

VBA BANKRUPTCY COMMITTEE BENCH-BAR BROWN BAG LUNCH MEETING

with

HON. COLLEEN A. BROWN

United States Bankruptcy Judge, District of Vermont

Tuesday, May 23, 2006

12:30 pm – 2:00 pm

United States Bankruptcy Court
67 Merchants Row, Rutland, Vermont 05701

The topics for this informal discussion will include:

1. Ex Parte Motions: distinction between an ex parte and emergency motion; ex parte motions are those filed w/o notice to any party; serving without notice is essentially impossible in CM/ECF.
2. Modifying Plans – post confirmation vs pre confirmation procedures: motions to modify are only needed post-confirmation; pre-confirmation modifications are addressed by the filing of an amended plan.
3. New Chapter 13 Hearing Schedule: in light of the post-BAPCPA smaller case load, the following matters that were previously set for 3:30 PM should now be set for 2:30 PM on ch 13 days:
 - motions to Dismiss a chapter 12 or 13 case
 - Trustee's Final Report (ch 12 or 13)
 - status hearings
 - pre-trial conferences
 - all miscellaneous motions (i.e., everything other than RFS motions)

NOTE: The CM/ECF table of available hearing times has a complete, updated listing. Any other suggestions for calendar changes, especially in light of BAPCPA changes?

4. Certifications of exigent circumstances regarding credit counseling requirement: Court shall set hearing as soon as possible and set a deadline for responses/objections whenever an app for waiver or extension is filed, to ensure these are handled on an expedited basis.
5. Reaffirmation Agreements: the process is, for now, that any reaffirmation that is filed and fits within one of these categories shall be set for hearing:
 - the debtor is *pro se*
 - the debtor's attorney has not completed and/or signed the certification
 - the math does not add up or show sufficient income to pay reaffirmed amount
 - the application is either incomplete or inconsistent with schedules
6. Monthly statements from banks to debtors: creditors' bar to present proposal for a local rule, articulating the information banks shall provide to debtors post-petition; particularly an issue in ch 13 cases where debtors need to know the post-petition amount due and receive monthly statements showing any activity on acc't over the last month and date and address for payment.

7. Personal identifier data included in filed documents: the burden to redact is on the filer – all personal identifiers should be redacted per local rule; if a debtor files a document that includes personal identity data, the Clerk’s Office will issue a deficiency letter to the debtor and place an electronic access restriction on the unredacted version for a limited time period, *if the Clerk’s Office finds the personal information*; if filer does not amend within the specified time period the restricted access limitation will be removed (per deficiency notice); if another party files a document including such information the Clerk’s Office will notify the party of the need to redact and impose a restriction of access; if that party does not rectify the error the Judge will be notified and she will take such steps the Court deems if appropriate, including a denial of relief (eg., RFS)
8. Certificate of Service :per Rule 8008(d), certificates of service must identify who is being served, at what address each party was served, the date and the means of service; an indication that the filer served all parties listed on the PACER mail matrix as of a certain date is **not** sufficient.
9. Proposed ch 13 Model Plan : Jan Sensenich has made a proposal that is now under consideration by Court and Clerk’s Office; if anyone has specific suggestions, please see Jan
10. CM/ECF tip of the day
11. Any other topic raised at the meeting

***These Bench-Bar Lunches are coordinated by the
Bankruptcy Court Clerk’s Office.***

Questions: Call Thomas J. Hart at 802-776-2002

No fee, no pre-registration required.

Soft drinks and bottled water will be provided.