



South Carolina Court Administration
South Carolina Supreme Court
Columbia, South Carolina

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MEMORANDUM

TO: County Clerks of Court

FROM: DeShield Smith, Circuit Court Representative
Tiffany Raines, Family Court Representative

RE: Motion Fees and the Motion Information Coversheet (SCCA/233)

DATE: November 14, 2003

It has come to our attention that there have been some misunderstandings relating to the use of the Motion Information Form and Coversheet (SCCA/233), as well as the memorandum from Chief Justice Toal concerning the application of motion fees. This memorandum will attempt to provide clarification as to the appropriate use of both motion fees and the motion information coversheet in an effort to promote uniformity statewide.

In August 2002, a memorandum from Chief Justice Toal was disseminated outlining the proper application of the \$25.00 motion fee in accordance with §8-21-320, which became effective July 1, 2002. On January 15, 2003, the Chief Justice issued a second memorandum in response to suggestions from the South Carolina Bar and other court personnel. The updated memorandum, which allowed for more specific applications of the motion fee, was provided as a guide to promote uniformity across the state in the assessment of the motion fee. It was not intended to be a complete list of the motions, which either require a motion fee or are exempt from the assessment of the motion fee but was merely to serve as a guideline for each office to follow. In situations where it is not clear whether the motion fee should be assessed, the pertinent statute or rule should serve as a guide. If the word application, petition, motion, or affidavit appears in the statute or rule and no exemption applies, the motion fee is applicable. The memorandum of January 15, 2003 is to supersede the memorandum dated August 16, 2002 and your office should no longer refer to the August memorandum. A copy of the January 15, 2003 memorandum is available on the Judicial Department website at <http://www.sccourts.org/> under the 'What's New' link.

The Motion Information Form and Coversheet (SCCA/233), referred to as 'Motion Calendar' on the South Carolina Judicial Department website, was mandated by order of the Chief Justice dated January 15, 2003. A copy of this order is available on the Judicial Department website at <http://www.sccourts.org/>. This form is to be submitted with every motion or proposed order filed with the clerk of court or presented to a judge at chambers, in accordance with this order of the Chief Justice. The attorney submitting the motion or proposed order should complete this form in its entirety.

The Motion Information Form also provides documentation for situations when there is a motion fee dispute between the attorney and the clerk. In such cases, the judge is to make the final decision as to whether the fee should be assessed. The judge need only be involved when the resolution of a dispute over the assessment of a motion fee is necessary. Upon resolution, the judge should complete the portion of the form titled 'Judge's Section'.

If you have any questions regarding this memorandum or the memorandum from the Chief Justice, please contact Tiffany Raines via email at traines@sccourts.org or DeShield Smith at dsmith@sccourts.org. You may also contact us by telephone at (803) 734-1800.

cc: Circuit Court Judges
Family Court Judges
Circuit Court Judges' secretaries
Family Court Judges' secretaries
Circuit Court Law Clerks