CHAPTER 15

Court Stenographers and Bailiffs

ARTICLE 1

Court Stenographers

**SECTION 14‑15‑10.** Appointment, term, and removal of court stenographer.

 There shall be at least one court stenographer for each judicial circuit of the State, who shall be appointed by the circuit judge of the respective circuits for a period not exceeding the term for which the circuit judge making the appointment was elected, and such court stenographer shall be subject to removal by the circuit judge making the appointment.

HISTORY: 1962 Code Section 15‑1901; 1952 Code Section 15‑1901; 1942 Code Section 596; 1932 Code Section 596; Civ. P. ‘22 Section 536; Civ. P. ‘12 Section 315; Civ. P. ‘02 Sections 277, 278; 1906 (25) 7; 1910 (26) 713; 1912 (27) 767, 774; 1919 (31) 101; 1972 (57) 2234.

Library References

Courts 57.

Westlaw Topic No. 106.

C.J.S. Stenographers Sections 1 to 20.

NOTES OF DECISIONS

In general 1

1. In general

This section [Code 1962 Section 15‑1901] applies only to trials in the circuit courts, and has no application to proceedings before the board of referees under the State Authorities Eminent Domain Act. South Carolina Public Service Authority v. Spearwant Liquidating Co. (S.C. 1942) 201 S.C. 207, 22 S.E.2d 252.

The stenographer is an appointee and ministerial officer of the court. State v. Campbell (S.C. 1925) 131 S.C. 357, 127 S.E. 439.

And taking of testimony by stenographer is within discretion of trial judge. In prosecution for larceny, failure of court to have testimony and charge taken by stenographer is not error under this section [Code 1962 Section 15‑1901], but a matter within the discretion of the trial judge. But the stenographer should be used where provided for by the section. State v. Campbell (S.C. 1925) 131 S.C. 357, 127 S.E. 439.

Transcript of testimony may be required on appeal. The court may require the stenographer to furnish the appellant with a transcript of the testimony, where a case is submitted to the court on appeal for settlement. Outlaw v. National Council, Junior Order United American Mechanics (S.C. 1916) 104 S.C. 331, 88 S.E. 801.

**SECTION 14‑15‑15.** Court reporters employed by Judicial Department subject to removal by Department or judge only for just cause; filling vacancies.

 Notwithstanding any provisions of law to the contrary, all court reporters employed by the Judicial Department shall be subject to removal by the judge or the Judicial Department only for just cause. In the event that a vacancy occurs in a circuit or family court judgeship, the judge who fills the vacancy shall not be empowered to replace the court reporter previously hired by his predecessor. The judge may hire a court reporter when a vacancy occurs in the court reporter’s position.

HISTORY: 1982 Act No. 466 Part II Section 38, eff June 15, 1982.

Library References

Courts 57.

Westlaw Topic No. 106.

C.J.S. Stenographers Sections 1 to 20.

**SECTION 14‑15‑20.** Assistant court stenographers may be appointed for certain judicial circuits; use as substitutes in other circuits.

 In all judicial circuits of the State which have a population of more than one hundred seventy‑five thousand persons, as determined by the latest official United States census, the resident circuit judge may appoint an assistant court stenographer whose duties, compensation and term of office shall be the same as provided for chief stenographers in Sections 14‑15‑10, 14‑15‑30 and 14‑15‑40. Provided, that assistant court stenographers shall be available for assignment in other judicial circuits to substitute for regular stenographers who are sick or otherwise incapacitated. The Chief Justice shall make such assignments.

HISTORY: 1962 Code Section 15‑1901.1; 1967 (55) 584.

Library References

Courts 57.

Westlaw Topic No. 106.

C.J.S. Stenographers Sections 1 to 20.

**SECTION 14‑15‑30.** Duties of stenographers.

 Every stenographer so appointed, under the direction of the presiding judge of his circuit, shall take full stenographic notes of all proceedings including the rulings and charge of the court in every trial thereat. In case the presiding judge or the solicitor, for use in criminal cases, shall require a transcript of such stenographic notes the stenographer shall furnish the same written out in full.

HISTORY: 1962 Code Section 15‑1902; 1952 Code Section 15‑1902; 1942 Code Section 596; 1932 Code Section 596; Civ. P. ‘22 Section 536; Civ. P. ‘12 Section 315; Civ. P. ‘02 Sections 277, 278; 1906 (25) 7; 1910 (26) 713; 1912 (27) 767, 774; 1919 (31) 101.

Library References

Courts 57.

Westlaw Topic No. 106.

C.J.S. Stenographers Sections 1 to 20.

NOTES OF DECISIONS

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Constitutional issues 2

1. In general

Although service upon a restaurant had been effected in prior actions by service through its registered agent under Section 33‑5‑60, service upon the restaurant by delivering copy of the summons and complaint to an agent pursuant to Section 15‑9‑210 was proper and entitled the plaintiff to a default judgment upon the restaurant’s failure to serve a timely answer; however, the award of $200,000 damages would be vacated on the ground that it was grossly out of proportion to the alleged injury and the case would be remanded for a hearing on the issue of damages only. In all unliquidated damages default hearings, even when no appearance has been made, the claimant’s counsel must give to the defending party four days’ notice, as set out in Section 15‑9‑960, of the time and place of the hearing; the fact that a defendant is in default does not mean that Sections 15‑35‑110, 14‑15‑30 are inapplicable and, when a default unliquidated damages matter is referred to a referee or to a master in equity, Section 15‑31‑100 is also applicable. Renney v. Dobbs House, Inc. (S.C. 1981) 275 S.C. 562, 274 S.E.2d 290.

Although a default judgment obtained in an invasion of privacy suit would not be vacated pursuant to Section 15‑27‑130, the award of $250,000 would be vacated on the ground that it was grossly out of proportion to the alleged injury and the case would be remanded for a hearing on the issue of damages only; in all unliquidated damages default hearings, even when no appearance has been made, claimant’s counsel should give the defending party four days’ notice, as set out in Section 15‑9‑960, of the time and place of the hearing. The fact that defendant is in default does not mean that Sections 15‑35‑10, 14‑15‑30 are inapplicable and when a default unliquidated damages matter is referred to the referee or to a master in equity, Section 15‑31‑100 is also applicable. Lewis v. Congress of Racial Equality and/or C. O. R. E., Inc. (S.C. 1981) 275 S.C. 556, 274 S.E.2d 287.

2. Constitutional issues

Neither Code 1962 Section 15‑1902 [Code 1976 Section 14‑15‑30] nor standards of due process or equal protection require jury arguments to be recorded and made available for appeals. State v. Bolton (S.C. 1976) 266 S.C. 444, 223 S.E.2d 863.

**SECTION 14‑15‑40.** Fees of stenographers.

 The Court Stenographers shall, in addition to their salaries, receive such fees for all transcripts furnished litigants as shall be provided by rule of the Supreme Court. The Court Reporters shall furnish a transcript of any case or any part thereof, after a demand for same has been made, within such time period as the Supreme Court shall provide by rule. Any sum so paid by any party for the transcript of any case or any part thereof shall be considered a necessary disbursement in the taxation of cost.

HISTORY: 1962 Code Section 15‑1903; 1952 Code Section 15‑1903; 1942 Code Section 596; 1932 Code Section 596; Civ. P. ‘22 Section 536; Civ. P. ‘12 Section 315; Civ. P. ‘02 Sections 277, 278; 1906 (25) 7; 1910 (26) 713; 1912 (27) 767, 774; 1919 (31) 101; 1943 (43) 216; 1951 (47) 506; 1977 Act No. 219 Pt II Section 18.

Library References

Courts 57.

Westlaw Topic No. 106.

C.J.S. Stenographers Sections 1 to 20.

NOTES OF DECISIONS

In general 1

1. In general

An applicant for a free transcript has the burden of establishing his indigency. State v. Bishop (S.C. 1962) 241 S.C. 459, 128 S.E.2d 914. Criminal Law 1077.2(3)

Judge who hears a motion to have a free transcript supplied on ground of indigency is the sole judge of the factual issues and reviewing court is bound by findings of lower court judge unless his findings are without sufficient evidentiary support. State v. Bishop (S.C. 1962) 241 S.C. 459, 128 S.E.2d 914. Criminal Law 1158.9

Defendant, who was regularly employed and who failed to show what his earning capacity was or even what the approximate cost of transcript would be, was not entitled to be furnished a free transcript on ground of indigency. State v. Bishop (S.C. 1962) 241 S.C. 459, 128 S.E.2d 914. Criminal Law 1077.2(1)

**SECTION 14‑15‑50.** Rules for stenographers in the seventh circuit.

 The resident circuit judge of the seventh judicial circuit may appoint some competent stenographer for the courts of general sessions for the seventh judicial circuit, who shall receive, in addition to his salary, the fees fixed by law for all transcripts furnished by him.

 When the stenographer of the court of common pleas does not furnish transcripts as promptly as required by law and otherwise perform his duties, then the stenographer of the court of general sessions shall at once perform the duties of the stenographer of the court of common pleas until the stenographer of the court of common pleas shall have furnished all transcripts required and the stenographer of the court of general sessions shall receive the compensation and the fees of the stenographer of the court of common pleas while performing the duties as aforesaid.

HISTORY: 1962 Code Section 15‑1904; 1952 Code Section 15‑1904; 1942 Code Section 57; 1932 Code Sections 57, 987; Civ. P. ‘22 Sections 55, 78; Civ. P. ‘12 Section 24; Civ. P. ‘02 Section 24; 1914 (28) 602; 1916 (29) 695; 1889 (20) 359; 1896 (22) 25; 1898 (22) 685; 1899 (23) 35; 1906 (25) 48, 49; 1908 (25) 1011; 1913 (38) 30; 1916 (29) 695; 1917 (30) 137; 1919 (31) 186; 1922 (32) 815; 1931 (37) 256; 1933 (38) 189; 1934 (38) 1240; 1935 (39) 405; 1937 (40) 106; 1941 (42) 118; 1951 (47) 506.

Library References

Courts 57.

Westlaw Topic No. 106.

C.J.S. Stenographers Sections 1 to 20.

**SECTION 14‑15‑60.** Appointment and compensation of special stenographers.

 The circuit judges of this State may appoint a special court stenographer to act in the place and stead of the regular court stenographer in case of the sickness, absence or inability to act of the regular court stenographer at any term or part of a term of either the court of common pleas or general sessions. Such stenographer, when so appointed, shall receive not more than the sum of seven and one‑half dollars per day for each day he may be in attendance upon the court. The presiding judge shall certify the number of days any such special stenographer may be engaged in the court as such and upon this certificate the Comptroller General shall draw his warrant upon the State Treasurer for the amount due such stenographer for his services and the said State Treasurer may pay the same.

HISTORY: 1962 Code Section 15‑1905; 1952 Code Section 15‑1905; 1942 Code Section 597; 1932 Code Section 597; Civ. C. ‘22 Section 537; Civ. P. ‘12 Section 316; 1908 (25) 1012.

Library References

Courts 57.

Westlaw Topic No. 106.

C.J.S. Stenographers Sections 1 to 20.

NOTES OF DECISIONS

In general 1

1. In general

Compensation of special court stenographer is payable only by State Treasurer upon warrant of Comptroller General based upon certificate of presiding judge at rate of seven and one‑half dollars per day. Cherokee County v. Stack (S.C. 1934) 171 S.C. 298, 172 S.E. 506. Courts 57(2)

It is not payable from county supply bill making appropriation for jurors and witnesses and contingent expenses. Cherokee County v. Stack (S.C. 1934) 171 S.C. 298, 172 S.E. 506. Courts 57(2)

**SECTION 14‑15‑70.** Stenographer for special term of court.

 The presiding judge at any special term of the circuit court may, when the official stenographer is performing the duties of his office at a court then being held in some other county of the circuit, appoint a stenographer for such term of the court who shall perform the duties of the office of court stenographer for such term.

HISTORY: 1962 Code Section 15‑1906; 1952 Code Section 15‑1906; 1942 Code Section 48; 1932 Code Section 48; Civ. P. ‘22 Section 46; Civ. C. ‘12 Section 3845; Civ. C. ‘02 Section 2748; 1900 (23) 329.

Library References

Courts 57.

Westlaw Topic No. 106.

C.J.S. Stenographers Sections 1 to 20.

**SECTION 14‑15‑80.** Compensation of stenographer appointed for special term of court.

 The stenographer appointed under the provision of Section 14‑15‑70 shall receive the same compensation as that allowed by law to the official stenographer in proportion to the time of service, to be paid out of the county treasury upon the warrant of the clerk of the court, approved by the presiding judge, and also the usual fees for copies of testimony and reports of court proceedings to be paid by the parties ordering the same.

HISTORY: 1962 Code Section 15‑1907; 1952 Code Section 15‑1907; 1942 Code Section 49; 1932 Code Section 49; Civ. P. ‘22 Section 47; Civ. C. ‘12 Section 3846; Civ. C. ‘02 Section 2749; 1900 (23) 329.

Library References

Courts 57.

Westlaw Topic No. 106.

C.J.S. Stenographers Sections 1 to 20.

ARTICLE 3

Bailiffs

**SECTION 14‑15‑210.** Bailiffs; appointment, number and removal.

 The sheriffs of the respective counties in this State shall be empowered to appoint as many bailiffs as they see fit, not to exceed five in number, whose duties shall be as now provided by law. The bailiffs may be removed, increased or decreased by the circuit judge within his discretion.

HISTORY: 1962 Code Section 15‑1921; 1952 Code Section 15‑1921; 1942 Code Section 3518; 1932 Code Section 3518; Civ. C. ‘22 Section 2061; Civ. C. ‘12 Section 1168; 1907 (25) 543; 1917 (30) 130; 1932 (37) 1170; 1933 (38) 53, 205, 405; 1934 (38) 1270; 1937 (40) 190; 1958 (50) 1558.

Library References

Courts 58.

Westlaw Topic No. 106.

C.J.S. Courts Sections 137 to 139.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Bailiffs Section 6, Appointment.

Attorney General’s Opinions

Bailiffs are appointed by action of the sheriff pursuant to Section 14‑15‑210. Such provision does not explicitly set forth any arrest authority for a bailiff. There are no specific exceptions or statutes which would authorize a bailiff to carry a pistol; in the absence of such, a bailiff would have to obtain a permit to carry a pistol. 1992 Op.Atty.Gen. No. 92‑52 (September 11, 1992) 1992 WL 575658.

A bailiff would probably be considered an officer for dual office holding purposes. 1992 Op.Atty.Gen. No. 92‑52 (September 11, 1992) 1992 WL 575658.