

South Carolina Judicial Branch

**Presentation to the
South Carolina House Ways and Means
Constitutional Subcommittee**



**South Carolina Judicial Branch
Regarding FY 25-26**

**Constitutional Subcommittee
House Ways and Means**

Key Officials Attending Meeting:

Representative Chris Murphy, Chairman

Representative Micah Caskey

Representative Richie Yow

Ryan Tooley, Budget Analyst

John W. Kittredge, Chief Justice, South Carolina Supreme Court

Dan Shearouse, Interim State Court Administrator, South Carolina Judicial Branch
dshearouse@sccourts.org

Paul J. Magargle, Jr, Director, Office of Fiscal Services
pmagargle@sccourts.org

Mission

To provide a fair and efficient forum for the just resolution of civil, family, and criminal matters.

Vision

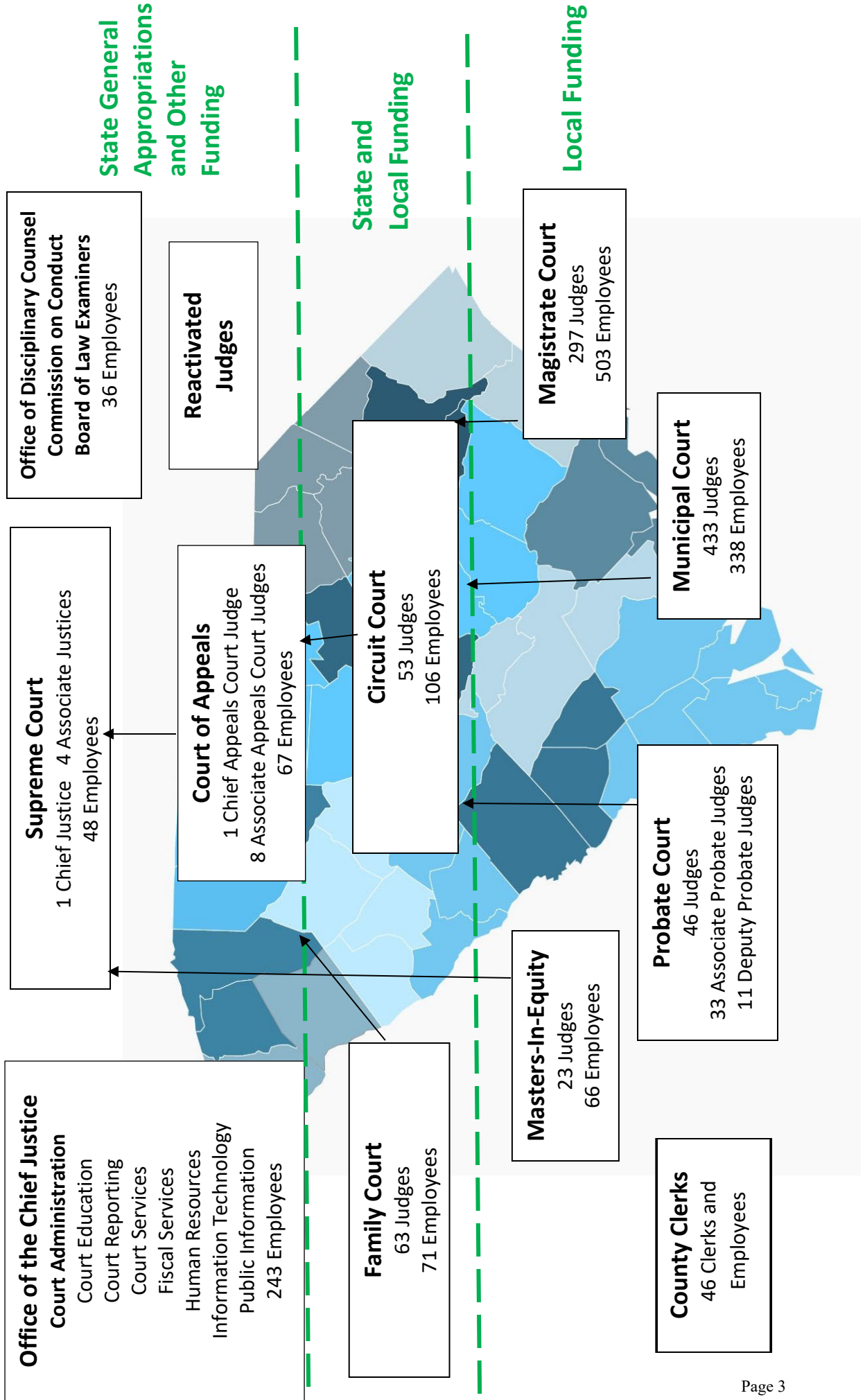
The Judicial Branch works constantly to provide a court system that not only is fair but is perceived as fair, in which all persons are treated equally and all matters are resolved in an unbiased and just manner according to the law as established by the United States Constitution, the Constitution of South Carolina, state statutes, and the common law.



SOUTH CAROLINA
JUDICIAL BRANCH

South Carolina Judicial Branch

The mission of the South Carolina Judicial Branch is to provide a fair and efficient forum for the just resolution of civil, family, and criminal matters.



South Carolina Judicial Branch FY25-26 Budget Request Summary

Recurring Funds:

Priority 1: Judicial Systems Enhancements

Recurring - \$4,225,000

The Judicial Branch proposes the following series of enhancements to improve the State's justice system.

- **Family Court Judges and staff:** Due to dramatic increases in population and filings in Family Court in the ninth, eleventh and fourteen circuits, SCJB is requesting three new family court judge positions. The Branch is requesting nine (9) FTEs for the additional judges and staff.
- **Change to Reactivated Judges compensation:** Reactivated Judges are used to keep pace with increased filings and number of terms of courts. Currently, the law mandates a retired judge work three consecutive months in order to receive compensation, and then the retired judge only receives the differential between retirement pay and active pay. SCJB proposes \$400 a day for retired experienced judges (equates to \$50 per hour). Rather than a change to the current statute, we propose a proviso that would allow SCJB to pilot this change in order to gather data regarding court terms and case dispositions.
- **Chief Administrative Judge Allowance:** The assignment by the Chief Justice to circuit and family court judges to serve as a "Chief Administrative Judge" (CAJ) carries substantial responsibilities, far beyond the traditional judicial function of adjudicating cases and controversies. SCJB requests a \$1,000 monthly allowance for each Chief Administrative Circuit Court and Family Court Judge in recognition of the increased duties, such managing increasingly complex dockets and caseloads; as holding status conferences with SCDJJ, SCDSS and solicitors in order to develop trial rosters; work with county clerks of court to, resolve any administrative problems; and to do any additional work that may be required by the Chief Justice.
- **Increase of \$500 per month for judicial expenses:** The last increase for judicial expenses was in 2018. Due to inflation and other cost increases, SCJB is asking for an increase of \$500 per month bringing the total judicial expense provided to each judge to \$1,500 per month (reduced once taxes are taken out).

Priority 2: Attorney and Staff Retention

Recurring - \$1,000,000

- SCJB requests additional recurring funds to increase the starting salary for law clerks and staff attorneys in order to reduce turnover and remain competitive with other state agencies, public defenders', and solicitors' offices.

Priority 3: Office of Disciplinary Counsel Staff (ODC)

Recurring - \$725,000

- Case filings for judicial misconduct have increased from 1,300 prior to 2020 to 2,055 in 2024. ODC is seeking an additional seven (7) FTEs in order to keep up with the increased caseload and complex investigations.

Priority 4: Family Court Case Management System

Recurring - \$3,000,000

- Effective 2025, SCJB is required to assume operational and financial responsibility for the current South Carolina Family Court Case Management System currently operated by SCDSS pursuant to the timeline set forth under South Carolina Department of Services, South Carolina Judicial Department, and County Clerks of Court v. Hewlett-Packard Company et.al.
- SCJB estimates this is the approximate cost currently incurred by SCDSS to maintain and upgrade the system each year.

Priority 6: Court Staff Interpreters

Recurring - \$0.00

- The Judicial Branch is requesting that five (5) interim FTE positions be made permanent for Court Staff Interpreters.
- Many courts have difficulty in securing Spanish interpreters. The Staff Court Interpreters are assigned throughout the state as needed for extended trials, and where local courts are able to schedule multiple hearings requiring a Spanish interpreter.
- These new resources have been instrumental in reducing backlog, and providing meaningful access to SC Courts for the Spanish population.

Non-Recurring Funds

Priority 5: Case Management System Modernization

Non- Recurring - \$45,000,000

- The SCJB is asking for \$45 million to accomplish a unified case management system modernization.

Proviso Requests

- Amend 57.3 Judicial Expense Allowance to increase allowance s from \$1,000 to \$1,500. See Priority 1 for justification.
- Add new Chief Administrative Judge Allowance to establish allowance of \$1,000 for CAJs. See Priority 1 for justification.
- Add new Reactive Judge Program to establish pay daily rate for Reactivated Judges. See Priority 1 for justification.
- Add new Across the Board Budget Reductions. Exempting the Judicial Branch from across the board reductions will allow the courts to meet South Carolina Constitutional mandates during budget downturns.
- Add new Judicial Branch Office Space Renovation. Previously, the Judicial Branch received Non-Recurring Appropriations for a new Court of Appeals Courtroom and to renovate office space. This proviso will allow the Judicial Branch to use the funds to renovate space in the Calhoun and Supreme Court buildings.
- Add new Travel Court. Allows the Chief Justice to provide reimbursement for actual expenses incurred for traveling terms of court of the Supreme Court and Court of Appeals.
- Delete 57.19 Circuit Court Judge. Requirement of S.C. Code of Law 14-5-130 was repealed by H.3776 causing Proviso 57.19 to become unnecessary.

South Carolina Judicial Branch

Constitutional Subcommittee Proviso Request Summary FY25-26				
Proviso # in FY 24-25 Act	Renumbered FY 25-26 Proviso #	Proviso Title	Short Summary	Agency Recommended Action (keep, change, delete, add)
57.1	57.1	Prohibit County Salary Supplements	Prohibits county salary supplements to Judicial Department personnel.	Keep
57.2	57.2	County Offices for Judges	Counties must provide Circuit and Family Court Judges an office with utilities. Also, provide an office with utilities to Supreme Court Justices and Court of Appeals Judges upon request.	Keep
57.3	57.3	Judicial Expense Allowance	Judges deemed full-time shall received \$1,500 per month as expense allowance.	Change
57.4	57.4	Special Judge Compensation	No special judges shall be paid for more than a two-week term within a fiscal year, does not apply in cases of on-going trials.	Keep
57.5	57.5	BPI/Merit	Judicial Department employees shall receive base and merit pay as the same percentages granted to classified state employees.	Keep
57.6	57.6	Supreme Court Bar Admissions	The Judicial Department is authorized to receive, expend, retain, and carry forward funds collected from the Supreme Court Bar Admissions Office.	Keep
57.7	57.7	Travel Reimbursement	Judicial Department employees traveling on official business must be reimbursed according to Proviso 117.20(J).	Keep
57.8	57.8	Interpreters	Appropriations for interpreters must be expended for costs associated with appointed interpreters in judicial proceedings.	Keep
57.9	57.9	Reimbursement Receipt Deposit	The Department is authorized to retain funds collected for reproducing, printing, and distributing copies of court rules and other documents.	Keep
57.10	57.10	Surplus Property Disposal	Authorizes donation of surplus technology equipment directly to counties for court-related purposes.	Keep
57.11	57.11	Judicial Carry Forward	The Judicial Department is authorized to carry forward unexpended funds.	Keep

57.12	57.12	Case Management Services	The Judicial Department is authorized to collect/retain revenue from fees for support services for the Case Management System.	Keep
57.13	57.13	Magistrates' training	The Judicial Department shall provide annual magistrates training on domestic violence.	Keep
57.14	57.14	Judges Salary Exemption	Prohibits judges' salary and related employer contributions from across-the-board reductions.	Keep
57.15	57.15	Judicial Department Applicability	Acknowledges, as the third branch of government, the Judicial Department is not required to respond to mandates or provisions that do not specify "South Carolina Judicial Department".	Keep
57.16	57.16	Court Costs Carry Forward	The Judicial Department is authorized to collect/retain funds collected from costs related to court proceedings under SC Appellate Court Rules 413 or 502.	Keep
57.17	57.17	Appellate Court Fee	The Judicial Department is authorized to retain funds collected by the SC Appellate Court Rules.	Keep
57.18	57.18	Interpreter Training and Certification	The Judicial Department is authorized to receive, expend, retain, and carry forward funds collected for interpreter training and certification tests.	Keep
57.19	57.19	Circuit Court Judge	The requirements of Section 14-5-130 pertaining to Circuit Court Judges is suspended for the current fiscal year.	Delete
ADD	ADD	Chief Administrative Judge Allowance	Authorize \$1,000 administrative allowance for Chief Administrative judges.	ADD
ADD	ADD	Office Space Renovation	Request to change authority for FY23 non-recurring award, removing Court of Appeals new courtroom from the purpose, and modifying office space to include the Court of Appeals and Supreme Court Building.	ADD
ADD	ADD	Across the Board Budget Reductions	Whenever the Executive Budget Office or General Assembly implements an across the board budget reduction, the funds appropriated in Part IA, Section 57, shall be exempt from any such mandated budget reductions.	ADD

ADD	ADD	Reactivated Judge Program	In the current fiscal year, the provisions of Section 9-8-120(3) of the South Carolina Code requiring a retired judge or justice to serve without pay until service of three or more consecutive months of full judicial duties as an acting justice or as a judge prior to receiving the difference between retirement payment and active pay are suspended. Upon approval of the Chief Justice, a retired judge or justice shall receive \$400 a day for full judicial duties.	ADD
ADD	ADD	Travel Court	Upon approval of the Chief Justice, Supreme Court Justices and Judges of the Court of Appeals or any Acting Justice on the Supreme Court or Acting Judge of the Court of Appeals may be reimbursed for actual expenses incurred for traveling term of court held outside of Richland County.	ADD

**SC Judicial Branch
FY25 Budget vs Actual**

Recurring Authorization for All Fund Types as of 12/31/24 Plus Statewide Carryforward Appropriations

Fund Class	Commitment Item	Description	Budget	FY 25 Projected	Estimated Budget
			Authorization	Expenditures through 06/30/25	Remaining at 06/30/25
State	501002	Chief Justice	240,477.00	240,477.00	-
State	501041	Associate Justice	916,104.00	916,104.00	-
State	501042	Chief Appeals Ct Judge	226,736.00	226,736.00	-
State	501043	Associate Appeals Ct Judge	1,786,398.00	1,599,540.17	186,857.83
State	501044	Circuit Ct Judge	11,531,422.00	10,825,401.36	706,020.64
State	501045	Family Ct Judge	13,346,487.00	12,872,231.70	474,255.30
State	561000	Reactivated Judge	500,000.00	65,374.25	434,625.75
State	501050	Taxable Subsistence	980,000.00	884,276.94	95,723.06
State	501060	Unclassified Positions	28,985,918.20	28,122,889.66	863,028.54
State	501070	Other Personnel Svc	626,377.80	612,913.26	13,464.54
State	513000	Employer Contributions	33,754,664.00	31,495,498.88	2,259,165.12
State	512001	Other Operating	13,537,000.00	11,805,029.90	1,731,970.10
State	512001	Statewide Carryforward	19,019,257.14	-	19,019,257.14
State Total			125,450,841.14	99,666,473.12	25,784,368.02
Other	501060	Unclassified Positions	8,667,910.34	3,947,533.82	4,720,376.52
Other	501070	Other Personnel Svc	274,260.66	107,240.36	167,020.30
Other	513000	Employer Contributions	3,558,000.00	1,750,006.49	1,807,993.51
Other	512001	Other Operating	9,622,829.00	1,624,239.26	7,998,589.74
Other Total			22,123,000.00	7,429,019.93	14,693,980.07
Federal	512001	Other Operating	835,393.00	331,353.00	504,040.00
Federal Total			835,393.00	331,353.00	504,040.00
Total Recurring All Fund Types			148,409,234.14	107,426,846.05	40,982,388.09

SC Judicial Branch
FY2024 Budget vs Actual
Recurring Authorization for All Fund Types Plus Statewide Carryforward Appropriation

Fund Class	Commitment Item	Description	Budget Authorization	FY24 Expenditures - Actual	Budget Remaining
State	501002	Chief Justice	235,185.84	235,185.84	-
State	501041	Associate Justice	895,947.84	895,947.84	-
State	501042	Chief Appeals Ct Judge	221,746.80	221,746.80	-
State	501043	Associate Appeals Ct Judge	1,747,091.15	1,540,649.28	206,441.87
State	501044	Circuit Ct Judge	11,275,721.30	9,504,211.97	1,771,509.33
State	501045	Family Ct Judge	13,050,521.75	11,935,224.57	1,115,297.18
State	561000	Reactivated Judge	500,000.00	224,410.86	275,589.14
State	501050	Taxable Subsistence	931,000.00	828,179.91	102,820.09
State	501060	Unclassified Positions	30,260,206.45	26,182,353.11	4,077,853.34
State	501070	Other Personnel Svc	41,363.87	35,510.19	5,853.68
State	513000	Employer Contributions	31,056,418.00	30,703,868.36	352,549.64
State	512001	Other Operating	10,569,112.00	8,764,978.37	1,804,133.63
State	512001	Statewide Carryforward	10,957,209.24	-	10,957,209.24
State Total			111,741,524.24	91,072,267.10	20,669,257.14
Other	501060	Unclassified Positions	9,042,500.00	3,833,357.87	5,209,142.13
Other	501070	Other Personnel Svc	280,000.00	135,007.86	144,992.14
Other	513000	Employer Contributions	3,558,000.00	1,690,725.26	1,867,274.74
Other	512001	Other Operating	9,242,500.00	4,014,183.80	5,228,316.20
Other Total			22,123,000.00	9,673,274.79	12,449,725.21
Federal	512001	Other Operating	835,393.00	473,049.51	362,343.49
Federal Total			835,393.00	473,049.51	362,343.49
Total Recurring All Fund Types			134,699,917.24	101,218,591.40	33,481,325.84

**SC Judicial Branch
FY 24 Carry Forward Summary**

Fund	Title	Description	Ending FY 24 Cash 6/30/24
State	General Appropriations		
1001	Recurring General Appropriations	Recurring Appropriations	20,669,257.14
		Total Recurring Appropriations	20,669,257.14
Other	Fines and Fees Committed for General Operations and Special Projects		
3086	Circuit Crt-Filing Fee	Committed for personal services/fringe	10,670,931.37
3733	Magistrate Crt-Filing Fee	Committed for operating expenses, renovations, special projects	8,580,476.60
39C7	Law Enforcement Surcharge	Committed for operating expenses, renovations, special projects	6,439,956.58
			25,691,364.55 *
Other	Restricted by Statute or Committed for Special Purpose		
3035	Operating Revenue	Miscellaneous Revenue, Bar Exam Operations, Receiver/Commission Operations	1,893,328.33
3037	Special Deposits	Restricted for Office of Disciplinary Counsel, Receiver, and IT Operations	7,667,446.36
3352	Case Management-Operations	Restricted for operations of current Case Management System	12,092,303.31
3275	Judicial Development	Committed by Chief Justice Kittredge for CMS Modernization project	14,717,630.74
3958	Sale of Assets	Committed for replacement of office equipment	8,852.73
		Total Special Purpose	36,379,561.47
	Non-Recurring Carryforwards		
1001	Non-Recurring General Fund	Restricted for CMS Modernization	21,000,000.00
3634	Capital Reserve	Restricted for CMS Modernization	4,424,025.07
1001	Non-Recurring General Fund	Restricted for Digital Court Reporter Project	1,338,614.60
1001	Non-Recurring General Fund	Restricted for Hybrid Virtual Court Program	7,363,207.93
1005	Non-Recurring General Fund:	Restricted COA renovations	1,641,410.00
3634	Capital Reserve	Restricted for Bldg Renovation	47,742.07
3634	Capital Reserve	Restricted for E-filing development	1,778,266.29
3634	Capital Reserve	Restricted for Disaster Recovery Project	1,249,403.31
		Total Non-Recurring Carryforwards	38,842,669.27
Federal	State Court Improvement Grant	Restricted for State Court Improvement Grant	(8,096.76)
		Total Federal	(8,096.76)
		Total SCJB Carry Forward Balances	121,574,755.67

*in FY25, SCJB transferred \$20,000,000 from fines and fees to Judicial Development to be committed for the CMS Modernization Project. In total from the funds listed above, SCJB has \$60,141,656 committed for the CMS Modernization Project

FY 2025 FTE Count

Awarded FTEs

Program	Funding	Filled	Vacant	Total
Supreme Court	State	51	2	53
Court of Appeals	State	66	10	76
Circuit Court	State	142	17	159
Family Court	State	128	6	134
Reactivated Judge	State	1	0	1
Board of Law of Examiners	Other	4	1	5
Office of Disciplinary Counsel	State	13	3	16
Office of Disciplinary Counsel	Other	7	0	7
Commission on Conduct	State	4	0	4
Commission on Conduct	Other	3	1	4
Court Administration	State	1	0	1
Judges Scheduling	State	2	1	3
Court Services	State	30	9	39
Public Information	State	0	1	1
Court Reporters	State	97	29	126
Human Resources	State	9	1	10
Fiscal Services	State	11	1	12
Information Technology	State	10	2	12
Information Technology	Other	<u>35</u>	<u>3</u>	<u>38</u>
Total Awarded FTEs		614	87	701

Interim FTEs

Program	Funding	Filled	Vacant	Total
Staff Interpreters	Other	<u>4</u>	<u>1</u>	<u>5</u>
Total Interim FTEs		4	1	5