The Supreme Court of South Carolina

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MEMORANDUM

To: Circuit Court Judges
Family Court Judges
Clerks of Court

From: Chief Justice Beatty

Subject: Court Operations

Date: September 14, 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, Circuit Court and Family Court judges have held about 11,000 hearings via WebEx. Numerous other hearings have additionally been held 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 September 21, 2020, court operations will resume normal scheduling and docket management, including in-person hearings in Circuit Court and Family Court, as well as General Sessions and Common Pleas jury trials.** All matters may be heard in-person effective September 21, 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. Please use WebEx, the conferencing platform supported by the Judicial Branch. 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 twenty (20) 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. Family Court

In-person hearings on all matters should begin September 21, 2020; however, Family Court Judges have discretion to determine whether the matter may be handled using remote communication technology. Judges are reminded that continuances are to be avoided. Family Court Judges may continue to grant an uncontested divorce, approve a settlement agreement or consent order, without a hearing.

III. Circuit Court

Given the success of the pilot General Sessions jury trials held in August 2020, all judicial circuits should now prepare to conduct General Sessions and Common Pleas jury trials through the remainder of 2020.

Counties that have submitted a COVID-19 Jury Trial Plan and received approval may proceed with conducting jury trials. Counties that have not submitted a plan shall do so by September 18, 2020. It is the responsibility of the Chief Judge for Administrative Purposes in each circuit to ensure that plan is submitted for each county in the circuit.

IV. General Guidance

Please take note of the following:

1. Clerks of Court, in consultation with the Chief Judges for Administrative Purposes, shall prepare dockets for the ensuing terms of court through December 31, 2020. Full dockets are required for Common Pleas, General Sessions, and Family Court. Should your scheduled term of court break down or collapse for one or more days of the week, please notify Tiffany Raines at Court Administration as soon as possible.

2. Limited judicial travel for court assignments is permitted. However, travel will be allowed outside of a judge's home circuit only when the travel can be accomplished by commuting daily. Judges should carefully review their schedules for the remainder of 2020 and determine whether their current assignments will allow them to commute on a daily basis. If a judge has assignments which would require them to remain overnight, please notify Tiffany Raines at Court Administration. Unless a judge will be staying with family, Court Administration will make adjustments to the statewide calendar to allow for a daily commute. However, chief judges for administrative purposes may continue to handle cases within the circuit for which they are assigned as administrative judge.

3. Continuances should not be granted based solely on a general reluctance by a party, attorney, or witness to attend court, so long as proper safeguards and protocols are being observed.

4. Chief administrative judges should work with the Attorney General's office to schedule PCR hearings as may be feasible.

V. 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 judicial circuit.

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.