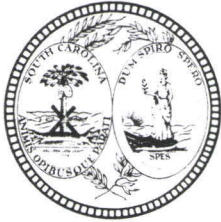


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The State of South Carolina  
**OFFICE OF THE ATTORNEY GENERAL**

CHARLES MOLONY CONDON  
ATTORNEY GENERAL

April 22, 1997

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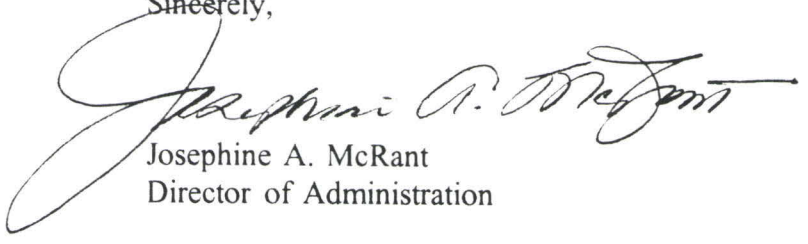
Mrs. Rosetta Johnson  
Office of the State Budget  
1122 Lady Street, 12th Floor  
Columbia, SC 29201

RE: *Office of the Attorney General - Accountability Report*

Dear Mrs. Johnson:

Enclosed is the Accountability Report for the Attorney General's Office. I have also enclosed a diskette which contains a copy of the report. Please call if you need additional information.

Sincerely,

  
Josephine A. McRant  
Director of Administration

JAM/kn

Enclosure

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The State of South Carolina  
**OFFICE OF THE ATTORNEY GENERAL**

CHARLES MOLONY CONDON  
ATTORNEY GENERAL

**ANNUAL  
ACCOUNTABILITY  
REPORTS**

**FISCAL YEAR 1995-96**

**MISSION STATEMENT:**

The Attorney General is designated the chief prosecutor and the chief legal officer for the State. He has supervisory responsibility over all litigation conducted by the State's executive branch and provides legal advice and opinions to State agencies and officers, and legal representation to these agencies, officers and the State of South Carolina. The Attorney General also supervises the State's sixteen solicitors and the State Grand Jury, and is in charge of criminal appeals, all post conviction relief cases and all death penalty appeals in state and federal courts.

**PROGRAM NAME: STATE LITIGATION**

**Criminal Division:**

The Criminal Division consists of the State Grand Jury, Criminal Appeals, Medicaid Fraud Control Unit, Insurance Fraud, Criminal Prosecution, Capital Litigation, and Post Conviction Relief. Primary responsibility for prosecution in South Carolina's criminal courts lies with the various circuit solicitors. The Criminal Appeals Section represents the State in direct appeals from a criminal conviction to the South Carolina Supreme Court. The division also represents solicitors and the State in all criminal appeals to federal courts. The Capital Litigation Section represents the State in death penalty appeals. The State Grand Jury Unit is responsible for the operation of a statewide grand jury which conducts investigations throughout South Carolina and initiates criminal prosecutions in drug, pornography, public corruption and election fraud cases. The Medicaid Fraud and Insurance Fraud units investigate and prosecute Medicaid and insurance fraud crimes.

**Opinions:**

By statute, the Governor, members of the General Assembly and agency heads are entitled to legal advice from the Office of the Attorney General. The Opinions Section supervises the research and issuance of legal opinions. Issues are frequently of a complex statewide policy matter. The opinions are reviewed for thoroughness and accuracy by the section. The section advises legislators and their staff.

**Civil Division:**

The Civil Division handles many of the civil lawsuits brought by and against the State and its agencies. In addition, the division coordinates legal representation with the Budget and Control Board, its divisions and the Governor's Office. This division is responsible for ethics and election matters. The division also includes a section that investigates complaints against attorneys and members of the judiciary.

**Administrative:**

The Administrative Division provides support and planning services necessary to the efficient operation of the Office. The division performs the business management, library, records management, support services, and personnel activities. The division is responsible for the Office's comprehensive drug testing program.

**Financial and Information Resources Division:**

This Division performs budgeting, accounting and information resource management.

**Public Information:**

The Public Information Section serves to keep the media and public advised of activities of the Office.

**PROGRAM GOAL:** To advise and represent the General Assembly and the Governor; to defend the actions and investigate claims against public officers and employees; and to consult with and advise solicitors in matters relating to the duties of their Office.

**OBJECTIVES:**

- To speed up the process for the court proceedings on criminal cases such as murder, rape and robbery;
- To relieve the court and judicial system of its backlog of criminal cases which have been pending for as long as 15 years;
- To reduce violent crimes committed against the citizens of South Carolina;
- To develop a Violent Youth in Schools Prevention Program to address the rapid increase in violent crimes committed by youth;
- To develop a Youth Mentoring Program designed to offer an alternative to incarcerating youth offenders;
- To develop a program to address domestic violence as well as other violent crimes against women;
- To reduce the amount of time in capital cases between sentencing and actual execution;

**PERFORMANCE MEASURES:** The following summary reflects the volume and status of cases currently managed by the Office. Such reporting is ongoing and will be used as a benchmark for future success in meeting the responsibilities of the Office of the Attorney General and its commitment to excellence.

ATTORNEY GENERAL'S OFFICE  
STATISTICAL CASELOAD  
07/01/95 THROUGH 06/30/96

<u>SUBJECT</u>	<u>FILES ACTIVE DURING YEAR</u>
ADMINISTRATIVE PROCEDURES ACT MATTERS . . . . .	115
AGENCY INSTITUTED SUITS . . . . .	56
AGENCY LEGAL ADVICE . . . . .	36
AMICUS BRIEFS REVIEWED . . . . .	54
ANTITRUST . . . . .	14
BANKRUPTCY . . . . .	9
CA - DEATH PENALTY . . . . .	34
CHARITABLE TRUSTS . . . . .	272
COLLECTIONS . . . . .	9
CONSTITUTIONAL TESTS . . . . .	2
CONSTRUCTION LITIGATION . . . . .	1
CONSTRUCTION MATTERS . . . . .	1
CONSUMER FRAUD INVESTIGATIONS . . . . .	27
CONSUMER FRAUD LITIGATIONS . . . . .	3
CONTRACT MATTER . . . . .	26
CRIMINAL APPEALS . . . . .	1,400
CRIMINAL INVESTIGATIONS . . . . .	9
CRIMINAL PROSECUTIONS . . . . .	39

## SUBJECT

FILES ACTIVE DURING YEAR

DAMAGE SUITS . . . . .	5
DECLARATORY JUDGEMENTS . . . . .	30
DEFENSE OF PUBLIC EMPLOYEES . . . . .	36
DRUG FORFEITURE REPORTS . . . . .	5
ELECTIONS . . . . .	47
ENVIRONMENTAL/HEALTH . . . . .	427
ENVIRONMENTAL PROSECUTION . . . . .	11
ESCHEATMENTS . . . . .	5
EXTRADITIONS . . . . .	146
FAMILY LAW . . . . .	2
FEDERAL HABEAS CORPUS . . . . .	533
FEDERAL HABEAS CORPUS-DEATH PENALTY . . . . .	14
FEDERAL LITIGATION . . . . .	9
FORFEITURE . . . . .	18
FREEDOM OF INFORMATION . . . . .	9
GAMBLING . . . . .	1
GENERAL PROSECUTION . . . . .	193
INJUNCTIONS . . . . .	13
INSURANCE FRAUD/INV . . . . .	344
MEDICAID FRAUD INVESTIGATION/LITIGATION . . . . .	69
MONITORING CASES . . . . .	80
OFFICE ADMINISTRATION . . . . .	1
OPINIONS . . . . .	388
OTHER - CIVIL . . . . .	287
OTHER - CRIMINAL . . . . .	169
PERSONNEL (INCL GRIEV/RETIREMT) . . . . .	101
POST CONVICTION RELIEF APPEAL . . . . .	705
POST CONVICTION RELIEF-DEATH PENALTY APPEAL . . . . .	4
POST CONVICTION RELIEF-DEATH PENALTY . . . . .	39
POST CONVICTION . . . . .	3161
PROFESSIONAL DISCIPLINE . . . . .	241
REAL PROPERTY . . . . .	15
REVIEW OF LEGISLATION, REGS . . . . .	2
SECOND INJURY FUND . . . . .	2
STATE GRAND JURY-CRIMINAL PROSECUTION . . . . .	209
SPECIAL INVESTIGATION . . . . .	3
TIDELANDS . . . . .	26
TORTS . . . . .	9
VICTIM ASSISTANCE . . . . .	98
VOTING RIGHTS . . . . .	23
WILDLIFE . . . . .	1
WILLS, TRUSTS AND ESTATES . . . . .	268
WORKMEN'S COMPENSATION . . . . .	2
TOTAL . . . . .	9,524

Total active files includes those opened, closed or open during the year.

During this reporting period of July, 1995 - June 30, 1996, the Office has experienced a 10.18% increase in the overall number of active cases it manages. This increase has been absorbed with virtually no increase in attorney staff. As a performance measurement the increase in the overall case load implies two important performance indicators. First, the customer continues to have confidence in the Office's ability to provide adequate legal representation. This is demonstrated by the customer's election to seek counsel from the Attorney General's legal staff as opposed to employing private counsel. Secondly, the ability to absorb additional cases with existing staff implies that the Office is managing its resources more efficiently.

Another performance measure may be the cycle time for a case from start to finish. This varies depending on whether the case involves civil or criminal litigation and the complexity of the case. While there are no quantifiable standards for the cycle time of a case, it is believed that the 1995-96 General Assembly's passage of the Effective Death Penalty Act proposed by the Attorney General has had a positive impact on the expediency at which criminal cases are being processed for trial.

In addition, efficiency in processing of attorney disciplinary complaints by the Office has increased greatly. Disciplinary cases were referred to this Office by the Board of Commissioners on Grievances and Discipline after a determination by that Board that a formal complaint should be filed or additional investigative work done. Only 16 matters were pending in the preparatory or investigative status as of July 1, 1996 despite a 78% increase in the number of referrals during the previous 6 months.

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