

The Supreme Court of South Carolina

Re: Amendments to Rules 2 and 5, South Carolina Court-Annexed Alternative Dispute Resolution Rules

Appellate Case No. 2020-001509

ORDER

Pursuant to Article V, § 4A of the South Carolina Constitution, Rules 2 and 5 of the South Carolina Court-Annexed Alternative Dispute Resolution Rules are amended as set forth in the attachment to this order. These amendments shall be submitted to the General Assembly as provided in Article V, §4A of the South Carolina Constitution.

s/ Donald W. Beatty _____ C.J.

s/ John W. Kittredge _____ J.

s/ Kaye G. Hearn _____ J.

s/ John Cannon Few _____ J.

s/ George C. James, Jr. _____ J.

Columbia, South Carolina
January 29, 2021

Rule 2 of the South Carolina Court-Annexed Alternative Dispute Resolution Rules is amended to add new paragraphs (l) and (m), which provide:

(l) Online Dispute Resolution (ODR). The use of remote communication technology, such as video conferencing and teleconferencing which allows audio and/or video to be shared at differing locations in real time, at any stage of the ADR Conference or early neutral evaluation.

(m) Sign or signing. For purposes of these rules, the reference to sign or signing shall include the physical signature or electronic signature or electronic consent.

Rule 5 of the South Carolina Court-Annexed Alternative Dispute Resolution Rules is amended to add new paragraph (h), which provides:

(h) Online Dispute Resolution (ODR) in an ADR Conference or Early Neutral Evaluation. Unless a party objects, an ADR Conference or Early Neutral Evaluation may be conducted in whole or in part by ODR.

(1) The persons required to physically attend an ADR Conference or Early Neutral Evaluation under these rules may attend via ODR if agreed to by the neutral and all parties or as ordered or approved by the Chief Judge for Administrative Purposes of the circuit.

(2) A mediator, arbitrator, or evaluator shall at all times be authorized to control the use of ODR at any stage of an ADR Conference or Early Neutral Evaluation.