

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

IN RE: LOCAL RULES COMMITTEE

Misc. 06-102

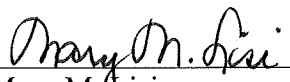
ORDER

Pursuant to L.R. Gen 113 and by agreement of the Judges of this Court, effective July 1, 2012, Michael Daly, Donald Migliori, Amy Parker, Matthew Oliverio, and Stanley Pupecki are hereby appointed to the Local Rules Review Committee (LRRC); Judith Crowell and Matthew H. Parker are reappointed to the LRRC; and Olin Thompson is appointed to serve the remainder of the term of Mary McElroy, which expires on June 30, 2014. Stacey Nakasian and Steven Richard are hereby appointed as Co-Chairs of the LRRC effective July 1, 2012.

Therefore, the Local Rules Review Committee shall be composed of the following individuals, whose terms expire on the dates indicated next to their respective names.

<u>Name</u>	<u>Term Expires</u>
C. Russell Bengtson, Esq.	June 30, 2013
Terrence P. Donnelly, AUSA	June 30, 2013
Raymond A. Marcaccio, Esq.	June 30, 2013
Stacey P. Nakasian, Esq.	June 30, 2013
Steven M. Richard, Esq.	June 30, 2013
Raymond M. Ripple, Esq.	June 30, 2013
CharCretia V. DiBartolo, Esq.	June 30, 2014
Robert D. Fine, Esq.	June 30, 2014
Olin Thompson, Esq.	June 30, 2014
Neal J. McNamara, Esq.	June 30, 2014
Justin T. Shay, Esq.	June 30, 2014
George J. West, Esq.	June 30, 2014
Judith Crowell, Esq.	June 30, 2015
Michael Daly, Esq.	June 30, 2015
Donald Migliori, Esq.	June 30, 2015
Amy Parker, Esq.	June 30, 2015
Matthew H. Parker, Esq.	June 30, 2015
Matthew Oliverio, Esq.	June 30, 2015
Stanley Pupecki, Esq.	June 30, 2015
Michael Simoncelli, <i>ex officio</i> reporter	n/a

So Ordered:

  
\_\_\_\_\_  
Mary M. Lisi  
Chief Judge  
Date: June 22, 2012

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

**LOCAL RULES REVIEW COMMITTEE  
MARCH 13, 2013**

The Local Rules Review Committee (“LRRC”) met on March 13, 2013, at 4:00 PM in the Jury Assembly Room of the United States Courthouse. Stacey Nakasian and Steven Richard co-chaired the meeting. The following LRRC members were present: C. Russell Bengston, CharCretia DiBartolo, Michael Daly, Terrence Donnelly, Robert Fine, Matthew Oliverio, Amy Parker, Matthew Parker, Stanley Pupecki, Ray Ripple, Justin Shay, and George West. The following Court personnel were present: David DiMarzio, Frank Perry, and Michael Simoncelli (LRRC Reporter). Co-chair Stacey Nakasian called the meeting to order at 4:05 PM.

Chief Judge Lisi kicked off the meeting by thanking the members of the LRRC for their service to the Court. She noted that in comparison to the 2011-12 cycle, the LRRC’s workload as a whole should be lighter than the 2011-12 cycle as the Court proposed a smaller number of suggested amendments for the 2012-2013 review cycle. After her opening remarks, Chief Judge Lisi excused herself from the meeting to let the LRRC begin its discussion.

Co-chair Stacey Nakasian thanked Chief Judge Lisi for her opening remarks. Ms. Nakasian next outlined the process by which suggested amendments to the local rules are considered by the LRRC. She explained that the bulk of the LRRC’s work is performed by the LRRC’s subcommittees. Any suggestions from the Court, Bar, or public are forwarded to the relevant subcommittee for review, which in turn reports its recommendations to the full LRRC. The full LRRC then votes to reject or endorse the subcommittee’s recommendation, and reports its decision in a final report to the Court, which is due by June 30, 2013.

Ms. Nakasian next discussed the subcommittee assignments for the 2012-2013 cycle. She started by mentioning that since the work of the Electronic Case Filing (ECF) subcommittee had been relatively light over the last two cycles, the co-chairs decided to fold that subcommittee into the General Rules Subcommittee. She added that the three subcommittee chairs for the 2012-2013 cycle are: George West (Criminal Rules), Justin Shay (General Rules), and C. Russell Bengston (Civil Rules).

Following the discussion of the suggestion review process and the subcommittee structure, Ms. Nakasian turned to the suggested amendments submitted by the Court to the LRRC, and the two holdovers suggestions from 2011-12. She mentioned that the Court forwarded 11 suggested amendments, which included both technical and substantive changes, and two holdovers from the previous cycle related to ghostwriting of pleadings by attorneys on behalf of *pro se* filers and the discovery of electronically stored information (ESI). Redlined

versions of the suggested amendments were circulated at today's meeting. She also pointed out that LRRC members may propose suggestions in addition to the Court suggestions.

In regard to the ESI discovery suggestion from the 2011-12 cycle, co-chair Steven Richard provided the LRRC with additional information. He reminded members that an *ad hoc* subcommittee was created during the 2011-12 review cycle to study the ESI issue, and that the subcommittee included Mr. Richard, Jeffrey Techentin, Byron McMasters, and Ranen Schechner. Mr. Richard explained that the *ad hoc* subcommittee met during the fall, and put together a memorandum outlining their discussions. Ms. Nakasian added that the final ESI proposal may not fit within the confines of the Local Rules, and that it may be something that the LRRC forwards to the Court to stand outside of the Local Rules. She also added the membership on the *ad hoc* subcommittee is not closed, and if other LRRC members are interested in participating in the process, they should contact Mr. Richard.

David DiMarzio briefly explained the process by which the Court approves and forwards suggested amendments. He explained that all of the suggested amendments sent to the LRRC for the 2012-13 review cycle have been reviewed and endorsed by the District Judges. He also added that the Court may decide to forward additional amendments to the LRRC this cycle—including one proposed change related to the electronic filing of complaints—but that these suggested amendments are still being drafted, and have not been reviewed by the District Judges.

Ms. Nakasian explained that the proposed amendments and holdovers will be forwarded to the respective subcommittees after the meeting. She asked the subcommittee chairs to organize meetings to discuss these proposals during April, and to submit reports to the co-chairs in advance of the LRRC's May meeting.

Bob Fine asked if suggestions made by LRRC members should be sent directly to the relevant subcommittee, or the LRRC as a whole. Ms. Nakasian and Mr. Richard said that any suggestions from LRRC members should be sent to the full committee, and then the co-chairs would funnel the suggestion to the relevant subcommittee. Mr. Fine then mentioned a proposal to make the electronic service of discovery valid in this District. The co-chairs asked Mr. Fine to put the suggestion in writing and forward it to the co-chairs, and he agreed.

Ms. Nakasian asked Michael Daly—a member of the previous cycle's *ad hoc* subcommittee on admiralty rules—if there have been any issues regarding the new set of local admiralty rules that went into effect on January 15, 2013, and if the LRRC had any additional work in relation to those rules. He reported that there were no issues that he was aware of thus far with the local admiralty rules.

Ms. Nakasian closed the meeting by thanking the members of the Court staff for their assistance to the LRRC.

The meeting adjourned at 4:35 PM.

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

**LOCAL RULES REVIEW COMMITTEE  
MAY 23, 2013**

The Local Rules Review Committee (“LRRC”) met on May 23, 2013, at 12:00 PM in the Jury Assembly Room of the United States Courthouse. Stacey Nakasian and Steven Richard co-chaired the meeting. The following LRRC members were present: C. Russell Bengston, CharCretia DiBartolo, Michael Daly, Terrence Donnelly, Robert Fine, Ray Marcaccio, Neal McNamara, Donald Migliori, Matthew Oliverio, Stanley Pupecki, Ray Ripple, Justin Shay, and George West. The following Court personnel were present: David DiMarzio, Frank Perry, and Michael Simoncelli. Co-chair Stacey Nakasian called the meeting to order at 12:15 PM.

Ms. Nakasian thanked the subcommittees for their work in advance of today’s meeting, and outlined the process by which the various subcommittee reports would be considered by the LRRC. She turned first to the report submitted by the General Rules Subcommittee. For each proposed amendment, she provided a brief explanation of the change proposed, and asked LRRC members if they had any objection to the amendment:

LR Gen 104: Ms. Nakasian explained the proposed amendment to LR Gen 104(b) was a technical revision to incorporate the statutory reference that authorizes the Clerk of Court to collect fees as prescribed by the Judicial Conference. The General Rules Subcommittee recommended approval as proposed, and the full LRRC approved the change.

LR Gen 105(c)(1): Ms. Nakasian stated the proposed amendment to LR Gen 105(c) added a new subsection permitting attorneys to make emergency filings outside of regular business hours. She asked David DiMarzio, Clerk of Court, to explain the Court’s intent behind the proposal. Mr. DiMarzio explained that the rule would cover any non-ECF filing, and that the Court would add information to its website detailing the procedure for making these filings. Donald Migliori asked if the Court intended to define “emergency” within the rule. Mr. DiMarzio responded that the rule would not, but the Clerk’s Office would work with the presiding judicial officers to define “emergency.” The General Rules Subcommittee recommended approval as proposed, and the full LRRC approved the change.

LR Gen 109: Justin Shay, chair of the General Rules Subcommittee, explained that the Subcommittee recommended that the whole LRRC discuss the changes to (a) and (d)(1) of the rule, particularly in comparison to District of Massachusetts Local Rule 206. Mr. DiMarzio pointed out that the main difference between the proposed change to LR Gen 109(a) and Rule 206 was the second paragraph of the Massachusetts rule. He further explained that Susan Thurston, the Clerk of the Bankruptcy Court, saw no problem with adding this additional

language to LR Gen 109(a) if the LRRC was inclined to add it. Matt Oliveiro added that he thought that the additional language in the Massachusetts rule would be helpful to practitioners. Mr. Shay also pointed out that the Court proposed a technical revision to remove the reference to the “Interim Bankruptcy Rules” in (f). (The reference is out-of-date.)

The LRRC agreed to adopt a revised version of LR Gen 109(a) that incorporated the second paragraph of the District of Massachusetts Rule 206 into the Court’s original proposal. The LRRC also approved the changes to (d)(1) and (f).

LR Gen 112: Ms. Nakasian explained that the changes to LR Gen 112 were three minor changes to remove references to dated technology, and to accurately and consistently define the location of the Court throughout the rule. The General Rules Subcommittee recommended approval as proposed, and the full LRRC approved the change as proposed.

LR Gen 206(f): Mr. Shay explained that the General Rules Subcommittee elected to defer recommendation on this issue, and have the whole LRRC discuss the extension of law student counsel status to those awaiting the results of the first bar examination. David DiMarzio explained that this change grew out of a discussion with Professor Andy Horwitz at the Roger Williams University Law School, and that the change would bring the local rule into line with state court practice. Bob Fine suggested a revision to the original language, extending law student counsel status to students “awaiting the result of the first bar examination after the student’s graduation.” The full LRRC approved this change to LR Gen 206 (f) as recommended by Mr. Fine. Ms. Nakasian added that the Court recommended a small change to the disciplinary portion of the rule (206(f)(5)), and the full LRRC approved this change as proposed.

LR Gen 305(b): Ms. Nakasian explained that the proposed amendment to LR Gen 305(b) updates the language in the rule from “ECF transmission facilities” to “ECF system.” The General Rules Subcommittee recommended approval as proposed, and the full LRRC approved the change as proposed.

LR Gen 306(a): Ms. Nakasian noted that the change was a minor technical change, changing the word “filed” to “entered.” The General Rules Subcommittee recommended approval as proposed, and the LRRC approved this change as proposed.

LR Gen 309(c): Ms. Nakasian stated that the amendment to LR Gen 309 would define the information required to be included in a certificate of service attached to electronically filed documents. Stephen Richard indicated that the General Rules Subcommittee felt that the proposed requirement would be burdensome to counsel, especially in multiparty cases. David DiMarzio explained that the Court originally drafted this proposal after it made revisions to LR Cv 5.1 (for documents filed conventionally), which defined the necessary element of a certificate

of service. The full LRRC voted to leave the rule unchanged in regard to certificates of service for electronically filed documents. (On a certificates of service for documents filed conventionally, see the discussion on LR Cv 5.1 below).

LR Gen 310: Ms. Nakasian explained that the proposed amendment to LR Gen 310 changes the word “filed” to “entered” when referring to actions by the Court. The General Rules Subcommittee recommended approval as proposed, and the full LRRC approved this change as proposed.

LR Gen 313: Ms. Nakasian stated that the proposed amendment to LR Gen 313 was a technical revision to incorporate a reference to the statute that permits the Clerk of Court to collect fees as prescribed by the Judicial Conference. The General Rules Subcommittee recommended approval as proposed, and the full LRRC approved the change as proposed.

LR Gen 109 (continued): Mr. Shay explained that the Court proposed a second round of changes to LR Gen 109 to remedy deficiencies in local procedure regarding the transmission of bankruptcy appeals to the District Court. Frank Perry explained that the Court proposed the changes to (f) to streamline the procedure for transmitting the record on appeal from the Bankruptcy Court to the District Court, and to remove some confusion in the local rule regarding when an appeal was pending at the District Court. Ms. Nakasian expressed concern that the changes to the local rule may be treading into questions about jurisdiction, and other members of the LRRC felt that they could not adequately evaluate this change to the rule. The LRRC agreed to table the rule change, and to forward the suggested rule change to the Bankruptcy Court’s Attorney Advisory Committee for evaluation.

## Civil Rules

LR Cv 5.1: Michael Daly explained that the Court-proposed changes to LR Cv 5.1 split the rule into two parts. The new (a) is taken from the existing (a)(1), and would apply to summonses only. The new section (b) of the rule would require all non-ECF filings after the complaint—unless a rule provides otherwise—to include a certificate of service, and spells out what is to be included in a certificate of service. Mr. Daly reported that the Civil Rules Subcommittee recommended approval of the changes to (a) as proposed, but made a number of changes to (b).

Specifically, he explained that the Civil Rules Subcommittee added language to emphasize that this rule would only apply to service of documents filed conventionally, and that LR Gen 309 would govern documents filed electronically. Stanley Pupecki questioned whether the 7-day requirement in (a) to show proof of service of a summons was too restrictive, and the full LRRC agreed to change that requirement from 7 days to “within a reasonable time after the receipt of service.” David DiMarzio recommended technical changes to some of the language in the

proposed amendments, and that the new section (b)(3) added by the Civil Rules Subcommittee was redundant with (b)(1) of the rule. The LRRC agreed to accept the modifications to the Civil Rules Subcommittee proposals recommended by Mr. Pupecki and Mr. DiMarzio.

LR Cv 55: Mr. Daly explained that the proposed amendment to LR Cv 55 removed an out-of-date reference to the Soldiers' and Sailors' Civil Relief Act of 1940. The Civil Rules Subcommittee recommended approval as proposed, and the full LRRC approved this change as proposed.

LR Cv 72: Mr. Daly explained that the Court proposed the change to LR Cv 72 to replace the references to "appeal" with "objection" to bring the rule in line with Fed. R. Civ. P. 72(a). Ms. Nakasian pointed out that the Civil Rules Subcommittee recommended approval of the change as proposed, but that the Criminal Rules Subcommittee—which reviewed an identical change to the companion criminal local rule (LR Cr 57.2)—had reservations about adopting the change. She recommended that the full LRRC hold off on approval of LR Cv 72 until the Committee discussed the changes to LR Cr 57.2 as well.

LR Cv 26.1: Mr. Daly next explained that the Civil Rules Subcommittee recommended approval of a new LR Cv 26.1 that would supply uniform definitions in discovery requests. (The proposed rule mirrors District of Massachusetts Rule 26.5.) Mr. Pupecki and Mr. Richard expressed concern that some of the definitions in the rule were burdensome and overly broad. The full LRRC rejected the proposed rule recommended by the Civil Rules Subcommittee.

LR Cv 26: Mr. Daly and Ray Ripple explained that the Civil Rules Subcommittee proposed the amendment to LR Cv 26 on the basis of a suggestion by Robert Fine to allow for the electronic service of discovery requests. The full LRRC approved the proposed rule as proposed by the Civil Rules Subcommittee.

Ghostwriting: Mr. Daly provided background on the "ghostwriting" suggestion. The suggestion was made during the 2011-2012 local rules review cycle, and was tabled for consideration during the 2012-2013 cycle. He explained that the Rhode Island Superior Court recently issued two decisions on this issue, and that one had been appealed to the Rhode Island Supreme Court. The Civil Rules Subcommittee recommended that the LRRC wait to see how the Rhode Island Supreme Court addresses the issues before taking any action. The full LRRC agreed to table the suggestion.

ESI: Mr. Richard reported that the ESI subcommittee planned to continue their work in the 2013-2014 local rules review cycle.

Criminal Rules



LR Cr 57.2: George West reported that the Criminal Rules Subcommittee had identified a potential procedural issue with the proposed change to LR Cr 57.2, and recommended that the LRRC table the amendment for additional study before making a recommendation. Specifically, Mr. West pointed out that 18 U.S.C. §3145(a) and (b) require a motion—not an objection (as the rule requires)—to be filed in response to a Magistrate Judge’s ruling on a bail issue. Mr. West felt that there may be similar instances where the procedure set out in a particular statute may also be in conflict with this proposed change to LR Cr 57.2. David DiMarzio reported that the Clerk’s Office had contacted the Administrative Office’s Magistrate Judges’ Division regarding this issue in advance of the meeting, and that they did not see a problem with the change. Mr. DiMarzio suggested that a note be included with the rule that explains the different procedure to be followed in regard to bail issues. Ms. Nakasian said that the LRRC would hold off on approving or tabling LR Cr. 57.2 for the moment to give the Court a change to revise the proposed change to LR Cr 57.2.

Ms. Nakasian closed the meeting by thanking the members of the LRRC for their work, and explained that a draft of the report would be circulated to committee members in June for their final approval. She reminded everyone that the final report to the Court was due by June 30.

The meeting adjourned at 2:15 PM.

July 3, 2013

***BY HAND***

The Honorable Mary M. Lisi  
Chief Judge of the United States District Court  
United States District Court for the  
District of Rhode Island  
One Exchange Terrace  
Providence, RI 02903

**Re: Annual Report of the Local Rules Review Committee**

Dear Chief Judge Lisi:

On behalf of the Local Rules Review Committee (LRRC), and co-Chair Steven Richard and myself, I hereby submit the enclosed Annual Report of the Local Rules Review Committee. Pursuant to LR Gen 113(b)(1), this report constitutes the LRRC's Annual Report to the Court on the proposed amendments to the Local Rules. This Annual Report was adopted by vote of the LRRC via email following its May 23, 2013 meeting.

The LRRC began its work by asking for suggested changes to the Local Rules from the Bar and public during January and February 2013, and received two suggested changes from the bar (one of the suggested changes was proposed during the public comment period on the 2011-2012 proposed amendments in December 2012, and the other was received during the suggestion period). The LRRC discussed these suggested changes, along with the Court-proposed amendments and any holdovers from the previous local rules review cycle, at its March 13, 2013 meeting. At that meeting, the LRRC referred the proposals to the various subcommittees for review, and the co-chairs asked that the subcommittees confer during March and April and report to the chairs in advance of the May 23, 2013 meeting.

At the meeting on May 23, the LRRC reviewed the work of the General Rules, Civil Rules, and Criminal Rules Subcommittees. The full LRRC endorsed adoption of thirteen rule changes. Some of the changes endorsed by the LRRC were non-controversial, technical amendments, but the LRRC did recommend substantive changes to LR Gen 105 (After Hours Filings); LR Cv 5.1 (Proof of Service of Summons and Other Documents); and LR Cv 26 (Discovery).

The Honorable Mary M. Lisi  
July 3, 2013  
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In addition, the LRRC also considered, but ultimately tabled or rejected, additional proposed changes to the rules. The following amendments and proposals were tabled, and will be reconsidered during the next local rules review cycle: part of the proposed amendment to LR Gen 109 (concerning the bankruptcy appeals process); the proposal that the Court adopt a rule requiring *pro se* filers to certify that their pleadings have not been “ghostwritten” by an attorney; and the proposal that the Court adopt a rule setting a default standard for discovery of electronically stored information (ESI). An *ad hoc* committee will continue their discussions regarding a possible ESI rule during the summer and fall of 2013, and will report to the LRRC at its first meeting in 2014. The LRRC also rejected a proposed amendment to LR Gen 309 (Service of Documents By Electronic Means) and a proposal that the Court adopt a rule for uniform definitions in discovery requests in civil cases. (The proposal was modeled on District of Massachusetts Rule 26.5.)

All of the LRRC’s actions on the proposed rule amendments, along with explanations in regard to the modification and/or rejection of certain proposed amendments, are set forth in the attached Annual Report table.

If you have any questions, feel free to contact us.

Respectfully submitted,



Stacey Nakasian

Enclosure

cc: David DiMarzio  
Frank Perry  
Michael Simoncelli

**United States District Court  
for the District of Rhode Island**

**PROPOSED AMENDMENTS TO LOCAL RULES**

General/Attorney Rules

<u>Rule Number</u>	<u>Suggestion Received*</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Gen 104	<p>LR Gen 104 REMOVAL AND COPYING OF DOCUMENTS</p> <p>*****</p> <p>(b) <b>Copies.</b> Upon the request of any person, the Clerk, to the extent reasonable under the circumstances, shall provide copies of any public document filed in a case. The Clerk may charge a reasonable fee for copying consistent with the District Court Miscellaneous Fee Schedule pursuant to 28 U.S.C. §1914.</p>	<p>The General Rules Subcommittee endorsed the proposed change and recommended adoption by the Court.</p>	<p>PROPOSED CHANGE ACCEPTED</p>	
LR Gen 105	<p>LR Gen 105 ASSIGNMENT OF CASES</p> <p>(c) <b>Emergency Matters.</b></p> <p>*****</p> <p>(1) <u>After Hours Filings.</u> Counsel anticipating a possible need for an emergency filing, or emergency action by the court, or both, during a period when the Clerk's Office is ordinarily closed should consult with the Clerk's Office at the earliest opportunity during normal business hours (Monday through Friday, 9:00AM - 4:30PM) to make arrangements. A filing user should not expect that a filing made through ECF will be addressed outside normal business hours unless the filer contacts the Clerk's Office in advance to make special arrangements.</p>	<p>The General Rules Subcommittee endorsed the proposed change and recommended adoption by the Court.</p>	<p>The LRRC accepted the subcommittee's recommendation, and further modified the proposed change upon the Clerk's Office subsequent recommendation. The language added is indicated by a <u>double-underline</u> and the language removed is indicated by a <del>double strikethrough</del>.</p> <p>(c) <b>Emergency Matters.</b></p> <p>*****</p> <p>(1) <u>After Hours Filings.</u> Counsel anticipating a possible need for an emergency filing, or emergency action by the court, or both, during a period when the Clerk's Office is ordinarily closed should consult with the Clerk's Office at the earliest opportunity during normal business hours (Monday through Friday, 9:00AM - 4:30PM) to make arrangements. A filing user should not expect that a filing made through ECF will be addressed outside normal business hours unless the filer contacts the Clerk's Office in advance to make special arrangements.</p>	

\* Unless otherwise indicated, the suggestion was made by the Court.

General/Attorney Rules

<u>Rule Number</u>	<u>Suggestion Received*</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Gen 109	<p style="text-align: center;"><b>LR Gen 109 BANKRUPTCY</b></p> <p>(a) <b>References and Withdrawals of References of Bankruptcy Cases.</b> 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, <i>sua sponte</i>, 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.</p> <p><u>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 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.</u></p> <p style="text-align: center;">*****</p> <p>(d) <b>Reports and Recommendations by Bankruptcy Judge.</b></p> <p>(1) <b>Time for Objections.</b> Any objection to proposed findings of fact and/or rulings of law by a bankruptcy judge in a <del>non-core</del> proceeding shall be filed and served within</p>	<p>The General Rules Subcommittee recommended that the full LRRC compare the proposed changes to (a) and (d)(1) with the recently adopted District of Massachusetts Local Rule 206. The General Rules Subcommittee recommended adoption of the remaining proposed changes to the rule.</p>	<p>The LRRC altered the proposed change to (a) in light of the Committee's discussion; accepted the proposed changes to (d) and (f); and tabled the proposed changes to (f)(1), (f)(5), (f)(6), and (f)(7) for reconsideration after consulting with the Bankruptcy Court's Attorney Advisory Committee.</p> <p>The LRRC altered the proposed change to (a) by adding additional language drawn from the Dist. of Mass. LR 206 (<u>Added language is double-underlined. Original proposal language is single-underlined.</u>)</p> <p style="text-align: center;">*****</p> <p><u>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.</u></p> <p><u>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</u></p>	

\* Unless otherwise indicated, the suggestion was made by the Court.

General/Attorney Rules

<u>Rule Number</u>	<u>Suggestion Received*</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
	<p>14 days after such proposed findings and rulings are served on the objecting party.</p> <p style="text-align: center;">****</p> <p>(e) <b>Appeals to Bankruptcy Appellate Panel.</b> In accordance with 28 U.S.C. §158(b)(6), <del>when all parties consent,</del> appeals from any judgment, order or decree of a bankruptcy judge which are referred to in 28 U.S.C. § 158(a) <del>may will be</del> heard and determined by the Bankruptcy Appellate Panel for the First Circuit <u>unless a party elects to have the appeal heard by the District Court in accordance with Bankruptcy Rule 8001(e)(1).</u></p> <p>(f) <b>Appeals to District Court.</b> Except as otherwise provided in this subsection (f) 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 - 8020 of the Federal Rules of Bankruptcy Procedure ("Bankruptcy Rules"), <del>and any and all Interim Bankruptcy Rules ("Interim Rules") which became effective on or after October 17, 2005.</del></p> <p>(1) <b>Notice of Appeal Record on Appeal.</b> <del>When a notice of appeal is filed with the bankruptcy clerk, the bankruptcy clerk shall, forthwith, transmit a copy of the notice of appeal to the District Court clerk, together with a copy of the judgment, order or decree that is the subject of the appeal, and the Appeal Cover Sheet. The District Court clerk, thereupon, shall treat the matter administratively as a newly filed case, but in accordance with Bankruptcy Rule 8001(f)(2), the matter shall not be deemed "pending" in this</del></p>		<p><u>modify the proposed findings of fact or conclusions of law, receive further evidence, or recommit the matter to the bankruptcy judge with instructions.</u></p> <p><u>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.</u></p> <p>Next, the LRRC accepted the proposed changes to (d) and the first paragraph of (f). (The reference to the "Interim Bankruptcy Rules.")</p> <p>Lastly, the LRRC recommended that the changes to (f)(1), (f)(5), (f)(6), and (f)(7) be tabled until the next local rules cycle. They further recommended that the proposed changes to those subsections of (f) be forwarded to the Bankruptcy Court's Attorney Advisory Committee for review.</p>	

\* Unless otherwise indicated, the suggestion was made by the Court.

General/Attorney Rules

<u>Rule Number</u>	<u>Suggestion Received*</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
	<p>Court until the record has been transmitted and docketed.</p> <p>Upon the completion of the record on appeal in accordance with Bankruptcy Rule 8007(b), the bankruptcy clerk shall transmit a copy of the following to the District Court clerk:</p> <p>(A) <u>Notice of appeal;</u></p> <p>(B) <u>Judgment, order or decree that is the subject of the appeal;</u></p> <p>(C) <u>Docket sheet;</u></p> <p>(D) <u>Appeal cover sheet;</u></p> <p>(E) <u>Election form requesting the appeal be heard by the district court;</u></p> <p>(F) <u>Designation(s) of the contents of the record on appeal;</u></p> <p>(G) <u>Statement(s) of issues on appeal; and</u></p> <p>(H) <u>Any written decision(s) and a transcript of any oral decision(s) by the bankruptcy judge stating the reasons for the judgment, order or decree</u></p> <p><u>The District Court clerk, thereupon, shall treat the matter as a newly filed case and docket the appeal in accordance with Bankruptcy Rule 8007(b).</u></p> <p>*****</p> <p>(5) <b>Dismissal of Appeals by Bankruptcy Judge.</b> A bankruptcy judge may dismiss an</p>			

\* Unless otherwise indicated, the suggestion was made by the Court.



General/Attorney Rules

<u>Rule Number</u>	<u>Suggestion Received*</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
	<p>appeal if:</p> <p>(A) the notice of appeal is not filed within the time specified in Bankruptcy Rule 8002;</p> <p>(B) the appellant has failed to file a designation of the record or a statement of the issues within the time specified in Bankruptcy Rule 8006 or any extension thereof; or</p> <p><del>(C)</del> the appellant has failed to comply with paragraph <del>(6)(C)</del> of this subsection.</p> <p><del>(D)</del><del>(C)</del> the appellant has failed to pay the prescribed appeal filing fee as required by Bankruptcy Rule 8001(a).</p> <p><del>(6)</del> <b>Record on Appeal.</b> In addition to any other applicable requirements, the Bankruptcy Court clerk shall ensure that the record electronically transmitted to the District Court clerk includes:</p> <p>(A) the judgment, order or decree of the bankruptcy judge that is the subject of the appeal;</p> <p>(B) any written decision(s) and a transcript of any oral decision(s) by the bankruptcy judge stating the reasons for the judgment(s), order(s) and/or decree(s) referred to in</p>			

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General/Attorney Rules

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	<p style="text-align: center;">subparagraph (A);</p> <p>(C) — the record on appeal;</p> <p>(D) — a statement of the issues on appeal; and,</p> <p>(E) — a copy of the docket sheet.</p> <p>(7) <b>Form of and Schedule for Filing Briefs.</b> Unless otherwise ordered by the District Court or provided in these rules, the form and schedule for filing appellate briefs and memoranda shall be governed by Bankruptcy Rule 8009 and 8010, except that:</p> <p>(A) all briefs, <del>and memoranda and appendices thereto</del> shall conform to the applicable requirements of LR Cv 7; and</p> <p>(B) with respect to documents that are conventionally filed, two copies of any brief or memorandum shall be provided to the district judge to whom the appeal or motion for leave to appeal is assigned.</p> <p>Such motion and any related objection(s) and replies shall be governed by the applicable provisions of LR Cv 7.</p>			

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General/Attorney Rules

<u>Rule Number</u>	<u>Suggestion Received*</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Gen 112	<p>LR Gen 112 USE OF CELLULAR PHONES AND OTHER ELECTRONIC DEVICES</p> <p>*****</p> <p>(b) <del>Cellular Phones, Laptops, Dictaphones and PDAs and Other Electronic Devices.</del> <u>Electronic devices, including but not limited to Cellular or smart phones, laptops, tablets, dictaphones and so-called personal digital assistants ("PDAs"), such as Palm Pilots and Blackberries, 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:</u></p> <p>(1) <u>Unless the use of the electronic device is expressly authorized by the presiding judicial officer, Bbefore entering any courtroom, chambers or Grand Jury room, anyone carrying an cellular phone, Dictaphone or PDA electronic device shall at the direction of the presiding judicial officer either:</u></p> <p>(A) <u>check it with the courtroom clerk or Court security officer at that location turn off the device completely and keep the device turned off during all times in the courtroom, chambers or Grand Jury room;</u> or</p> <p>(B) <u>turn off the device completely and keep the device turned off during all times in the courtroom, chambers or Grand Jury room check it with the courtroom clerk or Court security officer at that location.</u></p> <p>(2) <del>Dictaphones may be used only outside the courtroom or chambers.</del></p>	<p>The General Rules Subcommittee endorsed the proposed change and recommended adoption by the Court.</p>	<p>PROPOSED CHANGE ACCEPTED</p>	

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General/Attorney Rules

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	<p>(3) <del>Laptops or tablets may be used in a courtroom or chambers only with the express permission of the presiding judicial officer.</del></p> <p>(4)(2) Upon entering the building, any person carrying an <u>electronic device</u> <del>cellular phone, laptop, dictaphone</del> shall acknowledge and agree that, upon violation of the conditions set forth in paragraphs (1), <del>(2)</del> and (3) above and/or of any other limitations placed on the use of such instruments, said device may be confiscated.</p>			
LR Gen 206	<p style="text-align: center;"><b>LR Gen 206 APPEARANCES AND WITHDRAWALS</b></p> <p style="text-align: center;">*****</p> <p>(f) <u>Appearances by Law Students.</u></p> <p style="text-align: center;">*****</p> <p>(2) Eligibility to Appear as Law Student Counsel. In order to be eligible to appear as Law Student Counsel, a Senior Law Student must:</p> <p>(A) be a student at an A.B.A. accredited law school, <u>or be a recent graduate of such a school, awaiting the first bar examination after the student's graduation or the result of that examination;</u></p> <p style="text-align: center;">*****</p> <p>(5) Revocation. A Law Student Counsel acting under this rule shall comply with the Rules of Professional Conduct of the Supreme Court of the State of Rhode Island and the Local Rules of this Court. Failure of an attorney supervising students to provide proper training or supervision may be grounds for disciplinary action <u>and/or</u> revocation or restriction of the attorney's authority to supervise students.</p>	<p>The General Rules Subcommittee recommended that the proposed changes be discussed by the full LRRC, particularly in regard to the proposed change to (f)(2)(A).</p>	<p>The LRRC modified the proposed language to (f)(2). The language added by the LRRC is shown with a <u>double underline</u> and language removed by the LRRC is shown with a <del>double strikethrough</del>:</p> <p>(f) <u>Appearances by Law Students.</u></p> <p style="text-align: center;">*****</p> <p>(2) Eligibility to Appear as Law Student Counsel. In order to be eligible to appear as Law Student Counsel, a Senior Law Student must:</p> <p>(A) be a student at an A.B.A. accredited law school, <u>or be a recent graduate of such a school, awaiting the result of the first bar examination after the student's graduation or the result of that examination;</u></p> <p>The LRRC adopted the proposed change to (f)(5).</p>	

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General/Attorney Rules

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LR Gen 305	<p data-bbox="352 215 793 272"><b>LR Gen 305 CONSEQUENCES OF ELECTRONIC FILING</b></p> <p data-bbox="531 293 611 313">*****</p> <p data-bbox="268 347 852 492"><b>(b) Confirmation of Court Filing.</b> A document electronically filed through the Court's ECF <del>transmission facilities</del> system shall be deemed filed on the date and time stated on the NEF received from the Court.</p> <p data-bbox="537 529 604 548">*****</p>	<p data-bbox="909 215 1293 334">The General Rules Subcommittee endorsed the proposed change and recommended adoption by the Court.</p>	<p data-bbox="1329 215 1749 240"><b>PROPOSED CHANGE ACCEPTED</b></p>	
LR Gen 306	<p data-bbox="310 594 835 651"><b>LR Gen 306 ENTRY OF COURT-ISSUED DOCUMENTS</b></p> <p data-bbox="260 686 877 1109"><b>(a) Entry; Force and Effect.</b> All orders, decrees and judgments of the Court will be filed <u>entered</u> electronically, and the minutes of proceedings will be entered electronically, in accordance with these Local Rules, which will constitute entry on the docket kept by the Clerk under Fed. R. Civ. P. 58 and 79 and Fed. R. Crim. P. 55. Any order or other court-issued document filed <u>entered</u> electronically which contains a "/s/" in place of an original signature of a judge or clerk has the same force and effect as if the judge or clerk had signed a paper copy of the order and it had been entered on the docket in a conventional manner.</p>	<p data-bbox="909 594 1293 712">The General Rules Subcommittee endorsed the proposed change and recommended adoption by the Court.</p>	<p data-bbox="1346 594 1776 618"><b>PROPOSED CHANGE ACCEPTED</b></p>	

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General/Attorney Rules

<u>Rule Number</u>	<u>Suggestion Received*</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Gen 309	<p><b>LR Gen 309 SERVICE OF DOCUMENTS BY ELECTRONIC MEANS</b></p> <p>****</p> <p>(c) <b>Certificates of Service on Electronically Filed Documents.</b> All documents filed using the ECF system shall include a certificate of service <del>stating that the document has been filed electronically and that it is available for viewing and downloading from the ECF system.</del> <u>The certificate of service must identify the manner in which the service on each party was accomplished affixed to the document filed with the Court certifying the date and manner of service, the names of the persons served, and their mail or electronic addresses, facsimile numbers, or the addresses of the place of delivery, as appropriate for the manner of service.</u></p> <p>*****</p>	<p>The General Rules Subcommittee recommended that the LRRC reject the proposed change to LR Gen 309.</p>	<p><b>PROPOSED CHANGE REJECTED DUE TO THE CHANGE ACCEPTED IN REGARD TO LR CV 5.1.</b></p>	
LR Gen 310	<p><b>LR Gen 310 NOTICE OF COURT ORDERS AND JUDGMENTS</b></p> <p>The electronic transmission to a Filing User of an order or judgment through a NEF constitutes notice as required by Fed. R. Civ. P. 77(d) and Fed. R. Crim. P. 49(c). When mailing paper copies of an electronically filed <u>entered</u> order to a party who is not a Filing User, the Clerk's Office will include the NEF.</p>	<p>The General Rules Subcommittee endorsed the proposed change and recommended adoption by the Court.</p>	<p><b>PROPOSED CHANGE ACCEPTED</b></p>	

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General/Attorney Rules

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LR Gen 313	<p data-bbox="338 212 806 272"><b>LR Gen 313 PUBLIC ACCESS TO ELECTRONIC DOCKETS AND FILES</b></p> <p data-bbox="262 331 884 630"><b>(a) Public Access at Clerk's Office.</b> The public may obtain at the Clerk's Office during regular business hours electronic access to the electronic docket and documents that have been electronically filed. If a printed copy is requested, <del>a copy fee for an electronic reproduction will be assessed in accordance with</del> <u>the Clerk may charge a fee consistent with the District Court Miscellaneous Fee Schedule pursuant to 28 U.S.C. §1914.</u></p> <p data-bbox="537 667 606 683">*****</p>	<p data-bbox="909 212 1297 331">The General Rules Subcommittee endorsed the proposed change and recommended adoption by the Court.</p>	<p data-bbox="1346 212 1776 240"><b>PROPOSED CHANGE ACCEPTED</b></p>	

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<u>Rule Number</u>	<u>Suggestion Received*</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Cv 5.1	<p data-bbox="258 212 743 266"><b>LR Cv 5.1 SERVICE AND PROOF OF SERVICE</b></p> <p data-bbox="468 289 533 305">*****</p> <p data-bbox="239 337 642 362"><b>(a) Proof of Service Summons.</b></p> <p data-bbox="296 399 762 1125">(1) <del>Proof of service of any document, except those listed in LR Cv 5(d) and (e) above, required to be served on a party or non party shall be filed with the Court within 7 days after service is made. In the case of documents required to be served personally, proof of service shall include a certification by the person making service that the documents were served, the date of service, and a description of the manner in which service was made. Unless service is waived, proof of service of a summons must be filed with the Court within 7 days after service is made. Except for service by a United States marshal or deputy marshal, the proof of service must consist of an affidavit by the person who made service certifying:</del></p> <p data-bbox="369 1149 695 1328">(1) <del>the date and manner of service;</del>  (2) <del>the names of the persons served; and</del>  (3) <del>the address of the person served.</del></p> <p data-bbox="296 1349 751 1437">(2) <del>Failure to file proof of service will not necessarily affect the validity of the service.</del></p>	<p data-bbox="789 212 1308 483">The Civil Rules Subcommittee recommended adoption of the proposed language in (a), and recommended the following changes to the title of the rule and the proposed language in (b). The language added by the Civil Rules Subcommittee is shown with a <u>double-underline</u> and the language removed by the Subcommittee is shown with a <u>double-strikethrough</u>.</p> <p data-bbox="831 532 1272 621"><b>LR Cv 5.1 <u>PROOF OF SERVICE OF SUMMONS AND OTHER DOCUMENTS.</u></b></p>	<p data-bbox="1339 212 1818 362">The LRRC accepted the proposed change to the title as recommended by the Civil Rules Subcommittee; and altered the original proposal to (a) and the subcommittee's revision of (b).</p> <p data-bbox="1339 383 1812 532">The language added by the LRRC to <u>original proposal</u> is shown with a <u>double-underline</u> and the language removed by the LRRC is shown with a <u>double-strikethrough</u>.</p> <p data-bbox="1360 581 1808 670"><b>LR Cv 5.1 <u>PROOF OF SERVICE OF SUMMONS AND OTHER DOCUMENTS.</u></b></p> <p data-bbox="1339 735 1745 760"><b>(a) Proof of Service Summons.</b></p> <p data-bbox="1373 797 1829 1425">(1) <del>Proof of service of any document, except those listed in LR Cv 5(d) and (e) above, required to be served on a party or non party shall be filed with the Court within 7 days after service is made. In the case of documents required to be served personally, proof of service shall include a certification by the person making service that the documents were served, the date of service, and a description of the manner in which service was made. Unless service is waived, proof of service of a summons must be filed with the Court within 7 days after service is made a reasonable time after receipt of proof of service. Except for</del></p>	



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	<p><b>(b) Certificates of Service</b></p> <p><u>Unless a rule provides otherwise, any paper presented for filing after the complaint must contain a certificate of service certifying:</u></p> <p>(1) <u>the date and manner of service;</u>            (2) <u>the names of the persons served; and</u>            (3) <u>their mail or electronic addresses, facsimile numbers, or the addresses of the places of delivery, as appropriate for the manner of service.</u></p> <p><u>The certificate of service shall be affixed to the papers filed with the Court.</u></p>	<p><b>(b) Certificates of Service as to Filings Other Than the Summons</b></p> <p><del>Unless a rule provides otherwise,</del>  <u>Unless a document is filed by electronic means, the service of which would be governed by LR Gen 309, any paper presented for filing after the complaint must contain a certificate of service certifying stating:</u></p> <p>(1) <u>the date and manner of service;</u>            (2) <u>the names of the persons served; and</u>            (3) <u>the means by which the persons were served; and</u>            (4) <u>their mail or electronic addresses, facsimile numbers, or the addresses of the places of delivery, as appropriate for the manner of service.</u></p> <p><u>The certificate of service shall be affixed to the papers filed with the Court.</u></p>	<p>service by a United States marshal or deputy marshal, the proof of service must consist of an affidavit by the person who made service certifying:</p> <p>(1) <u>the date and manner of service;</u>            (2) <u>the names of the persons served; and</u>            (3) <u>the addresses of the persons served.</u></p> <p>The language added by the LRRC to the Civil Rules Subcommittee's revision of the original proposal is shown with a <b>double-underline</b> and the language removed by the LRRC is shown with a <b>double strikethrough</b>.</p> <p><b>(b) Certificates of Service as to Filings Other Than the Summons</b></p> <p><del>Unless a rule provides otherwise,</del>  <u>Unless a document is filed by electronic means, the service of which would be governed by LR Gen 309, any paper presented for filing document conventionally filed after the complaint must contain a certificate of service certifying stating:</u></p> <p>(1) <u>the date and manner of service;</u>            (2) <u>the names of the persons served;</u>            and            (3) <u>their mail or electronic addresses, facsimile numbers, or the addresses of the places of delivery, as appropriate for the manner of service.</u></p>	

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			<p><u>The certificate of service shall be affixed to the papers documents filed with the Court.</u></p>	
<p>LR Cv 55</p>	<p><b>LR Cv 55 MOTIONS FOR DEFAULT JUDGMENT</b></p> <p>A motion for entry of default or entry of a default judgment made against a party not represented by counsel shall be accompanied by a certification that:</p> <ul style="list-style-type: none"> <li>(a) Notice of the motion was given to the party against whom a default or default judgment is sought by both regular mail, postage prepaid, and by certified or registered mail, return receipt requested. A copy of the return receipt shall be appended to the certification;</li> <li>(b) To the best of the movant's knowledge, the address set forth in such certification is the last known address of that party; and</li> <li>(c) The party against whom a default or default judgment is sought is not in the military service of the United States as defined in the <u>Soldiers' and Sailors' Civil Relief Act of 1940</u> <u> Servicemembers Civil Relief Act of 2003</u>, as amended.</li> </ul>	<p>The Civil Rules Subcommittee endorsed the proposed change and recommended adoption by the Court.</p>	<p><b>PROPOSED CHANGE ACCEPTED</b></p>	

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<u>Rule Number</u>	<u>Suggestion Received*</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Cv 72	<p data-bbox="247 215 764 272" style="text-align: center;"><b>LR Cv 72 AUTHORITY OF MAGISTRATE JUDGES IN CIVIL CASES</b></p> <p data-bbox="464 293 548 315" style="text-align: center;">*****</p> <p data-bbox="241 363 758 420">(c) <del>Appeals from</del> <u>Objections to Rulings on Nondispositive Matters.</u></p> <p data-bbox="310 456 768 1000">(1) <u>Time for Appeal Objections; Failure to File.</u> Any <del>appeal from objection to</del> an order or other ruling by a magistrate judge in a nondispositive matter shall be filed and served within 14 days after such order or ruling is <del>entered served on the appellant.</del> <u>entered served on the appellant.</u> The <del>appellant objecting party</del> shall also order a transcript of any evidentiary hearing(s) before the magistrate judge within the same 14-day period. Failure to file specific objections and order the transcript in a timely manner constitutes waiver of the right to review by the district judge and the right to appeal the Court's decision.</p> <p data-bbox="310 1036 764 1308">(2) <u>Content of Appeal Objections.</u> Any <del>such appeal objection to a magistrate judge's order or ruling in a nondispositive matter</del> shall consist of a notice of appeal setting forth the basis <del>of the objection for the appeal</del> and be accompanied by a memorandum of law which complies with LR Cv 7.</p> <p data-bbox="310 1344 768 1425">(3) <u>Responses and Replies.</u> A response to an <del>appeal objection</del> shall be served and filed within 14 days</p>	<p data-bbox="793 215 1310 305">The Civil Rules Subcommittee endorsed the proposed change and recommended adoption by the Court.</p>	<p data-bbox="1339 215 1818 548">In light of the additional changes made to LR Cr 57.2 (see discussion below), The LRRC accepted the subcommittee's recommendation, and further modified the proposed change upon the Clerk's Office subsequent recommendation. The Clerk's Office proposed one additional change to LR Cv 72 (indicated by <u>double underline</u>) to keep it consistent with LR Cr 57.2. The language added is indicated by a <u>double-underline</u>.</p> <p data-bbox="1339 597 1797 654">(c) <del>Appeals from</del> <u>Objections to Rulings on Nondispositive Matters.</u></p> <p data-bbox="1377 690 1835 1203">(1) <u>Time for Appeal Objections; Failure to File.</u> Any <del>appeal from objection to</del> an order or other ruling by a magistrate judge in a nondispositive matter <u>referred under Fed. R. Civ. P. 72(a)</u> shall be filed and served within 14 days after such order or ruling is <del>entered served on the appellant.</del> <u>entered served on the appellant.</u> The <del>appellant objecting party</del> shall also order a transcript of any evidentiary hearing(s) before the magistrate judge within the same 14-day period. Failure to file specific objections and order the transcript in a timely manner constitutes waiver of the right to review by the district judge and the right to appeal the Court's decision.</p> <p data-bbox="1377 1239 1835 1425">(2) <u>Content of Appeal Objections.</u> Any <del>such appeal objection to a magistrate judge's order or ruling in a nondispositive matter</del> shall consist of a notice of appeal setting forth the basis <del>of the objection for the appeal</del> and be</p>	

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	<p>after the <del>notice of appeal objection</del> is served. The <del>appellant objecting party</del> may serve and file a reply to the response within 14 days thereafter. Unless otherwise permitted or required by the Court, nothing further shall be filed in support of or in <del>opposition response</del> to an <del>appeal of objection to a</del> magistrate judge's order or ruling. Any response and/or reply shall comply with LR Cv 7.</p> <p>*****</p>		<p>accompanied by a memorandum of law which complies with LR Cv 7.</p> <p><b>(3) Responses and Replies.</b> A response to an <del>appeal objection</del> shall be served and filed within 14 days after the <del>notice of appeal objection</del> is served. The <del>appellant objecting party</del> may serve and file a reply to the response within 14 days thereafter. Unless otherwise permitted or required by the Court, nothing further shall be filed in support of or in <del>opposition response</del> to an <del>appeal of objection to a</del> magistrate judge's order or ruling. Any response and/or reply shall comply with LR Cv 7.</p>	
Suggestion from the Bar	<p>During the 2011-12 local rules review cycle, Stacey Nakasian, Esq. suggested that the Committee consider adopting a rule setting a Default Standard for Discovery, Including Discovery of Electronically Stored Information (ESI). The LRRC created an <i>ad hoc</i> committee to study and recommend an ESI proposal for consideration during the 2012-2013 LRRC cycle. The members of the <i>ad hoc</i> committee are: Jeffrey Techentin, Byron McMasters, Ranen Schechner, and Steven Richard. Mr. Richard will chair the <i>ad hoc</i> committee.</p>	<p><b>The <i>ad hoc</i> subcommittee reported that they would continue their work on ESI discovery during the 2013-2014 local rules review cycle.</b></p>	N/A	
Suggestion from the Bar	<p>Members of the Civil Rules Subcommittee proposed that the Court adopt a rule for uniform definitions in discovery requests in civil cases similar to District of Massachusetts LR 26.5. (Uniform Definitions in Discovery Requests).</p>	<p><b>The Civil Rules Subcommittee endorsed the proposed change and recommended adoption by the Court.</b></p>	<p><b>PROPOSED CHANGE REJECTED. The full LRRC did not believe that the Court needed to impose uniform definitions on the bar.</b></p>	N/A

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Civil Rules

<u>Rule Number</u>	<u>Suggestion Received*</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
Suggestion from the Bar	<p>Robert Fine, Esq. proposed that LR Cv 5.1 be further amended with the addition of a new section to allow for electronic service of discovery: The purpose of the amendment is to make it clear that electronic service of discovery is acceptable service. This would also facilitate delivery of the discovery requests to the client.</p> <p>(c) Electronic Service of Discovery:            “Unless otherwise ordered, service of discovery under Civil Rules 33, 34 and 36 shall be effective by electronic mailing to the address listed for counsel at their ECF address.”</p> <p>He added that the LRRC could expand this provision to include Rules 30 and 31 on depositions.</p>	<p>The Civil Rules Subcommittee recommended the following change on the basis of Mr. Fine’s suggestion:</p> <p style="text-align: center;"><b>LR Cv 26. Discovery</b></p> <p><b>(a) Discovery Conference.</b> 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 <u>Fed. R. Civ. P. 26(f)</u>; 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.</p> <p style="text-align: center;"><u>(1) During the parties’ conference, they shall, in addition to discussing the items identified in Fed. R. Civ. P. 26(f)(3), discuss whether they will consent to electronic service of requests and notices under Fed. R. Civ. P. 30, 31, 33, 34, and 36, as contemplated by Fed. R. Civ. P. 5(b)(2)(E).</u></p> <p style="text-align: center;">*****</p>	PROPOSED CHANGE ACCEPTED.	
Suggestion from the Bar	<p>During the 2011-2012 local rules review cycle, Girard Visconti, Esq and Marc DeSisto, Esq. proposed that the Court adopt a rule requiring pro se litigants to certify that an attorney has not drafted the documents that they have filed with the Court. The LRRC chose to table the proposal for reconsideration during the 2012-2013 local rules review cycle.</p>	<p>The Civil Rules Subcommittee recommended tabling this suggestion until the Rhode Island Supreme Court addresses this issue.</p>	<p>The LRRC agreed to table the suggestion for reconsideration during the 2013-14 local rules review cycle.</p>	

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Criminal Rules

<u>Rule Number</u>	<u>Suggestion Received*</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
<p>LR Cr 57.2</p>	<p><b>LR Cr 57.2 AUTHORITY OF MAGISTRATE JUDGES IN CRIMINAL CASES</b></p> <p>*****</p> <p>(c) <del>Appeals from</del> <b>Objections to Rulings On Nondispositive Matters.</b></p> <p>(1) <b>Time for Appeal Objections.</b> Any <del>appeal from</del> <u>objection to an order or other ruling by a magistrate judge in a nondispositive matter shall be filed and served within 14 days after such order or ruling is served on the appellant entered.</u> The <del>appellant</del> <u>objecting party</u> shall also order a transcript of any evidentiary hearing(s) before the magistrate judge within the same 14-day period.</p> <p>(2) <b>Content of Appeal Objections.</b> Any <del>such appeal</del> <u>objection to a magistrate judge's order or ruling in a nondispositive matter shall consist of a notice of appeal setting forth the basis of the objection for the appeal and be accompanied by a memorandum of law which complies with LR Cr 47.</u></p> <p>(3) <b>Responses and Replies.</b> A response to an <u>appeal objection</u> shall be served and filed within 14 days after the <del>notice of appeal objection is served.</del> The <del>appellant</del> <u>objecting party</u> may</p>	<p>The Criminal Rules Subcommittee recommended that the amendment be tabled for further study because it seemed to be in conflict with certain procedures outlined in the United States Code requiring parties to file "motions" or "appeals" to a Magistrate Judge's ruling in bail and misdemeanor matters.</p> <p>After receiving a revised proposal from the Clerk's Office in regard to the Criminal Rules Subcommittee's concerns regarding LR Cr 57.2, they endorsed the revised proposed change and recommended adoption by the Court. (The language added by the Clerk's Office is indicated by <u>double underline.</u>)</p> <p><b>LR Cr 57.2 AUTHORITY OF MAGISTRATE JUDGES IN CRIMINAL CASES</b></p> <p>(c) <del>Appeals from</del> <b>Objections to Rulings On Nondispositive Matters.</b></p> <p>(1) <b>Time for Appeal Objections.</b> Any <del>appeal from</del> <u>objection to an order or other ruling by a magistrate judge in a nondispositive matter referred under Fed. R. Crim. P. 59(a)</u> shall be filed and served within 14 days after such order or ruling is <del>served on the appellant entered.</del> The <del>appellant</del> <u>objecting party</u> shall also order a transcript of any evidentiary hearing(s) before the magistrate judge within the same 14-day period.</p> <p>(2) <b>Content of Appeal Objections.</b> Any</p>	<p>REVISED PROPOSED CHANGE ACCEPTED</p>	

\* Unless otherwise indicated, the suggestion was made by the Court.

Criminal Rules

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	<p>serve and file a reply to the response within 14 days thereafter. Unless otherwise permitted or required by the Court, nothing further shall be filed in support of or in response <del>opposition</del> to an <del>appeal of</del> <u>objection to a magistrate judge's order or ruling</u>. Any response and/or reply shall comply with LR Cr 47.</p> <p>*****</p>	<p><del>such appeal objection to a magistrate judge's order or ruling in a nondispositive matter shall consist of a notice of appeal setting forth the basis of the objection for the appeal and be accompanied by a memorandum of law which complies with LR Cr 47.</del></p> <p>(3) <b>Responses and Replies.</b> A response to an <u>appeal objection</u> shall be served and filed within 14 days after the <u>notice of appeal objection</u> is served. The <u>appellant objecting party</u> may serve and file a reply to the response within 14 days thereafter. Unless otherwise permitted or required by the Court, nothing further shall be filed in support of or in <u>response opposition</u> to an <u>appeal of objection to a magistrate judge's order or ruling</u>. Any response and/or reply shall comply with LR Cr 47.</p> <p><b>*COMMENT</b></p> <p><u>Under 18 U.S.C. §3145(a) and (b), a party may have a release or detention order issued by a magistrate judge reviewed by a district judge by filing a "motion" with the Court. However, since these orders relate to non-dispositive matters referred to a magistrate judge under Fed. R. Crim. P. 59(a), parties may file a response to the motion for review of a release or detention order within 14 days after the motion is served, and the moving party may file a reply 14 days thereafter in line with LR Cr 57.2(c).</u></p>		

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**United States District Court  
for the District of Rhode Island**

**PROPOSED AMENDMENTS TO LOCAL RULES**



General/Attorney Rules

<u>Rule Number</u>	<u>Suggestion Received*</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Gen 104	<p><b>LR Gen 104 REMOVAL AND COPYING OF DOCUMENTS</b></p> <p>*****</p> <p>(b) <b>Copies.</b> Upon the request of any person, the Clerk, to the extent reasonable under the circumstances, shall provide copies of any public document filed in a case. The Clerk may charge a <u>reasonable fee for copying consistent with the District Court Miscellaneous Fee Schedule pursuant to 28 U.S.C. §1914.</u></p>	<p>The General Rules Subcommittee endorsed the proposed change and recommended adoption by the Court.</p>	<p>PROPOSED CHANGE ACCEPTED</p>	<p>COURT APPROVED CHANGE</p>
LR Gen 105	<p><b>LR Gen 105 ASSIGNMENT OF CASES</b></p> <p>(c) <b>Emergency Matters.</b></p> <p>*****</p> <p>(1) <u><b>After Hours Filings.</b> Counsel anticipating a possible need for an emergency filing, or emergency action by the court, or both, during a period when the Clerk's Office is ordinarily closed should consult with the Clerk's Office at the earliest opportunity during normal business hours (Monday through Friday, 9:00AM - 4:30PM) to make arrangements. A filing user should not expect that a filing made through ECF will be addressed outside normal business hours unless the filer contacts the Clerk's Office in advance to make special arrangements.</u></p>	<p>The General Rules Subcommittee endorsed the proposed change and recommended adoption by the Court.</p>	<p>The LRRC accepted the subcommittee's recommendation, and further modified the proposed change upon the Clerk's Office subsequent recommendation. The language added is indicated by a <u>double-underline</u> and the language removed is indicated by a <del>double strikethrough</del>.</p> <p>(c) <b>Emergency Matters.</b></p> <p>*****</p> <p>(1) <u><b>After Hours Filings.</b> Counsel anticipating a possible need for an emergency filing, or emergency action by the court, or both, during a period when the Clerk's Office is ordinarily closed should consult with the Clerk's Office at the earliest opportunity during normal business hours (Monday through Friday, 9:00AM - 4:30PM) to make arrangements. A filing user should not expect that a filing made through ECF will be addressed outside normal business hours unless the filer contacts the Clerk's Office in advance to make special arrangements.</u></p>	<p>COURT APPROVED CHANGE</p>

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General/Attorney Rules

<u>Rule Number</u>	<u>Suggestion Received*</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Gen 108	<p>As part of its CJA Cost Containment effort, the Court proposed the following change to LR Gen 108 to allow court-appointed counsel greater flexibility in obtaining interpreters for attorney-client meetings. The proposed amendment was adopted by the Court after the LRRC’s report was submitted on July 3, 2013, and was included in the package of amendments approved for public comment.</p> <p style="text-align: center;"><b>LR Gen 108 INTERPRETERS</b></p> <p style="text-align: center;">*****</p> <p><b>(b) Requests for Interpreters.</b></p> <p><b>(1) Cases Brought by the United States.</b> In all criminal cases and in civil cases initiated by the United States, requests for interpreters shall be made to this Court’s staff interpreter. The Federal Defender and counsel appointed by the Court representing an indigent client shall use the Court’s staff interpreter, whenever possible, for all in-court proceedings.</p> <p>Unless otherwise authorized by the Court, counsel for a party who intends to seek reimbursement for interpreter services provided outside of Court proceedings shall first request such services from the Court’s staff interpreter. If the Court’s staff interpreter is unavailable to provide such services, <del>the staff interpreter will arrange for a suitable replacement</del> <u>counsel may utilize a suitable replacement in accordance with the procedures outlined in the District of Rhode Island’s Criminal Justice Act Plan.</u></p> <p style="text-align: center;">*****</p>			<b>COURT INITIATED CHANGE</b>

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General/Attorney Rules

<u>Rule Number</u>	<u>Suggestion Received*</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Gen 109	<p style="text-align: center;"><b>LR Gen 109 BANKRUPTCY</b></p> <p>(a) <b>References and Withdrawals of References of Bankruptcy Cases.</b> 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, <i>sua sponte</i>, 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.</p> <p><u>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 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.</u></p> <p style="text-align: center;">*****</p> <p>(d) <b>Reports and Recommendations by Bankruptcy Judge.</b></p> <p>(1) <b>Time for Objections.</b> Any objection to proposed findings of fact and/or rulings of law by a bankruptcy judge in a <del>non-core</del> proceeding shall be filed and served within</p>	<p>The General Rules Subcommittee recommended that the full LRRC compare the proposed changes to (a) and (d)(1) with the recently adopted District of Massachusetts Local Rule 206. The General Rules Subcommittee recommended adoption of the remaining proposed changes to the rule.</p>	<p>The LRRC altered the proposed change to (a) in light of the Committee’s discussion; accepted the proposed changes to (d) and (f); and tabled the proposed changes to (e), (f)(1), (f)(5), (f)(6), and (f)(7) for reconsideration after consulting with the Bankruptcy Court’s Attorney Advisory Committee.</p> <p>The LRRC altered the proposed change to (a) by adding additional language drawn from the Dist. of Mass. LR 206 (<u>Added language is double-underlined. Original proposal language is single-underlined.</u>)</p> <p style="text-align: center;">*****</p> <p><u>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.</u></p> <p><u>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</u></p>	<p style="text-align: center;"><b>COURT APPROVED CHANGE</b></p>

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General/Attorney Rules

<u>Rule Number</u>	<u>Suggestion Received*</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
	<p>14 days after such proposed findings and rulings are served on the objecting party.</p> <p style="text-align: center;">****</p> <p>(e) <b>Appeals to Bankruptcy Appellate Panel.</b> In accordance with 28 U.S.C. §158(b)(6), <del>when all parties consent,</del> appeals from any judgment, order or decree of a bankruptcy judge which are referred to in 28 U.S.C. § 158(a) <del>may will</del> be heard and determined by the Bankruptcy Appellate Panel for the First Circuit <u>unless a party elects to have the appeal heard by the District Court in accordance with Bankruptcy Rule 8001(e)(1).</u></p> <p>(f) <b>Appeals to District Court.</b> Except as otherwise provided in this subsection (f) 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 - 8020 of the Federal Rules of Bankruptcy Procedure (“Bankruptcy Rules”), <del>and any and all Interim Bankruptcy Rules (“Interim Rules”) which became effective on or after October 17, 2005.</del></p> <p>(1) <b>Notice of Appeal Record on Appeal.</b> <del>When a notice of appeal is filed with the bankruptcy clerk, the bankruptcy clerk shall, forthwith, transmit a copy of the notice of appeal to the District Court clerk, together with a copy of the judgment, order or decree that is the subject of the appeal, and the Appeal Cover Sheet. The District Court clerk, thereupon, shall treat the matter administratively as a newly filed case, but in accordance with Bankruptcy Rule 8001(f)(2), the matter shall not be deemed “pending” in this</del></p>		<p><u>modify the proposed findings of fact or conclusions of law, receive further evidence, or recommit the matter to the bankruptcy judge with instructions.</u></p> <p><u>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.</u></p> <p><b>Next, the LRRC accepted the proposed changes to (d) and the first paragraph of (f). (The reference to the “Interim Bankruptcy Rules.”)</b></p> <p><b>Lastly, the LRRC recommended that the changes to (e), (f)(1), (f)(5), (f)(6), and (f)(7) be tabled until the next local rules cycle. They further recommended that the proposed changes to those subsections of (f) be forwarded to the Bankruptcy Court’s Attorney Advisory Committee for review.</b></p>	

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General/Attorney Rules

<u>Rule Number</u>	<u>Suggestion Received*</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
	<p><del>Court until the record has been transmitted and docketed.</del></p> <p><u>Upon the completion of the record on appeal in accordance with Bankruptcy Rule 8007(b), the bankruptcy clerk shall transmit a copy of the following to the District Court clerk:</u></p> <p>(A) _____ <u>Notice of appeal;</u></p> <p>(B) _____ <u>Judgment, order or decree that is the subject of the appeal;</u></p> <p>(C) _____ <u>Docket sheet;</u></p> <p>(D) _____ <u>Appeal cover sheet;</u></p> <p>(E) _____ <u>Election form requesting the appeal be heard by the district court;</u></p> <p>(F) _____ <u>Designation(s) of the contents of the record on appeal;</u></p> <p>(G) _____ <u>Statement(s) of issues on appeal; and</u></p> <p>(H) _____ <u>Any written decision(s) and a transcript of any oral decision(s) by the bankruptcy judge stating the reasons for the judgment, order or decree</u></p> <p><u>The District Court clerk, thereupon, shall treat the matter as a newly filed case and docket the appeal in accordance with Bankruptcy Rule 8007(b).</u></p> <p style="text-align: center;">*****</p> <p><b>(5) Dismissal of Appeals by Bankruptcy Judge.</b> A bankruptcy judge may dismiss an</p>			

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General/Attorney Rules

<u>Rule Number</u>	<u>Suggestion Received*</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
	<p>appeal if:</p> <p>(A) the notice of appeal is not filed within the time specified in Bankruptcy Rule 8002;</p> <p>(B) the appellant has failed to file a designation of the record or a statement of the issues within the time specified in Bankruptcy Rule 8006 or any extension thereof; or</p> <p><del>(C)</del> the appellant has failed to comply with paragraph <del>(6)(C)</del> of this subsection.</p> <p><del>(D)</del><u>(C)</u> the appellant has failed to pay the prescribed appeal filing fee as required by Bankruptcy Rule 8001(a).</p> <p><del>(6)</del> <b>Record on Appeal.</b> In addition to any other applicable requirements, the Bankruptcy Court clerk shall ensure that the record electronically transmitted to the District Court clerk includes:</p> <p>(A) the judgment, order or decree of the bankruptcy judge that is the subject of the appeal;</p> <p>(B) any written decision(s) and a transcript of any oral decision(s) by the bankruptcy judge stating the reasons for the judgment(s), order(s) and/or decree(s) referred to in</p>			

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General/Attorney Rules

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	<p style="text-align: center;"><del>subparagraph (A);</del></p> <p style="text-align: center;"><del>(C) — the record on appeal;</del></p> <p style="text-align: center;"><del>(D) — a statement of the issues on appeal; and,</del></p> <p style="text-align: center;"><del>(E) — a copy of the docket sheet.</del></p> <p>(7) <b>Form of and Schedule for Filing Briefs.</b> Unless otherwise ordered by the District Court or provided in these rules, the form and schedule for filing appellate briefs and memoranda shall be governed by Bankruptcy Rule 8009 and 8010, except that:</p> <p>(A) all briefs, <del>and</del> <u>and</u> memoranda <del>and</del> <u>and</u> <del>appendices thereto</del> shall conform to the applicable requirements of LR Cv 7; and</p> <p>(B) with respect to documents that are conventionally filed, two copies of any brief or memorandum shall be provided to the district judge to whom the appeal or motion for leave to appeal is assigned.</p> <p>Such motion and any related objection(s) and replies shall be governed by the applicable provisions of LR Cv 7.</p>			

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General/Attorney Rules

<u>Rule Number</u>	<u>Suggestion Received*</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Gen 112	<p><b>LR Gen 112 USE OF CELLULAR PHONES AND OTHER ELECTRONIC DEVICES</b></p> <p>*****</p> <p><b>(b) <del>Cellular Phones, Laptops, Dictaphones and PDAs and Other Electronic Devices.</del> <u>Electronic devices, including but not limited to <del>C</del>cellular or smart phones, laptops, tablets, dictaphones and so-called personal digital assistants ("PDAs"), such as <del>Palm Pilots and Blackberries,</del> 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:</u></b></p> <p>(1) <u>Unless the use of the electronic device is expressly authorized by the presiding judicial officer, <del>B</del>before entering any courtroom, chambers or Grand Jury room, anyone carrying an <del>e</del>cellular phone, <del>Dictaphone or PDA</del> electronic device shall at the direction of the presiding judicial officer either:</u></p> <p>(A) <u><del>check it with the courtroom clerk or Court security officer at that location</del> <u>turn off the device completely and keep the device turned off during all times in the courtroom, chambers or Grand Jury room;</u></u> or</p> <p>(B) <u><del>turn off the device completely and keep the device turned off during all times in the courtroom, chambers or Grand Jury room</del> <u>check it with the courtroom clerk or court security officer at that location.</u></u></p> <p>(2) <del>Dictaphones may be used only outside the courtroom or chambers.</del></p>	The General Rules Subcommittee endorsed the proposed change and recommended adoption by the Court.	PROPOSED CHANGE ACCEPTED	COURT APPROVED CHANGE

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General/Attorney Rules

<u>Rule Number</u>	<u>Suggestion Received*</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
	<p><del>(3) Laptops or tablets may be used in a courtroom or chambers only with the express permission of the presiding judicial officer.</del></p> <p>(4)(2) Upon entering the building, any person carrying an <u>electronic device</u> <del>cellular phone, laptop, dictaphone</del> shall acknowledge and agree that, upon violation of the conditions set forth in paragraphs (1), <del>(2) and (3)</del> above and/or of any other limitations placed on the use of such instruments, said device may be confiscated.</p>			
LR Gen 206	<p><b>LR Gen 206 APPEARANCES AND WITHDRAWALS</b></p> <p>*****</p> <p>(f) <u>Appearances by Law Students.</u></p> <p>*****</p> <p>(2) Eligibility to Appear as Law Student Counsel. In order to be eligible to appear as Law Student Counsel, a Senior Law Student must:</p> <p>(A) be a student at an A.B.A. accredited law school, <u>or be a recent graduate of such a school, awaiting the first bar examination after the student's graduation or the result of that examination;</u></p> <p>*****</p> <p>(5) Revocation. A Law Student Counsel acting under this rule shall comply with the Rules of Professional Conduct of the Supreme Court of the State of Rhode Island and the Local Rules of this Court. Failure of an attorney supervising students to provide proper training or supervision may be grounds for disciplinary action <u>and/or</u> revocation or restriction of the attorney's authority to supervise students.</p>	<p>The General Rules Subcommittee recommended that the proposed changes be discussed by the full LRRC, particularly in regard to the proposed change to (f)(2)(A).</p>	<p>The LRRC modified the proposed language to (f)(2). The language added by the LRRC is shown with a <u>double-underline</u> and language removed by the LRRC is shown with a <del>double strikethrough</del>:</p> <p>(f) <u>Appearances by Law Students.</u></p> <p>*****</p> <p>(2) Eligibility to Appear as Law Student Counsel. In order to be eligible to appear as Law Student Counsel, a Senior Law Student must:</p> <p>(A) be a student at an A.B.A. accredited law school, <u>or be a recent graduate of such a school, awaiting the result of the first bar examination after the student's graduation</u> <del>or the result of that examination;</del></p> <p>The LRRC adopted the proposed change to (f)(5).</p>	<p><b>COURT APPROVED CHANGE</b></p>

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General/Attorney Rules

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LR Gen 305	<p style="text-align: center;"><b>LR Gen 305 CONSEQUENCES OF ELECTRONIC FILING</b></p> <p style="text-align: center;">*****</p> <p><b>(b) Confirmation of Court Filing.</b> A document electronically filed through the Court’s ECF <del>transmission facilities</del> <u>system</u> shall be deemed filed on the date and time stated on the NEF received from the Court.</p> <p style="text-align: center;">*****</p>	The General Rules Subcommittee endorsed the proposed change and recommended adoption by the Court.	PROPOSED CHANGE ACCEPTED	COURT APPROVED CHANGE
LR Gen 306	<p style="text-align: center;"><b>LR Gen 306 ENTRY OF COURT-ISSUED DOCUMENTS</b></p> <p><b>(a) Entry; Force and Effect.</b> All orders, decrees and judgments of the Court will be <del>filed</del> <u>entered</u> electronically, and the minutes of proceedings will be entered electronically, in accordance with these Local Rules, which will constitute entry on the docket kept by the Clerk under Fed. R. Civ. P. 58 and 79 and Fed. R. Crim. P. 55. Any order or other court-issued document <del>filed</del> <u>entered</u> electronically which contains a “/s/” in place of an original signature of a judge or clerk has the same force and effect as if the judge or clerk had signed a paper copy of the order and it had been entered on the docket in a conventional manner.</p>	The General Rules Subcommittee endorsed the proposed change and recommended adoption by the Court.	PROPOSED CHANGE ACCEPTED	COURT APPROVED CHANGE

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General/Attorney Rules

<u>Rule Number</u>	<u>Suggestion Received*</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Gen 309	<p><b>LR Gen 309 SERVICE OF DOCUMENTS BY ELECTRONIC MEANS</b></p> <p>****</p> <p>(c) <b>Certificates of Service on Electronically Filed Documents.</b> All documents filed using the ECF system shall include a certificate of service stating that the document has been filed electronically and that it is available for viewing and downloading from the ECF system. <del>The certificate of service must identify the manner in which the service on each party was accomplished</del> <u>affixed to the document filed with the Court certifying the date and manner of service, the names of the persons served, and their mail or electronic addresses, facsimile numbers, or the addresses of the place of delivery, as appropriate for the manner of service.</u></p> <p>*****</p>	The General Rules Subcommittee recommended that the LRRC reject the proposed change to LR Gen 309.	<b>PROPOSED CHANGE REJECTED DUE TO THE CHANGE ACCEPTED IN REGARD TO LR CV 5.1.</b>	<b>COURT APPROVED CHANGE</b>
LR Gen 310	<p><b>LR Gen 310 NOTICE OF COURT ORDERS AND JUDGMENTS</b></p> <p>The electronic transmission to a Filing User of an order or judgment through a NEF constitutes notice as required by Fed. R. Civ. P. 77(d) and Fed. R. Crim. P. 49(c). When mailing paper copies of an electronically <del>filed</del> <u>entered</u> order to a party who is not a Filing User, the Clerk's Office will include the NEF.</p>	The General Rules Subcommittee endorsed the proposed change and recommended adoption by the Court.	<b>PROPOSED CHANGE ACCEPTED</b>	<b>COURT APPROVED CHANGE</b>

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General/Attorney Rules

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LR Gen 313	<p data-bbox="352 228 814 289"><b>LR Gen 313 PUBLIC ACCESS TO ELECTRONIC DOCKETS AND FILES</b></p> <p data-bbox="275 345 894 646">(a) <b>Public Access at Clerk’s Office.</b> The public may obtain at the Clerk’s Office during regular business hours electronic access to the electronic docket and documents that have been electronically filed. If a printed copy is requested, <del>a copy fee for an electronic reproduction will be assessed in accordance with</del> the Clerk may charge a fee consistent with the <u>District Court Miscellaneous Fee Schedule</u> pursuant to 28 U.S.C. §1914.</p> <p data-bbox="548 683 617 699">*****</p>	<p data-bbox="919 228 1304 345"><b>The General Rules Subcommittee endorsed the proposed change and recommended adoption by the Court.</b></p>	<p data-bbox="1356 228 1780 253"><b>PROPOSED CHANGE ACCEPTED</b></p>	<p data-bbox="1843 228 1990 313"><b>COURT APPROVED CHANGE</b></p>

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<u>Rule Number</u>	<u>Suggestion Received*</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Cv 5.1	<p><b>LR Cv 5.1 SERVICE AND PROOF OF SERVICE</b></p> <p>*****</p> <p>(a) <b><u>Proof of Service Summons.</u></b></p> <p>(1) <del>Proof of service of any document, except those listed in LR Cv 5(d) and (e) above, required to be served on a party or non party shall be filed with the Court within 7 days after service is made. In the case of documents required to be served personally, proof of service shall include a certification by the person making service that the documents were served, the date of service, and a description of the manner in which service was made. Unless service is waived, proof of service of a summons must be filed with the Court within 7 days after service is made. Except for service by a United States marshal or deputy marshal, the proof of service must consist of an affidavit by the person who made service certifying:</del></p> <p style="padding-left: 20px;">(1) <u>the date and manner of service;</u></p> <p style="padding-left: 20px;">(2) <u>the names of the persons served; and</u></p> <p style="padding-left: 20px;">(3) <u>the address of the person served.</u></p> <p>(2) <del>Failure to file proof of service will not necessarily affect the validity of the service.</del></p>	<p>The Civil Rules Subcommittee recommended adoption of the proposed language in (a), and recommended the following changes to the title of the rule and the proposed language in (b). The language added by the Civil Rules Subcommittee is shown with a <u>double-underline</u> and the language removed by the Subcommittee is shown with a <del>double strikethrough</del>.</p> <p style="text-align: center;"><b>LR Cv 5.1 <u>PROOF OF SERVICE OF SUMMONS AND OTHER DOCUMENTS.</u></b></p>	<p>The LRRC accepted the proposed change to the title as recommended by the Civil Rules Subcommittee; and altered the original proposal to (a) and the subcommittee’s revision of (b).</p> <p>The language added by the LRRC to original proposal is shown with a <u>double-underline</u> and the language removed by the LRRC is shown with a <del>double strikethrough</del>.</p> <p style="text-align: center;"><b>LR Cv 5.1 <u>PROOF OF SERVICE OF SUMMONS AND OTHER DOCUMENTS.</u></b></p> <p>(a) <b><u>Proof of Service Summons.</u></b></p> <p>(1) <del>Proof of service of any document, except those listed in LR Cv 5(d) and (e) above, required to be served on a party or non party shall be filed with the Court within 7 days after service is made. In the case of documents required to be served personally, proof of service shall include a certification by the person making service that the documents were served, the date of service, and a description of the manner in which service was made. Unless service is waived, proof of service of a summons must be filed with the Court within 7 days after service is made. Except for service by a United States marshal or deputy marshal, the proof of service must consist of an affidavit by the person who made service certifying:</del></p> <p style="padding-left: 20px;"><u>the date and manner of service;</u></p> <p style="padding-left: 20px;"><u>the names of the persons served; and</u></p> <p style="padding-left: 20px;"><u>the address of the person served.</u></p> <p>(2) <del>Failure to file proof of service will not necessarily affect the validity of the service.</del></p>	<p style="text-align: center;"><b>COURT MODIFIED CHANGE TO FIRST SENTENCE OF (a):</b></p> <p style="text-align: center;">Unless service is waived, proof of service of a summons must be filed with the Court within 14 days after</p>

\* Unless otherwise indicated, the suggestion was made by the Court.

Civil Rules

<u>Rule Number</u>	<u>Suggestion Received*</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
	<p><b><u>(b) Certificates of Service</u></b></p> <p>Unless a rule provides otherwise, any paper presented for filing after the complaint must contain a certificate of service certifying:</p> <p>(1) the date and manner of service;                      (2) the names of the persons served; and                      (3) their mail or electronic addresses, facsimile numbers, or the addresses of the places of delivery, as appropriate for the manner of service.</p> <p>The certificate of service shall be affixed to the papers filed with the Court.</p>	<p><b><u>(b) Certificates of Service as to Filings Other Than the Summons</u></b></p> <p><del>Unless a rule provides otherwise,</del>                      Unless a document is filed by electronic means, the service of which would be governed by LR Gen 309, any paper presented for filing after the complaint must contain a certificate of service <del>certifying</del> stating:</p> <p>(1) the date and manner of service;                      (2) the names of the persons served; <del>and</del>                      (3) (4) <del>their mail or electronic addresses, facsimile numbers, or</del> the addresses of the places of delivery, as appropriate for the manner of service.</p> <p>The certificate of service shall be affixed to the papers filed with the Court.</p>	<p>Except for service by a United States marshal or deputy marshal, the proof of service must consist of an affidavit by the person who made service certifying:</p> <p>(1) the date and manner of service;                      (2) the names of the persons served; and                      (3) the addresses of the persons served.</p> <p>The language added by the LRRC to the Civil Rules Subcommittee’s revision of the original proposal is shown with a <b><u>double-underline</u></b> and the language removed by the LRRC is shown with a <b><del>double-strikethrough</del></b>.</p> <p><b><u>(b) Certificates of Service as to Filings Other Than the Summons</u></b></p> <p><del>Unless a rule provides otherwise,</del>                      Unless a document is filed by electronic means, the service of which would be governed by LR Gen 309, any <del>paper presented for filing</del> document conventionally filed after the complaint must contain a certificate of service <del>certifying</del> stating:</p> <p>(1) the date and manner of service;                      (2) the names of the persons served;                      and                      (3) <del>their mail or electronic addresses, facsimile numbers, or</del> the addresses of the places of delivery, as appropriate for the manner of</p>	<p>service is made a <u>reasonable time</u> after receipt of proof of service.</p>

\* Unless otherwise indicated, the suggestion was made by the Court.

Civil Rules

<b><u>Rule Number</u></b>	<b><u>Suggestion Received*</u></b>	<b><u>Subcommittee Recommendation</u></b>	<b><u>Full Committee Action</u></b>	<b><u>Court Action</u></b>
			<p><u>service.</u></p> <p><u>The certificate of service shall be affixed to the <del>papers</del> documents filed with the Court.</u></p>	
LR Cv 55	<p><b>LR Cv 55 MOTIONS FOR DEFAULT JUDGMENT</b></p> <p>A motion for entry of default or entry of a default judgment made against a party not represented by counsel shall be accompanied by a certification that:</p> <p>(a) Notice of the motion was given to the party against whom a default or default judgment is sought by both regular mail, postage prepaid, and by certified or registered mail, return receipt requested. A copy of the return receipt shall be appended to the certification;</p> <p>(b) To the best of the movant’s knowledge, the address set forth in such certification is the last known address of that party; and</p> <p>(c) The party against whom a default or default judgment is sought is not in the military service of the United States as defined in the <del>Soldiers’ and Sailors’ Civil Relief Act of 1940</del> <u>Servicemembers Civil Relief Act of 2003</u>, as amended.</p>	<p><b>The Civil Rules Subcommittee endorsed the proposed change and recommended adoption by the Court.</b></p>	<p><b>PROPOSED CHANGE ACCEPTED</b></p>	<p><b>COURT APPROVED CHANGE</b></p>

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Civil Rules

<u>Rule Number</u>	<u>Suggestion Received*</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Cv 72	<p style="text-align: center;"><b>LR Cv 72 AUTHORITY OF MAGISTRATE JUDGES IN CIVIL CASES</b></p> <p style="text-align: center;">*****</p> <p>(c) <del>Appeals from</del> <b><u>Objections to Rulings on Nondispositive Matters.</u></b></p> <p>(1) <b><u>Time for Appeal Objections; Failure to File.</u></b> Any <del>appeal from</del> <u>objection to</u> an order or other ruling by a magistrate judge in a nondispositive matter shall be filed and served within 14 days after such order or ruling is <del>entered</del> <u>served on the appellant</u>. The <del>appellant</del> <u>objecting party</u> shall also order a transcript of any evidentiary hearing(s) before the magistrate judge within the same 14-day period. Failure to file specific objections and order the transcript in a timely manner constitutes waiver of the right to review by the district judge and the right to appeal the Court’s decision.</p> <p>(2) <b><u>Content of Appeal Objections.</u></b> Any <del>such appeal</del> <u>objection to a magistrate judge’s order or ruling in a nondispositive matter</u> shall <del>consist of a notice of appeal setting forth the basis of the objection for the appeal</del> and <u>be accompanied by a memorandum of law which complies with LR Cv 7.</u></p> <p>(3) <b><u>Responses and Replies.</u></b> A response to an <del>appeal</del> <u>objection</u> shall be served and filed within 14 days</p>	<p>The Civil Rules Subcommittee endorsed the proposed change and recommended adoption by the Court.</p>	<p>In light of the additional changes made to LR Cr 57.2 (see discussion below), The LRRC accepted the subcommittee’s recommendation, and further modified the proposed change upon the Clerk’s Office subsequent recommendation. The Clerk’s Office proposed one additional change to LR Cv 72 (indicated by <u>double underline</u>) to keep it consistent with LR Cr 57.2. The language added is indicated by a <u>double-underline</u>.</p> <p>(c) <del>Appeals from</del> <b><u>Objections to Rulings on Nondispositive Matters.</u></b></p> <p>(1) <b><u>Time for Appeal Objections; Failure to File.</u></b> Any <del>appeal from</del> <u>objection to</u> an order or other ruling by a magistrate judge in a nondispositive matter <u>referred under Fed. R. Civ. P. 72(a)</u> shall be filed and served within 14 days after such order or ruling is <del>entered</del> <u>served on the appellant</u>. The <del>appellant</del> <u>objecting party</u> shall also order a transcript of any evidentiary hearing(s) before the magistrate judge within the same 14-day period. Failure to file specific objections and order the transcript in a timely manner constitutes waiver of the right to review by the district judge and the right to appeal the Court’s decision.</p> <p>(2) <b><u>Content of Appeal Objections.</u></b> Any <del>such appeal</del> <u>objection to a magistrate judge’s order or ruling in a nondispositive matter</u> shall <del>consist of</del></p>	<p>UPON RECEIPT OF A COMMENT DURING THE PUBLIC COMMENT PERIOD ON THE PROPOSED AMENDMENTS, THE JUDGES REPLACED THE WORD “ENTERED” IN THE FIRST SENTENCE OF §(C)(1) WITH “SERVED.” OTHERWISE, THE COURT APPROVED THE PROPOSED CHANGE.</p>

\* Unless otherwise indicated, the suggestion was made by the Court.



Civil Rules

<u>Rule Number</u>	<u>Suggestion Received*</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
	<p>after the <del>notice of appeal objection</del> is served. The <del>appellant objecting party</del> may serve and file a reply to the response within 14 days thereafter. Unless otherwise permitted or required by the Court, nothing further shall be filed in support of or in <del>opposition response</del> to an <del>appeal of objection to a</del> magistrate judge's order or ruling. Any response and/or reply shall comply with LR Cv 7.</p> <p>*****</p>		<p><del>a notice of appeal setting forth the basis of the objection for the appeal and be accompanied by a memorandum of law which complies with LR Cv 7.</del></p> <p><b>(3) Responses and Replies.</b> A response to an <del>appeal objection</del> shall be served and filed within 14 days after the <del>notice of appeal objection</del> is served. The <del>appellant objecting party</del> may serve and file a reply to the response within 14 days thereafter. Unless otherwise permitted or required by the Court, nothing further shall be filed in support of or in <del>opposition response</del> to an <del>appeal of objection to a</del> magistrate judge's order or ruling. Any response and/or reply shall comply with LR Cv 7.</p>	
Suggestion from the Bar	During the 2011-12 local rules review cycle, Stacey Nakasian, Esq. suggested that the Committee consider adopting a rule setting a Default Standard for Discovery, Including Discovery of Electronically Stored Information (ESI). The LRRC created an <i>ad hoc</i> committee to study and recommend an ESI proposal for consideration during the 2012-2013 LRRC cycle. The members of the ad hoc committee are: Jeffrey Techentin, Byron McMasters, Ranen Schechner, and Steven Richard. Mr. Richard will chair the ad hoc committee.	<b>The <i>ad hoc</i> subcommittee reported that they would continue their work on ESI discovery during the 2013-2014 local rules review cycle.</b>	N/A	N/A
Suggestion from the Bar	Members of the Civil Rules Subcommittee proposed that the Court adopt a rule for uniform definitions in discovery requests in civil cases similar to District of Massachusetts LR 26.5. (Uniform Definitions in Discovery Requests).	<b>The Civil Rules Subcommittee endorsed the proposed change and recommended adoption by the Court.</b>	<b>PROPOSED CHANGE REJECTED. The full LRRC did not believe that the Court needed to impose uniform definitions on the bar.</b>	N/A

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Civil Rules

<b><u>Rule Number</u></b>	<b><u>Suggestion Received*</u></b>	<b><u>Subcommittee Recommendation</u></b>	<b><u>Full Committee Action</u></b>	<b><u>Court Action</u></b>
Suggestion from the Bar	<p>Robert Fine, Esq. proposed that LR Cv 5.1 be further amended with the addition of a new section to allow for electronic service of discovery: The purpose of the amendment is to make it clear that electronic service of discovery is acceptable service. This would also facilitate delivery of the discovery requests to the client.</p> <p>(c) Electronic Service of Discovery:            “Unless otherwise ordered, service of discovery under Civil Rules 33, 34 and 36 shall be effective by electronic mailing to the address listed for counsel at their ECF address.”</p> <p>He added that the LRRC could expand this provision to include Rules 30 and 31 on depositions.</p>	<p><b>The Civil Rules Subcommittee recommended the following change on the basis of Mr. Fine’s suggestion:</b></p> <p style="text-align: center;"><b>LR Cv 26. Discovery</b></p> <p><b>(a) Discovery Conference.</b> 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 <u>Fed. R. Civ. P. 26(f)</u>; 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.</p> <p style="text-align: center;">(1) <u>During the parties' conference, they shall, in addition to discussing the items identified in Fed. R. Civ. P. 26(f)(3), discuss whether they will consent to electronic service of requests and notices under Fed. R. Civ. P. 30, 31, 33, 34, and 36, as contemplated by Fed. R. Civ. P. 5(b)(2)(E).</u></p> <p style="text-align: center;">*****</p>	<p><b>PROPOSED CHANGE ACCEPTED.</b></p>	<p style="text-align: center;"><b>COURT MODIFIED CHANGE BY STRIKING NEW SECTION (a)(1), AND REPLACING IT WITH A NEW SECTION (E):</b></p> <p><b><u>(e) Service of Discovery by Electronic Means.</u></b>  <u>Service of discovery by electronic means is permitted.</u></p>

\* Unless otherwise indicated, the suggestion was made by the Court.

Civil Rules

<b><u>Rule Number</u></b>	<b><u>Suggestion Received*</u></b>	<b><u>Subcommittee Recommendation</u></b>	<b><u>Full Committee Action</u></b>	<b><u>Court Action</u></b>
Suggestion from the Bar	During the 2011-2012 local rules review cycle, Girard Visconti, Esq and Marc DeSisto, Esq. proposed that the Court adopt a rule requiring pro se litigants to certify that an attorney has not drafted the documents that they have filed with the Court. The LRRC chose to table the proposal for reconsideration during the 2012-2013 local rules review cycle.	<b>The Civil Rules Subcommittee recommended tabling this suggestion until the Rhode Island Supreme Court addresses this issue.</b>	<b>The LRRC agreed to table the suggestion for reconsideration during the 2013-14 local rules review cycle.</b>	N/A

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Criminal Rules

<b><u>Rule Number</u></b>	<b><u>Suggestion Received*</u></b>	<b><u>Subcommittee Recommendation</u></b>	<b><u>Full Committee Action</u></b>	<b><u>Court Action</u></b>
LR Cr 57.2	<p style="text-align: center;"><b>LR Cr 57.2 AUTHORITY OF MAGISTRATE JUDGES IN CRIMINAL CASES</b></p> <p style="text-align: center;">*****</p> <p>(c) <b><u>Appeals from Objections to Rulings On Nondispositive Matters.</u></b></p> <p>(1) <b><u>Time for Appeal Objections.</u></b>            Any <del>appeal from</del> <u>objection to an order or other ruling by a magistrate judge in a nondispositive matter shall be filed and served within 14 days after such order or ruling is served on the appellant entered.</u> The <del>appellant objecting party</del> shall also order a transcript of any evidentiary hearing(s) before the magistrate judge within the same 14-day period.</p> <p>(2) <b><u>Content of Appeal Objections.</u></b>            Any <del>such appeal</del> <u>objection to a magistrate judge's order or ruling in a nondispositive matter shall consist of a notice of appeal setting forth the basis of the objection for the appeal and be accompanied by a memorandum of law which complies with LR Cr 47.</u></p> <p>(3) <b><u>Responses and Replies.</u></b> A response to an <del>appeal objection</del> shall be served and filed within 14 days after the <del>notice of appeal objection</del> is served. The <del>appellant objecting party</del> may</p>	<p>The Criminal Rules Subcommittee recommended that the amendment be tabled for further study because it seemed to be in conflict with certain procedures outlined in the United States Code requiring parties to file “motions” or “appeals” to a Magistrate Judge’s ruling in bail and misdemeanor matters.</p> <p>After receiving a revised proposal from the Clerk’s Office in regard to the Criminal Rules Subcommittee’s concerns regarding LR Cr 57.2, they endorsed the revised proposed change and recommended adoption by the Court. (The language added by the Clerk’s Office is indicated by <u>double underline.</u>)</p> <p style="text-align: center;"><b>LR Cr 57.2 AUTHORITY OF MAGISTRATE JUDGES IN CRIMINAL CASES</b></p> <p>(c) <b><u>Appeals from Objections to Rulings On Nondispositive Matters.</u></b></p> <p>(1) <b><u>Time for Appeal Objections.</u></b> Any <del>appeal from</del> <u>objection to an order or other ruling by a magistrate judge in a nondispositive matter referred under Fed. R. Crim. P. 59(a)</u> shall be filed and served within 14 days after such order or ruling is <del>served on the appellant entered.</del> The <del>appellant objecting party</del> shall also order a transcript of any evidentiary hearing(s) before the magistrate judge within the same 14-day period.</p> <p>(2) <b><u>Content of Appeal Objections.</u></b> Any</p>	REVISED PROPOSED CHANGE ACCEPTED	UPON RECEIPT OF A COMMENT DURING THE PUBLIC COMMENT PERIOD ON THE PROPOSED AMENDMENTS, THE JUDGES REPLACED THE WORD “ENTERED” IN THE FIRST SENTENCE OF §(C)(1) WITH “SERVED.” OTHERWISE, THE COURT APPROVED THE PROPOSED CHANGE.

\* Unless otherwise indicated, the suggestion was made by the Court.

Criminal Rules

<u>Rule Number</u>	<u>Suggestion Received*</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
	<p>serve and file a reply to the response within 14 days thereafter. Unless otherwise permitted or required by the Court, nothing further shall be filed in support of or in response <del>opposition</del> to an <del>appeal of</del> <u>objection to a magistrate judge's order or ruling</u>. Any response and/or reply shall comply with LR Cr 47.</p> <p>*****</p>	<p><del>such appeal objection to a magistrate judge's order or ruling in a nondispositive matter shall consist of a notice of appeal setting forth the basis of the objection for the appeal and be accompanied by a memorandum of law which complies with LR Cr 47.</del></p> <p><b>(3) Responses and Replies.</b> A response to an <u>appeal objection</u> shall be served and filed within 14 days after the <del>notice of appeal objection</del> is served. The <del>appellant</del> <u>objecting party</u> may serve and file a reply to the response within 14 days thereafter. Unless otherwise permitted or required by the Court, nothing further shall be filed in support of or in <del>response opposition</del> to an <del>appeal of</del> <u>objection to a magistrate judge's order or ruling</u>. Any response and/or reply shall comply with LR Cr 47.</p> <p><b>*COMMENT</b></p> <p><u>Under 18 U.S.C. §3145(a) and (b), a party may have a release or detention order issued by a magistrate judge reviewed by a district judge by filing a "motion" with the Court. However, since these orders relate to non-dispositive matters referred to a magistrate judge under Fed. R. Crim. P. 59(a), parties may file a response to the motion for review of a release or detention order within 14 days after the motion is served, and the moving party may file a reply 14 days thereafter in line with LR Cr 57.2(c).</u></p>		

\* Unless otherwise indicated, the suggestion was made by the Court.



[REDACTED]

Good morning,

I am writing to comment on the proposed amendments to Local Rules for the U.S. District Court of Rhode Island that are currently out for comment. My concerns is specific to the proposed revisions to Civil Local Rule 72.

As proposed, Rule 72(c)(1) states, in part:

**Time for Objections; Failure to File.** Any objection to an order or other ruling by a magistrate judge in a nondispositive matter referred under Fed. R. Civ. P. 72(a) shall be filed and served within 14 days after such order or ruling is entered.

As proposed, the 14 day deadline to file and serve objection is triggered by the entry of the order or ruling. This directly conflicts with the provisions of Federal Rule of Civil Procedure 72(a) which states, "A party may serve and file objections to the order within 14 days after being served with a copy." [Emphasis added].

In order to avoid confusion and any conflict with the Federal Rules, I propose that Local Rule 72(c)(1) be revised as follows:

**Time for Objections; Failure to File.** Any objection to an order or other ruling by a magistrate judge in a nondispositive matter referred under Fed. R. Civ. P. 72(a) shall be filed and served within 14 days after such order or ruling is ~~entered~~ **served**.

Furthermore, as written, Local Rule 72(c)(3) is ambiguous as to what event triggers the 14-day deadline for the reply to the response to the objections. As proposed that rule states:

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 14 days thereafter.

By using the word "thereafter," it is uncertain as to what triggers tehe 14-day dadline for the reply. Is it the filing of the response? The service of the response? Some other event? In order to avoid any confusion, I suggest that Rule 72(c)(3) be revised as follows:

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 14 days **after service of the response** thereafter.

Thank you for your time.

**Cheryl Siler, Esq.**  
Rules Department Manager  
Aderant

[REDACTED]