CHAPTER 27

Judicial Council

**SECTION 14‑27‑10.** Creation of Judicial Council.

 There is hereby created a Judicial Council, to be known as the Judicial Council of the State of South Carolina.

HISTORY: 1962 Code Section 15‑2101; 1957 (50) 43.

Library References

Courts 45.

Westlaw Topic No. 106.

C.J.S. Courts Section 133.

**SECTION 14‑27‑20.** Composition.

 The Judicial Council is composed of the following:

 (1) the Chief Justice of the Supreme Court of South Carolina or some other member of the court designated by him or her;

 (2) the Chief Judge of the South Carolina Court of Appeals;

 (3) two circuit court judges of the State;

 (4) two family court judges of the State;

 (5) two probate judges of the State;

 (6) the Attorney General or one of the Assistant Attorneys General or one of the circuit solicitors;

 (7) the Dean or a member of the faculty of the Law School of the University of South Carolina;

 (8) one person recommended by the Charleston School of Law;

 (9) the President of the South Carolina Bar or his designee;

 (10) the Lieutenant Governor or his designee;

 (11) the Speaker of the House of Representatives or his designee;

 (12) the Chairman of the Senate Finance Committee or his designee;

 (13) the Chairman of the House Ways and Means Committee or his designee;

 (14) the Chairman of the Senate Judiciary Committee or his designee;

 (15) the Chairman of the House Judiciary Committee or his designee;

 (16) the Director of the Legislative Council;

 (17) six other members, of whom at least four must be members of the bar of this State;

 (18) two summary court judges: one shall be a magistrate court judge, and one shall be a municipal court judge; and

 (19) two masters‑in‑equity.

HISTORY: 1962 Code Section 15‑2102; 1957 (50) 43; 1973 (58) 332; 1977 Act No. 112 Section 1; 1988 Act No. 678, Part III, Section 1, eff January 1, 1989; 2012 Act No. 244, Section 1, eff June 18, 2012.

Library References

Courts 45.

Westlaw Topic No. 106.

C.J.S. Courts Section 133.

**SECTION 14‑27‑30.** Chief Justice shall appoint certain members; other shall serve ex officio.

 The Chief Justice of the Supreme Court shall appoint the following members to the Judicial Council: the two circuit court judges; the two family court judges; the two probate judges; the two summary court judges; the two masters‑in‑equity; the Attorney General or one of the Assistant Attorneys General or one of the circuit solicitors; the Dean or member of the faculty of the Law School of the University of South Carolina; one person recommended by the Charleston School of Law; and the six remaining members of the Judicial Council.

 The Lieutenant Governor, the Speaker of the House or their designees, the Chairmen of the Senate Finance Committee, House Ways and Means Committee, Senate Judiciary Committee, and House Judiciary Committee or their designees, the Director of the Legislative Council, and the President of the South Carolina Bar or his designee all serve ex officio.

HISTORY: 1962 Code Section 15‑2103; 1957 (50) 43; 1977 Act No. 112 Section 2; 1988 Act No. 678, Part III, Section 2, eff January 1, 1989; 2012 Act No. 244, Section 2, eff June 18, 2012.

CROSS REFERENCES

Committee members, rather than chairmen, elected to serve ex officio on boards and commissions, see Section 2‑1‑90.

Library References

Courts 45.

Westlaw Topic No. 106.

C.J.S. Courts Section 133.

**SECTION 14‑27‑40.** Terms.

 Members of the Judicial Council serve for the following terms:

 (1) If he designates no other member of the Supreme Court, the Chief Justice serves during his term of office. If the Chief Justice designates some other member of the court, the other member serves during his term of office.

 (2) The Lieutenant Governor, Speaker of the House or their designees, and the Chairmen of the Senate Finance Committee, House Ways and Means Committee, Senate Judiciary Committee, and House Judiciary Committee or their designees serve during their respective terms as those officers.

 (3) The person recommended by the South Carolina Bar and appointed by the Chief Justice serves coterminous with the term of the President of the South Carolina Bar who makes the recommendation of the person for appointment.

 (4) The Chief Judge of the South Carolina Court of Appeals serves during his term of office.

 (5) The member of the legal department of the State (Attorney General, one of the Assistant Attorneys General, or one of the circuit solicitors) serves for a period of four years.

 (6) The Dean or member of the faculty of the Law School of the University of South Carolina and the person recommended by the Charleston School of Law serve for a period of four years.

 (7) The two circuit court judges serve for a period of four years each.

 (8) The two family court judges serve for a period of four years each.

 (9) The two judges of the probate courts serve for a period of four years each.

 (10) The Director of the Legislative Council serves during his term of office.

 (11) The two summary court judges serve for a period of four years each.

 (12) The two masters‑in‑equity serve for a period of four years each.

 (13) Three of the remaining six members of the Judicial Council must be appointed initially for terms of two years each, and three members must be appointed initially for terms of four years each. After the initial appointments, all six members must be appointed for terms of four years each.

 The members designated in items (4), (5), (6), (7), (8), (9), (11), and (12) cease to be members of the Judicial Council before the expiration of their respective terms if they cease to hold the official positions entitling them to membership on the Judicial Council.

HISTORY: 1962 Code Section 15‑2104; 1957 (50) 43; 1977 Act No. 112 Section 3; 1988 Act No. 678, Part III, Section 3, eff January 1, 1989; 2012 Act No. 244, Section 3, eff June 18, 2012.

Library References

Courts 45.

Westlaw Topic No. 106.

C.J.S. Courts Section 133.

**SECTION 14‑27‑50.** Vacancies.

 When a vacancy occurs, it shall be filled for the remainder of the term.

HISTORY: 1962 Code Section 15‑2105; 1957 (50) 43.

Library References

Courts 45.

Westlaw Topic No. 106.

C.J.S. Courts Section 133.

**SECTION 14‑27‑60.** Authorization for per diem, subsistence, and mileage.

 Members of the council shall receive for each meeting attended the per diem, subsistence, and mileage provided by law for members of state boards, commissions, and committees which must be paid from appropriations provided by the General Assembly for the operation of the council. The secretary of the council shall approve all vouchers.

HISTORY: 1962 Code Section 15‑2106; 1957 (50) 43; 1988 Act No. 368, eff March 14, 1988.

Library References

Courts 45.

Westlaw Topic No. 106.

C.J.S. Courts Section 133.

**SECTION 14‑27‑70.** Duties.

 The Judicial Council shall have the following duties:

 (1) To make a continuous study and survey of the administration of justice in this State, and of the organization, procedure, practice, rules and methods of administration and operation of each and all of the courts of the State, whether of record or not of record, and of each and all of the agencies, boards, commissions, bodies and officers of the State having and exercising quasi‑judicial functions and powers;

 (2) To receive and to consider and, in its discretion, to investigate criticisms and suggestions pertaining to the administration of justice in the State;

 (3) To collect, compile, analyze and publish statistical and other information concerning the work of the courts of the State and such other information as the Council may prescribe from time to time; and

 (4) To recommend to the General Assembly or to the courts of the State or to any officer or department of the State, either upon request or upon the Council’s own motion, such changes in the law or in the rules, organization, operation or methods of conducting the business of the courts, and of each and all of the agencies, boards, commissions, bodies and offices of the State having and exercising quasi‑judicial functions and powers, or with respect to any other matter pertaining to the administration of justice, as it may deem desirable.

HISTORY: 1962 Code Section 15‑2107; 1957 (50) 43.

Library References

Courts 45.

Westlaw Topic No. 106.

C.J.S. Courts Section 133.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Reference Section 8, Master‑In‑Equity.

LAW REVIEW AND JOURNAL COMMENTARIES

Haynsworth, The 1981 Revision of the South Carolina Business Corporation Act: A Critique and Agenda for Further Reform. 33 S.C. L. Rev. 449, March 1982.

NOTES OF DECISIONS

In general 1

1. In general

South Carolina Judicial Department (SCJD) did not have a duty to supervise a Master‑In‑Equity’s bank accounts and his audit books in action by lenders who lost foreclosure proceeds due to embezzlement by Master’s employee; statute governing Chief Justice’s authority to examine administrative methods of employees nor statute governing authority of Judicial Council imposed such a duty, and duty was imposed by statute upon county. Bank of New York v. Sumter County (S.C. 2010) 387 S.C. 147, 691 S.E.2d 473. Equity 397

**SECTION 14‑27‑80.** Duties of certain members performed as part of the duties of their offices.

 The duties performed by the Chief Justice of the Supreme Court, or other member of that court designated by him, by the circuit judges, inferior court judges and probate judges, by members of the legal department of the State, and by the Lieutenant Governor, Speaker of the House, legislative members, director of the Legislative Council and dean of the Law School of the University of South Carolina shall be performed as a part of the duties of their respective offices.

HISTORY: 1962 Code Section 15‑2108; 1957 (50) 43.

Library References

Courts 45.

Westlaw Topic No. 106.

C.J.S. Courts Section 133.

**SECTION 14‑27‑90.** Certain officials shall make reports.

 The judges and clerks of the courts of the State, and the sheriffs, solicitors and other officers of the State and its subdivisions, shall render to the Council such reports as it may request upon matters within the scope of its duties.

HISTORY: 1962 Code Section 15‑2109; 1957 (50) 43.

Library References

Courts 45.

Westlaw Topic No. 106.

C.J.S. Courts Section 133.

**SECTION 14‑27‑100.** Receipt and expenditure of funds.

 The Council may receive and expend funds received as grants, appropriations or gifts from foundations or any other source in connection with the duties of the Judicial Council, including studies and surveys looking towards the improvement of the administration of justice.

HISTORY: 1962 Code Section 15‑2110; 1957 (50) 43.

Library References

Courts 45.

Westlaw Topic No. 106.

C.J.S. Courts Section 133.