



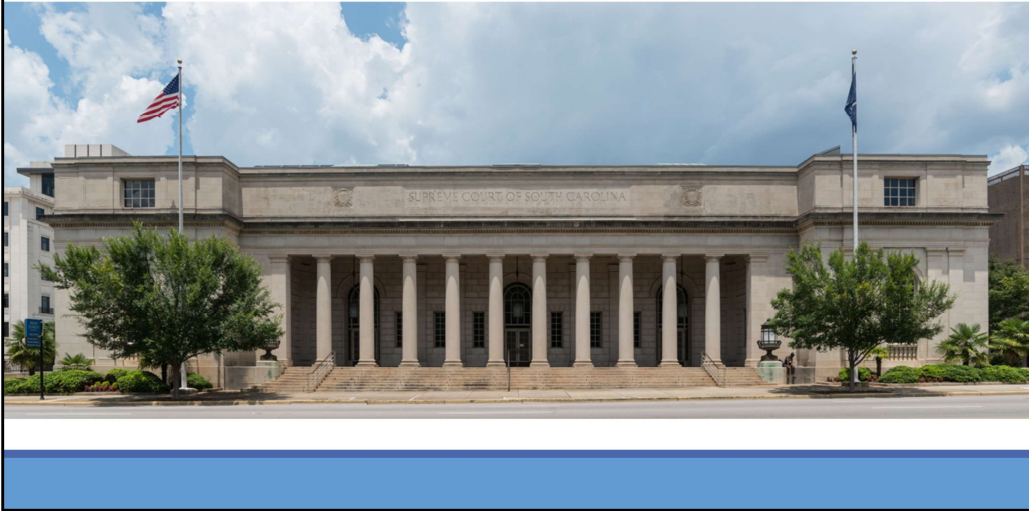
State of the Judiciary

Chief Justice Donald W. Beatty

February 27, 2019

South Carolina Judicial Branch

Mission: *To provide a fair and efficient forum for the just resolution of civil, family, and criminal matters.*



Thank you very much. Please be seated.

Speaker Lucas, President Peeler, Speaker Pro Tempore Pope, Members of the Joint Assembly, Members of the Judiciary, Ladies and Gentlemen. Thank you for this opportunity to share with you the State of your Judicial Branch of Government. It has been and continues to be the greatest honor and privilege to serve our State as Chief Justice.

Before I begin, I would like to note the

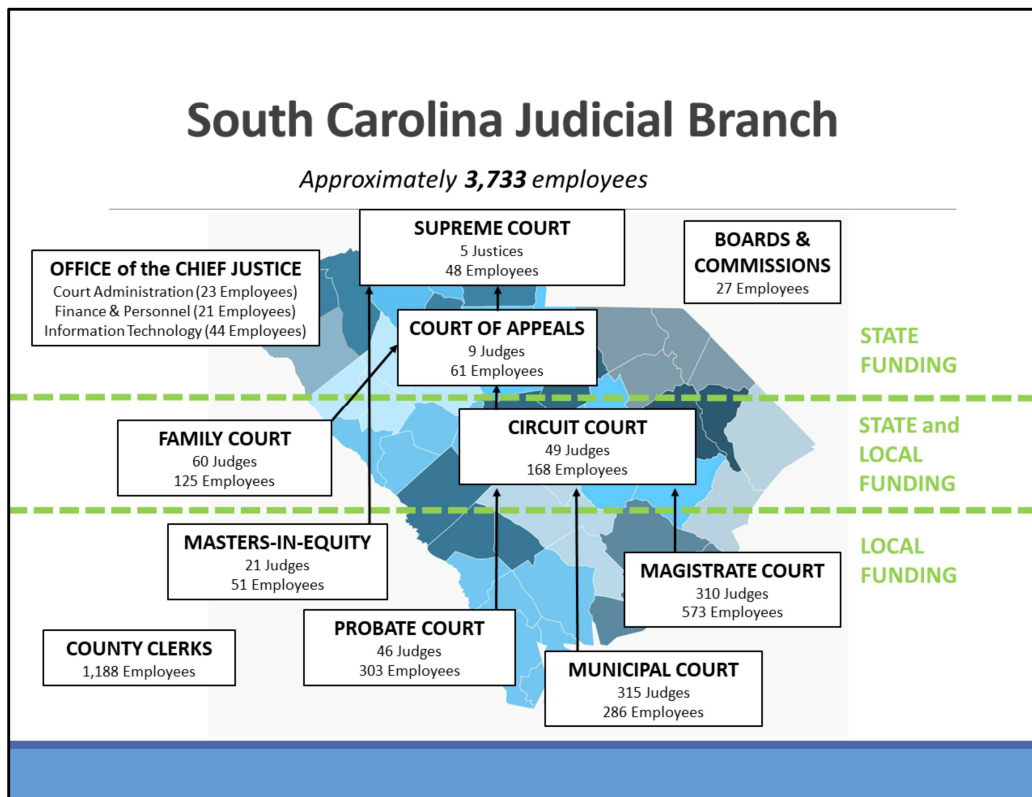
significance of today. Tomorrow marks the end of Black History month. Friday is the start of Women's History month. Recognizing these events is important as we are striving for more diversity in our Judiciary.

Our goal as judges is to seek justice for all of South Carolina's citizens. First and foremost, this requires a judge to have outstanding qualifications. Equally important, a judge must be able to understand those with different backgrounds and needs. This requires diversity on the Bench.

Looking back over my career, I acknowledge that we have made some strides toward diversity. Twenty years ago, minorities were scarcely represented on the Bench. Today, out of a total of 129 trial and appellate judges, 34% are female, 13% are African-American, and 9% are African-American females. This is a good start. But, there is room for improvement.

In other areas, the Judiciary has made incredible

advancements. The privilege of serving as Chief Justice bears with it a tremendous responsibility. As Chief Justice, I am responsible for managing one of the three branches of government. While we are often referred to as the "South Carolina Judicial Department," we are in fact the Judicial Branch.



As you can see on the screen, the Judicial Branch is comprised of three levels of courts with administrative departments totaling approximately 3,733 employees.

Our IT department hosts a statewide Case Management System (CMS). This involves providing technical support for electronic data management as well as training for E-Filing in all 46 counties.

Court Administration manages all three levels

of courts and addresses any issues presented by county Clerks of Court. In addition to these duties, Court Administration organizes and provides training and education for summary, probate, trial, and appellate court judges.

All of this is done with extremely limited resources and staff. Yet, despite our meager resources, the Judicial Branch achieved great things in 2018 due to the hard work of our judges and employees.

Public Information Officer / Annual Report

In 2018, we hired a Public Information Officer, Ginny Jones. She has been a wonderful addition to the Judicial Branch as she responds to all media inquiries that our judges and employees receive. It is her role to communicate the Judicial Branch's official position on an issue, whether it be a media inquiry or current event.

Additionally, she coordinates our community involvement efforts such as our speakers' bureau, "Judges

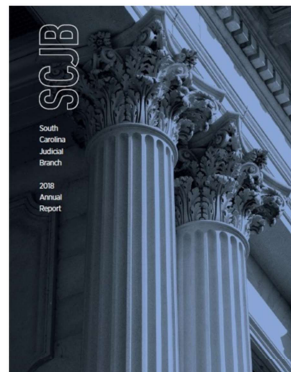
in Schools" program, and our statewide "Adoption Day" program.

Equally important, she helped produce our first ever "Annual Report," which you should have received today. The "Annual Report" is a publication that provides an overview of the Judicial Branch and highlights some of our activities.

You can read about these in more detail. But, for now, I would like to briefly discuss some of our 2018 accomplishments.

2018 Highlights

- Annual Report
- Addressed Court Reporter Shortage
- E-Filing Statewide Implementation
- Business Continuity/Disaster Recovery Plan
- Summary Court Reform
- Docket Management
- Business Court Program
- Community Involvement



2018 in Review

Addressed Court Reporter Shortage

Like other states, we have a critical shortage of qualified court reporters due to the retirement/resignation of court reporters and the lack of any training programs at technical colleges in our state. This shortage caused cancellation of trials and hearings throughout the state. Litigants, lawyers, and court employees were equally frustrated.

To address this problem, we are:

- Advertising Vacancies in Local and National Publications.
- Temporarily using Contract Court Reporters.
- Discussing the Development of a traditional Court Reporter Training Program with the administrations of Horry-Georgetown Technical College (HGTC), Central Carolina Technical College, and Greenville Technical College.

Right now, we have partnered with Horry-Georgetown Technical College to create a Digital Court Reporter Certificate Program, allowing us to more formally recognize digital court reporting.

The Digital Court Reporting Program will be provided in an online format, with a hands on component required prior to completion. The students will be trained in digital court reporting as well as transcription. The

certificate can be earned in 12 to 20 weeks and the first class will begin in March.

I am grateful to Senator Stephen Goldfinch for his support of this program.

Once this program is fully operational, we will begin the process of developing traditional court reporting programs with Horry-Georgetown Technical College.

Implemented Digital Recorders

The use of Digital Recorders has helped immensely to supplement the current shortage of court reporters. In fact, I am happy to report that this new technology has virtually eliminated the need for Family Court case continuances because of Court Reporter unavailability. I now receive detailed weekly reports that identify the date and reason for each court cancellation.

As of this week, we have 14 Digital Recorders in Family Court and 2 Digital Recorders in Circuit Court. By

July 1, 2019, we plan to have 20 Digital Recorders in place and one portable digital recorder for emergency situations.

We also continue to hire and train individuals as Court Monitors to ensure the successful operation of this new technology. Court Administration has immediate access to the audio recordings, which can then be transcribed as the official court record.

As you can see, we are making great strides to cover all terms of court. At the beginning of 2018, we were able to cover 94 terms of court unless a Court Reporter was unavailable. By mid-April, we should be able to cover 111 terms of court with Court Reporters, Digital Recorders, and Contract Court Reporters.

E-Filing Statewide Implementation

By June 2019, we will have rolled out E-Filing in all 46 counties. This project has been extremely successful due to the tireless work of our IT staff.

They have provided technical support and onsite training for county Clerks of Court offices as well as attorney users. The Call Center will continue to provide technical support for this project once it is completed.

Due to the success of E-Filing for civil matters, it is our goal to implement this technology in Appellate and Family Courts.

Business Continuity / Disaster Recovery Plan

To preserve and protect our court data, we continue to work toward developing a comprehensive plan for business continuity in the event of a natural or manmade disaster.

We have established a "Crisis Team" with individuals from Court Administration, IT, Finance & Personnel, the Supreme Court, and the Court of Appeals. This group meets regularly and was recently "activated" during Hurricanes Florence and Michael. It is our goal to

ensure that court operations continue with minimal disruptions.

Summary Court Reform

The magistrate and municipal courts are where most South Carolinians encounter the judicial system. I am certain that you are aware of the lawsuits filed on behalf of indigent defendants in summary court who were not informed of their right to counsel and were jailed for months due to their inability to pay fines imposed for minor offenses.

This is a clear violation of the Sixth Amendment and cannot continue. The Department of Justice, federal district courts, and most recently the U.S. Supreme Court have all expressed concern with this practice. We have taken corrective action.

With the assistance of a Sixth Amendment program through the U.S. Department of Justice and the

Center for Court Innovation, we are developing solutions to address this issue.

This week, the program organizers are conducting a site visit in South Carolina to evaluate our summary court system. Their report will then be discussed and implemented, where appropriate, by a team consisting of members of Court Administration, summary court judges, solicitors, and public defenders.

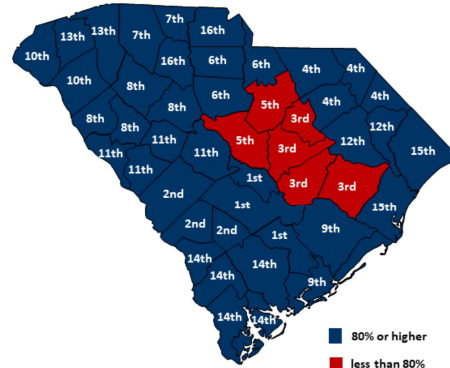
We continue to maintain oversight in our summary courts by providing training and refining procedures and forms to comply with statutory and constitutional mandates.

Also, the Summary Court Judge Mentoring Program, which was once a pilot program, is now a mandatory program for all newly appointed summary court judges.

Common Pleas Benchmarks

Circuit	Pending Docket 365 Days or Less
10 th – Anderson, Oconee	94%
11 th – Edgefield, Lexington, McCormick, Saluda	91%
2 nd – Aiken, Bamberg, Barnwell	90%
9 th – Berkeley, Charleston	90%
12 th – Florence, Marion	90%
13 th – Greenville, Pickens	90%
16 th – Union, York	87%
7 th - Cherokee, Spartanburg	86%
8 th – Abbeville, Greenwood, Laurens, Newberry	85%
4 th – Chesterfield, Darlington, Dillon, Marlboro	84%
6 th – Chester, Fairfield, Lancaster	84%
1 st – Calhoun, Dorchester, Orangeburg	82%
14 th – Allendale, Beaufort, Colleton, Hampton, Jasper	82%
15 th – Georgetown, Horry	80%
3 rd – Clarendon, Lee, Sumter, Williamsburg	78%
5 th – Kershaw, Richland	75%

Goal: 80% of Pending Docket 365 Days or Less from Placement on the Trial Docket As of January 31, 2019



Run date: February 11, 2019

Docket Management

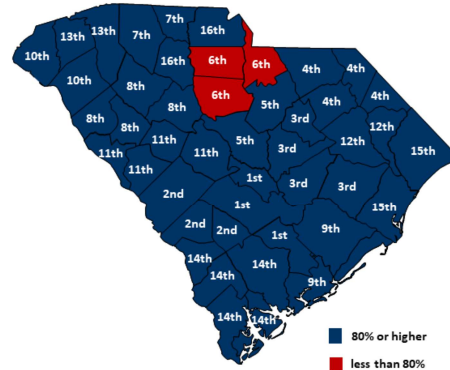
The Docket Management Task Force, under the leadership of Justice Kaye Hearn, continues to guide our trial courts toward achieving case disposition benchmarks.

All but two circuits met the common pleas benchmark of resolving at least 80% of cases in 365 days or less. All but one circuit met the family court benchmark.

Family Court Benchmarks

Circuit	Pending Docket 365 Days or Less
15 th – Georgetown, Horry	96%
2 nd – Aiken, Bamberg, Barnwell	91%
11 th – Edgefield, Lexington, McCormick, Saluda	91%
12 th – Florence, Marion	90%
13 th – Greenville, Pickens	90%
1 st – Calhoun, Dorchester, Orangeburg	89%
16 th – Union, York	87%
8 th – Abbeville, Greenwood, Laurens, Newberry	87%
5 th – Kershaw, Richland	85%
9 th – Berkeley, Charleston	85%
14 th – Allendale, Beaufort, Colleton, Hampton, Jasper	84%
10 th – Anderson, Oconee	84%
3 rd – Clarendon, Lee, Sumter, Williamsburg	82%
7 th – Cherokee, Spartanburg	82%
4 th – Chesterfield, Darlington, Dillon, Marlboro	80%
6 th – Chester, Fairfield, Lancaster	77%

Goal: 80% of Pending
Docket 365 Days or Less
As of January 31, 2019



Run date: February 11, 2019

Family Court Docket Committee

Led by Justice Hearn and Judge Aphrodite Konduros, the Family Court Docket Committee is working to address several issues, including: (1) the need to reduce delays in DSS cases, and (2) the appointment and payment of Guardians ad Litem.

Based on this Committee's work, we recently established a Pilot Program for the Enhanced Supervision of DSS cases. The purpose of this program is to designate

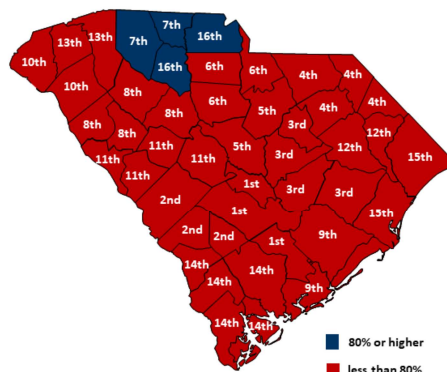
certain types of cases to receive supervision of a single judge through the entirety of the case. We hope that this program will address the concerns you have raised.

Although most family courts and common pleas courts continue to meet the benchmark, we recognize that more work needs to be done to improve the efficiency of our General Sessions courts.

General Sessions Benchmarks

Circuit	Pending Docket 365 Days or Less
16 th – Union, York	89%
7 th - Cherokee, Spartanburg	83%
15 th – Georgetown, Horry	81%
13 th – Greenville, Pickens	76%
12 th – Florence, Marion	75%
10 th – Anderson, Oconee	71%
2 nd – Aiken, Bamberg, Barnwell	70%
11 th – Edgefield, Lexington, McCormick, Saluda	70%
14 th – Allendale, Beaufort, Colleton, Hampton, Jasper	70%
1 st – Calhoun, Dorchester, Orangeburg	67%
3 rd – Clarendon, Lee, Sumter, Williamsburg	63%
8 th – Abbeville, Greenwood, Laurens, Newberry	63%
5 th – Kershaw, Richland	62%
9 th – Berkeley, Charleston	62%
4 th – Chesterfield, Darlington, Dillon, Marlboro	55%
6 th – Chester, Fairfield, Lancaster	53%

Goal: 80% of Pending
Docket 365 January 31, 2019



Run date: February 11, 2019

General Sessions Docket Committee

This slide is indicative of the results of using a criminal court docket management system that has been in place for more than a hundred years. As you can see, this method is ineffective and outdated. It is not surprising that South Carolina is the only state that continues to use this method.

We are actively working to improve these numbers.

Action Plan for General Sessions Docket

- Meeting of Chief Judges, Circuit Solicitors, and Circuit Public Defenders
- General Sessions Docket Committee
- Pre-Trial Solutions

First, we have tested and received outstanding results with the judge-run docket in the Seventh Circuit. This method involves a collaborative effort between the chief judge and the solicitor.

Additionally, several members of the Supreme Court recently met with a group of circuit court judges to discuss the number of pending cases. Afterwards, I directed these judges to meet with their Circuit Solicitor and Circuit Public Defender to evaluate the docket

management system in their circuit.

The judges then submitted their findings to Justice Hearn and Justice James who will present the reports to the General Sessions Docket Committee.

The Committee is comprised of judges, solicitors, public defenders, clerks of court, and private attorneys. I am confident that this group will ultimately establish a working plan that will satisfy all stakeholders.

Finally, we are working on pre-trial solutions. We have established "specialty" courts throughout the state to resolve non-violent offenses. For example, we have Drug Court, Veteran's Court, Mental Health Court, and Homeless Court. These courts offer alternatives to incarceration to non-violent offenders. This helps the offender, but also saves counties money by reducing the number of people being sent to already overcrowded jails.

We also have an ongoing docket management pilot program in the Ninth Circuit, which is led by Judge

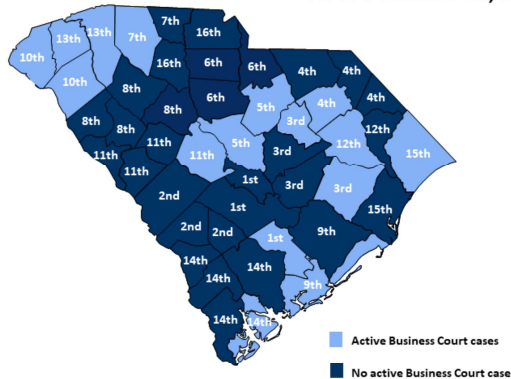
Markley Dennis. This "jail reform" project, is headed by Kristy Danford, the Project Director for the Charleston County Criminal Justice Coordinating Council. The MacArthur Foundation has provided \$4.95 million in grants for this project.

We are working with solicitors, public defenders, county administration, law enforcement, and the mental health system to reduce the jail population in Charleston County. This project includes innovations in pre-trial services, docket management, and case processing. Given the success so far, we anticipate implementing it in other counties.

Business Court Cases by County

As of December 31, 2018

Anderson: 1
Beaufort: 2
Charleston: 22
Darlington: 1
Dorchester: 1
Florence: 6
Greenville: 12
Horry: 11
Kershaw: 1
Lexington: 1
Lee: 1
Oconee: 2
Pickens: 1
Richland: 9
Spartanburg: 2
Williamsburg: 2

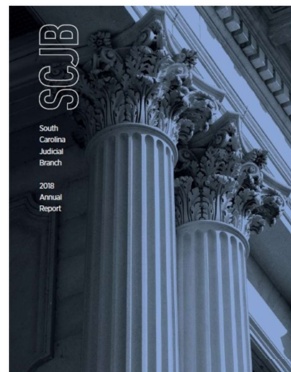


The Business Court Program, which began as a pilot program, has now expanded to all regions in our state.

As South Carolina's business community has increased, so has the number of complex financial cases. Judge Roger Young, the Chief Business Court Judge, and other carefully selected judges, have done an outstanding job processing these cases in a timely manner.

2018 Highlights

- Annual Report
- Addressed Court Reporter Shortage
- E-Filing Statewide Implementation
- Business Continuity/Disaster Recovery Plan
- Summary Court Reform
- Docket Management
- Business Court Program
- Community Involvement



In addition to their heavy caseloads, our judges have given back to the community this year. In the fall, we instituted the "Judges in Schools Program" where our judges talk to local middle and high school students about civics-related topics.

Along this same line, the Supreme Court continues to invite students to hear oral arguments through the "Class Action" program.

I would add that the Supreme Court held oral

arguments last week in Sumter with many students in attendance. The Court intends to "travel" to other areas of the state to give members of the public a better understanding of our judicial system.

The Supreme Court also recently established the "Pro Bono Honor Roll" to recognize and encourage lawyers to give back to the community by providing pro bono legal services.

We have an amazing group of legal service organizations in this state. But, they are overworked and do not have the resources to meet the needs of all those who cannot afford legal services. These organizations need the assistance of private attorneys who volunteer their time.

I am so proud of our Judiciary and employees for what they achieved in 2018. I expect great things in 2019.

2019

Vision Statement

To establish an effective, financially stable,
independent branch of government.

As I have said since day one as Chief Justice,
my vision is to:

**Establish an effective, financially stable,
independent branch of government.**

In order to work toward this vision, we must
first have sustainable funding.

Adequate versus Sustainable Funding

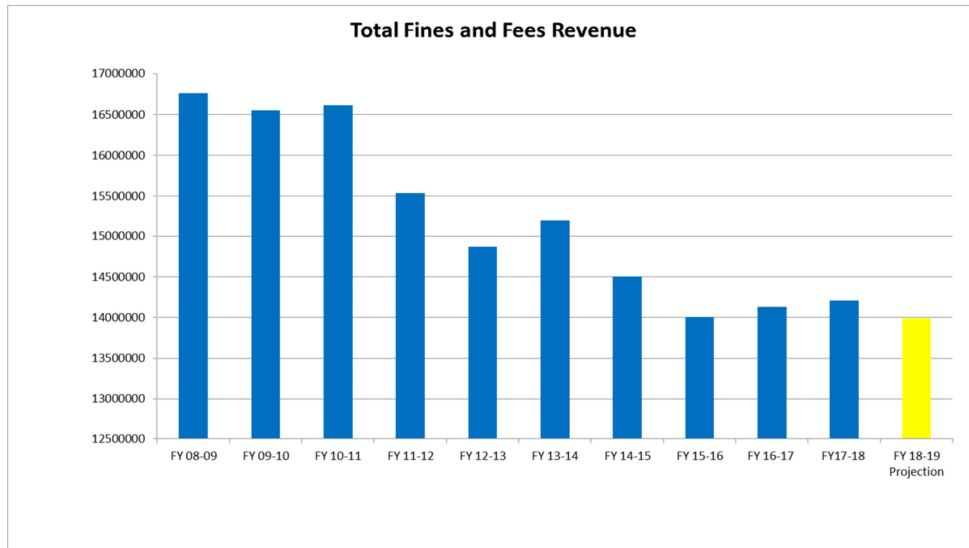
Because of you, we are in better shape financially than when I became Chief Justice in 2017. At that time, the Judicial Branch was facing a projected budget shortfall of \$3.5 million. You appropriated adequate funding to handle our projected deficit and cover operating expenses.

Although we greatly appreciate this adequate funding, the Judicial Branch needs sustainable funding. We provide core government functions to the citizens of South Carolina. Yet, we receive **less than 0.69%** of State Recurring General Appropriations.

In order to supplement this amount, we are forced to depend on rapidly declining fines and fees.

Fines and Fees Received

164 South Carolina Judicial Branch employees are currently paid via fines and fees.



These fines and fees are at the lowest level in ten years. We anticipate a further decline due to a recent U.S. Supreme Court decision concerning excessive fines and fees. This is a grave concern as a number of our full-time employees are paid with money from fines and fees.

Without a sufficient amount, we may need to furlough or eliminate these staff positions. Such a reduction in staff will lead to delays in court proceedings and the resolution of cases.

This cannot go on forever. As we requested in our budget, these positions need to be paid with recurring dollars. But, more importantly, we need a stable source of funding. Or, as I would describe it, sustainable funding.

In an article written by former Oregon Chief Justice Paul De Muniz, he stated:

Adequate v. Sustainable Funding

“ ‘Sustainable’ means having enough funding to not just dispense justice daily, but to do so as a separate and equal branch of government that has meaningful resources to manage, analyze, develop, and plan for implementing both short-term and long-term activities and strategies for supporting its role today, while ensuring quality performance and improvement for the future.”

- Paul De Muniz, *Maintaining Institutional Independence: Funding Sustainable State Courts During Economic Crisis 5* (National Center for State Courts, 2013)

" 'Sustainable' means having enough funding to not just dispense justice daily, but to do so as a separate and equal branch of government that has meaningful resources to manage, analyze, develop, and plan for implementing both short-term and long-term activities and strategies for supporting its role today, while ensuring quality performance and improvement for the future."

To achieve this, I believe the best solution would be for the Judicial Branch to be given a "flat", recurring percentage of General Appropriations. However, until that happens, we will continue to seek sustainable funding in each year's budget requests.

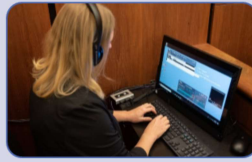
Categories of Funding Needs

I will not go into great detail about each funding need. I use the word "need" and not budget "priority", because each item is a need and not a "wish". I would identify the three categories that desperately need to be funded: 1). Infrastructure; 2) Technology; and 3) Talent.

Categories of Funding Needs



Infrastructure



Technology



Talent

Why do we need funding in each of these categories?

Infrastructure

- Expansion of Office Space
- Repairs to the Supreme Court and Calhoun Buildings
- Renovations of County Courthouses

We lack adequate office space for our employees. Due to a lack of funding and delays in construction, we still have employees working in converted hallways and closets. The Supreme Court and Calhoun Buildings need significant repairs.

We will always need funding for our Infrastructure. But, this year we focused our funding needs on two key areas: 1). Updating Technology, and 2. Recruiting and Retaining Talent.

Technology

- 25 More Digital Recorders
- Maintenance of Digital Recorder Project
- Case Management System Modernization

We need to outfit at least 25 more courtrooms with Digital Recorders. This technology has proven successful to supplement our court reporter workforce and accurately capture the record. With additional Digital Recorders, we can ensure that scheduled terms of court are covered and cases are heard and resolved quickly and efficiently.

Our current Case Management System is based on a 15-year-old application design model and has

reached the end of its lifecycle. The need for funding this modernization project cannot be overstated.

This system is crucial to court operations as it provides secured public access to court data and provides for the exchange of court data with state and local law enforcement agencies.

The failure of this system would be devastating as critical data would be lost and court operations would be interrupted.

Finally, I would note that our IT Department will ultimately be responsible for maintaining the Family Court Case Management System within five years of implementation. The first regional pilot is scheduled for September 9th of this year.

Managing and supporting this system will come at a yearly cost of approximately \$1.5 million to \$3 million to the Judicial Branch. We will need funding for maintenance costs, staff, training, vendor costs, and

infrastructure.

We are also working with DSS as they roll out the Palmetto Automated Child Support System. Right now, the System is "Live" in 18 counties with 8 more to be added in April.

This system has been years in the making and the delays have cost the State millions of dollars in fines from the federal government. It is time for it to be operational. I believe it will drastically improve the efficiency of our family courts. It will also ensure that children receive the financial support that they desperately need.

Talent

- Additional Staff Positions for Information Technology, Office of Disciplinary Counsel and the Court of Appeals
- Experienced Judicial Candidates
- Court Education Program

New equipment and cutting edge technology is only as good as the staff that operates it. For the Judicial Branch to be successful, we need talented staff and judicial candidates.

Our most pressing staff need is in IT. Our IT Department provides training, technical support, and end-user support for our hosted statewide Case Management System and E-Filing. These are used by approximately 400 different court agencies throughout all 46

counties. Our IT Call Center provides telephone support to court and public users.

The IT Department also assists in collecting and reporting data for numerous outside organizations, including the Legislature and other state and federal agencies to address critical issues, such as gun purchases and human trafficking.

Finally, and most importantly, we need to be able to recruit and retain the most qualified and experienced judicial candidates.

Right now, our judicial candidates are younger and less experienced than in the past. Quite simply, the more experienced lawyers do not want to leave a successful private practice to become a judge and take a significant cut in pay. They cannot afford to do so with mortgages, children's college tuition, and other financial responsibilities.

Judicial Salary Rankings



South Carolina
Circuit Court Judge
salaries rank 37th in
the nation.

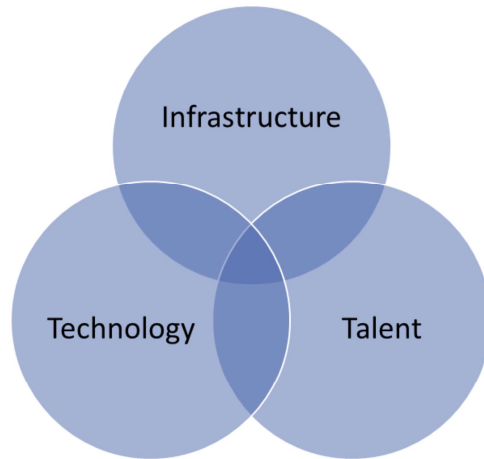
You have recognized this issue and have been so supportive of our efforts to obtain a salary increase for our judges. We truly appreciate your willingness to listen and work toward a solution.

In addition to paying our judges more, we also need to provide them with quality training and education. Because our new judges are coming to the Bench with less experience, we are seeking funding for a Court Education Program.

This centralized education program would be operated within Court Administration by a program coordinator. The program would provide training and education for new judges, judicial staff members, and court-related personnel.

For example, as I referenced earlier, the need to inform an indigent defendant of the Sixth Amendment right to counsel and to assess the defendant's ability to pay a fine. This Program would be responsible for creating, producing, and supporting this type of mandatory training.

Sustainable Funding



To summarize, for any business to be successful it must have talented individuals who are equipped with the best tools and working environment to perform their jobs efficiently and effectively. The Judicial Branch is no different. We will succeed only if we have sustainable funding.

Strategic Goals

- Foster a cooperative (not subservient) relationship between the Judicial Branch, the General Assembly and the Governor's Office while maintaining a focus on the constitutional separation of powers.
- Restructure the organization of departments within the Judicial Branch.
- Facilitate the efficient resolution of cases in all courts through improved docket management, revitalized case management systems, and enhanced infrastructure.
- Ensure access to justice for all, regardless of income, disability, or language barriers.
- Foster a legal profession that is innovative in providing legal services to the public.

While I am always focused on the success of the Judicial Branch, I am equally concerned about the success of South Carolina. That is why when I became Chief Justice, I formulated strategic goals that will benefit the State as a whole. These goals are listed on the screen:

1. Foster a cooperative (not subservient) relationship between the Judicial Branch, the General Assembly, and the Governor's Office while maintaining a focus on the constitutional separation of powers.

2. Restructure the organization of departments within the Judicial Branch;
3. Facilitate the efficient resolution of cases in all courts through improved docket management, revitalized case management systems, and enhanced infrastructure;
4. Ensure access to justice for all regardless of income, disability, or language barriers; and
5. Foster a legal profession that is innovative in providing legal services to the public.

As you can see from the 2018 highlights, we have made significant progress toward achieving each of these goals. Still, much work needs to be done.

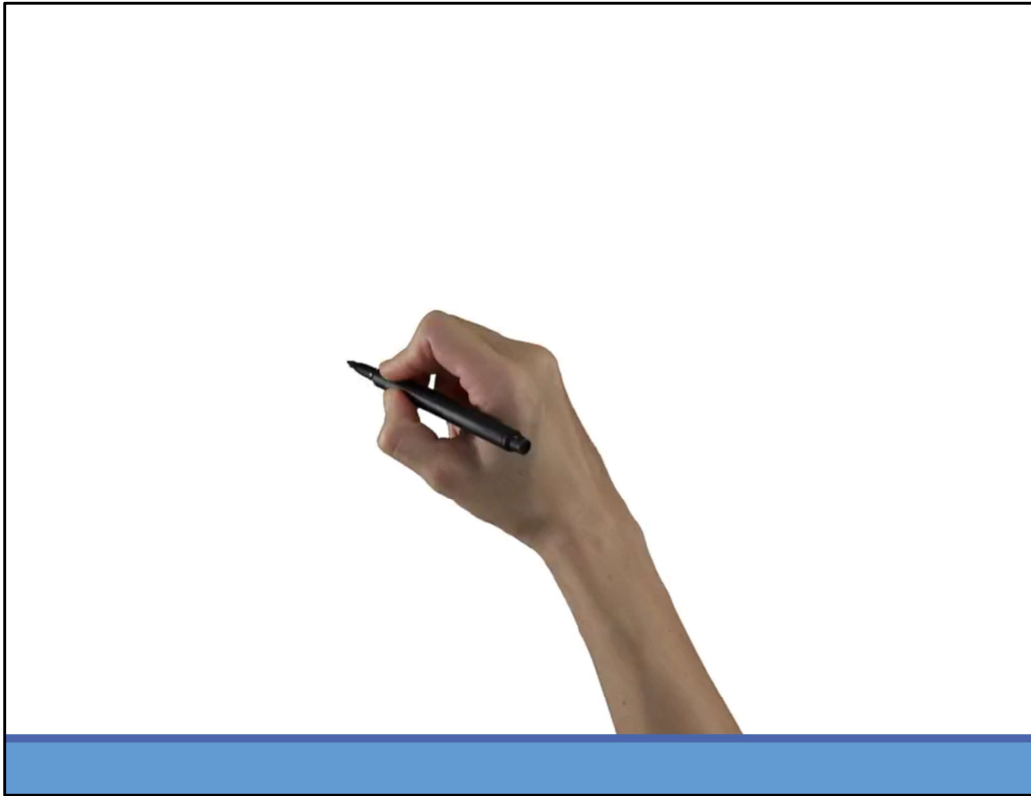
South Carolina's Success Depends on Three Branches of Government

I am committed to doing my part to manage the Judicial Branch of government. But, that alone is not enough. We need to work together.

As I listened to Governor McMaster's Inaugural Address and State of the State Address, he too expressed a desire to move South Carolina forward by working together. In fact, Governor McMaster referenced football and noted that "we are still on the same team."

I agree with Governor McMaster but would like to be more direct about our roles as separate, but equal, branches of government.

Chief Justice Toal concluded her addresses with pictures of her grandchildren. Chief Justice Pleicones showed you a picture of his cat. I would like to do something different. I am going to show you a short educational video about the Judicial Branch of government.



As you just saw, our state court system plays a significant role in the operation of government. At some point in their lives, every citizen will be affected by a decision of one of our trial or appellate courts. To fulfill this unique role, the Judicial Branch must work cooperatively with the other branches of government while at the same time being financially stable and independent from the other two branches.



South Carolina Judicial Branch

End of Presentation

As I conclude, I would like to thank you for the opportunity to update you on the State of your Judiciary. I know that your time is limited, but I would urge you to review the "Annual Report". I believe it will provide you with valuable information on the important role of the Judicial Branch in the State of South Carolina. Thank you.