

Accountability Report Transmittal Form

Agency Name: South Carolina Administrative Law Court

Date of Submission: September 15, 2008

Agency Director: Chief Judge Marvin F. Kittrell

Agency Contact Person: Jana E. Shealy, Clerk

Agency Contact's Number: 734-6411

Section I - Executive Summary

Mission and Values

The Administrative Law Court is an autonomous quasi-judicial agency and court of record within the executive branch of state government. The provisions establishing the Court are contained in Article 5, Chapter 23 of Title 1 of the 1976 South Carolina Code of Laws. The Division of Motor Vehicle Hearings was created in 2005 and is an office within the South Carolina Administrative Law Court. When used herein, “the Agency” means the Administrative Law Court and the Division of Motor Vehicle Hearings collectively while “the Court” refers to the Administrative Law Court and “DMVH” refers to the Division of Motor Vehicle Hearings. (Effective October 1, 2008, the DMVH will become the Office of Motor Vehicle Hearings or OMVH pursuant to Act 279 of 2008.)

The Court’s mission is to provide a neutral forum for fair, prompt and objective hearings for any person(s) affected by an action or proposed action of certain State agencies or departments. Previously, citizens desiring an evidentiary hearing to challenge the action of a State agency were heard by hearing officers employed or contracted by that particular agency.

The Court's jurisdiction is statutory in nature. Because the Court is an agency within the executive branch of state government, its power to hear a particular type of case from a particular agency is derived exclusively from the legislative branch of state government, the General Assembly. The Court has jurisdiction over three types of matters:

Contested cases. Administrative law judges (ALJs) preside as the fact finder in all contested cases involving agencies and departments of the executive branch of state government in which a single hearing officer was previously authorized to hear and decide such cases, with certain exemptions.

Appeals. ALJs hear appeals from final decisions of contested cases before professional and occupational licensing boards or commissions within the Department of Labor, Licensing and Regulation. The Court also has appellate jurisdiction to review final decisions of various other boards or departments. Also, the Court hears appeals from certain final decisions of the Department of Corrections pursuant to Al-Shabazz v. State, 338 S.C. 354, 527 S.E.2d 742 (2000) and from certain final decisions of the Department of Probation, Parole and Pardon Services, pursuant to Furtick v. S.C. Dept. of Probation, Parole and Pardon Services, 352 S.C. 594, 576 S.E.2d 146 (2003).

Regulation hearings. ALJs preside over public hearings held during the promulgation of regulations by an agency or department for which the governing authority is a single director. Upon the conclusion of a regulation hearing, an ALJ issues a written report including findings as to the need and reasonableness of the proposed regulation. If the report includes a finding of a lack of need or lack of reasonableness, the report may include suggested modifications to the proposed regulation.

The DMVH is statutory in nature also and has five Hearing Officers who conduct hearings in accordance with Chapter 23 of Title 1, the Administrative Procedures Act, and the rules of procedure for the Administrative Law Court.

The DMVH provides a neutral forum for fair, prompt and objective hearings for persons affected by an action or proposed action of the South Carolina Department of Motor Vehicles, ensuring due process and respecting the dignity of all.

Under the South Carolina Administrative Procedures Act, ALJs have the power to issue those remedial writs as are necessary to give effect to the Court's jurisdiction. Further, ALJs have the power to issue injunctions and enforce subpoenas as well as the same power at chambers or in open hearing as do circuit court judges, which includes the power of contempt.

The Agency's contested case hearings and other proceedings are open to the public unless confidentiality is allowed or required by law.

Key Strategic Goals

- Improve the age of disposed cases
- Provide fair, prompt and impartial hearings for all litigants
- Enhance information and services provided to customers on the Agency's website
- Update/improve information technology

Opportunities

- Continued partnership with PRT for IT support
- New performance review/appraisal process to enhance employee satisfaction and accountability
- Go live date scheduled for case management system

Barriers

- Less than desired percentage of cases being disposed of within agency guidelines
- Budget reduction
- Roadblocks to technological renovation of courtrooms

Major Achievements

- Case Management System set to go live in October 2008
- Development of new performance review/appraisal process designed to enhance employee satisfaction, growth and accountability

Accountability Report

Information from the Report is used throughout the year by the Court to review and assess the areas regarding the delivery of its service that may need improvement.

Section II – Organizational Profile

- **Description of Major Products and Services**

A Final Order is issued in every case filed with the Court or the DMVH. The Final Order provides a final resolution to all issues in the case. The processes that result in the issuance of the Final Order include the pre-hearing activity of filing documents, sharing information, participating in scheduling conferences, addressing motions, and conducting pre-hearing conferences. Most cases proceed to a hearing, which is the opportunity for both sides of the dispute to present their case. Finally, there will be the collection of any legal research necessary for the ALJ or Hearing Officer to write the Final Order. All of the processes comprise the single service of the Agency – to handle and dispose of administrative law disputes.

- **Key Customers and Stakeholders**

Litigants (including those who are the license or permit holders and those individuals that may protest the licenses and permits), attorneys, certain state agencies and local governments, the media, and other interested citizens are the Agency's key customers. Those persons are also considered stakeholders, along with the Governor, members of the General Assembly and any citizen or taxpayer of the state that has the potential to become involved in a proceeding before the Agency.

- **Key Suppliers**

The General Assembly provides the Agency with its jurisdiction through existing law and the creation of new statutes. The Judicial Branch provides case law that may have precedential value on future decisions issued by the Agency. Key customers provide factual and legal information during the process of the hearing and give input that may be incorporated into new rules or procedures for the Agency.

- **Number of Employees**

44 (33 positions are filled, leaving a 25% vacancy rate. All positions are unclassified)

- **Operation Locations**

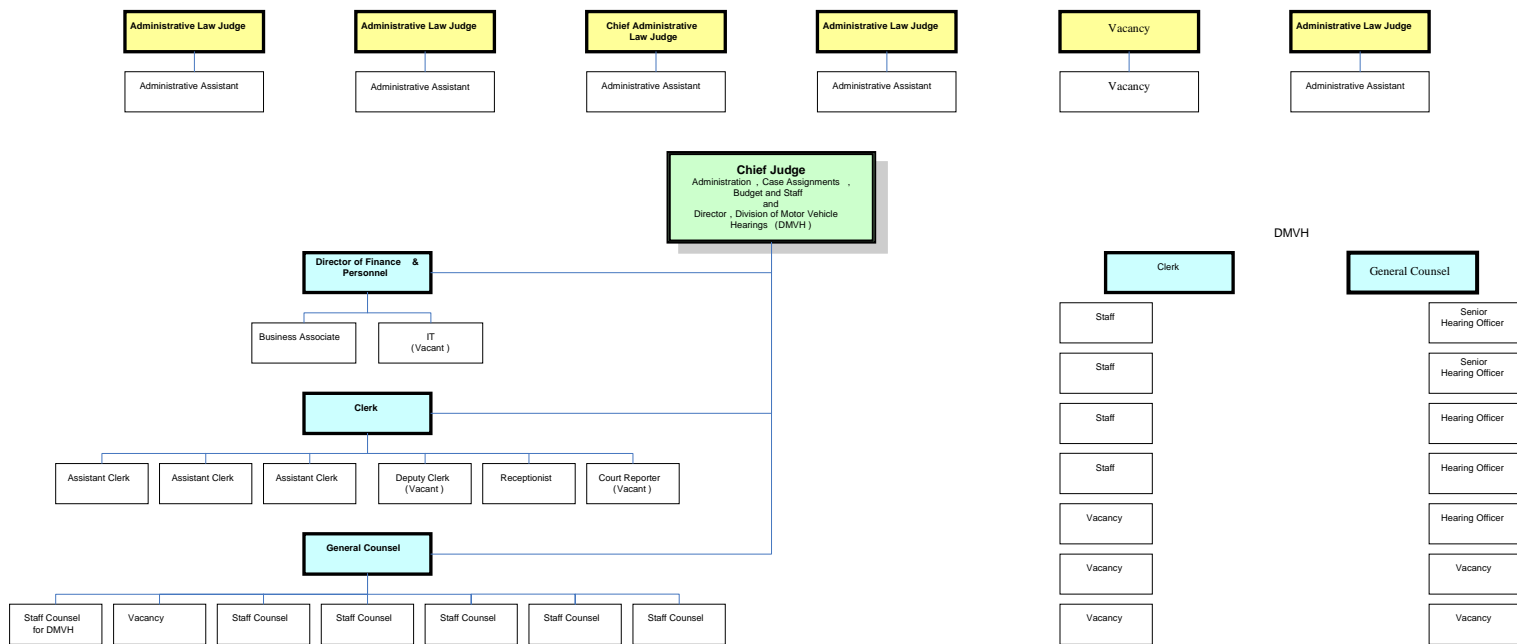
South Carolina Administrative Law Court
Edgar A. Brown Building, Suite 224, 1205 Pendleton St., Columbia

Division of Motor Vehicle Hearings
Edgar A. Brown Building, Suite 325, 1205 Pendleton St., Columbia

- **Organizational Structure**

The Chief Judge is the administrative head of the Court, hiring and supervising all administrative staff, and is also the Director of the DMVH. The structure of the administrative staff within the Court has changed significantly over the past several years. Currently, the positions comprising the administrative staff are the Business Office, which is responsible for finance and personnel, facilities management and information technology of the entire Agency, including the DMVH; the Office of General Counsel for research/legal support; and the Clerk's Office, which is responsible for caseload management, contract court reporters, governmental affairs, and assistance to the Chief Judge for overall administration of the Court and the DMVH. The Chief Judge and the other five ALJs have a law clerk that each hires and supervises. Each judge also has a staff counsel assigned specifically to him or her for research and drafting. Within the DMVH there are two Senior Hearing Officers, three Hearing Officers and four support staff. The Hearing Officers report directly to the ALC General Counsel and the staff report directly to the ALC Clerk. The Clerk and General Counsel are responsible to the Chief Judge/Director.

SC Administrative Law Court 2008



Accountability Report Appropriations/Expenditures Chart

Base Budget Expenditures and Appropriations

	FY 06-07 Actual Expenditures		FY 07-08 Actual Expenditures		FY 08-09 Appropriations Act	
Major Budget Categories	Total Funds	General Funds	Total Funds	General Funds	Total Funds	General Funds
Personal Service	\$ 1,679,737	\$ 1,411,074	\$ 1,966,060	\$ 1,645,910	\$ 1,960,603	\$ 1,660,603
Other Operating	\$ 492,956	\$ 136,395	\$ 529,598	\$ 190,334	\$ 444,869	\$ 144,869
Special Items						
Permanent Improvements						
Case Services						
Distributions to Subdivisions						
Fringe Benefits	\$ 438,073	\$ 389,194	\$ 536,446	\$ 442,915	\$ 518,598	\$ 429,370
Non-recurring						
Total	\$ 2,610,766	\$ 1,936,663	\$ 3,032,103	\$ 2,279,159	\$ 2,924,070	\$ 2,234,842

Other Expenditures

Sources of Funds	FY 06-07 Actual Expenditures	FY 07-08 Actual Expenditures
Supplemental Bills		\$ 177,736
Capital Reserve Funds		
Bonds		

South Carolina Administrative Law Court Major Program Areas

Program Number and Title	Major Program Area Purpose (Brief)	FY 06-07 Budget Expenditures	FY 07-08 Budget Expenditures	Key Cross References for Financial Results*
I. SCALC Hearings	Process, hear, and decide contested cases, appeals, regulation and injunctive relief matters from state agencies pursuant to Article 1, Sect. 22 of the SC Constitution, S.C. Code Ann 1-23-500 et seq., <u>Al-Shabazz v. State</u> and various agency specific statutes.	State: 1,633,396.00 Federal: Other: 183,430.00 Total: 1,816,826 % of Total Budget: 69%	State: 1,972,837.00 Federal: Other: 153,541.00 Total: 2,126,378.00 % of Total Budget: 71%	<i>Fig. 7.2-1 to 7.2-2</i>
I. Admin Overhead	Administration of the Agency (the Court and DMVH) , particularly in regards to Agency Accounting, Human Resources, Budgeting, and Receptionist Functions	State: 141,248.00 Federal: Other: Total: 141,248.00 % of Total Budget: 6%	State: 193,733.00 Federal: Other: Total: 193,733.00 % of Total Budget: 6%	NA
I. DMVH Hearings	Process, hear and decide administrative hearings required by SC motor vehicle and driver license laws pursuant to South Carolina Code Title 56, Administrative Procedures Act, and Financial Responsibility Act.	State: 162,019.00 Federal: Other: 490,672.00 Total: 652,691.00 % of Total Budget: 25%	State: 112,589.00 Federal: Other: 599,403.00 Total: 711,992.00 % of Total Budget: 23%	<i>Fig. 7.2-3</i>

Below: List any programs not included above and show the remainder of expenditures by source of funds.

Case Management Supplemental, One Time Supplemental Funds for Business Associate New Position

Remainder of Expenditures:	State: Federal: Other: Total: % of Total Budget:	State: Federal: Other: 177,736.00 Total: 177,736.00 % of Total Budget:
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* Key Cross-References are a link to the Category 7 - Business Results.

These References provide a Chart number that is included in the 7th section of this document.

Section III - Elements of Malcolm Baldrige Award

Category 1 - Leadership

The Chief Judge of the Court is responsible for the administration of the Agency pursuant to S.C. Code Ann. §§ 1-23-570 and 1-23-660. The Chief Judge is ultimately responsible for the fiscal and administrative accountability of the Court. This includes budgetary matters, assignment of cases and the duties and responsibilities of the administrative staff and the Hearing Officers and staff of the DMVH. The Chief Judge sets administrative policy for the Agency and appoints the Clerk of the Court. The five ALJs serve as senior leaders in the Court and are often consulted with by the Chief Judge regarding administrative matters for the Court. However, most of the ideas affecting the Agency direction are initiated by the Chief Judge and/or Clerk and are researched by the Clerk and the General Counsel at the direction of the Chief Judge. The Chief Judge also consults the hearing officers in developing policy for the DMVH. Changes to the Internal Rules or the Court's Rules of Procedure must be voted on by the ALJs pursuant to S.C. Code Ann. § 1-23-650. As appropriate, new policies for the Court are circulated to the ALJs for comment before they are implemented. However, pursuant to S.C. Code Ann. § 1-23-660, only the Chief Judge has the authority to promulgate rules governing practice and procedures before the DMVH. The Clerk is the Chief Judge's primary assistant in administering the policy and serves as manager of the Agency.

Timetables and goals for the timely disposition of assigned cases were initially set when the Court was first created. Periodically, these timetables are reviewed by the ALJs, Chief Judge and Clerk, and adjusted by the Clerk at the direction of the Chief Judge. The importance of these performance expectations is tied directly to the Court's one mission, which sets the Agency's organizational values. The Chief Judge and the other ALJs are responsible for ensuring the efficient disposition of cases assigned to each. Although the Chief Judge is the administrator of the Court, and the other ALJs serve as senior leaders, each ALJ has autonomy over the cases he or she is assigned to preside over. Therefore, each ALJ and his or her law clerk are responsible for ensuring the fair and prompt disposition of the cases assigned to their office. The timeframes for issuing the highest volume of DMVH decisions (implied consent or BAC) are defined by statute. In those cases, the decision has to be issued within 30 days of the hearing date.

Most empowerment issues arise with employees who work directly for the ALJs, or within the Clerk's Office. No actions by the ALJs as a group have been necessary to accomplish this. The ALJs might review or endorse opportunities for institutional and/or individual learning, but usually the Chief Judge or the Clerk's Office initiates these activities. Any ALJ or staff member may request to attend training of which he or she becomes aware.

As with organizational values, most policies governing employee and judicial ethics were approved by the ALJs during the first several years after the Agency was created in 1994. The ALJs are bound by the Code of Judicial Conduct pursuant to S.C. Code Ann. § 1-23-560. The ALJs and the Court attorneys are bound by the Code of Professional Conduct. Further, all Court staff are subject to the provisions of South Carolina Appellate Court Rule 507, and Rule 506, Canon 8. The DMVH Hearing Officers are bound by the Code of Judicial Conduct, South Carolina Appellate Court Rule (SCACR) 506, Canon 8 regarding confidences gained in the course of employment and SCACR 507 regarding political activity.

Category 2 - Strategic Planning

The Agency is a small organization consisting of two tiers. The Court essentially has seven different offices: the six judges' offices and the administrative staff. The only program is the prompt and fair disposal of all cases filed with the Agency. Although no formal strategic plan is in place, the Court has informal plans for achieving certain goals, particularly in regard to improvement of information technology and improvement of the age of disposed cases in order to enhance our main goal of providing fair, prompt and impartial hearings for all litigants. The second tier of the Agency is the DMVH. The implied consent hearings have to be held within 30 days of the request for hearing and an order has to be issued within 30 days of the date of the hearing. For the other case types within DMVH there is no statutory requirement on time frames. However, a significant portion of those decisions are issued within 30 to 45 days of the hearing. (Pursuant to Act 201 of 2008 the time frames for implied consent hearings will be deleted effective February 10, 2009.)

The assignment of cases to an ALJ is accomplished using an internal rotation system to ensure an equitable distribution of quantity and complexity of cases. The legal support staff assists the ALJs in the research and drafting of orders. The administrative staff provides support functions, such as case management, financial, personnel, and facilities management. This allocation of resources and workload is used to assist in the timely disposal of cases.

The ALJs are periodically advised of external events that may affect jurisdiction and/or caseload. Shifts of personnel to accommodate changes in jurisdiction, if necessary, will be implemented after discussion with the ALJs. As a result of the budget cuts, contract court reporters are used on a regular and on-going basis in lieu of full-time employees. This was discussed with the ALJs and implemented by the Chief Judge.

In consultation with the ALJs, time standards for disposing of each type of case before the Court have been developed. Statistics are generated annually, which track the progress in meeting those time standards. Reports are shared informally with ALJs, and any adjustments to the objectives or measures will normally be provided to the ALJs for review prior to implementation. The Annual Accountability Report is provided on the Court's website at www.scalc.net.

Strategic Planning

Program Number and Title	Supported Agency Strategic Planning Goal/Objective	Related FY 07-08 Key Agency Action Plan/Initiative(s)	Key Cross References for Performance Measures*
01000000 Admin.	Improvement of information technology	Implementation of Case Management System	Section I – Opportunities and Major Achievements
01000000 Admin.	Provide fair, prompt and impartial hearings for all litigants	Improvement of age of case at disposition – ongoing	Section III – <i>Fig. 7.2-1</i>

Category 3 - Customer Focus

The Agency's key customers are the litigants who bring cases before an ALJ or a DMVH Hearing Officer. The litigants include individuals, business entities, and their attorneys, as well as state and local governmental agencies and their attorneys. Ultimately, the public at large has a stake in the Agency's caseload as it offers a checks-and-balances effect on the exercise of the state's regulatory authority, typically to issue licenses and permits.

As cases are filed with the Court, litigants and their attorneys are identified. The needs and requirements of the customers have been discussed in staff meetings, ALJ meetings and with the Standing Rules Committee. Customers (representatives of litigant groups) have been represented on the initial advisory committee created to draft proposed rules of procedure for the Court, and the permanent Standing Rules Committee (which consists primarily of attorneys from across the state). The drafting of Rules of Procedure is the primary process in addressing litigants' needs and expectations. Most often, the input from customers is translated into a new rule or amendment to an existing rule or procedure.

Regular input from the Standing Rules Committee assists the Court in refining its procedural rules and in meeting its customers' needs and concerns. Input is also obtained from professional associations such as the South Carolina Bar, the South Carolina Administrative and Regulatory Law Association, the South Carolina Association of Certified Public Accountants, as well as continuing legal education programs. Sometimes the information may be provided in the context of an individual case that illustrates a need for amending a rule or policy. Informal feedback is encouraged and received from agencies, departments and attorneys. The DMVH promulgated rules regarding their procedures with input from various agencies and attorneys.

Receiving input from affected customers is valuable and helps ensure a successful operation. Typically, this is done by receiving and discussing informal feedback from the litigants. The ALJs, Hearing Officers and staff develop professional relationships with agency heads, attorneys who practice before the Agency, individuals who are not represented by attorneys and other groups such as county assessors who have appeared in cases before the Court. One particular distinction among the customers of the Agency is that some are represented by attorneys and others represent themselves (referred to as pro se litigants). The Agency is very aware of the needs of those who are unrepresented and ALC Rule 10 addresses those needs.

Category 4 – Measurement, Analysis and Knowledge Management

The Clerk's Office recommends two measures – the "Age of Disposed Cases Report" and "Workload Report" (See **Fig. 7.2-1** to **Fig. 7.2-3**) – for use by the Agency to determine success in disposing of cases promptly. These measures are two of the most commonly used statistics by states' civil courts, as reported by the National Center for State Courts.

The Clerk's Office is responsible for maintaining the Court's official File Book, which also serves as the database of case information, and is used to generate reports. The data is audited on a random, but periodic basis. Also, the ALJs' offices receive weekly reports on pending cases that are used to verify accuracy of case information. The DMVH Administrator maintains the official File Book for the DMVH for use in the same manner. All the data is maintained for the Agency's overall caseload and reporting information.

The workload report is used to maintain the system of grouping case types for purposes of assigning cases to the ALJs. The even distribution of case assignments by the Chief Judge to the ALJs

is not only fair, but it also allows for the most efficient balancing of workload to get the maximum number of cases disposed of in the shortest amount of time. The age of disposed cases report is also useful in identifying case types that require more time for disposition so that different procedures might be considered to improve efficiency.

In addition to the two key performance measures, the Agency maintains an in-house electronic directory of all its issued decisions. This database provides the best method of collection and maintenance of organizational knowledge. Although most cases have their own individual facts, the ALJs, Hearing Officers and staff can share research and knowledge by reviewing previously issued decisions with similar legal questions.

Because there are few other courts or agencies in South Carolina, if any, structured the same as our Agency, very little relevant data exists. The most useful comparative data is historical, from prior year reports of the Agency's workload. However, the Court does review relative information and best practices from other states that have a central panel, or office of administrative hearings, similar to the Agency.

Category 5 - Human Resource Focus

The success of the Agency in achieving its mission and goals is contingent on its staff meeting their full potential. By responding to the individual and professional needs of the staff through continuing education, staff training and professional development, the Agency is able to accomplish its mission and achieve its goals. Managers recommend and encourage staff to attend pertinent training and continuing educational courses to enhance their knowledge and capabilities for job growth and excellence in performance.

New employee orientation and training is required for the varying responsibilities of the Agency. The Business Office is responsible for administering employee orientation, the safety policy and training and benefit counseling. All ALJs, Hearing Officers and staff receive orientation, training, and counseling based on their needs, skills and abilities.

For the past several years, the court has used an informal approach to performance appraisals. Prior to that, the Court utilized formal performance appraisals to build and maintain professionalism, knowledge, skills, and abilities of the staff. After research and comparison to performance appraisals and reviews utilized by other courts across the country, the Court modified its previous appraisal forms and created a new process. The intent was to enhance employee satisfaction, growth and accountability. The ALJs, Clerk, General Counsel and Director of Finance and Personnel have one on one contact with the person(s) they supervise daily and each provides feedback regarding strengths and weaknesses and suggestions for improvement. Evaluation, input, and feedback between the supervisor and employee establish a means for performance requirements that develop success criteria for each duty.

The Agency follows the safety standards set by the Office of General Services. Employees are given a safety plan in their orientation packets and are asked to stay abreast of updates and policy changes. New or changed safety policies are provided to each employee as they are adopted. A monitored, secured office environment helps maintain a high standard for a safe and healthy work environment.

The ALJs, Hearing Officers and employees are encouraged to attend functions sponsored by professional organizations such as the South Carolina Bar and the South Carolina Administrative and Regulatory Law Association. Non-legal employees are active in professional organizations such as the South Carolina Agency Directors Association, the South Carolina Government Finance Officers

Association, and the South Carolina Administrative and Regulatory Law Association. The ALJs and/or staff have participated in leadership development programs such as the South Carolina Executive Institute and the Certified Public Managers Program. The Agency employees are encouraged to be active in various religious and civic organizations of their choice and many participate in the United Way campaign.

Category 6 - Process Management

The typical life cycle for a case before the Agency has four phases: the initial filing and processing phase, the pre-hearing phase, the hearing phase, and the order-writing phase. Most of the factors influencing these four processes are defined by the Court's procedural rules. The review and/or amendment of these rules are usually drafted and recommended by the Standing Rules Committee, reviewed by the ALJs, and then submitted to the General Assembly for approval. Rules specific to the DMVH were submitted for promulgation during the 2007 Session of the General Assembly.

Each of the four phases of a case's life cycle affects the amount of time needed to dispose of a case. The ALJs' staff, Clerk's Office staff, and the DMVH staff work diligently to minimize any unnecessary delay during each of the four phases.

The single most important support process involves the use of the Court's staff and legal resources. The General Counsel and Clerk provide a valuable support process in providing an historical perspective on current procedural issues faced by the Agency. Periodically, various strategies for optimally using the General Counsel's Office and the law clerk positions have been considered and tested. From time to time, legal research software has been updated to take advantage of new technology.

To improve performance for contractor interactions, the Court has developed instructions for the use of contract reporters for hearings. These procedures have been developed to maximize the benefits derived from this arrangement. Also, the Clerk's Office is in constant contact with the contract reporters and their office to monitor their needs in order to maximize their performance. The hearings conducted by the DMVH Hearing Officers are recorded, and if requested or appealed to the Court, contract reporters are used for the transcription.

Category 7 – Business Results

Since the primary mission of the Court is to seek the prompt disposal of cases, the "Age of Disposed Cases Report" (*Fig. 7.2-1*) is the best available measurement of attempts to satisfy customer expectations.

During FY 2007-08, twenty-eight specific case types were tracked for the Court and ten case types for the DMVH. The twenty-eight case types are divided into four categories, based upon complexity and normal length of time between the filing of a case to final disposition. For the case types included in "Category I", the objective is to dispose of most of these cases within 90 days, or to maintain an average age (between filing and disposition) of 90 days or less. In "Category II," the objective is 120 days and, in "Category III," the objective is 180 days. "Category IV" includes only inmate grievance appeals from the Department of Corrections and the objective is 120 days. The "Age of Disposed Cases Report" indicates for each case type and category the total number of cases disposed, the average age of those cases at disposition, and the percentage of cases disposed within the suggested time frames. As with any adjudicatory process, there are legitimate reasons requiring additional time for processing cases to conclusion within the desired time frames, such as requests for continuances, lengthy

discovery, complicated research efforts, motions, and other jurisdictional or procedural issues which might arise during the life of the case.

Fig. 7.2-1

AGE OF DISPOSED CASES REPORT FOR THE COURT

	Total Cases Disposed	Avg. Age at Disposition	% Meeting Objective
Category I Case Types: Objective = 90 Days	290	113	50
Insurance rate cases [DOI]	1	248	0
Insurance agent application/disciplinary cases [DOI]	8	176	12.5
Wage disputes [LLR]	1	133	0
Alcoholic beverage license applications/renewals [DOR]	93	77	69
Alcoholic beverage license violations [DOR]	71	136	28
Concealable weapons permitting cases [SLED]	14	136	50
Setoff Debt Collection [SETOFF]	1	131	0
Consumer Affairs [CA]	10	173	30
Injunctive relief hearings	42	67	69
Public hearings for proposed regulations	30	73	73
Miscellaneous cases	19	218	11
Category II Case Types: Objective = 120 Days	208	253	23
Hunting/Fishing and Coastal Fisheries violations [DNR]	--	--	--
Boating under the influence	2	132	50
Health licensing cases [DHEC]	12	227	25
Outdoor advertising permits [DOT]	2	50	100
Disadvantaged Business Enterprises/Displacement[DOT]	6	162	33
Retirement Systems [RET]	17	216	35
Appeals from DMVH [DMVH]	155	263	20
Appeals from professional licensing boards [LLR]	14	311	21
Category III Case Types: Objective = 180 Days	178	256	47
Certificate of need cases [DHEC]	16	167	63
Environmental permitting cases [DHEC]	29	376	41
OCRM cases [DHEC]	37	258	54
Medicaid Appeals [HHS]	15	263	47
Bingo violations [DOR]	2	458	0
State tax cases [DOR]	40	212	40
County property tax (real and personal) cases [DOR]	31	254	39
Appeals of day-care or foster care license revocations	8	148	75
Category IV Case Types: Objective = 120 days	1235	243	51
Inmate grievances [DOC & PPPS]	1235	243	51
ALL CASE TYPES	1911	226	44
ALL CASE TYPES excluding inmate grievances	676	194	41

NOTE: DOI: Dept. of Insurance; LLR: Dept. of Labor, Licensing and Regulation; DNR: Dept. of Natural Resources; DOR: Dept. of Revenue; DHEC: Dept. of Health and Environmental Control; HHS: Dept. of Health and Human Services; DSS: Dept. of Social Services; SLED: State Law Enforcement Court; DOC: Department of Corrections; PPPS, Department of Probation, Parole and Pardon Services; RET: South Carolina Budget and Control Board, SC Retirement Systems; DMVH: Division of Motor Vehicle Hearings; CA: Department of Consumer Affairs

The Court's percentage of total cases meeting the time standards for disposition remained relatively level at just under 70% in the first several years of operation. During FY 98-99 and FY 99-00 there was a slight dip in the percentage of cases timely disposed of due to the resignation of two ALJs. A further decrease is shown for FY 00-01 and FY 01-02 as a result of the inclusion of the inmate grievances as well as budget and staff reductions. The Court was at full capacity during FY 02-03 and FY 03-04, but there were back to back vacancies from FY 04-05 to FY 05-06, which was a contributing factor to another slight dip in the disposition time standards. In FY 06-07 the Court was back to full capacity. However, over the last several years, discovery issues and the motion practice in the more complex cases before the Court has grown extensively, which has contributed to the age of disposed cases remaining at its current percentage rate.

The two charts below compare the percentage of cases meeting the time standard for disposition from year to year. The first chart includes all inmate filings, but excludes them in the second chart.

Fig. 7.2-1a

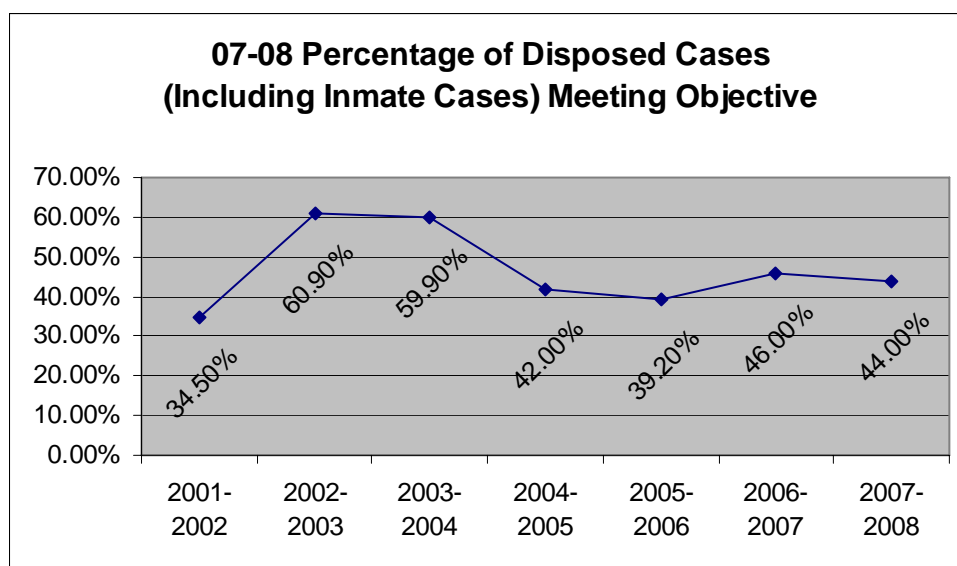
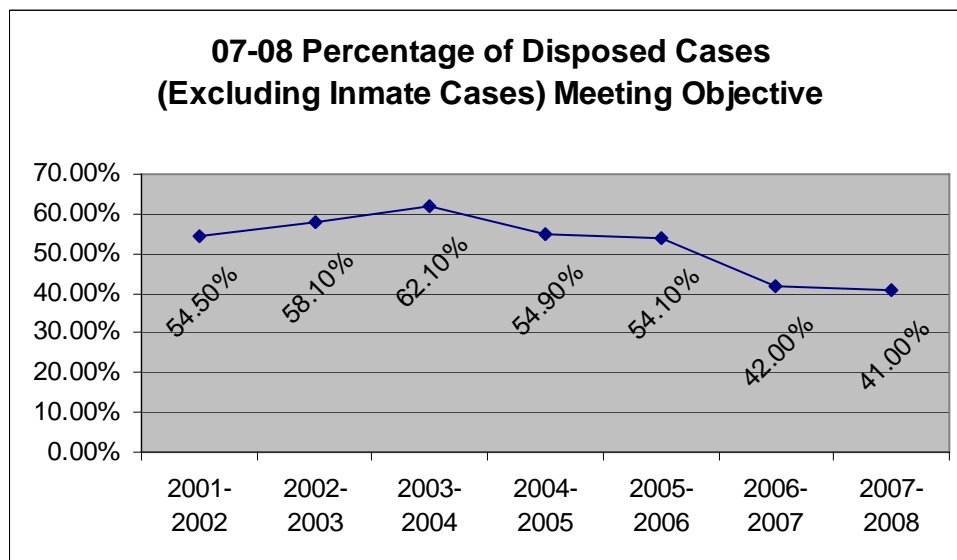


Fig. 7.2-1b



The table and chart below compare for each fiscal year the number of cases filed with the Court, and the number of final decisions issued.

Fig. 7.2-2

THE COURT'S WORKLOAD REPORT BY YEAR SINCE 2001

FILINGS			FINAL DECISIONS			
FISCAL YEAR	*CCs, RHs, IJs, and & other appeals	<u>Al-Shabazz/Furtick</u> Appeals	TOTAL CASES FILED	*CCs, RHs, IJs, and & other appeals	<u>Al-Shabazz/Furtick</u> Appeals	TOTAL FINAL DECISIONS
FY 01-02	572	1,139	1,711	602	1,863	2,465
FY 02-03	569	1,114	1,683	558	1,058	1,616
FY 03-04	477	836	1,313	481	860	1,341
FY 04-05	479	933	1,412	470	628	1,098
FY 05-06	878	1,454	2,332	534	1,621	2,164
FY 06-07	668	1,085	1,753	848	1,266	2,114
FY 07-08	631	1,179	1,810	676	1,235	1,911

*CC - Contested Cases, RH – Regulation Hearings, IJ - Injunctions

Fig. 7.2-2a

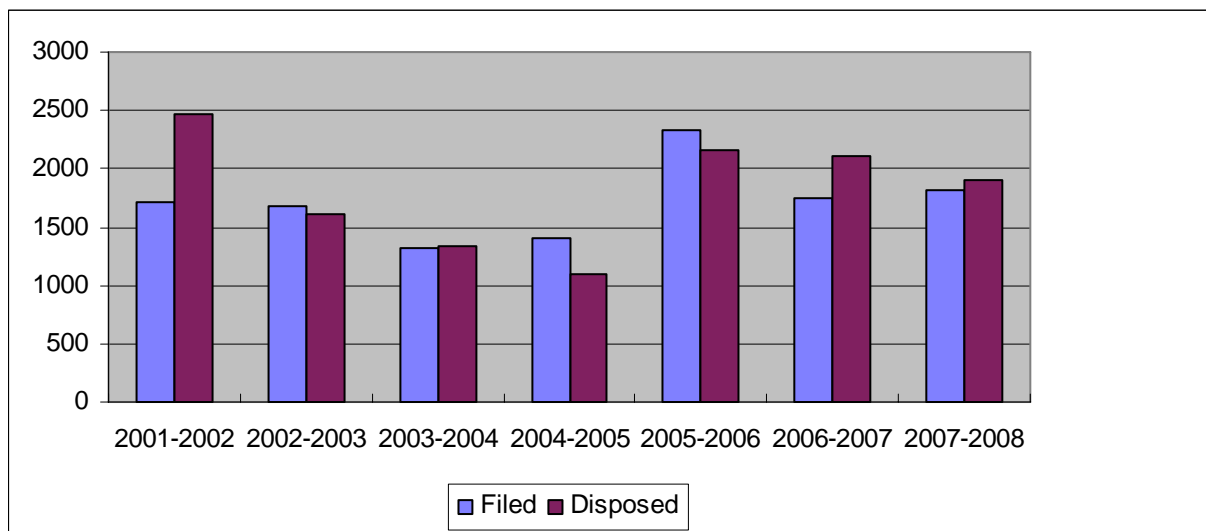


Fig. 7.2-3

DMVH WORKLOAD REPORT from 7/1/07 to 6/30/08

Case Type #	Description	TOTAL CASES FILED	TOTAL FINAL DECISIONS
01	Implied Consent or BAC	4046	3811
02	Habitual Offender 1 st Declared	65	60
03	Habitual Offender Reduction	126	109
04	Financial Responsibility	119	99
05	Dealer Licensing	6	3
06	Physical Disqualification	3	2
07	IFTA	4	5
08	Self-Insured	--	--
09	Driver Training School	--	--
10	IRP	--	--
TOTAL		4369	4089

DMVH WORKLOAD REPORT from 7/1/06 to 6/30/07

Case Type #	Description	TOTAL CASES FILED	TOTAL FINAL DECISIONS
01	Implied Consent or BAC	3314	3307
02	Habitual Offender 1 st Declared	52	46
03	Habitual Offender Reduction	157	153
04	Financial Responsibility	100	93
05	Dealer Licensing	3	2
06	Physical Disqualification	2	2
07	IFTA	3	3
08	Self-Insured	0	0
09	Driver Training School	0	0
10	IRP	1	1
TOTAL		3632	3607