

Chambers Guidelines¹
Helen E. Burris

Bankruptcy Court Main Number: 803-765-5436

Hearing/Scheduling Questions: [Courtroom Staff](#)

Filing Questions: [CMECF Help Desk](#)
[Case Administration Division](#)

Law Clerk: D. Kershaw 864-591-5315
Law Clerk: L. Maxwell 864-591-5324

Columbia Visiting Judge's Chambers: 803-765-5922 or 5655 (if call is not answered do not leave a message, call courtroom staff)

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

Self Scheduled Hearings

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](#).

Matters Scheduled by the Court

It is not necessary to contact chambers or courtroom if the party filing a motion anticipates that the hearing on the matter will be lengthy, or if a hearing is requested on an expedited basis. Proper submission of emergency matters through the CM/ECF system will ensure prompt attention.

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

Location of Hearings

Unless ordered otherwise:

- 1) for cases in the Spartanburg Division assigned to Judge Burris (all chapters), hearings shall be scheduled at the following location:

Donald S. Russell Courthouse & U.S. Courthouse
201 Magnolia Street
Spartanburg, SC 29306

- 2) for cases in the Columbia division assigned to Judge Burris (all chapters) filed on or before June 26, 2016, hearings shall be scheduled in the following location:

J. Bratton Davis U.S. Bankruptcy Courthouse
1100 Laurel Street
Columbia, SC 29201

- 3) for any bankruptcy case filed on or after June 27, 2016, assigned to Judge Burris that is outside the Spartanburg division, debtor's counsel must make an election when the case is filed indicating the preferred hearing location (Spartanburg or Columbia) for all hearings to be held in that case, excluding the 11 U.S.C. § 341 meeting (to conclusion, all chapters) and the INITIAL confirmation hearing in Chapter 13 cases.² This election will produce a conspicuous docket entry. Any party scheduling a hearing in such a case thereafter must select the hearing location corresponding to this election, absent further order of the Court. Upon request, the Court may consider scheduling some hearings in a different location as necessary to accommodate the parties as efficiently as possible. Any such requests will be considered on a case-by-case basis and should be directed to courtroom staff or chambers.

Proposed Orders

No cover sheet is required. Do not include a signature line for the judge. 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.

² The 11 U.S.C. § 341 meeting is scheduled by the United States Trustee. The initial confirmation hearing for Columbia Chapter 13 cases will be held in Columbia.

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 \$1,200

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.

2. Calendar

The calendar for hearing Chapter 13 matters assigned to Judge Burris is divided into a consent calendar and dispute calendar. Chapter 13 matters scheduled for hearing (self-scheduled and Court scheduled) should be scheduled according to the chart [here](#). Consent calendars shall be conducted by the Chapter 13 Trustee in open court on the record. Prior to the consent calendar, the Trustee shall provide notice to appropriate parties of deficiencies in a debtor's plan of reorganization, schedules or statements, and of any other recommendations regarding consent calendar matters. In conducting the consent calendar, the Trustee shall address each scheduled matter and report the Trustee's recommendations on the record. The Trustee may examine witnesses and counsel or parties may make statements on the record. The Trustee may announce further hearing dates and times for continued matters or transfer matters to the dispute calendar. 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 thereafter as is necessary to complete the consent hearings. If the Trustee is informed of a resolution of a matter and the Trustee has agreed, the Trustee may excuse attendance of other parties and report a resolution on the record.

If, [after due consultation](#), a matter initially scheduled for the consent calendar is identified by the parties as disputed and requiring the presentation of testimony or other evidence or oral argument, the Trustee shall, after consulting with affected parties, make arrangements with the Court to move the matter to the appropriate dispute calendar for disposition. The disputed

hearing may be held immediately following the consent calendar. When appropriate, the Trustee or the Court may direct the filing of a [Joint Statement of Dispute](#).

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 problems. 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](#).