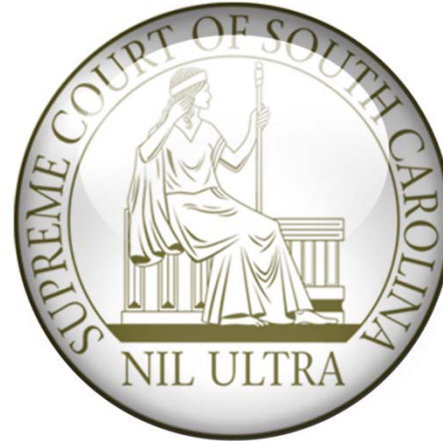

SOUTH CAROLINA



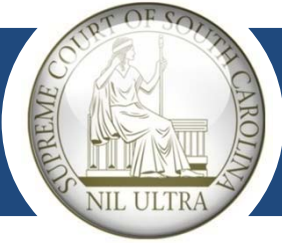
JUDICIAL DEPARTMENT

State of the Judiciary Presentation to the South Carolina Legislature

April 9, 2014

by

Chief Justice Jean Hofer Toal



A STATUE TO HONOR A CIVIL RIGHTS HERO JUDGE J. WATIES WARING





Moving Forward in a New Court System in South Carolina

- **Creation and election of new judges has resulted in a more efficient management of the courts' dockets and resources**
- **Judges serve as important problem solvers as we move forward in a new court system**
- **General jurisdiction courts have made huge progress in increasing diversity on the bench**
- **There is still a need to emphasize diversity in our judiciary as we continue our commitment to making the judiciary the "face of the state"**





Progress on Case Disposition

New Judges

+

Increased Use of Technology

+

**Increased Collaboration of Judges,
Clerks of Court, and Attorneys**

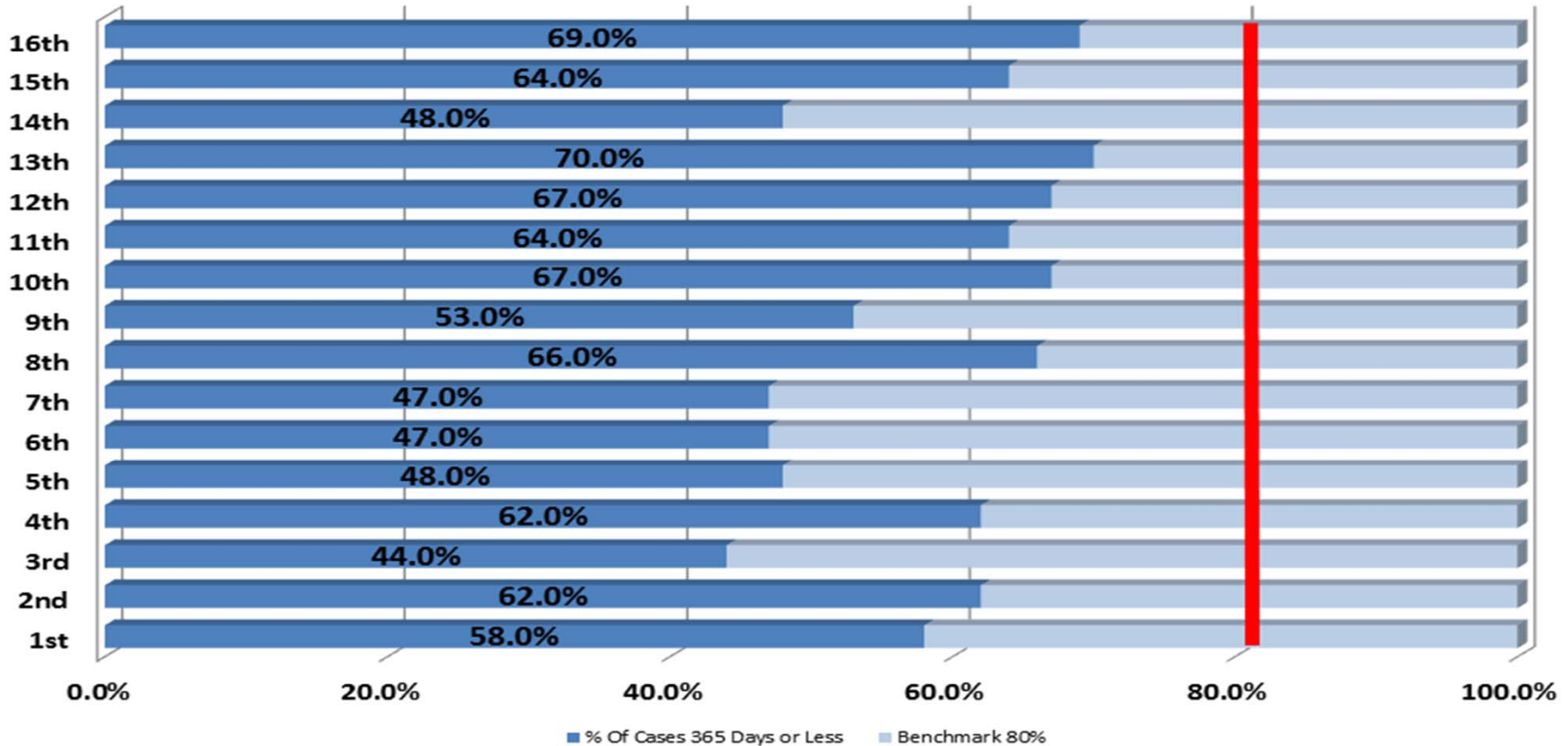
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Big Improvement in Case Disposition



Common Pleas Benchmarks

**S.C. Civil/Common Pleas Court
Circuits Meeting Benchmark**
80% of Pending Docket 365 Days or Less
as of July 31, 2013





Circuit Court Judges' Caseload

➤ **Average Caseload Per Circuit Court Judge (FY 2012- 2013)**

➤ **Filings:** 4,481

➤ **Dispositions:** 4,689

➤ **Circuit Court Judges' duties go beyond presiding over cases:**

➤ **Motion Hearings**

➤ **Drafting and reviewing orders**

➤ **Pre-trial Status Conferences**

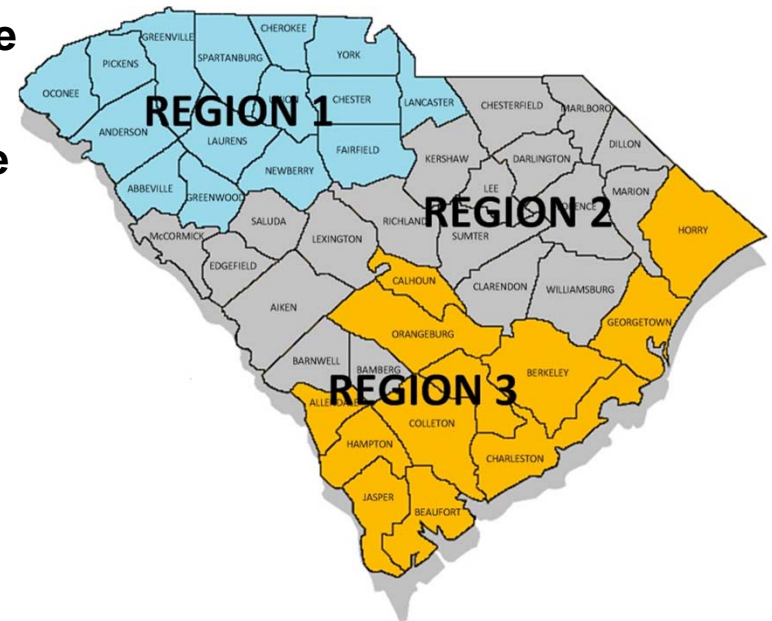
➤ **Bond Hearings**

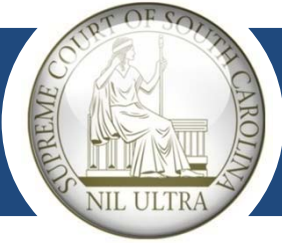
- **Repeat Offenders**
- **Trial Delays**
- **Lack of Information**



Judges as Problem Solvers: Business Courts

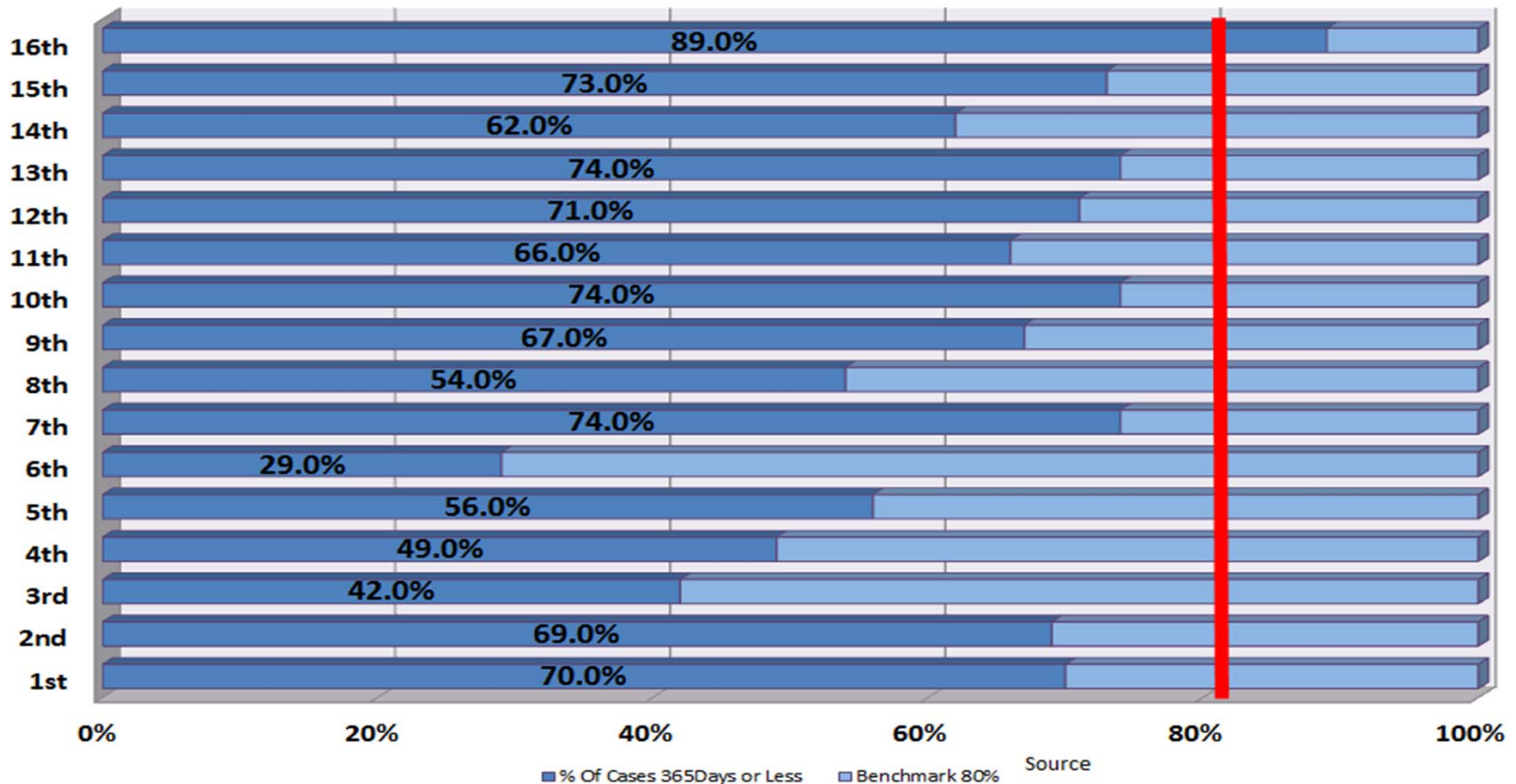
- The Business Court Pilot Program expanded statewide **January 3, 2014** to increase the efficiency of the civil court by addressing complex business matters with specialized case management procedures
- Three Business Court Regions created with one judge assigned to each region
- The Business Court Judge will have exclusive jurisdiction over any business court case filed within his or her region
- Presiding Judges:
 - ❖ **Region 1 – Edward W. Miller**
 - ❖ **Region 2 – Clifton Newman**
 - ❖ **Region 3 – Roger M. Young, Sr.**
- Additional business court judges will be added in the near future





General Sessions Benchmarks

South Carolina/General Sessions Court
Circuits Meeting Benchmark
80% of Pending Docket 365 Days or Less
as of July 31, 2013

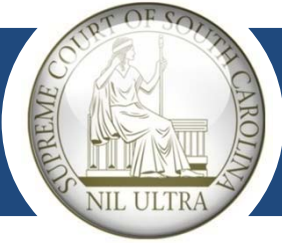




General Sessions Docket

- **Unnecessary delay of General Sessions cases not only leads to the denial of due process and justice to victims, but also to excessive costs to the counties**
- **Money is wasted by holding defendants in pre-trial detention instead of moving cases through the system**
- **The average cost per day per pre-trial detainee is approximately \$59.00**
- **Counties report that they have at times spent over \$100,000 to house a single inmate pretrial**
- **This money would be better spent on the efficient management of the docket**





Judges as Problem Solvers: General Sessions Docket

- **Drain the Swamp**: On January 7, 2014 the Court issued an Administrative Order requiring Solicitors to reconcile their pending cases with Clerks of Courts and Public Defenders
- Clerks of Court will provide the Chief Judge for Administrative Purposes a list of all cases pending over **545 days** from the date of filing
- Clerks will conduct monthly self-audits to ensure the records provided to SCJD are accurate. Solicitors and Clerks shall also reconcile pending cases on a quarterly basis
- Cases pending for more than **545 days** shall be promptly set for disposition by the Chief Judge for Administrative Purposes, who will consult with the Solicitor regarding the best method to achieve prompt resolution and may request special terms of court





Collaboration Essential to Efficient Docket Management

- Circuits are making progress towards lowering the criminal caseload due to the collaboration of Judges, Solicitors, Circuit Public Defenders, and Clerks of Court



- 9th Circuit (Berkeley, Charleston):

- Judge Roger Young took a proactive approach by examining all cases that were older than 18 months to attack the backlog of cases
- As of March 10th, 267 of the older cases were resolved, a 27% reduction, due to the collaboration with Solicitor Scarlett Wilson, Circuit Public Defender Ashley Pennington, and Clerk of Court Julie Armstrong

- 6th Circuit (Chester, Fairfield, Lancaster):

- Judge Brian Gibbons has successfully worked with Solicitor Doug Barfield, Circuit Public Defender Mike Lifsey, and Clerk of Court Jeff Hammond to create a system to move cases
- A General Sessions Court Coordinator position was created within the Clerk of Court's office to maintain the plea and trial docket each month
- The Solicitor selects 10% of the cases on the trial docket each month
- The final docket is published 30 days prior to the start of the term of court

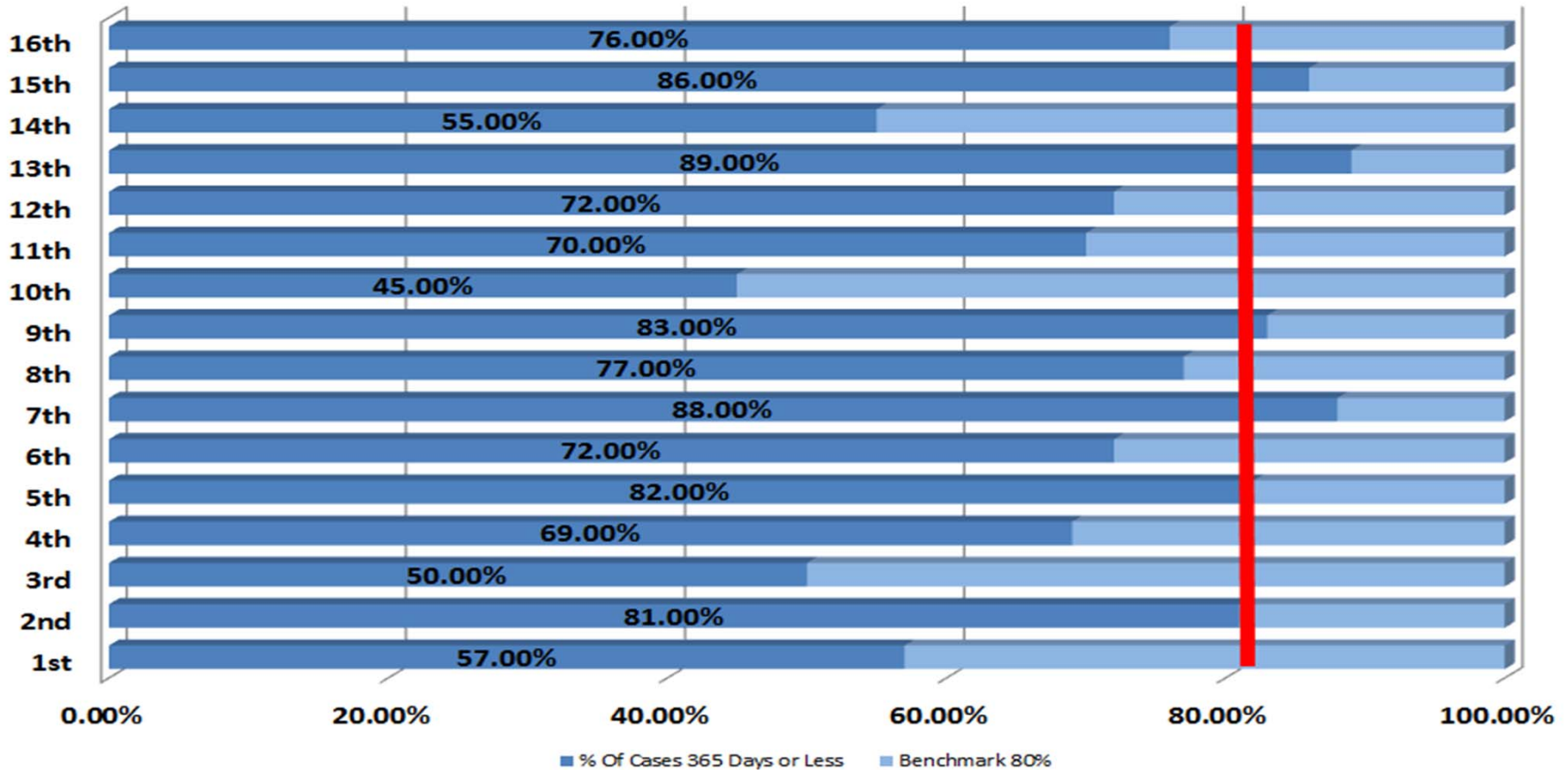
- 2nd Circuit (Aiken, Barnwell, Bamberg):

- Judge Jack Early is moving cases by collaborating with Solicitor Strom Thurmond, Jr., Circuit Public Defender De Grant Gibbons, and the 3 Clerks of Court to intensely concentrate on cases older than 545 days



Family Court Benchmarks

S.C. Family Court Circuits Meeting Benchmark 80% of Pending Docket 365 Days or Less as of July 1, 2013





Judges as Problem Solvers: Family Court Docket

- As a result of the Task Force's recommendations, more Family Courts are meeting benchmarks:
 - In York County, **70%** of Family Court cases were tried within 365 days of filing. In less than one year of **Judge Tony Jones** making the recommended changes in management techniques, York County now tries **90%** of its Family Court cases in one year.
 - In Anderson County, only **41%** of Family Court cases were tried within 365 days of filing. **Judge Tommy Edwards** worked closely with the Clerk of Court, Court Administration, and their IT Department to implement the changes. Anderson County now tries **85%** of its Family Court cases in one year.





Judges as Problem Solvers: Alternative Courts

Alternative Courts in South Carolina:

Mental Health Courts

Drug Courts

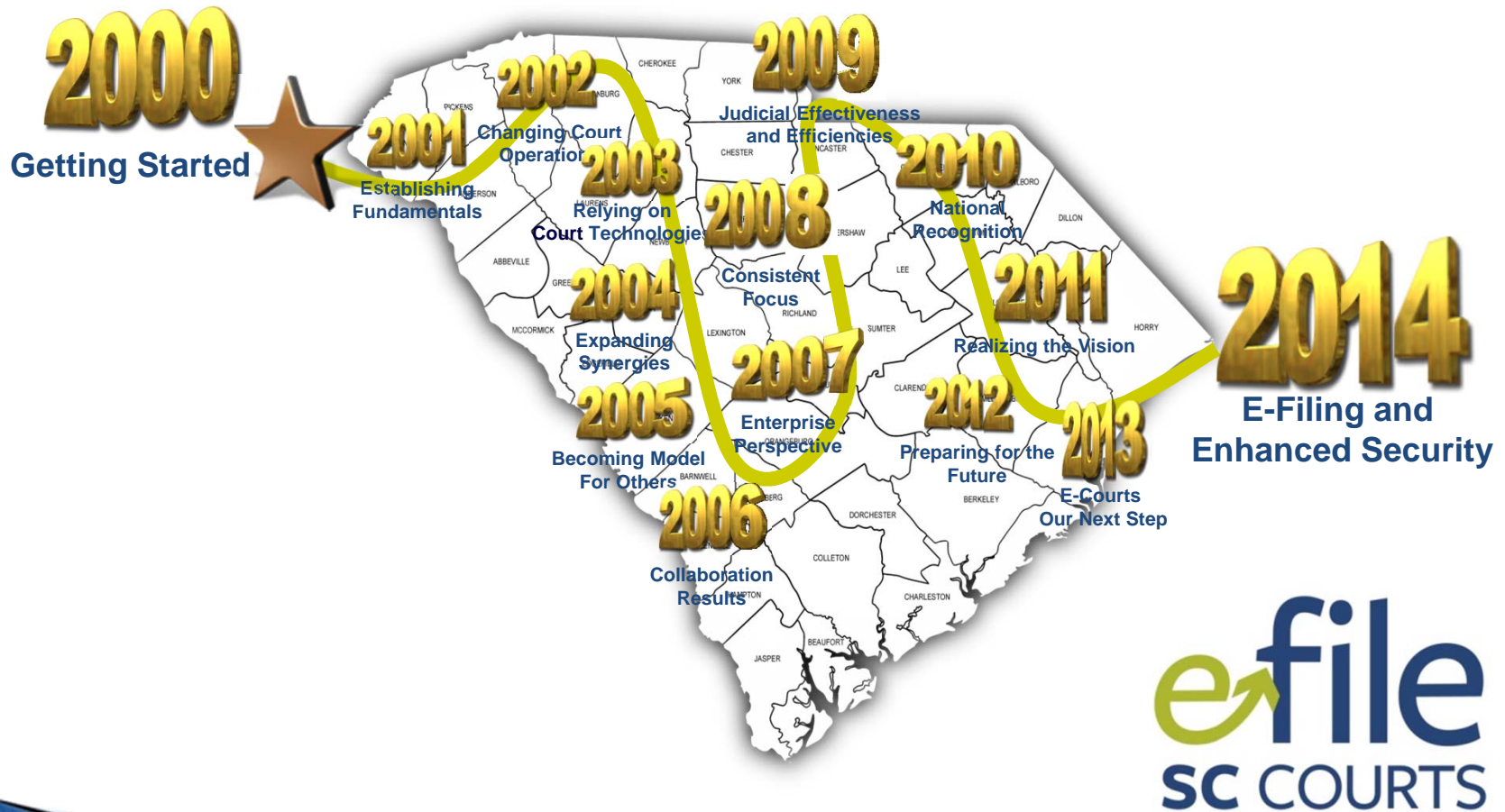
Truancy Courts

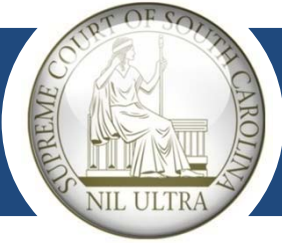
Veterans Courts

- Increasing number of cases involving non-violent crimes where the defendant has a mental health, substance abuse, or other behavioral issue that requires different management and treatment
- One approach is the use of **diversionary** or **alternative courts** where judges, attorneys, and service providers work together to treat the underlying issue and may track and monitor an individual's progress to achieve the best possible outcome and prevent recidivism
- Judges serve as problem solvers by volunteering to assist with these efforts, but the investment of the service providers and the diversion program is essential



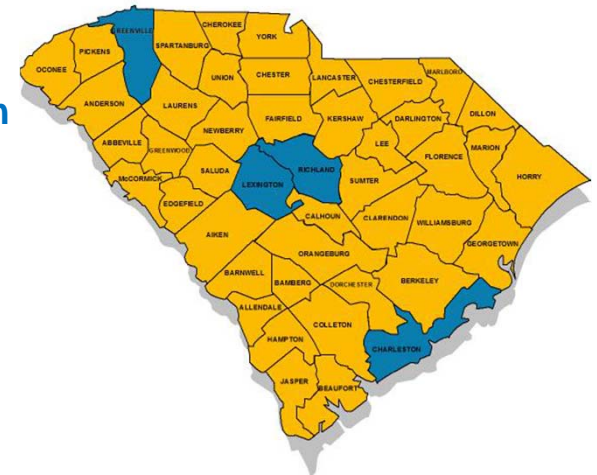
Technology Roadmap





Four Court Statewide Software Systems

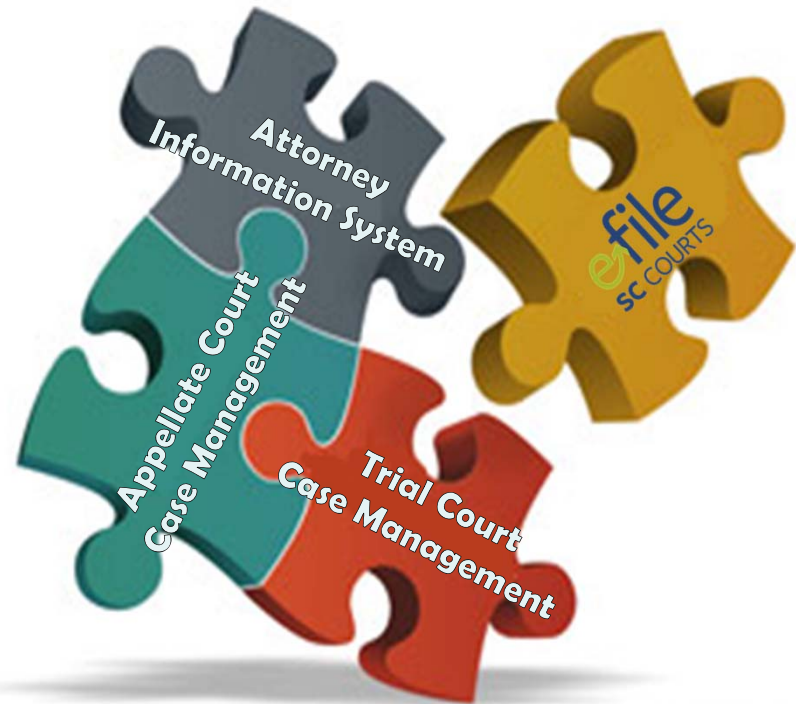
- **Court Case Management System (CMS)**
 - ❖ SCJD supports Circuit and Magistrates Courts' case management application for all 46 counties
 - ❖ 42 counties depend on SCJD to house, maintain and support their case information as part of the overall statewide application
- **Appellate Court Case Management System (CTrack)**
 - ❖ Manages all Supreme Court and Court of Appeals
 - ❖ Circulation of Opinions and Public Access
- **Attorney Information System (AIS)**
 - ❖ The central repository of attorney information relevant to all case management applications for over 15,000 licensed SC attorneys
 - ❖ The public now uses the attorney search feature on SCJD website
- **Electronic Filing System (South Carolina E-Filing)**
 - ❖ Application is currently in development
 - ❖ Implementation to begin in 2015





E-Filing Update

- **Rules of Civil Procedure and court policies are being revised**
- **Clerks of Court business processes are being updated**
- **All four court applications are being integrated with each other for E-Filing**
- **Training programs will be available for all users in 2015**





Security of Personal Data in Court Records

- **A redaction rule which received a favorable report from the House and Senate Judiciary Committees will be effective April 15th to prepare for E-Filing and increased public access to court records**

- **Examples of redacted items include:**
 - **Social Security Numbers (entire number)**
 - **Financial Account Numbers**
 - **Passport Numbers**
 - **Name of Minors**
 - **Date of Birth**
 - **Home addresses of Non-Parties, Minors, and Sexual Assault Victims**





Court Data Security

- **SCJD's Information Security Team has worked closely with the Division of Technology (DTO) regarding the statewide information security project**
- **The Judicial Department continues to have Security Awareness Training for all employees and contract employees with a 100% participation**
- **SCJD's information security team is addressing areas of policy, process, and education**
- **SCJD is creating a roadmap for IT operations related to security by reviewing and improving its data protection, methods of authentication, and data dissemination**





The Importance of Funding Disaster Recovery

- **All SCJD applications are accessed and supported 24/7 for the SC Courts**
- **Any disruption in the service provided by these applications would potentially cripple the courts' ability to effectively administer justice for the citizens of SC**
- **SCJD needs to ensure that all 46 counties are able to continue essential functions in any hazardous environment. We want to assure the continuity of essential functions of county and state courts in the event of natural disaster, pandemic, accident, or terrorism**



The Importance of the Internet and Court Technology

- **The internet represents innovation, access to information, a more transparent court system for the citizens of SC**
- **It represents economic growth and more opportunity than the world has ever known**
- **Technology has been a game changer for the SC Courts as well as the citizens of SC; a different way of doing business**

