

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

These guidelines supplement other rules and procedures found in the Court's [Local Rules](#) and applicable Operating Orders.

### **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. Mail to the Court should be directed to:

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

### **Hearings Before Judge Burris**

**Location.** 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 (CM/ECF 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.

Judge Burris may take steps to avoid in-court appearances by managing cases or proceedings as she deems appropriate, including holding in-person hearings for any division in an alternate location or by telephone. Further direction regarding the manner of conducting hearings may be provided through hearing notices, other directives posted on the Court's website, or otherwise noticed to the parties involved. Note that the meeting of creditors pursuant to 11 U.S.C. § 341 is scheduled by the United States Trustee at the location and in the manner chosen by that office.

**Self-Scheduling.** Although some hearings are scheduled by the Court, hearings on most matters are self-scheduled pursuant to SC LBR 9013-4. Attorneys shall utilize the Court's CM/ECF system for filing pleadings as indicated therein and select an appropriate hearing

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<sup>1</sup> Revised Dec. 2, 2020.

location as directed by the Court's published calendars. 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](#).

#### **Supplement to Exhibits A and B to SC LBR 9013-4.**

- Allowance of Administrative Claims or Interests (11 U.S.C. § 503) – a passive hearing shall be noticed by the movant for the general hearing time for Chapter 7, 11, or 12 cases, or the “other” matters hearing time for Chapter 13 cases.
- Chapter 13 Plan and Embedded Motions – responding parties must be given at least 28 days' notice of the confirmation hearing (Fed. R. Bankr. P. 2002(b)) and at least the same time to file a response pursuant to Exhibit A of SC LBR 9013-4. However, pursuant to Fed. R. Bankr. P. 3015(f), the ultimate deadline for filing a response with the Court (both to the plan and embedded motions) is no later than seven days before the date set for the confirmation hearing.
- Reopen (11 U.S.C. § 350) – the response deadline for motions to reopen Chapter 13 cases is 14 days. The movant must serve the motion on the mailing matrix.

**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 order on the CM/ECF docket unless otherwise instructed. When the Local Rules require submission of a proposed order in connection with the filing of a routine motion (these proposed orders generally anticipate entry of relief by default), the form proposed order referenced 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, the basis for relief, that no response was filed, and the relief is granted.

**Scheduling Orders.** If parties to a contested matter believe discovery will be helpful, a request for a scheduling order should be made using CM/ECF events. In adversary proceedings, scheduling and other orders giving direction will be issued at the appropriate time.<sup>2</sup>

**Contested Hearings.** As a hearing date approaches, please contact chambers or courtroom staff **more than 48 hours prior** to the scheduled hearing if a party anticipates the hearing will be lengthy (usually more than 15 minutes), live testimony is necessary, facts cannot be stipulated, or 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](#).

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<sup>2</sup> Standard forms entered in adversary proceedings are available [here](#).

**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 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 matter may be made by the proponent 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 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.

Absent the 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, the reason for the request, 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 Procedures**

**Attorney Fees.** The expedited attorney fees amount for purposes of SC LBR 2016-1(b)(1) for all Chapter 13 cases assigned to Judge Burris is \$4,000.00 for consumer cases and \$4,500.00 for business cases.

**Chapter 13 General Docket.** In addition to the hearing procedures above, 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 any other matters involving the trustee. The trustee shall assist the Court in identifying matters that are resolved and do not require a formal hearing and with the scheduling and continuance of confirmation hearings. The trustee 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 continuing to the date of the hearing, including making recommendations on the hearing record. The trustee may examine witnesses or request or announce further hearing dates and times for continued matters. Settlements, trustee recommendations, and other agreed upon dispositions shall be noted in the records of the Court and executed by the 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.

**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](#).

### **Loss Mitigation/Mortgage Modification Orders**

**Order Authorizing Loss Mitigation/Mortgage Modification.** If litigants need an order from the Court to facilitate this process, CM/ECF automated events are available for Chapter 7 and 13 cases that generate orders modifying the stay to permit the debtor to enter consensual negotiations with the creditor. This event does not require consent.

**Order Regarding Permanent Loan Modification.** The CM/ECF 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.