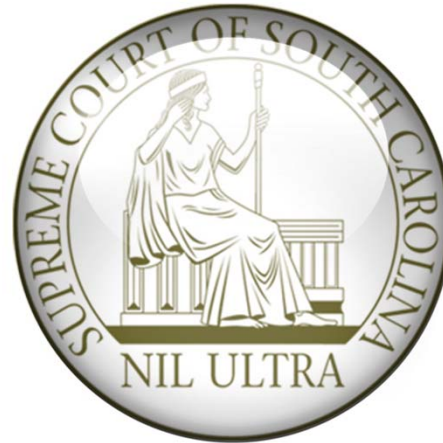

SOUTH CAROLINA



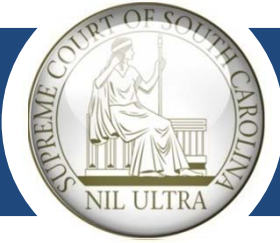
JUDICIAL DEPARTMENT

State of the Judiciary

(2000 – 2015)

February 25, 2015

Chief Justice Jean Hoefer Toal

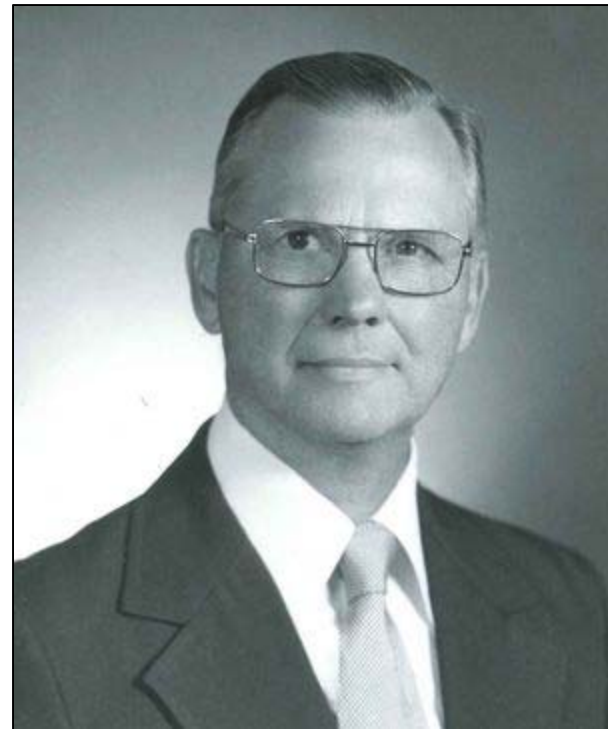


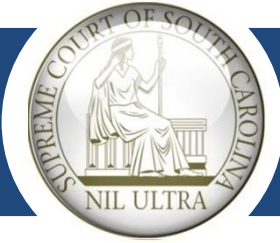
In Memoriam

John Gregg McMaster Jr.



1914 - 2015

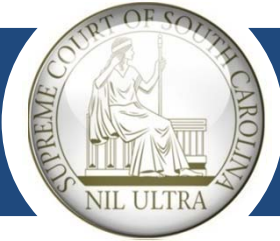




South Carolina Courts' Report Card (2000 – 2015)

- **Business models, management techniques, and technology = greater efficiencies, standardization, and better business organization**
- **Courts now have more stable funding, increased number of judges, more uniformity, and the benefits of technology**
- **Historic new commitment to court stability with the election of 9 new trial judges in 2013**
- **More judges = efficient management of dockets and resources**
- **Technology will continue to be a priority**
 - **Greater accessibility**
 - **Efficiency**
 - **Easier Navigation**

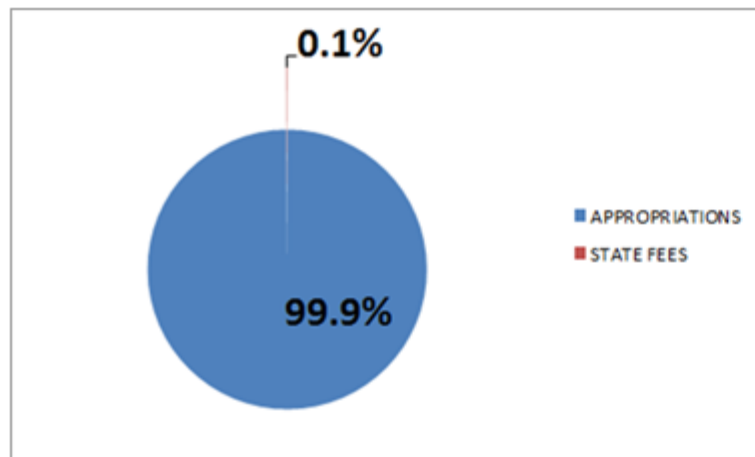




Stable Court Funding: Funding Sources in 2000 and Current

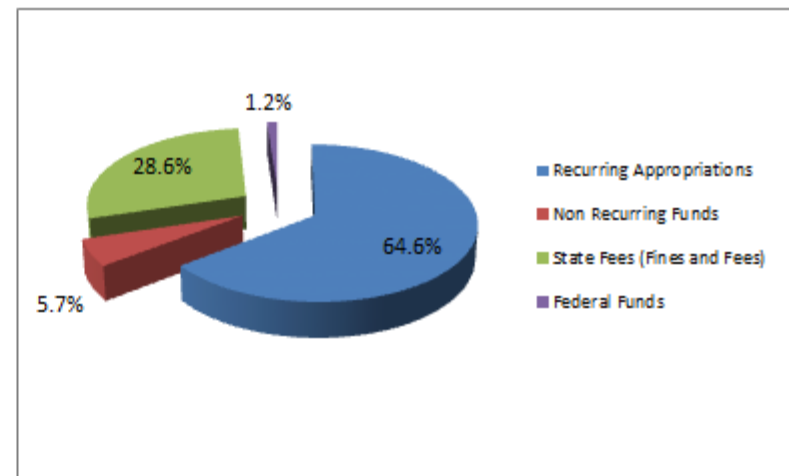
Since 2000, the Judicial Department has developed multiple funding sources so that all funding is not completely dependent upon appropriations from the Legislature.

FY 2000 - 2001



Expenditures = \$46,553,075

FY 2014 - 2015



Recurring Expenditures = \$67,711,926
Non-Recurring Expenditures = \$4,060,000

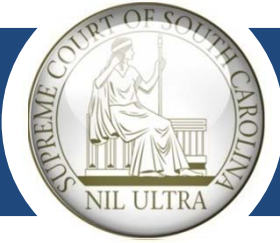


SCJD Estimated Expenditures for FY 2014 – 2015

| FISCAL YEAR | GENERAL FUNDS | STATE FEES and OTHER FUNDS | FEDERAL FUNDS | SHORTFALL | TOTAL EXPENDITURES |
|---|---------------|----------------------------------|---------------|-------------|-----------------------|
| FY 2000 - 2001 | \$46,486,500 | \$66,575 | | | \$46,553,075 |
| FY 2001 - 2002 | \$39,014,860 | \$2,849,873 | \$928,311 | | \$42,793,044 |
| FY 2002 - 2003 | \$35,685,629 | \$6,683,806 | \$2,897,322 | | \$45,266,756 |
| FY 2003 - 2004 | \$31,849,253 | \$10,105,241 | \$5,831,459 | | \$47,785,953 |
| FY 2004 - 2005 | \$32,650,207 | \$12,207,897 | \$4,664,535 | | \$49,522,639 |
| FY 2005 - 2006 | \$33,958,408 | \$14,390,096 | \$5,755,279 | | \$54,103,783 |
| FY 2006 - 2007 | \$36,631,439 | \$15,065,443 | \$5,053,703 | | \$56,750,585 |
| FY 2007 - 2008 | \$38,758,746 | \$15,676,166 | \$5,495,072 | | \$59,929,984 |
| FY 2008 - 2009 | \$30,662,336 | \$16,756,185 | \$6,262,290 | \$6,653,495 | \$60,334,306 |
| FY 2009 - 2010 | \$22,782,531 | \$18,722,279 | \$8,985,511 | \$6,921,200 | \$57,411,521 |
| FY 2010 - 2011 | \$37,623,159 | \$16,796,023 | \$6,515,150 | | \$60,934,332 |
| FY 2011 - 2012 | \$37,507,247 | \$17,422,194 | \$5,537,336 | | \$60,466,777 |
| FY 2012 - 2013 | \$44,632,218 | \$14,273,643 | \$2,445,896 | | \$61,351,757 |
| FY 2013 - 2014 | \$46,183,780 | \$18,041,571 | \$564,334 | | \$64,789,685 |
| Authorized Recurring FY 2014 - 2015 | \$46,378,533 | \$20,498,000 | \$835,393 | | \$67,711,926 |
| Authorized Non - Recurring FY 2014 - 2015 | \$4,060,000* | \$4,364,159** | | | \$8,424,159 |

*Disaster Recovery, Building Security, and Digital Recorders.

**Capital Reserve funds originally authorized in 2012 for E-Filing.



Docket Management Task Force

- **Leadership:**
 - **Chair:** Justice Kaye Hearn
 - **Subcommittee Chairs:**
 - Justice Costa Pleicones
 - Justice Donald Beatty
 - Judge Aphrodite Konduros
 - Judge Clifton Newman
- **Major Accomplishments Include:**
 - Faster delivery of justice to South Carolinians
 - Backlog reduction
 - Accountability





Progress on Case Disposition

New Judges

+

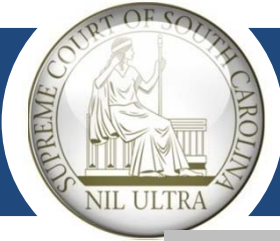
Increased Use of Technology

+

Increased Collaboration of Judges,
Clerks of Court, and Attorneys

=

Big Improvement in Case Disposition



Family Court Benchmarks

***Goal: 80% of Pending
Docket 365 Days or Less
As of February 15, 2015**

| Circuit | Pending Docket 365 Days or Less |
|---|---------------------------------|
| 16 th – Union, York | 96% |
| 15 th – Georgetown, Horry | 94% |
| 11 th – Edgefield, Lexington, McCormick, Saluda | 94% |
| 13 th – Greenville, Pickens | 93% |
| 2 nd – Aiken, Bamberg, Barnwell | 93% |
| 5 th – Kershaw, Richland | 92% |
| 9 th – Berkeley, Charleston | 92% |
| 7 th – Cherokee, Spartanburg | 91% |
| 14 th – Allendale, Beaufort, Colleton, Hampton, Jasper | 90% |
| 1 st – Calhoun, Dorchester, Orangeburg | 88% |
| 6 th – Chester, Fairfield, Lancaster | 84% |
| 10 th – Anderson, Oconee | 84% |
| 3 rd – Clarendon, Lee, Sumter, Williamsburg | 83% |
| 12 th – Florence, Marion | 82% |
| 8 th – Abbeville, Greenwood, Laurens, Newberry | 81% |
| 4 th – Chesterfield, Darlington, Dillon, Marlboro | 80% |



Common Pleas Benchmarks

***Goal: 80% of Pending
Docket 365 Days or Less
From Placement on the
Trial Docket
As of February 15, 2015**

| Circuit | Pending Docket 365 Days or Less* |
|---|----------------------------------|
| 2 nd – Aiken, Bamberg, Barnwell | 90% |
| 13 th – Greenville, Pickens | 90% |
| 10 th – Anderson, Oconee | 89% |
| 11 th – Edgefield, Lexington, McCormick, Saluda | 85% |
| 4 th – Chesterfield, Darlington, Dillon, Marlboro | 85% |
| 1 st – Calhoun, Dorchester, Orangeburg | 83% |
| 12 th – Florence, Marion | 82% |
| 6 th – Chester, Fairfield, Lancaster | 81% |
| 16 th – Union, York | 81% |
| 7 th – Cherokee, Spartanburg | 81% |
| 8 th – Abbeville, Greenwood, Laurens, Newberry | 81% |
| 3 rd – Clarendon, Lee, Sumter, Williamsburg | 80% |
| 9 th – Berkeley, Charleston | 79% |
| 15 th – Georgetown, Horry | 78% |
| 14 th – Allendale, Beaufort, Colleton, Hampton, Jasper | 73% |
| 5 th – Kershaw, Richland | 71% |



General Sessions Benchmarks

| Circuit | Pending Docket 365 Days or Less |
|---|---------------------------------|
| 16 th – Union, York | 92% |
| 12 th – Florence, Marion | 81% |
| 7 th – Cherokee, Spartanburg | 80% |
| 2 nd – Aiken, Bamberg, Barnwell | 79% |
| 10 th – Anderson, Oconee | 77% |
| 13 th – Greenville, Pickens | 77% |
| 14 th – Allendale, Beaufort, Colleton, Hampton, Jasper | 76% |
| 11 th – Edgefield, Lexington, McCormick, Saluda | 76% |
| 15 th – Georgetown, Horry | 75% |
| 1 st – Calhoun, Dorchester, Orangeburg | 70% |
| 9 th – Berkeley, Charleston | 65% |
| 5 th – Kershaw, Richland | 64% |
| 4 th – Chesterfield, Darlington, Dillon, Marlboro | 58% |
| 8 th – Abbeville, Greenwood, Laurens, Newberry | 49% |
| 3 rd – Clarendon, Lee, Sumter, Williamsburg | 49% |
| 6 th – Chester, Fairfield, Lancaster | 29% |

*Goal: 80% of Pending
Docket 365 Days or Less
As of February 15, 2015



Appellate Court Caseload

- **Backlog of certiorari and PCR petitions in the SC Supreme Court addressed:**
 - **System developed with law clerks and staff attorneys to move cases more efficiently**
 - **Fewer oral arguments**
 - **Digital court reporting**
 - **Decreased number of extensions**
 - **Since May 2014, pending Certiorari Cases have decreased by 33% and pending PCR Certiorari Cases have decreased by 23%**





The Importance of the Internet and Court Technology

- The Internet represents innovation, access to information, and a more transparent court system
- Technology has been a game changer for the Courts as well as the citizens of South Carolina
- In 2000, no major courthouse in South Carolina had Internet access and court personnel communicated by telephone, fax machine, and mail
- There was a unified court system in principle but not in practice

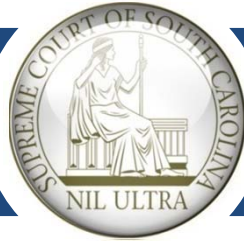


Technology: Model Internet Platform

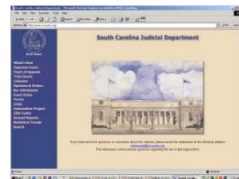
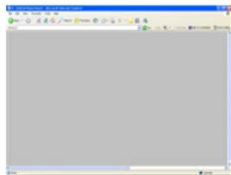
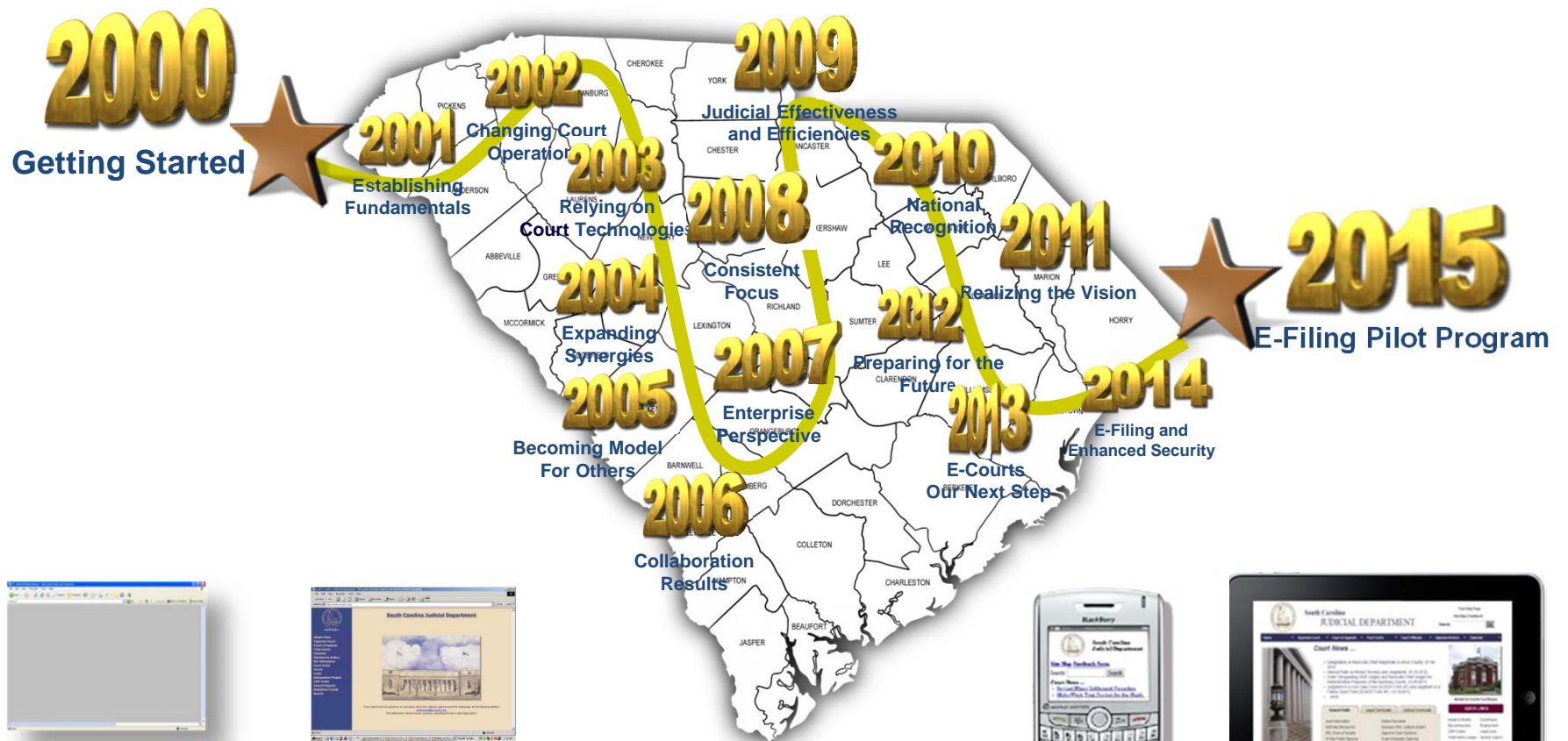
- **An unorganized and inefficient court system leads to a breakdown in the administration of justice**
- **Technology allows the Judicial Branch to evaluate caseloads on a statewide basis, to evaluate inequities, and to allocate resources**
- **Technology as the key to the effective and efficient administration of justice is the hallmark of my term**
- **Technology Plan: Use a high-speed Internet based connectivity to improve court operations and enhance public access**

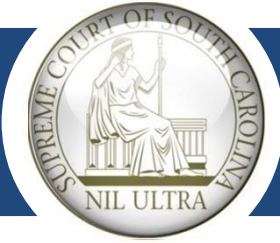


Photo Courtesy: Keith McGraw, University of South Carolina



SCJD Technology Roadmap





Increased Public Access: Appellate Court Case Management

- Oral argument videos and case exhibits uploaded so judges can view them online
- In October 2013, public access became available for:
 - Appeals from the Court of Common Pleas (excluding PCR cases)
 - Appeals from the Court of General Sessions
 - Appeals from Administrative Tribunals
 - Certiorari proceedings relating to the decisions of the Board of State Canvassers
 - Certiorari proceedings to review decisions of the South Carolina Court of Appeals (excluding Family Court cases)





Increased Public Access: Live Streaming Oral Arguments

- ❖ **The Supreme Court, in partnership with SCETV, began live streaming of oral argument in September 2014**
- ❖ **Videos of oral arguments can be watched live and are archived and stored on the Supreme Court Video Portal**
- ❖ **A link to the Video Portal is available on the Court's website**





The Technology Crown Jewel: E-Filing

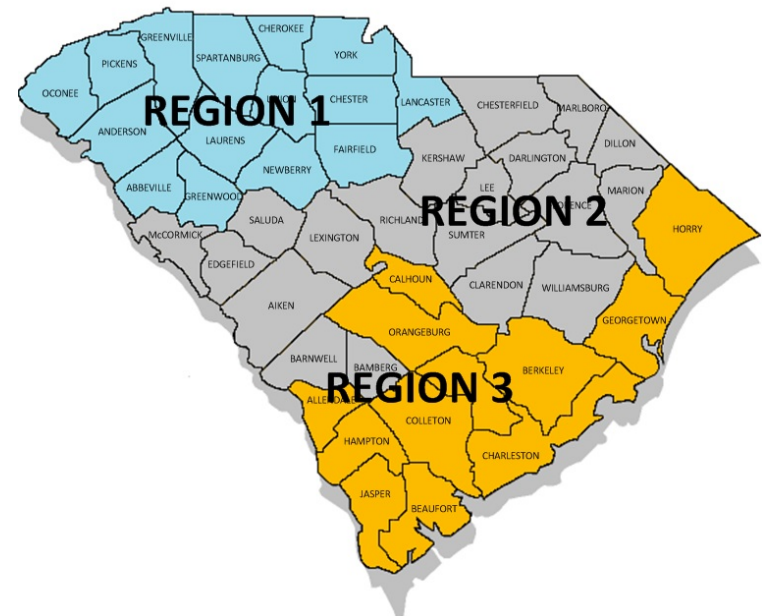
- **Allows attorneys to file, serve, and view documents via the Internet**
- **Pilot program will begin this year in the Clarendon and Greenville County Court of Common Pleas**
- **Benefits Include:**
 - ❖ **Reduction in paper**
 - ❖ **Extended hours for court filing**
 - ❖ **Rapid access to e-filed documents from anywhere**
 - ❖ **Convenience**
 - ❖ **Lower costs**
 - ❖ **Increased public access**

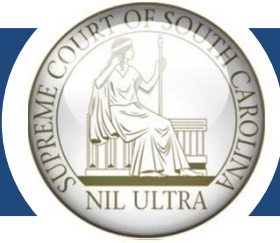




Improving the Management of Cases: Business Courts

- **Three Business Court Regions** created with two judges assigned to each region and two at-large judges
- **The Business Court Judges have exclusive jurisdiction over any business court case filed within his or her region**
- **Purpose is to increase civil court efficiency by addressing complex business matters with specialized case management procedures**

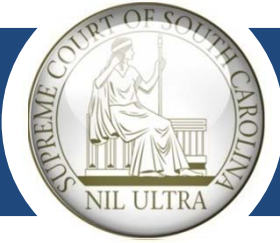




South Carolina Still Leads the Nation

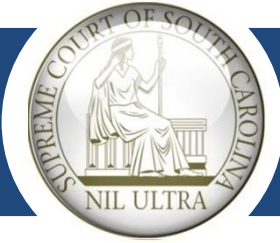
- ✓ **Highest Caseload Per Judge**
- ✓ **Lowest Number of Judges**





Sentencing Alternatives: Alternative or Diversionary Courts

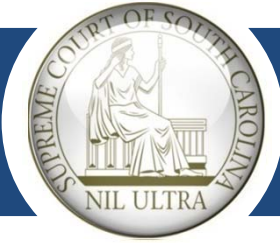
- **Increasing number of cases involving non-violent crimes where the defendant has a mental health, substance abuse, or other behavioral issue**
- **These cases require different management and treatment**
- **Alternative or diversionary courts allow judges, attorneys, and service providers to work together to treat the underlying issue to achieve the best outcome and prevent recidivism**
- **Judges volunteer to assist these efforts, but the investment of the service providers and the diversion program is essential**



Sentencing Alternatives

Alternative Courts in South Carolina:

Adult Drug Courts
Juvenile Drug Courts
Adult Mental Health Courts
Juvenile Mental Health Courts
Truancy Courts
Veterans Courts
Homeless Courts

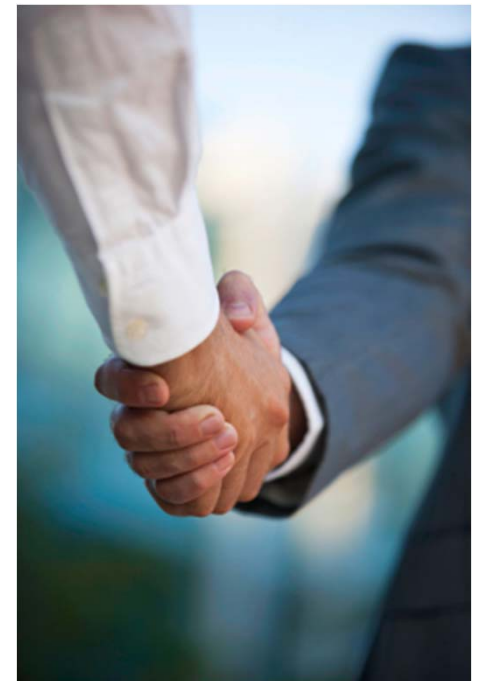


Commissions as Problem Solvers: Alternate Dispute Resolution (ADR)

Some disputes are best settled through a collaborative processes like ADR

Major Accomplishments Include:

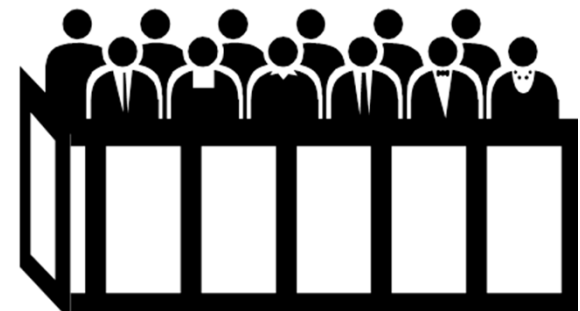
- Uniform set of ADR rules for civil and family courts
- ADR pilot program for civil and family courts in 33 of the State's 46 counties
- Family Court pilot mediation program for abuse and neglect cases
- Successful probate mediation pilot that is now statewide
- Pilot summary court mediation program in Richland, Lexington, Greenville, Kershaw, and Anderson Counties





Improving the Management of Cases: Fast Track Jury Trials

- **Fast Track Jury Trials adopted statewide**
- **Goal is judicial economy while providing quick resolution to cases**
- **Voluntary, binding jury trial before a reduced jury panel and a mutually selected Special Hearing Officer**
- **Fast Track Jury Trials:**
 - **Last no more than 1 day**
 - **Consist of no more than six jurors**
 - **Involve an abbreviated case presentation with relaxed rules of evidence**
 - **No post-trial motions or right to appeal**
 - **Aids in the efficient use of judicial resources**

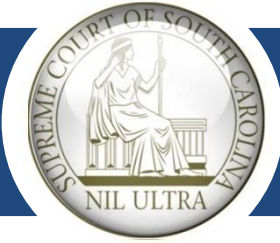




Commissions as Problem Solvers: Access to Justice

- Almost ten years ago, the South Carolina Access to Justice Commission began to tackle the challenge of justice for all, not just those who can afford it, by designing and implementing strategies for civil legal assistance
- Four out of five people in South Carolina with low income do not have basic access to the legal assistance they need
- The Commission was created to expand access to civil legal representation for people of low income and modest means





Access to Justice Commission

Major Accomplishments Include:

- ❖ Development of judicial training on poverty and self-represented litigants
- ❖ Development of a “simple” divorce packet and child support modification packet for self-represented litigants
- ❖ Newberry County Self-Help Center Pilot Program to assist self-represented litigants in domestic cases
- ❖ Pro Bono Summits





Commission on the Profession

- In 2000, the Commission on the Profession was created in recognition of the need for professionalism in the practice of law
- Chaired by Justice John Kittredge
- The Commission promotes the finest qualities of the legal profession from the first day a student enters law school to the concerns every profession encounters with its aging members





Commission on the Profession

Major Accomplishments Include:

- ❖ Adoption of a lawyer and judicial professionalism oath
- ❖ Creation of professionalism curriculum to be used in state law schools
- ❖ Mandatory mentoring program for new attorneys
- ❖ Mentoring program for Magistrates and Municipal judges that mirrors the successful mentoring program for Circuit and Family Court judges



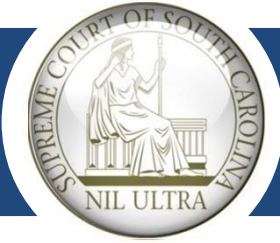


Recognition: Office of Disciplinary Counsel (ODC)

- In 2013, Lesley Coggiola and her staff were recognized nationally for:
 - Commitment to Lawyer Civility
 - SC Lawyers Oath
 - Use of Technology

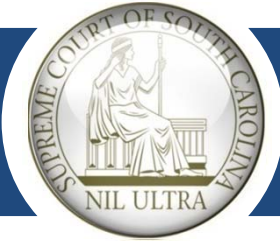
- The ABA Standing Committee on Judicial Discipline recently acknowledged ODC's case management software as a model





Recognition: National Prominence and Leadership

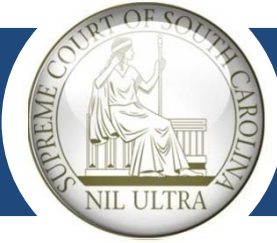
- ✓ **2002**: The National Center for Digital Government recognized the South Carolina Judicial Department with the “In the Arena Award.”
- ✓ **2002**: Chief Justice Toal Recognized by *Government Technology* magazine as one of the "Top 25 Doers, Dreamers & Drivers" of technology in government.
- ✓ **2004**: Chief Justice Toal awarded the Margaret Brent Women Lawyers of Achievement Award from the American Bar Association's Commission on Women in the Profession.
- ✓ **2005**: Conference of Chief Justices and Conference of State Court Administrators held in Charleston, SC.
- ✓ **2007**: Chief Justice Toal elected President of the Conference of Chief Justices.
- ✓ **2011**: Rosalyn Frierson elected President of the Conference of State Court Administrators (COSCA).
- ✓ **2011**: Rosalyn Frierson elected Vice Chair of the Board of Directors of the National Center for State Courts (NCSC).
- ✓ **2013**: The Forum for the Advancement of Court Technology recognized the SCJD's website as one of the Top Ten court websites in the country.



Recognition: Civics Education

- Since 2000, the South Carolina Judicial Department has implemented three state civics programs:
 - ❖ **Supreme Court Institute:** An annual professional development program for secondary social studies teachers to learn about the SC court system and the SC Supreme Court
 - ❖ **Class Action Program:** Brings middle- and high-school students to the SC Supreme Court to hear oral arguments
 - ❖ **Case of the Month Program:** Provides streaming video of a case argued before the SC Supreme Court, allowing students the opportunity to review the briefs submitted for the case and watch the proceedings

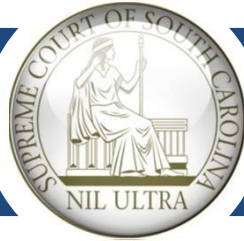




Recognition: Civics Education

- In 2010, South Carolina became one of the first pilot states for iCivics – Justice Sandra Day O'Connor's web-based interactive civics education program for middle and high school students
- In July 2011, awarded the National Center for State Courts' Sandra Day O'Connor Award for the Advancement of Civics Education





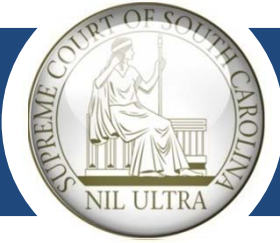
2003





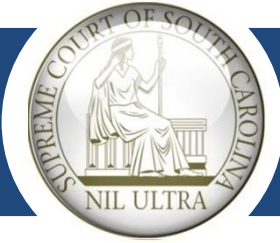
2004



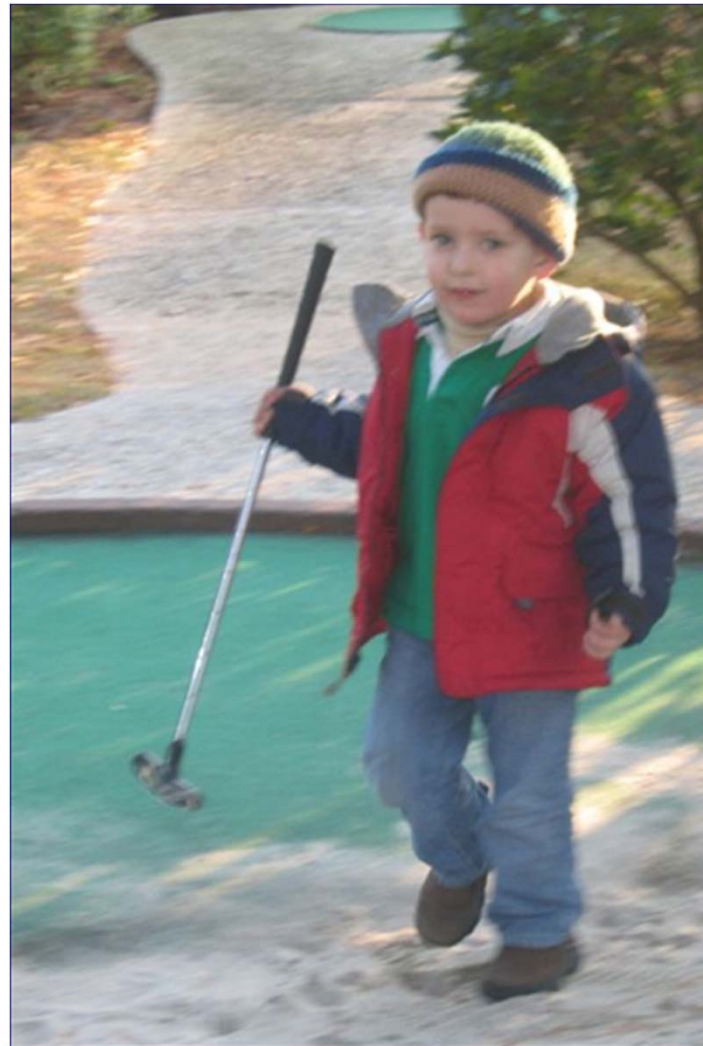


2005





2006





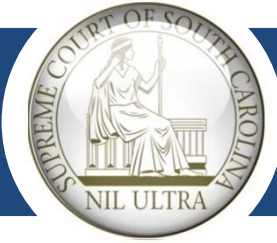
2007





2008





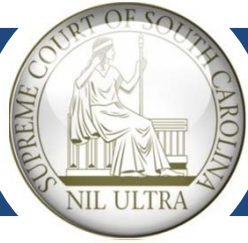
2009





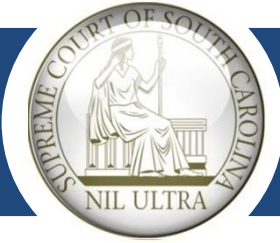
2009





2010





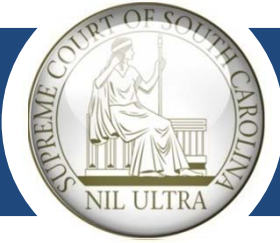
2011





2012





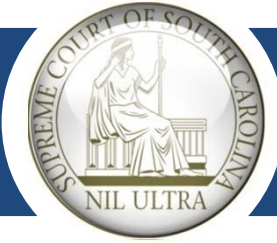
2012





2013



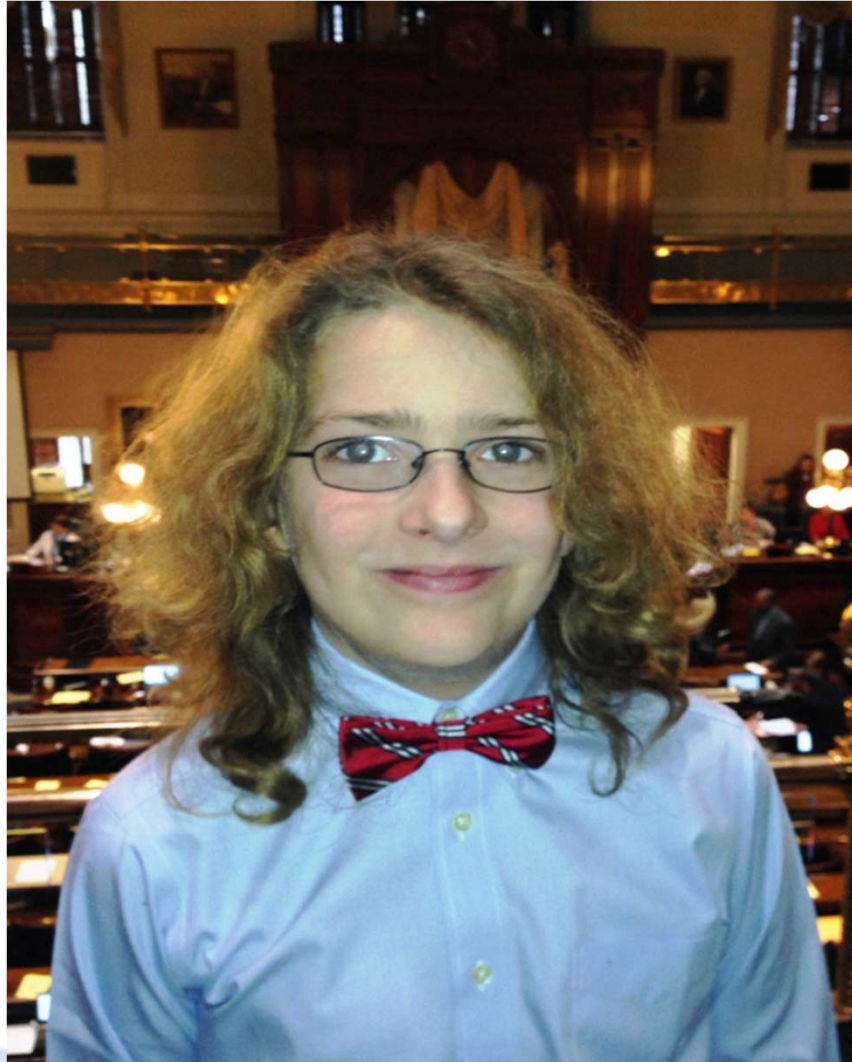


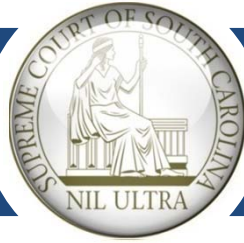
Special Delivery 2013





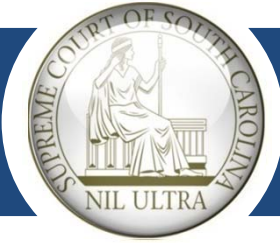
2014





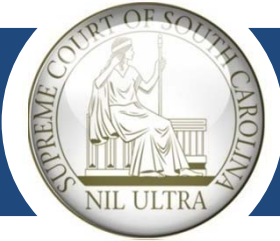
2014





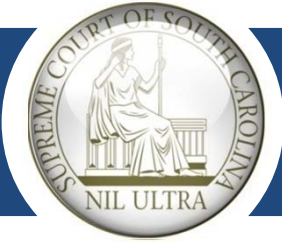
2014





2014





What We Are Working For

