

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

Tuesday, July 28, 2009 ~ 12:00 pm – 1:00 pm
United States Bankruptcy Court, Rutland
Participation may be in person or by telephone

1. Welcome to our Russian guests – Yekaterina Vyacheslavovna Belyanchikova, Attorney, The Interdistrict Bar of Karelia; Alla Vyacheslavovna Rats, Judge, Supreme Court of the Republic of Karelia; Irina Valeryevna Rogova, Judge, Petrozavodsk City Court; Yuriy Vladimirovich Sidorov, Head, Department of Information and Publicity, Arbitration (Commercial) Court of the Republic of Karelia; FACILITATOR Olga Vladislavovna Konovalova, News Editor, Journalist-Interpreter, Marchmont Capital Partners, Ltd.
2. Decision Search Engine and Attorney Manual: A survey is coming out about the attorney manual and the court's search engine that the bar should have by mid-August (G. Gfeller, Kathleen Ford)
3. Motions for Relief from Stay against Co-debtors: language to be included in the order (and supported in the motion) is:

It is therefore ORDERED that the automatic stay imposed by 11 U.S.C. Section 362 is modified granting leave to the creditor, X, to pursue collection against (co-debtor) to the extent of the difference between the debt due creditor X and the amount to be paid under the plan.

IT IS FURTHER ORDERED that Creditor X shall provide the chapter 13 Trustee with an accounting of all sums it collects from the co-debtor under this order on an annual basis.

4. Noticing of Valuation Motions: movant must serve in compliance with Bankruptcy Rule 7004(h) if creditor is a federally insured depository institution; Clerk's Office notices the valuation motion if the motion is filed no later than the day the Plan is filed; when Clerk's Office issues notice it is through "normal BNC process" – it does not do any additional special noticing.
5. Scheduling Order in Ch 13 - if a scheduling order directs the debtor to file a plan and no plan is needed or more time is needed, the burden is on the debtor's attorney to file an affidavit or motion to that effect
6. Timing for Motions to Continue Initial Confirmation Hearings – motion with Trustee consent must be filed 14 days before date set for confirmation hearing unless emergency reason

Vt. LBR 3015-2. CHAPTER 13 – CONFIRMATION

(f) Requests to Postpone Confirmation Hearing.

(1) **Request to Postpone the Initial Confirmation Hearing.** Any motion (or stipulation) to postpone an initial confirmation hearing must be filed at least 14 days prior to the initial confirmation hearing date. The motion must set forth good cause for the continuance and must be supported by the consent of the Chapter 13 trustee. The motion must be served on all creditors. The initial confirmation hearing will proceed *and the debtor's attorney must appear at the hearing* unless the Court finds the movant has set forth good cause for the continuance, the granting of the continuance will not prejudice creditors (recognizing that with greater notice there is less likelihood of prejudice), and the Court enters an order granting the continuance and canceling the initial confirmation hearing.

7. The Move – many changes in the District, including new US District Court Judge sitting in Rutland and Bankruptcy Court moving its primary location to Burlington (likely to be complete in approximately 3 years); Bankruptcy Clerk's Office to be present in both locations for many years.
8. Internet References in Court Decisions will be supported by a copy of the webpage or internet materials to ensure the reference will be available in the future.
9. Chapter 13 Task Forces – There will be two Task Forces created to review procedural issues, solicit input from the bar and formulate a recommendation to the Court as to whether VTB local rules should be changed, and if so, to propose new local rule language (M. Kainen & J. Sensenich)
 - (a) POST-PETITION MORTGAGE PAYMENTS TASK FORCE – Will consider and make a recommendation on 2 questions: Should post-petition mortgage payments be required to be made through plan whenever a mortgage is modified post-petition? AND Should ALL post-petition mortgage payments be required to be made thru the Plan?
 - (b) MORTGAGE DOCUMENTATION TASK FORCE – Will consider and make a recommendation on 3 questions: What documents are necessary to support a Proof of Claim?; What documents are necessary to support, and establish standing for, a motion for relief from stay?; and Should mortgagees be required to file a proof of claim in order to get paid in a chapter 12 /13 case (see LBR 3013-1, 2)
10. 2009 Credit Card Act – What it is, how it works, what all bankruptcy attys should know about it. (President Karen Gross, Southern Vermont College)

***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.