

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT**

In re:

**MODIFICATION OF
LOCAL RULES OF PRACTICE AND
PROCEDURE IN BANKRUPTCY COURT,
DISTRICT OF VERMONT**

STANDING ORDER # 13-05

TO REVISE VT. LBR 4001-7

AFTER DUE CONSIDERATION of the experience this Court has had with the mortgage mediation process in bankruptcy cases, and the input the Bar has provided with respect to these mediations, the Court is modifying the pertinent local rule to improve the effectiveness and efficiency of mortgage mediations undertaken through this Court.

IT IS HEREBY ORDERED that:

1. Promptly after the entry of an order approving mediation, the Clerk's Office shall issue a notice listing all Bankruptcy Court approved mediators (rather than just three as currently provided in Vt. LBR 4001-7(c)(1)(D)) and the parties to the mediation shall stipulate to the selection of a mediator; if the parties are unable to agree on a mediator within seven days of the issuance of the notice, the debtor shall file a motion asking the Court to designate a mediator.
2. In addition to the documents the debtor is required to provide pursuant to Vt. LBR 4001-7(d), each debtor participating in mortgage mediation shall also provide a statement articulating whether the debtor is a member of a homeowners' association.
3. The mediators shall have broad discretion and authority to manage the mediation process, including the authority to enlarge the 90-day time period between entry of the mediation order and the convening of the first mediation session, set forth in Vt. LBR 4001-7(c)(6), provided the mediator files a statement setting forth the basis for enlarging this time period and a schedule for commencing and completing the mediation.
4. The mediator is encouraged and authorized to schedule a pre-mediation telephone conference in order to ascertain the status of the document exchange between the parties, assist in resolving any outstanding issues, address any impediments to moving forward, and schedule the mediation session as soon as possible.
5. The mediator may require the lender's representative to participate in the pre-mediation telephone conference and any other meetings necessary to expeditiously conclude the mediation process.

IT IS FURTHER ORDERED that these requirements shall be deemed incorporated into Vt. LBR 4001-7 upon entry of this order.

SO ORDERED.

May 1, 2013
Burlington, Vermont

A handwritten signature in black ink, appearing to read "Colleen A. Brown". The signature is written in a cursive style with a horizontal line underneath the name.

Colleen A. Brown
United States Bankruptcy Judge