



South Carolina Court Administration

South Carolina Supreme Court
Columbia, South Carolina

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MEMORANDUM

TO: Chief Municipal Court Judges

FROM: Robert L. McCurdy, Assistant Director

RE: Disposal of DUI/DUAC Cases

DATE: March 22, 2011

I have enclosed an Order of the Chief Justice requiring that your municipality dispose or make a good faith effort to dispose of all DUI/DUAC cases in which are over sixty (60) days old, in the case of non-jury, and one-hundred twenty (120) days old, in the case of a jury trial request. Also attached is a list of pending DUI/DUAC cases in your courts. The Order requires that the Chief Administrative Judge report for the municipalities to this Office within one-hundred twenty-five (125) days of compliance or substantial compliance with this Order.

In order to assist with this endeavor, Chief Justice Toal will make contact with all prosecutorial agencies statewide, as well as all South Carolina Bar members, asking that they cooperate by making a good faith effort to appear in court when required and realistically evaluate the merit of each DUI/DUAC case. She will also contact the circuit and family court bench asking that they be mindful of releasing parties to your courts when conflicts in hearing dates arise.

I provide the following suggestions to you in determining how to approach this task.

- Create a strategic plan involving all players of the criminal justice system, including solicitors, public defenders, the local Bar, and law enforcement. Communication with all players is essential. Identify and take advantage of those times when circuit court and/or family court is not in session.
- Start with your oldest cases and move forward.
- Encourage pre-trial resolutions to cases. Where possible, set pre-trial conferences to resolve preliminary matters.
- Set terms of court rather than trying individual cases.

- Continuances should be granted by the Chief Administrative Judge and only for good cause shown.
- If necessary, contact the administrative circuit or family court judge concerning the feasibility of releasing attorneys of record from circuit or family court appearances in order to dispose of dated summary court cases.
- If necessary, attorneys of record should work within their firm or with an associate to substitute counsel in cases of repeated conflicts with courts of higher jurisdiction.
- Set cases for trial on Fridays, in the late afternoon or early evening on weekdays, and, if necessary, on Saturdays.
- In extreme situations, the Chief Justice may be willing to issue Orders of Protection from other courts so as to make available active trial attorneys.
- After a conviction and when sentencing, explore all available sentencing options.

As questions arise through this process, please do not hesitate to contact this Office.

RLM/mhb
Enclosures