

The Supreme Court of South Carolina

RE: Amendment to the South Carolina Appellate Court Rules

O R D E R

Pursuant to Article V, § 4 of the South Carolina Constitution, Rule 219 of the South Carolina Appellate Court Rules (SCACR) is amended as shown in the attachment to this order. This amendment shall be submitted to the General Assembly as provided by Article V, § 4A of the South Carolina Constitution.

IT IS SO ORDERED.

s/ Jean H. Toal _____ C.J.

s/ Costa M. Pleicones _____ J.

s/ Donald W. Beatty _____ J.

s/ John W. Kittredge _____ J.

s/ Kaye G. Hearn _____ J.

Columbia, South Carolina
January 27, 2011

Amendment to South Carolina Appellate Court Rules (SCACR)

Rule 219, SCACR, is amended to read as follows:

RULE 219 HEARING OR REHEARING OF CASES BY THE COURT OF APPEALS *EN BANC*

(a) When Hearing or Rehearing *En Banc* Will Be Ordered. It shall require the affirmative vote of six (6) members of the Court of Appeals to hear or rehear an appeal or other proceeding *en banc*. A hearing or rehearing *en banc* is not favored and ordinarily will not be ordered except (1) when consideration by the full court is necessary to secure or maintain uniformity of its decisions, or (2) when the proceeding involves a question of exceptional importance.

(b) Suggestion of a Party for Hearing or Rehearing *En Banc*. If a party desires to suggest that a matter be heard initially *en banc*, the suggestion shall be made in writing, and must be served and filed not later than twenty (20) days prior to the hearing date. If a suggestion for rehearing *en banc* is to be made, it shall be included in the petition for rehearing. No response shall be filed by other parties unless the Court shall so order. The Clerk of the Court of Appeals shall transmit the suggestion to all judges of the Court. A vote will not be taken to determine if the matter shall be heard or reheard *en banc* unless a member of the Court calls for a vote on the suggestion. If no vote is taken on the suggestion, the parties shall be advised that the suggestion has been rejected.