

Chambers Guidelines¹
Helen E. Burris

TEMPORARY AMENDMENT DUE TO NATIONAL HEALTH EMERGENCY
EFFECTIVE MARCH 20, 2020

Communications with the Court

Communications concerning a case or proceeding should be in the form of a filed, written document (i.e., motion, memorandum, or other pleading). All written communications relating to a case or proceeding should be filed unless Fed. R. Bankr. P. 9003 provides a basis for an *ex parte* communication. Procedural assistance may be obtained by communication as indicated above. Other forms of communication concerning a case or proceeding (e.g., facsimile, mail, email, hand delivery, face to face, or telephone) are prohibited unless expressly authorized by local rule, chambers guideline, or other specific authorization. Do not provide the Court with copies of correspondence to others. Non-CM/ECF participants (consult SC LBR 5005-4) may file documents and communicate with the Court utilizing the following address:

Clerk, U.S. Bankruptcy Court
J. Bratton Davis U.S. Bankruptcy Courthouse
1100 Laurel Street
Columbia, SC 29201-2423

Location of Hearings Before Judge Burris

Unless ordered otherwise, in-person hearings:

- 1) for cases in the Spartanburg Division, the location for hearings shall be the Donald S. Russell Courthouse, 201 Magnolia Street, Spartanburg, SC 29306;
- 2) for cases in the Columbia division, the location for hearings shall be the J. Bratton Davis U.S. Bankruptcy Courthouse, 1100 Laurel Street, Columbia, SC 29201.
Exception: Debtor's counsel may indicate on the case docket (CMECF event provided) a preference for hearings in Spartanburg. If such a preference is indicated, thereafter parties self-scheduling hearings pursuant to SC LBR 9013-4 shall select a Spartanburg hearing date and location.²
- 3) **To reduce travel and promote social distancing, Judge Burris may elect to hold in-person hearings for any division or in an alternate location, with proper notice.**

Scheduling of Hearings

¹ These guidelines supplement other rules and procedures found in the [local rules](#).

² The 11 U.S.C. § 341 meeting is scheduled by the United States Trustee at the location chosen by that office. When hearings are scheduled or continued by the Court, the hearing location (Columbia or Spartanburg) may be selected based on convenience for the Court and Trustee.

Although some hearings are scheduled by the Court, hearings on most matters are self-scheduled pursuant to SC LBR 9013-4. It is not necessary to contact chambers or courtroom staff before self-scheduling a hearing pursuant to the Local Rules. Available hearing dates can be found [here](#).

Unless prior arrangements are made with chambers, all hearings, including emergency hearings and urgent matters, will be held telephonically until further notice. Please contact chambers or courtroom **more than 48 hours prior to the scheduled hearing** if a party anticipates that the hearing on the matter will be lengthy (usually more than **15 minutes** ~~1 hour on a general docket day~~) if live testimony is necessary, if facts cannot be stipulated, or if documentary evidence is subject to objection. The Court may continue the matter to another date or time, hold a preliminary hearing, or make other accommodations.

Joint Statement of Dispute

If, after due consultation, a matter is identified by the parties as disputed and requiring the presentation of testimony or other evidence or oral argument, the Court (or Chapter 13 Trustee) may direct the filing of a [Joint Statement of Dispute](#).

Proposed Orders

Do not include a signature cover page or a signature line for the judge. Leave sufficient space for the judge's electronic signature after the text of the proposed order. When an order is due after a hearing, CM/ECF participants should file the proposed orders on the CM/ECF docket unless otherwise instructed.

When the local rules require the submission of proposed orders in connection with the filing of a routine motion (these proposed orders generally anticipate entry of relief by default) the form proposed order set forth in the local rules should be used whenever available. Any other proposed default order should not contain extensive findings of fact. Rather, it should state the relief requested and the basis for relief, that no response has been filed, and that relief is granted.

Adversary Proceedings

Scheduling and other orders giving direction will be issued in adversary proceedings at the appropriate time. [Standard forms](#).

Contested Matters

If parties to a contested matter believe that discovery will be helpful, a request for a scheduling order should be made using CM/ECF events.

Briefs, Memoranda and Supporting Documents

Filings should be made with the Clerk of Court as indicated above and in applicable rules. Do not submit copies to chambers.

Exhibits

Counsel shall provide the original and three copies of all exhibits to be introduced at trial or a hearing to courtroom staff sufficiently in advance of the hearing to permit marking the exhibits for identification. Contact courtroom staff to deliver exhibits to the location where the trial or hearing will be conducted. Staff will direct you regarding the method of delivery, which may be by electronic means only if directed to do so.

Settlement

Settlement of a matter on the hearing calendar should be reported by filing a Notice of Settlement and Request for Removal from the Court Hearing Calendar in CM/ECF. If docketed prior to 10:00 a.m. three business days before the hearing (whenever possible), and no later than 10:00 a.m. on the business day before the hearing, the parties may be excused from appearance.

Withdrawal

A proponent may withdraw a pleading initiating a contested matter before a response is filed. After a response, withdrawal can be made with the consent of the responding parties. The Withdrawal from the Court Calendar event in CM/ECF should be used when possible. The consensual withdrawal of a contested request for relief may be made by the proponent before 10:00 a.m. three business days before the hearing (whenever possible), and no later than 10:00 a.m. on the business day prior to the hearing.

Continuance

A consensual request to continue a hearing may be made using the Request for Continuance event in CM/ECF. The request must be made by 10:00 a.m. three business days before the hearing (whenever possible), and no later than 10:00 a.m. the business day prior to the hearing. The request for continuance shall propose a date and time for the continued hearing from the dates available on the published calendar. For consensual requests, the resulting order will be promptly placed on the case docket and no further notice need be given by the Court. The parties must consult the case docket for direction. Continuance dates that are more than 30 days in the future will be considered, if practical.

Absent consent of all parties in interest, a written motion must be filed and served. The motion must report the good faith effort to consult with all opposing counsel, state the reason for the request, report the assent of those parties consenting to a continuance, and propose dates for the continued hearing, including the availability, if known, of opposing counsel.

Calendar Removal Request

If the parties are seeking to have a matter removed from the calendar other than by settlement, withdrawal, or request for continuance as noted above, a separate calendar removal request should be filed using CM/ECF events.

Loss Mitigation/Mortgage Modification Orders

If litigants need an order from the Court to facilitate this process, parties may use CM/ECF events designed for these requests.

Order Authorizing Loss Mitigation/Mortgage Modification – Automated events and orders are available for chapter 7 and 13 cases that generate an order modifying the stay to permit the debtor to enter into consensual negotiations with the creditor. The event itself does not require consent.

Order Regarding Permanent Loan Modification – An automated event permits chapter 13 debtors to upload documents evidencing an agreed permanent loan modification. When the

chapter 13 trustee consents thereafter, a form order is generated. There is no corresponding order for chapter 7 cases.

Further information on use of these events can be found in the Participant's Guides on the Court's website.

Chapter 13 Matters

1. Fees

Expedited fee amount for purposes of SC LBR 2016-1(b)(1) for all cases assigned to Judge Burris:

Consumer \$4,000; Business \$4,500

Supplemental Fees. The chambers guideline threshold for Judge Burris is eliminated effective March 1, 2020. As a result, the procedures found in SC LBR 2016-1(b)(2)(B) are no longer necessary and attorneys should follow the procedure for application set forth in SC LBR 2016-1(b)(2)(A).

Fees charged must match the complexity and scope of work described in the application.

[Form for general bankruptcy matters](#)

[Form for loss mitigation or mortgage loan modification work](#)

After confirmation, and to the extent funds are available after deduction of the trustee's commission, the trustee may disburse up to \$1,500.00 to counsel for expedited fees as part of the initial disbursement under the Chapter 13 plan.

2. Hearing Calendar

Unless prior arrangements are made with chambers, all Chapter 13 hearings, including emergency hearings and urgent matters, will be held telephonically until further notice. The parties shall notify chambers or courtroom more than 48 hours prior to the scheduled hearing if a party anticipates that the hearing on any matter will be lengthy (more than 15 minutes), if live testimony is necessary, if facts cannot be stipulated, or if documentary evidence is subject to objection. The Court may continue the matter to another date or time, hold a preliminary hearing, or make other accommodations.

In advance of any confirmation hearing, the Chapter 13 Trustee shall provide notice to appropriate parties of deficiencies in a debtor's plan, schedules or statements, any other recommendations regarding confirmation of a Chapter 13 plan, and/or other matters involving the Trustee. The Trustee shall assist the Court in identifying matters that are resolved and do not require a formal hearing, shall assist with the scheduling and continuance of confirmation hearings, and shall report any recommendation or request on the CM/ECF docket beginning at the time the applicable objection period for any matter has passed and continued to the date of the hearing, including making recommendations on the hearing record. The Trustee may

~~examine witnesses request or~~ and announce further hearing dates and times for continued matters. Settlements, Trustee recommendations, and other agreed upon dispositions shall be ~~recorded in the minutes of the hearings,~~ noted in the records of the Court and executed by a judge at the appropriate time. The Trustee shall make efforts to inform parties with scheduled hearings of these guidelines. If the Trustee is informed of a resolution of a matter and the Trustee has agreed, the Trustee may excuse the attendance of other parties (whether the hearing is held telephonically or in-person) and report a resolution on the record.

3. Conduit Payments in Chapter 13 Plans

If litigants request or propose payment of post-petition mortgage payments made on claims secured by liens on real property and/or mobile homes by the Chapter 13 Trustee through the Chapter 13 Plan, please refer to [Operating Order 16-03 \(Revised October 2, 2019\), paragraph IV\(F\)\(9\)](#) is temporarily modified, until further notice, to allow a request for a moratorium by Motion. Absent any objection, any delinquencies arising as a result of any moratorium may be addressed at a later date. This modification does not affect the right of any party affected by a moratorium to request relief, including the filing of requests for relief from the automatic stay.