

TABLE OF CONTENTS

---

|   |           |
|---|-----------|
| <b>SOUTH CAROLINA RULES OF CIVIL PROCEDURE .....</b>  | <b>1</b>  |
| <b>I. SCOPE OF RULES – ONE FORM OF ACTION .....</b>   | <b>1</b>  |
| <b>RULE 1. SCOPE OF RULES.....</b>  | <b>1</b>  |
| <b>RULE 2. ONE FORM OF ACTION.....</b>  | <b>2</b>  |
| <b>II. COMMENCEMENT OF ACTION – SERVICE OF PROCESS,<br/>PLEADINGS, MOTIONS AND ORDER.....</b> | <b>3</b>  |
| <b>RULE 3. COMMENCEMENT OF ACTION.....</b>  | <b>3</b>  |
| (a) Commencement of civil action. ....  | 3         |
| (b) Filing <i>In Forma Pauperis</i> .....   | 3         |
| <b>RULE 4. PROCESS.....</b>   | <b>8</b>  |
| (a) Summons: Issuance. ....   | 8         |
| (b) Same: Form. ....  | 8         |
| (c) By Whom Served. ....  | 8         |
| (d) Summons: Personal Service. ....   | 8         |
| (e) Same: Other Service. ....   | 10        |
| (f) Territorial Limits of Effective Service.....  | 10        |
| (g) Proof and Return. ....  | 10        |
| (h) Proof of Service Without the State.....   | 11        |
| (i) Amendment.....  | 11        |
| (j) Acceptance of Service. ....   | 11        |
| <b>RULE 5. SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS.....</b>                          | <b>20</b> |
| (a) Service: When Required. ....  | 20        |
| (b)(1) Same: How Made.....  | 20        |
| (b)(2) Service on Sunday. ....  | 20        |
| (b)(3) Service of Proposed Orders and Other Papers. ....                                      | 20        |
| (c) Same: Numerous Defendants. ....   | 20        |
| (d) Filing. ....  | 20        |
| (e) Filing with the Court Defined.....  | 21        |
| <b>RULE 6. TIME .....</b>   | <b>24</b> |
| (a) Computation.....  | 24        |
| (b) Enlargement. ....   | 24        |
| (c) Unaffected by Expiration of Term.....   | 24        |
| (d) For Motions--Affidavits. ....   | 24        |
| (e) Additional Time After Service by Mail or Upon Statutory Agent. ....                       | 24        |
| <b>III. PLEADINGS AND MOTIONS.....</b>  | <b>28</b> |
| <b>RULE 7. PLEADINGS ALLOWED: FORM OF MOTIONS .....</b>                                       | <b>28</b> |
| (a) Pleadings.....  | 28        |
| (b) Motions and Other Papers.....   | 28        |
| (c) Demurrers, Pleas, Etc. Abolished.....   | 28        |
| <b>RULE 8. GENERAL RULES OF PLEADING .....</b>  | <b>31</b> |
| (a) Claims for Relief. ....   | 31        |
| (b) Defenses; Form of Denials. ....   | 31        |
| (c) Affirmative Defenses; Reply.....  | 31        |
| (d) Effect of Failure to Deny.....  | 31        |
| (e) Pleading to be Concise and Direct; Consistency.....                                       | 31        |
| (f) Construction of Pleadings. ....   | 32        |
| <b>RULE 9. PLEADING SPECIAL MATTERS .....</b>   | <b>52</b> |
| (a) Capacity.....   | 52        |

## TABLE OF CONTENTS

---

|  |            |
|--|------------|
| (b) Fraud, Mistake, Condition of Mind.....   | 52         |
| (c) Conditions Precedent .....   | 52         |
| (d) Official Document or Act.....  | 52         |
| (e) Judgment .....   | 52         |
| (f) Time and Place.....  | 52         |
| (g) Special Damage .....   | 52         |
| (h) Libel or Slander.....  | 52         |
| (i) Verification of Account.....   | 52         |
| <b>RULE 10. FORM OF PLEADINGS .....</b>  | <b>55</b>  |
| (a) Caption, Name of Parties.....  | 55         |
| (b) Paragraphs; Separate Statements .....  | 55         |
| (c) Adoption by Reference; Exhibits .....  | 55         |
| (d) Manner of Preparing Papers.....  | 55         |
| (e) Filing Refused.....  | 55         |
| <b>RULE 11. SIGNING OF PLEADINGS; ATTORNEYS.....</b>   | <b>57</b>  |
| (a) Signature.....   | 57         |
| (b) Change of Attorney .....   | 57         |
| (c) Affidavits and Verifications.....  | 57         |
| (d) Attorney as Surety.....  | 57         |
| <b>RULE 12. DEFENSES AND OBJECTIONS — WHEN AND HOW PRESENTED<br/>— BY PLEADING OR MOTION—MOTION FOR JUDGMENT ON<br/>PLEADINGS.....</b> | <b>63</b>  |
| (a) When Presented. ....   | 63         |
| (b) How Presented. ....  | 63         |
| (c) Motion for Judgment on the Pleadings.....  | 63         |
| (d) Preliminary Hearings.....  | 64         |
| (e) Motion for More Definite Statement.....  | 64         |
| (f) Motion to Strike.....  | 64         |
| (g) Consolidation of Defenses in Motion. ....  | 64         |
| (h) Waiver or Preservation of Certain Defenses. ....   | 64         |
| <b>RULE 13. COUNTERCLAIM AND CROSS-CLAIM .....</b>   | <b>89</b>  |
| (a) Compulsory Counterclaims.....  | 89         |
| (b) Permissive Counterclaims. ....   | 89         |
| (c) Counterclaim Exceeding Opposing Claim.....   | 89         |
| (d) Counterclaim Against the State.....  | 89         |
| (e) Counterclaim Maturing or Acquired After Pleading.....  | 89         |
| (f) Omitted Counterclaim. ....   | 89         |
| (g) Cross-Claim Against Co-Party. ....   | 89         |
| (h) Joinder of Additional Parties. ....  | 89         |
| (i) Separate Trials. Separate Judgments.....   | 89         |
| (j) Transfer.....  | 89         |
| <b>RULE 14. THIRD PARTY PRACTICE .....</b>   | <b>94</b>  |
| (a) When Defendant May Bring in Third Party. ....  | 94         |
| (b) When Plaintiff May Bring in Third Party. ....  | 94         |
| (c) Joinder as Plaintiff or Defendant.....   | 94         |
| <b>RULE 15. AMENDED AND SUPPLEMENTAL PLEADINGS .....</b>   | <b>96</b>  |
| (a) Amendments. ....   | 96         |
| (b) Amendments to Conform to the Evidence. ....  | 96         |
| (c) Relation Back of Amendments. ....  | 96         |
| (d) Supplemental Pleadings. ....   | 96         |
| <b>RULE 16. PRE-TRIAL PROCEDURE: FORMULATING ISSUES .....</b>  | <b>106</b> |
| (a) Pre-Trial Hearings. ....   | 106        |

---

TABLE OF CONTENTS

---

|   |            |
|---|------------|
| (b) Pre-Trial Orders .....  | 106        |
| (c) Pre-Trial Briefs .....  | 106        |
| (d) Pre-Trial Calendar.....   | 107        |
| (e) Status Conferences.....   | 107        |
| <b>IV. PARTIES.....</b>   | <b>109</b> |
| <b>RULE 17. PARTIES PLAINTIFF AND DEFENDANT: CAPACITY.....</b>          | <b>109</b> |
| (a) Real Party in Interest .....  | 109        |
| (b) Capacity to Sue or Be Sued. ....                                    | 109        |
| (c) Minor or Incompetent Persons.....                                   | 109        |
| (d) Guardians Ad Litem. ....  | 109        |
| (e) Unknown Owners or Heirs as Parties.....                             | 110        |
| (f) Actions for Partition of Real Estate of Deceased Person.....        | 110        |
| <b>RULE 18. JOINDER OF CLAIMS AND REMEDIES.....</b>                     | <b>118</b> |
| (a) Joinder of Claims. ....   | 118        |
| (b) Joinder of Remedies; Fraudulent Conveyances.....                    | 118        |
| (c) Separate Trials.....  | 118        |
| <b>RULE 19. JOINDER OF PERSONS NEEDED FOR JUST ADJUDICATION.....</b>    | <b>120</b> |
| (a) Persons to be Joined if Feasible.....                               | 120        |
| (b) Determination by Court Whenever Joinder Not Feasible. ....          | 120        |
| (c) Pleading Reasons for Nonjoinder.....                                | 120        |
| (d) Exception of Class Actions.....                                     | 120        |
| <b>RULE 20. PERMISSIVE JOINDER OF PARTIES.....</b>                      | <b>124</b> |
| (a) Permissive Joinder. ....  | 124        |
| (b) Separate Trials. ....   | 124        |
| <b>RULE 21. MISJOINDER AND NON-JOINDER OF PARTIES .....</b>             | <b>126</b> |
| <b>RULE 22. INTERPLEADER.....</b>                                       | <b>128</b> |
| (a) Interpleader May be Required. ....                                  | 128        |
| (b) Release from Liability, Deposit, Delivery, or Bond. ....            | 128        |
| <b>RULE 23. CLASS ACTIONS .....</b>                                     | <b>129</b> |
| (a) Prerequisites to a Class Action. ....                               | 129        |
| (b)(1) Derivative Actions by Shareholders.....                          | 129        |
| (b)(2) Actions Relating to Unincorporated Associations. ....            | 129        |
| (c) Dismissal or Compromise.....  | 129        |
| (d) Orders in the Conduct of Actions.....                               | 129        |
| (e) Disposition of Residual Funds.....                                  | 130        |
| <b>RULE 24. INTERVENTION .....</b>                                      | <b>136</b> |
| (a) Intervention of Right. ....   | 136        |
| (b) Permissive Intervention.....  | 136        |
| (c) Procedure; Notice to State When Validity of Statute Questioned..... | 136        |
| <b>RULE 25. SUBSTITUTION OF PARTIES .....</b>                           | <b>141</b> |
| (a) Death. ....   | 141        |
| (b) Incompetency.....   | 141        |
| (c) Transfer of Interest.....   | 141        |
| (d) Public Officers; Death or Separation from Office.....               | 141        |
| (e) Substitution at Any Stage. ....                                     | 141        |
| <b>V. DEPOSITIONS AND DISCOVERY .....</b>                               | <b>143</b> |
| <b>RULE 26. GENERAL PROVISIONS GOVERNING DISCOVERY .....</b>            | <b>143</b> |
| (a) Discovery Methods.....  | 143        |
| (b) Scope of Discovery. ....  | 143        |

## TABLE OF CONTENTS

---

|   |            |
|---|------------|
| (c) Protective Orders .....   | 145        |
| (d) Sequence and Timing of Discovery.....   | 146        |
| (e) Supplementation of Responses.....   | 146        |
| (f) Discovery Conference.....   | 146        |
| (g) Signing of Discovery Requests, Responses, and Objections.....   | 147        |
| <b>RULE 27. DEPOSITIONS BEFORE ACTION OR PENDING APPEAL .....</b>   | <b>156</b> |
| (a) Before Action.....  | 156        |
| (b) Pending Appeal. ....  | 156        |
| (c) Perpetuation by Action.....   | 157        |
| <b>RULE 28. PERSONS BEFORE WHOM DEPOSITIONS MAY BE TAKEN;</b>   |            |
| <b>DEPOSITIONS IN OUT-OF-STATE ACTIONS .....</b>  | <b>158</b> |
| (a) Within the United States.....   | 158        |
| (b) In Foreign Countries. ....  | 158        |
| (c) Disqualification for Interest.....  | 158        |
| (d) Depositions or Production in Out-of-State Actions.....  | 158        |
| <b>RULE 29. STIPULATIONS REGARDING DISCOVERY PROCEDURE.....</b>   | <b>160</b> |
| <b>RULE 30. DEPOSITIONS UPON ORAL EXAMINATION .....</b>   | <b>160</b> |
| (a)(1) When Depositions May Be Taken.....   | 160        |
| (a)(2) Limitations.....   | 160        |
| (b) Notice of Examination: General Requirements; Special Notice; Non-Stenographic Recording; Production of Documents and Things; Deposition of Organization; Deposition by Telephone..... | 160        |
| (c) Examination and Cross-Examinations; Record of Examination; Oath; Objections. ....   | 162        |
| (d) Motion to Terminate or Limit Examination.....   | 162        |
| (e) Submission to Witness; Changes; Signing.....  | 162        |
| (f) Certification and Delivery by Officer; Exhibits; Copies; Notice of Filing.....  | 163        |
| (g) Failure to Attend or to Serve Subpoena; Expenses. ....  | 163        |
| (h) Videotaped Depositions.....   | 163        |
| (i) Use of Depositions of Treating Physicians and Other Specified Treating Health Care Providers. ....  | 166        |
| (j) Conduct During Depositions.....   | 167        |
| <b>RULE 31. DEPOSITIONS UPON WRITTEN QUESTIONS.....</b>   | <b>171</b> |
| (a) Serving Questions; Notice.....  | 171        |
| (b) Officer to Take Responses and Prepare Record. ....  | 171        |
| (c) Notice of Filing.....   | 171        |
| <b>RULE 32. USE OF DEPOSITIONS IN COURT PROCEEDINGS .....</b>   | <b>171</b> |
| (a) Use of Depositions. ....  | 171        |
| (b) Objections to Admissibility.....  | 172        |
| (c) Effect of Taking or Using Depositions. ....   | 172        |
| (d) Effect of Errors and Irregularities in Depositions. ....  | 173        |
| <b>RULE 33. INTERROGATORIES TO PARTIES .....</b>  | <b>176</b> |
| (a) Availability; Procedures for Use. ....  | 176        |
| (b) Standard Interrogatories.....   | 176        |
| (c) Option to Produce Business Records. ....  | 177        |
| (d) Scope; Use at Trial.....  | 177        |
| <b>RULE 34. PRODUCTION OF DOCUMENTS AND THINGS AND ENTRY UPON LAND FOR INSPECTION AND OTHER PURPOSES .....</b>  | <b>180</b> |
| (a) Scope. ....   | 180        |
| (b) Procedure. ....   | 180        |
| (c) Persons Not Parties. ....   | 181        |
| <b>RULE 35. PHYSICAL AND MENTAL EXAMINATIONS .....</b>  | <b>182</b> |
| (a) Order for Examination.....  | 182        |

## TABLE OF CONTENTS

---

|   |            |
|---|------------|
| (b) Report of Examining Physicians.....   | 182        |
| <b>RULE 36. REQUEST FOR ADMISSION .....</b>   | <b>184</b> |
| (a) Request for Admission.....  | 184        |
| (b) Effect of Admissions.....   | 184        |
| (c) Limitation.....   | 185        |
| <b>RULE 37. FAILURE TO MAKE OR COOPERATE IN DISCOVERY:</b>  |            |
| <b>SANCTIONS .....</b>  | <b>188</b> |
| (a) Motion for Order Compelling Discovery.....  | 188        |
| (b) Failure to Comply with Order. ....  | 188        |
| (c) Expenses on Failure to Admit.....   | 189        |
| (d) Failure of Party to Attend at Own Deposition or Serve Answers to Interrogatories<br>or Respond to Request for Inspection..... | 189        |
| (e) Failure to Participate in the Framing of a Discovery Plan.....  | 190        |
| (f) Electronically Stored Information. ....   | 190        |
| <b>VI. TRIALS .....</b>   | <b>199</b> |
| <b>RULE 38. JURY TRIAL OF RIGHT .....</b>   | <b>199</b> |
| (a) Right Preserved. ....   | 199        |
| (b) Demand. ....  | 199        |
| (c) Same: Specification of Issues. ....   | 199        |
| (d) Waiver. ....  | 199        |
| <b>RULE 39. TRIAL BY JURY OR BY THE COURT .....</b>   | <b>201</b> |
| (a) By Jury. ....   | 201        |
| (b) By the Court. ....  | 201        |
| (c) Advisory Jury and Trial by Consent. ....  | 201        |
| <b>RULE 40. GENERAL DOCKET, TRIAL ROSTERS, AND CALL OF CASES FOR<br/>TRIAL .....</b>  | <b>204</b> |
| (a) Dockets and Trial Rosters; Designation by Party .....   | 204        |
| (b) General Docket, Transfer of Cases to Jury Trial Roster; Call of Cases Only From<br>Jury Trial Roster; Order of Call. ....     | 204        |
| (c) Transfer to Jury Trial Roster by Agreement.....   | 204        |
| (d) Transfer to Jury Roster Within Six to Twelve Months of Filing. ....   | 204        |
| (e) Transfer to Jury Roster Nine Months to Twelve Months After Filing.....  | 205        |
| (f) Automatic Transfer.....   | 205        |
| (g) Motion to Strike from Jury Trial Roster. ....   | 206        |
| (h) Nonjury Docket; Priority of Matters. ....   | 206        |
| (i) Continuance. ....   | 206        |
| (j) Case Stricken From Docket by Agreement. ....  | 206        |
| (k) Alternate Method of Transfer to Jury Roster. ....   | 207        |
| <b>RULE 41. DISMISSAL OF ACTIONS; NON-SUIT .....</b>  | <b>212</b> |
| (a) Voluntary Dismissal: Effect Thereof. ....   | 212        |
| (b) Involuntary Dismissal: Non-Suit; Effect Thereof.....  | 212        |
| (c) Dismissal of Counterclaim, Cross-Claim or Third Party Claim.....  | 212        |
| (d) Costs of Previously-Dismissed Action. ....  | 212        |
| <b>RULE 41.1. Sealing Documents and Settlement Agreements .....</b>   | <b>217</b> |
| (a) Purpose.....  | 217        |
| (b) Filing Documents Under Seal. ....   | 217        |
| (c) Sealing Settlements. ....   | 218        |
| (d) Orders Sealing Documents.....   | 218        |
| <b>RULE 41.2. PRIVACY PROTECTION FOR FILINGS.....</b>   | <b>220</b> |
| (a) Redaction.....  | 220        |
| (b) Reference Lists. ....   | 220        |

---

TABLE OF CONTENTS

---

|  |            |
|--|------------|
| (c) Responsibility to Redact .....   | 220        |
| (d) Limitations on Remote Access to Electronic Files .....   | 220        |
| (e) Requests to Remove .....   | 220        |
| <b>RULE 42. CONSOLIDATION; SEPARATE TRIALS .....</b>   | <b>222</b> |
| (a) Consolidation.....   | 222        |
| (b) Separate Trials .....  | 222        |
| <b>RULE 43. EVIDENCE; CONDUCT OF TRIAL .....</b>   | <b>225</b> |
| (a) Form and Admissibility .....   | 225        |
| (b) [Deleted September 3, 1995] .....  | 225        |
| (c) [Deleted September 3, 1995].....   | 225        |
| (c)(1) Reservation of Rights Unnecessary.....  | 225        |
| (d) Affirmation in Lieu of Oath.....   | 225        |
| (e) Evidence on Motions.....   | 225        |
| (f) Interpreters .....   | 225        |
| (g) Statement of Pleadings to Jury.....  | 225        |
| (h) Examination of Witness .....   | 225        |
| (i) Argument .....   | 225        |
| (j) Right to Open and Close.....   | 225        |
| (k) Agreements of Counsel .....  | 226        |
| (l) Subsequent Applications for Order After Refusal .....  | 226        |
| <b>RULE 44. PROOF OF OFFICIAL RECORD; FOREIGN LAW.....</b>   | <b>239</b> |
| (a) Authentication.....  | 239        |
| (b) Lack of Record.....  | 239        |
| (c) Other Proof.....   | 239        |
| (d) Foreign Law .....  | 239        |
| <b>RULE 45. SUBPOENA .....</b>   | <b>241</b> |
| (a) Form; Issuance .....   | 241        |
| (b) Service.....   | 241        |
| (c) Protection of Persons Subject to Subpoenas.....  | 242        |
| (d) Duties in Responding to Subpoena.....  | 243        |
| (e) Contempt.....  | 244        |
| <b>RULE 46. EXCEPTIONS UNNECESSARY .....</b>   | <b>248</b> |
| <b>RULE 47. JURORS.....</b>  | <b>248</b> |
| (a) Examination of Jurors .....  | 248        |
| (b) Alternate Jurors .....   | 248        |
| (c) Separation of Jury .....   | 248        |
| <b>RULE 48. JURIES OF LESS THAN TWELVE; MAJORITY VERDICT.....</b>                                    | <b>251</b> |
| <b>RULE 49. SPECIAL VERDICTS AND INTERROGATORIES.....</b>  | <b>251</b> |
| (a) Special Verdicts .....   | 251        |
| (b) General Verdict Accompanied by Answer to Interrogatories .....                                   | 252        |
| (c) Verdict in Action for Personal Property .....  | 252        |
| <b>RULE 50. MOTION FOR A DIRECTED VERDICT AND FOR JUDGMENT<br/>NOTWITHSTANDING THE VERDICT .....</b> | <b>254</b> |
| (a) Motion for Directed Verdict: When Made: Effect.....  | 254        |
| (b) Motion for Judgment Notwithstanding the Verdict .....  | 254        |
| (c) Same. Conditional Rulings on Grant of Motion.....  | 254        |
| (d) Same: Denial of Motion.....  | 254        |
| (e) Time for Motion; Appeal; End of Term.....  | 255        |
| (f) Judge to be Provided with Copy .....   | 255        |
| <b>RULE 51. INSTRUCTIONS TO JURY: OBJECTION .....</b>  | <b>275</b> |
| <b>RULE 52. FINDINGS BY THE COURT .....</b>  | <b>279</b> |
| (a) Effect .....   | 279        |

---

TABLE OF CONTENTS

---

|  |            |
|--|------------|
| (b) Amendment.....   | 279        |
| (c) Time for Appeal; End of Term.....  | 279        |
| (d) Judge to be Provided with Copy.....  | 279        |
| <b>RULE 53. MASTERS .....</b>  | <b>284</b> |
| (a) Master and Special Referee Defined.....  | 284        |
| (b) References.....  | 284        |
| (c) Powers.....  | 284        |
| (d) Compensation of Special Referees.....  | 284        |
| (e) Appeals.....   | 284        |
| <b>VII. JUDGMENT .....</b>   | <b>289</b> |
| <b>RULE 54. JUDGMENTS: COSTS .....</b>   | <b>289</b> |
| (a) Definition; Form.....  | 289        |
| (b) Judgment Upon Multiple Claims or Involving Multiple Parties.....                         | 289        |
| (c) Demand for Judgment.....   | 289        |
| (d) Costs.....   | 289        |
| (e) Taxable Costs.....   | 289        |
| <b>RULE 55. DEFAULT .....</b>  | <b>293</b> |
| (a) Entry.....   | 293        |
| (b) Judgment.....  | 293        |
| (c) Setting Aside Default.....   | 294        |
| (d) Plaintiffs, Counterclaimants, Cross-Claimants.....                                       | 294        |
| (e) Judgment Against the State and Certain Other Parties.....                                | 294        |
| <b>RULE 56. SUMMARY JUDGMENT .....</b>   | <b>301</b> |
| (a) For Claimant.....  | 301        |
| (b) For Defending Party.....   | 301        |
| (c) Motions and Proceedings Thereon.....   | 301        |
| (d) Case Not Fully Adjudicated on Motion.....  | 301        |
| (e) Form of Affidavits; Further Testimony; Defense Required.....                             | 301        |
| (f) When Affidavits Are Unavailable.....   | 301        |
| (g) Affidavits Made in Bad Faith.....  | 302        |
| <b>RULE 57. DECLARATORY JUDGMENTS .....</b>  | <b>333</b> |
| <b>RULE 58. ENTRY OF JUDGMENT .....</b>  | <b>335</b> |
| (a) Entry Upon Verdict or Decision.....  | 335        |
| (b) Judgments of Appellate Court.....  | 335        |
| <b>RULE 59. NEW TRIALS; AMENDMENT OF JUDGMENTS .....</b>                                     | <b>338</b> |
| (a) Grounds.....   | 338        |
| (b) Time for Motion.....   | 338        |
| (c) Time for Serving Affidavits.....   | 338        |
| (d) On Initiative of Court.....  | 338        |
| (e) Motion to Alter or Amend a Judgment.....   | 338        |
| (f) Time for Appeal; End of Term.....  | 338        |
| (g) Judge to be Provided with Copy.....  | 338        |
| <b>RULE 60. RELIEF FROM JUDGMENT OR ORDER .....</b>  | <b>349</b> |
| (a) Clerical Mistakes.....   | 349        |
| (b) Mistakes; Inadvertence; Excusable Neglect; Newly Discovered Evidence; Fraud,<br>etc..... | 349        |
| <b>RULE 61. HARMLESS ERROR .....</b>   | <b>363</b> |
| <b>RULE 62. STAY OF PROCEEDINGS TO ENFORCE A JUDGMENT .....</b>                              | <b>363</b> |
| (a) Automatic Stay; Exceptions — Injunctions, Receivership, and Accountings.....             | 363        |
| (b) Stay on Motion for New Trial or for Judgment.....  | 363        |
| (c) Injunction Pending Appeal.....   | 363        |

---

TABLE OF CONTENTS

---

|  |            |
|--|------------|
| (d) Stay Upon Appeal .....   | 363        |
| (e) Stay in Favor of the State or Agency Thereof.....                                    | 363        |
| (f) Stay According to Statute .....  | 364        |
| (g) Power of Appellate Court Not Limited. ....   | 364        |
| (h) Stay of Judgment as to Multiple Claims or Multiple Parties. ....                     | 364        |
| <b>RULE 63. DISABILITY OF A JUDGE .....</b>  | <b>365</b> |
| <b>VIII. PROVISIONAL AND FINAL REMEDIES AND SPECIAL<br/>PROCEEDINGS .....</b>            | <b>366</b> |
| <b>RULE 64. REMEDIES FOR SEIZURE, REMEDIES NOT PROVIDED .....</b>                        | <b>366</b> |
| (a) Seizure of Person or Property.....   | 366        |
| (b) Remedies Not Provided.....   | 366        |
| <b>RULE 65. INJUNCTIONS; MANDAMUS, HABEAS CORPUS, AND OTHER<br/>REMEDIAL WRITS .....</b> | <b>366</b> |
| (a) Temporary Injunction; Notice .....   | 366        |
| (b) Temporary Restraining Order; Notice; Hearing; Duration.....                          | 366        |
| (c) Security.....  | 367        |
| (d) Form and Scope of Injunction or Restraining Order. ....                              | 367        |
| (e) Injunction to Suspend Business.....  | 367        |
| (f)(1) Remedial Writs. ....  | 367        |
| (f)(2) Damages; Costs; Fees. ....  | 367        |
| <b>RULE 66. RECEIVERS .....</b>  | <b>371</b> |
| (a) Action Where Receiver Appointed.....   | 371        |
| (b) Powers of Receiver. ....   | 371        |
| <b>RULE 67. DEPOSIT IN COURT .....</b>   | <b>371</b> |
| <b>RULE 68. OFFER OF JUDGMENT .....</b>  | <b>373</b> |
| (a) Offer of Judgment.....   | 373        |
| (b) Consequences of Non-Acceptance.....  | 373        |
| <b>RULE 69. EXECUTION .....</b>  | <b>375</b> |
| <b>RULE 70. JUDGMENT FOR SPECIFIC ACTS: VESTING TITLE .....</b>                          | <b>376</b> |
| <b>RULE 71. FORECLOSURE AND PARTITION.....</b>   | <b>376</b> |
| (a) Proceedings, Reference. ....   | 376        |
| (b) Judgment and Sale on Foreclosure. ....   | 376        |
| (c) Disposition of Surplus. ....   | 377        |
| (d)(1) Parties to Partition Actions. ....  | 378        |
| (d)(2) Partitioning Several Tracts. ....   | 378        |
| (d)(3) Attorneys Fees and Costs. ....  | 378        |
| (d)(4) Lien Against Undivided Interest of Cotenants. ....                                | 378        |
| (e) Actions When Title is at Issue.....  | 378        |
| (f)(1) Writs of Partition. ....  | 378        |
| (f)(2) Oath of Commissioners.....  | 379        |
| (f)(3) Return by Commissioners When Property Cannot be Divided in Kind. ....             | 379        |
| (f)(4) Allotment or Sale.....  | 379        |
| (f)(5) Partition or Sale Without Writ. ....  | 379        |
| <b>RULE 71.1. POST-CONVICTION RELIEF ACTIONS .....</b>                                   | <b>382</b> |
| (a) Procedure. ....  | 382        |
| (b) Time and Form of Application. ....   | 382        |
| (c) Independent Action. ....   | 382        |
| (d) Appointment of Counsel for Hearing. ....   | 382        |
| (e) Burden of Proof. ....  | 382        |
| (f) Filing and Service of Order. ....  | 382        |

---

---

TABLE OF CONTENTS

---

|   |            |
|---|------------|
| (g) Appellate Review; Continuing Representation.....                                | 382        |
| <b>IX. APPEALS AND ARBITRATION .....</b>  | <b>388</b> |
| <b>RULE 72. JUDGMENTS AND ORDERS SUBJECT TO APPEAL .....</b>                        | <b>388</b> |
| <b>RULE 73. PROCEDURE ON APPEAL TO SUPREME COURT OR COURT OF APPEALS .....</b>      | <b>389</b> |
| <b>RULE 74. PROCEDURE ON APPEAL TO THE CIRCUIT COURT .....</b>                      | <b>389</b> |
| <b>RULE 75. RECORD ON APPEAL TO THE CIRCUIT COURT: TRANSMITTAL....</b>              | <b>391</b> |
| <b>RULE 76. ARBITRATION: AUTOMOBILE REPARATION .....</b>                            | <b>391</b> |
| (a) Arbitration Panels.....   | 391        |
| (b) Depositions in Arbitration.....   | 391        |
| (c) Arbitration Docket.....   | 391        |
| <b>X. COURTS AND CLERKS.....</b>  | <b>393</b> |
| <b>RULE 77. COURTS AND CLERKS.....</b>  | <b>393</b> |
| (a) Courts Always Open.....   | 393        |
| (b) Trials and Hearings; Orders in Chambers.....                                    | 393        |
| (c) Clerk's Office and Orders by Clerk.....   | 393        |
| (d) Notice of Orders or Judgments.....  | 393        |
| (e) Canceling or Ordering Terms of Court.....                                       | 393        |
| <b>RULE 78. CLERKS OF COURT: RECORDS, ABSTRACTS, BOOKS.....</b>                     | <b>395</b> |
| (a) Records to be Kept; Penalties.....  | 395        |
| (b) Abstracts of Civil Judgments and Orders.....                                    | 395        |
| (c) Other Books and Records of the Clerk.....                                       | 395        |
| <b>RULE 79. CALENDAR OF CIVIL ACTIONS; FILE BOOK.....</b>                           | <b>396</b> |
| (a) File Book.....  | 396        |
| (b)(1) Civil Action Number.....   | 396        |
| (b)(2) Notice of Jury Matters.....  | 396        |
| (c) Entry Required.....   | 396        |
| (d) Entries on File Book.....   | 396        |
| (e) Motion Calendar.....  | 396        |
| (f) Notice or Order of Dismissal.....   | 396        |
| (g) Failure to Comply.....  | 396        |
| <b>RULE 80. STENOGRAPHIC REPORT OF TRANSCRIPT AS EVIDENCE .....</b>                 | <b>397</b> |
| <b>XI. GENERAL PROVISIONS .....</b>   | <b>398</b> |
| <b>RULE 81. APPLICABILITY .....</b>   | <b>398</b> |
| <b>RULE 82. JURISDICTION AND VENUE .....</b>  | <b>400</b> |
| (a) Jurisdiction Unaffected.....  | 400        |
| (b) Venue of Action.....  | 400        |
| (c) Removal to Federal Courts.....  | 400        |
| <b>RULE 83. (RESERVED).....</b>   | <b>400</b> |
| <b>RULE 84. FORMS .....</b>   | <b>400</b> |
| <b>RULE 85. TITLE; CRIMINAL PROCEDURE; RULES REPEALED .....</b>                     | <b>400</b> |
| <b>RULE 86. EFFECTIVE DATE.....</b>   | <b>401</b> |
| <b>ELECTRONIC FILING POLICIES AND GUIDELINES PILOT VERSION - COMMON PLEAS .....</b> | <b>403</b> |
| <b>1. Definitions .....</b>   | <b>403</b> |
| <b>2. Scope and Participation .....</b>   | <b>404</b> |
| (a) Commencement .....  | 404        |

## TABLE OF CONTENTS

---

|  |            |
|--|------------|
| (b) Scope.....   | 404        |
| (c) Excluded Cases.....  | 404        |
| (d) Excluded Documents .....   | 404        |
| (e) Attorneys Excused from Participation.....                                  | 404        |
| <b>3. Authorization .....</b>  | <b>405</b> |
| (a) Attorneys.....   | 405        |
| (b) Consent to Electronic Service and Electronic Filing of all Documents ..... | 405        |
| (c) Use and Misuse of Login and Passwords .....                                | 405        |
| <b>4. E-Filing and E-Service .....</b>   | <b>405</b> |
| (a) Electronic Filing .....  | 405        |
| (b) Official Record .....  | 405        |
| (c) Timeliness .....   | 406        |
| (d) Clerk Review .....   | 406        |
| (e) Electronic Service.....  | 406        |
| <b>5. Signatures on E-Filed Documents .....</b>                                | <b>408</b> |
| (a) Electronic Signatures.....   | 408        |
| (b) Documents Requiring Multiple Signatures .....                              | 408        |
| (c) Signatures of Persons Other than Authorized E-Filers.....                  | 408        |
| <b>6. Signing and Entry of Court Orders and Judgments .....</b>                | <b>408</b> |
| (a) Signing of Orders.....   | 408        |
| (b) Entry of Order.....  | 409        |
| (c) Transmission of Notice of Court Orders or Judgments.....                   | 409        |
| (d) Receipt of Written Notice of Entry of Order or Judgment.....               | 409        |
| <b>7. Document Size and Formatting.....</b>                                    | <b>409</b> |
| (a) Conversion by the Filer .....  | 409        |
| (b) Electronic Documents Conform to Current Rules .....                        | 409        |
| (c) Resolution of Attachments .....  | 409        |
| (d) Size.....  | 409        |
| <b>8. Attachments and Exhibits .....</b>                                       | <b>410</b> |
| (a) Attachments to be Filed Electronically.....                                | 410        |
| (b) Filed Separately.....  | 410        |
| (c) Proposed Orders.....   | 410        |
| (d) Bookmarks and Hyperlinks .....   | 410        |
| (e) Other Exhibits .....   | 410        |
| <b>9. Technical Difficulties .....</b>   | <b>410</b> |
| (a) Point of Contact.....  | 410        |
| (b) Electronic Filing System Technical Failure .....                           | 410        |
| (c) Other Technical Difficulties .....   | 410        |
| (d) Problems with Filings .....  | 410        |
| (e) Traditional Service Methods Permitted .....                                | 411        |
| (f) Repeated Technical Difficulties .....                                      | 412        |
| (g) Relief .....   | 412        |
| (h) Scheduled Maintenance and Technical Interruptions.....                     | 412        |
| <b>10. Public Access and Sensitive Information.....</b>                        | <b>412</b> |
| (a) Access to the Case Management System Public Index .....                    | 412        |
| (b) Privacy.....   | 412        |
| (c) Sealed Cases and Documents .....   | 413        |
| <b>11. Miscellaneous.....</b>  | <b>413</b> |
| (a) Discovery.....   | 413        |
| (b) Citation.....  | 413        |
| (c) Courtesy Copies .....  | 413        |
| (d) Request to Correct Data Entry Error .....                                  | 413        |

---

TABLE OF CONTENTS

---

|   |            |
|---|------------|
| (e) Construction.....   | 414        |
| (f) Adding Parties.....   | 414        |
| <b>SOUTH CAROLINA RULES OF CRIMINAL PROCEDURE .....</b>                                   | <b>415</b> |
| <b>I. PRETRIAL MATTERS .....</b>  | <b>415</b> |
| <b>RULE 1. SHERIFF TO FILE AFFIDAVITS ON ARREST .....</b>                                 | <b>415</b> |
| <b>RULE 2. PRELIMINARY HEARINGS .....</b>   | <b>415</b> |
| (a) Notice of Right. ....   | 415        |
| (b) Time for Hearing.....   | 415        |
| (c) Probable Cause. ....  | 415        |
| (d) Conclusion of Hearing.....  | 415        |
| (e) Delays. ....  | 415        |
| <b>RULE 3. DISPOSITION OF ARREST WARRANTS.....</b>  | <b>416</b> |
| (a) Transmittal to Clerk. ....  | 416        |
| (b) Transmittal to Solicitor. ....  | 416        |
| (c) Action on Warrant.....  | 416        |
| (d) Extensions of Time. ....  | 416        |
| (e) Record of Proceedings.....  | 417        |
| <b>RULE 4. MOTIONS IN GENERAL .....</b>   | <b>419</b> |
| (a) Form of Motions.....  | 419        |
| (b) Subsequent Applications for Order After Refusal. ....                                 | 419        |
| <b>RULE 5. DISCLOSURE IN CRIMINAL CASES .....</b>   | <b>421</b> |
| (a) Disclosure of Evidence by the Prosecution.....  | 421        |
| (b) Disclosure of Evidence by the Defendant.....  | 422        |
| (c) Continuing Duty to Disclose. ....   | 422        |
| (d) Regulation of Discovery. ....   | 422        |
| (e) Notice of Alibi. ....   | 423        |
| (f) Notice of Insanity Defense or Plea of Guilty but Mentally Ill.....                    | 423        |
| (g) Waiver. ....  | 423        |
| <b>RULE 6. RULE FOR CHEMICAL ANALYSIS AND CHAIN OF CUSTODY .....</b>                      | <b>429</b> |
| (a) Report of Chemical Analysis. ....   | 429        |
| (b) Certified or Sworn Statement.....   | 429        |
| (c) Disclosure.....   | 429        |
| (d) Waiver of Rights.....   | 429        |
| <b>RULE 7. CONTINUANCES .....</b>   | <b>432</b> |
| (a) Authority to Grant. ....  | 432        |
| (b) Continuance Because of Absence of Witness. ....                                       | 432        |
| (c) Continuance for Good Cause.....   | 432        |
| <b>RULES 8-12 (RESERVED) .....</b>  | <b>434</b> |
| <b>II. TRIAL .....</b>  | <b>434</b> |
| <b>RULE 13. SUBPOENAS .....</b>   | <b>434</b> |
| (a)(1) Issuance of Subpoenas.....   | 434        |
| (a)(2) Issuance of Subpoena for Personal or Confidential Information About a Victim. .... | 434        |
| (b) Service. ....   | 434        |
| <b>RULE 14. TRIAL BY JURY .....</b>   | <b>434</b> |
| (a) Number of Jurors.....   | 434        |
| (b) Waiver. ....  | 435        |
| (c) Protection of Right.....  | 435        |
| <b>RULE 15. (RESERVED) .....</b>  | <b>436</b> |
| <b>RULE 16. PRESENCE OF ACCUSED AT TRIAL.....</b>   | <b>436</b> |

---

## TABLE OF CONTENTS

---

|   |            |
|---|------------|
| <b>RULE 17. RESERVATION OF OBJECTIONS .....</b>                       | <b>438</b> |
| <b>RULE 18. ARGUMENT ON OBJECTIONS.....</b>                           | <b>439</b> |
| (a) Argument After Ruling.....  | 439        |
| (b) Argument on Objection.....  | 439        |
| (c) Interruption of Argument.....                                     | 439        |
| <b>RULE 19. DIRECTED VERDICT .....</b>                                | <b>439</b> |
| (a) Grounds for Motion.....   | 439        |
| (b) Defendant's Right to Present Evidence.....                        | 439        |
| (c) Submission of Case to Jury .....                                  | 439        |
| <b>RULE 20. INSTRUCTIONS.....</b>                                     | <b>445</b> |
| (a) Time for Request .....  | 445        |
| (b) Objections to Charge .....  | 445        |
| <b>RULE 22. ADDRESSING THE JURY.....</b>                              | <b>447</b> |
| <b>RULE 23. SEPARATION OF JURY .....</b>                              | <b>449</b> |
| <b>RULE 24. EXPERT TESTIMONY .....</b>                                | <b>449</b> |
| <b>RULES 25-27 (RESERVED) .....</b>                                   | <b>449</b> |
| <b>III. POST TRIAL MATTERS.....</b>                                   | <b>450</b> |
| <b>RULE 28. AFFIDAVIT IN MITIGATION - HOW SUBMITTED .....</b>         | <b>450</b> |
| <b>RULE 29. POST TRIAL MOTIONS .....</b>                              | <b>450</b> |
| (a) Generally .....   | 450        |
| (b) New Trials Based on After-Discovered Evidence. ....               | 450        |
| <b>RULE 30. PROCESSING AND MAINTAINING BENCH WARRANTS .....</b>       | <b>454</b> |
| (a) Procedure. ....   | 454        |
| (b) Form.....   | 454        |
| (c) Service.....  | 454        |
| <b>RULES 31-34 (RESERVED) .....</b>                                   | <b>454</b> |
| <b>RULE 35. TIME.....</b>   | <b>454</b> |
| <b>IV. GENERAL PROVISIONS .....</b>                                   | <b>455</b> |
| <b>RULE 36. FORMS .....</b>   | <b>455</b> |
| <b>RULE 37. APPLICABILITY.....</b>                                    | <b>455</b> |
| <b>RULE 38. TITLE AND CITATION .....</b>                              | <b>456</b> |
| <b>RULE 39. RULES REPEALED .....</b>                                  | <b>456</b> |
| <b>RULE 40. EFFECTIVE DATE.....</b>                                   | <b>456</b> |
| <b>SCRCRIMP MISCELLANEOUS ANNOTATIONS .....</b>                       | <b>457</b> |
| <b>SOUTH CAROLINA RULES OF FAMILY COURT .....</b>                     | <b>461</b> |
| <b>I. GENERAL PROVISIONS.....</b>                                     | <b>461</b> |
| <b>RULE 1. TITLE .....</b>  | <b>461</b> |
| <b>RULE 2. APPLICABILITY AND REPEALER .....</b>                       | <b>461</b> |
| (a) Domestic Relations Actions.....                                   | 461        |
| (b) Juvenile Actions. ....  | 461        |
| (c) Other Actions.....  | 461        |
| (d) Repealer. ....  | 461        |
| (e) Administrative Orders.....  | 461        |
| <b>RULE 3. FORMS .....</b>  | <b>463</b> |
| <b>RULES 4 - 5 (RESERVED).....</b>                                    | <b>463</b> |
| <b>II. PROVISIONS APPLICABLE TO ALL ACTIONS IN FAMILY COURT .....</b> | <b>463</b> |

TABLE OF CONTENTS

---

|   |            |
|---|------------|
| <b>RULE 6. FAMILY COURT RECORDS .....</b>   | <b>463</b> |
| (a) File Book.....  | 463        |
| (b) File Number.....  | 463        |
| (c) Entry required.....   | 463        |
| (d) Entries on File Books.....  | 463        |
| (e) Motion Calendar.....  | 463        |
| (f) Order of Dismissal.....   | 464        |
| (g) Failure to comply.....  | 464        |
| <b>RULE 7. ADMISSIBILITY OF CERTAIN DOCUMENTS.....</b>                            | <b>464</b> |
| <b>RULE 8. APPEARANCE OF COUNSEL .....</b>  | <b>464</b> |
| <b>RULE 9. CONDUCT OF HEARINGS .....</b>  | <b>465</b> |
| (a) Procedure .....   | 465        |
| (b) Argument .....  | 465        |
| <b>RULE 10. JUDGES' ABSENCE FROM STATE.....</b>                                   | <b>465</b> |
| <b>RULE 11. JURISDICTION OF JUDGE OF ADJOINING CIRCUIT .....</b>                  | <b>465</b> |
| <b>RULE 12. ATTORNEYS FOR GUARDIANS AD LITEM .....</b>                            | <b>465</b> |
| <b>RULE 13. BENCH WARRANTS .....</b>  | <b>465</b> |
| (a) Procedure .....   | 465        |
| (b) Form.....   | 465        |
| (c) Service.....  | 465        |
| <b>RULE 14. RULE TO SHOW CAUSE .....</b>  | <b>466</b> |
| (a) For Contempt of Court.....  | 466        |
| (b) Issuance; Form.....   | 466        |
| (c) Affidavit or Verified Petition.....   | 466        |
| (d) Notice.....   | 466        |
| (e) Service.....  | 466        |
| (f) Return.....   | 466        |
| (g) Hearing Procedure.....  | 466        |
| <b>RULE 15 (RESERVED) .....</b>   | <b>469</b> |
| <b>III. PROVISIONS APPLICABLE TO DOMESTIC RELATIONS ACTIONS ....</b>              | <b>469</b> |
| <b>RULE 16. CONTINUING JURISDICTION .....</b>                                     | <b>469</b> |
| <b>RULE 17. FAILURE TO FILE ANSWER .....</b>                                      | <b>469</b> |
| (a) Appearance by defendant .....   | 469        |
| (b) Default.....  | 469        |
| <b>RULE 18. FAILURE OF DEFENDANT TO COUNTERCLAIM FOR DIVORCE ....</b>             | <b>469</b> |
| <b>RULE 19. LIS PENDENS .....</b>   | <b>469</b> |
| <b>RULE 20. FINANCIAL DECLARATION.....</b>  | <b>470</b> |
| (a) When required.....  | 470        |
| (b) Filing and Service.....   | 470        |
| (c) Effect of Default.....  | 470        |
| (d) Sanctions.....  | 470        |
| <b>RULE 21. TEMPORARY RELIEF .....</b>  | <b>470</b> |
| (a) Motion for Temporary Relief.....  | 470        |
| (b) Evidence at Hearing.....  | 470        |
| (c) Service of Affidavits.....  | 470        |
| <b>RULE 22. INTERVIEW WITH CHILD .....</b>  | <b>470</b> |
| <b>RULE 23. PRESENCE OR TESTIMONY OF CHILD.....</b>                               | <b>470</b> |
| (a) Presence in Courtroom.....  | 470        |
| (b) Testimony .....   | 470        |
| <b>RULE 24. AUTOMATIC ENFORCEMENT OF CHILD SUPPORT AND PERIODIC ALIMONY .....</b> | <b>471</b> |

## TABLE OF CONTENTS

---

|   |            |
|---|------------|
| (a) Determination of Arrearage.....   | 471        |
| (b) Rule to Show Cause and Affidavit.....   | 471        |
| <b>RULE 25. DISCOVERY.....</b>  | <b>471</b> |
| <b>RULE 26. ORDERS.....</b>   | <b>471</b> |
| (a) Findings of Fact.....   | 471        |
| (b) Certification.....  | 471        |
| (c) Time for Issuing.....   | 471        |
| <b>RULE 27. ENFORCEMENT OF VISITATION.....</b>  | <b>476</b> |
| <b>RULES 28 - 30 (RESERVED) .....</b>   | <b>476</b> |
| <b>IV. PROVISIONS APPLICABLE TO JUVENILE ACTIONS .....</b>  | <b>477</b> |
| <b>RULE 31. PRE-ADJUDICATORY DETENTION.....</b>   | <b>477</b> |
| <b>RULE 32. DETENTION HEARING .....</b>   | <b>477</b> |
| <b>RULE 33. TRANSFER OF VENUE.....</b>  | <b>477</b> |
| (a) Pre-Adjudicatory Transfer.....  | 477        |
| (b) Post-Adjudicatory Transfer.....   | 477        |
| <b>RULE 34. WAIVER HEARING.....</b>   | <b>477</b> |
| <b>RULE 35. ADJUDICATORY HEARING .....</b>  | <b>478</b> |
| (a) Date for Hearing.....   | 478        |
| (b) Notice of Hearing.....  | 478        |
| <b>RULE 36. RIGHT TO COUNSEL .....</b>  | <b>478</b> |
| <b>RULE 37. DISPOSITIONAL HEARING .....</b>   | <b>478</b> |
| <b>RULES 38 - 40 (RESERVED) .....</b>   | <b>478</b> |
| <b>V. OTHER PROVISIONS .....</b>  | <b>478</b> |
| <b>RULE 41. COUNSEL AND GUARDIAN AD LITEM FEES IN ABUSE AND/OR<br/>NEGLECT PROCEEDINGS .....</b>  | <b>478</b> |
| (a) Limitation on Fees.....   | 478        |
| (b) Exceptions.....   | 478        |
| <b>SOUTH CAROLINA RULES OF PROBATE COURT .....</b>  | <b>481</b> |
| <b>RULE 1 REUSE OF TAPES USED TO RECORD PROCEEDINGS.....</b>  | <b>481</b> |
| <b>RULE 2 DUTY OF PROBATE JUDGE.....</b>  | <b>481</b> |
| <b>RULE 3 PROCEDURES TO BE HANDLED IN PROCESSING PROBATE<br/>MATTERS, MAINTAINING RECORDS, AND SUBMITTING REPORTS<br/>OF THE COURTS .....</b> | <b>481</b> |
| <b>RULE 4 PROCEDURES FOR ENDING DEFUNCT CASES.....</b>  | <b>481</b> |
| <b>RULE 5 MEDIATION.....</b>  | <b>482</b> |
| (a) Intent and Application of Rule.....   | 482        |
| (b) Referral to Mediation .....   | 482        |
| (c) Assignment of Mediator .....  | 482        |
| (d) The Mediation Conference .....  | 482        |
| (e) Confidentiality.....  | 483        |
| (f) Applicability of Other Rules.....   | 483        |
| <b>RULES OF ADMINISTRATIVE LAW COURT.....</b>   | <b>485</b> |
| <b>I. GENERAL PROVISIONS.....</b>   | <b>485</b> |
| 1. Authority and Applicability.....   | 485        |
| 2. Definitions .....  | 485        |
| 3. Time.....  | 486        |

## TABLE OF CONTENTS

---

|  |            |
|--|------------|
| 4. Filing .....  | 486        |
| 5. Service .....   | 487        |
| 6. Documents Filed with the Court .....  | 488        |
| 7. Forms .....   | 489        |
| 8. Right of Parties to Participate .....   | 490        |
| <b>II. CONTESTED CASES.....</b>  | <b>491</b> |
| <b>GENERAL PROCEDURES.....</b>   | <b>491</b> |
| 9. Powers and Duties of Administrative Law Judge .....                             | 491        |
| 10. Simplification of Procedures.....  | 491        |
| 11. Request for a Contested Case Hearing.....                                      | 491        |
| 12. Agency Information Sheet .....   | 492        |
| 13. Assignment of Case to Administrative Law Judge.....                            | 493        |
| 14. Notification of Assignment and Request for Information .....                   | 493        |
| 15. Notice of Contested Case Hearing .....   | 493        |
| 16. Preliminary Relief .....   | 493        |
| <b>PRE-HEARING PROCEDURES .....</b>  | <b>494</b> |
| 17. Scheduling Conferences and Orders .....  | 494        |
| 18. Amendment of Documents .....   | 494        |
| 19. Motions .....  | 494        |
| 20. Intervention .....   | 495        |
| 21. Discovery .....  | 496        |
| 22. Subpoenas .....  | 497        |
| 23. Adverse Disposition of Contested Case.....                                     | 498        |
| 24. Confidentiality.....   | 498        |
| <b>HEARING PROCEDURES.....</b>   | <b>498</b> |
| 25. Evidence.....  | 498        |
| 26. [RESERVED].....  | 498        |
| 27. Pre-Hearing Exchange of Evidence.....  | 498        |
| 28. Pre-Hearing Conference.....  | 499        |
| 29. Contested Case Hearings .....  | 499        |
| 30. Record After Final Decision .....  | 501        |
| 31. Appeal of Final Order .....  | 502        |
| 32. Transcript .....   | 502        |
| <b>III. MATTERS HEARD ON APPEAL FROM FINAL DECISIONS OF CERTAIN AGENCIES .....</b> | <b>502</b> |
| 33. Notice of Appeal.....  | 502        |
| 34. Automatic Stay of Proceedings Upon Appeal.....                                 | 503        |
| 35. Ordering and Filing of Transcript .....  | 503        |
| 36. Record on Appeal .....   | 503        |
| 37. Briefs .....   | 504        |
| 38. Dismissal of Appeal for Failure to Comply with the Rules.....                  | 506        |
| 39. Oral Argument.....   | 506        |
| 40. Opinion.....   | 506        |
| 41. Appeal of Final Order .....  | 507        |
| <b>IV. REGULATION HEARING PROCEDURES .....</b>                                     | <b>507</b> |

## TABLE OF CONTENTS

---

|  |            |
|--|------------|
| 42. Request for Hearing on Proposed Regulation.....  | 507        |
| 43. Documents Filed with Request for Hearing .....   | 507        |
| 44. Scheduling of Hearing on Proposed Regulation.....  | 507        |
| 45. Documents to be Pre-Filed with Court. ....   | 508        |
| 46. Powers of Administrative Law Judge. ....   | 508        |
| 47. Order of Proceedings. ....   | 508        |
| 48. Report of Administrative Law Judge. ....   | 509        |
| 49. Record of Proceeding. ....   | 510        |
| 50. Transcript. ....   | 510        |
| <b>V. SPECIAL APPEALS.....</b>   | <b>510</b> |
| 51. Applicability. ....  | 510        |
| 52. Computation of Time.....   | 510        |
| 53. Filing. ....   | 510        |
| 54. Service. ....  | 511        |
| 55. Docket Number and Subsequent Filings.....  | 511        |
| 56. Legibility of Documents. ....  | 511        |
| 57. Forms.....   | 511        |
| 58. Record After Final Decision. ....  | 511        |
| 59. Notice of Appeal.....  | 512        |
| 60. Briefs.....  | 513        |
| 61. Record on Appeal. ....   | 514        |
| 62. Dismissal of Appeal; Sanctions. ....   | 514        |
| 63. Motions.....   | 514        |
| 64. Oral Argument.....   | 514        |
| 65. Opinion. ....  | 515        |
| 66. Appeal of Final Order. ....  | 515        |
| <b>VI. MISCELLANEOUS PROVISIONS.....</b>   | <b>515</b> |
| 67. Clerical Mistakes.....   | 515        |
| 68. Applicability of South Carolina Rules of Civil Procedure and South Carolina<br>Appellate Court Rules. .... | 515        |
| 69. Applicability of Rules of the Court. ....  | 516        |
| 70. Judges Sitting En Banc. ....   | 516        |
| 71. Filing Fee.....  | 517        |
| 72. Sanctions for Frivolous Cases. ....  | 519        |
| 73. Admission <i>Pro Hac Vice</i> .....  | 519        |
| <b>SOUTH CAROLINA RULES OF MAGISTRATES COURT .....</b>   | <b>521</b> |
| SCOPE & PURPOSE.....   | 521        |
| RULE 1 DEFINITIONS.....  | 521        |
| <b>RULE 2 APPLICATION OF STATUTORY LAW AND CIRCUIT COURT</b>   |            |
| PRACTICE IN ABSENCE OF RULE .....  | 521        |
| RULE 3 COMPUTATION OF TIME PERIODS .....   | 521        |
| <b>RULE 4 FILING CIVIL ACTION; ACTION AGAINST CORPORATION; LONG<br/>ARM STATUTE .....</b>                      |            |
| 522  | 522        |
| RULE 5 COMPLAINT .....   | 522        |
| RULE 6 SUMMONS; SERVICE .....  | 522        |
| RULE 7 ANSWER AND COUNTERCLAIM; TIME FOR FILING .....  | 525        |
| RULE 8 DELIVERY AND FILING OF PLEADINGS AND OTHER PAPERS .....   | 526        |
| RULE 9 COUNTERCLAIM.....   | 526        |

## TABLE OF CONTENTS

---

|  |            |
|--|------------|
| <b>RULE 10 TRIAL DATE; NOTICE; FAILURE TO ANSWER.....</b>                                  | <b>527</b> |
| <b>RULE 11 DEFAULT JUDGMENT; DISMISSAL OF ACTION; DAMAGES .....</b>                        | <b>527</b> |
| <b>RULE 12 RELIEF FROM JUDGMENT OR ORDER .....</b>   | <b>527</b> |
| <b>RULE 13 CONDUCT OF TRIAL; JURY TRIALS; WITNESSES; SUBPOENAS .....</b>                   | <b>528</b> |
| <b>RULE 14 AMENDMENT OF COMPLAINTS, ANSWERS, AND<br/>COUNTERCLAIMS; CONTINUANCES .....</b> | <b>529</b> |
| <b>RULE 15 EXCHANGE OF INFORMATION BETWEEN PARTIES;<br/>SETTLEMENT.....</b>                | <b>529</b> |
| <b>RULE 16 DIRECTED VERDICT; JUDGMENT NOTWITHSTANDING THE<br/>VERDICT .....</b>            | <b>529</b> |
| <b>RULE 17 COSTS; NOTICE OF JUDGMENT; ENFORCEMENT .....</b>                                | <b>530</b> |
| <b>RULE 18 APPEALS.....</b>  | <b>530</b> |
| <b>RULE 19 NEW TRIAL; AMENDMENT OF JUDGMENTS .....</b>                                     | <b>530</b> |
| <b>RULE 20 OFFER OF JUDGMENT; CONSEQUENCES OF NON-ACCEPTANCE ..</b>                        | <b>531</b> |
| <b>RULE 21 BUSINESS REPRESENTATION .....</b>   | <b>532</b> |
| <b>RULE 22 ARGUMENTS ON MOTIONS AND AT TRIAL.....</b>                                      | <b>532</b> |
| <b>RULE 23 SUBPOENAS .....</b>   | <b>532</b> |
| <b>RULE 24 FORMS .....</b>   | <b>533</b> |
| <br><b>ALTERNATIVE DISPUTE RESOLUTION RULES.....</b>                                       | <b>537</b> |
| <br><b>    Rule 1 Scope of Rules .....</b>   | <b>537</b> |
| <b>    Rule 2 Definitions.....</b>   | <b>537</b> |
| (a) Mediation. ....  | 537        |
| (b) Mediator.....  | 537        |
| (c) Arbitration. ....  | 537        |
| (d) Arbitrator. ....   | 537        |
| (e) Early Neutral Evaluation.....  | 538        |
| (f) Evaluator.....   | 538        |
| (g) Neutral. ....  | 538        |
| (h) Certified. ....  | 538        |
| (i) Alternative Dispute Resolution (ADR) Conference.....                                   | 538        |
| (j) Roster. ....   | 538        |
| (k) Board. ....  | 538        |
| <b>    Rule 3 Actions Subject to ADR.....</b>  | <b>538</b> |
| (a) Mediation. ....  | 538        |
| (b) Exceptions.....  | 538        |
| (c) Motion to Exempt from ADR.....   | 538        |
| (d) Motion to Refer Case to Mediation.....   | 538        |
| <b>    Rule 4 Selection or Appointment of Neutral .....</b>                                | <b>539</b> |
| (a) Eligibility.....   | 539        |
| (b) Roster of Certified Neutrals. ....   | 539        |
| (c) Appointment of Mediator by Circuit Court.....  | 539        |
| (d) Appointment of Mediator by Family Court.....   | 540        |
| (e) By Agreement.....  | 540        |
| (f) Notice to Neutral. ....  | 540        |
| <b>    Rule 5 The ADR Conference.....</b>  | <b>541</b> |
| (a) Location of the Conference. ....   | 541        |
| (b) Discovery and Motions.....   | 541        |
| (c) Recesses.....  | 541        |
| (d) Privacy.....   | 541        |
| (e) Motion to Defer or Exempt from ADR. ....   | 541        |
| (f) Deadline for the ADR Conference in Circuit Court.....                                  | 541        |

TABLE OF CONTENTS

---

|  |            |
|--|------------|
| (g) Scheduling in Family Court.....  | 541        |
| <b>Rule 6 Duties of the Parties, Representatives and Attorneys – Mediation .....</b>   | <b>541</b> |
| (a) Duty to Inform.....  | 541        |
| (b) Attendance.....  | 541        |
| (c) Identification of Matters in Dispute.....  | 542        |
| (d) Cooperation.....   | 542        |
| (e) Confidentiality.....   | 542        |
| (f) Agreement in Circuit Court.....  | 542        |
| (g) Agreement in Family Court.....   | 542        |
| <b>Rule 7 Authority and Duties of Mediators .....</b>                                  | <b>542</b> |
| (a) Authority of Mediators.....  | 542        |
| (b) Duties.....  | 542        |
| (c) Confidentiality.....   | 543        |
| (d) Duty of Impartiality/Disclosure.....   | 543        |
| (e) Declaring Impasse.....   | 543        |
| (f) Reporting Results of Conference.....   | 543        |
| (g) Immunity.....  | 543        |
| <b>Rule 8 Confidentiality .....</b>  | <b>543</b> |
| (a) Confidentiality.....   | 543        |
| (b) Waiver of Confidentiality.....   | 544        |
| (c) Limited Exceptions to Confidentiality.....   | 544        |
| (d) Limited Disclosures.....   | 544        |
| (e) Private Consultation / Confidentiality.....  | 544        |
| (f) No Waiver of Privilege.....  | 544        |
| (g) Mediator Not to be Called as Witness.....  | 544        |
| (h) Admissible information.....  | 544        |
| <b>Rule 9 Compensation of Neutral .....</b>  | <b>544</b> |
| (a) By Agreement.....  | 544        |
| (b) By Court Order – Mediation.....  | 544        |
| (c) Payment of Compensation by the Parties.....  | 545        |
| (d) Indigent Cases.....  | 545        |
| <b>Rule 10 Sanctions .....</b>   | <b>545</b> |
| (a) Proof of ADR.....  | 545        |
| (b) Sanctions.....   | 545        |
| <b>Rule 11 Duties of the Parties, Representatives and Attorneys – Arbitration.....</b> | <b>546</b> |
| (a) Attendance.....  | 546        |
| (b) Identification of Matters of Dispute.....  | 546        |
| (c) Cooperation.....   | 546        |
| <b>Rule 12 Non-Binding Arbitration Hearing and Award.....</b>                          | <b>546</b> |
| (a) Scope.....   | 546        |
| (b) Arbitration Hearings.....  | 546        |
| (c) Award.....   | 547        |
| (d) Trial De Novo as a Right.....  | 547        |
| (e) Judgment Entered on Award.....   | 547        |
| <b>Rule 13 Authority and Duties of Arbitrators .....</b>                               | <b>547</b> |
| (a) Authority of Arbitrators.....  | 547        |
| (b) Duties.....  | 547        |
| (c) Arbitrator Not to be Called as Witness.....  | 547        |
| (d) Duty of Impartiality/Disclosure.....   | 547        |
| (e) Reporting Results of Hearing.....  | 548        |
| (f) Immunity.....  | 548        |
| <b>Rule 14 Description of Early Neutral Evaluation (ENE) .....</b>                     | <b>548</b> |

TABLE OF CONTENTS

---

|  |            |
|--|------------|
| <b>Rule 15 Procedure at Early Neutral Evaluation Conference .....</b>  | <b>548</b> |
| (a) Components of ENE Session.....   | 548        |
| (b) Process Rules.....   | 548        |
| (c) Evaluation and Settlement Discussions.....   | 548        |
| (d) Confidentiality.....   | 549        |
| <b>Rule 16 Duties of the Parties, Representatives and Attorneys -Early Neutral Evaluation .....</b>                  | <b>549</b> |
| (a) Attendance. ....   | 549        |
| (b) Identification of Matters in Dispute. ....   | 549        |
| (c) Cooperation. ....  | 549        |
| <b>Rule 17 Authority and Duties of the Evaluator .....</b>   | <b>549</b> |
| (a) The evaluator shall at all times be authorized to control the conference and the procedures to be followed. .... | 549        |
| (b) Duties. ....   | 549        |
| (c) Evaluator Not to be Called as a Witness. ....  | 549        |
| (d) Duty of Impartiality/ Disclosure. ....   | 549        |
| (e) Reporting Results of the Early Neutral Evaluation. ....  | 549        |
| (f) Immunity.....  | 549        |
| <b>Rule 18 Board of Arbitrator and Mediator Certification .....</b>  | <b>549</b> |
| <b>Rule 19 Certification of Court-Appointed Neutrals.....</b>  | <b>550</b> |
| (a) Circuit Court Certification. ....  | 550        |
| (b) Family Court Mediator Certification.....   | 551        |
| <b>Rule 20 Approval of Training Programs.....</b>  | <b>551</b> |
| (a) Approval of Circuit Court Mediator Training Programs. ....   | 552        |
| (b) Approval of Family Court Mediator Training Programs. ....  | 552        |
| (c) Approval of Circuit Court Arbitrator Training Programs. ....   | 553        |
| (d) Approval of ADR Trainers.....  | 553        |
| <b>Rule 21 Standards of Conduct, Decertification and Discipline of Neutrals .....</b>                                | <b>554</b> |
| (a) Standards of Conduct for Mediators.....  | 554        |
| (b) Standards of Conduct for Arbitrators. ....   | 554        |
| (c) Decertification of Neutrals. ....  | 554        |
| (d) Discipline of Neutrals.....  | 554        |
| (e) Processing Complaints of Misconduct by Neutrals. ....  | 554        |
| <b>Rule 22 Clerks of Court .....</b>   | <b>554</b> |
| <b>Rule 23 Local Rule-Making.....</b>  | <b>555</b> |
| <b>Rule 24 Application of Rules .....</b>  | <b>555</b> |

