

The Supreme Court of South Carolina

Re: Business Court Program

Appellate Case No. 2024-001251

ADMINISTRATIVE ORDER

Pursuant to the provisions of Article V, Section 4 of the South Carolina Constitution,

(a) Statewide Business Court Program. The Business Court Program shall cover all counties statewide. When a Business Court case is filed, the Chief Business Court Judge for Administrative Purposes (Chief Business Court Judge) may assign exclusive jurisdiction over the case to any Business Court Judge. The Business Court Judge shall retain jurisdiction over the case regardless of where the judge is assigned to hold court and may schedule such hearings as may be necessary at any time without regard to whether there is a term of court scheduled.

(b) Chief Business Court Judge for Administrative Purposes. The Chief Business Court Judge is authorized, on a statewide basis, to sign for the Chief Justice in the acceptance or denial of cases to the Business Court. This authority includes the ability to assign individual cases to the Business Court Judges, and to perform other duties as required by this Order. The Honorable Roger M. Young, Sr., shall continue to serve as the Chief Business Court Judge for Administrative Purposes.

(c) Designation of the Business Court Judges. In addition to their other duties as circuit court judges, the following judges will preside as Business Court Judges:

- (1) The Honorable G.D. Morgan, Jr.;
- (2) The Honorable J. Derham Cole;
- (3) The Honorable Diane Schafer Goodstein;
- (4) The Honorable Jocelyn Newman;

- (5) The Honorable J. Mark Hayes II;
- (6) The Honorable R. Lawton McIntosh;
- (7) The Honorable Walton J. McLeod, IV;
- (8) The Honorable Courtney Clyburn Pope;
- (9) The Honorable Carmen T. Mullen;
- (10) The Honorable Maite Murphy;
- (11) The Honorable Thomas William McGee III;
- (12) The Honorable Milton G. Kimpson;
- (13) The Honorable William H. Seals, Jr.;
- (14) The Honorable Kristi F. Curtis; and
- (15) The Honorable Roger M. Young, Sr.

(d) Jurisdiction of the Business Court. 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:

- (1) Title 33—South Carolina Business Corporation Act of 1988;
- (2) Title 35—South Carolina Uniform Securities Act of 2005;
- (3) Title 36, Chapter 8—South Carolina Uniform Commercial Code: Investment Securities;
- (4) Title 39, Chapter 3—Trade and Commerce: Trusts, Monopolies, and Restraints of Trade;
- (5) Title 39, Chapter 8—Trade and Commerce: The South Carolina Trade Secrets Act;

- (6) Title 39, Chapter 15—Trade and Commerce: Labels and Trademarks;
or
- (7) Any other matter deemed appropriate by the Chief Business Court Judge.

(e) Management and Disposition Procedures for Business Court.

(1) Assignment of cases to the Business Court may be made by the Chief Business Court Judge *sua sponte* or at the request of counsel. Counsel's request for Business Court assignment must be made on SCCA BC Form 101 and filed in the appropriate county. Counsel must also forward a copy of SCCA BC Form 101 to businesscourt@scccourts.org.

(2) The Chief Business Court Judge will then forward SCCA BC Form 101 to a Business Court Judge for consideration and recommendation. Upon receipt of the SCCA BC Form 101, the Business Court Judge shall make a recommendation to the Chief Business Court Judge regarding assignment of the case to the Business Court.

(3) If the request is approved, the Chief Business Court Judge shall issue an order assigning exclusive jurisdiction over the case to one of the Business Court Judges. The Chief Business Court Judge has the discretion to assign a Business Court case arising from any county to any of the Business Court Judges. The assignment order shall be provided to counsel of record, the assigned Business Court Judge, the Chief Judge for Administrative Purposes (civil) where the case is filed, and the Clerk of Court for the respective county.

(4) The Business Court Judge shall coordinate with the Chief Judge for Administrative Purposes (civil) of the respective county and Court Administration to schedule hearings and/or the trial. Assignment to the Business Court shall not affect venue or a party's right to a jury trial.

(5) The Chief Business Court Judge shall review the caseload activity of the Business Court Judges periodically during the program to ensure efficiency and appropriate use of judicial resources.

(6) 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.

(f) Effective Date; Prior Orders Rescinded. This order is effective immediately and shall remain in effect until amended or rescinded by the Chief Justice. This Order supersedes all prior orders regarding the South Carolina Business Court Program.

s/ John W. Kittredge

Chief Justice

Columbia, South Carolina
August 1, 2024