

Chapter 5: South Carolina Circuit Court¹

History

The South Carolina Constitution of 1895, as amended, creates a Circuit Court which operates as the only trial court of general jurisdiction over civil and criminal matters within the state.

Organization

The state's 46 circuit judges sit in sixteen (16) circuits, which are constitutionally made up of individual counties. The circuits vary in size from two to five counties. Thirty-three (33) of the judges are resident judges of their particular circuits, while thirteen (13) are at-large, elected from anywhere in the state.

Management

Each circuit has a chief judge for administrative purposes appointed by the Chief Justice of the South Carolina Supreme Court. The chief judge supervises and directs the administrative matters of the circuit, assisted by the Clerk of Court and his or her staff.

Overall direction and management of the court system are handled by the Chief Justice, and managed by the Director of the South Carolina Court Administration, and his or her staff. They work with the Supreme Court, Court of Appeals, Circuit judges, and all other judges in the state to continually assess the management of the trial courts, implement Supreme Court policies, and assist in policy development.

Selection of Judges

The South Carolina Constitution requires that circuit judges have a minimum of eight (8) years experience as a licensed lawyer in South Carolina. Judges are elected by the legislature for six-year terms, after a rigorous screening procedure.

Retired judges and justices are allowed to sit as active judges, on approval of the Chief Justice, and subject to the screening procedure of the legislature. They exercise all powers of a sitting active judge.

Selection of Clerks

The Clerks of Court are independently elected by the public, and are constitutional officers who work under the supervision of the circuit judges and Chief Justice. They serve four-year terms and run for election on party tickets in general and primary elections. They provide vital management, administrative, and record-keeping functions in each circuit.

¹ The late Honorable Marc Westbrook was the contributing editor for this chapter.

Funding for the Circuit Courts

The Circuit Court operations are funded by a combination of county and state funds. State funds pay the salaries of the judges, official court reporters, and other staff members. The state also funds travel and training for the judges. The counties are responsible for all other costs.

Duties of the Circuit Courts

Circuit judges hear civil cases valued over \$7,500 and criminal cases carrying over sixty (60) day penalties. They also hear all motions related to these cases, post-conviction relief matters, and appeals from most of the specific-jurisdiction courts, such as magistrates, probate courts, etc.

South Carolina Circuit Courts - Handout

<http://www.scbar.org/public/files/docs/LRE/courts/circuithandout.pdf>