

**STATE OF SOUTH CAROLINA
JUDICIAL DEPARTMENT**



**ANNUAL ACCOUNTABILITY REPORT
FISCAL YEAR 2010- 2011**

September 15, 2011

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Accountability Report Transmittal Form

Agency Name: South Carolina Judicial Department

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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.¹ 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, 2010 thru June 30, 2011, was another year of significant economic crises across the world. The Judicial Department was fortunate that the state legislature for the first time in many years was able to provide minimum funding to maintain current court operations. The Judicial Department continued to be very frugal, continued to make some cuts to achieve cost savings, and also tried to engage more innovative thinking and ideas to enhance court services.

¹ 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 made 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:

- On June 20, 2011, the final county went live with the statewide court case management system (CMS). This accomplishment means that the Circuit Courts and Magistrate Courts in all 46 counties are in production with the statewide system, and 100 percent of the criminal and civil caseload is now processed in the statewide CMS. The CMS is hosted by SCJD in 30 of the 46 counties.
- The Chief Justice, with the assistance of Court Administration, initiated a statewide plan to reduce DUI/DUAC backlogs in the Magistrate and Municipal Courts. The plan incorporates periodic review and adjustment contingencies.
- Working with the Access to Justice Commission, a legal self-help center was put into operation in Newberry County. This program provides legal information and resources to those who cannot afford an attorney. The center has primarily helped low income, self-represented litigants prepare for simple (no children and no significant property) divorce cases and hearings.
- The Chief Justice established a Docket Management Task Force (DMTF) led by Justice Kaye Hearn to analyze and address use of court resources, staffing, calendaring, and consistency across counties in the state trial courts. Three subcommittees were formed to specifically address General Sessions Court, Common Pleas Court, and Family Court respectively. Recommendations will be presented to the Chief Justice for consideration by the Court to determine which changes will be incorporated into the court operations.
- In 2009, Chief Justice Toal teamed with U.S. Supreme Court Justice Sandra Day O'Connor to launch the OurCourts initiative in South Carolina to educate middle and high school age children about the judiciary via using the Internet. In 2010, they continued to work together to expand the OurCourts initiative into the iCivics initiative in response to educators to address all three branches of government. South Carolina developed an expansive pilot program and closely worked with the South Carolina Department of Education. The program is now a supplemental social studies curriculum. In the Spring of 2011, Chief Justice Toal was named as the first recipient of the Sandra Day O'Connor Award for the Advancement of Civics Education and received the award on behalf of the South Carolina initiative.
- Thousands of South Carolina middle and high school students received civic lessons through an innovative educational approach – graphic novels. The Judicial Department worked in conjunction with the National Center for State Courts (NCSC), S.C. Bar Law Related Education Program and three law firms to provide *Justice Case Files*, a series of three graphic novels produced by the NCSC in an effort to improve the public's awareness of and knowledge about how the courts work. Over 3,000 books were purchased by three law firms to distribute, as requested by teachers, to students throughout the State along with lesson plans for the teachers.
- The South Carolina Judicial Department hosted the 2010 South Carolina Mini Summit on Justice for Children, which was held in collaboration with the South Carolina Department of Social Services and the Children's Law Center. Attendance at the Mini Summit was

mandatory for all Family Court Judges, DSS County Directors, and DSS County Attorneys. The program featured presentations on innovative practices in South Carolina and opportunities for small group discussion both within and across circuits to develop strategies to enhance the court's handling of child protection cases. The Mini-Summit marks the 2nd summit in the 5 year authorization period for the Federal Court Improvement Project Grant.

- Court Administration developed a uniform statewide Conditional Discharge Procedure and forms for processing conditional discharges for General Sessions, Magistrate and Municipal courts in accordance with Act No. 273 of 2010. The procedure was developed with input and review of the Circuit Court Judges Advisory Committee, Clerks of Court and Registers of Deeds Advisory Committee, the Department of Probation, Parole and Pardon, and representatives of the Solicitors' Association.
- The Rules for Lawyer and Judicial Disciplinary Enforcement (Rules 413 and 502, SCACR) were amended to 1) eliminate the requirement that a letter of caution specify whether minor misconduct was committed 2) clarify that only the Chair or Vice-Chair of the Commission on Lawyer Conduct has the authority to issue orders to assist attorneys to protect clients' interests, and 3) make the definition of "serious crime" in the RJDE identical to the definition of a "serious crime" in the RLDE.
- Rule 1.15(f) of The Rules of Professional Conduct (Rule 407, SCACR) was amended to restructure the text concerning disbursement of funds in trust accounts and add a section permitting disbursement of funds where ten days have passed and there is no notice that the credit for or the collection of the funds has been delayed or impaired. Additionally, the section was amended to permit checks issued by insurance companies of \$50,000 or less to be disbursed immediately.
- Rule 219, SCACR, was amended to clarify that a party may only suggest a hearing or rehearing *en banc* by the South Carolina Court of Appeals, and that a vote on that suggestion will only occur if a member of the Court of Appeals calls for a vote on the suggestion.
- The South Carolina Rules of Civil Procedure were amended in several aspects. First, Rules 16, 26, 33, 34, 37 and 45, were amended to deal with electronic discovery and are now substantially similar to the corresponding provisions of the Federal Rules of Civil Procedure. Second, a note was added to Rule 28 to reference the enactment of the South Carolina Uniform Interstate Depositions and Discovery Act. Finally, Rule 3 was amended to allow the waiver of the filing fee for an action when a party is represented by an attorney working on behalf of or under the auspices of a legal aid society, a legal services or other nonprofit organization, or the South Carolina Pro Bono Program.
- Rule 29 of the South Carolina Rules of Criminal Procedure relating to post-trial motions was amended to place a one year limit on the time to make a motion for a new trial based on after-discovered evidence.
- The Chief Justice issued an administrative order relating to mortgage foreclosures. This order is intended to insure that eligible homeowners and lender-servicers have been afforded the benefits of loan modification or other loss mitigation where possible, and to insure the procedures for handling issues relating to such efforts are handled uniformly throughout the State, so that mortgage foreclosure actions are not unnecessarily dismissed, delayed or inappropriately concluded while loan modification or other loss mitigation efforts are being pursued.

- The counties covered by the Court-Annexed Alternative Dispute Resolution (ADR) Rules were expanded to include the counties of Clarendon, Lee, Oconee, Sumter and Williamsburg. After this change, the circuit court in 17 counties and the family court in 19 counties are designated for mandatory ADR.
- Based on a proposal by the South Carolina Bar, the Supreme Court amended the Regulations for Mandatory Continuing Legal Education to require lawyers and judges to complete at least one hour of continuing legal education devoted exclusively to substance abuse or mental health issues every three years. The Bar proposed this change in an attempt to reduce the instances of depression, substance abuse, and suicide among members of the legal profession, which are nationally reported to be higher among members of the legal profession than other professions.
- Based on a recommendation of the Chief Justice's Commission on the Profession, the Lawyer Mentoring Second Pilot Program was extended until April 1, 2012. This program now is mandatory for all persons admitted to the South Carolina Bar on or before April 1, 2012, who meet the definition of a "qualifying lawyer" under that program.
- The Task Force on State Courts and the Elderly, established in October 2009 by the Chief Justice, completed and submitted a report to the Supreme Court in July 2010.
- Court Administration co-coordinated the on-site review visits of Spartanburg County DSS and the Spartanburg Family Court Judges by the National Resource Center for Legal and Judicial Issues.
- Court Administration and the Department of Social Services (DSS) continue to collaborate on several projects to improve the timely processing of child protection services cases to include enhancements to existing statistical reports provided to Family Court Judges regarding the status of cases and to standardize orders used in probable cause, removal, permanency planning, and Termination of Parental Rights matters to help DSS meet federal requirements.
- Court Administration continues to work with the Access to Justice Commission on fine-tuning the Self Represented Litigant Divorce Packet as well as participating on the commission's Guardianship Committee. The Guardianship Committee is working to develop an information packet to make it easier for South Carolinians to understand the Guardianship process and to provide better levels of intervention and protection to those at risk.
- Court Administration continues to work in conjunction with the Probate Court Judges Advisory Committee to finalize the Probate Court Bench Book for use by probate judges, and on the revision of the Minor Settlement Procedure to include special needs trust procedures.
- The Court Reporter Transcript Tracking System (CRTTS) was implemented in the Fall of 2010. The CRTTS allows Judicial Department court reporters to file monthly reports online. The system tracks the status of transcript production, extension requests, and leave. The SC Judicial Department is currently in the process of implementing a new Appellate Case Management System which includes an interface to the CRTTS. Supreme Court and Court of Appeals system users will be able to access the CRTTS to check on the progress of transcript requests and extensions directly from the new appellate system. As a result of this interface, the trial court case numbers entered by court reporters must match those entered into the appellate system. To ensure uniform

case numbers, new functionality has been added to the CRTTS to validate all case numbers entered by court reporters against trial court statistics collected by the SC Judicial Department.

- Court Administration, along with associated advisory committees and affected state agencies, established or revised uniform statewide policies and procedures and court approved forms on a number of issues including registration of foreign child custody orders, the reporting of violent crimes to the Department of Motor Vehicles pursuant to Act No. 277, 2010, civil subpoenas, objections to expungements pursuant to Section 17-22-950(A), pledge of real estate for surety bond, and special probate judge appointments in Probate Court.
- The Court of Appeals reduced its number of pending cases by approximately 8 percent from July 1, 2010, to July 1, 2011. During this same time period, the Court of Appeals filed opinions in 398 civil cases as compared to 256 during the previous fiscal year. Likewise, the number of non-Anders criminal opinions increased from 174 opinions last fiscal year to 214 this year.
- Recognizing the fluctuation the Court of Appeals has experienced in key positions over the last several years, including a new Chief Judge in 2010, two new clerks of court since 2009, two new chief staff attorneys since 2010, and a new docketing supervisor in 2009, handbooks have been developed for administrative procedures and case processing procedures at the Court of Appeals in an effort to better retain institutional knowledge.
- The lawyers in the Office of Disciplinary Counsel provided over 100 hours of CLE ethics credit to groups including the South Carolina Bar programs, local county bar organizations, law schools, state agencies, law firms, lawyer and judicial conferences and the National Organization of Bar Counsel at their annual meeting. This educational proponent is intended to inform and promote adherence to the professional standards established by the South Carolina Supreme Court.
- During the past fiscal year, the Judicial Department surpassed the 20 million hits per month on the website.
- A Master-in-Equity module was completed that will become part of the statewide Case Management System. Efforts began to implement this module in the 22 counties that have a Master-in-Equity judge.
- Design and development began on an Appellate case management system for the Supreme Court and Court of Appeals.
- Development and testing of the Family Court Case Management System (FCCMS) continues as part of the statewide Child Support Enforcement System (CSES) project being led by the Department of Social Services (DSS).
- Specialized docket management programs continued in an effort to better utilize existing and available court resources to address the judicial needs of the public, both individuals and corporations. The following specialized dockets continue in South Carolina:
 - Multi-week circuit court dockets for Beaufort, Charleston, and Horry counties.
 - Management of the General Sessions criminal dockets by judges in the 1st and 7th Judicial Circuits in collaboration with the Solicitors.
 - Hearing of condemnation cases by a single judge.
 - Business Courts program.
 - Expansion of the use of ADR Commission and mediation.
 - Fast track jury trials in three Lowcountry counties.

- Evaluation of a General Sessions non-jury docket in the 3rd and 4th Judicial Circuits.
- With the popularity, ease of use, and exponential growth of social media, the Judicial Department began analyzing its applicability and use in the courts. Because this topic is one of major concern for courts nationwide, the National Center for State Courts also began efforts and projects to also analyze and review this issue.
- In an effort to expose more South Carolinians to the appellate process, the Court of Appeals held court on the campus of Furman University in Greenville, South Carolina, in February 2011 and at the Charleston School of Law in Charleston, South Carolina, in April 2011. Both terms of Court had audiences of more than 100 people.
- The Chief Justice presented State Service Award Certificates and Pins to 13 staff members who reached the milestone of 10, 20, 30, or 40 years of State service.
- In 2010, the Judicial Department participated in the wave of agencies that converted to the South Carolina Enterprise Information System (SCEIS). During FY 2010-2011, SCJD continued implementing the following business functions of SCEIS: Accounting/Finance, Purchasing/Materials Management, Human Resources, Payroll, and Budgeting.
- Five (5) employees from Court Administration and one employee from the Court of Appeals participated in one or more training classes at the Department of Labor, Licensing, and Regulation at no cost as part of the Shared State Training Initiative. Classes offered included subjects such as Business Writing, Strategic Planning, Respect in the Workplace, Effective Communication Skills, Stress Management, Learning to Lead, and Dealing with Difficult People.
- In order to enhance public access to our institution, the Court of Appeals formed a partnership with the State Museum to display art exhibits on the walls of the Calhoun building. These exhibits not only help South Carolinians feel more welcome to visit their intermediate appellate court, but they also provide a home to art that would otherwise be tucked away in storage at the State Museum.

3. KEY STRATEGIC GOALS FOR PRESENT AND FUTURE YEARS

It is understood that the upcoming fiscal year, July 1, 2011 to June 30, 2012, is going to be another year of global economic crisis that will once again constrain the budgets of the departments of government of South Carolina. As a result, the Judicial Department will continue to consider and implement new innovations that further improve services to the public while increasing efficiencies of internal operations without adding additional costs. The Judicial Department understands there is a limit to cost cutting and innovation before the critical and foundational components are affected.

This upcoming year will have four primary areas of focus by the Judicial Department:

1. Replace the federal funds that have been received for the past ten years to fund the technology initiatives with a sustainable, recurring revenue stream that can continue the technology initiatives when the federal funds are completed.
2. Implement changes in the processes and procedures of the trial courts and skill sets of judicial staffing based on the results of the task forces and project efforts of last year.
3. Increase the technology functions and services provided by every court in the state, from the small, rural areas to the large, urban regions.

4. Devote efforts to address the serious, physical deterioration of the Supreme Court and John Calhoun facilities.

Within this given context, the following significant efforts are planned for the Judicial Department:

- Begin the E-Courts initiative by developing capabilities for electronic filing in the South Carolina courts. The first part of the overall capability will be the development and implementation of an Attorney Information System (AIS) in which every attorney in the state will be required to maintain their current contact information. Goals of this overall E-Courts effort are to increase the level of services provided by the courts and to collect e-filing fees to replace the existing federal funds being used to fund the technology initiatives.
- Determine which recommendations from the Docket Management Task Force will be acted upon in the South Carolina courts and begin their implementation.
- Work with the South Carolina Department of Social Services and the Children's Law Center to explore establishing a court coordinator program with federal grant funding to assist the family courts by tracking child protection and TPR cases and expediting the legal processing of these cases.
- Work in conjunction with Access to Justice and the South Carolina Bar to conduct a "Law School for Interpreters" seminar in February 2012. Interpreters will have an opportunity to take an in-depth look at the workings of the court and ask questions that they may not have the chance to ask during the course of their actual interpreting work in the courtroom. Plans are in progress to administer Phase II and Phase III in the early Spring of 2012. The SC Judicial Department is focused on cultivating and enhancing the interpreting skills of our current interpreters with the ultimate goal of increasing the number of certified court interpreters in order to raise the level and quality of court interpreting in South Carolina.
- A new Appellate Court case management system will be implemented in the Supreme Court and Court of Appeals.
- The courtrooms in the Supreme Court and Court of Appeals will be equipped with digital audio and video recording equipment that will provide for press feeds and streaming of oral arguments. The recordings will also be linked to its associated appellate case file.
- As the Court of Appeals continues to strive toward efficiency in the face of a large caseload, there are plans to implement options for voluntary alternative dispute resolutions. The Court of Appeals is currently working with the Supreme Court to implement a voluntary mediation program for workers' compensation appeals.
- The Master-in-Equity module of the statewide court case management system (CMS) will be deployed to the 22 counties that have a Master-in-Equity Judge.
- Counties currently hosting themselves with the statewide court CMS that have requested to be hosted by SCJD will begin to be transitioned to the SCJD data center.
- 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). Examples include electronic ticketing with the SC Department of Public Safety (DPS) and Department of Motor Vehicles

(DMV), attorney information with the SC Bar, and law enforcement officer information with the SC Criminal Justice Academy (CJA).

- Continue to work with SCDSS on the development of the statewide Family Court Case Management System (FCCMS) and the Child Support Enforcement System (CSES), and increase the collaboration to improve handling of Child Protective Services cases.
- Revisit the Task Force on Public Access to Court Records draft policy to establish a comprehensive policy and uniform practices to govern public access to court records in South Carolina.
- Continue the Access to Justice initiatives to assist the self-represented litigants in accessing and utilizing the courts.
- Assign and dedicate a Master Teacher to the iCivics program to work with the South Carolina schools to further promote and enhance the awareness and use of the program in the K-12 schools in South Carolina.

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.

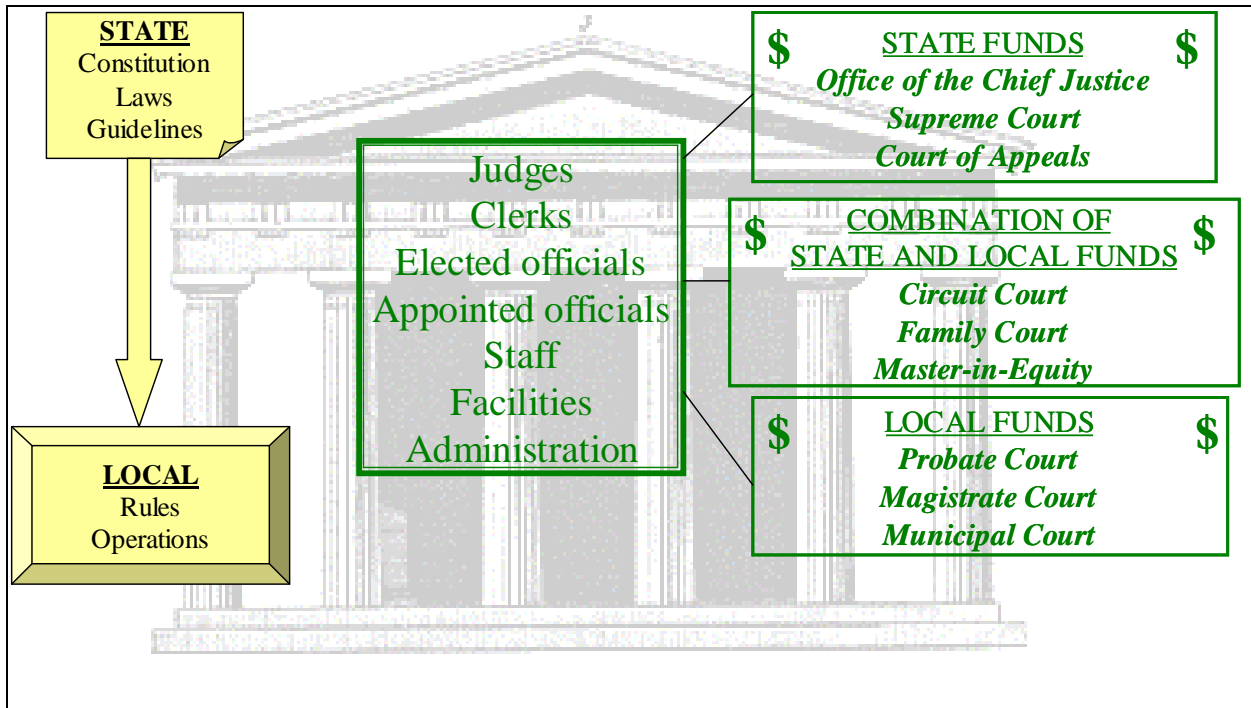
By having adequate funding to maintain the current level of operations, the Judicial Department expects to begin addressing each of the four primary areas of focus identified in the previous section of this document during this upcoming fiscal year while continuing to staff and operate the courts at the same level as this past year.

Strategic challenges for the Judicial Department for FY 2011-2012 include:

- The Calhoun Building will be undergoing a major renovation during the upcoming fiscal year, which will require the entire docketing office of the Court of Appeals to relocate to another building on Statehouse grounds, cause the security entrance and exit to the building to be changed to another wing of the facility, and cause the staff to work within a major construction zone.
- Several key staff personnel, each with a significant number of years of experience and tremendous institutional judicial knowledge, left the Judicial Department at the end of last fiscal year. Replacing these individuals with high-caliber, qualified people while continuing operations with minimal disruptions is never easy.
- Minimizing the loss of additional staff and grooming new managers and leaders in the organization through cross training and meaningful work and opportunities presents many challenges.

- Because many counties and other state agencies have not been as fortunate as the Judicial Department to maintain current levels of operations, the collaborative efforts with these entities are being delayed or eliminated because these other entities do not have resources to commit to start, continue and/or complete their side of the effort. These situations cause the Judicial Department to have to help these other entities perform their side of the effort, reduce the effort to something the other entity can perform, or eliminate the effort and try to determine an alternative solution. As a result, the Judicial Department cannot have any of these efforts on the critical path for any major functions for the Courts.
- The explosion of social media technologies and communications presents new frontiers for all departments of government in many different regards that have to be addressed and managed.

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

NUMBER	DESCRIPTION	LOCATION	FUNDING SOURCE
14	Justices and Appellate Judges	Court in Columbia; Offices throughout the state	State
98	Circuit and Family Court Judges	Throughout the 46 counties	State
376	Law clerks, appellate court clerks, staff attorneys, court reporters, judges' administrative assistants and clerical staff	Throughout the 46 counties	State
97	Court Administration, Finance and Personnel, Information Technology, Office of Disciplinary Counsel, and Commission on Conduct	Columbia	State
21 + 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
310 + Staff	Magistrates	Throughout the 46 counties	County
345 + Staff	Municipal Judges	Throughout the 46 counties	Municipalities
1 + Staff	State Grand Jury Clerk	Columbia	State – Attorney General's Office

7. REGULATORY ENVIRONMENT

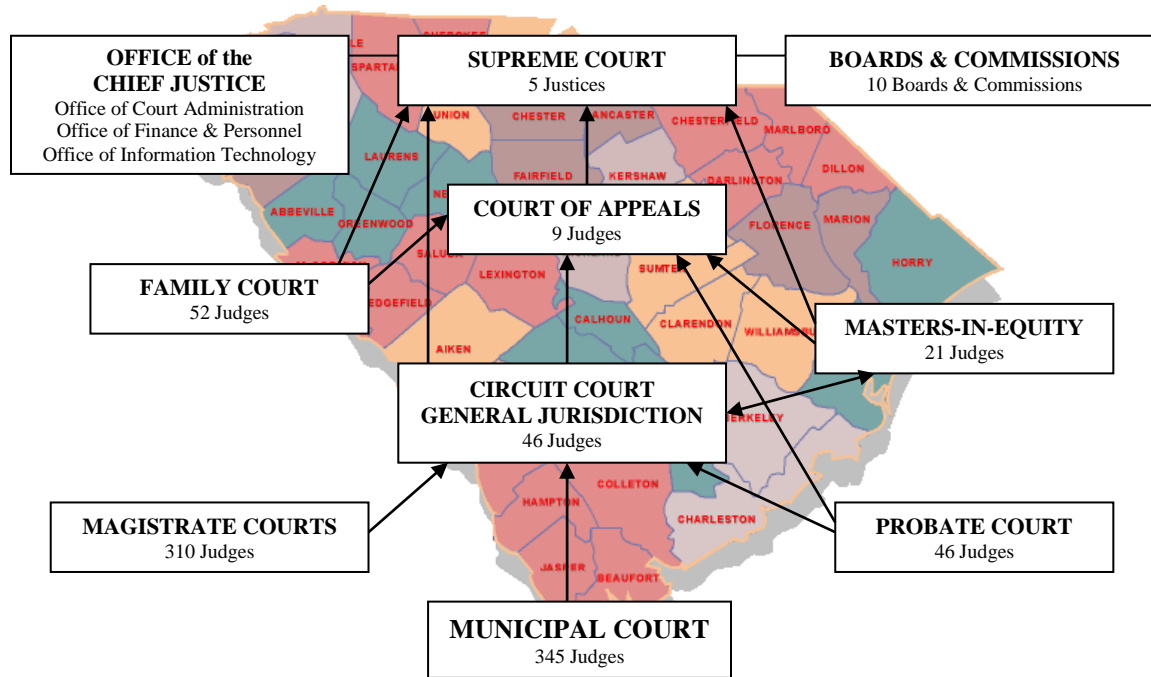
The Judicial Department operates under all applicable federal and state health and safety regulations. The Department is subject to state audits of its financial data. Security scanning equipment in the Supreme Court and John C. Calhoun buildings is kept under certification by SCDHEC.

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 is 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 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, SCRCR, 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, SCEIS MySCEmployee interactions with staff, 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

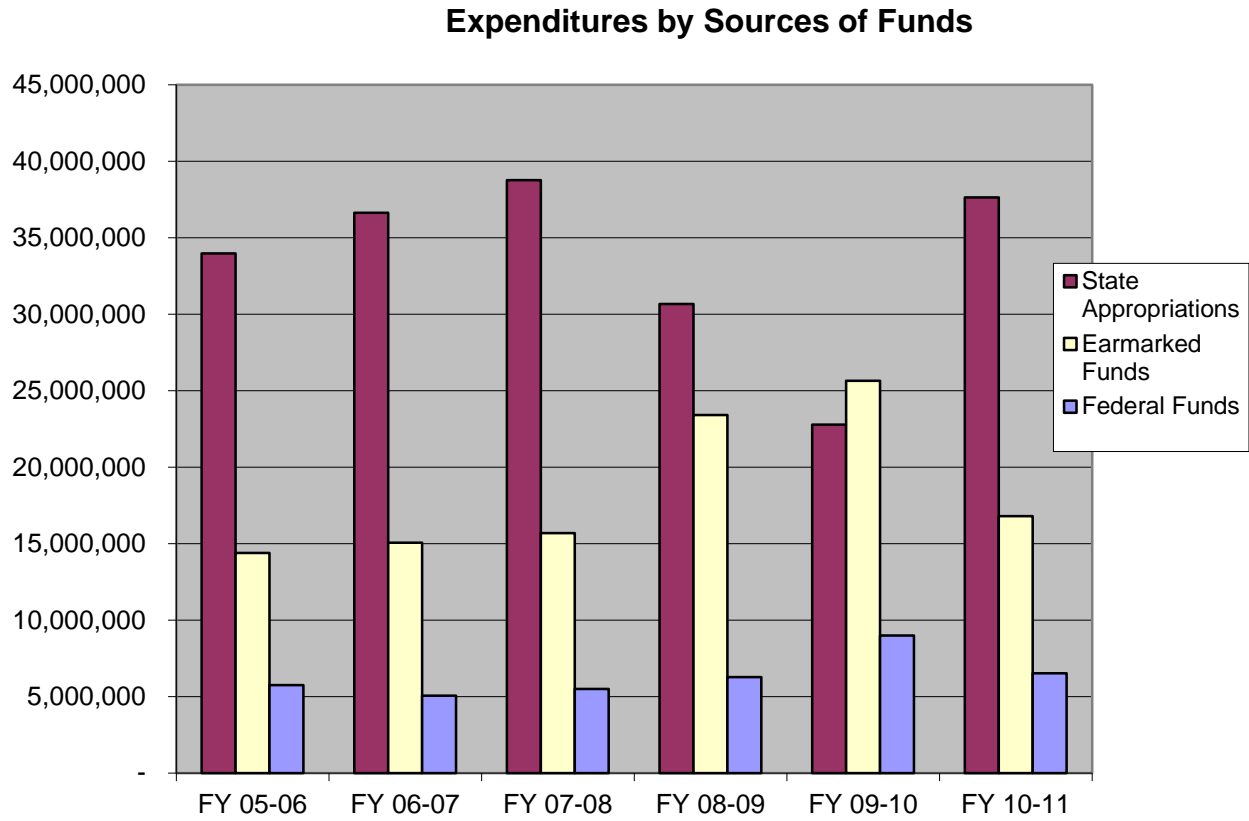
Base Budget Expenditures and Appropriations						
	09-10 Actual Expenditures		10-11 Actual Expenditures		11-12 Appropriations Act	
Major Budget Categories	Total Funds	General Funds	Total Funds	General Funds	Total Funds	General Funds
Personal Service	\$32,619,716	\$16,644,842	\$32,032,737	\$24,964,990	\$33,699,530	\$24,753,530
Other Operating	\$5,149,050	\$1,158,189	\$5,487,805	\$967,472	\$5,301,000	\$1,548,000
Special Items	\$5,707,572	\$0	\$7,004,787	\$0	\$8,832,986	\$0
Permanent Improvements	\$0	\$0	\$0	\$0	\$0	\$0
Case Services	\$334,880	\$0	\$339,275	\$0	\$0	\$0
Distributions to Subdivisions	\$0	\$0	\$0	\$0	\$0	\$0
Fringe Benefits	\$9,600,303	\$4,765,558	\$13,703,537	\$11,690,697	\$15,271,213	\$11,330,213
Non-recurring (ARRA & Proviso 90.16)	\$4,000,000	\$0	\$2,356,191	\$0	\$0	\$0
Total	\$57,411,521	\$22,568,589	\$60,934,332	\$37,623,159	\$63,104,729	\$37,631,743

**In FY 11-12, the General Assembly funded 59.63% of the Judicial Department's total budget needs. The remaining funds are currently received via revenue sources such as fees, surcharges, non-recurring funds, and federal grants.*

Other Expenditures

Sources of Funds	09-10 Actual Expenditures	10-11 Actual Expenditures
Capital Reserve Fund	\$526,548	\$0
Federal Funds	\$8,985,511	\$6,515,150
Earmarked Funds	\$25,116,931	\$16,796,023
Supplemental Appropriations	\$213,942	\$0

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 09-10 Budget Expenditures		FY 10-11 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: 5,401,761.48 Federal: 191,215.78 Other: 1,209,321.42 Total: 6,802,298.68 % of Total Budget: 11%	9%	State: 3,529,951.70 Federal: 0.00 Other: 1,590,884.18 Total: 5,120,835.88 % of Total Budget: 9%	6% 0% 3%	Table 1.1.1-1 and 1.1.1-2 & Figure 1.1.1-1
Appeals Court	This is an intermediate appellate court. This court reviews decisions of the lower courts for procedural and/or legal errors.	State: 1,583,315.23 Federal: 332,827.63 Other: 3,107,286.07 Total: 5,023,428.93 % of Total Budget: 9%	3% 1% 5%	State: 4,388,031.13 Federal: 0.00 Other: 878,644.32 Total: 5,266,675.45 % of Total Budget: 8%	7% 0% 1%	Table 1.2.1 and 1.2.2 & Figure 1.2-1
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: 7,194,085.68 Federal: 1,654,674.71 Other: 7,628,766.57 Total: 16,477,526.96 % of Total Budget: 29%	13% 3% 13%	State: 15,625,171.64 Federal: 0.00 Other: 1,523,419.40 Total: 17,148,591.04 % of Total Budget: 28%	25% 0% 3%	Figure 1.5-1, 1.2-2, 1.5-4 and 1.5.5 & Table 1.5-1
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: 8,094,583.42 Federal: 1,821,281.88 Other: 4,586,824.07 Total: 14,502,689.37 % of Total Budget: 25%	14% 3% 8%	State: 13,928,828.02 Federal: 0.00 Other: 1,052,544.55 Total: 14,981,372.57 % of Total Budget: 25%	23% 0% 2%	Figure 1.5-3 and 1.5-6 & Table 1.5-1
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: 213,942.21 Federal: 4,985,510.63 Other: 4,355,343.92 Total: 9,554,796.76 % of Total Budget: 17%	0% 9% 8%	State: 0.00 Federal: 6,155,670.34 Other: 6,964,975.58 Total: 13,120,645.92 % of Total Budget: 21%	0% 10% 11%	
Court Admin	Court Administration serves the Chief Justice in her capacity as the administrative head of the unified judicial system.	State: 0.00 Federal: 0.00 Other: 1,344,869.05 Total: 1,344,869.05 % of Total Budget: 2%	0% 0% 2%	State: 0.00 Federal: 359,479.80 Other: 1,370,022.14 Total: 1,729,501.94 % of Total Budget: 3%	0% 1% 2%	

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

Remainder of Expenditures:	State: 294,843.03 Federal: 0.00 Other: 3,411,068.60 Total: 3,705,911.63 % of Total Budget: 7%	1% 0% 6%	State: 151,176.93 Federal: 0.00 Other: 3,415,532.26 Total: 3,566,709.19 % of Total Budget: 6%	0% 0% 6%
Bar Examiners, Disciplinary Counsel, Administration (Finance & Personnel), Commission on Conduct, Judicial Commitment Interpreters and Other Operating				

* Key Cross-References are a link to the Category 7 - Business Results. These References provide a Chart number that is included in the 7th section of this document.

SECTION III

ELEMENTS OF MALCOLM BALDRIGE 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.

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. The systems integrator for the Judicial Department is required to participate in leadership training directed towards improving the management of organizations. The systems integrator 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, Rosalyn W. Frierson, Director of Court Administration, has been named vice-chair of the Board of Directors of the National Center for State Courts (NCSC). She also has been elected president of the Conference of State Court Administrators (COSCA), a national organization that represents the top chief executives of the courts of the 50 states and U.S. territories, and of which the NCSC serves as executive staff.

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 have participated 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. During the past year, the Court of Appeals Clerk of Court, Tanya Gee, participated in the Liberty Fellowship program. Further, Rosalyn Frierson, Director of Court Administration, completed her final year of participation in the Executive Session for State Court Leaders in the 21st Century, a three-year program at Harvard University's John F. Kennedy School of Government in which participants seek to both develop and answer the questions that U.S. state courts will face in the foreseeable future. Specifically, the Executive Session pushes to clarify what role the leaders of state courts should play in defining and establishing the role of the courts they lead. Attendance at the Executive Session is by invitation only.

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.

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.

During FY 2010-2011, six employees from Court Administration and one employee from the Court of Appeals participated in one or more of the following training classes at the Department of Labor, Licensing and Regulation at no cost as part of the Shared State Training Initiative: Customer Service Skills, Dealing with Difficult People, Stress Relief: Got to Get Some!, Dealing with Change and Learning to Lead.

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. U.S. Supreme Court Justice Sandra Day O'Connor and Chief Justice Jean Toal launched the OurCourts project last year to promote education and awareness of the Judiciary to school age children. This past year, they expanded the program upon request from educators to address all three (3) branches of government. This initiative is now called iCivics and South Carolina has been a leader through its pilot program with this initiative.

Thousands of South Carolina middle and high school students received civic lessons through an innovative educational approach – graphic novels. The Judicial Department worked in conjunction with the National Center for State Courts (NCSC), S.C. Bar Law Related Education Program and three law firms to provide *Justice Case Files*, a series of three graphic novels produced by the NCSC in an effort to improve the public’s awareness of and knowledge about how the courts work. Over 3,000 books were purchased by three law firms to distribute, as requested by teachers, to students throughout the State along with lesson plans for the teachers.

The Office of the Chief Justice works with the Access to Justice Commission to develop education programs, forms, videos, and information packets for individuals of low and modest income to successfully use the judicial process in South Carolina.

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.

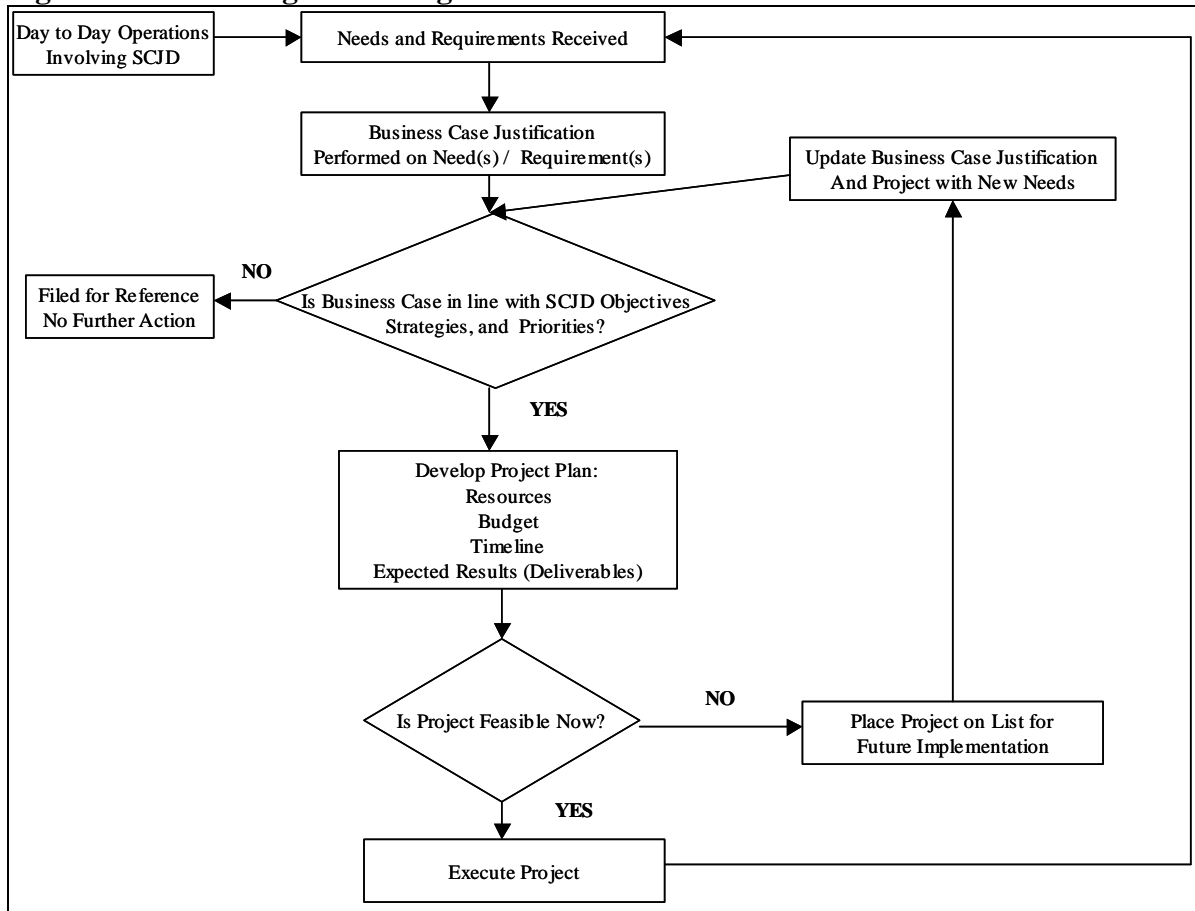
1. What is your Strategic Planning process, including key participants, and how does it address:

- 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 to customer needs and expectations and to improve traditional processes. This planning is carried out in both standing and ad hoc groups and includes 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 provides a structure and forum for new initiatives and adjustments to existing processes and systems to be addressed based on priority, impact, and feasibility. Successes of the Judicial Department over the past decade are developing weaknesses and threats because expectations of other agencies and the counties continue to increase and cross into boundaries out of the jurisdictional scope of the Judicial Department. For example, requests for the Judicial Department to supply attorney information when the SC Bar is the source or criminal history information when SLED is the designated repository. Anyone involved with the Judicial Branch can submit needs, requirements and a business-case justification. The Executive Team determines whether a project is accepted and implemented or not.
- 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. Over the past year, the Judicial Department has discussed emergency preparedness with many state agencies, federal agencies, and the state universities.
- c. Shifts in technology and customer preferences. The continuous evolution of the internet with new technologies, mobile devices, and social networking constantly increases expectations and preferences of the public with the use of technology. The Judicial Department attempts to keep pace by using its methodical and disciplined approach to keep incorporating technologies into court operations in a manageable manner. Increased concerns regarding information security with regards to identity theft and enacted legislation are also examples of drivers which keep driving 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 continues to be engaged in developing a business continuity plan and continues to explore options and best practices.
- f. Ability to execute the strategic plan. The Judicial Department has been executing its strategic plan since 2000 and continues to follow its principles and umbrella initiatives. Much of the national recognition received by the Judicial Department has been the successful results of following and executing the strategic plan.

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, 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 2.3-1: SCJD Strategic Planning Chart

Strategic Planning

Program Number and Title	Supported Agency Strategic Planning Goal/Objective	Related FY 11-12 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	* Resolve cases in accordance with the benchmarks established for appellate cases * Replace the Appellate case management system in the Supreme Court and Court of Appeals * SCJD leaders serving on boards and leadership positions in judicial associations * Expand the iCivics program across the state * Install audio and video digital recording capabilities in the courtroom	* Caseload results * Elimination of obsolete systems and applications * State and national recognition * # of students participating in the program * # oral arguments available for audio and video review
Court of Appeals	+ Reliable and fair court proceedings in accordance with due process + Modernization of the SC Courts through the incorporation of technology + Leadership in the criminal justice arena	* Resolve cases in accordance with the benchmarks established for appellate cases * Replace the Appellate case management system in the Supreme Court and Court of Appeals * Install audio and video digital recording capabilities in the courtroom	* Caseload results * Elimination of obsolete systems and applications * # oral arguments available for audio and video review
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 * Enable the larger counties to utilize SCJD hosting of the statewide court CMS in same manner as the smaller counties	* Caseload results * # of counties hosted by SCJD
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 * Continue working with DSS on statewide CFS system (child support, family court, and state disbursement unit)	* Caseload results * Federal certification
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	* Develop and implement an Attorney Information System (AIS) to maintain attorney contact information for all lawyers in South Carolina * Actively participate in the electronic ticketing initiative * Increase services provided by SCJD Web site * Develop a electronic interfaces with SLED, DPS, SC Bar, and SC CJA	* % of licensed attorneys with accurate contact information in AIS * % of tickets 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	* Complete the court interpreter certification program that was initiated in 2010 * Complete the initial report from the Docket Management Task Force for the General Sessions, Common Pleas, and Family Courts	* # of certified court interpreters * Improvement in efficiency and consistency of court operations across the 46 counties

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

- 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.

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.

In addition, the Judicial Department receives requests from the public through emails sent to the webmaster and telephone calls received by judicial employees.

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 are 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 decisionmaking 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 decisionmaking?

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. New functionality has been developed and tested to enable counties to self-review and confirm their data that is on file with the Judicial Department that is used for Court Administration reports. Follow-up phone calls are conducted with counties on an as-needed basis when 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 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 performance 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 Departments 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 staff members 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.

Employees from Court Administration and the Court of Appeals attended employee development training classes presented at no cost by the Training Director at LLR as part of the Shared Training Initiative.

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 (1 or 2 years depending on the position) 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, corrections 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. Funding is the major obstacle to implementing the identified security improvements because of the number of facilities involved across the state, the historical nature of many of the buildings, and the design of many of the facilities was openness and access not security. Facilities in each of the 46 counties are impacted.

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

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

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?

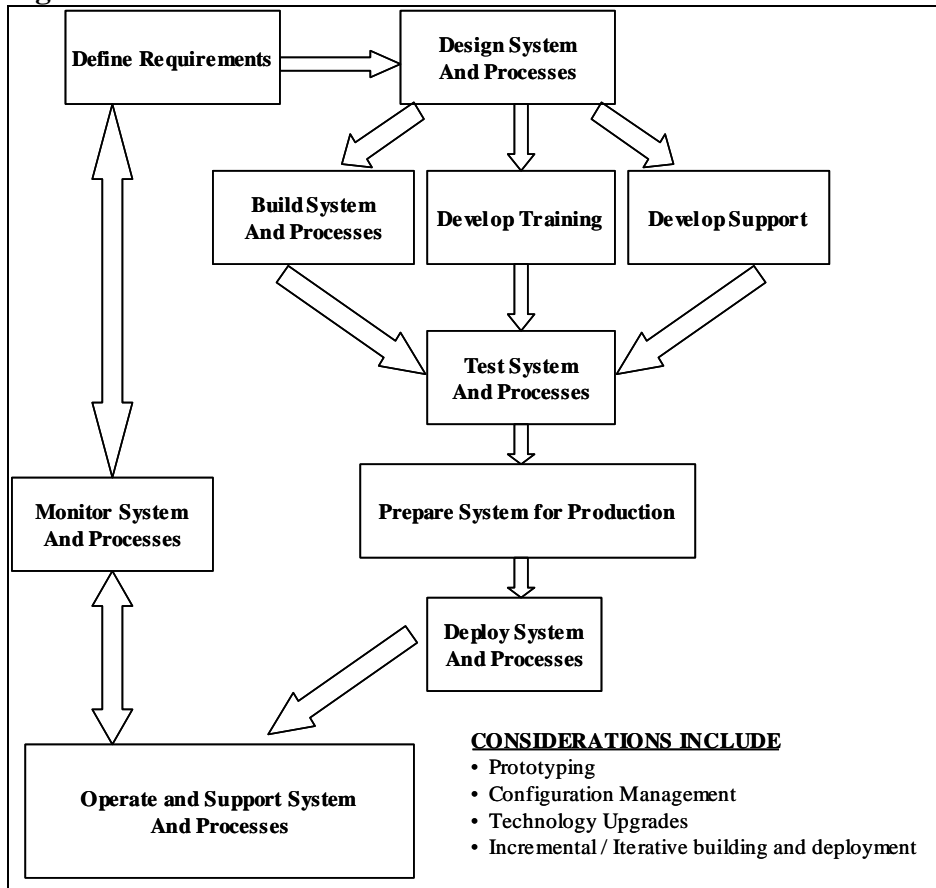
The Judicial Branch of government is a heterogeneous organization composed of a combination of elected officials and staff funded through a combination of state and local sources. As a result, organizational knowledge, new technology, cost controls and other factors are incorporated into the processes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

- Collaborative teamwork
- 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 2010-2011

CASELOAD ACTIVITY	NUMBER
Opinions Issued	
Published	163
Unpublished	33
Total Opinions	196
Motions Pending July 1, 2009	146
Motions Filed	2635
Motions Ruled Upon	2727
Motions Pending June 30, 2010	54

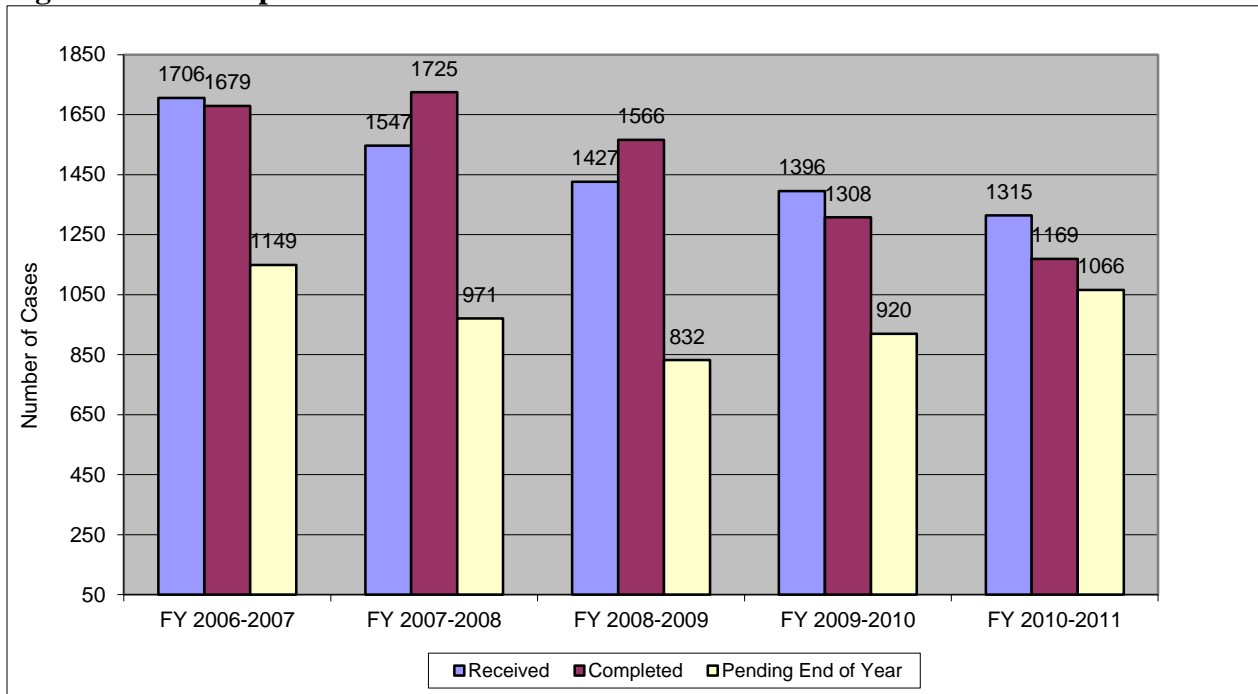
Table 1.1.1-2: Supreme Court Case Filings and Dispositions for Fiscal Year 2010-2011

FILINGS AND DISPOSITIONS	NUMBER
Cases Pending July 1, 2010	920
Cases Filed	
Direct Appeals	
Criminal	82
Civil	115
Petitions for Certiorari	
Post-Conviction Relief	512
Court of Appeals	169
Original Jurisdiction	
Writs	229
Actions	31
Certified Questions	2
Judicial Conduct	7
Lawyer Conduct	50
Bar Admissions	69
Bar License Fees / CLE Suspensions / Reinstatements	41
Disciplinary Reinstatements	8
Total Cases Filed	1315
Total Cases Awaiting Disposition	2235

FILINGS AND DISPOSITIONS	NUMBER
Cases Disposed	
Direct Appeals	
Criminal	
Transferred to Court of Appeals	49
Dismissed / Other Disposition	7
Opinions Filed	25
Civil	
Transferred to Court of Appeals	24
Dismissed / Other Disposition	20
Opinions Filed	54
Petitions for Certiorari	
Post-Conviction Relief	
Transferred to Court of Appeals	0
Dismissed / Other Disposition	56
Denied	338
Opinions Filed	22
Court of Appeals	
Dismissed / Other Disposition	11
Denied	82
Opinions Filed	43
Original Jurisdiction	
Writs	227
Actions	34
Certified Questions	4
Judicial Conduct	7
Lawyer Conduct	50
Bar Admissions	69
Bar License Fees / CLE Suspensions / Reinstatements	41
Disciplinary Reinstatements	6
Total Cases Disposed	1169
Cases Pending June 30, 2011	1066

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 administers 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:

- Based on the recommendation of the Commission on the Profession, Rule 403 of the South Carolina Appellate Court Rules (SCACR) was amended to provide that the required family court trial experiences must include direct and cross-examination of at least two witnesses, rather than three witnesses as previously required.
- Based on a proposal by the South Carolina Bar, the Supreme Court amended the Regulations for Mandatory Continuing Legal Education to require lawyers and judges to complete at least one hour of continuing legal education devoted exclusively to substance abuse or mental health issues every three years. The Bar proposed this change in an attempt to reduce the instances of depression, substance abuse, and suicide among members of the legal profession, which are nationally reported to be higher among members of the legal profession than other professions.
- The Supreme Court amended Rule 1.15(f) of the South Carolina Rules of Professional Conduct (RPC) contained in Rule 407, SCACR, relating to a lawyer's limited ability to distribute funds which do not meet the definition of "collected funds" under the RPC. The amendments restructure and simplify the language of paragraph (f); permit distribution of funds where at least ten days has passed since an instrument has been deposited, provided the lawyer has not received notice that credit for or collection of the

funds has been delayed or impaired; and permit immediate disbursement of checks from insurance companies totaling \$50,000 or less.

- The counties covered by the Court-Annexed Alternative Dispute Resolution (ADR) Rules were expanded to include the counties of Clarendon, Lee, Oconee, Sumter and Williamsburg. After this change, the circuit court in 17 counties and the family court in 19 counties are designated for mandatory ADR.
- Based on a recommendation of the Chief Justice's Commission on the Profession, the Lawyer Mentoring Second Pilot Program was extended until April 1, 2012. This program now is mandatory for all persons admitted to the South Carolina Bar on or before April 1, 2012, who meet the definition of a "qualifying lawyer" under that program.
- Rule 402, SCACR, relating to the admission of persons to practice law in South Carolina, was amended to authorize the release of more detailed bar passage data to law schools. The rule change requires each law school dean seeking bar passage results of its graduates to submit a signed, notarized form acknowledging that the law school shall keep the data confidential, only use the information for statistical analysis, and only release the information for purposes of reporting aggregated information to accrediting bodies.
- Rule 424, SCACR, relating to the licensing of foreign legal consultants was amended to provide that the files and records relating to their licensing are generally confidential. Additionally, the application fee to become a foreign legal consultant was raised to \$1,000, the requirement that applicants submit proof of insurance was eliminated, and the language relating to the ethical standards, oath and disciplinary procedures applicable to foreign legal consultants was amended.
- The Supreme Court approved a "Frequently Asked Questions in South Carolina Magistrates Court" prepared by the South Carolina Supreme Court's Access to Justice Commission. This listing of questions and answers is now available on the South Carolina Judicial Department Website.
- The Code of Judicial Conduct contained in Rule 501, SCACR, was amended to define the term "serious crime" and to require a judge who is arrested or charged with a serious crime to report that fact to the Commission on Judicial Conduct within fifteen days.
- The definition of the term "serious crime" was amended in the Rules for Judicial Disciplinary Enforcement (RJDE) contained in Rule 502, SCACR. Additionally, the Rules for Lawyer Disciplinary Enforcement (RLDE) contained in Rule 413, SCACR, were amended to eliminate the requirement that a letter of caution specify whether minor misconduct was committed and to clarify that only the Chair or Vice Chair of the Commission on Lawyer Conduct has the authority to issue orders to assist attorneys to protect clients' interests in the performance of their duties.

- Based on a recommendation from the South Carolina Access to Justice Commission, the Chief Justice created a pilot self-help center at the Newberry County Courthouse. This self-help center will be administered by the Access to Justice Commission with the assistance of the Newberry County Clerk of Court staff and volunteer lawyers to provide basic legal information and court-approved, self-help resources to the public.
- The South Carolina Supreme Court established a Docket Management Task Force to gather data concerning current docket management in the state trial courts and to make recommendations to the Chief Justice as to how to improve docket management.
- In response to the backlog of DUI/DUAC cases pending at the magistrate and municipal court levels, the Chief Justice issued 132 orders relating to the disposition of these cases. Additionally, to facilitate these orders, Court Administration issued various transmittal memoranda and letters.
- Rule 219, SCACR, was amended to clarify that a party may only suggest a hearing or rehearing *en banc* by the South Carolina Court of Appeals, and that a vote on that suggestion will only occur if a member of the Court of Appeals calls for a vote on the suggestion.
- The South Carolina Rules of Civil Procedure were amended in several aspects. First, Rules 16, 26, 33, 34, 37 and 45, were amended to deal with electronic discovery and are now substantially similar to the corresponding provisions of the Federal Rules of Civil Procedure. Second, a note was added to Rule 28 to reference the enactment of the South Carolina Uniform Interstate Depositions and Discovery Act. Finally, Rule 3 was amended to allow the waiver of the filing fee for an action when a party is represented by an attorney working on behalf of or under the auspices of a legal aid society, a legal services or other nonprofit organization, or the South Carolina Pro Bono Program.
- Rule 29 of the South Carolina Rules of Criminal Procedure relating to post-trial motions was amended to place a one year limit on the time to make a motion for a new trial based on after-discovered evidence.
- The Chief Justice issued an administrative order relating to mortgage foreclosures. This order is intended to insure that eligible homeowners and lender-servicers have been afforded the benefits of loan modification or other loss mitigation where possible, and to insure the procedures for handling issues relating to such efforts are handled uniformly throughout the State, so that mortgage foreclosure actions are not unnecessarily dismissed, delayed or inappropriately concluded while loan modification or other loss mitigation efforts are being pursued.

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 Website 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 website to allow students who cannot attend the live arguments to participate in the program. Over 310 students visited the Supreme Court Building to participate in this program during this reporting period.

In June 2011, the South Carolina Supreme Court Institute was held for public and private secondary social studies teachers. This Institute, which is offered by the Supreme Court of South Carolina in partnership with the South Carolina Bar, focuses on the Supreme Court of South Carolina as well as the state court system, the federal court system and the other branches of government. Attendees learn how to bring South Carolina Courts and the law to life for their students while interacting with educators, attorneys, judges and the justices of the Supreme Court of South Carolina. The program gives these educators a variety of new tools for teaching about the courts and the justice system in a way that is relevant and interesting to their students. This training included a visit to the Supreme Court to hear oral arguments.

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.

Chief Justice Toal was instrumental in making South Carolina one of the first pilot states for iCivics. iCivics is a national program established by Retired United States Supreme Court Justice Sandra Day O'Connor to help educate students about civics and government, an area of education that is lagging in our nation's schools. iCivics uses video games as the primary tool to teach students about government and help them understand its importance and relevance to their lives. Chief Justice Toal also encouraged and supported the use of "Justice Case Files," a graphic-novel series developed by the National Center for State Courts that teaches students how the courts work. Additionally, the Chief Justice was instrumental in encouraging two South Carolina law firms — Nelson Mullins Riley & Scarborough and Gallivan White & Boyd — to contribute the necessary funds to get the graphic novels into more than 65 schools in South Carolina.

Finally, the Court met with several groups of foreign visitors during the reporting period. This included law enforcement officers, attorneys and judges from Sri Lanka and Indonesia. This has given the Court the opportunity to interact with these foreign visitors and teach them about the advantages of a democratic system of government and the role of the judiciary in that system.

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.

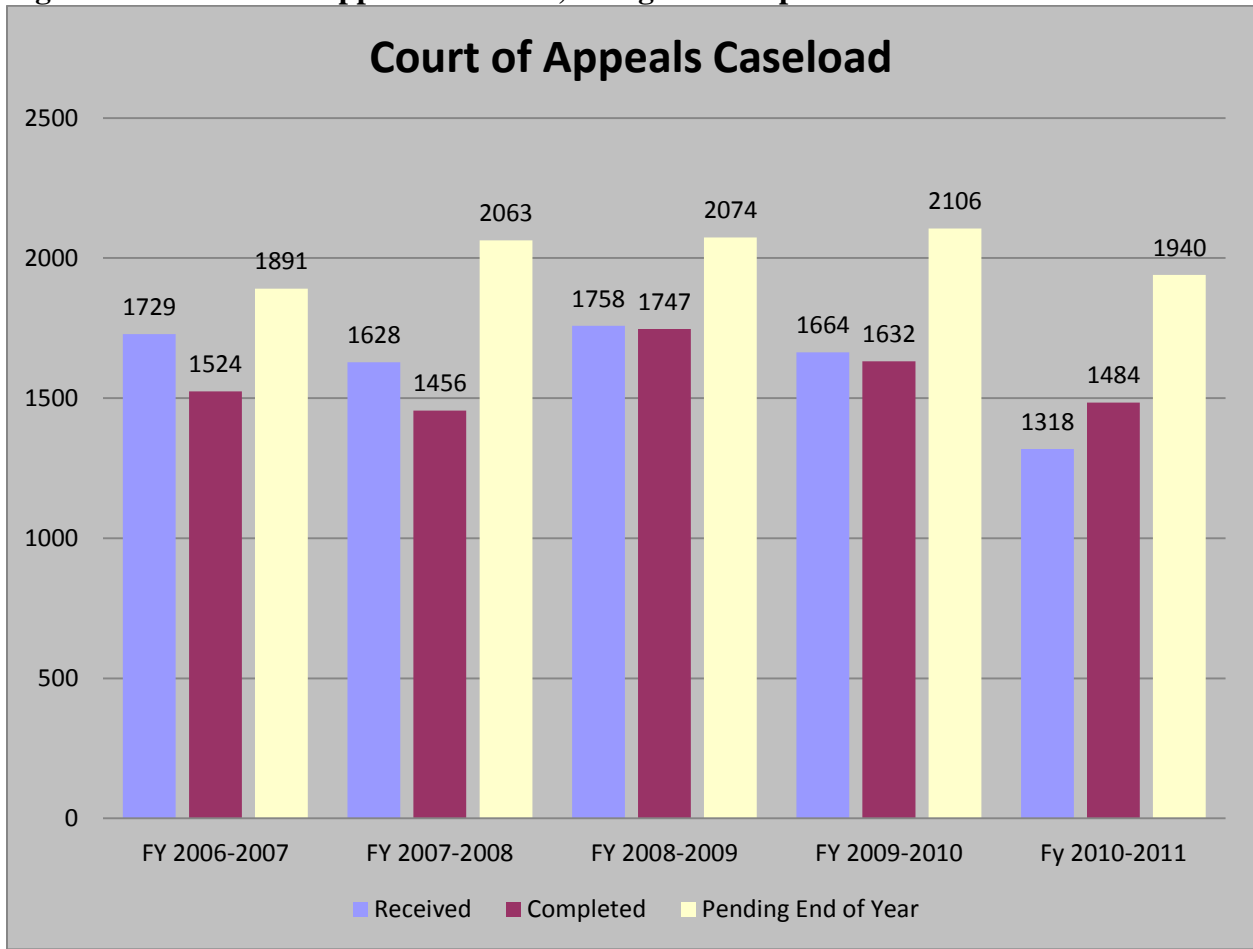
Table 1.2.1: Court of Appeals Caseload Activity for Fiscal Year 2010-2011

CASELOAD ACTIVITY	NUMBER
Opinions Issued	
Published	152
Unpublished	590
Total Opinions	742
Motions Pending July 1, 2010	68
Motions Filed	4499
Motions Ruled Upon	4467
Motions Pending June 30, 2011	100

Table 1.2.2 Court of Appeals Case Filings and Dispositions for Fiscal Year 2010-2011

FILINGS AND DISPOSTITIONS	NUMBER
Cases Pending July 1, 2010	2106
Cases Filed	
Direct Appeals	
Criminal	444
Civil	874
Petitions for Certiorari	
Post-Conviction Relief filed in COA	0
PCR Transferred from the Supreme Court	0
Total Cases Filed	1318
Total Cases Awaiting Disposition	3424
Cases Completed	
Direct Appeals	
Criminal	
Transferred to the Supreme Court	7
Dismissed/Other Disposition	141
Opinions Filed	334
Civil	
Transferred to the Supreme Court	46
Dismissed/Other Disposition	503
Opinions Filed	398
Petitions for Certiorari	
Post-Conviction Relief	
Transferred to the Supreme Court	1
Dismissed/Other Disposition	
Denied	54
Opinions Filed	0
Total Cases Completed	1484
Cases Pending June 30, 2011	1940

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



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 firsthand 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.

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

KEY INDICATOR	RESULTS
Applications for Regular Admission Filed	790
Applications for Limited Certificates Filed	14
Applicants Who Appeared Before the Committee on Character and Fitness	42
Special Accommodation Requests Filed	23
Courses of Study Filed	20
Applicants Taking the Bar Examination	671
Number and Percentage Passing Bar Examination	496; 73.91%
Applicants Admitted	501
Hearings Held on Reinstatement Petitions	7
Trial Experiences Applications Processed	373
Applications to be Certified as Lead Counsel in Death Penalty Cases	7
Pro Hac Vice Applications	559
Certificates of Good Standing	938
Applications for Foreign Legal Consultants	2

The Office of Bar Admissions continues to expand the capabilities of its automated system, allowing the office to input and track increasing 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 admission matters.

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, test materials, and other documents. In particular, the Office of Bar Admissions implemented an electronic system which allows the members of the Committee on Character and Fitness to access bar application files online and to communicate with bar admissions staff regarding the disposition of application files while maintaining the security/confidentiality of the files. This new system also allows the Committee members to view files during hearings without incurring copying and mailing costs.

During this fiscal year, the Office of Bar Admissions utilized the American Bar Association's National Lawyer Regulatory Data Bank to determine whether bar applicants who have been admitted to the practice of law in another jurisdiction accurately reported the lawyer's disciplinary history. In addition, the Office of Bar Admissions began utilizing the Systematic Alien Verification for Entitlements (SAVE) Program with the Department of Homeland Security to determine whether non-citizen bar applicants are legally authorized to be present in the United States.

Effective February 2011, the Office of Bar Admissions added the Law School Verification form to the bar application. This form requires all law schools which an applicant attended to provide information concerning the applicant's honesty and other issues related to the applicant's character and fitness to practice law.

By order dated December 3, 2010, the Court amended Rule 402(n), SCACR, to authorize the Clerk of the Supreme Court to release bar passage data to law schools. The rule change requires each law school dean seeking bar passage results of its graduates to submit a signed, notarized form specifying the law school shall keep the data confidential, shall only use the information for statistical analysis and shall only release the information for purposes of reporting aggregated information to accrediting bodies.

By order dated April 22, 2011, the Court amended Rule 424, SCACR, to delete the requirement that applicants for certification as Foreign Legal Consultants (FLCs) provide proof of insurance and increased the filing fee for FLC applicants from \$500.00 to \$1,000.00. In addition, the Court revised its FLC application form to specify that applicants: 1) provide a statement affirming the applicant's commitment to observe the Rules of Professional Conduct, Rule 407, SCACR, as required by Rule 424(e)(1)(B)(i), SCACR, 2) provide a statement affirming the applicant will notify the Court of any change in the applicant's good standing as a member of the foreign legal profession and of any final action of the professional body imposing any discipline on the applicant as required by Rule 424(e)(1)(B)(iii), SCACR, and 3) submit a properly notarized statement under oath specifying: "I, _____, do solemnly swear (or affirm) that if I am licensed as a foreign legal consultant by the Supreme Court of South Carolina, I will conduct myself uprightly and according to the laws of South Carolina and will abide by the South Carolina Rules of Professional Conduct and all other rules and regulations applicable to foreign legal consultants." The Office of Bar Admissions received its first two Applications for Certification as a Foreign Legal Consultant during this fiscal year.

During this fiscal year, the Office of Bar Admissions completed a lengthy scanning project for purposes of electronic retention of bar applications. All bar applications through February 2011 have been scanned. In addition, all applications for limited certificates to practice law under Rule 405, SCACR, Rule 414, SCACR, Rule 415, SCACR, and Rule 424, SCACR, have been scanned. The Office of Bar Admissions is current in its scanning of Rule 403, SCACR, Trial Experience Certification forms.

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 the 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.

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

COMPLAINTS	NUMBER
Complaints pending June 30, 2010	36
Complaints received July 1, 2010 – June 30, 2011	283
Total of pending and received complaints for the past fiscal year	319
DISPOSITION OF CONCLUDED COMPLAINTS	
Dismissed by Disciplinary Counsel after review (no jurisdiction)	176
Dismissed by Disciplinary Counsel after prelim investigation (lack of evidence)	15
Dismissed by Investigative Panel	70
Dismissed by the Supreme Court	0
Total Dismissed	261
Letter of Caution	13
Deferred Disciplinary Agreement	0
Admonition	4
Public Reprimand	2
Suspension	0
Removal from Office	1
Referred to Another Agency	0
Closed But Not Dismissed	1
Closed Due to Death	1
Total Dispositions other than Dismissal	22
Total Complaints concluded this year	283
Total Complaints pending as of June 30, 2011	36

South Carolina Judicial Department Accountability Report 2010-2011

COMPLAINTS		NUMBER
SOURCES OF COMPLAINTS		
Litigants		221
Relative or Friend of Litigant or Defendant		23
Government Official		9
Attorney		9
Self-report		5
Disciplinary Counsel		5
Another Judge		4
Interested Citizen		3
Law Enforcement Officer		2
Anonymous		2
Employee		0
TYPES OF JUDGES*		
Magistrates		95
Circuit Court		77
Family Court		50
Municipal Court		26
Probate Court		16
Masters and Referees		17
Appellate Court		1
Judicial Candidate		1
COMMISSION ON JUDICIAL CONDUCT		NUMBER
Meetings of Investigative Panels		4
Formal Charges Filed		0
Disciplinary Hearings		0
Incapacity Proceedings		0
Meetings of Full Commission		1
REQUESTS FOR DISMISSAL REVIEW		
Requests for Review by Complainant		3
Dismissal Affirmed		3
Case Remanded for Further Investigation		0
Dismissal Reviews Pending		0
JUDGES BEING MONITORED		
New Monitor Files Opened		3
Judges Currently Monitored		4
SUPREME COURT		NUMBER
ORDERS**		
Dismissal		0
Admonition		1

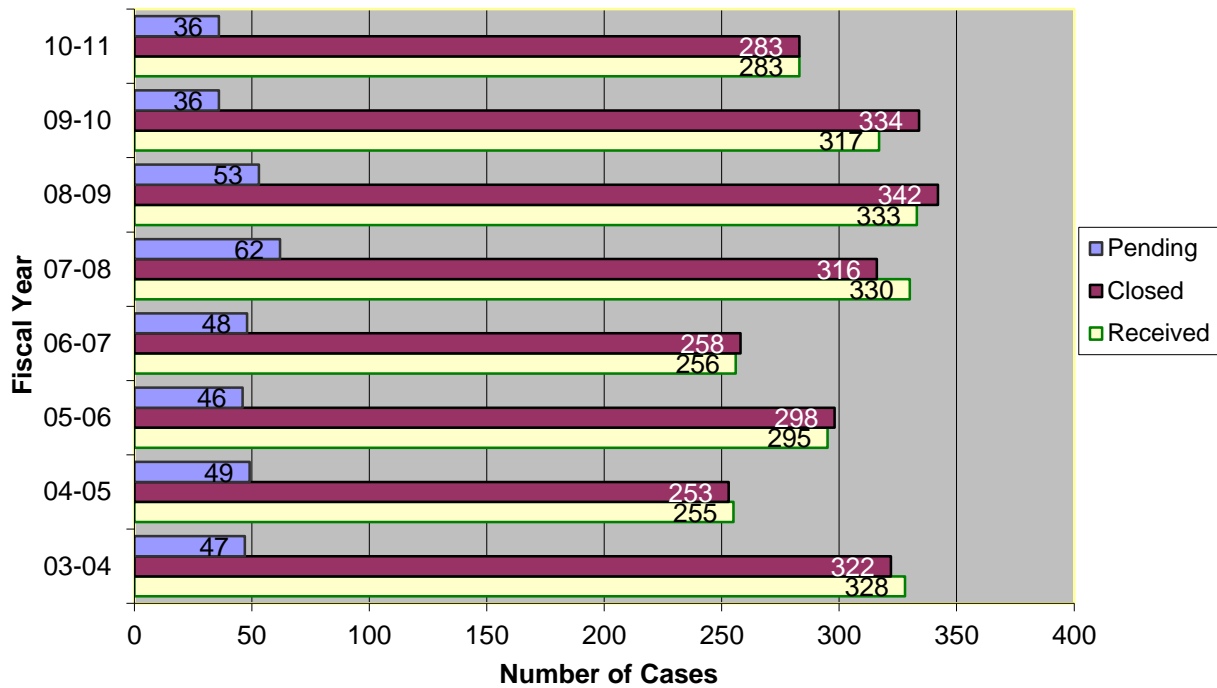
SUPREME COURT		NUMBER
Definite Suspension		0
Letter of Caution		0
Public Reprimand		2
Removal from Office		1
Transfer to Incapacity Inactive		0
Interim Suspension		2
COMPLAINTS		
Complaints resolved		4
Pending as of June 30, 2011		1

*These figures represent the number of complaints filed against each type of judge.

**These figures represent the number of orders issued by the Supreme Court, not complaints. Some orders include multiple complaints.

Figure 1.4.1-1: Office of Disciplinary Counsel - Judicial Complaints

Office of Disciplinary Counsel - Judicial Complaints



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 June 30, 2010	937
Complaints received July 1, 2010 – June 30, 2011	1442
Total pending and received complaints	2379
DISPOSITION OF CONCLUDED COMPLAINTS	
Dismissed by Disciplinary Counsel after Initial Review	184
Dismissed by Disciplinary Counsel after Investigation	548
Dismissed by Investigative Panel	259
Dismissed by Supreme Court	3*
Total Dismissed	994
TOTAL DISPOSITIONS OTHER THAN DISMISSAL	
Closed but not Dismissed	9
Referred to Other Agency	3
Letter of Caution	180
Letter of Caution with Finding of Minor Misconduct	96
Deferred Disciplinary Agreement	6
Admonition	28
Public Reprimand	30
Suspension	36
Indefinite Suspension	6
Disbarment	62
Closed Due to Death of Lawyer	1
Contempt Order (UPL)	0
Total Dispositions other than Dismissal	355
Total Complaints Concluded	1349
Complaints Pending as of June 30, 2011	1030
SOURCES OF COMPLAINTS	
Client or family/friend of client	62.96%
Opposing party or family/friend	13.83%
Bank (overdraft notice)	5.70%
Another attorney	4.24%
Third party payee (incl. court reporters)	2.15%
Disciplinary counsel	1.74%
Self-report	1.11%
Ward or family/friend of ward	1.04%
Judge	1.04%
Family/friend of lawyer	<1.00%
Anonymous	<1.00%

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COMPLAINTS		NUMBER
Employee		<1.00%
Resolution of Fee Disputes Board		<1.00%
Other		3.82%
CASE TYPES		
Criminal		39.96%
Domestic		15.78%
Probate		7.82%
Real estate		4.81%
Post-conviction relief		3.09%
Personal injury		3.09%
Debt collection/foreclosure		2.15%
Workers' compensation		1.87%
Employment/labor		1.15%
Bankruptcy		<1.00%
Other civil matters		17.50%
Miscellaneous case types		2.37%
Trust account issues		7.06%
Advertising & solicitation		1.72%
Personal conduct		4.52%
PRACTICE TYPES		
Solo practice		38.87%
Law firm		35.17%
Public defender		16.89%
Prosecutor		4.26%
Other government		2.72%
Guardian ad litem		1.19%
Corporate counsel		<1.00%
Mediator/arbitrator		<1.00%
COMMISSION ON LAWYER CONDUCT		NUMBER
Meetings of Investigative Panels		12
Formal Charges Filed		9
Disciplinary Hearings		10
Incapacity Proceedings		3
Meetings of Full Commission		1
REQUESTS FOR DISMISSAL REVIEW		
Requests for Review by Complainant		58
Dismissal Affirmed		51
Case Remanded for Further Investigation		4
Dismissal Reviews Pending		3

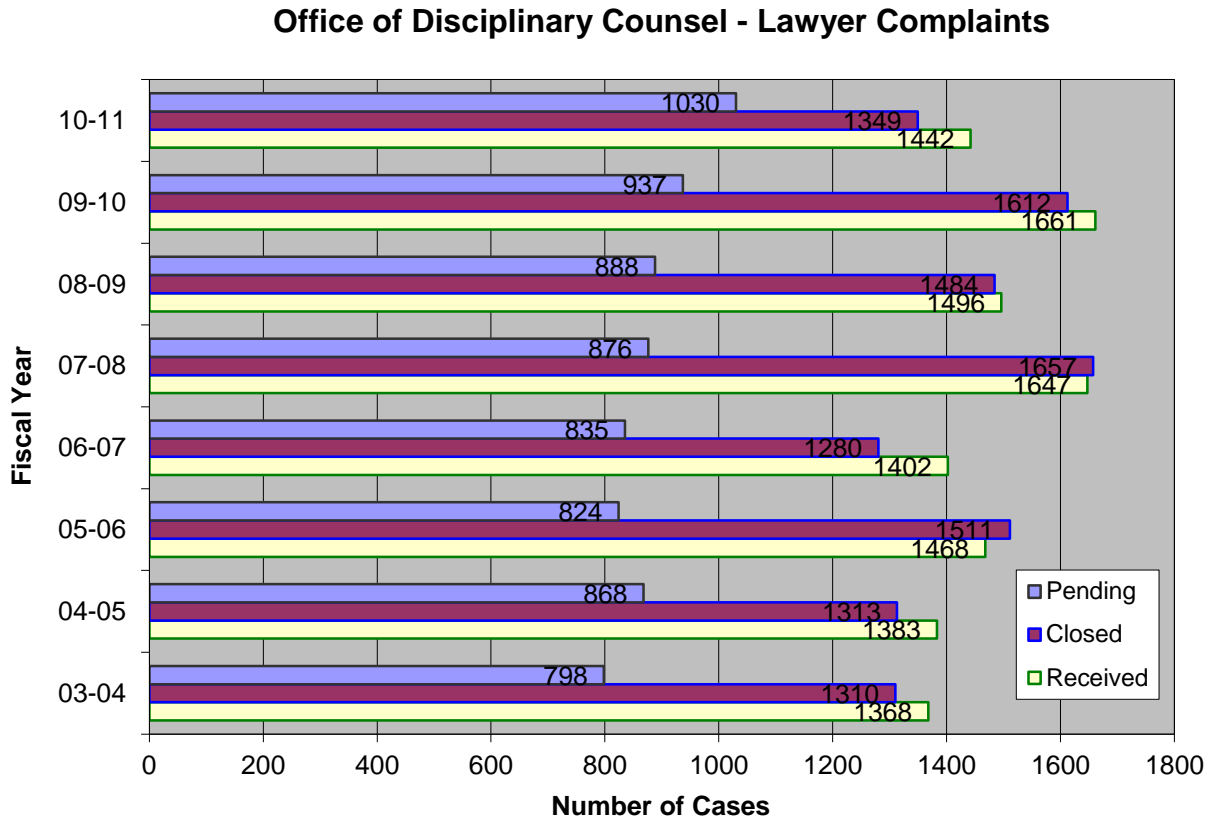
South Carolina Judicial Department Accountability Report 2010-2011

COMMISSION ON LAWYER CONDUCT		NUMBER
ATTORNEYS TO PROTECT CLIENTS' INTERESTS		
Serving as of July 1, 2010		30
Appointed		+14
Discharged		-17
Serving as of June 30, 2011		27
LAWYERS BEING MONITORED		
New Monitor Files Opened		64
Lawyers Currently Monitored		87
OFFICE OF DISCIPLINARY COUNSEL		NUMBER
ATTORNEYS TO ASSIST DISCIPLINARY COUNSEL		
Complaints Assigned to Attorneys to Assist		35
Reports filed by Attorneys to Assist		52
Outstanding Attorney to Assist Reports		21
SUPREME COURT		NUMBER
ORDERS**		
Dismissal		3
Admonition		12
Definite Suspension		13
Disbarment		11
Transfer to Incapacity Inactive		3
Letter of Caution		1
Public Reprimand		11
Reinstatement		8
Interim Suspension		7
COMPLAINTS		
Complaints resolved		147
Pending as of June 30, 2011		78

*The Supreme Court dismissed two contempt proceedings and one reciprocal discipline matter.

**These figures represent the number of orders issued by the Supreme Court, not complaints. Some orders include multiple complaints.

Figure 1.4.2-1: Office of Disciplinary Counsel - Lawyer Complaints



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. The 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. Additionally, any conditions made part of the disciplinary order are monitored by the Commission Counsel.

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 50 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.

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, 2011:

General Sessions - Circuits Meeting Benchmark: 0 of 16
Common Pleas - Circuits Meeting Benchmark: 1 of 16
Family Court - Circuits Meeting Benchmark: 5 of 16

Figure 1.5-1: General Sessions Benchmarks by Circuit

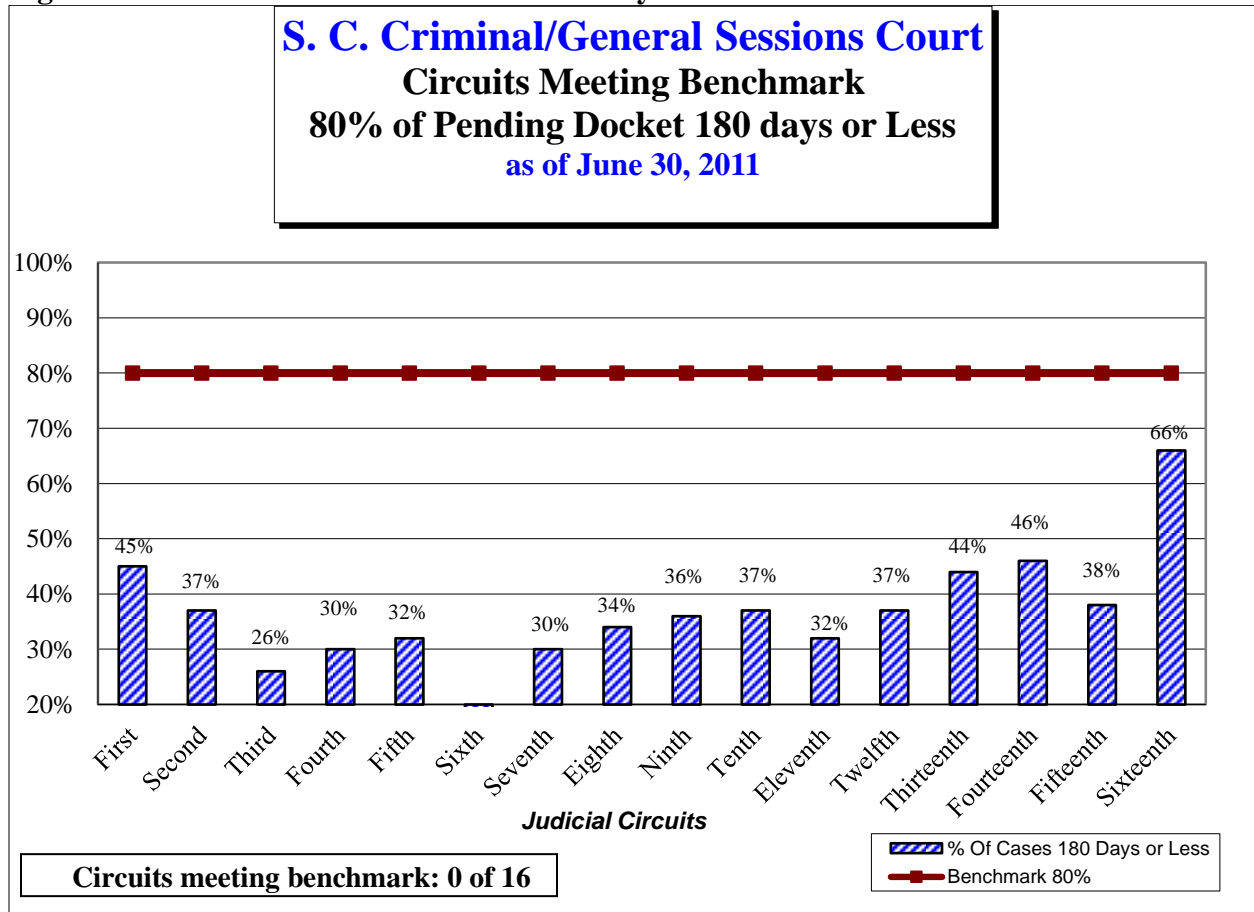


Figure 1.5-2: Common Pleas Benchmarks by Circuit

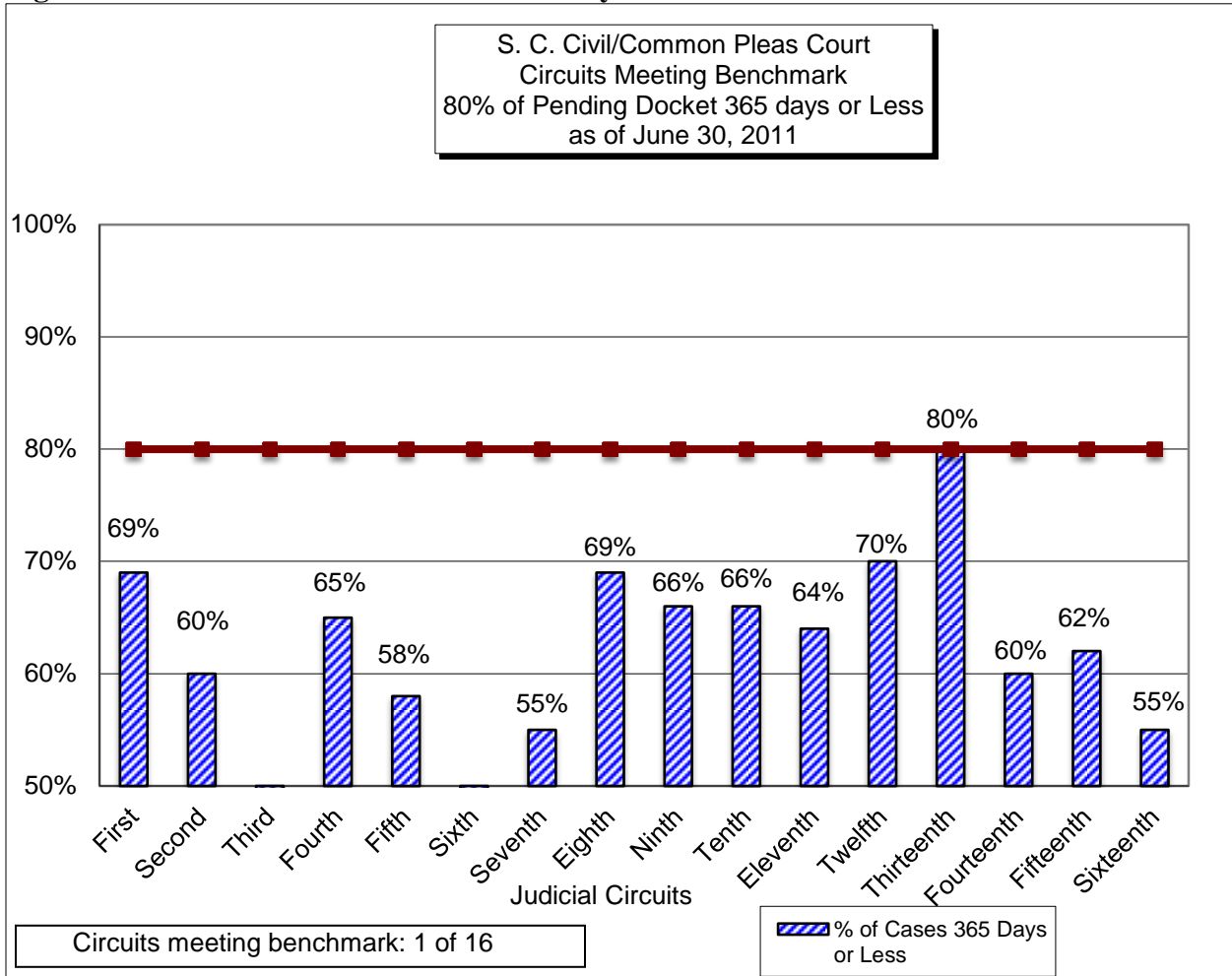
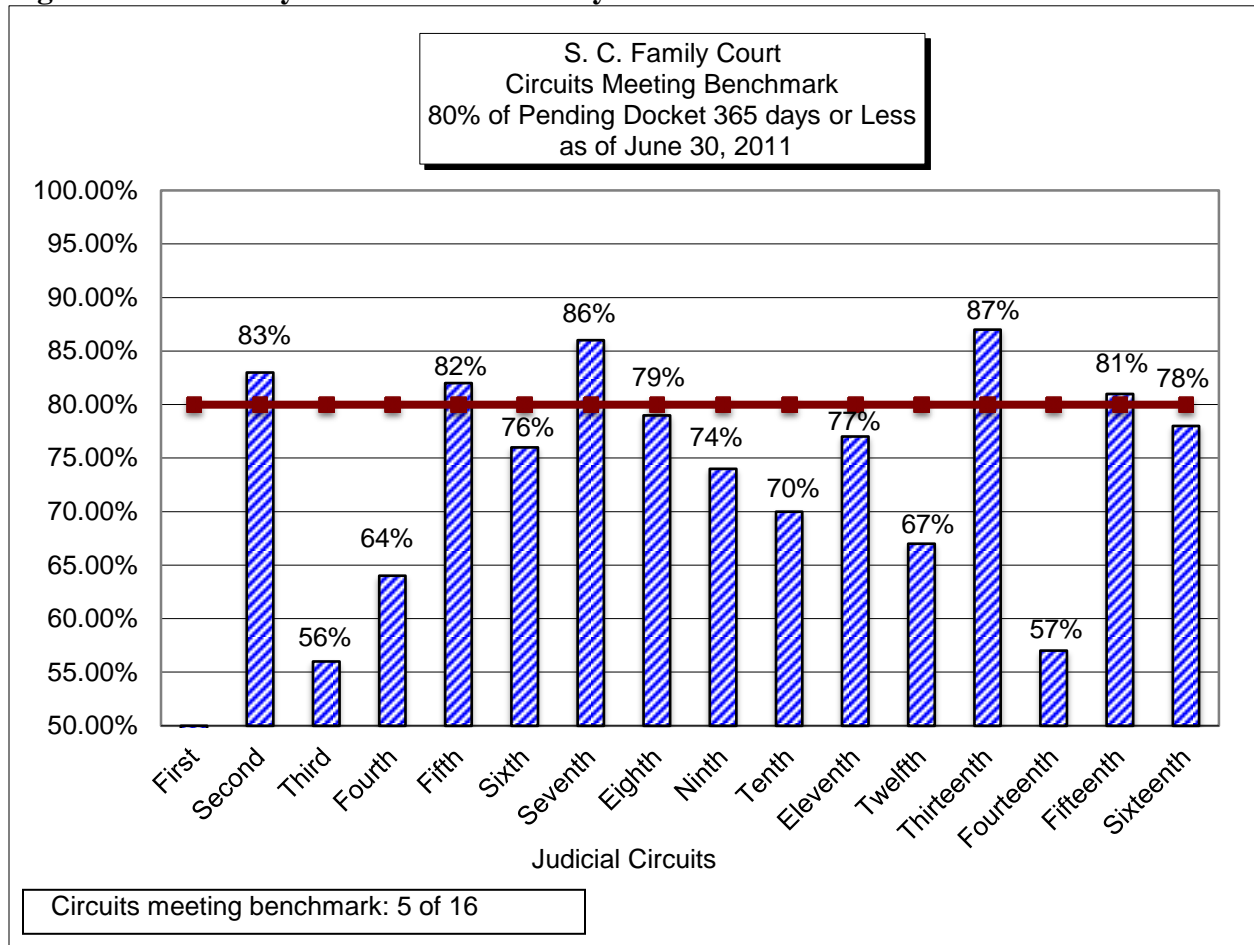


Figure 1.5-3: Family Court Benchmarks by Circuit



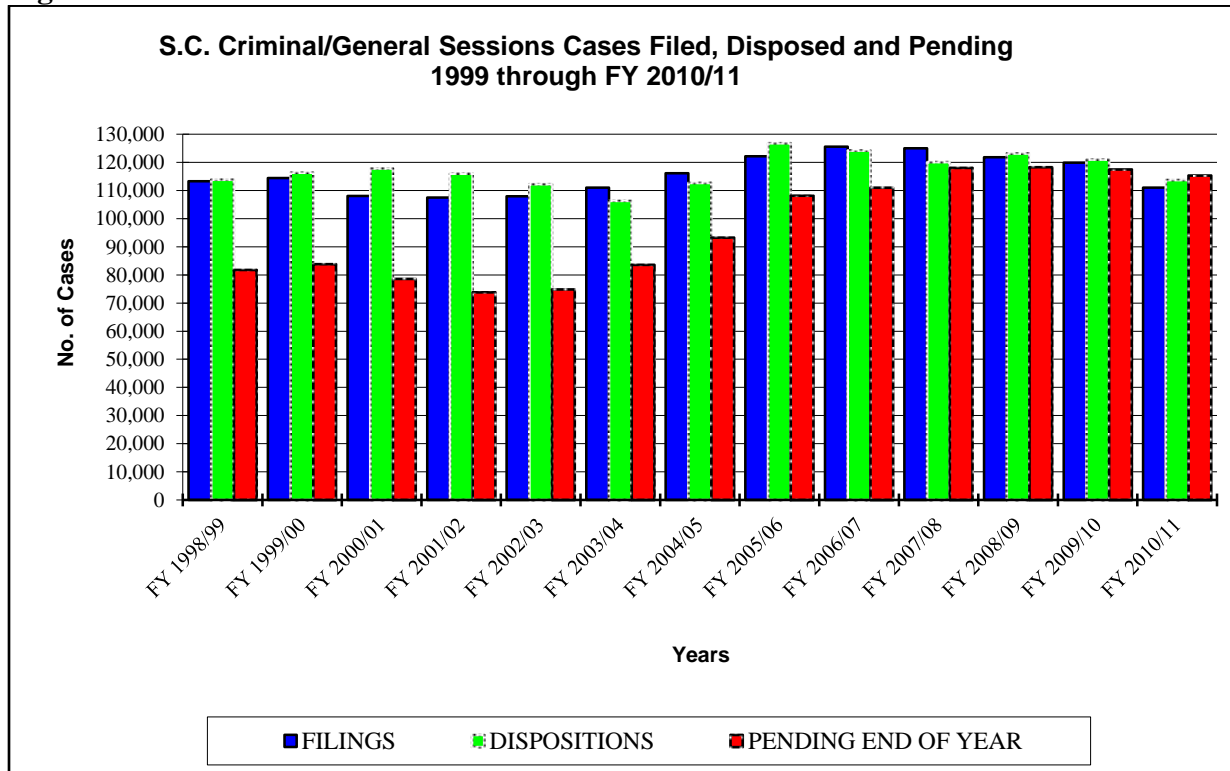
Source: S.C. Court Administration, CAF 20, June 30, 2011. Run Date: August 17, 2011.

Both the circuit and family courts experienced a significant decrease in the number of terms available because of vacancies and illness. The courts were unable to compensate for the loss of available terms even though criminal case management systems, judge controlled dockets in some judicial circuits, mediation, business courts, multi-week trial dockets, and other innovative pilot programs in circuit court were utilized. Given the number of matters to be heard, the increasing complexity of those matters, and the decrease in available terms, only one of the judicial circuits was able to meet the caseload benchmarks this past year for civil cases. No judicial circuit was able to meet the benchmark for criminal cases. Despite a decrease in the number of terms available, five of the judicial circuits were able to meet the family court benchmark. However, 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	1956.4	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
2009/10	988.8	1004.0	1992.8	2164.0
2010/11	917	982.6	1899.6	2141.2

Figure 1.5-4: General Sessions Cases



* Beginning in 1999, 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

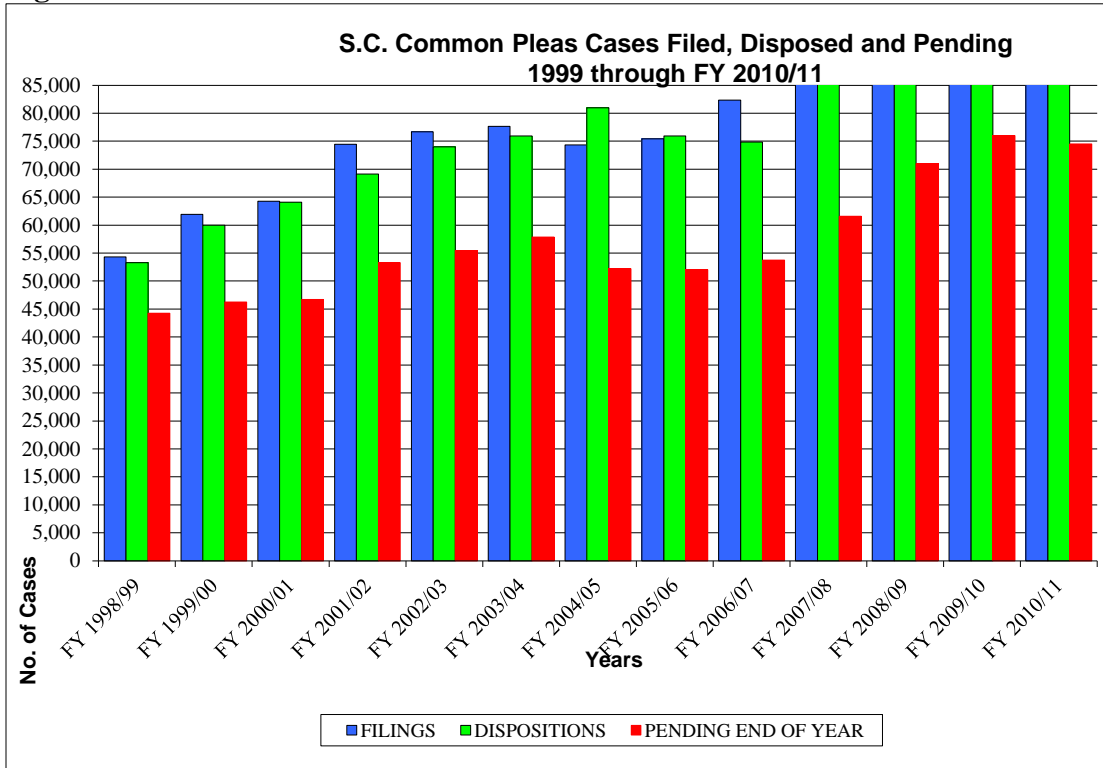
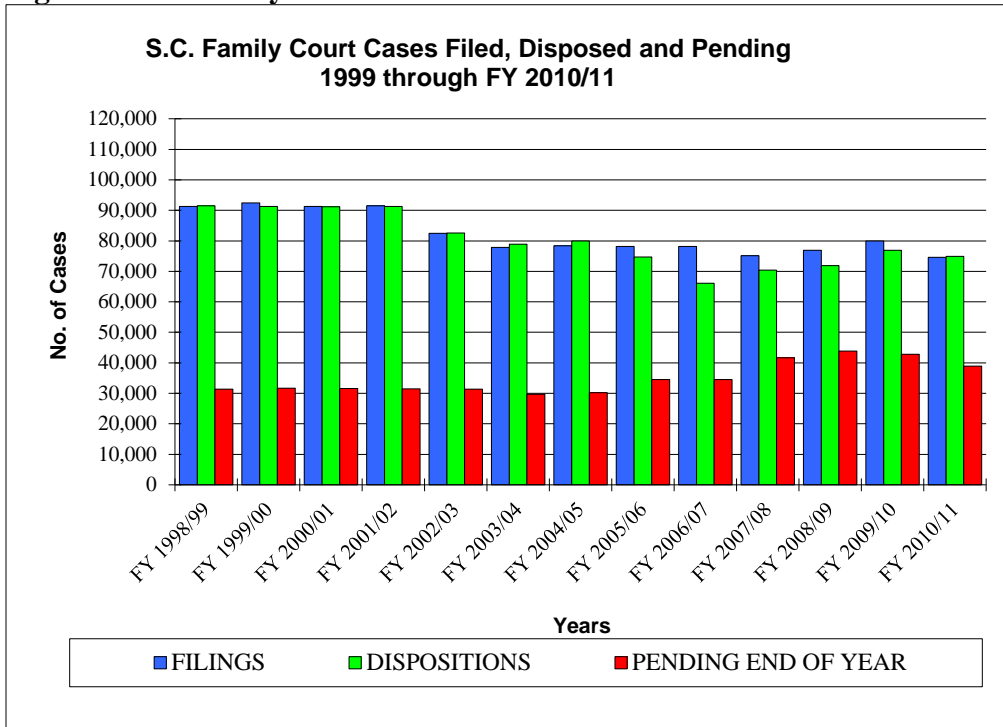


Figure 1.5-6: Family Court Cases



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, forms and information regarding the conditional discharge process in General Sessions, registration of foreign child custody orders, the reporting of violent crimes to the Department of Motor Vehicles pursuant to Act No. 277, 2010, civil subpoenas, objections to expungements pursuant to Section 17-22-950(A), and pledge of real estate for surety bond.

Several family court-related projects this year include collaboration with the Department of Social Services (DSS) and University of South Carolina School of Law Children's Law Center (CLC). SCJD applies for and receives over \$330,000 in Federal Court Improvement Project funds each year to implement family court/child welfare related initiatives across the state. Nearly half of the grant funds are contracted to the University of South Carolina School of Law Children's Law Center to provide child abuse and neglect related training to all family court judges, DSS child welfare attorneys and private attorneys, volunteer guardians ad litem, DSS case workers, and other child welfare professionals. The remaining funds are used to contract with the Department of Social Services to implement and maintain a Legal Case Management System to assist DSS attorneys with the management of child welfare legal cases. Court Administration continues to work with the DSS IT Department to develop and share court reports with the family court judges. These reports detail the status of child abuse and neglect cases and help judges and attorneys strive to meet state and federal timelines to improve permanency options for children in state custody. Court Services staff continues to collaborate with DSS to improve the timely processing of child protection services cases to include the development of standardized orders used in probable cause, removal, permanency planning, and TPR matters to help DSS meet federal requirements. In addition, Court Services is working together with DSS and the CLC to explore the possibility of establishing a court coordinator program with federal grant funding to assist the family courts with tracking child protection and TPR case timelines and expediting the legal processing of these cases. Court Services staff assisted in coordinating the on-site review visits of Spartanburg County DSS and Family Court by the National Resource Center for Legal and Judicial Issues. The South Carolina Judicial Department also hosted the 2010 South Carolina Mini Summit on Justice for Children which was held in collaboration with the South Carolina Department of Social Services and the Children's Law Center. Attendance at the Mini Summit was mandatory for all Family Court Judges, DSS County Directors, and DSS County Attorneys. The program was held December 2, 2010, and featured presentations on innovative practices in South Carolina and opportunities for small group discussion both within and across circuits to develop strategies that will enhance the court's handling of child protection cases. The 2010 Mini Summit marked the 2nd summit in the

5 year authorization period for the Federal Court Improvement Project Grant. Court Services staff continues to be involved in the design and development of the Family Court Case Management System and the Child Support Enforcement System, scheduled to be deployed within the next few years. In conjunction with the CFS Project Team, Court Administration's involvement with these systems include refining family court procedure in the offices of the Clerk of Court, revising and updating family court forms for uniform statewide use, and assisting the Access to Justice Commission to improve access to our courts.

Court Services initiatives also included staff participation and support for the three Docket Management Task Force Committees (DMTF) established by order of the Chief Justice. The committees were tasked to review current court scheduling practices and gather data concerning docket management in the state trial courts. Each committee will make specific recommendations to the Chief Justice on how to improve our docket management system statewide. Other initiatives include the continued support by Court Services staff to the Probate Judges Advisory Committee in the development of a Probate Court Bench Book for use by probate judges, revision of the Minor Settlement Procedures to include information regarding Special Needs Trusts, the review and revision of the special probate judge appointment procedure, and the revision of Probate Court forms affected by Act 244. The Circuit Court Representative collected bi-annual 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 representative is responsible for the review and analysis of the monthly circuit and family caseload reports for the purpose of evaluating accuracy and integrity. Cases are monitored for compliance with time-to-trial standards. As our office receives these automated reports, they are reviewed for errors and discrepancies. 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. In addition, monthly jail case reports from Solicitors' offices are collected, reviewed and processed. The Court Services statistical data area representative provides support and research assistance to the Task Force on State Courts and the Elderly which was created to study and make recommendations to the Supreme Court to improve court responses to elder abuse, adult guardianships and conservatorships. A report on the status of the Task Force's work was submitted to the Supreme Court July 2010. In addition, the court representative in the statistical data area assisted in collecting the third round of data estimates as required by the National Criminal Background Check System (NICS) Act which involved collaboration with SLED, SCJD Information Technology staff, and Probate Court Judges. The updated report contained estimates of records subject to the Act's completeness requirements covering the time period January 1, 1991 to December 31, 2010 and was submitted to the U.S. Department of Justice on May 16, 2011. The Court Services statistical data area representative participated in and coordinated the Judicial Department's response to the State Court Organization (SCO) survey

distributed by the National Center for State Courts (NCSC) and serves on the South Carolina Access to Justice Commission's Guardianship Committee. The committee is to develop a Guardianship packet that will set forth the need for and perils of guardianship. The purpose of the packet is to make it easier for South Carolinians to understand the Guardianship process and to provide better levels of intervention and protection to those at risk. The packet will include forms and self-advocacy material that can be accessed online through the Judicial Department's website.

The circuit, family, and court services representatives met with advisory committees on a tri-annual basis to address issues related to their respective court. Orientation schools for new family, circuit and probate court judges were conducted. The Court Services staff provided individual training and guidance to newly appointed clerks of court for Anderson and McCormick counties. 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 270 participants. Court Services staff assisted the National Judicial College with a grant application to secure Judicial Education Scholarship funding through the South Carolina Bar Foundation to send eight new judges to the *General Jurisdiction* course. 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. The current economic situation continues to negatively affect the amount of scholarships available through these funding sources. However, this year's grant award of eight scholarships was double the amount received in the previous year. In order to offset limited scholarship funding, the Court Services staff has continued to proactively seek other funding options. 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 receiving NJC funds to attend the *When Justice Fails: Threats to the Independence of the Judiciary* course held February 27-March 3, 2011 in Washington, DC. In addition, Court Services staff facilitated in the nomination process of a group of circuit and family court judges to participate in two unique Department of Justice leadership/management education initiatives. As a result, a circuit court judge has been selected to participate in the *Presiding Judges Symposium: Enhancing Court System Efficiencies through Emerging Addiction Science* program at the National Judicial College in Reno, NV to be held September 26-27, 2011. The purpose of this initiative is to educate and support a cadre of Presiding/Chief/Administrative judges with the authority and willingness to plan and implement systemic substance abuse disorder interventions within their local and state justice systems. Two additional judges, one circuit court, and one family court, have been selected to participate in the *Innovative Leadership/Management Skills for Current and Future Court Leaders* program to be held October 31-November 4, 2011 and April 23-26, 2012 at the National Judicial College in Reno, NV. The NJC received Bureau of Justice Assistance (BJA) funding to conduct this initiative to identify and educate judges to be justice system leaders of tomorrow. At the heart of the project is a rigorous series of in-person and web-based programs conducted over two years, designed to present leadership and management skills to 45 judges from across the country. Each year, funds from the Federal Court Improvement Project Training Grant are used to send a group of family court judges to

participate in the National Council for Juvenile and Family Court Judges annual conference. This year, five judges received funding to attend the conference.

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 350 written inquiries from inmates alone this fiscal year.

The family court representative attended the Annual Court Improvement Program Grantee's Conference in Washington, D.C. May 9-10, 2011. In addition, the family court representative participated in Family Court Bench Bar Committee meetings, Best Legal Practices Subcommittee meetings of the Family Court Bench Bar, Child Welfare Advisory Committee meetings, and numerous SCDSS meetings. The court representative for statistical data and analysis attended the 6th Annual Drug Court Coordinators' Symposium sponsored by the National Drug Court Institute September 30-October 1, 2010 in Washington D.C. In addition, the court services representatives attended association meetings and bench bar seminars with their respective court. Court Services staff addressed participants at three Probate Court association meetings and hosted round table discussion groups at the Clerks of Court and Register of Deeds Annual Spring Association Conference in May 2011.

1.6.2 Court Reporting and Court Interpreting

The Office of Court Administration's 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.

To that end, The Offices of Court Administration and Information Technology have teamed up and are continuing their efforts to enhance the Court Reporter Transcript Tracking System (CRTTS) that was implemented in the Fall of 2010. The CRTTS allows Judicial Department court reporters to file monthly reports online. The system tracks the status of transcript production, extension requests, and leave. The SC Judicial Department is currently in the process of implementing a new Appellate Case Management System which includes an interface to the CRTTS. Supreme Court and Court of Appeals system users will be able to access the CRTTS to check on the progress of transcript requests and extensions directly from the new appellate system. As a result of this interface, the trial court case numbers entered by court reporters must match those entered into the appellate system. To ensure uniform case numbers, new functionality has been added to the CRTTS to validate all case numbers entered by court reporters against trial court statistics collected by The SC Judicial Department.

The Office of Court Administration, in conjunction with Access to Justice and the South Carolina Bar, will conduct a "Law School for Interpreters" seminar in February 2012. Interpreters will have an opportunity to take an in-depth look at the workings of the court and to ask questions that they may not have the chance to ask during the course of their actual interpreting work in the courtroom. Plans are in progress to administer Phase II and Phase III in

the early Spring of 2012. The SC Judicial Department is clearly focused on cultivating and enhancing the interpreting skills of our current interpreters with the ultimate goal of increasing the number of certified court interpreters in order to raise the level and quality of court interpreting in 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, 35 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 22 new appointees, as required by state law, with 22 appointees passing the examination. In addition, 36 existing judges were administered the recertification examination, as required by State law, with 33 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 and municipal judges. Staff assisted the Chief Justice in designating nine magistrates and municipal judges to sit on the newly formed Summary Court Judges Advisory Committee, and has met with a committee several times since their formation. Staff coordinates and conducts a one day mandatory seminar attended by all magistrates statewide. 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. Summary Court Services staff maintains and updates CDR codes.

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 approximately 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.

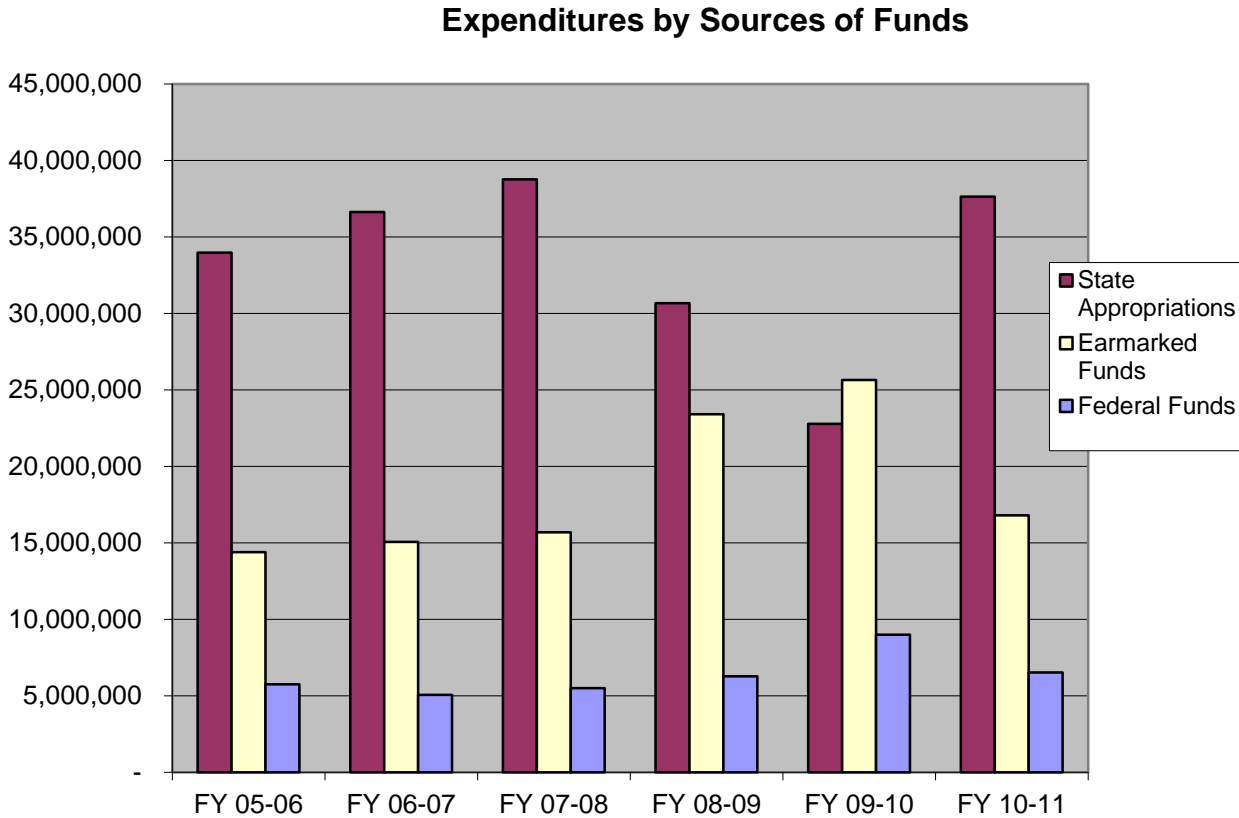
3. What are your performance levels for the key measures of financial performance, including measures of cost containment, as appropriate?

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 are approximately 33 percent of the Judicial Department 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 growth in earmarked and federal funding during a time when appropriations from the State's General Fund have not been consistent. (See 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.

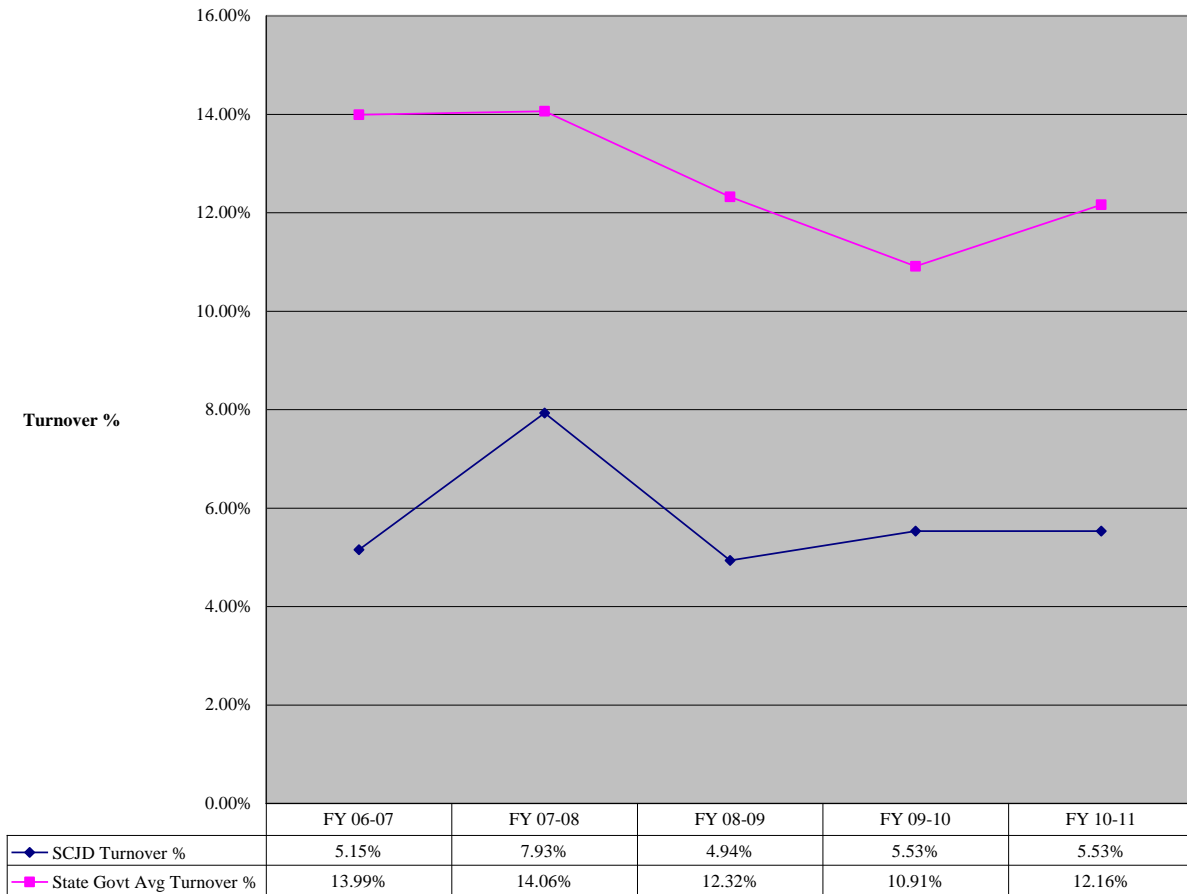
Figure 3-1: Expenditures by Sources of Funds



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. Table 4-1 reflects the Judicial Department’s very stable work force and low overall turnover rate. Over the past 5 years, the State Government turnover rate has averaged 12.68 percent while the Judicial Department turnover rate has averaged 5.81 percent. Also, 24 percent of SCJD employees have more than 10 years of service with the Department and 14 percent have more than 20 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



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 periodically by the Office of the State Auditor. These periodic examinations have resulted in no significant findings. Periodic 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.