

**STATE OF SOUTH CAROLINA  
JUDICIAL DEPARTMENT**



**ANNUAL ACCOUNTABILITY REPORT  
FISCAL YEAR 2008- 2009**

**September 15, 2009**

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**Accountability Report Transmittal Form**

Agency Name: South Carolina Judicial Department

Date of Submission: September 15, 2009

Agency Director: Honorable Jean H. Toal, Chief Justice

Agency Contact Person: Rosalyn W. Frierson, Director, Court Administration

Agency Contact's Telephone Number: 734-1800

## SECTION I

### EXECUTIVE SUMMARY

#### **1. PURPOSE, MISSION, VISION, AND VALUES**

By the adoption of Article V, Section 1, of the South Carolina Constitution, the people of this State established the Judicial Department as the administrator of a unified judicial system (the Judicial Branch), one of the three co-equal branches of South Carolina State Government.<sup>1</sup> At some point, virtually every citizen of the state has contact with the Judicial Department, whether that contact is direct because of involvement in a civil dispute or criminal matter or indirect because the citizen's life is affected by a decision of a trial or appellate court that could involve local zoning, taxation, or interpretation of a state statute. The Judicial Department works constantly to provide a court system that not only is fair but also is perceived as fair, in which all persons are treated equally and all matters are resolved in an unbiased and just manner according to the law as established by the United States Constitution, the Constitution of South Carolina, state statutes, and the common law.

**The mission of the Judicial Department is to ensure that an accessible forum is available for the resolution of civil disputes and criminal matters in a fair and efficient manner.**

Values are defined as the principles, goals, and standards held by society. The Judicial Department balances the tradition of the courts with its modernization by upholding its core values:

Fundamental belief in justice for all

Commitment to the people of South Carolina

Focus on improving results

Dedication to collaboration within the Judicial Branch and with appropriate outside entities

Expectation of professional and ethical behavior

#### **2. MAJOR ACHIEVEMENTS FROM PAST YEAR**

This past fiscal year July 1, 2008 thru June 30, 2009 has been one of global financial crisis unlike any since The Great Depression. The State of South Carolina, all of the state agencies and all of the 46 counties have had to address severe budget cuts and shortfalls. The Judicial Department was no exception. Through this economic crisis, the Judicial Department not only made cuts to achieve cost savings, the Judicial Department also used innovative thinking and ideas to change some of the approaches and procedures to handle the court's business more efficiently and effectively using the limited resources available and without the burden of additional costs.

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<sup>1</sup> Throughout this report, the term "Judicial Department" includes those departments and divisions directly funded by the State. The term Judicial Branch refers to all entities included in the unified judicial system, funded both by the State and locally by counties and municipalities.

Through the combined efforts of judges, administration and staff, the Judicial Department has attained notable achievements this year. Some of the accomplishments significantly improved specific operations within the courts while others have solidified the changing direction, attitude, and approach of individuals working in and with the Judicial Branch. The following achievements have been identified:

- In May 2009, the Chief Justice issued an administrative order regarding residential mortgages subject to the federal Home Affordable Modification Program (HMP). This order helps insure that eligible homeowners have been afforded the benefits available under the HMP, that the procedures for handling issues relating to the HMP are handled uniformly throughout the State, and that mortgage foreclosure actions are not unnecessarily dismissed or delayed while HMP issues are resolved.
- In July 2008, the Supreme Court of South Carolina created the Rules Advisory Committee composed of lawyers and judges. This Committee, which replaces the Ad Hoc Civil Rules Committee that has existed since the adoption of the South Carolina Rules of Civil Procedure in 1985, will make recommendations to Supreme Court regarding the adoption or amendment of rules governing the administration of or the practice and procedure before the trial courts of South Carolina.
- The Supreme Court of South Carolina made amendments to the South Carolina Appellate Court Rules (SCACR) to reflect the passage of Act 413 of 2008 relating to DNA evidence. This included amending Rule 606 to establish longer retention periods for evidence subject to the Act and establishing a new rule, Rule 247, to provide for certiorari review of DNA testing decisions made by the circuit or family court.
- Several specialized docket management programs were continued and a few new ones were added this year as efforts to better utilize existing and available court resources to address the judicial needs of the public, both individuals and corporations. The following specialized dockets are now in progress in South Carolina:
  - Established multi-week circuit court dockets for Beaufort, Charleston, and Horry counties.
  - General Sessions criminal dockets are being managed by judges in the 1<sup>st</sup> and 7<sup>th</sup> Judicial Circuits in collaboration with the Solicitors.
  - Condemnation cases continue to be heard by a single judge.
  - Business Courts pilot program is under evaluation for expansion.
  - ADR Commission and use of mediation continues to expand.
  - Fast track jury trials is a pilot program being tried in three Lowcountry counties.
  - A General Sessions non-jury docket was designed to be piloted in the upcoming fiscal year.
- The Judicial Department worked with the Supreme Court Access to Justice Commission to develop and post the Self-Represented Litigant Simple Divorce Packet on the Judicial Department website to provide a means to the public, primarily people of low to modest means, to better understand the judicial process and represent themselves in Family Court.
- The Judicial Department worked the Supreme Court Access to Justice Commission to film videos designed to provide training and assistance to judges in working effectively with self-represented litigants. These videos have been requested by the National Center for State Courts (NCSC) to be incorporated into their training programs for judges at the national level.

- In July 2008, the Access to Justice Commission trained new magistrate judges during their orientation on how to manage self-represented litigants effectively in the courtroom.
- On December 11 -12, 2008, the Access to Justice Commission was the subject of an SCETV special for The Big Picture television and radio show, with special focus on Self-Represented Litigants. On the television show, Mark Quinn, the show's host, interviewed Chief Justice Jean Hoefer Toal and Robin Wheeler of the Commission as well as legal service provider, clerks of court and self-represented litigants. The television and radio show focused on what the Judicial Department and the Access to Justice Commission are doing to address the increase in self-represented litigants in the courtroom.
- The Access to Justice Commission completed seven regional meetings held across the state to discuss and consider increasing public access to justice. On November 5, 2008, the Supreme Court of South Carolina held a public hearing and heard remarks from various speakers about the barriers and obstacles that citizens, particularly those who must use self-representation due to their low or moderate income, face in accessing the state court system.
- Throughout the year, the Access to Justice Commission with active efforts from the Judicial Department, including the County Clerks of Court, Court Administration, and Information Technology addressed issues regarding the court appointment of lawyers pursuant to South Carolina Court Rule 608.
- The Access to Justice Commission developed signage for display in the courthouses that informs the public and distinguishes between the clerical services and legal information that court personnel can readily provide and the legal services that court personnel cannot readily provide.
- The Department of Justice (DOJ) Bureau of Justice Assistance (BJA) and the National Center for State Courts (NCSC) conducted a site visit with the Judicial Department in December 2008 to better understand the South Carolina approach to the technology initiatives and the collaboration between the Judicial Department and the counties. These national organizations are touting South Carolina as a model for other states and jurisdictions.
- Authorized use of videoconferencing equipment in conducting preliminary hearings, bond hearings, and plea hearings for those offenses committed within the jurisdiction of the magistrate or municipal court where a defendant is located in any detention facility within the state.
- At the end of fiscal year June 30, 2009, the statewide court case management system (CMS) was in production in 27 counties which manage approximately 74 percent of the total state caseload. Twelve (12) of these counties are being hosted directly by the Judicial Department. The other fifteen (15) counties are hosting the court CMS themselves.
- At the end of fiscal year June 30, 2009, the statewide solicitor case management system was in production in 13 of the 16 judicial circuits which manage approximately 81 percent of the state criminal docket.
- With the dramatic increase in the use of mobile devices, including within the SC Judiciary, in August 2008, the Judicial Department website was configured to work with Blackberries and iPhones. The Judicial Department website, [www.sccourts.org](http://www.sccourts.org), automatically recognizes when a user is accessing it via a mobile device and automatically connects the user to the mobile version of the website. Numerous functionalities including working hyperlinks to phone numbers, email addresses, and other websites are enabling the South Carolina Courts

to better serve the public using the mainstream mobile technologies. The Judicial Department is now receiving approximately 8 million hits per month on the website.

- The requirements phase was completed and the prototyping and design phase began for the Family Court Case Management System (FCCMS) which is being developed as part of the Department of Social Services (DSS) overall statewide Child Support Enforcement System (CSES) project.
- Successfully implemented the new procedure in the Court of Appeals for assembling special panels ad hoc to handle expedited matters, including Department of Social Services cases involving the custody of a child.
- Successfully assimilated direct appeals from the Administrative Law Court (effective July 1, 2006) and from the Workers' Compensation Commission (effective July 1, 2007).
- Altered the workflow in the Court of Appeals Clerk's office to improve physical security within the Court of Appeals building and improve coordination among the various internal offices including the central staff attorneys' office. These changes enabled the Court of Appeals to develop streamlined processing of Anders and post-conviction relief (PCR) cases.
- In August 2008 the ABA Standing Committee on Professional Development provided the Supreme Court with their recommendations following the March 2008 evaluation. The recommendations were published on the judicial website for public comment. After comments were received, a subcommittee of the Chief Justice's Commission on the Profession was formed to review the recommendations and comments and prepare a proposal for the Court. The proposal included recommendations and outlined an action plan and rules revisions necessary for implementation.
- By order of the Chief Justice dated June 10, 2009, provided that the Chief Magistrate in any county of this State or any Chief Municipal Judge in any municipality of this State may designate an employee(s) of the court to approve bonds on those defendants who previously had an appropriate bond hearing but were unable to make bond at that time. The designated employee(s) also has authority to sign orders of release from confinement on those defendants whose bond they have approved.
- Created and distributed to all summary court judges a comprehensive list of criminal and traffic summary level offenses. The list indicated for each offense the minimum fine, the minimum fine with assessments, the maximum fine, the maximum fine with assessments, and the recommended roadside bond.
- Reviewed the current monitoring practices for Guardianship and Conservatorship cases in the Probate Courts and conducted a statewide survey of probate offices to identify practices and strategies that are currently being used.
- Worked in conjunction with the Probate Judges Advisory Committee to create the Probate Court Procedure Manual for Probate Court staff, which is in the final stages of development.
- Worked in conjunction with the Probate Judges Advisory Committee and State Archives to implement the revised Records Retention Policy for the Probate Courts.
- The South Carolina Court Interpreter Certification Program held Phase III, Oral Exam in March 2008, testing thirty-three candidates with one candidate passing and now designated the first certified Spanish interpreter through the S.C. Program.
- In a collaborative effort with DSS, the Judicial Department utilized the Court Improvement Program Data and Technology Grant to assist DSS legal division and county attorneys to acquire and implement a case management system to manage child and adult caseloads and better prepare them for court proceedings.

- The Office of Finance and Personnel continued with the development of Career Path Programs, first begun in the Office of Information Technology in 2006. Career Paths are now also in place in Court Administration, Court of Appeal's Clerk's Office, Finance & Personnel, Office of Disciplinary Counsel, and the Supreme Court Clerk's Office. Career Paths reward employees for acquiring job-related knowledge, skills, and abilities, and encourage employees to continue training and growing in their current position. Budget constraints have necessitated Career Path salary increases be put on hold.
- The Judicial Department employee newsletter titled, "The Docket", which began publication in October 2005, has now reached the milestone of the 85<sup>th</sup> edition. Editor in Chief, Sharlayne Bellamy, of Finance & Personnel, has been at the helm since the beginning.
- Fourteen employees from Court Administration participated in one or more training classes at SLED at no cost as part of the State Training Consortium. Classes offered included subjects such as Business Writing, Strategic Planning, Diversity and Respect in the Workplace, Effective Communications, as well as numerous others.
- Two employees from Finance & Personnel completed requirements for professional certifications in their field. Debbie Tilley, Grants Accountant, completed the Grants Management Certification Program, and Julie Boland, Procurement Officer, completed the Certified Professional Public Buyer Program.
- The Court of Appeals celebrated its 25<sup>th</sup> anniversary during the past fiscal year.

### **3. KEY STRATEGIC GOALS FOR PRESENT AND FUTURE YEARS**

It is understood that the upcoming fiscal year, July 1, 2009 thru June 30, 2010, is going to be another year of global financial crisis that will require the State of South Carolina, including the Judicial Department, to implement further cost cutting measures. In addition, the Judicial Department will also continue to consider and implement new innovations to further improve services to the public while improving efficiencies and effectiveness of internal operations without adding additional costs. The Judicial Department understands there is a limit to the cost cutting and innovation before the critical and foundational components are affected. In some realms of the courts, these limits have been reached, so the Judicial Department is enduring as best as it can. In other realms, the Judicial Department continues to streamline and utilize new thinking to make the best of the current economic situation and budget funds available.

Given the current economic times, the following significant efforts are planned for the Judicial Department:

- Through the South Carolina Court Interpreter Certification Program, cultivate the participating 280 court interpreters to enhance their interpreting skills and success in passing the Phase III Oral Exam with the ultimate goal to increase the number of certified court interpreters and thereby raise the level and quality of court interpreting in S. C.
- Continue to work with other agencies to develop and implement interfaces for the electronic exchange of data in accordance with the homeland security interface standards developed by the US Department of Justice (DOJ). Electronic ticketing is one such interface that is currently a statewide project being led by the SC Department of Public Safety (DPS) and involves numerous state and local agencies including the Judicial Department.
- Continue the deployment of the statewide court case management system to all forty-six (46) counties in the state.



- Continue the deployment of the statewide solicitor case management system to all sixteen (16) judicial circuits in the state.
- Continue to improve judicial operations and efficiencies through the use of technologies at all levels of court throughout the state.
- Finalize the access to court records (public-privacy) policy.
- Continue the momentum from the specialized court docket programs, Access to Justice Commission initiatives, and Commission on the Profession programs.
- Continue to study and develop a proposal for a Voluntary Appellate Mediation program.
- Apply the procedure in the Court of Appeals for assembling ad hoc panels to handle suppression motions in an expedited manner under section 17-30-110 of the South Carolina Homeland Security Act.
- Replace the obsolete case management system being used at the Supreme Court and Court of Appeals to eliminate some current manual processes, enhance the information available electronically, better utilize remote access and capabilities, and eliminate obsolete technologies that have become expensive to maintain and support. Similarly, replace obsolete systems being used at Court Administration.
- In conjunction with the Supreme Court and the Supreme Court's Access to Justice Commission, participate in the development of a pro se litigant guide: Self-Represented: Representing Yourself in South Carolina's Appellate Courts: A Guide for Civil Litigants and Criminal Defendants.
- Beginning in March of 2009, the Court of Appeals enforced compliance with the Supreme Court order dated March 18, 2009: Re: Extension Requests in Criminal Direct Appeals and Post-Conviction Relief Certiorari Proceedings to effectuate a reduction in extensions permitted in criminal appeals and a consequent reduction in the lifespan of criminal appeals.
- Implement the applicable recommendations proposed by the ABA Standing Committee on Professional Development and approved by the Supreme Court which will involve rule changes as well as procedural changes for the Commission on Lawyer Conduct, The Commission on Judicial Conduct and the Office of Disciplinary Counsel.
- Develop new reporting systems to increase the utility of the new case management systems installed in the Circuit and Magistrate Courts and Office of Disciplinary Counsel.
- Working with the National Center for State Courts (NCSC), the Judicial Department will analyze the availability and use of the limited trial court resources, both state and county, to improve efficiencies and effectiveness of overall judicial operations. This approach will enable South Carolina to leverage best practices from other states and trends that the NCSC has experienced nationwide, then apply them as appropriate in South Carolina.
- Building upon the collaboration from last year with the Attorney General's Office, SLED, Department of Mental Health, and Probate Court Judges to complete the reports that were mandated by the Federal Bureau of Investigation (FBI), the Judicial Department will continue to position South Carolina to be eligible for federal grant funds to assist the State in our efforts to improve the quality and completeness of criminal record information available to the National Instant Criminal Background Check System (NICS). Legislative action may be needed to make South Carolina fully eligible to receive funding because state statutes must coincide with the NICS Improvement Amendments Act of 2007 – State Relief from Disabilities Program which amended the Brady Act.
- The Judicial Department will continue working with the Pew Foundation and actively participating on the Sentencing Reform Commission to recommend sentencing reform to the

state legislature. This sentencing reform will be based on research based policies and practices that have been successfully deployed in other states and that are fiscally responsible and accountable. Results from this effort in other states are that violent offenders spend more time in prison and the overall cost to the taxpayers is less. South Carolina is striving for similar results.

#### **4. KEY STRATEGIC CHALLENGES**

The Judicial Department's ability to meet its goals is directly affected by constitutional mandates and separation of powers. The level of funding provided to the Judicial Department by the Legislative Branch is the overwhelmingly determinative factor in the quantity and quality of resources available to achieve the Judicial Department's objective to provide an efficient forum for resolution of issues brought forth through Legislative Branch enactments and actions initiated by the Executive Branch and citizens. Criminal prosecution is an Executive Branch function, and the number of cases filed and the disposition rate of those cases are largely controlled by the prosecutorial arm of state government. The Legislative Branch enacts legislation that impacts the Judicial Department's ability to meet its goals, as new laws are enforced by the Executive Branch and must be interpreted by the Judicial Department.

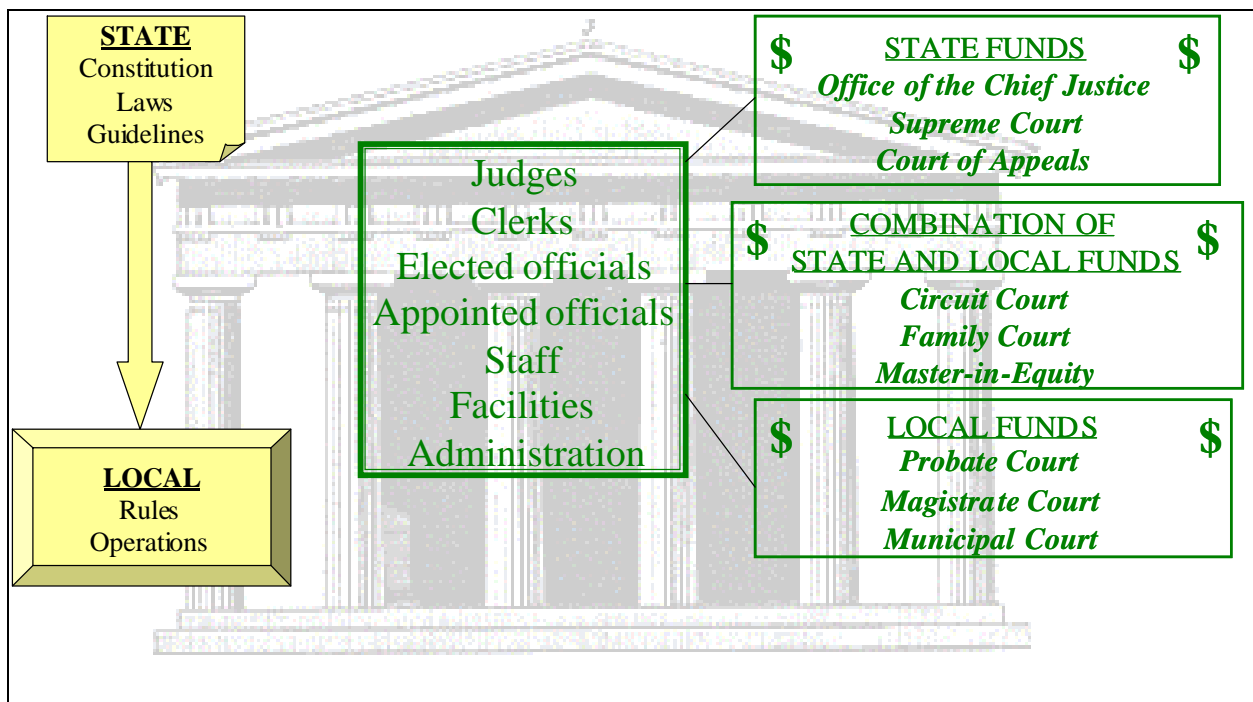
The current economic crisis is requiring agencies to further streamline their operations and eliminate some efforts that have been trying to position the agency for the future. Electronic data exchange is an example of an effort that eventually will save money and provide a more accurate and efficient method of exchanging data between agencies. However, some agencies have now halted efforts that were positioning themselves to be able to implement these types of electronic services due to lack of resources (both staff and financial). Therefore, the budget crisis is causing these types of collaborative projects to be put on hold and will cause unknown delays until these items either become enough of an individual priority (crisis) in these agencies or the resource levels within these agencies get replenished so that they can resume.

**Strategic challenges** for the Judicial Department for FY 2009-2010 are based on further leveraging the resources and skills of all Judicial Branch entities as follows:

- The ability to provide adequate services for all levels of the unified judicial system relies in large part on local funding. County and municipal governments bear responsibility to provide funding for county courthouses, clerks of court, magistrates, municipal judges, probate judges, and masters-in-equity and their staffs. A combination of state and local funding sources is required to operate the eight levels of court constituting the Judicial Branch.
- The Judicial Department will join with all agencies of S.C. State Government in the conversion to South Carolina's new statewide Enterprise Information System, or SCEIS. SCEIS is a revolutionary new business management system, designed to consolidate business processes into a single statewide system. Staff from Finance & Personnel and Information Technology are working with staff from SCEIS to convert our business functions (Accounting/Finance, Purchasing/Materials Management, Human Resources, Payroll, and Budgeting) to the new system.

- The Judicial Department continues its multi-year initiative to modernize the judicial system through the incorporation of technology into everyday court operations. The Judicial Department will continue partnerships with other state and federal agencies, including SLED, DPS, SCDC, DPPP, DSS, Department of Revenue, Election Commission, and the Office of the State CIO. In addition, the Judicial Department will continue its close collaboration with each of the 46 counties.
- The potential loss of expertise, knowledge and leadership over the next five years of approximately 20 percent of the permanent support staff, including key directors/managers, through retirements necessitates intensive ongoing recruitment, training and promotion programs.
- The rapid advances in technology combined with the increased dependence of daily court operations on technology present constant and changing challenges to the Judicial Department.
- Counties without technology resources continue to increase their reliance on the Judicial Department for technology support.
- Homeland Security continues to occupy the forefront of public awareness. The criminal justice system, specifically law enforcement and the courts, has become a focus of emphasis for public safety. The threat posed by terrorism highlights the critical role of our nation's state courts in maintaining the primacy of the rule of law.
- The judicial facilities across the state are public buildings that are not designed for tight security and are, for the most part, too open and accessible. The expense and operational changes that will be necessary to secure most of the facilities across the state is anticipated to be substantial and will require assistance from many funding sources to accomplish the security mission.

**Figure 4.2-1: Funding Sources for the Eight Levels of Court**



**5. HOW THE ACCOUNTABILITY REPORT IS USED TO IMPROVE ORGANIZATIONAL PERFORMANCE**

Throughout the year, the Chief Justice and Executive Team use the Accountability Report as a tool to assess progress toward goals and make adjustments in priorities, resource assignments, and allocations as required.

## **SECTION II**

### **ORGANIZATIONAL PROFILE**

#### **1. MAIN PRODUCTS AND SERVICES**

The Judicial Department delivers products and services in two areas: adjudication and administration. *See Section II, item 9 – Organizational Structure.* By adjudicating the cases and issues that come before its courts, the Department provides litigants with resolution and interprets the laws of the state. The various areas of administration involve the eight levels of court under the unified judicial system of the state.

#### **2. KEY CUSTOMER GROUPS AND THEIR REQUIREMENTS AND EXPECTATIONS**

The key customer groups of the Judicial Branch include:

- Litigants and counsel, who require and expect from the Judicial Department accessible forums for the efficient and fair resolution of disputes, consistent with the mission of the Judicial Department.
- Complainants, who require and expect a reasoned and appropriate response and action on the matters they bring before the Judicial Department.
- Non-litigants participating in court proceedings, who require and expect appropriate consideration be given, within statutory guidelines.
- Judges, clerks and staff at the locally funded level, who require and expect such support services as the Judicial Department is able to provide within the context of the constitutionally established unified judicial system, with due regard for the independent functioning of the various government jurisdictions and within the budgetary constraints on the Judicial Department.

#### **3. KEY STAKEHOLDER GROUPS**

The key stakeholder groups of the Judicial Branch include:

- Members of the South Carolina Bar
- Applicants
- Media
- General public

#### **4. KEY SUPPLIERS AND PARTNERS**

The key suppliers of the Judicial Department are the customers (citizens of South Carolina, agencies, businesses, etc.) of the other two branches of government, as those branches respond to the changing needs of their customers. The Legislative Branch enacts new statutes providing greater or different rights and protections for citizens. The Executive Branch, through the solicitors, Attorney General and the citizens of the State, enforces the Legislative enactments. The Judicial Branch then provides a forum for the application and interpretation of these enactments.

## **5. KEY OPERATING LOCATIONS**

The Supreme Court, Court of Appeals, Office of the Chief Justice and Court Administration are located in Columbia, with the other courts' facilities and personnel located throughout the 46 counties.

## **6. NUMBER OF PERSONNEL**

Table 6-1 identifies the various types of personnel affiliated with the Judicial Branch. Some of these personnel are employees of the county and are funded by the county.

**Table 6-1: Judicial Branch Personnel**

<b>NUMBER</b>	<b>DESCRIPTION</b>	<b>LOCATION</b>	<b>FUNDING SOURCE</b>
14	Justices and Appellate Judges	Court in Columbia; Offices throughout the state	State
98	Circuit and Family Court Judges	Throughout the 46 counties	State
370	Law clerks, appellate court clerks, staff attorneys, court reporters, judges' administrative assistants and clerical staff	Throughout the 46 counties	State
103	Court Administration, Finance and Personnel, Information Technology, and Office of Disciplinary Counsel	Columbia	State
22 + Staff	Masters-in-Equity Judges	Throughout the 46 counties	County
46 + Staff	County Clerks of Court	Each of the 46 counties	County
21 + Staff	Registers of Deeds	Throughout the 46 counties	County
46 + Staff	Probate Judges	Throughout the 46 counties	County
311 + Staff	Magistrates	Throughout the 46 counties	County
297 + Staff	Municipal Judges	Throughout the 46 counties	Municipalities
1 + Staff	State Grand Jury Clerk	Columbia	State – Attorney General's Office

## **7. REGULATORY ENVIRONMENT**

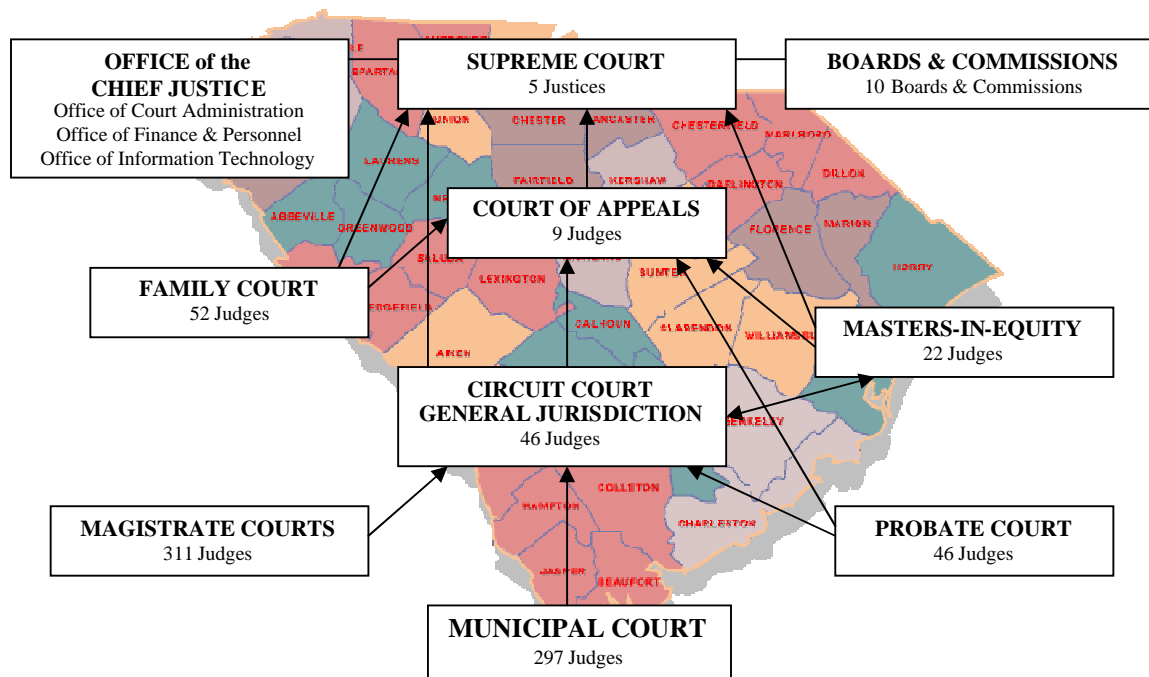
The Judicial Department operates under all applicable federal and state health and safety regulations. The Department is subject to state audits of its financial data. Security scanning equipment in the Supreme Court and John C. Calhoun buildings is kept under certification by SCDHEC.

## 8. PERFORMANCE IMPROVEMENT SYSTEM(S)

The Judicial Department's performance improvement system is proactive, continuous, and ongoing. It begins with constant attention to needs and concerns of stakeholders and customers. The data may be gathered through daily individual contact in the normal course of business operations and through meetings, conferences and formal notice of proposed rule-making. With this information, the Department leaders can set or alter priorities and monitor performance in areas already established as priorities.

## 9. ORGANIZATIONAL STRUCTURE

**Figure 9-1: South Carolina Judicial System**



The Judicial Department manages the statewide, unified judicial system. The organizational structure of the South Carolina Judicial Department can be categorized in two areas: (1) adjudication and (2) administration.

### 9.1 Adjudication

#### Supreme Court

The Supreme Court is the highest court in South Carolina. It has both appellate and original jurisdiction. In its appellate capacity, the Supreme Court has exclusive jurisdiction over any case:

- Including the sentence of death
- Setting public utility rates
- Challenging a state law or county or municipal ordinance on state or federal constitutional grounds
- Challenging the authorization or issuance of bonds or other indebtedness by the state, its agencies, counties, municipalities or other political subdivisions
- Challenging elections and election procedures

- Limiting investigation by the state grand jury
- Relating to an abortion by a minor

Additionally, cases filed in the Court of Appeals are sometimes transferred to the Supreme Court when the appeal involves novel issues of significant public interest. Also, the Supreme Court reviews decisions made by the other courts and issues writs to decide actions in its original jurisdiction. The Supreme Court provides litigants with a resolution of the matter from the highest court in the state and interprets and develops the law of this state. The Supreme Court's published decisions serve as binding precedent on all other courts in this state and, therefore, serve as a framework for how cases will be decided in the future, providing stability and predictability in the law. Finally, the Supreme Court may agree to answer questions of law submitted by federal courts or appellate courts of another state when South Carolina law may be determinative of the action pending in the other jurisdiction.

### **Court of Appeals**

The Court of Appeals is an intermediate appellate court that hears all appeals from the Circuit and Family Courts with the exception of the appeals that fall into one of the seven classes of exclusive jurisdiction reserved to the Supreme Court. The Court of Appeals, sitting in panels of three judges, reviews decisions of the lower courts by applying the law to the facts presented. The published decisions of the Court of Appeals, unless overruled by the Supreme Court, serve as precedent for the trial courts. In recent years, the General Assembly directed that appeals from the Administrative Law Court and the Workers' Compensation Commission would be taken directly to the Court of Appeals.

### **Circuit Courts**

Circuit Courts are South Carolina's trial courts of general jurisdiction. The courts of common pleas provide a forum for the resolution of civil disputes involving sums greater than \$7,500. Common pleas courts are available to issue injunctions to provide immediate relief and time for a thorough assessment of a particular situation, such as "to immediately, yet perhaps temporarily stop the demolition of a historic landmark." Also, through the Chief Justice's appointment of one judge to hear the entirety of a complex civil action, the circuit courts are able to resolve cases involving numerous parties and varied, complex causes of action. In criminal cases, the courts of general sessions protect the rights of the accused to a fair and impartial trial, protect the rights of the victim, and balance public safety and the goals of punishing and rehabilitating a convicted offender. In capital cases, again through the Chief Justice's appointment of one judge to preside over the case, the courts of general sessions are able to provide continuity in decision-making in these often highly emotional and difficult cases.

### **Family Courts**

The family courts provide a forum for the dissolution of a marriage and the division of marital assets. These courts hear and decide actions involving the most intimate details of citizens' lives and do so in a manner that strives to preserve the litigants' privacy while protecting the public's right of access to the courts. Family courts also hear and decide child abuse and neglect proceedings as well as child support matters, protecting the most vulnerable of South Carolina's citizens. Family courts also issue orders of protection from domestic abuse for abused family or household members. Family courts adjudicate juvenile delinquency matters, working with a multitude of executive



agencies as these courts balance public safety with the rehabilitative goals of the juvenile justice system.

### **Masters-in-Equity**

The master-in-equity courts are an extension of the court of common pleas, the civil side of the circuit court. These courts resolve civil cases that do not require a jury trial and typically involve contract disputes over property or construction and real estate foreclosures.

### **Probate Courts**

The probate courts provide citizens with a forum to probate wills and settle disputes over the distribution of the assets of estates. Probate courts also preside over proceedings for involuntary commitments, insuring that the rights of citizens who are suffering from a disability requiring involuntary commitment are protected while also insuring that, if necessary, these citizens receive treatment. In addition, South Carolina marriage licenses are issued by the probate courts.

### **Summary Courts**

The summary courts comprise both Magistrate and Municipal courts, which resolve the majority of cases filed in South Carolina. Magistrates hear a wide variety of disputes between citizens, such as landlord tenant cases and civil cases involving less than \$7,500. Magistrates also issue orders for protection from domestic abuse, restraining orders, arrest warrants, and search warrants assisting in criminal investigations. The summary courts set bonds for all criminal cases and directly decide criminal cases with penalties not exceeding 30 days imprisonment and/or a fine of \$500. The process for setting bonds is standardized statewide so all arrested persons receive a timely hearing. Municipal courts have the same criminal jurisdiction as Magistrate courts; however, Municipal courts have no civil jurisdiction.

### **Jury Service**

Jury service in circuit, probate, magistrate, and municipal courts is mandated by Art. I, § 14, of the South Carolina Constitution, South Carolina Code Ann. § 62-1-306, and Rule 38, SCRCPP, which provide for jury trials. The purpose of these provisions is to allow for parties to have their disputes decided by their peers.

## **9.2 Administration**

### **Supreme Court**

The Chief Justice, as the administrative head of the Judicial Branch, is responsible for the operation, both adjudicative and administrative, of the courts in the statewide, unified judicial system. Through orders and directives, she clarifies issues such as expungement procedures and limiting the appointment of counsel in post-conviction relief matters, which affect courts, customers and stakeholders around the state. The Chief Justice and the Supreme Court promulgate rules of practice and procedure for all South Carolina courts, judges, lawyers, and various commissions and boards of the Supreme Court. In addition to deciding cases, the Supreme Court licenses all attorneys practicing in the state and disciplines lawyers and judges for misconduct.

### **Office of Bar Admissions**

The Office of Bar Admissions is responsible for processing applications of individuals seeking admission to practice law in South Carolina. Additionally, it processes requests to be certified as

lead counsel in death penalty cases, requests for approval of trial experiences required before a lawyer may appear alone in the trial of a case, applications for out-of-state attorneys to appear in South Carolina courts or before administrative bodies *pro hac vice*, and requests for certificates of good standing for members of the South Carolina Bar. Finally, it assists the Board of Law Examiners in conducting the South Carolina Bar Examination and assists the Committee on Character and Fitness as it determines whether each applicant has the requisite character to be a member of the South Carolina Bar. The Board of Law Examiners and the Committee on Character and Fitness ensure that lawyers have the requisite legal knowledge, skills, and character to competently and ethically handle the legal affairs of the citizens of South Carolina.

### **Office of Disciplinary Counsel**

The Office of Disciplinary Counsel investigates and prosecutes complaints involving allegations of misconduct and incapacity on the part of lawyers licensed to practice law in South Carolina and judges who are part of the unified judicial system. Matters handled by the Office of Disciplinary System are filed with and processed through either the Commission on Lawyer Conduct or the Commission on Judicial Conduct. Matters not decided directly by either of these commissions are decided by the Supreme Court. The purpose of the disciplinary system is to protect citizens from lawyers or judges who fail to comply with the Rules of Professional Conduct, the Code of Judicial Conduct, or, because of mental or physical incapacity, could pose a danger to the public.

### **Court Administration**

Court Administration serves the Chief Justice in her capacity as the administrative head of the unified judicial system. This office has a wide range of responsibilities and duties, which include recommending to the Chief Justice schedules of terms for circuit and family court, assigning judges to preside over these terms, and scheduling and supervising the court reporters who transcribe the proceedings. Court Administration provides assistance to individual courts in jury management, record keeping, and case processing procedures. It provides reports, documents, data analysis and assistance to the Legislative and Executive branches on court related matters. Court Administration is also responsible for the state criminal docket report (CDR) codes that are utilized throughout the state criminal justice process by the criminal justice agencies within South Carolina. The office conducts legal education programs for judicial personnel at all levels of court in the state, including coordinating the annual Judicial Conference. In addition, Court Administration staffs several advisory committees that were established to provide advice and recommendations on improving the administration of the judicial system.

### **Finance and Personnel**

The Office of Finance and Personnel is responsible for the Judicial Department's internal fiscal operations. In addition to budgetary management, Finance and Personnel is responsible for all personnel matters, payroll and purchasing for the Judicial Department.

### **Office of Information Technology**

The Office of Information Technology (IT) continues to oversee and direct the implementation of the statewide Strategic Technology Plan to modernize the Judicial Branch. IT provides technology tools to support and enhance the daily court operations of the Judicial Department. Network infrastructures and Internet connectivity in the judicial facilities across the state, online Web services, and the deployment of the statewide court case management system are the primary focus

areas of the Judicial Department IT. IT also provides technology support and training as well as hardware, office automation, information security, email, and electronic legal research software. IT continues to investigate advancements in technology such as imaging, electronic signatures, and electronic document certifications to determine their feasibility within everyday court operations.

### **County Clerks of Court**

Clerks of Court are popularly elected in each county to four-year terms. By state statute, the clerk of court is the official record keeper for court records filed in each county. The clerk of court staff is the local liaison for the processing and handling of court files for judges, attorneys, and the public. They also respond to requests for records from federal, state, and local agencies. In addition to their other duties, clerks of court collect and disburse court-ordered child support payments, issue Rules to Show Cause in cases where court orders have not been followed, and file all court orders, including orders of protection from domestic abuse. Some clerks of court also serve as the county register of deeds. Registers of Deeds are responsible for recording all property transactions and maintaining these records.

## **10. EXPENDITURES/APPROPRIATIONS CHART**

The expenditures and appropriations for the Judicial Department are listed in Tables 10-1, 10-2, and 10-3.

**Table 10-1: Base Budget Expenditures and Appropriations**

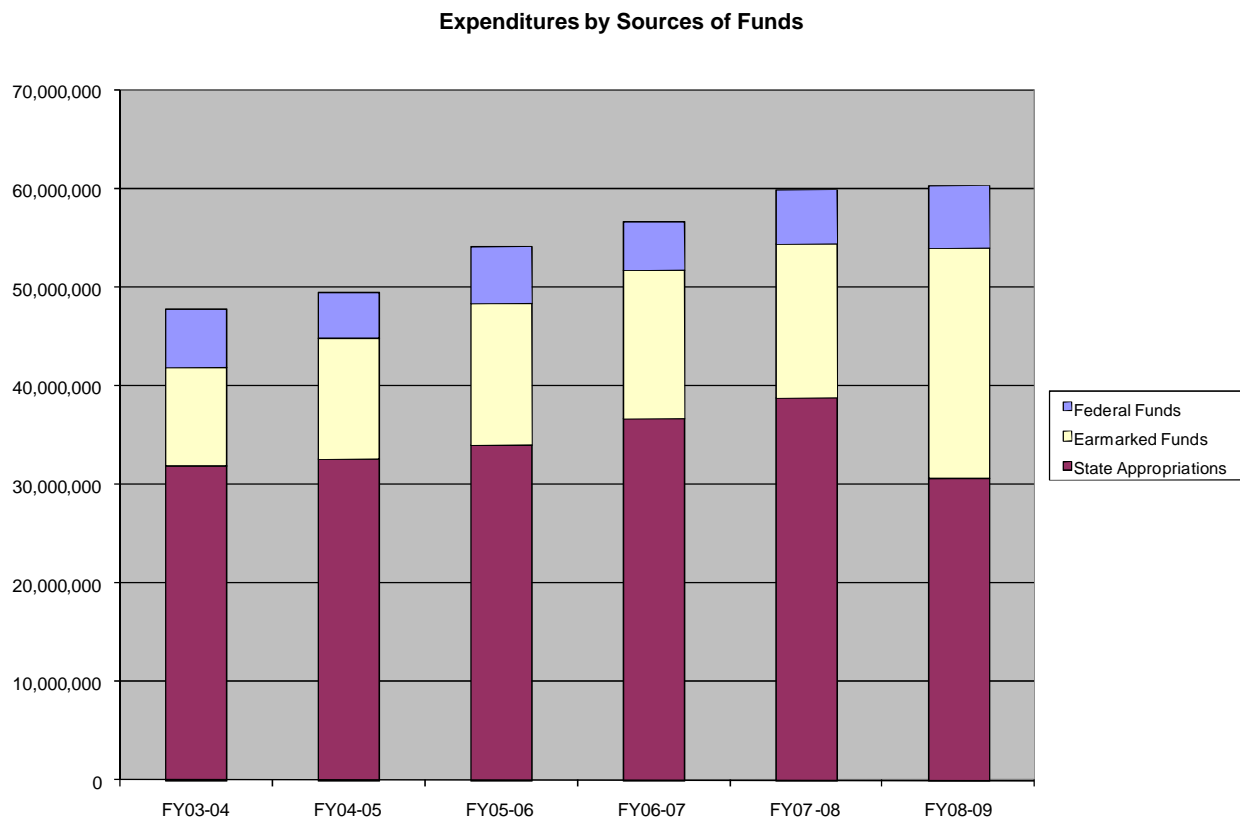
	<b>07-08 Actual Expenditures</b>		<b>08-09 Actual Expenditures</b>		<b>09-10 Appropriations Act</b>	
<b>Major Budget Categories</b>	<b>Total Funds</b>	<b>General Funds</b>	<b>Total Funds</b>	<b>General Funds</b>	<b>Total Funds</b>	<b>General Funds</b>
Personal Service	\$32,455,666	\$23,915,759	\$33,461,219	\$19,472,273	\$29,160,705	\$15,436,867
Other Operating	\$7,184,595	\$2,489,777	\$5,922,191	\$594,737	\$6,292,570	\$1,166,748
Special Items	\$6,593,461	\$500,000	\$6,814,444	\$0	\$8,359,410	\$0
Permanent Improvements	\$0	\$0	\$0	\$0	\$0	\$0
Case Services	\$316,330	\$0	\$349,965	\$0	\$0	\$0
Distributions to Subdivisions	\$0	\$0	\$0	\$0	\$0	\$0
Fringe Benefits	\$13,379,932	\$10,853,335	\$13,786,487	\$9,572,504	\$12,525,801	\$8,161,287
Non-recurring (A.R.R.A. funds)	\$0	\$0	\$0	\$0	\$4,000,000	\$0
<b>Total</b>	<b>\$59,929,984</b>	<b>\$37,758,871</b>	<b>\$60,334,306</b>	<b>\$29,639,514</b>	<b>\$60,338,486</b>	<b>\$24,764,902</b>

*\*In FY09-10, the General Assembly funded 41.04% of the Judicial Department's total budget needs. The remaining funds are currently received via revenue sources such as fees, surcharges, and federal grants.*

**Table 10-2: Other Expenditures**

Sources of Funds	07-08 Actual Expenditures	08-09 Actual Expenditures
Capital Reserve Fund	\$734,805	\$570,975
Federal Funds	\$5,495,072	\$6,262,290
Earmarked Funds	\$14,941,361	\$22,838,706
Supplemental Appropriations	\$999,875	\$1,022,821

**Table 10-3: Expenditures by Sources of Funds**



## 11. MAJOR PROGRAM AREAS CHART

### Major Program Areas

Program Number and Title	Major Program Area Purpose (Brief)	FY 07-08 Budget Expenditures		FY 08-09 Budget Expenditures		Key Cross References for Financial Results*
Supreme Court	This is the highest court in the state. It interprets the law of South Carolina and is the final rule-making body for all other courts in the state.	State: 4,383,000.11	7%	State: 3,561,863.15	6%	Table 1.1.1-1 and 1.1.1-2 & Figure 1.1.1-1
		Federal: 0.00	0%	Federal: 0.00	0%	
		Other: 962,080.50	2%	Other: 1,814,078.39	3%	
		Total: 5,345,080.61		Total: 5,375,941.54		
		% of Total Budget:	9%	% of Total Budget:	9%	
Appeals Court	This is an intermediate appellate court. This court reviews decisions of the lower courts for procedural and/or legal errors.	State: 1,849,604.96	3%	State: 1,893,450.31	3%	Table 1.2-1 and 1.2-2 & Figure 1.2-1
		Federal: 0.00	0%	Federal: 0.00	0%	
		Other: 3,180,758.16	5%	Other: 3,280,994.13	5%	
		Total: 5,030,363.12		Total: 5,174,444.44		
		% of Total Budget:	8%	% of Total Budget:	9%	
Circuit Court	The Circuit Courts are South Carolina's courts of general jurisdiction which are comprised of the General Sessions Courts (hear criminal cases) & Common Pleas (hear civil disputes).	State: 12,756,860.96	21%	State: 11,485,765.81	19%	Figure 1.5-1, 1.5-2, 1.5-4 and 1.5-5 & Table 1.5-1
		Federal: 0.00	0%	Federal: 0.00	0%	
		Other: 4,404,896.94	7%	Other: 6,191,394.51	10%	
		Total: 17,161,757.90		Total: 17,677,160.32		
		% of Total Budget:	28%	% of Total Budget:	28%	
Family Court	Family courts provide a forum for the resolution of disputes involving family matters: divorce, abuse and neglect, protection from domestic abuse, and juvenile matters.	State: 12,017,321.15	20%	State: 9,878,025.79	16%	Figure 1.5-3 and 1.5-6 & Table 1.5-1
		Federal: 0.00	0%	Federal: 0.00	0%	
		Other: 2,844,832.19	5%	Other: 4,972,426.04	8%	
		Total: 14,862,153.34		Total: 14,850,451.83		
		% of Total Budget:	25%	% of Total Budget:	25%	
Information Technology	IT provides the technology tools needed to modernize the Judicial Branch. It enables South Carolina to electronically exchange information with other state and local agencies.	State: 2,792,021.65	5%	State: 3,055,990.79	5%	N/A
		Federal: 5,495,071.93	9%	Federal: 6,262,289.57	10%	
		Other: 2,331,389.16	4%	Other: 2,586,088.52	4%	
		Total: 10,618,482.74		Total: 11,904,368.88		
		% of Total Budget:	18%	% of Total Budget:	20%	
Court Admin	Court Administration serves the Chief Justice in her capacity as the administrative head of the unified judicial system.	State: 1,494,620.57	2%	State: 3,665.00	0%	N/A
		Federal: 0.00	0%	Federal: 0.00	0%	
		Other: 201,403.15	1%	Other: 1,545,475.64	1%	
		Total: 1,696,023.72		Total: 1,549,140.64		
		% of Total Budget:	3%	% of Total Budget:	1%	

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

<b>Remainder of Expenditures:</b>	State: 3,465,316.38	6%	State: 783,575.27	1%
Bar Examiners, Disciplinary Counsel,	Federal: 0.00	0%	Federal: 0.00	0%
Administration(Finance & Personnel),	Other: 1,750,806.25	3%	Other: 3,019,223.20	5%
Judicial Commitment, Interpreters and	Total: 5,216,122.63		Total: 3,802,798.47	
Other Operating	% of Total Budget:	9%	% of Total Budget:	6%

## SECTION III

### ELEMENTS OF MALCOLM BALDRIGE CRITERIA

#### **CATEGORY 1 – SENIOR LEADERSHIP, GOVERNANCE, AND SOCIAL RESPONSIBILITY**

*Note: The term “senior leadership” refers to an organization’s senior management group or team. It consists of the head of the organization and his or her direct reports.*

**1. How do senior leaders set, deploy and ensure two-way communications for: a) short and long term organizational direction and organizational priorities, b) performance expectations, c) organizational values, and d) ethical behavior?**

**a) Short and long term organizational direction and organizational priorities.** The State Constitution establishes the Chief Justice as the administrative head of the unified judicial system. She is supported by the other members of the Supreme Court and her Executive Team and sets short- and long-term policies for the Judicial Branch. The Executive Team is composed of the Director of Court Administration, Clerk of the Supreme Court, Clerk of the Court of Appeals, Disciplinary Counsel, Director of Information Technology, and Director of the Office of Finance and Personnel. The Executive Team holds monthly meetings to discuss progress and obstacles to achieving Judicial Branch objectives. These meetings also include a periodic review of the Accountability Report goals. In this manner, the Executive Team has been able to remain focused on achieving the primary goals and objectives of the Judicial Department, which might otherwise be lost due to the limited time and resources available to the organization and the demands of day-to-day operations. The Chief Justice meets with the Executive Team when necessary and calls meetings when critical issues need to be addressed.

The Chief Justice is involved in a hands-on capacity in many of the initiatives of the Judicial Department, which requires her to work with the individuals on the Executive Team and staff on a daily basis. The Judicial Department holds periodic staff meetings, hosted by the Chief Justice, for judicial personnel in the Supreme Court and Calhoun buildings. These staff meetings are informative, promote development of working relationships among personnel from the various divisions, and help foster teamwork among employees.

The Chief Justice and members of the Executive Team participate in meetings and conferences that are held across the state at various times throughout the year. These presentations and discussions enable the direction of the Judicial Department to be readily communicated in person to judges, court reporters, clerks of court, the South Carolina Bar Association, South Carolina Trial Lawyers Association, South Carolina Defense Trial Attorneys Association and other participants in the unified judicial system including SLED, DPS, SCDC, DPPP, Solicitors, and Public Defenders.

Through her annual State of the Judiciary address to the General Assembly, the Chief Justice summarizes the status, progress, and initiatives (both current and visionary) of the Judicial Department. This speech outlines the direction that the Judicial Branch is taking. This presentation, held every year, is broadcast live and archived on the Judicial Department Web site.

**b) Performance expectations.** Performance expectations of the Judicial Department are now established through several different means. There are federal guidelines and laws with regard to case types and timeframes, which impact the Judicial Department. State legislation and guidelines are established in accordance with these federal rules. The increased emphasis on homeland security is putting further scrutiny on the performance of the Judicial Department.

The Judicial Department deploys and communicates performance expectations through a combination of reports and presentations. The caseloads of the Circuit and Family Courts are reported and aggregated by Court Administration on a monthly basis and published on the Judicial Department Web site. The Chief Administrative Judges, Clerks of Court, and Court Administration review these reports on a monthly basis, which continues to improve the accuracy of the reports and, in many cases, has reduced the backlog because of the heightened awareness of the needs of particular courts.

For the past several years, a color-coded map of the counties in the state has been used to visually illustrate counties with reliable, high-speed network and Internet connectivity and those without it. This map is called the “Go for the Gold” map. All counties now have reliable Internet connectivity; therefore the focus has shifted to assist the rural counties in establishing complete, county-wide networks.

**c) Organizational values.** The values of the Judicial Branch, as described in the Executive Summary, have evolved through time and tradition. Values are communicated and taught by the Chief Justice and members of her Executive Team primarily through the performance of daily work activities, which range from face-to-face contact with staff, customers, and stakeholders to deciding cases, disciplining lawyers and judges to protect the public, and participating in conferences and meetings of Judicial Branch entities.

**d) Ethical behavior.** All new employees are provided with training on ethical behavior, and ethics training is always included in seminars attended by judges and lawyers. In addition, employees receive the *Rules on Political Activity for Judicial Department Employees and Officers*. The *Code of Conduct for Staff Attorneys and Law Clerks* is provided to all staff attorneys and law clerks. The *Code of Judicial Conduct* and the *Rules of Professional Conduct*, which were adopted by the Supreme Court after soliciting and receiving comments from the legal community, the general public, and staff, are provided to judges and lawyers, respectively. Senior leaders monitor ethical behavior of their staff, and the Office of Disciplinary Counsel oversees the ethical behavior of all lawyers and judges within the Judicial Branch under the guidelines promulgated by the Supreme Court in the *Rules for Lawyer and Judicial Disciplinary Enforcement*.

## **2. How do senior leaders establish and promote a focus on customers and other stakeholders?**

The Judicial Department focuses on its customers and stakeholders through participation in meetings and conferences held by all entities associated with the Judicial Branch.

- The Chief Justice and her Executive Team participate in a full range of meetings and conferences from the annual, statewide judicial conference to county council meetings.
- Staff members attend Legislative hearings to learn the concerns of legislators and the public that may affect the Judicial Branch.

- Input from members of the South Carolina Bar is obtained from regular meetings with the Bar's leadership and attendance at the South Carolina Bar's Annual Meeting.

From the clerk of court counters to judges' chambers to the Web site, everyone within the Judicial Department interacts with customers and stakeholders on a daily basis.

**3. How does the organization address the current and potential impact on the public of its programs, services, facilities and operations, including associated risks?**

As discussed in **Section III, Category 6 –Process Management**, the Judicial Department identifies those individuals and groups affected by the Judicial Branch's operations and solicits their advice when addressing changes to the Judicial Branch's operations. The Clerks of Court Advisory Board, Judges Associations, and Judges Advisory Committees are examples of judicial committees established to provide guidance, generate new ideas, and assess impact to judicial personnel and the public. Input, in the form of requests for comments and public hearings, is also actively sought prior to changes being made in court rules and operations. Proposed changes to court rules are posted in the "Court News..." section of the Judicial Department's Web site. Also, the South Carolina Bar currently provides an "E-Blast," free of charge to subscribers, which sends out a weekly electronic message detailing proposed changes to court rules and operations in the Judicial Branch, assisting the Judicial Department in disseminating this information.

**4. How do senior leaders maintain fiscal, legal, and regulatory accountability?**

The Office of Finance and Personnel, through requests from senior leaders and directives from the Chief Justice, is responsible for ensuring that the Judicial Department is utilizing its resources in a fiscally responsible way. The Judicial Department, as the Branch of government responsible for ensuring that legal issues and regulatory requirements are followed by the other branches of government, is constantly aware of its responsibility to ensure that all legal requirements and regulations that impact the Judicial Department are enforced. As part of the monthly Executive Team meetings, the Directors review the status of the Judicial Department with regards to fiscal, legal, and regulatory accountability. When changes are made by the legislature or by agencies that may affect the Judicial Department, these changes are immediately communicated not only to senior leaders, but to all participants in the Judicial Branch and may result in changes to Court Rules and procedures.

**5. What performance measures do senior leaders regularly review to inform them on needed actions?**

The mission of the Judicial Branch is the fair and timely resolution of disputes. Therefore, case processing is the critical performance measure that is regularly reviewed as follows:

- The Supreme Court meets semi-monthly to review outstanding cases.
- The Court of Appeals meets semi-monthly to review outstanding cases.
- Court Administration reviews the caseloads of each circuit, family and probate court on a monthly basis and conducts periodic audits of local case records.
- Court Administration reviews the caseloads of each magistrate and municipal court on an annual basis.
- Court Administration monitors court reporter transcript productivity on a monthly basis.
- The Chief Justice reviews a report on outstanding orders of each circuit and family court judge on a monthly basis.



Technology support and infrastructure performance required to keep the Judicial Department operating both efficiently and effectively are reviewed through system logs and division and team staff meetings.

**6. How do senior leaders use organizational performance review findings and employee feedback to improve their own leadership effectiveness, the effectiveness of management throughout the organization including the head of the organization, and the governance board/policy-making body? How do their personal actions reflect a commitment to the organizational values?**

Inasmuch as the senior leaders within the Judicial Department are working managers integral to case and project teams, findings and feedback are constantly received by the Chief Justice and the Executive Team from staff, customers, and stakeholders. BearingPoint, the systems integrator for the Judicial Department, requires its leadership to participate in leadership training directed towards improving the management of organizations and communicates key components of this training to the Executive Team for use within the Judicial Branch.

Within the ethical limits imposed by applicable rules, senior leaders are involved in a broad range of continuing education, lawyer association, and community activities. For example, the Director of Court Administration is a past President of the South Carolina Women Lawyers Association. In this role, she sought to enhance the status, influence and effectiveness of women lawyers in the state.

**7. How do senior leaders promote and personally participate in succession planning and the development of future organizational leaders?**

Through the ongoing effort to spread the establishment of career paths and through personal observation, training, and delegation of responsibilities, senior leaders cultivate the talents of staff members, with a view to providing succession for senior or deputy staff members. Attendance at the Executive Institute during the Institute's existence was a component of this process. Additionally, several judges participate in the Liberty Fellowship, a two-year leadership program for the state's most promising young leaders in which participants explore the broad implications of professional decisions they face each day. The program was launched in 2003 by Hayne Hipp, The Aspen Institute and Wofford College.

**8. How do senior leaders create an environment for performance improvement and the accomplishment of strategic objectives?**

The Chief Justice and her Executive team maintain an open-door policy with regard to suggestions and ideas from any area of contact with the Judicial Department, including from personnel and from stakeholders. From individual contact, to small group meetings, to open hearings concerning rule-making, the Judicial Department solicits input and new ideas in all areas relating to the functioning of the Judicial Department and its objectives. These ideas are then evaluated in the context of the Judicial Department's overall performance requirements and strategic objectives and noted as priorities and initiatives as required or appropriate.

**9. How do senior leaders create an environment for organizational and workforce learning?**

By the establishment of career paths, the Judicial Department has folded organizational and workforce learning into the larger initiative of institutional enhancement by prescribing and providing for educational and training opportunities for the stages on the career paths. The

opportunities include in-house sessions, external training courses, cross-training within departments, and mentoring by senior workforce members. Furthermore, all senior leaders maintain a policy of direct access for ad hoc, individualized issue-resolution and problem-solving with workforce members under their supervision. During FY 08-09, fourteen employees from Court Administration participated in one or more of the following training classes at SLED at no cost as part of the State Government Training Consortium: Coaching And Counseling Employees, Facilitating Employee Growth, Effective Listening Skills, Learning To Learn In A Changing World, Effective Communication, How To Be More Of A Leader In Your Own Job, Personal Effectiveness, Career Exploration And Planning, Understanding And Managing The Stress In Your Life, Managing The Time Of Our Lives, Conflict Resolution, Business Writing, Strategic Planning, Project Management, Positive Attitude And Customer Service, Gender Communication In The Workplace.

The Training Consortium also provided the opportunity for seven Court of Appeals employees to attend a training class titled "Business Writing that Works" presented at the Department of Labor, Licensing & Regulation.

The Judicial Department also provides training for newly elected circuit and family court judges, probate judges and county clerks of court, as well as for chief administrative judges of the circuit and family courts. A two-week orientation school is provided for all newly appointed summary court judges. A mandatory annual Judicial Conference is held for all appellate, circuit and family court judges, masters-in-equity, law clerks and staff attorneys. Magistrates are required to attend annual meetings for continuing education purposes. In addition, all appellate laws clerk and staff attorneys attend a one-day training session. The Office of Disciplinary Counsel also provides an orientation program for all attorneys employed or appointed to work on disciplinary matters. Employees participate in technology training, which focuses on applications used by the Judicial Branch both at the state and county level.

**10. How do senior leaders communicate with, engage, empower, and motivate the entire workforce throughout the organization? How do senior leaders take an active role in reward and recognition processes to reinforce high performance throughout the organization?**

Senior leaders, including the Chief Justice, hold staff and workforce meetings to communicate important initiatives and depict the performance of the Judicial Department and its vision for the future. Besides meetings, the Judicial Department uses all the tools of modern technology—e-mail, intranet, electronic newsletter, instant messaging, Web site, to name a few—to provide information and direction throughout the workforce. Individual empowerment occurs in career paths, as a natural part of a position, in the delegation of authority when conditions are ripe, through cross-training, mentoring, in-house training and external seminars, and in the attitude and practice of senior leaders to award responsibility and autonomy whenever and wherever possible. These means of empowerment have the natural effect of motivation, which is enhanced by the practice of senior leaders to individually recognize the particular achievements of workforce members.

**11. How do senior leaders actively support and strengthen the communities in which your organization operates? How do senior leaders determine areas of emphasis for organizational involvement and support and how do senior leaders, the workforce, and the organization contribute to improving these communities?**

The *Code of Judicial Conduct* restricts judges' participation in any extra-judicial activities that may cast reasonable doubt on the judge's capacity to act impartially as a judge, demean the judicial office, or interfere with the proper performance of judicial activities. However, these restrictions have not limited judges' participation in community activities. Many judges are active in church and religious organizations, serving as members, officers, sponsors and youth sports coaches. Several judges and others in senior leadership actively serve our country through participation in the United States military and Reserves; many have served periods of active duty since September 11, 2001. Historic preservation is high on the community service list of several of our judges who have introduced and, in several instances, sponsored initiatives to restore historic buildings and sites. Education is also very important to judges. Many are members of alumni associations, education committees, and mentor programs. In addition, they participate in mock trials, seminars, lectures, and small productions at local community theaters. In recognition of their efforts, judges have been honored as Citizen of the Year in their communities, and several have received the state's highest civilian honor – The Order of the Palmetto.

Likewise, the *Code of Conduct for Staff Attorneys and Law Clerks* restricts the activities of Judicial Department attorneys. Within these confines, the senior leadership has actively supported employees' participation in charitable causes. Employees have used their time, talent and resources to support and strengthen several community organizations, including United Way, Families Helping Families Christmas project, Harvest Hope Food Bank, and the March of Dimes. Entities to receive organizational support are considered for appropriateness. No workforce member is required to participate in any of these charitable volunteer activities.

Senior leaders are also sensitive to the needs of parents to attend children's school-related activities and allow flexibility in scheduling lunch and breaks to permit attendance. In addition, staff members who are lawyers are encouraged to strengthen the legal community by lecturing at continuing legal education seminars and teaching legal writing and research courses at the University of South Carolina School of Law.

Through the technology initiatives of the Judicial Department, county networks are being established in rural areas that never before utilized the Internet or had access to it. Furthermore, a program has been successfully established to allow junior and senior high school students to actively participate in selected Supreme Court cases. Use of the Internet, combined with attendance at oral arguments in the Supreme Court, is strengthening the awareness and knowledge of the local community of court operations.

The Court of Appeals has actively recruited from the University of South Carolina School of Law and the Charleston School of Law to participate in mentoring and internship programs to provide educational opportunities for law school students.

## **CATEGORY 2 – STRATEGIC PLANNING**

The Judicial Department conducted a detailed, in-depth strategic planning project focused upon the technology infrastructure of the South Carolina Courts from June to December 2000. This strategic technology plan and the primary technology initiatives identified in this plan began serving as the foundational strategy for the Department in January 2001 and continue to do so today. This plan

constitutes a “living” document providing direction while constantly being adjusted to meet changing needs and evolving requirements. The execution of these technology initiatives and their results, combined with the changes in state law, are currently driving the needs, expectations, and changes in all divisions of the Judicial Branch, not only in technology.

**1. What is your Strategic Planning process, including key participants, and how does it address:**

- a. Your organization’s strengths, weaknesses, opportunities and threats;**
- b. Financial, regulatory, societal and other potential risks;**
- c. Shifts in technology and customer preferences;**
- d. Workforce capabilities and needs;**
- e. Organizational continuity in emergencies;**
- f. Your ability to execute the strategic plan.**

The principles, concepts and techniques employed in the technology initiatives flow over into other functions of the Judicial Department, not least because all divisions and personnel within the Judicial Department have been impacted by and are incorporating the benefits of the technology initiatives. More significantly, however, Judicial Department strategic planning for technology has resulted in the development of a cluster of organizational tools applicable to strategic planning in other areas. Divisions within the Judicial Department have recognized the benefits gained by using the strategic planning process as illustrated in Figure 2.1-1 to respond flexibly to customer needs and expectations and to improve traditional processes. This planning is carried out in both standing and ad hoc groups and may also include judges, law clerks, and staff attorneys as well as other entities within the Judicial Branch.

a. Strengths, weaknesses, opportunities, and threats. The strength of the Judicial Department is in its visionary and talented leadership and its dedicated, committed, and highly competent workforce. The strategic planning process allows scope for these qualities to be brought to bear and put into service on the challenges facing the Judicial Department and are employed to take best advantage of opportunities that may appear. Thus, when rural counties are unable to field their own IT support for the case management initiative being deployed throughout South Carolina, the Judicial Department’s own IT Division steps into the breach to support, host, and provide the other services necessary to this vital statewide project. Anyone involved with the Judicial Branch can submit needs, requirements and a business-case justification. The Executive Team determines whether a project is implemented. For example, if in one division, a workforce shortfall becomes evident or imminent, a division director can propose a budget request for more personnel.

b. Financial, regulatory, societal and other potential risks. The Chief Justice and Executive Team, primarily through the Office of Finance and Personnel, closely monitor budgetary and financial matters to minimize the impact of financial cutbacks. Societal, regulatory, and other risks (e.g., security, disaster preparedness) are addressed as they arise and also through planning, often with the assistance of other sections of state government. An example of the latter is emergency preparedness.

c. Shifts in technology and customer preferences. Through monitoring and research into developing technology and the changing regulatory environment, senior leaders initiate projects to address changes. An example is a recent enactment of the South Carolina Legislature on the privacy

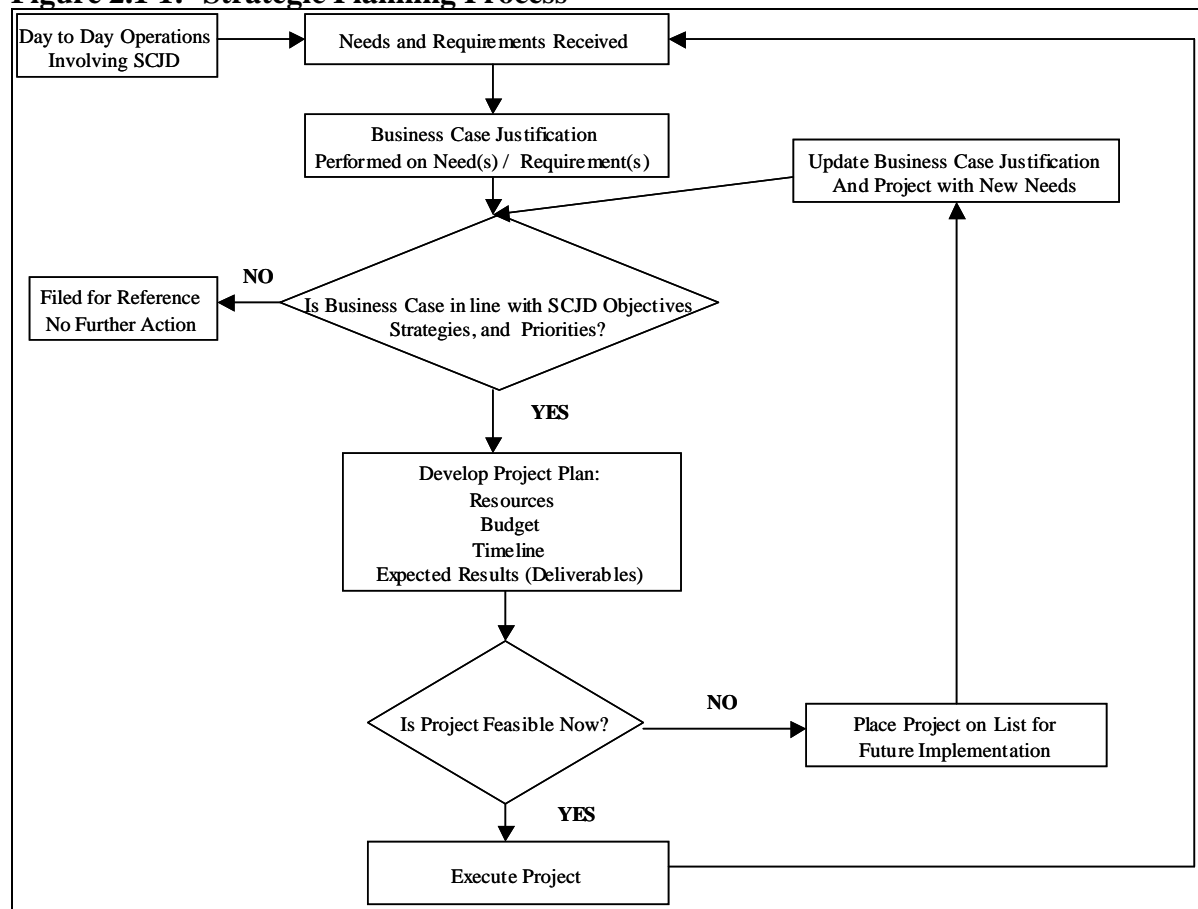
and confidentiality of financial information. To address this legislatively prescribed change, the Judicial Department through its Office of Court Administration is working with other entities around the state to ensure compliance. Similarly, the Judicial Department worked intensively with the Department of Archives and History to finalize a records retention schedule that takes advantage of and is responsive to regulatory and technological changes.

d. Workforce capabilities and needs. The Judicial Department has implemented career paths throughout its divisions to maximize the capabilities of the workforce and to address the need for enhancement of job duties and compensation. This initiative was the result of the strategic planning process.

e. Organizational continuity in emergencies. The Judicial Department is deeply engaged in developing a business continuity plan, although this initiative has not been completed.

f. Ability to execute the strategic plan. As with any other challenge, the strategic planning process applies to the ability to execute the strategic plan, as represented by the strategic goals and challenges set forth in Section I.

**Figure 2.1-1: Strategic Planning Process**



**2. How do your strategic objectives address the strategic challenges you identified in your Executive Summary (Section I, Question 4)?**

The Chief Justice and her Executive Team review court trends and patterns to anticipate future needs and prepare appropriate budget requests and to organize supporting data. In addition, pending legislation is tracked to ensure that the voice of the Judicial Department is heard on matters that affect it and to ensure that appropriate preparations are made to effect any changes required by new legislation or a changing regulatory environment.

**3. How do you develop and track action plans that address your key strategic objectives, and how do you allocate resources to ensure the accomplishment of your action plans?**

Action plans are developed and tracked through the review of three primary factors: results/deliverables, timeframes, and resources. For example,

- Justices of the Supreme Court meet on a semi-monthly basis to review outstanding cases awaiting decision. The Clerk of the Supreme Court, along with the Chief Justice, reviews cases awaiting oral argument monthly to determine how many and which cases will be scheduled for oral argument in the next month and adjusts the Court's schedule as necessary.
- The Chief Staff Attorney's office at the Supreme Court reviews incoming matters on a daily basis to determine which may need immediate action and reviews cases and caseloads on a weekly and semi-monthly basis in accordance with the Supreme Court's court schedule. Matters needing immediate attention are assigned to senior staff attorneys to be processed accordingly. Incoming disciplinary matters are also reviewed on a daily basis by the Deputy Clerk of Court in the Bar Admissions office to determine whether the matter needs the immediate attention of the Chief Justice.
- The Clerk of the Court of Appeals and the Chief Staff Attorney's Office, along with the Chief Judge, review cases ready for disposition to determine how many and which cases will be scheduled for oral argument or submission. The Clerk of the Court of Appeals and the Chief Staff Attorney's Office review incoming matters on a daily basis to determine which may need immediate action.
- Technology projects are tracked through project plans that identify tasks, timelines, deliverables, and resources. These project plans are reviewed with the project team on a weekly or bi-weekly basis, depending upon the priority, scope and magnitude of the project. Information Technology (IT) Managers submit weekly status reports to the IT Director on efforts in specific areas, including call center, Web site, networking, applications development, systems integration, and statewide court case management system.
- The Commissions on Judicial and Lawyer Conduct examine quarterly statistics permitting adjustments in resource allocation. Additionally, the Deputy Disciplinary Counsel reviews incoming complaints on a daily basis to determine those that need priority action.
- The monthly caseload reports from each of the counties are used to develop and track action plans to meet the Judicial Department's goal to process trial court cases efficiently and fairly. The Office of Court Administration reviews the monthly caseload reports and requests for new/additional terms of court from each county. These reviews enable resources to be allocated/reallocated by adjusting trial court schedules based upon current caseloads and case complexities in conjunction with the availability of Judicial Department resources, including judges, court facilities, and court reporters as well as monetary resources available for travel expenses.

- The Chief Justice reviews a monthly outstanding order report on each circuit and family court to ensure orders are issued in a timely manner.

**Figure 23-1: SCJD Strategic Planning Chart**

Strategic Planning

Program Number and Title	Supported Agency Strategic Planning Goal/Objective	Related FY 08-09 and beyond Key Action Plans/Initiatives and Timelines for Accomplishing Goals	Key Cross References for Performance Measures*
Supreme Court	+ Reliable and fair court proceedings in accordance with due process + Modernization of the SC Courts through the incorporation of technology + Collaboration with appropriate federal, state, and local entities  + Collaboration with SC Bar and Department of Education + Leadership in the criminal justice arena  + Establish minimum courtroom security standards for judicial facilities across the state	* Resolve cases in accordance with the benchmarks established for appellate cases * Improve the triage system within ODC  * Expand the "Class Action" judicial education program for junior and senior high-school students to make it available over the Internet  * Enhance the Supreme Court Institute for high school teachers * Revise record retention schedules and get approval from State Archives to only have digital images as the Court's record * Complete survey and draft standards by the Courtroom Security Task Force (collaboration of SCJD and SLED)	* Caseload results  * Caseload results  * # of students participating in-person and via the web  # of teachers participating in the program  * Complete records survey and update retention schedules  * Survey results from each judicial facility and identify security standards
Court of Appeals	+ Reliable and fair court proceedings in accordance with due process + Leadership in the criminal justice arena	* Resolve cases in accordance with the benchmarks established for appellate cases * Solicit approval from State Archives to rely solely on digital images as the Court's record	* Caseload results  *
Circuit Court	+ Reliable and fair court proceedings in accordance with due process + Leadership in the criminal justice arena	* Resolve cases in accordance with the benchmarks established for trial court cases	* Caseload results
Family Court	+ Reliable and fair court proceedings in accordance with due process + Leadership in the criminal justice arena	* Resolve cases in accordance with the benchmarks established for trial court cases	* Caseload results
Information Technology	+ Modernization of the SC Courts through the incorporation of technology + Collaboration with appropriate federal, state, and local entities + Leadership in the criminal justice arena	* Establish reliable, high-speed Internet connectivity in Magistrate facilities * Deploy statewide court CMS  * Develop online bar admissions application and tracking system * Increase services provided by SCJD Web site  * Develop a direct, near real-time, electronic interface with South Carolina Law Enforcement Division (SLED)	* # of judicial personnel still needing connectivity * % of state caseload managed and population covered by CMS * % of applications received electronically  * # of hits to Web site  * # of transactions exchanged electronically between agencies
Court Administration	+ Collaboration with appropriate federal, state, and local entities + Leadership in the criminal justice arena	* Update Code of Conduct for all employees of the Judicial Department * Develop a Code of Conduct for County Clerks of Court * Determine standards for court interpreters	* # of employees trained on new Code of Conduct * # of Clerks of Court trained on new Code of Conduct * Establish certification program for court interpreters

#### 4. How do you communicate and deploy your strategic objectives, action plans and performance measures?

Many diverse entities, ranging from the public, attorneys and other state agencies to Judicial Department employees and other participants in the Judicial Branch, need to stay up to date on the strategic objectives, action plans and performance measures of the Judicial Department. To accommodate these various entities, a wide variety of communications channels is used to disseminate this important information. The communications mechanisms currently being used by the Judicial Department include the following:

- Judicial Department Web site postings – [www.sccourts.org](http://www.sccourts.org)
- Email notification subscription
- South Carolina Advance Sheets
- Speeches and presentations at conferences and meetings

- E-mail
- Hardcopy letters through FAX and US Mail
- Press releases
- Monthly report distribution through the Judicial Department Intranet and on CD-ROMs
- Task force and project team meetings
- Surveys
- Evaluations
- Training

**5. How do you measure progress on your action plans?**

Through its monthly meetings and reports, the Executive Team is able to monitor progress on initiatives and objectives and communicate the results to the Chief Justice and any other involved persons.

**6. How do you evaluate and improve your strategic planning process?**

The Judicial Department leaders, including the Chief Justice, confer with peers nationwide at a variety of conferences to acquire information and ideas concerning processes and procedures. This information is shared with all Executive Team members, who together devise tools and methods to gauge the effectiveness of the strategic planning process.

**7. If the agency's strategic plan is available to the public through the agency's Internet homepage, please provide a Web site address for that plan.**

The Web site address for the Judicial Department is [www.sccourts.org](http://www.sccourts.org). The strategic technology plan is available at [www.sccourts.org/judauto/stratplan.cfm](http://www.sccourts.org/judauto/stratplan.cfm).

**CATEGORY 3 – CUSTOMER FOCUS**

**1. How do you determine who your customers are and what their key requirements are?**

Key customers and stakeholders of the Judicial Department comprise those who use its services, experience the effects of its actions, and respond to its decisions. These key customers are ranked from the most particular to the most general:

- a. Litigants and counsel. Individuals and entities that come before the tribunals of this state, either *pro se* or through counsel, form the most obvious, immediate and intensely engaged group of stakeholders. For this group, the process of justice and its outcome have an undiluted, highly focused impact. This group makes contact with the court through formal filings. The rules of procedure for the various levels of court determine the requirements of this group, and rules are amended based on requests from Judicial Department staff, litigants, attorneys representing litigants, and other participants in the Judicial Branch.
- b. Complainants. This group includes those who contact the Office of Disciplinary Counsel or the Commissions on Judicial Conduct and Lawyer Conduct to lodge a complaint concerning a judge or a lawyer. This group makes contact by telephone or in writing. By reviewing and considering all contacts, requirements are regularly reassessed. Again, requirements are set and amended by rules of procedure.



- c. Non-litigants participating in court proceedings. This group includes witnesses, jurors, and those who participate indirectly in court proceedings as support personnel or advocates. The court summons jurors, and witnesses may appear voluntarily, but they may also be required to appear by being subpoenaed by the court or a litigant. The General Assembly sets the requirements for non-litigants' participation in court proceedings, and the Judicial Department offers assistance to the General Assembly in assessing these participants' concerns and possible solutions.
- d. Judges, clerks and staff at the locally funded level. This group includes masters-in-equity, probate judges, magistrates, municipal court judges, clerks of court, and staffs of the counties and municipalities. County and municipal court personnel actively participate in the Judicial Department task forces, joint project teams, and day-to-day administration activities. Requirements are initially set through procedure manuals, benchbooks, and rules of procedure. Refinements, enhancements, and changes are made through these customers' and stakeholders' participation with the Judicial Department.
- e. Members of the South Carolina Bar. South Carolina requires all attorneys admitted to practice in South Carolina be members of the Bar. This group expresses its requirements by letter, telephone or personal visit. The Bar leadership meets regularly with the Supreme Court to express the concerns and needs of its members. The requirements of the Bar to have an available forum for dispute resolution and to have rules of procedure which are uniform throughout the State are expressed in its Constitution and By-laws and in proposed rules of procedure for trial and appellate courts, which are recommended by vote of the Bar membership, rejected or adopted by the Supreme Court, usually after a period for public comment, and, where necessary, submitted to the General Assembly for consideration.
- f. Applicants. This group includes applicants to be admitted to practice law in South Carolina, applicants to be readmitted to practice law, applicants to be lead counsel in capital cases, out-of-state attorneys who wish to appear as counsel in South Carolina courts, and applicants seeking approval of required trial experiences under Rule 403. This group makes requirements known by letter, telephone call, or personal visit. This group generally requires assistance in completing the application process. Through these contacts, the Judicial Department makes amendments to applicable rules and has made resources available on the Judicial Department Web site.
- g. Media. The media includes print, television, radio, and groups with newsletters and Web sites. The Judicial Department issues press releases concerning matters of particular public interest and contacts media who have asked to be contacted when a particular case is decided or when an Administrative Order of particular significance is issued. The Judicial Department Web site includes current events-type information on the "What's New" Web page. The Web site also provides the media and public with a summary of the issues included in cases to be argued before the Supreme Court and the Court of Appeals. Once a case has been decided in these courts, a synopsis of the opinion is also made available on the Web site. All published and unpublished opinions of the Supreme

Court and the Court of Appeals are now posted on the Web site. Published opinions are printed in paper format and mailed to subscribers of the South Carolina Advance Sheets.

- h. General public. This group includes everyone who has an interest in the Judicial Branch for information or access to public documents. The status of the Judicial Department as one of the three co-equal branches of government in South Carolina establishes the general public as a stakeholder. The Judicial Department reassesses the general public's requirements through attending Legislative hearings and meetings with other participants in the Judicial Branch. Changes to rules of procedure are then proposed and after input is received, they are either adopted or rejected. Questions, including requests for information, are received and addressed by Court Administration on an individual basis as they are received.

## **2. How do you keep your listening and learning methods current with changing customer/business needs and expectations?**

The Judicial Department focuses on its customers through participation in meetings and conferences held by all entities associated with the Judicial Branch.

- The Chief Justice and her Executive Team participate in a full range of meetings and conferences from the annual, statewide judicial conference to county council meetings.
- Staff members attend Legislative hearings to learn the concerns of legislators and the public that may affect the Judicial Branch and to provide input when requested.
- Input from members of the South Carolina Bar is obtained from regular meetings with the Bar's leadership and attendance at the South Carolina Bar's Annual Meeting.
- The Judicial Department receives information from numerous groups and individuals such as the South Carolina Bar, the Judicial Council, and the Ad Hoc Committee on the Rules of Civil Procedure regarding changes that might be made to improve the Judicial Branch.

## **3. What are your key customer access mechanisms, and how do these access mechanisms enable customers to seek information, conduct business, and make complaints?**

- Web site: The Web site of the Judicial Department provides a wide variety of information and links to customers. Here they can find court news, decisions of the court, court rules, statewide court contact information, answers to frequently asked questions, and a wealth of other resources, such as the annual State of the Judiciary address given to the General Assembly by the Chief Justice. Customers can also sign up to receive email notifications when court news, opinions, rules and other items of interest are posted to the Web site. This Web site is a key first-contact portal through which customers gain a wide variety of information and acquaint themselves with the Judicial Department.
- Written contact: A vast amount of written correspondence and filings arrives daily at the Judicial Department. These communications may address a pending case or a matter of concern in judicial administration.
- Email contact: Customers also rely on email to communicate non-case related matters.
- Telephone contact: Along with written contact, many inquiries, requests, and complaints are initiated by telephone.
- Personal visit: Courts are open institutions, and as a result, many contacts are initiated when a customer makes a trip to a courthouse.

**4. How do you measure customer/stakeholder satisfaction and dissatisfaction, and use this information to improve?**

Processing cases in a timely and fair manner is currently the primary indicator of customer and stakeholder satisfaction. However, direct contact from customers and stakeholders, media reports, and information acquired through staff attendance at Legislative hearings on issues involving the Judicial Branch are also considered in determining customer and stakeholder satisfaction.

The Judicial Branch strives to resolve disputes in a fair and efficient manner. Because of the nature of the business of the courts, one side of the dispute may be dissatisfied with the result. Because of this fact, the Judicial Department recognizes that its customers and stakeholders may have different opinions as to what constitutes disposing of cases without “undue delay” and in a “fair manner.” Litigants may wish cases to be processed faster than lawyers who file requests for continuances and extensions. The rules of procedure for the trial courts, the orders appointing Chief Judges for Administrative Purposes in the trial courts, and policies adopted by the appellate courts address the divergent opinions as to how a case is resolved efficiently and according to law.

**5. How do you use information and feedback from customers/stakeholders to keep services and programs relevant and provide for continuous improvement?**

During staff meetings and Executive Team meetings, information and feedback from customers and stakeholders is evaluated, and experiences are compared to determine what improvements are needed and whether they can be made with current resources. Divisions regularly review procedures in response to customer and stakeholder comments and feedback and make revisions when customer input indicates the need for change. The strategic planning process described in **Section III, Category 2-Strategic Planning** is used to assess information received from customers and stakeholders to improve services and programs throughout the Judicial Branch. Where major changes in process or programs appear necessary, a business-case justification is developed and the Executive Team, with the concurrence of the Chief Justice, will then propose changes that are implemented after input from Judicial Branch customers and stakeholders.

**6. How do you build positive relationships with customers and stakeholders to meet and exceed their expectations? Indicate any key distinctions between different customer and stakeholder groups.**

Positive relationships with the Judicial Department rest upon the trust and faith that customers and stakeholders have in the Judicial Department carrying out its mission. This faith and trust is earned by having competent, ethical, and dependable personnel working and communicating directly with customers and stakeholders. Judicial Department employees treat all customers and stakeholders equally, from individuals handling their own cases to highly respected members of the Bar. All phone calls are returned promptly, correspondence is routed to the appropriate division within the department, and customers and stakeholders are given assistance consistent with the *Rules of Professional Conduct* and the *Rules of Judicial Conduct*.

**CATEGORY 4 – MEASUREMENT, ANALYSIS, AND KNOWLEDGE MANAGEMENT**

**1. How do you decide which operations, processes and systems to measure for tracking financial and operational performance, including progress relative to strategic objectives and action plans?**

Staff constantly monitors the interests of the Judicial Department's two key suppliers, the Legislative Branch and the Executive Branch. Legislative and Executive Branch activities are monitored for financial impact because they establish financial and operational priorities for the Judicial Department.

Inquiries about operations, processes, and systems from customers and stakeholders spur measurement in particular areas. For example, inquiries are received about the number of a particular type of case completed over a specific period of time, filed/completed cases in specific geographical locations, or conviction rates for specific demographic subsets of the population. The Judicial Department staff also works closely with numerous committees of the Legislature, when requested, regarding the impact of potential legislation on the Judicial Department's resources, customers, and stakeholders. Additional inquiries from customers and stakeholders alert the Judicial Department that there is interest in a particular measurement and prompts the Judicial Department to track activity in various areas within the Judicial Department's responsibilities.

**2. How do you select, collect, align, and integrate data/information for analysis to provide effective support for decision making and innovation throughout your organization?**

Executive Team members and managers use Judicial Department court rosters and caseload reports to determine resource allocations and tasks and develop and discover new ways of performing its tasks. Fresh and innovative ideas received from judges, clerks, and staff to improve operations and access to information provide the catalyst for deciding why and how different judicial operations become automated. This automation provides more timely, complete, and accurate information used by judges and judicial management for effective decision making. Additionally, as a member of the National Center for State Courts (NCSC), the Judicial Department extensively utilizes NCSC data to determine trends, projections, and comparisons with other states to set priorities for analyzing the best use of Judicial Department resources. Results are reported in **Section III, Category 7 – Business Results**.

**3. What are your key measures, how do you review them, and how do you keep them current with organizational needs and directions?**

The universal standard "unit of work" for the courts is a case. Caseload statistics are tracked by judicial circuit, county, and court type. These statistics are reviewed by means of periodic reports. Results are reported in **Section III, Category 7 – Business Results**.

**4. How do you select and use key comparative data and information to support operational and strategic decision making and innovation?**

The Judicial Department selects comparative data by reference to its records from previous years. The caseload and output figures of previous years are used as guideposts in estimating requirements. For example, historical comparative data is useful in estimating the number of terms of courts needed to dispose of similar pending caseloads.

Together, the courts and law enforcement identify criminal trends through court and law enforcement (SLED and DPS) statistics. These trends provide focus for the criminal justice agencies and the Judicial Branch to meet the current needs of the public. For example, criminal domestic violence, gang activities, and highway safety are the primary focus areas requiring attention and resources to be increased and reallocated.

**5. How do you ensure data integrity, reliability, timeliness, accuracy, security, and availability for decision making?**

Historically, the Judicial Department conducted manual audits of individual court records to ensure the accuracy, timeliness and integrity of caseload data reported to Court Administration from the state and local courts. The Judicial Department has transitioned many of its paper-based reporting mechanisms to automated systems that make the reporting easier, but more importantly, more accurate and timely. Automated reports and automated comparisons are now done to perform data quality and completeness checks in family court and circuit court. These reports are generated and distributed monthly. Follow-up phone calls are conducted with counties on an as-needed basis when these reviews indicate possible errors or problems. The appellate caseload reports are reported monthly; however, the ability to generate these reports at any time on an as-needed basis is possible with the Appellate Case Management System. The appellate clerks of court and staff attorneys check these reports for accuracy. The Judicial Department's IT Division has worked to ensure a secure environment exists for receiving, generating and distributing data. The security of the system is monitored by IT and if security problems are found, they are resolved as a priority matter.

**6. How do you translate organizational performance review findings into priorities for continuous improvement?**

The directors focus on performance review findings as a guide to planning and the proper allocation of resources within their own divisions. Sometimes this process involves implementing priorities that have a broader reach, such as expediting dependency cases at the appellate level, where the policy is set by the Chief Justice and affects operations in more than one division.

For matters of long-term planning and overall policy, the Chief Justice, as head of the unified judicial system, identifies the areas most needing attention.

**7. How do you collect, transfer, and maintain organizational and workforce knowledge (knowledge assets)? How do you identify, share and implement best practices, as appropriate?**

Traditionally, the Judicial Department has utilized cross-training of employees to ensure employee knowledge of Judicial Department processes is preserved as much as possible. Other measures are also being employed. The Judicial Department is currently working to establish an easily accessible database of orders and directives issued by the Supreme Court and the Chief Justice in her administrative capacity in order to further improve the transfer of organizational knowledge. The Executive Team, working together with the Chief Justice and BearingPoint, the Judicial Department's system integrator, identifies best practices and the most efficient way to share these practices within the various offices and divisions of the Judicial Department and with the Judicial Branch as a whole.

**CATEGORY 5 – WORKFORCE FOCUS**

**1. How does management organize and measure work to enable your workforce to: 1) develop to their full potential, aligned with the organization's objectives, strategies, and action plans; and 2) promote cooperation, initiative, empowerment, teamwork, innovation and your organizational culture?**

The Judicial Department recognizes the need to develop and maintain a diversified work force of professional employees. Employees are provided with the means to obtain professional

development, career progression and personal growth as described in **Section III, Category 1.9 and 1.10**. Employees are encouraged to work both independently on projects as well as part of team efforts, allowing each individual to determine the means necessary to complete the work assigned.

Employee recognition awards are presented recognizing years of government service. The Judicial Department maintains its conviction that outstanding job performances should be recognized through in-position increases and by using the flexibility provided us by the Legislature to redefine job positions and responsibilities. This ability to react to employee and Department needs is demonstrated through the low employee turnover statistics reported in **Section III, Category 7 – Business Results**.

**2. How do you achieve effective communication and knowledge/skill/best practice sharing across departments, jobs, and locations?**

Besides the points noted above in **Section III, Category 4.7**, the Judicial Department ensures that inter-departmental communication occurs by means of the necessary contact among the various divisions within the Judicial Department. For instance, oral argument rosters for the Supreme Court and Court of Appeals must often be coordinated to avoid conflicts.

**3. How does management recruit, hire, place, and retain new employees? Describe any barriers that you may encounter.**

The Judicial Department recruits, interviews, and hires through public posting of job opportunities, as required by state law. Each position in the Judicial Department has specified requirements, so potential workforce members are identified and selected based on those requirements. Career path opportunities are designed to enhance retention and workforce morale. As in other areas of the Judicial Department's mission, budgetary constraints form the most significant barrier.

**4. How do you assess your workforce capability and capacity needs, including skills, competencies, and staffing levels?**

Workforce capability and capacity levels are addressed by examining a variety of factors. Among the most important factors are caseload level and degree of support required for the statewide technology projects. Legislative enactments and regulations provide another significant area of needs assessment. In such instances, the Judicial Department may be called upon by the Legislature to provide an economic impact assessment, detailing what additional financial and workforce impact the new legislation will have upon the Judicial Department.

**5. How does your workforce performance management system, including feedback to and from individual members of the workforce, support high performance work and contribute to the achievement of your action plans?**

The Judicial Department is organized internally in such a manner that staff interacts with Executive Team members on a daily basis. This interaction enables staff to remain energized with the vision and direction from Judicial Department leadership while, at the same time, Judicial Department leadership gains insight and awareness of staff morale and motivations on a near daily basis.

The Judicial Department considers each justice, judge, and director, with their staff, as a semi-autonomous work group. With more than 100 work groups, the Judicial Department has empowered each justice, judge, and director to evaluate their immediate staff regarding job performance.

The Judicial Department has an open-door policy throughout the organization. Employees are encouraged to meet with their supervisors or with the Offices of Court Administration, Finance and Personnel and/or Information Technology to resolve problems and/or improve the performance of the Judicial Branch.

These processes have a natural tendency to contribute to all initiatives with the Judicial Department, since employees feel a stake in the outcome of their contributions.

**6. How does your development and learning system for leaders address the following:**

**a. Development of personal leadership attributes.** All senior leaders attend conferences, locally and nationally, where ideas are exchanged. Workshops also provide for the development of leadership attributes. For example, several judges participate in the Liberty Fellowship, a two-year leadership program for the state's most promising young leaders in which participants explore the broad implications of professional decisions they face each day. The program was launched in 2003 by Hayne Hipp, The Aspen Institute and Wofford College.

**b. Development of organizational knowledge.** Senior leaders meet as the Executive Team at least once a month, at which time organizational knowledge is disseminated and shared among the various divisions.

**c. Ethical practices.** The conferences noted above contain presentations concerning ethics. In addition, for senior leaders who are judges and lawyers, the decisions of the Supreme Court in matters involving professional ethics provide immediate and authoritative ethical guidance and instruction.

**d. Your core competencies, strategic challenges, and accomplishment of action plans.** These areas are of constant concern and focus for all senior leaders. Hence, senior leaders take advantage of conferences, peer-level networking, and intra-institutional experience and skill transfer to ensure that they maintain the qualities and attributes to stay on track with strategic challenges and accomplishment of action plans.

**7. How do you identify and address key developmental and training needs for your workforce, including job skills training, performance excellence training, diversity training, management/leadership development, new employee orientation and safety training?**

Through participation at national conferences, members of the Executive Team interact with court officials nationwide. These meetings provide the Judicial Department with lessons learned, best practices and other valuable information as to how other courts address issues, including personnel development and training needs, within their own jurisdictions.

The staff and executives in each of the eight levels of court within the Judicial Branch meet regularly. There are separate organizations for most of the groups involved at each level of the court system. For example, there is a court reporters organization, a clerks of court organization as well as professional associations representing counties, municipalities and various interest groups that are active participants in the court system. Judicial Department staff and management solicit input from these groups and meet with them on a regular basis. These meetings provide a forum for education and the exchange of ideas and information pertinent to the group. The Chief Justice also hosts an annual, statewide judicial conference for the appellate justices and judges, trial court judges, law clerks and affiliated staff personnel for skills updating and education. In addition, the Judicial Department offers ad hoc one-hour CLEs for department lawyers. These CLEs focus not only on

topics that enhance performance of the lawyers in the department but also on topics that broaden the lawyer's general knowledge of the law. Non-attorney staff members may also participate in the one-hour CLE programs.

Furthermore, staff from the Office of Finance and Personnel receives annual training in areas such as accounting, budgeting, procurement, workers' compensation and benefits administration, as well as attending periodic Human Resources Advisory Meetings, IPMA conferences, HR Webinars, HR Audio Conferences, HR Forums, and State Government Improvement Network events. Two staff members completed the Human Resources Professional Development Program, one is a Certified Public Buyer, and two are Certified Government Finance Officers. To assure relevance and cost efficiency, most of this training is through state organizations or state-sponsored organizations. Fourteen employees from Court Administration and seven employees from the Court of Appeals attended employee development training classes presented at no cost by the Training Directors at SLED and LLR as part of the State Training Consortium.

The Judicial Department actively participated in the South Carolina Executive Institute during the Institute's existence and has five graduates of the program.

With the Judicial Department's current emphasis on improvement through automation, much training is made necessary through these technology innovations. Formal technology training is provided both in Columbia and regional locations across the state for new hires and existing employees. This training begins when new employees receive their computer equipment and continues throughout the year with training in desktop applications such as word processing, spreadsheets, case management, legal research, and other specialized Judicial Department applications. Ongoing enhancements include online notification to employees on insurance updates, equal employment requirements, and opportunities to effect changes in their working status. The Information Technology staff itself receives specific technology training at national workshops.

New employees from across the state travel to Columbia to attend a one-day session led by Finance & Personnel staff. During the session, employees learn about insurance, retirement, leave, travel, etc. and complete all necessary new employee paperwork. Some new employee orientation sessions can have as many as 25 in the class during the annual time frame for incoming law clerks and staff attorneys, as described in Section III, Category 7.4. A session with IT staff is also scheduled to introduce new employees to the Department's technology.

Safety training for Judicial Department employees in the Supreme Court and John C. Calhoun buildings is discussed in **Section III, Category 5.8.**

#### **8. How do you encourage on the job use of the new knowledge and skills?**

As new procedures and technologies are introduced into the courts, the old processes are eliminated, which strongly encourages employees to use their new knowledge and skills.

#### **9. How does employee training contribute to the achievement of your action plans?**

The work of the Judicial Department is often highly technical and better-trained employees deliver better products and services. An example is the holding of legal seminars to update and refine knowledge of the law among those who assist judges with research and writing. Further examples



are the management training provided for a new docketing supervisor, business writing workshops attended by case managers thereby improving their writing skills, as well as the array of employee development classes attended by staff from Court Administration outlined in **Section III, Category 1.9.**

**10. How do you evaluate the effectiveness of your workforce and leader training and development systems?**

Generally, the direct supervisor of the employee assesses the effectiveness of education and training through observation of job performance.

**11. How do you motivate your workforce to develop and utilize their full potential?**

Career paths have been established in some divisions and are being developed in others. Employees are encouraged to develop the skills required to take advantage of the opportunities offered by the career path program.

**12. What formal and/or informal assessment methods and measures do you use to obtain information on workforce well being, satisfaction, and motivation? How do you use other measures such as employee retention and grievances? How do you use this information?**

The organizational structure of the Judicial Department and the close interaction staff has with managers and directors allow for daily assessments of employee well-being, job-satisfaction and motivation.

The issue of employee retention was a prime motivational factor in the development of career paths.

**13. How do you manage effective career progression and effective succession planning for your entire workforce throughout the organization?**

A certain number of positions within the Judicial Department, primarily among law clerks and staff attorneys, are not intended as career track placements. These young lawyers work for the Judicial Department for a short period of time and then move into other areas of the law, often becoming accomplished and respected practitioners in part because of their training with the Judicial Department.

Career paths have been established in other areas, motivating the workforce to gain new skills and employ them in a long-term relationship with the Judicial Department.

Judges are elected by the General Assembly and progression emanates from that body.

Succession planning in non-judicial areas occurs through the close interaction of senior leaders and supervisors with the staff of the Judicial Department.

**14. How do you maintain a safe, secure and healthy work environment? (Include your workplace preparedness for emergencies and disasters.)**

The Department of Public Safety and local law enforcement agencies provide physical security for judicial facilities and employees across the state.

The Judicial Department has worked with the Budget and Control Board to implement emergency action plans for staff and visitors in the Supreme Court and John C. Calhoun buildings. These are comprehensive action plans designed to prepare employees to deal with emergencies ranging from fire alerts to homeland security issues.

The Chief Justice issued orders regarding courtroom security in county courthouses. In addition, the Chief Justice, in coordination with the South Carolina Law Enforcement Division (SLED), formed a committee to study and make recommendations on improving courtroom security. The committee was composed of judges, state law enforcement officials, sheriffs, correction officials, and clerks of court. After an assessment, survey and study, the committee developed standards for courtroom security that can be made applicable to courts at all levels to avoid the tragic incidents such as occurred in courtrooms in Atlanta and Chicago.

Finance and Personnel staff receive training regarding employee benefits and employee referral services. This staff, in turn, provides assistance to employees or referrals to other appropriate agencies.

The Judicial Department encourages good health through an annual worksite screening and coordinates with other state entities to provide access to flu shot clinics and mobile mammography testing. In addition, free chronic disease workshops on topics such as cholesterol education, men's health, diabetes, prostate cancer screening, and women's reproductive health are made available.

## **CATEGORY 6 – PROCESS MANAGEMENT**

The Judicial Department continues to undergo a dramatic change in the manner in which it conducts operations because of the emphasis and greater reliance on technology. These changes are also revamping the culture of the Judicial Department by creating self-sufficiency not only in Judicial Department personnel but also in Judicial Branch users. For example, real-time courtroom reporting by the court reporters is providing the courtroom transcript to the judge as it is occurring in the courtroom which enables the judge to make notes and review proceedings as they occur. Judges estimate that this capability cuts the courtroom hearing time nearly in half for the longer, complex cases. Collaboration tools such as instant messaging and electronic mailing lists enable judges to work with their peers across the state in real-time and on an as-needed basis. The access to judicial information through the Web is continuing to increase not only the availability of the judicial information but also the timeliness of it. Court calendars, rosters, and opinions are just a few examples.

The increased risks of physical security were evaluated and addressed in the counties under the leadership of both Chief Justice Toal of the Judicial Department and former Chief of SLED Robert Stewart. Securing the court facilities across the state to reduce the physical security risks will significantly affect the construction of new courthouses, and renovation and retrofitting of existing courthouses. This factor will significantly impact the process management of people and their access within courthouses in the future as well as increase the use of technologies within the courts.

Figure 6-1 summarizes the recent paradigm shift in the process management of the Judicial Department.

**Figure 6-1: Paradigm Shift in Process Management of the Judicial Department**

<b>TRADITIONAL THINKING</b>	<b>CURRENT THINKING</b>
<b>Issue Mandates</b>	<b>Develop most attractive option(s)</b>
<b>Change in a REACTIVE Mode</b>	<b>Change in a PROACTIVE Mode</b>
<b>Ivory tower decision making</b>	<b>Grass roots involvement</b>
<b>No funding to the lower courts</b>	<b>Targeted funding for all courts</b>
<b>Limited assistance and support</b>	<b>Numerous mechanisms of support for all levels of court for judicial and non-judicial personnel</b>
<b>Training acquired on your own</b>	<b>Education structured and delivered both in classes and on individual basis</b>
<b>Courts work by themselves</b>	<b>Extensive collaboration with entities outside the courts</b>
<b>All knowledge resides with lawyers</b>	<b>IT professionals, educators, and business managers have skills that greatly enhance judicial operations</b>
<b>Focus on the “haves”</b>	<b>Focus on the “have nots”</b>

**1. How do you determine, and what are your organization’s core competencies, and how do they relate to your mission, competitive environment, and action plans?**

The core competencies of the Judicial Department fall into the areas of judicial case hearing and resolution, understanding of the legal environment in South Carolina as it relates to decisions and rule-making, knowledge and skill in determining and applying ethical standards, ability to communicate and maintain official records.

These core competencies arise out of and relate directly to the mission of the Judicial Department in that the mission of the Judicial Department is to ensure that an accessible forum is available for civil disputes and criminal matters and to resolve those cases in a fair and efficient manner. Action plans are based on the mission and thus incorporate the application and exercise of the core competencies. While the Judicial Department does not operate in a competitive environment in the ordinary business sense, the Judicial Department is keenly aware that the success of the Judicial Department is measured by its ability to apply and exercise its core competencies to meet the expectations of customers and stakeholders, not as to the result of any particular case, but in the fairness, efficiency and accessibility of the proceedings.

**2. How do you determine, and what are your key work processes that produce, create or add value for your customers and your organization and how do they relate to your core competencies? How do you ensure these processes are used?**

There are six key processes of the Judicial Department:

- Conducting court hearings and trials for the purpose of fair and impartial judgment

- Issuing rulings which determine the outcome of court proceedings
- Promulgating rules of procedure for all courts to provide statewide uniformity in court proceedings
- Providing court information as the official records of the court proceedings
- Ensuring the public is served by competent, ethical lawyers and judges through the Office of Bar Admissions and the Office of Disciplinary Counsel
- Maintaining and improving courtrooms and court services throughout the state.

The core competencies of the Judicial Department are implicated directly in the unfolding of these processes, in that these processes arise out of the mission, for which the competencies were developed. The outcomes of these processes are the customers' and stakeholders' expectations of the Judicial Department. Therefore, success is determined by the ability of the Judicial Department to accomplish these processes.

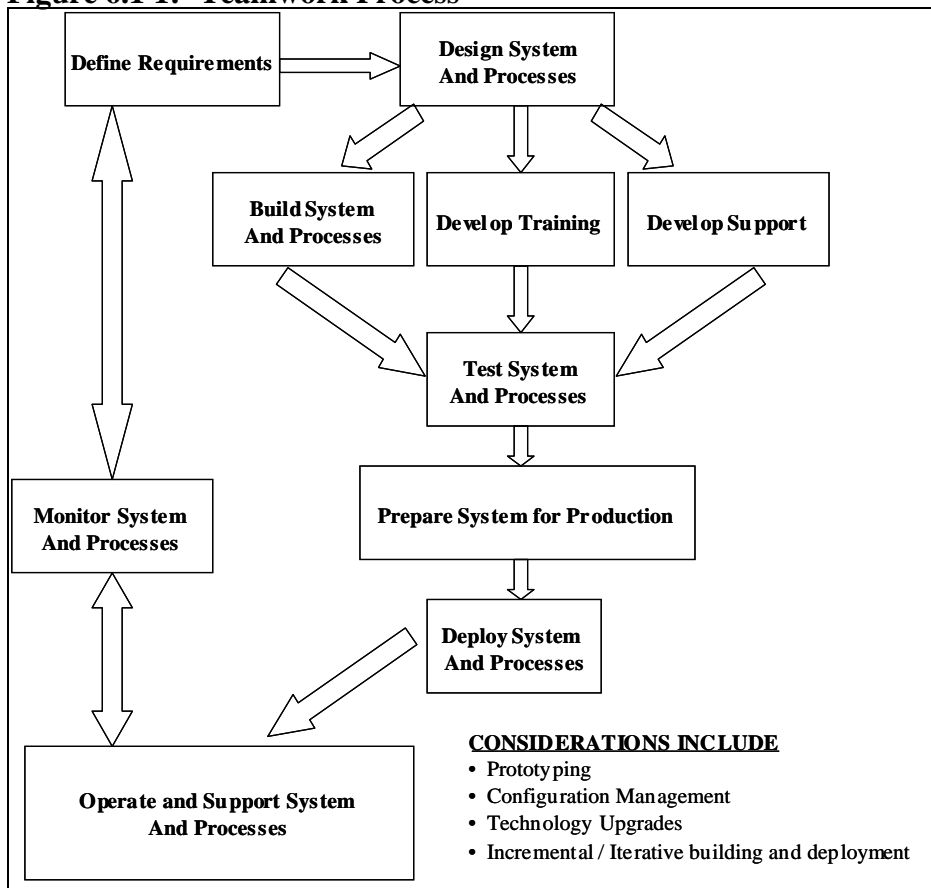
### **3. How do you incorporate organizational knowledge, new technology, cost controls, and other efficiency and effectiveness factors such as cycle time, into process design and delivery?**

The Judicial Branch of government is a heterogeneous organization composed of a combination of elected officials and staff funded through a combination of state and local sources. As a result, organizational knowledge, new technology, cost controls and other factors are incorporated into the processes of the Judicial Department through one of two means: collaborative teamwork and mandates.

***Collaborative Teamwork:*** Whenever possible, collaborative teamwork is used to incorporate organizational knowledge and bring about change. New operational requirements, new technologies and changing expectations of the public and/or Judicial Branch personnel are addressed through joint task forces and project teams. These joint task forces and project teams are composed of representatives from every affected entity. For example, the statewide court case management project team comprises County Clerks of Court staff, County Information Technology (IT) staff, the Office of Court Administration, Judicial Department IT division, the Judicial Department's systems integrator, and vendors. The process that the Judicial Department follows to incorporate change into Judicial Branch processes and systems is illustrated in Figure 6.1-1. Note that this process is followed after the project team and/or task force members are already identified and notified of the recommendation for a change.

Teamwork promotes collaboration and ownership by enabling more ideas to be incorporated into a project. Teamwork usually requires a greater time commitment at the beginning of the effort but generally reduces the time and disruption of business during the deployment phase. This phenomenon has a positive effect on cycle time.

**Figure 6.1-1: Teamwork Process**



**Mandates:** Mandates are only used in matters of law and in situations of crisis when consensus building is not an option. For example, changes in the statutes and codes by the Legislature that result in changes within the Judicial Branch are a type of mandate. Prohibiting the use of cell phones in courtrooms is an example of a mandate. A mandate is issued by a judicial order or administrative directive.

#### **4. How does your day-to-day operation of these processes ensure meeting key performance requirements?**

Performance is regularly reviewed, and the results examined at every level of the Judicial Department, including by the Chief Justice. In addition, new developments in the law and society are monitored to evaluate what response the Judicial Department should make. An example is the rather recent focus on privacy concerns in the digital age. Using the processes described above, the Judicial Department has fashioned measures and continues to review and study the issue intensely.

Because of the role of the Judicial Branch in the judicial process of the United States, it is constantly in the public limelight. The scrutiny of the news media is a daily measure of whether the Judicial Department is meeting its responsibilities. The interactions that the Judicial Branch has with other government entities on a daily basis, through questions and noted discrepancies in reports, constitute another measure.

**5. How do you systematically evaluate and improve your key product and service related work processes?**

At monthly management meetings held by the directors, progress and results on Judicial Department products and services are reported. For example, the IT division is expanding case management services into all counties of the state. As this project goes forward, IT details its progress and highlights any areas where obstacles have been overcome. In another area, the Court of Appeals Clerk's office periodically uses surveys of stakeholders to identify areas where improvement in customer service might be needed. These are also useful for evaluating employee performance.

Both in individual divisions and in management meetings, periodic reports are reviewed to determine performance in the areas shown annualized in this report.

**6. What are your key support processes and how do you evaluate, improve and update these processes to achieve better performance?**

The Judicial Department uses 10 key support processes in its adjudicatory and administrative functions:

- Court scheduling
- Licensing
- Disciplining
- Legal education programs
- Monitoring legislation
- Legislative election of judges
- Pro bono representation of indigents
- Procurement
- Employee compensation and benefits
- Deployment of information technology

Changes and updates to these processes occur through the methods defined in **Section III, Category 6.2 – 6.4**, enactment and amendment of statutes made by the General Assembly, appellate court opinions, amendments to rules of procedure, and through collaboration with customers and stakeholders.

**6. How does your organization determine the resources needed to meet current and projected budget and financial obligations?**

We regularly prepare financial statements to evaluate our current financial status and make financial projections to determine our future needs. This process makes it possible to achieve current operating objectives while identifying those areas of the operation that will need additional future funding. We then address these needs with the legislature at appropriate times.

**CATEGORY 7 – RESULTS**

**1. What are your performance levels and trends for key measures of mission accomplishment/product and service performance that are important to your customers?**

The following are key measures of mission accomplishment for the Judicial Department.

### **1.1 Supreme Court of South Carolina**

As indicated in **Section II – Business Overview**, the Supreme Court has both adjudicatory and administrative functions.

#### **1.1.1 Supreme Court Performance Levels and Trends in the Adjudicatory Area**

In the adjudicatory area, the key indicator of performance level is the case filing and disposition information listed in Tables 1.1.1-1 and 1.1.1-2.

**Table 1.1.1-1: Supreme Court Caseload Activity for Fiscal Year 2008-2009**

<b>CASELOAD ACTIVITY</b>	<b>NUMBER</b>
<b>Opinions Issued</b>	
Published	166
Unpublished	58
<b>Total Opinions</b>	<b>224</b>
<b>Motions Pending July 1, 2008</b>	<b>68</b>
<b>Motions Filed</b>	<b>2828</b>
<b>Motions Ruled Upon</b>	<b>2809</b>
<b>Motions Pending June 30, 2009</b>	<b>87</b>

**Table 1.1.1-2: Supreme Court Case Filings and Dispositions for Fiscal Year 2008-2009**

<b>FILINGS AND DISPOSITIONS</b>	<b>NUMBER</b>
<b>Cases Pending July 1, 2008</b>	<b>971</b>
<b>Cases Filed</b>	
Direct Appeals	
Criminal	44
Civil	94
Petitions for Certiorari	
Post-Conviction Relief	546
Court of Appeals	201
Original Jurisdiction	
Writs	260
Actions	44
Certified Questions	1
Judicial Conduct	6
Lawyer Conduct	39
Bar Admissions	76
Bar License Fees / CLE Suspensions / Reinstatements	105
Disciplinary Reinstatements	11
<b>Total Cases Filed</b>	<b>1,427</b>
<b>Total Cases Awaiting Disposition</b>	<b>2,398</b>

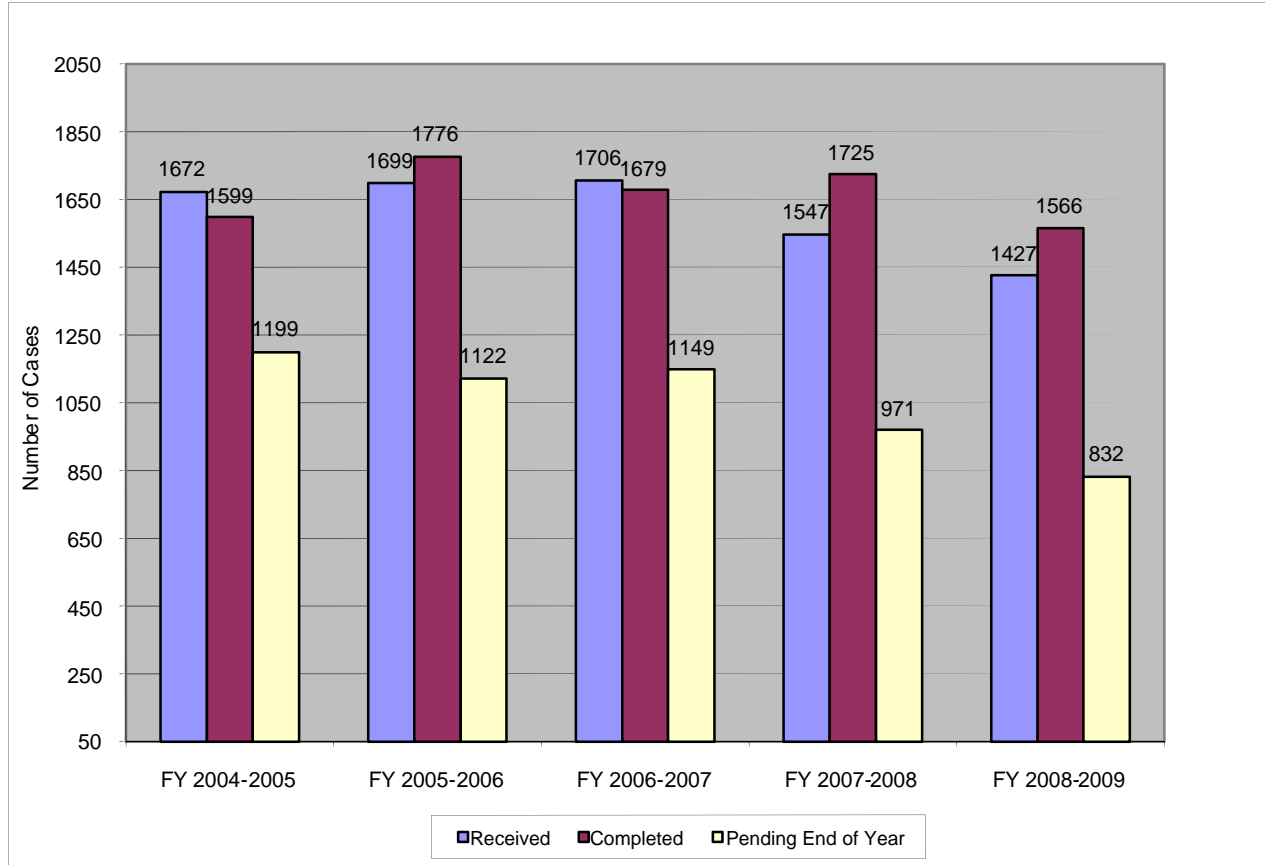
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<b>Cases Disposed</b>	
Direct Appeals	
Criminal	
Transferred to Court of Appeals	34
Dismissed / Other Disposition	3
Opinions Filed	11
Civil	
Transferred to Court of Appeals	49
Dismissed / Other Disposition	14
Opinions Filed	50
Petitions for Certiorari	
Post-Conviction Relief	
Transferred to Court of Appeals	200
Dismissed / Other Disposition	168
Denied	231
Opinions Filed	54
Court of Appeals	
Dismissed / Other Disposition	29
Denied	109
Opinions Filed	64
Original Jurisdiction	
Writs	261
Actions	49
Certified Questions	2
Judicial Conduct	7
Lawyer Conduct	38
Bar Admissions	76
Bar License Fees / CLE Suspensions / Reinstatements	105
Disciplinary Reinstatements	12
<b>Total Cases Disposed</b>	<b>1,566</b>
<b>Cases Pending June 30, 2009</b>	<b>832</b>



Caseload and disposition data for the last five years are reflected in Figure 1.1.1-1

**Figure 1.1.1-1: Supreme Court Caseloads**



### 1.1.2 Supreme Court Performance Levels and Trends in the Administrative Area

The effectiveness with which the Chief Justice and the Supreme Court administer the trial courts is reflected in the positive key results at every level of the Judicial Branch.

During this reporting period, the following significant actions were completed:

- The Supreme Court of South Carolina created the Rules Advisory Committee composed of lawyers and judges in Rule 609 of the South Carolina Appellate Court Rules (SCACR). This Committee, which replaces the Ad Hoc Civil Rules Committee that has existed since the adoption of the South Carolina Rules of Civil Procedure in 1985, will make recommendations to the Supreme Court regarding the adoption or amendment of rules governing the administration of or the practice and procedure before the trial courts of South Carolina.

- The Access to Justice Commission completed seven regional meetings held across the State to discuss and consider increasing public access to justice. On November 5, 2008, the Supreme Court of South Carolina held a public hearing and heard remarks from various speakers about the barriers and obstacles that citizens, particularly those who must use self-representation due to their low or moderate income, face in accessing the state court system. As one of the initiatives from these regional meetings and the public hearing, the Commission, the South Carolina Bar and Court Administration developed a simple divorce packet for use by self-represented litigants and this form packet was approved by the Supreme Court.
- The Supreme Court of South Carolina made amendments to the SCACR to reflect the passage of Act No. 413 of 2008 relating to DNA evidence. This included amending Rule 606 to establish longer retention periods for evidence subject to the Act and establishing a new rule, Rule 247, to provide for certiorari review of DNA testing decision made by the circuit or family court. Additionally, forms were promulgated and approved for use under Act No. 413.
- The Chief Justice issued an administrative order regarding residential mortgages subject to the federal Home Affordable Modification Program (HMP). This order helps insure that eligible homeowners have been afforded the benefits available under the HMP, that the procedures for handling issues relating to the HMP are handled uniformly throughout the State, and that mortgage foreclosure actions are not unnecessarily dismissed or delayed while HMP issues are resolved.
- The Supreme Court issued an order establishing a uniform policy for granting extensions in criminal and post-conviction relief cases pending before the Supreme Court and the South Carolina Court of Appeals. This order is intended to insure that extension requests are minimized and that, if multiple extensions are necessary, the leadership of the Attorney General's Office, the Office of Indigent Defense or the law firm requesting the extension are aware of the extension request and are in agreement that the extension is necessary. This order is intended to encourage these agencies and firms to identify and adopt solutions that will help minimize delay in these appellate proceedings.
- The Supreme Court received and solicited written comments on the ABA Consultation Team's Recommendations regarding the Lawyer and Judicial Disciplinary Systems in South Carolina. This matter has been referred to the Chief Justice's Commission on the Profession for further review, and the Supreme Court intends to act on the recommendations of the ABA Consultation Team during the last half of Calendar Year 2009.
- Based on recommendations of the Chief Justice's Commission on the Profession, the Supreme Court modified Rule 403, SCACR, to allow a law student to receive credit for participation in a judicial observation and experience program approved by the Commission.
- The Chief Justice issued an administrative order regarding the appointment of counsel in post-conviction relief cases. While providing for the appointment of counsel when an evidentiary hearing is required, the order insures that counsel are not unnecessarily appointed

in matters that are successive or barred by the statute of limitations. This will help ease the burden on appointed counsel by eliminating unnecessary appointments.

- The Court amended Rule 402, SCACR, to encourage applicants to have completed all requirements for admission at the time the results of the bar examination are released. In particular, the Court amended Rule 402, SCACR, to specify that the Court expects all applicants passing the February Bar Examination to be ready for admission in May and all applicants passing the July Bar Examination to be ready for admission in November. Further, the Court limited the number of swearing-in ceremonies for those applicants who have passed the bar examination and completed all other requirements to four times per calendar year. Finally, by order dated April 10, 2009, the Court amended Rule 402(d)(1), SCACR, to set forth requirements for petitions for permission to file late applications to sit for the South Carolina Bar Examination.
- Rule 607, SCACR, was amended to provide for expedited transcripts and the fees for such transcripts.
- The Chief Justice issued an amended order containing the procedures to be followed in settlements involving minors.
- The Supreme Court held a public hearing on proposed amendments to the South Carolina Rules of Civil Procedure, Rules of Criminal Procedure and Rules of Evidence relating to expert testimony.
- On recommendation of the Chief Justice's Commission on the Profession, the Court implemented a second pilot mentoring program for new lawyers. This program, which will be in effect from March 2009 until December 31, 2011, will require most new admittees to be mentored by a lawyer for one year. The mentor will insure that the new admittee (1) has an understanding of how law is practiced in a manner consistent with the duties, responsibilities, and expectations that accompany membership in the legal profession; (2) develops the specific professional skills and habits necessary to gain and maintain competency and develop a network of other persons from whom the new lawyer may seek personal or professional advice or counsel; and (3) is introduced to others in the lawyer's local or regional legal community and is encouraged to become an active part of that community.
- With the assistance of the Department of Archives and History, the record retention schedules for the Supreme Court, Court of Appeals, Office of Court Administration, and Finance and Personnel were completely revised and updated.

### **1.1.3 Supreme Court Other Key Measures of Performance**

The Supreme Court has continued to take steps to increase public awareness of the Judicial Branch and its role in our society. The Judicial Department, working with the South Carolina Bar and the South Carolina Educational Television Commission, has continued its very successful "Class Action" program. The program allows middle and high school students to read briefs prior to oral

argument, attend arguments before the Supreme Court, and engage, within the limits of the Court's confidentiality policy, in a question and answer session with the Court about issues in the case. At least one case each month is identified as a "Class Action" case, and the briefs are made available on the Judicial Department Web site prior to argument so that they can be reviewed by the students and their instructors. Further, a video tape of the argument is made available on the Web site to allow students who cannot attend the live arguments to participate in the program. Over 440 students visited the Supreme Court Building to participate in this program during this reporting period.

In addition, the Supreme Court provided instruction regarding the state judicial system to students from the elementary to the college level, provided tours of the Supreme Court building to numerous groups, hosted the Chief Justice J. Woodrow Lewis Moot Court competition for law students, and participated in the Palmetto Boys and Girls State programs.

Further, the Court has met with several groups of foreign visitors including law school deans from Iraq, trial judges from Korea, and government officials from Bulgaria. This has given the Court the opportunity to interact with these foreign visitors about the advantages of our democratic form of government.

## **1.2 Court of Appeals**

Case and motion filing and disposition constitute the key indicators of the performance level for the Court of Appeals. This information appears in Tables 1.2.1, 1.2.2 and in Figure 1.2-1.

**Table 1.2.1: Court of Appeals Caseload Activity for Fiscal Year 2008-2009**

<b>CASELOAD ACTIVITY</b>	<b>NUMBER</b>
<b>Opinions Issued</b>	
Published	155
Unpublished	768
<b>Total Opinions</b>	<b>923</b>
<b>Motions Pending July 1, 2008</b>	<b>111</b>
<b>Motions Filed</b>	<b>5880</b>
<b>Motions Ruled Upon</b>	<b>5856</b>
<b>Motions Pending June 30, 2009</b>	<b>135</b>

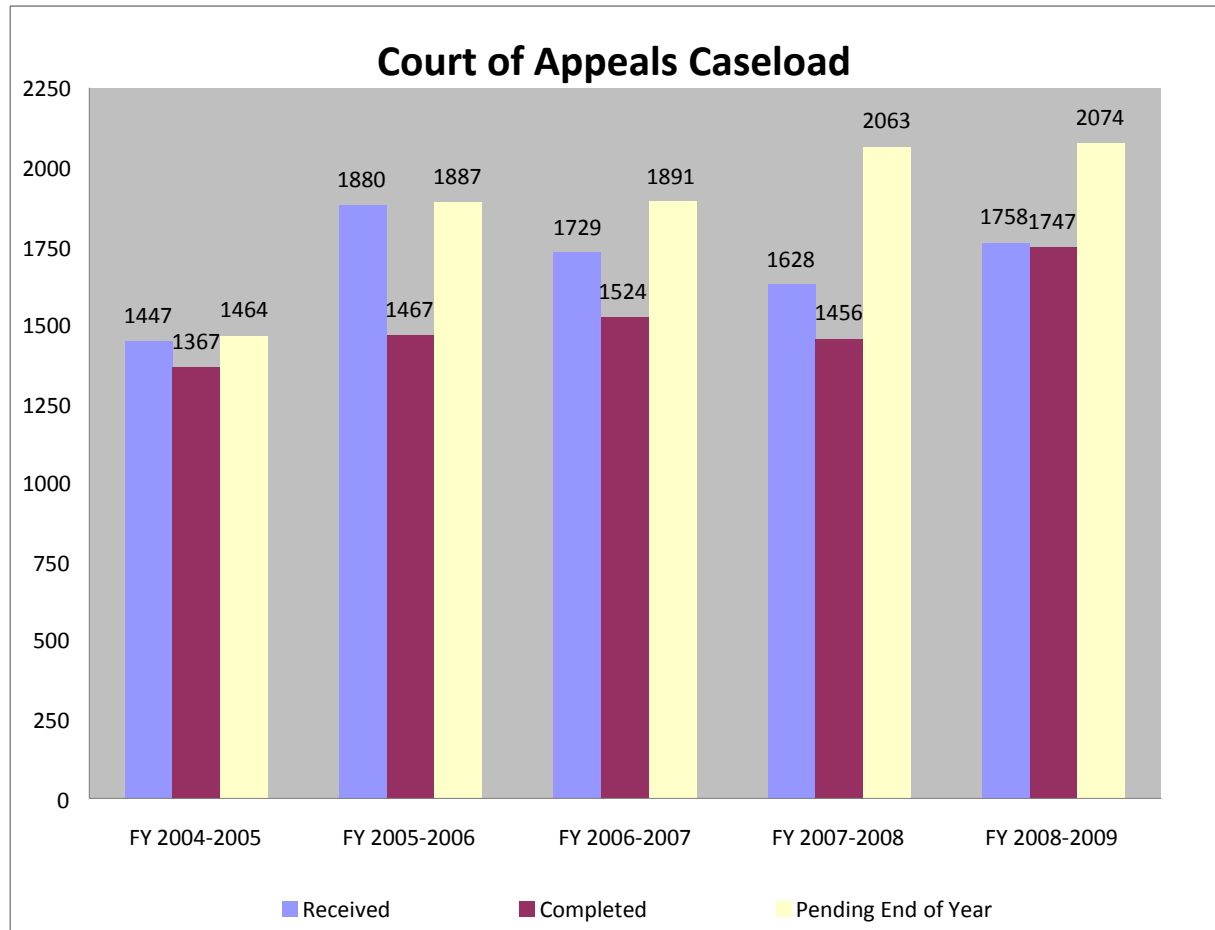
**Table 1.2.2: Court of Appeals Case Filings and Dispositions for Fiscal Year 2008-2009**

<b>FILINGS AND DISPOSITIONS</b>	<b>NUMBER</b>
<b>Cases Pending July 1, 2008</b>	<b>2063</b>
<b>Cases Filed</b>	
Direct Appeals	
Criminal	565
Civil	993
Petitions for Certiorari	

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Post-Conviction Relief	
Transferred from Supreme Court	200
<b>Total Cases Filed</b>	<b>1758</b>
<b>Total Cases Awaiting Disposition</b>	<b>3821</b>
<b>Cases Disposed</b>	
Direct Appeals	
Criminal	
Transferred to Supreme Court	7
Dismissed / Other Disposition	176
Opinions Filed	597
Civil	
Transferred to Supreme Court	53
Dismissed / Other Disposition	503
Opinions Filed	316
Petitions for Certiorari	
Post-Conviction Relief	
Transferred to Supreme Court	0
Dismissed / Other Disposition	0
Denied	85
Opinion Filed	10
<b>Total Cases Disposed</b>	<b>1747</b>
<b>Cases Pending June 30, 2009</b>	<b>2074</b>

**Figure 1.2-1: Court of Appeals Caseload, Filings and Dispositions**



*Beginning Fiscal Year 2005-2006, the Court of Appeals began hearing Post-Conviction Relief actions. Beginning Fiscal Year 2008-2009, caseload information in this table includes dispositions of Post-Conviction Relief actions.*

The key performance indicator for the Court of Appeals is the number of cases filed and concluded. The Court of Appeals Clerk's Office periodically uses surveys to determine customer satisfaction in the areas of promptness, accuracy, and courtesy. These surveys address only the administrative process and do not ask for comments on the legal outcome of appeals. Besides surveys, communications by letter, telephone and personal visits keep court staff aware of areas of concern during the process of preparing appeals for decision by the Court of Appeals.

### 1.2.1 Other Key Measures of Performance

Each year the Court of Appeals welcomes many school and civic groups and other visitors to its historic quarters in the John C. Calhoun Building. Paralegal groups, students from colleges, high schools, middle schools, and elementary schools, model government participants, moot court contestants, community business and political leaders, international government figures, and citizens with an interest in the judiciary come to see the Court of Appeals in action or just to visit a courtroom and library with the flavor of times past. Using a specially edited transcript of an actual oral argument before the Court, students have the chance play the roles of advocates and judges, thus experiencing first hand the intense give-and-take of oral argument.

Not only does the public come to the Court of Appeals in Columbia, the Court itself travels to hold Court in different parts of the state. With the cooperation and assistance of the local bar organizations, the Court makes itself available to members of the public and students from other counties, who thus are more readily able to observe oral arguments. In this fiscal year, the Court of Appeals held court in Horry County.

### **1.3 Bar Admissions**

The key indicators of the performance level for Bar Admissions are listed in Table 1.3-1.

**Table 1.3-1: Bar Admissions**

<b>KEY INDICATOR</b>	<b>RESULTS</b>
Applications for Regular Admission Filed	768
Applications for Limited Certificates Filed	11
Applicants Who Appeared Before the Committee on Character and Fitness	25
Special Accommodation Requests Filed	32
Courses of Study Filed	17
Applicants Taking the Bar Examination	680
Number and Percentage Passing	498 / 73.2%
Applicants Admitted	503
Hearings Held on Reinstatement Petitions	3
Trial Experiences Applications Processed	566
Applications to be Certified as Lead Counsel in Death Penalty Cases	6
Pro Hac Vice Applications	644

The Office of Bar Admissions continues to expand the capabilities of its automated system, allowing the office to input and track more data/information from applicants without relying on paper documentation, create reports, and generate automated letters to applicants. The ultimate goal is to create an automated system in which applicants will be able to file online applications and bar admissions staff will be able to electronically track each applicant's progress in completing all requirements for admission. In addition, the system will allow bar admissions staff to automatically generate all forms and letters relating to bar admissions.

The Office of Bar Admissions has increased its use of technology in order to improve its efficiency and reduce costs while at the same time maintaining the security and confidentiality of applicant files and other documents. In particular, the Bar Admissions Office began distributing applicant files to the members of the Committee on Character and Fitness via electronic scanning for their review and determination of the fitness of applicants.

Further, the National Conference of Bar Examiners (NCBEX) and Office of Bar Admissions implemented a secure website onto which application files will be forwarded to the NCBEX and character reports will be returned to the Bar Admissions Office. The NCBEX reports that the South Carolina Office of Bar Admissions is the first jurisdiction to implement this technology.

In addition, the Office of Bar Admissions began receiving the vast bulk of its fingerprint reports from the South Carolina Law Enforcement Division and Federal Bureau of Investigation via electronic methods, thereby reducing processing and administrative costs for both the South Carolina Judicial Department and the other agencies.

Information reflecting adversely on a potential applicant's fitness and character is frequently received before an application is filed. To address this, the Office of Bar Admissions implemented a system which allows data concerning potential applicants from various sources (letters from the public, other jurisdictions, the NCBEX, etc.) to be entered in the Bar Admissions' database and then matched if the applicant later files an application for admission in South Carolina.

At the February 2009 Bar Examination, the Office of Bar Admissions offered computer-based testing (CBT) for the second time. The Office of Bar Admissions has not yet offered CBT at the July examination but will do so during the administration of the July 2009 Bar Examination.

Staff members from the Office of Bar Admissions continue to assist students at the two in-state law schools (the University of South Carolina School of Law and Charleston School of Law) with the bar application process through on-site bar staff appearances at the schools. During the school visits, bar staff discuss the application process and answer students' questions concerning bar applications and the admissions process.

In September 2008, the Court amended Rule 402, SCACR, to encourage applicants to have completed all requirements for admission at the time the results of the bar examination are released. In particular, the Court amended Rule 402, SCACR, to specify that the Court expects all applicants passing the February Bar Examination to be ready for admission in May and all applicants passing the July Bar Examination to be ready for admission in November. Further, the Court limited the number of swearing-in ceremonies for those applicants who have passed the bar examination and completed all other requirements to four times per calendar year.

By order dated April 10, 2009, the Court amended Rule 402(d)(1), SCACR, to set forth requirements for petitions for permission to file late applications to sit for the South Carolina Bar Examination.

#### **1.4 Office of Disciplinary Counsel**

The primary goals of the Office of Disciplinary Counsel (ODC) are to expeditiously dispose of complaints in a fashion which promotes institutional values promulgated by the Supreme Court of South Carolina and to instill public confidence in the integrity of the legal and judicial system. The performance of ODC is primarily indicated by the cases disposed of annually.

##### **1.4.1 Commission on Judicial Conduct**

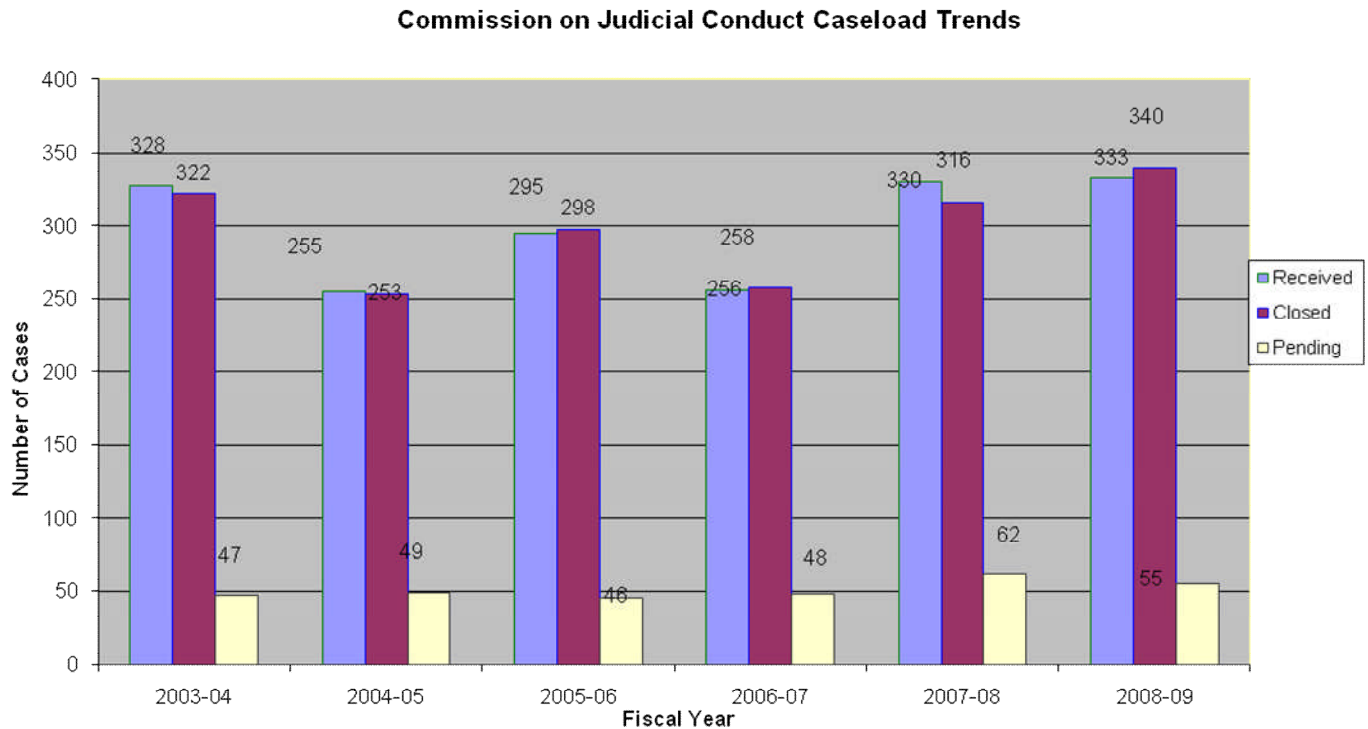
The performance levels for the Commission on Judicial Conduct are listed in Table 1.4.1-1 and Figure 1.4.1-1.



**Table 1.4.1-1: Commission on Judicial Conduct Performance Levels**

<b>COMPLAINTS</b>	<b>NUMBER</b>
Complaints pending July 1, 2008	62
Complaints received this year	333
<b>Total of pending and received complaints for the past fiscal year</b>	<b>395</b>
<b>DISPOSITION OF CONCLUDED COMPLAINTS</b>	
Dismissed by Disciplinary Counsel after review (no jurisdiction)	177
Dismissed by Disciplinary Counsel after prelim investigation (lack of evidence)	89
Dismissed by Investigative Panel	45
Dismissed by the Supreme Court	0
<b>Total Dismissed</b>	<b>311</b>
Letter of Caution without finding of misconduct	12
Letter of Caution with finding of minor misconduct	9
Deferred Disciplinary Agreement	0
Admonition (Confidential)	2
Admonition (Public but not Published)	0
Public Reprimand	4
Suspension	1
Removal from Office	0
Referred to Another Agency	0
Other (Closed But Not Dismissed)	1
<b>Total Dispositions other than Dismissal</b>	<b>29</b>
<b>Total Complaints concluded this year</b>	<b>340</b>
<b>Total Complaints pending as of June 30, 2009</b>	<b>55</b>

**Figure 1.4.1-1: Commission on Judicial Conduct Caseload Trends**



#### 1.4.2 Commission on Lawyer Conduct

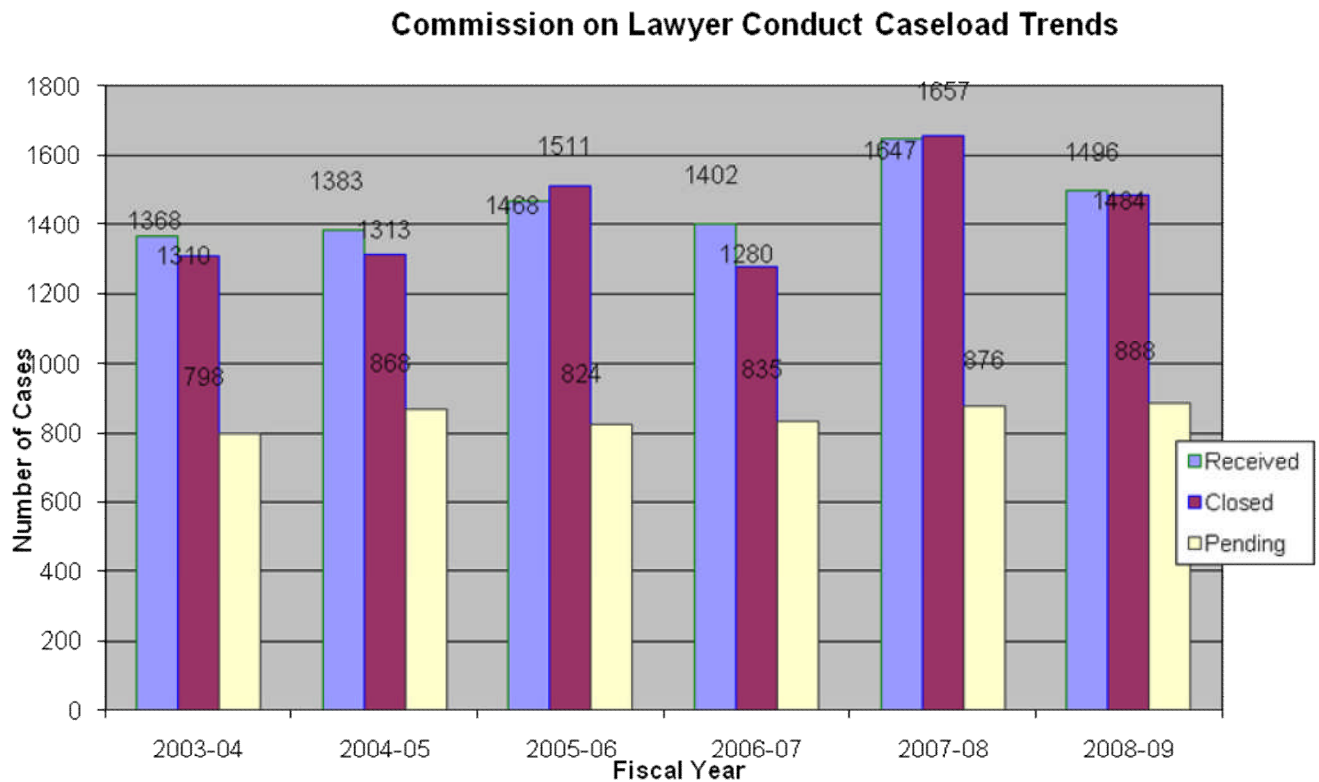
The performance levels for the Commission on Lawyer Conduct are listed in Table 1.4.2-1 and Figure 1.4.2-1.

**Table 1.4.2-1: Commission on Lawyer Conduct Performance Levels**

COMPLAINTS		NUMBER
Complaints pending July 1, 2008		876
Complaints received		1496
<b>Total pending and received complaints</b>		<b>2372</b>
<b>DISPOSITION OF CONCLUDED COMPLAINTS</b>		
Dismissed by Disciplinary Counsel after Initial Review		246
Dismissed by Disciplinary Counsel for Lack of Evidence		565
Dismissed by Investigative Panel		291
Dismissed by Supreme Court		2
<b>Total Dismissed</b>		<b>1104</b>
Closed but not Dismissed		19
Referred to Other Agency		9
Letter of Caution without Finding of Misconduct		117

Letter of Caution with Finding of Minor Misconduct	86
Deferred Disciplinary Agreement	2
Admonition	53
Public Reprimand	20
Suspension	38
Indefinite Suspension	3
Disbarment	27
Closed Due to Death of Lawyer	4
Contempt Order (UPL)	2
<b>Total Dispositions other than Dismissal</b>	<b>380</b>
<b>Total Complaints Concluded</b>	<b>1484</b>
<b>Complaints Pending as of June 30, 2009</b>	<b>888</b>

**Figure 1.4.2-1: Commission on Lawyer Conduct Caseload Trends**



### 1.4.3 Office of Commission Counsel

The primary goals of the Commission Counsel are to advise the hearing panel during its deliberations and draft decisions, orders, reports and other relevant documents on behalf of the hearing panel. Additionally, Commission Counsel assists and provides advice to attorneys appointed

to protect the interests of clients of attorneys who are incapacitated, suspended or otherwise unable to complete their representation of their clients in pending matters. The performance of the Office of Commission Counsel is primarily indicated by the disposition time of cases disposed of after formal charges have been filed.

#### **1.4.4 Office of Disciplinary Counsel (ODC) Other Key Measures of Performance**

The staff of ODC participates as presenters and panel members for numerous continuing legal education programs sponsored by the S.C. Bar, the S.C. Judicial Department, other government agencies, and professional organizations. Staff also participates in the Bridge the Gap Course, which is required of all applicants for admission to the practice of law.

ODC provides an orientation program for approximately 70 attorneys appointed to assist Disciplinary Counsel and monitors and assists them in their investigation of complaints at the local level. ODC serves as counsel in contempt proceedings before the Supreme Court of South Carolina and before the Committee on Character and Fitness when suspended or disbarred lawyers seek reinstatement or readmission. ODC works closely with federal, state and local investigative and prosecutorial agencies, particularly the Attorney General's Office and State Law Enforcement Division, to utilize their information, technical expertise and forensic assets and to assist them in prosecuting crimes committed by lawyers or judges when authorized to do so. In addition, staff members take courses offered by other agencies on topics ranging from real estate fraud to detecting and overcoming deception.

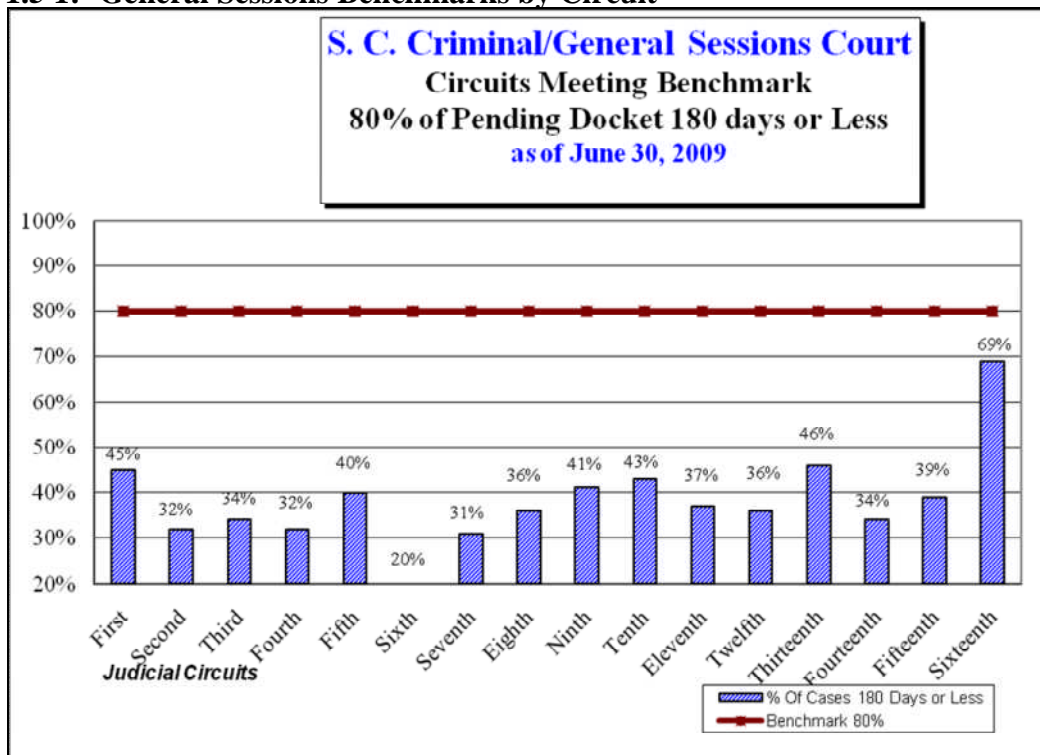
#### **1.5 Circuit Court (General Sessions and Common Pleas) and Family Court**

Benchmarks have been established to meet the parties' need to have cases decided within a reasonable amount of time, depending on the type of court. The target time for processing a case in General Sessions court (benchmark) is resolution within 180 days of filing. The benchmark for a case filed in Common Pleas or Family Court is 365 days from date of filing.

Figures 1.5-1, 1.5-2 and 1.5-3 show this year's results of the judicial circuits according to the benchmarks as of June 30, 2009:

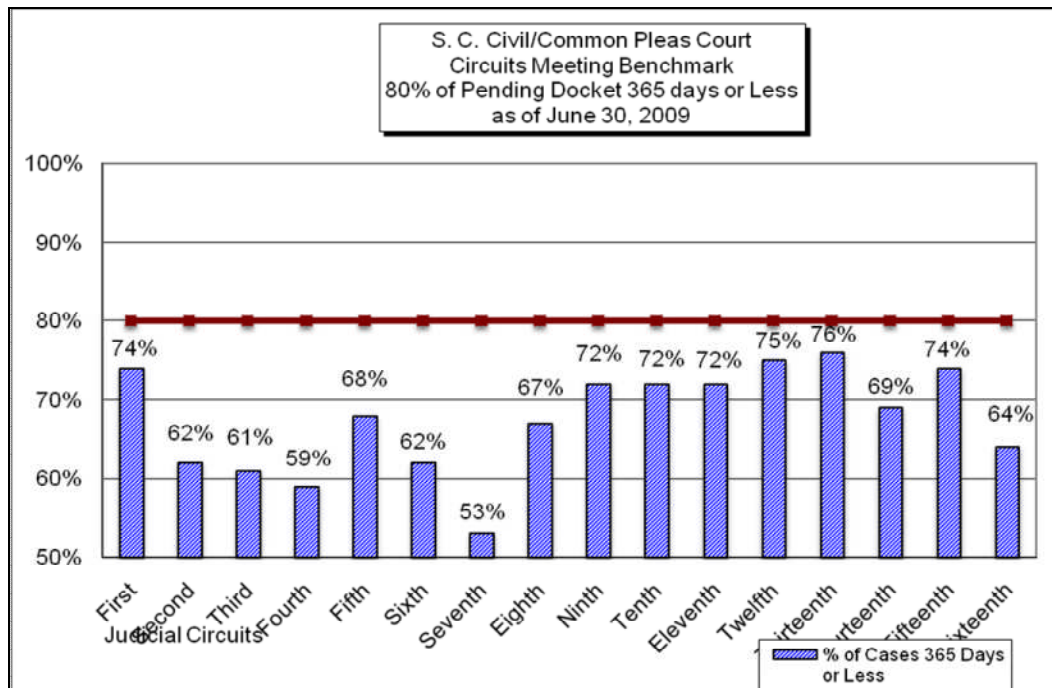
<b>General Sessions - Circuits Meeting Benchmark:</b>	<b>0 of 16</b>
<b>Common Pleas - Circuits Meeting Benchmark:</b>	<b>0 of 16</b>
<b>Family Court - Circuits Meeting Benchmark:</b>	<b>4 of 16</b>

**Figure 1.5-1: General Sessions Benchmarks by Circuit**



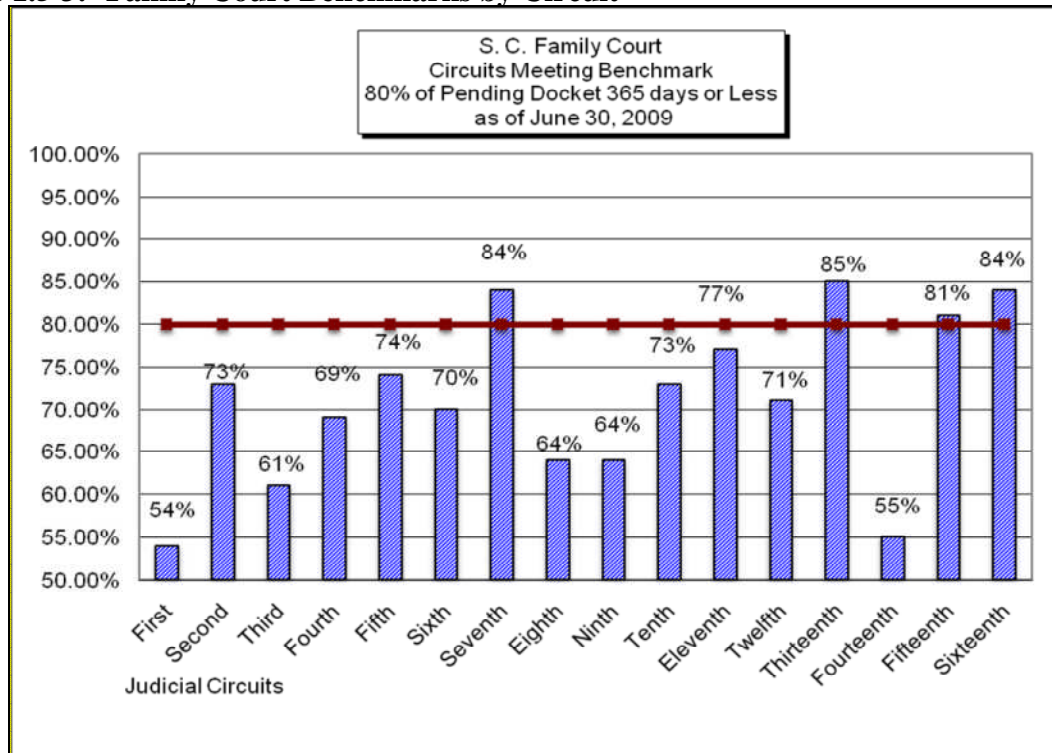
Source: S.C. Court Administration, CRM 75, June 30, 2009. Run Date: August 14, 2009.

**Figure 1.5-2: Common Pleas Benchmarks by Circuit**



Source: S.C. Court Administration, CAC 20, June 30, 2009 Run Date: August 14, 2009.

**Figure 1.5-3: Family Court Benchmarks by Circuit**



Source: S.C. Court Administration, CAF 20, June 30, 2009. Run Date: August 14, 2009.

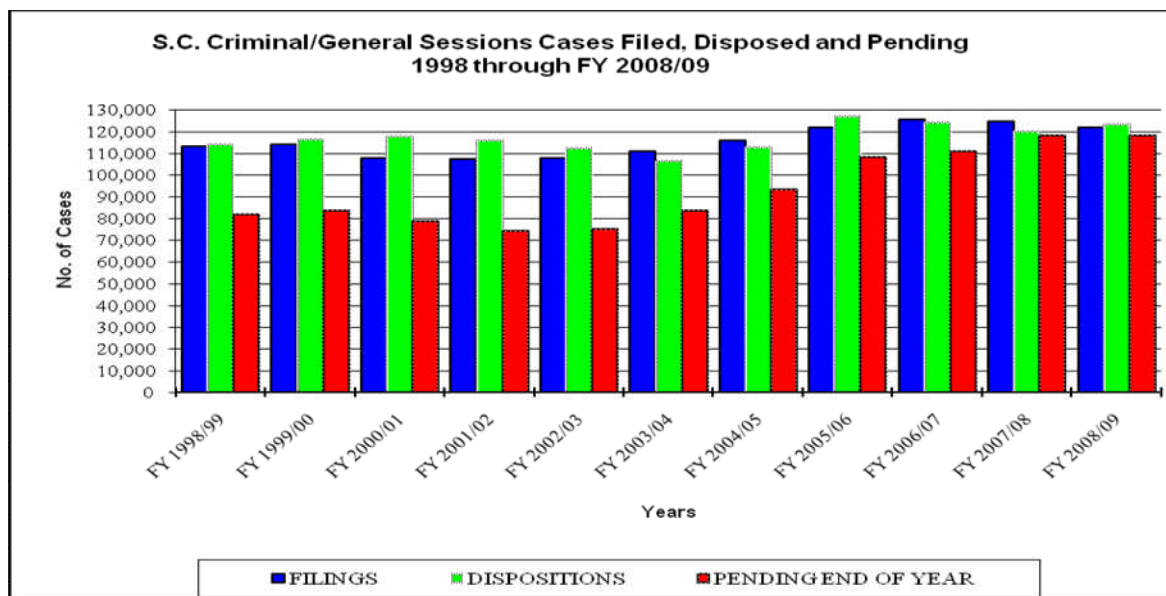
Despite the implementation of criminal case management systems, judge controlled dockets in some judicial circuits, business courts, multi-week trial dockets, and other innovative pilot programs in circuit court, the judicial circuits have been unable to meet the caseload benchmarks this past year because of the increasing number of matters to be heard and the increasing complexity of those matters. While an increase in the number of terms available allowed four of the judicial circuits to meet the family court bench mark, the family court continues to struggle with the ever increasing demands on its time.

**Table 1.5-1: Terms of Court**

YEAR	COMMON PLEAS	GENERAL SESSIONS	TOTAL CIRCUIT COURT	FAMILY COURT
1997/98	895.8	861.8	1757.6	2088.8
1998/99	991.4	870.0	1861.4	2176.6
1999/00	1057.2	892.2	1949.4	2220.2
2000/01	1007.2	887.7	1894.9	2213.7
2001/02	956.6	893.2	1849.8	2137.9
2002/03	941.2	888.2	1829.4	2194.4
2003/04	856.8	903.3	1759.8	2481.4

2004/05	956.0	959.0	1915.0	2121.6
2005/06	982.6	982.8	1965.4	2133.2
2006/07	1002.4	976.8	1979.2	2104.0
2007/08	946.8	976.8	1923.6	2043.2
2008/09	923.2	1029.2	1952.4	2130.2

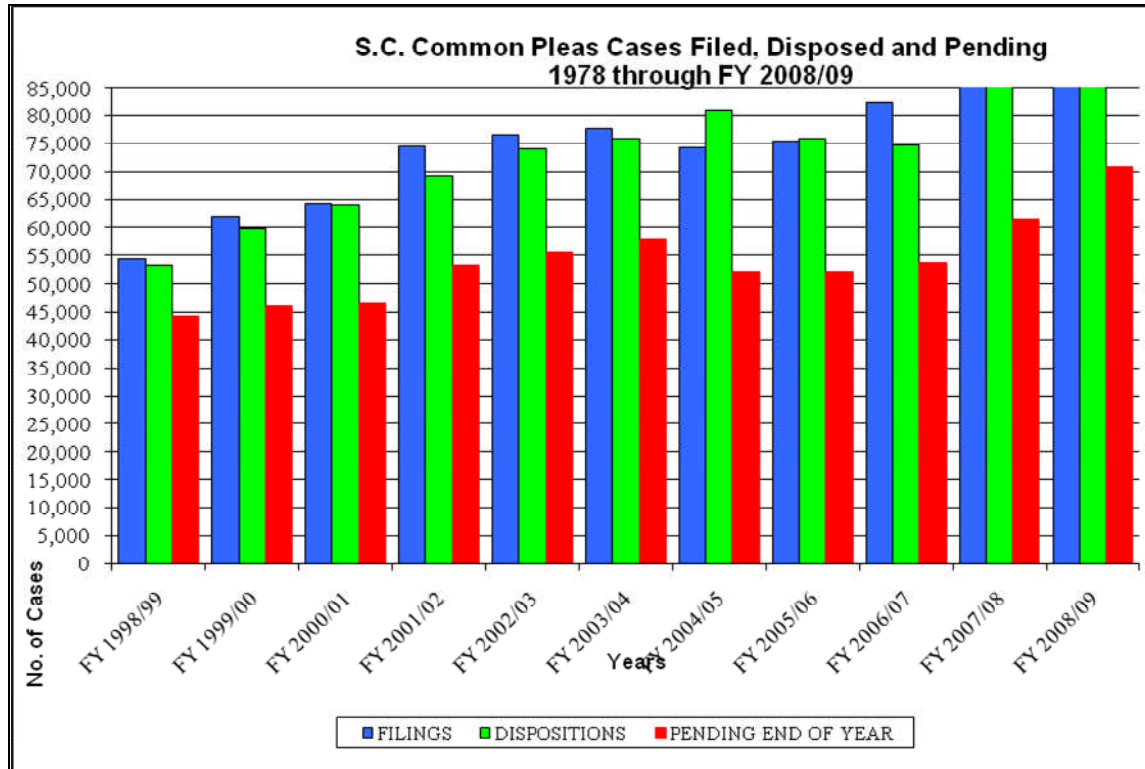
**Figure 1.5-4: General Sessions Cases**



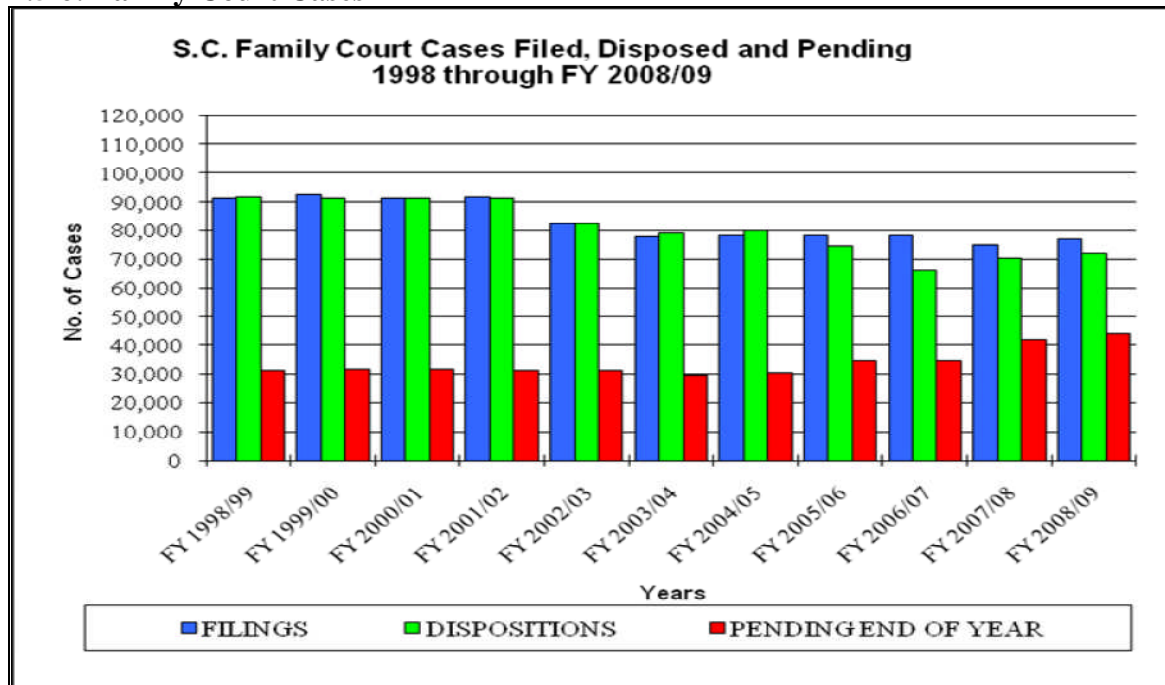
\* Beginning in 1989, caseload is based on warrants instead of indictments.

Fiscal year is from 07/01/xx to 06/30/xx.

**Figure 1.5-5: Common Pleas Cases**



**Figure 1.5-6: Family Court Cases**





## **1.6 Office of Court Administration Performance Levels and Trends**

A brief review of program accomplishments by work groups within Court Administration is as follows:

### **1.6.1 Court Services**

The Court Services staff continuously works to preserve the integrity of the information contained in the Clerk of Court Manual by assigning specific staff members the responsibility to monitor relevant chapters and forms within their area of expertise. Updates to the Clerk of Court Manual occur frequently as a result of changes to court rules, statutes and administrative orders. These changes often require revisions to procedural guidelines outlined in the manual as well as revisions to Supreme Court approved forms. Recent updates to the Clerk of Court Manual include revised procedures and information for court filing fees; structured settlements; medical malpractice; Alternative Dispute Resolution matters and Magistrate Court Appeals.

Projects for the year included coordination of activities pursuant to the Federal Court Improvement Grant; collaboration with the Department of Social Services to receive the Court Improvement Program Data and Technology Grant to assist in funding of a Legal Case Management System for use by DSS county attorneys to better manage the child and adult protection workload; continued to work closely with DSS and the Judicial Department's IT department in order to provide comprehensive monthly DSS Status Reports to family court judges to help them determine the status and progress of child abuse and neglect cases across the state pursuant to statutory requirements; participation in quarterly meetings with DSS to address issues related to DSS's Program Improvement Plan, the Court Improvement Plan, and child welfare cases in general; onsite training of the Family Court Representative to participate as a DSS Stakeholder Reviewer for the 2<sup>nd</sup> Round of the Federal Child and Family Services Review; participation of the Family Court Representative on the Best Legal Practices Subcommittee of the Family Court Bench Bar committee to develop best legal practices for DSS attorneys and other child welfare professionals to improve the management of child protection cases and outcome for children in care; continued involvement of the Family Court Representative and other Court Services staff in the design and development of the new Family Court Case Management System and the Child Support Enforcement System, to be deployed statewide in 2011; and working closely with the Supreme Court Access to Justice Commission to finalize and post the Self-Representative Litigants Simple Divorce Packet and to film videos designed to provide training and assistance to court officials in working effectively with self-represented litigants.

Court Services initiatives also included staff participation in the development of procedures and forms pursuant to the Access to Justice Post Conviction DNA Testing Act and the completion of a uniform Jail Case Monthly and Quarterly Report form. Other initiatives included the ongoing development of a Probate Court Procedure Manual which is in its final stage, and the implementation of a revised Records Retention Policy for the Probate Courts. The Court Services Representative for Statistical Data and Analysis conducted a statewide survey of probate offices to identify practices and strategies that are currently being used to monitor Guardianship and Conservatorship cases in the Probate Courts. The Circuit Court Representative collected information on the number of drug courts and mental health courts in South Carolina and surveyed these courts further to gain additional information regarding their structure and operation. In addition, Court Services staff monitored legislation relating to the circuit, family and probate courts and the court

system in general. Court representatives distribute legislative summaries concerning new and revised laws that affect the courts in their area of responsibility on an annual basis.

The Court Services statistical data area is responsible for the review and analysis of the monthly reports for the purpose of evaluating accuracy and integrity. Cases are monitored for compliance with time-to-trial standards. As our office receives these reports, they are reviewed. The automated reports are reviewed for errors and problems. Monthly reports from Probate Court and Master-in-Equity offices are also reviewed and analyzed. In the event that a number of errors are detected on either report, court staff will be contacted. If necessary, on-site verification visits are scheduled. During an on-site visit, training and assistance is provided to court staff with regards to proper procedures, timelines, and error correction.

The circuit, family, and court services representatives met with advisory committees on a quarterly basis to address issues related to their respective court. Orientation schools for new family, circuit and probate court judges were conducted as well as for new clerks of court and registers of deeds. In accordance with the value of teamwork, Court Services, working with other members of the Judicial Department, planned and coordinated the annual Judicial Conference and the New Circuit Court Law Clerks Seminar, which included 250 participants. Court Services staff assisted the National Judicial College with a grant application to secure \$10,280 for Judicial Education Scholarship funding through the South Carolina Bar Foundation. These scholarships are funded through grants provided by the South Carolina Bar Foundation (IOLTA) trust accounts with a match from the Bureau of Justice Assistance. The National Judicial College uses Foundation funds to educate South Carolina judges so that they may increase their skills to better serve their communities. Participating judges are selected by Court Administration. Six new circuit and family court judges were approved to attend the General Jurisdiction course. Due to a continued downturn in the economy, there were additional reductions in the amount of interest earned on IOLTA accounts. This has negatively affected the amount of scholarships available through these funding sources. In order to offset this loss in funding, the Court Services staff has continued to proactively seek other funding sources. As a result, additional scholarships were awarded through grants provided by the State Justice Institute (SJI) and the National Judicial College (NJC). Court Services staff assisted one circuit court judge in applying for and receiving SJI and NJC funds to attend the Handling Capital Cases Course in Naples, FL. An additional scholarship was awarded by NJC to allow a circuit court judge to attend the Dispute Resolution Skills course in Philadelphia, PA. Under an SJI grant, a team of South Carolina judges attended a workshop on Courts and Media Issues in Atlanta, GA conducted by NJC's Reynolds National Center for Courts and Media. In addition, two magistrate court judges were awarded SJI and NJC funding to attend the Special Court Jurisdiction course in Reno, NV.

Court Services staff responds to inquiries involving court policy and procedures and researches legal authorities for clarification of issues for many customers and stakeholders. In the past year, on average, each court representative staff responded to approximately 80 inquiries a month from the general public, legislators, state agencies, practicing attorneys, judges, clerks of court, and victim advocates. Additionally, staff processed and responded to 264 written inquiries from inmates alone this fiscal year.

The family court representative attended national conferences throughout the year, including the National Meeting for Court Improvement Project Directors and Coordinators, and the National

Resource Center for Child Welfare Data and Technology Conference. In addition, the family court representative participated in Child Welfare Advisory Committee meetings, as well as meetings of the Children's Law Section of the South Carolina Bar. The circuit court representative attended a four-day Rural Courts Seminar co-sponsored by the Justice Management Institute and Georgia Court Administration and the Drug Court Coordinator's Annual Conference sponsored by the National Drug Court Institute. The court services manager attended the Court Solutions Conference. In addition, the court services representatives attended association meetings and bench bar seminars with their respective court. Court Services staff addressed participants at two Probate Court association meetings and hosted round table discussion groups at the Clerks of Court and Register of Deeds Association Annual Conference.

### **1.6.2 Court Reporting and Court Interpreting**

The Court Reporting staff is responsible for ensuring that an official state court reporter is assigned to each term of Circuit and Family court. In addition, this staff monitors the production of transcripts requested, ensuring that court reporters are in compliance with the time limits set by Order of the Supreme Court.

Court Administration is allowed to grant up to three extensions for time to deliver transcripts. Court reporters who cannot deliver transcripts within the three-extension time frame must seek approval from the Chief Justice for a fourth extension. Typically, a fourth extension request is made for death penalty, malpractice, or long and complicated trials. Only court reporters expressing an interest in reporting death penalty trials are assigned to those cases. In an effort to ensure that court reporters don't experience extreme backlogs, they are encouraged to seek transcript production assistance from other court reporters.

The Court Reporter Manager is also responsible for the interpreters utilized in our courts, both foreign language and sign language. One of the responsibilities in this role is maintaining Court Administration's Directory of Certified or otherwise Qualified Interpreters. The South Carolina Court Interpreter Certification Program is in its third year. It is a three-phase program consisting of a Two-Day Orientation Workshop (Phase I), Written Examination (Phase II), and an Oral Performance Examination (Phase III). A Two-day Workshop was held on November 1-2, 2008 and again on June 13-14, 2009. This was for Languages Other than Spanish (LOTS) Interpreters. The sessions were taught by the instructors in a language-neutral fashion, and the majority of the participants were interested in becoming Spanish language interpreters. We are experiencing an increased need for interpreters in other languages more frequently in our courts. The Phase II Written Examinations were administered on December 6, 2008 and again on July 18, 2009. The participants, through their participation in this program, have realized that there is a much greater level of interpreting skill required to interpret in the court system. This program offers them the opportunity to attain the knowledge, skills, and abilities to render quality interpreting services in our courts. Phase III will be scheduled during the last quarter of 2009 to increase the number of certified interpreters available to address the growing need of our courts and the citizens of South Carolina.

### **1.6.3 Summary Court Services**

Many of the Summary Court judges are not attorneys, nor do they have law clerks. Court Administration's two staff attorneys and summary court representative provide the necessary support

for these courts to operate within the requirements of court rules and state laws. The Summary Court Services staff also conducts a two-week mandatory orientation school for new judges twice a year. This year, 32 new judges were enrolled. Staff assists the Board of Magistrate and Municipal Judge Certification in fulfilling their responsibilities as required by court rules. The certification examination was administered to 20 new appointees, as required by state law, with 16 appointees passing the examination. In addition, 86 existing judges were administered the recertification examination, as required by State law, with 81 existing judges passing the examination. Staff approves, on behalf of the Board, seminars as suitable for summary court judges' continuing legal education. The staff coordinates with the state technical college system and oversees an eligibility examination to test basic skills of all prospective magistrates. The Summary Court Services staff, in conjunction with the Magistrate Advisory Council, coordinates and provides instruction at an annual one-week intensive education program for sitting magistrates. Staff coordinates and/or makes presentations at legal education seminars statewide. Staff responds to numerous inquiries from court personnel, citizens, inmates, and state and local governmental agencies on a daily basis. Staff provides technical support to the Chief Justice, the Information Technology Department working with the Chief Justice's Case Management System, and other Court Administration staff members. Staff maintains and updates the Magistrate and Municipal Judge Benchbook, which is available on the Judicial Department's Web site.

#### **1.6.4 Court Scheduling**

The Court Scheduling staff recommends to the Chief Justice schedules for all terms of court for Circuit and Family Courts for the 46 counties. In addition to determining the proper locations and terms of court, the Chief Justice makes assignments of judges and court reporters to these locations and terms of court. This large and encompassing schedule is issued six months in advance for each six-month term of court.

## **2. What are your performance levels and trends for your key measures on customer satisfaction and dissatisfaction (a customer is defined as an actual or potential user of your organization's products or services.)?**

By definition, the courts decide cases. Therefore, the final decision in a case means that one side will win and generally be satisfied, while the other side will lose and generally be dissatisfied. The Judicial Department strives to ensure that the process by which the case is adjudicated is reliable and fair to the participants.

The Judicial Department obtains information about customer satisfaction in a variety of ways:

- First, it meets with the leadership of the South Carolina Bar to obtain information about the needs of and problems facing lawyers in this State.
- Second, it meets with various groups or associations, including the South Carolina Trial Lawyers Association, South Carolina Defense Trial Attorneys Association, Circuit Court Judges Advisory Committee, Family Court Judges Advisory Committee, Probate Court Judges Advisory Committee, Clerks of Court and Registers of Deeds Advisory Committee, Court Reporters Advisory Committee, the Solicitors Association, the Public Defender's Association, the Probate Judges Association, and the Summary Court Judges Association to obtain information about their satisfaction with the Judicial Branch.
- Third, information about the public's level of satisfaction is obtained from correspondence received from members of the public, media reports, written responses to requests for public

comment regarding rule changes and other matters, and public hearings held on various rule changes or other matters.

The key measures of customer satisfaction for the Judicial Department are twofold:

1. accessibility of accurate court information
2. response time to requests received

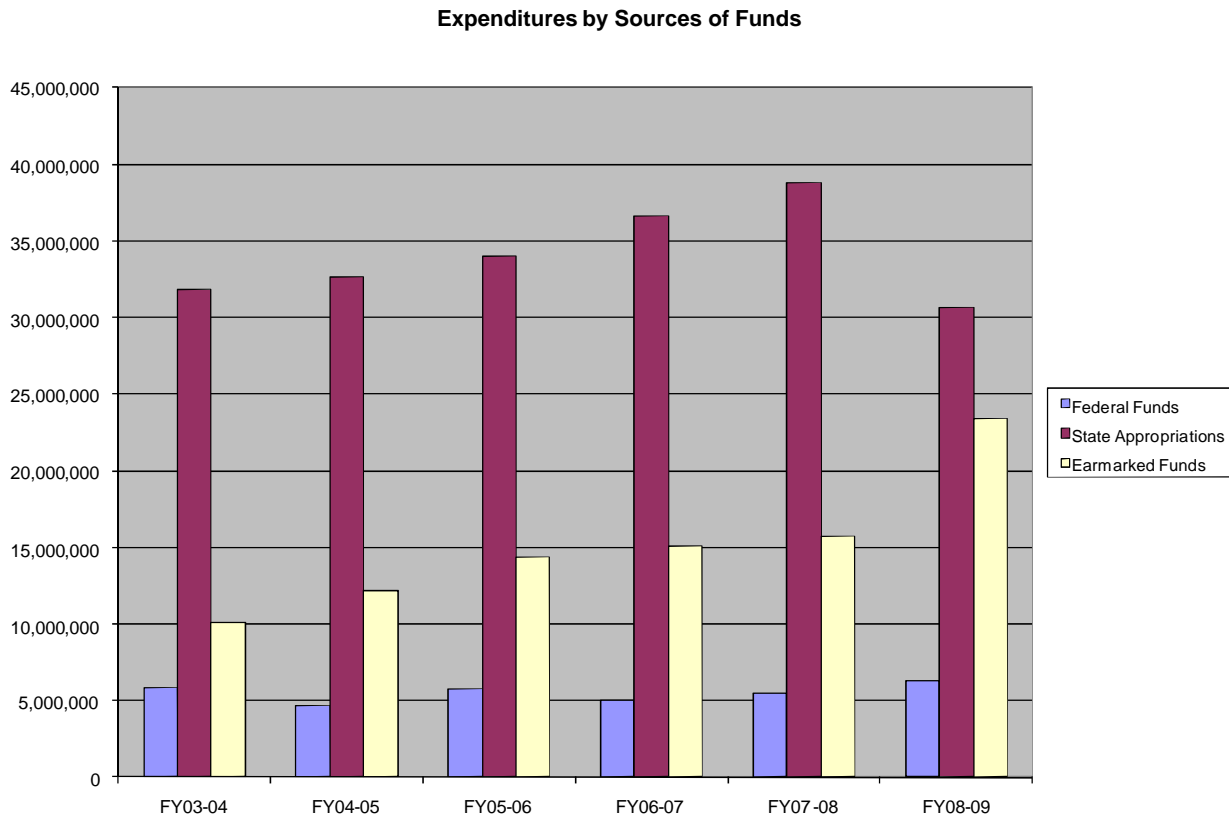
Through the incorporation of technology, the Judicial Department has improved both of these key measures of customer satisfaction. For example, the Judicial Department Web site provides a summary of the issues included in cases to be argued before the Court and, once a case has been decided and published, offers readers a synopsis of the opinion decision. The Web site also provides access to unpublished opinions of both the Court of Appeals and the Supreme Court, updated rules, court calendars, forms, procedure manuals, CDR codes, judicial orders, etc. The Web site continues to evolve to provide greater functionality and more information and online services.

### **3. What are your performance levels for the key measures of financial performance, including measures of cost containment, as appropriate?**

The Judicial Department continues to strive for excellence as it fulfills its mission and continues to grow into a more effective organization. Thanks to the insight of the Legislature, the Judicial Department has developed alternative sources of revenue. The Judicial Department continues to work with the County Clerks of Court and the County Treasurers to realize this source of funding. The fees and assessments enacted by the Legislature and collected for the Judicial Department have remained at approximately 30 percent of the Judicial Department operating budget. A large portion of these fees and assessments are available to the Judicial Department through appropriations act provisos. The Judicial Department continues to need a stable base of recurring funding for its operating budget.

The Judicial Department has also remained dedicated to the advancement of its mission through technology. The Judicial Department believes that by investing in human resources and technology, it will grow into a more responsive and cost effective organization. In order to do this, the Judicial Department has actively sought out sources of funding to enhance the funding provided by the general fund of South Carolina. Through the efforts of the Chief Justice, Information Technology Director and the Judicial Department's systems integrator, the Judicial Department has achieved a significant growth in earmarked and federal funding at the same time appropriations from the State's General Fund have been declining, as illustrated in Figure 3-1. Federal funding is restricted to building technology infrastructure and cannot be used for general operations. Federal grant projects have enabled the Judicial Department to continue its modernization vision with technology when state funds have not been available.

**Figure 3-1: Expenditures by Sources of Funds**



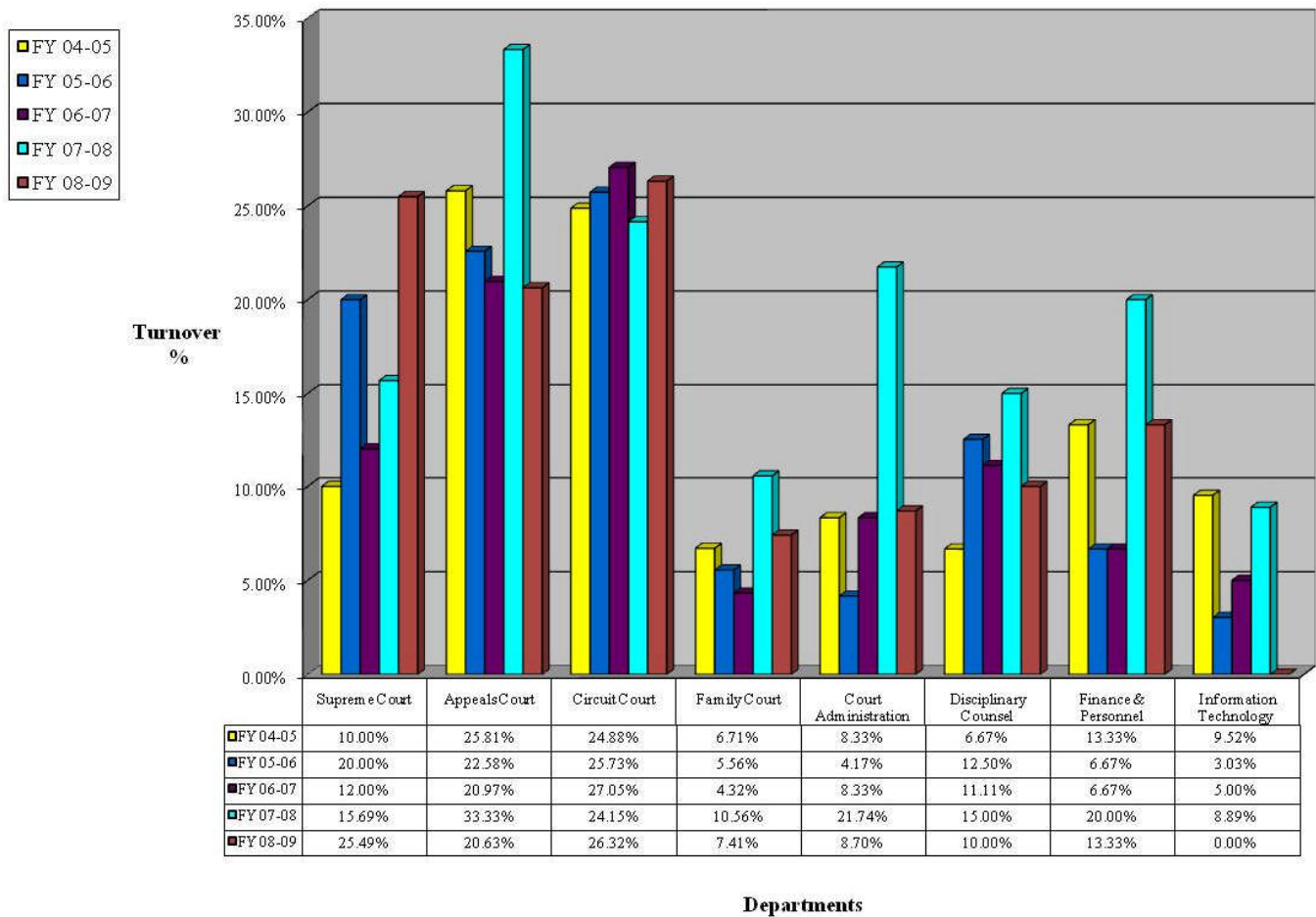
**4. What are your performance levels and trends for the key measures of workforce engagement, workforce satisfaction, the development of your workforce, including leaders, workforce retention, workforce climate including workplace health, safety, and security?**

Employee turnover rates still indicate a high rate of job satisfaction in the Judicial Department. Tables 4-1, 4-2 and 4-3 reflect the Judicial Department's very stable work force and low overall turnover rate. Over the past 8 years, the State Government turnover rate has averaged 13.10 percent while the Judicial Department turnover rate has averaged 5.60 percent. Also, 25 percent of SCJD employees have more than 10 years service with the Department, 10 percent have more than 20 years, and 3 percent have more than 30 years. This longevity of 38 percent of our workforce is indicative of our employees enjoying their work and their working environment.

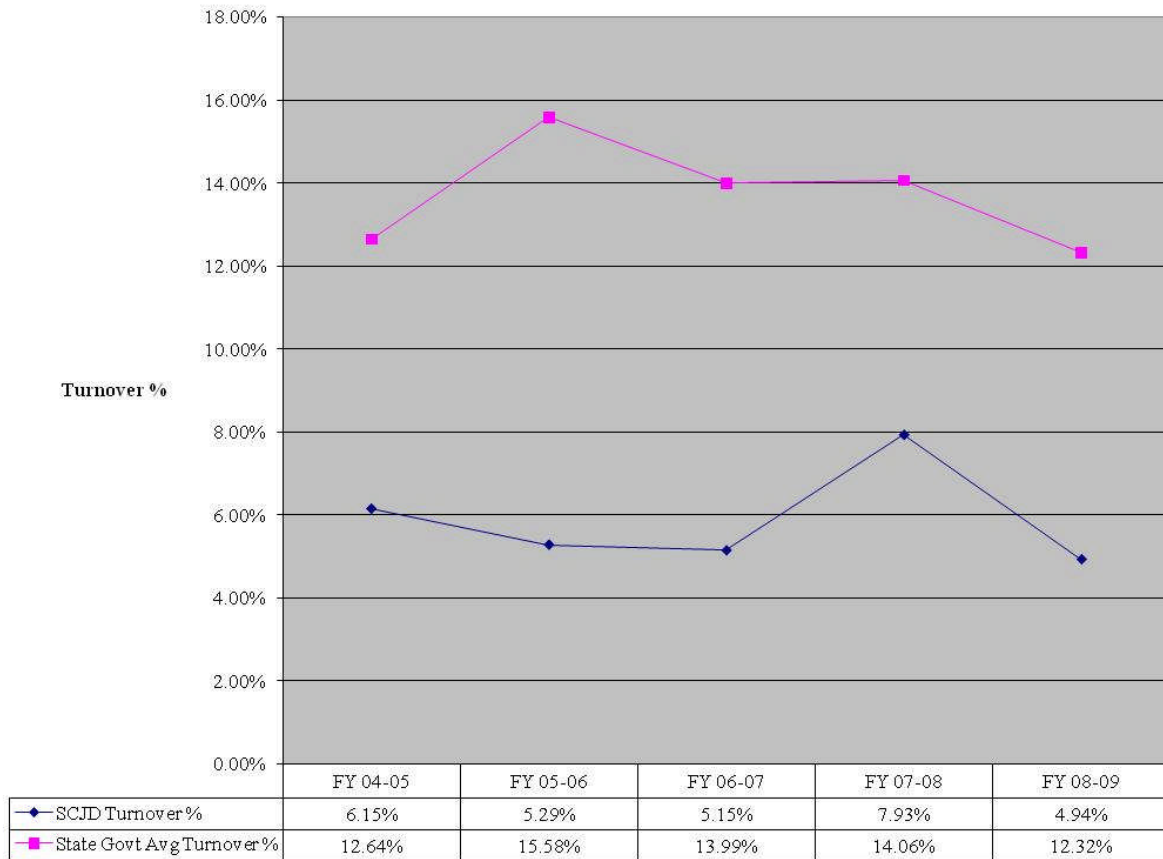
**Table 4-1: Judicial Department Employee Turnover**

	FY 04-05			FY 05-06			FY 06-07			FY 07-08			FY 08-09		
	FTE	Term	Turnover	FTE	Term	Turnover	FTE	Term	Turnover	FTE	Term	Turnover	FTE	Term	Turnover
Supreme Court	50	5	10.00%	50	10	20.00%	50	6	12.00%	51	8	15.69%	51	13	25.49%
Appeals Court	62	16	25.81%	62	14	22.58%	62	13	20.97%	63	21	33.33%	63	13	20.63%
Circuit Court	205	51	24.88%	206	53	25.73%	207	56	27.05%	207	50	24.15%	209	55	26.32%
Family Court	164	11	6.71%	162	9	5.56%	162	7	4.32%	161	17	10.56%	162	12	7.41%
Court Administration	24	2	8.33%	24	1	4.17%	24	2	8.33%	23	5	21.74%	23	2	8.70%
Disciplinary Counsel	15	1	6.67%	16	2	12.50%	18	2	11.11%	20	3	15.00%	20	2	10.00%
Finance & Personnel	15	2	13.33%	15	1	6.67%	15	1	6.67%	15	3	20.00%	15	2	13.33%
Information Technology	21	2	9.52%	33	1	3.03%	40	2	5.00%	45	4	8.89%	42	0	0.00%
	556	90	16.19%	568	91	16.02%	578	89	15.40%	585	111	18.97%	585	99	16.92%
Less Retirees & Non-Career Employees	(62)	(62)		(67)	(67)		(65)	(65)		(75)	(75)		(76)	(76)	
Less Vacancies	(39)			(47)			(47)			(56)			(43)		
	455	28	6.15%	454	24	5.29%	466	24	5.15%	454	36	7.93%	466	23	4.94%

**Table 4-2: Judicial Department Employee Turnover**



**Table 4-3: Judicial Department Employee Turnover**



The Judicial Department hires approximately 60 law clerks and staff attorneys for a one- or two-year term. These employees generally fulfill their terms and are given very challenging responsibilities and opportunities to observe and participate in the judicial process that few of their law school contemporaries will ever have. Further, among lawyers working for the Judicial Department, there is frequently movement between law clerks for trial court judges and law clerks and staff attorneys at the appellate level. This flexibility gives young attorneys the opportunity to experience the Judicial Department's work from more than one vantage point and develop diverse skills that will benefit those seeking legal assistance from these attorneys when the terms expire.

The Judicial Department actively seeks to develop the skills of its employees. For its employees that are lawyers, the Supreme Court provides training during the annual Judicial Conference, during a separate training seminar, and with ad hoc monthly continuing education programs for appellate law clerks and staff attorneys.

As technology is further incorporated into everyday Judicial Department processes, training and development keep pace. All employees have been required to complete training to improve their technical skills. As the Judicial Department standardizes its technology applications, employees are



required to complete training in those applications and, where necessary, employees receive additional training such as training on the operation of scanning equipment and computer generation of rosters and court calendars.

The Judicial Department arranges for health screenings, flu shots, and mammograms for its workforce.

**5. What are your performance levels and trends for your key measures of organizational effectiveness/operational efficiency, and work system performance (these could include measures related to the following: product, service, and work system innovation rates and improvement results; improvements to cycle time; supplier and partner performance; and results related to emergency drills and exercises)?**

The charts shown in **Section III, Category 7.1, 7.3 and 7.4** contain most of the information on results and trends applicable to this question. Improvements to cycle time are tracked within the individual division. For instance, in cooperation with the Office of Indigent Defense, the Court of Appeals has been able to significantly reduce the time required for processing criminal appeals handled by that office.

Evaluations of emergency drills have been rated excellent.

**6. What are your performance levels and trends for the key measures of regulatory/legal compliance and community support?**

The Judicial Department recognizes its responsibilities to be a conscientious steward of taxpayer money invested in the Judicial Department for human resources and for operating expenses. The Judicial Department has its financial records examined annually by the Office of the State Auditor. Recent examinations have resulted in no significant findings. Recent procurement and insurance audits have also found no significant findings.

The Judicial Department files an annual plan and report with the Governor's Office of Small and Minority Business Assistance (OSMBA). The Judicial Department strives to meet or exceed goals set forth in this program within the Consolidated Procurement Code.

The Judicial Department is the recipient of federal grants and is required to file indirect costs recovery plans with Grantors. These plans have been praised as examples of how such plans should be constructed and presented. As a result, granting organizations have been more receptive to subsequent requests, which have helped obtain additional federal funding.