

State of the Judiciary  
Chief Justice John W. Kittredge, South Carolina Supreme Court  
Message to the Legislature  
March 5, 2025

PRESIDENT ALEXANDER, Speaker Smith, Chairman PEELER, Speaker Pro Tempore Pope, and the Majority and Minority leaders of the Senate and House; In the House, Representatives Hiott and Rutherford; in the Senate, Senators MASSEY and HUTTO; and Senator HUTTO, please know we are thinking of you and looking forward to your return. To all members of the General Assembly, thank you for extending me the privilege of addressing this esteemed joint assembly. Please know I am grateful for this invitation. After serving for thirty-three years as a state judge at every level, I assumed the position of Chief Justice fairly recently, back in August. I stand before you as a steward of the Chief Justice position, mindful of the solemn and immense trust imposed in me. I pledge to you my commitment to do my best to be worthy of this position and to merit the confidence you have shown in me. I began this journey mindful and appreciative of the contributions of my predecessors, Chief Justices Toal, Pleicones and Beatty. I applaud them for their service. I will do my best to build on the solid foundation they have laid.

I recognize and applaud my exceptional colleagues on the Supreme Court, Justices Few, James, Hill and Verdin. Chief Judge Williams of the court of appeals is here, along with our outstanding appellate court judges, and welcome to the newest member of the court of appeals, Judge Kristi Curtis.

I recognize and extend my gratitude to Dan Shearouse, the Supreme Court's long serving clerk of court who came out of retirement to serve as the interim State Court Administrator. Similarly, I recognize Karama Herrington, who later this month will become our new State Court Administrator. Mr. Shearouse's service has been extraordinary, and I am confident Ms. Herrington is well prepared to assume this important role. Thank you, Dan, and welcome, Karama.

In our brief time together, there are so many important topics we could discuss. From judicial independence, to how does the judicial branch manage huge technology challenges, to how do we wisely assign our limited judicial resources to terms of court across our State, and the list goes on and on. Yet my time is limited, so I have chosen three topics to address briefly.

First, I want to give you and the citizens of South Carolina a glimpse into the role and volume of work in our trial courts and the number of cases that our court system handles. Second, because I note the Governor and the Legislature have a focus on magistrate reform, I want to commend you for those efforts and offer just a quick observation about one aspect concerning the need for uniformity in our magistrate court system. And lastly and perhaps most importantly, I want to share how all people and all branches of government face a common challenge. I will do so by describing the most difficult journey a man or woman has ever undertaken.

Now to our courts in South Carolina. Apart from the Supreme Court and the court of appeals, we have fifty-three circuit court judges, sixty-three family court judges, roughly twenty-three Masters-in-Equity, forty-six probate court judges, about three hundred magistrates, and over four

hundred municipal court judges. That's a lot of judges. Have you ever thought about the true role and impact of the law on our fellow citizens? Yes, we intuitively understand that law -- particularly the rule of law -- serves as the bedrock foundation in our constitutional republic, in our civil society. What I want to share now, however, is more practical. What is the role and involvement of courts to the citizens we serve? We know over the past twenty-five years, the population in South Carolina has dramatically increased. Our State had a population of about four million in the year 2000. Today, a quarter of a century later, according to the most recent estimates from the Census Bureau, we are pushing five and a half million. How does that exploding growth affect the pressures on our justice system? We currently do not have complete data about the number of cases and hearings conducted in the courtrooms across our State. We are working on gathering complete data so we can know the full story. Though our information is currently incomplete, what we do know is revealing in terms of the volume of work being done in our courts.

The chart on the screen is a new chart. It is not complete. It is a work in progress. Gregory Brooks in our IT department is creating this new report. If we are successful, the chart will eventually include information reflecting all the cases and hearings in the trial courts throughout the State. Gregory is off to an excellent start, and I thank him. When it is complete, the judicial branch, you, and the public will be able to access this site and obtain the most current data about the workloads in our courts. In this one interactive document that is being developed, we will have one go-to resource to see where we are on case filings and case dispositions. This is in line with the judicial branch's commitment to you and all of our fellow citizens to provide greater transparency and accountability. While we currently only have partial information, here's what we do know. Over the past few years, 5.8 million matters have been filed in the trial courts of SC. Thus, what we do know begins to give us a sense of the volume of work in our courts. Think for a moment -- not about the number of cases, but about the number of hearings that take place. A case in any court can result in many hearings. We will make this interactive resource available when it is complete. When the report goes live, we will keep updating the data as we establish a system for trial courts, clerks of court, and other stakeholders to provide us with complete information. We want to know how many cases are filed, and we want to know how many hearings take place in our courts. To give you a glimpse of what we are hoping to share with you and our fellow citizens, you will be able to look at a snapshot of a year by clicking on a year. You will access and see the information for the year you have selected. In 2024, for example, there were conservatively 1.5 million case filings. The number of court hearings, of course, would be much more than that. We will be able to drill down further into circuits and counties. We need to know the workloads in our courts. We are doing our best to gather all the information, so that we can truly know the volume and pressures in the trial courts of our State. With the relevant information, we can better and more wisely operate and manage the justice system for all South Carolinians. As I move to my next topic, I leave you with this: I and my colleagues on the Supreme Court could not be prouder of the work ethic of our trial court judges. In the trial courts across South Carolina, as you have seen, far more than a million matters are handled every year. I am going to return to this thought when I share my concluding remarks.

Permit me to offer a quick observation about our magistrate court system. If you look to the justices and judges elected here in the Legislature -- family and circuit court, court of appeals and Supreme Court -- the Legislature elects right at one-hundred-thirty judgeships. Double that

figure and you are still short of the approximate 300 magistrates throughout our State. The majority of magistrates perform well in their judicial service. A citizen's view of our justice system is frequently formed through the citizen's experience in magistrate court. It serves as the people's court. The Governor and the Legislature have expressed a desire to improve the structure of the magistrate court system, including magistrate court standards, uniformity and professionalism. The Governor, to his great credit, is focused on enhanced magistrate standards and professionalism. In the legislative branch, I note several bills filed, directed to the issue of magistrates. For example, you are considering increasing magistrate court jurisdiction. Bills have been filed addressing the possible need for the vetting of magistrates in conjunction with a merit selection process for magistrates. You and the Governor are to be commended. The third branch of government -- the judicial branch -- supports your efforts, and it is my hope you will allow the judicial branch a seat at the table. I necessarily work closely with our magistrate court system and through my regular interaction with the magistrate courts, I know of some of the strengths and weaknesses in the system. I choose only one issue to mention.

One area where the issue of uniformity needs to be addressed is magistrates pay for full-time magistrates. There are full-time and part-time magistrates. I only mention full-time magistrates here. The statutory method of pay is complicated and cumbersome. We look to the counties to pay the county magistrates, and we do so largely through a formula based on a county's population. Larger counties have more magistrates; smaller counties have fewer magistrates. Again, it is a population-based formula and approach. The pay disparity among full-time magistrates is staggering. The highest paid magistrate earns just above \$130,000, yet there are many full-time magistrates earning barely \$50,000, one as low as \$46,000. Think about that disparity. The higher salaries are found in the larger counties; the lowest salaries are found in our smaller counties. Yet when the caseloads of individual magistrates are examined, we learn that the lowest paid magistrates in the smaller counties can have a caseload equal to and sometimes greater than the magistrates serving in the larger counties. And we wonder why it is sometimes quite difficult to find qualified individuals willing to serve, especially in the less populated, rural areas. If there is a desire to move forward legislatively with magistrate reform with enhanced professionalism standards, the judicial branch would welcome the opportunity to have a voice in that effort.

I now move to my final point. I have conveyed to you the volume of work done by those who serve in our justice system. I do not, however, want to leave you with the impression that because of the overwhelming caseload pressures, that judges are merely assembly line workers, simply moving cases along without caring for the people who appear in our courts. Let me set this up by sharing something I heard years ago that resonated and has remained with me. Perhaps you are familiar with it, and especially the profound underlying message it carries. It begins with the following question: what is the most difficult -- the most important journey a man or woman has ever embarked on? It was not Hannibal's crossing of the Alps; nor was it the Lewis and Clark expedition; nor Lindberg's transatlantic flight; nor the Apollo moon mission; nor any other physical journey ever undertaken. The most difficult and important journey ever undertaken in the history of mankind is the twelve inches from the mind to the heart. The merging of the mind and the heart is what the law is all about. Yes, we must have accountability, but justice -- to be justice -- must be tempered with the heart, with understanding and mercy. Embedded in the DNA of the human spirit is a yearning for second chances. The law recognizes the role of redemption

in the civil society. The merging of the mind with the heart is the essence of what the prophet Micah was capturing in the admonition to do justice and love mercy. I submit to you that when you are debating policy questions, and crafting legislation, you, too, are searching for the elusive intersection of accountability and compassion, the merging of the mind and heart.

In the court system, we at times confront horrific violent crime. In terms of dealing with violent crime, what is the relative relationship between the mind and the heart? Will judges impose a sentence for many years in prison for violent and repeat offenders? Absolutely and we do not apologize. In such a situation, accountability predominates and properly so. The laws you pass often mandate certain penalties and judges must honor those legislative directives. But there are many defendants -- people -- who come into the criminal justice system who are not violent offenders. In fact, the majority of people in the system fall into this latter category. It is here where a proper and wise understanding brings mercy and compassion into the equation.

As I close, I want to share just one example where the law has successfully navigated the difficult journey and merged the mind and the heart. It is with treatment courts, which are designed for and limited to nonviolent offenders. There are many different kinds of successful treatment courts -- mental health courts; veterans courts; in family court, we have safe babies court; and there are others. Every county in South Carolina has at least one of these different kinds of treatment courts. Because of time constraints, I will mention only one -- drug courts. Drug courts reflect both accountability and grace. A drug court program is intensive. The court meets with the participants regularly, at least once weekly. Professionals provide treatment and drug testing. The participant must have and keep a job, or perform community service, and the program will last typically for a year, sometimes longer.

There is not a person here or within the sound of my voice who has not been impacted by addiction, perhaps through a family member or close friend. All understand the debilitating scourge of addiction. What is also beyond dispute is the fact that drug courts work. I know you are familiar with recidivism rates for those who go through the normal criminal court process. The rate of repeat offenders is alarmingly high for those who are simply handled through our criminal justice system. Yet the recidivism rate for those who make it through a drug court program pales in comparison. The success rate is high. Drug courts work. Peoples' lives are saved. People are reunited with their communities; people are reunited with their families. Allow me to reiterate: judges impose harsh yet necessary prison sentences for violent offenders; we hold offenders accountable; and we strive to be sensitive to the plight of crime victims. But there is a significant portion of those who enter the court system who are not violent.

I once had a defendant plead guilty to possession of cocaine. In the standard questioning, I asked the defendant, "Sir, did you possess cocaine?" The defendant responded, "No sir, I didn't possess cocaine; it possessed me." I now share a very short video clip from the national group known as All Rise, a tremendous group that provides support services for drug courts nationwide. Peoples' lives are being saved in drug court. The lives of our fellow citizens in South Carolina are being saved in the drug court program.

I am pleased to report that drug courts and treatment courts in general are being increased, as new ones are being established across our State. Think of all those involved in our drug courts.

Our circuit solicitors are leaders in this effort, and I thank and commend them. They are not merely prosecutors, but in those cases where a second chance is warranted, it is the solicitors who have stepped up to support treatment courts. Like the solicitors, the defense bar, especially the circuit public defenders, also deserve credit. Think of the clerks of court and so many others in our justice system whose support is necessary to operate drug courts.

And yes, I want to thank the judges. Almost all judges do this extra service for no pay. Did that register? The judges volunteer without compensation, because they believe in helping people. They believe in second chances. Who are these judges? They are magistrates, municipal judges, probate court judges, family court judges and circuit court judges.

There is one judge whose story brings it home. He is a retired judge who has presided over drug court for many years. This judge had an adult son who struggled with addiction. Late last year, the judge's son died. Yet this judge, even after the tragic loss of his son, still in his grief, continues to preside in drug court, never giving up the mission to save someone's life. That's what compassion -- true justice -- looks like. That my friends is the elusive intersection of the mind and the heart.

Do South Carolina judges have a strong work ethic and understand the importance of addressing backlogs and moving cases? Absolutely, as established by the far more than one million matters that are handled each year in our state court system. But judges are so much more than assembly line workers dealing with an overwhelming volume of cases. I leave you with this: the judges across South Carolina are so much more. These judges, including the ones you vet and you elect, are dedicated public servants who care deeply about serving with compassion and understanding for all who appear before them in our court system. I am proud to serve alongside these public servants in our justice system, and as long as I am privileged to serve as the Chief Justice, we will never waver from the pursuit of justice -- the journey of the mind to the heart.

God bless you and God bless the State of South Carolina.