

STATE OF SOUTH CAROLINA
JUDICIAL DEPARTMENT



ANNUAL ACCOUNTABILITY REPORT
FISCAL YEAR 2001 - 2002

September 13, 2002

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Accountability Report Transmittal Form

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Date of Submission: September 13, 2002
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SECTION I - EXECUTIVE SUMMARY

1 Mission 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 overseer 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 all citizens of the state have 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 impacted by a decision of a trial or appellate court which could involve local zoning, taxation, or interpretation of a state statute. The Judicial Department strives to provide a court system that not only is fair, but one that all citizens of the state perceive as treating all persons equally and as resolving all matters in an unbiased and just manner according to the law as established by the United States Constitution and the Constitution of South Carolina, state statutes and the common law.

The mission of the Judicial Department is to insure that accessible forums are available for the resolution of civil disputes and criminal matters, and to resolve those cases 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 among the eight levels of court

2 Key Strategic Goals

The following significant efforts are planned for fiscal year 2002 - 2003:

- Connect the circuit and family court judges to reliable, high-speed internet infrastructures in a minimum of 28 of the 46 counties to enable those counties to take advantage of emerging technologies to improve the day-to-day operation of the courts and their ability to communicate with other courts and state agencies.
- Enhance communication and utilization of the Judicial Department's Strategic Planning and Process Management Systems described in **Section III Categories 2 and 6** to all persons

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 by counties and municipalities.

and entities within the Judicial Branch. This will enable these individuals and entities to contact appropriate divisions within the Judicial Department with their concerns, rather than the Chief Justice, as is currently the practice, and allow her to have more time to focus on the overall needs of the Judicial Branch.

- Establish a communication system within the Judicial Branch which does not simply react to the immediate crisis but utilizes the Strategic Planning and Process Management Systems described in **Section III Categories 2 and 6** to evaluate concerns and create solutions which will be applicable statewide in a proactive manner.
- Explore and utilize resources available through other departments of state government such as the universities to better evaluate the satisfaction of the Judicial Department's customers and stakeholders.
- Revise the bar admissions rule and bar application forms as the first step in the process of automating the Office of Bar Admissions.
- Reduce the number of pending cases in the Appellate Courts and Office of Disciplinary Counsel.
- Enhance judicial education for family, circuit and summary court judges to include training in substantive areas such as domestic violence, evidence, and capital cases by seeking funding opportunities and resources.
- Increase efficiency of the day-to-day court operations by implementing the statewide court case management system in 5 counties, configuring a call center system to manage the technology support provided to the Judicial Branch, and increasing the services delivered through the Judicial Department Web site:
 - Adding a summary of the issues in the cases to be argued before the Appellate Courts to the rosters when they are posted on the Web site. This functionality will enable customers, particularly the news media, to readily determine the nature of cases that are coming before the Appellate Courts for oral argument.
 - Posting the Magistrates bench book, Clerks of Court manual and Judicial Department forms to increase accessibility by both judicial personnel and customers.

3 Opportunities and Barriers

3.1 Opportunities

Opportunities for the Judicial Department for FY2002 - 2003 are based on further leveraging the resources and skills of all Judicial Branch entities as follows:

- The Judicial Department has embarked on a multi-year initiative to modernize the judicial system through increased use of technology. The Judicial Department is successfully creating partnerships with other state and federal agencies, including SLED, DPS, SCDC, DPPP, Department of Revenue, Election Commission, and the Office of the State CIO to enable it to more cost-effectively meet its goals.
- Through the use of task forces, participation in meetings of stakeholders in the Judicial Branch, and walkthrough of operations at more than 20 county courts statewide, the Judicial Department has enabled stakeholders in the Judicial Branch to have a greater voice in Judicial Department decisions. This direct involvement and participation has also enhanced

the ability of Judicial Branch entities to create partnerships with other state and local entities to achieve their goals.

- Although the Legislature was not able to adequately fund this vital branch of government during the FY2002 fiscal year through the budget process, it did authorize the Judicial Department to begin receiving funds from increased court fees. Legislation effective July 1, 2002 that increases filing fees in circuit court and imposes a fee for filing motions in circuit and family court is anticipated to provide some supplemental funding to meet the goal of adequately funding critical programs. The State Treasurers Office has not determined the impact that this legislation will have on the Judicial Department as of the date of this report. Although seen as an opportunity, the impact from the increased fees may be negated by the anticipated across the board budget cuts.

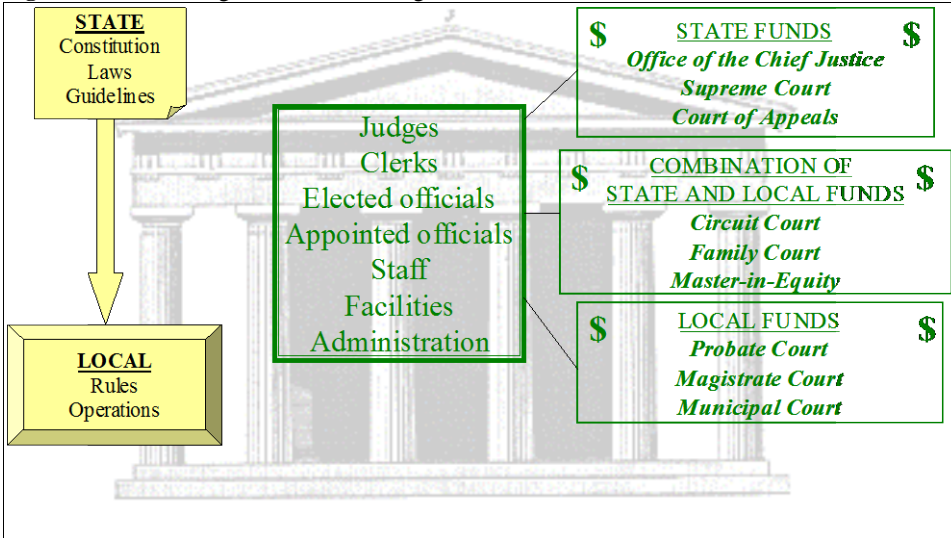
3.2 Barriers

The Judicial Department's ability to meet its goals is affected by Constitutional mandates and separation of powers. Criminal prosecution is an Executive Branch function and the number of cases filed and the disposition rate of those cases are largely controlled by the prosecutorial arm of state government. The Legislative Branch enacts legislation that impacts the Judicial Department's ability to meet its goals, as new laws are enforced by the Executive Branch and must be interpreted by the Judicial Department. The 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. The barriers created by inadequate funding are as follows:

- Funding for this Branch of State government for the fiscal year remains at less than 1% of total state appropriation. The recent budget cuts decimated the operating budget and affected the Judicial Department's ability to fund programs above subsistence levels. As a result, funds for Judicial Commitment have been virtually eliminated and limited payments are being made from funds provided by the Department of Mental Health. Payments to interpreters for the hearing-impaired and non-English speaking court participants have been reduced, funding for Alternative Dispute Resolution programs is not available on a predictable basis and judicial travel to accomplish constitutionally mandated circuit rotation has been dramatically reduced. The Judicial Department's State appropriation has been reduced to \$38.5 million, which is not sufficient to cover salaries and employer contributions for all Judges and staff, much less any operating expenses.
- Although turnover rates for Judicial Department employees remain low, the mandatory furloughs Judicial Department employees took in June 2002, coupled with the announced rise in insurance rates and anticipated further budget cuts, will likely be a barrier to retaining experienced employees and hiring qualified employees to fill vacancies.
- Further, the ability to provide adequate services for all levels of the unified judicial system relies in large part on local funding. County and municipal governments bear responsibility to provide funding for county courthouses, clerks of court, magistrates, municipal judges, probate judges, and masters-in-equity and their staffs. Figure 3.2-1 illustrates the

combination of state and local funding sources that are required to operate the eight levels of court constituting the Judicial Branch.

Figure 3.2-1: Funding Sources for the Eight Levels of Court



1.4 Major Achievements

Through the combined efforts of judges, administration, and line staff, the Judicial Department had attained notable achievements this past year. Some of the accomplishments significantly improved specific operations within the courts while others have begun changing the paradigm, culture and mindset of individuals working in and with the Judicial Branch. Six major achievements have been identified:

- The Solicitors’ Differentiated Case Management Project has successfully completed the first six months of an experimental twelve month program to increase the capacity of the Courts of General Sessions to process criminal matters through better case management as opposed to requiring additional personnel resources. This project is utilizing information gained through varying projects initiated by individual solicitors throughout the State. Although the solicitor has the principal authority to set the criminal docket of the Court of General Sessions, the pilot case management system has involved all participants in the system in identifying problems and proposing solutions. The project has included judges, clerks of court and defense counsel, as well as solicitors and has made significant strides towards establishing a criminal docketing system which can be deployed statewide.

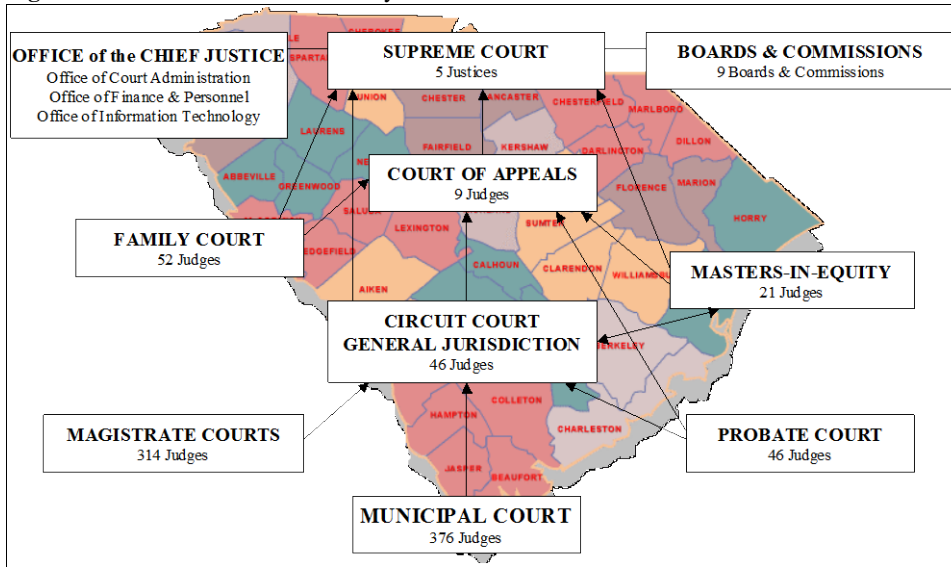
- The Judicial Department has enabled every County Clerk of Court to establish a Web site which allows the general public to access information regarding the clerk of court's office on the Internet.
- The Judicial Department has saved financial resources and significantly decreased staff time by eliminating the dissemination of monthly reports in paper media for Circuit and Family Courts. These reports are now distributed electronically and have resulted in annual savings to the Judicial Department in excess of \$20,000, not including the savings in staff time. Further, by being able to access these reports electronically, all counties are now reviewing them and nearly 75% have driven their error reports to zero.
- The court calendar for the Supreme Court, Court of Appeals, and Circuit and Family Courts is now available on the Judicial Department's Web site. The calendar is updated immediately as changes are made. This innovation allows customers and stakeholders to have up-to-date information on terms of court. Court calendar information is kept on the Web site for past terms of court as a means to review scheduling results such as what court reporter needs to be contacted to obtain a transcript of a court proceeding. Telephone inquiries to the Office of Court Administration regarding calendar information have been greatly reduced and the South Carolina Bar, one of the primary stakeholders of the Judicial Branch, has saved resources by eliminating mailing paper calendars to members of the Bar, which were generally out-of-date at the time they were mailed.
- The Supreme Court has significantly decreased the processing time for deciding pending cases. As of the end of the fiscal year, of the approximately 220 cases which had had oral argument or were submitted for decision without oral argument during the 2001/2002 term of the Supreme Court, only 30 were outstanding. When the Court begins its 2002/2003 term, fewer than 2% of the cases will remain pending.
- Through the examination of an Internet Chat Room, the Supreme Court was made aware that the Rule for Admission to Practice Law contained a "loop-hole" allowing an applicant completing a masters in law degree program at an American Bar Association (ABA) approved law school to be admitted to practice law. These masters degrees can be obtained in as little as one year, are not monitored or approved by the ABA, and do not necessarily require a Juris Doctor degree. The Supreme Court immediately amended the admissions standards to require all applicants to have a Juris Doctor degree or its equivalent from an ABA approved law school before being eligible for admission to practice law. By requiring all applicants to have at least three years of legal education at an ABA approved law school, members of the public seeking legal assistance will be better protected.
- The Judicial Department successfully migrated from using Corel WordPerfect as its word processing tool to using Microsoft Word. This effort involved revising all form letters, orders, and opinions in the appellate court case management system, creating new macros for ad hoc letters and orders, and training Judicial Department personnel on Microsoft Word. This effort was achieved through strategic planning and process management described in **Section III Categories 2 and 6** and enabled direct file sharing with state and local agencies that only use and support Microsoft Word. Furthermore, approximately \$40,000 in annual cost savings to the Judicial Department is now being achieved.

SECTION II – BUSINESS OVERVIEW

1 Description of Number of Employees, Locations, Key Customers and Suppliers

The organizational structure of the Judicial Branch is shown in Figure 1-1.

Figure 1-1: South Carolina Judicial System



The Judicial Department has a total of 556 employees with court facilities located throughout each of the 46 counties. The Supreme Court, Court of Appeals, Office of the Chief Justice and Court Administration are located in Columbia. Table 1-1 identifies the various types of employees working for the Judicial Department.

The key customers and stakeholders of the Judicial Branch include:

- Litigants and counsel
- Grievants
- Non-litigants participating in court proceedings
- Locally funded members of the Judicial Branch
- Members of the South Carolina Bar
- Applicants
- Media
- General public

The key suppliers of the Judicial Department are the customers 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 and Attorney General, and citizens of the State, enforce the legislative enactments. The Judicial Branch then provides a forum for the interpretation of these enactments.

Table 1-1: Judicial Branch Employees

# of EMPLOYEES	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
368	Law clerks, court reporters, judges administrative assistants, appellate court clerks and staff attorneys	Throughout the 46 counties	State
76	Court Administration, Finance and Personnel and Information Technology	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
18 + Staff	Registers of Deeds	Throughout the 46 counties	County
1 + Staff	State Grand Jury Clerk	Columbia	State – Attorney General’s Office
46 + Staff	Probate Judges	Throughout the 46 counties	County
314 + Staff	Magistrates	Throughout the 46 counties	County
376 + Staff	Municipal Judges	Throughout the 46 counties	Municipalities

2 Description of Major Products and Services

The unified judicial system comprises all the courts in the State and the major products and services of the various courts are addressed separately below. The Judicial Branch functions in two areas: (1) adjudication and (2) administration.

2.1 Adjudication

Supreme Court

The Supreme Court decides appeals and also reviews decisions of the Court of Appeals. The Supreme Court provides the litigants with a resolution of the matter from the highest court in the state and interprets and develops the law of this state. Its 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 to the law. Thus, the Supreme Court is a law-giving court, not simply an error-correcting court.

In addition to reviewing decisions made by other courts in South Carolina, the Supreme Court can issue writs and entertain actions in its original jurisdiction. When it decides to exercise its original jurisdiction, the matter usually involves issues that are of significant public interest. 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. The Court of Appeals reviews decisions of the lower courts and, sitting in panels of three judges, is able to efficiently decide cases by applying the law to the facts presented. As a result, litigants' appeals are decided in a timely and fair manner. The Court of Appeals operates primarily as the first, careful reviewer of trial court proceedings, correcting errors of law. The published decisions of the Court of Appeals, unless overruled by the Supreme Court, serve as precedent for the trial courts.

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 literally "stop the bulldozer from demolishing the building" and, through the Chief Justice's appointment of one judge to hear the entirety of a complex civil action, are able to more efficiently resolve cases involving numerous parties and varied and complex causes of action. In criminal cases, the court of general sessions protects the rights of the accused to a fair and impartial trial, protects the rights of the victim and balances public safety and the goals of punishing and rehabilitating a convicted offender. In the criminal area, again through the Chief Justice's appointment of one judge to preside over a capital case, the court of general sessions is 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 resolution of actions seeking 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 abuse and neglect proceedings, and child support matters, protecting the most vulnerable of South Carolina's citizens. Finally, 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. Generally, masters-in-equity are able to provide a more rapid resolution of these matters for litigants than if the matter were heard by the circuit court.

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.

Summary Courts

The summary courts are comprised of both Magistrates and Municipal courts which resolve the majority of cases filed in South Carolina. Through continuing judicial education programs, oversight by the Chief Justice and support from Court Administration, this basic forum is provided to resolve a wide variety of disputes between citizens, such as landlord tenant cases and contract cases involving less than \$7,500. Magistrates also issue restraining orders, issue warrants to assist in criminal investigations, set bonds, and resolve criminal cases with lesser penalties. The process for setting bonds is standardized statewide so all citizens who are arrested and seek to be released on bond receive a timely hearing. As the jurisdiction of magistrate courts increases, the role of the Judicial Department in insuring these courts are equipped to handle more complex cases likewise increases. Municipal courts only have criminal jurisdiction. Greater emphasis is now being placed on training to enhance summary court judges' skills.

Jury Service

Jury service in circuit, magistrates, and municipal courts provides citizens of the state with a unique opportunity to learn about the inner workings of the third branch of government. Although potential jurors often initially view their service as a burden, post-trial comments by jurors indicate that most come away from the experience with a positive view of their role as citizens. Judges and clerks of court strive to ensure jurors' special needs are accommodated. Further, the Judicial Department is constantly working to improve the system to avoid unnecessarily disrupting the normal daily routine of citizens by calling only the number of jurors necessary to fulfill the Judicial Branch's obligation to provide fair and impartial juries.

2.2 Administration

Supreme Court

The Chief Justice and the Supreme Court issue orders and adopt rules governing the courts, judges, lawyers, and various commissions and boards created by the Supreme Court. The Chief Justice, as the administrative head of the Judicial Branch, is responsible for the general operation of all courts. The Chief Justice issues orders establishing the terms of court for the family and circuit courts, assigning circuit and family court judges to the terms, appointing circuit and family court judges to serve as chief judges for administrative purposes in each of the circuits, and appointing a chief magistrate for administrative purposes in each county.

Office of Bar Admissions

The Office of Bar Admissions is responsible for processing applications of all persons 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 *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 of judges who are part of the State unified judicial system. All of the matters handled by the Office of Disciplinary Counsel are filed with, and processed through, either the Commission on Lawyer Conduct or the Commission on Judicial Conduct with many of these matters being finally decided by the State Supreme Court. The purpose of the disciplinary system is to protect citizens from attorneys or judges who, because of flaws in their character or skills or because of mental or physical incapacity, could pose a danger to the public if they are allowed to continue practicing law or presiding over court proceedings.

Court Administration

Court Administration serves as the administrative arm of 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 the scheduling of terms of circuit and family court, and the assigning of judges to preside over these terms as well as scheduling and supervising the court reporters who transcribe the proceedings. Court Administration provides assistance to individual courts in calendar management, jury management, and record keeping. It supplies reports and documents to the Legislative and Executive Branches with the aid of advisory committees. The office conducts mandatory legal education programs for magistrate and municipal court judges, and orientation schools for new judges and clerks of court. The office also coordinates

planning for the annual Judicial Conference and for the annual Circuit and Family Court Judges Associations meetings.

Finance and Personnel

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

Office of Information Technology

The Office of Information Technology (IT) provides technology support for the Judicial Department for hardware, office automation and electronic legal research software. IT also manages the Judicial Department network, provides technology training, develops applications, performs data entry functions, prepares reports, and provides other technology services to the Judicial Branch including support for rural county IT systems. A centralized call center is being established to improve the support capabilities provided by the Judicial Department IT. This office is instrumental in overseeing and directing the implementation of the statewide Strategic Technology Plan to modernize the Judicial Branch.

3 Expenditures and Appropriations

The expenditures and appropriations for the Judicial Department for FY 2001 – 2002 are listed in Tables 3-1 and 3-2.

Table 3-1: Base Budget Expenditures and Appropriations

Major Budget Categories	00-01 Actual Expenditures		01-02 Actual Expenditures		02-03 Appropriations Act	
	Total Funds	General Funds	Total Funds	General Funds	Total Funds	General Funds
Personal Service	\$27,139,463	\$27,139,463	\$27,069,808	\$25,885,931	\$25,229,045	\$25,229,045
Other Operating	\$4,553,095	\$4,486,520	\$5,173,330	\$3,271,606	\$2,470,798	\$2,320,798
Special Items	\$4,712,700	\$4,712,700	\$233,634	\$233,634	\$183,000	\$183,000
Permanent Improvements	\$0	\$0	\$0	\$0	\$0	\$0
Case Services	\$0	\$0	\$0	\$0	\$0	\$0
Distributions to Subdivisions	\$0	\$0	\$0	\$0	\$0	\$0
Fringe Benefits	\$10,147,811	\$10,147,811	\$10,468,721	\$9,776,138	\$10,681,676	\$10,681,676
Non-recurring	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$46,553,069	\$46,486,494	\$42,945,493	\$39,167,309	\$38,564,519	\$38,414,519

Table 3-2: Other Expenditures

Sources of Funds	00-01 Actual Expenditures	01-02 Actual Expenditures
Supplemental Bills	\$0	\$950,885
Capital Reserve Funds	\$0	\$665,510
Bonds	\$0	\$0

SECTION III - ELEMENTS OF MALCOLM BALDRIGE AWARD CRITERIA

CATEGORY 1 - LEADERSHIP

1. How do senior leaders set, deploy and communicate:

(a) short and long term direction?

The State Constitution establishes the Chief Justice as the administrative head of the unified judicial system. She, along with the other members of the Supreme Court and her Executive Team, sets short and long term policies for the Judicial Branch. The Executive Team is composed of the Director of Court Administration, the Clerk of the Supreme Court, the Clerk of the Court of Appeals, Disciplinary Counsel, the Director of Information Technology, the Director of the Office of Finance and Personnel and the Chief Staff Attorney of the Supreme Court. The Executive Team has begun monthly meetings to discuss progress and obstacles to achieving Judicial Branch objectives. The Chief Justice meets with the Executive Team when necessary and calls meetings when critical issues need to be addressed.

The Judicial Branch has always had a very open system of communication and policies are communicated by each member of the executive team to employees in their respective divisions. 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, staff, the South Carolina Bar Association, Trial Lawyers Association, Defense Trial Lawyers Association and other participants in the unified judicial system including SLED, DPS, SCDC, PPP, Solicitors, and Public Defenders.

Further, through her annual State of the Judiciary address to the General Assembly, the Chief Justice outlines the direction of the Judicial Branch to members of the General Assembly and the general public.

(b) performance expectations?

The Chief Justice, assisted by her Executive Team, sets performance expectations. These expectations are communicated directly to employees of the Judicial Branch through initial training and subsequent staff meetings. Performance expectations for those members of the Judicial Branch who are not employees of the Judicial Department are communicated through training sessions, through participation at meetings of organizations which are an integral part of the Judicial Branch, and through written communications.

(c) organizational values?

The values of the Judicial Branch, as described in the Executive Summary, have evolved through time and tradition. These values are reviewed and adjusted by the Chief Justice, working with the other Justices of the Supreme Court and her Executive Team. Values are communicated and taught by the Chief Justice and members of her Executive Team primarily by example in the performance of daily work activities which range from deciding cases to disciplining lawyers in order to protect the public to participating in conferences and meetings of Judicial Branch entities.

(d) empowerment and innovation?

The empowerment and innovation within the Judicial Branch must occur within the constraints established by the law since the role of the judiciary is to interpret the law. Under this umbrella, individual creativity is encouraged through the performance of individual jobs and working with other team members. Senior leaders within the Judicial Department are working managers integral to case and project teams. The open communications required for teamwork promotes empowerment and innovation within the Judicial Department staff.

(e) organizational and employee learning?

The Judicial Department provides training for newly elected circuit and family court judges and county clerks of court. A two-week orientation school is provided for all newly appointed summary court judges. In addition, a mandatory annual Judicial Conference is held for all appellate, circuit and family court judges along with law clerks and staff attorneys. Innovations in judicial administration and developments in the law among other topics are discussed at this conference. Magistrates are required to attend annual mandatory meetings for continuing education purposes. Department attorneys must comply with annual continuing legal education requirements. All employees participate in technology training which focuses on applications used by the Judicial Branch both at the state and county level. Within the constraints of the budget, Circuit and Family Court Judges attend the National Judicial College in Reno, Nevada, which provides intensive training. Appellate Judges attend courses at the Institute of Judicial Administration at NYU, and educational and professional seminars and conferences. Senior staff attorneys attend national conferences, as do the clerks of the appellate courts. In addition, the Judicial Department has sent a large contingent to the last four National Center for State Courts Court Technology Conferences, both as participants and speakers. Because of budget constraints, the Judicial Department cannot fully subsidize professional development for employees, but, as finances permit, employees have attended writing and professional courses. However, the Judicial Department does allow employees to arrange their work schedules to take courses that will enhance relevant professional skills.

(f) ethical behavior?

The Code of Judicial Conduct, the Rules on Professional Responsibility, the Code of Conduct for Staff Attorneys and Law Clerks, and the Rule on Political Activity for Judicial Department Officers and Employees were all adopted by the Supreme Court after soliciting and receiving comments from the legal community, the general public and staff. Changes to these rules are made on suggestion of staff of the Judicial Department, other entities of the Judicial Branch, lawyers, and the general public, and are adopted only after input is sought from those outside the Judicial Branch. All new employees are provided with training on ethical behavior, and ethics training is always included in seminars attended by Judges and lawyers. 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.

2. How do senior leaders establish and promote a focus on customers?

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

- The Chief Justice and her Executive Team participate in a full range of such 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

The Judicial Department is assessing the use of surveys to receive more focused input from lawyers and litigants, as well as bar applicants and judges, to allow the Judicial Department to better identify those areas of customer service which may need to be reevaluated.

Everyone (Justices and Judges as well as office staff) within the Judicial Department interacts with customers on a daily basis. Focus on customers is always highlighted because it is an integral part of the everyday processes and procedures within the Judicial Department.

Discussions of customer needs in staff and management meetings arise from the daily contact with customers, media reports on Judicial Branch activities and letters or telephone calls.

The introduction and use of the Judicial Department Web site is the newest mechanism to further promote interaction with customers.

3. What key performance measures are regularly reviewed by your senior leaders?

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 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
- The Chief Justice reviews a report on outstanding orders of each circuit and family court judge on a monthly basis.

Support and infrastructure performance required to keep the Judicial Department operating both efficiently and effectively are reviewed through division and team staff meetings. The Chief Justice meets individually on a regular basis with members of her Executive Team to evaluate the performance of the each division.

4. How do senior leaders use organizational performance review findings and employee feedback to improve their own leadership effectiveness and the effectiveness of management throughout the organization?

In as much 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 Executive Team from staff, customers, and stakeholders. This information is incorporated into the case and project teams' tasks as appropriate to increase the effectiveness of the organization.

5. How does the organization address the current and potential impact on the public of its products, 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 Branch’s operations. 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 are posted on the “What’s New” page of the Judicial Department’s Website and 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 receiving this much needed information.

6. How does senior leadership set and communicate key organizational priorities for improvement?

The Chief Justice and members of her Executive Team set organizational priorities by evaluating the results of the performance measures of the Judicial Branch as well as the suggestions from all customers and stakeholders. These priorities are initially communicated through the Chief Justice’s State of the Judiciary address to the General Assembly and then presented to Judicial Department personnel, customers and stakeholders throughout the year at meetings, conferences and discussions.

7. How does senior leadership and the agency actively support and strengthen the community?

The Code of Judicial Conduct restricts judges’ participation in extra-judicial activities which 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. Judges may speak, write, lecture, teach and participate in other extra-judicial activities concerning the law, the legal system or the administration of justice and non-legal subjects, subject to the requirements of the Code of Judicial Conduct. Although the Judicial Department has not collected data regarding judges’ participation in extra-judicial activities, this year this data will be collected to substantiate anecdotal evidence that participation is high and to encourage even more participation.

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 and strengthened the community by supporting the United Way campaign and staff members have participated in the annual First Lady’s Walk for Life Steps Against Breast Cancer and the Families Helping Families Christmas project. 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. Finally, 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. In fiscal year 2001 - 2002, approximately seven appellate level staff attorneys and law clerks taught legal writing courses at the USC law school.

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.

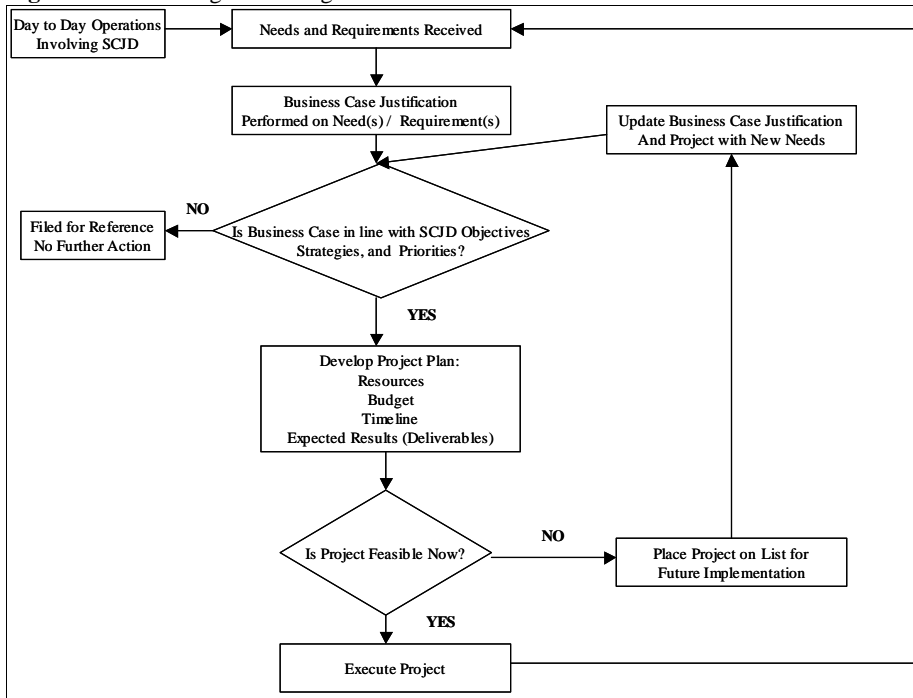
1. What is your Strategic Planning process, including participants, and how does it account for:

- * **Customer needs and expectations**
- * **Financial, societal and other risks**
- * **Human resource capabilities and needs**
- * **Operational capabilities and needs**
- * **Supplies/contractor/partner capabilities and needs**

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 engaged with, and are incorporating, the benefits of the technology initiatives. More significantly, however, Judicial Department strategic planning for technology has resulted in the development of a cluster of organizational tools applicable to strategic planning in other areas. Divisions within the Judicial Department have recognized the benefits gained by using the strategic planning process as illustrated in Figure 2.1-1 to respond flexibly to new demands and to improve traditional processes. This planning is carried out in both standing and ad hoc groups, and may also include judges, law clerks, and staff attorneys, as well as other entities within the Judicial Branch.

Anyone involved with the Judicial Branch can submit needs, requirements and a business case justification. The Executive Team determines whether a project is implemented.

Figure 2.1-1: Strategic Planning Process



The Judicial Department performs strategic planning throughout the year. It is viewed as an ongoing process, not an exercise performed just once a year. The South Carolina Code of Laws, published opinions of the Supreme Court and the Court of Appeals, and the Department’s strategic technology plan serve as the guiding documents for strategic planning decisions.

2. How do you develop and track action plans that address your key strategic objectives?

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 bi-weekly basis in accordance with the Supreme Court’s court schedule. Matters needing immediate attention are assigned to senior staff attorneys to be processed accordingly.

- The Clerk of the Court of Appeals tracks the length of time a mature case needs to come before a panel for decision and reports to the Chief Judge, who determines the steps required for any adjustment in scheduling cases for oral argument or submission without argument.
- 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.
- 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.

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

Many diverse entities, ranging from the public to attorneys, to other state agencies, to Judicial Department employees, to 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 are 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.judicial.state.sc.us
- Speeches and presentations at conferences and meetings
- E-mail
- Hardcopy letters through FAX and US Mail
- Press releases
- Monthly report distribution on CD-ROMs
- Task force and project team meetings
- Surveys
- Evaluations
- Training

CATEGORY 3 - CUSTOMER FOCUS

1. Identify key customers and stakeholders.

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 and stakeholders are ranked from the most particular to the most general:

- a. Litigants and counsel. Individuals and entities which 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.
- b. Grievants. This group includes those whose encounters with the Judicial Branch and some of its stakeholders come by contact with the Office of Disciplinary to Counsel to lodge a complaint concerning a judge or a lawyer.
- 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.
- d. Locally funded members of the Judicial Branch. This group includes masters-in-equity, probate judges, magistrates, municipal court judges, clerks of court, and staffs of the counties and municipalities.
- e. Members of the South Carolina Bar. Unlike some states, South Carolina requires all attorneys admitted to practice in South Carolina be members of the Bar.
- 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.
- g. Media. The media include print, television, radio, and groups with newsletters and Web sites.
- h. General public. This group includes everyone who has an interest in the Judicial Branch for information or access to public documents.

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

Key requirements of customers and stakeholders are primarily identified through direct contact (written and oral communications, and in-person meetings).

- a. Litigants and counsel. This group makes contact with the court through formal filings. The rules of procedure for the various levels of courts 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. Grievants. 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. Jurors are summoned by the court 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 participating in court proceedings and the Judicial Department offers assistance to the General Assembly in assessing these participants' concerns and possible solutions.
- d. Locally funded members of the Judicial Branch. 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 this stakeholders' participation with the Judicial Department.
- e. Members of the South Carolina 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 proposed rules of procedure for trial and appellate courts, which are recommended by vote of the Bar membership, adopted by the Supreme Court and, where necessary, adopted by concurrence of the General Assembly.
- f. Applicants. 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 Judicial Department issues press releases concerning issues of particular public interest and contacts media who have asked to be contacted when a particular case may be decided or when an Administrative Order of particular significance is issued. The Judicial Department Web site includes information regarding Judicial Department news, and all published decisions of the Supreme Court and the Court of Appeals are posted on the Web site and published in paper format and mailed to subscribers in the South Carolina Advance Sheets. Media members are encouraged to contact the Judicial Department for information about a pending case or issue. The Judicial Department promptly responds in a manner consistent with the law and ethical constraints.
- h. General public. 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,

either adopted or rejected. Questions and requirements are received and addressed by Court Administration on an individual basis as they are received.

3. How do you keep your listening and learning methods current with changing customer/business needs?

The Judicial Department receives information from the South Carolina Bar, the Judicial Council, the Ad Hoc Committee on the Rules of Civil Procedure, the South Carolina Bar, and other groups and individuals regarding changes that might be made to improve the Judicial Branch. These proposed changes are always subject to comment from customers and stakeholders, as well as members of the Judicial Branch. Through its Web site the Department is able to receive comments from anyone visiting the site. Additionally, each division of the Judicial Department is open to comments concerning its procedures. These comments are used in assessing business practices and addressed in Executive Team meetings. Changes to business practices are made by the Executive Team and, where necessary, with the concurrence of the Chief Justice, as discussed in **Section III Category 1- Leadership.**

4. How do you use information from customers/stakeholders to improve services or programs?

During staff meetings, information from customers and stakeholders is evaluated, and experiences are compared to determine what improvements are needed and whether they can be made with current resources. Divisions regularly review procedures in response to customer and stakeholder comments and make revisions when customer input indicates the need for change. The strategic planning process described in **Section III Category 2** 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.

5. How do you measure customer/stakeholder satisfaction?

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 and because of the nature of the business of the courts, one side of the dispute is generally 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 allowing for initial continuances and extension requests to be routinely granted but requiring a showing of good cause or exceptional circumstances to warrant granting further requests, address the divergent opinions as to how a case is resolved efficiently and accordingly to law.

The Judicial Department is evaluating the use of surveys to determine whether they would be beneficial in measuring customer and stakeholder satisfaction. However, The Judicial Department does ensure that all entities constituting the Judicial Branch are provided with resources and support to ensure that disputes are resolved according to the law.

6. How do you build positive relationships with customers and stakeholders?

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, dependable personnel working directly with and communicating with customers and stakeholders.

CATEGORY 4 - INFORMATION AND ANALYSIS

1. How do you decide which operations, processes and systems to measure?

Staff constantly monitors the interests of the Judicial Department’s two key suppliers, the Legislative Branch and the Executive Branch. Priorities of the Legislative Branch are tracked through analysis of all legislation introduced in the House and Senate, and fiscal impact statements for bills that may affect the Judicial Department’s budget or the Judicial Branch are filed. Executive Branch activities are reviewed to assess their impact on the Department’s mission.

Additionally, inquires about operations, processes, and systems from customers and stakeholders spur measurement in particular areas. For example, the media might inquire about the number of domestic violence cases disposed of in a particular circuit and during a given time period or the status of a case on appeal. Inquiries from customers and stakeholders alert the Judicial Department that there is an interest in a particular measurement and prompts the Judicial Department to track activity in various categories, including civil, criminal, family court and appellate court cases.

The universal standard “unit of work” for courts is a case. Therefore, caseload statistics by judicial circuit, county, and state are primary measurements for the Judicial Department. Results are reported in **Section III Category 7.**

2. How do you ensure data quality, reliability, completeness and availability for decision-making?

Historically, the Judicial Department has 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 is currently in the process of transitioning many of its manual, paper-based reporting mechanisms to use automated systems that make the reporting easier, but more importantly, more accurate and timely. The automation of these reports has just begun over the past year. Automated reports and automated comparisons are now done to perform data quality and completeness checks. These reports are generated and distributed monthly. Follow-up phone calls are conducted with counties on an as needed basis when these reviews indicate possible errors or problems. The appellate caseload reports are reported monthly; however, the ability to generate these reports at any time on an as needed basis is possible with the Appellate Case Management System. The appellate clerks of court and staff attorneys check these reports.

3. How do you use data/information analysis to provide effective support for decision making?

Executive Team members and managers use Judicial Department court rosters and caseload reports to determine resource allocations and tasks.

4. How do you select and use comparative data and information?

The Court selects comparative data by reference to its records from previous years. The Court uses the compiled caseload and output figures of previous years 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. Further, historical information is useful in identifying trends in caseload activity to determine whether additional or fewer resources, in terms of judges and court reporters, are needed.

CATEGORY 5 - HUMAN RESOURCES

1. How do you and your managers/supervisors encourage and motivate employees (formally and/or informally) to develop and utilize their full potential?

The Judicial Department recognizes the need to develop and maintain a diversified work force of professional employees. Steps are being taken to provide the means for employees to obtain professional development, career progression and personal growth as described in **Section III Category 1.1.e**. 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.

Because of this year's shortage of financial resources, the Judicial Department was unable to recognize outstanding employee performance through monetary rewards. Although employees experienced a furlough, through the leadership of the Chief Justice, the Judicial Department was able to avoid employee layoffs. 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 - Results**.

2. How do you identify and address key developmental and training needs, 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 annually, some meet semi-annually. These conferences and meetings provide a forum for education, and the exchange of ideas and information pertinent to their group. An annual statewide judicial conference is hosted by the Chief Justice for the appellate justices and judges, trial court judges, law clerks and affiliated staff personnel for skills updating and education. Furthermore, the Judicial Department holds an annual seminar on issues important to the Judicial Branch to allow Judicial

Department lawyers to meet mandatory Continuing Legal Education requirements without personal expense.

As appropriate, the Judicial Department encourages the participation of managers, directors and Executive Team in the South Carolina Executive Institute.

With the Judicial Department's current emphasis on improvement through technology, much training is mandated by innovations made possible through automation. Formal technology training is provided both in Columbia and regional locations across the state for both 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.

3. How does your employee performance management system, including feedback to and from employees, support high performance?

The Judicial Department is organized internally in such a manner that staff interact 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 over one hundred work groups, the Judicial Department has empowered each Justice, Judge, and Director to evaluate their immediate staff regarding job performance.

The Department has an open door policy throughout the organization. As discussed in **Section III Category 5.1**, 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.

4. What formal and/or informal assessment methods and measures do you use to determine employee well being, satisfaction, and motivation?

As discussed in **Section III Category 5.3**, the organizational structure of the Judicial Department allows for daily assessments of employee well being, satisfaction and motivation because of the close interaction staff has with managers and directors.

In an effort to address these factors in a more formal fashion, the Judicial Department is currently considering an annual employee satisfaction survey and requesting departing employees to complete an exit questionnaire. Results will be evaluated and actions taken accordingly.

5. How do you maintain a safe and healthy work environment?

The Department of Public Safety and local law enforcement agencies provide physical security for judicial facilities and employees across the state. Furthermore, the Judicial Department fully cooperates with the Budget and Control Board in its safety initiatives and guidelines for state

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agencies. The Chief Justice issues orders to further enhance security and employee safety as required.

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 health screening and sponsoring flu shots. This service has been well received in Columbia, where the largest concentration of Judicial Department employees is located. In the upcoming year, the Judicial Department will be providing information to employees in other parts of the state about similar services in their areas.

6. What is the extent of your involvement in the community?

Employees in the Judicial Department participate in the United Way campaign through the Judicial Department and give to the community individually through their support and participation in various civic organizations. Employees are allowed to promote participation in civic activities during work hours. For example, the Supreme Court staff attorneys and law clerks provide weekly math and reading tutoring at a local middle school which has been classified under the South Carolina Education Accountability Act as a failing school. These programs are voluntary employee participation activities and statistics concerning participation are not maintained.

CATEGORY 6 – PROCESS MANAGEMENT

The Judicial Department is undergoing a dramatic change in the manner in which it conducts operations because of the emphasis and greater dependency on technology. These changes are also revamping the culture of the Department by creating self-sufficiency not only in Judicial Department personnel but also in Judicial Branch users.

1. What are your key design and delivery processes for products/services, and how do you incorporate new technology, changing customer and mission-related requirements, into these design and delivery processes and systems?

There are five key delivery processes of the Judicial Department:

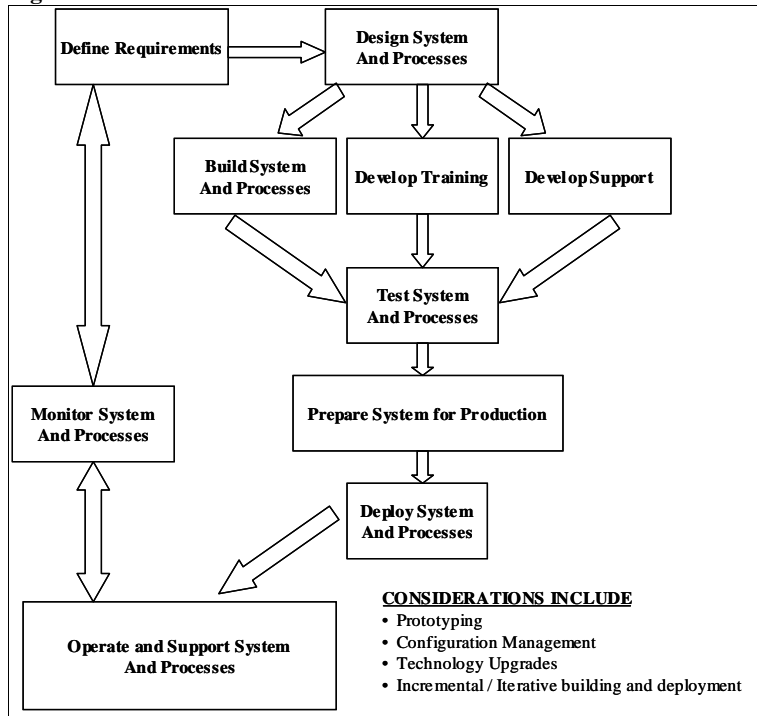
- Conducting court hearings and trials for the purpose of fair and impartial judgment
- Deciding the outcome of court proceedings
- Promulgating rules of procedure for all courts to provide statewide uniformity in court proceedings
- Providing court information as the official records of the court proceedings
- Ensuring the public is served by competent ethical lawyers and judges through the Office of Bar Admissions and the Office of Disciplinary Counsel

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, changes in the processes of the Judicial Department are accomplished through one of two means: teamwork and mandates.

Teamwork: Whenever possible, teamwork is used to bring about change. New operational requirements, new technologies and changing expectations of the public and/or Judicial Branch personnel are addressed through joint task forces and project teams. These joint task forces and project teams are composed of representatives from every affected entity. For example, the statewide court case management project team comprises County Clerks of Court staff, County Information Technology (IT) staff, the Office of Court Administration, Judicial Department IT division, the Judicial Department’s systems integrator, and vendors. The criminal case backlog pilot team includes Judges and their staffs, Solicitors and their staffs, Public Defenders and criminal defense attorneys, County Clerks of Court staff, and the Office of Court Administration. 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 in a project. Teamwork usually requires a greater time commitment at the beginning of the effort, but generally reduces the time and pain during the deployment phase.

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 court rooms is an example of a mandate. A mandate is issued by a judicial order or administrative directive.

2. How does your day-to-day operation of key production/delivery processes ensure meeting key performance requirements?

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 Department has with other government entities on a daily basis, through questions and noted discrepancies in reports, constitute another measure. For example, criminal docket report (CDR) codes are the basis of the warrant, indictment, trial and sentencing process within the overall judicial process. Thus, these codes are used daily by law enforcement officers and judges throughout South Carolina. CDR codes are developed by the Judicial Department by using the state code of criminal law. As the law changes, the corresponding CDR codes need updating accordingly in a very timely manner. When the lottery legislation became effective, updating and distributing the new CDR codes for lottery crimes was needed. As the source and gatekeeper of the CDR codes, the Judicial Department created the needed new lottery CDR codes and was able to make them available for use in the courts in a matter of days instead of the months that it previously took.

Monthly caseload reports from the county courts are used to monitor Judicial Branch workload and performance in the trial courts. In the appellate courts, reports showing the number of cases heard and not decided are reviewed on at least a monthly basis. Review of these reports by management enables a proactive approach to be taken with the progress of individual cases as well as total caseloads.

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

The Judicial Department uses ten 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 6.1**, enactment and amendment of statutes made by the General Assembly, appellate court opinions, amendments to rules of procedure, and through collaboration with the customers and stakeholders.

4. How do you manage and support your key supplier/contractor/partner interactions and processes to improve performance?

Key suppliers and partnerships are managed and supported by the Judicial Department through four primary means:

- State procurement for supplies and standard office services such as copier machine repairs
- Systems integrator for technologies and related services
- Court Administration for liaison with the General Assembly and state and local agencies
- Office of the Chief Justice for liaison with federal grant programs

CATEGORY 7 - BUSINESS RESULTS

1. What are your performance levels and trends for key measures of customer satisfaction?

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 satisfactory to the participants regardless of the outcome of the case.

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 Lawyers' Association, Circuit Court Judges' Advisory Committee, Family Court Judges' Advisory Committee, the Solicitors' Association, the Public Defender's Association, the Probate Judges' Association, Clerks of Court 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 Judicial Department believes customer satisfaction is improving because technology is making it easier for customers and stakeholders to obtain access to critical information, documents or forms. For example, the South Carolina Advance Sheets, which contain the opinions of the Supreme Court and Court of Appeals, and the Court Register, which contains all of the rules governing the courts of this State, were until recently only available in paper media by subscription. These documents are now readily accessible on the Judicial Department Web site. The success of this development is reflected by the fact that the number of paid subscribers for the Advance Sheet has dropped by over 700 subscribers (approximately 33%) since the electronic version became available. In addition, the South Carolina Bar application now appears on the Web site. Previously applicants had to complete the application using a typewriter.

Automation has also allowed the Judicial Department to respond more quickly to requests for information about pending or closed cases. This has improved customer satisfaction by providing more timely responses.

Historically, the Judicial Department has not used surveys or other formalized methods to obtain information about customer satisfaction; however, the Judicial Department plans to explore mechanisms such as town hall meetings, focus groups, and surveys to become better informed about customers' experiences with services provided by the Judicial Branch.

2. What are your performance levels and trends for key measures of mission accomplishment?

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

2.1. Supreme Court of South Carolina

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

2.1.1 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 2.1.1-1 and 2.1.1-2.

Table 2.1.1-1: Supreme Court Caseload Activity

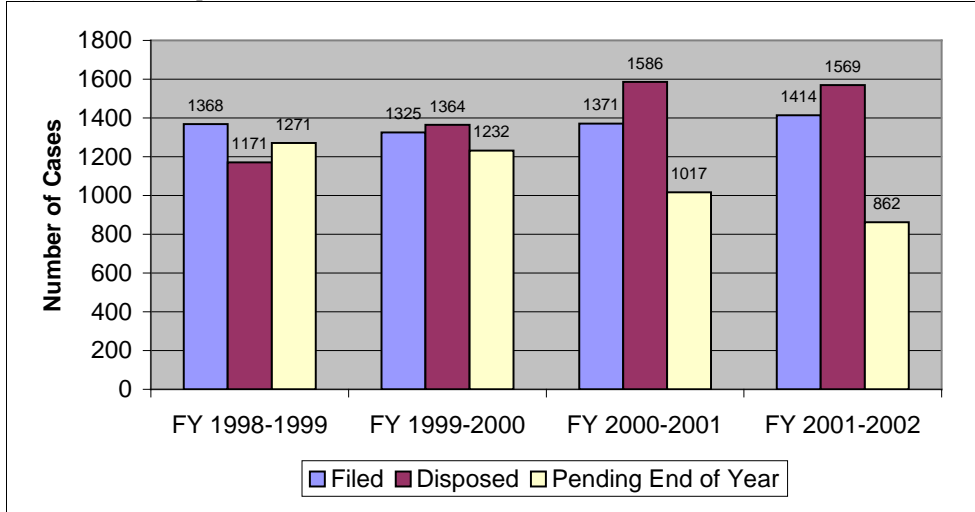
CASELOAD	NUMBER
Opinions Issued	
Published	173
Unpublished	88
Total Opinions	261
Motions Pending July 1, 2001	89
Motions Filed	2862
Motions Ruled Upon	2870
Motions Pending June 30, 2002	81

Table 2.1.1-2: Supreme Court Case Filings and Dispositions for Fiscal Year 2001-2002

FILINGS	NUMBER
Cases Pending July 1, 2001	1017
Cases Filed in FY 2001-2002	
Direct Appeals	
Civil	164
Criminal	179
Petitions for Certiorari	
Post-Conviction Relief	528
Court of Appeals	205
Original Jurisdiction	
Writs	416
Actions	33
Certified Questions	3
Judicial Conduct	8
Lawyer Conduct	41
Bar Admissions	42
Bar License Fees / CLE Suspensions / Reinstatements	66
Disciplinary Reinstatements	16
Total Cases Filed	1701
Total Cases Awaiting Disposition	2718
Cases Disposed Of	1856
Direct Appeals Transferred to Court of Appeals	287
Direct Appeals	76
Petitions for Certiorari	
Post-Conviction Relief	670
Court of Appeals	178
Original Jurisdiction	
Writs	432
Actions	33
Certified Questions	6
Judicial Conduct	8
Lawyer Conduct	45
Bar Admissions	45
Bar License Fees / CLE Suspensions / Reinstatements	66
Disciplinary Reinstatements	10
Cases Pending June 30, 2002	862

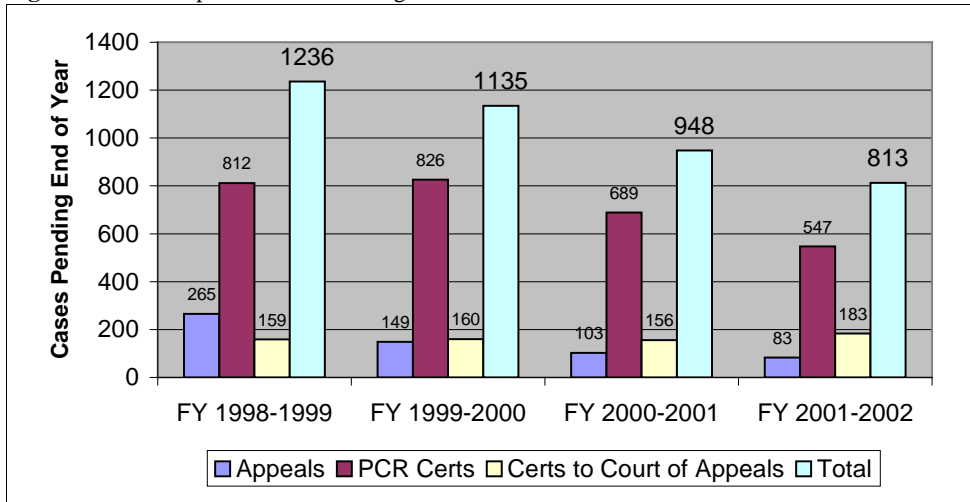
Caseload and disposition data for the last four years (excluding cases which were merely transferred to the Court of Appeals) are reflected in Figure 2.1.1-1.

Figure 2.1.1-1: Supreme Court Caseloads



Further, for appeals and petitions for writs of certiorari, the most labor-intensive areas for the Supreme Court and its staff are reflected in Figure 2.1.1-2.

Figure 2.1.1-2: Supreme Court Pending Caseload



The Supreme Court is continuing to reduce the number of pending cases in virtually every category. As a result, the delay in the resolution of matters is being shortened. This is a positive trend for customers and stakeholders.

2.1.2 Performance Levels and Trends in the Administrative Area

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

Regarding its rule-making authority, the Supreme Court, as a result of comments received from its customers and stakeholders has made changes and additions to court rules during the past year. The Supreme Court amended the South Carolina Rules of Civil Procedure, the rules governing lawyer discipline, the rules governing the admission of persons to practice law in South Carolina, and created a Commission on Alternative Dispute Resolution. These rule changes will help further insure that matters brought before the courts are decided in a just and timely manner, and that lawyers practicing in this state maintain the highest standards of competency and professionalism.

2.1.3 Other Key Measures of Performance

The Supreme Court prides itself on responding to correspondence and telephone inquires in a prompt and courteous manner. On many occasions, the staff of the Supreme Court have been advised that similar correspondence to other parts of the state or local government have simply gone unanswered. While in many cases the Supreme Court cannot provide any substantive assistance, our customers appreciate the fact that they will receive a timely response.

The Supreme Court has taken steps to increase public awareness of the Judicial Branch and its role in our society. Sessions of the Supreme Court were held in locations outside of the Supreme Court Building, including the University of South Carolina School of Law, the Historic Courthouse in Charleston, and the University of South Carolina at Spartanburg, allowing members of the public to more readily observe oral arguments. The Supreme Court participated in South Carolina Girls' and Boys' State activities, provided instruction regarding the South Carolina Judicial System to students from the elementary to college level, and provided tours of the Supreme Court Building to numerous groups. Further, in conjunction with the Federal Government, the Supreme Court hosted groups from several foreign nations. These visits foster an understanding of the democratic system of government in the United States enabling the representatives to assist the democratic systems developing in their countries.

Finally, through a reorganization of the Staff Attorneys Office, the Supreme Court's legal staff has been able to maintain its primary function of assisting the Court in processing cases while also being able to assist in projects benefiting other areas of the Judicial Branch. An example is the creation of an electronic "plain language" version of sample civil jury charges for the circuit court judges that will be more readily understood by juries.

2.2 Court of Appeals

The key indicator of the performance level for the Court of Appeals is the case filing and disposition information listed in Tables 2.2-1 and 2.2-2 and Figure 2.2-1.

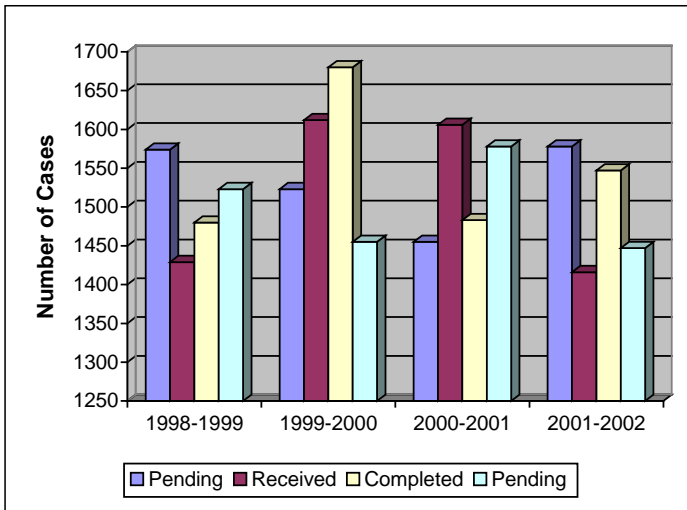
Table 2.2-1: Court of Appeals Case Filings and Dispositions

FILINGS / DISPOSITIONS	NUMBER
Cases Pending July 1, 2001	1578
Cases Filed	1413
Cases Completed	1547
Cases Pending June 30, 2002	1444

Table 2.2-2: Court of Appeals Caseload Activities

CASELOAD	NUMBER
Opinions Issued	
Published	169
Unpublished	721
Motions Pending July 1, 2001	62
Motions Filed	5089
Motions Completed	5049
Motions Pending June 30, 2002	102

Figure 2.2-1: Court of Appeals Caseloads



Like the Supreme Court, the key indicator of performance level for the Court of Appeals is the number of cases filed and concluded. Customer satisfaction is presumed to increase when the Court of Appeals handles an appeal as expeditiously as is commensurate with a full and fair review. The ultimate product of the Court of Appeals is its decisions, whether published or unpublished. Communication with customers and stakeholders keeps court staff aware of areas of concern during the process of preparing the appeal for decision by the Court of Appeals.

2.2.2 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, law students, high school students, model government participants, moot court contestants, community business 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.

Like the Supreme Court, the Court of Appeals has held sessions outside of the Calhoun Building, including the University of South Carolina campuses at Sumter, Aiken, and Beaufort, Greenville County Courthouse, and the Historic Courthouse in Charleston, allowing members of the public to more readily observe oral arguments.

2.3 Bar Admissions

The key indicators of the performance level for Bar Admissions are listed in Table 2.3-1.

Table 2.3-1: Bar Admissions

KEY INDICATOR	RESULTS
Bar Applications Filed	474
Applications for Limited Certificates	4
Applicants Who Appeared Before the Committee on Character and Fitness	13
Special Accommodation Requests Filed	8
Courses of Study Filed	7
Applicants Taking the Bar Examination	427
Number and Percentage Passing	349 / 81.7%
Applicants Admitted	352
Hearings Held on Reinstatement Petitions	7
Trial Experiences Processed	235
Applications to be Certified as Lead Counsel in Death Penalty Cases	21

Rules and forms used in the admission process are available on the Judicial Department Web site, www.judicial.state.sc.us, allowing applicants ready access to this information and decreasing the staff time spent answering written and telephonic inquires. During the reporting period, the application form on the Web site has been made available in a more user friendly version in Microsoft Word.

The Office of Bar Admissions has also used the Internet to make the results of the bar examination available to the applicants in a more timely manner. A release date and time for the results is now set in advance, and applicants are able to immediately have the results without waiting to receive notification by mail. The success of this practice is reflected by the fact that the Bar Admissions Office previously received hundreds of phone calls each time the results were released and now only receives twenty or thirty calls per release.

The Board of Law Examiners has continued to improve the quality of the essay questions on the bar examination by more rigorous internal review of the questions, and the option to consult with experts in the subject matter when drafting the questions and model answers. Additionally, the Supreme Court has authorized the appointment of practicing lawyers to assist the Board in drafting and grading the essay examinations. Further, at the request of the Supreme Court, the General Assembly

amended S.C. Code Ann. Section 40-5-210 to allow an increase in the membership of the Board. When implemented, these changes will expedite the grading process, allowing results of the bar examination to be available to applicants sooner than the three months that it currently takes.

2.4 Office of Disciplinary Counsel

The success of the Judicial Department in ensuring its members adhere to ethical rules and codes of conduct is reflected in the fact that no Judicial Department judge (Supreme Court, Court of Appeals, Circuit Court and Family Court) was publicly sanctioned in the last fiscal year.

The Office of Disciplinary Counsel (ODC) handles complaints received by two commissions:

- The Commission on Judicial Conduct
- The Commission on Lawyer Conduct.

Although the number of complaints received by ODC has increased over the past five years, ODC has closed more files pending before both Commissions this fiscal year than were received which better protects the public.

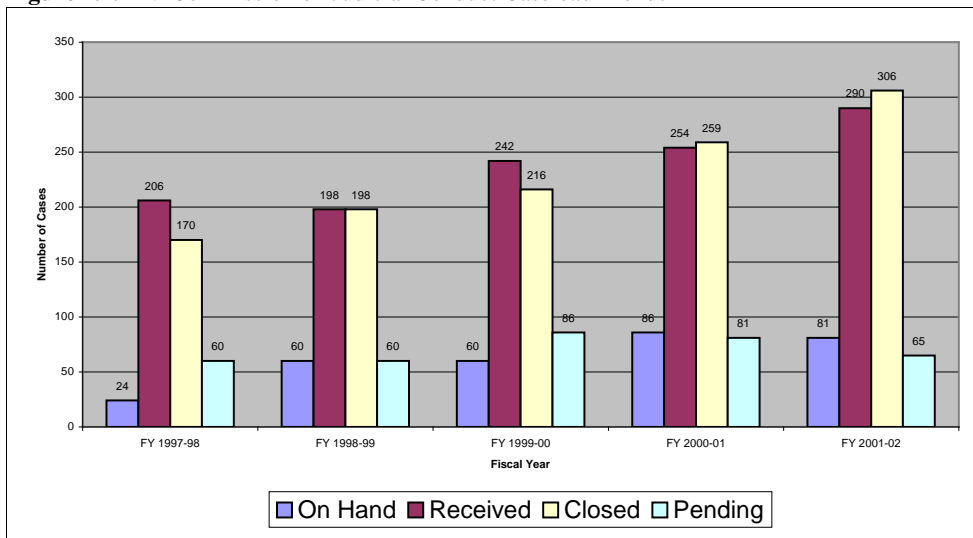
2.4.1 Commission on Judicial Conduct

The performance levels for the Commission on Judicial Conduct are listed in Table 2.4.1-1 and Figure 2.4.1-1.

Table 2.4.1-1: Commission on Judicial Conduct Performance Levels

COMPLAINTS	NUMBER
Complaints pending July 1, 2001	81
Complaints received this year	290
Total of pending and received complaints for the past fiscal year	371
DISPOSITION OF CONCLUDED COMPLAINTS	
Dismissed by Disciplinary Counsel after review (no jurisdiction)	152
Dismissed by Disciplinary Counsel after prelim investigation (lack of evidence)	75
Dismissed by Investigative Panel after preliminary investigation	42
Dismissed by Investigative Panel after full investigation	2
Dismissed by the Supreme Court	0
Total Dismissed	271
Other - Referred to another agency	1
Letter of Caution without finding of misconduct	8
Letter of Caution with finding of minor misconduct	9
Admonition (Confidential)	7
Admonition (Public but not Published)	0
Public Reprimand	10
Suspension	0
Removal from Office	0
Total Not Dismissed	35
Total Complaints concluded this year	306
Total Complaints pending as of June 30, 2002	65

Figure 2.4.1-1: Commission on Judicial Conduct Caseload Trends



2.4.2 Commission on Lawyer Conduct

The performance levels for the Commission on Lawyer Conduct are listed in Figure 2.4.2-1 and Table 2.4.2-1.

Figure 2.4.2-1: Commission on Lawyer Conduct Caseload Trends

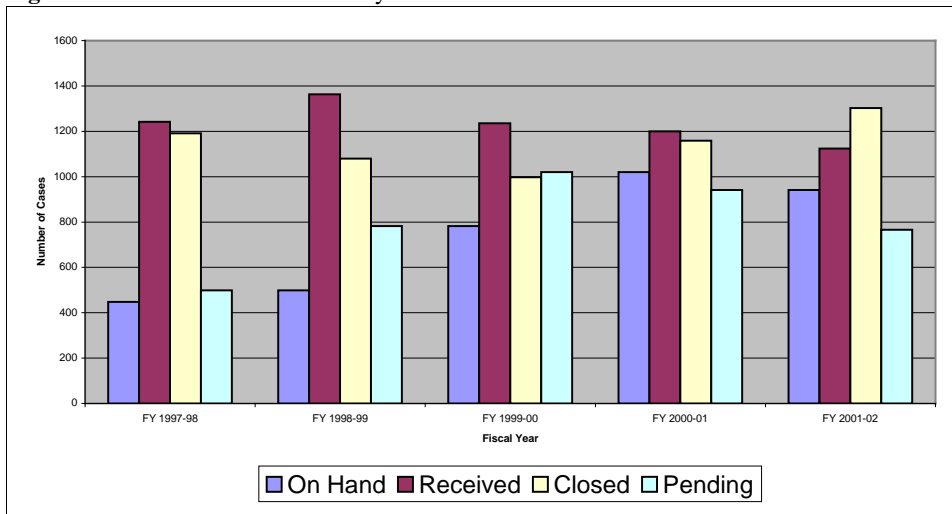


Table 2.4.2-1: Commission on Lawyer Conduct Performance Levels

COMPLAINTS	NUMBER
Complaints pending July 1, 2001	941
Complaints received	1127
Total pending and received complaints	2068
DISPOSITION OF CONCLUDED COMPLAINTS	
Dismissed by Disciplinary Counsel after review (no jurisdiction)	202
Dismissed by Disciplinary Counsel after prelim investigation (lack of evidence)	528
Dismissed by Investigative Panel after preliminary investigation	176
Dismissed by Investigative Panel after full investigation	29
Dismissed by Supreme Court	1
Total Dismissed	936
Referred to Other Agency	30
Letter of Caution without finding of misconduct	33
Letter of Caution with finding of minor misconduct	89
Transferred to Incapacity Inactive Status as final disposition	0
Deferred Disciplinary Agreement	21
Admonition	44
Public Reprimand	20
Suspension	54
Disbarment	75
Other Disposition (death of lawyer)	0
Dispositions by referral to other agencies, letters of caution, sanctions and other	366
Total complaints concluded	1302
Complaints pending as of June 30, 2002	766

2.4.3 Other Key Measures of Performance

There are seventy attorneys, located statewide, appointed by the Supreme Court to assist ODC. These attorneys serve on a pro bono, unpaid basis. These attorneys enable approximately a third of the complaints to be handled at the local level, which is more convenient to the customers and stakeholders and does not require as much involvement by ODC. However, ODC trains, mentors and assists these attorneys as necessary.

This year, ODC implemented automated case management systems for both Commissions. These systems now enable ODC to track cases from the outset through conclusion and generate management reports as required. These systems have allowed a manual, index-card based process to be eliminated.

Members of the ODC legal staff participated approximately 20 times as speakers at Continuing Legal Education programs and the Bridge the Gap Program at the Law School. Legal staff members also provide support for the Client Assistance Program of the SC Bar, the Lawyers Fund for Client

Protection, the Resolution Fee Dispute Board of SC Bar, and Attorneys Appointed to Protect Client’s Interest due to death or incapacity of a lawyer or a lawyer being placed on interim suspension.

The ability of ODC to protect the public when information regarding financial irregularities or other serious misconduct or incapacity by an attorney or judge is received is reflected in its ability to obtain an order suspending the attorney from practice or judge from presiding over court within days of receipt of the information.

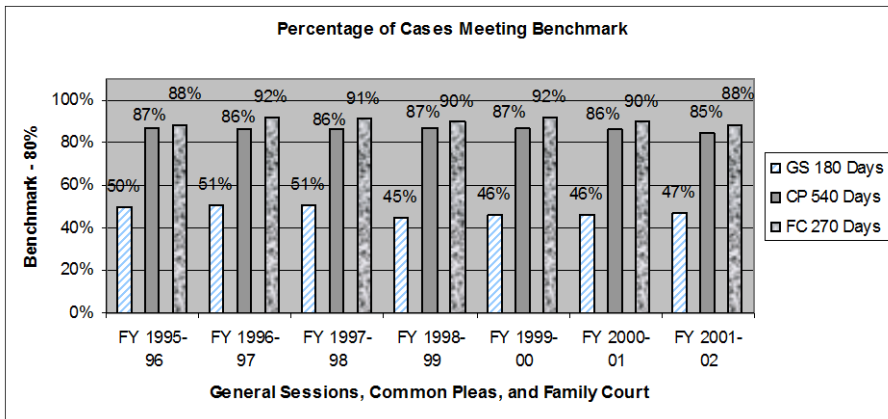
2.5 Circuit Court (General Sessions and Common Pleas) and Family Court

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 court was 540 days from date of filing.² Cases filed in family court have a benchmark of 270 days. Benchmark compliance is monitored and adjustments made to ensure timely delivery of judicial services.

Figure 2.5-1 shows this year’s results of the judicial circuits according to the benchmarks:

General Sessions Circuits Meeting Benchmark: 1 of 16
Common Pleas Circuits Meeting Benchmark: 15 of 16
Family Court Circuits Meeting Benchmark: 14 of 16

Figure 2.5-1: Circuit Court Benchmarks by Circuit



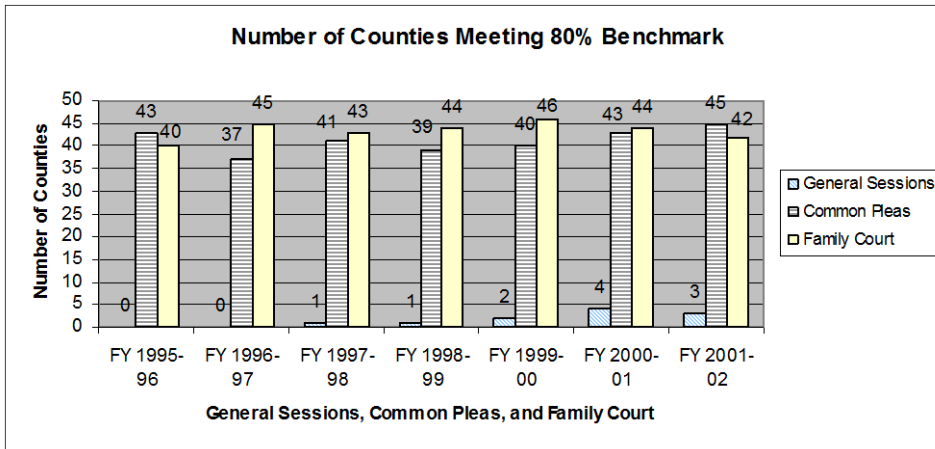
² The benchmark changed from 540 days to 365 days to reflect the 2001 amendment to the SC Rules of Civil Procedure shortening the time period before cases move to the jury roster.

Similarly, caseloads in each of the 46 counties are also monitored. The long-term goal is to have each county meet the benchmark. The Family Court and the Court of Common Pleas have shown strong results. Limited but steady progress in the Court of General Sessions can be observed. The influence of Executive Branch decisions regarding prosecution of the criminal docket in General Sessions Court will continue to impact how and when a county will achieve the 180-day benchmark. However, the Judicial Branch is committed to improving the performance in General Sessions Court through an approach on two fronts: analysis and development of a case management process by the ad hoc Criminal Docketing Committee chaired by a Justice of the Supreme Court, and improved processing by implementation of a statewide case management system using appropriately suited technology to enhance performance on a county by county level. Adequate funding for these efforts is absolutely necessary to approach the targeted benchmarks in General Sessions court over the next few years.

Figure 2.5-2 shows this year’s results of the counties according to the benchmarks:

General Sessions Counties Meeting Benchmark: 3 of 46
Common Pleas Counties Meeting Benchmark: 45 of 46
Family Court Counties Meeting Benchmark: 42 of 46

Figure 2.5-2: Circuit Court Benchmarks by County



In Common Pleas Court, statistical data is used to estimate the number of terms needed to dispose of civil cases one year old and older. General Sessions terms of court are allocated based on the number of terms of court requested by the solicitors and Attorney General as needed to handle cases ready for prosecution or Post Conviction Relief hearings. Since solicitors control the criminal docket, the Judicial Department provides the terms of court requested by solicitors. Family Court statistical information is used to evenly allocate available terms of court among counties giving particular attention to those counties with a greater number of cases filed.

As new schedules are produced, the terms are adjusted to reflect current needs. Ideally, the number of terms scheduled equals the number needed to accommodate the pending cases ready for trial. The actual number of terms scheduled is compared to cases completed during the period to determine whether adjustments are necessary. Consideration is given to limited resources that must be allocated, including the number of judges to hold court during the period and available courtroom facilities.

Table 2.5-1 represents the terms of court scheduled over the past 5 years. The reduction in terms of court scheduled in Fiscal Years 2000-2002 reflects judicial vacancies due to retirements and pending judicial elections, thereby reducing the number of judges available to preside over terms of court. In addition, the decrease in the 2001 - 2002 figures reflects the impact of budget reductions limiting the use of retired judges.

Table 2.5-1: Actual Terms of Court

YEAR	COMMON PLEAS	GENERAL SESSIONS	TOTAL CIRCUIT COURT	FAMILY COURT
1997/98	895.8	861.8	1757.6	2088.8
1998/99	991.4	870.0	1861.4	2176.6
1999/00	1057.2	892.2	1949.4	2220.2
2000/01	1007.2	887.7	1894.9	2213.7
2001/02	962.3	891	1853.3	2135.4

Figures 2.5-3, 2.5-4, and 2.5-5 show that overall the numbers of cases disposed of are increasing or holding steady indicating that resources are being allocated to address court caseloads.

Figure 2.5-3: General Sessions Cases

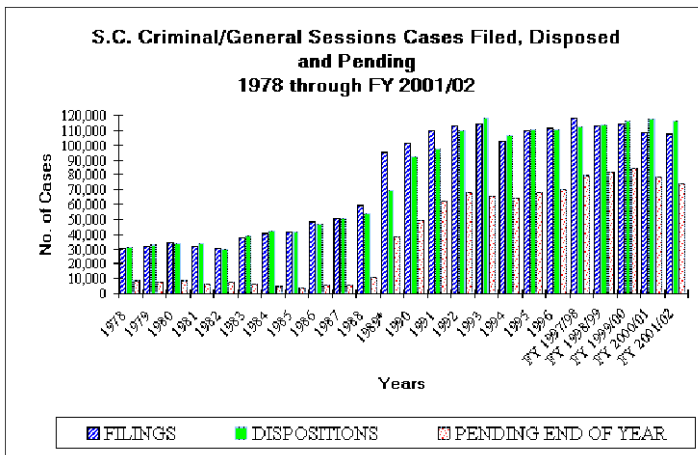


Figure 2.5-4: Common Pleas Cases

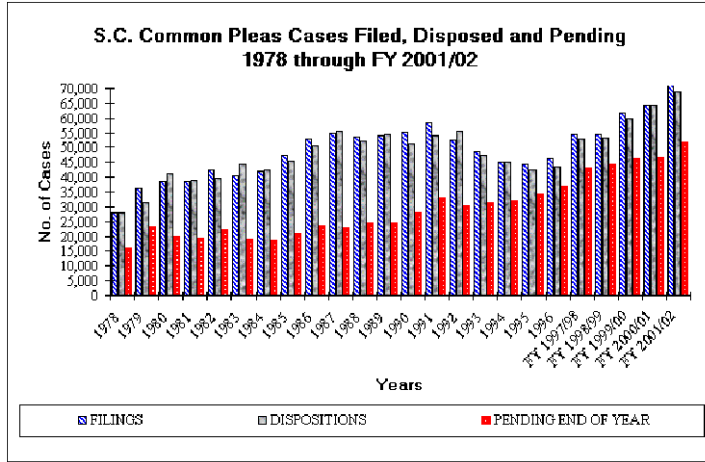
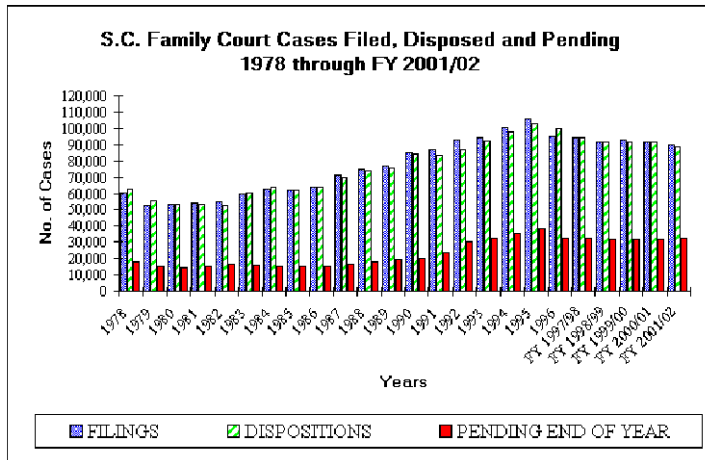


Figure 2.5-5: Family Court Cases



2.5.1 Other Key Measures of Performance

As by-products of Judicial Department technology initiatives, the paradigm, culture, and the mindset of the Judicial Branch are being altered, resulting in changes at the local level which are impacting the ability of trial courts to meet benchmarks. By facilitating communication through electronic dissemination of reports, its presence on the Internet, and partnerships with other state and local agencies, the Judicial Department has seen improvement in customer satisfaction and anticipates further improvement.

A procedure was established for tracking General Sessions cases that are prosecuted by the Attorney General. This was accomplished using resources internal to the Department and without a need for additional programming at the county level. Previously, Attorney General cases within the General Sessions docket were not readily identifiable.

In June of 2001, approximately 50% of the County Clerks of Court (23 of the 46) had an e-mail address. In June of 2002, approximately 89% of the County Clerks of Court (41 of 46) have an e-mail address.

In June of 2001, few if any of the Circuit and Family Court judges had high-speed Internet access from the county courthouses. In June of 2002, judges in 16 of the 46 counties have high-speed, Internet access from the county courthouses.

The 14th Judicial Circuit, which is composed of Hampton, Colleton, Jasper, and Allendale counties, some of the most rural counties in South Carolina, is posting its rosters online. By eliminating printing and mailing costs of hardcopy rosters, each county saves nearly \$500 a month.

2.6 Performance levels and trends for Division of Court Administration

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

2.6.1 Court Services

The Clerk of Court Manual was updated this year after nearly 10 years without any substantial revision. This update utilized the teamwork approach described in **Section III Category 6 – Process Management** and included converting the document from paper media to electronic format. Existing policies and procedures were examined and amended where necessary and new policies and procedures were created. References to statutes and court rules were confirmed and revised where necessary and all circuit court and family court forms have been converted to electronic format and will be available to Judicial Branch customers and stakeholders through the Judicial Department's Web site.

The Court Services section provided assistance to trial court staff and clerks of court through on-site visits and training. The field representative visited each clerk of court's office at least twice during the year to review files to ensure statutory compliance and to provide assistance in document processing and procedures. The probate court representative performed on-site verification visits to each county probate court, physically examining approximately 12,000 case files in the last fiscal year.

The circuit, family, probate, and field court representatives met with advisory committees on a quarterly basis to address issues related to their area of concern. Orientation schools for new family court and circuit court judges were planned and coordinated and, in conjunction with the IT Division and the Supreme Court Staff Attorneys Office, new benchbooks and training materials were developed. In accordance with the value of teamwork, Court Services, working with other members

of the Judicial Department, planned and coordinated the annual Judicial Conference which had 230 participants.

Administrative support was provided for the Alternative Dispute Resolution (ADR) pilot program that currently has over 700 arbitrators and mediators statewide certified by the Court Services section of the Office of Court Administration. Staff support is provided to the five-member Board of Arbitrator and Mediator Certification, clerks of court and staff in the pilot counties, certified neutrals and members of the public, attorneys, and judges. The staff responds to an average of 3-5 calls and correspondence daily. Because of the creation of the Commission on Alternative Dispute Resolution, Court Services staff currently supporting ADR will be reassigned to other areas in the Office of Court Administration.

Court Services staff respond to inquiries involving court policy and procedures, and research legal authorities for clarification of issues for many customers and stakeholders. In the past year, approximately 60 circuit court related inquiries by telephone were resolved each month. Additionally, each month, staff processed and responded to approximately 50 written inquiries from inmates alone.

Through collaborative effort within the Judicial Branch, the Juror Summons Form was revised to make it more easily understood by prospective jurors and more efficiently processed in the office of the Clerk of Court. Additionally, an electronic version of the form was designed and approved for use as an alternative to the traditional paper format.

2.6.2 Court Reporting

The Court Reporting section is responsible for ensuring that an official state court reporter is assigned to each term of circuit and family court. In addition, this section monitors the production time of transcripts requested by parties or attorneys, so that court reporters are in compliance with the time limits set by order of the Supreme Court. By utilizing the tools described in **Section III Category 2 – Strategic Planning** and **Category 6 – Process Management**, a comprehensive review of court reporting operations resulted in the implementation of initiatives for a more efficient and effective system. A court reporter was hired to guide daily operations, in recognition that court reporters have unique needs. The transcript backlog that impeded case processing was addressed first. Through teamwork, solutions were identified, letters identifying deficiencies in production were written to court reporters, and new policies and procedures were implemented. Prior to implementation of the initiatives, 50% of circuit court reporters had backlogs of over 2000 transcript pages pending, over 30 transcripts pending, or transcript requests that were more than a year old. Approximately 100 transcript requests had been pending for more than a year. Work plans were submitted, reviewed, and approved, with court reporters being instructed to seek transcript production assistance from other court reporters. With the full cooperation of affected court reporters, these measures virtually eliminated the backlog problem.

To ensure that backlog problems do not reoccur, monthly reports reflecting pending requests for transcripts are reviewed before court reporters are scheduled for terms of court. Court reporters with outstanding transcript requests are not assigned to cases that result in lengthy transcripts, such as complex litigation, malpractice cases, or death penalty trials, which can be over 3,000 pages in length. Further, by involving court reporters in addressing the needs of the Judicial Branch to have

transcripts delivered in a timely manner, only court reporters expressing an interest in reporting death penalty cases are assigned to those cases.

By utilizing strategic planning and process management tools, transcript production is more closely monitored and court reporters are expected to deliver the transcripts in a timely manner. Court rules allow court reporters to request up to three extensions and, with approval from the Chief Justice, requests for a fourth extension for transcripts for death penalty, medical malpractice, and other complicated litigation which are typically more than 1,000 pages in length, may be granted. Currently, only eleven transcripts are pending delivery where the court reporters have requested and been granted a fourth extension.

2.6.3 Court Scheduling

Results for the Court Scheduling Section are reported under **Section I – 1.4 Major Achievements**.

2.6.4 SUMMARY COURT SERVICES

Magistrate and municipal court judges are provided legal research and advice on a daily basis. Since many of these judges are not attorneys, and they do not have law clerks, Court Administration's two staff attorneys provide the necessary legal support for these courts to operate within the requirements of court rules and state laws. The section also conducts a two-week mandatory orientation school for new judges twice a year. 60 new judges were enrolled this year. The certification examination was administered to 269 new appointees, as required by state law, with 263 appointees passing the examination. Staff also collaborated with the IT Division in converting the Magistrates' Benchbook from paper media to electronic format which will be available on the Department's website this fall.

2.7 Other Key Measures of Mission Accomplishment

Public access to the key documents maintained by the Judicial Department has been greatly increased. This accessibility has primarily been accomplished through the Judicial Department Web site, www.judicial.state.sc.us. The published opinions of the Supreme Court and Court of Appeals are available on the Web site in both Adobe Acrobat and html formats. A new search feature was added which allows the opinions to be searched by fields and by a full text search of the opinion and the Web site now allows users to print out rules or groups of rules in a printer friendly format. This feature is a great benefit to the Judicial Department's customers, stakeholders, and suppliers.

During Fiscal Year 2001-2002, the volume of documents available on the Web site has been greatly increased. Forms used in appeals and other matters pending before the Supreme Court and Court of Appeals are now available for use by attorneys and *pro se* litigants. The Web site has also been used to keep the public informed of changes and events relating to the Judicial Department through the "What's New" section of the website. Over 34 articles appeared in the "What's New" section during the year. Additionally, the Supreme Court has actively solicited public comment regarding potential rule changes through the Web site and the Advance Sheets. The number of hits to the Judicial Department Web site has increased from approximately 18,000 hits per day in June 2001 to approximately 36,700 hits per day in June 2002.

As a measure of its success, the Judicial Department's Web site was selected by the South Carolina State Library as one of the most notable South Carolina State Government Documents of 2001.

The Supreme Court and the Court of Appeals have begun scanning appellate case files. While these electronic records are currently only available in Columbia, the goal is to have these records available to the public on the Internet. This accessibility will be of tremendous benefit to those who need information about a case pending on appeal or desire to see records of cases previously decided. Currently, this information is only available in hardcopy format in the Supreme Court and/or Court of Appeals.

During this last year, the judges and lawyers in the Judicial Department were surveyed to determine their needs and preferences regarding electronic legal research. In light of the response that showed the overwhelming majority of the users preferred Westlaw over Lexis-Nexis, the Judicial Department signed a new agreement with Westlaw and cancelled its agreement with Lexis-Nexis. As a result, the overall cost to the Department of electronic legal research is 53% of what it was under the prior contracts. Further, while the overall cost has been reduced, the new contract expands Westlaw access to the probate court, magistrates court, municipal court and the clerks of the circuit court. Unlimited Westlaw usage will now be available to all levels of the Judicial Branch regardless of whether they are state or locally funded, and the number of potential users has increased from 250 to over 1000. Access to Westlaw will significantly enhance the ability of judges, lawyers and other personnel of the Judicial Branch to perform their duties.

3. What are your performance levels and trends for the key measures of employee satisfaction, involvement and development?

The Judicial Department employees are very satisfied in their jobs. Table 3-1 reflects the Judicial Department’s very stable work force and low turnover rate which is approximately 4%. Also, most permanent employees have been employed by the Judicial Department for over 10 years and several employees have been employed by the Judicial Department for over 25 years.

Table 3-1: Judicial Department Employee Turnover

	FY 99-00			FY00-01			FY 01-02		
	FTE	Term.	Turnover	FTE	Term.	Turnover	FTE	Term.	Turnover
Supreme Court	48	7	14.58%	48	8	16.67%	48	6	12.50%
Circuit Court	205	57	27.80%	205	58	28.29%	205	61	29.76%
Family Court	166	7	4.22%	166	10	6.02%	166	6	3.61%
Court Administration	25	5	20.00%	25	2	8.00%	25	1	4.00%
Appeals Court	62	15	24.19%	62	18	29.03%	62	14	22.58%
Disciplinary Counsel	14	1	7.14%	14	0	0.00%	14	1	7.14%
Finance & Personnel	15	0	0.00%	15	2	13.33%	15	0	0.00%
Information Technology	21	3	14.29%	21	4	19.05%	21	4	19.05%
	556	95	17.09%	556	102	18.35%	556	93	16.73%
Less Retirees & Non-Career Employees	(66)	(66)		(75)	(75)		(75)	(75)	
Less Vacancies	(26)			(26)			(34)		
TOTAL	464	29	6.25%	455	27	5.93%	447	18	4.03%

Satisfaction is also high among its temporary employees (the Judicial Department hires approximately 60 law clerks and staff attorneys for a one or two year term). These temporary employees 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 which 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 and during a separate training seminar for appellate law clerks and staff attorneys.

As technology is further incorporated into everyday Judicial Department processes, training and development keep pace. All employees are 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.

4. What are your performance levels and trends for the key measures of supplier/contractor/partner performance?

Over the past two years, the Judicial Department has re-emphasized its role within the South Carolina Criminal Justice Information System (CJIS). The Judicial Department has been present at all SC CJIS committee meetings and represented the state at national conventions including the 2002 Search Group Symposium. Working and participating with other state and national entities on CJIS related efforts is a new venture for the Judicial Department and the plan is to increase this involvement.

With the incorporation of technology into Judicial Branch day-to-day operations, the Judicial Department has partnered with a systems integrator, KPMG Consulting. The Judicial Department works with the systems integrator to determine which court operations are appropriate to target for automation, to select the appropriate technologies to be used to address specific needs and to set priorities. As technology is being incorporated into court operations, some of the measures of performance include costs savings due to the elimination of manual processing and paper, increase in timeliness and accuracy of information exchange, and the ease of performing a service with technology versus performing the function manually. Feedback given directly about the systems integrator to the Judicial Department Executive Team from the entities which comprise the Judicial Branch, the numerous project teams, task forces, committees, the counties, and other state agencies are used as key measures. Because the technology initiatives are still in their infant stage, the two greatest measurements of these efforts are the following:

- The Judicial Department has received nearly \$4M of federal funds for the technology efforts. These funds would not be available to the Judicial Department without these technology efforts and would not be renewed by federal grant administrators, as they just recently were, if they were not being perceived as successful.
- The changing culture and mindset of the Judicial Branch with the cooperation of county and state judicial personnel, that began with the onset of these technology initiatives is

unprecedented. The informal feedback received and the willingness and requests to participate in Judicial Branch initiatives are the primary indicators of success in this area.

5. What are your performance levels and trends for the key measures of regulatory/ legal compliance and citizenship?

The Judicial Department recognizes the responsibility given to it to be a good steward of taxpayer dollars invested in the Judicial Department for human resources and for operating expenses. During the past seven years, the Judicial Department has had its financial records examined by the Office of the State Auditor five times. There have been informal suggestions for improvement which have been implemented. However, there have been no audit findings.

During this same time period, the Judicial Department has been examined three times by the Budget and Control Board Employee Insurance Program to determine compliance with the South Carolina State Employees insurance program. There have been no exceptions noted. The Judicial Department has also been audited twice by the Budget and Control Board Materials Management Office to determine compliance with the South Carolina consolidated procurement code and with Budget and Control Board policy. Two suggestions were implemented after the examination for the period ending December 31, 1997. Subsequent examinations have resulted in no suggestions for improvement.

The Judicial Department began filing an annual plan and report with the Governor's Office of Small and Minority Business Assistance (OSMBA) in 1998. Goals have been set in this program for that and every subsequent year. The Judicial Department strives not only to meet goals, but to increase them as the Consolidated Procurement Code allows.

The Judicial Department has entered into the arena of federal grants in the past two years. As a result of this process, the Judicial Department has been required to file an indirect costs recovery plan with the Grantor. From information received by the Judicial Department, not only was it unusual for the plan to have been accepted on its initial submission, but it has also been praised as an example of how such a plan should be constructed and presented. As a result, granting organizations are more receptive to subsequent requests and this has helped obtain additional federal funding.

The Judicial Department is particularly proud that in August 2001, the Judicial Department was awarded "Best in Benefits" by the South Carolina Budget and Control Board Office of Insurance Services. This award is given to one individual or organization to honor the best benefits administrators in the State system for their excellence in customer satisfaction and general concern for their employees. The Judicial Department believes this award is representative of both its sense of responsibility for the valuable human and financial resources entrusted to the Judicial Department and the deep concern and appreciation the Judicial Department has for all its personnel.

6. What are your current levels and trends of financial performance?

As with nearly all other state entities, the Judicial Department is in the position of striving to fulfill its mission at the same time the state is realizing a severe shortage in funding. The Judicial Department continues to strive for excellence as it fulfills its mission and continues to grow into a more effective organization. Under the leadership of the Chief Justice, the Judicial Department has avoided laying off employees during these temporary hard financial times.

The Judicial Department has also remained dedicated to the advancement of its mission through technology. The Judicial Department believes that by investing in human resources and technology, it will grow into a more responsive and cost effective organization. In order to do this, the Judicial Department has actively sought out sources of funding to enhance the funding provided by the general fund of South Carolina. Through the efforts of the Chief Justice, Information Technology Director, and systems integrator, KPMG Consulting, the Judicial Department has achieved a significant growth in federal funding at the same time State funding has been declining as illustrated in Figures 6-1, 6-2 and 6-3.

Figure 6-1: State Appropriations

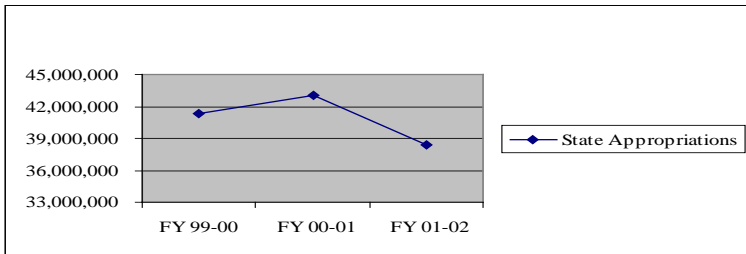


Figure 6-2: Federal Funding

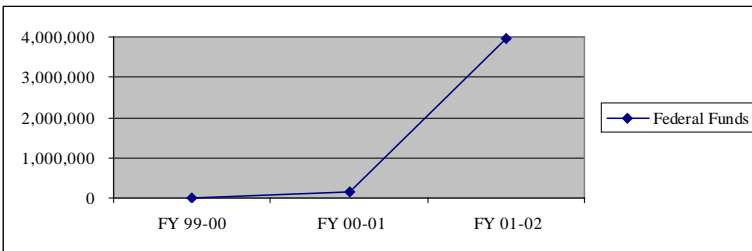


Figure 6-3: State Appropriations Versus Funding

