

# The Supreme Court of South Carolina

## Re: Business Court Pilot Program

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### ADMINISTRATIVE ORDER

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Pursuant to the provisions of S.C. Const. Art. V § 4,

I find that the South Carolina Bar has petitioned the Supreme Court of South Carolina to create a pilot program establishing a business court in the circuit courts of this state to handle complex business, corporate, and commercial matters. This recommendation originated from the South Carolina Bar's Task Force on Courts at the request of the South Carolina Bar's president and with my approval.

#### **Establishment of Business Court Pilot Program**

It is **ORDERED** that a pilot program be established in the Circuit Courts of South Carolina creating a "Business Court" for civil matters properly filed and subject to jurisdiction and venue in Charleston, Greenville, and Richland Counties, or properly transferred to one of those counties pursuant to §15-7-100 of the South Carolina Code of Laws. Assignment to the business court does not require that the parties waive their right to a jury trial.

#### **Designation of the Business Court Judges**

In addition to their other duties as circuit court judges, the following judges shall be assigned to preside over the business courts:

The Honorable Roger W. Young - Charleston County

The Honorable Edward W. Miller- Greenville County

The Honorable J. Michelle Childs - Richland County

### **Jurisdiction of the Business Court**

1. Without respect to the amount in controversy, civil matters in which the principal claim or claims are made under the following Titles of the South Carolina Code of Laws are appropriate matters to be assigned to the business court:
  - a. Title 33—South Carolina Business Corporation Act of 1988;
  - b. Title 35—South Carolina Uniform Securities Act of 2005;
  - c. Title 36, Chapter 8—South Carolina Uniform Commercial Code: Investment Securities;
  - d. Title 39, Chapter 3—Trade and Commerce: Trusts, Monopolies, and Restraints of Trade;
  - e. Title 39, Chapter 8—Trade and Commerce: The South Carolina Trade Secrets Act;
  - f. Title 39, Chapter 15—Trade and Commerce: Labels and Trademarks; or,
  - g. for such other cases as the Chief Justice may determine.

### **Management and Disposition Procedures for Business Court**

2. Assignment of cases to the business court may be made by the Chief Justice *sua sponte* or at the request of counsel.
3. Counsel shall request assignment of a case to the business court no later than 180 days after the commencement of the action. The request must be made on SCCA BC Form 101 to the business court judge who shall make a recommendation to the Chief Justice, through Court Administration, regarding assignment of the case to the business court.
4. The Chief Justice's decision shall be indicated on the SCCA BC Form 101, and copies of SCCA BC Form 101 shall be provided by Court Administration to counsel of record, the assigned business court judge, chief judge for administrative purposes (civil), and clerk of court for the respective pilot county.
5. If the Chief Justice approves the request, the Chief Justice shall assign exclusive

jurisdiction over the case to the business court judge of the respective pilot county.

6. The business court judge shall coordinate with the chief judge for administrative purposes (civil) of the respective pilot county and Court Administration to schedule hearings and/or the trial.

7. The Chief Justice shall review the case load activity for the three designated business courts periodically during the duration of the pilot program to ensure efficiency and appropriate use of judicial resources.

#### **Business Court Orders Available Online**

8. The business court judge shall issue written orders with respect to all decisions on motions to dismiss under Rule 12 of the South Carolina Rules of Civil Procedure and motions for summary judgment under Rule 56 of the South Carolina Rules of Civil Procedure. The business court judge is encouraged to issue written orders on other non-jury, pretrial matters. All business court orders pursuant to motions to dismiss under Rule 12 of the South Carolina Rules of Civil Procedure and motions for summary judgment under Rule 56 of the South Carolina Rules of Civil Procedure shall be publicly available through the Judicial Department's website at [www.sccourts.org](http://www.sccourts.org). The business court shall forward the orders to Court Administration to be posted.

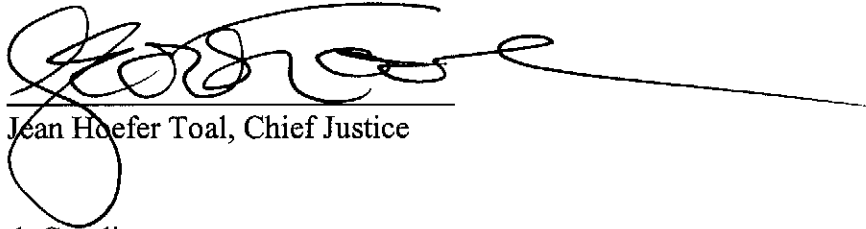
#### **Effective Date**

9. This pilot program applies to all civil matters filed in Charleston, Greenville, and Richland counties or properly transferred to one of those counties pursuant to §15-7-100 of the South Carolina Code of Laws, after October 1, 2007 and shall remain in effect for a period of two years thereafter, unless rescinded or modified by future order of the Chief Justice.

10. To the extent available in a business court forum, the use of technology by parties in matters assigned to the business court is encouraged. The business court judge presiding over

a matter shall make the final determination on whether the use of technology in any proceeding or conference is warranted.

**IT IS SO ORDERED.**



Jean Hofer Toal, Chief Justice

Columbia, South Carolina  
September 7, 2007