

**STATE OF SOUTH CAROLINA
JUDICIAL DEPARTMENT**



**ANNUAL ACCOUNTABILITY REPORT
FISCAL YEAR 2011- 2012**

September 17, 2012

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Accountability Report Transmittal Form

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Date of Submission:	<u>September 17, 2012</u>
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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, 2011 thru June 30, 2012, was another year of significant economic crises across the world. The Judicial Department was fortunate that the state legislature was able to provide 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 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:

- In 2011, the final county went live on the statewide court case management system (CMS). Since that time, SCJD has focused on transitioning counties that currently host themselves to the SCJD data center. The CMS is currently hosted by SCJD in 35 of the 46 counties, and 4 additional counties are currently in process of being transitioned over. By the end of 2012, SCJD's hosted solution will be processing over 57% of the state's total litigation.
- The Chief Justice, with the assistance of Court Administration, initiated a statewide plan to reduce DUI/DUAC backlogs in the Magistrate and Municipal Courts. During the four month initiative, the CMS participating counties and municipalities disposed of 54 percent of their total DUI/DUA backlog. During that same period, the non-CMS municipalities disposed of 64.8 percent of their total DUI-DUAC backlog.
- Court Administration gained approval from the Office of the Attorney General for amendments to Bond Form I and Bond Form II, to allow for a solicitor and defense attorney to agree on an amount and type of bond, in or outside the presence of a circuit court judge, for subsequent presentation to a circuit court judge for consideration. This amendment will allow for an expedited bond process for those defendants in rural counties in which circuit court judges are often unavailable, thereby protecting the due process rights of those defendants.
- The South Carolina Judicial Department continues to be a key member of the SC Traffic Records Coordinating Committee (TRCC) along with the Department of Public Safety, the Department of Motor Vehicles, the Department of Transportation, the Department of Health and Environmental Control, and local law enforcement representatives. One of the TRCC's goals is to implement electronic tickets in South Carolina.
- Court Administration and CMS partnered with the Department of Motor Vehicles and the Department of Public Safety to redesign the Uniform Traffic Ticket so as to eliminate unnecessary information and to include pertinent information. The redesign of the Uniform Traffic Ticket (UTT) will be more efficient for law enforcement to complete as well as easier for the defendant to understand. Approval for the redesigned UTT is pending.
- The South Carolina Judicial Department successfully implemented a new, unique warrant numbering system effective July 1, 2012, in all 46 counties that will eliminate the problems that occur throughout the criminal justice system resulting from duplicate warrant numbers.
- On September 28, 2011, the Chief Justice was the guest speaker at the Grand Opening of the Newberry County Self-Help Center at the Fall Clerk of Court's Conference. The Self-Help Center is a place where the public can go for legal information and assistance that will help them navigate the legal system. The goal is to promote greater access to justice while also enhancing court efficiency.
- On November 30, 2011, the Chief Justice extended the successful Business Court Pilot Program in Greenville, Richland, and Charleston counties for an additional two years.

- The Docket Management Task Force (DMTF) led by Justice Kaye Hearn continued to analyze and address use of court resources, staffing, calendaring, and consistency across counties in the state trial courts. The three subcommittees finalized their recommendations to the Chief Justice for consideration by the Court to determine which changes will be incorporated into trial court operations.
- Assigned and dedicated 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.
- The success of the South Carolina Judicial Department's civics education programs were recognized in July 2011 when Chief Justice Toal became the recipient of the National Center for State Courts' (NCSC) Sandra Day O'Connor Award for the Advancement of Civics Education. This presentation was made during the National Association for Court Management's (NACM) Annual Conference where Chief Justice Toal presented a keynote address about the vital role courts can play in providing civics education. This award was established to honor an organization, court, or individual who has promoted, inspired, improved, or led an innovation or accomplishment in the field of civics education.
- Court Administration developed a uniform Post-Conviction DNA Application Procedure and a Foreclosure Intervention Procedure for use by the clerks of court and forms for processing the procedures. The procedures were developed with input and review by the Circuit Court Judges Advisory Committee, Clerks of Court and Registers of Deeds Advisory Committee, the Department of Probation, Parole and Pardon and representatives from the Solicitors' Association.
- Court Administration, with review by the Clerks of Court and Judges Advisory Committees, revised the Form 4 Judgment in a Civil Case and developed new procedures to assist clerks of court with identifying civil judgment information.
- The Supreme Court established a pilot program for voluntary mediation in Workers' Compensation appeals filed with the South Carolina Court of Appeals. Its purpose is to provide the parties in such appeals a meaningful opportunity to achieve an efficient and just resolution of their disputes in a timely and cost-effective manner as early in the appellate process as possible. This mediation will take place early in the appellate process in order to save the parties the time and expense of an appeal and to give the parties an opportunity to find creative solutions to the dispute.
- Recognizing the need for stability in children's lives, the Chief Justice issued an administrative order directing the expedited consideration of any appeal or petition for a writ of certiorari that is filed with the Supreme Court of South Carolina or the South Carolina Court of Appeals in a termination of parental rights proceedings, adoption proceedings, and/or Department of Social Services actions involving the custody of a minor child. This order creates a presumption against granting extensions in these cases, gives these cases a priority for oral argument, and establishes a time period following oral argument or submission for a decision to be filed by the appellate court.
- Rule 417, SCACR was amended to set forth practical trust accounting information, provide cautionary information on electronic check conversions, and explain Automated Clearing House transactions. The amendments additionally address record maintenance issues and outline necessary safeguards a lawyer must have in place when using electronic record storage systems.

- In light of the highly successful pilot mentoring programs, the Supreme Court adopted Rule 425, SCACR, to establish a Mandatory Lawyer Mentoring Program to be administered by the Commission on Continuing Legal Education and Specialization. This program, which assigns a mentor to each newly admitted lawyer, is designed to assist these newly admitted lawyers in understanding the duties, responsibilities, and expectations that accompany membership in the legal profession, and to help them to identify and develop the professional skills and habits necessary to insure competence and professionalism.
- SCJD received over \$500,000 in Federal Court Improvement Project Grant funds. The grant funds are used to train family court judges, lawyers (private and agency) and volunteer guardians ad litem on child protection issues; to implement and maintain a Legal Case Management System for the Department of Social Services legal staff; and to launch a Court Liaison Project with the Children's Law Center (USC School of Law) where liaisons will work closely with the family court and DSS to identify and address delays for permanency for children in DSS custody.
- Court Administration staff participated in a weeklong federal Title IV-E Review at DSS. The review included an audit of 85 randomly selected DSS child protective services files to ensure probable cause, merits and permanency planning hearings are held timely and to ensure that required language is included in applicable court orders. Unofficial results of the audit revealed the South Carolina IV-E review was the first ever perfect audit achieved by a Title IV-E agency in the history of the IV-E audits. Official results from the Administration of Children and Families will be published soon.
- Worked with the Center for Fathers and Families, SC Legal Services and Access to Justice Commission to develop self-help legal resources for litigants seeking to modify child support. These resources are available on the South Carolina Judicial Department's website.
- Court Administration continued working with the SC Legal Services, Access to Justice Commission and the SC Bar Foundation to develop and launch a computer-based, avatar led interview program that will allow self-represented litigants to create simple divorce pleadings based on one-year separation for filing.
- Court Administration worked with the SC Legal Services, SC Department of Social Services, Access to Justice Commission and the SC Bar Foundation to develop Frequently Asked Questions regarding a simple divorce based on a one-year separation and child support modification.
- 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 worked with the Access to Justice Commission to develop an information packet for self-represented litigants in Master-In-Equity Court. The packet includes frequently asked questions which addresses common issues involving residential mortgage foreclosures actions. The packet was completed and is accessible through the South Carolina Judicial Department's website.

- 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 to update the Probate Court Procedure Manual for use by probate court staff. Court Administration is also working with the committee on the revision of the Minor Settlement Procedure to include special needs trust procedures.
- Court Administration is currently working with the Probate Judges Advisory Committee on the revision to the procedure for Special Probate Appointments and administrative orders used to appoint special probate judges. The procedure will address confidentiality in the assignment of a special probate judge, clarify where original filings should take place and address the appeals process in cases involving the appointment of a special probate judge.
- Court Administration is working with the Probate Judges Advisory Committee to develop a reporting system for mediation cases handled in Probate Court statewide. With this new system, judges can indicate how many cases are handled each month and the report would also be a means of tracking litigated cases.
- 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 and special probate judge appointments in Probate Court.
- Court Administration worked with the Department of Information Technology on the County Statistics Self-Audit portal where clerks of court and their staff can log-in and create caseload reports for their offices on a specific day instead of at a designated time at the beginning of the month. The portal offers a new and improved way to perform self-audits. By performing self-audits, this ensures that the records transmitted to the South Carolina Judicial Department are as accurate and up-to-date as possible. The portal also has a verification feature that will allow clerks of court to verify that a self-audit has been completed.
- Court Administration is working with the Probate Judges Advisory Committee and subcommittee in the revision of the Probate Court forms affected by the SC Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act. The provisions of this act became effective on January 1, 2011 and apply to guardianship and protective proceedings begun on or after that date.
- 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 Burge Conference on Law and Ethics held in Georgia. This educational proponent is intended to inform and promote adherence to the professional standards established by the South Carolina Supreme Court.
- The American Bar Association has referred other jurisdictions (Pennsylvania, West Virginia, US Virgin Islands and New Jersey) to South Carolina as a model for effective use of electronic case management in the lawyer and judicial disciplinary process.
- Enhanced the Judicial Department's website to display properly on mobile devices including tablets and smartphones. The website received 4,040,072 visits, had 1,262,385 unique visitors, 11,561,087 page views and 168 million hits during this fiscal year.

- The Master-in-Equity module that is part of the statewide court case management system (CMS) has successfully been implemented in 12 of the 22 counties that have a Master-in-Equity judge. Another five counties will be implemented by the end of 2012.
- Completed development and testing for an Appellate case management system for the Supreme Court and Court of Appeals. This system is now live in both courts. Began development efforts for opinion circulation tracking modules for both courts.
- Designed, developed and deployed the Attorney Information System in partnership with the South Carolina Bar to collect and maintain current contact information for all attorneys in South Carolina. This system, which is designed to store and manage contact information for lawyers and foreign legal consultants licensed in South Carolina, allows these persons to make changes to their contact information using a web-based portal, thereby ensuring that their contact information is always current. The need to have current contact information has become increasingly important as the South Carolina Judicial Department has implemented case management systems at both the trial and appellate courts and prepares for electronic filing in the future. Lawyers and foreign legal consultants were required to update and verify their contact and other information in AIS before paying their 2012 license.
- 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.
- The Supreme Court and the Court of Appeals began making digital audio and video recordings of oral arguments. This greatly enhances the ability of the appellate courts to archive and retrieve these recordings. Ultimately, this system will allow the public to view oral arguments that have been held at either court.
- The Chief Justice presented State Service Award Certificates and Pins to 10 staff members who reached the milestone of 10, 20, 30, or 40 years of State service.
- The judges of the Court of Appeals elected a new Clerk of Court on January 25, 2012.

- The Court of Appeals has continued to enhance public access to our courts by displaying artwork from the State Museum on the walls of the Calhoun building. These pieces from various artists encourage visitors to the court to pause and enjoy the works of art. The court, in turn, provides a home to artwork that would otherwise be hidden in storage.

3. KEY STRATEGIC GOALS FOR PRESENT AND FUTURE YEARS

It is understood that the upcoming fiscal year, July 1, 2012 to June 30, 2013, 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:

- Continue the E-Courts initiative by developing an RFP for electronic filing for the South Carolina courts. E-Court fees will replace the existing federal funds being used to fund the technology initiatives for the South Carolina Courts.
- Faced with a declining enrollment in its court reporter program, the Technical College System determined several years ago to discontinue offering training for students wishing to become court reporters. As a consequence, it is becoming increasingly more difficult to find qualified candidates to fill existing court reporter vacancies. The Judicial Department is undertaking a pilot program to determine the best way to incorporate the use of digital recorders in courtrooms to supplement existing court reporters.
- Implement recommendations from the Docket Management Task Force that will improve docket management in the state trial courts.
- Continue to 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 LEP Workgroup to conduct a Mock Trial Skills-Building Workshop in the Fall of 2012. Interpreters will have an opportunity to work on interpreting skills during the Mock Trial in an actual court setting. An Oral Exam is planned for August 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.
- The Master-in-Equity module that is part of the statewide court case management system (CMS) will be deployed to the remaining 10 counties that have Master-in-Equity judges.
- 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 the SC Traffic Records Coordinating Committee (TRCC) to automate traffic records reporting, with an ultimate goal of implementing electronic tickets in South Carolina. This effort will include an interface with the statewide court case management system (CMS).
- Gain approval from the Department of Public Safety for the redesigned Uniform Traffic Ticket. Amendments include deletion of unnecessary fields and the inclusion of necessary information. Amendments will make the documents more efficient for law enforcement to complete and easier for defendants to understand.
- 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.
- Continue the work of the 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.
- Partner with the Department of Archives and History to explore the electronic retention of summary court records and review the summary court retention schedule for possible revisions.

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

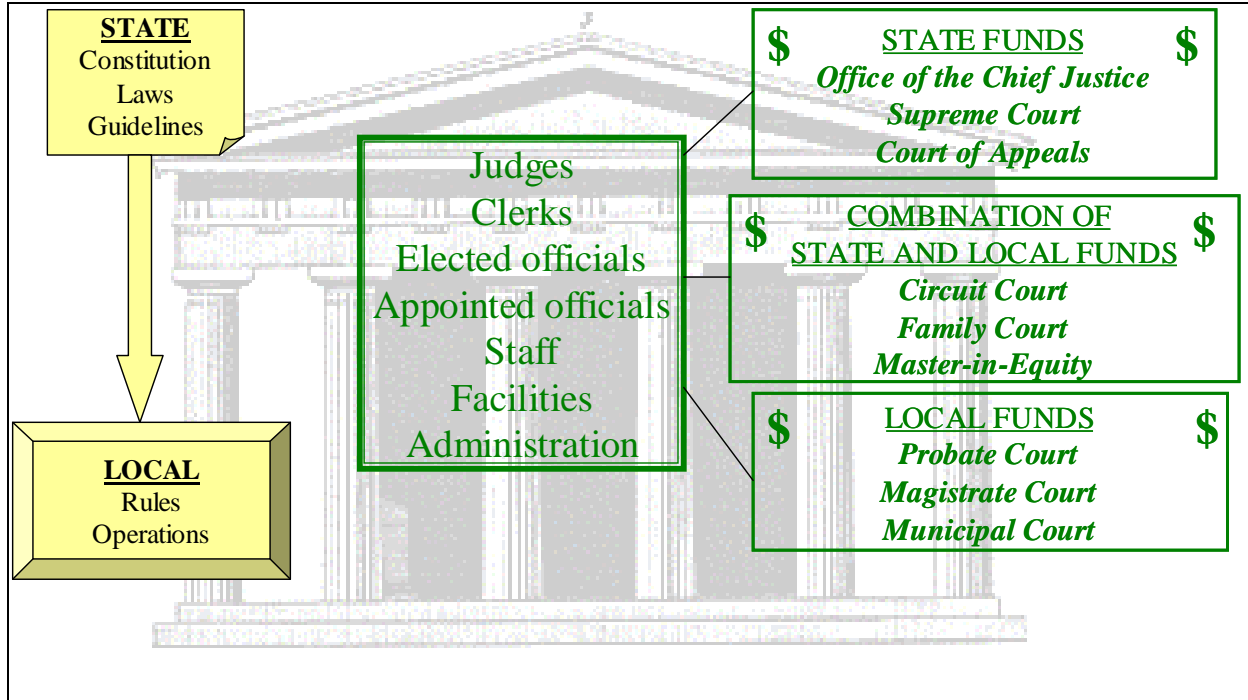
for resolution of issues brought forth through Legislative Branch enactments and actions initiated by the Executive Branch and citizens. Criminal prosecution is an Executive Branch function, and the number of cases filed and the disposition rate of those cases are largely controlled by the prosecutorial 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 2012-2013 include:

- The Calhoun Building has been undergoing a major renovation to the building foundation during the year, which required the entire docketing office of the Court of Appeals to relocate to another building on Statehouse grounds. Entrances and exits to the building have been changed and staff has been working in a major construction zone.
- Key staff personnel, each with significant experience and tremendous institutional judicial knowledge continue to retire or take other positions. 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 of the Judicial Department projects are statewide, we sometimes find we must provide a portion of the financial and technical resources that are lacking at the local level. In fact, a large portion of our resources are invested to improve the legal experience at the local level.
- 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
409	Law clerks, appellate court clerks, staff attorneys, court reporters, judges' administrative assistants and clerical staff	Throughout the 46 counties	State
94	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
312 + Staff	Magistrates	Throughout the 46 counties	County
389 + Staff	Municipal Judges	Throughout the 46 counties	Municipalities
1 + Staff	State Grand Jury Clerk	Columbia	State – Attorney General's Office

7. REGULATORY ENVIRONMENT

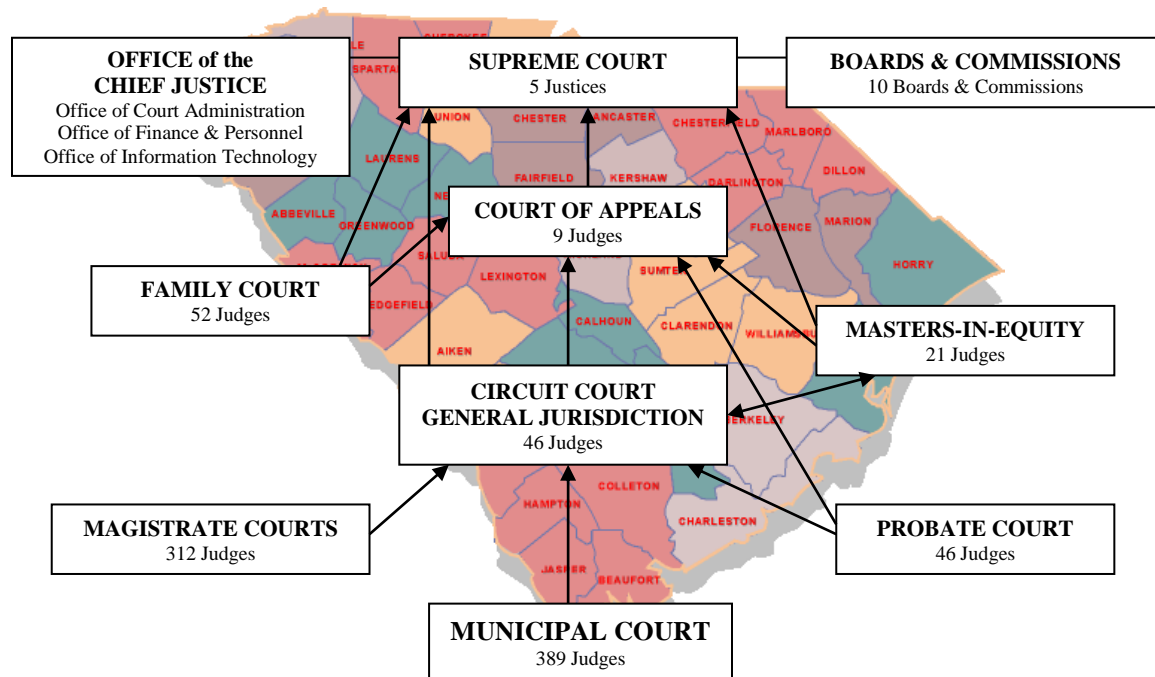
The Judicial Department operates under all applicable federal and state health and safety regulations. The Department is subject to state audits of its financial data. Security scanning equipment in the Supreme Court and John C. Calhoun buildings is kept under certification by SCDHEC.

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, SCRPC, 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

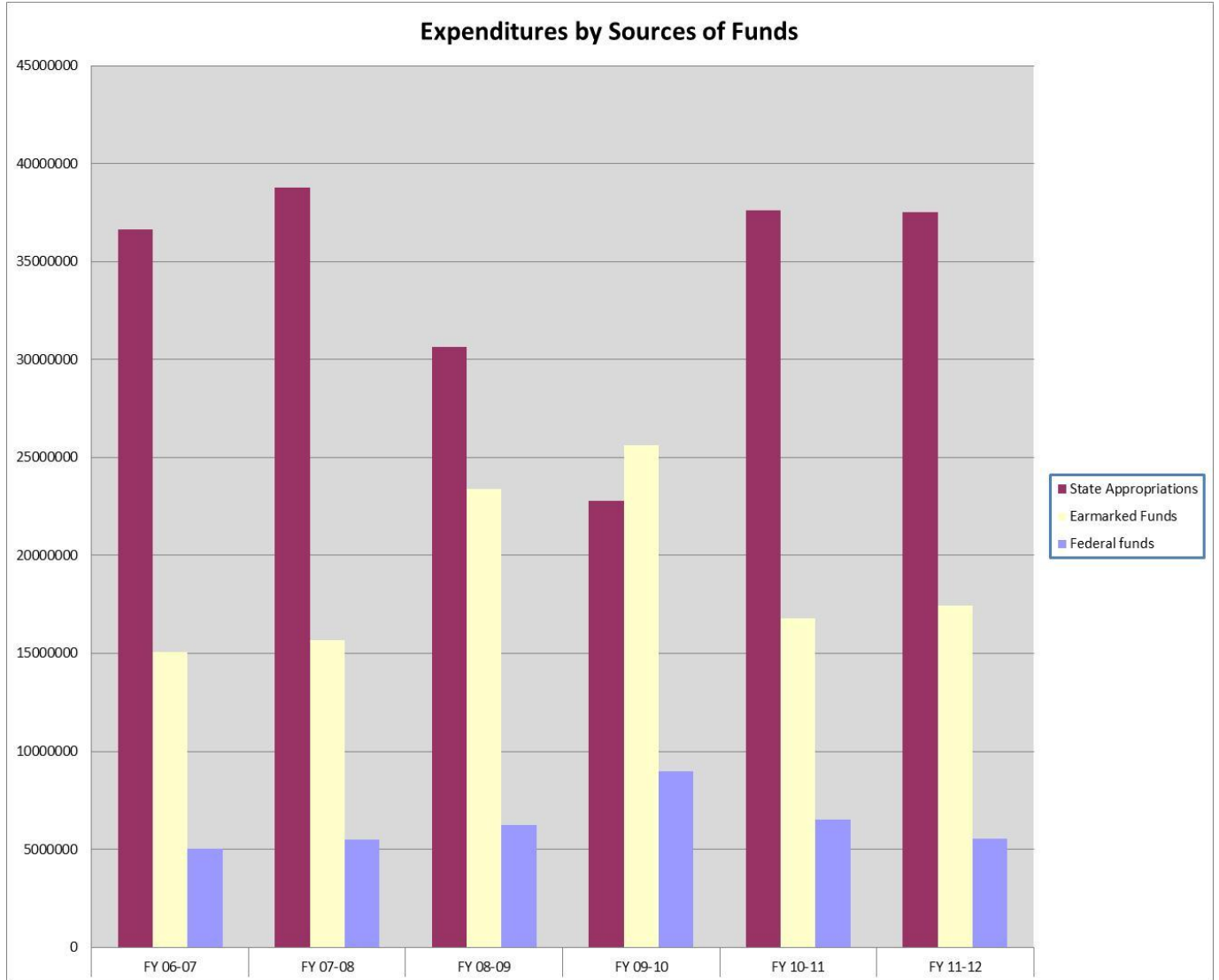
Major Budget Categories	10-11 Actual Expenditures		11-12 Actual Expenditures		12-13 Appropriations	
	Total Funds	General Funds	Total Funds	General Funds	Total Funds	General Fund
Personal Services	\$32,032,737	\$24,964,990	\$33,125,449	\$24,564,283	\$36,353,877	\$26,493,877
Other Operating	\$5,487,805	\$967,472	\$12,480,872	\$1,448,799	\$8,447,116	\$4,236,116
Special Items	\$7,004,787	\$0	\$0	\$0	\$7,109,393	\$0
Permanent Improvements	\$0	\$0	\$0	\$0		
Case Services	\$339,275	\$0	\$342,380	\$0	\$0	\$0
Distributions to Subdivisions	\$0	\$0	\$0	\$0		
Fringe Benefits	\$13,703,537	\$11,690,697	\$14,110,242	\$11,494,165	\$15,909,169	\$12,756,169
Non-Recurring	\$2,356,191	\$0	\$407,828		\$0	\$0
Total	\$60,924,332	\$37,623,159	\$60,466,771	\$37,507,247	\$67,819,555	\$43,486,162

** In FY 12-13, the General Assembly funded 64.12% 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	10-11 Actual Expenditures	11-12 Actual Expenditures
Capital Reserve Fund	\$0	\$0
Federal funds	\$6,515,150	\$5,537,336
Earmarked funds	\$16,796,023	\$17,422,188
Supplemental Appropriations	\$0	\$0

Table 10-3: Expenditures by Sources of Funds



11. MAJOR PROGRAM AREAS CHART

Program Number and Title	Major Program Area Purpose (Brief)	FY 10-11 Budget Expenditures		FY 11-12 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: 3,529,951.70 Federal: 0.00 Other: 1,590,884.18 Total: 5,120,835.88 % of Total Budget: 9%	6% 0% 3% 9%	State: 4,352,682.84 Federal: - Other: 282,421.97 Total: 4,635,104.81 % of Total Budget: 8%	8% 0% 0% 8%	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: 4,388,031.13 Federal: 0.00 Other: 878,644.32 Total: 5,266,675.45 % of Total Budget: 8%	7% 0% 1% 8%	State: 5,241,011.53 Federal: - Other: 277,910.08 Total: 5,518,921.61 % of Total Budget: 9%	9% 0% 0% 9%	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: 15,625,171.64 Federal: 0.00 Other: 1,523,419.40 Total: 17,148,591.04 % of Total Budget: 28%	25% 0% 3% 28%	State: 12,968,436.36 Federal: - Other: 4,523,882.17 Total: 17,492,318.53 % of Total Budget: 29%	22% 0% 7% 29%	Figure 1.5-1, 1.5-2 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: 13,928,828.02 Federal: 0.00 Other: 1,052,544.55 Total: 14,981,372.57 % of Total Budget: 25%	23% 0% 2% 25%	State: 14,842,366.76 Federal: - Other: 505,793.81 Total: 15,348,160.57 % of Total Budget: 26%	25% 0% 1% 26%	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: 0.00 Federal: 6,155,670.34 Other: 6,964,975.58 Total: 13,120,645.92 % of Total Budget: 21%	0% 10% 11% 21%	State: - Federal: 5,095,043.83 Other: 5,601,939.89 Total: 10,696,983.72 % of Total Budget: 17%	0% 8% 9% 17%	
Court Admin	Court Administration serves the Chief Justice in her capacity as the administrative head of the unified judicial system.	State: 0.00 Federal: 359,479.80 Other: 1,370,022.14 Total: 1,729,501.94 % of Total Budget: 3%	0% 1% 2% 3%	State: - Federal: 442,291.78 Other: 1,415,196.69 Total: 1,857,488.47 % of Total Budget: 3%	0% 1% 2% 3%	

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

Remainder of Expenditures:	State: 151,176.93 Federal: 0.00 Other: 3,415,532.26 Total: 3,566,709.19 % of Total Budget: 6%	0% 0% 6% 6%	State: 102,749.62 Federal: - Other: 4,815,043.63 Total: 4,917,793.25 % of Total Budget: 8%	0% 0% 8% 8%
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.

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, served as vice-chair of the Board of Directors of the National Center for State Courts (NCSC). She also served as 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.

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 incorporated 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.

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

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

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

The *Code of Judicial Conduct* restricts judges' participation in any extra-judicial activities that may cast reasonable doubt on the judge's capacity to act impartially as a judge, demean the judicial office, or interfere with the proper performance of judicial activities. However, these restrictions have not limited judges' participation in community activities. Many judges are active in church and religious organizations, serving as members, officers, sponsors and youth

sports coaches. Several judges and others in senior leadership actively serve our country through participation in the United States military and Reserves; many have served periods of active duty since September 11, 2001. Historic preservation is high on the community service list of several of our judges who have introduced and, in several instances, sponsored initiatives to restore historic buildings and sites. Education is also very important to judges. Many are members of alumni associations, education committees, and mentor programs. In addition, they participate in mock trials, seminars, lectures, and small productions at local community theaters. In recognition of their efforts, judges have been honored as Citizen of the Year in their communities, and several have received the state's highest civilian honor – The Order of the Palmetto.

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

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

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

The 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.**

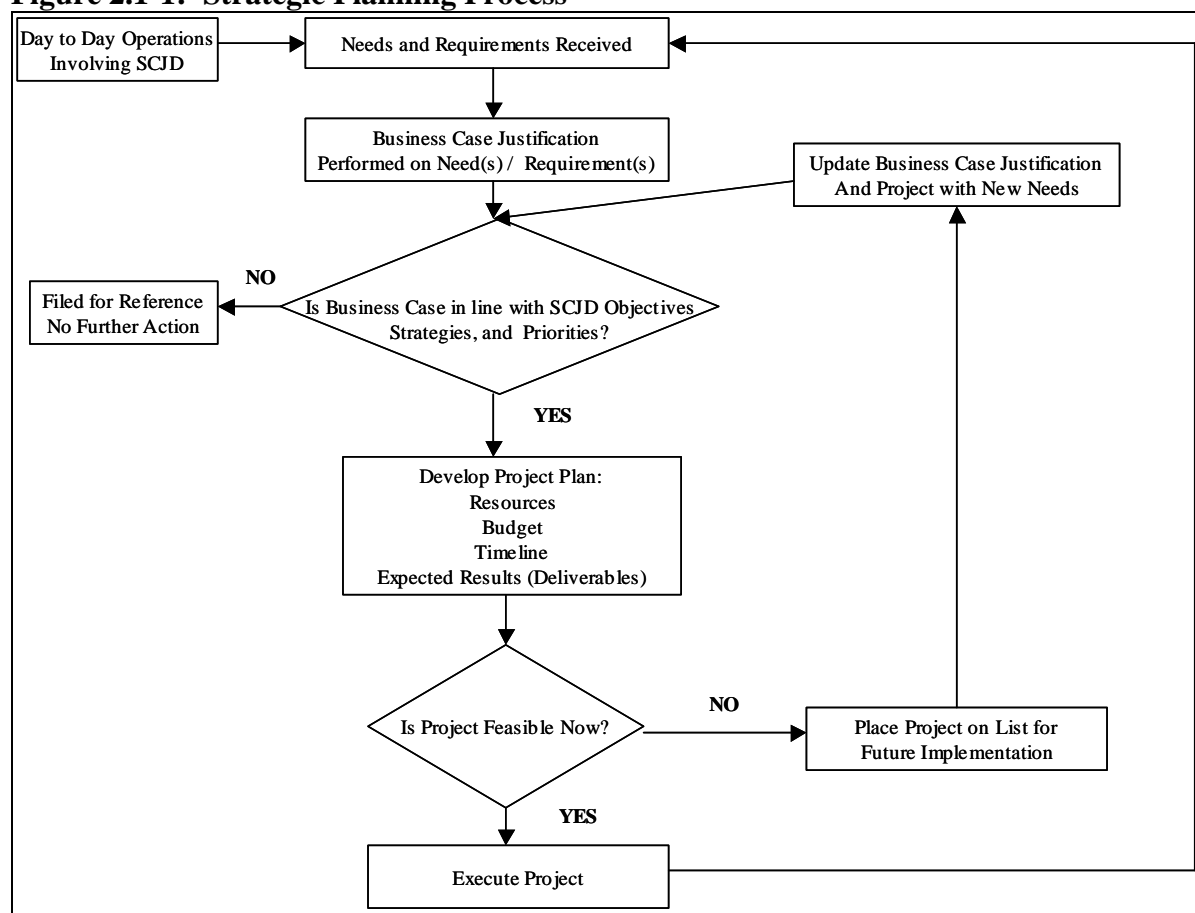
The principles, concepts and techniques employed in the technology initiatives flow over into other functions of the Judicial Department, not least because all divisions and personnel within the Judicial Department have been impacted by and are incorporating the benefits of the technology initiatives. 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 sometimes negatively impacted by expectations of other agencies and the counties which would require the Judicial Department to cross into boundaries out of its jurisdictional scope. 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 evolvement 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 12-13 and beyond Key Action Plans/Initiatives and Timelines for Accomplishing Goals	Key Cross References for Performance Measures*
Supreme Court	<ul style="list-style-type: none"> + 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 	<ul style="list-style-type: none"> * 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 	<ul style="list-style-type: none"> * 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	<ul style="list-style-type: none"> + 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 	<ul style="list-style-type: none"> * 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 	<ul style="list-style-type: none"> * Caseload results * Elimination of obsolete systems and applications * # oral arguments available for audio and video review
Circuit Court	<ul style="list-style-type: none"> + Reliable and fair court proceedings in accordance with due process + Leadership in the criminal justice arena 	<ul style="list-style-type: none"> * 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 	<ul style="list-style-type: none"> * Caseload results * # of counties hosted by SCJD
Family Court	<ul style="list-style-type: none"> + Reliable and fair court proceedings in accordance with due process + Leadership in the criminal justice arena 	<ul style="list-style-type: none"> * 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) 	<ul style="list-style-type: none"> * Caseload results * Federal certification
Information Technology	<ul style="list-style-type: none"> + Modernization of the SC Courts through the incorporation of technology + Collaboration with appropriate federal, state, and local entities + Leadership in the criminal justice arena 	<ul style="list-style-type: none"> * 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 	<ul style="list-style-type: none"> * % 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	<ul style="list-style-type: none"> + Collaboration with appropriate federal, state, and local entities + Leadership in the criminal justice arena 	<ul style="list-style-type: none"> * 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 	<ul style="list-style-type: none"> * # 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 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.

To assure relevance and cost efficiency, most of this training is through state organizations or state-sponsored organizations.

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. Several new employee orientation sessions are conducted 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 5.14**.

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?

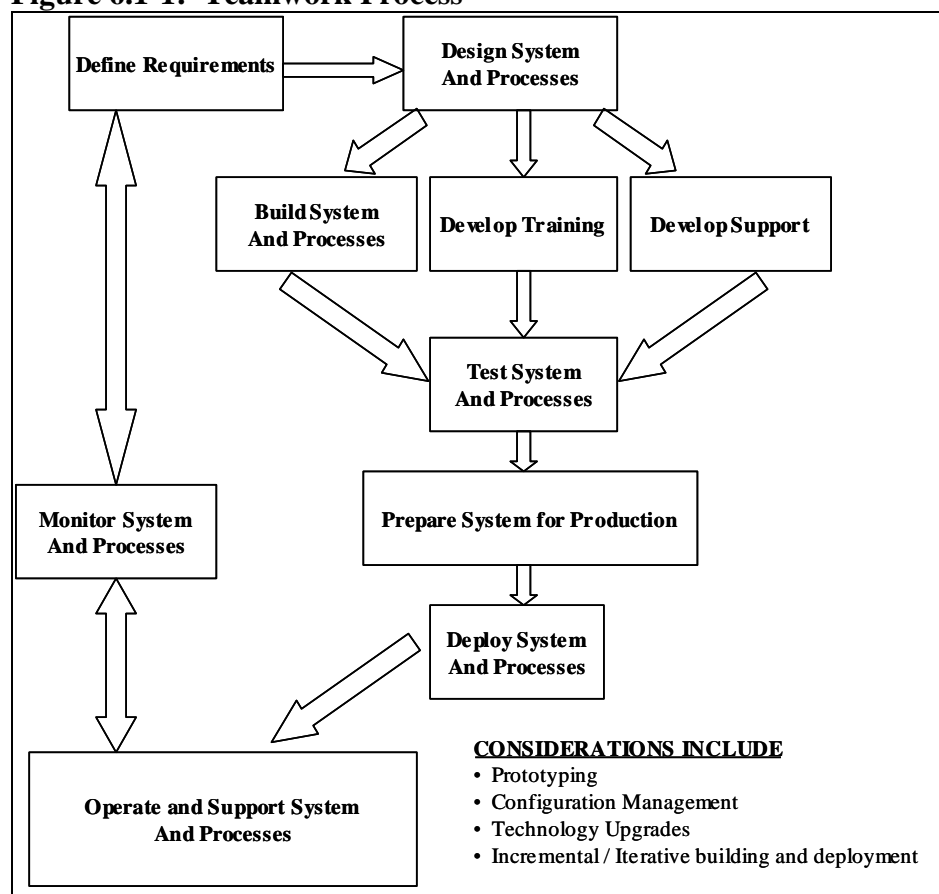
The Judicial Branch of government is a heterogeneous organization composed of a combination of elected officials and staff funded through a combination of state and local sources. As a result, organizational knowledge, new technology, cost controls and other factors are incorporated into the processes 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, 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 annual meetings held by the State's Clerks of Court and the State's Magistrate Judges, key program personnel participate in round table discussions on new ideas, features, and future product enhancements. In another area, key Supreme Court and Court of Appeals Clerk staff participate in weekly JAD (Joint Application Design) sessions to ensure that the components of the Appellate case management system that are currently being developed address all areas of the Court.

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 2011-2012

CASELOAD ACTIVITY	NUMBER
Opinions Issued	
Published	147
Unpublished	51
Total Opinions	198
Motions Pending July 1, 2010	54
Motions Filed	2805
Motions Disposed	2785
Motions Pending June 30, 2011	74

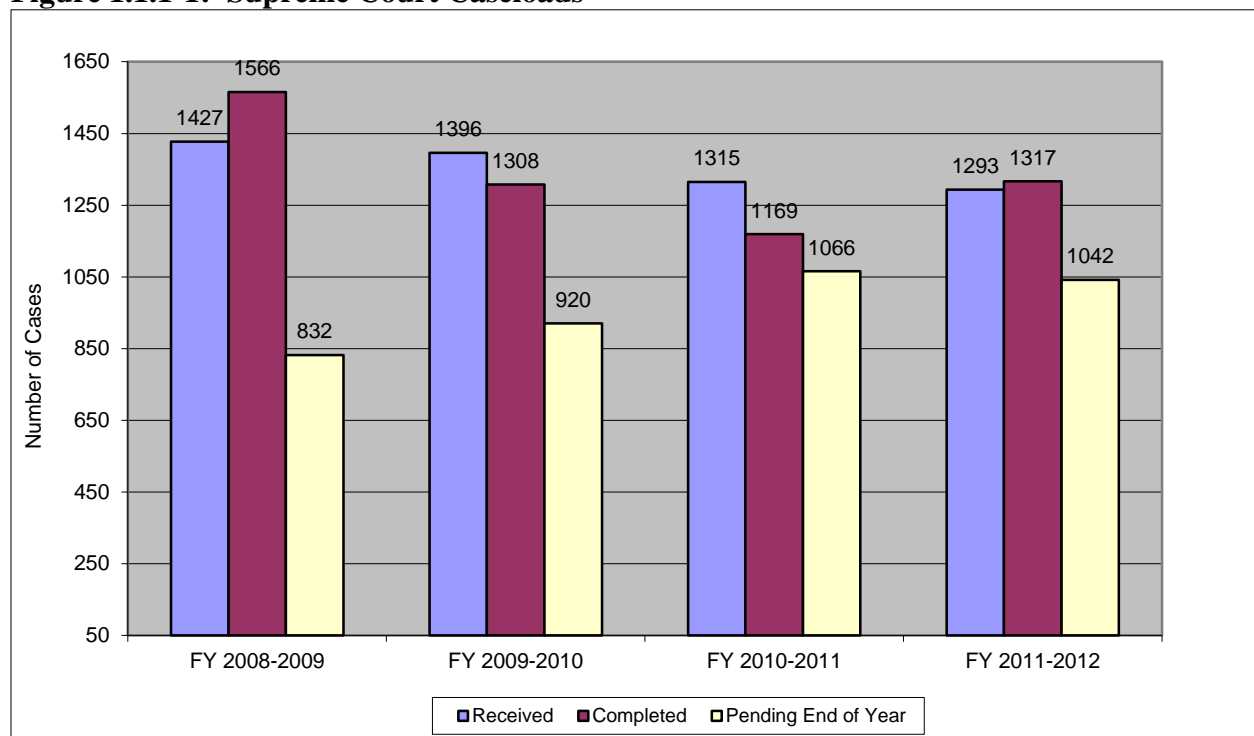
Table 1.1.1-2: Supreme Court Case Filings and Dispositions for Fiscal Year 2011-2012

FILINGS AND DISPOSITIONS	NUMBER
Cases Pending July 1, 2011	1066
Cases Filed	
Direct Appeals	
Criminal	13
Civil	49
Petitions for Certiorari	
Post-Conviction Relief	500
Court of Appeals	222
Original Jurisdiction	
Writs	235
Actions	36
Certified Questions	3
Judicial Conduct	3
Lawyer Conduct	99
Bar Admissions	45
Bar License Fees / CLE Suspensions / Reinstatements	73
Disciplinary Reinstatements	15
Total Cases Filed	1293
Total Cases Awaiting Disposition	2359

FILINGS AND DISPOSITIONS	NUMBER
Cases Disposed	
Direct Appeals	
Criminal	
Transferred to Court of Appeals	45
Dismissed / Other Disposition	4
Opinions Filed	21
Civil	
Transferred to Court of Appeals	45
Dismissed / Other Disposition	12
Opinions Filed	57
Petitions for Certiorari	
Post-Conviction Relief	
Transferred to Court of Appeals	200
Dismissed / Other Disposition	62
Denied	222
Opinions Filed	34
Court of Appeals	
Dismissed / Other Disposition	12
Denied	109
Opinions Filed	34
Original Jurisdiction	
Writs	210
Actions	26
Certified Questions	2
Judicial Conduct	3
Lawyer Conduct	86
Bar Admissions	45
Bar License Fees / CLE Suspensions / Reinstatements	73
Disciplinary Reinstatements	15
Total Cases Disposed	1317
Cases Pending June 30, 2012	1042

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:

- The South Carolina Judicial Department continued with the development of a new appellate case management system with its vendor, LTCourt Tech. Much of the design, configuration and testing of the system, and the training of court personnel on the system, was completed during FY 2011-2012. This design process involved not only information technology issues, but also a complete review of the business practices used by both the Supreme Court of South Carolina and the South Carolina Court of Appeals. At the end of April 2012, the core portion of the new appellate case management system, which automates the clerk's offices at both appellate courts, went "live", and the legacy cases from the prior case management system were migrated to the new system. While the system has already greatly enhanced the ability of the appellate courts to manage their workload, the remaining releases of the system relating to electronic opinion circulation, reporting and public access will greatly increase the benefits to be gained from this new system.
- Recognizing the need for stability in children's lives, the Chief Justice issued an administrative order directing the expedited consideration of any appeal or petition for a writ of certiorari that is filed with the Supreme Court of South

Carolina or the South Carolina Court of Appeals in a termination of parental rights proceedings, adoption proceedings, and/or Department of Social Services actions involving the custody of a minor child. This order creates a presumption against granting extensions in these cases, gives these cases a priority for oral argument, and establishes a time period following oral argument or submission for a decision to be filed by the appellate court.

- In light of the fact that the Charleston School of Law obtained full approval by the Council of Legal Education of the American Bar Association (ABA), the Supreme Court amended Rule 402(m) of the South Carolina Appellate Court Rules (SCACR) to allow its Dean and tenured professors to be admitted under the same conditions as those of the University of South Carolina School of Law.
- At the request of the South Carolina Bar, Rule 417, SCACR, was amended to adopt the ABA Model Rules for Client Trust Account Records with some modifications. This amended rule is designed to set forth practical trust accounting information, provide cautionary information on electronic check conversions, and explain Automated Clearing House transactions. It also addresses issues related to record maintenance and outlines necessary safeguards which a lawyer must have in place when using electronic record storage systems.
- The Supreme Court established a pilot program for voluntary mediation in Workers' Compensation appeals filed with the South Carolina Court of Appeals. Its purpose is to provide the parties in such appeals a meaningful opportunity to achieve an efficient and just resolution of their disputes in a timely and cost-effective manner as early in the appellate process as possible. This mediation will take place early in the appellate process in order to save the parties the time and expense of an appeal and to give the parties an opportunity to find creative solutions to the dispute.
- Rule 410, SCACR, was amended to require lawyers and foreign legal consultants licensed in South Carolina to verify and update their contact information on the Attorney Information System (AIS). The AIS is designed to store and manage contact information for these lawyers and foreign legal consultants, and the system allows these persons to make changes to their contact information using a web-based portal, thereby ensuring that their contact information is always current. Having current contact information has become increasingly important as the South Carolina Judicial Department has implemented case management systems at both the trial and appellate courts and prepares for electronic filing in the future. Lawyers and foreign legal consultants were required to update and verify their contact and other information in AIS before paying their 2012 license fees and must update this information within five days of any change. Additionally, Rule 410 was amended to eliminate the class of associate members with the South Carolina Bar.
- Amendments were made to Rule 410 which will become effective on January 1, 2013. Under these amendments, the membership classes for lawyers and foreign legal consultants, and their status within each of these classes, will be defined by that rule. These amendments also clarify several issues relating to license fees, including when new admittees and licenses must pay a license fee, what fee must be paid when the member moves from one membership class to another, what fee

is due from persons who do not have the status of good standing, and what fee must be paid to return to a status of good standing. The amended rule will also allow retired and inactive members of the South Carolina Bar to provide pro bono legal services under certain conditions.

- The rules relating to the limited certificates to practice law in South Carolina (Rules 405, 414 and 415) and to the licensing of foreign legal consultants (Rule 424, SCACR) were amended to make the language and procedures used by those rules as similar as possible. Further, Rule 409, SCACR, relating to resignations, and Rule 419, SCACR, relating to administrative suspensions for failure to pay license fees and to comply with continuing legal education requirements, were revised to extend their coverage to those limited certificate holders and foreign legal consultants. Additionally, the administrative suspension procedure under Rule 419 was simplified by eliminating any suspension by the South Carolina Bar. Instead, any administrative suspension will be made by order of the Supreme Court. All of these changes will be effective on January 1, 2013.
- Rule 416, SCACR, relating to the Resolution of Fee Disputes Board, was amended at the request of the South Carolina Bar to enhance the effectiveness of this fee disputes process. The amendments make clear that the fee dispute process is not to be used as a collection mechanism by lawyers, but to address genuine dispute as to the fair and proper amount of a fee. The Bar may also assign a staff member to resolve fee disputes in matters involving small sums of money, thereby speeding the resolution of disputes.
- Rule 1.15 of the South Carolina Rules of Professional Conduct (contained in Rule 407, SCACR) was amended to clarify how long a lawyer must retain a client file following completion of the matter or termination of the representation. The rule also specifically permits lawyers to convert paper files to electronic format for storage, so long as a paper copy can be produced.
- In light of the highly successful pilot mentoring programs, the Supreme Court adopted Rule 425, SCACR, to establish a Mandatory Lawyer Mentoring Program to be administered by the Commission on Continuing Legal Education and Specialization. This program, which assigns a mentor to each newly admitted lawyer, is designed to assist these newly admitted lawyers in understanding the duties, responsibilities, and expectations that accompany membership in the legal profession, and to help them to identify and develop the professional skills and habits necessary to insure competence and professionalism.
- The Court-Annexed Alternative Dispute Resolution Rules were amended to permit parties to utilize Early Neutral Evaluation as an additional method of alternative dispute resolution.
- Rule 14 was added to the South Carolina Rules of Family Court. This new rule deals with rules to show cause for contempt and is intended to standardize how contempt proceedings are processed in the family court.
- The South Carolina Rules of Probate Court were amended to add Rule 5. This rule, which was based on a successful pilot program, provides for the mediation of cases filed in the probate court.

- Rule 415, SCACR, which provides for limited certificates of admission for retired and inactive attorneys from other jurisdictions to participate in pro bono programs in South Carolina, was amended to eliminate a limitation that a retired or inactive attorney is not eligible for a limited certificate under that rule if the attorney has been in a retired or inactive status for more than seven years.
- The Supreme Court, along with the Court of Appeals, began making digital audio and video recordings of oral arguments. This greatly enhances the ability of the appellate courts to archive and retrieve these recordings. Ultimately, this system will allow the public to view oral arguments that have been held at either court.

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 360 students visited the Supreme Court Building to participate in this program during this reporting period.

In June 2012, 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.

The Court hosted a group law students, lawyers and judges from Great Britain. This gave the Court and its staff the opportunity to interact and exchange experiences regarding our shared Anglo-American judicial systems.

The success of the South Carolina Judicial Department's civics education programs were recognized in July 2011 when Chief Justice Toal became the recipient of the National Center for State Courts' (NCSC) Sandra Day O'Connor Award for the Advancement of Civics Education.

This presentation was made during the National Association for Court Management's (NACM) Annual Conference where Chief Justice Toal presented a keynote address about the vital role courts can play in providing civics education. This award was established to honor an organization, court, or individual who has promoted, inspired, improved, or led an innovation or accomplishment in the field of civics education.

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 2011-2012

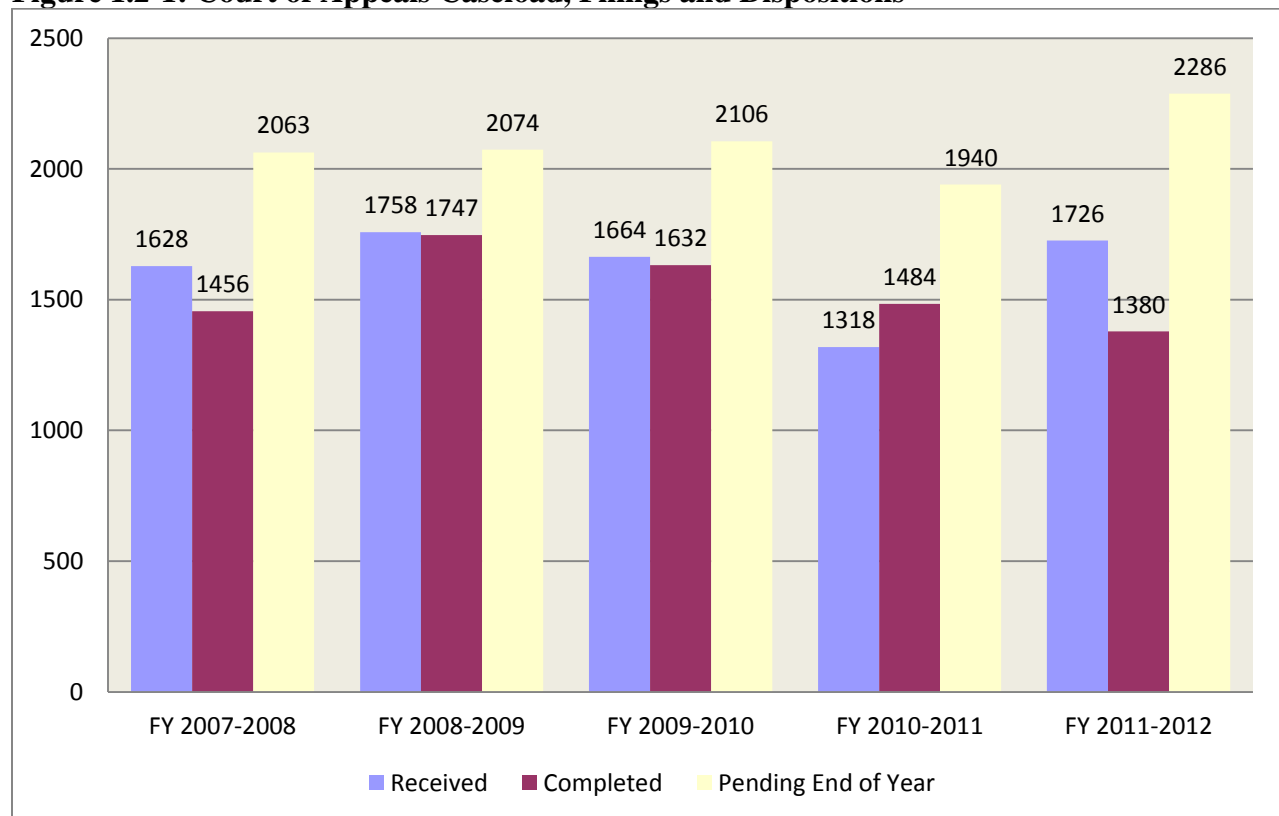
CASELOAD ACTIVITY	NUMBER
Opinions Issued	
Published	154
Unpublished	635
Total Opinions	789
Motions Pending July 1, 2011	100
Motions Filed	4580
Motions Ruled Upon	4575
Motions Pending June 30, 2012	105

Table 1.2.2 Court of Appeals Case Filings and Dispositions for Fiscal Year 2011-2012

FILINGS AND DISPOSTITIONS	NUMBER
Cases Pending July 1, 2011	1940
Cases Filed	
Direct Appeals	
Criminal	451
Civil	929
Petitions for Certiorari	143
Post-Conviction Relief filed in COA	0
PCR Transferred from the Supreme Court	200
Wire Tap	3
Total Cases Filed	1726
Total Cases Awaiting Disposition	3666
Cases Disposed	
Direct Appeals	
Criminal	
Transferred to the Supreme Court	0
Dismissed/Other Disposition	82
Opinions Filed	330

FILINGS AND DISPOSTITIONS	NUMBER
Civil	
Transferred to the Supreme Court	45
Dismissed/Other Disposition	406
Opinions Filed	459
Petitions for Certiorari	
Post-Conviction Relief	
Transferred to the Supreme Court	0
Dismissed/Other Disposition	0
Denied	45
Opinions Filed	11
Wire Tap	2
Total Cases Disposed	1380
Cases Pending June 30, 2012	2286

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	846
Applications for Limited Certificates Filed	12
Hearing Conducted by Committee on Character and Fitness	60
Special Accommodation Requests Filed	19
Courses of Study Filed	21
Applicants Taking the Bar Examination	717
Number Passing the Bar Examination	498
Percentage Passing the Bar Examination	69.46%
Applicants Admitted	522
Hearings Held on Reinstatement Petitions	3
Trial Experiences Applications Processed	400
Applications to be Certified as Lead Counsel in Death Penalty Cases	15
Pro Hac Vice Applications	553
Certificates of Good Standing	1010
Applications for Foreign Legal Consultants	1

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.

During the fiscal year, the Bar Admissions Staff considered several options for implementing the automated system. In particular, the Clerk of the Supreme Court, South Carolina Judicial Department Information Technology (IT) representatives, and Bar Admissions Staff held a conference call with staff of the National Conference of Bar Examiners (NCBE) to consider use of the NCBE's services for production and implementation of an electronic application which would integrate with the program developed by the IT staff. Additionally, IT representatives and Bar Admissions Staff attended a conference hosted by a vendor specializing in a product which automatically populates program fields from data captured on PDF forms.

Recent expansion of the Bar Admission Tracking System (BATS) allows the Bar Admissions Staff to assign South Carolina Bar membership numbers to new admittees, a function that was previously performed by the South Carolina Bar. In addition, information contained in the BATS database is now transferred to the South Carolina Judicial Department's Attorney Information System (AIS) upon a bar applicant's admission to the South Carolina Bar.

The Office of Bar Admissions continues to utilize 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. Further, the Office of Bar Admissions utilizes 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. During the fiscal year, the Court renewed its memorandum of understanding with the Department of Homeland Security to participate in the SAVE Program.

On August 4, 2011, the Charleston School of Law obtained full approval/accreditation by the Council of Legal Education of the American Bar Association (ABA). Recognizing the law school's status with the ABA, the Court amended Rule 402(m), SCACR, to allow the Dean and tenured professors at the Charleston School of Law to be admitted to the practice of law upon meeting the same requirements as imposed on the Dean and tenured professors at the University of South Carolina School of Law.

By order dated June 8, 2012, the Court amended Rule 402(d), SCACR, to increase the application fee for the South Carolina Bar Examination. In spite of the increasing expense associated with processing of bar applications and administering the bar examination, the Court had not increased the filing fee since August 2003.

During this fiscal year, the Court expanded the membership of the Board of Law Examiners to insure that there is Board representation from each of South Carolina's seven Congressional Districts

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.

Two hundred and fifty-five (255) applicants sat for the February 2012 South Carolina Bar Examination. This is the largest number of applicants that have ever taken the South Carolina Bar Examination during its February administration.

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, 2011	36
Complaints received July 1, 2011 – June 30, 2012	285
Total of pending and received complaints for the past fiscal year	321
DISPOSITION OF CONCLUDED COMPLAINTS	
Dismissed:	
By Disciplinary Counsel after review (no jurisdiction)	161
By Disciplinary Counsel after prelim investigation (lack of evidence)	10
By Investigative Panel	92
By the Supreme Court	0
Total Dismissed	263
Not Dismissed:	
Letter of Caution	8
Deferred Disciplinary Agreement	15
Admonition	5
Public Reprimand	0
Suspension	1
Removal from Office	0
Referred to Another Agency	0
Closed But Not Dismissed	2
Closed Due to Death	0
Total Not Dismissed	31

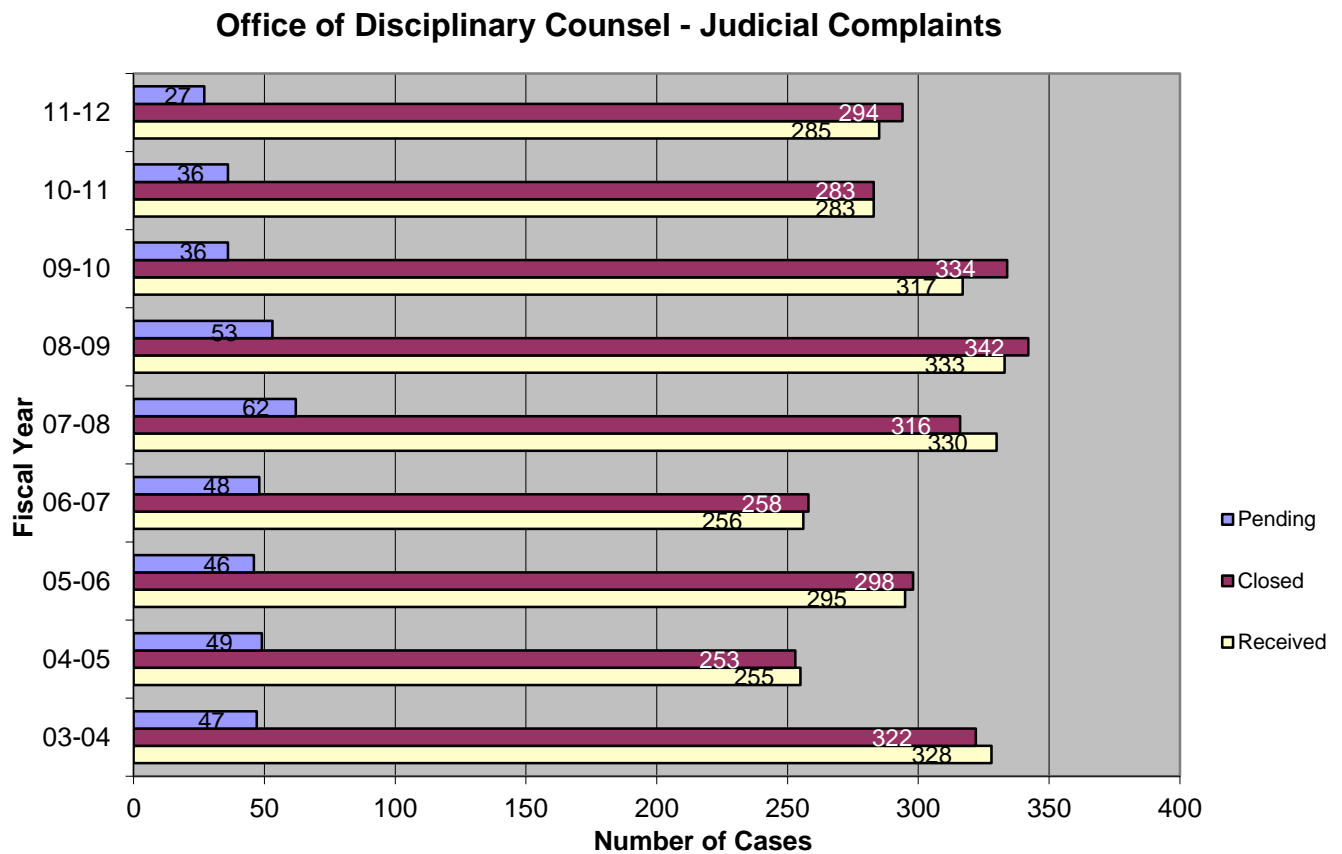
COMPLAINTS		NUMBER
Total Complaints concluded this year		294
Total Complaints pending as of June 30, 2012		27
SOURCES OF COMPLAINTS		
Litigants		236
Relative or Friend of Litigant or Defendant		15
Government Official		3
Attorney		3
Self-report		4
Disciplinary Counsel		1
Another Judge		4
Interested Citizen		16
Law Enforcement Officer		0
Anonymous		1
Employee		2
TYPES OF JUDGES*		
Magistrates		96
Circuit Court		80
Family Court		56
Municipal Court		18
Probate Court		25
Masters and Referees		7
Appellate Court		1
Judicial Candidate		2
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		1
Dismissal Affirmed		1
Case Remanded for Further Investigation		0
Dismissal Reviews Pending		0
JUDGES BEING MONITORED		
New Monitor Files Opened		1
Judges Currently Monitored		1

SUPREME COURT		NUMBER
ORDERS**		
Dismissal		0
Admonition		1
Definite Suspension		1
Letter of Caution		0
Public Reprimand		0
Removal from Office		0
Transfer to Incapacity Inactive		0
Interim Suspension		2
COMPLAINTS		
Complaints resolved		2
Pending as of June 30, 2012		0

*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



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, 2011	1029
Complaints received July 1, 2011 – June 30, 2012	1580
Total pending and received complaints	2609
DISPOSITION OF CONCLUDED COMPLAINTS	
Dismissed:	
By Disciplinary Counsel after Initial Review	192
By Disciplinary Counsel after Investigation	944
By Investigative Panel	157
By Supreme Court	2
Total Dismissed	1295
Not Dismissed:	
Closed but not Dismissed	26
Referred to Other Agency	3
Letter of Caution	206
Deferred Disciplinary Agreement	8
Admonition	40
Public Reprimand	22
Suspension	77
Disbarment	55
Closed Due to Death of Lawyer	2
Incapacity (reciprocal)	1
Total Dismissed	440
Total Complaints Concluded	1735
Total Complaints Pending as of June 30, 2012	874
SOURCES OF COMPLAINTS	
Client or family/friend of client	57.28%
Opposing party or family/friend	14.62%
Anonymous	6.77%
Bank (overdraft notice)	6.20%
Another attorney	4.37%
Third party payee (incl. court reporters)	2.28%

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COMPLAINTS	NUMBER
Disciplinary counsel	1.46%
Self-report	1.33%
Judge	1.27%
Family/friend of lawyer	<1.00%
Ward or family/friend of ward	<1.00%
Employee	<1.00%
Resolution of Fee Disputes Board	<1.00%
Prospective Client (solicitation cases)	<1.00%
Public Office/Agency	<1.00%
Law Enforcement	<1.00%
Other	<1.00%
CASE TYPES	
Criminal	35.57%
Domestic	15.51%
Probate	2.78%
Real estate	3.54%
Post-conviction relief	3.04%
Personal injury	3.16%
Debt collection/foreclosure	2.41%
Workers' compensation	1.77%
Employment/labor	<1.00%
Bankruptcy	<1.00%
Immigration	<1.00%
Tax	<1.00%
Other civil matters	11.46%
Miscellaneous case types	1.01%
Advertising & solicitation	7.66%
Trust account issues	6.52%
Criminal conduct	1.39%
Personal conduct (noncriminal)	1.01%
PRACTICE TYPES	
Solo practice	40.83%
Law firm	34.90%
Public defender	15.86%
Prosecutor	4.08%
Other government	2.29%
Guardian ad litem	<1.00%
Mediator/arbitrator	<1.00%
Corporate counsel	<1.00%

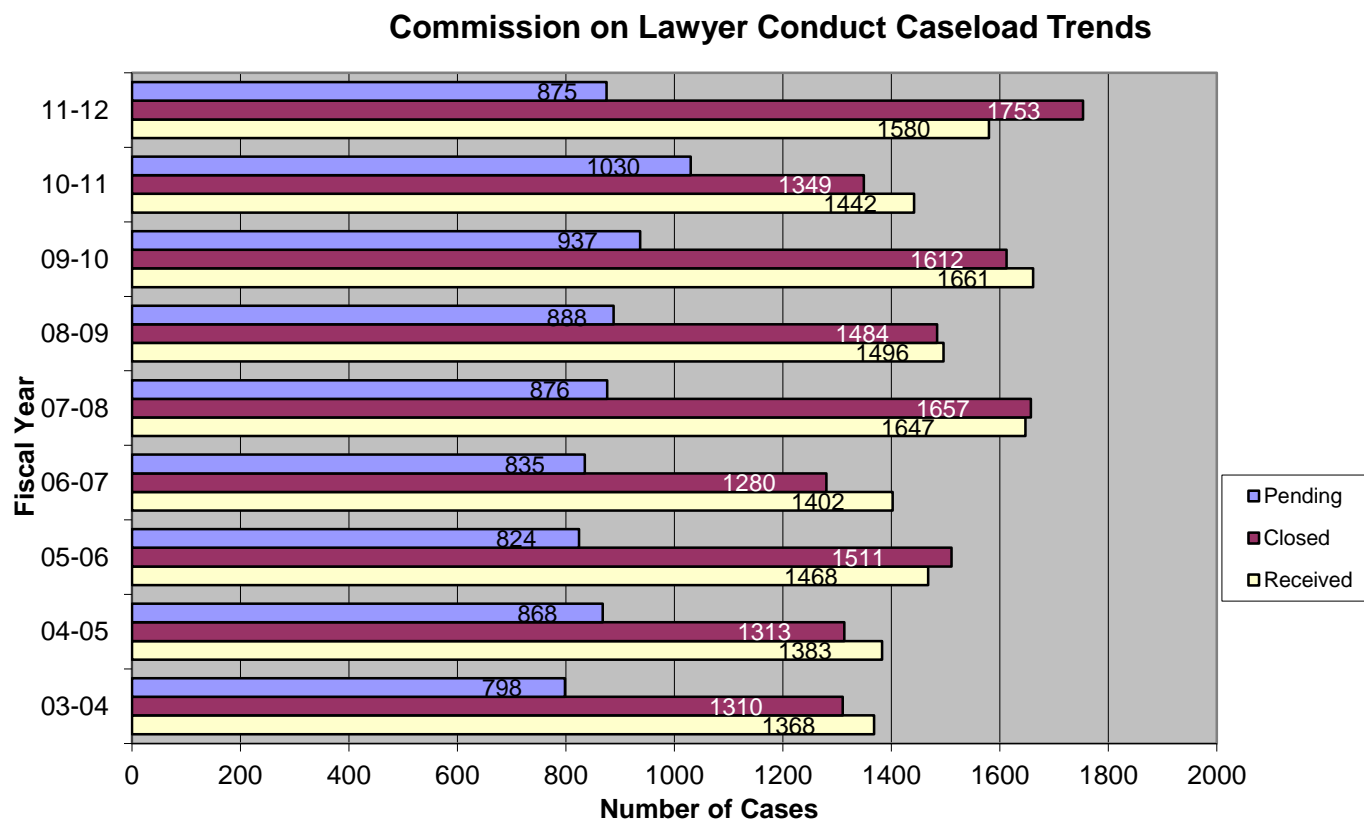
South Carolina Judicial Department Accountability Report 2011-2012

COMPLAINTS	NUMBER
Not Practicing	<1.00%
COMMISSION ON LAWYER CONDUCT	NUMBER
Meetings of Investigative Panels	12
Formal Charges Filed	9
Disciplinary Hearings	7
Incapacity Proceedings	0
Meetings of Full Commission	1
REQUESTS FOR DISMISSAL REVIEW	
Requests for Review by Complainant	108
Dismissal Affirmed	(87)
Case Remanded for Further Investigation	(0)
Dismissal Reviews Pending	21
ATTORNEYS TO PROTECT CLIENTS' INTERESTS	
Serving as of July 1, 2011	26
Appointed	+27
Discharged	(20)
Serving as of June 30, 2012	33
LAWYERS BEING MONITORED	
New Monitor Files Opened	77
Lawyers Currently Monitored	108
OFFICE OF DISCIPLINARY COUNSEL	NUMBER
ATTORNEYS TO ASSIST DISCIPLINARY COUNSEL	
Complaints Assigned to Attorneys to Assist	29
Reports filed by Attorneys to Assist	32
Outstanding Attorney to Assist Reports	14
SUPREME COURT	NUMBER
ORDERS*	
Dismissal	2
Admonition	4
Definite Suspension	19
Disbarment	10
Transfer to Incapacity Inactive	4
Letter of Caution	1
Public Reprimand	15
Interim Suspension	23
COMPLAINTS	
Complaints resolved	107

SUPREME COURT	NUMBER
Pending as of June 30, 2012	40

*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.

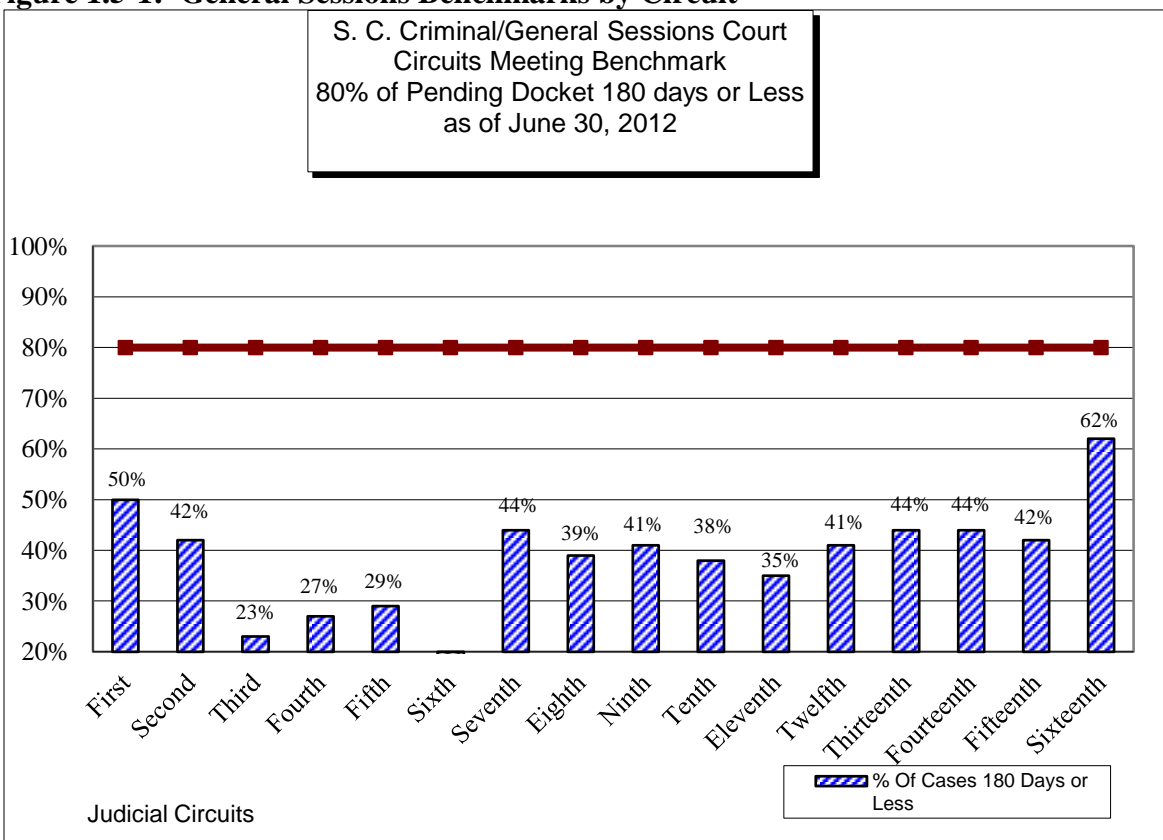
1.5 Circuit Court (General Sessions and Common Pleas) and Family Court

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, 2012:

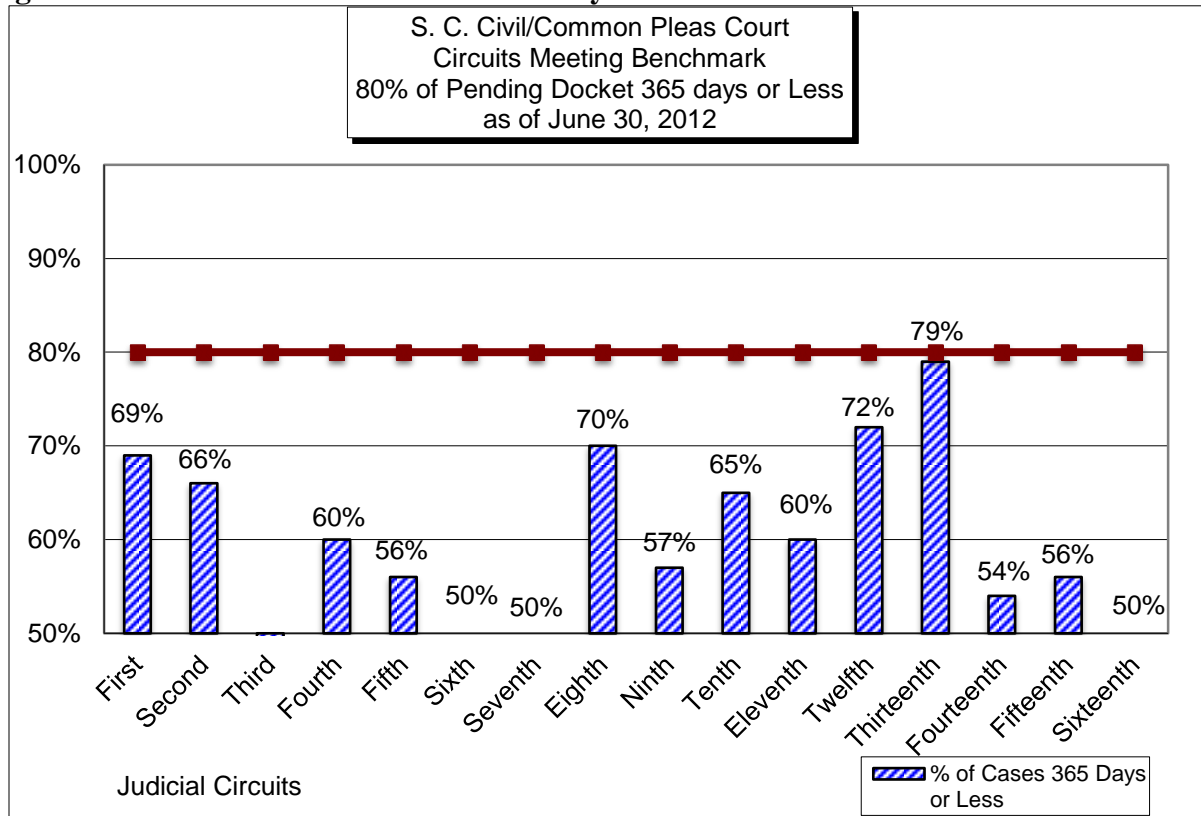
General Sessions - Circuits Meeting Benchmark:	0 of 16
Common Pleas - Circuits Meeting Benchmark:	0 of 16
Family Court - Circuits Meeting Benchmark:	6 of 16

Figure 1.5-1: General Sessions Benchmarks by Circuit



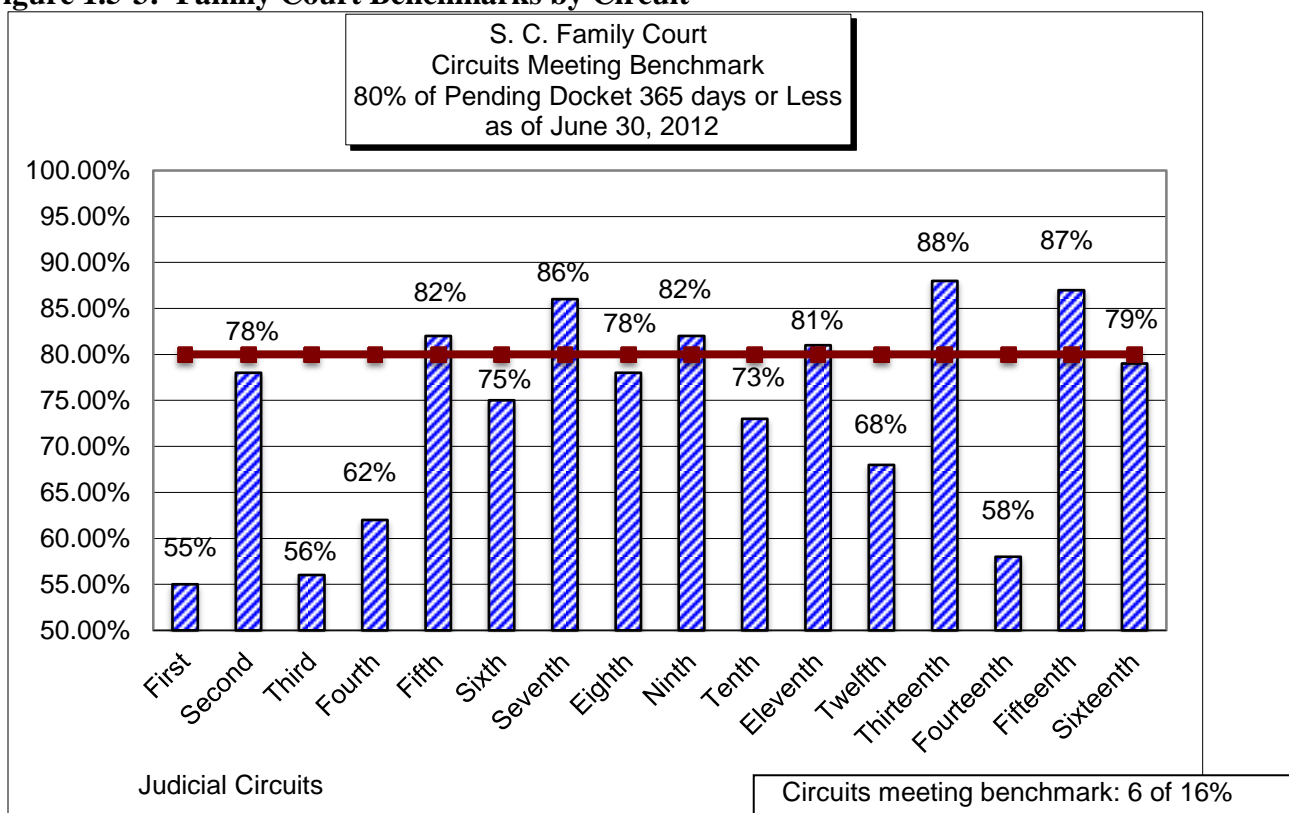
Source: S.C. Judicial Department, CRM 75, June, 2012. Run Date: August 20, 2012.

Figure 1.5-2: Common Pleas Benchmarks by Circuit



Source: S.C. Judicial Department, CAC 20, June 30, 2012 Run Date: August 20, 2012.

Figure 1.5-3: Family Court Benchmarks by Circuit



Source: S.C. Judicial Department, CAF 20, June 30, 2012. Run Date: August 20, 2012.

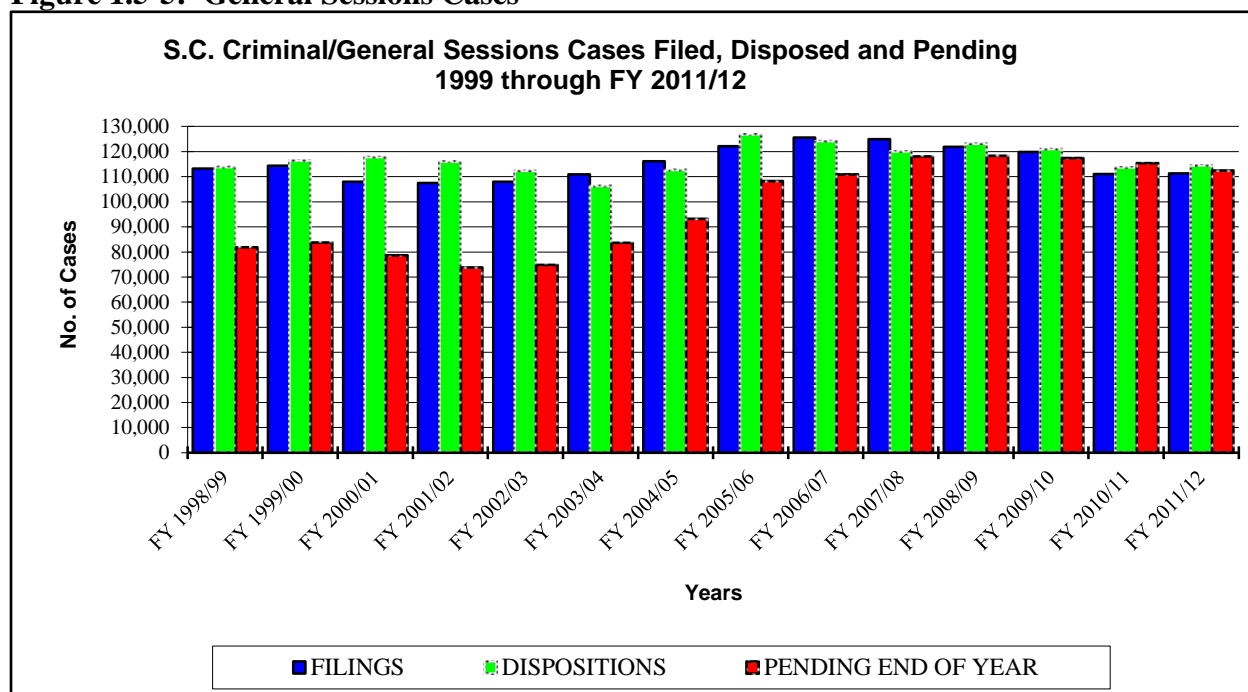
The circuit court experienced an increase in the number of terms available for both general sessions and common pleas. This increase in terms and the use of criminal case management systems, judge controlled dockets in some judicial circuits, mediation, business courts, multi-week trial dockets, and other innovative pilot programs in circuit court allowed a number of the judicial circuits to make progress towards meeting the benchmarks. However, the increasing complexity of the matters to be heard adversely impacted the judicial circuits' ability to meet the caseload benchmarks this past year. As a result, no judicial circuit met the benchmark for general sessions or common pleas cases.

Despite experiencing a slight decrease in the number of terms available for family court, six of the judicial circuits were able to meet the family court benchmark. A number of the remaining judicial circuits made progress towards meeting the benchmark. However, the family court continues to struggle with the ever increasing demands on its time.

Table 1.5-4: 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	2716.6
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	917.0	982.6	1899.6	2141.2
2011/12	1018.0	995.8	2013.8	2139.0

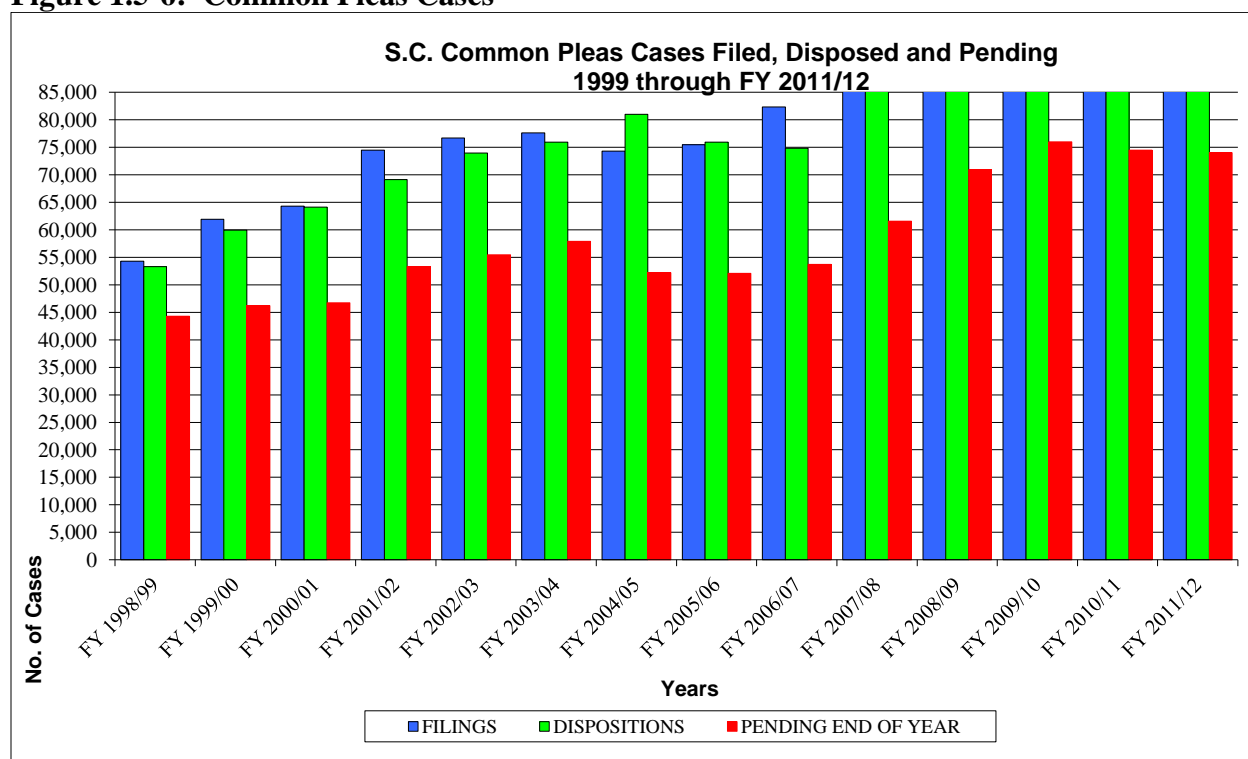
Figure 1.5-5: General Sessions Cases



* Beginning in 1999, caseload is based on warrants instead of indictments

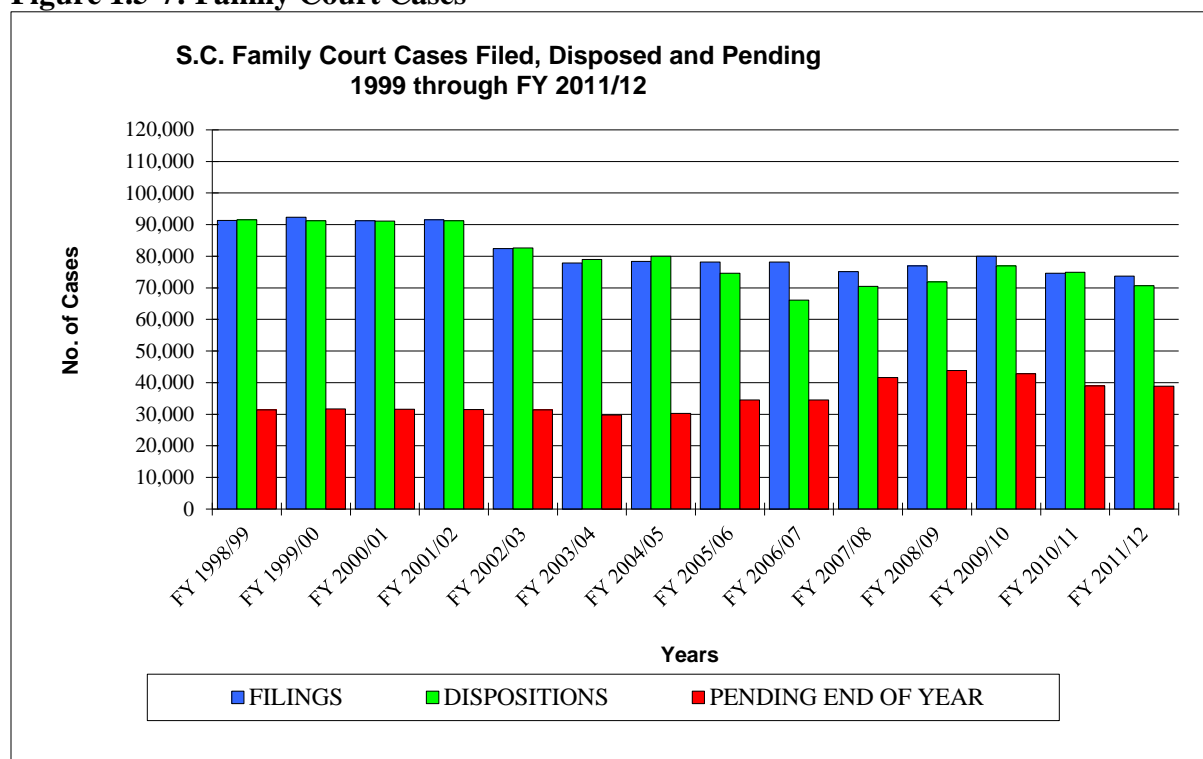
Fiscal year is from 07/01/11 to 06/30/12.

Figure 1.5-6: Common Pleas Cases



Fiscal year is from 07/01/11 to 06/30/12

Figure 1.5-7: Family Court Cases



Fiscal year is from 07/01/11 to 06/30/12.

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 post-conviction DNA application procedure, foreclosure intervention procedure, Form 4-Judgment in a Civil Case, criminal subpoenas, the conditional discharge fee, registration of foreign child custody orders and revised procedures for the expungement of juvenile records.

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 nearly \$510,000 in Federal Court Improvement Project funds each year to implement family court/child welfare related initiatives across the state. Nearly two-thirds 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. Additionally, funds have been used to hire a Court Liaison Manager to implement a Court Liaison Project which focuses on hiring court liaisons in each judicial circuit to assist the Department of Social Services in managing the child abuse and neglect caseload to reduce delays to permanency for children in state custody. 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. Court Services staff continues to collaborate with DSS to improve the timely processing of child protection 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 staff collaborated with the agency by participating in the Federal Title-IV-E audit, by drafting portions of the DSS Annual Program and Services Report to ACF, and by volunteering at the DSS Annual Independent Living Conference. Court Services staff is continually 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 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 to gather data concerning docket management in the state trial courts. Each committee made 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 finalizing the Probate Court Bench Book, revision of the Minor Settlement Procedures to include information regarding Federal Administrative law and Special Needs Trusts procedures, the review and revision of the special probate judge appointment procedure, the Probate Court forms affected by the SC Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act, and development of a report system for mediation cases in Probate Court. The Circuit Court Representative collected bi-annual information on the number of Drug and Mental Health Courts in South Carolina and surveyed these courts further to gain additional information regarding their structure and operation. Additionally, Court Services staff monitored legislation relating to the circuit, family and probate courts and the court system in general and distributed legislative summaries concerning new and amended laws that affect the courts in their area of responsibility.

The Court Services Probate and 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. Monthly jail case reports from Solicitors' offices are also collected, reviewed and processed. The representative worked with the Department of Information Technology on the County Stats Self-Audit portal where clerks of court and their staff can log-in and create caseload reports for their offices on a specific day instead of at a designated time at the beginning of the month. The self-audit portal offers a new and improved way to perform self-audits to ensure that the records transmitted to the South Carolina Judicial Department are as accurate and up-to-date as possible. The portal also has a verification feature that will allow clerks of court to verify that a self-audit has been completed.

The Probate Court and Statistical Data Analysis Representative is currently working with the Probate Judges Advisory Committee on revisions to the procedure for Special Probate Appointments and Administrative Orders used to appoint special probate judges. The procedure will address confidentiality in the assignment of a special probate judge, clarify where original filings should take place, and address the appeals process in cases involving the appointment of a special probate judge. The Minor Settlement Procedure has been revised to include information on special needs trust procedures. Further additions to the procedure are being discussed to include information on federal administrative law.

The Court Representative is also working with the Probate Judges Advisory Committee to review the Probate Court forms affected by the SC Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act. The provisions of this act became effective on January 1, 2011, and apply to guardianship and protective proceedings begun on or after that date. The representative in conjunction with the advisory committee is developing a reporting system for mediation cases in Probate Court. With this new system, judges can indicate the total number of cases referred to mediation and the number of cases resolved at mediation. This reporting system serves as a tool to track litigated cases. The representative continues to work with the advisory committee to finalize the Probate Court Bench Book for use by probate judges and update the Probate Court Procedure Manual for use by probate court staff.

In addition, the Court Representative in the Probate and Statistical Data Area attended the regional NICS Improvements Amendment Act of 2007 (NIAA) meeting in Nashville, TN. The meeting was held Wednesday, July 27, 2011, and included representatives from the Bureau of Justice Statistics, Bureau of Alcohol, Tobacco, Firearms, and Explosives, National Center for State Courts and FBI. The following topics were discussed: federal firearms prohibitors, state estimates of available records, grant funding, criminal history record information, and the electronic record submission process. The representative also provided probate court caseload statistics for the Court Statistics Project (CSP) distributed by the National Center for State Courts (NCSC).

The Court Services Probate and Statistical Data Area Representative continues to serve on the 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 educate South Carolinians on 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 representative also worked with the Commission and developed an information packet for self-represented litigants in Master-In-Equity Court. The packet includes frequently asked questions which addresses common issues involving residential mortgage foreclosures actions. The packet was completed and is accessible through the SC Courts website.

The Circuit and Family Court Representatives met with advisory committees to address issues related to their respective court at least three times a year. Orientation schools for new family, circuit and probate court judges were conducted. In accordance with the value of teamwork, Court Services along 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 which sent 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 for education aimed at increasing the skills of South Carolina Judges and to enhance the service provided to their communities. Participating judges are selected by Court Administration. Because the current economic situation continues to negatively affect the amount of scholarships available, Court Administration 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). In addition, Court Administration aided in the nomination process of a group of circuit and family court judges to attend two unique Department of Justice leadership/management education initiatives. As a result, a circuit court judge was identified to participate in the *Presiding Judges Symposium: Enhancing Court System Efficiencies through Emerging Addiction Science* program at the National Judicial College in Reno, NV, 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. One Circuit and one Family Court judge were selected to participate in the *Innovative Leadership/Management Skills for Current and Future Court Leaders* program which was held on October 31-November 4, 2011, and April 23-26, 2012 at the National Judicial College in Reno, NV. The NJC received funding from the Bureau of Justice Assistance (BJA) 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 the National Council for Juvenile and Family Court Judges annual conference. This year, five judges received funding to attend.

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. Approximately, 350 responses were sent to inmates in this fiscal year alone.

The Family Court Representative attended the Annual Court Improvement Program Grantee's Conference in Washington, D.C. June 27-29, 2012. 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 Committee, Child Welfare Advisory Committee meetings, and numerous SCDSS meetings. The Circuit Court Representative attended the 7th Annual Drug Court Coordinators' Symposium sponsored by the National Drug Court Institute on September 8-9, 2011, 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 two 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 2012.

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, the staff monitors the production of transcripts requested, to ensure that court reporters are in compliance with the time limits set by Order of the Supreme Court.

The Offices of Court Administration and Information Technology are continuing to improve the Court Reporter Transcript Tracking System (CRTTS), which enables Judicial Department court reporters to file monthly reports online, track the status of transcript production, input extension requests and annual/sick leave.

Additionally, all Judicial Department court reporters were required to digitally backup court proceedings effective September 2011. Court Administration has implemented an audit system in conjunction with the new requirement. The first audit was conducted and court reporters were directed to submit particular weeks of digital backup to Court Administration. Requiring digital backup is a method of ensuring that hearings can be transcribed by other court reporters in the event of a court reporter's retirement or separation from employment. This added procedure will assist in the timely preparation and delivery of the final transcript.

As part of the South Carolina Court Interpreter Certification Program three written exams have been scheduled for this year: one two-day orientation in the summer of 2012; and an oral exam is scheduled for late August 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 and to raise the 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 three 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 tracks legislation, case law, Attorney General opinions and

relevant advisory opinions and notifies the summary courts of those changes that affect their courts. Policy and procedural guidelines are developed for the summary courts statewide to adapt to the changes in applicable law. The Summary Court Services staff conducts a two-week mandatory orientation school for new judges twice a year. This year, 50 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 39 new appointees, as required by state law, with 38 appointees passing the examination. In addition, nine existing judges were administered the recertification examination, as required by State law, with nine existing judges passing the examination. Summary Court Services 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 to oversee eligibility examinations testing 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 assists the Summary Court Judges Advisory Committee to address issues that affect their courts. Staff coordinates and conducts a one day mandatory seminar attended by all magistrates and a majority of the municipal judges 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 State 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

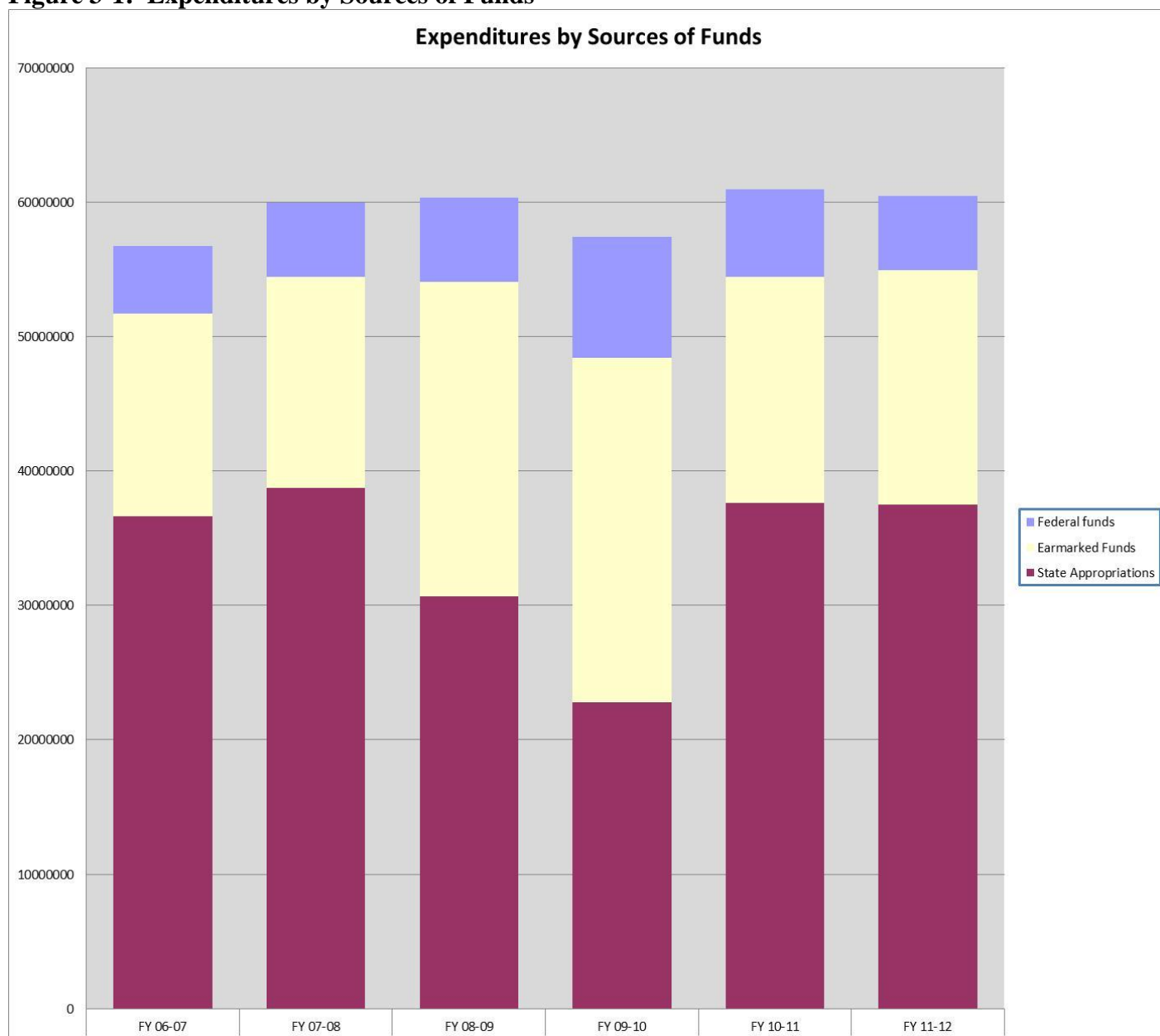
Through the incorporation of technology, the Judicial Department has improved both of these key measures of customer satisfaction. For example, the Judicial Department Web site provides a summary of the issues included in cases to be argued before the Court and, once a case has been decided and published, 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 30 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 and the Information Technology Director, 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.

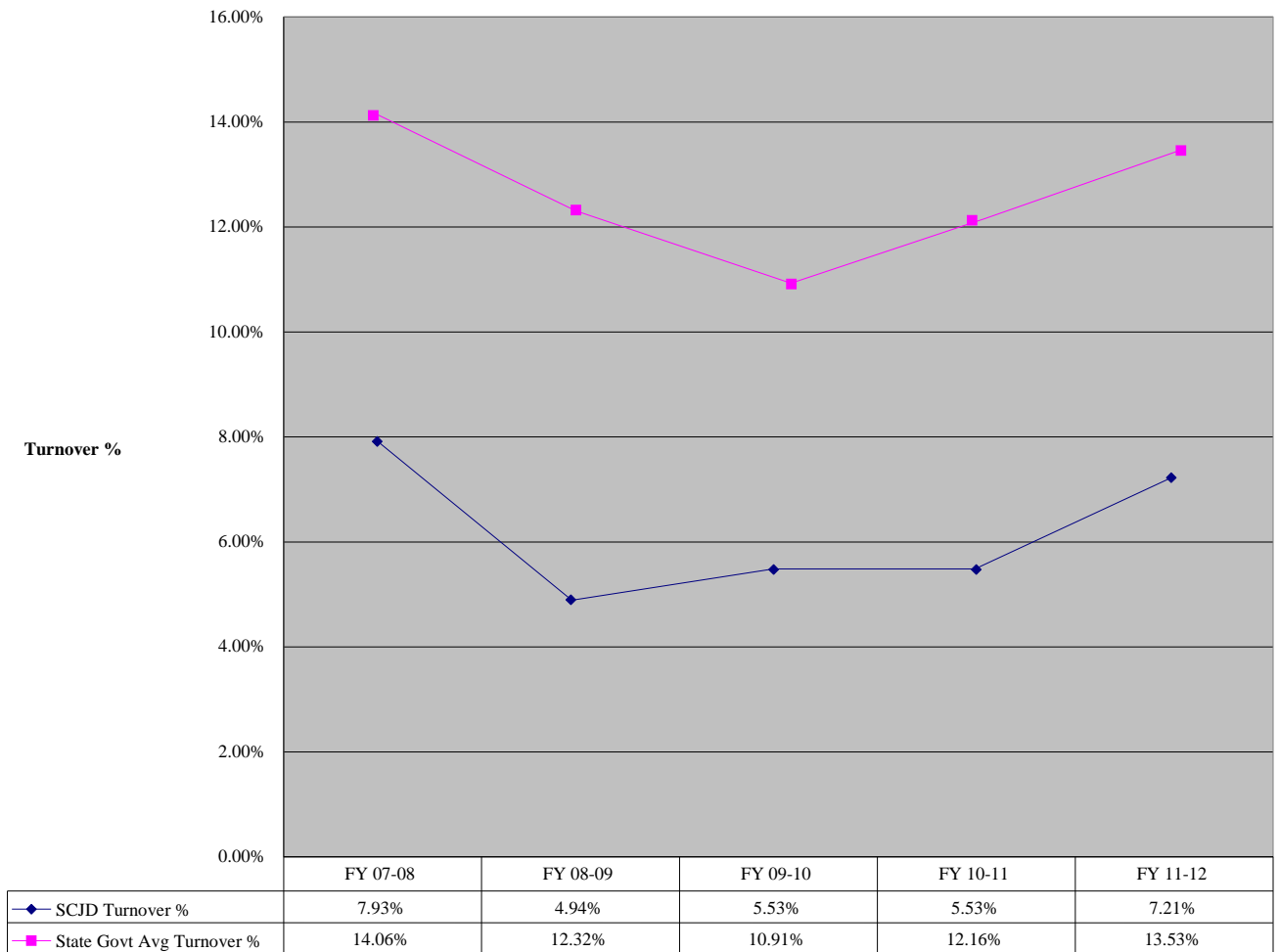
Figure 3-1: Expenditures by Sources of Funds



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 12.60 percent while the Judicial Department turnover rate has averaged 6.23 percent. Also, 20.55 percent of SCJD employees have more than 10 years of service with the Department and 16.84 percent have more than 20 years. This longevity of nearly 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.