



State, The (Columbia, SC)

1994-11-23

Section: METRO/REGION

Edition: FINAL

Page: A8

## FUNDING, SYSTEMIC CHANGES NEEDED

*LISA GREENE, Staff Writer*

Among those who complain about the delays and scheduling problems in the court system, one solution is almost always suggested first: more money.

Many lawyers say the problems can't be fixed without adding millions in state and local funds -- for more judges, more prosecutors, more public defenders and more court space.

"The Legislature has not funded the judiciary to keep up with the explosion of cases that's taken place in the 20 years since I've been practicing," Columbia defense lawyer **Jack Swerling** said. "They've completely ignored funding the process that is supposed to dispense justice." Jay Elliott, a Columbia domestic lawyer, said funding problems have reached a critical point. He noted that the number of family court cases (including juvenile crime, child abuse, divorce and similar cases) has increased by 73 percent since 1977, but no new judges have been added since then.

"We need more judges," he said. "We just do. I'm afraid the Legislature is just going to have to pony up more money."

But others say the problems can be fixed, or at least eased, by changing the system. In the past few years, many such solutions have been discussed and some enacted. They include everything from making people discuss their disagreements before going to court to making judges work harder.

Lawyers are quick to praise the state's judiciary, and state court officials say a study a few years ago showed that S.C. judges handled more cases per year than those elsewhere in the Southeast.

The Bar's Justice for All group calculated that to keep up with the number of case filings, a circuit judge would have to dispose of one case every 32 minutes -- an impossibility when one trial can take a week or more.

House Judiciary Chairman Jim Hodges, D-Lancaster, said many lawmakers would be willing to support a funding increase -- if they're asked in the right way.

"There's some perception that funding for the court system is done to benefit the court system and not the general public," Hodges said. "It needs to be presented in the proper perspective, that you're delaying justice for victims, punishment for criminals, the ability of citizens to solve

civil disputes."

Some kind of proposal is likely, but exactly what it is remains to be seen. Justice Ernest Finney, who becomes chief justice Dec. 18, is reluctant to say what he will advocate before he takes the top job. Finney did note that the judicial department is supposed to be one of three equal branches of state government, yet its \$28 million budget last year was less than 1 percent of the state's total budget.

Several proposals for change have been floated.

Court officials might soon require civil litigants to try to solve their differences through arbitration or mediation. The S.C. Supreme Court will soon consider proposals for how such programs would work.

Officials could move cases from the crowded circuit courts to the lower magistrate and municipal courts. Last year, lawmakers increased magistrates' authority over some types of criminal cases. They also required magistrates, most of whom don't have law degrees, to receive more training. Starting in 1996, the limit on civil cases magistrates handle is set to increase from \$2,500 to \$5,000.

The judicial department received \$1.4 million this year to use more computers for court filings. Hodges said he would like to see technology used in other ways as well. For example, he said, jailed defendants could view minor court hearings on closed-circuit TV, saving the time and expense of bringing them to court.

Next year's procedures for civil trials include changes designed to make it easier for lawyers to prepare their cases, such as making it simpler to get trial preparation motions heard.

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