



# **THE DISTRICT COURT'S ELECTRONIC FILING SYSTEM GUIDELINES**

**EFFECTIVE NOVEMBER 5, 2014**

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## 1. Mandatory Electronic Filing

- 1.1 Overview - Pursuant to Article X of the Rhode Island Supreme Court Rules Governing Electronic Filing, electronic filing (efiling) shall be mandatory for all parties except for incarcerated individuals or where a waiver is granted in accordance with Article X, Rule 3(c). Self-represented litigants may electronically file documents in accordance with Article X, Rule 3(b) but are not required to do so. If there are any conflicts between Article X, the Rhode Island Judiciary User Guide for Electronic Filing, and the District Court's Electronic Filing System Guidelines, Article X shall control.

## 2. Electronic Filing System

- 2.1 Overview - The Rhode Island Judiciary's (Judiciary) electronic filing system (EFS) is called Odyssey File and Serve, a product of Tyler Technologies, Inc. Access to the EFS is located on the Judiciary's website at [www.courts.ri.gov](http://www.courts.ri.gov) under the heading of Electronic Filing or the Registered User may go directly to <https://rhodeisland.tylerhost.net/>.

### 2.2 Registration Requirements

- 2.2.1 Registered User – A Registered User is an individual or entity with an assigned username and password authorized by the Judiciary to access and utilize the EFS.

- 2.2.2 Non-registered User – A Non-registered User is an incarcerated individual, an attorney who has been granted a waiver of the mandatory efilng requirements, or a self-represented litigant who has chosen not to use efilng.

- 2.2.3 Overview – To become a Registered User of the EFS, an individual or entity shall be responsible for the following:

- (A) Maintain an email address where notice and service can be made. An attorney shall register his or her email address with the Supreme Court through the Supreme Court Attorney Portal, Attorney Registration.

It is the responsibility of every Registered User to have a valid, working email address. The Judiciary assumes no responsibility for inoperable email addresses or unread email.

**The case management system (CMS) can currently store only one email address per attorney, which shall be the one on file with the Supreme Court.** Attorneys may want to configure their own email systems to forward any emails from the court to the appropriate staff within their offices.



(B) Sign a Usage Agreement that establishes the obligations and responsibilities of the Registered User and provides guidelines for the use of the EFS.

(C) Provide and maintain a valid credit card for billing purposes.

2.2.4 Training – Registered Users are strongly encouraged to participate in a training session conducted by staff of Tyler Technologies, Inc. via live webinars through the Internet. If you are an attorney, the training session will qualify for one (1) Rhode Island mandatory continuing legal education (MCLE) credit.

As the taped training sessions are available online (on-demand) on the Judiciary’s website, anyone can view them as needed. MCLE credit will not be offered for the self-study taped sessions online. You may register for the webinar training or view the taped sessions on the Judiciary’s website at [www.courts.ri.gov](http://www.courts.ri.gov) under the heading of Electronic Filing, Training or go directly to the following address:

<https://eg2113prss.egain.net/system/templates/selfservice/national/#!/portal/1027/article/4776/When-are-the-Online-Training-Sessions-for-Rhode-Island-RI4776>.

2.3 Technical Requirements - For technical requirements for using the EFS, please refer to the Rhode Island Judiciary Guide to Electronic Filing available on the Judiciary’s website at [www.ri.courts.gov](http://www.ri.courts.gov) under the heading of Electronic Filing.

2.3.1 Document Size - A single filing should not be greater than 25 megabytes. If a filing exceeds the size limitation, the first filing should contain the lead document and attachments with a note in the “Filing Comments” that “File Exceeds Size Limitation – Part 2 to Follow.”

The screenshot shows the EFS filing interface for Case PC-2015-0695, John Smith v. Mary Shaw, Providence/Bristol County Superior Court, Breach of Contract. The interface includes tabs for Parties, Filings, and Summary. The 'Select Filing Code\*' dropdown is set to 'Motion for Summary Judgment'. The 'Filing Description' field is empty. The 'Reference Number\*' is 1234. Under 'Documents', there is a 'Lead Document\*' titled 'Plaintiff John Smith's Motion for Summary Judgment...' (292.1 kb) and an attachment titled 'Plaintiff John Smith's Memorandum in Support of...' (292.1 kb). The 'Filing Comments' field contains the text 'File Exceeds Size Limitation - Part 2 to Follow'. A blue arrow points to this field.

The second filing should contain the same lead document but with the remaining attachments and a note in the “Filing Comments” that “File Exceeds Size Limitation – Part 2.”

The screenshot shows a web-based filing interface for Case PC-2015-0695, John Smith v. Mary Shaw, Providence/Bristol County Superior Court, Breach of Contract. The interface has three tabs: Parties, Filings (selected), and Summary. The 'Filings' tab contains the following fields and sections:

- Select Filing Code\*:** A dropdown menu set to 'Motion for Summary Judgment'. To the right are checkboxes for 'E-File' (checked) and 'Service' (unchecked).
- Filing Description:** An empty text input field.
- Reference Number\*:** A text input field containing '1234'.
- Documents:**
  - Lead Document\*:** A section containing one document: 'Plaintiff John Smith's Motion for Summary Judgment...' (292.1 kb). The description field contains 'Plaintiff John Smith's Motion for Summary Ju'. A blue arrow points to this section.
  - Attachments:** A section with an 'Add More Documents' link and two attachments:
    - Attachment 1.Test.pdf:** (292.1 kb). Description: 'Attachment 1.Test.pdf'. A checkbox for 'Confidential' is checked. A blue arrow points to this attachment.
    - Attachment 2.Test.pdf:** (292.1 kb). Description: 'Attachment 2.Test.pdf'. A checkbox for 'Confidential' is unchecked.
- Filing Comments:** A text input field containing 'File Exceeds Size Limitation - Part 2'. A blue arrow points to this field.

2.4 Methods of Filing - Registered Users shall no longer be permitted to file by mail. No parties shall be permitted to file by facsimile transmission. No parties shall be permitted to file in the courtroom except for matters before the court and at the discretion of the judicial officer. Except for domestic abuse complaints, temporary restraining orders, emergency motions, notice of appeal, and motions to proceed in forma pauperis, Registered Users shall not be permitted to file in the clerk’s office. See Section 8 within these guidelines.

2.4.1 Notice of Appeal – Whether you are a Registered User or not, all Notices of Appeal shall be filed in the clerk’s office to ensure the proper calculation of the filing fee.

2.4.2 Residential Property – Eviction for Nonpayment of Rent – Attorneys who are granted a waiver pursuant to Art. X, Rule 3(c) of the Rhode Island Supreme Court Rules Governing Electronic Filing and self-represented litigants who do not elect to electronically file pursuant to Art. X, Rule 3(b) shall file the Complaint for Eviction for Nonpayment of Rent in the clerk’s office.

2.5 Consent to Electronic Service – In accordance with Article X, Rules 3(a) and 6(b) of the Rhode Island Supreme Court Rules Governing Electronic Filing, upon the initiation of a case and/or upon submission of an entry of appearance in a matter, Registered Users are deemed to consent to receive electronic service of all documents through the EFS.

2.5.1 Attorneys Waived From Using the EFS – Attorneys who are granted a waiver in accordance with Article X, Rule 3(c) shall file a copy of the Order with the filing of all pleadings.

2.6 Case Service Contacts List – Registered Users must:

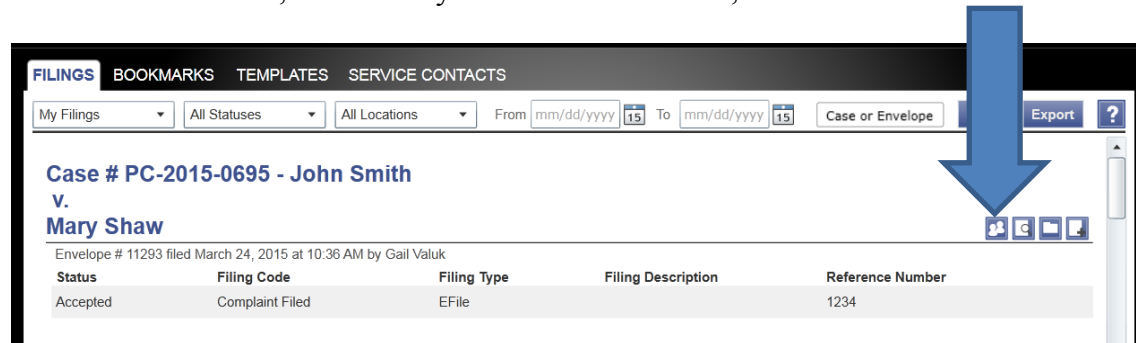
- (A) File an Entry of Appearance (see Section 4.8 within these guidelines) in each case if the Registered User is an attorney; and
- (B) Register their contact information in each case on the EFS.

These are two (2) separate requirements that need to be performed.

A Registered User is required to enter the Registered User's own contact information in the "Case Service Contacts" list in the EFS in each individual case to ensure receipt of service of any documents. The "Case Service Contacts" list is different from the "Firm Service Contacts" list which allows a law firm to maintain a list of attorneys registered for eFiling but does not attach listed attorneys to any specific case.

To register the contact information in the EFS on a case:

1. Click on the icon, indicated by the blue arrow below, for “Service Contacts.”



2. Click on “Add New” or “Add From Master List” to register the contact information on the case in the EFS.



Registered Users should not enter contact information for opposing Registered Users on the case in the EFS. If a Registered User should enter the incorrect contact information for an opposing Registered User, only the Registered User who originally entered the incorrect contact information can edit that information in the “Case Service Contacts.” For this reason, if an opposing Registered User has not entered the contact information in the EFS on a case, the opposing Registered User should be contacted and asked to do so. The “Case Service Contacts” is a requirement for proper service through the EFS.

### 3. Public Access Portal

- 3.1 Public Access Portal - The Public Access Portal is a separate system from the EFS and is the point of entry for electronic access to case information from the Judiciary’s database whether at the courthouse or remotely. The database is an electronic collection of court records displayed as a register of actions or docket sheet. The register of actions or docket sheet lists parties, case events, document filings, or other activities in a case in chronological order.

### 4. Format and Submission of Documents

- 4.1 Document Type - All documents must be filed in a searchable portable document format (PDF or PDF-A) and completed in full. Fillable PDFs will not be accepted as the EFS does not support them. The documents must be in the correct orientation. For further information relating to the formatting of documents, please refer to the Rhode Island Judiciary Guide to Electronic Filing available on the Judiciary’s website at [www.ri.courts.gov](http://www.ri.courts.gov) under the heading of Electronic Filing.
- 4.2 Submission of Filing - To file a document, the Registered User must electronically submit the document to the CMS by means of the EFS. The document will then immediately be assigned an envelope number. The clerk’s office will review the submission and, if the submission is in order, the submission will be accepted and the Registered User will receive electronic notice of the acceptance. For further information relating to the review of submitted documents by the clerk’s office, please refer to the Rhode Island Judiciary Guide to Electronic Filing available on the Judiciary’s website at [www.ri.courts.gov](http://www.ri.courts.gov) under the heading of Electronic Filing.
- 4.3 Labeling of PDF Files – All PDF files must be labeled with specificity. For example, Plaintiff [Name]’s Motion for Summary Judgment Against Defendant [Name].
- 4.4 Caption of Pleadings – Pursuant to D.C.R. 10(a), “[i]n the complaint, the title of the action shall include the names of all the parties, but in other pleadings it is sufficient to state the name of the first party on each side with an appropriate indication of other parties.”

- 4.5 Electronic Filing of Documents - When using the EFS:
- 4.5.1 Case Initiating Document(s) - A Case Initiating Document(s) is the first document(s) filed in a case. All Case Initiating Document(s), including any required documents, attachments, or exhibits, shall be submitted individually as separate files within the same initial submission or filing;
  - 4.5.2 All Other Pleadings - All subsequent pleadings, motions, and other papers, shall be submitted individually with related documents submitted as separate files within the same submission or filing (for example, a motion and memorandum or other supporting attachments or exhibits filed in support of a motion); and
  - 4.5.3 Categories of Items - Categories of items such as bills, receipts, invoices, photographs, etc. may be submitted in one attachment.
- 4.6 Lead Documents and Additional Attachments - The basic rule of thumb is that anything that will be docketed separately should be in its own PDF file. As an example, if an answer is being efiled with a motion, each pleading needs to be a separate filing but can be sent in the same envelope by using the “Add Another Filing” function in the EFS. The EFS creates an event and attaches the document(s) in the CMS for each efile. A listing of the complaint, petition, or application types and the required documents is attached hereto as Appendix A.
- 4.6.1 Distinct Documents - Distinct documents, such as an Entry of Appearance or a Proof of Service should not be combined with another document into a single PDF file.
- 4.7 Requirements for Efiling Subsequent Pleadings, Motions, and Other Papers – Certain pleadings, motions, and other papers have efile requirements as set forth in Appendix B attached hereto.
- 4.8 Entry of Appearance - When a Registered User files an Entry of Appearance in a case, the attorney shall file the document through the EFS. Once accepted, the clerk’s office will enter the attorney in the case management system for every party that the attorney is representing in a case.
- 4.8.1 Filing of Case Initiating Document(s) - An Entry of Appearance is not required when filing Case Initiating Document(s). If there is more than one attorney representing the Plaintiff, each subsequent attorney shall file an Entry of Appearance. The most current Entry of Appearance form is located on the Judiciary’s website at [www.courts.ri.gov](http://www.courts.ri.gov) under the heading of Public Resources, Forms.
  - 4.8.2 Responsive Pleadings - An Entry of Appearance is required to be filed with the first responsive pleading.

## 5. Review of Document Once Submitted

- 5.1 Review by Clerk - Documents submitted through the EFS will be reviewed by the clerk's office for completion before acceptance in the CMS. Documents submitted after 4:00 p.m. will be processed the following day. If a filing is accepted by the court but due to the Judiciary's network failure the CMS generated form is not available on the Public Access Portal until a later time, any time frame computations would be calculated from the time of acceptance by the court.
- 5.2 Compliance - Documents will not be reviewed for compliance with state and federal law, court rule, court order, or case law designating information or documents as non-public.
  - 5.2.1 Non-public Information - It is the responsibility of Registered User to ensure that non-public information or personal identifying information is appropriately redacted prior to filing and that a document deemed in its entirety to be non-public information is appropriately checked as "confidential" in the EFS.
  - 5.2.2 Redacted Documents - When filing a redacted document, the Registered User must file the redacted version of the document as the lead document and the non-redacted version marked "confidential" as an attachment.
  - 5.2.3 Non-public Documents – When filing a document that is deemed non-public in its entirety, the Registered User need not submit a redacted version of the document.
  - 5.2.4 Changing Classification of a Document - The clerk's office will not change the classification of a document from public to confidential absent a court order.
  - 5.2.5 Further Information Regarding Non-public Documents - For further information regarding the submission of non-public documents, documents containing non-public information, or personal identifying information, please see Rule 8 of Article X of the Supreme Court Rules Governing Electronic Filing and Rule 4 of the Rhode Island Judiciary Rules of Practice Governing Public Access to Electronic Case Information.
- 5.3 Rejection of Documents - In accordance with D.C.R. 1(b)(4), documents will be rejected under the following circumstances:
  - 5.3.1 No Signature – Pleadings filed without a conventional signature where required;
  - 5.3.2 Required Documents - Pleadings filed without the required documents as set forth in Appendix A attached hereto;

- 5.3.3 Electronic Filing of Documents - Pleadings not filed in accordance with D.C.R. 1(b)(3);
- 5.3.4 Discovery Requests - Discovery requests and responses not filed in accordance with D.C.R. 5(d);
- 5.3.5 Orientation of the Scanned Document – Documents, including any required documents, attachments, or exhibits, scanned in the wrong orientation, e.g., upside down or backwards;
- 5.3.6 Unreadable Documents – Documents scanned and filed that are unreadable or illegible;
- 5.3.7 Fillable PDFs – The EFS does not support the submission of fillable PDFs; and/or
- 5.3.8 Fees not Paid – Fees not paid on requested executions and citations;
- 5.4 Notification - Notification to the Registered User as to whether the filing is accepted or rejected will be sent to the Registered User through the EFS. For further information regarding the review process and the status of submitted documents, please refer to the Rhode Island Judiciary Guide to Electronic Filing available on the Judiciary’s website at [www.courts.ri.gov](http://www.courts.ri.gov) under Electronic Filing.
- 5.5 Rejected Filings
  - 5.5.1 Rule for Resubmission of Rejected Filing - Pursuant to Article X, Rule 5 of the Supreme Court Rules Governing Electronic Filing, “[a] rejected filing shall be promptly corrected and resubmitted and shall be deemed to have been submitted and filed on the initial filing date for purposes of any statutory or rule-based deadline.”
  - 5.5.2 Statute of Limitations – **When the resubmission is filed after the statute of limitations because of a court rejection, the Registered User shall submit a new filing, type “Envelope [put in number] resubmission” (indicating the filing which was previously rejected by the court) in the “Filing Comments,” and attach a copy of the previously rejected submission details.** Once confirmed, the administrator, or his or her designee, of each court shall change the event date in the CMS and ensure that both the original (rejected) document and the submitted accepted document are attached to the event for judicial review.

The screenshot displays a web interface for filing documents. At the top, there is a dropdown menu for 'Select Filing Code\*' with 'Complaint Filed' selected, and a checked 'EFile' option. Below this is a 'Filing Description' field. The 'Reference Number\*' is '1234'. The 'Documents' section contains two items: a 'Lead Document\*' named 'Complaint.Test.pdf' (32.2 kb) and an 'Attachment' named 'Envelope 3257 Resubmission.Test.pdf' (292.1 kb). Both documents have a 'Description' field and a 'Confidential' checkbox. A dashed box labeled 'Add More Documents' is positioned between the two documents. At the bottom, the 'Filing Comments' section contains the text 'Envelope 3257 resubmission'. Three blue arrows point from the document descriptions to the comment field.

## 6. Service of Process and Issuance of Summonses

### 6.1 Service of Process

- 6.1.1 Case Initiating Document(s) – Registered Users shall submit all filings, including Case Initiating Document(s), through the EFS. Case Initiating Document(s) such as subpoenas and summonses with complaints, petitions, or other documents that are required by statute or court rule to be hand-delivered, delivered in person, or mailed cannot be electronically served.
- 6.1.2 All Other Documents – Documents that are not required by statute or court rule to be hand-delivered or delivered in person shall be electronically served on Registered Users through the EFS.
- 6.1.3 Service on a Non-registered User – Service of all documents shall continue in the manner as provided for in D.C.R. 5.

### 6.2 Issuance of Summons - The summons shall be issued in the following manner:

- 6.2.1 Registered Users - For attorneys and self-represented litigants who are Registered Users, a summons shall be generated by the clerk's office and attached to the case following the acceptance of the complaint or motion for post final judgment relief, and all other required documents by the court. Registered Users can retrieve the summons through the Public Access Portal;
- 6.2.2 Incarcerated Individuals - For incarcerated individuals, a summons shall be generated electronically by the clerk's office and mailed to the individual upon the acceptance of the complaint or motion for post final judgment relief, and all other required documents by the court; and



6.2.3 Non-registered Users - For attorneys who are granted a waiver pursuant to Art. X, Rule 3(c) of the Rhode Island Supreme Court Rules Governing Electronic Filing and self-represented litigants who do not elect to electronically file pursuant to Art. X, Rule 3(b):

- (A) A summons shall be generated electronically by the clerk's office and handed to the Non-registered User at the time of filing the complaint or motion for post final judgment relief, and all other required documents at the clerk's office;
- (B) If the complaint or motion for post final judgment relief, and all other required documents are mailed to the clerk's office, a summons shall be generated electronically by the court and mailed to the Non-registered User if a self-addressed envelope is included; or
- (C) If the complaint or motion for post final judgment relief, and all other required documents are mailed to the clerk's office, a summons shall be generated electronically by the court and the Non-registered User may obtain the summons at the clerk's office.

6.3 Preparation of Documents - The party requesting a summons or writ is responsible for preparing all copies required for service of the summons or writ along with the accompanying complaint, petition, or application, motion, Language Assistance Notice, and other required documents in accordance with D.C.R. 4.

6.4 Delivery of Documents - The party requesting a summons or writ is responsible for delivering the summons, complaint, petition, or application, writ, motion, Language Assistance Notice, and any other required documents and copies of those documents to the person authorized to serve process in accordance with D.C.R. 4.

6.5 Proof of Service - The Proof of Service must be efiled by scanning the Proof of Service in accordance with D.C.R. 4(h) prior to the hearing date.

## 7. Assignment of Hearings, Scheduling, and Notification

7.1 Formal Request for a Hearing - No hearing dates shall be assigned without the acceptance of a formal request for a hearing. The request shall be filed through the EFS.

7.1.1 Undeliverable - If the notice is returned as undeliverable, the case will be annotated appropriately and it will be the responsibility of the filing party to submit an accurate address to the court at the time of the hearing.

7.2 Trial Dates - Civil trial dates shall be assigned in the presence of a judicial officer following submission of a motion to assign trial, which may no longer be entered by rule of court. Trial dates for small claims actions, if timely answered, shall be automatically scheduled by the clerk's office no later than three (3) weeks from the filing of the

answer. Except for small claims actions, party agreements or stipulations for trial dates shall not be submitted to the court. Civil trials can be continued only by approval of a judicial officer.

### 7.3 Continuances on Hearings and Motions

7.3.1 Reassignment of Hearings and Motions – By agreement of all parties, an attorney or self-represented litigant may contact the clerk’s office by telephone to reschedule a hearing or motion date, with the exception of civil trials. A Notice of Reassignment shall be filed with the court with the new hearing or motion date and shall contain a certificate that all parties agreed to the new hearing or motion date. The most current version of the Notice of Reassignment is located on the Judiciary’s website at [www.courts.ri.gov](http://www.courts.ri.gov) under the heading of Public Resources, Forms.

#### 7.3.2 Continuance of Hearings and Motions –

7.3.2.1 By Agreement - To request a continuance by agreement of all the parties, an attorney or self-represented litigant shall contact the clerk’s office five (5) days prior to the scheduled hearing date. The new date being requested must be verified as an available date by the clerk’s office. Upon the new date being verified, the Registered User shall eserve the notice to other Registered Users and serve conventionally on all Non-registered Users. A Notice of Continuation shall be submitted to the clerk’s office through the EFS.

7.3.2.2 No Agreement – To request a continuance without the agreement of all the parties, an attorney or self-represented litigant shall contact the clerk’s office to confirm the date being requested is an available date. The Registered User shall eserve the notice to other Registered Users and serve conventionally on all Non-registered Users giving the opposing party at least ten (10) days’ notice to appear. A Notice of Continuation shall be submitted to the clerk’s office through the EFS.

#### 7.3.3 Citations

7.3.3.1 Service Completed - By agreement of all parties, an attorney or self-represented litigant may contact the clerk’s office by telephone to reschedule a citation hearing date. A Notice of Reassignment shall be filed with the court with the new hearing date and shall contain a certificate that all parties agreed to the new hearing date. The most current version of the Notice of Reassignment is located on the Judiciary’s website at [www.courts.ri.gov](http://www.courts.ri.gov) under the heading of Public Resources, Forms.

- 7.3.3.2 Service not Completed - In the event that service cannot be made, the citation must be returned to the court, cancelled, and a new citation will be issued.
- 7.3.4 Small Claims - By agreement of all parties, an attorney or self-represented litigant may contact the clerk's office by telephone to reschedule a small claims trial date. A Notice of Reassignment shall be filed with the court with the new small claims hearing date and shall contain a certificate that all parties agreed to the new trial date. The most current version of the Notice of Reassignment is located on the Judiciary's website at [www.courts.ri.gov](http://www.courts.ri.gov) under the heading of Public Resources, Forms.
- 7.4 Time Sensitive Hearing Dates - Hearing dates that are time sensitive and require a specific time frame to be heard shall be scheduled from the date of acceptance by the court and not from the date of submission by the Registered User (e.g., Nine (9) Day Evictions).
- 7.5 Writs - Citations in Supplementary Proceedings may no longer be corrected on the document to reflect a new hearing or return date. In the event that service cannot be made, the writ must be returned to the court, cancelled, and a new writ will be issued.
  - 7.5.1 Writ of Attachment
    - 7.5.1.1 Filing – In the EFS, select “Request for Writ of Attachment” under “Select Filing Code.” The Writ of Attachment (lead document) and the Notice to the Employer (Trustee/Garnishee) (attachment) should be filled out and filed with the court. The most current Writ of Attachment and Notice to Employer (Trustee/Garnishee) forms are located on the Judiciary's website at [www.courts.ri.gov](http://www.courts.ri.gov) under the heading of Public Resources, Forms. **DO NOT SIGN OR FILL IN THE INFORMATION FOR THE CLERK ON THESE FORMS.**
    - 7.5.1.2 Court Review – When a request for a Writ of Attachment and Notice to the Employer (Trustee/Garnishee) is submitted for review, upon acceptance, the court will date, sign, and place a seal of the Rhode Island Judiciary next to the clerk signature on both the Writ of Attachment and the Notice to the Employer (Trustee/Garnishee).
    - 7.5.1.3 Notification - Registered Users can retrieve the executed Writ of Attachment and the Notice to the Employer (Trustee/Garnishee) on the Public Access Portal.
    - 7.5.1.4 Proof of Service – After service has been completed, the Registered User shall file the entire document (all four (4) pages which include the Writ of Attachment and the Proof of Service) with the court through the EFS.

## 7.6 Scheduling of Motions

- 7.6.1 Motion Date – All motions shall contain a hearing date selected by the Registered User placed on the top, right-hand corner of the document above the case number. If the calendar is full on the requested date by the Registered User, the clerk’s office shall schedule the motion for the next available date. Registered Users can retrieve the motion date through the Public Access Portal.
- 7.6.2 No Motion Date – If a motion does not contain a hearing date or an incorrect hearing date, the clerk’s office shall schedule the motion for the next available date. Registered Users can retrieve the motion date through the Public Access Portal.
- 7.6.3 Rescheduling of Motions - Motions shall be rescheduled in accordance with section 7.3.1 within these guidelines.

## 8. Filing Documents Subsequent to the Initial Filing

- 8.1 Filing of Documents - Whether the attorney or the self-represented litigant is a Registered User or not, all domestic abuse complaints, temporary restraining orders, emergency motions, and motions to proceed in forma pauperis shall be filed at the clerk’s office. All other documents shall be filed through the EFS.
- 8.2 Address Verification Form - The Plaintiff’s attorney or the self-represented litigant is required to submit this form when filing the first subsequent pleading in a case that existed prior to November 5, 2014. The form provides the name and most current address information for all the parties on the case. The address information will be entered into the case management system.
- 8.3 Waiver of Fees - Motion to Proceed in Forma Pauperis
  - 8.3.1 Attorneys and Self-represented Litigants - Whether the attorney or the self-represented litigant is a Registered User or not, if he or she seeks to have the court waive the cost of service of process and filing fees, the attorney or the self-represented litigant must file a Motion to Proceed in Forma Pauperis, Order, and Affidavit in Support of Motion to Proceed in Forma Pauperis at the clerk’s office. The most current version of the Motion to Proceed in Forma Pauperis, Order, and Affidavit in Support of Motion to Proceed in Forma Pauperis is located on the Judiciary’s website at [www.courts.ri.gov](http://www.courts.ri.gov) under the heading of Public Resources, Forms.
  - 8.3.2 Judicial Officer – Motions to Proceed in Forma Pauperis will be referred to a judicial officer for consideration. Whether or not the court grants or denies the motion, the court shall file the Motion to Proceed in Forma Pauperis, Order, and Affidavit in Support of Motion to Proceed in Forma Pauperis in the CMS.

- 8.3.3 Motion Granted - If the Motion to Proceed in Forma Pauperis is granted, the cost of service of process and filing fees shall be waived and attorneys or self-represented litigants shall file the complaint, petition, or application, the in forma pauperis pleadings and order, and any other required documents with the clerk.
- 8.3.4 Motion Denied – If the Motion to Proceed in Forma Pauperis is denied, proper payment shall be made and the Registered User or self-represented litigant shall file the complaint, petition, or application, the in forma pauperis pleadings and order, and any other required documents with the clerk.
- 8.3.5 State Agencies and Rhode Island Legal Services – State agencies and Rhode Island Legal Services are authorized to waive all fees associated with electronic filing. State agencies and Rhode Island Legal Services must select “Waiver” under the “Payment Account” when submitting Case Initiating Document(s). Once the state agency or Rhode Island Legal Services receive a submitted status on the filing, the court shall review and accept or reject the filing.
- 8.3.6 Municipalities – In cases filed under Title 45, Chapter 24.3, Housing Maintenance and Occupancy Code, municipalities are authorized to waive all fees associated with electronic filing. Municipalities must select “Waiver” under the “Payment Account” when submitting Case Initiating Document(s). Once the municipality receives a submitted status on the filing, the court shall review and accept or reject the filing.
- 8.3.7 Volunteer Lawyer Program - Absent a court order allowing the litigant to proceed in forma pauperis, litigants represented by attorneys with the Volunteer Lawyer Program are required to pay court fees.
- 8.4 No Documents Filed on Day of Scheduled Hearing Through the EFS - With the exception of domestic abuse complaints, temporary restraining orders, emergency motions, and motions to proceed in forma pauperis, no documents, including entries of appearance, shall be filed through the EFS to the clerk’s office on the day of the hearing. No parties shall be permitted to file in the courtroom except for matters before the court and at the discretion of the judicial officer.
  - 8.4.1 Review by Clerk - As a general rule, documents will be reviewed by the clerk’s office in a timely manner and entered into the CMS.
  - 8.4.2 Filing of Documents Before Hearing - Documents relating to a scheduled court hearing should be filed a minimum of two (2) business days prior to a hearing.
- 8.5 Domestic Abuse Complaints, Temporary Restraining Orders, and Emergency Motions - Domestic abuse complaints, temporary restraining orders, and emergency motions may be filed at any time.

- 8.5.1 Hearing Dates - A hearing will be scheduled for the day the motion is filed except in exceptional circumstances, then the hearing will be scheduled on the following day.
- 8.5.2 Denied Motions - Domestic abuse complaints, temporary restraining orders, and emergency motions that are denied by a judicial officer will be retained by the clerk for filing.
- 8.6 Trial Exhibits - Trial exhibits shall not be efiled. Unless otherwise ordered by the judicial officer, trial exhibits are to be submitted in the courtroom when offered as an exhibit.
- 8.7 Subpoena Duces Tecum - The clerk's office will not accept documents submitted in response to a subpoena duces tecum. Those documents will either be returned to the sender or destroyed.
- 8.8 Proposed Orders, Judgments, or Decrees – To follow is the procedure for filing a proposed order, judgment, or decree:
  - 8.8.1 Filing and Service - The document(s) are efiled by the Registered User in the EFS as a “Proposed Order” with the clerk's office and eserved on the selected parties listed in the “Case Service Contacts” for that case and served conventionally on all Non-registered Users.
  - 8.8.2 Filing Status - Once the Registered User receives a submitted status on the filing, the clerk's office shall review the filing.
  - 8.8.3 Docket – A proposed order is not a docketable event so the document will not be viewable on the Public Access Portal.
  - 8.8.4 Routing - The filing shall then be forwarded to the appropriate judicial officer for review.
  - 8.8.5 Objection - Pursuant to D.C.R. 77(g), “[w]henver a written order is required by the court, any interested party may file in the clerk's office an order carrying the same into effect with a Certificate of Service in accordance with Rule 1(b)(1)(B) that a copy has been sent to all other parties. If only one (1) order is filed on a particular subject and no objection thereto be filed within four (4) days thereafter, the clerk shall enter the order. If more than one (1) order is filed or if objection be filed by within said four (4) days, the order shall be entered only by the court.”
  - 8.8.6 Judicial Officer Review - The judicial officer may grant, modify, or deny the proposed order.

- 8.8.6.1 Order Granted - If the judicial officer signs the proposed order, the document is sent to the clerk to docket in the CMS. Registered Users can retrieve the order on the Public Access Portal. Non-registered Users can obtain the signed order at the clerk's office.
  - 8.8.6.2 Order Modified – If the judicial officer modifies the proposed order, the document with the modifications is sent to the clerk to docket in the CMS. Registered Users can retrieve the order on the Public Access Portal. Non-registered Users can retrieve the order at the clerk's office.
  - 8.8.6.3 Order Denied – If the judicial officer denies the proposed order, the document is sent to the clerk to docket in the CMS with the reason why it was denied. Registered Users can view that the order was denied on the Public Access Portal. Non-registered Users can view that the order was denied at the clerk's office.
- 8.9 Motions Requesting an In Camera Review with Attached Document(s) – To follow is the procedure for filing a motion requesting an in camera review with the respective attached document(s):
- 8.9.1 Overview – All Motions Requesting an In Camera Review with attached document(s) shall be filed directly with the judicial officer reviewing the matter and not filed through the EFS.
  - 8.9.2 Decision - Once the judicial officer has reviewed the motion and attached document(s), the attached document(s) shall be filed in the CMS in accordance with the judicial officer's decision.
- 8.10 Sealed Cases - Any pleadings that are to be filed into a sealed case shall be filed directly with the clerk's office and not through the EFS.

## 9. Signatures

- 9.1 Signature of Judicial Officer - Documents requiring the signature of a judicial officer shall be submitted through the EFS and shall include a signature line with the judicial officer's title typed below the line as well as a line for the date the document is signed by the judicial officer. The document will be transmitted electronically to the appropriate judicial officer for consideration.
- 9.2 Signature of Clerk - Documents should also include a signature line for the clerk.

## 10. United States District Court for the District of Rhode Island

- 10.1 Notice of Removal - When a party files a Notice of Removal with the United States District Court for the District of Rhode Island (USDC-RI) regarding a District Court

case, the USDC-RI shall send by email a copy of the Notice of Removal to the District Court to be docketed in the CMS. The party shall also file the Notice of Removal with the District Court.

10.2 Court Record – The District Court shall send by email to the USDC-RI in the following order in a PDF file:

- (A) Clerk Certificate;
- (B) Docket sheet; and
- (C) Documents - The documents filed in the case comprising the court record, arranged in the same order as they appear on the docket sheet.

Sealed documents should be clearly identified as such on the pleading itself as well as on the Clerk’s Certificate and should be segregated from the single PDF and transmitted as a separate PDF within the same email.

10.3 Remand – The USDC-RI shall send a copy of the Remand by email to the District Court to be docketed in the CMS.



**APPENDIX A**  
**REQUIRED DOCUMENTS**

**A. COMPLAINT, PETITION, OR APPLICATION TYPES**

**A.1 Civil Action**

**Lead Document:** Complaint, Petition, or Application

**A.2 Evictions – Seven (7) Day – Commercial Property**

**Lead Document:** Complaint

**Required Attachments:** Notice (*if applicable*)

**A.3 Evictions – Nine (9) Day – Residential Property - Eviction for Nonpayment of Rent**

**Lead Document:** Complaint for Eviction for Non-payment of Rent

**Required Attachments:** Five (5) Day Demand Notice

**A.4 Evictions – Twenty (20) Day – Residential Property – Other Than Nonpayment of Rent**

**Lead Document:** Complaint for Eviction for Reason Other Than Nonpayment of Rent

**Required Attachments:** Notice of Termination of Tenancy or Notice of Noncompliance

**A.5 Small Claims**

**Lead Document:** Small Claims Notice of Suit

**Required Attachments:** Proof of Claim

**A.6 Administrative Appeals**

**Lead Document:** Appeal Form

**B. TIMEFRAME FOR SCHEDULING OF DATES**

The clerk's office will schedule a court date for the below case or event types based upon the following schedule:

<b><u>Case or Event Type</u></b>	<b><u>Scheduling Time Frame</u></b>
<b>B.1</b> Application for Citation in Supplementary Proceedings	Four (4) to six (6) weeks from the time of the request
<b>B.2</b> Complaint for Eviction of Non-payment of Rent and Five (5) Day Demand Notice	Nine (9) days from the acceptance of filing
<b>B.3</b> Execution/Citation Request	Four (4) to six (6) weeks from the time of the request
<b>B.4</b> Post-conviction Relief	Upon receiving the criminal case, the hearing will be set ten (10) to fifteen (15) days out
<b>B.5</b> Show Cause Citation	Four (4) to six (6) weeks from the granting of the motion
<b>B.6</b> Small Claims Trial	No more than three (3) weeks from receiving the Defendant's timely answer
<b>B.7</b> Vicious Dog Complaint	Five (5) to ten (10) days from the acceptance of filing

## APPENDIX B

### REQUIREMENTS FOR EFILING SUBSEQUENT PLEADINGS, MOTIONS, AND OTHER PAPERS

- \* **BE SURE THAT THE CASE NUMBER APPEARS ON ALL DOCUMENTS.**
- \* **ALL DOCUMENTS MUST CERTIFY SERVICE TO THE OPPOSING PARTY**

#### DEFENDANT ANSWER

**Lead Document:** Answer

**Add Another Filing:** Entry of Appearance (*if applicable*)

① Parties    ② Filings    ③ Summary

#### Enter Filing Details ?

Add Another Filing



**Select Filing Code\***  
Answer Filed  EFile  Service

Filing Description

**Reference Number\***  
1234

Documents

<b>Lead Document*</b> ⓘ	Answer.Test.pdf 292.1 kb	<input type="checkbox"/> Confidential
Description <input type="text" value="Answer.Test.pdf"/>		

Attachments ⓘ

Filing Comments

Courtesy Copies ⓘ

#### MOTIONS

- When filing a motion, a hearing date must be placed on the top, right-hand corner of the document above the case number. If the calendar is full on the requested date by the Registered User, the clerk's office shall schedule motion for the next available date. Registered Users can retrieve the motion date through the Public Access Portal.

- If a motion is submitted without a hearing date, the clerk's office shall schedule the motion for the next available date. Registered Users can retrieve the motion date through the Public Access Portal.

### **APPLICATIONS AND REQUESTS TO THE CLERK FOR DEFAULT AND DEFAULT JUDGMENT**

**Lead Document:** Application to Clerk for Entry of Default

**Attachment:** Supporting documentation detailing default/judgment amount requested (*if applicable*)

### **COURT GENERATED WRITS**

- With the exception of an execution for possession of a property, only one defendant may be listed on a writ.
- Outstanding writs must be returned through the EFS prior to any subsequent writs being issued.
- A **Writ of Execution and Citation in Supplemental Proceedings** shall be generated for all non-specific requests for execution.
- Citations in Supplementary Proceedings

**Lead Document:** Application for Citation in Supplementary Proceedings

**Add Another Filing:** Return of any outstanding writ, if applicable