

UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT

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Clerk of Court
Thomas J. Hart

August 10, 2004

John J. Kennelly, Esq., Chair,
Bankruptcy Law Committee of the
Vermont Bar Association

Members of the
Bankruptcy Law Committee

Friends and Users of the Court

RE: Revision of the Vermont Local Bankruptcy Rules

Greetings Attorney Kennelly, members of the VBA Bankruptcy Law Committee, and Friends and Users of the United States Bankruptcy Court for the District of Vermont:

I am pleased to announce that the Court will be updating and revising the Local Bankruptcy Rules that were issued October 17, 2001. Now that the Court and the bankruptcy bar have had almost three years to work with the Local Rules, Judge Brown believes some fine-tuning is in order and the comments we have received from some practitioners indicate the same. The Judge views this revision project as a joint venture between the Court and its users. Therefore, this letter is also a call for comments and suggestions.

The Court envisions three types of revisions to the Local Rules. First, we will incorporate all Standing Orders which were issued after October 17, 2001 into the text of the revised Local Rules. Second, we will revise those Rules that the Court believes are in need of clarification and/or revision, or which you persuade the Court need clarification and/or revision. For example, the Court has already identified a need to clarify Vt. LBR 4001-2 [cash collateral] and Vt. LBR 9013-1 [motion practice], and a need to expand Vt. LBR 4001 to include a subsection on § 363 sales (to specify the requirements of a sale motion under § 363 and the contents of the corresponding proposed order). Third, the Court plans to revise the Local Rules to address the requirements and protocols associated with practicing in an electronic court. The Court also intends to add appendices to the Local Rules which will include a "Noticing Reference Guide" (initiated by inquiries from the bar) and local forms (such as the Pre-Trial Statement, the Rule 9014(e) Notice and the Rule 7026(f) Scheduling Order). It is the Court's goal to use this opportunity to make the Local Rules clearer, more complete, and more user-friendly.

We desire, encourage and invite your participation in this process. However, because of budget constraints, we have staff to complete this project only through the end of September 2004. Thus, we need to accomplish this revision project on an expedited basis. As noted above, the Court has an outline for the types of revisions to be made, but it would like input from court users before the drafting of the revised Local Rules gets too far along. The actual drafting of the revisions will begin September 7, 2004 and must be completed by September 30, 2004. Therefore, **it is imperative that anyone who has comments and/or suggestions forward them to the Court by September 10th** at the latest. (The earlier, the better!) We would prefer written comment/suggestions, but also understand that some people may be more comfortable – or believe it would be more effective – for them to convey their ideas, concerns or suggestions verbally. Judge Brown’s current law clerk, Pat Killigrew, will be the point person for the project and, to the extent time allows, she would be happy to meet with the Bankruptcy Law Committee as a group, or to meet with individual attorneys, to get input on the revisions. The Court will be employing Ms. Killigrew for the month of September exclusively to work on this Local Rule revision project.

Thank you in advance for your help and support in this project. We look forward to hearing from you. Please feel free to call Pat Killigrew or me with any questions or suggestions you have, or to set up an appointment to talk about a potential rule revision. Through September 3, 2004 Pat may be reached at 802.770.5086, ext. 202. Effective September 7, 2004 Pat may be reached at 802.776.2039. Her e-mail address will remain the same, patricia_killigrew@vtb.uscourts.gov.

Sincerely,

/s/

Thomas J. Hart
Clerk of the Court