

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

PUBLIC NOTICE

**Changes and Modifications to Local Bankruptcy Rules
United States Bankruptcy Court for the eastern District of Virginia
Effective March 17, 2008**

The following is a summary of the Court-approved revisions to the Local Bankruptcy Rules for the United States Bankruptcy Court for the Eastern District of Virginia, through the entry of Standing Order No. 08-3, effective March 17, 2008:

1. LBR 3015-2 Chapter 13 Plan Requirements (I) Reconversion of Case. This paragraph is new. It provides that a Chapter 13 Plan approved by the Court in the original Chapter 13 case, if any, is deemed reinstated with full force and effect when that case reconverts back to Chapter 13.
2. LBR 5005-2 Filing of Petitions, Pleadings and other Papers by Electronic Means. This rule mandates electronic case filings in the Court's Case Management/Electronic Case Files (CM/ECF) System and authorizes the Clerk to promulgate and revise the Court's Electronic Case Files (CM/ECF) Policy.
3. LBR 7030-1 Depositions (D) Travel Expense. A technical modification referencing FRCP 45 is made in the text to Paragraph (D) of the rule.
4. LBR 7030-1 Depositions (F) Summaries of Depositions. This paragraph is repealed as no longer being needed.
5. LBR 9010-1 Representation and Appearances; Powers of Attorney - Requirement for Counsel. Modifications are made to the list of items that may be filed with the court without legal counsel. The rule conforms to Interim Procedure 9010-1, which is repealed.

William C. Redden
Clerk of Court

Date: March 14, 2008

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA

In re:

)
)
Revision of Local Rules) Standing Order No. 08-3
)
)

ORDER ADOPTING REVISION OF LOCAL RULES

After giving appropriate public notice and an opportunity for comment, pursuant to delegation of authority from the United States District Court, the accompanying revision to the Local Rules is hereby adopted.

Local Bankruptcy Rule 3015-2(I) (new), Local Bankruptcy Rule 5005-2, Local Bankruptcy Rule 7030-1(D) (amended), Local Bankruptcy Rule 7030-1(F) (repealed), and Local Bankruptcy Rule 9010-1 (amended) shall take effect on the 17th day of March 2008, and shall govern procedures in all cases and proceedings pending on that date or filed after that date. The prior Local Rules are rescinded effective March 17, 2008.

Dated: March 14, 2008

/s/ Douglas O. Tice, Jr.
DOUGLAS O. TICE, JR.
Chief United States Bankruptcy Judge

/s/ Stephen S. Mitchell
STEPHEN S. MITCHELL
United States Bankruptcy Judge

/s/ Stephen C. St. John
STEPHEN C. ST. JOHN
United States Bankruptcy Judge

/s/ Robert G. Mayer
ROBERT G. MAYER
United States Bankruptcy Judge

/s/ Kevin R. Huennekens
KEVIN R. HUENNEKENS
United States Bankruptcy Judge

/s/ Frank J. Santoro
FRANK J. SANTORO
United States Bankruptcy Judge

REVISION
to the
LOCAL BANKRUPTCY RULES
(Version 02/01/08)

UNITED STATES BANKRUPTCY COURT
for the
EASTERN DISTRICT OF VIRGINIA



Effective Date: March 17, 2008

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

RULE 3015-2 CHAPTER 13 PLAN REQUIREMENTS

(I) *Reconversion of Case*: Unless the Court orders otherwise, after a case converts from Chapter 13 to another chapter under the Bankruptcy Code and subsequently reconverts back to Chapter 13, the Chapter 13 Plan confirmed by the Court, if any, in the original Chapter 13 case shall be deemed reinstated with full force and effect.

Comments

3015-2(I) This paragraph is new. It provides that a Chapter 13 Plan approved by the Court in the original Chapter 13 case, if any, is deemed reinstated with full force and effect when that case reconverts back to Chapter 13. [New Rule effective 3/17/08.]

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

All petitions, motions, memoranda of law, or other pleadings, documents and papers filed with the Court shall be filed through the Case Management/Electronic Case Files System (CM/ECF), except as otherwise provided for in the Court's *Electronic Case Files Policy* (CM/ECF Policy), which shall be promulgated and revised as specified by the Clerk. The CM/ECF Policy governs if there is a conflict between that Policy and these Local Bankruptcy Rules as to the technicalities of electronic case filing.

Comments

This rule mandates electronic case filings in the Court's Case Management/Electronic Case Files (CM/ECF) System and

authorizes the Clerk to promulgate and revise the Court's

Electronic Case Files (CM/ECF) Policy. [New rule effective 3/17/08.]

RULE 7030-1 DEPOSITIONS

(D) *Travel Expense*: The "costs of travel" as herein defined shall apply to any witness other than a party, or representative of a party, required to attend the taking of a deposition. As to any witness attending a trial or hearing pursuant to Rule 45(e)(1)(b), FRCP, the expense of such costs of travel shall be taxed as costs if said witness testifies or if it is reasonably necessary for the witness to appear, but said costs of travel shall be limited to what would have been expended if said witness resided one-hundred miles or more from the place of the trial or hearing, together with such reasonable allowance, if required for the purpose of the witness testifying, for overnight accommodations and food. If the witness resides within one-hundred miles of the place of trial or hearing, the costs of travel shall be limited to the mileage and attendance fees as provided by law.

~~(F) *Summaries of Depositions*: In all cases or proceedings set for bench trial, counsel shall attach to any deposition a summary of the examination of the testimony of each witness, identifying the salient points to be noted by the Court.~~

Comments

Rule 7030-1 A technical modification referencing FRCP
45 is made in the text to Paragraph (D) of the rule.

[Change effective 3/17/08.]

Rule 7030-1(F) is repealed as no longer being needed.

[Change effective 3/17/08.]

**RULE 9010-1 REPRESENTATION AND APPEARANCES;
POWERS OF ATTORNEY**

Requirement for Counsel: Except for filing or withdrawing a proof of claim, request for notices or notice/service, notice of appearance, reaffirmation agreement, creditor change of address, ~~notice of~~ transfer of claim, or a transcript of court proceedings, no party or entity other than a natural person acting in his or her own behalf or, to the extent permitted by §304(g) of Pub.L.103-394, a child support enforcement agency, may appear in a bankruptcy case or proceeding, sign pleadings, or perform any act constituting the practice of law except by counsel permitted to appear under LBR 2090-1. This rule applies to corporations, partnerships, limited liability companies, associations, and trusts, as well as to individuals acting in a representative capacity (such as under a power of attorney) for another. Any petition, pleading or paper, other than those set forth in this rule, filed on behalf of an entity that is not a natural person acting in his or her own behalf and not signed by counsel permitted to appear under LBR 2090-1 shall be stricken by the clerk, or in the case of a petition, dismissed, unless the deficiency is cured within ten days of the mailing or delivery of a notice of deficiency.

Comments

Rule 9010-1 Modifications are made to the list of items that may be filed with the court without legal representation. The rule conforms to Interim Procedure 9010-1, which is repealed.

[Change effective 3/17/08.]