

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF VERMONT**

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**In re:  
PROCESS FOR, AND  
CRITERIA FOR APPEARING AT,  
REMOTE HEARINGS**

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**STANDING ORDER # 21-04**

Based on the final report of the Post-COVID Procedures Task Force, and input from members of the VBA Bankruptcy Section, and the Clerk's Office, THE COURT FINDS it appropriate to establish written guidelines regarding the conduct of, and criteria for appearing at, remote hearings, commencing on July 6, 2021, and concludes that if the hearing and appearance meets the criteria established for appearing via video conferencing (Zoomgov), attorneys and *pro se* parties may appear remotely, consistent with the guidance set forth in this Standing Order.

I. CRITERIA FOR APPEARING AT REMOTE HEARINGS

- (A) Appearance at a remote hearing is limited to instances where:
- (i) a party seeks only to observe;
  - (ii) a party's appearance is necessary only to place on the record a consent or a scheduling agreement;
  - (iii) the total length of combined argument at the hearing is not reasonably expected to exceed 15 minutes;
  - (iv) status hearings in chapters 7, 12 and 13 cases;
  - (v) status hearings in chapter 11 cases, with permission of the Court;
  - (vi) the hearing meets the criteria for remote participation, is properly noticed, and the Court has not directed that the parties must appear in person in the courtroom; or
  - (vii) though it might not appear to meet the eligibility criteria, the Court has specified at a prior hearing that the parties may appear at this particular hearing remotely.
- (B) Unless specifically authorized by the Court, remote hearings may not be used for:
- (i) chapter 11, 12 and 13 confirmation hearings;
  - (ii) trial or evidentiary matters, or any hearing at which testimony is to be presented; or
  - (iii) hearings that require argument the parties reasonably expect to exceed 15 minutes.

- (C) Special Circumstances - remote hearings may also be used for:
  - (i) emergency weather conditions, with permission of the Court;
  - (ii) appearance by trial witnesses, upon Order of the Court; or
  - (iii) extraordinary or other emergency circumstances, (i.e. health or safety concerns), with permission of the Court.


## II. PROCESS FOR REMOTE HEARINGS

- (A) Appearance modalities in Court - Zoomgov video conferencing participation will be the sole modality for remote appearances. It replaces telephonic participation in courtroom hearings. (*There will be no participation in any hearings by telephone unless the participant gets special permission from the Court, in advance, based on exigent circumstances.*) No party will be required to appear remotely; in person appearance is always an option.
- (B) Participants appearing via Zoomgov must participate with both audio and video during their hearings, and have their video and audio turned off when they are not involved in the hearing taking place. An “appearance” via Zoomgov requires both audio and video. (*Only exception will be if participant obtains permission to appear by audio only, which is essentially the same as appearing by telephone and thus will require advance permission, based on a showing of exigent circumstances.*)
- (C) Courtroom decorum must be maintained at all times. Whether one is in the courtroom or appearing via Zoomgov, the level of decorum expected is the same.
- (D) Hearing Notices: When noticing a motion (whether under the default or conventional procedure), the movant shall include the Zoomgov option in the notice of motion. Each attorney or pro se party shall determine whether to appear via Zoomgov or in person based on:
  - (i) whether it will serve their / their client’s best interest to be in the courtroom, or to participate via Zoomgov; and
  - (ii) whether the presentation they intend to make falls within the eligibility criteria for Zoomgov participation.
- (E) If the hearing does not meet the Zoomgov criteria, and a party chooses to appear at the hearing via Zoomgov, the scope of their participation will be limited, as set out in the eligibility criteria.
- (F) Notice of Motion language must specify the option and instructions for appearing via Zoomgov. See attached forms notices of motion for conventional procedure and default procedure
- (G) Judge Determination. If the Court determines all parties presenting arguments must appear in person at a particular hearing, the Clerk’s Office may make a notation on the case docket, no later than three (3) business days prior to the hearing indicating that all parties who wish to be heard at the hearing must appear in person. (*Others who wish only to observe may do so via Zoomgov, as long as they make arrangements with the courtroom deputy in advance.*)

(H) Notice to Courtroom Deputy. Anyone who wishes to appear at a hearing via Zoomgov must notify the courtroom deputy by email, at [Jody\\_Kennedy@vtb.uscourts.gov](mailto:Jody_Kennedy@vtb.uscourts.gov), not later than 10 a.m. the day before the hearing, specifying at which hearing(s) they intend to appear and by what screen name. All participants should have a clear and accurate screen name for ease of identification during hearings.

SO ORDERED.

May 24, 2021  
Burlington, Vermont

  
\_\_\_\_\_  
Colleen A. Brown  
United States Bankruptcy Judge

Attachments

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF VERMONT**

\_\_\_\_\_  
In re:  
\_\_\_\_\_,  
**Debtor(s).**  
\_\_\_\_\_

**Chapter** \_\_\_\_  
**Case #** \_\_\_\_\_

**NOTICE OF MOTION UNDER DEFAULT PROCEDURE**

A **MOTION FOR** [*title of motion*] has been filed on [*date*] by [*state the name of the party*], through their attorney, \_\_\_\_\_, seeking [*specific relief sought*].

**IF YOU OPPOSE THE MOTION**, you must file a written response with the Clerk of the Court specifying your opposition to the motion, **on or before 4:00 P.M. on [a date that is no less than seven (7) days prior to the hearing date]**. You must also serve a copy of your response on the moving party, the debtor, the debtor’s counsel, the United States trustee, the case trustee, if any, and in a chapter 11 case, the Creditors’ Committee and its counsel or, if no committee is appointed, then upon the 20 largest unsecured creditors. Addresses for those parties are set forth below.

**IF A RESPONSE TO THE MOTION IS TIMELY FILED**, the Court will hold a hearing on the Motion and any response at [time] on [date] at the following location [*indicate Rutland or Burlington location*], unless the Court deems no hearing is necessary and enters an order prior to the time set for hearing.

You may appear for the above scheduled hearing in person at the location listed above, or you may also appear virtually by using the Zoomgov application on an electronic device. If you choose to appear by Zoomgov you must:

- (1) Notify the courtroom deputy no later than 10:00 a.m. the business day before the hearing, at Jody\_Kennedy@vtb.uscourts.gov.
- (2) You must keep your Zoomgov camera off and microphone muted until your hearing is announced by the courtroom deputy.
- (3) Once your hearing is called, you must have your camera on for the entire hearing and unmute your microphone each time you wish to speak.

If you have any questions regarding this process you are encouraged to contact the Courtroom Deputy at the above email or at 802-657-6404.

**IF NO RESPONSE IS TIMELY FILED**, the Court **may** deem the matter unopposed and grant the motion without further hearing. Note: If an order has not been entered before the hearing date, the hearing shall proceed and the Movant must appear.

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
[Signature of Movant’s attorney]  
[typed name, with address, e-mail address, and telephone number]

VTB Form U-2  
05/21/2021  
See Vt. LBR 9013-4(c)

U.S. Trustee  
74 Chapel St, Ste 200  
Albany, NY 12207-2190

Counsel for Debtor  
[*Name of Law Firm, if any*]  
[*Street Address of P.O. Box*]  
[*City, State, Zip Code*]

Other interested parties upon  
whom Oppositions must be served...  
xxxxxxxxxxxxxxxx  
xxxxxxxxxxxxxxxx

[*Name*], Case Trustee  
Chapter [#] Trustee  
[*Street Address or P.O. Box*]  
[*City, State, Zip Code*]

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF VERMONT**

\_\_\_\_\_  
In re:  
\_\_\_\_\_,  
**Debtor(s).**  
\_\_\_\_\_

**Chapter** \_\_\_\_  
**Case #** \_\_\_\_\_

**NOTICE OF MOTION UNDER CONVENTIONAL PROCEDURE**

**A MOTION FOR** \_\_\_\_\_ [*title of motion*] has been filed on [date] by [*state the name of the party*], through their attorney, \_\_\_\_\_, seeking [*specific relief sought*].

**A HEARING ON THE MOTION** and any responses **will be held** at [time] on [date] at the following location: [*indicate Rutland or Burlington location*].

You may appear for the above scheduled hearing in person at the location listed above, or you may also appear virtually by using the Zoomgov application on an electronic device. If you choose to appear by Zoomgov you must:

- (1) Notify the courtroom deputy no later than 10:00 a.m. the business day before the hearing, at Jody\_Kennedy@vtb.uscourts.gov.
- (2) You must keep your Zoomgov camera off and your microphone muted until your hearing is announced by the courtroom deputy.
- (3) Once your hearing is called, you must have your camera on for the entire hearing and unmute your microphone each time you wish to speak.

If you have any questions regarding this process you are encouraged to contact the courtroom deputy at the above email address or at 802-657-6404.

**IF YOU OPPOSE THE MOTION**, you are encouraged to file a written response with the Clerk of Court specifying your opposition to the motion, **on or before 4:00 P.M. on [a date that is no less than three (3) business days prior to the hearing date]**. If you file a written response, you must also serve a copy of that written response on the moving party, the debtor, the debtor’s attorney, the United States trustee, the case trustee, if any, and, in a chapter 11 case, also on the creditors’ committee and its attorney or, if there is no committee, then upon the 20 largest unsecured creditors. Addresses for those parties are set forth below.

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
[Signature of Movant’s attorney]  
[typed name, with address, e-mail  
address, and telephone number]

VTB Form U-1  
05/21/2021  
See Vt. LBR 9013-3(b)

U.S. Trustee  
74 Chapel St, Ste 200  
Albany, NY 12207-2190

For [*Party's Name*]  
c/o [*Attorney's Name*]  
[*Name of Law Firm, if any*]  
[*Street Address or P.O. Box*]  
[*City, State, Zip Code*]

Other interested parties upon whom  
Oppositions must be served. . .  
XXXXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXXXXXXXXXX

[*Name*], Case Trustee  
Chapter [#] Trustee  
[*Street Address or P.O. Box*]  
[*City, State, Zip Code*]