

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA

In re

Conforming Amendments to Local Bankruptcy)	
Rules 2016-1, 2090-1, 3015-2, 3070-1, 5005-1,)	Standing Order 23-9
5005-2 and 9022-1; Amendment to Exhibit 1)	
Conforming to Local Bankruptcy Rules 2016-1)	
and 3015-2; Conforming Amendment to)	
Exhibit 13 (E) Interim Procedure 3016-1;)	
and Conforming Amendment to Exhibit 14)	
Form of: Certification of Qualifying)	
Government Employment under Local)	
Bankruptcy Rule 2090-1(E)(4)(a))	

ORDER ADOPTING CONFORMING AMENDMENTS TO LOCAL BANKRUPTCY RULES 2016-1, 2090-1, 3015-2, 3070-1, 5005-1, 5005-2, AND 9022-1; AMENDMENT TO EXHIBIT 1 CONFORMING TO LOCAL BANKRUPTCY RULES 2016-1 AND 3015-2; CONFORMING AMENDMENT TO EXHIBIT 13 (E) INTERIM PROCEDURE 3016-1; CONFORMING AMENDMENT TO EXHIBIT 14 FORM OF: CERTIFICATION OF QUALIFYING GOVERNMENT EMPLOYMENT UNDER LOCAL BANKRUPTCY RULE 2090-1(E)(4)(a)

As set forth, below, conforming amendments, including new provisions, therein, to the Court's Local Bankruptcy Rules and Exhibits, as referenced in the attachment to this Order, are made to:

1. Local Rule 2090-1(E)(3)(a) is amended and divided with text placed at new subparagraphs (b), (c) and (d). Current subparagraphs (E)(3)(b), (c), and (d) are redesignated subparagraphs (E)(3)(e), (f), and (g). Paragraphs (E)(4)(a) and (c), (F), (I)(3), and (N)(2) are amended. These modifications principally conform to amendments made to Local Civil Rule 83.1, United States District Court for the Eastern District of Virginia. In addition, a conforming amendment is made to Exhibit 14 to these Local Bankruptcy Rules, form of Certification of Qualifying Government Employment under Local Bankruptcy Rule 2090-1(E)(4)(a).
2. Local Rule 2016-1(C)(3)(a)(iii) is amended and subparagraph (C)(3)(a)(iv) is deleted. Local Rule 3015-2(G)(1) is amended and paragraph (G)(2) is deleted. These changes conform to an amendment made to Exhibit 1 to these Local Bankruptcy Rules, form of: Chapter 13 Plan and Related Motion. The referenced procedures are made the same in all divisions of the Court.
3. Local Rule 3070-1(C) is amended and paragraphs (C)(1) and (C)(2) are deleted. The referenced procedures are made the same in all divisions of the Court.
4. Local Rule 2016-1(C)(3)(d)(iii), 2090-1(C) and paragraph (H)(1), and 9022-1(C) and paragraph (C)(1) are amended to delete the terms "Endorsement" and "Endorsed" and substitute the terms

“Signature” and “signed”, where needed, in lieu thereof. The leading bold text at paragraph (C) substitutes “Certification” for “Endorsement.” A new paragraph (D) Signature, is added. Paragraphs (D), (E), and (F), therein, are redesignated paragraphs (E), (F), and (G). Local Rule 5005-1(F)(1) and paragraph (F)(2) are new. Paragraph (F)(1) sets forth filings that require original signatures. Paragraph (F)(2) expands on the definition of the term “Original Signatures” and the authorized forms of such signatures. Paragraphs (F), (G), and (H) are redesignated paragraphs (G), (H), and (I).

5. Local Rule 5005-1(E)(1) is amended to substitute the term “spouses” for the term “husband and wife.”
6. Local Rule 5005-2 is amended by adding a new paragraph (B) that sets forth electronic filing policies and procedures. Current paragraph (B), therein, is redesignated paragraph (C).
7. Exhibit 13 to these Local Bankruptcy Rules – (E) Interim Procedure 3016-1, is amended at paragraph (C)(3), therein, to make the referenced procedures the same in all divisions of the Court.

NOW THEREFORE, IT IS ORDERED that:

1. The modifications made to the Local Bankruptcy Rules and noted Exhibits, thereto, as provided for in paragraphs 1, 2, 3, 4, 5, 6, and 7, above, be and the same hereby are adopted.
2. This Order shall take effect as of June 1, 2023.

Attachment

FOR THE COURT:



FRANK J. SANTORO
Chief United States Bankruptcy Judge

Dated: May 2, 2023

**UNITED STATES BANKRUPTCY COURT
FOR THE
EASTERN DISTRICT OF VIRGINIA**

**CONFORMING AMENDMENTS TO LOCAL BANKRUPTCY RULES
2016-1, 2090-1 3015-2, 3070-1, 5005-1, 5005-2 AND 9022-1**

**AN AMENDMENT TO EXHIBIT 1 CONFORMING TO LOCAL
BANKRUPTCY RULES 2016-1 AND 3015-2**

**AN AMENDMENT TO EXHIBIT 13 – (E) INTERIM PROCEDURE
3016-1: CHAPTER 11 PLAN REQUIREMENTS**

AND

**AN AMENDMENT TO EXHIBIT 14 – CONTINUING PRACTICE
PROTOCOL, FORM OF: CERTIFICATION OF QUALIFYING
GOVERNMENT EMPLOYMENT UNDER LOCAL BANKRUPTCY
RULE 2090-1(E)(4)(a)**



Effective: June 1, 2023
(Ver. 04/27/2023)

RULE 2016-1 COMPENSATION OF PROFESSIONALS

RULE 2016-1(C)(3)(a)(iii)-(iv)

(iii) ~~Alexandria and Richmond Divisions:~~ Any objection to allowance and payment of compensation in the amount stated in the chapter 13 plan must be filed no later than the last day for filing objections to confirmation of the plan. If no objection is filed, the Court may approve the disclosed compensation and confirm the plan without holding a hearing.

(iv) ~~Norfolk and Newport News Divisions:~~ Any objection to allowance and payment of compensation in the amount stated in the chapter 13 plan must be filed no later than the last day for filing objections to confirmation of the plan. If no objection is filed, the Court may approve the disclosed compensation when the plan is confirmed after holding a hearing.

RULE 2016-1(C)(3)(d)(iii)

(d)

(iii) At the Court's discretion, in addition to the supplemental fee application described in subparagraph (C)(3)(d)(i) above, a hearing on the application need not be held upon the consent of the chapter 13 trustee as evidenced by that individual's endorsement signature on a proposed order approving the application.

Comments

2016-1 Subparagraphs (C)(3)(a)(iii) is amended and (iv) is deleted so the referenced procedure is the same in all divisions of the Court. Subparagraph (C)(3)(d)(iii) is amended by deleting the term "endorsement" and substituting in lieu thereof the term "signature." [Changes effective 06/01/23.]

RULE 2090-1 ATTORNEYS - RIGHT TO PRACTICE BEFORE THE COURT; PRO SE PARTIES

(A) ***Bar of the Court:*** Those attorneys who are admitted to practice before this Court shall comprise the Bar of the United States Bankruptcy Court for the Eastern District of Virginia.

(B) ***Qualifications for Admission and the Right to Practice Before the Court:*** Effective September 1, 2019, an attorney, to qualify for admission and to maintain the right to practice before this Court, shall be administered the oath of admission upon the filing of an acceptable application to practice before the Court and shall be and at all times must remain a member in good standing of the Bar of the Commonwealth of Virginia and of the Bar of the United States District Court for the Eastern District of Virginia.

(1) ***Members of the Bar of this Court as of September 1, 2019:*** To maintain the right to practice before this Court, all members in good standing of the Bar of this Court as of September 1, 2019, must comply with Sections 1 or 2 of the Continuing Practice Protocol (Exhibit 14 to these Local Bankruptcy Rules) no later than January 8, 2021. A member of

the Bar of this Court in good standing who fails to timely comply with this subparagraph will not be permitted to practice before this Court, which includes, but is not limited to, the suspension of the attorney's CM/ECF privileges.

- (a) An attorney who loses the privilege to practice in this Court under paragraph (B)(1) of this Local Bankruptcy Rule may apply for reinstatement in accordance with Section 6 of the Continuing Practice Protocol (Exhibit 14 to these Local Bankruptcy Rules).

(C) ***Application and Procedure for Admission:*** Every attorney desiring admission to practice before this Court shall file with the Clerk written application therefor accompanied by an ~~an~~ endorsement signature by two qualified members of the Bar of this Court stating that the applicant is of good moral character and professional reputation and is qualified to practice bankruptcy law. The Clerk of this Court shall supply such application upon request. As a part of the application, the applicant shall certify that the said applicant has within 90 days prior to the application read or reread (1) the Federal Rules of Civil Procedure (FRCP), (2) the Federal Rules of Evidence, (3) the Federal Rules of Bankruptcy Procedure (FRBP) and (4) the Local Bankruptcy Rules of this Court.

(D) ***Presentation:*** A qualified member of the Bar of this Court who has examined the credentials of the applicant and, if found sufficient, may present the applicant to the Court for admission. If admitted, the applicant shall take the oath required for admission, sign the roll of the Bar of this Court and, thereafter, be issued a certificate of qualification by the Clerk.

(E) ***Other Attorneys:***

(1) ***Western District of Virginia:*** Any attorney who is a member in good standing of both the Bar of the United States District Court for the Western District of Virginia and the Bar of the United States Bankruptcy Court for the Western District of Virginia shall be admitted to practice in the bankruptcy courts of the Eastern District of Virginia upon filing with the Clerk of this Court:

- (a) a certificate of the Clerk of the United States District Court for the Western District of Virginia stating that said attorney is a member in good standing of the Bar of that District;
- (b) a certificate of the Clerk of the United States Bankruptcy Court for the Western District of Virginia stating that said attorney is a member in good standing of the Bar of that District; and
- (c) a certification from the applicant stating that said attorney has, within the preceding 90 days, read the Local Bankruptcy Rules of this Court.

(2) ***Members of the Bar of this Court as of September 1, 2019, based upon a certificate of good standing of the United States Bankruptcy Court for the Western District of Virginia:*** To maintain the right to practice before this Court, all members admitted to practice based upon a certificate of good standing of the United States Bankruptcy Court for the Western District of Virginia and who are in good standing of the Bar of this Court

as of September 1, 2019, must comply with Section 3 of the Continuing Practice Protocol (Exhibit 14 to these Local Bankruptcy Rules). Such members who fail to comply with this subparagraph will not be permitted to practice in this Court, which includes, but is not limited to, suspension of the attorney's CM/ECF privileges.

(a) An attorney who loses the privilege to practice in this Court under paragraph (E)(2) of this Local Bankruptcy Rule may apply for reinstatement in accordance with Section 6 of the Continuing Practice Protocol (Exhibit 14 to these Local Bankruptcy Rules).

(3) ***Foreign Attorneys:***

(a) ***Application:*** Upon written motion by a member of the Bar of this Court admitted or authorized to practice under paragraph (B), (B)(1), (E)(1), (E)(2) or (E)(4)(a)(i), ~~An~~ attorney, qualified to practice in the United States District Court of another state, the District of Columbia or a territory of the United States may apply for appear and practice in cases ~~pro hac vice admission in a specific case and sign pleadings and other filings, provided that:~~

(i) The rules of the federal court of the district in which the attorney maintains an office extend a similar privilege to members of the bar of this Court; and

(ii) That such attorneys from another state, the District of Columbia, or a territory of the United States shall be accompanied by a member of the of the bar of this Court in all appearances before this Court. ~~before this Court upon motion of a member of the Bar of this Court, provided that in all appearances said attorney shall be accompanied by a member of this Bar.~~

(b) Applicants for *pro hac vice* admission shall complete a written application, which shall be appended to and incorporated by reference in the aforesaid motion. As a part of the application, the applicant shall certify that the said applicant has within 90 days prior to the application read or reread (1) the Federal Rules of Civil Procedure (FRCP), (2) the Federal Rules of Evidence, (3) the Federal Rules of Bankruptcy Procedure (FRBP) and (4) the Local Bankruptcy Rules of this Court.

(c) ***Admission Pro Hac Vice:*** All attorneys admitted before this Court for the purpose of participating in a particular proceeding pro hac vice shall be subject to the Local Bankruptcy Rules of this Court. If the Court finds the application otherwise appropriate, the Court may order the *pro hac vice* admission of the applicant.

(d) ***Filings:*** Except as permitted by Local Bankruptcy Rule 9010-1 or where a party conducts his or her own case is not represented by counsel, any no pleading or other filing notice required to be signed by an attorney shall be filed by an attorney admitted pro hac vice unless also signed by an attorney who is admitted or authorized to practice under paragraphs (B), (B)(1), (E)(1), (E)(2) or (E)(4)(a)(i), ~~counsel must be signed by counsel who is a member of the Bar of this Court, who shall have entered an~~

~~appearance of record in the case~~, with the office address ~~in the state~~ where notice can be served upon said attorney, and who shall have such authority that the Court can deal with that attorney alone in all matters connected with the case. Such appearance shall not be withdrawn without leave of the Court. Service of notice or other proceedings on the attorney shall be equivalent to service on the client. Where a party is not represented by counsel, the party shall include on each pleading an address ~~within the district~~ where notice can be served.

~~(b)~~ (e) **Adversary Proceedings:** An attorney intending to appear in an Adversary Proceeding shall file the motion only in the case in which an Adversary Proceeding is pending. Admission shall apply to the case and all related Adversary Proceedings.

~~(c)~~ (f) **Reopened Cases:** A foreign attorney wishing to appear in a reopened case shall file a separate motion to appear in the case notwithstanding entry of any order in the case granting admission.

~~(d)~~ (g) **Pro Hac Vice Admittees Prior to November 16, 2020:** Attorneys admitted *pro hac vice* under subparagraph (a) prior to November 16, 2020, must comply with Section 5 of the Continuing Practice Protocol (Exhibit 14 to these Local Bankruptcy Rules) no later than January 8, 2021. Such *pro hac vice* admittees who fail to timely comply with this subparagraph will retain the privilege to appear and practice *pro hac vice* under subparagraph (a), but will lose CM/ECF filing privileges until they comply with Section 5 of the Continuing Practice Protocol, confirming their *pro hac vice* in an active case or proceeding.

(4) Attorneys for Federal, State, or Local Governments:

(a) Attorneys Permitted to Practice Upon Certification: Effective November 16, 2020, the following attorneys are permitted to appear and practice in this Court in the performance of their official duties upon the filing of an acceptable “Certification of Qualifying Government Employment Under Local Bankruptcy Rule 2090-(E)(4)(a)” with the Clerk as long as such attorneys are qualified and licensed to practice before the Supreme Court of the United States, or before the highest court of any state in the United States, or before the courts in the District of Columbia:

(i) Federal government attorneys appearing pursuant to the authority of the United States Attorney’s Office for the Eastern District of Virginia; ~~or~~

(ii) Federal government attorneys appearing pursuant to the authority of the United States Trustee for Region 4;

1. The privilege to appear and practice in this Court under subparagraph (E)(4)(a)(ii) excludes the filing of a notice of appeal or litigation of an appeal from a judgment, order or decree of this Court unless the attorney is authorized to practice law in the court to which the appeal is taken.

or;

(iii) Any other federal government attorney representing the United States government, or any agency or employee thereof, may appear and sign pleadings and other filings in an action without admission to practice in the Court. However, any such attorney must secure local counsel by either working with an Assistant United States Attorney assigned to the Eastern District of Virginia or local counsel who is a member in good standing of the Bar of this Court, who shall accompany the attorney in appearances before the Court and also sign all pleadings and other filings.

(b) Attorneys Under Subparagraph (E)(4)(a)(i)-(iii) Who Have Appeared or Filed a Pleading in this Court Prior to November 16, 2020: To maintain the privilege to appear and practice in performance of their official duties, attorneys must, no later than January 8, 2021, either become admitted to practice before this Court under paragraphs (B), (B)(1), (E)(1) or (E)(2) of this Local Bankruptcy Rule or file with the Clerk an acceptable “Certification of Qualifying Government Employment under Local Bankruptcy Rule 2090-1(E)(4)(a)” in accordance with Section 4 of the Continuing Practice Protocol (Exhibit 14 to these Local Bankruptcy Rules). An attorney who fails to timely comply with this subparagraph will not be permitted to practice before this Court, which includes, but is not limited to, the suspension of the attorney’s CM/ECF privileges.

(i) An attorney who loses the privileges to practice in this Court under subparagraph (E)(4)(b) of this Local Bankruptcy Rule may apply for reinstatement in accordance with Section 6 of the Continuing Practice Protocol (Exhibit 14 to these Local Bankruptcy Rules), if applicable.

(c) All Other Federal, State, or Local Government Attorneys: Effective November 16, 2020, all other ~~federal~~, state or local government attorneys must be admitted to practice before this Court under paragraphs (B), (B)(1), (E)(1) or (E)(2) of this Local Bankruptcy Rule or secure local counsel who is a member in good standing of the Bar of this Court.

(d) Attorneys Under Subparagraph (E)(4)(c) Who Have Appeared or Filed a Pleading in this Court Prior to November 16, 2020: To maintain the privilege to appear and practice before this Court, attorneys must become admitted to practice before this Court under paragraphs (B), (B)(1), (E)(1) or (E)(2) of this Local Bankruptcy Rule no later than January 8, 2021. An attorney who fails to comply with this subparagraph will not be permitted to practice before the Court, which includes, but is not limited to, the suspension of the attorney’s CM/ECF privileges.

(i) An attorney who loses the privilege to practice in this Court under subparagraph (E)(4)(d) of this Local Bankruptcy Rule may apply for reinstatement in accordance with Section 6 of the Continuing Practice Protocol (Exhibit 14 to these Local Bankruptcy Rules), if applicable.

(F) Filings and Appearances by Attorneys: Any attorney appearing before, or signing pleadings or filings other than a request for notices under FRBP 2002(g) with the Court, must be admitted or authorized to practice under paragraphs (B), (B)(1), (E)(1), (E)(2),

(E)(4)(a)(i) or (E)(4)(a)(ii). Attorneys admitted *pro hac vice* or authorized to practice before the Court under paragraphs (E)(3) or (E)(4)(a)(iii), must be accompanied at all hearings, pretrial matters, or trials by at least one attorney admitted or authorized to practice under paragraphs (B), (B)(1), (E)(1), (E)(2) or (E)(4)(a)(i). This obligation may not be avoided or delegated without leave of Court. Pleadings or other filings submitted by attorneys admitted *pro hac vice* or authorized to practice under paragraphs (E)(3) or (E)(4)(a)(iii), must also be signed by an attorney admitted or authorized to practice before the Court under paragraphs (B), (B)(1), (E)(1), (E)(2) or (E)(4)(a)(i). Any attorney who signs a pleading or other filing with the Court will be held accountable for the case by the Court.

~~(F) **Attorneys Filing Pleadings:** Every attorney making an appearance or presenting papers, suits or pleadings for filing other than a request for notices under FRBP 2002(g), must:~~

~~(1) be a member in good standing of the Bar of this Court or permitted to practice in this Court pursuant to a “Certification of Qualifying Government Employment Under Local Bankruptcy Rule 2090-1(E)(4)(a)”;~~ and

~~(2) be a member in good standing of the Bar of the Commonwealth of Virginia or the state in which the attorney is admitted.~~

~~All other attorneys must have qualified counsel join in the pleading by endorsement. Any attorney who joins in a pleading will be held accountable for the case by the Court.~~

(G) **Withdrawal of Appearance:** No attorney who has entered an appearance in any case or proceeding shall withdraw as counsel except for cause, on order of the Court after reasonable notice to the party on whose behalf the attorney has appeared.

(H) **Appearance at All Proceedings:**

(1) **Appearance by Counsel for the Debtor:** Any attorney who is counsel of record for a debtor, or debtors, in a bankruptcy case must be present and appear at all Court proceedings involved in the case unless excused or given permission to withdraw, or unless counsel has filed a pleading stating that the debtor has no objection to, or does not oppose, the relief requested, or counsel has ~~endorsed~~ signed without objection an order resolving the motion, objection or application.

(2) **Appearance by Other Counsel of Record:** Any attorney who has filed a pleading in a bankruptcy case must be present and appear at all Court proceedings involving that pleading unless Counsel:

(a) has been excused by the Court;

(b) has been given permission to withdraw by order of the Court;

(c) has provided a notification of settlement in accordance with LBR 9013-1(O); or

(d) has provided opposing or another counsel appearing at the initial pretrial conference with available dates so that a trial date can be established.

(I) **Professional Ethics:** The ethical standards relating to the practice of law in this Court shall be the Virginia Rules of Professional Conduct now in force and as hereafter modified or supplemented: (“Virginia Rules”). Nothing contained herein shall in any manner be construed as limiting the inherent authority and power of the Court to discipline, sanction, or hold in contempt attorneys who appear before it pursuant to 11 U.S.C. § 105, Federal Rule of Bankruptcy Procedure 9011, or otherwise, or providing an exclusive procedure for the discipline of attorneys who appear before the Court.

(1) **Definitions:** The following definitions apply:

(a) “Misconduct” means any act or omission by an attorney that violates the Virginia Rules. Such an act or omission constitutes misconduct regardless of:

(i) whether the attorney performed the act or omission individually or in concert with any other person or persons; or

(ii) whether the act or omission occurred in the course of an attorney client relationship.

(b) “Discipline” includes, but is not limited to, temporary or permanent suspension or disbarment from practice before the Court, or reprimand, censure, or such other disciplinary action as the circumstances may warrant, including but not limited to restitution of funds, imposition of monetary fines (whether payable to the Court or otherwise), satisfactory completion of educational programs, compliance with treatment programs, or community service.

(2) **Imposition of Discipline:** An attorney who commits or engages in Misconduct may be subject to the imposition of Discipline by the Court after notice of such Misconduct and an opportunity to be heard.

(3) **Imposition of Discipline by Other Courts; Attorneys Convicted of Serious Crimes:** All counsel admitted to practice before this Court ~~on any basis~~ pursuant to paragraphs (B), (C), (D), (E), or (F) shall be admitted subject to the rules, conditions, and provisions of the Federal Rules of Disciplinary Enforcement Rule I, Rule II and Rule III, a copy of which is appended as Exhibit 11 to these Local Bankruptcy Rules, except that any attorney disciplined or suspended, whether temporary or permanent, by the United States District Court for the Eastern District of Virginia shall be subject to the immediate imposition of the identical discipline in this Court.

(J) **Courtroom Decorum:** Counsel shall at all times conduct and demean themselves with dignity and propriety. When addressing the Court, counsel shall rise unless excused therefrom by the Court. All statements and communications to the Court shall be clearly and audibly made from a standing position at the attorneys' lectern facing the Court or the witness. Counsel shall not approach the bench unless requested to do so by the Court or unless permission is granted upon the request of counsel.

Examination of witnesses shall be conducted by counsel standing behind the lectern. Counsel shall not approach the witness except for the purpose of presenting, inquiring about,

examining the witness with respect to an exhibit. Only one attorney for each party may participate in the examination or cross-examination of a witness.

(K) **Third-Year Law Student Practice Plan:** If the United States District Court for the Eastern District of Virginia has in effect any plan for third-year law student practice, the provisions of said plan apply equally to practice before this Court.

(L) **Previous Practice Clause:** All members in good standing of the Bar of the United States District Court for the Eastern District of Virginia as of September 30, 1979, shall be deemed to be members of the Bar of the United States Bankruptcy Court for the Eastern District of Virginia.

(M) **Pro Bono Representation:** An attorney representing a debtor who is a natural person on a *pro bono* basis – meaning that the attorney has not received and will not accept, either directly or indirectly, any payment in money, goods, or services in return for the attorney’s services in that representation – shall not be deemed to receive “other consideration” based on that representation for purposes of determining whether the attorney qualifies as a “debt relief agency” under the Bankruptcy Code.

(N) **Ghostwriting:**

(1) Any attorney who prepares any document that is to be filed in this Court by a person who is known by the attorney, or who is reasonably expected by the attorney, to be proceeding *pro se*, shall be considered to have entered an appearance in the proceeding in which such document is filed and shall be subject to all rules that govern attorneys who have formally appeared in the proceeding.

(2) All litigants who are proceeding *pro se* shall certify in writing and under penalty of perjury that his or her pleadings or other filings have a document(s) filed with the Court ~~has~~ not been prepared by, or with the aid of, an attorney or shall identify any attorney who has prepared, or assisted in preparing, the document.

Each document filed with the court by a *pro se* litigant shall bear the following certification:

CERTIFICATION

I declare under penalty of perjury that (Check one box):

No attorney has prepared, or assisted in the preparation of this document.

or The following attorney prepared or assisted in the preparation of this document.

(Name of Attorney)

(Address of Attorney)

(Telephone Number of Attorney)

Name of *Pro Se* Party (Print or Type)

Signature of *Pro Se* Party

Executed on: (Date)

Comments

2090-1 Principally, to conform to updated provisions set forth in Local Civil Rule 83.1 of the United States District Court for the Eastern District of Virginia, various modifications have been made to the following provisions within this Local Bankruptcy Rule: Subparagraph (E)(3)(a) and new (i)-(ii), new subparagraph (b) with text taken from subparagraph (a), redesignated and amended subparagraph (c), with text taken from subparagraph (a), redesignated and amended subparagraph (d), and subparagraphs (b) Adversary Proceedings, (c) Reopened Cases, and (d) *Pro Hac Vice* Admittees Prior to November 16, 2020, respectively are redesignated subparagraphs (e), (f) and (g); amended subparagraph (E)(4)(a); new subparagraph (E)(4)(a)(iii), amended header at subparagraph (b), and amended subparagraph (c), therein; amended paragraph (F); amended paragraph (I)(3); and amended paragraph (N)(2). Where used in this Local Bankruptcy Rule, the terms “endorsement” and “endorsed” have been deleted and the terms “signature” and “signed” appropriately have been inserted in their stead. [Changes effective 06/01/23.]

RULE 3015-2 CHAPTER 13 PLAN REQUIREMENTS

....

(G) ***Confirmation of Plan and Granting of Related Motions:*** After the time for filing objections has passed and if no objection has been timely filed,:

(1) ~~***Richmond and Alexandria Divisions:***~~ The Court may enter an order confirming the plan and granting the relief sought in the related motions without holding a hearing, or the Court may direct that a hearing be held.

(2) ~~***Norfolk and Newport News Divisions:***~~

~~(a) A confirmation hearing will be held even if no objections have been filed.~~

~~(b) A scheduled confirmation hearing will not be convened when:~~

~~(i) an amended plan is filed prior to the scheduled confirmation hearing; or~~

~~(ii) a consent resolution to an objection to confirmation anticipates the filing of an amended plan and the objecting party removes the scheduled confirmation hearing prior to 3:00 p.m. on the last business day before the confirmation hearing.~~

Comments

3015-2 Paragraph (G)(1) is amended and paragraph (G)(2) is deleted so the referenced procedure is the same in all divisions of the Court. [Change effective 06/01/2023.]

RULE 3070-1 PAYMENTS IN CHAPTER 12 AND CHAPTER 13 PAYMENTS

....

(C) *Debtor's Failure to Commence Payments in Chapter 13 Case:* Each chapter 13 debtor shall commence payments proposed by the plan not later than 30 days after the date of the filing of the plan or the order for relief, whichever is earlier, unless the Court has set some different time. If payments are not received as required, the trustee shall file a motion to dismiss pursuant to 11 U.S.C. § 1307(c)(4) and schedule such motion for hearing ~~certify the same to the Clerk.~~

~~(1) ***Alexandria, Norfolk, and Newport News Divisions.*** Upon receipt of such a certification, the Clerk shall issue an order for the debtor to appear and explain why the case should not be dismissed.~~

~~(2) ***Richmond Division.*** The trustee may file a motion to dismiss and schedule a hearing thereon in accordance with the Public Notice dated January 15, 2019.~~

Comments

3070-1(C) This rule provision is amended to eliminate the Order Setting Hearing for failure to commence chapter 13 plan payments pursuant to 11 U.S.C. § 1307(c)(4). The referenced procedure will be the same in all divisions of the Court. [Change effective 06/01/23.]

RULE 5005-1 FILING OF PETITIONS, PLEADINGS AND OTHER PAPERS

....

(E) *Additional Requirements:* The following requirements are in addition to those set out in paragraphs (A) through (C) of this Local Bankruptcy Rule unless provided for by an electronic means established by the Court:

(1) ***Voluntary Petitions:*** Each petition filed must include an unsworn declaration with the original signature of all debtors and must be verified by the signature of the debtor's attorney, if any. More than one entity cannot be listed as the debtor, except that ~~husband and wife~~ spouses may file a joint petition. Each petition filed must be accompanied by:

....

(F) Original Signatures

(1) Filings Requiring Original Signatures. The following documents require original signatures:

(a) any paper that must be verified or contain an unsworn declaration as provided in 28 U.S.C. § 1746 pursuant to Federal Rule of Bankruptcy Procedure 1008; and

(b) any declaration, affidavit, other paper in which the signatory verifies, certifies, affirms, or swears under oath or penalty of perjury the truth of the matters set forth in that paper.

(2) Authorized Forms of Original Signatures. The following constitute original signatures on the documents identified in subparagraph (F)(1):

(a) a wet ink signature;

(b) an imaged copy of the document containing a wet ink signature; or

(c) a digital signature generated via a commercially available software product that uses encryption and/or multi-factor authentication to create a secure electronic signature that uniquely identifies the signer and ensures that the signature is authentic and has not been altered or repudiated.

~~(F)~~(G) *Notice of Deficient Filing:*

~~(G)~~(H) *Rejection of Petitions, Pleadings and Other Papers:* [Repealed]

~~(H)~~(I) *Judicial Conference Policy Regarding Public Access to Electronic Case Files:* [Repealed]

Comments

5005-1 Paragraph (E)(1) is amended to add the word “original” to become the term “original signature” and the term “spouses” is substituted for the term “husband and wife.” Paragraph (F)(2) expands the definition of the term “original signature” to include the forms of signature set forth therein such that its meaning is not confined to a wet signature only. Former paragraphs (F), (G) and (H) are redesignated paragraphs (G), (H) and (I). [Changes effective 06/01/23.]

RULE 5005-2 FILING OF PETITIONS, PLEADINGS AND OTHER PAPERS BY ELECTRONIC MEANS

. . . .

(B) Electronic Filing Policies and Procedures: The Clerk shall prepare and publish policies and procedures for electronic filing, which the Clerk may amend from time to time. These policies and procedures, which are exempt from the public notice and comment requirements for adoption of local rules, shall have the force of local rules. A link to the policies and procedures will be available on the Court’s web page.

~~(B)~~(C) *Technical Failure:*

Comments

5005-2 New paragraph (B) sets forth electronic filing policies and procedures, which address how they are prepared, published, and amended. In addition, such policies and procedures “shall have the force of local rules.” Former paragraph (B) is redesignated paragraph (C). [Changes effective 06/01/23.]

RULE 9022-1 COURT ORDERS

(A) *Identification of Attorney Filing Proposed Order:*

(B) *Service List:*

(C) **Endorsement Certification**: With all proposed orders, the proponent shall file either:

(1) **Certification of Endorsement by All Parties**: A certification that the proposed order or proposed consent order has been ~~endorsed~~ signed by all necessary parties or

. . . .

(D) **Signature**: For all proposed orders, the proponent must obtain from any other party to the order either (1) express documented permission to affix such party’s signature to the proposed order or (2) such party’s signature on the proposed order in a form listed in LBR 5005-1(F)(2).

~~(D)~~(E) *Form and Content:*

~~(E)~~(F) *Consent Orders:*

~~(F)~~(G) *Order After Trial, Hearing or Other Disposition of the Matter:*

Comments

9022-1 In its header, paragraph (C) is amended to delete the term “**Endorsement**” and insert in lieu thereof the term “**Certification**.” Paragraph (C)(1) is amended to delete the term “endorsed” and insert in lieu thereof the term “signed.” Paragraph (D) “**Signature**” is new. Former paragraphs (D), (E) and (F) are redesignated paragraphs (E), (F) and (G). [Changes effective 06/01/23.]

EXHIBIT 1 TO LOCAL BANKRUPTCY RULES - EDVA FORM: CHAPTER 13 PLAN AND RELATED MOTION:

Section 1, Notices > To Creditors:

1. Notices

To Creditors:

Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. You should read this plan carefully and discuss it with your attorney if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you oppose the plan's treatment of your claim or any provision of this plan, you or your attorney must file an objection to confirmation at least 7 days before the date set for the hearing on confirmation, unless otherwise ordered by the Bankruptcy Court.

~~(1) Richmond and Alexandria Divisions:~~

The Bankruptcy Court may confirm this plan without further notice if no objection to confirmation is filed. See Bankruptcy Rule 3015.

~~(2) Norfolk and Newport News Divisions: a confirmation hearing will be held even if no objections have been filed.~~

~~(a) A scheduled confirmation hearing will not be convened when:~~

~~(1) an amended plan is filed prior to the scheduled confirmation hearing; or~~

~~(2) a consent resolution to an objection to confirmation anticipates the filing of an amended plan and the objecting party removes the scheduled confirmation hearing prior to 3:00 pm on the last business day before the confirmation hearing.~~

In addition, you may need to timely file a proof of claim in order to be paid under any plan.

....

EXHIBIT 13 TO LOCAL BANKRUPTCY RULES – (E) INTERIM PROCEDURE 3016-1: CHAPTER 11 PLAN REQUIREMENTS

....

(C) *Chapter 11 Plan Filed in a Subchapter V Case:* In a case under subchapter V of chapter 11, the debtor may file a plan with the petition. If a plan is not filed with the petition, it shall be filed within 90 days thereafter unless the Court, pursuant to 11 U.S.C. § 1189, extends the time for filing. Any motion for extension of time to file a plan shall be filed prior to the expiration of the deadline for which the debtor seeks an extension. Unless otherwise ordered in specific cases, the only acceptable form for such a plan shall be Official Form 425A, Plan of Reorganization for Small Business Under Chapter 11, which is available from the Clerk upon request or from the Court's Internet web site, www.vaeb.uscourts.gov.

....

(3) *Possible Dismissal of Case; ~~Order~~ Notice:* In cases under subchapter V of chapter 11, the Clerk shall monitor the filing of the plan. If the debtor does not timely file a subchapter V chapter 11 plan, the Clerk shall issue an order directing the debtor to appear at a hearing to explain why the case should not be dismissed. If the subchapter V chapter 11 plan is not filed on date of commencement of the case, the Clerk shall issue a notice that the debtor must either (a) timely file a plan or a motion to extend the time to file a plan in accordance with this subparagraph; or (b) timely file a response and attend a hearing to explain why the case should not be dismissed.