

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

IN RE: LOCAL RULES COMMITTEE

Misc. 06-102

GENERAL ORDER
APPOINTMENT OF THE LOCAL RULES REVIEW COMMITTEE

Pursuant to L.R. Gen 113 and by agreement of the Judges of this Court, CharCretia V. DiBartolo, Robert D. Fine, Neal J. McNamara, Justin T. Shay, Olin Thompson, and George J. West are hereby reappointed to the Local Rules Review Committee (LRRC). CharCretia V. DiBartolo and Matthew Oliverio are hereby appointed as co-chairs of the LRRC.

The Court also hereby orders a one-time exception to the term limits contained in LR Gen 113(b)(3), and extends the expiration date of the terms of all members of the LRRC from June 30 to November 30.

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> |
|--|----------------------------|
| Judith Crowell, Esq. | November 30, 2015 |
| Michael Daly, Esq. | November 30, 2015 |
| Donald Migliori, Esq. | November 30, 2015 |
| Amy Parker, Esq. | November 30, 2015 |
| Matthew H. Parker, Esq. | November 30, 2015 |
| Matthew Oliverio, Esq. | November 30, 2015 |
| Stanley Pupecki, Esq. | November 30, 2015 |
| | |
| C. Russell Bengtson, Esq. | November 30, 2016 |
| Terrence P. Donnelly, AUSA | November 30, 2016 |
| Raymond A. Marcaccio, Esq. | November 30, 2016 |
| Stacey P. Nakasian, Esq. | November 30, 2016 |
| Steven M. Richard, Esq. | November 30, 2016 |
| Raymond M. Ripple, Esq. | November 30, 2016 |
| | |
| CharCretia V. DiBartolo, Esq. | November 30, 2017 |
| Robert D. Fine, Esq. | November 30, 2017 |
| Olin Thompson, Esq. | November 30, 2017 |
| Neal J. McNamara, Esq. | November 30, 2017 |
| Justin T. Shay, Esq. | November 30, 2017 |
| George J. West, Esq. | November 30, 2017 |
| | |
| Michael Simoncelli, <i>ex officio</i> reporter | n/a |

IT IS SO ORDERED.

By the Court:

Date: June 23, 2014

/s/ William E. Smith, Chief Judge

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

**LOCAL RULES REVIEW COMMITTEE
MARCH 24, 2014**

The Local Rules Review Committee (“LRRC”) met on March 24, 2015, at 12:00 PM in the Jury Assembly Room of the United States Courthouse. CharCretia DiBartolo and Matthew Oliverio co-chaired the meeting. The following LRRC members were present: C. Russell Bengston, Judith Crowell, Michael Daly, Terrence Donnelly, Robert Fine, Amy Parker, Matthew Parker, Stanley Pupecki, Steven Richard, Ray Ripple, Justin Shay, and George West. The following Court personnel were present: David DiMarzio, Frank Perry, and Michael Simoncelli (LRRC Reporter). Co-chair CharCretia DiBartolo called the meeting to order at 12:05 PM.

Ms. DiBartolo began the meeting by introducing Chief Judge Smith. Judge Smith thanked the members of the LRRC for their service to the Court and the bar. After his opening remarks, Judge Smith excused himself from the meeting to let the LRRC begin its discussion of the Court-proposed amendments, holdovers from the previous session, and suggestions for rule changes received from the bar.

Ms. DiBartolo thanked Chief Judge Smith for his opening remarks. She then asked Michael Simoncelli, the LRRC Reporter, to summarize the proposed amendments and suggestions submitted to the LRRC for this cycle. Mr. Simoncelli briefly explained the Court-proposed amendments:

LR Gen 102: There are two amendments to LR Gen 102: (1) the proposed amendment to LR Gen 102(c), regarding motions to seal in civil cases, corrects inconsistent language throughout the rule; and (2) the proposed amendment to LR Gen 102(d), regarding motions to seal in criminal cases, also corrects inconsistent language, and allows the Clerk’s Office to store sealed documents in criminal cases electronically.

LR Gen 109: The proposed changes to LR Gen 109 bring the local rule in line with recent amendments to the Federal Rules of Bankruptcy Procedure.

LR Gen 111: The proposed change to LR Gen 111 removes unnecessary language in (b). The Court approved an amendment during the previous cycle that allowed note-taking in the gallery without Court approval, which renders the provision allowing for note-taking within the bar or outside the courtroom without judicial approval unnecessary. In addition, the proposed amendment adds a comment to the rule referencing the Court’s General Order permitting authorized members of the media to bring electronic devices in the courtrooms of judges who have approved a standing exemption to LR Gen 111 and LR Gen 112.

LR Gen 112: The proposed amendment to LR Gen 112 removes references to out-of-date technology throughout the rule, and inserts a comment that is identical to the comment in the proposed amendment to LR Gen 111.

LR Gen 303: There are three proposed changes to LR Gen 303: (1) the removal of (c), which relates to the size of documents filed in CM/ECF. Limits on document size are set in CM/ECF, and the Court regularly changes those limits to suit the needs of the Court and filers. Due to the frequency that the limits are changed, the Court believes that it is impractical to include this limit (which is often out of date) in the local rules; (2) modification of (d) to create a single section that lists all documents that need to be filed conventionally. In addition, the proposed change to (d) would also permit the electronic filing of the state court record in the removal actions and petitions for violations of supervised release; (3) adds a new section that defines the required electronic format for electronically filed documents. This new section would make clear that documents requiring an original signature (e.g., affidavits, verified complaints, service of process documents, etc.) must be a scanned PDF so that the document contains an original signature (not an /s/ signature).

LR Gen 304: The proposed amendment to LR Gen 304 brings our local rule regarding ECF registration in line with our current practice. The proposed amendment also deletes LR Gen 304(d) since it no longer conforms to our current Clerk's Office procedures.

LR Gen 314: The new rule LR Gen 314 incorporates the Court's General Order setting out the procedure for refunding erroneous and duplicative payments made by CM/ECF filing users through Pay.gov.

LR Cv 5: The proposed amendment makes a minor change to LR Cv 5(b), substituting the phrase "AO Form JS-44 Civil Cover Sheet" with "local civil cover sheet." The proposed amendment also adds a brief comment explaining that the Court uses a local version of the JS-44 Civil Cover Sheet that differs from the national version of the form.

LR Cv 81: The proposed amendment to LR Cv 81 has two parts: (1) the removal of (a) from the rule; and (2) incorporation of the text from the Court's General Order regarding LR Cv 81 as new sections (a) and (b).

Federal Rules Changes: In addition to the Court-proposed rule changes, the Court has asked the LRRC to examine the provisions of our local rules that may be affected by the proposed changes to the Federal Rules of Civil Procedure slated to take effect on December 1, 2015. In particular, the Court asked that the LRRC look at the changes to Fed. R. Civ. P. 16, a number of the discovery rules (Fed. R. Civ. P. 26, 30, 31, 33, 34, and 37), and Fed. R. Civ. P. 55.

Mr. Simoncelli also explained that there was a single holdover from the previous session:

During the 2011-12 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 filed with the Court. The Civil Rules Subcommittee elected to table that suggestion twice, pending a Rhode Island Supreme Court decision addressing the issue. The Rhode Island Supreme Court recently heard argument on three related “ghostwriting” cases, but has not issued an opinion. If the Rhode Island Supreme Court does issue an opinion before the June 30th report deadline, the LRRC may wish to revisit this issue.

David DiMarzio added that while there is concern on a national level about the filing of ghostwritten pleadings, there is not a recommended approach to creating a local rule regarding ghostwriting.

Mr. Simoncelli next reviewed the suggestion received from the bar during the suggestion period that ended on March 4, 2015:

Attorney John McCann suggested that the Court create a new local rule that tracks Fed. R. Civ. P. 12. In Mr. McCann’s proposal, he suggests that the newly adopted rule contain additional language in (a)(4) (regarding partial motions to dismiss) that is not found in Fed. R. Civ. P. 12. Mr. McCann submitted this proposal during the previous local rules review cycle, and the LRRC rejected it.

Mr. Oliverio pointed out that most of the Court-generated proposals would be considered by the Civil Rules Subcommittee and the General Rules Subcommittee. He noted that the only proposal that relates to the Criminal Rules Subcommittee is the portion of the sealed document proposal (LR Gen 102) that relates to criminal filings under seal.

Mr. Simoncelli added that members of the LRRC may propose additional amendments during committee or subcommittee meetings.

Matt Parker raised points regarding the filing of *ex parte* and TROs and other expedited documents, and suggested the civil rules subcommittee look into potential changes to clarify the local rules related to these types of filings. David DiMarzio explained that the Court’s current practice is to require *ex parte* documents to be filed conventionally and expedited/emergency documents to be filed electronically.

In addition to Mr. Parker’s suggestion, two other LRRC members recommended potential rule changes: Michael Daly asked that the LRRC consider revisiting the procedures for filing redacted documents pursuant to LR Gen 102, and Robert Fine asked that the LRRC revisit his proposal for a rule setting out uniform definitions in discovery requests in civil cases.

Steven Richard explained that the ESI discovery proposal made during 2012-13 session would be dealt with outside of the context of the LRRC. Mr. Richard explained that at the most recent Federal Bench-Bar Committee meeting, it was agreed that the Bench-Bar Committee, not the LRRC, would be proper venue for considering any local proposals governing ESI discovery.

Ms. DiBartolo next outlined the structure of the LRRC's work going forward. She explained that the bulk of the LRRC's work would be performed by the General Rules, Civil Rules, and Criminal Rules subcommittees in April. She added that the three subcommittee chairs for the 2013-2014 cycle would return as subcommittee chairs for the 2014-2015 cycle: George West (Criminal Rules), Justin Shay (General Rules), and C. Russell Bengston (Civil Rules). She asked the subcommittees submit their reports to the co-chairs by May 7, 2015. The next LRRC meeting will be held on May 14, 2015 at 4:00 PM.

The meeting adjourned at 12:45 PM.

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

LOCAL RULES REVIEW COMMITTEE

May 14, 2015

The Local Rules Review Committee (“LRRC”) met on May 14, 2015, at 4:00 PM in the Jury Assembly Room of the United States Courthouse. CharCretia DiBartolo and Matthew Oliverio co-chaired the meeting. The following LRRC members were present: C. Russell Bengston, Michael Daly, Robert Fine, Ray Marcaccio, Stacey Nakasian, Matthew Parker, Stanley Pupecki, Justin Shay, and George West. The following Court personnel were present: David DiMarzio, Frank Perry, and Michael Simoncelli (LRRC Reporter). Co-chair CharCretia DiBartolo called the meeting to order at 4:05 PM.

Ms. DiBartolo began by explaining that the purpose of the meeting would be to consider the reports by the various subcommittees of the LRRC, and that the LRRC would hold a final meeting to vote on the proposed amendments recommended by the subcommittees in June. She turned first to C. Russell Bengston, chair of the Civil Rules Subcommittee (CVRS), to provide his subcommittee’s report to the LRRC. Mr. Bengston summarized the two Court-proposed amendments to LR Cv 5 and LR Cv 81 that the CVRS received, and reported that the subcommittee recommended approval of the two amendments. In addition, he mentioned that the CVRS did not see any local rules changes that were needed in light of the pending rules changes to the Federal Rules of Civil Procedure.

Mr. Bengston also reported that the CVRS recommended that the LRRC reconsider a new local rule, LR Cv 26.1, that would provide uniform definitions for discovery requests. Mr. Bengston turned to subcommittee member Robert Fine to explain the proposal in detail.

Mr. Fine recapped the history of the uniform discovery definitions proposal. During the previous LRRC cycle, the CVRS offered a uniform discovery definitions local rule that tracked the local rule used in the District of Massachusetts. This proposal was rejected by the full LRRC in 2013-14 cycle, and he explained that the revised uniform discovery definitions proposal approved by the CVRS during this cycle was constructed so that the definitions would be neither mandatory under this proposal nor would they preclude parties from using other definitions in their discovery requests. Under the revised proposal, these definitions would be optional, and parties could choose to adopt them to ease the discovery process.

Stanley Pupecki questioned the need for the Local Rules to contain such a proposal. He argued that the proposed rule was overly broad and burdensome, and that even though the revised proposed amendment would be optional, including it in the local rules would give it an air of authority. Mr. Fine countered that he believed that the rule would be a time saver, and

noted that the rule had been in use for some time in District of Massachusetts without issue. Numerous members of the LRRC questioned the particular definitions offered in the proposed rule, particularly those for “identify” and “state the basis.” Matt Parker added that the proposed rule only concerned definitions, and not the interrogatories themselves or a party’s ability to object.

Stacey Nakasian suggested that considering the debate over this particular proposal and its effect on practice before the Court, that the LRRC should be unanimous in any decision to recommend approval of the proposal. Mr. Bengtson countered that a majority of the LRRC should be able to recommend adoption of the proposal since the Court would ultimately decide whether the proposed rule would be approved and put out for public comment.

In light of the debate on this proposed amendment, Mr. Parker volunteered to redraft the proposed amendment for further consideration at the next LRRC meeting. Ms. DiBartolo concluded the discussion by asking LRRC members to consider whether the proposal should be merely a guideline, and whether a unanimous vote would be needed to recommend the proposal to the Court.

Ms. DiBartolo next turned to Justin Shay, chair of the General Rules Subcommittee (GRS), to provide his subcommittee’s report to the LRRC. Mr. Shay explained that his subcommittee received proposed amendments to LR Gen 102, 109, 111, 112, 203, 209, 210, 303, 304, and 314, and that the GRS recommended adoption of all of the proposed amendments. Ms. Nakasian asked for clarification regarding the change to LR Gen 203, and David DiMarzio explained that the Court submitted this proposed change to remedy a deficiency in the current rule that prevents individuals who are inactive at the state level from obtaining a certificate of good standing from our Court.

Ms. DiBartolo next asked George West, chair of the Criminal Rule Subcommittee (CRRS), to provide his subcommittee’s report to the LRRC. Mr. West noted that the CRRS did not receive any proposed amendments from the Court or the bar, and that members of the subcommittee elected not to propose any amendments to the Local Rules during this cycle.

Ms. DiBartolo announced that the final LRRC meeting would be held on June 8, 2015 at 4:00 PM, where the committee will decide which proposed amendments will be sent to the Court for consideration.

The meeting adjourned at 4:50 PM.

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

LOCAL RULES REVIEW COMMITTEE

June 8, 2015

The Local Rules Review Committee (“LRRC”) met on June 8, 2015, at 4:00 PM in the Jury Assembly Room of the United States Courthouse. CharCretia DiBartolo and Matthew Oliverio co-chaired the meeting. The following LRRC members were present: C. Russell Bengston, Michael Daly, Terrence Donnelly, Robert Fine, Ray Marcaccio, Stacey Nakasian, Matthew Parker, Stanley Pupecki, Steven Richard, Ray Ripple, Justin Shay, and George West. The following Court personnel were present: David DiMarzio, Frank Perry, and Michael Simoncelli (LRRC Reporter). Co-chair CharCretia DiBartolo called the meeting to order at 4:05 PM.

Ms. DiBartolo began by explaining that the purpose of the meeting would be to hold the final vote on all of the proposed amendments endorsed by the various subcommittees of the LRRC. She proposed to first hold a final vote on all of the non-controversial rules endorsed by the General and Civil Rules Subcommittees. (The Criminal Rules Subcommittee did not receive any suggestions for consideration nor did they recommend approval of any proposed amendments during this cycle.) Ms. DiBartolo recapped the proposed changes to LR Gen 102, 109, 111, 112, 203, 209, 210, 303, 304, and 314, and LR Cv 5 and 81. Robert Fine made a motion that the LRRC recommend adoption of these proposed amendments, and Stacey Nakasian seconded the motion. The full LRRC recommended adoption of the proposed amendments to LR Gen 102, 109, 111, 112, 203, 209, 210, 303, 304, and 314, and LR Cv 5 and 81.

C. Russell Bengston moved to reject the suggestion from John McCann, Esq. that the Court adopt a local version of Fed. R. Civ. P. 12 (regarding partial motions to dismiss). Mr. Fine seconded the motion, and the full LRRC agreed to reject the suggestion made by Mr. McCann.

Ms. DiBartolo next recapped the recent Rhode Island Supreme Court decision regarding ghostwriting of pleadings on behalf of pro se filers. In that decision, the Rhode Island Supreme Court set a policy regarding the scope and nature of assistance that attorneys may provide to pro se litigants without appearing in the case as counsel of record. Since this policy will ultimately be put out for public comment to the bar, Ms. DiBartolo recommended that the LRRC table the suggestion until the 2015-16 local rules review cycle. The full LRRC agreed to reconsider the proposal during the next cycle.

Ms. DiBartolo next moved to the final item for consideration: the proposed amendment regarding uniform discovery definitions (LR Cv 26.1). Mr. Fine recapped the discussion from

the previous LRRC meeting, and again emphasized that the proposed discovery definitions would not be binding under the proposed amendment, and that the practitioners would still have the freedom to use their own definitions in discovery requests. Ray Marcaccio noted that while other districts had adopted similar uniform discovery definitions rules (Massachusetts, Southern District of New York, and Eastern District of New York), he could not locate a jurisdiction where uniform definitions were optional.

Matthew Parker introduced two alternative proposals that he created on the basis of the discussion at the previous LRRC meeting. Both proposals removed the definitions from the original proposal that caused the most disagreement during the previous discussion. The first revised proposal (“Proposal A”) would make the remaining definitions optional in all discovery requests, while the second revised proposal (“Proposal B”) would make those definitions mandatory. Steven Richard and Michael Daly both questioned the need for this type of amendment, and argued that including it in the local rules—in either an optional or mandatory form—could cause more problems than it may solve. Mr. Fine emphasized that he believed that the proposed amendment would streamline the discovery process, and recommended that the LRRC adopt Mr. Parker’s “Proposal B” that would make the definitions mandatory.

A majority of the LRRC voted to reject the proposals regarding uniform discovery definitions, while a minority of the LRRC was in favor of sending Mr. Parker’s “Proposal B” to the Court’s judges for consideration. In light of this divide, Ms. DiBartolo suggested that those in favor of “Proposal B” submit a minority report for inclusion in the LRRC’s final report to the Court.

The meeting adjourned at 4:50 PM.

June 30, 2015

The Honorable William E. Smith
Chief Judge of the United States District Court
United States District Court
One Exchange Terrace
Providence, RI 02903

Re: Annual Report of the Local Rules Review Committee

Dear Chief Judge Smith:

As the co-chairs of the Local Rules Review Committee (LRRC), on behalf of the LRRC, we 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 June 8, 2015 meeting.

The LRRC began its work by asking for suggested changes to the Local Rules from the Bar and public during February 2015, and received one suggested change from the bar. The LRRC discussed this suggested change, along with the Court-proposed amendments and any holdovers from the previous local rules review cycle, at its March 24, 2015 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 April, and report to the chairs in advance of the May 14, 2015 meeting.

At the meeting on May 14th, the LRRC reviewed the work of the General Rules, Civil Rules, and Criminal Rules Subcommittees, and scheduled a final meeting for June 8, 2015. The full LRRC ultimately endorsed adoption of twelve rule changes. Most of the changes endorsed by the LRRC were non-controversial, technical amendments, but the LRRC did recommend substantive changes to LR Gen 109 (Bankruptcy Appeals), LR Gen 209 and 210 (Disciplinary Proceedings), and LR Cv 81 (Notices of Removal).

In addition, the LRRC also considered, but ultimately tabled or rejected, other proposed changes. The LRRC tabled the proposal that the Court adopt a rule requiring *pro se* filers to certify that their pleadings have not been "ghostwritten" by an attorney. The LRRC also rejected a proposal that the Court adopt a modified version of Fed. R. Civ. P. 12, and a rule setting uniform definitions in discovery requests in civil cases. In regard to the latter proposal, a

minority of the LRRC favored the proposal, and their detailed argument in favor of it is included in the report.

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,

CharCretia DiBartolo
Matthew Oliverio
Co-Chairs, LRRC

Enclosure

cc: David DiMarzio
Frank Perry
Michael Simoncelli

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

PROPOSED AMENDMENTS TO LOCAL RULES

June 30, 2015

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 102 | <p style="text-align: center;">LR Gen 102 DOCUMENTS CONTAINING CONFIDENTIAL INFORMATION</p> <p style="text-align: center;">*****</p> <p>(c) Filing of Sealed Documents in Civil Cases. Upon receipt of a motion to seal in a civil case, the clerk shall docket the motion but not the documents which are the subject of the motion and shall immediately transmit the motion and documents to the chambers of the judge to whom the case has been assigned. If the Court grants the motion to seal and unless otherwise ordered by the Court, the sealed documents shall be retained by the clerk in a secure location until further order of the Court. If the Court denies the motion to seal, the motion order denying the motion to seal shall be docketed and filed in accordance with these Local Rules, and the memorandum and the documents accompanying the motion shall be returned to the filer, unless otherwise ordered by the Court.</p> <p>(d) Filing of Sealed Documents in Criminal Cases. Upon receipt of a motion to seal in a criminal case, the clerk shall immediately transmit the motion and the documents which are the subject of the motion to the chambers of the judge to whom the case has been assigned. If the Court grants the motion to seal <u>and unless otherwise ordered by the Court</u>, the motion to seal, the order granting the motion to seal, and the sealed documents shall be placed in an envelope which shall be sealed and to which a copy of the Court's order shall be affixed. The envelope shall then be retained by the clerk in a secure location until further order of the Court. If the Court denies the motion to seal, the <u>motion to seal and the order denying the motion to seal shall be docketed and filed in accordance with these Local Rules</u>, and the memorandum and the documents accompanying the motion shall be returned to the filer, unless otherwise ordered by the Court.</p> <p style="text-align: center;">*****</p> | <p>The General Rules Subcommittee endorsed the proposed change, and recommended adoption by the LRRC.</p> | <p>PROPOSED CHANGE ACCEPTED.</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;">LR Gen 109 BANKRUPTCY</p> <p>(a) References and Withdrawals of References of Bankruptcy Cases. All cases arising under Title 11 shall be referred automatically to the bankruptcy judge(s) of this District. The reference of any case or proceeding or any portion thereof may be withdrawn at any time by the District Court, <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>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.</p> <p>The district judge shall make a de novo review upon the record or, after additional evidence, of any portion of the bankruptcy judge’s findings of fact or conclusions of law to which specific written objection has been made in accordance with the federal and local rules of bankruptcy procedure. The district judge may accept, reject, or modify the proposed findings of fact or conclusions of law, receive further evidence, or recommit the matter to the bankruptcy judge with instructions.</p> <p>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.</p> | <p>The General Rules Subcommittee recommended that the proposed change be forwarded to the Bankruptcy Court and the Bankruptcy Court’s Attorney Advisory Committee for review. The Bankruptcy Court’s Attorney Advisory Committee recommended adoption by the LRRC.</p> | <p>PROPOSED CHANGE ACCEPTED.</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>(b) Filings in Bankruptcy Cases. The bankruptcy clerk shall maintain all files in bankruptcy cases referred by the District Court. Except with respect to appeals, cases in which the reference has been withdrawn, or other matters pending before the District Court, all documents filed in such cases shall be filed with the bankruptcy clerk.</p> <p>(e)(b) Jury Trials in Bankruptcy Court. Pursuant to 28 U.S.C. § 157(e), a bankruptcy judge may conduct jury trials in bankruptcy proceedings where the right to a jury trial applies and all parties have consented.</p> <p>(d)(c) Reports and Recommendations by Bankruptcy Judge.</p> <p>(1) Time for Objections. Any objection to proposed findings of fact and/or rulings of law by a bankruptcy judge in a proceeding shall be filed and served within 14 days after such proposed findings and rulings are served on the objecting party.</p> <p>(2) Content of Objections. Any objection to the proposed findings of fact and/or rulings of law shall be accompanied by (A) a memorandum of law specifying the proposed findings and/or rulings to which objection is made and the basis for the objection(s), and (B) a transcript of any evidentiary hearing(s) before the bankruptcy judge. The memorandum shall comply with LR Cv 7.</p> <p>(3) Responses and Replies. A response to an objection shall be served and filed within 14 days after the objection is served. The objecting party may serve and file a reply to the response within 44 days <u>7 days</u> thereafter. Any response and /or reply shall comply with LR Cv 7. Unless otherwise permitted or required by the Court, nothing further shall be filed in support of or in opposition to an objection to a bankruptcy judge’s proposed findings</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>of fact and rulings of law.</p> <p>(e)(d) Appeals to Bankruptcy Appellate Panel. In accordance with 28 U.S.C. § 158(b)(6), appeals from any judgment, order or decree of a bankruptcy judge which are referred to in 28 U.S.C. § 158(a) will be heard and determined by the U.S. Bankruptcy Appellate Panel for the First Circuit unless a party elects to have the appeal heard by the District Court in accordance with Bankruptcy Rule 8005.</p> <p>(f)(e) Appeals to District Court. Except as otherwise provided in this subsection (f)(e) or elsewhere in these rules, or unless otherwise ordered by the District Court, appeals or motions for leave to appeal to the District Court from any judgment, order or decree of a bankruptcy judge shall be governed by the applicable provisions of Rules 8001-8028 of the Federal Rules of Bankruptcy Procedure (“Bankruptcy Rules”).</p> <p>(1) Record on Appeal. Upon the completion of the record on appeal in accordance with Bankruptcy Rule 8010, the bankruptcy clerk shall transmit a copy of the following to the District Court clerk:</p> <p>(A) Judgment, order or decree that is the subject of the appeal;</p> <p>(B) Docket sheet;</p> <p>(C) Appeal cover sheet;</p> <p>(D) Designation(s) of the contents of the record on appeal;</p> <p>(E) Statement(s) of issues on appeal; and</p> <p>(F) Any written decision(s) and a transcript of any oral decision(s) by the bankruptcy judge stating the reasons for the judgment, order or</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>decree</p> <p>(1) Notice of Appeal. Upon the filing of a notice of appeal to the District Court, the bankruptcy clerk shall promptly transmit the following to the District Court in accordance with Bankruptcy Rule 8003:</p> <p>(A) Notice of appeal;</p> <p>(B) Judgment, order, or decree that is the subject of the appeal;</p> <p>(C) Bankruptcy Court docket sheet;</p> <p>(D) Appellate transmittal form</p> <p>(2) Notice of Appeal and Motion for Leave to Appeal. When Upon the filing of a notice of appeal and a motion for leave to appeal to the District Court in accordance with Bankruptcy Rule 8004, is filed with the bankruptcy clerk, the bankruptcy clerk shall promptly transmit the following to the District Court; in accordance with Bankruptcy Rule 8004(e), promptly transmit a copy of the motion to the District Court clerk, together with copies of the notice of appeal if not previously transmitted, the judgment, order or decree that is the subject of the proposed appeal, and any memorandum of counsel submitted in support of the motion.</p> <p>(A) Notice of appeal;</p> <p>(B) Order or decree that is the subject of the appeal;</p> <p>(C) Bankruptcy Court docket sheet;</p> <p>(D) Appellate transmittal form;</p> <p>(E) Motion for leave to appeal</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>(3) Requests for Certification. Any request by a party for the certification of an appeal directly to the Court of Appeals filed in the District Court pursuant to 28 U.S.C. 158(d)(2) and Bankruptcy Rule 8006 shall be in the form of a motion complying with LR Cv 7.</p> <p>(4)(3) Extensions of Time by a Bankruptcy Judge. Extensions of time for filing notices of appeal may be granted by the bankruptcy judge in accordance with Bankruptcy Rule 8002(d). Extensions of time for filing motions for leave to appeal and designations of the record or issues on appeal may be granted by the bankruptcy judge for a period not to exceed 30 days.</p> <p>(5)(4) Dismissal of Appeals by Bankruptcy Judge. A bankruptcy judge may dismiss an appeal if the notice of appeal is not filed within the time specified in Bankruptcy Rule 8002.</p> <p>(5) Record on Appeal. <u>Upon the completion of the record on appeal, the bankruptcy clerk shall transmit the following to the District Court in accordance with Bankruptcy Rule 8010:</u></p> <p><u>(A) Designation(s) of the contents of the record on appeal;</u></p> <p><u>(B) Statement(s) of the issues on appeal;</u></p> <p><u>(C) Opinion, findings of fact, and conclusions of law relating to the issues on appeal;</u></p> <p><u>(D) Transcripts;</u></p> <p><u>(E) Bankruptcy Court docket sheet;</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><u>(F) Clerk’s certification for transmittal of record on appeal</u></p> <p>(6) Form of and Schedule for Filing Briefs. <u>Upon confirmation by the bankruptcy clerk that the record on appeal is complete in accordance with Bankruptcy Rule 8010, the District Court will set the briefing schedule, the form of which</u> 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 Rules 8014 and 8015, except that:</p> <p>(A) all briefs and memoranda 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> <p>(7) Appendices to Briefs. <u>Unless otherwise ordered by the District Court, appendices to briefs need not be filed with the Court.</u></p> <p>(g)(f) Stays Pending Appeal to the District Court. When a motion is made in the District Court in accordance with Bankruptcy Rule 8007(b) to stay a judgment, order or decree of a bankruptcy judge or for any other relief pending appeal, the movant shall file the following with its motion:</p> <p>(1) a copy of the judgment, order or decree that the movant seeks to have stayed;</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>(2) a copy of the bankruptcy judge’s order denying the movant’s motion to stay;</p> <p>(3) any written decision(s) and/or transcript(s) of any oral decision(s) of the bankruptcy judge stating the reasons for the orders referred to in paragraphs (1) and (2) of this subsection; and</p> <p>(4) a memorandum of law setting forth the reasons why a stay should be granted and the legal authorities supporting the motion for a stay.</p> <p>Such motion and any related objection(s) and replies shall be governed by the applicable provisions of LR Cv 7.</p> <p><u>(h)(g) Local Bankruptcy Rules.</u></p> <p>(1) Authority. The bankruptcy judge(s) may make and amend rules governing practice and procedure in all matters referred to and pending before them.</p> <p>(2) Notice to District Court. The bankruptcy court must give notice to the District Court of any amendment to the bankruptcy court’s local rules prior to such rules taking effect. After notice is given, such amendment shall take effect on the date specified by the bankruptcy court, unless abrogated by the District Court.</p> <p><u>(i)(h) Applicability of Local Rules.</u> In proceedings before a bankruptcy judge, the local bankruptcy rules shall apply. In proceedings before the District Court, these Local Rules shall apply unless the Court otherwise directs.</p> <p><u>(j)(i) Discretion of District Court.</u> This rule is not intended to restrict the District Court’s discretion as to any aspect of any appeal.</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 111 | <p>LR Gen 111 PHOTOGRAPHING; RECORDING; BROADCASTING</p> <p>*****</p> <p>(b) Note-Taking. Nothing in subsection (a) of this Rule shall prevent any person from taking notes in the courtroom during a proceeding in Court, provided that such note-taking is not disruptive of Court proceedings. No authorization is necessary for note taking by any persons seated inside the bar of the Court or located outside of the courtroom. <u>[see Comment, end of Rule]</u></p> <p>*Comment</p> <p><u>Pursuant to the General Order dated January 31, 2014, authorized members of the media may use electronic devices in the courtrooms of the judicial officers who have approved a standing exemption to LR Gen 111 and LR Gen 112. Please consult the General Order dated January 31, 2014, and related materials available on the Court’s website.</u></p> | The General Rules Subcommittee endorsed the proposed change, and recommended adoption by the LRRC. | PROPOSED CHANGE ACCEPTED. | |
| LR Gen 112 | <p>LR Gen 112 USE OF CELLULAR PHONES AND OTHER ELECTRONIC DEVICES</p> <p>(a) General Prohibition. Except as provided in subsection (b) of this rule or expressly authorized by the Court, no person shall bring into the Courthouse or that portion of the John O. Pastore Building that is occupied by the Court any device of any kind that has the capability of sending or receiving communications, making sound or video recordings, or making, recording or transmitting photographs or videos. <u>[see Comment, end of Rule]</u></p> <p>(b) Electronic Devices. Electronic devices, including but not limited to cellular or smart phones, laptops, and tablets, dictaphones and personal digital assistants may be</p> | The General Rules Subcommittee endorsed the proposed change, and recommended adoption by the LRRC. | PROPOSED CHANGE ACCEPTED. | |

* 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>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:</p> <p>(1) Unless the use of the electronic device is expressly authorized by the presiding judicial officer, before entering any courtroom, chambers or Grand Jury room, anyone carrying an electronic device shall at the direction of the presiding judicial officer either:</p> <p>(A) turn off the device completely and keep the device turned off during all times in the courtroom, chambers or Grand Jury room; or</p> <p>(B) check it with the courtroom clerk or court security officer at that location.</p> <p>(2) Upon entering the building, any person carrying an electronic device shall acknowledge and agree that, upon violation of the conditions set forth in paragraph (1) above and/or of any other limitations placed on the use of such instruments, said device may be confiscated.</p> <p><u>*Comment</u></p> <p><u>Pursuant to the General Order dated January 31, 2014, authorized members of the media may use electronic devices in the courtrooms of the judicial officers who have approved a standing exemption to LR Gen 111 and LR Gen 112. Please consult the General Order dated January 31, 2014, and related materials available on the Court’s website.</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> |
|--------------------|---|---|----------------------------------|---------------------|
| LR Gen 203 | <p>LR Gen 203 CONTINUING OBLIGATIONS OF MEMBERS OF BAR</p> <p>(a) General. Unless otherwise permitted by the Court for good cause shown, in order to remain a member in good standing of the bar of this Court, an attorney must:</p> <p>(1) remain a member in good standing of the Bar of the Supreme Court of the State of Rhode Island and all other bars in which the member maintains an active status to which he or she has been admitted; and</p> <p>(2) not be suspended, disbarred or found unfit, for any reason, to continue practicing law by any other court or body having disciplinary authority over attorneys.</p> <p>*****</p> | <p>The General Rules Subcommittee endorsed the proposed change, and recommended adoption by the LRRC.</p> | <p>PROPOSED CHANGE ACCEPTED.</p> | |
| LR Gen 209 | <p>LR Gen 209 BASIS FOR DISCIPLINARY ACTION</p> <p>(a) Conferred Jurisdiction. Any attorney admitted or permitted to practice before this Court pursuant to LR Gen 202 or 204 shall be deemed to have conferred disciplinary jurisdiction upon this Court for any alleged attorney misconduct arising during the course of a case pending before this Court <u>or the Bankruptcy Court</u> in which that attorney has participated in any way.</p> <p>*****</p> <p>(c) Misconduct. Misconduct for which an attorney may be disciplined pursuant to this Rule 209 may include:</p> <p>(1) Violation of the Standards of Professional Conduct referred to in LR Gen 208;</p> <p>(2) Intentional violation of these Local Rules or any</p> | <p>The General Rules Subcommittee endorsed the proposed change, and recommended adoption by the LRRC.</p> | <p>PROPOSED CHANGE ACCEPTED.</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>order of this Court <u>or the Bankruptcy Court</u>;</p> <p>(3) Failure to promptly provide the notifications required by LR Gen 203(b)(1)(B) and/or (C);</p> <p>(4) Conduct which resulted in suspension, disbarment or any other disciplinary action taken against the attorney by any other court or disciplinary body having disciplinary authority over attorneys; and/or</p> <p>(5) Conviction of a crime;;</p> <p>(6) <u>A pattern or practice of violating §§526, 527, or 528 of the Bankruptcy Code.</u></p> | | | |
| LR Gen 210 | <p>LR Gen 210 DISCIPLINARY PROCEEDINGS</p> <p>*****</p> <p>(d) Hearing</p> <p>(1) Forum. In the Court’s discretion, any hearing conducted pursuant to this Rule 210 may be conducted before a magistrate judge <u>or bankruptcy judge</u> designated by the Court, a single district judge or all of the active judges of the Court who are eligible and able to participate. However, if the disciplinary proceeding was initiated by a complaint by a district judge, or a magistrate judge, <u>or bankruptcy judge</u>; or, if a magistrate judge <u>or bankruptcy judge</u> made any recommendation to the Court pursuant to Rule 210(b)(2), any such hearing shall not be conducted by that judge or magistrate judge, nor shall that judge or magistrate judge participate in any decision or other action taken by the Court with respect to the matter.</p> | <p>The General Rules Subcommittee endorsed the proposed change, and recommended adoption by the LRRC.</p> | <p>PROPOSED CHANGE ACCEPTED.</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>(A) If the hearing is conducted by a district judge, the Court may authorize that district judge to order whatever disciplinary action is appropriate under these rules without further action by the Court.</p> <p>(B) If the hearing is conducted by a magistrate judge <u>or bankruptcy judge</u>, the magistrate judge <u>or bankruptcy judge</u> shall submit findings of fact and recommendations for disposition to the Court and the Clerk shall serve a copy of the findings and recommendations upon the attorney and any special prosecutor appointed by the Court.</p> <p>(C) Within 14 days from the date of the order, the attorney and/or any special prosecutor appointed by the Court may serve and file written objections to the report. Failure to file an objection within the 14-day period shall be deemed a waiver of any objection. Those portions of the magistrate judge <u>or bankruptcy judge</u>'s findings and recommendations to which objection is made shall be reviewed by the Court <i>de novo</i> based on the record compiled before the magistrate judge <u>or bankruptcy judge</u>. The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge <u>or bankruptcy judge</u> or it may receive further evidence or recommit the matter to the magistrate judge <u>or bankruptcy judge</u> with instructions.</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 303 | <p style="text-align: center;">LR Gen 303 SPECIAL FILING REQUIREMENTS AND EXCEPTIONS</p> <p>(a) Civil Case Opening Documents.</p> <p>(1) Complaints and Notices of Removal. Absent an exemption under LR Gen 302, complaints or notices of removal, together with the civil cover sheet and a summons for each defendant to be served, shall be filed electronically, and the required filing fee shall be paid at the time of filing. The Clerk’s Office will issue a summons for each defendant to be served to the filer.</p> <p>(2) Other Civil Case Initiating Documents. Civil case initiating documents not mentioned in (a)(1), or to be filed under seal, shall be filed conventionally, together with the civil cover sheet, a summons for each defendant to be served, and the required filing fee. The Clerk’s Office will issue a summons for each defendant to be served to the filer.</p> <p>(b) Miscellaneous Case Opening Documents. Miscellaneous case opening documents shall be filed conventionally along with the prescribed filing fee.</p> <p>(c) Limit on Size of Documents. No documents shall be filed that are larger than 2.5 megabytes. In cases where a single document is larger than 2.5 MB, the filer shall break the document into files smaller than 2.5 MB before filing.</p> <p>(d)(c) Other Documents to be Conventionally Filed. The following documents must be conventionally filed:</p> <p>(1) The following documents must be conventionally filed and will not appear in the electronic case file:</p> <p>(A)(1) Motions to file documents under seal and</p> | <p>The General Rules Subcommittee endorsed the proposed change, and recommended adoption by the LRRC with one change: removal of the word “and” in revised section (c)(4).</p> | <p>PROPOSED CHANGE ACCEPTED AS MODIFIED BY THE GENERAL RULES SUBCOMMITTEE.</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>documents filed under seal in criminal cases as set forth in LR Gen 102(d);</p> <p>(B)(2) Records of administrative review proceedings other than social security cases;</p> <p>(C)(3) The state court record and other Rule 5 materials in habeas corpus cases filed in 28 U.S.C. §2254 proceedings;</p> <p>(D) The state court record in Notice of Removal actions;</p> <p>(E)(4) <i>Ex parte</i> motions and applications; and</p> <p>(F)(5) Consent to Proceed Before a Magistrate Judge.</p> <p>(2) The following documents must be conventionally filed, but will be scanned into the electronic case file by the Clerk's Office:</p> <p>(A) Motions to file documents under seal in civil cases as set forth in LR Gen 102(e);</p> <p>(B)(6) All pleadings and documents filed by prisoner <i>pro se</i> litigants and non-prisoner <i>pro se</i> litigants not granted permission to file documents electronically;</p> <p>(C)(7) The charging document in a criminal case, such as the complaint, indictment and information;</p> <p>(D)(8) Affidavits for search and arrest warrants and related papers;</p> <p>(E)(9) Fed.R.Crim.P. 20 and Fed.R.Crim.P. 5 papers received from another court;</p> <p>(F)(10) Any pleading or document in a criminal case containing the signature of a defendant, such as a waiver of indictment or plea agreement; <u>and</u></p> <p>(G) Petitions for violations of supervised</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>release; and</p> <p>(H)(11) Appearance Bonds.</p> <p>(3) The following documents must be filed in a Scanned PDF format using ECF and may not be filed in an Electronically Converted PDF format:</p> <p>(A) Rule 4 executed service of process documents; and</p> <p>(B) Affidavits in support of motions or objections with original signatures.</p> <p><u>(d) Format of Electronically Filed Documents.</u> <u>Documents must be formatted for electronic filing by converting the original word processing document into PDF, resulting in what is referred to as a “native PDF” or “text PDF.” PDF images created by scanning paper documents should be avoided unless the filer does not possess a word processing file version of the document (e.g., Exhibits).</u></p> <p><u>Unless otherwise required by statute, rule, or court order, documents that require an original signature(s) other than that of the Filing User must be submitted in a scanned PDF format, and the Filing User must maintain the document with the original signature in accordance with LR Gen 307.</u></p> | | | |
| LR Gen 304 | <p>LR Gen 304 ELIGIBILITY, REGISTRATION, PASSWORDS</p> <p><u>(a) Registration ECF Login and Password.</u> <u>An Attorneys admitted to the bar of this Court pursuant to LR Gen 201 202 will automatically become a Filing User of the Court’s ECF system and will be permitted to file documents electronically using ECF without further authorization. The Filing User will receive notification from the Court of the user login and password after</u></p> | <p>The General Rules Subcommittee endorsed the proposed change, and recommended adoption by the LRRC.</p> | <p>PROPOSED CHANGE ACCEPTED.</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><u>admission.</u></p> <p><u>An attorney eligible to appear before the Court pursuant to LR Gen 201(b) and permitted to file documents electronically under the Local Rules must register as a Filing User of this Court's ECF system prior to filing any documents electronically. Registration will be on an ECF Registration Form provided by the Clerk. <u>Once ECF registration is completed, the Filing User will receive notification from the Court of the user login and password.</u></u></p> <p>(b) Confidentiality of Login and Password. Once ECF registration is completed, the Filing User will receive notification from the Court of the user login and password. Filing Users agree to protect the security of their passwords and immediately notify the Clerk's Office if they learn that their password has been compromised.*[see Comment, end of Rule]</p> <p>(c) Consent to Electronic Service. ECF registration as a Filing User constitutes consent to electronic service of all documents as provided in these Local Rules and in accordance with the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure.</p> <p>(d) ECF Registration Separate from Bar Registration. ECF registration is separate and distinct from the periodic registration requirements and procedures contained in LR Gen 203 (c). Even though an attorney is a registered member of the bar in good standing under LR Gen 203, the attorney must register as a Filing User using the ECF Registration Form prior to filing documents electronically.</p> <p>*COMMENT</p> <p>Since failure to comply with this provision could cause serious harm to the administration of justice, attorneys are reminded that, as officers of the Court, they are responsible for ensuring full compliance with this provision.</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 314 | <p><u>LR Gen 314 REFUND OF ELECTRONIC FILING FEES</u></p> <p><u>(a) Authority of the Clerk.</u> The Clerk is authorized to administer refunds of all duplicative or erroneous fees paid to the Court electronically. The Clerk may refund only duplicative payments in which the payor has inadvertently paid the filing fee more than once in the same case, resulting in two or more identical credit card charges and erroneous payments in which the payor has inadvertently made a fee payment when no fee was due.</p> <p><u>(b) Requests for Refund.</u></p> <p><u>(1) Application.</u> A payor seeking a refund must complete an Application for Refund form. The completed Application for Refund form, along with supporting documentation, shall be submitted to the Clerk's Office via email.</p> <p><u>(2) Verification of Erroneous Payment.</u> The Clerk, upon verification of an error, shall process the refund to the same credit card from which the duplicative or erroneous payment was made.</p> <p><u>(c) Review of Denial of Refund.</u> If the Clerk denies the application for refund, the payor may, within 14 days of the denial, file a motion requesting that the presiding judge or the Chief Judge, if it is not case specific, review the denial.</p> | <p>The General Rules Subcommittee endorsed the proposed change, and recommended adoption by the LRRC.</p> | <p>PROPOSED CHANGE ACCEPTED.</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> |
|--------------------|--|---|---|---------------------|
| LR Cv 5 | <p>LR Cv 5 FORM AND FILING OF DOCUMENTS</p> <p>*****</p> <p>(b) Civil Cover Sheet. Any person filing a complaint in a civil case or any other document that requires a file to be opened shall contemporaneously file a completed AO Form JS 44 Civil Cover Sheet local civil cover sheet describing the type of case and identifying any related case previously filed or pending in this Court. The Clerk may reclassify a case if the cover sheet does not accurately describe its type. Cover sheets shall be provided by the Clerk upon request. <u>[see Comment, end of Rule]</u></p> <p>*****</p> <p><u>*Comment</u></p> <p><u>The United States District Court for the District of Rhode Island uses a local version of the JS-44 Civil Cover Sheet, which is available in the “Forms” section of the Court’s website.</u></p> | <p>The Civil Rules Subcommittee endorsed the proposed change, and recommended adoption by the LRRC.</p> | <p>PROPOSED CHANGE ACCEPTED.</p> | |
| LR Cv 81 | <p>LR Cv 81 REMOVAL FROM STATE COURT</p> <p>(a) Notice of Removal. A notice of removal pursuant to 28 U.S.C. § 1446 shall be accompanied by a copy of the complaint filed in the case being removed. In addition, the party filing the notice shall promptly:</p> <p>(1) file a copy of the notice in the Court from which the case is being removed; and</p> <p>(2) serve copies of the notice on all other</p> | <p>The Civil Rules Subcommittee endorsed the proposed change, and recommended adoption by the LRRC.</p> | <p>PROPOSED CHANGE ACCEPTED.</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>parties.</p> <p>(b) Filing of State Court Record. Within 14 days after filing a notice of removal, the party filing the notice shall file certified or attested copies of the docket sheets and all documents filed in the case being removed arranged in the following order:</p> <p>(1) the docket sheet(s); and</p> <p>(2) the documents filed in the court from which the case is being removed, arranged in the same order as they appear on the docket sheet. Each document shall be numerically tabbed.</p> <p><u>(a) It is the responsibility of the party filing the notice of removal to ensure that the state court record is filed with the Court. Within 14 days after filing a notice of removal, the party filing the notice shall do whatever is necessary to enable the clerk of the state court to assemble and electronically transmit a certified copy of the docket sheet and all documents filed in the case being removed.</u></p> <p><u>(b) The Court may direct the party filing the notice to furnish and to file certified copies of the docket sheet and all documents filed in the case being removed if the clerk of the state court is unable to electronically transmit the record or if the record is unusually voluminous.</u></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> |
|-------------------------|---|---|--|---------------------|
| Suggestion from the Bar | <p>Attorney John McCann proposed that a Local Rule 12 be added.</p> <p>The added local rule would add the below bold language to the existing Rule 12(a).</p> <p>(4) Effect of a Motion. Unless the court sets a different time, serving a motion under this rule, including a partial motion to dismiss, alters these periods as follows:</p> <p style="padding-left: 40px;">(A) if the court denies the motion or postpones its disposition until trial, the responsive pleading must be served within 14 days after notice of the court's action; or</p> <p style="padding-left: 40px;">(B) if the court grants a motion for a more definite statement, the responsive pleading must be served within 14 days after the more definite statement is served.</p> <p>The reason for the proposed change would be to indicate that the District of Rhode Island follows the majority view on the effect of a motion for partial summary judgment, i.e. that the movant need not answer those counts of the complaint which are not subject to the motion until after the motion has been ruled on. <i>See, Nat'l Cas. Co. v. OneBeacon Am. Ins. Co.</i>, 2013 U.S. Dist. LEXIS 92840, 18-19 (D. Mass. July 1, 2013)(“[A] partial motion to dismiss suspends the time to answer the claims not subject to the motion, Fed. R. Civ. P. 12(a)(4);” <i>citing Tingley Sys., Inc. v. CSC Consulting, Inc.</i>, 152 F. Supp. 2d 95, 122 (D. Mass. 2001); and 5B Charles Alan Wright et al., <i>Federal Practice & Procedure</i> § 1346 (3d ed. 2004) (noting that the "majority rule" is that service of a Rule 12(b) motion directed at only parts of a pleading enlarges the period of time for answering the entire complaint)).</p> | <p>The Civil Rules Subcommittee did not recommend adoption of the proposed change.</p> | <p>PROPOSED CHANGE REJECTED.</p> <p>The LRRC rejected the proposed change for the same reasons as it did during the 2013-14 local rules review cycle: (1) that it was unnecessary to add a local civil rule that largely tracks the federal rule, and (2) that Mr. McCann’s particular concern about the effect of a partial motion to dismiss on deadlines was already established case law, and did not need to be included in a local rule.</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>I suggested this change last year but it was not adopted and I hope that the Committee will reconsider. I think that the change would serve the end of “just, speedy and inexpensive determination...” by avoiding the need for attorneys to research the topic every time they file a partial motion to dismiss.</p> | | | |
| <p>Suggestion from the Bar</p> | <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 and 2013-14 local rules review cycle due to an appeal to the Rhode Island Supreme Court on this issue, and reconsider it during the 2014-15 local rules review cycle.</p> | <p>The Civil Rules Subcommittee tabled the suggestion until the 2015-16 local rules review cycle since the Rhode Island Supreme Court had not issued a decision on the 3 pending cases related to ghostwriting.</p> | <p>The RI Supreme Court issued a decision in three related ghostwriting cases on June 8, 2015. (See, <i>FIA Card Services, NA v. Pichette</i>, No. 2012-272-Appeal.) In that decision, they put forth a policy regarding the scope and nature of assistance that attorneys may provide to pro se litigants. The Supreme Court has invited public comment on the policy, and has requested comments by January 15, 2016. In light of this, the LRRC tabled the suggestion for reconsideration during the 2015-16 local rules review cycle.</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> |
|-------------------------|---|---|---|---------------------|
| Suggestion from the Bar | LRRC Member Robert Fine suggested that the Committee reconsider adopting a new rule LR Cv 26.1 for uniform definitions in discovery requests. | <p>The Civil Rules Subcommittee endorsed the following proposed change, and recommended adoption by the LRRC.</p> <p>LR Cv 26.1 Uniform Definitions In Discovery Requests</p> <p>(a) Incorporation by Reference and Limitations. The full text of the definitions set forth in paragraph (c) shall be incorporated by reference into all discovery requests, but this shall not preclude.</p> <p>(1) the definition of other terms specific to the particular litigation; (2) the use of abbreviations; (3) a narrower definition of a term defined in paragraph (c); or (4) the use of a definition of any term other than as defined by this Local Rule.</p> <p>(b) Effect on Scope of Discovery. This rule is not intended to broaden or narrow the scope of discovery permitted by the Federal Rules of Civil Procedure or create any presumption in the event of a motion under Rule 26, 37 or 45.</p> <p>(c) Definitions. The following definitions apply to all discovery requests.</p> <p>(1) <i>Communication.</i> The term “communication” means the transmittal of information (in the form of facts, ideas, inquiries, or otherwise).</p> <p>(2) <i>Document.</i> The term “document” shall be synonymous in meaning and equal in scope to the usage of this term in Fed. R. Civ. P. 34(a). A draft or non-identical copy is a separate document within the meaning of this</p> | <p>PROPOSED CHANGE REJECTED</p> <p>The Civil Rules Subcommittee has presented this proposed rule, or versions thereof, to the full committee for the past three terms of this committee, generating extensive discussion within the full committee and, ultimately rejection by a majority of the full committee each term. However, because a significant minority of the full committee, including many of the members of the Civil Subcommittee, are strong proponents of the proposed rule and recommend its adoption, the full committee thought it would be helpful to present a summary of the positions presented by both sides for consideration by the Court.</p> <p>The proposed rule is modeled after a similar local rule in the U.S.D.C. in Massachusetts, which itself was modeled after local rules in other districts, including for the Eastern and Southern Districts of New York. After much discussion, the current version of the proposed rule requires use of the defined terms but allows litigants to narrow those terms if desired.</p> <p>The benefit of the uniform rules, as argued by the minority view, would be to avoid the need to have a definition section precede the discovery in many cases, since the basic terms would apply without the need to define them in a discovery request and they would be understood by the responding party. The minority believes that the rule would help eliminate discovery disputes over definitions and, although the benefits might be modest, it</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>term.</p> <p>(3) <i>Identify (With Respect to Individual)</i>. A request to “identify” an individual is a request to provide: (a) the individual’s full name; (b) present or last known address, and; (c) whether the individual is an agent or employee of the person or entity responding to the discovery.</p> <p>(4) <i>Identify (With Respect to Entities)</i>. A request to “identify” an entity is a request to provide: (a) the entity's full name, including (when not apparent from the name) the nature of the entity, e.g. corporation, limited liability corporation, partnership, or professional corporation; and (b) if the identified entity is the party responding to the discovery or affiliated with such entity: (i) the present or last known address of its headquarters or principal place of business; and (ii) the state in which the entity is incorporated or otherwise created.</p> <p>(5) <i>Identify (With Respect to Documents)</i>. Without impairing the right, when appropriate, to produce documents as a sufficient response, when referring to documents, “to identify” means to give, to the extent known, the</p> <p>(a) type of document;</p> <p>(b) general subject matter of the document;</p> <p>(c) date of the document; and</p> <p>(d) the author or authors, according to the document; and</p> <p>(e) the persons to whom, according to the</p> | <p>would make practice easier for attorneys who would like to take advantage of the uniform definitions but would impose no burden in those cases where other definitions are warranted. As the Committee Note for the SDNY local rules reads, its uniform definitions local rule “has performed a useful role in simplifying definitions that are commonly used in discovery requests.”</p> <p>The majority view is that uniform definitions are unnecessary and could lead to more discovery disputes.</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>document, the document (or a copy) was to have been sent.</p> <p>(6) <i>Parties</i>. The terms “plaintiff” and “defendant” as well as a party’s full or abbreviated name or a pronoun referring to a party mean the party and, where applicable, its officers, directors, employees, partners, corporate parent, subsidiaries, or affiliates. This definition is not intended to impose a discovery obligation on any person who is not a party to the litigation.</p> <p>(7) <i>Person</i>. The term “person” shall mean any natural person or any business, legal, or governmental entity or association.</p> <p>(8) <i>Concerning</i>. The term “concerning” shall mean referring to, describing, evidencing, or constituting.</p> | | |
| | <p>The Court requested the LRRC review the proposed changes to the Federal Rules of Civil Procedure scheduled to take effect on December 1, 2015, and their impact on the Court’s Local Rules.</p> | <p>The Civil Rules Subcommittee did not recommend any changes to the Local Rules in response to the anticipated changes to the Federal Rules of Civil Procedure.</p> | <p>N/A</p> | |

* 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> |
|---------------------------|--|---|-------------------------------------|----------------------------|
| | The Criminal Rules Subcommittee did not receive any suggested amendments from the Court, bar, or public during the 2014-15 local rules review cycle. | N/A | N/A | |

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

Michael Simoncelli

From: John H. McCann <jmccann@shslawfirm.com>
Sent: Wednesday, February 04, 2015 11:32 AM
To: Local Rules
Subject: Proposed Amendment to Local Rules

Ladies and gentlemen:

I would propose that a Local Rule 12 be added.

The added local rule would add the below bold language to the existing Rule 12(a).

(4) Effect of a Motion. Unless the court sets a different time, serving a motion under this rule, **including a partial motion to dismiss**, alters these periods as follows:

(A) if the court denies the motion or postpones its disposition until trial, the responsive pleading must be served within 14 days after notice of the court's action; or

(B) if the court grants a motion for a more definite statement, the responsive pleading must be served within 14 days after the more definite statement is served.

The reason for the proposed change would be to indicate that the District of Rhode Island follows the majority view on the effect of a motion for partial summary judgment, i.e. that the movant need not answer those counts of the complaint which are not subject to the motion until after the motion has been ruled on. *See, Nat'l Cas. Co. v. OneBeacon Am. Ins. Co.*, 2013 U.S. Dist. LEXIS 92840, 18-19 (D. Mass. July 1, 2013)("[A] partial motion to dismiss suspends the time to answer the claims not subject to the motion, Fed. R. Civ. P. 12(a)(4);" *citing Tingley Sys., Inc. v. CSC Consulting, Inc.*, 152 F. Supp. 2d 95, 122 (D. Mass. 2001); and 5B Charles Alan Wright et al., *Federal Practice & Procedure* § 1346 (3d ed. 2004) (noting that the "majority rule" is that service of a Rule 12(b) motion directed at only parts of a pleading enlarges the period of time for answering the entire complaint)).

I suggested this change last year but it was not adopted and I hope that the Committee will reconsider. I think that the change would serve the end of "just, speedy and inexpensive determination..." by avoiding the need for attorneys to research the topic every time they file a partial motion to dismiss.

Thank you.

Best regards,

John

John H. McCann
Attorney at Law
www.shslawfirm.com



1080 Main Street
Pawtucket, RI 02860
Ph: 401-272-1400
Fx: 401-272-1403

This e-mail message is confidential, intended only for the named recipient(s) above and may contain information that is privileged, attorney work product or exempt from disclosure under applicable law. If you have received this message in error, or are not the named recipient(s), please immediately notify sender and delete this e-mail message from your computer.



UNITED STATES DISTRICT COURT
District of Rhode Island

**NOTICE OF PROPOSED AMENDMENTS
TO LOCAL RULES**

Pursuant to 28 U.S.C. § 2071(b), Fed. R. Civ. P. 83(a)(1), and Fed. R. Crim. P. 57(a)(1), the United States District Court for the District of Rhode Island hereby gives notice that proposed amendments to the Court's Local Rules are being considered for adoption.

The Court invites public comment on the following proposed amendments to the Local Rules:

General Rules: LR Gen 102, LR Gen 109, LR Gen 111, LR Gen 112, LR Gen 203, LR Gen 209, LR Gen 210, LR Gen 303, LR Gen 304, LR Gen 314.

Civil Rules: LR Cv 5 and LR Cv 81.

Copies of the proposed amendments may be reviewed and printed from the Court's website at www.rid.uscourts.gov. These amendments are also available for inspection at the Clerk's Office, United States District Court, One Exchange Terrace, Providence, RI 02903.

Any comments must be submitted, in writing, no later than October 30, 2015, via e-mail to Local_Rules@rid.uscourts.gov or by submission to the Clerk's Office.

October 1, 2015

DAVID A. DiMARZIO
CLERK OF COURT

LR Gen 102 DOCUMENTS CONTAINING CONFIDENTIAL INFORMATION

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

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

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

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

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

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

Court, the motion to seal, the order granting the motion to seal, and the sealed documents shall be ~~placed in an envelope which shall be sealed and to which a copy of the Court's order shall be affixed. The envelope shall then be~~ retained by the clerk in a secure location until further order of the Court. If the Court denies the motion to seal, the motion to seal and the order denying the motion to seal shall be docketed ~~and filed in accordance with these Local Rules~~, and the memorandum and the documents accompanying the motion shall be returned to the filer, unless otherwise ordered by the Court.

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

LR Gen 109 BANKRUPTCY

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

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

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

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

- ~~(b) **Filings in Bankruptcy Cases.** The bankruptcy clerk shall maintain all files in bankruptcy cases referred by the District Court. Except with respect to appeals, cases in which the reference has been withdrawn, or other matters pending before the District Court, all documents filed in such cases shall be filed with the bankruptcy clerk.~~

- ~~(e)~~**(b) Jury Trials in Bankruptcy Court.** Pursuant to 28 U.S.C. § 157(e), a bankruptcy judge may conduct jury trials in bankruptcy proceedings where the right to a jury trial applies and all parties have consented.

- ~~(d)~~**(c) Reports and Recommendations by Bankruptcy Judge.**

- (1) **Time for Objections.** Any objection to proposed findings of fact and/or rulings of law by a bankruptcy judge in a proceeding shall be filed and served within 14 days after such proposed findings and rulings are served on the objecting party.
- (2) **Content of Objections.** Any objection to the proposed findings of fact and/or rulings of law shall be accompanied by (A) a memorandum of law specifying the proposed findings and/or rulings to which objection is made and the basis for the objection(s), and (B) a transcript of any evidentiary hearing(s) before the bankruptcy judge. The memorandum shall comply with LR Cv 7.

(3) **Responses and Replies.** A response to an objection shall be served and filed within 14 days after the objection is served. The objecting party may serve and file a reply to the response within ~~14 days~~ 7 days thereafter. Any response and /or reply shall comply with LR Cv 7. Unless otherwise permitted or required by the Court, nothing further shall be filed in support of or in opposition to an objection to a bankruptcy judge's proposed findings of fact and rulings of law.

~~(e)~~(d) **Appeals to Bankruptcy Appellate Panel.** In accordance with 28 U.S.C. §158(b)(6), appeals from any judgment, order or decree of a bankruptcy judge which are referred to in 28 U.S.C. § 158(a) will be heard and determined by the U.S. Bankruptcy Appellate Panel for the First Circuit unless a party elects to have the appeal heard by the District Court in accordance with Bankruptcy Rule 8005.

~~(f)~~(e) **Appeals to District Court.** Except as otherwise provided in this subsection ~~(f)~~(e) or elsewhere in these rules, or unless otherwise ordered by the District Court, appeals or motions for leave to appeal to the District Court from any judgment, order or decree of a bankruptcy judge shall be governed by the applicable provisions of Rules 8001-8028 of the Federal Rules of Bankruptcy Procedure ("Bankruptcy Rules").

~~(1)~~ **Record on Appeal.** ~~Upon the completion of the record on appeal in accordance with Bankruptcy Rule 8010, the bankruptcy clerk shall transmit a copy of the following to the District Court clerk:~~

~~(A) Judgment, order or decree that is the subject of the appeal;~~

~~(B) Docket sheet;~~

~~(C) Appeal cover sheet;~~

~~(D) Designation(s) of the contents of the record on appeal;~~

~~(E) Statement(s) of issues on appeal; and~~

~~(F) 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~~

(1) Notice of Appeal. Upon the filing of a notice of appeal to the District Court, the bankruptcy clerk shall promptly transmit the following to the District Court in accordance with Bankruptcy Rule 8003:

(A) Notice of appeal;

(B) Judgment, order, or decree that is the subject of the appeal;

(C) Bankruptcy Court docket sheet;

(D) Appellate transmittal form

(2) **Notice of Appeal and Motion for Leave to Appeal.** ~~When~~ Upon the filing of a notice of appeal and a motion for leave to appeal to the District Court in accordance with Bankruptcy Rule 8004, ~~is filed with the bankruptcy clerk, the bankruptcy clerk shall promptly transmit the following to the District Court; in accordance with Bankruptcy Rule 8004(e), promptly transmit a copy of the motion to the District Court clerk, together with copies of the notice of appeal if not previously transmitted, the judgment, order or decree that is the subject of the proposed appeal, and any memorandum of counsel submitted in support of the motion.~~

(A) Notice of appeal;

(B) Order or decree that is the subject of the appeal;

(C) Bankruptcy Court docket sheet;

(D) Appellate transmittal form;

(E) Motion for leave to appeal

~~(3) **Requests for Certification.** Any request by a party for the certification of an appeal directly to the Court of Appeals filed in the District Court pursuant to 28 U.S.C. 158(d)(2) and Bankruptcy Rule 8006 shall be in the form of a motion complying with LR Cv 7.~~

~~(4)~~**(3) Extensions of Time by a Bankruptcy Judge.** Extensions of time for filing notices of appeal may be granted by the bankruptcy judge in accordance with Bankruptcy Rule 8002(d). Extensions of time for filing motions for leave to appeal and designations of the record or issues on appeal may be granted by the bankruptcy judge for a period not to exceed 30 days.

~~(5)~~**(4) Dismissal of Appeals by Bankruptcy Judge.** A bankruptcy judge may dismiss an appeal if the notice of appeal is not filed within the time specified in Bankruptcy Rule 8002.

(5) Record on Appeal. Upon the completion of the record on appeal, the bankruptcy clerk shall transmit the following to the District Court in accordance with Bankruptcy Rule 8010:

(A) Designation(s) of the contents of the record on appeal;

(B) Statement(s) of the issues on appeal;

(C) Opinion, findings of fact, and conclusions of law relating to the issues on appeal;

(D) Transcripts;

(E) Bankruptcy Court docket sheet;

(F) Clerk's certification for transmittal of record on appeal

(6) Form of and Schedule for Filing Briefs. Upon confirmation by the bankruptcy clerk that the record on appeal is complete in accordance with Bankruptcy Rule 8010, the District Court will set the briefing schedule, the form of which ~~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 Rules 8014 and 8015, except that:~~

~~(A) all briefs and memoranda shall conform to the applicable requirements of LR Cv 7; and~~

~~(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.~~

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

(7) Appendices to Briefs. Unless otherwise ordered by the District Court, appendices to briefs need not be filed with the Court.

~~(g)~~**(f) Stays Pending Appeal to the District Court.** When a motion is made in the District Court in accordance with Bankruptcy Rule 8007(b) to stay a judgment, order or decree of a bankruptcy judge or for any other relief pending appeal, the movant shall file the following with its motion:

(1) a copy of the judgment, order or decree that the movant seeks to have stayed;

(2) a copy of the bankruptcy judge's order denying the movant's motion to stay;

(3) any written decision(s) and/or transcript(s) of any oral decision(s) of the bankruptcy judge stating the reasons for the orders referred to in paragraphs (1) and (2) of this subsection; and

(4) a memorandum of law setting forth the reasons why a stay should be granted and the legal authorities supporting the motion for a stay.

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

~~(h)~~(g) Local Bankruptcy Rules.

- (1) Authority.** The bankruptcy judge(s) may make and amend rules governing practice and procedure in all matters referred to and pending before them.
- (2) Notice to District Court.** The bankruptcy court must give notice to the District Court of any amendment to the bankruptcy court's local rules prior to such rules taking effect. After notice is given, such amendment shall take effect on the date specified by the bankruptcy court, unless abrogated by the District Court.

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

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

LR Gen 111 PHOTOGRAPHING; RECORDING; BROADCASTING

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

***Comment**

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

**LR Gen 112 ~~USE OF CELLULAR PHONES AND~~
~~OTHER ELECTRONIC DEVICES~~**

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

***Comment**

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

LR Gen 203 CONTINUING OBLIGATIONS OF MEMBERS OF BAR

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

- (A) Completing and filing the registration form provided by the Clerk which form shall include: (i) a certification that the attorney continues to satisfy all of the requirements set forth in subsection (a) of this rule; and (ii) a statement as to whether the attorney has been convicted of a serious crime as defined in LR Gen 213(a)(3) or been disciplined by any other court or body having disciplinary authority over attorneys; and
- (B) Paying the applicable registration fee established by the Court, except that the fee need not be paid by attorneys employed on a full-time basis by the United States and/or the State of Rhode Island.

(4) Action by the Court.

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

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

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

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

LR Gen 209 BASIS FOR DISCIPLINARY ACTION

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

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

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

LR Gen 210 DISCIPLINARY PROCEEDINGS

- (a) **Definition of “Court.”** As used in this Rule 210, the term “Court” refers to the active district judges of this Court, and any action taken or required by the “Court” refers to action by a majority of the active district judges.

- (b) **Initiation of Proceedings.** Whenever allegations of misconduct by an attorney admitted or permitted to practice before this Court come to the Court’s attention, whether by complaint or otherwise, and the applicable procedure is not otherwise provided for by these Rules, the Court may initiate disciplinary proceedings in any one or more of the following ways:
 - (1) If the matter has not already been referred by an individual judge to a disciplinary agency with jurisdiction over the attorney, the Court may refer the matter to such agency with a request that the agency report its actions to the Court. However, any action taken by the agency shall not necessarily preclude additional disciplinary action by this Court.
 - (2) Designate a magistrate judge or appoint special counsel to investigate the matter, to make appropriate recommendations to this Court, and to perform any other duty specified by the Court. The Court shall consider any recommendation made by the magistrate judge or special counsel but such recommendation will not be binding upon the Court.
 - (3) Provide written notice to the attorney specifying the alleged misconduct and affording the attorney an opportunity to explain, either verbally or in writing, why he or she believes that formal disciplinary proceedings should not be commenced.
 - (4) In cases where the attorney has been notified in accordance with subsection (3) and has failed to provide a satisfactory reason why formal disciplinary proceedings should not be commenced, or in cases where there does not appear to be any dispute with respect to the relevant facts, the Court may commence formal disciplinary proceedings in accordance with subsection (c) of this Rule.

- (c) **Commencement of Formal Proceedings.**
 - (1) Formal disciplinary proceedings against an attorney shall be commenced by the issuance of an order by the Court directing the attorney to appear and show cause why disciplinary action should not be taken against the attorney for reasons stated in the order.
 - (2) The order may be served upon the attorney by mailing a copy to him or her at the address provided by the attorney pursuant to these Local Rules or by any other means reasonably calculated to provide notice to the attorney.
 - (3) The attorney shall file a written response to the show cause order and the allegations of misconduct contained therein within 14 days from the date of the order. If any issue of fact is raised in the response or if the attorney wishes to be

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

(d) Hearing

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

LR Gen 303 SPECIAL FILING REQUIREMENTS AND EXCEPTIONS

(a) Civil Case Opening Documents.

(1) Complaints and Notices of Removal. Absent an exemption under LR Gen 302, complaints or notices of removal, together with the civil cover sheet and a summons for each defendant to be served, shall be filed electronically, and the required filing fee shall be paid at the time of filing. The Clerk's Office will issue a summons for each defendant to be served to the filer.

(2) Other Civil Case Initiating Documents. Civil case initiating documents not mentioned in (a)(1), or to be filed under seal, shall be filed conventionally, together with the civil cover sheet, a summons for each defendant to be served, and the required filing fee. The Clerk's Office will issue a summons for each defendant to be served to the filer.

(b) Miscellaneous Case Opening Documents. Miscellaneous case opening documents shall be filed conventionally along with the prescribed filing fee.

~~(c) **Limit on Size of Documents.** No documents shall be filed that are larger than 2.5 megabytes. In cases where a single document is larger than 2.5 MB, the filer shall break the document into files smaller than 2.5 MB before filing.~~

~~(d)~~**(c) Other Documents to be Conventionally Filed.** The following documents must be conventionally filed:

~~(1) The following documents must be conventionally filed and will not appear in the electronic case file:~~

~~(A)~~(1) Motions to file documents under seal and documents filed under seal in criminal cases as set forth in LR Gen 102(d);

~~(B)~~(2) Records of administrative review proceedings other than social security cases;

~~(C)~~(3) The state court record and other Rule 5 materials in habeas corpus cases filed in 28 U.S.C. §2254 proceedings;

~~(D)~~ The state court record in Notice of Removal actions;

~~(E)~~(4) *Ex parte* motions and applications; and

~~(F)~~(5) Consent to Proceed Before a Magistrate Judge;-

~~(2) The following documents must be conventionally filed, but will be scanned into the electronic case file by the Clerk's Office:~~

~~(A) Motions to file documents under seal in civil cases as set forth in LR Gen 102(e);~~

- ~~(B)~~(6) All pleadings and documents filed by prisoner *pro se* litigants and non-prisoner *pro se* litigants not granted permission to file documents electronically;
 - ~~(C)~~(7) The charging document in a criminal case, such as the complaint, indictment and information;
 - ~~(D)~~(8) Affidavits for search and arrest warrants and related papers;
 - ~~(E)~~(9) Fed.R.Crim.P. 20 and Fed.R.Crim.P. 5 papers received from another court;
 - ~~(F)~~(10) Any pleading or document in a criminal case containing the signature of a defendant, such as a waiver of indictment or plea agreement; and
 - ~~(G)~~— Petitions for violations of supervised release; and
 - ~~(H)~~(11) Appearance Bonds.
- ~~(3)~~— The following documents must be filed in a Scanned PDF format using ECF and may not be filed in an Electronically Converted PDF format:
- ~~(A)~~— Rule 4 executed service of process documents; and
 - ~~(B)~~— Affidavits in support of motions or objections with original signatures.

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

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

LR Gen 304 ELIGIBILITY, REGISTRATION, PASSWORDS

- (a) **Registration ECF Login and Password.** An Attorneys admitted to the bar of this Court pursuant to LR Gen 201-202 will automatically become a Filing User of the Court's ECF system and will be permitted to file documents electronically using ECF without further authorization. The Filing User will receive notification from the Court of the user login and password after admission.

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

- (b) **Confidentiality of Login and Password.** ~~Once ECF registration is completed, the Filing User will receive notification from the Court of the user login and password.~~ Filing Users agree to protect the security of their passwords and immediately notify the Clerk's Office if they learn that their password has been compromised.*[see Comment, end of Rule]
- (c) **Consent to Electronic Service.** ECF registration as a Filing User constitutes consent to electronic service of all documents as provided in these Local Rules and in accordance with the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure.
- (d) ~~**ECF Registration Separate from Bar Registration.** ECF registration is separate and distinct from the periodic registration requirements and procedures contained in LR Gen 203 (c). Even though an attorney is a registered member of the bar in good standing under LR Gen 203, the attorney must register as a Filing User using the ECF Registration Form prior to filing documents electronically.~~

*COMMENT

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

LR Gen 314 REFUND OF ELECTRONIC FILING FEES

- (a) Authority of the Clerk.** The Clerk is authorized to administer refunds of all duplicative or erroneous fees paid to the Court electronically. The Clerk may refund only duplicative payments in which the payor has inadvertently paid the filing fee more than once in the same case, resulting in two or more identical credit card charges and erroneous payments in which the payor has inadvertently made a fee payment when no fee was due.
- (b) Requests for Refund.**
- (1) Application.** A payor seeking a refund must complete an Application for Refund form. The completed Application for Refund form, along with supporting documentation, shall be submitted to the Clerk's Office via email.
- (2) Verification of Erroneous Payment.** The Clerk, upon verification of an error, shall process the refund to the same credit card from which the duplicative or erroneous payment was made.
- (c) Review of Denial of Refund.** If the Clerk denies the application for refund, the payor may, within 14 days of the denial, file a motion requesting that the presiding judge or the Chief Judge, if it is not case specific, review the denial.

LR Cv 5 FORM AND FILING OF DOCUMENTS

- (a) **Form and Content of Documents.** All documents filed in a civil case shall be on 8½" x 11" paper and shall include the following:
- (1) **Captions.** Any pleading or other document asserting a claim or counterclaim of any type shall include the full caption showing the names of all parties. Documents filed after a case is docketed shall also include the name, case number and initial(s) of the judge to whom the case has been assigned.
 - (2) **Titles.** All documents shall bear a title that concisely states the precise nature of the document and identifies the party filing it.
 - (3) **Format; Page Numbering.** Unless otherwise provided or ordered by the Court, all documents shall be double-spaced and typed in at least 12-point font. Footnotes shall be in at least 10-point font and may be single-spaced. Where a document is more than one page in length, the pages shall be numbered at the bottom center of each page.
 - (4) **Jury Demand.** Any pleading containing a demand for a jury trial shall set forth the demand to the right of the caption, below the case number.
 - (5) **Signing of Pleadings.** All documents filed on behalf of a party shall be signed by counsel representing the party on whose behalf the document is filed, or in the case of parties proceeding *pro se*, by the party himself or herself. The name, address and telephone number of the individual signing the document shall be typed or printed below the signature. Documents filed by attorneys also shall bear the attorney's bar number, and the name, address, fax number and e-mail address of the attorney's law firm.
- (b) **Civil Cover Sheet.** Any person filing a complaint in a civil case or any other document that requires a file to be opened shall contemporaneously file a completed ~~AO Form JS-44 Civil Cover Sheet~~ local civil cover sheet describing the type of case and identifying any related case previously filed or pending in this Court. The Clerk may reclassify a case if the cover sheet does not accurately describe its type. Cover sheets shall be provided by the Clerk upon request. **[see Comment, end of Rule]**
- (c) **Filing Fee.** Any applicable filing fee prescribed by law shall be paid to the Clerk at the time of filing. If payment is made by check, the check shall be made payable to "Clerk, United States District Court."
- (d) **Discovery Documents.** Unless otherwise ordered by the Court, disclosures made under Fed. R. Civ. P. 26(a)(1)-(3), notices of deposition, deposition transcripts, interrogatories, requests for production, requests for admission, and answers and responses thereto, shall not be filed with the Court. The parties in possession of such documents shall be responsible for preserving them and making them available for use at trial and/or for other purposes required by the Court.

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

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

***Comment**

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

LR Cv 81 REMOVAL FROM STATE COURT

~~(a) — **Notice of Removal.** A notice of removal pursuant to 28 U.S.C. § 1446 shall be accompanied by a copy of the complaint filed in the case being removed. In addition, the party filing the notice shall promptly:~~

~~(1) — file a copy of the notice in the Court from which the case is being removed; and~~

~~(2) — serve copies of the notice on all other parties.~~

~~(b) — **Filing of State Court Record.** Within 14 days after filing a notice of removal, the party filing the notice shall file certified or attested copies of the docket sheets and all documents filed in the case being removed arranged in the following order:~~

~~(1) — the docket sheet(s); and~~

~~(2) — the documents filed in the court from which the case is being removed, arranged in the same order as they appear on the docket sheet. Each document shall be numerically tabbed.~~

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

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

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

AMENDMENTS TO THE 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 102 | <p style="text-align: center;">LR Gen 102 DOCUMENTS CONTAINING CONFIDENTIAL INFORMATION</p> <p style="text-align: center;">*****</p> <p>(c) Filing of Sealed Documents in Civil Cases. Upon receipt of a motion to seal in a civil case, the clerk shall docket the motion but not the documents which are the subject of the motion and shall immediately transmit the motion and documents to the chambers of the judge to whom the case has been assigned. If the Court grants the motion to seal and unless otherwise ordered by the Court, the sealed documents shall be retained by the clerk in a secure location until further order of the Court. If the Court denies the motion to seal, the motion order denying the motion to seal shall be docketed and filed in accordance with these Local Rules, and the memorandum and the documents accompanying the motion shall be returned to the filer, unless otherwise ordered by the Court.</p> <p>(d) Filing of Sealed Documents in Criminal Cases. Upon receipt of a motion to seal in a criminal case, the clerk shall immediately transmit the motion and the documents which are the subject of the motion to the chambers of the judge to whom the case has been assigned. If the Court grants the motion to seal <u>and unless otherwise ordered by the Court,</u> the motion to seal, the order granting the motion to seal, and the sealed documents shall be placed in an envelope which shall be sealed and to which a copy of the Court's order shall be affixed. The envelope shall then be retained by the clerk in a secure location until further order of the Court. If the Court denies the motion to seal, the <u>motion to seal and the order denying the motion to seal shall be docketed and filed in accordance with these Local Rules,</u> and the memorandum and the documents accompanying the motion shall be returned to the filer, unless otherwise ordered by the Court.</p> <p style="text-align: center;">*****</p> | <p>The General Rules Subcommittee endorsed the proposed change, and recommended adoption by the LRRC.</p> | <p>PROPOSED CHANGE ACCEPTED.</p> | <p>COURT APPROVED CHANGE.</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;">LR Gen 109 BANKRUPTCY</p> <p>(a) References and Withdrawals of References of Bankruptcy Cases. All cases arising under Title 11 shall be referred automatically to the bankruptcy judge(s) of this District. The reference of any case or proceeding or any portion thereof may be withdrawn at any time by the District Court, <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>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.</p> <p>The district judge shall make a de novo review upon the record or, after additional evidence, of any portion of the bankruptcy judge’s findings of fact or conclusions of law to which specific written objection has been made in accordance with the federal and local rules of bankruptcy procedure. The district judge may accept, reject, or modify the proposed findings of fact or conclusions of law, receive further evidence, or recommit the matter to the bankruptcy judge with instructions.</p> <p>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.</p> | <p>The General Rules Subcommittee recommended that the proposed change be forwarded to the Bankruptcy Court and the Bankruptcy Court’s Attorney Advisory Committee for review. The Bankruptcy Court’s Attorney Advisory Committee recommended adoption by the LRRC.</p> | <p>PROPOSED CHANGE ACCEPTED.</p> | <p style="text-align: center;">COURT APPROVED CHANGE.</p> <p><u>Note: The word “and” was added to the lists in LR Gen 109(c)(1)(C), 109(c)(2)(D), and 109(c)(5)(E).</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>(b) Filings in Bankruptcy Cases. The bankruptcy clerk shall maintain all files in bankruptcy cases referred by the District Court. Except with respect to appeals, cases in which the reference has been withdrawn, or other matters pending before the District Court, all documents filed in such cases shall be filed with the bankruptcy clerk.</p> <p>(e)(b) Jury Trials in Bankruptcy Court. Pursuant to 28 U.S.C. § 157(e), a bankruptcy judge may conduct jury trials in bankruptcy proceedings where the right to a jury trial applies and all parties have consented.</p> <p>(d)(c) Reports and Recommendations by Bankruptcy Judge.</p> <p>(1) Time for Objections. Any objection to proposed findings of fact and/or rulings of law by a bankruptcy judge in a proceeding shall be filed and served within 14 days after such proposed findings and rulings are served on the objecting party.</p> <p>(2) Content of Objections. Any objection to the proposed findings of fact and/or rulings of law shall be accompanied by (A) a memorandum of law specifying the proposed findings and/or rulings to which objection is made and the basis for the objection(s), and (B) a transcript of any evidentiary hearing(s) before the bankruptcy judge. The memorandum shall comply with LR Cv 7.</p> <p>(3) Responses and Replies. A response to an objection shall be served and filed within 14 days after the objection is served. The objecting party may serve and file a reply to the response within 14 days <u>7 days</u> thereafter. Any response and /or reply shall comply with LR Cv 7. Unless otherwise permitted or required by the Court, nothing further shall be filed in support of or in opposition to an objection to a bankruptcy judge’s proposed findings</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>of fact and rulings of law.</p> <p>(e)(d) Appeals to Bankruptcy Appellate Panel. In accordance with 28 U.S.C. § 158(b)(6), appeals from any judgment, order or decree of a bankruptcy judge which are referred to in 28 U.S.C. § 158(a) will be heard and determined by the U.S. Bankruptcy Appellate Panel for the First Circuit unless a party elects to have the appeal heard by the District Court in accordance with Bankruptcy Rule 8005.</p> <p>(f)(e) Appeals to District Court. Except as otherwise provided in this subsection (f)(e) or elsewhere in these rules, or unless otherwise ordered by the District Court, appeals or motions for leave to appeal to the District Court from any judgment, order or decree of a bankruptcy judge shall be governed by the applicable provisions of Rules 8001-8028 of the Federal Rules of Bankruptcy Procedure (“Bankruptcy Rules”).</p> <p>(1) Record on Appeal. Upon the completion of the record on appeal in accordance with Bankruptcy Rule 8010, the bankruptcy clerk shall transmit a copy of the following to the District Court clerk:</p> <p>(A) Judgment, order or decree that is the subject of the appeal;</p> <p>(B) Docket sheet;</p> <p>(C) Appeal cover sheet;</p> <p>(D) Designation(s) of the contents of the record on appeal;</p> <p>(E) Statement(s) of issues on appeal; and</p> <p>(F) Any written decision(s) and a transcript of any oral decision(s) by the bankruptcy judge stating the reasons for the judgment, order or</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>decree</p> <p>(1) Notice of Appeal. Upon the filing of a notice of appeal to the District Court, the bankruptcy clerk shall promptly transmit the following to the District Court in accordance with Bankruptcy Rule 8003:</p> <p>(A) Notice of appeal;</p> <p>(B) Judgment, order, or decree that is the subject of the appeal;</p> <p>(C) Bankruptcy Court docket sheet;</p> <p>(D) Appellate transmittal form</p> <p>(2) Notice of Appeal and Motion for Leave to Appeal. When Upon the filing of a notice of appeal and a motion for leave to appeal to the District Court in accordance with Bankruptcy Rule 8004, is filed with the bankruptcy clerk, the bankruptcy clerk shall promptly transmit the following to the District Court; in accordance with Bankruptcy Rule 8004(e), promptly transmit a copy of the motion to the District Court clerk, together with copies of the notice of appeal if not previously transmitted, the judgment, order or decree that is the subject of the proposed appeal, and any memorandum of counsel submitted in support of the motion.</p> <p>(A) Notice of appeal;</p> <p>(B) Order or decree that is the subject of the appeal;</p> <p>(C) Bankruptcy Court docket sheet;</p> <p>(D) Appellate transmittal form;</p> <p>(E) Motion for leave to appeal</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>(3) Requests for Certification. Any request by a party for the certification of an appeal directly to the Court of Appeals filed in the District Court pursuant to 28 U.S.C. 158(d)(2) and Bankruptcy Rule 8006 shall be in the form of a motion complying with LR Cv 7.</p> <p>(4)(3) Extensions of Time by a Bankruptcy Judge. Extensions of time for filing notices of appeal may be granted by the bankruptcy judge in accordance with Bankruptcy Rule 8002(d). Extensions of time for filing motions for leave to appeal and designations of the record or issues on appeal may be granted by the bankruptcy judge for a period not to exceed 30 days.</p> <p>(5)(4) Dismissal of Appeals by Bankruptcy Judge. A bankruptcy judge may dismiss an appeal if the notice of appeal is not filed within the time specified in Bankruptcy Rule 8002.</p> <p>(5) Record on Appeal. <u>Upon the completion of the record on appeal, the bankruptcy clerk shall transmit the following to the District Court in accordance with Bankruptcy Rule 8010:</u></p> <p><u>(A) Designation(s) of the contents of the record on appeal;</u></p> <p><u>(B) Statement(s) of the issues on appeal;</u></p> <p><u>(C) Opinion, findings of fact, and conclusions of law relating to the issues on appeal;</u></p> <p><u>(D) Transcripts;</u></p> <p><u>(E) Bankruptcy Court docket sheet;</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><u>(F) Clerk’s certification for transmittal of record on appeal</u></p> <p>(6) Form of and Schedule for Filing Briefs. <u>Upon confirmation by the bankruptcy clerk that the record on appeal is complete in accordance with Bankruptcy Rule 8010, the District Court will set the briefing schedule, the form of which</u> 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 Rules 8014 and 8015, except that:</p> <p>(A) all briefs and memoranda 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> <p>(7) Appendices to Briefs. <u>Unless otherwise ordered by the District Court, appendices to briefs need not be filed with the Court.</u></p> <p>(g)(f) Stays Pending Appeal to the District Court. When a motion is made in the District Court in accordance with Bankruptcy Rule 8007(b) to stay a judgment, order or decree of a bankruptcy judge or for any other relief pending appeal, the movant shall file the following with its motion:</p> <p>(1) a copy of the judgment, order or decree that the movant seeks to have stayed;</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>(2) a copy of the bankruptcy judge’s order denying the movant’s motion to stay;</p> <p>(3) any written decision(s) and/or transcript(s) of any oral decision(s) of the bankruptcy judge stating the reasons for the orders referred to in paragraphs (1) and (2) of this subsection; and</p> <p>(4) a memorandum of law setting forth the reasons why a stay should be granted and the legal authorities supporting the motion for a stay.</p> <p>Such motion and any related objection(s) and replies shall be governed by the applicable provisions of LR Cv 7.</p> <p><u>(h)(g) Local Bankruptcy Rules.</u></p> <p>(1) Authority. The bankruptcy judge(s) may make and amend rules governing practice and procedure in all matters referred to and pending before them.</p> <p>(2) Notice to District Court. The bankruptcy court must give notice to the District Court of any amendment to the bankruptcy court’s local rules prior to such rules taking effect. After notice is given, such amendment shall take effect on the date specified by the bankruptcy court, unless abrogated by the District Court.</p> <p><u>(i)(h) Applicability of Local Rules.</u> In proceedings before a bankruptcy judge, the local bankruptcy rules shall apply. In proceedings before the District Court, these Local Rules shall apply unless the Court otherwise directs.</p> <p><u>(j)(i) Discretion of District Court.</u> This rule is not intended to restrict the District Court’s discretion as to any aspect of any appeal.</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 111 | <p>LR Gen 111 PHOTOGRAPHING; RECORDING; BROADCASTING</p> <p>*****</p> <p>(b) Note-Taking. Nothing in subsection (a) of this Rule shall prevent any person from taking notes in the courtroom during a proceeding in Court, provided that such note-taking is not disruptive of Court proceedings. No authorization is necessary for note taking by any persons seated inside the bar of the Court or located outside of the courtroom. <u>[see Comment, end of Rule]</u></p> <p>*Comment</p> <p><u>Pursuant to the General Order dated January 31, 2014, authorized members of the media may use electronic devices in the courtrooms of the judicial officers who have approved a standing exemption to LR Gen 111 and LR Gen 112. Please consult the General Order dated January 31, 2014, and related materials available on the Court’s website.</u></p> | The General Rules Subcommittee endorsed the proposed change, and recommended adoption by the LRRC. | PROPOSED CHANGE ACCEPTED. | COURT APPROVED CHANGE. |
| LR Gen 112 | <p>LR Gen 112 USE OF CELLULAR PHONES AND OTHER ELECTRONIC DEVICES</p> <p>(a) General Prohibition. Except as provided in subsection (b) of this rule or expressly authorized by the Court, no person shall bring into the Courthouse or that portion of the John O. Pastore Building that is occupied by the Court any device of any kind that has the capability of sending or receiving communications, making sound or video recordings, or making, recording or transmitting photographs or videos. <u>[see Comment, end of Rule]</u></p> <p>(b) Electronic Devices. Electronic devices, including but not limited to cellular or smart phones, laptops, and tablets, dictaphones and personal digital assistants may be</p> | The General Rules Subcommittee endorsed the proposed change, and recommended adoption by the LRRC. | PROPOSED CHANGE ACCEPTED. | COURT APPROVED CHANGE. |

* 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>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:</p> <p>(1) Unless the use of the electronic device is expressly authorized by the presiding judicial officer, before entering any courtroom, chambers or Grand Jury room, anyone carrying an electronic device shall at the direction of the presiding judicial officer either:</p> <p>(A) turn off the device completely and keep the device turned off during all times in the courtroom, chambers or Grand Jury room; or</p> <p>(B) check it with the courtroom clerk or court security officer at that location.</p> <p>(2) Upon entering the building, any person carrying an electronic device shall acknowledge and agree that, upon violation of the conditions set forth in paragraph (1) above and/or of any other limitations placed on the use of such instruments, said device may be confiscated.</p> <p><u>*Comment</u></p> <p><u>Pursuant to the General Order dated January 31, 2014, authorized members of the media may use electronic devices in the courtrooms of the judicial officers who have approved a standing exemption to LR Gen 111 and LR Gen 112. Please consult the General Order dated January 31, 2014, and related materials available on the Court’s website.</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> |
|--------------------|---|---|----------------------------------|--|
| LR Gen 203 | <p>LR Gen 203 CONTINUING OBLIGATIONS OF MEMBERS OF BAR</p> <p>(a) General. Unless otherwise permitted by the Court for good cause shown, in order to remain a member in good standing of the bar of this Court, an attorney must:</p> <p>(1) remain a member in good standing of the Bar of the Supreme Court of the State of Rhode Island and all other bars in which the member maintains an active status to which he or she has been admitted; and</p> <p>(2) not be suspended, disbarred or found unfit, for any reason, to continue practicing law by any other court or body having disciplinary authority over attorneys.</p> <p>*****</p> | <p>The General Rules Subcommittee endorsed the proposed change, and recommended adoption by the LRRC.</p> | <p>PROPOSED CHANGE ACCEPTED.</p> | <p>COURT APPROVED CHANGE.</p> |
| LR Gen 209 | <p>LR Gen 209 BASIS FOR DISCIPLINARY ACTION</p> <p>(a) Conferred Jurisdiction. Any attorney admitted or permitted to practice before this Court pursuant to LR Gen 202 or 204 shall be deemed to have conferred disciplinary jurisdiction upon this Court for any alleged attorney misconduct arising during the course of a case pending before this Court <u>or the Bankruptcy Court</u> in which that attorney has participated in any way.</p> <p>*****</p> <p>(c) Misconduct. Misconduct for which an attorney may be disciplined pursuant to this Rule 209 may include:</p> <p>(1) Violation of the Standards of Professional Conduct referred to in LR Gen 208;</p> <p>(2) Intentional violation of these Local Rules or any</p> | <p>The General Rules Subcommittee endorsed the proposed change, and recommended adoption by the LRRC.</p> | <p>PROPOSED CHANGE ACCEPTED.</p> | <p>COURT APPROVED CHANGE.</p> <p><u>Note: The phrase “and/or” in LR Gen 209(c)(4) was moved to (c)(5).</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>order of this Court <u>or the Bankruptcy Court</u>;</p> <p>(3) Failure to promptly provide the notifications required by LR Gen 203(b)(1)(B) and/or (C);</p> <p>(4) Conduct which resulted in suspension, disbarment or any other disciplinary action taken against the attorney by any other court or disciplinary body having disciplinary authority over attorneys; and/or</p> <p>(5) Conviction of a crime;;</p> <p>(6) <u>A pattern or practice of violating §§526, 527, or 528 of the Bankruptcy Code.</u></p> | | | |
| LR Gen 210 | <p>LR Gen 210 DISCIPLINARY PROCEEDINGS</p> <p>*****</p> <p>(d) Hearing</p> <p>(1) Forum. In the Court’s discretion, any hearing conducted pursuant to this Rule 210 may be conducted before a magistrate judge <u>or bankruptcy judge</u> designated by the Court, a single district judge or all of the active judges of the Court who are eligible and able to participate. However, if the disciplinary proceeding was initiated by a complaint by a district judge, or a magistrate judge, <u>or bankruptcy judge</u>; or, if a magistrate judge <u>or bankruptcy judge</u> made any recommendation to the Court pursuant to Rule 210(b)(2), any such hearing shall not be conducted by that judge or magistrate judge, nor shall that judge or magistrate judge participate in any decision or other action taken by the Court with respect to the matter.</p> | <p>The General Rules Subcommittee endorsed the proposed change, and recommended adoption by the LRRC.</p> | <p>PROPOSED CHANGE ACCEPTED.</p> | <p>COURT APPROVED CHANGE.</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>(A) If the hearing is conducted by a district judge, the Court may authorize that district judge to order whatever disciplinary action is appropriate under these rules without further action by the Court.</p> <p>(B) If the hearing is conducted by a magistrate judge <u>or bankruptcy judge</u>, the magistrate judge <u>or bankruptcy judge</u> shall submit findings of fact and recommendations for disposition to the Court and the Clerk shall serve a copy of the findings and recommendations upon the attorney and any special prosecutor appointed by the Court.</p> <p>(C) Within 14 days from the date of the order, the attorney and/or any special prosecutor appointed by the Court may serve and file written objections to the report. Failure to file an objection within the 14-day period shall be deemed a waiver of any objection. Those portions of the magistrate judge <u>or bankruptcy judge</u>'s findings and recommendations to which objection is made shall be reviewed by the Court <i>de novo</i> based on the record compiled before the magistrate judge <u>or bankruptcy judge</u>. The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge <u>or bankruptcy judge</u> or it may receive further evidence or recommit the matter to the magistrate judge <u>or bankruptcy judge</u> with instructions.</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 303 | <p style="text-align: center;">LR Gen 303 SPECIAL FILING REQUIREMENTS AND EXCEPTIONS</p> <p>(a) Civil Case Opening Documents.</p> <p>(1) Complaints and Notices of Removal. Absent an exemption under LR Gen 302, complaints or notices of removal, together with the civil cover sheet and a summons for each defendant to be served, shall be filed electronically, and the required filing fee shall be paid at the time of filing. The Clerk’s Office will issue a summons for each defendant to be served to the filer.</p> <p>(2) Other Civil Case Initiating Documents. Civil case initiating documents not mentioned in (a)(1), or to be filed under seal, shall be filed conventionally, together with the civil cover sheet, a summons for each defendant to be served, and the required filing fee. The Clerk’s Office will issue a summons for each defendant to be served to the filer.</p> <p>(b) Miscellaneous Case Opening Documents. Miscellaneous case opening documents shall be filed conventionally along with the prescribed filing fee.</p> <p>(c) Limit on Size of Documents. No documents shall be filed that are larger than 2.5 megabytes. In cases where a single document is larger than 2.5 MB, the filer shall break the document into files smaller than 2.5 MB before filing.</p> <p>(d)(c) Other Documents to be Conventionally Filed. The following documents must be conventionally filed:</p> <p>(1) The following documents must be conventionally filed and will not appear in the electronic case file:</p> <p>(A)(1) Motions to file documents under seal and</p> | <p>The General Rules Subcommittee endorsed the proposed change, and recommended adoption by the LRRC with one change: removal of the word “and” in revised section (c)(4).</p> | <p>PROPOSED CHANGE ACCEPTED AS MODIFIED BY THE GENERAL RULES SUBCOMMITTEE.</p> | <p>COURT APPROVED CHANGE.</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>documents filed under seal in criminal cases as set forth in LR Gen 102(d);</p> <p>(B)(2) Records of administrative review proceedings other than social security cases;</p> <p>(C)(3) The state court record and other Rule 5 materials in habeas corpus cases filed in 28 U.S.C. §2254 proceedings;</p> <p>(D) The state court record in Notice of Removal actions;</p> <p>(E)(4) <i>Ex parte</i> motions and applications; and</p> <p>(F)(5) Consent to Proceed Before a Magistrate Judge.</p> <p>(2) The following documents must be conventionally filed, but will be scanned into the electronic case file by the Clerk's Office:</p> <p>(A) Motions to file documents under seal in civil cases as set forth in LR Gen 102(e);</p> <p>(B)(6) All pleadings and documents filed by prisoner <i>pro se</i> litigants and non-prisoner <i>pro se</i> litigants not granted permission to file documents electronically;</p> <p>(C)(7) The charging document in a criminal case, such as the complaint, indictment and information;</p> <p>(D)(8) Affidavits for search and arrest warrants and related papers;</p> <p>(E)(9) Fed.R.Crim.P. 20 and Fed.R.Crim.P. 5 papers received from another court;</p> <p>(F)(10) Any pleading or document in a criminal case containing the signature of a defendant, such as a waiver of indictment or plea agreement; <u>and</u></p> <p>(G) Petitions for violations of supervised</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>release; and</p> <p>(H)(11) Appearance Bonds.</p> <p>(3) The following documents must be filed in a Scanned PDF format using ECF and may not be filed in an Electronically Converted PDF format:</p> <p>(A) Rule 4 executed service of process documents; and</p> <p>(B) Affidavits in support of motions or objections with original signatures.</p> <p><u>(d) Format of Electronically Filed Documents.</u> <u>Documents must be formatted for electronic filing by converting the original word processing document into PDF, resulting in what is referred to as a “native PDF” or “text PDF.” PDF images created by scanning paper documents should be avoided unless the filer does not possess a word processing file version of the document (e.g., Exhibits).</u></p> <p><u>Unless otherwise required by statute, rule, or court order, documents that require an original signature(s) other than that of the Filing User must be submitted in a scanned PDF format, and the Filing User must maintain the document with the original signature in accordance with LR Gen 307.</u></p> | | | |
| LR Gen 304 | <p>LR Gen 304 ELIGIBILITY, REGISTRATION, PASSWORDS</p> <p><u>(a) Registration ECF Login and Password.</u> <u>An Attorneys admitted to the bar of this Court pursuant to LR Gen 201 202 will automatically become a Filing User of the Court’s ECF system and will be permitted to file documents electronically using ECF without further authorization. The Filing User will receive notification from the Court of the user login and password after</u></p> | The General Rules Subcommittee endorsed the proposed change, and recommended adoption by the LRRC. | PROPOSED CHANGE ACCEPTED. | COURT APPROVED CHANGE. |

* 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><u>admission.</u></p> <p><u>An attorney eligible to appear before the Court pursuant to LR Gen 201(b) and permitted to file documents electronically under the Local Rules must register as a Filing User of this Court's ECF system prior to filing any documents electronically. Registration will be on an ECF Registration Form provided by the Clerk. <u>Once ECF registration is completed, the Filing User will receive notification from the Court of the user login and password.</u></u></p> <p>(b) Confidentiality of Login and Password. Once ECF registration is completed, the Filing User will receive notification from the Court of the user login and password. Filing Users agree to protect the security of their passwords and immediately notify the Clerk's Office if they learn that their password has been compromised.*[see Comment, end of Rule]</p> <p>(c) Consent to Electronic Service. ECF registration as a Filing User constitutes consent to electronic service of all documents as provided in these Local Rules and in accordance with the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure.</p> <p>(d) ECF Registration Separate from Bar Registration. ECF registration is separate and distinct from the periodic registration requirements and procedures contained in LR Gen 203 (c). Even though an attorney is a registered member of the bar in good standing under LR Gen 203, the attorney must register as a Filing User using the ECF Registration Form prior to filing documents electronically.</p> <p>*COMMENT</p> <p>Since failure to comply with this provision could cause serious harm to the administration of justice, attorneys are reminded that, as officers of the Court, they are responsible for ensuring full compliance with this provision.</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 314 | <p><u>LR Gen 314 REFUND OF ELECTRONIC FILING FEES</u></p> <p><u>(a) Authority of the Clerk.</u> The Clerk is authorized to administer refunds of all duplicative or erroneous fees paid to the Court electronically. The Clerk may refund only duplicative payments in which the payor has inadvertently paid the filing fee more than once in the same case, resulting in two or more identical credit card charges and erroneous payments in which the payor has inadvertently made a fee payment when no fee was due.</p> <p><u>(b) Requests for Refund.</u></p> <p><u>(1) Application.</u> A payor seeking a refund must complete an Application for Refund form. The completed Application for Refund form, along with supporting documentation, shall be submitted to the Clerk's Office via email.</p> <p><u>(2) Verification of Erroneous Payment.</u> The Clerk, upon verification of an error, shall process the refund to the same credit card from which the duplicative or erroneous payment was made.</p> <p><u>(c) Review of Denial of Refund.</u> If the Clerk denies the application for refund, the payor may, within 14 days of the denial, file a motion requesting that the presiding judge or the Chief Judge, if it is not case specific, review the denial.</p> | <p>The General Rules Subcommittee endorsed the proposed change, and recommended adoption by the LRRC.</p> | <p>PROPOSED CHANGE ACCEPTED.</p> | <p>COURT APPROVED 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> |
|---------------------------|--|--|-------------------------------------|----------------------------|
| LR Cv 5 | <p style="text-align: center;">LR Cv 5 FORM AND FILING OF DOCUMENTS</p> <p style="text-align: center;">*****</p> <p>(b) Civil Cover Sheet. Any person filing a complaint in a civil case or any other document that requires a file to be opened shall contemporaneously file a completed AO Form JS 44 Civil Cover Sheet local civil cover sheet describing the type of case and identifying any related case previously filed or pending in this Court. The Clerk may reclassify a case if the cover sheet does not accurately describe its type. Cover sheets shall be provided by the Clerk upon request. <u>[see Comment, end of Rule]</u></p> <p style="text-align: center;">*****</p> <p><u>*Comment</u></p> <p><u>The United States District Court for the District of Rhode Island uses a local version of the JS-44 Civil Cover Sheet, which is available in the “Forms” section of the Court’s website.</u></p> | The Civil Rules Subcommittee endorsed the proposed change, and recommended adoption by the LRRC. | PROPOSED CHANGE ACCEPTED. | COURT APPROVED CHANGE. |
| LR Cv 81 | <p style="text-align: center;">LR Cv 81 REMOVAL FROM STATE COURT</p> <p>(a) Notice of Removal. A notice of removal pursuant to 28 U.S.C. § 1446 shall be accompanied by a copy of the complaint filed in the case being removed. In addition, the party filing the notice shall promptly:</p> <p style="margin-left: 40px;">(1) file a copy of the notice in the Court from which the case is being removed; and</p> <p style="margin-left: 40px;">(2) serve copies of the notice on all other</p> | The Civil Rules Subcommittee endorsed the proposed change, and recommended adoption by the LRRC. | PROPOSED CHANGE ACCEPTED. | COURT APPROVED CHANGE. |

* 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>parties.</p> <p>(b) Filing of State Court Record. Within 14 days after filing a notice of removal, the party filing the notice shall file certified or attested copies of the docket sheets and all documents filed in the case being removed arranged in the following order:</p> <p>(1) the docket sheet(s); and</p> <p>(2) the documents filed in the court from which the case is being removed, arranged in the same order as they appear on the docket sheet. Each document shall be numerically tabbed.</p> <p><u>(a) It is the responsibility of the party filing the notice of removal to ensure that the state court record is filed with the Court. Within 14 days after filing a notice of removal, the party filing the notice shall do whatever is necessary to enable the clerk of the state court to assemble and electronically transmit a certified copy of the docket sheet and all documents filed in the case being removed.</u></p> <p><u>(b) The Court may direct the party filing the notice to furnish and to file certified copies of the docket sheet and all documents filed in the case being removed if the clerk of the state court is unable to electronically transmit the record or if the record is unusually voluminous.</u></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> |
|-------------------------|---|---|--|---------------------|
| Suggestion from the Bar | <p>Attorney John McCann proposed that a Local Rule 12 be added.</p> <p>The added local rule would add the below bold language to the existing Rule 12(a).</p> <p>(4) Effect of a Motion. Unless the court sets a different time, serving a motion under this rule, including a partial motion to dismiss, alters these periods as follows:</p> <p>(A) if the court denies the motion or postpones its disposition until trial, the responsive pleading must be served within 14 days after notice of the court’s action; or</p> <p>(B) if the court grants a motion for a more definite statement, the responsive pleading must be served within 14 days after the more definite statement is served.</p> <p>The reason for the proposed change would be to indicate that the District of Rhode Island follows the majority view on the effect of a motion for partial summary judgment, i.e. that the movant need not answer those counts of the complaint which are not subject to the motion until after the motion has been ruled on. <i>See, Nat’l Cas. Co. v. OneBeacon Am. Ins. Co.</i>, 2013 U.S. Dist. LEXIS 92840, 18-19 (D. Mass. July 1, 2013)(“[A] partial motion to dismiss suspends the time to answer the claims not subject to the motion, Fed. R. Civ. P. 12(a)(4);” <i>citing Tingley Sys., Inc. v. CSC Consulting, Inc.</i>, 152 F. Supp. 2d 95, 122 (D. Mass. 2001); and 5B Charles Alan Wright et al., <i>Federal Practice & Procedure</i> § 1346 (3d ed. 2004) (noting that the “majority rule” is that service of a Rule 12(b) motion directed at only parts of a pleading enlarges the period of time for answering the entire complaint)).</p> | <p>The Civil Rules Subcommittee did not recommend adoption of the proposed change.</p> | <p>PROPOSED CHANGE REJECTED.</p> <p>The LRRC rejected the proposed change for the same reasons as it did during the 2013-14 local rules review cycle: (1) that it was unnecessary to add a local civil rule that largely tracks the federal rule, and (2) that Mr. McCann’s particular concern about the effect of a partial motion to dismiss on deadlines was already established case law, and did not need to be included in a local rule.</p> | <p>N/A</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> |
|---------------------------|---|---|---|----------------------------|
| | I suggested this change last year but it was not adopted and I hope that the Committee will reconsider. I think that the change would serve the end of “just, speedy and inexpensive determination...” by avoiding the need for attorneys to research the topic every time they file a partial motion to dismiss. | | | |
| 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 and 2013-14 local rules review cycle due to an appeal to the Rhode Island Supreme Court on this issue, and reconsider it during the 2014-15 local rules review cycle. | The Civil Rules Subcommittee tabled the suggestion until the 2015-16 local rules review cycle since the Rhode Island Supreme Court had not issued a decision on the 3 pending cases related to ghostwriting. | The RI Supreme Court issued a decision in three related ghostwriting cases on June 8, 2015. (See, <i>FIA Card Services, NA v. Pichette</i>, No. 2012-272-Appeal.) In that decision, they put forth a policy regarding the scope and nature of assistance that attorneys may provide to pro se litigants. The Supreme Court has invited public comment on the policy, and has requested comments by January 15, 2016. In light of this, the LRRC tabled the suggestion for reconsideration during the 2015-16 local rules review cycle. | N/A |

* 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> |
|-------------------------|---|---|---|---------------------|
| Suggestion from the Bar | LRRC Member Robert Fine suggested that the Committee reconsider adopting a new rule LR Cv 26.1 for uniform definitions in discovery requests. | <p>The Civil Rules Subcommittee endorsed the following proposed change, and recommended adoption by the LRRC.</p> <p>LR Cv 26.1 Uniform Definitions In Discovery Requests</p> <p>(a) Incorporation by Reference and Limitations. The full text of the definitions set forth in paragraph (c) shall be incorporated by reference into all discovery requests, but this shall not preclude.</p> <p>(1) the definition of other terms specific to the particular litigation; (2) the use of abbreviations; (3) a narrower definition of a term defined in paragraph (c); or (4) the use of a definition of any term other than as defined by this Local Rule.</p> <p>(b) Effect on Scope of Discovery. This rule is not intended to broaden or narrow the scope of discovery permitted by the Federal Rules of Civil Procedure or create any presumption in the event of a motion under Rule 26, 37 or 45.</p> <p>(c) Definitions. The following definitions apply to all discovery requests.</p> <p>(1) <i>Communication.</i> The term “communication” means the transmittal of information (in the form of facts, ideas, inquiries, or otherwise).</p> <p>(2) <i>Document.</i> The term “document” shall be synonymous in meaning and equal in scope to the usage of this term in Fed. R. Civ. P. 34(a). A draft or non-identical copy is a separate document within the meaning of this</p> | <p>PROPOSED CHANGE REJECTED</p> <p>The Civil Rules Subcommittee has presented this proposed rule, or versions thereof, to the full committee for the past three terms of this committee, generating extensive discussion within the full committee and, ultimately rejection by a majority of the full committee each term. However, because a significant minority of the full committee, including many of the members of the Civil Subcommittee, are strong proponents of the proposed rule and recommend its adoption, the full committee thought it would be helpful to present a summary of the positions presented by both sides for consideration by the Court.</p> <p>The proposed rule is modeled after a similar local rule in the U.S.D.C. in Massachusetts, which itself was modeled after local rules in other districts, including for the Eastern and Southern Districts of New York. After much discussion, the current version of the proposed rule requires use of the defined terms but allows litigants to narrow those terms if desired.</p> <p>The benefit of the uniform rules, as argued by the minority view, would be to avoid the need to have a definition section precede the discovery in many cases, since the basic terms would apply without the need to define them in a discovery request and they would be understood by the responding party. The minority believes that the rule would help eliminate discovery disputes over definitions and, although the benefits might be modest, it</p> | N/A |

* 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>term.</p> <p>(3) <i>Identify (With Respect to Individual)</i>. A request to “identify” an individual is a request to provide: (a) the individual’s full name; (b) present or last known address, and; (c) whether the individual is an agent or employee of the person or entity responding to the discovery.</p> <p>(4) <i>Identify (With Respect to Entities)</i>. A request to “identify” an entity is a request to provide: (a) the entity's full name, including (when not apparent from the name) the nature of the entity, e.g. corporation, limited liability corporation, partnership, or professional corporation; and (b) if the identified entity is the party responding to the discovery or affiliated with such entity: (i) the present or last known address of its headquarters or principal place of business; and (ii) the state in which the entity is incorporated or otherwise created.</p> <p>(5) <i>Identify (With Respect to Documents)</i>. Without impairing the right, when appropriate, to produce documents as a sufficient response, when referring to documents, “to identify” means to give, to the extent known, the</p> <ul style="list-style-type: none"> (a) type of document; (b) general subject matter of the document; (c) date of the document; and (d) the author or authors, according to the document; and (e) the persons to whom, according to the | <p>would make practice easier for attorneys who would like to take advantage of the uniform definitions but would impose no burden in those cases where other definitions are warranted. As the Committee Note for the SDNY local rules reads, its uniform definitions local rule “has performed a useful role in simplifying definitions that are commonly used in discovery requests.”</p> <p>The majority view is that uniform definitions are unnecessary and could lead to more discovery disputes.</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>document, the document (or a copy) was to have been sent.</p> <p>(6) <i>Parties</i>. The terms “plaintiff” and “defendant” as well as a party’s full or abbreviated name or a pronoun referring to a party mean the party and, where applicable, its officers, directors, employees, partners, corporate parent, subsidiaries, or affiliates. This definition is not intended to impose a discovery obligation on any person who is not a party to the litigation.</p> <p>(7) <i>Person</i>. The term “person” shall mean any natural person or any business, legal, or governmental entity or association.</p> <p>(8) <i>Concerning</i>. The term “concerning” shall mean referring to, describing, evidencing, or constituting.</p> | | |
| | <p>The Court requested the LRRC review the proposed changes to the Federal Rules of Civil Procedure scheduled to take effect on December 1, 2015, and their impact on the Court’s Local Rules.</p> | <p>The Civil Rules Subcommittee did not recommend any changes to the Local Rules in response to the anticipated changes to the Federal Rules of Civil Procedure.</p> | <p>N/A</p> | <p>N/A</p> |

* 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> |
|---------------------------|--|---|-------------------------------------|----------------------------|
| | The Criminal Rules Subcommittee did not receive any suggested amendments from the Court, bar, or public during the 2014-15 local rules review cycle. | N/A | N/A | N/A |

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

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

IN RE: LOCAL RULES

Misc. 71-7673

GENERAL ORDER
RE: AMENDMENTS TO LOCAL RULES

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

Date: November 16, 2015

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

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

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

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

LR Gen 102 DOCUMENTS CONTAINING CONFIDENTIAL INFORMATION

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

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

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

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

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

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

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

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

LR Gen 109 BANKRUPTCY

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

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

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

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

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

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

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

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

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

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

(g) Local Bankruptcy Rules.

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

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

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

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

LR Gen 111 PHOTOGRAPHING; RECORDING; BROADCASTING

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

***COMMENT**

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

LR Gen 112 USE OF ELECTRONIC DEVICES

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

***COMMENT**

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

LR Gen 203 CONTINUING OBLIGATIONS OF MEMBERS OF BAR

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

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

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

(4) Action by the Court.

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

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

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

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

LR Gen 209 BASIS FOR DISCIPLINARY ACTION

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

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

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

LR Gen 210 DISCIPLINARY PROCEEDINGS

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

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

(d) Hearing

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

LR Gen 303 SPECIAL FILING REQUIREMENTS

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

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

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

LR Gen 304 ELIGIBILITY, REGISTRATION, PASSWORDS

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

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

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

***COMMENT**

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

LR Gen 314 REFUND OF ELECTRONIC FILING FEES

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

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

LR Cv 5 FORM AND FILING OF DOCUMENTS

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

- (e) **Subpoenas.** Subpoenas, including proofs of service, shall not be filed with the Court, unless otherwise ordered by the Court or required by the Federal Rules of Civil Procedure. The parties in possession of such documents shall be responsible for preserving them and making them available for use at trial and/or for other purposes required by the Court.
- (f) **Place for Filing Documents.** The original and all copies of any document filed with the Court that is part of the record in a case shall be filed with the Clerk. Such documents shall not be filed in a judge's chambers, unless otherwise required by these Rules or authorized by that judge. The Clerk will retain and docket original documents and will forward copies to the judicial officer to whom the case has been assigned.

***Comment**

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

LR Cv 81 REMOVAL FROM STATE COURT

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

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