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Criminal Courts Technical Assistance Project
Institute for Studies in Justice and Social Behavior
The American University Law School
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AN ANALYSIS OF THE OPERATIONS OF THE MAGISTRATE SYSTEM IN GREENVILLE COUNTY, SOUTH CAROLINA

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I. INTRODUCTION

The system survey herein described is the result of a request for technical assistance submitted to LEAA's Criminal Courts Technical Assistance Project at The American University from the Greenville County, South Carolina County Council. The purpose of this assistance was to identify for the Council the function and workload of the existing magistrate system in Greenville County, to identify existing problems in the system and to obtain recommendations for improvement to the system. The report, therefore, focusses on the following aspects of magistrate operations in Greenville County: manpower, workload, salary structure, equipment, facilities and operating environment.

The precise methodology for conducting the study was determined during a meeting in Greenville in March, 1973. Assisting project staff on this visit was The Honorable Reid Merritt, a Superior Court Judge from Gwinnett County, Georgia. The meeting was hosted by Jack Lister, Law Enforcement Specialist for the South Carolina Appalachian Council of Governments. Additionally those in attendance were Ken Luke, Personnel Director for Greenville; William Dallis, State Court Administrator; Lawrence Fisher and Skip Townsend, Courts Specialists for the South Carolina Law Enforcement Assistance Program; The Honorable Claude McKinney, President, Greenville County Magistrate's Association; The Honorable C. Victor Pyle, Jr., a member of the South Carolina House of Representatives; and David Wilkins, Assistant Solicitor for Greenville County. During the meeting, objectives of the study were discussed, tasks for the consultants were more clearly defined and a survey questionnaire was developed to provide data concerning operations of the 22 magistrates (See Appendix A). Because of their expertise in court management and operations, Mr. Thomas Baynes and Mr. Francis Taillefer of the National Center for State Courts - Atlanta Regional Office, were selected as consultants.

In view of the limited time available to the consultants, it was essential that the site work be conducted prior to the evaluation of the plethora of data received from various local and state officials regarding the productivity of the magistrates. On April 10th and 11th, 1974, Mr. Thomas Baynes and Mr. Francis Taillefer interviewed the Greenville County Personnel Director, the Assistant Circuit Solicitor for Greenville County and ten of the County's magistrates.

Prior to interviewing individual magistrates, the team met with the magistrates in a group session to discuss the purpose of the evaluation study, the method by which the study would be conducted and the importance of obtaining from the magistrates the completed survey questionnaires which had already been distributed to them through the county government. The survey questionnaire was used by the evaluation team to collect original source data on magistrate operations, workloads, backgrounds and perceived problem areas. All individual interviews were conducted during the on-site visit. The fact that so many people were able to be individually interviewed derived largely from the extensive cooperation given to the evaluation team by local personnel.

In addition to the on-site interviews, the evaluation team interviewed Judge Reid Merritt and his observations and recommendations are incorporated into this report. With the assistance of the Greenville County government, the Court Administrator for the Supreme Court of South Carolina and the Magistrates Association of Greenville County, the evaluation team was also able to analyze data from the annual budget summaries submitted to Greenville County by the magistrates of that county, the magistrates' monthly report to the Administrator of Courts for the State of South Carolina and the completed questionnaires submitted by the magistrates.

II. ANALYSIS OF EXISTING SYSTEM

A. System Description.

Greenville County, South Carolina has a population in excess of 200,000 people--the second largest county in the state. Physically, total land area encompasses 793 square miles, and in some cases the county is 52 miles long and 28 miles wide. Greenville County has 22 magistrates: 6 full-time, 5 part-time, 2 special (night) and 9 township.

The Constitution of the State of South Carolina provides the judicial office of magistrate. The General Assembly of South Carolina is authorized to determine the number of magistrates for each county and to determine the term, jurisdiction and functions of that office. In practice, however, the office of the magistrate has been formulated by that body on a county-by-county basis through special legislation, with the result that the office is not uniform throughout the state.

The general qualifications for the office of magistrate are limited to the requirement that the person seeking office be a resident of the local community, although some special legislation has required that certain magistrate offices be filled only by lawyers. This last appears to have occurred when a given magistrate's particular jurisdiction has been enlarged.

All magistrates enter a primary in the township in which they live and, if elected, are traditionally appointed to the position of magistrate by the Governor of the State of South Carolina, who so appoints with the advice and consent of the Senate. There is no requirement for the elective aspect to this appointive process other than tradition.

Within Greenville County the term of office for a magistrate is four years. All magistrates in Greenville County except township magistrates have county-wide territorial jurisdiction. Township magistrate territorial jurisdiction is restricted to the township in which office is held.

In Greenville County civil case jurisdiction is limited to matters involving dollar amounts not in excess of $200. Constitutional limitations are imposed on criminal case jurisdiction, whereby authority is restricted to misdemeanors wherein punishment cannot exceed $200 or 30 days in jail. Appeal is to either the Thirteenth Circuit Court (Court of General Sessions for criminal and Court of Common Pleas for civil), which serves Greenville and Pickens counties, or to the Greenville County Court.

Statewide, the majority of a magistrate's functions are directly related to his criminal jurisdiction. This appears to be especially true in Greenville County, which has a very high per capita crime rate according to FBI Standard Statistics. While a vast majority of these cases deal with first offense driving under the influence charges and other traffic citations, the magistrates in Greenville County also issue all arrest warrants, hold preliminary hearings for cases being bound over to the grand jury and sit in both jury and nonjury trials concerning violations of city and county ordinances as well as state misdemeanor statutes.

The magistrates in Greenville County are paid by the County and not through any fees, except in civil cases. Here the fee obtained is strictly

regulated by the County Council and is offset to some extent by the fact that the magistrate must provide his own civil forms. Magistrates are aided by a county-paid constable who issues papers on plaintiffs and defendants. Finally, although all magistrates are paid by the County, all are not necessarily full-time employees of the County (only 6 are full-time employees).

B. System Resources.

1. Full-time Magistrates

In Greenville County there are 6 full-time magistrates. Three of the full-time magistrates work within the larger metropolitan area of Greenville: Magistrates Lollis and Scott are located in the county courthouse, while Magistrate McKinney has his office in West Greenville. The other 3 full-time magistrates are located in more rural communities: Magistrate Werner in Greer, Magistrate Bowers in Marietta and Magistrate Loftis in Taylor.

During its on-site visit, the evaluation team reviewed the court facilities of all 3 full-time metropolitan magistrates and found that facilities vary substantially. This is so despite the fact that the county either provides courtroom facilities or pays the expense of acquiring facilities for all full-time magistrates.

Within the county courthouse facilities for each full-time magistrate consist of a private office for the magistrate, a separate clerical and reception area and a small courtroom. The total space allotted to each magistrate allows accomplishment of current workloads, but for Magistrate Scott this means operating under somewhat cramped conditions. His

physical space requirements are similar to Magistrate Lollis', but his space allotment is substantially less. As a result, his courtroom must be accessed through his small private office; the courtroom itself is very small, minimally furnished and looks uninvitingly closed in.

In West Greenville, Magistrate McKinney's court facility is large enough to provide ample operating room, so space is not a problem. On the other hand, decor is a problem. The facility is located in space formerly occupied by a commercial establishment, with the result that it has full-length storefront type windows which front a busy commercial street in a deteriorated neighborhood. This, coupled with a rather drably painted exterior and a similarly painted interior reception area, generates a strong image of a storefront operation. To promote the image of a judicial office, it is suggested that: 1) an official-looking "Magistrates Court" sign be made and hung above the office front; 2) the exterior trim and interior reception area be painted a subdued color; and 3) the office windows be hung with drapery.

In Greer, Magistrate Werner's court is a renovated store. The evaluation team did not visit this particular court, but notes that Magistrate Werner said he found it acceptable except for the fact that it was not air-conditioned, which made court sessions in the summer sometimes burdensome to judge, jury and all participants. The facilities of Magistrates Loftis and Bowers are described as being similar to Magistrate Werner's.

Full-time magistrates also receive county funds for the purpose of

acquiring office supplies, equipment and postage. While civil forms must be provided by the magistrates themselves, all other forms such as arrest warrants, peace bonds, etc., are provided by the county.

In Greenville County, magistrate secretaries perform both secretarial and clerical functions for the magistrates; accordingly, they will hereinafter be referred to as secretary-clerks. Each full-time magistrate has secretary-clerk assistance furnished at county expense. However, the degree of such support varies widely among full-time magistrates: Magistrate Lollis has 2 full-time secretary-clerks, Magistrates Scott, Loftis and McKinney each have 1 full-time and 1 part-time secretary-clerk, and Magistrates Werner and Bowers each have part-time secretary-clerks. These variances are not supported by proportionate variances in respective workloads (workloads are discussed in Section II.C.).

Based upon relative workloads (as shown in Tables 1 through 4, the discussion of which is deferred until Section II.C.), it appears that 2 full-time secretary-clerks are required for the efficient support of operations of Magistrate Lollis. Since Magistrate McKinney has a comparable workload, he should also have 2 full-time secretary-clerks. Further, this would avoid the problem of losing significant amounts of secretary-clerk time as a result of having to frequently call in part-time help to do full-time secretary-clerk work, help which is often either unfamiliar with or "rusty at" magistrate office procedures. From the aforementioned workload tables, it also appears that Magistrates Loftis and Scott have workloads which justify the services of 1 full-time and 1 part-time secretary-clerk. Likewise, Magistrates Werner and Bowers should at least have the services of 1 full-time secretary-clerk.

It is likely that the efficiency of the county courthouse magistrate function would significantly increase if the secretary-clerk support for Magistrates Lollis and Scott were to be pooled, at least to the extent that voids due to illness or vacation are covered by "in-house" resources from one office or the other. Pooling also raises the possibility of being able to accomplish a given combined workload with less resources than would be required by 2 separate staffs, and the possibility of formally separating the secretarial and clerical functions so as to consolidate each into separate full-time positions in the resource pool.

In any case, it is suggested that, as a minimum, each full-time magistrate be provided with 1 full-time secretary-clerk. Additional part-time or full-time secretary-clerk support should be justified in terms of magistrate workload.

Constables are available full-time to 4 of the full-time magistrates, whereas 2 magistrates (Loftis and Bowers) have half-time constables. Constables execute almost all civil papers for the magistrates and are usually used to maintain courtroom order. Criminal warrant service for the magistrates is provided by city police and the sheriff. For 5 of the full-time magistrates this extra support amounts to the approximate equivalent of at least another half-time person. Only Magistrate Bowers receives less than the equivalent of another half-time person in outside support.

In regard to the full-time magistrates themselves, all have had extensive on-the-job training even though none are lawyers. Experience as a magistrate ranges from 7 to 23 years, and level of education for all

but 1 includes at least one year of college (1 four-year and 2 two-year degrees have been earned in this group).

Equipment, particularly common office equipment, appears to be a problem for full-time magistrates in that requisition lead time has significantly delayed obtaining needed equipment. The evaluation team observed that several magistrates were sorely in need of filing cabinets --official papers were simply being stacked in open piles for want of cabinet storage space. Courtroom furnishings also are typically rather sparse--the usual arrangement is a desk for the magistrate and some chairs lining the opposite wall for jurors and participants. These are usually in a small, drab room; the resultant effect does not enhance the magisterial function.

Although magistrate courts are not courts of record, most of the magistrates use their own audio tape recorders whenever a preservation of a proceeding is desired. Such a record is often helpful in the event of appeal or for later actions in the case, yet the county does not furnish audio recording equipment for its magistrates, nor is it required to do so. Nonetheless, county owned and maintained standardized audio recording equipment would: 1) facilitate transfer of tapes between levels of court; 2) avoid the necessity of having magistrates underwrite this service to the community; and 3) anticipate the possibility that such records might one day be required as a matter of course.

On a bright note in regard to equipment, the county has hired a person to handle financial grants and grant requests for the county. It

is likely that the grant vehicle will thus be able to be used to obtain equipment for the magistrates as well as for other county purposes.

2. Part-time Countywide Magistrates

There are 5 part-time magistrates in Greenville County, each of whom has countywide jurisdiction. All are located in rural communities outside the larger metropolitan area of Greenville: Magistrate Hamby has his office in Simpsonville, Magistrate Martin in Gantt, Magistrate McCraw in Fountain Inn, Magistrate Terry in Piedmont and Magistrate Vernon in Travelers Rest. Of these, the evaluation team met with Magistrates Martin, McCraw and Terry.

Because part-time magistrates have another occupation, the place of business for the magistrate's office may be almost anywhere in the community. In most cases, however, they have the use of some community facility for the purpose of conducting court. Two magistrates conduct court in the Mayor's Courtroom in their community town hall, 1 uses a basement office in his local Community Building, and another uses a part of the local fire station complex for his courtroom-office. The 5th magistrate uses private property: a back room in his store.

The biggest difficulty here is that court facilities for part-time magistrates are makeshift at best and require upgrading commensurate with the community function being performed. A telling point is made by the fact that in the local fire station complex, the courtroom-office does not have water or a toilet, so participants must walk to the main fire station building itself, 100 yards away. The evaluation team considers

it imperative to the preservation of the integrity and image of the judicial function being performed that all courts be located in public buildings whenever possible, not in stores or makeshift facilities.

Greenville County provides funds for the acquisition of court facilities to 4 of the part-time countywide magistrates; the 5th magistrate receives no such support. Disparities in county support exist even among those who do receive such funding and extend to the county support given for necessary operational expenses. Except for 1 magistrate, who receives funds for telephone and stationery expenses, part-time countywide magistrates do not receive county support for necessary operational expenses such as postage, telephone, supplies and utilities. Since these costs are an accompaniment to the performance of magisterial duties, they should be borne by the county, not the magistrates. Part-time status should not weigh on this. All Greenville County magistrates receive a county salary; fees are obtained only in civil cases, and these must cover the expenses of civil operation and forms. Magistrate salaries cannot be expected to underwrite all costs of operation.

Perhaps a contributory cause to this situation is the sketchiness of the budgets submitted to the county for the magistrates. Specific detailing of line item amounts by budget category and either budget preparation by the magistrates themselves or at least review by them prior to submission to the County Council, would go a long way toward enabling the county to realistically understand the extent of the operational support required.

Only 2 of these magistrates have the services of a county-paid secretary-clerk, and in each case the secretary-clerk is part-time. It is suggested that, as a minimum, each part-time countywide magistrate have available to him the services of 1 part-time secretary-clerk. The extent of this part-time help should be justified in terms of magistrate workload.

Each part-time countywide magistrate has available to him the services of a part-time constable. Constables perform duties similar to those performed by constables of full-time magistrates. It is noted that these constables receive an average of about one-third the compensation given to full-time magistrates' constables, yet most work effectively one-half time.

Part-time countywide magistrates, none of whom are lawyers, represent a wide range in experience and education. Experience as a magistrate ranges from 1 up to 23 years. Educational background also exhibits this variability: all possess high school diplomas, yet 1 has additionally earned a three-year college degree.

Equipment for full-time magistrates is badly needed, but, however, is difficult to obtain. One part-time countywide magistrate provides his own filing cabinet, typewriter and audio tape recorder (for preliminary hearings). The most commonly needed items are office equipment in nature: filing cabinets, audio tape recorders, typewriters and calculators.

3. Special (Night) Magistrates

An important part of the Greenville County magistrate system is the

Special Magistrate which is, in reality, 2 part-time night magistrates who alternate weeks of duty. Salaried through the county, these 2 night magistrates are the link that provides Greenville County with an available, officially functioning magistrate 24 hours a day, every day of the year.

Located in the county courthouse, night Magistrates Cann and Dearman are on call on weekends and holidays and each weeknight (from 6 p.m. until the next morning when the first daytime county courthouse magistrate becomes available, about 8 a.m.). Their basic function is to screen requests by citizens seeking arrest warrants. In toto, their function revolves around granting or denying requests for arrest warrants and providing counseling to citizens who come to the magistrate as an authoritative decision-maker. Counseling, as conducted by the magistrates of Greenville County, generally refers to the para-and non-judicial community problem solving that a magistrate becomes involved with by virtue of his position as a judicial and peace officer. As defined, counseling includes activities such as issuing legal-oriented advice to citizens, mediating domestic quarrels and mediating disturbances of the peace or conflicts between citizens before they balloon into formal actions before the court.

The facility provided for the night magistrates' use is totally depressing. The Night Magistrate office is jammed into a cubbyhole space in a locked-off portion of a basement stairwell behind the Sheriff's office in the county courthouse. Adjacent to an oft-noisy engine room, this particular space has 1 desk and 1 chair. There is not sufficient

space for citizens to sit or congregate; waiting must be done by standing outside the office on the steps of an open stairway which leads from the office up to the courthouse parking lot.

Almost any solution would be an improvement over the facility now being used by the night magistrates. It is suggested that night magistrate operations be shifted to one of the unused daytime courtrooms in the courthouse, such as perhaps to the courtroom of either Magistrate Lollis or Magistrate Scott. This solution would involve doubling up on the use of court facilities, but would not cause overlap of operations or inconvenience to daytime personnel. Building security for the rest of the courthouse is a factor in this suggested solution, because use of any courtroom internal to the main corridor would allow access to the rest of the building. To maintain overall building security, it is suggested that a movable, locking gate partition be installed for use each night to seal off from the rest of the building the courtroom used by the night magistrates.

Night magistrates, due to their limited role, do not have available to them the services of either a secretary-clerk or a constable (the Sheriff executes all warrants), and operating expense support from the county is not included in their budget.

Night magistrate experience and educational background are similar to that of part-time countywide magistrates; neither is a lawyer, but they have gained extensive on-the-job training.

Equipment furnished in support of night magistrate operations runs

a close parallel to the facility used--these magistrates have a substandard (broken, almost inoperative) typewriter to conduct business with and do not have any storage filing cabinet space whatsoever. Warrant books and other official documents are stacked on steps leading up the rear of the stairwell. As a minimum, it is recommended that a suitable filing cabinet be provided for night magistrate use, and their typewriter either be repaired or replaced.

4. Township Magistrates

The Greenville County magistrate system is rounded out by inclusion of 11 (2 positions are vacant) county-paid, part-time magistrates who have limited territorial jurisdiction, but who have legal jurisdiction the same as that of other county magistrates. The 9 present township magistrates have territorial jurisdiction which extends only within the district for which they have been appointed to office. These townships are rural communities in outlying areas of the county; thus, township (district) magistrates provide a highly localized service to their respective communities.

Township magistrates typically conduct official duties out of their home. The county does not provide any funding support for township magistrates outside of salary for them and for a part-time constable. Secretarial, operating expense (telephone, postage, etc.), and equipment support is not furnished by the county. Several of these magistrates maintain that they actually lose money as a magistrate because of having to absorb expenses themselves.

Other county magistrates view the township magistrate function as being the training ground for developing countywide jurisdiction magistrates because it provides a forum for magistrates to "prove" themselves. Township magistrates are not lawyers. They typically have a high school education and have several years of experience on the job as a township magistrate (experience ranged from 3 to 8 years for the 4 who completed survey questionnaires). Township magistrates, like other magistrates, express a strong sense of desiring to serve their community, particularly in the role of a community peacemaker.

C. System Productivity.

1. Measures of Productivity

To properly evaluate the productivity and worth to the community of the Greenville County magistrate system, one must first fully understand the magistrate's function in the community.

The magistrate in South Carolina is appointed to office as a community-level peace officer by the Governor, yet is also the first court tier in the judicial system. This historical marriage of roles by the Executive and Judicial Branches of Government has resulted in a concomitant assumption of dual roles by the magistrates of South Carolina. In terms of productive activity, this has resulted in direct magistrate involvement in community problem-solving and non-judicial conflict resolution (i.e., counseling). Hence, evaluation along strictly judicial functions would not suffice to take into account the peculiar mix of roles and functions found in the magistrate.

It is suggested that the following functions describe magisterial duties as now performed in Greenville County, and may be used together to derive valid measures of productivity:

*Judicial

*Warrant

*Counseling

*Revenue

Judicial Function

Without a doubt, the judicial activity of a magistrate is his most important function. Technically, all the above activities are related and somewhat incidental to the overall judicial function in that the Constitution of South Carolina considers the magistrate to be part of the state judiciary. However, in order to provide an evaluative framework that focuses more clearly onto particular aspects and relative importance of magistrate activity, the judicial function defined herein as a criterion of magistrate system productivity will be restricted in definition to mean only magisterial decision-making in criminal or civil matters.

The need for this judicial function criterion in measuring productivity becomes apparent when one realizes that magistrates in Greenville County conduct all preliminary hearings in criminal matters, (all felony cases in the county follow this first step), and hold jury trials in misdemeanor and civil cases within their jurisdiction. Both of these are time-consuming but necessary functions in the judicial process.

In regard to preliminary hearings, the magistrate must make a formal determination as to whether or not there is sufficient evidence on the part of the state against the defendant which would authorize the magistrate to have the defendant bound over to the grand jury for indictment. The magistrate presides over this preliminary hearing; hence, he provides another screening function whereby frivolous or insufficient criminal cases are rejected from the criminal justice system at the earliest possible moment. This screening process relieves the grand jury, the district attorney and the courts of general jurisdiction from additional caseload burdens.

The preliminary hearing also provides the district attorney, the defense attorney and the criminal defendant with a forum whereby evidence can be presented and all parties can determine the amount of evidence which is the basis for the felony, arrest and possible indictment. At the same time this provides notice to the criminal defendant of all his constitutional rights. Although there may be some question whether a preliminary hearing is constitutionally mandated, the existence of the preliminary hearing within the magistrate system requires constitutional due process to be observed. Thus, if the magistrates do not perform the preliminary hearing function, some other part of the judicial system will assume the burden.

Conducting criminal and civil jury trials is another highly significant judicial responsibility mandated upon magistrates. Within the criminal jurisdiction of the magistrate, be it traffic violation or

misdemeanor, and within his civil jurisdiction, be it eviction or small claim proceeding, the defendant is allowed to request a jury trial. Actual magistrate time spent on jury trials depends, of course, on the number of such trials and their average length (See Section II.C.2. for actual workload).

In Greenville County, if the defendant so desires, the magistrate normally brings in a jury of 18 and it is reduced by various means down to 6 jurors for trial. Jurors are paid $1 a day. These 6 jurors hear the case before the Magistrates Courts and render their verdict as to the guilt or innocence of the defendant. Again, it is noted that if the magistrate system does not perform this jury trial function, some other branch of the South Carolina judiciary will assume the burden. Of course, the defendant does not have to have a jury trial if he does not wish, but this still requires the magistrate to perform a judicial function in hearing evidence and then determining guilt or innocence during such Bench trials.

Warrant Function

Another criterion of magistrate productivity is the number of warrants issued by magistrates per year. In Greenville County one major function of the county magistrate system is the issuance of peace bonds and all arrest and search warrants. In that no fee is collected for the issuance of a warrant, this activity is normally reflected in revenue collections, but only to the extent that the warrant issued is for traffic or misdemeanor violations where the penalty is a fine. Arrest warrants

issued for felonies are rarely within the revenue function. For these reasons it is important to consider to what extent the warrant function is carried on, particularly as pertains to arrests. Further, it should be noted that the warrant function becomes a screening process very much connected with the functions of local law enforcement authorities and, as well, has a direct bearing on caseloads in other Greenville County courts of limited or general jurisdiction.

Failure to screen search warrants may cause the complete destruction of a criminal conviction otherwise properly obtained. Issuance of a search warrant requires a substantial showing on the part of the law enforcement agency of probable cause that a crime is being committed. Thus, screening by a member of the judiciary, in this case a magistrate, is mandatory.

Failure to screen arrest warrants produces an even more dramatic burden on other segments of government. If arrest warrants are issued indiscriminately, then local police are faced with the task of processing a considerably larger number of apprehensions. To underscore this point, Greenville law enforcement agencies would have been faced with making and processing some 952 more arrests (total of Arrest Warrants Refused, from Tables 1 through 4) for the four-month period from September through December, 1973, if magistrates in the county had not exercised discretion in issuing arrest warrants. Unnecessary proliferation of arrest warrants, in addition to increasing the task of law enforcement agencies, places additional adjudication burdens upon the judiciary. These take the form

of more preliminary hearings, grand juries and possible caseload increases due to action for false arrest or imprisonment.

The issuance of arrest and search warrants is the major part of the warrant function, and magistrates must have the appropriate training for making some determination in whether or not a warrant should be issued. Such training is being accomplished through training required by the Governor of the State of South Carolina, as provided by the University of South Carolina Law School.

Many of the magistrates interviewed considered the function of screening arrest warrants as possibly their most important function. These magistrates expressed the thought that many citizens in the community, when faced with a confrontation, immediately seek a solution through the mechanism of obtaining an arrest warrant. Often these citizens do not have sufficient grounds upon which an arrest warrant could be issued. Further, many confrontations or disagreements between members of the community can be settled by means other than having someone arrested. This is especially true when dealing with disputes involving families, children or neighbors.

Counseling Function

Insofar as it occupies his time in providing an expected community service and can be presumed to help divert disputes away from the law enforcement and formal judicial processes, the amount of community counseling provided by a magistrate is another criterion by which to measure productivity.

In this sense the counseling function can best be quantified in terms of the time spent doing it, and by the number of people counseled on problems they ask a magistrate to address due to his position. This becomes a tally of his community problem solving services and of the actions which had potential for becoming formal actions within the law enforcement and judicial processes, but did not because of magisterial assistance.

Community "counseling sessions" as a function cannot, in some cases, be differentiated from the magistrates' function of issuing or refusing to issue warrants. Nonetheless, most magistrates stated that they routinely spend substantial amounts of their time negotiating problems within the family, between neighbors or simply providing information to members of the community on other matters not originally initiated as part of the process of obtaining warrants.

For many citizens of Greenville County, their local magistrate is looked upon as an authoritative point of contact whereby problems can be solved or at least mitigated. The magistrate, especially in the more rural communities, is an authoritative decision-maker. The citizens in the community rely on his assistance for a variety of matters outside of those normally thought to be within the judiciary or law enforcement agencies, such as giving advice to elderly persons as to where to find information or assistance on Social Security, taxes, etc.

In some ways the magistrate counseling function is somewhat akin to a fire department. In the case of a dispute or confrontation, as in a

conflagration, the citizens of the community have someone to look to in order to rectify their immediate problem. Without someone in the community such as the magistrate, the citizens might resort to self-help in neighborly disputes, thus causing a later, much enlarged burden on the magistrate, other members of the judiciary or law enforcement agencies. Even if the dispute does not evolve into more serious physical encounters, the magistrate's negotiation or compromise of disputes may reduce the tendency of some members of the community to bring a civil suit. In either case, there is a substantial possibility that the magistrate's counseling function may reduce the burden upon other segments of the county government.

Revenue Function

According to information compiled by the county government from audits of magistrate offices by the County Treasurer and State Auditor, the magistrate system in Greenville County collected revenues totaling $480,000 in 1972. The majority of this revenue was obtained from fines related to traffic law violations. Figures for 1973 were not available, but were estimated to have at least equaled the prior year. The cost of running the entire magistrate system in 1973 totaled $162,000. Assuming the same revenue for both 1972 and 1973, it is likely that the Greenville magistrate system yielded a net revenue gain on the order of $318,000 in each of these years.

Yet a statistic such as revenue, when used alone, gives an extremely misguided and illusory view of the productivity of the magistrate system

because it only measures one almost incidental aspect of the system. The same is true in regard to the productivity of any given magistrate in the system. Further, revenue is normally a poor indicator to use to measure work productivity and set salary scales, but is included herein as a productivity criterion because of the obvious importance attached to it by the county in its decision-making. The ideal would be to delete it entirely as a productivity measure; barring that, it should be assigned a low value or "weight" relative to other measures of productivity, as has been done herein.

The amount of revenue collected by a magistrate depends in large upon local law enforcement agencies in the county, who are normally the initiating factor in revenue producing actions. Often, law enforcement officials go "magistrate shopping" to utilize the services of particular magistrates with whom they are most familiar. This may be especially true with traffic violations.

A magistrate's physical location may have even more bearing on the amount of revenue produced. Magistrates in Greenville County whose physical location is in close proximity to major highways will likely generate more revenue than non-highway oriented magisterial locations because local and state law enforcement agencies patrolling major highways usually bring arrested traffic violators to the closest magistrate. A typical example of this is the part-time magistrate in Gantt, whose office is in close proximity to 4 major highways; this situation results in many traffic fines being processed and much revenue being taken in at that office.

When weighing revenue production, the most important consideration to be mindful of is that the magistrate system was not designed to be a profit-making enterprise. Local government provides services to the community; any revenue received from these services is used to offset the cost of services, not to maintain a profit. The judicial system in Greenville County and in the state of South Carolina is not part of the free enterprise system, but is instead an important service function to the community in the state at large. Like other parts of local government, the magistrate system provides specific services to the community and other departments of local government. It just so happens that in many communities, such as in Greenville County, the magistrate system brings in more revenue than the county expends in maintaining the system. The police and fire departments, for example, produce no revenue, yet require a significant portion of county funds in order to maintain their particular services to the community.

Admittedly an important function for the county, the absence of revenue does not suggest by itself that a magistrate is not performing necessary judicial services for the community. Illustrating this, the 2 special (night) magistrates perform only a very limited revenue function compared to other part-time magistrates, yet they perform an important service for the Greenville community.

The evaluation team concludes that magistrate revenue production is only one almost incidental aspect of a magistrate's activities, and as such should not be the sole criterion for determining productivity. It

FULL-TIME MAGISTRATES

(Productivity, September-December, 1973)

Magistrate	Revenue* (CY 1972)	Criminal Filed	Criminal Disposed	Civil Filed	Civil Disposed	Arrest Warrants Issued	Arrest Warrants Refused	Counsel-ing	Preliminary Hearings	Jury Trials
Bowers	$ 21,247	320	319	22	21	73	8	750	51	-0-
Loftis	$ 73,269	1728	1671	47	47	171	219	541	22	2
Lollis**	$127,079	2679	2701	1343	1266	926	122	168	535	28
McKinney***	$112,643	2148	2159	268	267	1426	156	552	319	4
Scott	$ 36,751	949	792	591	601	962	96	303	35	13
Werner	$ 39,538	356	363	32	39	340	153	652	24	5

* Figures taken as compiled by the Greenville County Government.

** Figures for December, 1973 were unavailable, and are therefore estimated by the evaluation team.

*** Figures for September, 1973 were unavailable, and are therefore estimated by the evaluation team.

NOTE: Workload data was extracted from the Magistrate's Monthly Report To The Administrator Of The Courts of South Carolina, a statistical summary report initiated in August, 1973.

TABLE 1

PART-TIME MAGISTRATES

(Productivity, September-December, 1973)

Magistrate	Revenue* (CY 1972)	Criminal Filed	Criminal Disposed	Civil Filed	Civil Disposed	Arrest Warrants Issued	Arrest Warrants Refused	Counseling	Preliminary Hearings	Jury Trials
Hamby	$12,085	173	119	44	27	90	-0-	-0-	36	-0-
Martin**	$40,525	1121	1118	20	12	53	10	19	8	2
McCraw***	N/A	29	27	21	12	35	25	87	2	-0-
Terry	$11,560	71	66	4	4	9	17	38	9	1
Vernon	$ 3,400	68	43	40	44	47	11	170	5	-0-

* Figures taken as compiled by the Greenville County Government.

** Figures for September, 1973 were unavailable, and are therefore estimated by the evaluation team.

*** Revenue figure not applicable because Magistrate McCraw was appointed to office effective July, 1973.

NOTE: Workload data was extracted from the Magistrate's Monthly Report To The Administrator Of The Courts of South Carolina, a statistical summary report initiated in August, 1973.

TABLE 2

SPECIAL (NIGHT) MAGISTRATES

(Productivity, September-December, 1973)

Magistrate	Revenue* (CY 1972)	Criminal Filed	Criminal Disposed	Civil Filed	Civil Disposed	Arrest Warrants Issued	Arrest Warrants Refused	Counsel-ing	Preliminary Hearings	Jury Trials
Cann**	N/A	-0-	-0-	-0-	-0-	400	27	45	-0-	-0-
Dearman**	N/A	-0-	-0-	-0-	-0-	387	91	146	-0-	-0-

* Night Magistrates do not have revenue collection from their own activities.

** Night Magistrates transfer all cases to other Magistrates.

NOTE: Workload data was extracted from the Magistrate's Monthly Report To The Administrator Of The Courts of South Carolina, a statistical summary report initiated in August, 1973.

TABLE 3

TOWNSHIP MAGISTRATES

(Productivity, September-December, 1973)

Magistrate	Revenue* (CY 1972)	Criminal Filed	Criminal Disposed	Civil Filed	Civil Disposed	Arrest Warrants Issued	Arrest Warrants Refused	Counsel-ing	Preliminary Hearings	Jury Trials
Chiles	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-
Garrison	$100	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-
Howard	-0-	-0-	2	2	-0-	-0-	-0-	5	-0-	-0-
Jordan	$125	6	3	-0-	-0-	-0-	-0-	53	-0-	-0-
King	-0-	-0-	-0-	-0-	-0-	-0-	-0-	4	-0-	-0-
Lee	$100	9	9	-0-	-0-	3	14	68	-0-	-0-
Pittman	$150	1	1	2	2	1	3	9	-0-	-0-
Tooley	$220	-0-	-0-	-0-	-0-	-0-	-0-	13	-0-	-0-
Wickliffe	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-

* Figures taken as compiled by the Greenville County Government.

NOTE: Workload data was extracted from the Magistrate's Monthly Report To The Administrator Of The Courts of South Carolina, a statistical summary report initiated in August, 1973.

TABLE 4

significant amounts of Fish and Game fines which are turned over to the state treasury, thus causing an understatement of his revenue production as measured by county-collected statistics. In this case then, "Revenue" measures productivity for the county, not the statewide community.

The tables also display criminal and civil caseload filing and disposition data. This is done to give a caseload-oriented picture of the work aspects of the judicial function. Useful though this workload data is, inclusion as an element of the judicial function creates a degree of overlap when measuring productivity. This occurs because the system impacts of the figures under the headings "Criminal Filed" and "Criminal Disposed" are already partly reflected by "Revenue." Magistrate-produced revenue which is turned over to the county largely accrues from traffic fine cases, which in turn comprise the bulk of the magistrate system's criminal case filings and dispositions.

Since there are few clean break points among functions--that is, because work products are not mutually exclusive, overlap of data appears in several other items as well. For example, "Revenue" also has a component of the warrant function in it, and "Preliminary Hearings" and "Jury Trials" are included in both "Filings" and "Dispositions." This overlap is necessary since it is the only way certain key work elements can be gotten at such as dollars and Bench Trials.

Tables 1 through 4 provide graphic illustration of the difficulty in "eyeball" assessment of workloads. Two elements are at play. First, there are volume magnitude variances between magistrates within each item

listed. Second, until the relative "worth" of each item in the array (e.g., "Revenue," "Counseling," etc.) is known or estimated, one can only guess as to how productive the system is.

To illustrate, Magistrate Bowers has full-time status and Magistrate Martin has part-time status. Magistrate Bowers has a clear advantage in "Arrest Warrants Issued," "Counseling " and "Preliminary Hearings," yet Magistrate Martin has a clear edge in "Revenue (CY 1972), " "Criminal Filed" and "Criminal Disposed." For that matter, Magistrate Martin has an edge on 2 other full-time magistrates (Scott and Werner) in those same 3 items.

How are these items to be weighted when evaluating workloads? Also, what level of workload constitutes a "full-time," "part-time," "night" or "township" workload for compensation and budget support purposes? Most magistrates estimate that their non-revenue producing activities consume 65-75% of their time; yet 1, the magistrate in Gantt, estimates only 25% of his time is non-revenue producing. It is suggested that the "weight" to be assigned to <u>any item</u> must be based on its perceived "worth" (i.e., service) to the judicial system as a whole and to the community at large, as measured in terms of time consumed and importance to the judicial and community processes.

Even for the data collected, however, there is an additional concern when trying to use it: how reliable is it? Do the figures reflect what they purport to reflect? For example, the basic procedure followed by the night magistrate when issuing arrest warrants is to issue them under

his name but to refer the warrants' return to magistrates who function on a full-time basis. These arrest warrants are designated to other magistrates on the basis of geographical location of the person arrested, except in the case of the 2 city magistrates, whereby the night magistrate usually divides the warrants between those 2 magistrates. The receiving magistrate then rewrites the warrant into his own Warrant Book. It would appear that this procedure is causing double-counting of warrants in the data being collected by the office of the State Court Administrator, because 2 magistrates claim warrant credit for the same action.

Another element that makes this data suspect is that the monthly reports collected by the State Court Administrator suggest that during the entire quarter September '73 through December '73, the 2 night magistrates issued 787 arrest warrants, denied 118 warrants and held 151 counseling sessions with local citizenry. Contrasting this, inspection of the night magistrates' Warrant Book by the evaluation team showed that in an eight-day period in April, the night magistrates issued 185 warrants: 20 on Saturday and 17 on Sunday. Although this could have been an abnormally high output, it also suggests that if it is not, then the output for a three-month period might be sizeably larger than now reported.

3. <u>One Productivity Algorithm (Method of Calculation)</u>

The value of the aforementioned productivity criteria (e.g., warrant) is that they permit direct measurement of the volume of key work items (elements) in each magistrate's workload. In an indirect way, they can also be used as a measure of the <u>significance</u> of efforts being devoted to

various magisterial activities. This indirect measure of significance can be obtained by assigning "weights" to each criterion of productivity (e.g., a "weight" of 2 for the warrant function), and from this, to each of its key work items (e.g., a "weight" of 1 each to "Arrest Warrants Issued" and "Arrest Warrants Refused"). This can be done either by arbitrary estimation of importance or by experientially measuring the time needed for task accomplishment and criticality to system processing.

Within this construct, these "weights" then become an estimate of the relative time consumption, importance, and difficulty of each productivity criterion. Together, the volume measures of key work items and the "weight" or significance that attaches to each can be used to derive a measure of total productivity for each magistrate.

One way this concept might be applied to the Greenville County magistrate system would be to develop a relative ranking of total productivity of magistrates in terms of their positional rankings for each key work item. One specific procedure for calculating (i.e., an "algorithm") such a measure of total productivity is described below, and the results are shown at Table 5. IT MUST BE STRESSED THAT IT IS THE CONSTRUCT THAT IS OF MOST VALUE HERE, BECAUSE THE ACTUAL DATA USED BELOW ONLY COVERS A SHORT PERIOD OF TIME AND THE "WEIGHTS" ARE STRICTLY ARBITRARY.

Using actual workload data for each magistrate (e.g., the data in Tables 1 through 4), the "weight" for each key work item (e.g., a "weight" of 1 has been assumed for "Arrest Warrants Issued") is applied

PRODUCTIVITY OF GREENVILLE MAGISTRATE SYSTEM (ONE POSSIBLE ALGORITHM)

Functional Criterion	Revenue	Warrant		Counseling	Judicial						Weighted Numeric Totals, by Relative Position	Rank by Total Productivity
Work Item	(CY 1972)	Arrest Warrant Issued	Arrest Warrant Refused	Counseling	Crim. Filed	Crim. Disp.	Civil Filed	Civil Disp.	Prelim. Hear.	Jury Trials		
Magistrate												
Full-time												
Bowers	7	9	13	1	7	7	8	8	3		720	7
Loftis	3	7	1	4	3	3	4	4	7	5	945	4
Lollis	1	3	4	7	1	1	1	1	1	1	1045	1
McKinney	2	1	2	3	2	2	3	3	2	4	1030	2
Scott	6	2	5	5	5	5	2	2	5	2	955	3
Werner	5	6	3	2	6	6	7	6	6	3	900	5
Part-time												
Hamby	8	8			8	8	5	7	4		565	13
Martin	4	10	12	14	4	4	10	10	9	6	735	6
McCraw	*N/A	12	8	9	11	11	9	9	11		575	12
Terry	9	13	9	13	9	9	11	11	8	7	655	8
Vernon	10	11	11	6	10	10	6	5	10		640	9
Night												
Cann	*N/A	4	7	12	*N/A	*N/A	*N/A	*N/A	*N/A	*N/A	615	11
Dearman	*N/A	5	6	8	*N/A	*N/A	*N/A	*N/A	*N/A	*N/A	635	10
Township												
Chiles											-0-	21
Garrison	17										30	19
Howard				17		16	15				105	17
Jordan	16			11	15	15					175	16
King				18							25	20
Lee	17	14	10	10	14	14					295	15
Pittman	15	15	14	16	16	17	14	14			315	14
Tooley	14			15							85	18
Wickliffe											-0-	21

*Note: N/A means item is not applicable to the particular magistrate, and a blank means no activity.

TABLE 5

to each magistrate's adjusted relative positional ranking number within the key work item. A relative positional ranking number is simply a magistrate's ranking in comparison with all other magistrates in the county, based upon respective workload volumes accomplished for a given key work item.

For example, during the period from September through December, 1973, Magistrate McKinney issued 1,426 arrest warrants while Magistrate Scott issued 962 (see Table 1, "Arrest Warrants Issued"). Compared to all other magistrates, these were the 2 highest outputs. Hence, they received relative positional ranking numbers of 1 and 2, respectively, for the key work item "Arrest Warrants Issued." Since there are 22 magistrates in the county, each of the other magistrates who issued warrants received a similar sequential ranking, from high to low, based on output. If no warrants were issued, no positional rank was assigned and the item was left blank. For "Arrest Warrants Issued" this resulted in relative positional rankings from 1 (high) through 15 (low) for those magistrates who had activity, and a blank for those who did not (zero activity).

Relative positional ranking numbers were then adjusted by giving a value to each number. To facilitate calculations in Table 5, the ranking number 1 was given a value of 110 (highest), with subsequent numbers descending in value by 5; hence, a ranking of 2 was given the value 105, and so on until a ranking of 22 was given the value 5. A blank was thus the lowest possible ranking, and was given a value of zero. These values

were then multiplied by the "weight" of 1 for the key work item "Arrest Warrants Issued" to obtain a weighted productivity value.

The same procedure was used for all other key work items, and a "weight" of 1 was assumed for each. Note that this results in the Warrant Function being valued at 2 times the Revenue and Counseling Functions (each of these are valued at 1), while the Judicial Function is valued at 6 times the Revenue and Counseling Functions, and at 3 times the Warrant Function. Also, whenever an item was not applicable (N/A) to a given magistrate, the N/A was given a positional ranking of 12 (assumed to be average) and its value was thus taken to be 55. This was done so as to be able to compare the outputs of all magistrates, even those who did not perform certain functions due to the nature of their status (i.e., night magistrate or a recent appointment).

By adding resultant values for each magistrate for all productivity functional criteria, a weighted numeric value was obtained for total output (e.g., Magistrate McKinney had 1,030 while Magistrate Scott had 955). These values were then translated into a relative ranking of total productivity by assigning a ranking of 1 (high) to the highest weighted numeric value, a ranking of 2 to the next highest value, and so on.

The measure of productivity thus derived measures relative positional output performances, but does not measure differences in absolute numeric magnitudes of key work item outputs. To illustrate, the significance of issuing 1,426 warrants versus 962 warrants is not reflected in the final measure of productivity derived in Table 5. The same

relative positional ranking would have resulted had the figures been 3,000 versus 962 or 1,426 versus 1,425 or 1,426 versus 927. Even if Magistrate McKinney issues either 1,000,000 or 1 more warrant than the number 2 ranked magistrate, he will always be ranked number 1. A different algorithm would have to be devised if this was considered a necessary part of the final measure of total productivity.

Neither type of measure of total productivity (relative or absolute magnitudes) includes an objective standard against which to compare magistrate system outputs. Productivity standards which define and quantify "normal" output levels are needed. Such standards should be based on local experience and data obtained from other jurisdictions, and should be incorporated into the above productivity algorithm. This could easily be done (by making the "standard value" equal to 1 and evaluating any variances from it), and would result in a more useful measure of productivity because actual outputs could then be compared to "normal" outputs. THIS IMPROVEMENT TO PRODUCTIVITY MEASUREMENT MUST, HOWEVER, AWAIT DEFINITION AND LOCAL ADOPTION OF OUTPUT STANDARDS.

Until then, the productivity construct as discussed herein and shown at Table 5 can be used to more limited advantage as long as three cautions are kept in mind. First, in the algorithm used herein, the "weight" assumed for each key work item may not be optimum; setting proper "weights" is likely to require analysis of the time consumed and its "judicial/community value." Second, certain effects are not wholly accounted for, such as revenue generated for the state by Magistrate Bowers or differences in

absolute output for a given period. Third, the data available for use may not be entirely reliable; hence, at this point it is indeterminable whether zero reported activity means just that, or simply that the activity is not being properly reported

4. Magistrate Salary Structure

In addition to evaluating magistrate system workloads, measures of productivity can be used to validate the salary structure currently being used to compensate magistrates.

Current magistrate salaries (as well as requested salaries) are shown at Table 6. From Table 6, it is apparent that Greenville County has attempted to maintain a degree of uniformity within employment status groups while maintaining a compensation differential among employment groups. Within employment status groups, some variances exist that are, presumably, due to differences in experience and workload.

Comparative salaries of like magisterial positions in selected South Carolina counties are shown at Table 7. When compared to Table 6, the figures in Table 7 highlight two points: first, the overall compensation structure for Greenville magistrates is significantly lower than that of other counties; and second, much variability in magistrate compensation exists among South Carolina counties.

Looking at Table 5, it appears that the Greenville County magistrate workloads separate into 3 distinct ranges based on weighted numeric totals: 1) a range of productivity of from 900 to 1045; 2) a range from 565 to 735; and, 3) a range from zero to 315. One could use these to validate a pay

SALARY STRUCTURE*

Greenville County

Magistrate	Employment Status	Jurisdiction	Years Experience	Present Salary	1973 Civil Fees	1974 Requested Salary, As Proposed by Greenville Magistrates
Bowers	Full-time	County-Wide	14	$6,072	$ 672	$ 8,500
Loftis	Full-time	County-Wide	23	8,148	500	12,000
Lollis	Full-time	County-Wide	7	8,988	3,357	12,000
McKinney	Full-time	County-Wide	10	8,544	875	12,000
Scott	Full-time	County-Wide	12	7,764	3,327	12,000
Werner	Full-time	County-Wide	7	6,696	240	8,500
Hamby	Part-time	County-Wide	23	4,116	100	4,616
Martin	Part-time	County-Wide	2	4,116	85	4,616
McCraw	Part-time	County-Wide	1	2,200	50	2,700
Terry	Part-time	County-Wide	13	4,116	30	4,616
Vernon	Part-time	County-Wide	22	3,852	500 (est.)	4,352
Cann	Night	County-Wide	6	5,016	-0-	8,500
Dearman	Night	County-Wide	?	5,016	-0-	8,500
Chiles	Township (Part-time)	District-Wide	1	492	-0-	492
Garrison	Township (Part-time)	District-Wide		492		492
Howard	Township (Part-time)	District-Wide	3	492	-0-	492
Jordan	Township (Part-time)	District-Wide		492		492
King	Township (Part-time)	District-Wide		492		492
Lee	Township (Part-time)	District-Wide	3	492	-0-	492
Pittman	Township (Part-time)	District-Wide	8	492	-0-	492
Tooley	Township (Part-time)	District-Wide	3	936	-0-	936
Wickliffe	Township (Part-time)	District-Wide		492		492

*Data extracted from County of Greenville, South Carolina, Annual Budget Summary (1973-present; 1974-Requested), and from Greenville Magistrates Study survey questionnaires.

TABLE 6

COMPARATIVE SALARIES*

(Other South Carolina Magistrates)

County	Number of Magistrates	Base Salary
Full-time, County-wide:		
Anderson	2	$9,240
Greenwood	1	8,500
Kershaw	1	9,200
Union	1	7,800 plus fees
Night, County-wide:		
Spartanburg	1	$6,000
Full-time, District-wide:		
Richland	8	$10,000 plus fees**
Part-time, District-wide:		
Charleston	3	$8,000
Richland	6	$7,000 plus fees

*Data excerpted from the South Carolina 1972 Legislative Council Report, which shows magistrate salaries in South Carolina.

**Richland magistrates have a guarantee of $10,000 and have a fee-sharing plan which provides additional compensation, up to a total maximum of $20,000.

TABLE 7

compensation scale for the county magistrates; one might correlate the ranges to full-time, part-time, and township, respectively. Unsurprisingly, this categorization produces the same compensation classification status for most magistrates as is now being used by the county.

Table 5 also shows Magistrate Martin's productivity to be directly comparable to that of Magistrate Bowers, who is a full-time magistrate. Yet a change to fulltime status is not recommended in this case, in light of the already discussed unique circumstances under which Magistrate Martin's office operates (especially under the Revenue Function).

From Table 5, the night magistrates appear to have a workload equivalent to other part-time magistrates, and one could conclude that they should receive comparable compensation. Yet, such a view does not take into account the fact that their work period occurs during a time (nights, weekends and holidays) which normally commands a pay differential.

Finally, Table 5 indicates that only 2, at most 4, of the township magistrates have significant total productivity. In terms of absolute total workloads (Table 4), this observation is reinforced even more; assuming that the data used here is reliable, it appears that township workloads do not have significant impact on the county magistrate system.

III. SPECIFIC RECOMMENDATIONS FOR COURT IMPROVEMENT

The following recommendations are suggested as ways for Greenville County to improve its magistrate system.

A. State Judicial Structure.

Improvements to the Greenville County magistrate system should be made with an eye toward statewide structural changes in the judiciary that are likely to occur as a result of implementation of the Constitutional Judicial Article recently approved in South Carolina. Maximum flexibility should be maintained for the integration of the magistrate system into this new structure.

B. Resources.

It is recommended that facilities used for magisterial offices and courtrooms be appropriate to the judicial functions being carried out. Likewise, personnel and equipment support should be furnished at a level that allows effective and timely accomplishment of the workload. The specific suggestions made in this report in Section II.B. are recommended for implementation.

C. Presiding Magistrate and Productivity Measurement.

In the past, it appears quite clear that the county government has had little understanding of the magistrate system's functions, and has had minimal communication with member magistrates regarding the system's operation. Furthermore, it does not seem appropriate or desirable to have to rely on an outside technical evaluation of the magistrate system each year in order to determine its productivity. Therefore, two

mechanisms are proposed to assist the county government in ascertaining, on a continual basis, productivity of the magistrate system in the county.

1. Presiding Magistrate

First, it is recommended that there be established a position of Presiding Magistrate (or its administrative equivalent) for the magistrate system. This Presiding Magistrate would coordinate, assist and supervise the functions of all county magistrates, and would act as a conduit for all communications and liaison between the County Council or county government and the magistrates as a whole.

Presently, the president of the local magistrates association has sought to perform the function of spokesman for the county magistrates. Unfortunately, communications with the County Council appear to be limited, possibly because his role is viewed essentially as that of a lobbyist. The Presiding Magistrate would become the major spokesman for the magistrates, just as any department head would for any particular department in local government. Further, the county government would have, on a continuing basis, a specific source of coordination and communication within the magistrate system from whom they could obtain information, with whom they could clarify goals, and through whom they could further good relations between the magistrate system and the county government. This would obviate any need for the county to have to coordinate individually with each of 22 different magistrates.

The Presiding Magistrate should receive increased compensation for his added responsibility. He would in effect become the administrator

and overseer of magistrate operations within the county. This function, if effectively pursued, would facilitate unification of the system within the county whereby standards, goals, procedures, reporting, etc., could be standardized to facilitate effective system operation. Equally as important, the magistrates would have a point of articulation in county government for their particular needs.

2. Productivity Measurement

A second mechanism, a magistrate productivity measurement system, is recommended for adoption. It is recommended that productivity criteria and "weights" be developed, upon which the county government can rely in evaluating magistrate system productivity. It is suggested that a productivity construct such as the one in Section II.C. of this report be adopted for use, and that suitable local "weights" for productivity functional criteria be applied. If productivity standards are developed, it is recommended that they be included in the productivity measurement model; the evaluation team considers productivity measures of absolute output to be more meaningful than relative measures, even though both are useful in their own right. AGAIN, IT IS STRONGLY STRESSED THAT THE PRODUCTIVITY MEASUREMENT SYSTEM, THE ALGORITHM, AND THE WEIGHTS ASSIGNED TO EACH MAGISTERIAL FUNCTION ARE SET FORTH ONLY FOR ILLUSTRATIVE PURPOSES, AND ARE NOT STATEMENTS OF FINDING OF FACT, OR CONCLUSIONS OF PRODUCTIVITY OF THE MAGISTRATE SYSTEM.

D. Magistrate Salary Schedule.

Based upon the workloads indicated in this report and after review of the current salary structure, it is recommended that the following

CONTINUED

1 OF 2

compensation schedule for magistrates be considered for adoption:

Full-time	
Step 6, Presiding Magistrate	$13,500
Step 4, Magistrate	$12,000
Step 2, Magistrate	$10,500
Part-Time Countywide	
Magistrate	$6,000
Special (Night)	
Magistrate	$7,000
Township	
Magistrate	$600

The above salary structure is designed to provide: 1) uniformity within a classification group: 2) differentials between groups; and 3) differentials for the Presiding Magistrate, for various workload levels within the full-time classification and for night magistrates. Cost of living adjustments also should be considered when settling on a final schedule. The evaluation team did not have available salary structures of County officials with comparable workloads, qualifications, etc. with the magistrates. The County Government should ascertain if there are comparable county positions to that of magistrate, and if found, consider all salary structures in light of such comparisons.

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Township	
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E. Possibilities for Consolidation.

From the data analyzed, it appears that the workload being carried by township magistrates is minimal, and would only marginally impact on the workloads of other magistrates in the event of any consolidation of services. In the event consolidation occurs, it is suggested that consideration be given to absorption of positions by other existing magistrates. Although Greenville County is physically large, it is unlikely that the outlying areas now being serviced by township magistrates would be unduly inconvenienced by such a physical redistribution of magistrates.

APPENDIX A

MAGISTRATES STUDY - GREENVILLE COUNTY, SOUTH CAROLINA

PERSONAL DATA:

1. Name _____

2. Address _____

   Telephone _____

3. Occupation (in addition to Magistrate) _____

   _____

4. How long have you been a Magistrate? _____

5. Education completed:
   a) Grammar School _____

   b) High School _____

   c) College: _____

   _____

      1) How many years? _____

      2) Degree _____

      3) Post Graduate

6. Why did you seek the office of Magistrate?

   _____

   _____

   _____

7. Did you have any special training for the office? _____

   If so, what? _____

8. Are you a member of the South Carolina Magisterial Association? _____

HARDWARE DATA: (METHOD OF OPERATION)

1. Do you have a constable? _____

2. Is he a commissioned peace officer? _____

3. Is he full time ? _____

4. Approximately how many hours a week does he work for you? _____

5. Does he execute all of your papers or do you have the sheriff execute some of them? _____

6. If you use the sheriff to execute warrants, approximately how many times a week do you call on him? _____

7. Do you hold court in: the Courthouse _____ Your office _____ Your home _____ your store _____ other/explain _____

8. Does the county furnish you with space _____ If not, do you receive additional compensation for space used? _____

9. What other allowances do you receive? _____
   Mileage _____ Approximate amount in 1973 _____
   Postage _____ Approximate amount in 1973 _____
   Supplies _____ Approximate amount in 1973 _____

10. Do you have a set of the South Carolina Code? _____

11. Did you personally buy it, or was it furnished you? _____

12. Do you now use or have access to any books to help guide you in your work? _____ If so, explain _____

13. Do you use a standardized form for search, arrest, and warrants? _____ Where did you get them? _____

14. Do you hold court sessions only during weekdays or also sometimes on weekends or at night? _____

15. Do you ever call on any other official such as the circuit solicitor, county solicitor or County Attorney, for legal advice ? _____

_____

16. Do you set bail in criminal cases? _____

17. What do you use as a guide in setting bail in criminal cases?

_____

18. How many times have you used a jury in a civil case in 1973? _____

19. How many times have you used a jury in criminal cases in 1973? _____

20. Do you have clerical assistance? _____

    If so, is it fulltime or part-time? _____

21. Do you feel you need additional clerical assistance ? _____

    If so, why? _____

_____

CASE DATA:

1. How many criminal warrants did you issue in 1973? _____
2. How many peace warrants did you issue in 1973? _____
3. How many search warrants did you issue in 1973? _____
4. How many defendants in criminal cases were bound over for a trial court ? _____ _____
5. Approximately how many of the defendants in peace warrants were forced to put up a bond for surety of the peace? _____
6. How many civil cases were filed in your court during 1973? _____
7. In how many civil cases did you render a judgment? _____
8. Do you ever collect a fee from an affient when you issue a warrant ___
9. How many marriages did you perform in 1973? _____
10. How much income did you receive last year in performing your Magisterial duties? _____
    Fees from Civil cases _____
    Salary from County _____
    Other (specify) _____
11. Did you perform any magisterial duties or pay for services related to your work for which you received no salary or fee or allowance? _____

    If so, how much and for what? _____

TIME DATA:

1. Approximately what percentage of your time is spent on:
   Civil matters? _____
   Criminal matters? _____

2. What percentage of your civil business is spent on:
   Domestic Relations _____ %
   Landlord-Tenant _____ %
   Small Claims _____ %
   Claim and Deliver _____ %

3. What percent of your criminal business is spent on:
   Preliminary hearings . . . . . _____%
   Jury Trials . . . . . _____%
   Non-jury trials . . . . . _____%
   Issuing Criminal and Peace warrants _____%
   Issuing Search Warrants . . . . . _____%

4. How many hours a week do you devote to your duties as Magistrate? _____

5. How many times a week are you called on to perform some duty as Magistrate? _____

OPINION DATA:

1. Do you think the office of Magistrate as it now works in Greenville County is:
   Satisfactory _____ Unsatisfactory _____ Don't know _____

2. Would you prefer to receive a salary for civil work or are you satisfied with the present fee schedule? _____

3. Are there some areas that are troublesome or difficult to deal with? Please explain _____

4. How could the system be improved? _____
   _____
   _____

5. Would you describe your area as predominantly urban?_____ or rural _____

END