

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF VERMONT**

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In re:

**MODIFICATION OF  
THE LOCAL RULES OF PRACTICE AND  
PROCEDURE IN BANKRUPTCY COURT,  
DISTRICT OF VERMONT**

**STANDING ORDER # 18-02**

**TO CLARIFY WHEN THE CLERK OF THE COURT  
SHALL RETAIN OFFICIAL FORM 121,  
REVISING VERMONT LOCAL BANKRUPTCY RULES  
1007-1, 5003-1, AND 9011-2.**

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It has come to the Court's attention that certain of the Vermont Local Bankruptcy Rules are inconsistent with respect to who should retain Official Forms 121, i.e., the "Statement About Your Social Security Numbers."

Local Bankruptcy Rules 1007-1(f)(4) and 9011-2(b) both impose upon *pro se* debtors the duty to retain their completed and signed Official Forms 121 for at least 5 years:

**Vt. LBR 1007-1. LISTS, SCHEDULES, STATEMENTS, AND OTHER REQUIRED DOCUMENTS;  
TIME LIMITS.**

...

**(f) Official Form 121, Statement About Your Social Security Numbers.**

...

- (4) If the debtor is *pro se*, in addition to complying with the other requirements of this Rule, the debtor must retain the completed and signed Official Form 121 for at least 5 years in accordance with Vt. LBR 9011-2(b).

**VT. LBR 9011-2. PRO SE PARTIES – REQUIREMENTS, RETENTION OF DOCUMENTS,  
USE OF CM/ECF.**

...

**(b) Pro Se Party's Duty to Retain Originals of Documents Submitted by E-Mail for Filing.**

The *pro se* party must retain for 5 years the originals of any documents they submit, by email, to the Clerk, for filing. On request or order of this Court or any other court, the *pro se* filer must provide original, signed documents for review.

By contrast, however, Local Bankruptcy Rule 5003-1 requires the Clerk of Court to retain, for a minimum of 5 years, every Official Form 121 that is submitted in this District.

**Vt. LBR 5003-1. Clerk – Duty to Maintain Records.**

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**(b) Official Form 121, Statement About Your Social Security Numbers.**

The Clerk retains every Official Form 121 that parties submit for a minimum of 5 years. The Official Form 121 is not to be filed, and therefore will not become part of, any bankruptcy case record.

THE COURT FINDS the Clerk of the Court is in a better position than *pro se* parties to retain and maintain documents related to bankruptcy cases and therefore modifies the Local Rules to clarify that it is the Clerk who shall be required to retain, for at least 5 years, every Official Form 121 that is submitted in this District – whether by a *pro se* or represented party. See also Vt. LBR 1007-1(f)(2) and 1009-1(e)(1)(A).

Therefore, IT IS HEREBY ORDERED that (i) Vermont Local Bankruptcy Rule 1007-1(f)(4) is stricken, and (ii) an exception is inserted into Vermont Local Bankruptcy Rule 9011-2(b) to relieve *pro se* parties of the duty to retain Official Bankruptcy Form 121. The latter Local Bankruptcy Rule will henceforth read:

**VT. LBR 9011-2. PRO SE PARTIES – REQUIREMENTS, RETENTION OF DOCUMENTS, USE OF CM/ECF.**


...

**(b) Pro Se Party's Duty to Retain Originals of Documents Submitted by E-Mail for Filing.**

The *pro se* party must retain for 5 years the originals of any documents they submit by email, to the Clerk, for filing. On request or order of this Court or any other court, the *pro se* filer must provide original, signed documents for review. However, the *pro se* parties need not retain any Official Form 121 they submit.

SO ORDERED.

February 13, 2018  
Burlington, Vermont

  
Colleen A. Brown  
United States Bankruptcy Judge