

## VBA BANKRUPTCY SECTION

### **Bench-Bar Brown Bag Lunch Meeting** *with Colleen A. Brown, U.S. Bankruptcy Judge* **Tuesday, February 17, 2009 ~ 12:00 pm – 1:00 pm**

**United States Bankruptcy Court, Rutland**  
*~ Participation may be in person, by telephone or via video-conference ~*  
*VIT sites - Lyndonville, Waterbury and Williston*

1. FEE APPLICATIONS IN CONNECTION WITH MOTIONS TO MODIFY PLAN AND CONFIRMATION ORDER

The Court must make findings that

1. the time spent and the fee charged were both **reasonable**;
2. the time and expenses were **actually** spent / incurred; and
3. the legal services provided were **necessary**

The applicant must include an itemization of time / expenses and brief narrative that sets forth sufficient information to support those findings. May be done on default; will be set for hearing if there is inadequate explanation or grounds do not satisfy statutory requirements.

2. NEW PROCEDURE IMPLEMENTING MILITARY EXCLUSION FROM MEANS TEST FORM (K. Ford)

3. PROCEDURE REVIEW (KAF)

- a. how to file stipulated motions and stipulated orders;
  - b. participation in hearings via video-conference / VIT:
    - VC appearances only available on VIT days;
    - if appearing at a site other than arranged by the Court, attorney must set up with VIT (and pay VIT directly) and notify Courtroom Deputy at least 1 business day in advance
- The full details re criteria for being able to participate via VC is on website; excerpts attached*

4. “INTRODUCTION” OF 2 NEW CASE ADMINISTRATORS (K. Ford)

- a. Paula Olson Terminal Digits: 7-9, 0 Phone: 776-2011
- b. Elizabeth Britt-Barrows, Terminal Digits TBA, Phone: 776-2004

5. MISCELLANEOUS CHAPTER 13 ISSUES

Requirement to file pre-petition tax returns, including 2008 returns in chapter 13 even though not due until 4/15 (M. Ranaldo)

Update from the Ch 13 Trustee, including his perspective on how mortgages will be treated in Vt ch 13 cases if pending legislation is enacted (J. Sensenich)

6. CLERK’S OFFICE HOURS

Bankruptcy clerk’s office opening hours (affects walk ins not phone calls or emails) (T. Hart)

***These Bench-Bar Lunches are coordinated by the Bankruptcy Court Chambers and Clerk’s Office.***  
***Questions? Call Thomas J. Hart at 802-776-2002***

No fee, no pre-registration required. Soft drinks and bottled water will be provided.

## **VIDEO CONFERENCING CRITERIA ~ U.S. Bankruptcy Court, District of Vermont**

Appearances via video conferencing will be available on designated calendar days, identified on the Court's website.

Attorneys or pro se parties may appear at a remote video conferencing site when:

1. their level of participation is for observation only,
2. the attorney's appearance is merely to place consent on the record or work out a schedule on the record (for example Pre-Trial Conference),
3. the length of combined attorney argument is not reasonably expected to last more than 15 minutes

Video Conferencing may not be used for:

1. Chapter 12 & 13 Confirmation hearings
2. Chapter 11 Confirmation hearings (except by attorneys or parties who meet above criteria)
3. trials and evidentiary matters
4. hearings requiring extensive legal argument, i.e., more than 15 minutes total (for example argument on Motions for Summary Judgment)
5. hearings where the Court has specified in the hearing notice, or otherwise (eg., at a prior hearing) that parties must appear at the Court location

Special Video Conferencing Circumstances:

1. Emergency weather conditions (when Video Conferencing is available & with permission from the Court)
2. Trial witness - upon Order of the Court
3. Extraordinary or other emergency circumstances (when Video Conferencing is available & with permission from the Court)

The Court has contracted for 5 video conferencing sites to be used on the designated video conferencing days identified in the two tables set out on the webpage. **If you would like to appear at a site that has not been contracted for by the Court, you may make arrangements independently with VT Interactive TV (VIT). An additional site may be purchased for \$20.00/hr based on site availability and arrangements being made directly with VIT at least 24 hours in advance of the hearing time. These arrangements may be made by contacting: Katrin Helgason, VIT Scheduling Coordinator at (802)728-1455 or [khelgason@vitlink.org](mailto:khelgason@vitlink.org).**

Questions concerning appearances via video conference should be addressed to: Terri Satterlee, Courtroom Deputy at (802)776-2010 or [terri\\_satterlee@vtb.uscourts.gov](mailto:terri_satterlee@vtb.uscourts.gov).