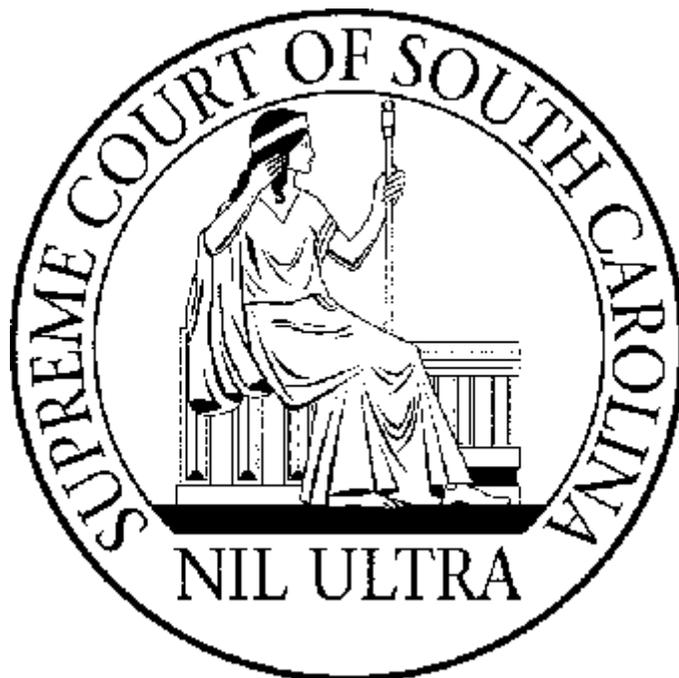


**STATE OF
JUDICIAL**

**SOUTH CAROLINA
DEPARTMENT**



**ANNUAL ACCOUNTABILITY REPORT
FISCAL YEAR 1999 - 2000**

OCTOBER 17, 2000

The Supreme Court of South Carolina

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October 17, 2000

The Honorable James H. Hodges, Governor
The State of South Carolina
The Honorable John W. Drummond, Chairman
Senate Finance Committee
The Honorable Robert W. Harrell, Jr., Chairman
House Ways and Means Committee
Richard W. Kelly, Executive Director
South Carolina Budget and Control Board
Attention: Ms. Karen Amos
1122 Lady Street, 12th Floor
Columbia, SC 29201

Gentlemen and Ms. Amos:

The Annual Accountability Report of the Judicial Branch of South Carolina State Government for Fiscal Year 1999-00 is submitted under cover of this letter.

The mission of the Judicial Branch was distilled from the Federal and State Constitutions, state statutes, the common law, and the needs of the South Carolina Justice System as indicated by the experience of system personnel and public input. The objectives were developed as a result of a review of the State Court System, the South Carolina Appellate Court Rules, the attorney and judicial grievance process, Judicial Branch personnel, and public hearings. In most instances, caseload data, South Carolina Appellate Court Rules, public satisfaction and employee morale served as gauges for determining performance measures.

If there are any questions, or if additional information is required, please feel free to communicate with me.

Yours very truly,

Jean Hoefler Toal

JHT/tds

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EXECUTIVE SUMMARY

The Accountability Report reflects the role of the Judicial Branch in administering the State Court System. In assessing this report, it is important to note the unique distinction of the Department as one of the three co-equal Branches of South Carolina State Government. As reflected by its mission statement, the parameters within which the Branch may operate and criteria for its operation are established by the Federal and State Constitutions. Hence, the ability of the Branch to set qualitative goals which are quantifiable, or to quantify objectives in terms of performance, is affected by Constitutional mandates, checks, balances, and separation of powers.

In the courts of the state, prosecution is an Executive Branch function. Therefore, the number of cases filed and the disposition rate of cases is influenced by the prosecutorial arm of state government. Within the constraints of Constitutional checks and balances, legislation which governs the operation of the Judicial Branch and prescribes the jurisdictional authority of the courts is within the province of the Executive Branch and the Legislative Branch jointly.

Based upon case statistics and Branch resources, the Judicial Branch sets goals and objectives, determines need, and submits a budget request to the Governor. The Governor recommends and the Legislature allocates, subject to the approval or veto of the Governor, funding for the Judicial Branch. The level of funding provided is the deciding factor in the quantity and the quality of resources available for deployment to achieve Branch objectives.

The revised process for judicial and attorney disciplinary enforcement has improved the effectiveness of the overall disciplinary enforcement process. While there is satisfactory progress in disposing of the increased caseload, ongoing evaluations indicate that greater efficiency in operation and more expeditious processing of complaints would result from additional legal personnel.

Information resource management continues to drive court system efficiency. Over the last five years the Judicial Branch has utilized information technology in its business and record-keeping practices. Several key projects, including a strategic assessment of technology, are in the developmental stages. Consequently, adequate funding to systematically upgrade obsolete hardware, software and office equipment as well as the ability to acquire and retain skilled, experienced technicians is an immediate objective.

A review of fiscal year 1999-2000 will demonstrate that the Judicial Branch has made significant strides toward fulfilling its goals. An appreciable increase in funding has facilitated the efforts of the Branch to expedite the progress of cases through the court system, improve lawyer and judicial disciplinary enforcement, and upgrade technological services. However, funding for this Branch of state government for the fiscal year remains at less than 1% of total state appropriations. Recurring funding in an adequate amount will assure that the Judicial Branch achieves its objectives through continued progress in the foregoing program areas.

MISSION STATEMENT

The South Carolina Constitution, article V, §1, establishes the Judicial Department as one of the three co-equal branches of South Carolina State Government. The mission of the Judicial Branch is to provide just, efficient and accessible tribunals for the resolution of legal disputes in civil actions and for the disposition of criminal cases. These tribunals consist of a system of courts authorized by and governed in accordance with the Constitution of the United States, article V of the South Carolina Constitution, state statutes, and the common law. In furtherance of the Judicial Branch mission, the Supreme Court promulgates rules of practice and procedure to facilitate access to the judicial process, to insure the orderly progression of civil and criminal litigation through the judicial system, and to regulate the practice of law within the state. The Chief Justice of the Supreme Court is designated by article V, § 4, of the South Carolina Constitution as chief administrator of the Judicial Branch. Through delegation of functions, with funding appropriated by the Legislative Branch and approved by the Executive Branch, the Chief Justice administers the unified judicial system of the state and manages Judicial Branch personnel.

LEADERSHIP SYSTEM

The State Constitution establishes the Chief Justice as the administrative head of the unified judicial system. In this capacity, the Chief Justice makes policy for the Judicial Branch, appoints a Court Administrator and Chief Judges for the trial courts to aid in the administration of the courts, establishes terms of court, assigns judges within the unified judicial system, and issues administrative orders to insure that the judicial branch operates in an effective and orderly manner.

The members of the Supreme Court are the senior leaders in the Judicial Branch. Through the issuance of orders and opinions, they provide guidance to the bench, bar, and public by interpreting and applying the law. Additionally, the Supreme Court promulgates rules to govern the practice and procedure before the courts. The Chief Justice frequently involves the Associate Justices in setting policy for the Judicial Branch.

The Chief Judge of the Court of Appeals is responsible for the operation of the Court of Appeals. The nine judges of the Court of Appeals are responsible for leadership decisions regarding the employees of their chambers. With that exception, the primary responsibility for leadership of the entire court rests with the Chief Judge. The nine judges meet each month to discuss and decide the general business of the court, and the Chief Judge's decisions are often guided by these discussions.

Chief Judges for Administrative Purposes for the Circuit and Family Courts are appointed for each circuit by the Chief Justice. Additionally, the Chief Justice appoints a Chief Magistrate in each county. Chief judges and Chief Magistrates are appointed on a rotating basis. Their function is to assist the Chief Justice in the administration of their respective courts.

The Director of Court Administration is the Chief Justice's primary assistant in administering the unified judicial system, and serves as the manager of the Office of Court Administration. The Director assists the Chief Justice in setting policy, establishing court terms, making assignments of judges and promulgating necessary forms, manuals and other documents.

The Clerk of the Supreme Court, the Clerk of the Court of Appeals, Disciplinary Counsel, and the Director of the Office of Finance and Personnel serve as managers of their respective divisions.

The primary value of the Judicial Branch is to insure that justice is dispensed in a fair, impartial, efficient and timely manner. With regard to the manner in which their respective divisions and functions relate to the primary value, all of the officers and employees of the Judicial Branch are involved in insuring compliance with each component of this value.

CUSTOMER FOCUS AND SATISFACTION

The Supreme Court receives input from the South Carolina Bar, the Judicial Council, the Ad Hoc Committee on the Rules of Civil Procedure, and other groups and individuals regarding changes which can be made to improve the judicial system. Consequently, the court has sought the input of the bench, bar and public on various proposed rules and rule changes.

Those interested in matters before the appellate courts express a desire for expeditious resolution. Satisfaction of this desire proceeds from a resolution of these matters within a minimal time beyond the period required by the appellate court rules.

Benchmarks have been established to ensure the timely disposition of Circuit and Family Court cases. These benchmarks are flexible enough to promote timely disposition while insuring that complex cases receive the time necessary to provide a full and fair hearing.

Comprehensive record-keeping requirements and periodic reports reflect the disposition rate of all cases. Satisfaction of court system users is indicated by these reports in the degree of efficacy and promptness in which cases progress through the system.

PROGRAM NAME: SOUTH CAROLINA SUPREME COURT

PROGRAM RANK: No. 1

PROGRAM COST:	State	\$3,561,767
	Federal	-0-
	Earmarked	<u>-0-</u>
	Total	\$3,561,767

(Employer payroll contributions are not included.)

PROGRAM GOALS

The Supreme Court functions in two areas: (1) appellate and original jurisdiction; and (2) administration. The program goal in the area of appellate and original jurisdiction is to expeditiously adjudicate the appellate caseload of the state in accordance with the Constitutions of the United States and the State of South Carolina, state statutes, regulations, court rules, and the common law; to expeditiously adjudicate those extraordinary cases in which the Supreme Court agrees to entertain actions or petitions in its original jurisdiction; and to expeditiously adjudicate matters arising out of lawyer disciplinary proceedings, judicial disciplinary proceedings and bar admissions. With regard to its administrative function, the goals of the Supreme Court are to operate the unified court system in an efficient manner, to maintain reasonable access to the judicial process, and to effectively govern the practice of law in South Carolina.

PROGRAM OBJECTIVES

Appellate and Original Jurisdiction

- ☛ To fully implement the reorganization of the appellate functions between the Court of Appeals and the Supreme Court. Under this reorganization, the Court of Appeals has the responsibility to decide most appeals other than the seven categories of appeals that must by statute be decided by the Supreme Court. The Supreme Court has become primarily a certiorari court to review decisions of the Court of Appeals and decisions of the circuit court regarding post-conviction relief.
- ☛ To expedite the appellate process of the state by reducing the amount of time between the filing and disposition of appeals in a manner which does not compromise the integrity of the judicial process.

Administration

- ☛ To elevate the levels of efficiency and uniformity within the state court system.
- ☛ To ensure that the public is provided with reasonable access to the judicial system.
- ☛ To promote a high standard of competence by attorneys and judges.
- ☛ To further refine and improve the disciplinary process for lawyers and judges.

PROGRAM RESULTS¹

Appellate and Original Jurisdiction

Business Drivers

- ☞ Responsible for processing and deciding appeals resulting from:
 1. Criminal judgments that include a sentence of death;
 2. Circuit court orders setting public utility rates;
 3. Judgments involving constitutional challenges to state statutes or local ordinances;
 4. Judgments of the circuit court involving public bonded indebtedness;
 5. Judgments of the circuit court involving elections or election procedures;
 6. Orders limiting investigations of State Grand Juries; and
 7. Orders of the Family Court relating to abortions by minors.

- ☞ Responsible for processing and deciding petitions for writ of certiorari in both post-conviction relief and Court of Appeals cases.

- ☞ Responsible for determining certified questions of law submitted by federal courts and by courts of last resort in other jurisdictions.

- ☞ Responsible for determining actions and extraordinary writs instituted in the original jurisdiction of the Supreme Court.

- ☞ Responsible for determining actions and petitions filed with the court relating to lawyer disciplinary proceedings, judicial disciplinary proceedings and bar admissions.

The appellate process has been expedited by reorganizing the jurisdiction of the state's two appellate-level courts. This reorganization, which began in 1996, was completed in the middle of 1999 with the passage of the necessary legislation and rule amendments to allow notices of appeal to be filed directly with the Court of Appeals. The Supreme Court now functions primarily as a court of certiorari and exercises jurisdiction over appellate and original jurisdiction matters reflected by the business drivers listed above.

FY 1999-2000 Workload and Outcome Indicators

Cases Pending July 1, 1999 1266

Cases Filed 1686

Direct Appeals	574	
Petitions for Certiorari	718	
Post-Conviction Relief		505
Court of Appeals	213	

1

² Performance measures for goals and objectives which relate specifically to other areas of the Judicial Branch are included within the particular program to which they pertain.

Original Jurisdiction	36
Original Writs	311
Certified Questions	1
Judicial Conduct	6
Lawyer Conduct	40

Total Cases Pending Disposition 2952

Cases Disposed of (1775)

Transferred to Court of Appeals	539
Direct Appeals	151
Petitions for Certiorari	703
Post Conviction Relief	491
Court of Appeals	212
Original Jurisdiction	32
Original Writs	304
Certified Questions	4
Judicial Conduct	3
Lawyer Conduct	39

Cases Pending June 30, 2000 1177

Supreme Court Caseload Activity

Opinions Issued	344
Published	200
Unpublished	144

Motions Pending July 1, 1999 76

Motions Filed 2566

Motions Ruled Upon (2562)

Motions Pending June 30, 2000 80

	<u>Bar Admissions</u>	<u>Bar Fee and CLE</u>	<u>Petitions</u>
Petitions Pending July 1, 1999	4		1
Petitions Filed	72		106
Petitions Disposed Of	75		53
Petitions Pending June 30, 2000	1	54	

Administration

Business Driver: Responsible for administering the courts of this State to insure that they are operated in an efficient and just manner.

Business Driver: Responsible for promulgating court rules governing the administration of the courts of this State; practice and procedure before the courts; the practice of law; the ethical standards and disciplinary procedure for judges, lawyers and court personnel; and the operation of various Commissions and Boards created by the Supreme Court.

A continued reduction of the case backlog and enhanced levels of efficiency, uniformity, and access to the judicial process have been achieved through the following administrative actions:

- 👉 The pace at which criminal and civil cases progress through the judicial process has been accelerated as a result of revisions to pertinent rules of practice and procedure for courts at all levels and reorganizing distribution of the appellate caseload between the Court of Appeals and the Supreme Court.
- 👉 The efficiency of the attorney and judicial disciplinary procedures have been improved by making several amendments to the court rules which govern the disciplinary process.
- 👉 Docket management has been facilitated by increasing the number of court terms and greater utilization of designated chief judges for administrative purposes.
- 👉 Enhanced continuity in capital cases and complex litigation has been achieved by assigning such cases to a single judge who exercises exclusive jurisdiction over all phases of the case
- 👉 Cases are moved through the court system more efficiently as a result of innovative programs which include alternative dispute resolution, differentiated case management and special settlement weeks. The pilot program in alternate dispute resolution has been expanded to a total of 5 counties, and amendments to the rules governing this pilot program have been implemented.
- 👉 A higher level of competence is the outcome of an ongoing program of evaluating and upgrading mandatory judicial continuing legal education for state judges, orientation for new state judges and new magistrates, and continuing legal education for magistrates and lawyers.

PROGRAM NAME: SOUTH CAROLINA COURT OF APPEALS

PROGRAM RANK: No. 2

PROGRAM COST:	State	\$3,735,930
	Federal	-0-
	Earmarked	<u>-0-</u>
	Total	\$3,735,930

(Employer payroll contributions are not included.)

PROGRAM GOALS

The goal of the Court of Appeals is to provide full and expeditious review of appeals from the Circuit and Family Courts involving questions of law and equity, excluding the seven classes of cases within the sole jurisdiction of the Supreme Court as provided by statute.

PROGRAM OBJECTIVES

To resolve cases commensurate with the rate at which appeals become ready for consideration, while preserving direct judicial oversight of all elements affecting the merits of cases on review.

PROGRAM RESULTS

Business Driver: To provide full and expeditious review of appeals with the jurisdiction of the Court of Appeals.

FY 1999-2000 Workload and Outcome Indicators

Docketed Cases

Cases Pending July 1, 1999 483

Cases Received 905

Transferred from the Supreme Court	7
Rehearings Granted	6
Docketed in the Court of Appeals	892

Total Docketed Cases 1388

Cases Completed (1052)

Published Opinions	191
Unpublished opinions	802
Cases Combined with One Opinion	12
Cases Dismissed as Settled or Withdrawn	39
Transferred to the Supreme Court	8

Docketed Cases Pending June 30, 2000 336

Undocketed Cases

Cases Pending July 1, 1999 1040

Cases Received 1599

Filed 1591

Remittiturs Recalled 8

Cases Completed (1520)

Dismissed 543

Transferred to the Supreme Court 4

Consolidated 81

Docketed 892

Undocketed Cases Pending June 30, 2000 1119

Motions and Petitions

Pending July 1, 1999 99

Filed 4260

Decided (4351)

Motions and Petitions Pending June 30, 2000 8

PROGRAM NAME: SOUTH CAROLINA CIRCUIT COURT

PROGRAM RANK: No. 3

PROGRAM COST:	State	\$10,976,232
	Federal	-0-
	Earmarked	<u>-0-</u>
	Total	\$10,976,232

(Employer payroll contributions are not included.)

PROGRAM GOALS

The goal of the Circuit Court is to function as a court of general jurisdiction in the adjudication of civil actions, criminal cases, and to exercise its limited appellate jurisdiction in a fair and expeditious manner in accordance with the Constitution of the United States, the Constitution and statutes of South Carolina, the common law and rules of practice and procedure as promulgated by the South Carolina Supreme Court.

PROGRAM OBJECTIVES

The Court of General Sessions is vested with jurisdiction of criminal cases. Civil actions are disposed of in the Court of Common Pleas. The appellate jurisdiction of the Circuit Court is limited to appeals from the Probate, Magistrate, and Municipal Courts. The Circuit Court also reviews appeals pursuant to the Administrative Procedures Act. The objectives of the Circuit Court are:

- ☛ To fairly and expeditiously adjudicate all cases, with particular attention to case backlog.
- ☛ To have 80% of criminal cases pending 180 days or less.
- ☛ To have 80% of civil cases pending 540 days or less.
- ☛ To expand judicial efficiency through broader use of technology and caseload information.
- ☛ To encourage court personnel to practice good human relations skills with all persons who come in contact with the courts as a means of enhancing the public's confidence in the court system.

PROGRAM RESULTS

Business Driver: To expeditiously and fairly dispose of cases filed in the circuit courts.

General Sessions

<u>Year</u>	<u>Pending Cases</u>	<u>% of Total 180 Days or Less</u>	<u>Average Age from Arrest Date</u>
1995-1996	68,077	50.4	278.9
1996-1997	69,652	50.5	255.5
1997-1998	79,565	50.6	256.8
1998-1999	81,605	45.3	256.8
1999-2000	83,881	45.6	296.9

Common Pleas

<u>Year</u>	<u>Pending Cases</u>	<u>% of Total 540 Days or Less</u>	<u>Average Age from File Date</u>
1995-1996	35,148	86.9	276.3
1996-1997	41,162	86.2	275.2
1997-1998	43,052	86.6	282.1
1998-1999	44,260	86.9	295.4
1999-2000	46,226	86.6	276.2

PROGRAM NAME: SOUTH CAROLINA FAMILY COURT

PROGRAM RANK: No. 4

PROGRAM COST:	State	\$9,103,169
	Federal	-0-
	Earmarked	<u>-0-</u>
	Total	\$9,103,169

(Employer payroll contributions are not included.)

PROGRAM GOALS

The goal of the Family Court is to function as a statewide court of limited jurisdiction, as provided in Act 690 of 1976, to fairly and efficiently adjudicate issues involving domestic relations and juvenile delinquency.

PROGRAM OBJECTIVES

- ☞ To adjudicate all cases in a fair and timely manner, with particular attention to the case backlog.
- ☞ To have 80% of family court cases pending 270 days or less.
- ☞ To foster among court personnel a heightened sensitivity to the unique nature of Family Court cases and alert them to the need to employ such awareness in their dealings with all persons who come into contact with the courts.
- ☞ To enhance the use of technology and caseload information.

PROGRAM RESULTS

Business Driver: To expeditiously and fairly dispose of Family Court cases.

Family Court

<u>Year</u>	<u>Pending Cases</u>	<u>% of Total 270 Days or Less</u>	<u>Average Age from File Date</u>
1995-1996 135.6	33,929	88.4	
1996-1997 128.6	32,959	91.6	
1997-1998 125.5	32,142	91.3	
1998-1999 130.0	31,361	89.9	
1999-2000 126.3	31,694	91.8	

PROGRAM NAME: OFFICE OF DISCIPLINARY COUNSEL

PROGRAM RANK: No. 5

PROGRAM COST:	State	\$512,593
	Federal	-0-
	Earmarked	<u>-0-</u>
	Total	\$512,593

(Employer payroll contributions are not included.)

The Office of Disciplinary Counsel (ODC) was created on January 1, 1997 by an Order of the Supreme Court of South Carolina. ODC investigates and prosecutes complaints involving allegations of misconduct and incapacity on the part of lawyers licensed to practice law in the State of South Carolina and judges who are part of the South Carolina unified Judicial system. All of the matters handled by the ODC are filed with, and processed through, either the Commission on Lawyer Conduct or the Commission on Judicial Conduct even though many of these matters are finally decided on by the Supreme Court of South Carolina. ODC provides administrative support to these Commissions and the expenses related to the operation of these Commissions is included in, and is part of, the budget of ODC. Accordingly, the Program Goals, Objectives, and Results of ODC are reflected through the disposition of matters before these two Commissions.

I. COMMISSION ON JUDICIAL CONDUCT

PROGRAM GOALS

The goals of the Commission on Judicial Conduct are to preserve the integrity of the judiciary and to enhance public confidence in the judicial system through an efficient, expeditious, orderly and publicly responsive process to insure timely and just disposition of complaints of ethical misconduct and physical or mental incapacity made against state judges in accordance with procedures promulgated by the Supreme Court of South Carolina in the Rules for Judicial Disciplinary Enforcement (RJDE) set out in Rule 502 of the South Carolina Appellate Court Rules (SCACR).

PROGRAM OBJECTIVES

Pursuant to article V, § 4, of the South Carolina Constitution, Rule 502, SCACR, was amended to create the Commission on Judicial Conduct, effective January 1, 1997, for the purpose of providing a more efficient, open, and publicly responsive process of judicial disciplinary enforcement. The objectives of the Commission are as follows:

- ☞ To receive, investigate and expeditiously adjudicate complaints of ethical misconduct and physical or mental incapacity against state judges;
- ☞ To review and take action on reports and recommendations of the Office of Disciplinary Counsel;
- ☞ To provide a forum for public hearings where formal charges are filed against a judge;
- ☞ To make final disposition of complaints where authorized by the RJDE;

- ☞ To make recommendations to the Supreme Court as to final disposition on judicial complaints which cannot under the RJDE be concluded at the Commission level;
- ☞ To implement Supreme Court rules and policies governing judges;
- ☞ To propose amendments to the Code of Judicial Conduct and to the RJDE as deemed necessary; and
- ☞ To refine operating procedures so as to enhance the ability of the Commission to efficiently investigate and speedily adjudicate complaints.

PROGRAM RESULTS

Business Driver: __To investigate and expeditiously adjudicate complaints of judicial misconduct.

FY 1999-2000 Workload and Outcome Indicators

Complaints Pending July 1, 1999 60

Complaints received July 1, 1999 through September 30, 1999	53
Complaints received September 30, 1999 through December 31, 1999	50
Complaints received December 31, 1999 through March 31, 2000	69
Complaints received March 31, 2000 through June 30, 2000	70

New Complaints Received 242

Dismissed by Disciplinary Counsel after review (no jurisdiction)	134
Dismissed by Disciplinary Counsel after preliminary investigation (lack of evidence)	26
Dismissed by Investigative Panel after preliminary investigation	36
Dismissed by Investigative Panel after full investigation	5
Dismissed by the Supreme Court	0

Total Complaints Dismissed (201)

Referred to another agency	0
Letter of Caution without finding of misconduct	5
Letter of Caution with finding of minor misconduct	1
Private Admonition	3
Public Reprimand	6
Suspension	0
Removal from Office	0
Other Sanctions	0

Total Complaints Concluded by Other Means (15)

Total Complaints Dismissed and Concluded (216)

Complaints Pending June 30, 2000 86

II. COMMISSION ON LAWYER CONDUCT

PROGRAM GOALS

The goals of the Commission on Lawyer Conduct are to preserve the integrity of the legal profession and to enhance public confidence in the judicial system through the operation of an efficient, reliable and publicly responsive process of receiving, investigating, and adjudicating complaints of ethical misconduct and mental or physical incapacity involving lawyers in accordance with procedures promulgated by the Supreme Court of South Carolina in the Rules for Lawyer Disciplinary Enforcement (RLDE) of Rule 413 of the South Carolina Appellate Court Rules(SCACR).

PROGRAM OBJECTIVES

Pursuant to article V, § 4, of the South Carolina Constitution and Rule 413, SCACR, the RLDE were adopted to create the Commission on Lawyer Conduct, effective January 1, 1997, for the purpose of providing a more efficient, open, and publicly responsive process of lawyer disciplinary enforcement. The objectives of the Commission on Lawyer Conduct are as follows:

- ☞ To receive, investigate and expeditiously adjudicate complaints of ethical misconduct and physical or mental incapacity against lawyers;
- ☞ To review and take action on reports and recommendations made by the Office of Disciplinary Counsel and attorneys appointed by the Supreme Court of South Carolina to assist disciplinary counsel, which attorneys interface with the public and other lawyers throughout the State;
- ☞ To make final disposition of matters involving minor misconduct as authorized under the RLDE;
- ☞ To provide a forum for public hearings on formal allegations of ethical misconduct by lawyers;
- ☞ To make recommendations to the Supreme Court as to a final disposition on lawyer grievance matters where such matters, under the RLDE, must be decided by the court;
- ☞ To implement Supreme Court rules and policies governing lawyers;
- ☞ To propose amendments to the Rules of Professional Conduct and to the RLDE as deemed necessary; and
- ☞ To enhance the ability of the Commission to efficiently investigate and speedily adjudicate complaints by refining operating procedures.

PROGRAM RESULTS

Business Driver: To investigate and expeditiously adjudicate complaints of lawyer misconduct.

FY 1999-2000 Workload and Outcome Indicators

Cases/Complaints Pending July 1, 1999 782

Complaints received July 1, 1999 through September 30, 1999 305
Complaints received October 1, 1999 through December 31, 1999 294
Complaints received January 1, 2000 through March 31, 2000 313
Complaints received April 1, 2000 through June 30, 2000 323

New Cases/Complaints Received 1235

Dismissed by Disciplinary Counsel after review (no jurisdiction) 170
Dismissed by Disciplinary Counsel after preliminary investigation
(lack of evidence) 456
Dismissed by Investigative Panel after preliminary investigation 115
Dismissed by Investigative Panel after full investigation 36
(25 cases dismissed due to death of lawyer)
Dismissed by Hearing Panel 0
Dismissed by Supreme Court 0

Total Cases/Complaints Dismissed (777)

Letter of Caution without finding of misconduct 36
Letter of Caution with finding of minor misconduct 90
Referred to Other Agency 7
Private Admonition 47
Public Reprimand 11
Suspension 20
Disbarment 8
Other Disposition 1

Total cases/complaints concluded by referral to other agencies, issuance of letters of caution or imposition of sanctions (220)

Total Cases/Complaints Dismissed and Concluded (997)

Cases/Complaints Pending June 30, 2000 1020

PROGRAM NAME: BOARD OF LAW EXAMINERS

PROGRAM RANK: No. 6

PROGRAM COST:	State	\$ 30,000
	Federal	-0-
	Earmarked - Fees	\$ <u>54,781</u>
	Total	\$ 84,781

(Operation expenses are funded from bar examination fees paid by applicants.)

PROGRAM GOALS

The Board of Law Examiners is appointed by the Supreme Court pursuant to article V, § 4, of the South Carolina Constitution. The goal of the Board of Law Examiners is to ensure that applicants for the South Carolina Bar examination possess the requisite legal knowledge, character and fitness to be licensed as attorneys by the South Carolina Supreme Court. The Committee on Character and Fitness, which consists of five attorneys appointed by the South Carolina Supreme Court, assists the Board of Law Examiners by verifying applicant compliance with the character and fitness requirements for admission to the Bar.

PROGRAM OBJECTIVES

- ☞ To assure that individuals who apply to take the South Carolina Bar Examination are screened to ascertain whether or not applicants possess the necessary legal knowledge, character, and fitness for admission to practice law in the State of South Carolina.
- ☞ To administer a multi-state objective examination.
- ☞ To develop and administer essay examinations regarding South Carolina law.
- ☞ To determine applicant grades and return bar examination test results.
- ☞ To ensure adherence to legislation and regulations which provide the opportunity for equal access to the bar examination process.

PROGRAM RESULTS

Business Driver: To screen applicants and administer Bar examinations twice a year.

FY 1999-2000 Workload and Outcome Indicators

Number of Bar Examinees	523
Number of Examinees Passing	376
Percentage of Examinees Passing	71.9%

PROGRAM NAME: DIVISION OF COURT ADMINISTRATION

PROGRAM RANK: No. 7

PROGRAM COST:	State	\$2,509,690
	Federal	-0-
	Earmarked	<u>-0-</u>
	Total	\$2,509,690

(Employer payroll contributions are not included.)

PROGRAM GOALS

The South Carolina Constitution, article V, § 4, designates the Chief Justice of the Supreme Court as administrative head of the unified judicial system and authorizes the appointment of an administrator of the courts and such assistants as deemed necessary. The goal of the Division of Court Administration is to provide administrative support for the cost-effective and efficient management of the personnel and resources of the unified court system in accordance with the United States Constitution, the Constitution of South Carolina, state statutes, the common law, Supreme Court Rules and policies, local ordinances, and regulations as applicable.

PROGRAM OBJECTIVES

- ☞ To assign judges and court reporters, and to manage other Judicial Branch personnel and resources.
- ☞ To set up information gathering systems and to monitor caseload activity in state courts.
- ☞ To make recommendations to the Chief Justice as to scheduling regular and special terms of court.
- ☞ To provide assistance for specialized training for county court personnel and non-legal Judicial Branch employees.
- ☞ To coordinate continuing education programs for Masters-in-Equity, Probate Court Judges, Magistrates and Municipal Court Judges in compliance with mandates of the Supreme Court.
- ☞ To furnish administrative support for judicial orientation and continuing legal education for state judges and Judicial Branch law clerks and staff attorneys.
- ☞ To procure, install and maintain communications technology for the Branch.
- ☞ To conduct user training for court-system utilization of automated legal research, word processing, and for communications links inter-Branch and with other state agencies.
- ☞ To develop a system for automated case management.

- ☛ To serve as communications liaison between the Judicial Branch and the public, with other state agencies, with the National Center for State Courts, and with administrative counterparts in other states.
- ☛ To ensure technology-systems readiness for information transition into the period beginning with the year 2000.
- ☛ To enhance the overall efficiency of Branch information systems by accumulating a reservoir of highly skilled, experienced personnel to staff the Office of Information Resource Management.

PROGRAM RESULTS

Business Driver: To assist the Chief Justice in assigning terms of court in order to expeditiously and fairly dispose of cases within reasonable amounts of time.

Utilizing available judicial resources, the Division of Court Administration monitors caseloads and recommends the assignment of judges and court terms in order to meet caseload demands and dispose of cases within reasonable amounts of time.

General Court Counties			Common Court Counties			Family Court Counties		
Sessions	Weeks	Meeting	Pleas	Weeks	Meeting	Court	Weeks	Meeting
	Held*	Benchmark		Held*	Benchmark		Held*	Benchmark
<u>Benchmark</u>								
1996-97	887.1	0	1996-97	909.2	1/237	1996-97	2182.3	45
1997-98	861.0	1	1997-98	985.4	41	1997-98	2088.4	
43								
1998-99	870.0	1	1998-99	991.2	39	1998-99	2176.3	
44								
1999-00	892.2	2	1999-00	1057.2	40	1999-00	2220.2	
46								

* A court week is equal to 5 days.
Numbers to the right of the decimal are days (i.e. .1 = 1 day)

PROGRAM NAME: DIVISION OF FINANCE AND PERSONNEL

PROGRAM RANK: No. 8

PROGRAM COST:	State	\$499,044
	Federal	-0-
	Earmarked	<u>-0-</u>
	Total	\$499,044

(Employer payroll contributions are not included.)

PROGRAM GOALS

Pursuant to article V, § 4, of the South Carolina Constitution, which designates the Chief Justice of the South Carolina Supreme Court as administrative head of the unified judicial system and authorizes the appointment of a court administrator and such assistants as deemed necessary, the Division of Finance and Personnel functions under the direction of the Chief Justice. The goals of the Division of Finance and Personnel are: (1) to efficiently administer the fiscal operations of the Judicial Branch in compliance with applicable federal and state laws and guidelines; (2) to advise and make recommendations to the Chief Justice concerning fiscal matters; and (3) to implement applicable Supreme Court rules and policies.

PROGRAM OBJECTIVES

- ☛ To furnish financial expertise and technical support on Branch budget preparation and management.
- ☛ To maintain Branch fiscal records.
- ☛ To efficiently administer Branch personnel policies, benefits, procurement policy, and maintain control of Branch equipment.

PROGRAM RESULTS

Business Driver: To process Branch vouchers, payroll, employee benefits and administer fiscal needs of the judiciary.