

South Carolina Bar NEWS

www.scbar.org

October 2008

Vol. 20, No. 1

Court of Appeals implements new case processing system

Within the past few years, the Court of Appeals' book of business has increased significantly.

The court's docket has swelled to include direct appeals from the Administrative Law Court, direct appeals in workers' compensation cases, and petitions for writ of certiorari from post-conviction relief hearings. Because the court is deciding more cases, it is implementing a new case processing system, which will do two things: increase the number of oral arguments it hears and reduce the number of lengthy, unpublished opinions it issues.

The court's long-standing practice has been to hear oral arguments during one week every month. Beginning in October, the court will have two weeks of oral arguments, hearing between 27 and 38 arguments each month.

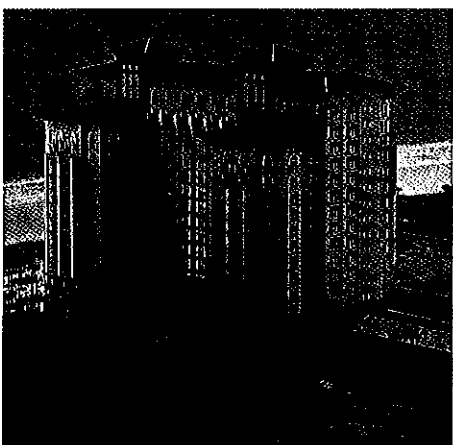
The court's expanded docket not only warrants additional days of oral argument, but also requires the court to change the way it reviews cases and issues opinions. In the past, the authoring judge of every case discussed the appeal with a staff attorney or law clerk, who then prepared a draft opinion. This draft opinion was circulated to the other panel members prior to the judges' conference on the case. If the other two panel members agreed with the authoring judge's proposed resolution, the draft opinion was converted into the final opinion. The result: even if the panel chose not to publish the opinion, a full-blown analysis of the case was issued. This created a "shadow docket" practitioners could access on the Internet but could not cite as precedent.

Effective September 2008, staff attorneys and law clerks no longer prepare draft opin-

ions, but prepare bench memoranda instead. These memoranda are less formal than draft opinions and serve to expedite the judges' decision by providing an objective recitation of the facts, issues on appeal and applicable law. If the judges decide to issue an unpublished opinion, they will do so in a short and summary fashion, often pursuant to Rule 220(b)(1), SCACR. If a lengthier analysis is required, a published opinion will be drafted and filed.

Times, they are a changing, and the Court of Appeals is changing too. With this new case processing system, the court feels confident it can continue to resolve appeals fairly and efficiently despite its burgeoning caseload.

Bar Convention moves to new venue in 2009



In January, the Bar Convention will offer another exceptional year's worth of CLE programs, remaining the most economical way to fulfill your entire CLE requirement while enjoying networking and fantastic social events.

The Convention's new venue, the Myrtle Beach Marriott Resort at Grande Dunes, has more amenities than any other destination in the Carolinas. It boasts its own 18-hole championship golf course, a state of the art fitness and tennis center and European spa with an

Convention, continued on page 12.

INSIDE THIS ISSUE:

Bar Bytes	11
Bar Foundation News	4
Calendar	30
Classifieds	31
CLE News	16-17
Firm Announcements	6-7
Judicial Advisory Opinions	10
Legal Administrators News	13
Risk Management	14

South Carolina Bar NEWS

www.scbar.org

October 2008

Vol. 20, No. 1

Court of Appeals implements new case processing system

Within the past few years, the Court of Appeals' book of business has increased significantly.

The court's docket has swelled to include direct appeals from the Administrative Law Court, direct appeals in workers' compensation cases, and petitions for writ of certiorari from post-conviction relief hearings. Because the court is deciding more cases, it is implementing a new case processing system, which will do two things: increase the number of oral arguments it hears and reduce the number of lengthy, unpublished opinions it issues.

The court's long-standing practice has been to hear oral arguments during one week every month. Beginning in October, the court will have two weeks of oral arguments, hearing between 27 and 38 arguments each month.

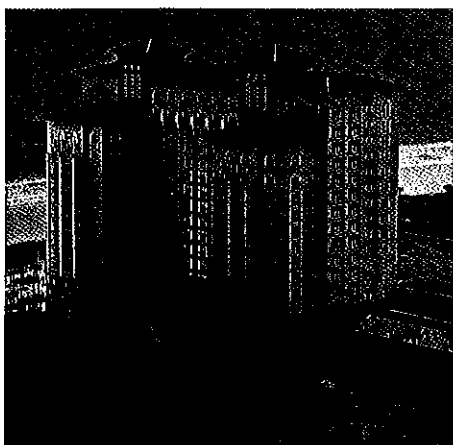
The court's expanded docket not only warrants additional days of oral argument, but also requires the court to change the way it reviews cases and issues opinions. In the past, the authoring judge of every case discussed the appeal with a staff attorney or law clerk, who then prepared a draft opinion. This draft opinion was circulated to the other panel members prior to the judges' conference on the case. If the other two panel members agreed with the authoring judge's proposed resolution, the draft opinion was converted into the final opinion. The result: even if the panel chose not to publish the opinion, a full-blown analysis of the case was issued. This created a "shadow docket" practitioners could access on the Internet but could not cite as precedent.

Effective September 2008, staff attorneys and law clerks no longer prepare draft opin-

ions, but prepare bench memoranda instead. These memoranda are less formal than draft opinions and serve to expedite the judges' decision by providing an objective recitation of the facts, issues on appeal and applicable law. If the judges decide to issue an unpublished opinion, they will do so in a short and summary fashion, often pursuant to Rule 220(b)(1), SCACR. If a lengthier analysis is required, a published opinion will be drafted and filed.

Times, they are a changing, and the Court of Appeals is changing too. With this new case processing system, the court feels confident it can continue to resolve appeals fairly and efficiently despite its burgeoning caseload.

Bar Convention moves to new venue in 2009



In January, the Bar Convention will offer another exceptional year's worth of CLE programs, remaining the most economical way to fulfill your entire CLE requirement while enjoying networking and fantastic social events.

The Convention's new venue, the Myrtle Beach Marriott Resort at Grande Dunes, has more amenities than any other destination in the Carolinas. It boasts its own 18-hole championship golf course, a state of the art fitness and tennis center and European spa with an

Convention, continued on page 12.

INSIDE THIS ISSUE:

Bar Bytes	11
Bar Foundation News	4
Calendar	30
Classifieds	31
CLE News	16-17
Firm Announcements	6-7
Judicial Advisory Opinions	10
Legal Administrators News	13
Risk Management	14