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# **SOUTH CAROLINA**



## **JUDICIAL DEPARTMENT**

**South Carolina House Ways and Means Sub-Committee**

**January 26, 2012**

by

**Chief Justice Jean Hoefler Toal**

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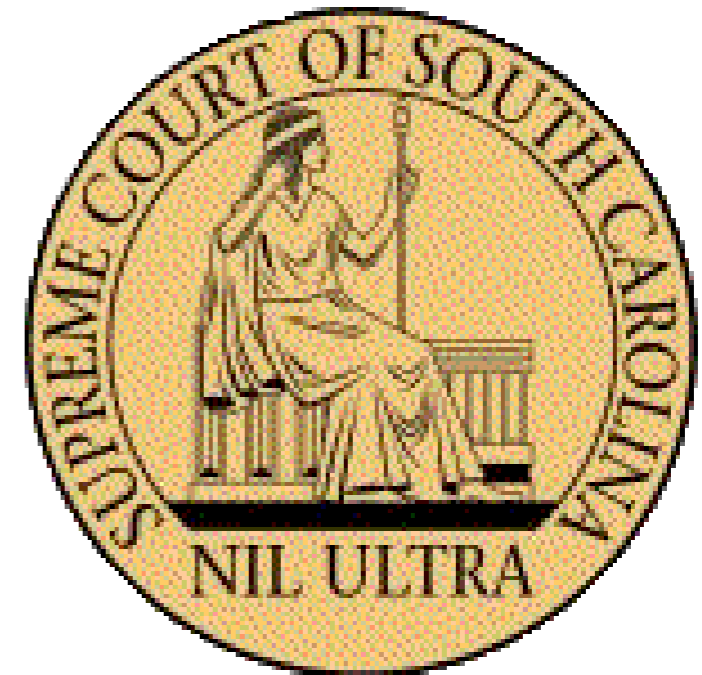
## South Carolina House Law Enforcement and Criminal Justice Budget Subcommittee

### ➤ Law Enforcement and Criminal Justice Budget Subcommittee Members

- Michael A. "Mike" Pitts, Chair
- Lonnie Hosey
- William R. "Bill" Whitmire
- Katie L. Owen, Research Analyst

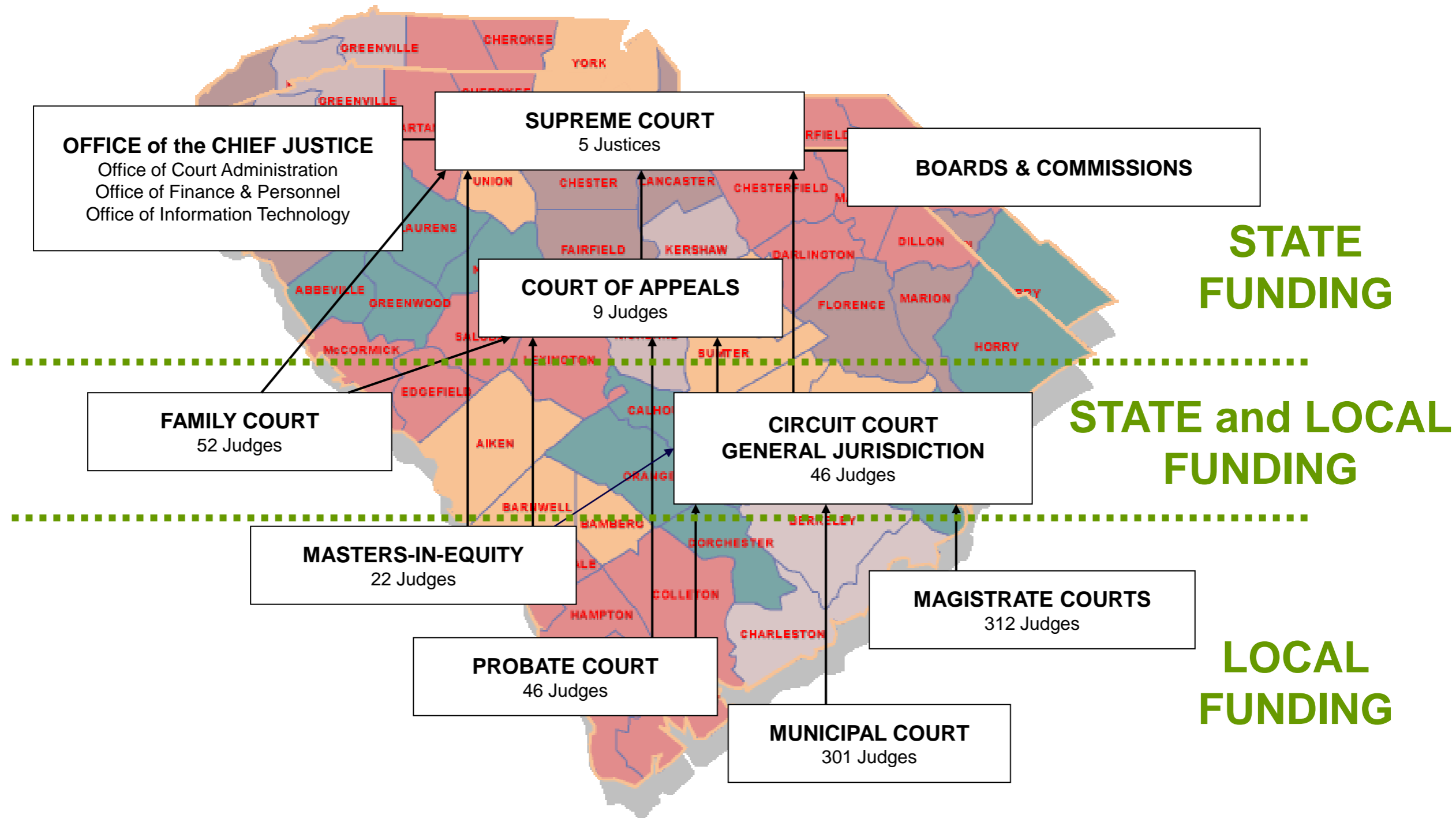
### ➤ Key SCJD Officials

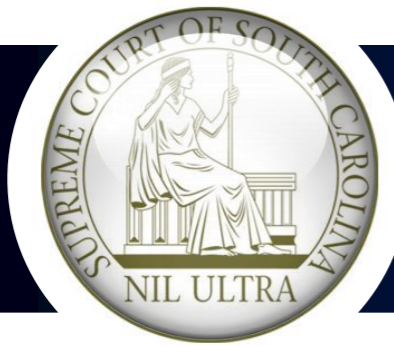
- Jean Hoefler Toal, Chief Justice (803.734.1584)
- Rosalyn Woodson Frierson, Director Court Administration (803.734.1802)
- Thomas B. Timberlake, Director Finance and Personnel (803.734.1981)





# South Carolina Judicial System





# South Carolina Circuit Court Caseload

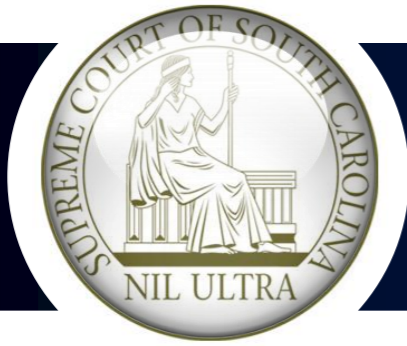


RANKING	STATE	JUDGES per 100,000 POPULATION	FILINGS per JUDGE
1	Massachusetts	1.2	370
2	Idaho	2.7	493
3	Alaska	5.7	508
...	...	...	...
<b>NATIONAL AVERAGE</b>		<b>3.1</b>	<b>1791</b>
...	...	...	...
48	New Jersey	4.7	3228
49	North Carolina	1.2	3403
50	South Carolina	1.0	5011

Results of joint study by COSCA, BJA and NCSC

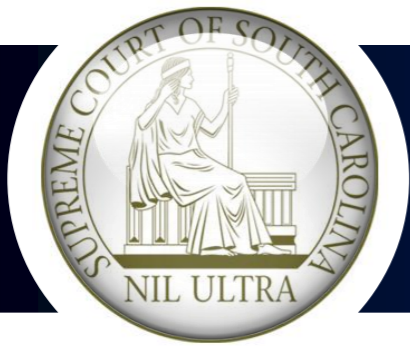
Report for 2009 which is the most current year for which statistics are available

- **South Carolina continues to have more than twice the national average of filings per judge**
- **South Carolina is unable to meet the benchmarks established for caseload clearance rates**



# SCJD Perspective

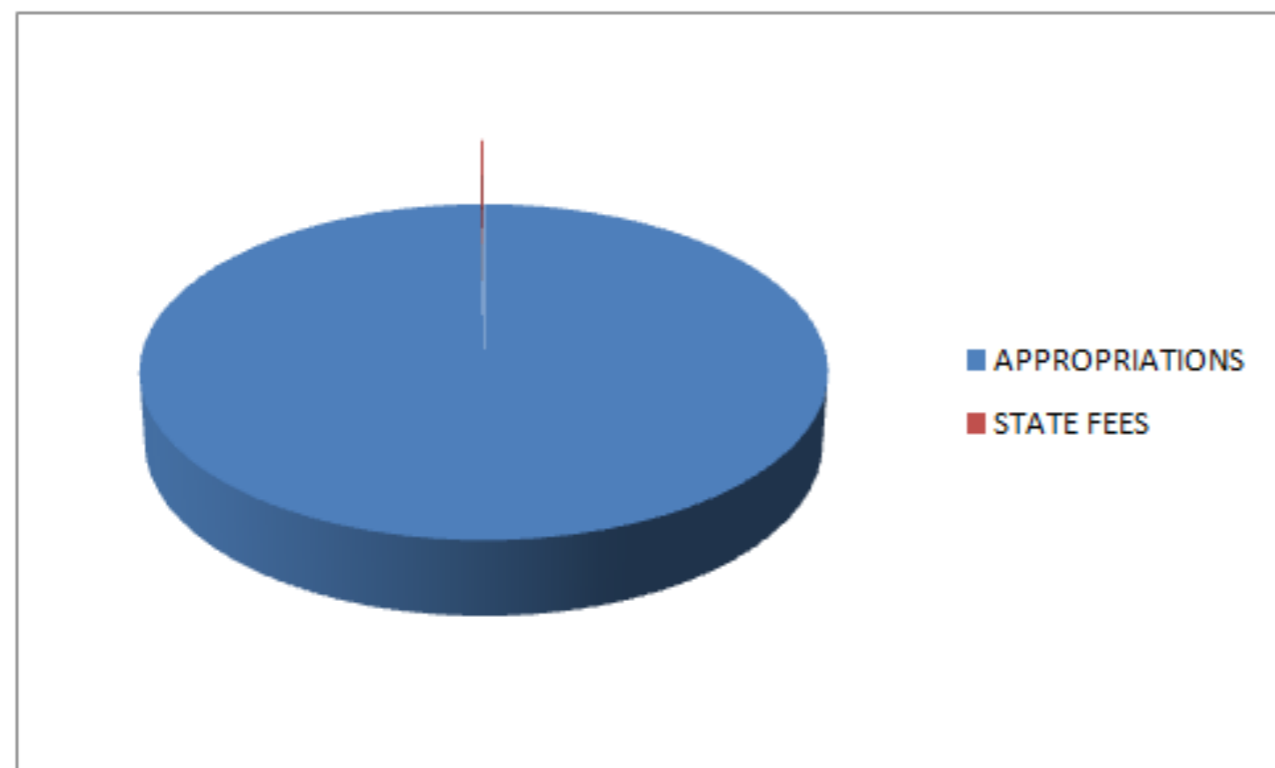
- **CORE MISSION** - SC Courts provide a fair and efficient forum for the resolution of disputes
- **ECONOMIC DEVELOPMENT** - Ability of the Judicial Branch to fairly and timely resolve disputes is a highly important consideration in economic development
  - ❖ South Carolina Business Courts
  - ❖ Significant consideration in Amazon, BMW, Boeing, Bridgestone / Firestone, and others coming to South Carolina
- **CORE GOVERNMENT FUNCTION** - Last year, the Judicial Branch was finally recognized by the Legislative and Executive Branches as the third equal branch of government as opposed to being treated as an individual executive branch agency
- **APPROACH** – SCJD focuses on technology, business models, processes and management techniques to achieve results of efficiencies, consistencies and better organization
- **FISCALLY RESPONSIBLE** – Over the years SCJD has transitioned from being entirely funded by appropriations to today using a combination of state funds, federal funds and fees to operate the courts



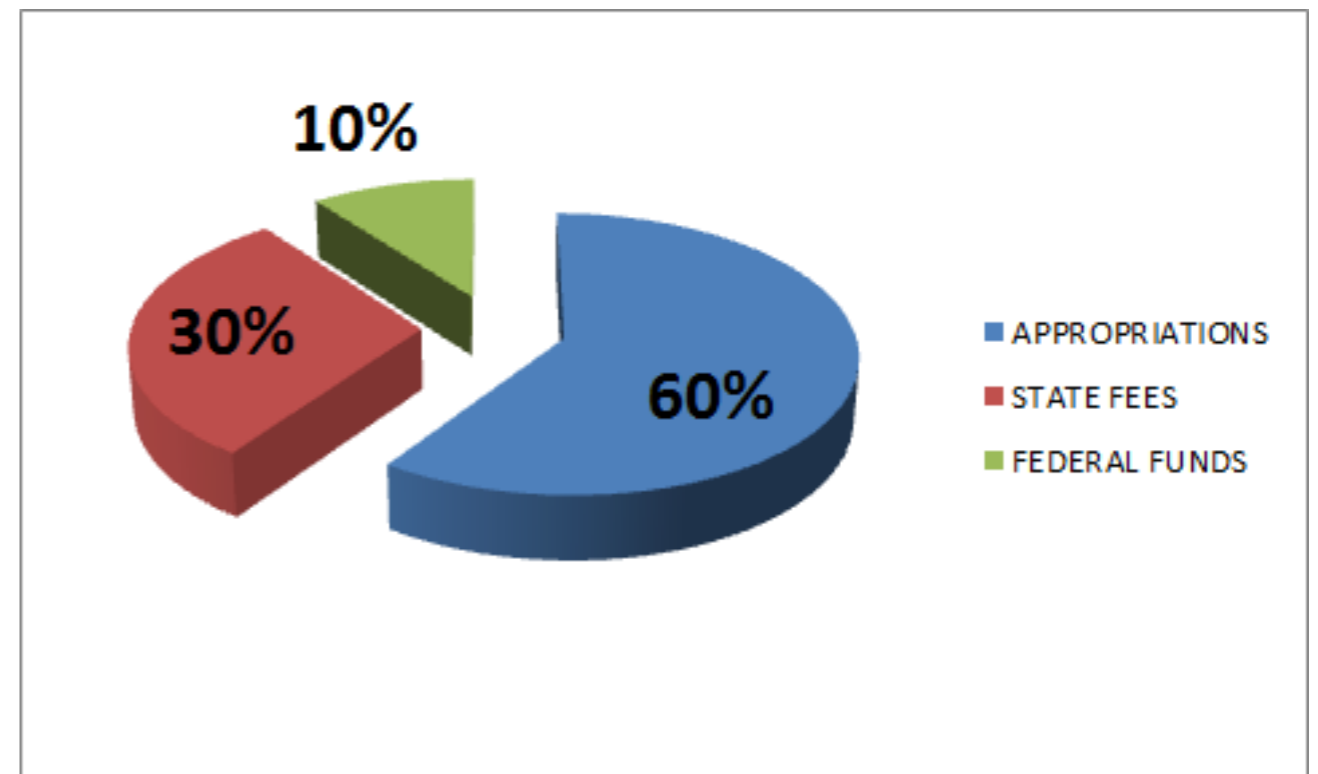
# Funding Sources in 2000 Compared to This Year

*Since 2000, the Judicial Department has developed multiple funding sources so that all funding is not completely dependent upon appropriations from the Legislature*

## FY 2000 - 2001



## FY 2011 - 2012



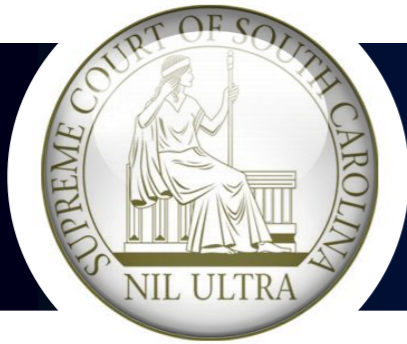




# SCJD Expenditures by Funding Source for Recent Years

FISCAL YEAR	GENERAL FUNDS	STATE FEES and OTHER FUNDS	FEDERAL FUNDS	SHORTFALL	TOTAL EXPENDITURES
FY 2000 - 2001	\$46,486,500	\$66,575			\$46,553,075
FY 2001 - 2002	\$39,014,860	\$2,849,873	\$928,311		\$42,793,044
FY 2002 - 2003	\$35,685,629	\$6,683,806	\$2,897,322		\$45,266,756
FY 2003 - 2004	\$31,849,253	\$10,105,241	\$5,831,459		\$47,785,953
FY 2004 - 2005	\$32,650,207	\$12,207,897	\$4,664,535		\$49,522,639
FY 2005 - 2006	\$33,958,408	\$14,390,096	\$5,755,279		\$54,103,783
FY 2006 - 2007	\$36,631,439	\$15,065,443	\$5,053,703		\$56,750,585
FY 2007 - 2008	\$38,758,746	\$15,676,166	\$5,495,072		\$59,929,984
FY 2008 - 2009	\$30,662,336	\$16,756,185	\$6,262,290	\$6,653,495	\$60,334,306
FY 2009 - 2010	\$22,782,531	\$18,722,279	\$8,985,511	\$6,921,200	\$57,411,521
FY 2010 - 2011	\$37,623,159	\$16,796,023	\$6,515,150		\$60,934,332
<i>Authorized for</i> FY 2011 - 2012	\$37,631,743	\$18,963,800	\$6,509,186		\$63,104,729

- Legislature is currently providing adequate funding to maintain current level of court operations
- State fees are a significant revenue source
- Federal funds which have enabled our technology initiatives need to be replaced with a sustainable funding source →→ → E-COURTS



## E-Filing Update

- **Last year, SCJD received \$5M to begin development of E-Filing**
- **Once implemented, E-filing will provide a funding source for SCJD technology (eventually able to replace the current federal funding source)**
- **As the first step towards E-Filing, SCJD developed and implemented the Attorney Information System (AIS):**
  - ❖ **AIS is now the source repository for attorney contact information**
  - ❖ **AIS went live on October 17, 2011**
  - ❖ **92% (14,024 out of 15,264) of the attorneys have validated in AIS**
  - ❖ **Real-time interfaces from AIS to:**
    - **SC Bar was implemented with the October 17, 2011 go-live**
    - **Circuit and Magistrate Courts in the statewide CMS will be implemented summer 2012**
    - **Appellate Courts in the new Appellate system in April 2012**





# SCJD Estimated Expenditures for FY 2011 – 2012

CATEGORY		EXPENDITURE
<b>SALARIES</b>		<b>\$33.9M</b>
<b>BENEFITS</b>		<b>\$15.1M</b>
<b>OPERATIONS</b>		<b>\$14.1M</b>
Technical Support for Agency	<b>\$1.7M</b>	
Federal Grant Technology Initiatives	<b>\$6.5M</b>	* Federal grants restricted to technology
Travel	<b>\$2.2M</b>	
Rent	<b>\$1.1M</b>	
Renovation Reserve	<b>\$1.1M</b>	
Court Programs	<b>\$0.9M</b>	
Administrative Expenses	<b>\$0.6M</b>	
<b>TOTAL</b>		<b>\$63.1M</b>

- Majority of the SCJD budget is salaries and associated benefits for statutorily defined positions and constitutionally mandated operations
- 3<sup>rd</sup> Branch of Government has administrative expenses totaling less than 1%





# Summary of Funding Sources for FY 2011 - 2012

EFFECTIVE DATE	FUNDING SOURCE	AUTHORIZATION	ESTIMATE	AMOUNT @ 11/30/11	11/30/10 %
	<b>INITIAL APPROPRIATIONS FROM GENERAL ASSEMBLY</b>		\$37,631,743	\$37,631,743	100%
	<b>COURT FEES</b>				
Jul-02	Civil Filing Fees 2002 increase from \$70 to \$100	14-1-204	\$2,066,000	\$763,857	37%
Jul-04	Civil Filing Fees 2005 increase from \$100 to \$150	14-1-204, 8-21-310	\$4,100,000	\$1,511,631	37%
Jul-02	Civil Motion Fees	8-21-320	\$2,840,000	\$896,614	32%
Jul-02	Alimony/Child Support Fees	14-1-203	\$3,030,000	\$1,240,542	41%
Jul-04	Magistrate Filing Fees 2005	22-3-330	\$2,590,800	\$1,160,210	45%
Jul-03	Law Enforcement Surcharge 3.75%	14-1-212	\$1,560,000	\$631,318	40%
	Bar License Fees		\$552,000	\$0	0%
	Law Exam Fees		\$810,000	\$187,936	23%
	Commitments		\$375,000	\$137,756	37%
Jul-04	Case Management Support Fees	Proviso 44.15	\$1,040,000	\$1,142,000	110%
	<b>FEES TOTAL</b>		<b>\$18,963,800</b>	<b>\$7,671,864</b>	<b>40%</b>
	<b>Federal Grants Restricted to SCJD Technology Initiatives</b>		<b>\$6,509,186</b>	<b>\$1,450,486</b>	<b>22%</b>
	<b>SCJD TOTAL FUNDS</b>		<b>\$63,104,729</b>	<b>\$46,754,093</b>	<b>74%</b>





# 2012 – 2013 SCJD Budget Requests Recurring Funds

**REPLACE THE ONE-TIME BERNIE MAYBANK MONEY THAT HAD TO BE USED FOR GENERAL OPERATIONS WITH RECURRING FUNDS**

**\$1.1M**

**Travel for Judicial Circuits**

**\$1.5M**

**Annual Technology Equipment Replacement and Licensing**

**\$300K**

**Annual Repairs to Calhoun Building**

**\$3.1M**

**New Judges**

**3 Circuit Court**

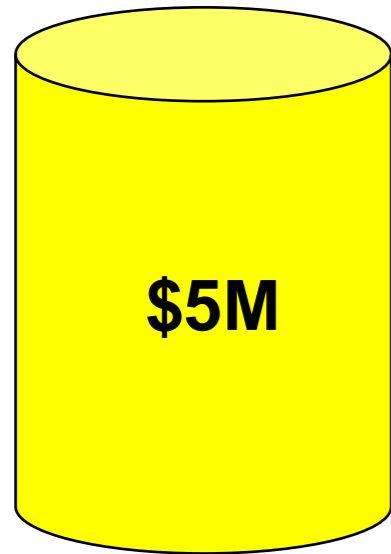
**6 Family Court**

**\$166,590**

**One-time funds for startup costs for new Judges and Staff**



# 2012 – 2013 SCJD Budget Requests Non-Recurring Funds



## New Technology Projects

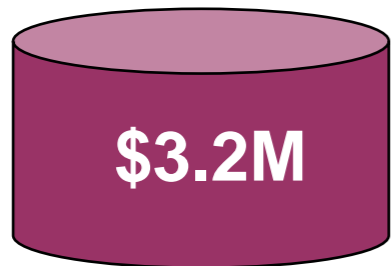
Centralized court statistics

CMS hosting of municipalities

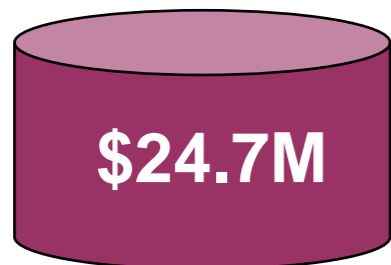
Upgrade architecture for trial court applications

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**Estimates by Budget & Control Board General Services outside contractors**

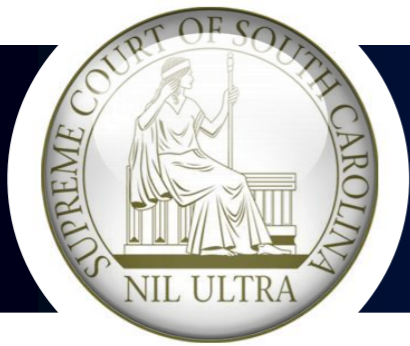


Appropriate to General Services to renovate the Supreme Court building



Appropriate to General Services to renovate the Calhoun building





# 2012 – 2013 Governor's Recommendations

## RECURRING

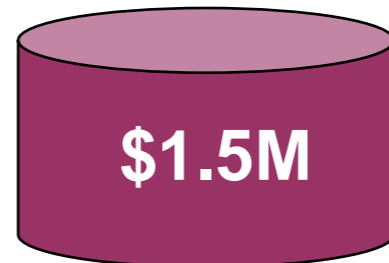


Travel for Judicial Circuits



3 New Family Court Judges

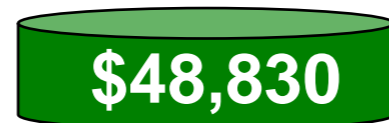
## CAPITAL RESERVE FUND



Flood control improvements and repair to the Calhoun building

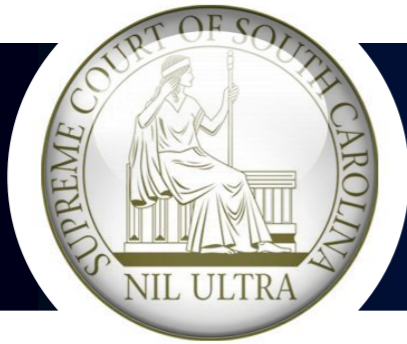


Technology



One-time funds for startup costs for 3 new Family Court Judges and Staff





# Proviso Requests

- **No new provisos requested**
- **Deletion of proviso 44.7 because fees are no longer collected for Advance Sheets since they are now accessed online and no longer printed and mailed**

**44.7** (JUD: Advance Sheet Revenues Deposit) The Judicial Department shall retain any advance sheet revenues collected above the amount remitted to the general fund in Fiscal Year 01-02 and shall deposit such revenue into a special revenue account and expend these funds for production and distribution of same.

- **Codification of provisos 44.1 and 44.2 if a code bill is enacted**

**44.1** (JUD: Prohibit County Salary Supplements) County salary supplements of Judicial Department personnel shall be prohibited.

**44.2** (JUD: County Offices For Judges) Every county shall provide for each circuit and family judge residing therein an office with all utilities including a private telephone, and shall provide the same for Supreme Court Justices and Judges of the Court of Appeals upon their request.



## Free Standing Legislation

- **A request for statutory authorization to retain future electronic filing (E-filing) fees to fund the operations and support of the SCJD technologies**
- **When fully implemented, the E-filing estimated collections will provide the funding source to replace the federal grant funds that SCJD has been depending upon for the SCJD technology initiatives**
- **E-filing will be voluntary**
- **E-filing cost per document is anticipated to be less than federal or average state rates**



# Messages for this Upcoming Legislative Session

- **Continue treatment of SCJD as the Third Branch of Government**

