

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT**

**In re:
MODIFICATION OF THE LOCAL RULES
OF PRACTICE AND PROCEDURE
IN THE U.S. BANKRUPTCY COURT
FOR THE DISTRICT OF VERMONT**

REVISING LOCAL RULES 5005-2, 5005-3, 5005-4, AND 9011-2

STANDING ORDER # 20-04

**TO CLARIFY THE PROCEDURES AVAILABLE TO *PRO SE* PARTIES
WHO WISH TO FILE DOCUMENTS ELECTRONICALLY**

It has come to the Court's attention that the procedures for *pro se* parties to file documents electronically in this Court are not clear. Since *pro se* parties are generally unfamiliar with legal requirements, it is essential that procedures designed for *pro se* parties be easy to understand. Accordingly, after due consideration and input from the Vermont Bankruptcy bar, IT IS HEREBY ORDERED that Local Rules 5005-2, 5005-3, 5005-4, and 9011-2 are revised to read as follows, with the changes noted in red:

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

(a) CM/ECF.

~~Parties~~ Attorneys are strongly encouraged to file all petitions, pleadings, and other documents by electronic means directly into CM/ECF. Instructions and procedures for electronic filing via CM/ECF are posted on the Court's website, <http://www.vtb.uscourts.gov>, and are available from the Clerk's Office upon request. All documents filed electronically must be filed, signed, and verified in accordance with these Rules. See also Vt. LBR 1002-1(a); Vt. LBR 9011-2(c); Vt. LBR 9011-4.

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

(a) Registration and Passwords for Electronic Filings.

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- (2) Non-Attorneys. ~~Upon Court approval, and after being trained by a member of the Clerk's staff, a party to a pending case, proceeding, or motion who is *pro se* may register to use CM/ECF in that particular matter. Registration is in the form prescribed by the Clerk and requires identification of the case, proceeding, or motion in which the party seeks to participate electronically, as well as the party's name, address, e-mail address, and telephone number. If, during the course of the case, proceeding, or motion, the party retains an attorney who appears on the party's behalf, the attorney must file a notice of appearance.~~ Non-attorneys may file electronically by means other than CM/ECF. See Vt. LBR 5005-4.
- (3) Limited Appearance Exception. Any party or attorney may file a notice of appearance, request for notice in a case, proof of claim, motion to redact a proof of claim, notice of transfer of claim, withdrawal of claim, or motion for relief from stay without registering to use CM/ECF. See also Vt. LBR 2090-1(b)(6).

VT. LBR 5005-4. FILING DOCUMENTS VIA OTHER ELECTRONIC MEANS.

(a) Filing Documents by E-Mail.

- (1) ~~The Clerk accepts documents by e-mail for filing. However, The Court prefers attorneys file documents filing~~ via CM/ECF is preferred and requires non-attorneys who wish to file documents electronically to do so via e-mail. The appropriate e-mail address to use for ~~this purpose e-mail filing~~ is efiling@vtb.uscourts.gov.
- (2) If a *pro se* debtor files a petition, schedule, or statement by e-mail, the debtor must affix the required signature as specified in Vt. LBR 9011-4(c).
- (3) Documents e-mailed to the Clerk for filing must be PDF attachments to the transmittal e-mail and, whenever possible, be in a searchable format. Parties who submit documents for filing by via e-mail are required to simultaneously serve all parties in interest via e-mail and immediately thereafter e-mail a certificate of service (as a PDF attachment) to the Clerk. Exhibits to pleadings, motions, and other documents that are submitted for filing by via e-mail must be clearly marked as exhibits. If documents are e-mailed, the original of those documents should not be transmitted to the Clerk by any other means.
- (4) Court fees that are due at the time of filing must be paid pursuant to the provisions set forth in paragraph (c) of this Rule.
- (5) *Pro se* parties who transmit documents for filing via e-mail must call the Clerk's Office, either immediately before or immediately after the e-mail transmission, to notify that office of the e-mail filing. This is important because documents are not deemed filed until the Clerk's Office enters them on the docket.

See also Vt. LBR 1002-1(b); Vt. LBR 9011-4(d).

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VT. LBR 9011-2. PRO SE PARTIES – REQUIREMENTS, RETENTION OF DOCUMENTS, USE OF CM/ECF.

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(c) *Pro Se* Use of CM/ECF Electronic Filing Options.

See Vt. LBR 5005-3(a)(2); see also Vt. LBR 5005-4(a)(5).

IT IS FURTHER ORDERED this revision to the Local Rules is effective upon entry of this Order.

February 25, 2020
Burlington, Vermont



Colleen A. Brown
United States Bankruptcy Judge