackson@rid.uscourts.gov

Judge William E. Smith

Nisshy D. Urizandi, Case Manager
(401) 752-7214
Nisshy_Urizandi@rid.uscourts.gov

Judge Mary S. McElroy

Carrie Potter, Case Manager
(401) 752-7204
Carrie_Potter@rid.uscourts.gov

August 2, 2021

Hanorah Tyer-Witek
Clerk of Court

UNIQUE GENERAL AND CIVIL LOCAL RULES

LR Gen 102 DOCUMENTS CONTAINING CONFIDENTIAL INFORMATION

(b) Sealed Documents.

(1) Filing of Sealed Documents. Documents may be sealed by order of the Court **only upon the filing of a motion to seal**. A motion to seal in accordance with LR Cv 7 and LR Cr 47 stating the basis for the sealing and the document(s) subject to the motion to seal must be filed electronically and will remain provisionally under seal until the Court rules on the motion. **Documents submitted by a party under seal, provisionally or otherwise, must be stamped or labeled by the party on the cover page “FILED UNDER SEAL.”** If the Court denies the motion to seal, the document(s) subject to the motion to seal will not be accepted for filing in the case.

(d) Use of Pseudonyms in Civil Matters. A party wishing to proceed pseudonymously in a civil matter before this Court must file a motion in accordance with LR Cv 7. Additionally, the moving party must simultaneously file a separate document listing the true name(s) of any pseudonym(s) used in the pleading that will be automatically restricted by the Clerk’s Office upon filing.

LR Gen 112 USE OF ELECTRONIC DEVICES

(a) Photographing, Recording, and Broadcasting. Except to the extent expressly authorized by the Court in accordance with the exceptions outlined below, **no person shall photograph, record, broadcast, or otherwise transmit any proceeding**, event, or activity held in the Courthouse or portion of the John O. Pastore Building occupied by the Court.

(1) Exceptions.

(A) Ceremonial Proceedings: The Court may permit the photographing, recording, or broadcasting of ceremonial proceedings upon such terms and conditions as the Court may specify.

(B) Court Proceedings: The Court may permit the Clerk to make available a narrowcast.*[See Note, end of Rule] transmission of civil proceedings held by videoconference pursuant to LR Cv 78 and courtroom proceedings in civil and select criminal cases. The narrowcast transmission of these proceedings is not considered prohibited broadcasting under Fed. R. Crim. P. 53 and the policies of the Judicial Conference of the United States and the resolutions of First Circuit Judicial Council. All viewers of the narrowcast of civil proceedings held by videoconference pursuant to LR

Cv 78 and courtroom proceedings in civil and criminal cases may only view the proceedings and are prohibited from photographing, recording, broadcasting, or otherwise transmitting the narrowcast of these proceedings.

(b) **Electronic Devices.** Electronic devices, including but not limited to cellular or smart phones, laptops, and tablets, ***may be brought into and used within the Courthouse or portion of the John O. Pastore Building occupied by the Court only by those individuals authorized pursuant to this subsection.***

(1) **Use of Electronic Devices by Attorneys.** Unless the Court otherwise orders, attorneys may use electronic devices in the Courthouse and portion of the John O. Pastore Building occupied by the Court, including courtrooms and chambers, upon the following conditions:

(A) Use of electronic devices ***shall not be disruptive of Court proceedings;***

(B) Use of electronic devices ***does not conflict with (a) or any other provision of the Local Rules, Court order, or statute;***

(C) Unauthorized use of electronic devices may result in the user being required to relinquish the device to the custody of the United States Marshal until released by a judicial officer and/or imposition of sanctions. U.S. DISTRICT COURT LOCAL RULES – GENERAL/ATTORNEY RULES 19 (2) Use of Electronic Devices by **Media.** Unless the Court otherwise orders, members of the media who have been authorized to bring and use electronic devices in the Courthouse and portion of the John O. Pastore Building occupied by the Court, ***may use those devices*** under the conditions set forth in (a) and (b)(1). **The Clerk will maintain a list of individuals authorized pursuant to this subsection**

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:

(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.

LR Cv 7 MOTIONS AND OTHER PAPERS

- (2) **Contents of a Motion.**
 - (A) **Grounds and Relief Sought.** All motions must state with particularity the grounds for seeking an order, the relief sought, and the legal argument necessary to support it.
 - (B) **Accompanying Documents.** *A separate memorandum of law need not be filed.* However, if a party chooses to file a memorandum of law, it must be served as an attachment to the motion and not as a separate docket entry.
- (3) **Response.** Any party may file a response to a motion, the contents of which are governed by LR Cv 7(a)(2). The response must be filed within **14 days** after service of the motion unless the Court shortens or extends the time.
- (4) **Reply to Response.** Although the filing of a reply is not required, any reply to a response must be filed within **7 days** after service of the response. A reply shall not present matters that do not relate to the response, or reargue or expand upon the arguments made in support of the motion.
- (5) **Sur-replies.** Sur-replies may only be filed with **prior leave of Court.**

LR Cv 26 DISCOVERY

- (a) **Discovery Conference.** Unless the Court otherwise orders, within 14 days after the last answer or responsive pleading has been filed by all parties against whom claims have been asserted, the parties shall confer for the purposes specified by Fed. R. Civ. P. 26(f); provided, however, that if in lieu of an answer, a motion is filed that, if granted, would dispose of the entire case, the time for the parties' conference may be deferred until not later than 14 days after such answer or pleading is thereafter filed.
- (b) **Discovery Plan.** Counsel may, but are not required to, present any written discovery plan. However, counsel **shall be prepared to present any discovery plan verbally at the initial Rule 16 conference.**

LR Cv 47 EMPANELMENT OF AND COMMUNICATION WITH JURORS

- (a) **In General.** Jury empanelment shall be conducted in the manner determined by the presiding judicial officer and prescribed by any applicable statutes or rules of civil procedure.
- (b) **Voir Dire Questions.** If and when directed by the Court, **counsel shall submit a list of any questions that counsel requests the Court to ask prospective jurors during voir dire examination. Proposed questions for the jury voir dire shall be served and submitted to the Court at least 5 days prior to empanelment.**

- (c) **Challenges.** Challenges of individual prospective jurors for cause shall be made on the record but out of the hearing of the other prospective jurors. At the discretion of the Court, challenges may be made orally or by executing challenge slips and presenting them to the Clerk.
- (1) Unless the Court otherwise orders, in any case in which there is a single plaintiff and a single defendant entitled to an equal number of peremptory challenges, the challenges shall be exercised alternately and one by one, with the plaintiff exercising the first challenge.
 - (2) In any other case, the order of challenges shall be determined by the Court.
- (d) **Communication with Jurors.** Unless otherwise permitted by the Court, *no attorney, party, or agent of an attorney or party shall communicate directly or indirectly with a juror during or after the trial of a case.*

LR Cv 51 WAIVER OF JURY INSTRUCTIONS

The failure to submit a request for instructions or an objection to a requested instruction in accordance with the orders of the Court may be deemed a waiver of the right to make such request or objection and/or a waiver of any claim or defense for which no request was submitted.

LR Cv 56 MOTIONS FOR SUMMARY JUDGMENT

- (a) **Statement of Undisputed Facts.**
- (1) A motion for summary judgment shall be accompanied by a separate Statement of Undisputed Facts that concisely sets forth all facts that the movant contends are undisputed and entitle the movant to judgment as a matter of law.
 - (2) The Statement of Undisputed Facts shall be a separate filing, not an attachment to the motion for summary judgment. *Each “fact” shall be set forth in a separate, numbered paragraph and shall identify the evidence establishing that fact, including the page and line of any document to which reference is made,* unless opposing counsel has expressly acknowledged that the fact is undisputed.
 - (3) For purposes of a motion for summary judgment, any fact alleged in the movant’s Statement of Undisputed Facts *shall be deemed admitted unless expressly denied or otherwise controverted by a party objecting to the motion.* An objecting party that is contesting the movant’s Statement of Undisputed Facts shall file a Statement of Disputed Facts, which shall be numbered correspondingly to the Statement of Undisputed Facts, and which shall identify the evidence establishing the dispute, in accordance with the requirements of paragraph (a)(2).

- (4) If an objecting party contends that there are **additional undisputed facts** not contained in the moving party's statement of undisputed facts which preclude summary judgment, **that party shall file a separate Statement of Undisputed Facts** setting forth such additional undisputed facts. Such statement shall be prepared in accordance with the requirements of paragraph (a)(2), except that the additional undisputed facts shall be numbered consecutively to the moving party's undisputed facts.
- (5) If an objecting party files a separate statement of additional undisputed facts and the movant contests any of those facts, the movant shall **file a separate statement setting forth what additional facts are disputed, numbered correspondingly to the opposing party's additional undisputed facts, at the same time it files its reply** pursuant to LR Cv 7.
- (b) **Supporting Documents.** Unless otherwise requested or permitted by the Court, **only the relevant portion(s)** of documents submitted in support of or in opposition to a motion for summary judgment shall be included in the attachments.
- (c) **Successive Motions.** No party shall file more than one motion for summary judgment unless the Court otherwise permits for good cause shown.
- (d) **Objections and Replies.** The timing and filing of objections and replies in connection with motions for summary judgment shall be governed by LR Cv 7, unless otherwise directed by the Court.

(eff. 3/10)

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

[PARTY A]

V.

CA

[PARTY B]

STANDARD RULE 16(b) SCHEDULING CONFERENCE NOTICE

A Rule 16(b) pretrial scheduling conference regarding the above case will be held before United States District Judge [name] in Chambers, Room [#] on [Day, Month, at Time].

In order to facilitate an informed discussion of the merits of the case and the prospect for settlement, lead counsel are required to confer prior to that time for the following purposes (pursuant to counsel's obligations under Fed. R. Civ. P. 26(f)):

1. Exchanging relevant information and documents;
2. Identifying the facts that are in dispute;
3. Identifying the legal issues;
4. Identifying as precisely as possible the nature of the discovery contemplated by each party;
5. Exploring the possibility of settlement before substantial expenditures of time and money are made;
6. Possible referral to ADR (Alternative Dispute Resolution) in the form of a mandatory Settlement Conference before a Magistrate Judge or a conference with the ADR Administrator (the ADR Summary can be found at <http://www.rid.uscourts.gov/menu/generalinformation/adr/adrprogramsummary-071912.pdf>).

In addition, at least seven (7) days prior to the conference, counsel for each party asserting a claim (including a counterclaim and/or cross-claim) shall electronically file a written statement no longer than three (3) pages in length which summarizes the facts of the case and identifies any legal issues which may arise.

Trial counsel (including counsel admitted *pro hac vice*) must attend the conference, unless previously excused by the presiding judge, and should be prepared to discuss each of the aforementioned subjects.

Counsel are instructed to notify the clerk for the undersigned judge if counsel for any party has been omitted from the list of counsel receiving this notice.

Deputy Clerk
[Date]

Notice Sent To:

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

Sojourner House
Plaintiff,

v.

Case No.: 1:18-cv-00459-JJM-PAS

City of Woonsocket, et al.
Defendant.

NOTICE OF TELEPHONIC RULE 16(b) SCHEDULING CONFERENCE

A Rule 16(b) pretrial scheduling conference regarding the above case will be held by telephone before District Judge John J. McConnell, Jr. on Friday, February 15, 2019 at 09:30 AM. The Court will initiate the call unless otherwise indicated.

In order to facilitate an informed discussion of the merits of the case and the prospect for settlement, lead counsel are required to confer prior to that time for the following purposes (pursuant to counsel's obligations under Fed. R. Civ. P. 26(f):

1. Exchanging relevant information and documents;
2. Identifying the facts that are in dispute;
3. Identifying the legal issues;
4. Identifying as precisely as possible the nature of the discovery contemplated by each party;
5. Exploring the possibility of settlement before substantial expenditures of time and money are made;
6. Possible referral to Alternative Dispute Resolution (ADR) in the form of a mandatory Settlement Conference before a Magistrate Judge or a conference with the ADR Administrator.

In addition, at least three (3) days prior to the conference, counsel for each party shall file a written statement no longer than three (3) pages in length which summarizes the facts of the case and identified any legal issues which may arise.

Trial counsel, including counsel admitted *pro hac vice*, must attend the conference, unless previously excused by the presiding judge, and should be prepared to discuss each of the aforementioned subjects.

Counsel are instructed to notify the case manager for the undersigned judge if the contact information differs from the docket sheet or if counsel for any party has been omitted from the list of counsel receiving this notice.

February 1, 2019

By the Court:

/s/ John J. McConnell, Jr.
United States District Judge

U.S. District Court
for the District of Rhode Island
One Exchange Terrace
Providence, RI 02903
Case Manager: Barbara Barletta 401-752-7202

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

Sojourner House
Plaintiff,
v.

Case No.: 1:18-cv-00459-JJM-PAS

City of Woonsocket, et al.
Defendant.

PRETRIAL SCHEDULING ORDER

Pursuant to Rule 16 of the Federal Rules of Civil Procedure, it is ordered that:

1. All factual discovery shall be completed by June 17, 2019
2. Plaintiff shall make its expert witness disclosures as required by Fed. R. Civ. P. 26(a)(2) by July 17, 2019
3. Defendant shall make its expert witness disclosures as required by Fed. R. Civ. P. 26(a)(2) by August 16, 2019
4. All expert discovery shall be completed by September 17, 2019
5. Dispositive motions shall be filed by October 16, 2019

The parties shall add any known additional defendants or third-party defendants within sixty (60) days of the date of this order.

No discovery motions shall be filed until after the party in good faith tries to resolve the matter with opposing counsel. If that does not resolve the dispute, the party must first have an informal conference with the Court, which can be arranged by contacting the judge's Case Manager at the direct extension listed below.

It is so ordered.

February 15, 2019

By the Court:

/s/ John J. McConnell, Jr.
United States District Judge

U.S. District Court
for the District of Rhode Island
One Exchange Terrace
Providence, RI 02903
Case Manager: Barbara Barletta 401-752-7202

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

Barry O'Connor, Jr
Plaintiff,

v.

Case No.: 1:21-cv-00343-MSM-PAS

University of Rhode Island
Defendant.

PRETRIAL SCHEDULING ORDER

Pursuant to Rule 16 of the Federal Rules of Civil Procedure, it is ordered that:

1. All factual discovery shall be completed by November 4, 2022
2. Plaintiff shall make its expert witness disclosures as required by Fed. R. Civ. P. 26(a)(2) by December 5, 2022
3. Defendant shall make its expert witness disclosures as required by Fed. R. Civ. P. 26(a)(2) by January 5, 2023
4. All expert discovery shall be completed by February 6, 2023
5. Dispositive motions shall be filed by March 6, 2023

The parties shall add any known additional defendants or third-party defendants within sixty (60) days of the date of this order.

No discovery motions shall be filed until after the party in good faith tries to resolve the matter with opposing counsel. If that does not resolve the dispute, the party must first have an informal conference with the Court, which can be arranged by contacting the judge's Case Manager at the direct extension listed below.

It is so ordered.

May 4, 2022

By the Court:

/s/ Mary S. McElroy
United States District Judge

U.S. District Court
for the District of Rhode Island
One Exchange Terrace
Providence, RI 02903
Case Manager: Carrie Potter 401-752-7204

Activity in Case 1:24-cv-00326-MSM-LDA Kiel James Patrick, LLC v. Doe et al Notice of Hearing on Motion

From cmecf@rid.uscourts.gov <cmecf@rid.uscourts.gov>
Date Tue 10/1/2024 10:35 AM
To cmecfnf@rid.uscourts.gov <cmecfnf@rid.uscourts.gov>

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

*****NOTE TO PUBLIC ACCESS USERS*** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.**

U.S. District Court

District of Rhode Island

Notice of Electronic Filing

The following transaction was entered on 10/1/2024 at 10:33 AM EDT and filed on 10/1/2024

Case Name: Kiel James Patrick, LLC v. Doe et al

Case Number: 1:24-cv-00326-MSM-LDA

Filer:

Document Number: No document attached

Docket Text:

NOTICE of Hearing : Preliminary Injunction and [20] MOTION to Dismiss for Lack of Jurisdiction : Motion Hearing reset for 10/31/2024 at 10:00 AM in Remote Hearing before District Judge Mary S. McElroy.(Zoom Meeting ID: 160 119 4100, Passcode: 933468) (Potter, Carrie)

1:24-cv-00326-MSM-LDA Notice has been electronically mailed to:

C. Alexander Chiulli achiulli@savagelawpartners.com, cjohnson@savagelawpartners.com

Joseph P. Carnevale , IV jcarnevale@savagelawpartners.com, cjohnson@savagelawpartners.com

Matthew Thomas Oliverio mto@om-rilaw.com, nh@om-rilaw.com

Ronghua Guan ronghua@dgwllp.com

1:24-cv-00326-MSM-LDA Notice has been delivered by other means to:

(eff. 3/10)

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

[PARTY A]

v.

CA

[PARTY B]

STANDARD FINAL PRETRIAL CONFERENCE NOTICE AND ORDER

A final pretrial conference for the above case will be held before United States District Judge [name] in Chambers, Room [#] on [Day, Month, at Time]. At the final pretrial conference, counsel are expected to:

1. Inform the Court of the anticipated length of the trial and any scheduling conflicts for themselves and/or their witnesses.
2. Provide a list of witnesses in the order they are to be presented at trial and the length of direct testimony and cross-examination.
3. Inform the Court of any special needs a witness may require or any other matters that could affect the progress of that trial.
4. Discuss how exhibits will be presented and which exhibits will be admitted without objection, and notify the Court if they plan to utilize the courtroom technology.
5. Discuss whether testimony will be presented by deposition and deadlines for the filing of designations, cross-designations, and objections.

In addition, trial counsel are required to make the following filings and submissions in accordance with the dates listed below:

1. Unless otherwise ordered by the Court, any motions in limine and supporting memoranda are to be

electronically filed fourteen (14) days before jury empanelment. Objections to motions in limine are to be electronically filed seven (7) days thereafter.

2. Unless otherwise ordered by the Court, trial counsel must confer with each other and provide the Court seven (7) days before jury empanelment, a list (paper) of exhibits to be admitted without objection.

So ordered.

[judge name]
United States District Judge
[date]

(eff. 3/10)

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

CRIMINAL CASES:

CIVIL CASES:

STANDARD TRIAL NOTICE

You are hereby notified that the above-captioned cases will be empaneled on [date] at [time]. Trial counsel must be present for the empanelment of the jury unless excused by the Court. The above cases may or may not be reached for trial in the order listed. It is counsel's responsibility to keep informed of the status of their cases. Any pretrial memoranda not previously filed must be filed by [date].

Under Guideline 3E1.1(b)(2), only timely pleas qualify for a three level reduction for acceptance of responsibility. Any plea agreements or notices of intent to plead guilty must be filed at least seven (7) days prior to empanelment.

Counsel are reminded that every effort should be made to settle the case before jurors are summoned for empanelment. **Counsel are to advise the clerk of any such settlement and file a stipulation of dismissal no later than seven (7) days before the scheduled empanelment date.** Jury costs and/or counsel fees may be assessed against one or more of the parties and/or counsel if the Court determines that the lateness of settlement was due to unreasonable or vexatious conduct or neglect.

Counsel must file a copy of their voir dire questions, and in civil cases, a brief statement of the facts no later than [date].

[judge name]
[Chief] United States District Judge
[date]

(eff. 3/10)

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

[PARTY A]

V.

CA

[PARTY B]

**STANDARD ORDER REFERRING CASE TO
ALTERNATIVE DISPUTE RESOLUTION**

This case is hereby ordered referred to mediation. It is further ordered:

1. _____ is appointed mediator in this case.
2. The mediator shall serve (with/without) compensation.
3. Mediation proceedings in this matter shall be governed by the confidentiality provisions of sections VIII and IX of the ADR Plan. Rule 408 of the Federal Rules of Evidence shall apply to information, statements and evidence generated in the course of the mediation. Moreover, the memoranda and other work product of the appointed mediator, and any communication made to the appointed mediator relating to the subject matter of the case referred to ADR, shall not be subject to disclosure in any subsequent civil or administrative proceeding.
4. All parties, lead counsel of record, and claims professionals having full authority to bind and settle this case shall attend the mediation in person. "Settlement Authority" means the individual with control of the full financial settlement resources involved in the case, including the full financial authority and ability to agree to a binding settlement agreement.
5. Mediation proceedings shall be conducted in accordance with procedures outlined in the Court's ADR Plan as amended (which can be found on the Court's website at www.rid.uscourts.gov) and such additional requirements as the mediator shall require.

6. Counsel for the parties shall submit to the mediator a Mediation Brief that conforms to the content outlined in the suggested briefing guidelines set forth on the Court's website.
7. Mediation briefs shall not be exchanged with opposing counsel but are to be sent directly to the mediator.
8. No extension of the date and time of the mediation shall be allowed without the express written assent of the mediator.
9. Parties and their counsel shall participate in the mediation in good faith.
10. The mediation shall be held on _____ [Date] _____ in _____ [Location] _____. [#10 will be used only in cases referred to Berry Mitchell].

So ordered.

[Judge's Name]
United States District Judge
[Date]

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

John Dunbar
Plaintiff,
v.

Case No.: 1:24-cv-00251-WES-PAS

Providence College
Defendant.

NOTICE OF SETTLEMENT CONFERENCE

The above matter has been referred to Magistrate Judge Patricia A. Sullivan for a settlement conference. The conference will be held on November 4, 2024 at 02:00 PM **by Zoom video conference**. The attorneys who will be lead counsel during the trial of the case shall participate in the settlement conference with the parties and with the person or persons having full authority to negotiate and to settle the case on any terms at the conference.

Approximately five (5) court days before the settlement conference, the parties shall exchange with each other and email to the Court a settlement conference statement, by sending it to the following email address: **RID_PAS_Settlement@rid.uscourts.gov**. This statement shall include the following:

1. A brief statement of the facts of the case, and of the claims and defenses, i.e., the statutory or other grounds upon which the claims are founded. The statement should identify the major factual and legal issues in dispute as pertinent to the mediation.
2. An itemized statement of the damages claimed, and of any other relief sought.
3. A brief summary of the proceedings to date.
4. A history of past settlement discussions, offers and demands. If no discussions have taken place, the Court directs the attorneys to discuss settlement, and exchange demands and offers prior to the settlement conference.

Also approximately five (5) days before the settlement conference, any party may (but is not required) use the same email address to deliver a second statement to advise the mediator only of any confidential matters pertinent to mediation that should not be disclosed to the other parties.

At the settlement conference the parties, by counsel, shall give a brief (5–10 minute) presentation outlining the factual and legal highlights of their case. Confidential caucuses may be held with each party and the party's representative(s).

Any failure of the trial attorneys, parties or persons with authority to attend the conference may result in sanctions to include the fees and costs expended by the other parties in preparing for and attending the conference. Failure to timely deliver a settlement conference statement may also result in sanctions.

It is so ordered.

August 21, 2024

By the Court:

/s/ Patricia A. Sullivan
United States Magistrate Judge

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND
ONE EXCHANGE TERRACE
PROVIDENCE, RI 02903

WILLIAM E. SMITH
CHIEF JUDGE

July 1, 2014

Dear Federal Practitioner:

The United States District Court for the District of Rhode Island is seeking your assistance in connection with an initiative to provide counsel to indigent parties in a limited number of civil cases each year. By this letter, I am writing to invite you as a member of the bar of this Court to consider applying for membership on a panel of attorneys available for appointment in such cases.

The Court recognizes that there are special occasions when it may be in the interest of justice of appoint counsel to assist a *pro se* party of limited financial means in a civil case. To address this need, the Court recently adopted a Plan for *Pro Bono* Representation in Civil Cases, which was drafted by the Court in conjunction with a subcommittee of the Federal Bench-Bar Committee of the Rhode Island Bar Association.

Now that the Plan has been adopted by the Court, we are looking to create a roster of civil practitioners to handle a small number of cases on a *pro bono* basis each year. All members of the Court's bar are welcome to apply for membership on the panel. In addition to encouraging experienced practitioners to volunteer to be on the panel, the Court also believes that this is an excellent opportunity for newer attorneys to gain valuable litigation experience under the direction of a mentor attorney.

The Court anticipates that there may be three or four cases that warrant a *pro bono* appointment each year. In light of the relatively small number of cases available each year for *pro bono* representation, we anticipate that a panel attorney would be asked to handle no more than a single case annually, and most likely would only receive a single appointment every few years.

If you are interested in applying to become a member of the panel, please visit the Court's website, and review the application and plan materials included in the "*Pro Bono*" section.

If you have any additional questions about the civil *pro bono* program, please contact the Clerk's Office at (401) 752-7220 or send an email to ProBono@rid.uscourts.gov. Thank you in advance for considering this request from the Court.

Very truly yours,



William E. Smith
Chief Judge



United States District Court
District of Rhode Island

Guidelines for *Pro Bono* Attorneys

The United States District Court for the District of Rhode Island has adopted a Plan for *Pro Bono* Representation in Civil Cases (“Plan”). To assist appointed attorneys in their participation in the program, the Court has created this set of Guidelines to provide additional information about issues such as reimbursement for expenses, declinations of appointments, and mentorship opportunities.

I. Reimbursement Guidelines

An attorney appointed pursuant to the Plan may petition the Court for reimbursement of certain expenses incurred in the course of the representation. (See, Section V of the Plan.) In most cases, the reimbursement will not exceed \$1,500, but the Court may reimburse appointed counsel up to \$2,500 in exceptional circumstances.

A. Restrictions on Eligibility

1. Appointed counsel should first pursue any costs that are recoverable under provisions of the U.S. Code, the Court’s Local Rules, or any applicable insurance, pursuant to a contractual provision creating entitlement to recovery of costs or otherwise. Costs that are either waived or otherwise recoverable will not be reimbursed pursuant to these guidelines.
2. Costs and/or fees awarded in favor of the party represented by appointed counsel and against another party pursuant to a judgment or other order of the Court will not be eligible for reimbursement pursuant to these guidelines.
3. Unless otherwise approved by the Court, only costs associated with the representation in the United States District Court for the District of Rhode Island will be approved for reimbursement. Costs associated with the preparation or presentation of an appeal will not be reimbursed.
4. Any costs or fees taxed against the represented party or appointed counsel as a result of a court ruling or as part of a judgment before this Court shall not be eligible for reimbursement pursuant to these guidelines.

B. Procedures for Requesting Reimbursement

1. Within 45 days following the entry of a judgment or order of dismissal, the appointed attorney may apply for reimbursement of expenses by filing a “Request for Reimbursement of Pro Bono Attorney Expenses” (Request) with the Clerk’s Office. The Request must contain an itemized list of all permissible expenses incurred by the appointed attorney, and any receipts or other supporting documentation of expenses incurred.
2. If an appointed attorney has withdrawn or has been dismissed prior to the entry of judgment or order of dismissal, that attorney may file a Request within 45 days of the withdrawal for allowable expenses incurred. The Court may decide to withhold the reimbursement of expenses incurred until the conclusion of the case to properly apportion the expenses between the withdrawn counsel and any successor appointed counsel.

C. Reimbursable Expenses

The following out-of-pocket expenses may be reimbursed after review and approval by the presiding judicial officer. Appointed counsel must, on an *ex parte* basis, request advance authorization for any individual expense anticipated to be above \$500.00.

1. The costs of depositions and transcripts.
2. Investigative, expert, or other services necessary for the adequate preparation of a matter.
3. Travel Expenses—Mileage may be reimbursed at the rate of reimbursement for official government travel in effect at the time the expense was incurred, plus parking, tolls and other transportation costs.
4. Service and witness fees not otherwise recoverable.
5. Costs of interpreter services not otherwise recoverable.
6. Photocopies, Photographs, and Printing—Actual out-of-pocket expenses incurred for items such as photocopies, photographs, printing, long distance telephone calls, express and overnight delivery services, but not to exceed \$.10 per page for copying of documents. Reimbursement for the copying of documents, printing or delivery services will not be approved if the presiding judicial officer concludes that electronic transmission of the documents would have been sufficient for adequate preparation of a matter.
7. Additional expenses may be approved by the presiding judicial officer, as long as, prior to the expense being incurred, the attorney obtains advance authorization from the

presiding judicial officer. Approval for such an expense may be obtained by an *ex parte* request.

D. Restrictions on Reimbursement

1. General office overhead, and any expense not normally billed to a fee-paying client, is not reimbursable pursuant to these guidelines.

2. The presiding judicial officer may disallow any expense that is not properly documented.

3. The presiding judicial officer may disallow any reimbursement if it is determined that the appointed attorney did not pursue reasonable courses of recovery of expenses, including seeking statutorily permitted costs and fees, prior to application for reimbursement pursuant to these guidelines.

II. Declinations of Appointments

Under Section III of the Plan, appointed attorneys have fourteen (14) days to review the case, communicate with the potential client about the case, and otherwise ensure that there is no professional impediment that prevents acceptance of the case. Appointed attorneys are expected to act in good faith when declining appointments, and should only do so due to a conflict, workload issues, or ethical concerns. Once an attorney has determined that the case can be accepted, an entry of appearance shall be filed.

Following receipt of a conditional appointment under the provisions of this Plan, the appointed attorney may file a declination with the Court within fourteen (14) days. In that declination, the attorney should specify the reasons for the declination, if appropriate. However, no reason need be given whenever an attorney is not professionally comfortable doing so.

III. Mentorship Opportunities

The *pro bono* representation program is also an opportunity for attorneys to gain Courtroom experience under the direction of a mentor attorney. Attorneys with less than five years of civil litigation experience, and attorneys who the Court determines otherwise lack the requisite litigation experience, may accept *pro bono* appointments under the direction of a Court-provided mentor. In addition, attorneys may also indicate a preference for a mentor attorney who is not a part of the Court's *pro bono* panel. Under the provisions of the Plan, the Court may appoint an experienced attorney as a mentor attorney to the Court's *pro bono* panel *pro hac vice*.

Mentor attorneys must enter an appearance in the case, must sign and be responsible to the Court for the content of all pleadings, motions and documents filed, must attend all court proceedings unless excused, and must be prepared to assume sole responsibility of the case.



UNITED STATES DISTRICT COURT
District of Rhode Island

PRO BONO PANEL APPLICATION

Applicant Information

Full Name: _____
Last First M.I.

Firm: _____

Address: _____
Street Address Apartment/Unit #

City State ZIP Code

Phone: _____ Email: _____

Bar Number _____ Date of First Bar Admission: _____

Jurisdictions Where Admitted: _____

Do you, or does your firm, maintain professional liability insurance? Yes No

Are there any disciplinary proceedings pending against you at this time? Yes No

Has your *pro hac vice* status ever been revoked by any court? Yes No

(Note: If you answered yes to any of the two previous questions, you must provide a full explanation as an attachment to this application.)

Experience

Are you fluent in one or more foreign language? Yes No

If yes, please specify: _____

Indicate any areas of civil practice expertise: _____

How many years of civil litigation experience do you have? _____

Briefly describe your civil litigation experience:

If your civil litigation experience has not been in the District of Rhode Island, please list your recent cases:

Case Number	Case Name	Court	Civil Practice Area	Disposition

Please describe any other relevant experience that qualifies you for appointment to the Civil Pro Bono Panel:

Mentorship Opportunities

Would you be willing to serve as a mentor to another panel attorney? Yes No

If the Court determines that you do not have the requisite amount of civil litigation experience, would you be willing to accept a pro bono appointment under the supervision of a mentor attorney? Yes No

If you are willing to accept appointment under the supervision of a mentor attorney, indicate if there is an experienced civil practitioner who is willing to be your mentor attorney*:

*Note: The prospective mentor attorney does not need to be a member of the Court's *Pro Bono* Panel.

Certification and Signature

I certify that my answers are true and complete to the best of my knowledge.

Signature: _____ Date: _____