

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT**

**In re:
Expansion of Standing Orders # 20-14 and # 20-15
Regarding Modifications of Bankruptcy Court
Hearings, Procedures and Operations,
and Non-Attorneys' Use of Digital Signatures,
Due to the Continuing Exigent Circumstances
Created by the COVID-19 Pandemic,
Effective Through July 4, 2021**

**STANDING ORDER
21-03**

One year ago, on March 16, 2020, this Court entered Standing Order # 20-09 to modify its procedures in response to the public health emergency which the State of Vermont and the Centers for Disease Control and Prevention had declared, and to protect the health and safety of court staff, as well as the attorneys and individuals who would otherwise appear, in person, in the Bankruptcy Court. Those modifications included converting all in-person hearings, conferences and meetings to remote events through the use of Zoomgov. On April 8, 2020, the Court entered Standing Order # 20-10, authorizing non-attorneys to sign documents through the use of two-factor authentication software. At that time, it was unclear how long the pandemic would last and how long the corresponding health restrictions would be necessary. It was also impossible to predict what impact these procedural modifications would have on court operations, access to justice, case management, and the health of all court users. Therefore, the Court designated those procedures would be in effect until further notice and would be subject to change based on the evolving circumstances of COVID-19 and set a July 1, 2020 expiration date for use of the digital signatures.

On June 24, 2020, the Court entered two more Standing Orders, ## 20-12 and 20-13, extending both the pandemic-based courtroom procedures and non-attorney's use of digital signatures, through November 30, 2020. Standing Order # 20-12 modified Local Rules 9013-2, -3, and -4, on an emergency basis, to clarify the procedure for noticing Zoomgov hearings, explain the procedures for appearing at a Zoomgov hearing, articulate the criteria one must demonstrate for, and procedure for requesting, an in-person hearing, and description of the manner in which the Court would conduct Zoomgov hearings.

On November 2, 2020, after it become clear that the pandemic and its restrictions would be present for many months to come, and in recognition of how remarkably well the remote hearings, conferences, and meetings were functioning, and the lack of any objection to the sufficiency of either those procedures or the digital signatures, the Court entered two more standing orders, ## 20-14 and 20-15, which extended the remote participation procedures, extended the digital signature authorization, enunciated the technology guidelines for use of Zoomgov, modified Local Rules 5072 and 5073, and established protocols for maintaining the formality of remote hearings. Those Standing Orders will expire on April 2, 2021.

Having had a full year of experience with the pandemic-based procedures, including remote hearings, conferences and meetings, as well as the digital signatures, THE COURT FINDS all of these modifications to the Court's usual procedures are working exceptionally well and, importantly, have not substantively diminished the quality of hearings, timely access to justice, or the availability of relief.

In determining whether to continue these pandemic-based procedures, the Court remains convinced the salient priorities are:

- (i) the health and safety of all constituents involved in bankruptcy court proceedings, conferences, meetings, and hearings;
- (ii) the need to move cases forward and avoid delay in the delivery of crucial relief; and
- (iii) compliance with pandemic-related recommendations of national, state and local authorities.

In recognition of the continuing health risks of the pandemic, and the medical experts' guidance prognosticating that the health risks may be dramatically reduced, and most Vermont residents who wish to be vaccinated may be fully vaccinated, by the end of June 2021, THE COURT FINDS cause to extend the pandemic restrictions and continue the modified, pandemic-based procedures **through July 4, 2021** and to believe this may be the last day such restrictions and pandemic-based procedures will be necessary.


THE COURT ALSO FINDS cause to continue to offer a mechanism for in-person hearings upon a showing of exigent circumstances. If any *pro se* party or attorney believes they or their client will suffer negative consequences if unable to appear at a hearing in-person, they may file a motion, on notice to all attorneys and parties who are expected to appear at the hearing, and all attorneys who have filed a notice of appearance in the case, setting forth the legal and factual basis for their request, no later than seven business days before the scheduled hearing. Responses shall be due no later than three business days prior to the hearing. If the Court sets a hearing on that motion, it shall be held via Zoomgov. In the event an attorney or *pro se* party demonstrates exigent circumstances warranting an in-person hearing, the Court shall issue an Order specifying the health and safety precautions that shall apply at the hearing, to ensure no one is put at undue risk by attending the hearing and the interests of justice are served.

Based on these findings, IT IS HEREBY ORDERED that, subject to the possibility of further modifications based on the unpredictable circumstances of COVID-19 in Vermont, all hearings, meetings, and conferences that would typically be held in the Bankruptcy Court courtroom, and are scheduled to be held **through July 4, 2021**, will be conducted via Zoomgov unless the Court orders otherwise based on a showing of exigent circumstances, in accordance with recent changes to the Court's Local Rules.

Similarly, THE COURT FINDS cause to continue the modification of both the original signature requirement and original document retention rules of, to allow non-attorneys to sign documents they file in this Court using a digital signature software product with two-factor authentication, as more specifically described in Standing Orders ## 20-10 and 20-15.

Accordingly, IT IS FURTHER ORDERED that non-attorneys may continue to use digital signatures on documents filed in this Court provided they use digital software which complies with this Standing Order and the Court's recently revised Local Rule 9011.

March 16, 2021
Burlington, Vermont



Colleen A. Brown
United States Bankruptcy Judge