

The Supreme Court of South Carolina

Re: Amended Business Court Program

Administrative Order

Pursuant to the provisions of Article V, Section 4 of the South Carolina Constitution, this Order supersedes the prior Orders dated February 8, 2017, February 24, 2017, and December 20, 2017.

Business Court Program Statewide

1. It is ordered that the Business Court Program shall continue to cover all counties statewide, and the State shall be divided into three Business Court Regions. When a Business Court case is filed, the Chief Business Court Judge for Administrative Purposes (Chief Business Court Judge) may assign exclusive jurisdiction over the case to any Business Court Judge. The Business Court Judge shall retain jurisdiction over the case regardless of where he or she is assigned to hold court and may schedule such hearings as may be necessary at any time without regard to whether there is a term of court scheduled.

Business Court Regions

2. The Business Court Regions are as follows:

Region 1: Abbeville, Anderson, Cherokee, Chester, Fairfield, Greenville, Greenwood, Lancaster, Laurens, Newberry, Oconee, Pickens, Spartanburg, Union, and York Counties.

Region 2: Aiken, Bamberg, Barnwell, Chesterfield, Clarendon, Darlington, Dillon, Edgefield, Florence, Kershaw, Lee, Lexington, Marion, Marlboro, McCormick, Richland, Saluda, Sumter, and Williamsburg Counties.

Region 3: Allendale, Beaufort, Berkeley, Calhoun, Charleston, Colleton, Dorchester, Georgetown, Hampton, Horry, Jasper, and Orangeburg Counties.

Chief Business Court Judge for Administrative Purposes

3. The Honorable Roger M. Young, Sr., shall continue to serve as the Chief Business Court Judge for Administrative Purposes. As such, Judge Roger M. Young, Sr., is authorized, on a statewide basis, to sign for the Chief Justice in the acceptance or denial of cases to the Business Court. This authority includes the ability to assign individual cases to the Business Court Judges, and to perform other duties as required by this Order.

Designation of the Business Court Judges

4. In addition to their other duties as circuit court judges, the following judges will preside over the Business Court Regions:

Region 1: The Honorable R. Lawton McIntosh and the Honorable J. Mark Hayes II

The Honorable Edward W. Miller has been removed from the rotation of assignments to new Business Court cases for Region One pursuant to the May 18, 2016, Order of Chief Justice Costa M. Pleicones. Judge Miller shall continue to serve as a Business Court Judge for any cases to which he was previously assigned.

Region 2: The Honorable Clifton Newman and the Honorable William H. Seals, Jr.

Region 3: The Honorable Roger M. Young, Sr., the Honorable Maite Murphy, and the Honorable R. Markley Dennis, Jr.

At Large: The Honorable J. Derham Cole, the Honorable Diane Schafer Goodstein, the Honorable Alison R. Lee, and the Honorable Carmen T. Mullen

Jurisdiction of the Business Court

5. Without respect to the amount in controversy, civil matters in which the principal claim or claims are made under the following Titles of the South Carolina Code of Laws are appropriate matters to be assigned to the Business Court:

- a. Title 33—South Carolina Business Corporation Act of 1988;
- b. Title 35—South Carolina Uniform Securities Act of 2005;
- c. Title 36, Chapter 8—South Carolina Uniform Commercial Code: Investment Securities;
- d. Title 39, Chapter 3—Trade and Commerce: Trusts, Monopolies, and Restraints of Trade;
- e. Title 39, Chapter 8—Trade and Commerce: The South Carolina Trade Secrets Act;
- f. Title 39, Chapter 15—Trade and Commerce: Labels and Trademarks; or,
- g. for such other cases as the Chief Business Court Judge may determine.

Management and Disposition Procedures for Business Court

6. Assignment of cases to the Business Court may be made by the Chief Business Court Judge sua sponte or at the request of counsel.

7. Counsel shall request assignment of a case to the Business Court no later than 180 days after the commencement of the action. This requirement may be waived by the Business Court Judge for good cause shown.

8. Counsel's request for Business Court assignment must be made on [SCCA BC Form 101](#) and filed in the appropriate county.

a. If the action is pending in a county not subject to mandatory E-Filing, counsel must forward a copy of SCCA BC Form 101 to businesscourt@sccourts.org.

b. If the action is pending in a county with mandatory E-Filing, SCCA BC Form 101 requesting assignment to the Business Court shall be filed electronically through the E-Filing System in accordance with the South Carolina Electronic Filing Policies and Guidelines. Counsel must also forward a copy of SCCA BC Form 101 to businesscourt@sccourts.org.

9. The Chief Business Court Judge will then forward SCCA BC Form 101 to a Business Court Judge for consideration and recommendation. Upon receipt of the SCCA BC Form 101, the Business Court Judge shall make a recommendation to the Chief Business Court Judge regarding assignment of the case to the Business Court.

10. If the request is approved, the Chief Business Court Judge shall issue an order assigning exclusive jurisdiction over the case to one of the Business Court Judges. The Chief Business Court Judge has the discretion to assign a Business Court case arising from any county to any of the Business Court Judges. The assignment order shall be provided to counsel of record, the assigned Business Court Judge, the Chief Judge for Administrative Purposes (civil), and the Clerk of Court for the respective county.

11. The Business Court Judge shall coordinate with the Chief Judge for Administrative Purposes (civil) of the respective county and Court Administration to schedule hearings and/or the trial.

12. The Chief Business Court Judge shall review the caseload activity of the Business Court Judges periodically during the program to ensure efficiency and appropriate use of judicial resources.

13. To the extent available in a Business Court forum, the use of technology by parties in matters assigned to the Business Court is encouraged. The Business Court Judge presiding over a matter shall make the final determination on whether the use of technology in any proceeding or conference is warranted.

14. The Business Court Program, as amended herein, shall continue unless rescinded or modified by Order of the Chief Justice.

s/Donald W. Beatty

Donald W. Beatty

Chief Justice of South Carolina

Columbia, South Carolina
January 30, 2019

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s/Donald W. Beatty

Donald W. Beatty
Chief Justice of South Carolina

Columbia, South Carolina
July 14, 2023