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# **SOUTH CAROLINA**



## **JUDICIAL DEPARTMENT**

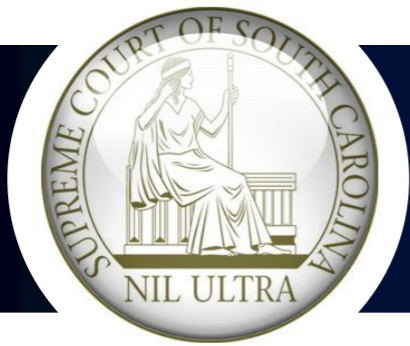
**South Carolina House Ways and Means Sub-Committee**

**January 27, 2011**

**by**

**Chief Justice Jean Hoefler Toal**

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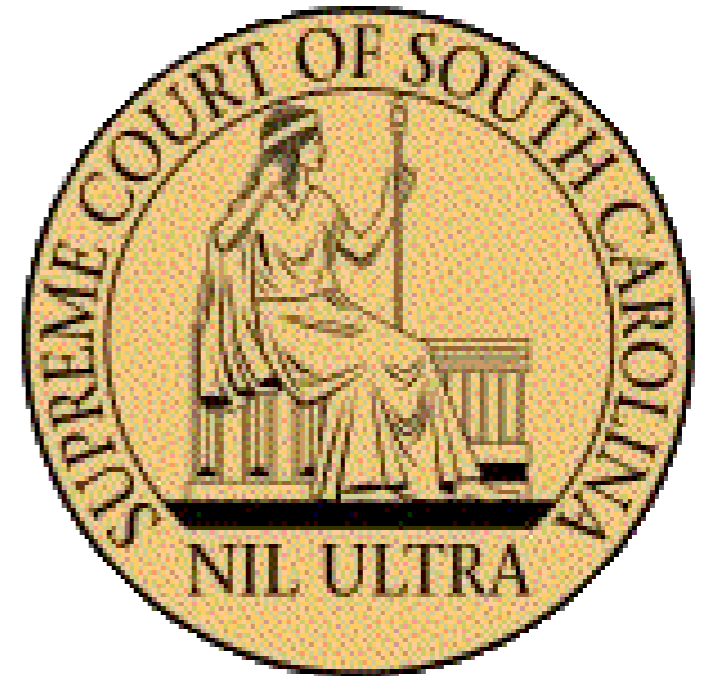
## South Carolina House Law Enforcement and Criminal Justice Budget Subcommittee

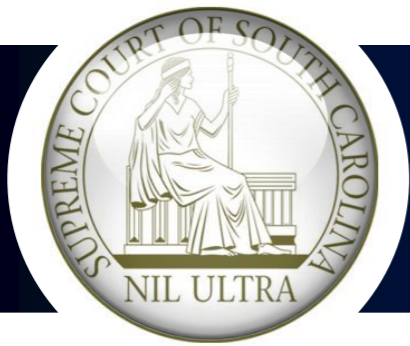
### ➤ Law Enforcement and Criminal Justice Budget Subcommittee Members

- Michael A. “Mike” Pitts, Chair
- J. Gary Simrill
- G. Murrell Smith, Jr.
- Lonnie Hosey
- Tim Rogers, Staff

### ➤ Key SCJD Officials

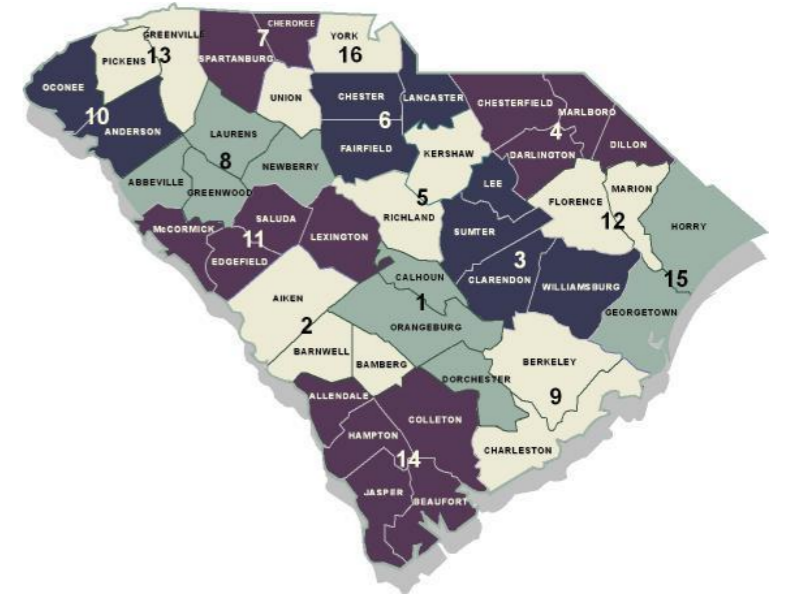
- Jean Hoefler Toal, Chief Justice (803.734.1584)
- John W. Kittredge, Justice (864.467.8593)
- Rosalyn Woodson Frierson, Director Court Administration (803.734.1802)
- Thomas B. Timberlake, Director Finance and Personnel (803.734.1981)

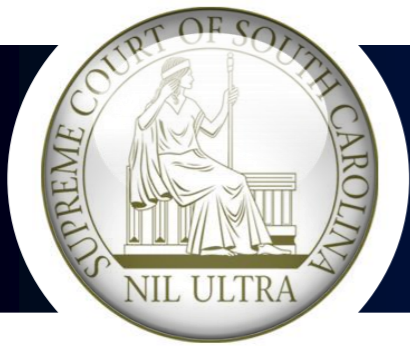




# SCJD Mission and Current Economic Situation

- Mission is to provide a fair and efficient forum for the resolution of disputes
- **ECONOMIC DEVELOPMENT** - Ability of the Judicial Branch to fairly and timely resolve disputes is a highly important consideration in economic development
  - ❖ South Carolina Business Courts
  - ❖ Significant consideration in Boeing coming to South Carolina
- **REVENUE GENERATION** - Holding court last year generated:
  - ❖ More than \$109M for state government
  - ❖ Additional \$26M for county governments
  - ❖ Therefore, reducing the Court's budget actually loses money for the State rather than saving money
- **CORE GOVERNMENT FUNCTION** - This current fiscal year (2010-2011) is the first year in many that sufficient funding to the Judicial Branch will enable the core court functions to occur at an adequate level. Note that:
  - ❖ South Carolina has less trial judges per 100,000 population than any other state in the country
  - ❖ South Carolina judges have the highest caseload in the country
  - ❖ # of SC judges would need to more than double to reach the national average caseload per judge

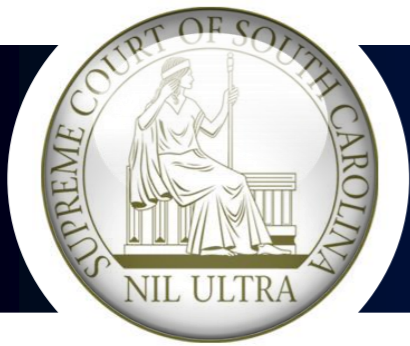




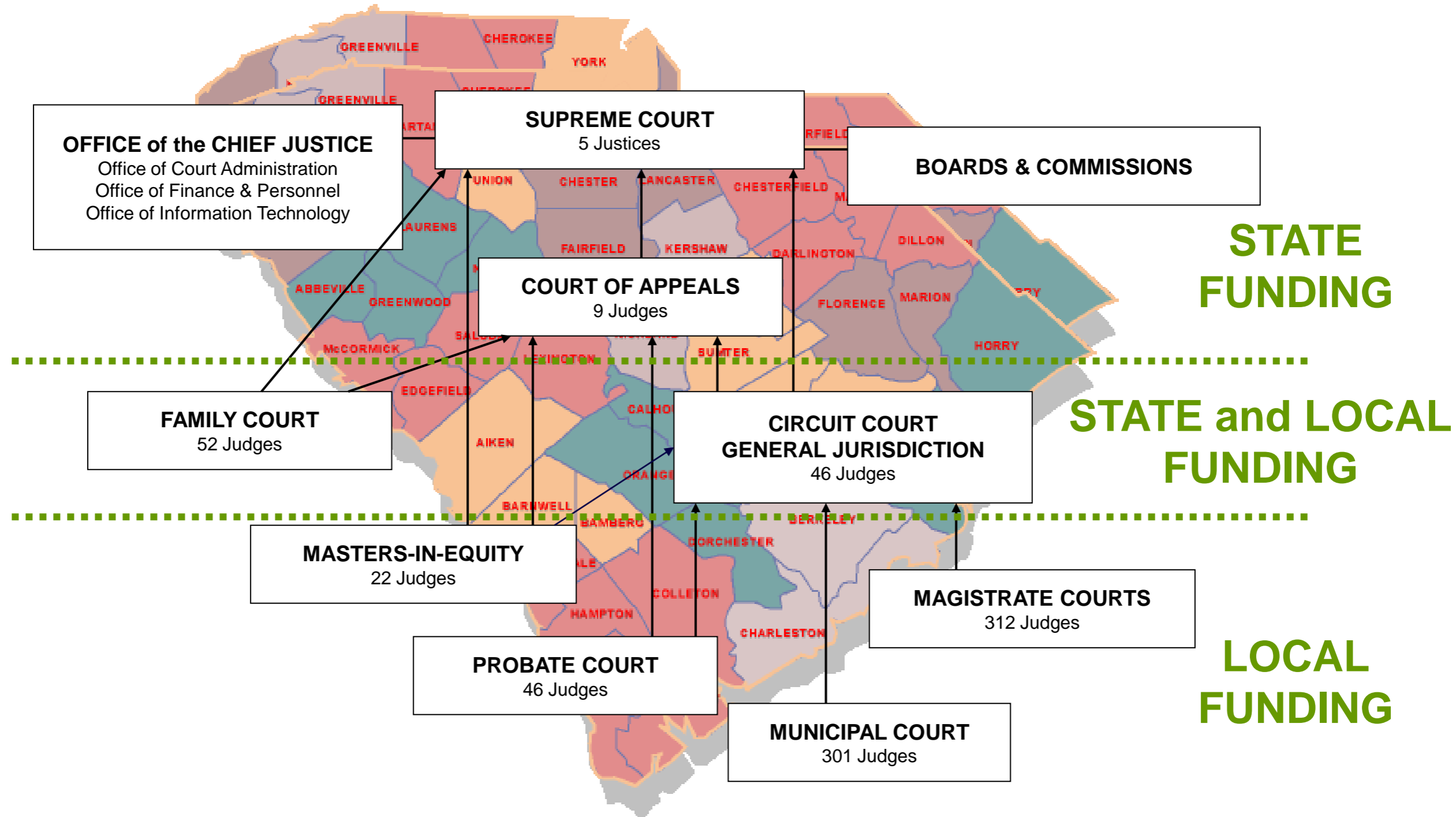
# SCJD Approach

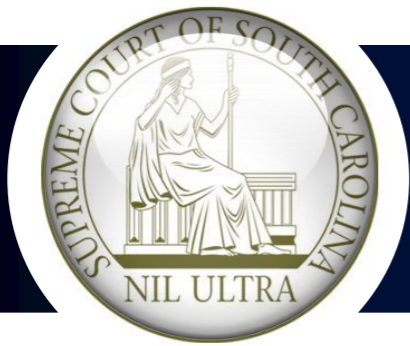
- **FISCALLY RESPONSIBLE** - SCJD uses a combination of state funds, federal funds, and fees to operate the courts today and prepare for a better tomorrow
- **INNOVATIVE** – SCJD is using leading internet technologies in nationally acknowledged projects to increase efficiencies and capabilities without adding personnel
- **REALISTIC** – SCJD understands the current economic situation and is not requesting additional funds at this time, just requesting to maintain the current adequate level of funding
- **UNIQUE** – Judiciary is the third branch of government and as such should be recognized separately and independently from the state agencies during the annual budgetary process





# South Carolina Judicial System

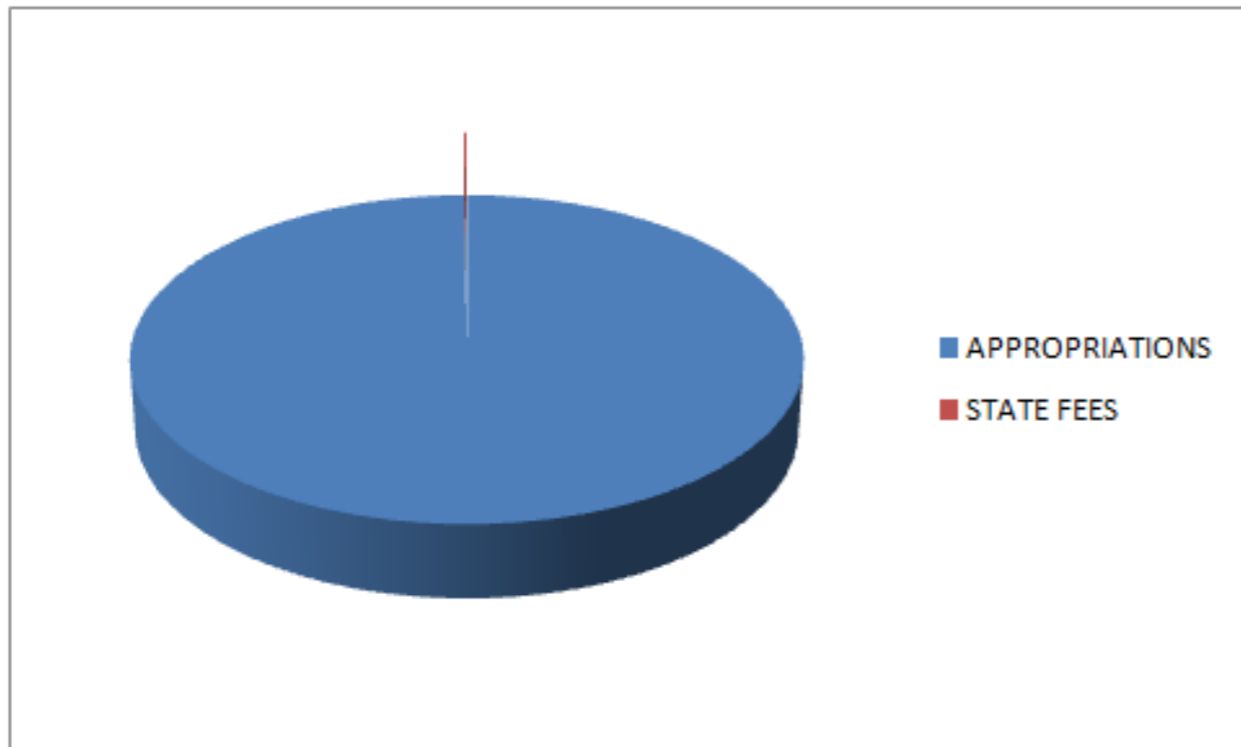




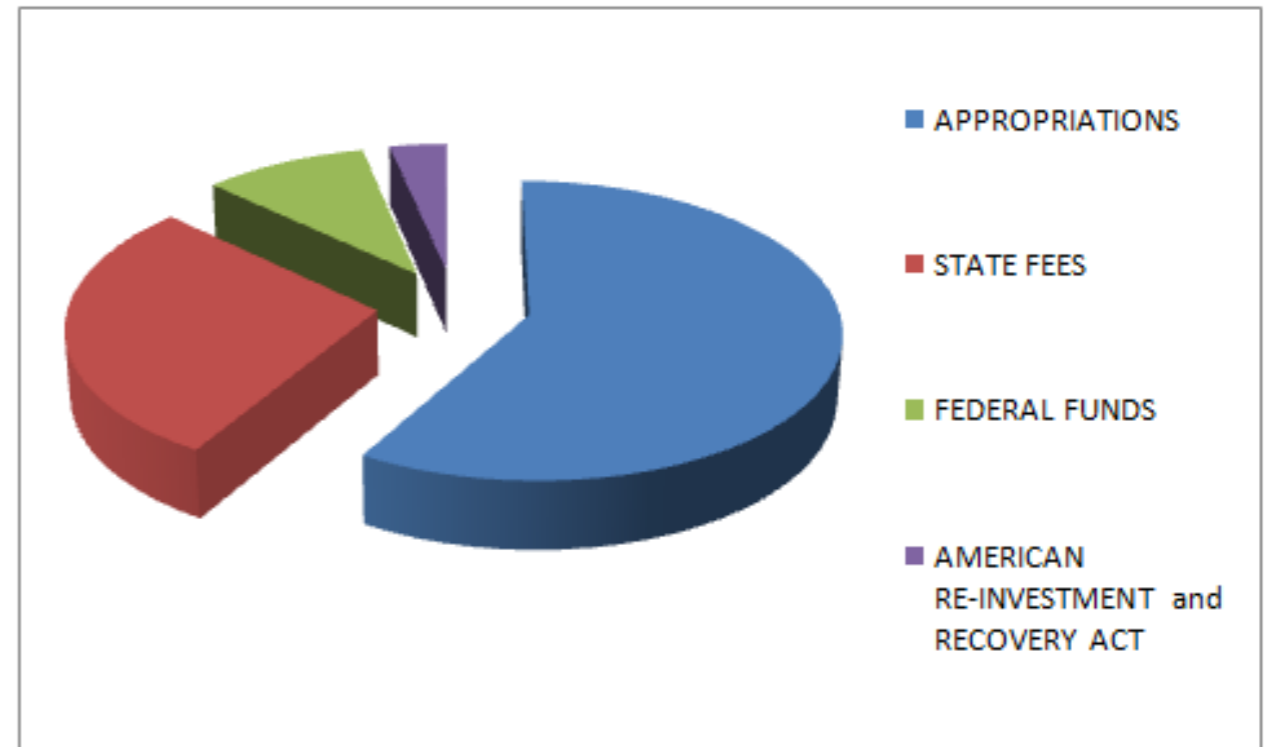
# Funding Sources in 2000 Compared to This Year

*Over this decade, the Judicial Department has developed multiple funding sources so that all funding is not completely dependent upon appropriations from the Legislature*

## FY 2000 - 2001



## FY 2010 - 2011





# 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 2010 - 2011	\$37,443,155	\$18,226,508	\$6,200,000	\$2,150,000	\$0	\$64,019,663

- Technology initiatives have been funded nearly entirely by federal grants
- Judicial reserves resulting from past financial prudence were depleted over the past 2 years
- Judicial reserves for Supreme Court and Calhoun Building repairs and renovations will begin building again this year





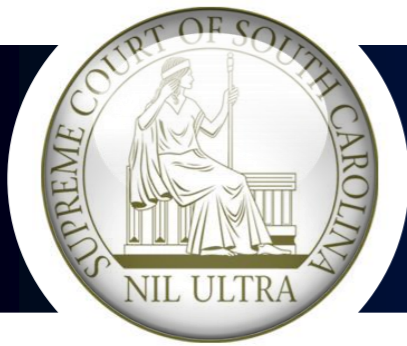
# SCJD Estimated Expenditures for FY 2010 – 2011

CATEGORY		EXPENDITURE
<b>SALARIES</b>		<b>\$34.7M</b>
<b>BENEFITS</b>		<b>\$14.9M</b>
<b>OPERATIONS</b>		<b>\$14.4M</b>
Technical Support for Agency	<b>\$1.7M</b>	
Federal Grant Technology Initiatives	<b>\$6.2M</b>	* Federal grants restricted to technology
Travel	<b>\$2.2M</b>	
Rent	<b>\$1.1M</b>	
Renovation Reserve	<b>\$1.7M</b>	
Court Programs	<b>\$0.9M</b>	
Administrative Expenses	<b>\$0.6M</b>	
<b>TOTAL</b>		<b>\$64.0M</b>

- Majority of the SCJD budget is salaries and associated benefits for statutorily defined positions and constitutionally mandated operations
- 3<sup>rd</sup> Branch of Government has administrative expenses totaling less than 1%







# Summary of Funding Sources for FY 2010 - 2011

EFFECTIVE DATE	FUNDING SOURCE	AUTHORIZATION	ESTIMATE	AMOUNT @ 11/30/10	11/30/10 %
	<b>INITIAL APPROPRIATIONS FROM GENERAL ASSEMBLY</b>		<b>\$37,443,155</b>	<b>\$37,443,155</b>	<b>100%</b>
	American Re-investment and Recovery Act (ONE TIME ONLY THIS CURRENT YEAR)		\$2,150,000	\$2,150,000	100%
	<b>COURT FEES</b>				
Jul-02	Civil Filing Fees 2002 increase from \$70 to \$100	14-1-204	\$2,108,296	\$898,221	43%
Jul-04	Civil Filing Fees 2005 increase from \$100 to \$150	14-1-204, 8-21-310	\$4,229,705	\$1,798,978	43%
Jul-02	Civil Motion Fees	8-21-320	\$2,844,313	\$1,070,674	38%
Jul-02	Alimony/Child Support Fees	14-1-203	\$3,031,925	\$1,273,050	42%
Jul-04	Magistrate Filing Fees 2005	22-3-330	\$2,632,097	\$1,183,951	45%
Jul-03	Law Enforcement Surcharge 3.75%	14-1-212	\$1,705,172	\$708,251	42%
	Bar License Fees		\$500,000	\$0	0%
	Law Exam Fees		\$650,000	\$327,700	50%
Jul-04	Case Management Support Fees	Proviso 44.15	\$525,000	\$975,000	186%
	<b>FEES TOTAL</b>		<b>\$18,226,508</b>	<b>\$8,235,825</b>	<b>45%</b>
	Federal Grants Restricted to SCJD Technology Initiatives		\$6,200,000	\$1,561,192	25%
	<b>SCJD TOTAL FUNDS</b>		<b>\$64,019,663</b>	<b>\$49,390,172</b>	<b>77%</b>

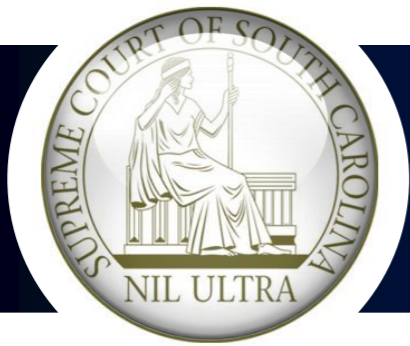
- **Cuts in General Funds are not expected this fiscal year**
- **American Re-investment and Recovery Act (ARRA) Funds will not be a funding source available next fiscal year**



# No New Funds Requested by SCJD

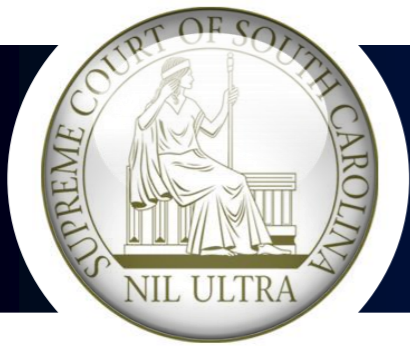
- No new funds have been requested by SCJD
- In the annual Budget Request to the Governor submitted in September 2010, SCJD asked for the non-recurring funds of \$2.9M and AARA funds of \$2.2M from this fiscal year be added to the annual appropriation as recurring funds
- In January 2011, as requested by the House Ways & Means Committee, SCJD revised the Budget Request to the Governor understanding the economic situation of the State and rescinded this request for these one-time funds to be made part of the recurring funds
- Rescinding this request is in itself a budget cut because SCJD is using these one-time funds for agency critical functions that will continue in the future

IIA. OPERATING BUDGET PRIORITIES													
Agency Section/Code/Name: Section 44 / B04 / Judicial Department													
SUMMARY OF OPERATING BUDGET PRIORITIES FOR FY 2011-2012													
OPERATING BUDGET PRIORITIES					FUNDING					FTEs			
Priority No.	Goal No.	Title	Activity Name	Activity No.	Non-Recurring State	Recurring State	Federal	Other	Total	State	Federal	Other	Total
	(2)	Repairs, Renovations, Reserves, and Match	Supreme Court	14									
			Appeals Court	17									
			Circuit Court	18									
			Family Court	19									
			Bar Examiners	15									
			Disciplinary Counsel	16									
			Court Administration	20									
			Administration (F&P)	21									
			Information Technology	22									
1			Ofc of Comm. Counsel	New		5,100,000	0	0	5,100,000	0.00	0.00	0.00	0.00
2									0				0.00
3			AMENDED JAN. 14, 2011			(5,100,000)			(5,100,000)				0.00
4									0				0.00
5									0				0.00
For additional rows, place cursor in this gray box and press "Ctrl" + "b". (You need to start in this gray box for each row needed or the formulas will not copy properly.)													
TOTAL OF ALL OPERATING BUDGET PRIORITIES					0	0	0	0	0	0.00	0.00	0.00	0.00












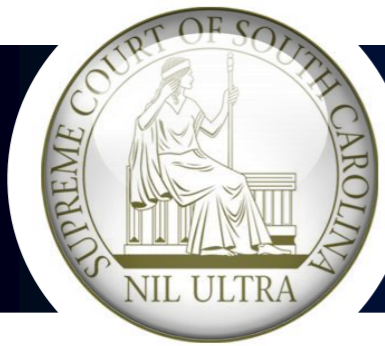
## 20% Budget Cut Requested

- **House Ways & Means Committee has requested every agency to cut budgets by 20% of the general appropriations**
- **This cut would be approximately \$7.5M for the fiscal year for SCJD**
- **Having nearly depleted our reserves over the past two years, SCJD cannot absorb such additional cuts**
- **Consideration has to be given to the following measures, some of which were implemented in the past two years:**
  - ❖ **Not hiring law clerks**
  - ❖ **Reducing the number of court reporters**
  - ❖ **Reducing Court of Appeals staff per judge from 3 to 2**
  - ❖ **Sharing of administrative staff in the Family Courts**
  - ❖ **Reducing judges' travel, eliminating law clerks' travel, restricting court reporters' travel**
  - ❖ **Not filling upcoming judicial vacancies**
- **Implementing the above measures would still NOT result in \$7.5M, so two other options have to also be considered:**
  1. **The Court not adequately fulfilling the constitutional functions. Note that furloughs and reductions in force (RIF) are of limited use since much of the judicial personnel is constitutionally mandated**
  2. **Running a deficit**



## Impact of a 20% Cut

-  **Loss of court time which could be more than 100 hearing terms per month lost which would cause:**
  -  **Increase the backlog of court cases on top of a current significant backlog**
  -  **Increase time defendants spend in jail awaiting trial which increases costs of housing inmates**
  -  **Increase time defendants out on bail awaiting trial which is time they could have committing additional crimes**
  -  **Loss of significant revenue for state agencies and counties (Last year over \$135M revenue generated by the courts for other state agencies and counties)**
  
-  **Abused children would not get emergency custody hearings as timely**
-  **Parole violators would remain free**
-  **Pre-trial detainees held in jail possibly beyond the length of their maximum sentence**
-  **Fees and fines levied by other state agencies (ie. Department of Revenue) and counties could go uncollected without the Court's ability to conduct hearings to enforce them**



# South Carolina Circuit Court Caseload

- **SC continues to have more than twice the national average of filings per judge**
- **South Carolina also has one of the worst criminal domestic violence rankings in the nation**



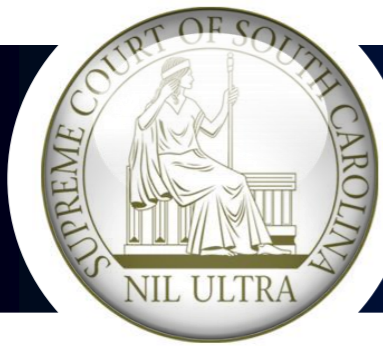
RANKING	STATE	JUDGES per 100,000 POPULATION	FILINGS per JUDGE
1	Massachusetts	1.3	384
2	Idaho	2.8	475
3	Mississippi	1.7	497
4	Alaska	5.8	512
5	Puerto Rico	8.2	726
...	...	...	...
48	South Dakota	4.8	2886
49	Florida	3.3	2939
50	New Jersey	4.7	3253
51	North Carolina	1.2	3384
52	South Carolina	1.0	4842

\*\*\* 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

**States averaged 1,755 filings per judge and 3.89 judges per 100,000 population in 2008**

*(most current year for which national statistics are available)*



# South Carolina Trial Court Caseload

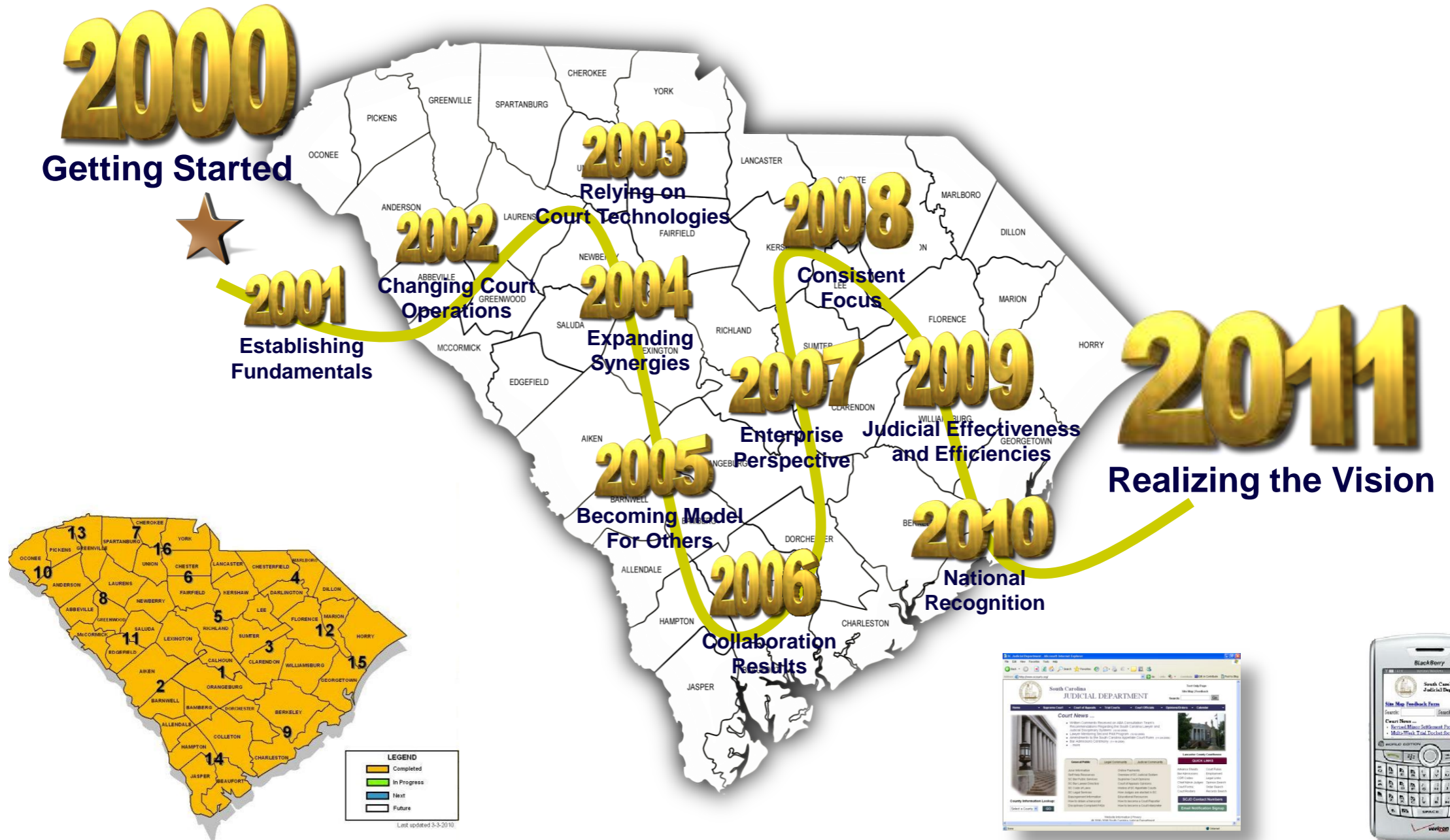
	July 1, 2006 - June 30, 2007		July 1, 2007 - June 30, 2008		July 1, 2008 - June 30, 2009		July 1, 2009 - June 30, 2010	
	# Cases	# of Judicial Circuits meeting benchmark	# Cases	# of Judicial Circuits meeting benchmark	# Cases	# of Judicial Circuits meeting benchmark	# Cases	# of Judicial Circuits meeting benchmark
<b>CIRCUIT COURT</b>								
<b>GENERAL SESSIONS</b>		0		0		0		0
CASES FILED	125,580		125,300		121,841		119,903	
CASES PENDING	110,985		118,591		118,263		117,460	
<b>COMMON PLEAS</b>		1		1		0		1
CASES FILED	82,341		97,452		108,631		114,003	
CASES PENDING	53,740		61,583		70,953		75,969	
<b>FAMILY COURT</b>		5		2		4		4
CASES FILED	74,590		75,103		76,932		79,998	
CASES PENDING	38,801		41,619		43,810		43,837	

- **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**



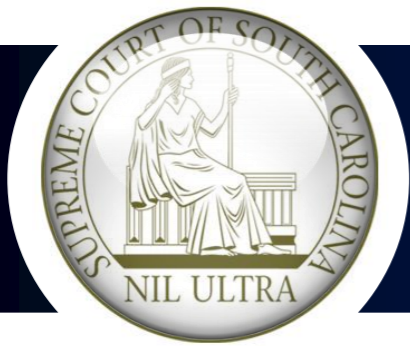


# SCJD Technology Roadmap



Solicitor Case Management

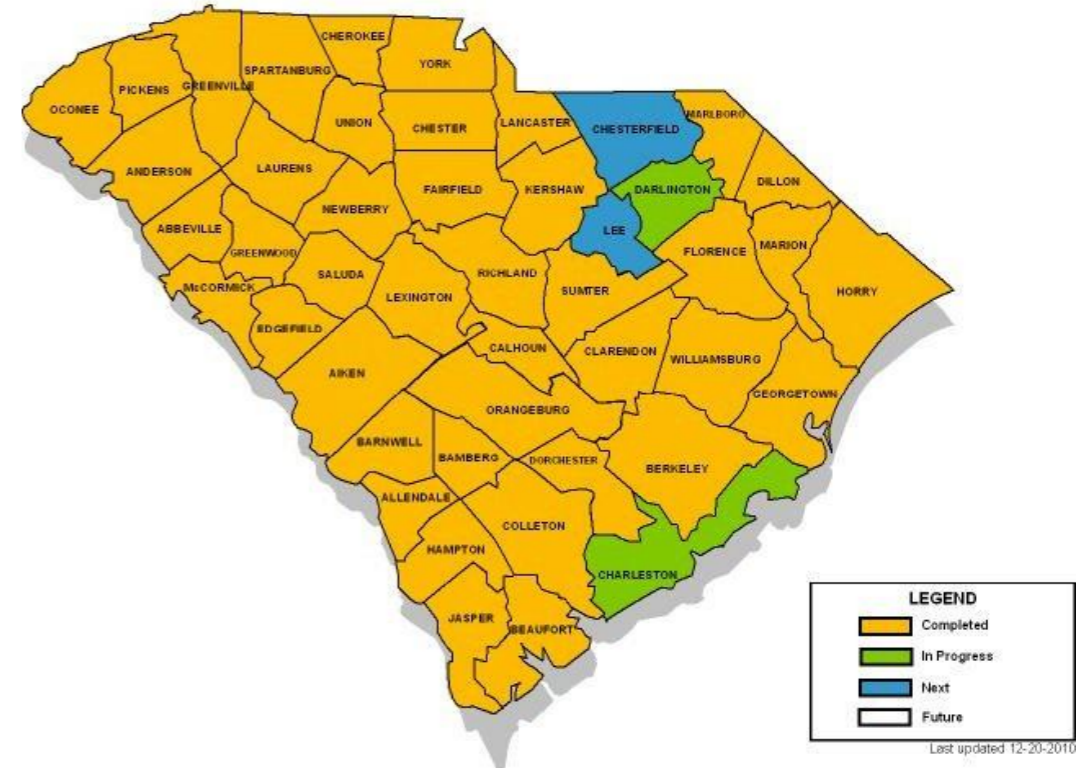
Web



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

## ➤ **COMPLETED** – approximately **88%** 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)    |
| Dillon (H)    | Abbeville (H) | Newberry (H)     |
| Bamberg (H)   | Barnwell (H)  | Williamsburg (H) |
| Union (H)     | Marlboro (H)  | Saluda (H)       |



**NOTE:** (H) indicates county is hosted by SCJD

## ➤ **IN PROGRESS** - approximately **10%** of the total state caseload

Charleston - March 2011

Darlington (H) - March 2011

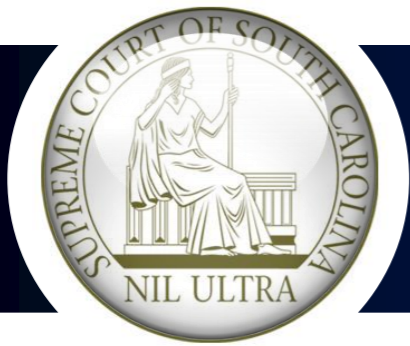
## ➤ **NEXT** – approximately **2%** of the total state caseload

Chesterfield (H)

Lee (H)

**Statewide deployment will be completed Summer 2011**





# Messages for this Upcoming Legislative Session

- **Maintain current level of adequate funding**
- **Recognize SCJD as the Third Branch of Government**
- **Hold SCJD harmless from any additional budget cuts (proviso request)**

