



# The Supreme Court of South Carolina

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## MEMORANDUM

To: Circuit Court Judges  
Family Court Judges  
Clerks of Court

From: Chief Justice Beatty

Subject: Court Operations during the Seven-Week Period August 3 –  
September 18, 2020

Date: July 30, 2020

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I continue to thank judges, clerks of court, and court staff for their diligence and their efforts to ensure that the South Carolina Judicial Branch remains open for business. The unprecedented COVID-19 pandemic has required changes to ordinary court operations and you have readily adapted to these difficult circumstances. Since the beginning of this pandemic, Circuit and Family Court judges have held more than 6,800 hearings via WebEx. Numerous other hearings have additionally been held in person, via Zoom, teleconference, and other platforms.

As we continue to prepare for the anticipated resumption of normal court activity, the Chief Judges for Administrative Purposes in each circuit for Common Pleas, General Sessions and Family Court should continue to work with the Clerks of Court to create a comprehensive plan to schedule and dispose of all status conferences, pre-trial hearings, and pre-trial motions during this time. Additionally, judges shall continue to hear any non-jury matter currently pending. All local administrative orders must be approved by the Chief Justice and filed with Court Administration prior to implementation. **Every judge not previously scheduled for vacation or official leave should operate on a normal schedule and keep regular office hours.**

All status conferences, pre-trial matters and scheduled hearings may be conducted using remote communication technology to avoid the need for a physical appearance of all or some of the parties, counsel or witnesses. Consent of the parties or counsel is not required. Video conferencing should be the primary means of holding hearings. In-person hearings should occur only when remote hearings are not feasible. I encourage you to use WebEx, the conferencing platform supported by the Judicial Branch. Videoconferencing should be hosted by the judge and not by a party to the case. In cases where members of the press request to observe a remote hearing that ordinarily would be open to the public, an invitation to the videoconference should be provided to them. If an in-person hearing is conducted, only attorneys, the parties, necessary witnesses, and a limited number of members of the press will be allowed to appear. Hearings must be adequately staggered to minimize the number of people appearing at the same time.

**Judges will continue handling as much of the regular dockets within their circuit as is practical.**

**In doing so, judges shall adhere to the guidance set forth in the order of the Supreme Court regarding Operation of the Trial Courts During the Coronavirus Emergency (As Amended April 22, 2020).**

Please take note of the following:

1. Clerks of Court, in consultation with the Chief Judges for Administrative Purposes, shall prepare dockets for the ensuing seven terms of court. Full dockets are required for Common Pleas, General Sessions, and Family Court. Should your scheduled term of court break down or collapse for one or more days of the week, please notify Tiffany Raines at Court Administration as soon as possible.
2. Status conferences shall be held in all cases on the trial docket, criminal and civil, and pre-trial motions should be disposed of.
3. Limited judicial travel for court assignments will now be permitted. However, travel will be allowed outside of a judge's home circuit only when the travel can be accomplished by commuting daily. Judges should carefully review their schedules for the remainder of 2020 and determine whether or not their current assignments will allow them to commute on a daily basis. If a judge has assignments which would require them to remain overnight, please notify Tiffany Raines at Court Administration as soon as possible. Unless a judge

will be staying with family, Court Administration will make adjustments to the statewide calendar to allow for a daily commute. However, chief judges for administrative purposes may continue to handle cases within the circuit for which they are assigned as administrative judge.

4. Notwithstanding any prior guidance, continuances on pre-trial matters are discouraged during this seven-week period and should be granted only in exceptional circumstances with good cause shown. Continuances should not be granted based solely on a general reluctance by a party, attorney, or witness to attend court, so long as proper safeguards and protocols are being observed.
5. Chief administrative judges should work with the Attorney General's office to schedule PCR hearings as may be feasible.
6. Any matter heard in person must be conducted in a reasonably safe manner. Reasonably safe manner assumes adherence to CDC social distancing recommendations, wearing of personal protective equipment when appropriate, availability of adequate sanitizing supplies, and staggering of hearings. Multiple in-person hearings or appearances shall not be scheduled to take place at the same time.
7. Pilot criminal jury trials are scheduled to take place the week of August 3<sup>rd</sup> in Laurens County and August 10<sup>th</sup> in Horry County. Any judge interested in holding a criminal jury trial should contact Leslie Taaffe at Court Administration and provide her with a detailed safety plan as well as the proposed dates, presiding judge, and the nature of the case. These proposals will be approved or denied on a case-by-case basis. Civil jury trials remain suspended.

Clerks of Court should include on their websites, if available, a regular docket or roster of all matters scheduled to be heard and the chief judges should assist them in doing so. If the courthouse is closed to the public, the docket or roster should additionally be posted on the courthouse door. Information posted about the docket or roster should include contact information for members of the public seeking to view the hearing. If a courthouse must close during normal operating hours for any reason, the Clerk of Court's office should inform Court Administration.

Please let me know if you have any questions or concerns.