

1978 WL 35240 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 24, 1978

*1 Honorable Lois Eargle
Member
House of Representatives
Post Office Box 802
Conway, South Carolina 29526

Dear Lois:

Thank you for sending me a copy of your letter to Ed Atwater concerning the magisterial problem.

We are preparing in this Office a draft of legislation which I will be pleased to forward to you as soon as it is completed. The preparation of this proposed statute was held in abeyance pending the decision in the Crowe case. Now that it has been decided, we can move forward.

The fee system will, to a large extent, be alleviated, in my opinion, if a reasonable fee schedule is adopted at the next session of the Legislature and at an early date thereof. A bill was introduced last year and I am enclosing a copy of what it generally provides. This is really the first Statewide update of the magistrates' fee system in many years. Heretofore, the fee system was brought up to date in a sense on a county by county basis, but under the Crowe decision, that can no longer be done. It is therefore necessary that a general Statewide fee system be adopted.

Once the fees begin to come into the county treasurers, a different situation will appear because the funds for the operation of the magistrates' courts can largely be realized from that source. If it proves insufficient, then the amount of fees can be subsequently increased. The magistrates themselves cannot under the Crowe decision accept fees but they must, instead, be delivered to the county.

The steps that this Office is taking are being coordinated in close concert with the Court Administrator. The final product will be submitted to the legislative delegations at an early a date as practicable.

With best wishes,
Cordially,

Daniel R. McLeod
Attorney General

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