

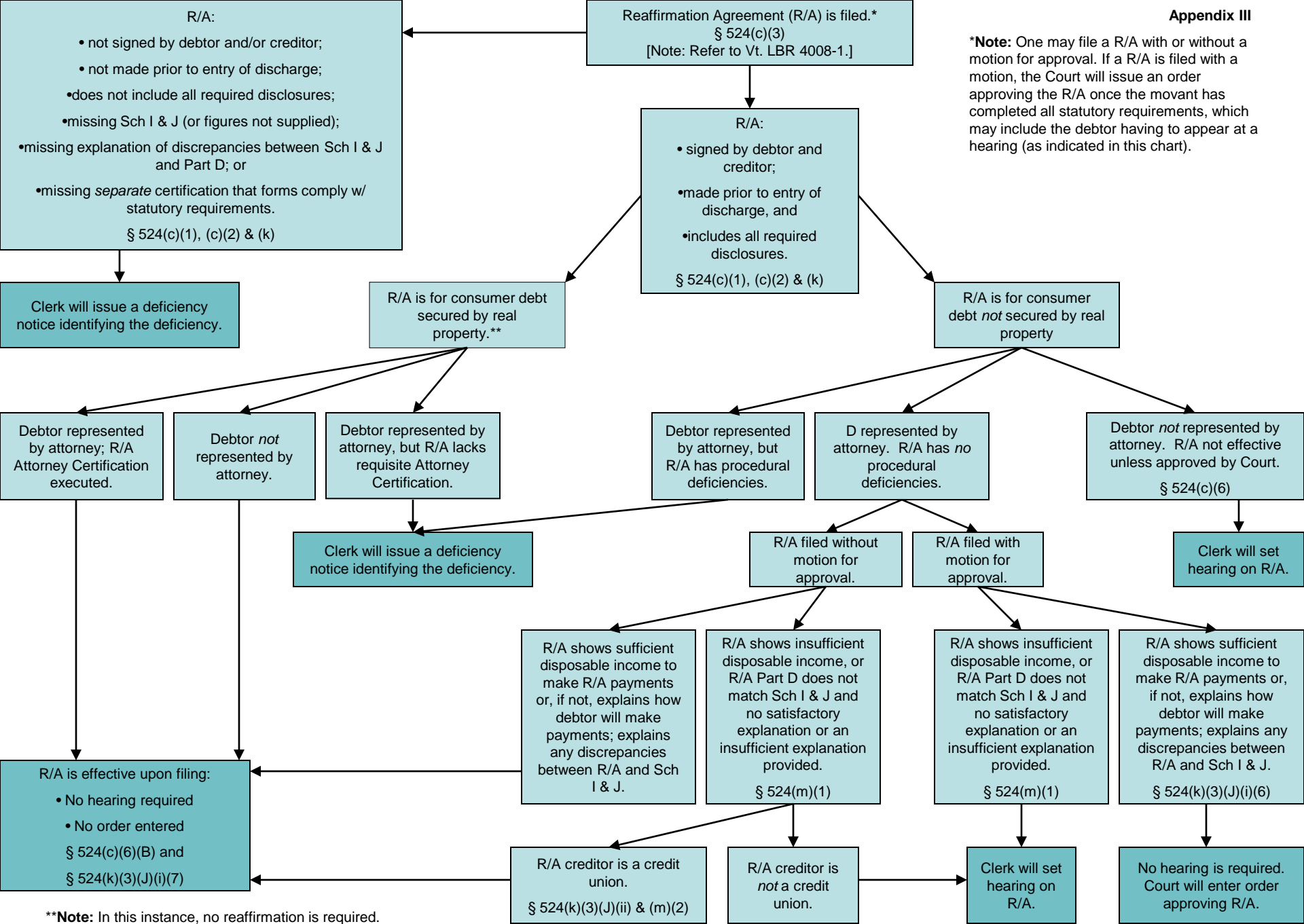
VBA BANKRUPTCY LAW SECTION
Bench-Bar Brown Bag Lunch Meeting
with Hon. Colleen A. Brown, U.S. Bankruptcy Judge

Tuesday, September 24, 2013

United States Bankruptcy Court, US Post Office and Courthouse – Burlington
12:00 - 1:00 PM

- | | | |
|----|--|-------------|
| 1. | Introduction of new law clerk Dan Bogatz. | Judge Brown |
| 2. | Proposed Orders regarding motions to modify plans -
the proposed order must specify the both the date the proposed modified
plan was filed and the date the new payment/ new terms take effect. | Judge Brown |
| 3. | Revised Reaffirmation Agreement Flow Chart (Attached) | Kathy Ford |
| 4. | Form X - Adversary Proceeding Scheduling Order under Vt. LBR 7026(f) -
New form for comment (Attached) | Kathy Ford |
| 5. | Update as to December CLE Friday, December 6 at Middlebury Inn. | Bob DiPalma |
| 6. | New USDC policy (attached) re use of electronics in the courtroom and
creation of District Bench & Media Committee. Note that both the
Bankruptcy Court and District Court rule prohibit "broadcasting" from
all Vt federal courtrooms and that includes emailing and tweeting. | Judge Brown |
| 7. | Courtroom Use in 2014 - we will all need to be flexible during construction
period | Judge Brown |

These Bench-Bar lunch meetings are coordinated by the Bankruptcy Court
Have a question about them?
Call Kathy Ford at 802-776-2003 or e-mail her at kathleen_ford@vtb.uscourts.gov
No fee and no pre-registration required.
Soft drinks and bottled water will be provided.



***Note:** One may file a R/A with or without a motion for approval. If a R/A is filed with a motion, the Court will issue an order approving the R/A once the movant has completed all statutory requirements, which may include the debtor having to appear at a hearing (as indicated in this chart).

****Note:** In this instance, no reaffirmation is required. However, if one files a R/A on a debt secured by real property, it will be treated as set forth in this chart.

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT**

In re:

[Enter Debtor(s) Name(s) Here],
Debtor(s).

Chapter ____
Case # _____

[Enter Plaintiff(s) Name(s) Here],
Plaintiff(s),

Adversary Proceeding

v.

[Enter Defendant(s) Name(s) Here],
Defendant(s).

JOINTLY PROPOSED SCHEDULING ORDER

1. Pursuant to Fed. R. Civ. P. 26(f), made applicable by Fed. R. Bankr. P. 7026(f), a meeting was held on *[date]*. The participants were:

_____ for plaintiff _____
Name of Attorney Name of Party

_____ for defendant _____
Name of Attorney Name of Party

2. It is agreed that the above-captioned adversary proceeding is (choose one):

- a core proceeding pursuant to 28 U.S.C. § 157(b)(2), over which this Court has constitutional authority to enter a final judgment; or
- a proceeding related to a case under Title 11 as to which all the parties have consented to the entry of final orders or judgment by this Court, pursuant to 28 U.S.C. § 157(c)(2); or
- a proceeding related to a case under Title 11 as to which all the parties have not consented to the entry of final orders or judgment by this Court, pursuant to 28 U.S.C. § 157(c)(2); or
- a core proceeding, pursuant to 28 U.S.C. § 157(c)(2), but is one over which, pursuant to Stern v. Marshall, 1325 S. Ct. 56 (2011), this Court lacks constitutional authority to enter a final judgment, and, either:
 - the parties consent to this Court’s entry of a final order, or
 - the parties do not consent to this Court’s entry of a final order; and instead seek proposed findings of fact and conclusions of law, analogous to those issued pursuant to 28 U.S.C. § 157(c)(2) and Bankruptcy Rule 9033, consistent with the Amended Standing Order of Reference issued June 28, 2012. (*If this applies only to some causes of action, specify which ones.*)

3. The parties propose that the following dates govern this adversary proceeding:
- a. The parties will / will not appear at the Court's scheduling conference.
 If so, the parties request that the Court not enter a scheduling order pursuant to Fed. R. Bankr. P. 7016(b) until such scheduling conference occurs.
 - b. The parties will make their Fed. R. Bankr. P. 7026(a)(1) disclosures by *[date]*.
 - c. The parties will file all supplements to disclosures and responses, pursuant to Fed. R. Bankr. P. 7026(e), by *[date]*.
 - d. The parties will file all motions relating to joinder of parties, claims, or remedies, class certification, and amendment of the pleadings by *[date]*.
 - e. The parties will complete discovery by *[date]*.
 - f. Alternative Dispute Resolution will / will not be used; if being used, it will commence no later than *[date]*. The parties will file the Alternative Dispute Resolution Report by *[date]*.
 - g. The parties will file all dispositive motions by *[date]*.
 - h. The parties will file a stipulation of fact and a joint final pre-trial statement by *[date]*.
 - i. The parties request a final pre-trial conference not earlier than *[date]*.
4. The parties propose the following changes in the limitations imposed upon discovery pursuant to Fed. R. Bankr. P. 7026: _____.
5. The parties request the following additional items be added to the scheduling or litigation procedures in this proceeding: _____.

Date

Attorney for Plaintiff

Date

Attorney for Defendant

ORDER

IT IS HEREBY ORDERED that the dates proposed by the parties, and as set out above, are approved.

IT IS FURTHER ORDERED that the parties shall appear at a final pre-trial conference on _____ in the Bankruptcy Judge's Chambers at the U.S. Bankruptcy Court at _____, Vermont.

SO ORDERED.

Date: _____

Colleen A. Brown
United States Bankruptcy Judge

Rule 83.2. Security.

The purposes of this Local Rule are to promote security for all persons who enter federal courthouses (or the portions of federal buildings occupied by the District Court), to protect the integrity of judicial proceedings, to facilitate legitimate use of electronic devices for communication or for the storage, retrieval, or presentation of information, and to comply with the mandates of the Federal Rules of Criminal Procedure and the policies of the Judicial Conference of the United States.

(a) Courthouse Security.

(1) ***Screening and Search.*** All persons entering a federal courthouse in this district and all items carried by them are subject to appropriate screening and search by a law enforcement officer. Persons may be requested to provide identification and to state the nature of their business in the courthouse. Anyone refusing to cooperate with these security measures may be denied entrance to the courthouse.

(2) ***Photographs and Broadcasting.*** Unless the court grants permission, no person may take photographs or use broadcast equipment within a federal courthouse. This prohibition does not apply to non-court federal agency tenants within their own space. When use is necessary, tenants must coordinate use of such equipment with the United States Marshals Service.

(3) ***Weapons Prohibited.*** No weapons are permitted in a courtroom, except:

(A) when carried by United States Marshals Service personnel or a person specifically authorized by the United States Marshals Service; or

(B) when they are used as exhibits. The custodian must render the weapon inoperative and present it for a safety check by United States Marshals Service personnel before entering the courtroom.

(4) ***Other Prohibited Items.*** Unless the court gives permission, use of the following is prohibited in a courtroom:

(A) cameras;

(B) video cameras;

- (C) recording equipment;
- (D) dictaphones;
- (E) pagers;
- (F) cellular phones and smartphones;
- (G) personal digital assistants; and
- (H) computers and tablets.

(5) Grand Jury Security. The secrecy of the grand jury proceedings is a matter of preeminent concern. When a grand jury is convened, the surrounding area is restricted to law enforcement officers, participating attorneys, witnesses, and court employees. The United States Marshals Service and Court Security Officers may secure the floor of the grand jury session as necessary to preserve the secrecy and protect witnesses from any unwanted interference.

(b) Possession and Use of Electronic Devices.

Possession and use of electronic devices is prohibited except in accordance with this Local Rule.

(1) Federal Rules and Judicial Conference Policy. The Federal Rules of Criminal Procedure prohibit the taking of photographs in the courtroom during judicial proceedings or the broadcasting of judicial proceedings from the courtroom. Judicial Conference Policy states that courtroom proceedings in civil and criminal cases may not be broadcast, televised, recorded, or photographed for the purpose of public dissemination.

As technology advances, there are an ever-growing number of wireless communication devices that have the capability of recording and/or transmitting sound, pictures, and video. Many of these devices are also capable of wireless Internet access. In order to enforce the Federal Rules of Criminal Procedure and Judicial Conference Policy, this Local Rule sets forth the limitations on the use of electronic devices inside United States Courthouses within the District of Vermont.

(2) Definition of Electronic Devices. As used in this Local Rule, the phrase “electronic device” embraces all equipment (regardless of how it is powered or operated) that can be used for:

- (A) wireless communication; or
- (B) receiving, creating, capturing, storing, retrieving, sending, or broadcasting any signals or any text, sound, or images; or
- (C) accessing the Internet or any other network or off-site system or equipment for communicating or for storing or retrieving information.

(3) Possession of Electronic Devices. Subject to court security screening procedures, court officials, law enforcement, members of the Bar of the United States District Court for the District of Vermont, and credentialed members of the media in possession of Media Identification Cards issued by the Clerk of the Court may bring electronic devices into the courthouse. Devices must remain in the possession of the permitted individual. Jurors will be allowed to bring their cell phones into a courthouse; however, all cell phones must be turned over to the Court Security Officers.

(4) Use of Electronic Devices. Subject to court security screening procedures and to other provisions of this Local Rule, permitted individuals may use electronic devices in a non-disruptive manner in the common areas of the building. With the exception of court personnel, court reporters, Court Security Officers, and U.S. Marshals, **no electronic device may be used to record or photograph any judicial proceeding or courtroom for any purpose without express permission, in advance, from the presiding judge.**

- (A) Counsel who wish to use electronic devices in any courtroom during and in connection with judicial proceedings must secure permission, in advance, from the presiding judge.
- (B) Cell phones, pagers, and other electronic communication devices may not be activated inside courtrooms. Such devices may also not be used in any mode that uses any sound to alert the user to incoming communication.
- (C) Except as authorized for the taking of the official record of judicial proceedings or grand jury deliberations by a court reporter or court recording operator, no part of any judicial proceedings or any deliberations by a petit jury or a grand jury may be recorded or transmitted.

(D) Petit Jurors may not use or possess any electronic device during or in connection with any proceeding. On a case-by-case basis, access to a juror's cellphone may be allowed by the presiding judge for specific purposes, such as arranging transportation or child care.

(E) Grand jurors may not use or possess any electronic device during or in connection with any proceeding.

(F) Requests to bring electronic devices into a courtroom by a pro se party to a case will be allowed only upon application to and permission from the presiding judge.

(G) At the discretion of the presiding judge, in certain cases where the use of an overflow room is necessary for spectators and the media, the court may permit the use of closed-circuit television linking the courtroom with another location. The restrictions on the use of electronic devices as outlined in this Local Rule will apply to the overflow rooms.

(H) The court may allow the use of cameras and other equipment during ceremonial proceedings, including naturalization proceedings, mock trials, or a judge's investiture. Permission to bring this equipment into the courthouse for these proceedings must be arranged through the United States Marshals Service or the Clerk of Court.

(I) Except as provided in Section (b)(4)(H), photographs and video may not be taken and images may not be captured by any means in the courthouse except in non-court federal agency tenant space and chambers as coordinated through the United States Marshals Service.

(5) **Sanctions.** Unauthorized use of an electronic device during a court proceeding may be subject to contempt proceedings before the presiding judge or another judicial officer designated by the presiding judge. Any person violating this policy in a courtroom shall be immediately removed from the courtroom and may lose the privilege of keeping an electronic device on his or her person while at the federal courthouses in the District.

(6) **Media Identification Card.** A non-transferable Media Identification Card allows members of the media who have been issued such cards to possess electronic devices for use in designated areas within the courthouse. Media Identification Cards will be valid

for three years unless requested and issued for the duration of a particular event or case. Cards will be issued to approved members of a recognized media provider who have a need for an identification card in order to fulfill their various assignments. Media Identification Cards will not be granted to individuals who are employed in the business, advertising, or circulation departments of media providers.

Application instructions, requirements and an application form for Media Identification Cards are available at any Clerk's Office location or from the court's website,

www.vtd.uscourts.gov.