

Summary of 2023 Revisions to Vermont’s Local Bankruptcy Rules¹
Effective 1/1/2024

I. OVERALL / GLOBAL CHANGES

- Models the Bankruptcy Code and Federal Rules for grammar, style, and capitalization
- Incorporates edits made to the 2021 Vermont Local Bankruptcy Rules by standing order relating to Meetings of Creditors, Chapter 13 Confirmation hearings and location of hearings
- Updates references and cross references to Bankruptcy Code & Rules and Local Rules, as needed
- Updates references to local and federal forms, as needed
- Makes changes for accuracy, clarity and consistency, as needed
- Deletes local rules redundant of the Bankruptcy Code and/or Federal Rules

II. REVISIONS TO PARTICULAR RULES

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

- Deleted language in subsection (d) as redundant of the local payment advices cover sheet (Local Form B).
- Changed language in subsection (m) to conform with changes to local form Y-8.

VT. LBR 1015-1. JOINT ADMINISTRATION/ CONSOLIDATION.

- Deleted language relating to joint administration of cases filed by married debtors as redundant of Federal Rule 1015(b).

VT. LBR 1072-1. LOCATION OF COURT HEARINGS AND WHERE TO FILE DOCUMENTS.

- Abrogated. See Website.

VT. LBR 2003-2. CREDITORS’ COMMITTEE DUTY TO PROVIDE INFORMATION IN CHAPTER 11.

- Abrogated. Redundant of requirements set forth in Code and Federal Rules.

VT. LBR 2090-2. ATTORNEYS – DISCIPLINE AND DISBARMENT.

- Abrogated. Redundant of Vermont District Court Attorney Disciplinary Rules.

VT. LBR 3013-2. CLASSIFICATION OF CLAIMS AND INTERESTS IN CHAPTER 12.

- Abrogated. Redundant of Federal Rule 3013 which incorporates reference to § 1222(b)(1).

¹ This summary only addresses rules that had significant substantive changes other than changes to reflect incorporation of standing orders; it does not include changes that were substantively *de minimis* or only of a grammatical, formatting or stylistic nature.

VT. LBR 3013-3. CLASSIFICATION OF CLAIMS AND INTERESTS IN CHAPTER 13.

- Abrogated. Redundant of Federal Rule 3013 which incorporates reference to § 1322(b)(1).

VT. LBR 3014-1. § 1111(b) ELECTION.

- Election language as to conventional Chapter 11 deleted as redundant of Federal Rule 3014.
- Retained timing for election in Subchapter V Chapter 11 Cases.

VT. LBR 3015-2. TIMING/LOCATION OF CONFIRMATION HEARINGS IN CHAPTER 13.

- Abrogated to reflect the change effective January 1, 2023, decoupling confirmation hearings from the initial meetings of creditors.

VT. LBR 3015-3. OBJECTIONS TO CONFIRMATION IN CHAPTER 13.

- Abrogated. Conflicts with Federal Rule 3015(f) which provides that an objection to confirmation must be filed at least seven days before the date set for confirmation unless the Court orders otherwise. The Court had ordered otherwise previously with the initial meeting of creditors set for the same date as confirmation hearing.
- There is no longer any necessity to have a shorter objection deadline.

VT. LBR 3015-4. ADDITIONAL, SEPARATE, PROPOSED ORDERS REQUIRED FOR EMBEDDED MOTIONS IN CHAPTER 13.

- Abrogated. The local rules require a proposed order be filed with each request for affirmative relief such that this provision is redundant (*See* Local Rule 3015-1(b)(2)).

VT. LBR 3015-8. MOTIONS TO MODIFY CONFIRMED CHAPTER 12 AND 13 PLANS.

- Deleted redundant language and added direct language for the requirement to file a redlined plan. Any modification must clearly identify the changes proposed.

VT. LBR 3017-1. APPROVAL OF DISCLOSURE STATEMENT IN CHAPTER 11.

- Abrogated. Local Form P (proposed order for approval of a disclosure statement) is redundant of Official Form B313 which shall be used pursuant to Federal Rule 9009 (alterations permitted as per Judicial Conference).

VT. LBR 3070-1. PLAN PAYMENTS IN CHAPTER 13.

- Changed language in subsection (a) to reflect TFS BillPay deduction.

VT. LBR 4001-4. CASH COLLATERAL.

- Clarified requirements for Motion *in addition to* those requirements under Federal Rule 4001(b).

VT. LBR 4002-1. DEBTOR’S DUTIES – GENERALLY.

- Include reference to Chapter 12 and 13 operating reports requirement to ensure that it does not imply that operating reports are only necessary in a Chapter 11.

VT. LBR 4001-7. LOSS MITIGATION MEDIATION PROGRAM.

- Amended to allow parties to reserve a timeline for the appointment of a mediator if they prefer to attempt to negotiate a loan modification directly. Previously, an appointment could be waived and a subsequent request to appoint a mediator could be made. This sets a timeframe for managing expectations especially if no modification is achieved and plan confirmation is subject to modification.
- Shifts reporting requirement from mediator to the parties to the mediation.

VT. LBR 5003-2. CLAIMS REGISTER.

- Abrogated to reflect updated changes to access to electronic records.

VT. LBR 5003-3. DEPOSIT AND INVESTMENT OF REGISTRY FUNDS.

- Abrogated. Sets forth Court Registry Investment System (CRIS) administered by the Administrative Office of United States Courts when a party delivers funds to the Court’s registry. Internal mechanism does not need to be put into the local rules.

VT. LBR 5005-2. FILING DOCUMENTS – GENERALLY.

- Abrogated. CM/ECF is well established and such, this rule is no longer necessary. Redundant as to emailed filings (Local Rule 1002-1(b)) and paper filings (Local Rule 1002-1(c)).

VT. LBR 5005-3. FILING DOCUMENTS VIA CM/ECF – REGISTRATION REQUIREMENTS.

- Abrogated. With the implementation of NextGen, separate registration for CM/ECF is no longer necessary. This rule has become obsolete.

VT. LBR 5070-1. COURT CALENDARS AND SCHEDULING HEARINGS.

- Abrogated. Redundant of other local rules as to what hearings attorneys schedule and which hearings are set by the courtroom deputy.

VT. LBR 5071-1. CONTINUANCES.

- Abrogated as redundant of Local Rule 9013 (governing motion practice).

VT. LBR 5072-1. COURTROOM DECORUM.

- Simplification reduced to “all parties and their representatives must treat all persons in the courtroom or in the vicinity of the hearing with dignity and respect.” Removed provisions about overcoats, newspapers and books.

VT. LBR 5081-1. FEES – FORM OF PAYMENT.

- Abrogated. Redundant of other local rules and Federal Rules regarding paying filing fee in installments and waiver of filing fee.

VT. LBR 5091-1. JUDGE’S SIGNATURE.

- Abrogated. It is well established that an electronic signature constitutes a signature.

VT. LBR 6003-1. FIRST DAY MOTIONS.

- Expanded to include all immediate relief upon the filing of a case regardless of chapter filed. Added language to specifically include the subchapter V trustee.

VT. LBR 6008-1. REDEMPTION.

- Abrogated. Redundant of Federal Rule 6008.

VT. LBR 7005-1. CERTIFICATE OF SERVICE.

- Abrogated as redundant. Local Rule 9013 (motion practice) requires a certificate of service with each motion.

VT. LBR 7008-1. CORE/NONE-CORE DESIGNATION (COMPLAINT).

- Abrogated. See Fed. R. Bankr. P. 7008.

VT. LBR 7012-1. CORE/NON-CORE DESIGNATION (RESPONSIVE PLEADING).

- Abrogated. See Fed. R. Bankr. P. 7012(b).

VT. LBR 7024-2. CLAIM OF UNCONSTITUTIONALITY.

- Abrogated. See Fed. R. Bankr. P. 9005.1.

VT. LBR 7026-1. DISCOVERY.

- Highlights mandatory consultation among counsel.

VT. LBR 7055-1. DEFAULT.

- Abrogated. Redundant of Federal Rule 7055 and Fed. R. Civ. P. 55.

VT. LBR 7056-1. SUMMARY JUDGMENT.

- Includes requirement to file supporting Memorandum of Law.
- Includes language permitting a reply.

VT. LBR 7056-2. SUMMARY JUDGMENT – MEMORANDUM OF LAW REQUIREMENT.

- Abrogated. Moved requirement into language of Rule 7056-1.

VT. LBR 9003-1. EX PARTE CONTACT.

- Abrogated as redundant of Federal Rule 9003.

VT. LBR 9004-1. PAPERS – REQUIREMENT OF FORM.

- Abrogated. Rarely receive filings on paper and requirements are set forth in Local Rule 1005-1.

VT. LBR 9004-2. CAPTION – PAPERS, GENERALLY.

- Abrogated. Redundant of Local Rule 1005-1 and Federal Rule 1005.

VT. LBR 9006-1. TIME PERIODS.

- Abrogated. Redundant of Federal Rule 9006.

VT. LBR 9013-4. HEARINGS – ROUTINE MOTIONS – NOTICE UNDER OPTIONAL DEFAULT PROCEDURE.

- Eliminated subsection (8) Confirmation.

VT. LBR 9070-1. EXHIBITS IN EVIDENTIARY HEARINGS – PRODUCTION, RETENTION, AND CUSTODY THEREOF.

- Changed subsection (a) to delete filing exhibits electronically.
- Changed subsection (c) to require filing party retain originals until the time for any appeal expires.
- Changed subsection (d) to provide for the destruction of abandoned physical exhibits.

VT. LBR 9071-1. STIPULATIONS.

- Abrogated. Redundant of other local rules.