

## South Carolina Supreme Court: From Notice of Appeal to Opinion

Most matters heard by the Court have previously been considered and ruled on by a lower court. Matters heard by a lower court come before the Court by way of A) Direct Appeal or B) Petition. Direct Appeals are automatically heard by the Court; the Court hears Petitions in its discretion. At a conference meeting, the Court determines whether it will grant or deny a Petition.

The attorneys in both Direct Appeals and granted Petitions file records from the lower court proceedings and legal arguments (briefs) with the Court. The Direct Appeal/Petition is assigned to a Justice.

Each of the Justices independently review the records and briefs in all cases.

Attorneys present their cases at oral argument to the Court. The Court allocates the length of time it will give the attorneys to argue the cases. Three or four cases are heard in a day.

After oral argument, the Court privately discusses the outcome of a case. Each Justice explains how they would rule in a case.

The Justice assigned the case drafts a “majority opinion.” The Justice then circulates the majority opinion to another Justice who then reviews and signs the original majority opinion and forwards the majority opinion to another Justice who then reviews and signs the original majority opinion and forwards the majority opinion to another Justice. This procedure is followed until all five Justices have signed the original majority opinion.

If a Justice declines to sign the original majority opinion, that Justice writes a concurring and/or dissenting opinion and sends the proposed opinion to the Justice who drafted the original majority opinion. The Justice who drafted the majority opinion makes revisions to the original draft in response to the concurring and/or dissenting opinion. Ultimately, all five Justices review all opinions in a particular case.

The opinion which garners the majority of signatures becomes the majority opinion of the Court.

Once all opinions in a case are finalized by the Justices, the opinions are filed and the attorneys in the case are notified.

An attorney may file a Petition for Rehearing if dissatisfied with the result. If the Court grants the Petition for Rehearing – which is rare – it makes revisions to its opinion and then reissues the opinion.

After the time for filing a Petition for Rehearing expires or the Court declines a Petition for Rehearing, the case is returned to the lower court.

Many decisions issued by the Court are published in the *South Carolina Reports*.