

# VBA BANKRUPTCY LAW SECTION BENCH-BAR MEETING

*with Hon. Colleen A. Brown, U.S. Bankruptcy Judge  
December 17, 2020 ~ 10:35-11:30 AM*

## AGENDA

1. OPERATING REPORTS JUDGE BROWN
  - Op Orders have been modified to specifically require term of op rept obligation
  - Many ch 12 & 13 Ds not regularly filing op reports post-confirmation but should be
  - Operating reports are required through case closure unless Ct orders otherwise
  - Status hrgs to be set in new year for all cases in which D not current on op repts
2. RECENT STANDING ORDERS JUDGE BROWN
  - Court has expanded the presumption that all hearings will be held remotely, and authorized use of non-attorney electronic signatures, **through 4/2/21**
  - These SOs also extend use of non-attorney digital signatures and remind the bar of the need to maintain formality in the Zoom courtroom
3. INCREASES TO BANKRUPTCY COURT MISC FEE SCHEDULE EFFECTIVE 12/1/20 JUDGE BROWN
4. AMENDMENTS TO FEDERAL BANKRUPTCY RULES AND FORMS JUDGE BROWN
5. STUDENT LOAN MANAGEMENT PROGRAM AT VTB JUDGE BROWN
6. VTB COURT CALENDAR 2021 JUDGE BROWN
  - All 2021 regular hearing and 341 mtg dates posted on website
7. 5-MINUTE BANKRUPTCY TAX TIP: MELISSA RANALDO
  - The IRS Insolvency Unit in Portsmouth, NH has a new address
    - **Internal Revenue Service**  
**Insolvency Unit, 75 Portsmouth Blvd, Box 9**  
**Portsmouth, NH 03801**
  - This new address is only for docs and info normally sent to Portsmouth, primarily tax returns and payments in Chapter 12 and Chapter 11 cases.
  - The address for noticing the IRS on the filing of a bankruptcy petition remains the CIO in Philadelphia, as indicated in the Local Rules.
  - The IRS requests the BK specialist's name (Kathleen Blais or Sandra Rummel) be included on the second line, after "Insolvency Unit." For example:
    - **Internal Revenue Service**  
**Insolvency Unit, Kathleen Blais**  
**75 Portsmouth Blvd, Box 9**  
**Portsmouth, NH 03801**

8. ZOOM LINK FOR HEARINGS

JODY KENNEDY

- To make it clearer that the Zoom links Jody Kennedy sends out are for all hrgs for a particular calendar, Jody has started emailing a copy of the hrg list w/ each Zoom link; *attys not req'd to appear for the earliest time on the notice*
- Reminder: if there are multiple hearings set for a particular time, the courtroom deputy may, at the Court's instruction, let parties into the virtual courtroom, matter by matter, rather than having everyone with a hearing at that time enter

9. WHAT TYPE OF NOTICE TO PROVIDE TO RETAINED PROFESSIONALS

JODY KENNEDY

- Current practice is to add ALL retained professionals to the BNC ***"mail notice"*** ***list***, upon entry of the order granting retention; i.e., from that date forward, that party gets all notices sent out in the case, and gets them by mail (this is part of the CM/ECF event)
- Q: do Ts and Ds' attys who seek retention of professionals intend to have that professional added to be noticed of all filings in the case? and for notice by mail?
- Concern: this is expensive and it would seem most appt'd professionals would either prefer (i) not to get those notices or (ii) to get them by email.
- Possible alternative:
  - (A) If the appt'd professional does not want to receive all notices in the case then the movant can state that in the application and p/o. In that event, the movant will be responsible for keeping that professional up to date in the case and providing the appt'd professional w/ any pertinent or required notices directly.
  - (B) If the appt'd professional is an atty, and that atty does want notice but wants it by email rather than US mail, the movant would need to state that in the app and p/o. In that event, the appt'd professional would need to file a notice of appearance as a party and complete email notice info. Once they do that, the clerk's office would remove that atty from the US mail notice list.

10. VBA BANKRUPTCY SECTION UPDATE

DON HAYES & NANCY GEISE

- New co-chairs as of 1/1/21: Alex Edelman and Don Hayes
- Retirements of some long term bk practitioners: Melissa Ranaldo and ...

11. 2021 BENCH BAR MEETING SCHEDULE:

JUDGE BROWN

- All 2021 BB mtgs are set; those scheduled on or before 4/2/21 shall be held by Zoom; will adjust locations of post 4/2/21 BB meetings if remote hearing period is extended
  - Feb 19, 2021: by Zoom
  - April 6, 2021: Burlington (or by Zoom)
  - June 18, 2021: Rutland (or by Zoom)
  - Sept 28, 2021: Burlington (or by Zoom)
  - Nov 19, 2021: Rutland (or by Zoom)

12. OCT 2020 SEMI-ANNUAL MEETING OF JUDGE, TS AND CRT MGRS

JUDGE BROWN

- Discussed whether remote 341 meetings and hrgs still working well for Ts
  - Determined no changes needed at this time in remote hrgs or 341s

13. TEMPORARY LAW CLERK – SUSAN GRECO-ERICKSEN

JUDGE BROWN

- Susan Greco-Ericksen will start on approximately Jan. 14, 2021 to serve as the VTB temporary law clerk during Ashley Spillman's parental leave.

14. BEST COURT PROCEDURES DURING THE PANDEMIC THE GROUP
- Suggestions for procedural changes?
  - Ideas, suggestions, or questions about 2021 procedures?
  - Ways to deal w/ Covid? scheduling or conduct of remote hearings? Zoom?
  - Increase number/ type of virtual group gatherings? BB meetings?
15. TIPS FOR MAINTAINING PERSONAL WELL-BEING DURING THE PANDEMIC THE GROUP
- All stories, tips and suggestions welcome!
16. NEW BUSINESS? THE GROUP

These Bench-Bar lunch meetings are coordinated by the Bankruptcy Court.

One CLE credit is provided for attendance at each meeting.

Contact Maria Dionne @ 802-657-6432 or [maria\\_dionne@vtb.uscourts.gov](mailto:maria_dionne@vtb.uscourts.gov) with any questions

Attachments

- *Standing Orders ## 20-14, 20-15*
- *PDF of Misc Fee Schedule Revision effective 12/1/20*
- *Memo from VTB website summarizing amendments*
- *SLM Procedures, Notice and Local Forms*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF VERMONT**

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**In re:**

**Expansion of Standing Orders # 20-09 and # 20-12**

**Regarding Modifications of Bankruptcy Court  
Procedures and Operations**

**Under the Continuing Exigent Circumstances**

**Created by the COVID-19 Pandemic,**

**With Respect to the Conduct of Hearings by Zoom,**

**and the Need to Maintain Formality of Hearings,  
in Effect Through April 2, 2021**

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**STANDING ORDER**

**# 20-14**

On March 16, 2020, this Court entered Standing Order # 20-09 to describe the modified procedures it was implementing in response to the public health emergency caused by the COVID-19 pandemic, to balance and maximize the following priorities

- (i) the health and safety of all constituents involved in bankruptcy court proceedings and hearings,
- (ii) the need to move cases forward and avoid delay in the delivery of crucial relief, and
- (iii) compliance with the pandemic-related recommendations of national, state and local authorities.

Those modified procedures worked well and there was no evidence to indicate they infringed the rights of any parties.

Therefore, on June 24, 2020, the Court entered Standing Order # 20-12 to continue those procedures through November 30, 2020.

Based on the Court's experience with those modified procedures and in recognition that the pandemic, and restrictions flowing from it, are likely to continue for the foreseeable future, and to provide court users with ample notice of how their hearings will be conducted, **THE COURT FINDS** cause to extend those modified procedures and maintain them through the winter, subject to the exception set forth below for in-person hearings.

Any attorney or *pro se* party who believes they or their client will suffer negative consequences if unable to appear at a particular hearing in person, may file a motion, on notice to all attorneys and parties who are expected to appear at the hearing, as well as to all attorneys who have filed a notice of appearance in the case, setting forth the legal and factual basis for their request, no later than seven business days before the hearing. Responses to such motions shall be due no later than three business days prior to the hearing. That hearing shall be held via Zoom.

In the event an attorney or *pro se* party demonstrates exigent circumstances warranting an in-person hearing, the Court shall issue an Order specifying the health and safety precautions that shall be

required of the parties and enforced by the Court, to ensure no one is put at undue risk by attending the hearing and the interests of justice are served.

THEREFORE, IT IS HEREBY ORDERED, effective immediately and subject to the evolving circumstances of COVID-19 in Vermont, all hearings scheduled **through April 2, 2021**, will be conducted via Zoom unless the Court orders otherwise based on a showing of exigent circumstances.

THE COURT ALSO FINDS that although counsel – particularly those who appear regularly in this Court – have mastered use of the Zoom.gov technology, further clarification may be helpful with respect to the logistics surrounding Zoom hearings and the level of formality to be demonstrated therein.

(A) TECHNOLOGY GUIDELINES FOR MAINTAINING THE SECURITY OF REMOTE HEARINGS

In order to maintain the security of Court hearings held via Zoom.gov, the Court must carefully monitor the devices that seek access to all hearings. Accordingly, the Clerk's Office has implemented a procedure aimed at (1) providing connection information to all parties who wish to appear at each Zoom hearing, at least one full business day in advance of the hearings; and (2) precluding entry to parties who do not disclose to the courtroom deputy both their intent to appear at a hearing and their screen name on the device they will be using to connect to the hearing. In order to maintain effective and secure use of the Zoom.gov technology and conduct the hearings as smoothly as possible, the Court has established the following security guidelines:

1. The courtroom deputy will send the Zoom.gov URL link (which includes the meeting ID and password for the hearing or conference) to the parties who filed the motion on for hearing, and to any parties who filed either an objection or notice of appearance in the case, no later than one business day before the hearing.
2. Anyone else who wishes to appear at the hearing should contact the courtroom deputy at either (802) 657-6404 or [Jody\\_Kennedy@vtb.uscourts.gov](mailto:Jody_Kennedy@vtb.uscourts.gov) to get the information necessary to access the hearing. All hearings are open to the public, subject to these security and protocol guidelines.
3. In order to maintain the security of the courtroom, attorneys and parties should not share this connection information with anyone other than those authorized to appear at the hearing. Other interested parties or members of the press may get the information directly from the courtroom deputy, at either (802) 657-6404 or [Jody\\_Kennedy@vtb.uscourts.gov](mailto:Jody_Kennedy@vtb.uscourts.gov).
4. Anyone who will be appearing at a hearing via Zoom using only the audio functionality (i.e., by telephone) must use the Zoom link for that particular hearing (rather than the usual call-in information for telephonic hearings), and must
  - (a) notify the courtroom deputy at least two business days prior to the hearing that they will be calling in to a hearing,
  - (b) identify the hearing(s) in which they wish to participate, and
  - (c) give the courtroom deputy the telephone number from which they will be calling.

For security reasons, the Court will not admit anyone into a hearing who has not complied with this requirement.

5. All Zoom.gov participants must keep the audio on their devices on mute except when speaking, and must refrain from using speaker phones.
6. Once they connect via Zoom.gov, participants will find themselves in a "Zoom waiting room," and they will remain there until the Court is ready to address the matter in which they indicated they wished to appear, and the courtroom deputy lets them into the Zoom courtroom.

7. If a person experiences any technical difficulties during a Zoom hearing, they will be able to get immediate assistance by emailing the courtroom deputy at [Jody\\_Kennedy@vtb.uscourts.gov](mailto:Jody_Kennedy@vtb.uscourts.gov).

**(B) PROTOCOL GUIDELINES FOR MAINTAINING THE FORMALITY OF REMOTE HEARINGS**

While participating in a court hearing from a remote location may feel less formal, THE COURT FINDS the same level of decorum must be exercised whether the hearing is held in person or remotely. This is a topic the Court addressed at its June 19, 2020 Bench Bar meeting.

Therefore IT IS HEREBY ORDERED that the bar take notice that Vermont Local Rules 5072-1 and 5073-1 apply, to the extent applicable to remote hearings, and the Court expects counsel to comply with these Local Rules and ensure that their clients do as well. They apply in a Zoom hearing as follows:

**Vt. LBR 5072-1. COURTROOM DECORUM.**


- (a) In order to maintain the decorum of the courtroom and dignity of the proceedings, attorneys (and parties representing themselves) must:
- (1) treat all persons in the courtroom with dignity and respect;
  - (2) address all persons by their surname during all court hearings;
  - (3) refrain from any oral confrontation or direct dialogue between opposing attorneys or among parties *[i.e., direct all comments and questions to the Court]*;
  - (4) *[not applicable in a Zoom hearing]*;
  - (5) make all objections to questions posed by opposing counsel with specificity prior to offering any argument or explanation of same;
  - (6) *[not applicable in a Zoom hearing]*;
  - (7) be *[present]* in the *[Zoom]* courtroom before their case is called and prepared to proceed when their case is called;
  - (8) refrain from talking while court is in session *[and keep microphone muted except when addressing the Court]*;
  - (9) dress professionally, advise their clients to dress appropriately for court hearings, and *[maintain a quiet and professional setting to the extent possible]*; and
  - (10) be attentive to the court hearings and refrain from reading newspapers or books while court is in session.

**Vt. LBR 5073-1. DEVICES PROHIBITED IN COURTHOUSE; BROADCASTING BY COURT.**

- (c) Recording and Broadcasting by the Court. .... the broadcasting or televising of legal proceedings is prohibited. *[This prohibition includes the taking and reproduction of screen shots in Zoom hearings.]*

**SO ORDERED.**

November 2, 2020  
Burlington, Vermont

  
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Colleen A. Brown  
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF VERMONT**

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**In re:**

**Extension of Standing Orders # 20-10 and # 20-13**

**(i) Modifying the Original Signature Requirement  
for Non-Attorneys, under Vt. LBR. 9011-4(c), and  
(ii) Modifying Attorneys' Duty to Maintain Original  
Documents, under Vt. LBR. 9011-1(b),  
in Response to the Exigent Circumstances  
Created by COVID-19, and the Preventative  
Measures Enacted in Response to the Pandemic  
Through April 2, 2021**

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**STANDING ORDER  
# 20-15**

On June 24, 2020, this Court issued Standing Order # 20-13 to extend the relief set out in Standing Order # 20-10, which

- (i) modified the original signature requirement of non-attorneys set out in Vt. LBR. 9011-4(c),
- (ii) modified attorneys' duty to maintain original documents, under Vt. LBR. 9011-1(b), and
- (iii) expired on November 30, 2020, unless this Court ordered otherwise.

Since entry of these Standing Orders, there have been no challenges to the authenticity or sufficiency of any signature presented pursuant to that Standing Order. Additionally, the feedback the bar has offered regarding the value and effect of that Standing Order has been uniformly positive.

Since it appears (a) there is no actual or perceived diminution in the quality or reliability of the documents filed pursuant to the modifications authorized by Standing Orders ## 20-10 and 20-13; (b) the coronavirus pandemic, and the restrictions flowing from it, which led to the entry of Standing Orders ## 20-10 and 20-13, continue to impede attorneys' ability to obtain original signatures from some of their clients; and (c) it is reasonable to expect all of these circumstances are likely to continue for several months, THE COURT FINDS good cause to continue the modification of both the original signature requirement and original document retention rules of Vt. LBR. 9011-4(c) and 9011-1(b).

Accordingly, IT IS HEREBY ORDERED the relief set forth in Standing Order ## 20-10 and 20-13 shall remain in effect **through April 2, 2021**, unless the Court orders otherwise.

**SO ORDERED.**

November 2, 2020  
Burlington, Vermont



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Colleen A. Brown  
United States Bankruptcy Judge



ADMINISTRATIVE OFFICE OF THE  
UNITED STATES COURTS

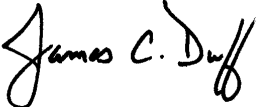
JAMES C. DUFF  
Director

WASHINGTON, D.C. 20544

September 16, 2020

MEMORANDUM

To: Chief Judges, United States Courts  
Circuit Executives  
Federal Public/Community Defenders  
District Court Executives  
Clerks, United States Courts  
Panel Executive, Judicial Panel on Multidistrict Litigation  
Clerk, Judicial Panel on Multidistrict Litigation

From: James C. Duff 

RE: CHANGES TO MISCELLANEOUS FEE SCHEDULES **(INFORMATION)**

Inflationary Fee Increases (Multiple Fee Schedules)

At its March 2020 session, on the recommendation of the Committee on Court Administration and Case Management, the Judicial Conference approved inflationary adjustments to fees on the appellate, district, and bankruptcy court miscellaneous fee schedules, as well as on the Court of Federal Claims and the Judicial Panel on Multidistrict Litigation miscellaneous fee schedules (JCUS-MAR 20, pp. 9-12). These changes are scheduled to become effective December 1, 2020.

The Committee on Court Administration and Case Management (CACM) has the responsibility to make recommendations to the Judicial Conference regarding the Judiciary's fees, and the Committee periodically reviews the miscellaneous fee schedules to determine the need for inflationary adjustments. At its December 2019 meeting, the Committee recommended that certain miscellaneous fees be adjusted for inflation, noting that it had been three years since they were last adjusted. The Committee, however, did not recommend increases to a number of other miscellaneous fees, including fees that are linked to the statutory fees prescribed by Congress, and fees that have been created or increased since the last inflationary increase in 2016.



The charts included in the attachment detail the increased amounts in the various fee schedules of each of the court types. As noted above, these changes are scheduled to become effective December 1, 2020.

#### Central Violations Bureau Fees (District Court Miscellaneous Fee Schedule)

In 2005, Congress authorized the Judicial Conference to prescribe a fee for each violation notice processed through the Central Violations Bureau (Pub. L. No. 108-447). This fee is currently set forth at Item 15 of the District Court Miscellaneous Fee Schedule as the fee for processing a “petty offense charged on a federal violation notice.” Although officers frequently cite individuals with Class A misdemeanors using these violation notices, Class A misdemeanors are not included in the definition of a petty offense under the federal criminal code. To resolve this discrepancy between the fee schedule and the criminal code in a manner consistent with the intent of the 2005 statute, the Committee on Court Administration and Case Management recommended, and the Judicial Conference approved, an amendment to remove the word “petty” from the language of Item 15 (JCUS-MAR 20, p. 12). The fee, as amended, will read as follows: “Processing fee for an offense charged on a federal violation notice, \$30.” This change will also become effective December 1, 2020.

If you have any questions concerning these changes, please contact the following staff in the Court Services Office: Mary Fritsche at [Mary\\_Fritsche@ao.uscourts.gov](mailto:Mary_Fritsche@ao.uscourts.gov) or (202) 502-3055 or Annette Allard Emery at [Annette\\_Allard@ao.uscourts.gov](mailto:Annette_Allard@ao.uscourts.gov) or (202) 502-1432.

Attachment

Effective December 1, 2020

**INFLATIONARY INCREASES  
IN MISCELLANEOUS FEE SCHEDULES**

**Court of Appeals Miscellaneous Fee Schedule (28 U.S.C § 1913)<sup>1</sup>**

<b>Item No.</b>	<b>Description of Fee</b>	<b>Current Fee</b>	<b>Approved New Fee</b>
<b>2</b>	Search Fee	\$31	\$32
<b>5</b>	For reproducing recordings of proceedings	\$31	\$32
<b>6</b>	For reproducing record in any appeal in which the court of appeals does not require an appendix	\$86	\$89
<b>13</b>	For original admission of attorney to practice, including a certificate of admission	\$181	\$188
<b>13</b>	For a duplicate certificate of admission or certificate of good standing	\$19	\$20

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<sup>1</sup> The fees included in the Court of Appeals Miscellaneous Fee Schedule are also charged for services provided by the courts of appeals, including relevant services provided by the bankruptcy appellate panels established under 28 U.S.C. § 158(b)(1). *See* JCUS-SEP 15, p. 12.

Effective December 1, 2020

**District Court Miscellaneous Fee Schedule (28 U.S.C. § 1914)**

<b>Item No.</b>	<b>Description of Fee</b>	<b>Current Fee</b>	<b>Approved New Fee</b>
<b>1</b>	For filing any document that is not related to a pending case or proceeding.	\$47	\$49
<b>2</b>	Search Fee	\$31	\$32
<b>3</b>	Exemplification	\$22	\$23
<b>5</b>	For reproduction of an audio recording of a court proceeding...	\$31	\$32
<b>9</b>	Misdemeanor Appeal	\$38	\$39
<b>10</b>	For original admission of attorney to practice, including a certificate of admission	\$181	\$188
<b>10</b>	For a duplicate certificate of admission or certificate of good standing	\$19	\$20
<b>13</b>	Cuban Liberation Civil Filing Fee	\$6,548	\$6,800
<b>14</b>	Administrative Fee for Filing a Civil Action, Suit or Proceeding in a District Court	\$50	\$52

Effective December 1, 2020

**Bankruptcy Court Miscellaneous Fee Schedule (28 U.S.C § 1930)**

<b>Item No.</b>	<b>Description</b>	<b>Current Fee</b>	<b>Approved New Fee</b>
<b>2</b>	Exemplification	\$22	\$23
<b>3</b>	For reproduction of an audio recording of a court proceeding	\$31	\$32
<b>4</b>	For filing an amendment to the debtor's schedules...	\$31	\$32
<b>5</b>	Search Fee	\$31	\$32
<b>7</b>	For filing any document that is not related to a pending case or proceeding	\$47	\$49
<b>8</b>	Administrative fee	<p>For filing a petition under Chapter 7, 12, or 13, \$75.</p> <p>For filing a petition under Chapter 9, 11, or 15, \$550.</p> <p>When a motion to divide a joint case under Chapter 7, 12, or 13 is filed, \$75.</p> <p>When a motion to divide a joint case under Chapter 11 is filed, \$550.</p>	<p>For filing a petition under Chapter 7, 12, or 13, \$78.</p> <p>For filing a petition under Chapter 9, 11, or 15, \$571.</p> <p>When a motion to divide a joint case under Chapter 7, 12, or 13 is filed, \$78.</p> <p>When a motion to divide a joint case under Chapter 11 is filed, \$571.</p>
<b>19</b>	<p>For filing the following motions:</p> <ul style="list-style-type: none"> <li>• To terminate, annul, modify or condition the automatic stay;</li> <li>• To compel the abandonment of property of the estate</li> <li>• To withdraw the reference of a case or proceeding</li> <li>• To sell property of the estate free and clear of liens under sec. 363(f)</li> </ul>	\$181	\$188
<b>20</b>	Claims Transfer	\$25	\$26
<b>21</b>	Motion to Redact	\$25	\$26

Effective December 1, 2020

**Court of Federal Claims Miscellaneous Fee Schedule  
(28 U.S.C § 1926)**

<b>Item No.</b>	<b>Description</b>	<b>Current Fee</b>	<b>Approved New Fee</b>
<b>3</b>	Exemplification	\$22	\$23
<b>4</b>	For admission of attorney to practice, including a certificate of admission	\$181	\$188
<b>4</b>	For a duplicate certificate of admission or certificate of good standing	\$19	\$20
<b>5</b>	For receipt of a monthly listing of court orders and opinions	\$23	\$24
<b>8</b>	Search Fee	\$31	\$32
<b>9</b>	For reproduction of an audio recording of a court proceeding	\$31	\$32
<b>10</b>	For filing or indexing any document not in a case or proceeding for which a filing fee has been paid	\$47	\$49
<b>12</b>	Administrative Fee for filing a civil action, suit, or proceeding	\$50	\$52

**Effective December 1, 2020**

**Judicial Panel on Multidistrict Litigation Fee Schedule (28 U.S.C § 1932)**

<b>Item No.</b>	<b>Description</b>	<b>Current Fee</b>	<b>Approved New Fee</b>
<b>1</b>	Search fee	\$31	\$32



## **Revisions to Bankruptcy Rules and Forms and Revised Miscellaneous Fees**

On September 17, 2019, the Judicial Conference of the United States approved proposed amendments to the Federal Rules of Bankruptcy Procedure. The proposed amendments were transmitted to the Supreme Court on October 23, 2019. The Supreme Court adopted these proposed amendments and transmitted them to Congress on April 27, 2020, and they will take effect on December 1, 2020, absent congressional intervention. A summary of the proposed amendments is outlined in Attachment A.

On March 17, 2020, the Judicial Conference approved a recommendation to increase certain miscellaneous fees for inflation. Several fees in the Bankruptcy Court Miscellaneous Fee Schedule will be revised pursuant to this action. These fee increases will take effect on December 1, 2020. See Attachment B for a summary of the relevant fee increases.

And finally, the Advisory Committee on Bankruptcy Rules approved technical changes to several Official Forms to reflect the inflationary increase in administrative fees on the Bankruptcy Court Miscellaneous Fee Schedule. Attachment C provides a summary of the form changes.

## **SUMMARY OF RULE CHANGES**

### **Rule 2002** – Proposed amendments to this rule would:

- extend the requirement that the clerk, or someone designated by the clerk, give notice to the debtor and creditors of entry of an order confirming a chapter 13 plan (this Rule currently applies to chapters 9, 11, and 12);
- limit the need to provide notice to creditors that did not file timely proofs of claim in chapter 12 and chapter 13 cases (currently, in a chapter 7 case, the rule eliminates the requirement to provide certain notices to creditors that fail to file a timely proof of claims). The proposed amendment to subdivision (h) would similarly eliminate the requirement to provide such notices to creditors that did not timely file a proof of claim in chapter 12 or 13 cases. It would also conform the time periods in the subdivision to the respective deadlines for filing proofs of claim under Rule 3002(c);
- add a cross-reference in response to the relocation of the provision specifying the deadline for objecting to confirmation of a chapter 13 plan. Subdivision (k) would be amended to add a reference to 2002(a)(9). Because the deadline for giving notice of the time for filing objections to confirmation of chapter 13 plans was recently moved from subdivision (b) to subdivision (a)(9), which currently is not specified in subdivision (k), the provision would be amended to include a reference to (a)(9) to ensure that the U.S. trustee continues to receive notice of this deadline. The rule continues to require transmittal of notice of that deadline to the United States trustee.

### **Rule 2004** – Proposed amendments to this rule would:

- amend the rule regarding examination of the debtor to refer specifically to the production of electronically stored information, in addition to the production of documents. This change acknowledges the form in which information now commonly exists and the type of production that is frequently sought in connection with an examination under Rule 2004.
- harmonize Rule 2004's subpoena provisions with the current version of F.R. Civ. P. 45, which Rule 9016 makes applicable in bankruptcy cases. Under Rule 45, the court where the action is pending always issues the subpoena, even for a deposition in another district, and an attorney admitted to practice in the issuing court may issue and sign it. Under proposed subdivision (c), a subpoena for a Rule 2004 examination would be issued from the court where the bankruptcy case is pending and by an attorney authorized to practice in that court, even if the examination is to occur in another district.

### **Rule 8012** – This rule is amended to conform with Fed. R. App. P. 26.1:

- subdivision (a) would be amended to include nongovernmental corporations that seek to intervene on appeal as corporate parties that must file a disclosure statement;
- new subdivision (b) would require disclosure of the name of all debtors in the bankruptcy case, and would apply the subdivision (a) disclosure requirements to corporate debtors; and
- subdivision (c), previously reference as subdivision (b), would be amended to make clear that all disclosures made pursuant to Rule 8012 must be supplemented when the information provided changes.

### **Rule 8013, 8015, and 8021** – These three rules would be amended to conform to changes in the appellate rules:

- Technical amendments to these rules to remove or qualify references to “proof of service,” or otherwise conform to amendments that been made to Appellate Rules 5, 21, 26, 32, and 39.



**SUMMARY OF INFLATIONARY INCREASES**  
**BANKRUPTCY COURT MISCELLANEOUS FEE SCHEDULE**

<b><u>Item</u></b>	<b><u>Current Fee</u></b>	<b><u>New Fee</u></b>
2. Exemplification	\$22	\$23
3. Audio Recording	\$31	\$32
4. Amended Schedules	\$31	\$32
5. Record Search	\$31	\$32
7. Filing Document Unrelated to a Case or Proceeding	\$47	\$49
8. Chapter 7, 12, or 13 Petition	\$75	\$78
Chapter 9, 11, or 15 Petition	\$550	\$571
Motion to Divide	\$75	\$78
Joint Chapter 7, 12, or 13 Case		
Motion to Divide	\$550	\$571
Joint Chapter 11 Case		
19. Filing Specific Motions	\$181	\$188
20. Claims Transfer	\$25	\$26
21. Motion to Redact	\$25	\$26

**CHANGES TO BANKRUPTCY FORMS – EFFECTIVE DECEMBER 1, 2020**  
**(Related to Inflationary Increases of Certain Miscellaneous Fees)**

- Form 1320 - This form is updated to reflect an increase in administrative fees on the Bankruptcy Court Miscellaneous Fee Schedule, Item 8, approved by the Judicial Conference in March, 2020.
- Form 2000 - This form is updated to reflect an increase in administrative fees on the Bankruptcy Court Miscellaneous Fee Schedule, Item 8, approved by the Judicial Conference in March, 2020.
- Form 2010 - This form is updated to reflect an increase in administrative fees on the Bankruptcy Court Miscellaneous Fee Schedule, Item 8, approved by the Judicial Conference in March, 2020.
- 1310 - Instructions The instructions to the form are updated to reflect an increase in the administrative fees on the Bankruptcy Court Miscellaneous Fee Schedule.

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF VERMONT**

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**In re:**

**New Student Loan Management  
Procedures and Forms**

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**NOTICE**


PLEASE TAKE NOTICE that effective October 1, 2020, this Court is implementing Administrative Procedures for VTB Student Loan Management Program (“SLM Procedures”) to ensure uniform and reliable procedures for Debtors to use if they wish to restructure the repayment schedule for their Eligible Loans through their bankruptcy case.<sup>1</sup> This is an optional program and does not offer any relief that is not available outside of bankruptcy, through the Department of Education, at no cost.

The SLM Procedures establish an efficient and transparent mechanism for modifying student loan repayment in the context of a debtor’s bankruptcy case, with the assistance of their bankruptcy attorney, and are available in all open bankruptcy cases filed in this District under Chapter 7, 11, 12, or 13 of the Bankruptcy Code. To the extent debtors in this Court seek to modify their Eligible Loans as a part of their bankruptcy case, they are required to follow the SLM Procedures and use the local bankruptcy forms attached to the SLM Procedures and identified as VTB Forms SL-1, -2 and -3.

PLEASE TAKE FURTHER NOTICE that the SLM Procedures envision the use of Document Preparation Software and a Portal that require the payment of certain fees, and there are likely to be additional attorney’s fees due for services rendered in connection with the SLM Procedures. Free training for attorneys on use of the Document Preparation Software and Portal in connection with the SLM Procedures is available through Default Mitigation Management, LLC.

Attached to this Notice are: (1) the SLM Procedures and exhibit forms, and (2) a summary description of the technology tools upon which the SLM Procedures depend. These documents are also posted on the Court’s website.

September 29, 2020  
Burlington, Vermont

  
\_\_\_\_\_  
Colleen A. Brown  
United States Bankruptcy Judge

Attachments (2)

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<sup>1</sup> All capitalized terms not otherwise defined in this Notice have the meanings set forth in the SLM Procedures.

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF VERMONT**

**Administrative Procedures For  
VTB Student Loan Management Program**  
*(Last Updated 9/29/2020)*

1. **Purpose.** The Student Loan Management (SLM) Program creates a process for debtors to apply for student loan resolution options with their student loan creditor(s). The goal of the SLM Program is to facilitate communication and exchange of information in an efficient and transparent manner, and to encourage the parties to consensually agree to student loan resolution options, which include repayment agreements.
2. **Definitions.** The following definitions shall be applicable to the SLM Program:
  - a. SL Creditor means any student loan creditor that is the holder of an Eligible Loan.
  - b. Debtor means any individual debtor with an open case in the District of Vermont Bankruptcy Court, under Chapter 7, 11, 12, or 13 of the Bankruptcy Code, and includes joint debtors. Where a debtor is represented by an attorney, the term “Debtor” may mean the debtor’s attorney on behalf of the Debtor individually unless the context requires otherwise.
  - c. Document Preparation Software means a secure online program that facilitates the preparation of the Initial SLM Package by completing the Standard SLM Documents (where applicable) and generating a customized checklist of required supporting documents that the SL Creditor and/or the Servicer requires. Non-Federal Loan SL Creditors shall specify to the Portal operator the documents they require to review any Student Loan Resolution Option. The use of the Document Preparation Software increases the likelihood that the initial submission by the Debtor is complete and accurate and should expedite the SL Creditor and/or Servicer’s review. The Court will list approved Document Preparation Software on its website. **Notice is hereby provided that a Debtor with a Federal Loan has the option to apply directly to the U.S. Department of Education, either through their servicer or the U.S. Department of Education’s website at [www.studentaid.gov](http://www.studentaid.gov), for free, to determine resolution and/or repayment options.**
  - d. Eligible Loan means any educational benefit overpayment or loan made, insured or guaranteed by a governmental unit, or made under any program funded in whole or in part by a governmental unit, or for any other educational loan that is a qualified education loan,

as defined in § 221(d)(1) of the Internal Revenue Code of 1986, on which the Debtor is an obligor.

- e. Federal Loan means an Eligible Loan that is funded, guaranteed or insured by the federal government or made under any program funded in whole or in part by a governmental unit.
- f. Initial SLM Package means any Standard SLM Documents and supporting documentation required to initiate the assessment of the Debtor's Student Loan Resolution Options. The SL Creditors and/or Servicers are not required to create new forms, applications or other documents to participate in and/or for use in the SLM Program.
- g. SLM Program Payment means a payment a Debtor makes to an SL Creditor pursuant to a Student Loan Resolution Option that the SL Creditor has approved and, in Chapter 11, 12, or 13 cases, it means a payment included in the Debtor's plan, in compliance with applicable bankruptcy law, unless the Debtor has proposed and the Court and SL Creditor have approved, the payment being made directly to the SL Creditor (*i.e.*, "outside the plan"). For purposes of the SLM Program, the SLM Program Payment shall be deemed to include any changes required by the terms of any approved Student Loan Resolution Option and/or any recertification of that Option.
- h. SLM Period means the time during which the SLM Program is in effect prior to its expiration or termination by Court order.
- i. Portal means a secure online service that allows SLM Program documents and communications to be submitted, retrieved and tracked between the Required Parties. The Portal shall provide access to the Trustees. Use of the Portal by Debtors and SL Creditors and/or Servicers provides transparency by making information immediately available to all Required Parties through a secure internet website. A Federal Loan creditor and/or servicer will import all such documents and/or communications from the portal to the system used by that SL Creditor and/or Servicer to ensure compliance with requirements of the Privacy Act and federal records retention requirements. The Court will list approved Portals on its website. **Notice is hereby provided that a Debtor who has a Student Loan that is held, guaranteed or insured by the U.S. Department Of Education has the option to apply directly to the Department of Education, either through their servicer or the U.S. Department of Education's website at [www.studentaid.gov](http://www.studentaid.gov), for free, to determine what resolution and/or repayment options are available to that Debtor.**
- j. Required Parties means (when applicable) the Debtor, Debtor's attorney, SL Creditor, Servicer, and legal counsel (if any) for these parties.

- k. Servicer means the servicer of an Eligible Loan.
  - l. Standard SLM Documents means standard applications and/or forms that are generally required by SL Creditors and/or Servicers to review and process a Debtor's request for a Student Loan Resolution Option. With respect to Federal Loans, the Standard SLM Documents means the standard applications and/or forms developed and used by the U.S. Department of Education as part of its management of Federal Loans over which it has oversight, as may be modified from time to time.
  - m. Student Loan Resolution Option means the full range of solutions available to a Debtor with respect to any Eligible Loan including, but not limited to, deferment, forbearance, administrative discharge, rehabilitation, consolidation, and any available repayment plan (including income-driven repayment plans). Any Student Loan Resolution Option offered to a Debtor must comply with all applicable laws and regulations. Participation in the SLM Program provides no greater eligibility for any student loan resolution option that the Debtor would have outside the SLM Program and/or bankruptcy.
- 3. **Eligibility.** Any Debtor who has an Eligible Loan and a case pending in the U.S. Bankruptcy Court for the District of Vermont may participate in the SLM Program.
  - 4. **Chapter 12 & 13 Trustee.** The Chapter 12 and 13 Trustee may participate in the SLM Program if the Trustee chooses to do so, and if the participation is consistent with the Trustee's duties under the Bankruptcy Code.
  - 5. **Commencement of SLM Program.** A Debtor may initiate SLM Program participation at any time after the commencement of the bankruptcy case by filing a Notice of Participation in SLM Program (the "Notice of SLM"), the form of which is attached as VTB Form SL-1, along with the proposed Order Authorizing Participation in SLM Program the form of which is attached as VTB Form SL-2.
    - a. Before filing a Notice of SLM, the Debtor must pay their bankruptcy filing fee in full and complete the required Document Preparation Software, except that the Document Preparation Software is not required for a borrower seeking only to file a Notice of SLM to enable communication with the U.S. Department of Education and/or its servicer as detailed in the paragraph immediately following section 14.a.vii.
    - b. The Debtor must serve the Notice of SLM as set forth in section 6.
  - 6. **Service.** For SLM Program documents and/or notices for which service and/or notification outside the Portal is required, including the Notice of SLM, Order Authorizing Participation in SLM

Program, and Notice of Resolution / No Resolution, that service and/or notice shall be accomplished as required by Fed. R. Bankr. P. 7004 and as follows:

- a. The Debtor shall provide 14 days' notice and opportunity to object to the Required Parties as set forth in the following subsections 6(b) and (c), and may use the optional default procedure available under Vt. LBR 9013-4.
- b. Upon the filing the Notice of SLM, the Debtor shall serve a copy by first class mail postage prepaid on the SL Creditor and Servicer's named officer(s) at the address of each entity's headquarters.
- c. For Federal Loans held by the U.S. Department of Education, copies of the Notice of SLM, Order Authorizing Participation in SLM Program, and Notice of Resolution / No Resolution shall be served upon the U.S. Department of Education in the following manner:

By first class mail to:

Civil Process Clerk  
United States Attorney  
District of Vermont  
11 Elmwood Avenue, 3<sup>rd</sup> fl.  
P.O. Box 570  
Burlington, VT 05402-0570

Attorney General of the United States  
U.S. Department of Justice  
950 Pennsylvania Ave., NW  
Washington, DC 20530-001

Office of the General Counsel  
U.S. Department of Education  
ATTN: Deputy General Counsel  
Lyndon Baines Johnson (LBJ) Department of Education Building  
400 Maryland Ave, SW  
Washington, DC 20202

And by email to:

FSABankruptcy@ed.gov  
With Subject Line "VT SLMP" to assist in processing.

7. **Court's Order.** The Debtor shall serve the Order Authorizing Participation in SLM Program on the Required Parties as set forth in section 6, promptly after entry thereof.
8. **SLM Program Duties.** The following duties apply during the SLM Period:

- a. **Good Faith Requirement:** The Required Parties shall act in good faith throughout the SLM Period. Good faith includes, but is not limited to, promptly responding to all inquiries through the Portal and providing all requested documentation and information.
  - b. **Deadlines:** The Required Parties shall comply with all deadlines in the SLM Program.
  - c. **Communication through the Portal:** During the SLM Period, all material communications between the Required Parties and the Trustee, if any, shall occur exclusively through the Portal, unless otherwise authorized by the Court.
9. **Automatic Stay.** The automatic stay under 11 U.S.C. § 362(a) is modified solely to facilitate the SLM Program and to encourage the Required Parties to explore consensual Student Loan Resolution Options and to execute documents for any option selected, as needed. It shall not be a violation of the automatic stay or other state or federal laws for the SL Creditor or Servicer to send the Debtor normal monthly statements regarding payments due and any other communications including, without limitation, notices of late payments or delinquency. These communications may expressly include telephone calls and e-mails if the Debtor has agreed to electronic communications under normal processes established by the SL Creditor and/or Servicer. Any allegation by a Debtor that an SL Creditor and/or Servicer has violated the automatic stay while the SLM Period is effective, as to that SL Creditor and/or Servicer, shall be made and served as required under section 6, before any filing with the Court, to allow the SL Creditor and/or Servicer to address the allegation and/or correct any error. The SL Creditor and/or Servicer shall be allowed 21 days from service of such allegation to respond, prior to the Debtor filing any papers with the Court about it.
10. **SLM Procedures.** These procedures shall apply to the SLM Program:
  - a. **Duration:** The SLM Period initially shall be 180 days from the Notice of SLM, unless the Parties agree, or the Court orders, otherwise.
  - b. **No Dismissal:** Required Parties may not require the dismissal of the Debtor's bankruptcy case as a condition precedent to an agreement reached through the SLM Program.
11. **Debtor's Duties in SLM Program.** Debtor's Duties in SLM Program include:
  - a. **Submit Initial SLM Package:** Within seven days after the later of entry of the Order Authorizing Participation in SLM Program or the SL Creditor's and/or Servicer's registration on the Portal, Debtor shall (i) upload the Debtor's Initial SLM Package and a copy of the Order Authorizing Participation in SLM Program to the Portal; and (ii) pay the Portal submission fee directly to the Portal vendor. The Portal will not notify the SL



Creditor and/or Servicer of the Debtor's submission, and the SL Creditor and/or Servicer will not have access to the Debtor's submission, until the Portal fee is paid.

- b. **Document Submissions:** Upon the SL Creditor's and/or Servicer's request, the Debtor shall promptly provide any additional or corrected documents through the Portal.
- c. **Conclusion of SLM Program:** Within 14 days of the date when the SL Creditor and/or Servicer and the Debtor conclude the SLM Program process, the Debtor shall file with the Court a Notice of Resolution / No Resolution that either includes the Student Loan Resolution Option to which the Parties have agreed, or states that the Parties have not agreed to a Student Loan Resolution Option. A copy of this Notice is attached as VTB Form SL-3. The Debtor must serve the Notice of Resolution / No Resolution as required under section 6.

12. **SL Creditor and Servicer's Duties in SLM Program.** The SL Creditor and Servicer's duties in the SLM Program include:

- a. **Registration on Portal:** No later than 21 days after a Notice of SLM is filed, the SL Creditor and/or Servicer (if any) shall register on the Portal. Note: A single registration on the Portal is effective as to all Notices of SLM from each borrower who uses that Portal.
- b. **Acknowledgement of Initial SLM Package:** No later than 30 days after a Debtor submits a completed Initial SLM Package on the Portal, the SL Creditor and/or Servicer shall acknowledge receipt of the Initial SLM Package on the Portal.
- c. **Processing of Debtor's Application:** Within 30 days of receipt of the Debtor's Initial SLM Package, the SL Creditor and/or Servicer shall notify the Debtor if any additional or corrected documentation is needed. Upon receipt of such additional or corrected documentation, the SL Creditor and/or Servicer shall promptly review the documentation and respond to the Debtor's inquiries via the Portal.
- d. **Determination of Debtor's Eligibility:** The SL Creditor and/or Servicer shall determine the Debtor's eligibility for any Student Loan Resolution Option within 60 days of the receipt of the later of (i) the initial SLM Package or, (ii) if timely requested, any additional or corrected documentation. Upon such determination, the SL Creditor and/or Servicer shall promptly notify the Debtor if the Debtor qualifies for any Student Loan Resolution Option.

13. **Additional Duties in Chapter 13 Cases.** If a Debtor seeks SLM Program in a Chapter 13 case and the Parties reach a consensual resolution, the following apply:

- a. If the Debtor's Chapter 13 Plan has not been confirmed, then within 30 days of filing a Notice of Resolution indicating an agreement between Debtor and the SL Creditor and/or Servicer, the Debtor shall file an amended Chapter 13 Plan that provides for the SLM Program Payment. If available under local procedures, the Debtor may make the payment directly rather than through the Trustee.
- b. If the Debtor's Chapter 13 Plan has been confirmed and the SLM Program Payment reduces by more than 10% either the amount the Trustee will be paying to SL Creditors, or the Debtor's monthly expenses as listed on Schedule J, then the Debtor shall file a motion to modify the confirmed Chapter 13 Plan that provides for separate classification of the Eligible Loan(s) and the SLM Program Payment.
- c. The Debtor may seek enrollment in any Student Loan Resolution Option at any time without approval of the Court, and will not be disqualified from doing so due to the pending bankruptcy case, even if the Required Parties previously agreed to a different Student Loan Resolution Option, provided it does not interfere with the Debtor's ability to continue to make the required plan payments.
- d. The Debtor may seek to consolidate Eligible Loans without separate approval of the Court, provided the Debtor is eligible for any loan consolidation option sought, under applicable statutes and regulations.
- e. The Debtor's Chapter 13 Plan shall include in the Plan's **Non-Standard Provisions** the following items:
  - i. The Debtor is not seeking, nor does this Plan provide for, any discharge, in whole or in Part, of student loan obligations under 11 U.S.C. § 523(a)(8).
  - ii. The Debtor shall be allowed to seek enrollment in any income-driven repayment ("IDR") plan with for which they are eligible without further Order of the Court.
  - iii. The SL Creditor shall not be required to allow the Debtor to enroll in any IDR plan unless the Debtor qualifies for such plan.
  - iv. The Debtor shall re-enroll in the applicable IDR plan annually or as otherwise required and shall, within 30 days following a determination of the updated payment amount, and notify the Chapter 13 Trustee of such payment change. At such time, the Trustee or the Debtor may, if necessary, file a Motion to Modify the Chapter 13 plan to allow the direct payment of the student loan(s) and adjust the payment to other general unsecured claims as necessary to avoid any unfair discrimination.

- v. It shall not be a violation of the automatic stay or other state or federal laws for the SL Creditor and/or Servicer to send the Debtor normal monthly statements regarding IDR payments due and related communications including, without limitation, notices of late payments or delinquency. These communications may expressly include telephone calls and e-mails if the Debtor has agreed to electronic communications under normal processes established by the SL Creditor and/or Servicer.
- vi. *[Any additional non-standard Plan provisions required for the repayment option the Debtor and the SL Creditor will implement pursuant to these Procedures.]*

14. **SLM Program Fees.** The Debtor's attorney may charge or request fees for assisting a Debtor in the SLM Program, subject to Court approval as set forth in Vermont Local Bankruptcy Rules 2016-1 and 2016-2, and as follows:

- a. **Presumed Reasonable Fee:** The Debtor's counsel may receive reasonable compensation for services rendered in connection with the SLM Program process and may accept a "presumed reasonable" fee in an amount, reflecting the time spent, not to exceed \$750.00. This fee shall be paid as an administrative expense in addition to other fees and costs incurred in representing the Debtor in the bankruptcy case. The \$750.00 fee shall include, at a minimum, these tasks:
  - i. review of all Student Loan Resolution Options with the Debtor, including repayment options,
  - ii. filing of the Notice of SLM,
  - iii. preparation of the Initial SLM Package,
  - iv. preparation of any additional forms required throughout the SLM Program,
  - v. submission of all required documentation through the Portal,
  - vi. filing of any other required pleadings, and
  - vii. preparation of proposed orders and settlement papers, if applicable.

**Provided, however, that any Debtor wishing to avail themselves of the free option provided by the U.S. Department of Education (see section 14.d.) may not be charged a legal fee greater than \$250.00, in connection with the SLM Program, if the attorney only filed a Notice of SLM to allow the Debtor to communicate with the U.S. Department of Education, either through the Debtor's loan servicer or via the U.S. Department of Education's website at [www.studentaid.gov](http://www.studentaid.gov).**

- b. **Annual Recertification Fee:** The Debtor's attorney may charge an additional \$250.00 per year to recertify the Debtor's IDR plan, if applicable, but only until the U.S. Department of Education establishes the automatic certification of income for IDR borrowers as allowed under Section 3 of the Fostering Undergraduate Talent by Unlocking Resources for Education Act (FUTURE Act), PL 116-91, December 19, 2019, 133 Stat 1189.
- c. **Additional Compensation:** The Debtor's attorney may seek additional compensation by separate application attaching contemporaneous time records for *extraordinary* services the attorney rendered in connection with the Debtor's participation in the SLM Program.
- d. **Notice is hereby provided that a Debtor with a Federal Loan has the option to apply directly to the U.S. Department of Education, either through their servicer or via the U.S. Department of Education's website at [www.studentaid.gov](http://www.studentaid.gov), for free, to determine Student Loan Resolution Options and/or repayment options.**

15. **Modification of Procedures.** Upon a showing of good cause, the Debtor or the Debtor's attorney may request a modification or waiver of any aspect of these procedures in a particular case. Any request for a modification of these procedures must be served in compliance with Section 6.

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF VERMONT

\_\_\_\_\_  
In re:

\_\_\_\_\_,  
Debtor(s).

Chapter \_\_\_\_  
Case # \_\_\_\_\_

**NOTICE OF PARTICIPATION IN STUDENT LOAN MANAGEMENT (SLM) PROGRAM**  
**UNDER DEFAULT PROCEDURE**

The above-named Debtor elects to participate in the District of Vermont Student Loan Management Program (the “SLM Program”) and agrees to comply with the SLM Procedures, including proper service on all Required Parties.

The Debtor acknowledges the automatic stay established by 11 U.S.C. § 362(a) is modified to the extent necessary to facilitate the SLM and requests that the Court enter the attached Form of Order, and commits to participate in the SLM Program in good faith.

**IF YOU OPPOSE PARTICIPATION IN THE SLM PROGRAM**, you must file a written response with the Clerk of the Court specifying your opposition **on or before 4:00 P.M. on [a date that is no less than seven (7) days prior to the hearing date]**. You must also serve a copy of your response on the Debtor, the Debtor’s counsel, the United States trustee, the case trustee, if any, and in a chapter 11 case, the Creditors’ Committee and its counsel or, if no committee is appointed, then upon the 20 largest unsecured creditors. Addresses for those parties are set forth below.

**IF A RESPONSE IS TIMELY FILED**, the Court will hold a hearing at [time] on [date] at the following location [*indicate Rutland, Burlington, or remote location*], unless the Court deems no hearing is necessary and enters an order prior to the time set for hearing.

**IF NO RESPONSE IS TIMELY FILED**, the Court **may** deem the matter unopposed and grant the request without further hearing. However, even if there is no response, the hearing shall proceed and the Movant must appear, unless the Court has entered an order before the hearing date.

Counsel for the Debtor

Dated:  
At:

\_\_\_\_\_  
Name  
Address

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF VERMONT

\_\_\_\_\_  
In re:

\_\_\_\_\_,  
Debtor(s).

Chapter \_\_\_\_  
Case # \_\_\_\_\_

**ORDER**

**AUTHORIZING DEBTOR TO PARTICIPATE IN STUDENT LOAN MANAGEMENT (SLM) PROGRAM**

After due consideration of the Notice of Participation of Student Loan Management Program filed by the Debtor and upon the Debtor's certification of proper service on all Required Parties, **IT IS HEREBY ORDERED** that:

1. The Debtor and the following SL Creditor(s) and/or Servicer(s): \_\_\_\_\_ are directed to participate in good faith in the Student Loan Management Program of the United States Bankruptcy Court for the District of Vermont (the "SLM Program").
2. Participating Parties are required to comply with the District's SLM Procedures.
3. The automatic stay established under 11 U.S.C. § 362(a) is modified to the extent necessary to facilitate the SLM Program.

**SO ORDERED.**

[Date]  
Burlington, Vermont

\_\_\_\_\_  
Colleen A. Brown  
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF VERMONT

\_\_\_\_\_  
In re:

\_\_\_\_\_,  
Debtor(s).

Chapter \_\_\_\_  
Case # \_\_\_\_\_

**NOTICE OF RESOLUTION / NO RESOLUTION**  
**UNDER STUDENT LOAN MANAGEMENT PROGRAM**

(Check one)

- ☐ The Debtor and SL Creditor / Servicer: \_\_\_\_\_ have reached a resolution that includes the following initial monthly payment amount \$\_\_\_\_\_, over \_\_ months.
- ☐ The Debtor and SL Creditor / Servicer: \_\_\_\_\_ have not reached a resolution.

Additional pertinent information (optional):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Counsel for the Debtor

Dated:  
At:

\_\_\_\_\_  
Name  
Address:

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF VERMONT**

**SLM Program Tools**  
(Last Updated 9/29/2020)

Note: There are three third-party provider technology tools that are important to use in the SLM Program. They are described below for the convenience of the debtors, attorneys and creditors who wish to participate in the SLM Program. **The SLM Program is optional and this Court does not endorse or require use of any of these tools.** The following descriptions are based on the providers' descriptions and the providers are solely responsible for the use, and terms of use, of each tool.

**(1) U.S. Department of Education's Website**  
[www.studentaid.gov](http://www.studentaid.gov)

This is of the website for the Office of the Department of Education and **is free to borrowers**. From here, borrowers can access their federal loan information and apply for loan repayment options. It also offers a "loan simulator" tool to help borrowers find the best repayment plan to meet their needs and goals and to decide whether to consolidate their loans.

Using an FSA ID, you can log on to studentaid.gov and obtain a list of the borrower's Federal Student Loans, in an easy to read format. By clicking on each individual loan in studentaid.gov, borrowers can obtain detailed loan information on each loan, including which loan servicer handles each loan.

Although a borrower may initially be assigned to a repayment plan when monthly repayment begins, the borrower can change repayment plans at almost any time – **for free**. Detailed information, including terms and eligibility, about each plan is available at this link <https://studentaid.gov/manage-loans/repayment/plans> or from the borrower's loan servicer.

To determine which repayment plan(s) a borrower is eligible for, the borrower may use the loan simulator at this link: <https://studentaid.gov/loan-simulator/>. The borrower may use their FSA ID to pull in their student loan information and will receive information on which repayment plans they are eligible for and what the monthly repayment will be for each plan. For income driven repayment plan estimates the borrower will need to know their adjusted gross income (AGI) from their latest tax forms, family size, state of residence, and tax filing status – unless the borrower wishes to use the IRS Data Retrieval Tool (which pulls this information directly from the IRS into the repayment estimator).



## **(2) Document Preparation Software – StudentLoanify**

<https://studentloanify.com/>

StudentLoanify is the collaborative work of Default Mitigation Management, LLC (DMM) and Joshua R.I. Cohen, Esq., the Student Loan Lawyer (<https://thestudentloanlawyer.com>), and is owned and operated by DMM. Igor Roitburg is the Chief Operating Officer of DMM. Mr. Cohen and Mr. Roitburg describe StudentLoanify as analogous to Best Case software, as data is input and then documents are prepared and produced.

StudentLoanify specializes in helping borrowers' attorneys understand the current status of their clients' federal student loans and the available repayment options and plans, and then preparing the required applications to enroll the borrower in the selected repayment plan.

StudentLoanify Informational Video: <https://youtu.be/33i8j7iEvzA>

### **Custom Report**

To use StudentLoanify, borrower's attorneys can register an account, answer a few questions about the borrower, and receive a custom report. The custom report helps attorneys understand the borrower's current loans and explains the options available to them. The custom report takes approximately three minutes to complete and explains the types of federal student loans the borrower has, the amounts owed and interest rates charged, the current status of each loan, and the repayment plans available. The report is customized to each borrower's profile and provides a very detailed understanding together with instructions on how to proceed. StudentLoanify's proprietary system will even allow attorneys to sync a borrower's NSLDS data with its systems. To expedite and simplify the process further, StudentLoanify allows attorneys to send an online intake form to their clients so they can quickly and easily complete the intake information.

### **Custom Application Materials**

In addition to a custom report, StudentLoanify will prepare all of the required application materials needed and provide guidance on how to secure the selected repayment plan. The borrower's attorney may select the plan that works for their client and download a complete custom application, which they may then print, sign, and send to the servicer. Analogous to how TurboTax™ revolutionized tax preparation, StudentLoanify is revolutionizing how federal student loan borrowers take charge of their loans.

### **Pricing**

The discounted rate for attorneys in districts with an SLM program is \$40 for the complete package, including custom report and application materials (typically \$99). *Pro se* debtors are charged at the same rates.

Recertification in StudentLoanify costs \$19 per certification because it creates a new form and the required information has to be updated annually. If borrowers switch to a different repayment plan or apply for a payment amount change based on a change in income, there would be a new \$40 application fee because a new analysis, report, and application would be required.

### **(3) Portal – DMM**

[www.dmmportal.com](http://www.dmmportal.com) or [www.dclmwp.com](http://www.dclmwp.com)

The DMM Portal is also owned and operated by DMM. Mr. Roitburg describes the DMM Portal as analogous to CM/ECF as it enables transparency and sharing of information and documents (although only the assigned stakeholders can view the file).

DMM specializes in building online document preparation systems and portals. DMM pioneered online mortgage modification services and is now recognized by dozens of bankruptcy courts as the system of record to help borrowers and mortgage servicers resolve mortgage modifications quickly and easily.

The DMM Portal provides easy-to-use, step-by-step wizards, to help borrowers' attorneys submit their client's student loan packages to the servicer. Submissions are as easy as a click of the mouse, with documents delivered to the servicer in real-time. Every action is carefully tracked and recorded, so all the stakeholders always know the exact status of the application. The DMM Portal's status tracker even tells users what's next ensuring that all stakeholders continue to move the application forward. With all of the stakeholders on the same page with access to all of the information in real-time, decisions are made quickly and efficiently.

#### **Pricing**

There is a one-time fee of \$40 for bankruptcy participants in a district with an SLM program, and there is no additional fee to use the DMM Portal for the recertification process.

#### **Use of StudentLoanify with DMM Portal**

Once an attorney registers on the DMM Portal, they can access StudentLoanify directly from within the DMM Portal. The borrower or their attorney can submit applications through the DMM Portal and use the DMM Portal to communicate with the servicer and track the status of submissions.

StudentLoanify will send debtors' attorneys notice that recertification will be due in 60 days, regardless of whether the bankruptcy case is still open. If the bankruptcy case is no longer pending, then servicers may elect not to permit the debtor to use the portal for the recertification process and instead require debtors to proceed outside the portal. This determination is outside the control of DMM. However, both StudentLoanify and the DMM Portal will keep accounts open and documents available for seven years after the last activity.

Mr. Roitburg will offer a free webinar to VTB attorneys to teach them how to use StudentLoanify and the DMM Portal as part of the VTB SLM program.