

## Accountability Report Transmittal Form

**Agency Name:** South Carolina Administrative Law Court

**Date of Submission:** September 15, 2005

**Agency Director:** Chief Judge Marvin F. Kittrell

**Agency Contact Person:** Jana E. Shealy, Clerk

**Agency Contact's Number:** 734-6411

## **Section I - Executive Summary**

### **Mission and Values**

The Administrative Law Court was created by the South Carolina General Assembly by Act No. 181 of 1993, as amended by Act No. 452 of 1994, as an autonomous quasi-judicial agency 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. Its sole 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 certain 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.

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 Court'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 Court's website
- \*Update/improve information technology, including the creation of a case management system

## **Opportunities and Barriers**

### **Opportunities**

- \*Continued partnership with PRT for IT support
- \*\$250,000 allocation in the FY 05-06 budget for development and implementation of a case management system

### **Barriers**

- \*Restricted access to legal resources, travel and training for judges and staff due to budget cuts
- \*No case management system; however, see above opportunity
- \*Employee concerns regarding possible future budget reductions
- \*No formal strategic plan or needs assessment in place
- \*Less than desired percentage of cases being disposed of in a timely manner

## **Major Achievements**

\*Act No. 202 of 2004 amended S.C. Code Ann. § 1-23-600(C) to delete the requirement that Departments notify the ALC of all pending contested cases and instead required requests for a hearing to be filed in accordance with Rules of Procedure for the ALC. In May 2005, the ALC amended its Rules of Procedure to provide for litigants to file directly with the ALC instead of the affected agency, who then had to transmit the case to the Clerk. User friendly forms have been developed in conjunction with the rules for direct filing to make it easier for litigants, particularly *Pro Se* litigants, to file a request for a contested case hearing with the ALC. These forms are available on the website along with information and instructions regarding the procedures. The new procedures have streamlined the steps for litigants to request a hearing and expedited the process of getting cases filed and assigned to an administrative law judge.

\*For the past several years, the ALC has requested funding to update outdated computer equipment and purchase new software. Due to the vacancy of Seat No. 2 for 10 months during FY 04-05 and sound fiscal policy, the ALC was able to purchase the much needed equipment, replacing the existing workstations and purchasing new word processing software.

\*John D. McLeod was elected by the General Assembly to fill the unexpired term of Administrative Law Judge C. Dukes Scott, who was appointed by Governor Sanford to serve as Executive Director of the newly created Office of Regulatory Staff. Due to the resignation of Judge Scott, there was a vacancy on the Court for approximately 10 months. The election of Judge McLeod and his work at the Court beginning in May 2005 was very important in getting the Court back to its full capacity.

## **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 - Business Overview

### Number of Employees

18 (64% of the allotted 28 FTE positions)

### Operation Locations

Edgar A. Brown Building, Suite 224, 1205 Pendleton St., Columbia

### Base Budget Expenditures and Appropriations

Major Budget Categories	03-04 Actual Expenditures		04-05 Actual Expenditures		05-06 Appropriations Act	
	Total Funds	General Funds	Total Funds	General Funds	Total Funds	General Funds
Personal Service	\$1,013,365	\$1,013,365	\$926,380	\$926,380	\$1,045,292	\$1,045,292
Other Operating	\$179,071	\$179,071	\$214,152	\$214,152	\$123,906	\$123,906
Special Items	\$	\$	\$	\$	\$	\$
Permanent Improvements	\$	\$	\$	\$	\$	\$
Case Services	\$	\$	\$	\$	\$	\$
Distributions to Subdivisions	\$	\$	\$	\$	\$	\$
Fringe Benefits	\$269,096	\$269,096	\$242,519	\$242,519	\$266,860	\$266,860
Non-recurring	\$	\$	\$	\$	\$	\$
<b>Total</b>	<b>\$1,461,532</b>	<b>\$1,461,532</b>	<b>\$1,383,050</b>	<b>1,383,050</b>	<b>\$1,436,058</b>	<b>\$1,436,058</b>

### Other Expenditures

Sources of Funds	03-04 Actual Expenditures	04-05 Actual Expenditures
Supplemental Bills	\$	\$
Capital Reserve Funds	\$	\$
Bonds	\$	\$

## Major Program Areas Chart

### Major Program Areas

Program Number and Title	Major Program Area Purpose (Brief)	FY 03-04 Budget Expenditures	FY 04-05 Budget Expenditures
<b>01000000 Admin</b>	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., <i>Al-Shabazz v. State</i> and various agency specific statutes.	<b>State:</b> 1,461,532.29  <b>Federal:</b>  <b>Other:</b>  <b>Total:</b> 1,461,532.29  <b>% of Total Budget:</b> 100%	<b>State:</b> 1,383,050.00  <b>Federal:</b>  <b>Other:</b>  <b>Total:</b> 1,383,050.00  <b>% of Total Budget:</b> 100%

### 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 Court’s key customers. Those persons are also considered stakeholders, along with the Governor, members of the General Assembly and any citizen or taxpayer of the state that has the potential to become involved in a proceeding before the Court.

### Key Suppliers

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

### Description of Major Products and Services

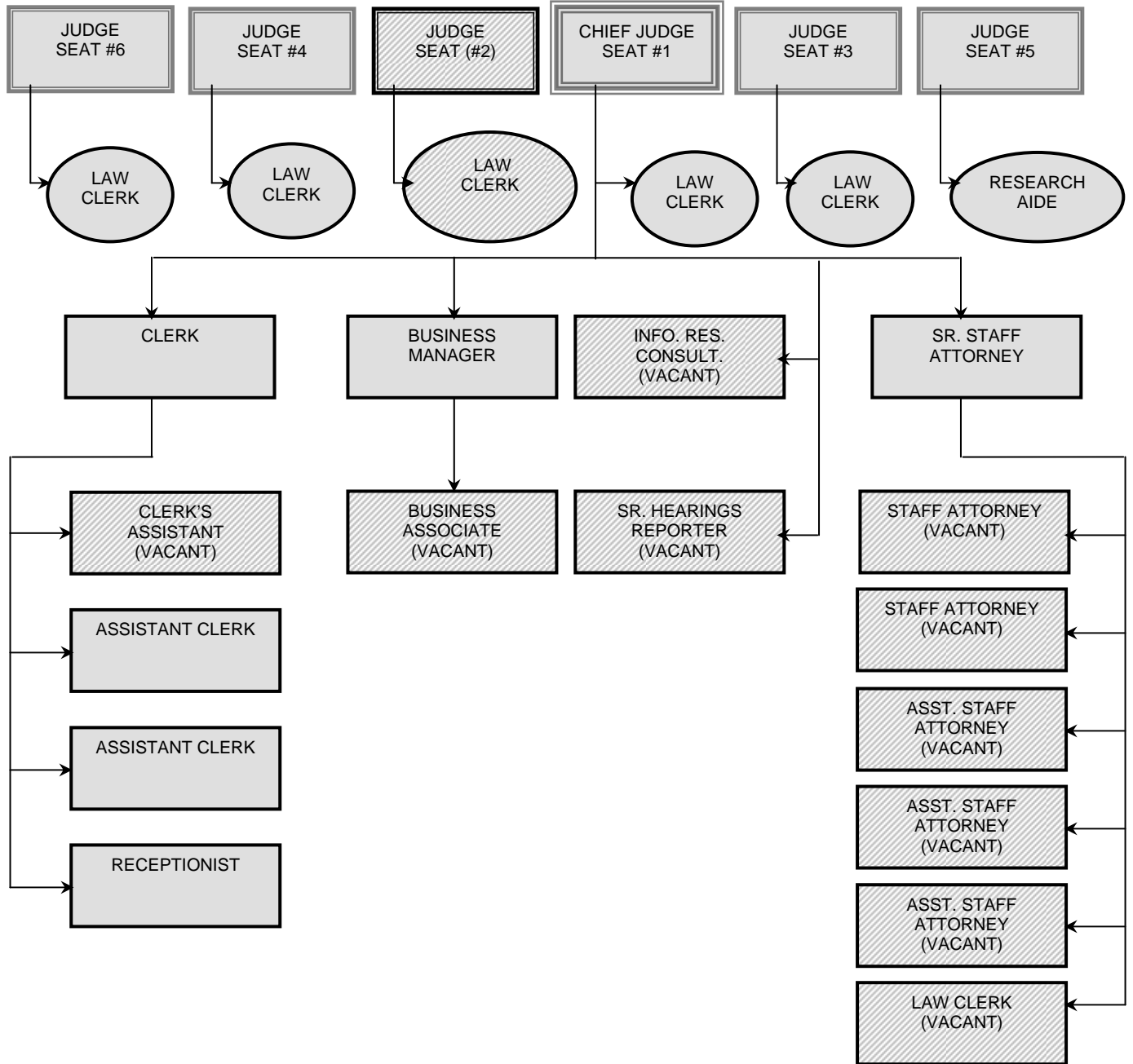
A Final Order is issued in every case filed with the Court. The order provides a final resolution to all issues in the case. The processes which result in the issuance of the Final Order include the pre-hearing activity of filing documents, sharing information, participating in scheduling conferences, 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 to write the Final Order. All of the processes comprise the single service of the Court – to handle and dispose of administrative law disputes.

## **Organizational Structure**

The Chief Judge operates as a judicial officer and the administrative head of the agency, hiring and supervising all administrative staff. The structure of the administrative staff 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; the Senior Staff Attorney 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. The Chief Judge and the other five ALJs each have a law clerk or judicial research aide, which each hires and supervises.

**South Carolina Administrative Law Court  
June 2005**



## **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. This includes budgetary matters, assignment of cases and the duties and responsibilities of the administrative staff. The Chief Judge sets administrative policy for the agency and appoints the Clerk of the Court. The other five ALJs serve as senior leaders in the Court. The Chief Judge often involves them in setting administrative policy for the agency. However, most of the ideas affecting agency direction are initiated by the Chief Judge and/or Clerk and are researched by the Clerk's Office and Senior Staff Attorney at the direction of the Chief Judge. Usually, new policies are circulated to the ALJs for comment before they are implemented. The Chief Judge is ultimately responsible for the fiscal and administrative accountability of the Court. 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. The Clerk is the Chief Judge's primary assistant in administering the policy and serves as the 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 acts as the administrator of the agency, 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 assistant are responsible for ensuring the fair and prompt disposition of the cases assigned to their office.

Most empowerment issues arise with employees who work directly for ALJs, or within the Clerk's Office. No actions by the ALJs as a group have been necessary to accomplish this. 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. Any ALJ or staff member may request to attend training of which he or she becomes aware. However, conservation of funds and budget reductions has eliminated the agency's ability to pay for training for ALJs and staff.

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 also bound by the Code of Judicial Conduct pursuant to S.C. Code Ann. § 1-23-560. ALJs and attorneys are bound by the Code of Professional Conduct. Attorneys and staff are subject to the provisions of South Carolina Appellate Court Rule 507, and Rule 506, Canon 8.

### **Category 2 - Strategic Planning**

The Court is a very small organization that basically has seven different offices: the six judges' offices and the administrative staff. Our one program is the prompt and fair disposal of all cases filed with the Court. Therefore, it is difficult to develop a long-term formal strategic plan. However, the Court has informal plans for achieving certain goals, particularly in regard to improvement of information technology. Other plans are being discussed to develop a strategy to improve the age of disposed cases in order to enhance our main goal of providing fair, prompt and impartial hearings for all litigants.

Procedures for managing caseload have had only minor adjustments since 1994 and 1995. Case assignments are balanced among the ALJs and legal support staff assists the ALJs in handling their cases. The administrative staff provides all of the non-legal support functions, such as case management, financial, personnel, and facilities management. In seven years, the only significant changes which have occurred affecting the amount of workload presented to the Court are: 1) the elimination of video poker cases, and 2) the addition of the inmate grievance appeals in February, 2000 and in early 2003. The Court's budget remained virtually level during the first seven years of operation.

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. ALJs are periodically advised of external events that may affect jurisdiction and/or caseload. For example, future year consequences of current budget cuts have been reviewed with the ALJs. Similarly, shifts of personnel to accommodate changes in jurisdiction, such as the inmate grievance jurisdiction, have occurred only after discussion of the problem with the ALJs. As with human resource needs, operational resources have been reallocated 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 have been developed. Statistics are generated annually, which track progress in meeting those time standards. The reports are shared informally with the ALJs, and any adjustments to the objectives or measures will normally be provided to the ALJs for review prior to implementation. Most of the same information, as well as information about individual cases, is offered through the Court's website at [www.scalc.net](http://www.scalc.net) and also through printed reports.

### Strategic Planning

<b>Program Number and Title</b>	<b>Supported Agency Strategic Planning Goal/Objective</b>	<b>Related FY 04-05 Key Agency Action Plan/Initiative(s)</b>	<b>Key Cross References for Performance Measures*</b>
01000000 Admin.	Improvement of information technology	Acquire funds for case management system and replace outdated equipment	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 Court's key customers are the litigants who bring cases before an ALJ. 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 Court'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, the 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. Most often, the input from the 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.

Receiving input from affected customers is valuable and helps insure a successful operation. Typically, this is done by receiving and discussing informal feedback from the litigants. ALJs and staff develop professional relationships with agency heads, attorneys who practice before the Court, 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 is that some are represented by attorneys and others represent themselves (referred to as *pro se* litigants). The Court 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* and *Fig. 7.2-2*) – for use by the ALJs 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 File Book, which also serves as the database of case information, and is used to generate reports. The data is audited on a random, but periodic basis. Also, the ALJs' offices receive weekly reports on pending cases that are used to verify accuracy of case 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 Court maintains an in-house electronic directory of all decisions issued by the Court. This database provides the best method of collection and maintenance of organizational knowledge. Although most cases have their own individual facts, the

judges 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 Court, very little relevant data exists. The most useful comparative data is historical, from prior year reports of the Court'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 Court.

### **Category 5 - Human Resource Focus**

The success of the Court in achieving its mission and goals relies on its employees meeting their full potential. By responding to the individual and professional needs of the staff through continuing education, staff training and professional development, the Court 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. However, as in the past several years, the Court did not have the fiscal resources to provide any training or continuing education in FY 04-05.

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

In the past, the Court utilized formal performance appraisals to build and maintain professionalism, knowledge, skills, and abilities of the staff. However, with the further reduction of staff and the resulting restructuring of the Court's organizational structure, a more informal approach has been implemented. Other than the judges, there is only one other supervisory position in the Court. The Clerk and each judge 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 Court 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.

ALJs and the Court's attorneys 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 Information Technology Directors Association, the South Carolina Government Finance Officers Association, and the South Carolina Administrative and Regulatory Law Association. ALJs and/or staff have participated in leadership development programs such as the South Carolina Executive Institute and the Certified Public Managers Program. 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 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.

Each of the four phases of a case's life cycle affects the amount of time needed to dispose of a case. ALJs' staff and the Clerk's Office 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 Senior Staff Attorney and Clerk's Office provide a valuable support process in providing a historical perspective on current procedural issues faced by the Court. Periodically, various strategies for optimally using the staff attorney(s) and the law clerk positions have been considered and tested. From time to time, legal research software has been updated to take advantage of new technology. However, the Court's ability to update this information has been severely hampered by the cumulative budget reductions over the past few years. Currently, the Court uses Westlaw online to achieve optimal efficiency in issuing orders.

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.

## **Category 7 – Business Results**

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

During FY 2004-05, twenty-three specific case types were tracked. The twenty-three 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**

	Total Cases Disposed	Avg. Age at Disposition	% Meeting Objective
<b>Category I Case Types: Objective = 90 Days</b>	236	123.2	58.5
Insurance rate cases [DOI]	-	-	-
Insurance agent application/disciplinary cases [DOI]	5	203.0	20.0
Wage disputes [LLR]	4	139.8	25.0
Alcoholic beverage license applications/renewals [DOR]	120	132.3	59.2
Alcoholic beverage license violations [DOR]	28	95.1	50.0
Concealable weapons permitting cases [SLED]	12	96.3	75.0
Injunctive relief hearings	16	106.0	75.0
Public hearings for proposed regulations	32	69.0	84.4
Miscellaneous cases	19	207.8	15.8
<b>Category II Case Types: Objective = 120 Days</b>	35	141.5	48.6
Hunting/Fishing and Coastal Fisheries violations [DNR]	-	-	-
Health licensing cases [DHEC]	23	113.6	56.5
Outdoor advertising permits [DOT]	5	153.8	20.0
Disadvantaged Business Enterprises/Displacement[DOT]	5	123.2	60.0
Appeals from professional licensing boards [LLR]	2	477.5*	0.0
<b>Category III Case Types: Objective = 180 Days</b>	199	255.5	51.8
Certificate of need cases [DHEC]	16	273.8	37.5
Environmental permitting cases [DHEC]	59	182.4	61.0
OCRM cases [DHEC]	32	189.4	65.6
Medicaid Appeals [HHS]	14	131.6	78.6
Bingo violations [DOR]	3	294.0	33.3
State tax cases [DOR]	8	185.5	37.5
County property tax (real and personal) cases [DOR]	65	395.3**	35.4
Appeals of day-care or foster care license revocations	2	152.0	100.0
<b>Category IV Case Types: Objective = 120 days</b>	628	273	32.3
Inmate grievances [DOC & PPS]	628	273	32.3
<b>ALL CASE TYPES</b>	1098	233.5	42.0

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.

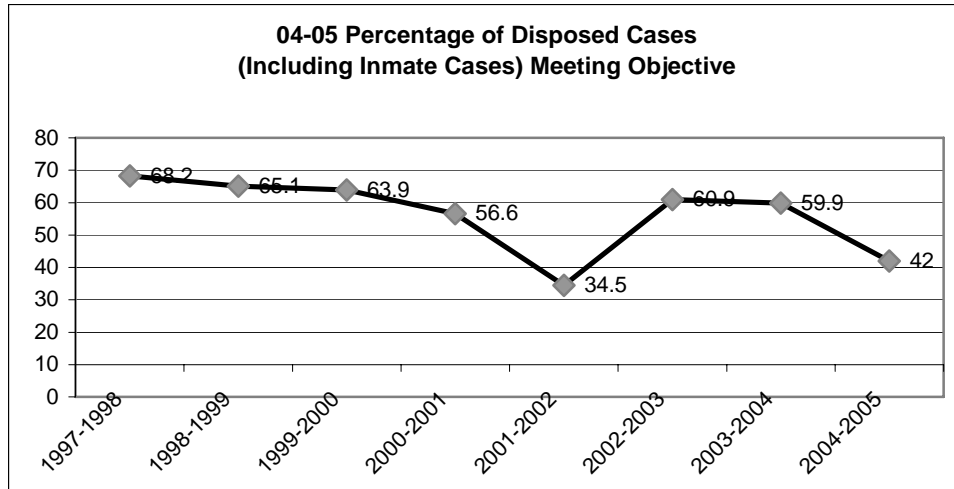
The Court's percentage of total cases meeting the time standards for disposition remained relatively level at just under 70% in the first several years of operation. During FY 98-99 and FY 99-00 there was a slight dip in the percentage of cases timely disposed of due to the resignation of two ALJs. A further decrease is shown for FY 00-01 and FY 01-02 as a result of the inclusion of the inmate grievances as well as budget and staff reductions.

The increase in the age of disposed cases for FY 04-05 can be attributed to several factors. First, there was a vacancy on the Court due to the resignation of a judge - this increased the caseload of the other judges and thus affected the timely disposal of cases. \*One of the two appeals decided from a professional licensing board involved a year-long abeyance by consent of the parties, which resulted in a 745 day total disposal time. \*\*Also, twenty-three (23) county tax cases originating in Charleston

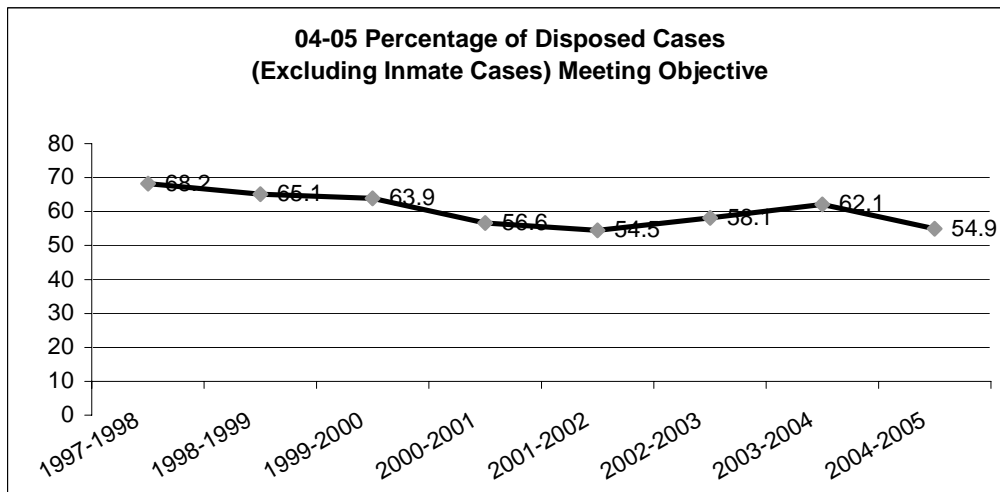
County as a result of the 15% tax cap issue were unable to be resolved timely due to their appeal to the S.C. Supreme Court. The average age at disposition of those cases was 771.8 days.

The two charts below compare the percentage of cases meeting the time standard for disposition from year to year. The first chart includes all inmate filings, but excludes them in the second chart. The Supreme Court’s opinion in Sullivan, which modified the ALC’s McNeil decision, has continued to have a positive impact on the timely disposition of inmate cases.

**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

**WORKLOAD REPORT BY YEAR SINCE 1999**

<b>FISCAL YEAR</b>	<b>FILINGS</b>		<b>TOTAL CASES FILED</b>	<b>FINAL DECISIONS</b>		<b>TOTAL FINAL DECISIONS</b>
	*CCs, RHs, IJs, and & other appeals	<u>Al-Shabazz/Furtick</u> Appeals		*CCs, RHs, IJs, and & other appeals	<u>Al-Shabazz/Furtick</u> Appeals	
<b>FY 99-00</b>	706	424	<b>1,130</b>	634	12	<b>646</b>
<b>FY 00-01</b>	604	1,668	<b>2,272</b>	665	653	<b>1,318</b>
<b>FY 01-02</b>	572	1,139	<b>1,711</b>	602	1,863	<b>2,465</b>
<b>FY 02-03</b>	569	1,114	<b>1,683</b>	558	1,058	<b>1,616</b>
<b>FY 03-04</b>	477	836	<b>1,313</b>	481	860	<b>1,341</b>
<b>FY 04-05</b>	479	933	<b>1,412</b>	470	628	<b>1,098</b>

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

Fig. 7.2-2a

