Court News ...

The Supreme Court of South Carolina

DONALD W. BEATTY
CHIEF JUSTICE

POST OFFICE BOX 3543
SPARTANBURG, SOUTH CAROLINA 29304-3543

MEMORANDUM

TO: Magistrates, Municipal Judges, and Summary Court Staff

FROM: Chief Justice Beatty

RE: Summary Court Operations

DATE: September 25, 2020

I. Status Update

For the past six months, our state and nation have battled the ongoing COVID-19 pandemic. During this time, the South Carolina Judicial Branch has been forced to alter our courts' normal operating procedures. Yet, despite these challenging circumstances, our judges, clerks of court, and court staff have worked diligently to ensure that the South Carolina Judicial Branch continues to accomplish its mission "[t]o provide a fair and efficient forum for the just resolution of civil, family, and criminal matters." Since the beginning of this pandemic, thousands of hearings have been held via WebEx, in person, via Zoom, teleconference, and other platforms. I am truly grateful to all who have made this possible.

As we have incrementally increased court operations, it is now time to move toward normal court operating procedures. **Pursuant to the Supreme Court's order dated April 3, 2020, titled RE: Operation of the Trial Courts During the Coronavirus Emergency (As Amended April 22, 2020), this memo serves as notice that beginning October 5, 2020, court operations will resume normal scheduling and docket management, including in-person hearings in magistrate and municipal courts, excluding jury trials.** All matters may be heard in-person effective October 5, 2020. Judges, however, have discretion to determine whether it is appropriate to conduct a hearing using remote communication technology. Consent of the parties or counsel is not required. The preferred conferencing platform is WebEx, however, other platforms may be used. Videoconferencing should be hosted by the judge and not by a party to the case. In cases where members of the press request to observe a remote hearing that ordinarily would be open to the public, an invitation to the videoconference should be provided to them.

When an in-person hearing is conducted, only attorneys, the parties, necessary witnesses, necessary court staff and a limited number of members of the press will be allowed to appear. Hearings must be adequately staggered to minimize the number of people appearing at the same time in the courtroom or hearing room, and the waiting rooms, hallways or other common areas which support the courtroom or hearing room. Particular attention should be paid to scheduling so that at least fifteen (15) minutes separate the conclusion of one hearing and the beginning of the next hearing. It is understood that this scheduling will limit the number of hearings held each day. Where appropriate, judges should consider ruling upon motions without need for a hearing.

Any matter heard in person must be conducted in a reasonably safe manner in accordance with established COVID-19 protocol. Reasonably safe manner assumes adherence to CDC social distancing recommendations, wearing of personal protective equipment when appropriate, availability of adequate sanitizing supplies, and staggering of hearings.

II. Bond Hearings

Beginning October 5, 2020, bond proceedings shall be conducted twice daily in compliance with the Order Regarding Bond Hearing Procedures in Summary Court dated September 19, 2007.

III. Preliminary Hearings in Criminal Cases

Preliminary hearings may be conducted in person or using remote communication technology.

IV. Non-Jury Trials

Non-jury trials may proceed if all parties are provided proper notice of the court date. The summary court shall uphold all parties' and victims' constitutional and statutory rights. When an in-person non-jury trial is conducted, only attorneys, the parties, necessary witnesses, necessary court staff and a limited number of members of the press will be allowed to appear. Trials must be adequately staggered to minimize the number of people appearing at the same time in the courtroom or hearing room, and the waiting rooms, hallways or other common areas which support the courtroom or hearing room. Particular attention should be paid to scheduling so that at least fifteen (15) minutes separate the conclusion of one trial and the beginning of the next trial. It is understood that this scheduling will limit the number of trials held each day.

V. Jury Trials

All summary courts must submit a COVID-19 Jury Trial Plan to Renee Lipson at South Carolina Court Administration. This plan shall be submitted via email to rlipson@sccourts.org within 45 days of the date of this memorandum. A county chief magistrate may submit the individualized plans on behalf of all magistrate courts within in their county. The summary court jury trial plan must comply with Centers for Disease Control guidelines for personal protective equipment, social distancing and sanitization. The plans must be accommodating to both criminal and civil jury trials, as appropriate. No summary court jury trials may proceed unless the jury trial plan has been pre-approved by South Carolina Court Administration.

VI. Monitored Plan

As we have seen thus far in 2020, the impacts of the COVID-19 pandemic have been unprecedented and unpredictable. This may continue for many months. I will continue to monitor court operations and make alterations should the need arise statewide or in a particular county or municipality.
I thank you for your continued commitment to provide access to the courts and ensure that justice is served. Please let me know if you have any questions or concerns.