

VBA BANKRUPTCY LAW SECTION
Bench-Bar Brown Bag Lunch Meeting
with Hon. Colleen A. Brown, U.S. Bankruptcy Judge

Tuesday, October 20, 2009 ~ 12:00 pm – 1:00 pm

United States Bankruptcy Court, Rutland

~ Participation may be in person, by telephone or via video-conference ~
VIT sites – Williston II, Waterbury, White River Junction, Lyndonville

I. CLERK'S OFFICE ANNOUNCEMENTS

1. Changes in the Computation and Length of Certain Rule Time Periods: Kathy Ford
Congress has enacted technical amendments to the Bankruptcy Code and Rules, Robin Barovick
changing certain time periods. The amendments take effect on December 1, 2009.
In each case, the amendment changed a statutory five-day period to seven days,
and made most time periods multiples of 7.
(See attached chart)
2. Scanner Settings for Documents filed via CM/ECF: Kathy Ford
Clerk's Announcement 09-01 dated 8/14/09 (copy attached)
3. Now Scheduling VTB Hearings for 2010 Tom Hart
List of hearing dates for 2010 will be posted on the web soon.
4. Survey on Attorney/Trustee manual: Thank you for your candid feedback. Kathy Ford
We have made some changes based on your suggestions.
http://www.vtb.uscourts.gov/atman/external/AttorneyTrustee_Manual.htm
5. Procedure for Court COOP and Hearings in Event of H1N1 Outbreak Tom Hart
Requirements for remote participation will be relaxed, to extent possible,
in event attorney or party has H1N1 symptoms; hearings may be staggered
or rescheduled; goal will be to operate in a way that minimizes the spread of
disease without diminishing quality of, or access to, justice in this Court.
6. VTB Statistics for 2009 Year to Date (attached) Gary Gfeller
7. Update on Court Renovations Tom Hart
We expect there will be renovations to USPO courtroom in Rutland during the
spring of 2010. During the renovations, VTB will hold its hearings in the Opera
House courtroom. VTB hearings in Burlington will continue to be held in the
2nd floor courtroom; renovation plans for Burlington are still in the planning stage.

II. DISCUSSION TOPIC

8. Feedback regarding remote participation at hearings. Everyone
Seeking observations, suggestions and input how to make best use of remote
participation in bankruptcy court hearings, via telephone and video conferencing.
What works? What could be improved?

III. ADDITIONAL TOPICS FROM THE BAR

9. Program re Federal HAMP and HARP Programs – 11/20/09 – Poughkeepsie, NY
(flyer attached)
10. 48-Hour Rule re Filing of Last Minute Docs re Conf Hrgs [Vt LBR 3015-2(d)] M. Kainen
Filings Considered in Connection with the Confirmation Hearing.
Unless the information necessary to file a document was not available prior to the § 341 meeting of creditors, no document filed later than two (2) business days before the confirmation hearing will be considered by the Court in connection with the confirmation hearing; such a document shall be considered a tardy filing and the confirmation hearing shall proceed as if that document had not been filed. Thus, for example, the filing of objections or amended plans as late as the day of the confirmation hearing, where the relevant information for such documents was first disclosed at or after the § 341 meeting of creditors on the day of the confirmation hrg, will be considered by the Court (even though filed less than two (2) business days before the confirmation hrg). Conversely, where other documents that could have been filed at least two (2) business days before the confirmation hearing (because their filings were not dependent on the § 341 meeting of creditors), were not filed in a timely fashion, the Court will not consider them in connection with the confirmation hearing.
(Note: Giving advanced notice to the Clerk's Office, the Courtroom Deputy, and/or the Chapter 13 trustee that a party intends to file a document late does not excuse compliance with this Rule and does not constitute cause to treat the filing as timely.)
11. Annual Holiday CLE Program (December 11th at Quechee Club) M. Kainen
Mark your calendars!
12. New Items of Interest Anyone

These Bench-Bar Lunches are coordinated by the Bankruptcy Court Chambers and Clerk's Office. Questions? Call Thomas J. Hart at 802-776-2002 or e-mail him at Thomas_Hart@vtb.uscourts.gov
No fee, no pre-registration required. Soft drinks and bottled water will be provided.

Bankruptcy Rule	Time Period to	# of days Pre-12/1/09	# of days POST 12/1/09
1007(a)(2)	File address list in involuntary case (D duty)	15	14
1007(a)(3)	File list of equity security holders in ch 11 case (D duty)	15	14
1007(c)	File schedules & statements in a voluntary and involuntary case	15	14
1007(f)	File statement of social security number	15	14
1007(h)	File supplemental schedule of interests acquired	10	14
1011(b)	Present objections/defenses to involuntary or cross-border case	20	21
1019(5)(A)(i)	File schedule of unpaid debts post conversion from ch 11 or ch 12 to ch 7	15	14
1019(5)(B)(i)	File schedule of unpaid debts post conversion from ch 13 to ch 7	15	14
1020(a)	File statement or whether D is a small business D in invol. Ch 11 case	15	14
2002(a)	Serve all notices that were previously 20 day notices	20	21
2002(b)	Serve all notices that were previously 25 day notices	25	28
2002(o)	File notice of order for relief in consumer case	20	21
2002(q)(1)	File notice of petition for recondition of foreign proceeding	20	21
2003(a)	Meeting of creditors to be held no fewer than 21 days	20	21
2003(d)(2)	File report of disputed election	10	14
2006(c)(1)	Notice for authorized solicitation of proxy	5	7
2007(b)(1)	Request for election of trustee in ch 11 case	5	7
2007.2(a)	Appointment of patient care ombudsman in health care business cases in ch 7, 9, 11	20	21
2008	File rejection of selection as trustee	5	7
2015(a)(6)	File report w/UST in ch 11 case if order or relief is after 15 th day of a calendar month	20	21
2015(d)	Foreign representative to file any notice required under §1518 of the code	15	14

	after the representative becomes aware of the information		
2015.1(a)	Notice required of patient care ombudsman before making a report under §333(b)(2) of the code	10	14
2015.1(b)	Hearing notice necessary for authorization to review confidential patient records	15	14
2015.2	Notice required of Trustee for the transfer of patient in health care business care	10	14
2015.3(b)	Time for filing; service of reports of financial information when a ch 11 estate holds a controlling or substantial interest	5	7
2016(b)	File disclosure of compensation paid to attorney for debtor	15	14
2016(c)	File disclosure of compensation paid to bankruptcy petition preparer	10	14
3001(e)(2)	Time to object to transfer of claim other than for security	20	21
3001(e)(4)	Time to object to transfer of claim for security after proof filed	20	21
3015(b)	File ch 13 plan after initial filing or conversion	15	14
3015(g)	Notice for objections to plan modification post-conf.	20	21
3017(a)	Notice for hearing on disclosure statement & objections in ch 11	25	28
3017(f)(1)	Notice for time to file objections and hearing on confirmation of ch 11 plan	25	28
3019(b)	Notice for modification of ch 11 plan post-conf. in individual debtor case	20	21
3020(e)	Stay of confirmation order in ch 11 case	10	14
4001(a)(3)	Stay period of RFS order	10	14
4001(b)(2)	Hearing on motion to use cash collateral	15	14
4001(c)(2)	Hearing on motion for authority to obtain credit	15	14
4002(b)(4)	Time period for creditor to request debtor's tax returns prior to meeting of creditors	15	14

4004(a)	Time for noticing complaint objecting to discharge in ch 11 case	25	28
6003	Court shall not grant relief w/in 21 days after the filing of petition; application under Rule 2014, motions for use, sale or lease of property and motions for assumption or assignment of executor contracts	20	21
6004(b)	Time period for objection to proposed use sale or lease of property prior to hearing	5	7
6004(d)	Time period to file and serve objection to sale of property	15	14
6004(g)(2)	Appointment of consumer privacy ombudsman	5	7
6004(h)	Stay of order authorizing use, sale or lease of property	10	14
6006(d)	Stay of order authorizing the Trustee to assign an executory contract or unexpired lease	10	14
6007(a)	Time to file objection to notice of abandonment	15	14
7004(e)	Time limit for service of summons	10	14
7012(a)	Time to respond to cross-claims and counter-claims;	20	21
	Time to serve responsive pleadings	10	14
8001(f)(3)(D)	File a response to request for certification or cross-request	10	14
8001(f)(4)(B)	File a supplementary short statement of basis for certification	10	14
8002(a)	File notice of appeal	10	14
8002(b)(4)	File rule 9024 motion post judgment	10	14
8002(c)(2)	File request to extend time for notice of appeal	20	21
	Period of time from entry of order granting extension motion	10	14
8003(a)	File answer in opposition to leave to appeal	10	14
8003(c)	File motion for leave to appeal after appeal denied as improperly taken	10	14
8006	Time for appellee to file and serve designation of addtl. items to be included	10	14

	in the record on appeal, etc.		
8009(a)(1)	Appellant to file and serve designation of items and statement of issues	15	14
8009(a)(2)	Time to file appellee brief	15	14
8009(a)(3)	Appellant's time to file and serve reply brief	10	14
8015	Time to file motion for rehearing	10	14
8017(a)	Stay of judgment on appeal	10	14
9006(d)	Time for filing written motions prior to hearing unless a different time period is fixed by the rules or by order of the court	5	7
9027(e)(3)	Time for filing statement admitting or denying any allegations in a notice of removal	10	14
9027(g)	Time for defendant to answer or present other defenses or objections under rules of Part VII in a removed action in which the defendant has not answered	20	21
	Time for defendant to answer following filing of notice or removal if date is later than above	5	7
9033(b)	Time for serving and filing objections to proposed findings of facts and conclusions of law and time for response period thereafter	10	14
9033(c)	Time for filing a request to extend time to proposed findings of fact and conclusions of law after the expiration of the time for filing objections upon showing of excusable neglect	20	21

UNITED STATES BANKRUPTCY COURT
District of Vermont

Thomas J. Hart
Clerk of Court

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Rutland, VT 05702-6648
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(802) 776-2020 Fax
www.vtb.uscourts.gov

TO: Court Users
FROM: Thomas J. Hart
DATE: August 14, 2009
RE: Scanner Settings for Documents Filed via CM/ECF

**CLERK'S
ANNOUNCEMENT
09-01**

This announcement pertains to documents that are scanned in PDF format and filed with this court via the Case Management/Electronic Case Filing (CM/ECF) system. **Effective immediately, the scanner setting for documents filed with this court must be at a resolution of 300 pixels per inch (ppi)¹ or higher**, rather than at 200 ppi as we had previously suggested. Using the 300 ppi setting will help ensure archival quality of electronically filed documents.

The Administrative Office of the U.S. Courts (AO) has been working with the National Archives and Records Administration (NARA) regarding archival preservation and continued use of the scanned images in the Judiciary's CM/ECF system. We are asking for your assistance in this effort.

In 2001, the AO evaluated various methods for producing PDF documents. Stressing the importance of finding a scanning resolution that would produce a high quality document with a file size that would not hamper the length of time it took to scan, load, and retrieve documents, a resolution of 200 ppi was recommended. This became the basis for attorney guidance and scanning requirements in most courts. Since that time, however, NARA has published higher standards for scanning resolution, which better support archival preservation.

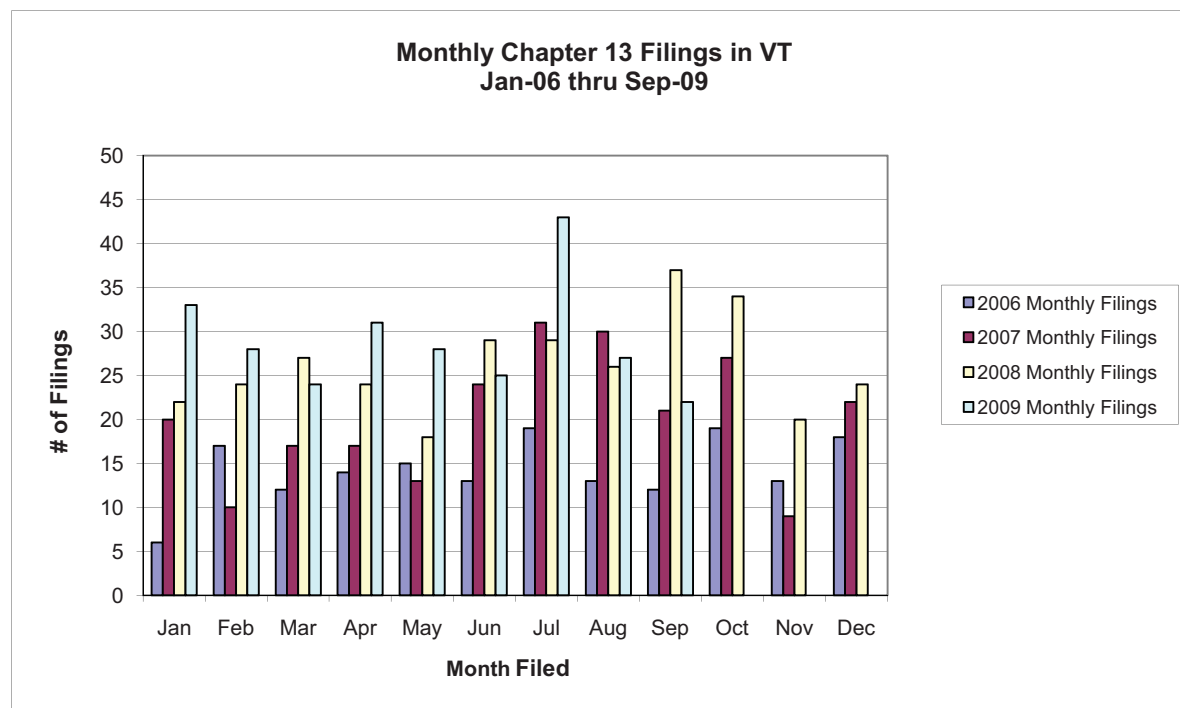
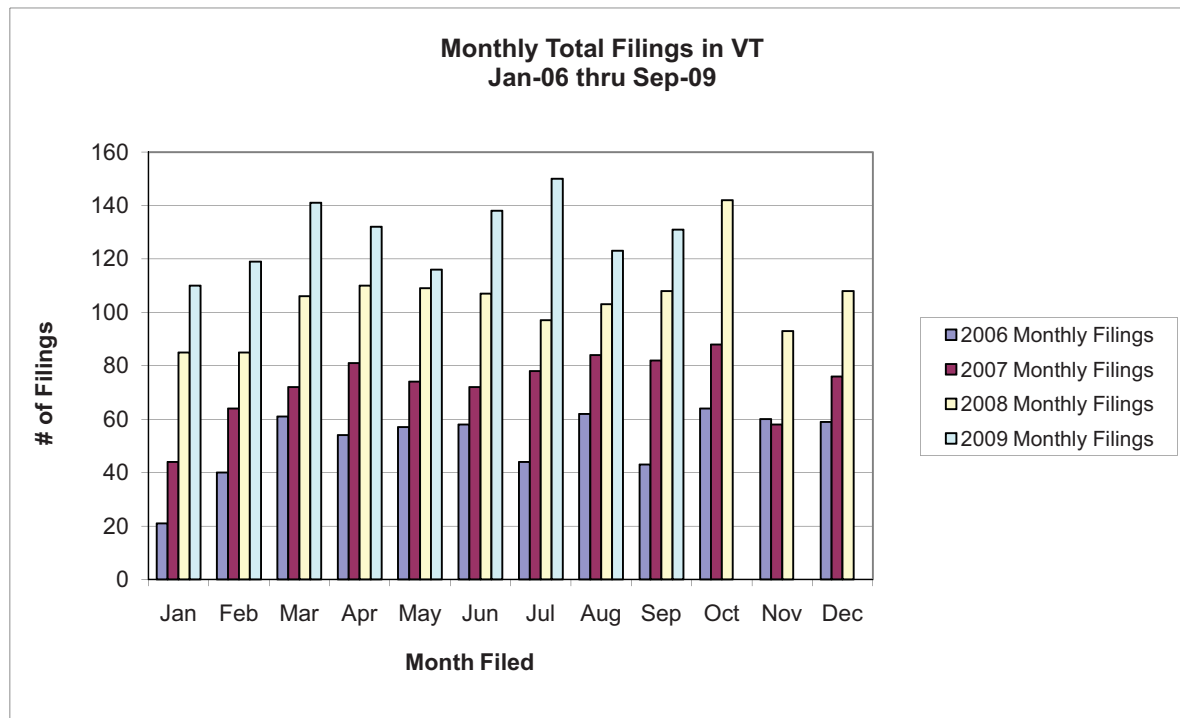
All filers with this court must update their scanner settings to 300 ppi or higher when scanning documents for filing in this court. In general, all documents should be scanned in Bitonal (1-bit) black and white unless there is a pressing need to scan in gray scale or color.

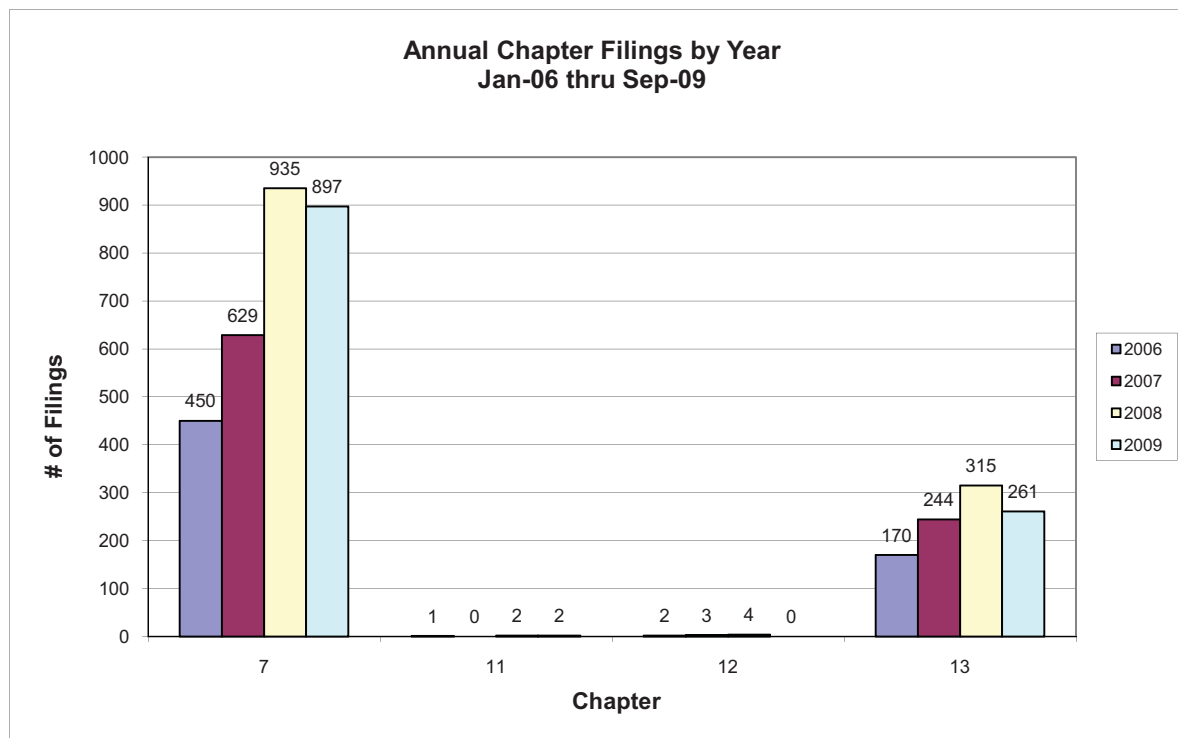
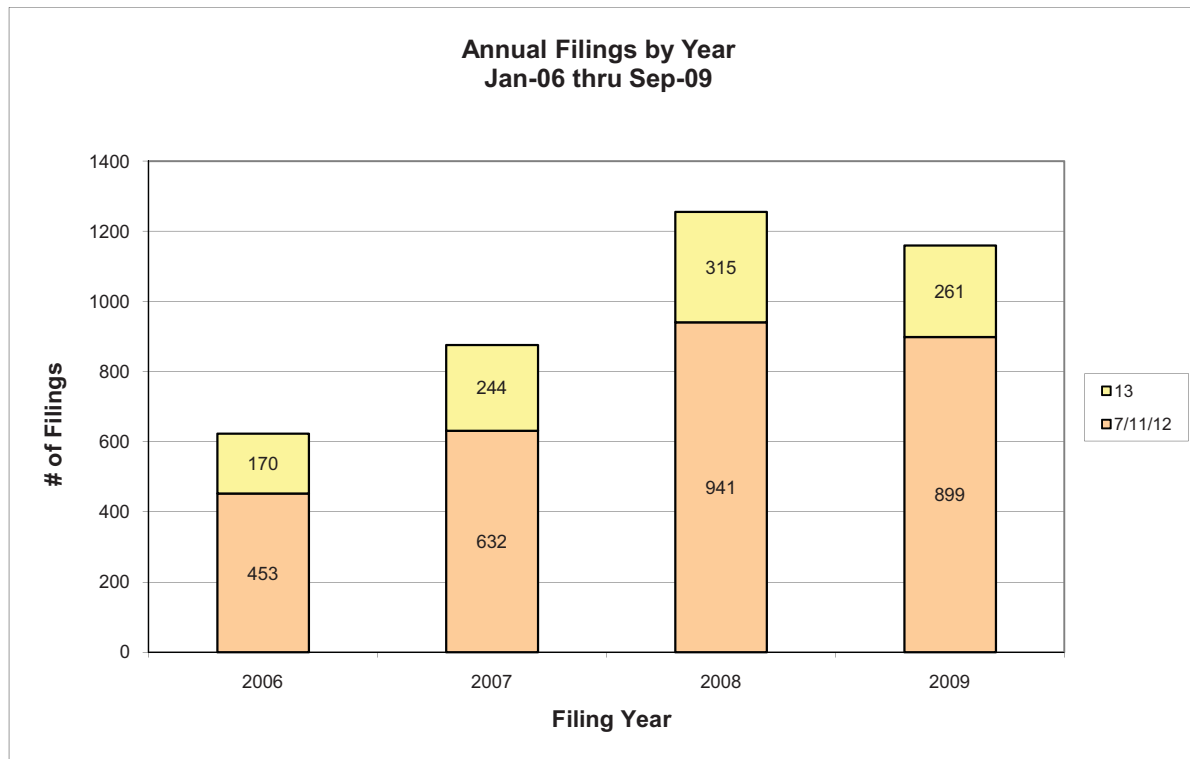
NARA's Standards

Scanned images of textual records transferred to NARA must meet the following minimum requirements for scanning resolution and pixel (bit) depth to support archival preservation and continued use.

¹ The information technology industry generally uses the terms pixels per inch (ppi) when addressing the scanning of documents and dots per inch (dpi) when addressing the printing of documents, however the terms are sometimes used interchangeably. This clerk's announcement addresses scanning, and therefore uses the term ppi.

1. Bitonal (1-bit) must be scanned at 300-600 ppi. This is appropriate for documents that consist exclusively of clean printed type possessing high inherent contrast, e.g., laser printed or typeset on a white background). Scanning at 600 ppi is recommended.
2. Gray scale (8-bit) must be scanned at 300-400 ppi. This is appropriate for textual documents of poor legibility because of low inherent contrast, staining or fading, e.g., carbon copies, thermofax, or documents with handwritten annotations or other markings, or that contain halftone illustrations or photographs. Scanning at 400 ppi is recommended.
3. Color (24-bit RGB (Red, Green, Blue)) must be scanned at 300-400 ppi. Color mode, if technically available, is appropriate for text containing color information important to interpretation or content. Scanning at 400 ppi is recommended.

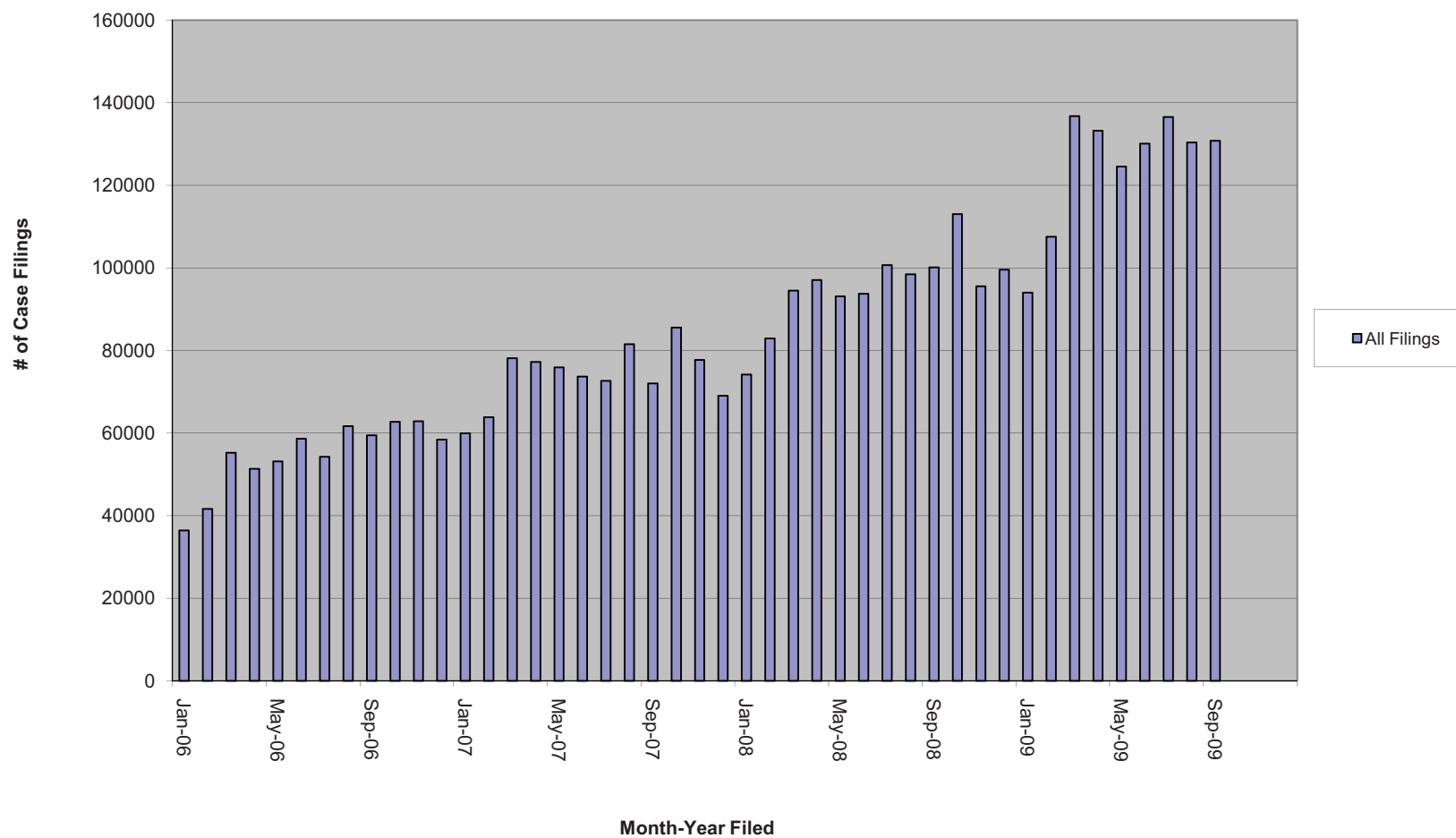




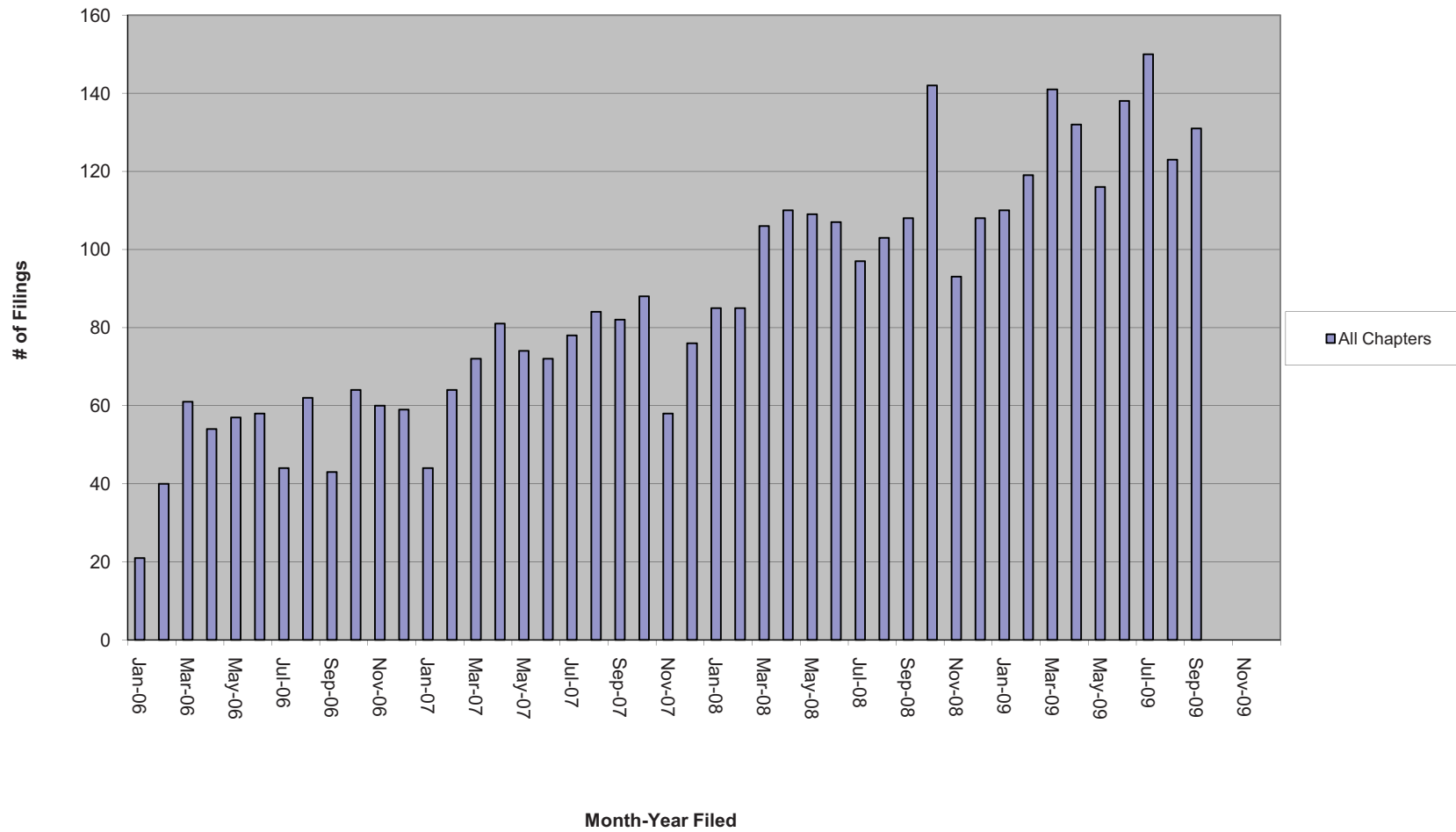
Average Number of Bankruptcy Filings from 2002-2004:
Projected Annual Filings for 2009:

1803
1565

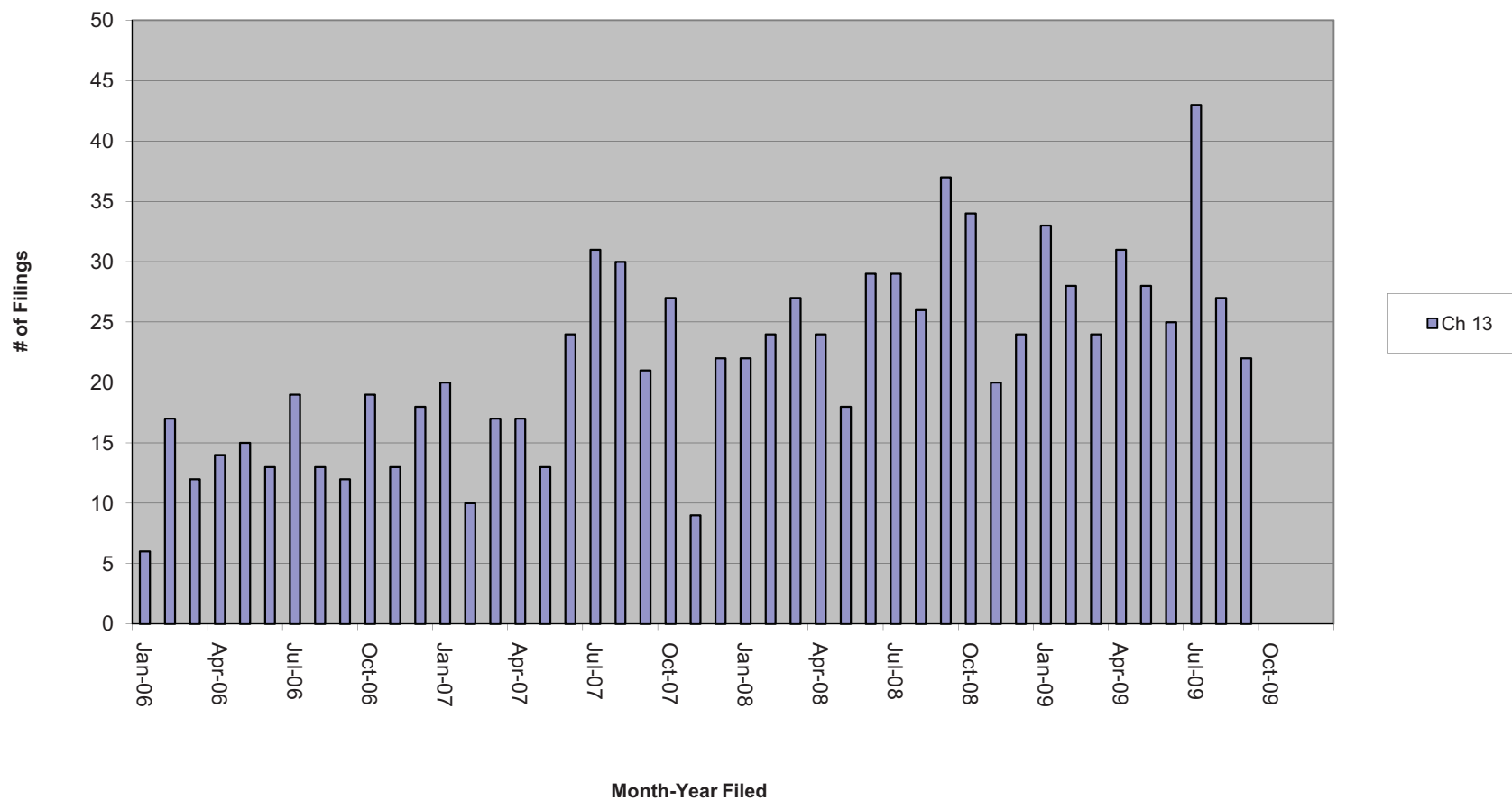
**All Filings Nationwide
Jan-06 thru Sep-09**



**Total BK Filings in VT
Jan-06 thru Sep-09**



**Total Chapter 13 Filings in VT
Jan-06 thru Sep-09**



LOSS MITIGATION: THE INS & OUTS OF HAMP AND HARP

Henry A. Wallace Visitor and Education Center

FDR Presidential Library and Museum

4079 Albany Post Road (Route 9) in Historic Hyde Park, New York

November 20, 2009

9 AM to 4 PM

Register ASAP
Limited Space!

SPEAKERS INCLUDE

Hon. Cecelia G. Morris, Bankruptcy Judge, S.D.N.Y.

Kimberly Y. Divers - Senior Business Manager for the Government
Programs including HAMP & New Initiatives

Kirsten E. Keefe - Senior Staff Attorney with the Empire Justice Center
in the Consumer Housing and Community Development Unit

Josh Zinner - Co-Director of the Neighborhood Economic
Development Advocacy Project

**CLE Credit
Including Ethics**

Includes Lunch

Have Your Questions Answered By This Distinguished Panel

REGISTRATION FORM

REGISTRATION FEE \$95

Please make checks payable to HVBBA.

REGISTRATION STARTS NOW!!!

You may register at hvbba_program_coordinator@live.com and mail payments to the Hudson Valley Bankruptcy Bar Association P.O. Box 5081, Poughkeepsie, NY 12602.
Deadline is November 13, 2009.

Last Name

First Name

Name of Firm

Business Mailing Address

City

State

Zip Code

Business Phone

E-mail Address

Payment of \$ 95 accompanies this application.

RSVP confirmation will be sent by e-mail only.

Please fill out one registration form per attendee.

☐ HVBBA Member

☐ Attorney

☐ Government Employee

☐ Non-Member

☐ Non-Attorney

CLE CREDITS PROVIDED BY HVBBA. APPLICATION ACCREDITATION OF THIS PROGRAM IN NEW YORK IS CURRENTLY PENDING.

Financial hardship scholarships: full and partial scholarships for this program based on financial need are available. For information on the guidelines and procedures for applying, please contact Lori Gilmore-Morris at (845) 298-7075 or gilmoremorris@verizon.net. All requests are confidential.