
SOUTH CAROLINA



JUDICIAL DEPARTMENT

STATE OF THE JUDICIARY

February 24, 2010

by

Chief Justice Jean Hoefler Toal



New Supreme Court Justice



Justice Kay G. Hearn

Investiture January 14, 2010



New Court of Appeals Chief Judge



Judge John C. Few

Elected February 3, 2010



SCJD Funding Sources and Expenditures for Recent Years

FISCAL YEAR	APPROPRIATIONS	STATE FEES	FEDERAL FUNDS	AMERICAN RE-INVESTMENT and RECOVERY ACT	SHORTFALL	TOTAL EXPENDITURES
FY 2000 - 2001	\$46,486,500	\$66,575	\$0	\$0	\$0	\$46,553,075
FY 2001 - 2002	\$39,014,860	\$2,849,873	\$928,311	\$0	\$0	\$42,793,044
FY 2002 - 2003	\$35,685,629	\$6,683,806	\$2,897,322	\$0	\$0	\$45,266,757
FY 2003 - 2004	\$31,849,253	\$10,105,241	\$5,831,459	\$0	\$0	\$47,785,953
FY 2004 - 2005	\$32,650,207	\$12,207,897	\$4,664,535	\$0	\$0	\$49,522,639
FY 2005 - 2006	\$33,958,408	\$14,390,096	\$5,755,279	\$0	\$0	\$54,103,783
FY 2006 - 2007	\$36,631,439	\$15,065,443	\$5,053,703	\$0	\$0	\$56,750,585
FY 2007 - 2008	\$38,758,746	\$15,676,166	\$5,495,072	\$0	\$0	\$59,929,984
FY 2008 - 2009	\$28,736,067	\$18,682,454	\$6,262,290	\$0	\$6,653,495	\$60,334,306
FY 2009 - 2010	\$22,576,817	\$18,085,225	\$6,208,216	\$4,000,000	\$7,589,642	\$58,459,900

**FY 2009 – 2010
BUDGET
ESTIMATE**

CATEGORY	EXPENDITURE
Salaries	\$32.7M
Benefits	\$13.6M
Operations	\$12.1M
TOTAL	\$58.4M





Steps Already Taken by SCJD to Address the Financial Crisis

- **Reduced judges' travel**
- **Eliminated travel for law clerks**
- **Restricted travel for court reporters**
- **Authorized county Clerks of Court to operate with skeleton staffs on local furlough days to keep the courts open for the public to file court papers and provide public access to court records**
- **Hiring freeze put into effect**
- **Cut the reimbursement of the monthly office allowance to judges**
- **Printing, postage, and mailing of Supreme Court and Court of Appeals Advance Sheets are terminated – they now are only available online from the SCJD website**
- **Family Court Judges sharing administrative staff**

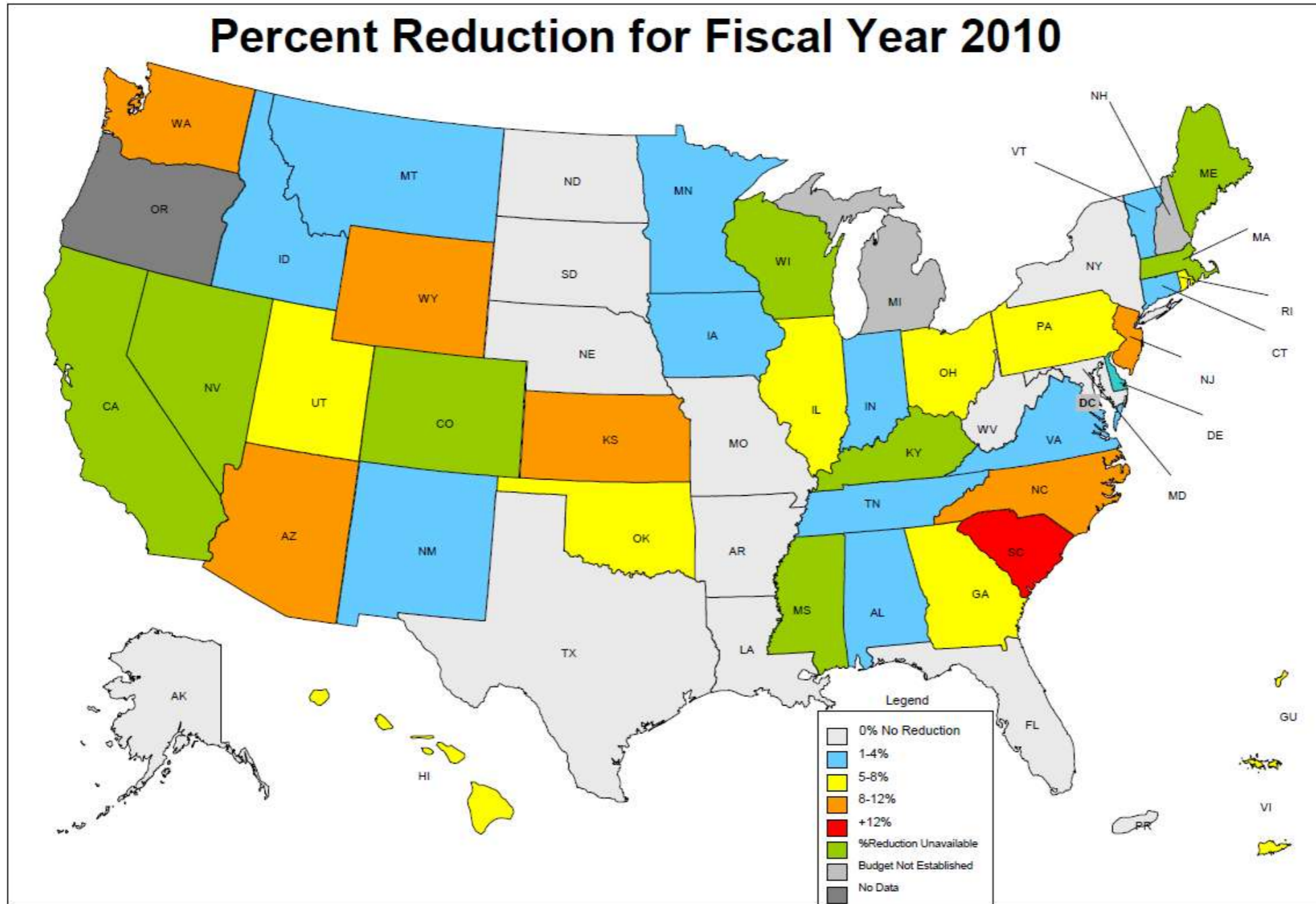


Next Steps to be Taken by SCJD

- Lay-offs for the Circuit Court law clerks may occur this Spring 2010
- Court of Appeals staff may be reduced from 3 to 2 staff personnel per judge
- New law clerks may not be hired next year
- Reduction of court reporters being considered
- Judicial Department may be forced to run a deficit in the upcoming fiscal year
- Consideration being given to NOT filling some upcoming judicial vacancies and associated non-judicial positions for further costs savings
- Current funding levels jeopardize the Court's ability to adequately fulfill constitutional functions
- Furloughs and reductions in force (RIF) may be required as a last resort; however, they are of limited use since much of the judicial personnel is constitutionally mandated

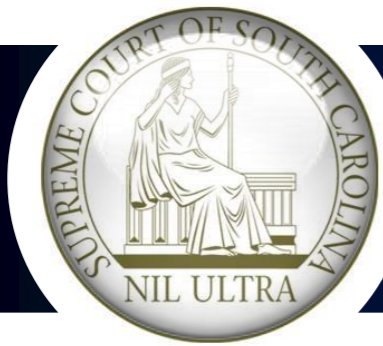


SC Court's Budget Cut Is the Most of any State in the Country



Source: Conference of State Court Administrators (COSCA) Budget Survey September 16, 2009





South Carolina Circuit Court Caseload

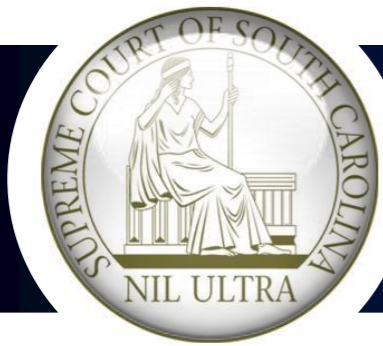
- **South Carolina continues to have more than twice the national average of filings per judge**
- **States averaged 1,761 filings per judge and 3.74 judges per 100,000 population**



RANKING	STATE	JUDGES per 100,000 POPULATION	FILINGS per JUDGE
1	Massachussetts	1.3	360
2	Mississippi	1.8	445
3	Idaho	2.7	524
4	Rhode Island	2.1	706
5	Alaska	5.0	712
...
47	Maine	3.7	2657
48	South Dakota	4.9	2785
49	New Jersey	4.7	3102
50	North Carolina	1.2	3299
51	South Carolina	1.1	4374
*** No data available for Wyoming			
*** List includes District of Columbia and Puerto Rico			

Results of joint study by the Conference of State Court Administrators, Bureau of Justice Statistics, and the National Center for State Courts

Report for 2006 which is the most current year for which statistics are available



South Carolina Trial Court Caseload

	July 1, 2005 - June 30, 2006		July 1, 2006 - June 30, 2007		July 1, 2007 - June 30, 2008		July 1, 2008 - June 30, 2009	
	# Cases	# of Judicial Circuits meeting benchmark	# Cases	# of Judicial Circuits meeting benchmark	# Cases	# of Judicial Circuits meeting benchmark	# Cases	# of Judicial Circuits meeting benchmark
CIRCUIT COURT								
<u>GENERAL SESSIONS</u>		0		0		0		0
CASES FILED	122,121		125,580		125,300		121,841	
CASES PENDING	108,203		110,985		118,591		118,263	
<u>COMMON PLEAS</u>		1		1		1		0
CASES FILED	75,447		82,341		97,452		108,631	
CASES PENDING	52,055		53,740		61,583		70,953	
<u>FAMILY COURT</u>		7		5		2		4
CASES FILED	78,168		74,590		75,103		76,932	
CASES PENDING	34,503		38,801		41,619		43,810	

- **South Carolina Courts have not had any additional judge positions in the Circuit and Family Courts since 1997**
- **State population and case complexities in South Carolina continue to increase**
- **Current economic environment will further drive increases in court caseloads**





SCJD: Re-engineering Court Efforts Using Existing Funds

- **Purpose is to improve court efficiencies:**
 - ❖ *Use resources currently available*
 - ❖ *Apply new ways of thinking and managing*
- **Specialized Docket Management**
 - ❖ **Solicitors' Differentiated Case Management**
 - ❖ **Business Courts**
 - ❖ **Fast Track Jury Trials**
 - ❖ **ADR Commission**
 - ❖ **Condemnation Cases**
 - ❖ **Construction Cases**



**GENERAL SESSIONS
CASE MANAGEMENT**
Judge Howard King
Judge Roger Couch
Judge James Williams

CONDEMNATION CASES
Judge Ed Cottingham

MULTI-WEEK DOCKET
Judge Clifton Newman
Judge Michael Baxley

ADR COMMISSION
Award Winning

**FAST TRACK
JURY TRIALS**
Pilot Program
Charleston
Dorchester
Berkeley

BUSINESS COURTS
Pilot Program
Charleston
Greenville
Richland



New Initiatives

- **Rules of Criminal Procedure Task Force work completed with public hearing on January 5, 2010 – full vetting of the proposed new rules will be conducted in 2010 with submission to the General Assembly for the 2011 session**
- **Amendments were made to Rule 608 for a more equitable system of court appointments (adequate representation by counsel for indigents) that provides procedural structure for implementing the State Constitution and State Statutes**
- **Task Force on State Courts and Elderly established on October 6, 2009**
- **Access to Justice continues collaborative efforts with the SC Bar and initiatives for self represented litigants (SRLs)**





Technology Update

2000

Getting Started



2001

Establishing Fundamentals

2002

Changing Court Operations

2003

Relying on Court Technologies

2004

Expanding Synergies

2008

Consistent Focus

2010

National Recognition

2005

Becoming Model For Others

2006

Collaboration Results

2007

Enterprise Perspective

2009

Judicial Effectiveness and Efficiencies



Yester Years

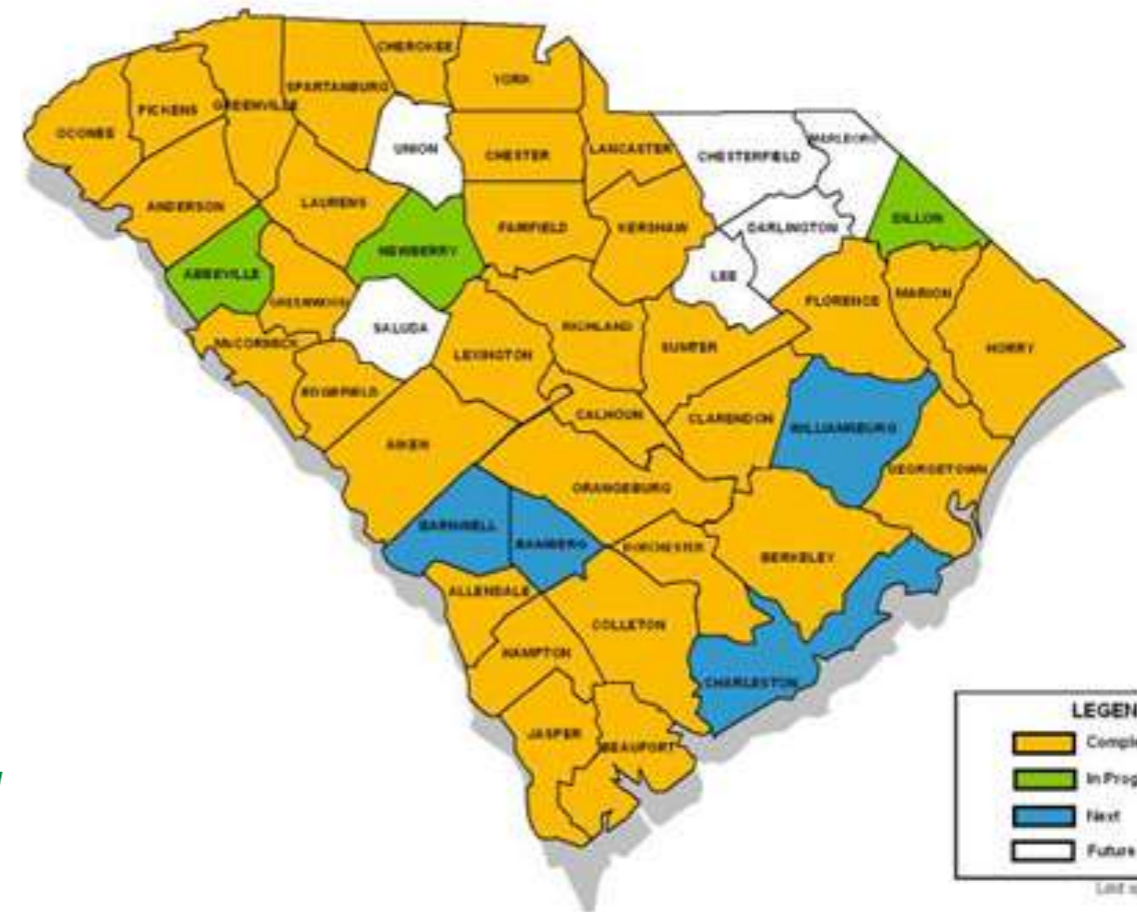
Today



Status of the Statewide Court Case Management System (CMS) for Circuit and Magistrate Courts

➤ **COMPLETED** – approximately **81%** of the total state caseload

- | | | |
|---------------|---------------|---------------|
| Greenville | Sumter | Horry |
| Pickens | Beaufort | Lexington |
| Richland | Jasper | Anderson |
| York | Georgetown | Edgefield (H) |
| Dorchester | Spartanburg | Clarendon (H) |
| Cherokee (H) | Lancaster (H) | Colleton (H) |
| Orangeburg | Laurens (H) | Kershaw (H) |
| Greenwood (H) | Aiken | Oconee (H) |
| Allendale (H) | Hampton (H) | Chester (H) |
| Florence (H) | Calhoun (H) | Fairfield (H) |
| Berkeley | Marion (H) | McCormick (H) |



➤ **IN PROGRESS** - approximately **2%** of the total state caseload

- | | | |
|---------------|--------------|------------|
| Abbeville (H) | Newberry (H) | Dillon (H) |
|---------------|--------------|------------|

➤ **NEXT** – approximately **11%** of the total state caseload

- | | | |
|------------------|--------------|------------|
| Bamberg (H) | Barnwell (H) | Charleston |
| Williamsburg (H) | | |

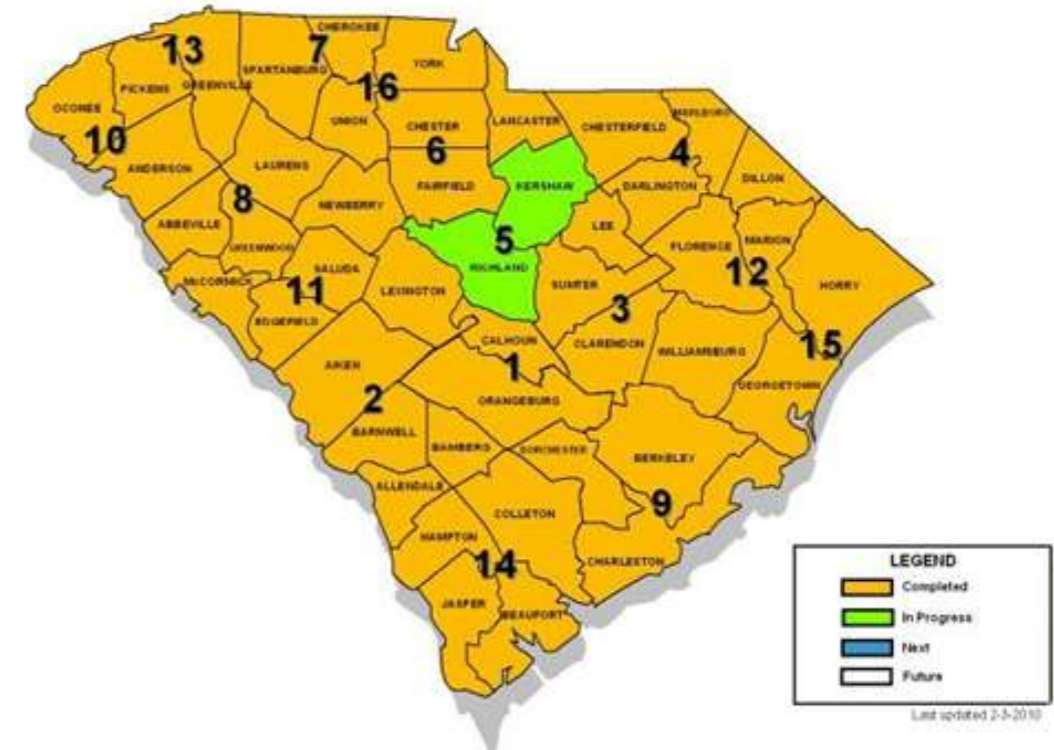
NOTE: (H) indicates county is hosted by SCJD



Status of the Statewide Solicitor Case Management System

➤ **COMPLETED** – approximately **90%** of the total state General Sessions caseload

- ❖ 13th Judicial Circuit - Greenville and Pickens
- ❖ 7th Judicial Circuit - Spartanburg and Cherokee
- ❖ 16th Judicial Circuit - York and Union
- ❖ 9th Judicial Circuit - Charleston and Berkeley
- ❖ 10th Judicial Circuit - Anderson and Oconee
- ❖ 11th Judicial Circuit - Lexington, Edgefield, McCormick, and Saluda
- ❖ 14th Judicial Circuit - Beaufort, Colleton, Jasper, Hampton, and Allendale
- ❖ 15th Judicial Circuit - Horry and Georgetown
- ❖ 8th Judicial Circuit - Abbeville, Greenwood, Laurens, and Newberry
- ❖ 1st Judicial Circuit - Orangeburg, Dorchester, and Calhoun
- ❖ 6th Judicial Circuit - Lancaster, Chester, and Fairfield
- ❖ 2nd Judicial Circuit – Aiken, Bamberg, and Barnwell
- ❖ 4th Judicial Circuit – Chesterfield, Darlington, Dillon, and Marlboro
- ❖ 12th Judicial Circuit – Florence and Marion
- ❖ 3rd Judicial Circuit – Clarendon, Lee, Sumter, and Williamsburg



➤ **IN PROGRESS** – approximately **10%** of the total state General Sessions caseload

- ❖ 5th Judicial Circuit – Kershaw and Richland

➤ **BY THE MAY 2010, 100%** of the total state General Sessions caseload will be managed by the Solicitor case management system

*** System is based on principles of differentiated case management



Sentencing – South Carolina Crisis

South Carolina Sentencing Reform Commission:

- ❖ **Gerald Malloy, CHAIR (Senate)**
- ❖ **Jake Knotts (Senate)**
- ❖ **Chip Campsen (Senate)**
- ❖ **Murrell Smith, Vice Chair (House)**
- ❖ **Doug Jennings (House)**
- ❖ **Keith Kelly (House)**
- ❖ **Jon Ozmint (Governor Appointee – Corrections)**
- ❖ **Donald Beatty (Courts)**
- ❖ **Aphrodite Konduros (Courts)**
- ❖ **William Keesley (Courts)**

- ❖ **Pew Charitable Trust provided guidance and expert assistance**





Sentencing – South Carolina Crisis

- South Carolina's current prison population is approximately 24,000 and will increase to approximately 28,000 in 5 years if nothing is changed
- Cost per inmate is approximately \$14,000 - \$16,000 per year
- Pursuant to Act 407 of the 2007-2008 Legislative Session, the Sentencing Reform Commission was established with the mission to review:
 - ❖ Changes to current sentencing guidelines for all offenses for which a term of imprisonment of more than one year is allowed
 - ❖ Changes to the current parole system
 - ❖ Alternatives to incarceration
- On February 2, 2010, the Commission submitted its final report and recommendations to the General Assembly
- On February 9, 2010, the Omnibus Crime Reduction and Sentencing Reform Act of 2010 (S. 1154) was introduced:
 - ❖ Senator Malloy was the lead sponsor with 23 co-sponsors, including the President *Pro Tempore*, Senate Majority Leader, Senate Minority Leader, and Chair of the Senate Finance
 - ❖ The bill was referred to subcommittee





Justice Sandra Day O'Connor's OUR COURT Project

- OUR COURT project is a national web-based education project designed to reinvigorate civics teaching and learning
- The internet and digital media are used to teach about the judiciary
- Justice Sandra Day O'Connor is the Chairwoman for South Carolina's efforts
- Website, www.ourcourts.org, launched in February 2009

➤ Features include:

- ❖ Online games
- ❖ Talk to the Justice message board
- ❖ Civics in action
- ❖ Educational videos
- ❖ Lesson plans for teachers





Commission on the Profession

- **Supreme Court approved amendments submitted from the Commission’s analysis of the recommendations resulting from the onsite review conducted by the American Bar Association (ABA) of South Carolina grievance systems**
- **Rule 403 trial court experiences modified to expedite the process and make trial court experiences more meaningful**
- **Bridge The Gap – work continues to provide a “bridge” from law school to the practice of law**
- **Judicial Observation Externship (JOE) Program**
 - ❖ **Support Nelson, Mullins, Riley, and Scarborough Center for Professionalism**
 - ❖ **Rising 2nd and 3rd year law students shadow members of judiciary to receive Rule 403 credit**
 - ❖ **State and Federal judges at all levels have volunteered to participate**
- **SC Bar’s Standards of Professionalism – The Commission reviewed and promoted their circulation**
- **Mentoring**
 - ❖ **Experienced lawyer introduces a new admittee to the local bar and legal community**
 - ❖ **Supreme Court has approved a pilot mentoring program through a court order**
- **Master-in-Equity – Commission is assessing feasibility of further incorporating the Masters into the unified judicial system**
- **Summary Court Judges – Commission is identifying ways to enhance courtroom security**



For Good of the Order

**Tomorrow we will look back on to today
as the time when we changed the world
or the world changed us**

With every crisis there comes opportunity

