

## **Chambers Guidelines<sup>1</sup>** **Helen E. Burris**

### **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:

- 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.<sup>2</sup>

### **Scheduling of Hearings**

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](#).

It is not necessary to contact chambers or courtroom if a party anticipates that the hearing on the matter will be lengthy (usually more than 1 hour on a general docket day). If, however, additional time is needed to accommodate a hearing, a continuance request can be made through the CM/ECF system or the matter may be scheduled or rescheduled for another date or time by

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

<sup>2</sup> 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.

contacting courtroom services. If a hearing is requested on an expedited basis, proper submission of emergency matters through the CM/ECF system will ensure prompt attention.

### **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.

### **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. 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. 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 before 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.

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.

## **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 fee amounts for purposes of SC LBR 2016-1(b)(2)(A):

General bankruptcy matters \$1,500

Loss mitigation or mortgage loan modification work \$1,500

[Form for general bankruptcy matters](#)

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

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

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**

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 on the hearing record. The Trustee may examine witnesses 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. 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 and report a resolution on the record.

### **3. Requests for Orders Regarding Loss Mitigation/Mediation and Notification of Permanent Loan Modifications**

If litigants need an order from the Court to facilitate a loss mitigation/mediation or permanent loan modification, parties may use CM/ECF events designed for these requests.

*Request for Loss Mitigation/Mediation* – The event will 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.

[Request for Order Authorizing Loss Mitigation](#) (Participant Guide)

[Order Authorizing Loss Mitigation-Mediation](#) (sample order)

*Notification of Permanent Loan Modification* – The event permits debtors to upload documents evidencing an agreed permanent loan modification. The Chapter 13 Trustee receives electronic notice of this filing and will docket an electronic consent or contact the debtor's attorney to discuss any issues. The trustee's electronic consent generates an order modifying the stay, if needed, and authorizes the trustee to stop making payments on the mortgage arrears, if any are to be paid pursuant to the plan.

[Notification of Permanent Loan Modification](#) (Participant Guide)

[Order Regarding Permanent Loan Modification](#) (sample order)

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

### **4. 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](#).