

South Carolina Judiciary—How Diverse?

The Sumter League of Woman Voters kicked off its program to investigate how the Judiciary system operates in Sumter County last month. On Monday, October 11, 2010, Chief Magistrate, Kathy Ward, spoke to the League membership about the duties and responsibilities of Magistrates and the Magistrates' Court. Judge Ward provided two informative handouts and provided an excellent verbal description of her job.

Judge Ward returned to Sumter in 1972 when her father retired from the Air Force.. She earned a degree from The College of Charleston and worked as a city and county planner in Lancaster and Sumter Counties for 12 years. She earned her Law Degree from the University of South Carolina and practiced law with Dick Booth. She has served as Sumter County Attorney and as General Counsel for the Sumter County Development Board. Judge Ward was appointed a magistrate in 2002 and has served as Chief Magistrate since January 2003. In 2009, she was appointed Chief Magistrate for Lee County.

There are approximately 319 magistrates in South Carolina. They are appointed by the Governor, upon the advice and consent of the Senate for four-year terms. Since 2005, magistrates must have a four-year college degree. Prospective magistrates must pass an eligibility examination prior to appointment. They then must attend an orientation program, pass a certification examination within one year, and attend a number of trials prior to conducting a trial. There is good diversity within the ranks of those appointed magistrate. As an aside, there are seven Native Americans, trained by the South Carolina Judicial System, that serve as judges on Tribal Lands here in South Carolina.

Magistrates, together with Municipal Judges make up the Summary Court. Magistrates have both civil and criminal trial jurisdiction. Civil cases include small claims up to \$7,500, repossession suits, real estate cases and restraining orders. Criminal cases are subject to a maximum fine of \$500 or imprisonment not exceeding 30 days, or both. Magistrates hold all bond hearings for those charged with a crime unless the charge carries a life or death sentence. In those cases, the circuit court holds the bond hearing.

Most people have their first experience with the court system in Magistrates Court. Traffic misdemeanors, bad checks, and bond hearings are the most common cases heard by magistrates. In civil cases, the magistrate renders a verdict on the "preponderance of the evidence," while criminal cases require "probable cause or no reasonable doubt." If the magistrate releases a prisoner, the Solicitor can still take the case to the Grand Jury for indictment.

Magistrates hear some 38,000 cases per year, mainly traffic misdemeanors, and 8,000 civil cases. Appeals from Magistrate Court are made to the Circuit Court that is composed of the Court of Common Pleas for civil cases, and the Court of General Sessions for criminal cases. If necessary, the State Supreme Court may remove a magistrate from office.

Again, I wish to thank Chief Magistrate Kathy Ward for her excellent presentation. Even Retired Chief Justice Ernest Finney came to hear her, and, as he said, 'learn something.'