

VBA BANKRUPTCY LAW SECTION
BENCH-BAR BROWN BAG LUNCH MEETING
with Hon. Colleen A. Brown, U.S. Bankruptcy Judge

United States Bankruptcy Court, Rutland
Friday, April 21, 2017 ~ 12:00 - 1:00 PM

Dial-in number: (888) 398-2342, Access Code: 846 68 72#
If you dial into the meeting, please use your “Mute” function, unless speaking.

AGENDA

1. PROCEDURE FOR CONTINUING AN INITIAL CONF HRG IN CHAP 12/13 CASES [LR 3015-2(G)] Judge Brown
Motion must be made no fewer than 7 days before date set for hrg unless there are exigent circumstances that could not be known 7 days in advance.
2. CLOSING MEDIATION – PRACTICE TIP Judge Brown
 - One cannot w/draw a motion to mediate after it has been granted;
 - proper procedure is to file a motion to close mediation.
3. NCBJ NEXT GENERATION 2017 APPLICATION INFO - MAY 3, 2017 DEADLINE Judge Brown
“NextGen” provides 40 up-and-coming bankruptcy practitioners with exclusive substantive programs, including a judicial roundtable, at a deep price discount.
4. LOCAL RULES TASK FORCE IS DOING FULL REVIEW OF VT. LBRs Judge Brown
 - The Task Force is chaired by Tavian Mayer, and includes 10 bk'cy attys.
 - The TF is reviewing / revising all our LRs to (a) make them as clear as possible,
 - Comments, proposed edits, suggested changes to any LRs shd be sent to Tavian Mayer **ASAP**.
 - The goal is to have new LRs will effective as of Dec 1, 2017 (w/ ch 13 plan & related rules)
5. 341 MEETING TIPS (ATTACHMENTS) Lisa Penpraze
 - Notice of biohazards
 - Forms of ID
6. UPCOMING RENOVATIONS (FOR ADA COMPLIANCE) IN RUTLAND COURTHOUSE Theresa Davidson
 - 4/24/17 – Construction work will begin on the 2nd & 3rd floor handicap restrooms.
 - The work is expected to last 2 weeks.
 - Construction will be limited to one restroom at a time so one will always be available.
 - 6/1/17 – Construction work will begin on the new ramp and lobby entrance.
 - this work is expected to last 8 weeks
 - demolition will take approximately 5 days
 - demolition work to start at 6 am each day; will end by 9 am on court/ grand jury/ 341 days
 - during this time the West entrance and ramp will be closed; access will be thru PO Box lobby
7. HOLD THE DATE: 2017 HOLIDAY CLE: DEC 1, 2017: LOCATION TBD Heather Cooper
8. PRACTICE TIPS FROM CLERK’S OFFICE Jody Kennedy

These Bench-Bar lunch meetings are coordinated by the Bankruptcy Court
Have a question about them? Contact Maria Dionne @ 802-657-6432 or maria_dionne@vtb.uscourts.gov.
No fee and no pre-registration required. Bottled water will be provided.

Excerpt from Chapter 7 Trustee Handbook, Pages 3-5 To 3-6 (Eff. 10/1/2012)
https://www.justice.gov/ust/file/handbook_for_chapter_7_trustees.pdf/download

VERIFICATION OF DEBTOR IDENTITY AND SOCIAL SECURITY NUMBER

At the meeting of creditors, each individual debtor must present original government-issued photo identification and confirmation of the social security number listed in the notice of the meeting of creditors received by the trustee. 11 U.S.C. § 521(h) and Fed. R. Bankr. P. 4002(b)(1). The trustee must not ask the debtor to verbally recite on the record their social security number or address, but should verify both.

Any document used to confirm a debtor's identity and social security number must be an original. 28 U.S.C. § 586. Copies may not be accepted, except that in the discretion of the trustee, a copy of a W-2 Form, an IRS Form 1099, or a recent payroll stub may be accepted. Acceptable forms of picture identification (ID) include: driver's license, U.S. government ID, state ID, student ID, passport (or current visa, if not a U.S. citizen), military ID, resident alien card, and identity card issued by a national government authority.

Acceptable forms of proof of social security number include: social security card, medical insurance card, pay stub, W-2 form, IRS Form 1099, and Social Security Administration (SSA) Statement. When debtors state that they are not eligible for a social security number, the trustee must inquire further in order to verify identity. In that situation, proof of an Individual Tax Identification Number (ITIN) issued by the IRS for those people not eligible for a social security number is acceptable documentation. 28 U.S.C. § 586.

If a debtor fails to provide the required forms of identification, the trustee may proceed with the normal questioning at the meeting of creditors, but must continue the meeting to the trustee's next scheduled meeting date for production of the identification. At the trustee's discretion, the trustee may allow the debtor to present the required identification before the next scheduled meeting. If the debtor provides the required documentation, the trustee may have the continued meeting deemed concluded, provided that there are no other pending issues that warrant reconvening the meeting. 28 U.S.C. § 586.

If the debtor's identity cannot be confirmed, or the social security number listed on the debtor's bankruptcy documents cannot be confirmed or is incorrect, the trustee must refer the matter to the United States Trustee. 28 U.S.C. § 586. See the Supplementary Materials for the Notice to United States Trustee of Debtor Identity Problem.

See also, Chapter 13 Trustee Handbook
https://www.justice.gov/sites/default/files/ust/legacy/2015/05/05/Handbook_Ch13_Standing_Trustees_2012.pdf

Fill in this information to identify your case:

United States Bankruptcy Court for the:

_____ District of _____

Case number (if known): _____

Official Form 121

Statement About Your Social Security Numbers

12/15

Use this form to tell the court about any Social Security or federal Individual Taxpayer Identification numbers you have used. Do not file this form as part of the public case file. This form must be submitted separately and must not be included in the court's public electronic records. Please consult local court procedures for submission requirements.

To protect your privacy, the court will not make this form available to the public. You should not include a full Social Security Number or Individual Taxpayer Number on any other document filed with the court. The court will make only the last four digits of your numbers known to the public. However, the full numbers will be available to your creditors, the U.S. Trustee or bankruptcy administrator, and the trustee assigned to your case.

Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$250,000, or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

Part 1: Tell the Court About Yourself and Your spouse if Your Spouse is Filing With You

For Debtor 1:	For Debtor 2 (Only If Spouse Is Filing):
1. Your name	
First name _____	First name _____
Middle name _____	Middle name _____
Last name _____	Last name _____

Part 2: Tell the Court About all of Your Social Security or Federal Individual Taxpayer Identification Numbers

2. All Social Security Numbers you have used	_____	_____
	_____	_____
	<input type="checkbox"/> You do not have a Social Security number.	<input type="checkbox"/> You do not have a Social Security number.
3. All federal Individual Taxpayer Identification Numbers (ITIN) you have used	9 _____	9 _____
	9 _____	9 _____
	<input type="checkbox"/> You do not have an ITIN.	<input type="checkbox"/> You do not have an ITIN.

Part 3: Sign Below

Under penalty of perjury, I declare that the information I have provided in this form is true and correct.

Under penalty of perjury, I declare that the information I have provided in this form is true and correct.

x _____
Signature of Debtor 1

x _____
Signature of Debtor 2

Date _____
MM / DD / YYYY

Date _____
MM / DD / YYYY