

Accountability Report Transmittal Form

Agency Name: South Carolina Administrative Law Court

Date of Submission: September 15, 2010

Agency Director: Chief Judge Ralph K. Anderson, III

Agency Contact Person: Jana E. Shealy, Clerk

Agency Contact's Number: 734-6411

Section I - Executive Summary

Mission and Values

The Administrative Law Court is an autonomous quasi-judicial agency and court of record within the executive branch of state government. The provisions establishing the Court are contained in Article 5, Chapter 23 of Title 1 of the 1976 South Carolina Code of Laws. The Office of Motor Vehicle Hearings was created in 2005 and is an office within the South Carolina Administrative Law Court. When used herein, “the Agency” means the Administrative Law Court and the Office of Motor Vehicle Hearings collectively while “the Court” refers to the Administrative Law Court and “OMVH” refers to the Office of Motor Vehicle Hearings.

The Court’s mission is to provide a neutral forum for fair, prompt and objective hearings for any person(s) affected by an action or proposed action of certain State agencies or departments. Previously, citizens desiring an evidentiary hearing to challenge the action of a State agency were heard by hearing officers employed or contracted by that particular agency.

The Court's jurisdiction is statutory in nature. Because the Court is an agency within the executive branch of state government, its power to hear a particular type of case from a particular agency is derived exclusively from the legislative branch of state government, the General Assembly. The Court has jurisdiction over three types of matters:

Contested cases. Administrative law judges (ALJs) preside as the fact finder in all contested cases involving agencies and departments of the executive branch of state government in which a single hearing officer was previously authorized to hear and decide such cases, with certain exemptions.

Appeals. ALJs hear appeals from final decisions of contested cases before professional and occupational licensing boards or commissions within the Department of Labor, Licensing and Regulation. The Court also has appellate jurisdiction to review final decisions of various other boards or departments. Also, the Court hears appeals from certain final decisions of the Department of Corrections pursuant to Al-Shabazz v. State, 338 S.C. 354, 527 S.E.2d 742 (2000) and from certain final decisions of the Department of Probation, Parole and Pardon Services, pursuant to Furtick v. S.C. Dept. of Probation, Parole and Pardon Services, 352 S.C. 594, 576 S.E.2d 146 (2003).

Regulation hearings. ALJs preside over public hearings held during the promulgation of regulations by an agency or department for which the governing authority is a single director. Upon the conclusion of a regulation hearing, an ALJ issues a written report including findings as to the need and reasonableness of the proposed regulation. If the report includes a finding of a lack of need or lack of reasonableness, the report may include suggested modifications to the proposed regulation.

The OMVH is statutory in nature also and has four Hearing Officers (FY 09-10) who conduct hearings in accordance with Chapter 23 of Title 1, the Administrative Procedures Act, and the rules of procedure for the OMVH.

The OMVH provides a neutral forum for fair, prompt and objective hearings for persons affected by an action or proposed action of the South Carolina Department of Motor Vehicles.

Under the South Carolina Administrative Procedures Act, ALJs have the power to issue those remedial writs as are necessary to give effect to the Court's jurisdiction. Further, ALJs have the power to issue injunctions and enforce subpoenas as well as the same power at chambers or in open hearing as do circuit court judges, which includes the power of contempt.

The Agency's contested case hearings and other proceedings are open to the public unless confidentiality is allowed or required by law.

Key Strategic Goals

- Improve the age of disposed cases
- Provide fair, prompt and impartial hearings for all litigants
- Enhance information and services provided to customers on the Agency's website
- Update/improve information technology

Opportunities

- Continued partnership with PRT for partial IT support
- Improvement in age of disposed cases

Barriers

- Vacancy of ALJ Seat No. 6 for approximately 9 months put an additional strain on resources and the caseload of the remaining ALJs.
- Budget reductions during FY 09-10 continued to hamper the Court's ability to fill necessary vacancies, including 4 staff attorneys, positions that are vital to the Court's functioning.
- The Court's jurisdiction has increased almost 12 fold since its inception.
- The Court began hearing appeals from the Department of Employment and Workforce in the last quarter of FY 09-10 with no additional funding or resources. The number of cases that would be filed with the Court was estimated to be around 20-25 per year, but that estimate was met within three months.
- Although there was improvement, continued vacancies and limited budget resources still contribute to a less than desired percentage of cases being disposed of within agency guidelines.

Administrative Law Court - Historical Review

| FY | FTEs* | Budget | Cases Filed |
|--------|-------|-------------|-------------|
| 1995 | 24 | \$1,306,396 | 720 |
| 1996 | 24 | \$1,731,989 | 653 |
| 1997 | 24 | \$1,802,577 | 622 |
| 1998 | 24 | \$1,870,913 | 828 |
| 1999 | 24 | \$1,910,396 | 666 |
| 2000 | 24 | \$1,950,803 | 1130 |
| 2001 | 28 | \$2,015,239 | 2272 |
| 2002 | 28 | \$1,609,365 | 1711 |
| 2003 | 28 | \$1,629,997 | 1683 |
| 2004 | 28 | \$1,417,994 | 1313 |
| 2005 | 28 | \$1,440,871 | 1412 |
| 2006 * | 28 | \$1,436,058 | 4164 |
| 2007 | 44 | \$1,909,233 | 5385 |
| 2008 | 44 | \$2,225,584 | 6179 |
| 2009 | 44 | \$2,234,842 | 7140 |
| 2010 | 44 | \$1,542,853 | 8530 |
| 2011 | 44 ** | \$1,539,294 | N/A |

*The DMV's Administrative Hearings Division was transferred to the Court in January 2006

**15.5 FTEs vacant

Major Achievements

- Completion of Technology Initiative in the courtrooms
- Improvement in age of disposed cases despite budget cuts and vacancies

Accountability Report

Information from the Report is used throughout the year by the Court to review and assess the areas regarding the delivery of its service that may need improvement.

Section II – Organizational Profile

- **Description of Major Products and Services**

A Final Order is issued in every case filed with the Court or the OMVH. The Final Order provides a final resolution to all issues in the case. The processes that result in the issuance of the Final Order include the pre-hearing activity of filing documents, sharing information, participating in scheduling conferences, addressing motions, and conducting pre-hearing conferences. Most cases proceed to a hearing, which is the opportunity for both sides of the dispute to present their case. Finally, there will be the collection of any legal research necessary for the ALJ or Hearing Officer to write the Final Order. All of the processes comprise the single service of the Agency – to handle and dispose of administrative law disputes.

- **Key Customers and Stakeholders**

Litigants (including those who are the license or permit holders and those individuals that may protest the licenses and permits), attorneys, certain state agencies and local governments, the media, and other interested citizens are the Agency's key customers. Those persons are also considered stakeholders, along with any citizen or taxpayer of the state that has the potential to become involved in a proceeding before the Agency.

- **Key Suppliers**

The General Assembly provides the Agency with its jurisdiction through existing law and the creation of new statutes. The Judicial Branch provides case law that may have precedential value on future decisions issued by the Agency. Key customers provide factual and legal information during the process of the hearing and give input that may be incorporated into new rules or procedures for the Agency.

- **Number of Employees**

44 (28.5 positions are filled, leaving a 35% vacancy rate. All positions are unclassified)

- **Operation Locations**

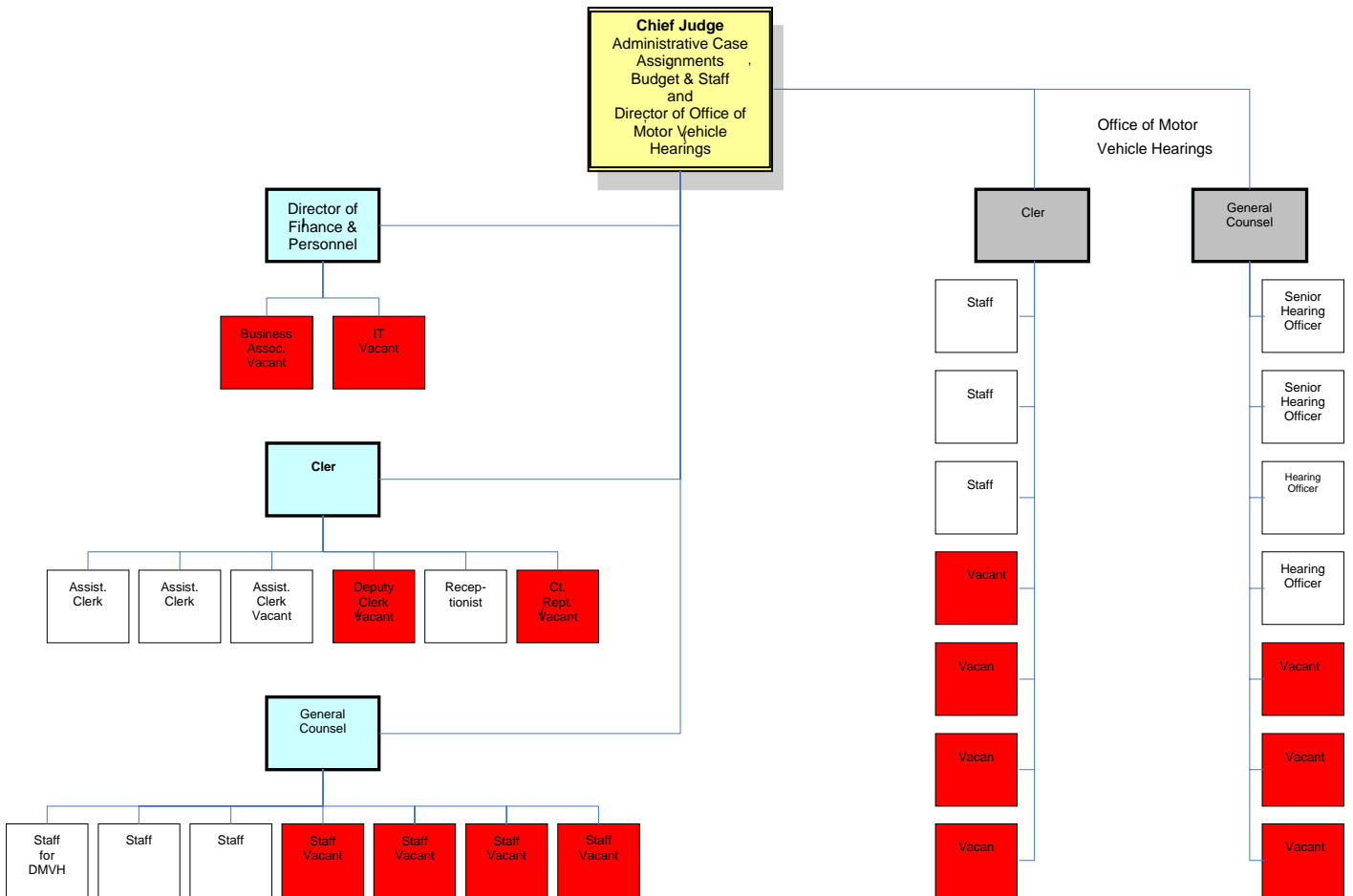
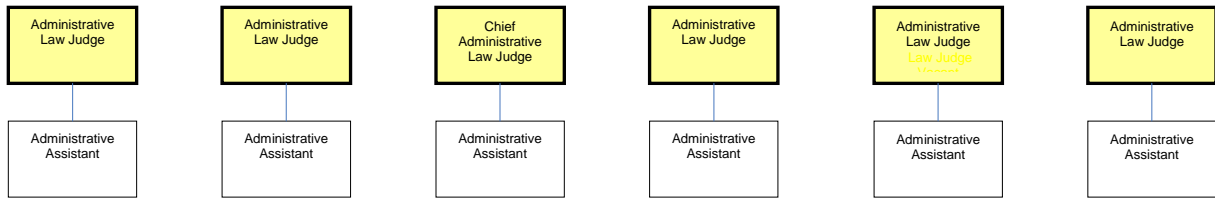
South Carolina Administrative Law Court
Edgar A. Brown Building, Suite 224, 1205 Pendleton St., Columbia

Office of Motor Vehicle Hearings
Edgar A. Brown Building, Suite 325, 1205 Pendleton St., Columbia

- **Organizational Structure**

The Chief Judge is the administrative head of the Court, hiring and supervising all administrative staff, and is also the Director of the OMVH. The structure of the administrative staff within the Court has changed significantly over the past several years. Currently, the positions comprising the administrative staff are the Business Office, which is responsible for finance and personnel, facilities management and information technology of the entire Agency, including the OMVH; the Office of General Counsel for research/legal support; and the Clerk's Office, which is responsible for caseload management, contract court reporters, governmental affairs, and assistance to the Chief Judge for overall administration of the Court and the OMVH. The Chief Judge and the other five ALJs have a law clerk that each hires and supervises. Although each judge formerly had a staff attorney assigned specifically to him or her for research and drafting, only two staff attorneys are presently available for the entire Court due to recent budget cuts. Within the OMVH there are two Senior Hearing Officers, two Hearing Officers and three support staff. The Hearing Officers report directly to the ALC General Counsel and the staff report directly to the ALC Clerk. The Clerk and General Counsel are responsible to the Chief Judge/Director.

South Carolina Administrative Law Court 2010



Accountability Report Appropriations/Expenditures Chart

Base Budget Expenditures and Appropriations

| Major Budget Categories | FY 08-09 Actual Expenditures | | FY 09-10 Actual Expenditures | | FY 10-11 Appropriations Act | |
|-------------------------------|------------------------------|--------------------|------------------------------|--------------------|-----------------------------|--------------------|
| | Total Funds | General Funds | Total Funds | General Funds | Total Funds | General Funds |
| Personal Service | \$1,746,253 | \$1,325,874 | \$1,613,261 | \$977,457 | \$1,705,409 | \$1,085,409 |
| Other Operating | \$1,007,753 | \$168,924 | \$571,415 | \$114,392 | \$649,640 | \$199,640 |
| Special Items | | | | | | |
| Permanent Improvements | | | | | | |
| Case Services | | | | | | |
| Distributions to Subdivisions | | | | | | |
| Fringe Benefits | \$508,169 | \$384,824 | \$452,323 | \$291,605 | \$489,485 | \$254,245 |
| Non-recurring | | | | | | |
| Total | \$3,262,175 | \$1,879,622 | \$2,636,999 | \$1,383,454 | \$2,844,534 | \$1,539,294 |

Other Expenditures

| Sources of Funds | FY 08-09 Actual Expenditures | FY 09-10 Actual Expenditures |
|-----------------------|------------------------------|------------------------------|
| Supplemental Bills | | |
| Capital Reserve Funds | | |
| Bonds | | |

South Carolina Administrative Law Court Major Program Areas

| Program Number and Title | Major Program Area Purpose (Brief) | FY 08-09 Budget Expenditures | FY 09-10 Budget Expenditures | Key Cross References for Financial Results* |
|--------------------------|---|--|--|---|
| I. SCALC Hearings | Process, hear, and decide contested cases, appeals, regulation and injunctive relief matters from state agencies pursuant to Article 1, Sect. 22 of the SC Constitution, S.C. Code Ann 1-23-500 et seq., <u>Al-Shabazz v. State</u> and various agency specific statutes. | State: 1,725,858.00 Federal: Other: 369,125.00 Total: 2,094,983.00 % of Total Budget: 65% | State: 1,299,889.00 Federal: Other: 304,000.00 Total: 1,603,889.00 % of Total Budget: 61% | <i>Fig. 7.2-1 to 7.2-2</i> |
| I. Admin Overhead | Administration of the Agency (the Court and OMVH) , particularly in regards to Agency Accounting, Human Resources, Budgeting, and Receptionist Functions | State: 153,765.00 Federal: Other: 43,902.00 Total: 197,667.00 % of Total Budget: 5% | State: 83,565.00 Federal: Other: 43,902.00 Total: 127,467.00 % of Total Budget: 5% | NA |
| I. OMVH Hearings | Process, hear and decide administrative hearings required by SC motor vehicle and driver license laws pursuant to South Carolina Code Title 56, Administrative Procedures Act, and Financial Responsibility Act. | State: Federal: Other: 969,525.00 Total: 969,525.00 % of Total Budget: 30% | State: Federal: Other: 905,643.00 Total: 905,643.00 % of Total Budget: 34% | <i>Fig. 7.2-3</i> |

Below: List any programs not included above and show the remainder of expenditures by source of funds.

| | | |
|-----------------------------------|---------------------------|---------------------------|
| Remainder of Expenditures: | State: | State: |
| | Federal: | Federal: |
| | Other: | Other: |
| | Total: | Total: |
| | % of Total Budget: | % of Total Budget: |

* Key Cross-References are a link to the Category 7 - Business Results.

These References provide a Chart number that is included in the 7th section of this document.

Section III - Elements of Malcolm Baldrige Award

Category 1 - Leadership

The Chief Judge of the Court is responsible for the administration of the Agency pursuant to S.C. Code Ann. §§ 1-23-570 and 1-23-660. The Chief Judge is ultimately responsible for the fiscal and administrative accountability of the Court. This includes budgetary matters, assignment of cases and the duties and responsibilities of the administrative staff and the Hearing Officers and staff of the OMVH. The Chief Judge sets administrative policy for the Agency and appoints the Clerk of the Court. The five ALJs serve as senior leaders in the Court and are often consulted with by the Chief Judge regarding administrative matters for the Court. Nevertheless, most of the ideas affecting the Agency direction are initiated by the Chief Judge and/or Clerk. The Chief Judge also consults the hearing officers in developing policy for the OMVH. Changes to the Internal Rules or the Court's Rules of Procedure must be voted on by the ALJs pursuant to S.C. Code Ann. § 1-23-650. As appropriate, new policies for the Court are circulated to the ALJs for comment before they are implemented. However, pursuant to S.C. Code Ann. § 1-23-660, only the Chief Judge has the authority to promulgate rules governing practice and procedures before the OMVH. The Clerk is the Chief Judge's primary assistant in administering the policy and serves as manager of the Agency.

Timetables and goals for the timely disposition of assigned cases were initially set when the Court was first created. Periodically, these timetables are reviewed by the ALJs, Chief Judge and Clerk, and adjusted by the Clerk at the direction of the Chief Judge. The importance of these performance expectations is tied directly to the Court's one mission, which sets the Agency's organizational values. The Chief Judge and the other ALJs are responsible for ensuring the efficient disposition of cases assigned to each. Although the Chief Judge is the administrator of the Court, and the other ALJs serve as senior leaders, each ALJ has autonomy over the cases he or she is assigned to preside over. Therefore, each ALJ and his or her law clerk are responsible for ensuring the fair and prompt disposition of the cases assigned to their office. The timeframes for issuing the highest volume of OMVH decisions (implied consent or BAC) were defined by statute until February 2009. At that time, Act 201 of 2008 went into effect, deleting those statutory timeframes.

Most empowerment issues arise with employees who work directly for the ALJs, or within the Clerk's Office. No actions by the ALJs as a group have been necessary to accomplish this. The ALJs might review or endorse opportunities for institutional and/or individual learning, but usually the Chief Judge or the Clerk's Office initiates these activities.

As with organizational values, most policies governing employee and judicial ethics were approved by the ALJs during the first several years after the Agency was created in 1994. The ALJs are bound by the Code of Judicial Conduct pursuant to S.C. Code Ann. § 1-23-560. The ALJs and the Court attorneys are bound by the Code of Professional Conduct. Further, all Court staff is subject to the provisions of South Carolina Appellate Court Rule 507, and Rule 506, Canon 8. The OMVH Hearing Officers are bound by the Code of Judicial Conduct, South Carolina Appellate Court Rule (SCACR) SCACR 506, Canon 8 regarding confidences gained in the course of employment and SCACR 507 regarding political activity.

Category 2 - Strategic Planning

The Agency is a small organization consisting of two tiers. The Court essentially has seven different offices: the six judges' offices and the administrative staff. The only program is the prompt and well-reasoned disposal of all cases filed with the Agency. Although no formal strategic plan is in place, the Court has informal plans for achieving certain goals, particularly in regard to improvement of information technology and improvement of the age of disposed cases in order to enhance our main goal of providing fair, prompt and impartial hearings for all litigants. The second tier of the Agency is the OMVH. Until February 2009, the implied consent hearings had to be held within 30 days of the request for hearing and an order had to be issued within 30 days of the date of the hearing. Pursuant to Act 201 of 2008 the time frames for those hearings were deleted. However, a significant portion of those decisions are still issued within 30 to 45 days of the hearing.

The assignment of cases to an ALJ is accomplished using an internal rotation system to ensure an equitable distribution of quantity and complexity of cases. The legal support staff assists the ALJs in the research and drafting of orders. The administrative staff provides support functions, such as case management, financial, personnel, and facilities management. This allocation of resources and workload is used to assist in the timely disposal of cases.

The ALJs are periodically advised of external events that may affect jurisdiction and/or caseload. Shifts of personnel to accommodate changes in jurisdiction, if necessary, will be implemented after discussion with the ALJs. As a result of the budget cuts, contract court reporters are used on a regular and on-going basis in lieu of full-time employees. This was discussed with the ALJs and implemented by the Chief Judge.

In consultation with the ALJs, time standards for disposing of each type of case before the Court have been developed. Statistics are generated annually, which track the progress in meeting those time standards. Reports are shared informally with ALJs, and any adjustments to the objectives or measures will normally be provided to the ALJs for review prior to implementation. The Annual Accountability Report is provided on the Court's website at www.scalc.net.

Strategic Planning

| Program Number and Title | Supported Agency Strategic Planning Goal/Objective | Related FY 09-10 Key Agency Action Plan/Initiative(s) | Key Cross References for Performance Measures* |
|---------------------------------|---|--|---|
| 01000000 Admin. | Improvement of information technology | Implementation of Case Management System | Section I – Opportunities and Major Achievements |
| 01000000 Admin. | Provide fair, prompt and impartial hearings for all litigants | Improvement of age of case at disposition – ongoing | Section III – <i>Fig. 7.2-1</i> |

Category 3 - Customer Focus

The Agency's key customers are the litigants who bring cases before an ALJ or a OMVH Hearing Officer. The litigants include individuals, business entities, and their attorneys, as well as state and local governmental agencies and their attorneys. Ultimately, the public at large has a stake in the Agency's caseload as it offers a checks-and-balances effect on the exercise of the state's regulatory authority, typically to issue licenses and permits.

As cases are filed with the Court, litigants and their attorneys are identified. The needs and requirements of the customers have been discussed in staff meetings, ALJ meetings and with the Standing Rules Committee. Customers (representatives of litigant groups) have been represented on the initial advisory committee created to draft proposed rules of procedure for the Court, and the permanent Standing Rules Committee (which consists primarily of attorneys from across the state). The drafting of Rules of Procedure is the primary process in addressing litigants' needs and expectations. Most often, the input from customers is translated into a new rule or amendment to an existing rule or procedure.

Regular input from the Standing Rules Committee assists the Court in refining its procedural rules and in meeting its customers' needs and concerns. Input is also obtained from professional associations such as the South Carolina Bar, the South Carolina Administrative and Regulatory Law Association, the South Carolina Association of Certified Public Accountants, as well as continuing legal education programs. Sometimes the information may be provided in the context of an individual case that illustrates a need for amending a rule or policy. Informal feedback is encouraged and received from agencies, departments and attorneys. The OMVH promulgated rules regarding their procedures with input from various agencies and attorneys.

Receiving input from affected customers is valuable and helps ensure a successful operation. Typically, this is done by receiving and discussing informal feedback from the litigants. The ALJs, Hearing Officers and staff develop professional relationships with agency heads, attorneys who practice before the Agency, individuals who are not represented by attorneys and other groups such as county assessors who have appeared in cases before the Court. One particular distinction among the customers of the Agency is that some are represented by attorneys and others represent themselves (referred to as pro se litigants). The Agency is very aware of the needs of those who are unrepresented and ALC Rule 10 addresses those needs.

Category 4 – Measurement, Analysis and Knowledge Management

The Clerk's Office recommends two measures – the "Age of Disposed Cases Report" and "Workload Report" (See *Fig. 7.2-1* to *Fig. 7.2-3*) – for use by the Agency to determine success in disposing of cases promptly. These measures are two of the most commonly used statistics by states' civil courts, as reported by the National Center for State Courts.

The Clerk's Office is responsible for maintaining the Court's official records. Previously, this information was maintained in an excel spreadsheet, which also served as the database of case information, and was used to generate reports. However, with the implementation of the automated case management system (CMS), the Clerk's Office and judges' offices have direct access to and can update the case information quickly. The CMS will assist the Court in collecting, organizing, processing, storing and distributing essential case information within the court and to external agencies as needed. The OMVH also utilizes the same automated system and will have the same benefits for maintaining its information. Efficiency in collecting and analyzing this data is critical for maintaining the Agency's overall caseload and reporting information.

The workload report is used to maintain the system of grouping case types for purposes of assigning cases to the ALJs. The even distribution of case assignments by the Chief Judge to the ALJs is not only fair, but it also allows for the most efficient balancing of workload to get the maximum number of cases disposed of in the shortest amount of time. The age of disposed cases report is also useful in identifying case types that require more time for disposition so that different procedures might be considered to improve efficiency.

In addition to the two key performance measures, the Agency maintains an in-house electronic directory of all its issued decisions. This database provides the best method of collection and maintenance of organizational knowledge. Although most cases have their own individual facts, the ALJs, Hearing Officers and staff can share research and knowledge by reviewing previously issued decisions with similar legal questions.

Because there are few other courts or agencies in South Carolina, if any, structured the same as our Agency, very little relevant data exists. The most useful comparative data is historical, from prior year reports of the Agency's workload. However, the Court does review relative information and best practices from other states that have a central panel, or office of administrative hearings, similar to the Agency.

Category 5 - Human Resource Focus

The success of the Agency in achieving its mission and goals is contingent on its staff meeting their full potential. By responding to the individual and professional needs of the staff through continuing education, staff training and professional development, the Agency is able to accomplish its mission and achieve its goals. Managers recommend and encourage staff to attend pertinent training and continuing educational courses to enhance their knowledge and capabilities for job growth and excellence in performance.

New employee orientation and training is required for the varying responsibilities of the Agency. The Business Office is responsible for administering employee orientation, the safety policy and training and benefit counseling. All ALJs, Hearing Officers and staff receive orientation, training, and counseling based on their needs, skills and abilities.

For the past several years, the court has used an informal approach to performance appraisals. Prior to that, the Court utilized formal performance appraisals to build and maintain professionalism, knowledge, skills, and abilities of the staff. After research and comparison to performance appraisals and reviews utilized by other courts across the country, the Court modified its previous appraisal forms and created a new process. The intent was to enhance employee satisfaction, growth and accountability. The ALJs, Clerk, General Counsel and Director of Finance and Personnel have one on one contact with the person(s) they supervise daily and each provides feedback regarding strengths and weaknesses and suggestions for improvement. Evaluation, input, and feedback between the supervisor and employee establish a means for performance requirements that develop success criteria for each duty.

The Agency follows the safety standards set by the Office of General Services. Employees are given a safety plan in their orientation packets and are asked to stay abreast of updates and policy changes. New or changed safety policies are provided to each employee as they are adopted. A monitored, secured office environment helps maintain a high standard for a safe and healthy work environment.

The ALJs, Hearing Officers and employees are encouraged to attend functions sponsored by professional organizations such as the South Carolina Bar and the South Carolina Administrative and Regulatory Law Association. Non-legal employees are active in professional organizations such as the South Carolina Agency Directors Association, the South Carolina Government Finance Officers Association, and the South Carolina Administrative and Regulatory Law Association. The ALJs and/or staff have participated in leadership development programs such as the South Carolina Executive Institute and the Certified Public Managers Program. The Agency employees are encouraged to be active in various religious and civic organizations of their choice and many participate in the United Way campaign.

Category 6 - Process Management

The typical life cycle for a case before the Agency has four phases: the initial filing and processing phase, the pre-hearing phase, the hearing phase, and the order-writing phase. Most of the factors influencing these four processes are defined by the Court's procedural rules. The review and/or amendment of these rules are usually drafted and recommended by the Standing Rules Committee, reviewed by the ALJs, and then submitted to the General Assembly for approval. Rules specific to the OMVH were submitted for promulgation during the 2007 Session of the General Assembly.

Each of the four phases of a case's life cycle affects the amount of time needed to dispose of a case. The ALJs' staff, Clerk's Office staff, and the OMVH staff work diligently to minimize any unnecessary delay during each of the four phases.

The single most important support process involves the use of the Court's staff and legal resources. The General Counsel and Clerk provide a valuable support process in providing an historical perspective on current procedural issues faced by the Agency. Periodically, various strategies for optimally using the General Counsel's Office and the law clerk positions have been considered and tested. Our legal research software has been updated to take advantage of new technology.

To improve performance for contractor interactions, the Court has developed instructions for the use of contract reporters for hearings. These procedures have been developed to maximize the benefits derived from this arrangement. Also, the Clerk's Office is in constant contact with the contract reporters and their office to monitor their needs in order to maximize their performance. The hearings conducted by the OMVH Hearing Officers are recorded, and if requested or appealed to the Court, contract reporters are used for the transcription.

Category 7 – Business Results

Since the primary mission of the Court is to seek the prompt disposal of cases, the "Age of Disposed Cases Report" (*Fig. 7.2-1*) is a significant measurement of attempts to satisfy customer expectations.

During FY 2009-10, twenty-eight specific case types were tracked for the Court and twelve case types for the OMVH. The twenty-eight case types are divided into four categories, based upon complexity and normal length of time between the filing of a case to final disposition. For the case types included in "Category I", the objective is to dispose of most of these cases within 90 days, or to maintain an average age (between filing and disposition) of 90 days or less. In "Category II," the objective is 120 days and, in "Category III," the objective is 180 days. "Category IV" includes only inmate grievance appeals from the Department of Corrections and the objective is 120 days. The "Age of Disposed Cases Report" indicates for each case type and category the total number of cases disposed, the average age of those cases at disposition, and the percentage of cases disposed within the suggested

time frames. As with any adjudicatory process, there are legitimate reasons requiring additional time for processing cases to conclusion within the desired time frames, such as requests for continuances, lengthy discovery, complicated research efforts, motions, and other jurisdictional or procedural issues which might arise during the life of the case.

Fig. 7.2-1

AGE OF DISPOSED CASES REPORT FOR THE COURT

| | Total Cases Disposed | Avg. Age at Disposition | % Meeting Objective |
|--|-------------------------|----------------------------|------------------------|
| Category I Case Types: Objective = 90 Days | 184 | 117 | 49 |
| Insurance rate cases [DOI] | 1 | 304 | 0 |
| Insurance agent application/disciplinary cases [DOI] | 7 | 163 | 29 |
| Wage disputes [LLR] | -- | -- | -- |
| Alcoholic beverage license applications/renewals [DOR] | 80 | 88 | 63 |
| Alcoholic beverage license violations [DOR] | 8 | 132 | 25 |
| Concealable weapons permitting cases [SLED] | 20 | 172 | 5 |
| Setoff Debt Collection [SETOFF] | 5 | 180 | 20 |
| Consumer Affairs [CA] | 3 | 196 | 0 |
| Injunctive relief hearings | 22 | 75 | 78 |
| Public hearings for proposed regulations | 9 | 78 | 89 |
| Miscellaneous cases | 29 | 169 | 31 |
| Category II Case Types: Objective = 120 Days | 122 | 179 | 49 |
| Hunting/Fishing and Coastal Fisheries violations [DNR] | 5 | 104 | 80 |
| Boating under the influence | 8 | 125 | 50 |
| Health licensing cases [DHEC] | 4 | 289 | 0 |
| Outdoor advertising permits [DOT] | 3 | 298 | 0 |
| Disadvantaged Business Enterprises/Displacement [DOT] | 4 | 128 | 50 |
| Retirement Systems [RET] | 14 | 138 | 64 |
| Appeals from OMVH [OMVH] | 49 | 217 | 35 |
| Appeals from professional licensing boards [LLR] | 39 | 149 | 67 |
| Category III Case Types: Objective = 180 Days | 186 | 288 | 40 |
| Certificate of Need cases [DHEC] | 18 | 359 | 33 |
| Environmental permitting cases [DHEC] | 21 | 458 | 14 |
| OCRM cases [DHEC] | 21 | 518 | 10 |
| Medicaid Appeals [HHS] | 13 | 155 | 69 |
| Bingo violations [DOR] | 1 | 136 | 100 |
| State tax cases [DOR] | 27 | 217 | 48 |
| County property tax (real and personal) cases [DOR] | 71 | 213 | 60 |
| Daycare/Fostercare Appeals, SNAP (FI) [DSS] | 14 | 253 | 43 |
| Category IV Case Types: Objective = 120 days | 1099 | 67 | 88 |
| Inmate grievances [DOC & PPS] | 1099 | 67 | 88 |
| ALL CASE TYPES | 1591 | 106 | 75 |
| ALL CASE TYPES excluding inmate grievances | 492 | 197 | 46 |

NOTE: DOI: Dept. of Insurance; LLR: Dept. of Labor, Licensing and Regulation; DNR: Dept. of Natural Resources; DOR: Dept. of Revenue; DHEC: Dept. of Health and Environmental Control; HHS: Dept. of Health and Human Services; DSS: Dept. of Social Services; SLED: State Law Enforcement Court; DOC: Department of Corrections; PPS, Department of Probation, Parole and Pardon Services; RET: South Carolina Budget and Control Board, SC Retirement Systems; OMVH: Office of Motor Vehicle Hearings; CA: Department of Consumer Affairs

The Court's percentage of total cases meeting the time standards for disposition has varied over the years. One factor that can account for this variation is the court's resources, i.e. whether we are at full capacity or have a reduction in resources, such as ALJ or staff vacancies. During FY 08-09, there were two ALJ vacancies for approximately 7 months per seat and a reduction from 6 staff counsel to just 2. Another issue with timeframe for disposition of cases is an increase in jurisdiction and caseload. The motion practice and complex discovery issues have continued to grow, which has contributed to the age of disposed cases remaining at its current percentage rate, though recently the judges have increased their efforts to promptly determine the cases.

The two charts below compare the percentage of cases meeting the time standard for disposition from year to year for the past 8 years. The first chart includes all inmate filings, but excludes them in the second chart.

Fig. 7.2-1a

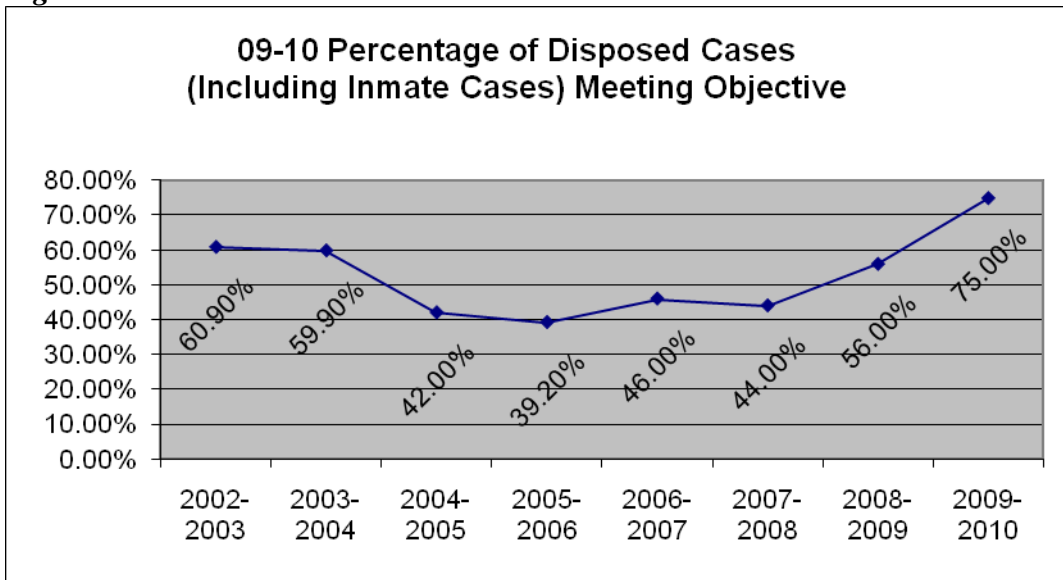
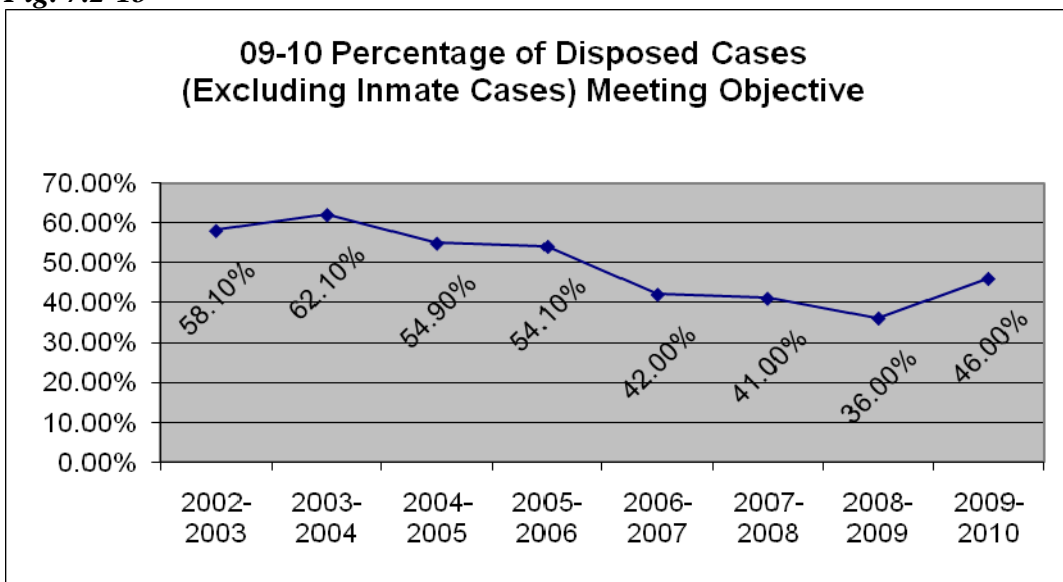


Fig. 7.2-1b



The table and chart below compare for each fiscal year the number of cases filed with the Court, and the number of final decisions issued.

Fig. 7.2-2

COMBINED COURT and OMVH WORKLOAD SINCE 2007

| FISCAL YEAR | FILINGS | | TOTAL CASES FILED | FINAL DECISIONS | | TOTAL FINAL DECISIONS |
|-----------------|---------|------|-------------------|-----------------|------|-----------------------|
| | COURT | OMVH | | COURT | OMVH | |
| FY 07-08 | 1810 | 4369 | 6,179 | 1911 | 4089 | 6,000 |
| FY 08-09 | 1800 | 5340 | 7,140 | 1761 | 4655 | 6,416 |
| FY 09-10 | 1955 | 6577 | 8,532 | 1591 | 5222 | 6,813 |

THE COURT'S WORKLOAD REPORT BY YEAR SINCE 2002

| FISCAL YEAR | FILINGS | | TOTAL CASES FILED | FINAL DECISIONS | | TOTAL FINAL DECISIONS |
|-----------------|-------------------------------------|-----------------------------------|-------------------|-------------------------------------|-----------------------------------|-----------------------|
| | *CCs, RHs, IJs, and & other appeals | <u>Al-Shabazz/Furtick</u> Appeals | | *CCs, RHs, IJs, and & other appeals | <u>Al-Shabazz/Furtick</u> Appeals | |
| FY 02-03 | 569 | 1,114 | 1,683 | 558 | 1,058 | 1,616 |
| FY 03-04 | 477 | 836 | 1,313 | 481 | 860 | 1,341 |
| FY 04-05 | 479 | 933 | 1,412 | 470 | 628 | 1,098 |
| FY 05-06 | 878 | 1,454 | 2,332 | 534 | 1,621 | 2,164 |
| FY 06-07 | 668 | 1,085 | 1,753 | 848 | 1,266 | 2,114 |
| FY 07-08 | 631 | 1,179 | 1,810 | 676 | 1,235 | 1,911 |
| FY 08-09 | 534 | 1,266 | 1,800 | 544 | 1,342 | 1,886 |
| FY 09-10 | 838 | 1,117 | 1,955 | 492 | 1,099 | 1,591 |

*CC - Contested Cases, RH – Regulation Hearings, IJ - Injunctions

Fig. 7.2-2a

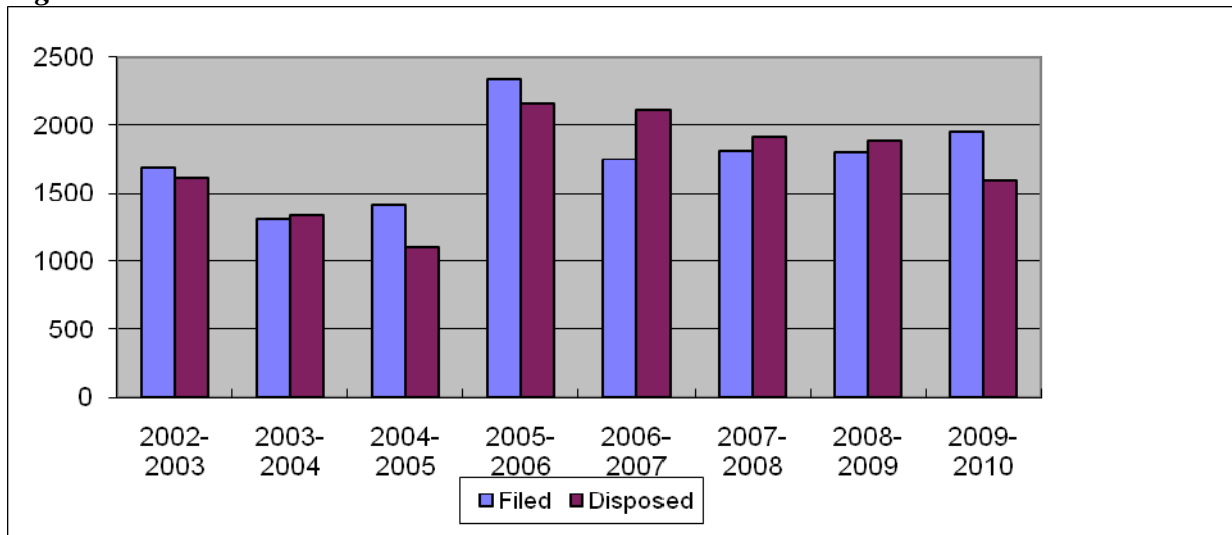


Fig. 7.2-3

OMVH WORKLOAD REPORT from 7/1/09 to 6/30/10

| Case Type # | Description | CASES FILED | FINAL DECISIONS |
|--------------|--|-------------|-----------------|
| 01 | Implied Consent or BAC | 6278 | 4968 |
| 02 | Habitual Offender 1 st Declared | 64 | 45 |
| 03 | Habitual Offender Reduction | 87 | 71 |
| 04 | Financial Responsibility | 96 | 66 |
| 05 | Dealer Licensing | 2 | 5 |
| 06 | Physical Disqualification | 9 | 8 |
| 07 | IFTA | 10 | 8 |
| 08 | Self-Insured | 1 | 1 |
| 09 | Driver Training School | -- | -- |
| 10 | IRP | 5 | 3 |
| 11 | Miscellaneous | -- | -- |
| 12 | Points Suspension | 25 | 47 |
| TOTAL | | 6577 | 5222 |

OMVH WORKLOAD REPORT from 7/1/08 to 6/30/09

| Case Type # | Description | CASES FILED | FINAL DECISIONS |
|--------------|--|-------------|-----------------|
| 01 | Implied Consent or BAC | 5030 | 4386 |
| 02 | Habitual Offender 1 st Declared | 73 | 62 |
| 03 | Habitual Offender Reduction | 65 | 78 |
| 04 | Financial Responsibility | 84 | 91 |
| 05 | Dealer Licensing | 13 | 8 |
| 06 | Physical Disqualification | 4 | 3 |
| 07 | IFTA | 5 | 2 |
| 08 | Self-Insured | -- | -- |
| 09 | Driver Training School | -- | -- |
| 10 | IRP | 3 | 2 |
| 11 | Miscellaneous | 15 | 8 |
| 12 | Points Suspension | 49 | 15 |
| TOTAL | | 5340 | 4655 |

OMVH WORKLOAD REPORT from 7/1/07 to 6/30/08

| Case Type # | Description | CASES FILED | FINAL DECISIONS |
|--------------------|--|--------------------|------------------------|
| 01 | Implied Consent or BAC | 4046 | 3811 |
| 02 | Habitual Offender 1 st Declared | 65 | 60 |
| 03 | Habitual Offender Reduction | 126 | 109 |
| 04 | Financial Responsibility | 119 | 99 |
| 05 | Dealer Licensing | 6 | 3 |
| 06 | Physical Disqualification | 3 | 2 |
| 07 | IFTA | 4 | 5 |
| 08 | Self-Insured | -- | -- |
| 09 | Driver Training School | -- | -- |
| 10 | IRP | -- | -- |
| TOTAL | | 4369 | 4089 |

OMVH WORKLOAD REPORT from 7/1/06 to 6/30/07

| Case Type # | Description | CASES FILED | FINAL DECISIONS |
|--------------------|--|--------------------|------------------------|
| 01 | Implied Consent or BAC | 3314 | 3307 |
| 02 | Habitual Offender 1 st Declared | 52 | 46 |
| 03 | Habitual Offender Reduction | 157 | 153 |
| 04 | Financial Responsibility | 100 | 93 |
| 05 | Dealer Licensing | 3 | 2 |
| 06 | Physical Disqualification | 2 | 2 |
| 07 | IFTA | 3 | 3 |
| 08 | Self-Insured | 0 | 0 |
| 09 | Driver Training School | 0 | 0 |
| 10 | IRP | 1 | 1 |
| TOTAL | | 3632 | 3607 |