

AGENCY NAME:	South Carolina Judicial Branch		
AGENCY CODE:	B04	SECTION:	57



Fiscal Year 2020-21 Agency Budget Plan

FORM A - BUDGET PLAN SUMMARY

OPERATING REQUESTS (FORM B1)	For FY 2020-21, my agency is (mark "X"): <input checked="" type="checkbox"/> Requesting General Fund Appropriations. <input type="checkbox"/> Requesting Federal/Other Authorization. <input type="checkbox"/> Not requesting any changes.
NON-RECURRING REQUESTS (FORM B2)	For FY 2020-21, my agency is (mark "X"): <input checked="" type="checkbox"/> Requesting Non-Recurring Appropriations. <input type="checkbox"/> Requesting Non-Recurring Federal/Other Authorization. <input type="checkbox"/> Not requesting any changes.
CAPITAL REQUESTS (FORM C)	For FY 2020-21, my agency is (mark "X"): <input type="checkbox"/> Requesting funding for Capital Projects. <input checked="" type="checkbox"/> Not requesting any changes.
PROVISOS (FORM D)	For FY 2020-21, my agency is (mark "X"): <input type="checkbox"/> Requesting a new proviso and/or substantive changes to existing provisos. <input type="checkbox"/> Only requesting technical proviso changes (such as date references). <input checked="" type="checkbox"/> Not requesting any proviso changes.

Please identify your agency's preferred contacts for this year's budget process.

	<u>Name</u>	<u>Phone</u>	<u>Email</u>
PRIMARY CONTACT:	Tonnya K. Kohn	(803) 734-1800	tkohn@sccourts.org
SECONDARY CONTACT:	Carolyn P. Taylor	(803) 734-1978	ctaylor@sccourts.org

I have reviewed and approved the enclosed FY 2020-21 Agency Budget Plan, which is complete and accurate to the extent of my knowledge.

SIGN/DATE:	<u>Agency Director</u> 	<u>Board or Commission Chair</u>
TYPE/PRINT NAME:	Donald W. Beatty	

This form must be signed by the agency head – not a delegate.

Fiscal Year 2020-21 Budget Request Executive Summary

Agency Code: B040
 Agency Name: Judicial Department
 Section: 57

BUDGET REQUESTS			FUNDING					FTES				
Priority	Request Type	Request Title	State	Federal	Earmarked	Restricted	Total	State	Federal	Earmarked	Restricted	Total
1	B1 - Recurring	Court Positions and Administrative Support	14,000,000	0	0	0	14,000,000	168.00	0.00	(168.00)	0.00	0.00
2	B2 - Non-Recurring	Digital Courtroom Recorder Project Phase VI	1,425,000	0	0	0	1,425,000	0.00	0.00	0.00	0.00	0.00
3	B2 - Non-Recurring	Case Management System Modernization	10,000,000	0	0	0	10,000,000	0.00	0.00	0.00	0.00	0.00
4	B1 - Recurring	Information Technology Positions	0	0	0	0	0	0.00	0.00	3.00	0.00	3.00
5							0					0.00
6							0					0.00
7							0					0.00
8							0					0.00
9							0					0.00
10							0					0.00
11							0					0.00
12							0					0.00
13							0					0.00
14							0					0.00
15							0					0.00
16							0					0.00
17							0					0.00
18							0					0.00
19							0					0.00
20							0					0.00
21							0					0.00
22							0					0.00
23							0					0.00
24							0					0.00
25							0					0.00
26							0					0.00
27							0					0.00
28							0					0.00
29							0					0.00
30							0					0.00
TOTAL BUDGET REQUESTS			25,425,000	0	0	0	25,425,000	168.00	0.00	(165.00)	0.00	3.00

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FORM B1 – RECURRING OPERATING REQUEST

AGENCY PRIORITY	1
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Provide the Agency Priority Ranking from the Executive Summary.

TITLE	Court Positions and Administrative Support
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Provide a brief, descriptive title for this request.

AMOUNT	General: \$14,000,000 Federal: \$0.00 Other: \$0.00 Total: \$14,000,000
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What is the net change in requested appropriations for FY 2019-20? This amount should correspond to the total for all funding sources on the Executive Summary.

NEW POSITIONS	168 FTEs
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Please provide the total number of new positions needed for this request.

FACTORS ASSOCIATED WITH THE REQUEST	Mark "X" for all that apply:	
	<input checked="" type="checkbox"/>	Change in cost of providing current services to existing program audience
	<input type="checkbox"/>	Change in case load/enrollment under existing program guidelines
	<input type="checkbox"/>	Non-mandated change in eligibility/enrollment for existing program
	<input type="checkbox"/>	Non-mandated program change in service levels or areas
	<input type="checkbox"/>	Proposed establishment of a new program or initiative
	<input type="checkbox"/>	Loss of federal or other external financial support for existing program
	<input type="checkbox"/>	Exhaustion of fund balances previously used to support program
	<input type="checkbox"/>	IT Technology/Security related
	<input type="checkbox"/>	Consulted DTO during development
	Related to a Non-Recurring request – If so, Priority # _____	

STATEWIDE ENTERPRISE STRATEGIC OBJECTIVES	Mark "X" for primary applicable Statewide Enterprise Strategic Objective:	
	<input type="checkbox"/>	Education, Training, and Human Development
	<input type="checkbox"/>	Healthy and Safe Families
	<input type="checkbox"/>	Maintaining Safety, Integrity, and Security
	<input type="checkbox"/>	Public Infrastructure and Economic Development
	<input checked="" type="checkbox"/>	Government and Citizens

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ACCOUNTABILITY OF FUNDS	NA
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What specific strategy, as outlined in the FY 2018-19 Strategic Planning and Performance Measurement template of agency's accountability report, does this funding request support? How would this request advance that strategy? How would the use of these funds be evaluated?

RECIPIENTS OF FUNDS	South Carolina Judicial Branch (SCJB) Employees
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What individuals or entities would receive these funds (contractors, vendors, grantees, individual beneficiaries, etc.)? How would these funds be allocated – using an existing formula, through a competitive process, based upon predetermined eligibility criteria?

JUSTIFICATION OF REQUEST	<p>The current general fund appropriations are not sufficient to fund all statutorily mandated court positions and other administrative support staff. Due to repeated budget reductions in previous years, it was necessary for the Judicial Branch (Branch) to move the salaries and employer contributions from general fund appropriations to court fines and fees in order to avoid furloughs and reductions in force. The individuals in these positions perform crucial managerial, administrative, and organizational tasks. The Branch's reliance on this erratic funding source to provide core services threatens our ability to meet our mission of providing a fair, independent, and accessible forum for the just and timely resolution of legal disputes.</p> <p>General fund appropriations have not permitted funding for mandated Court Reporter/Court Monitor FTEs and court administrative positions. Circuit and family courts are courts of record, and by statute cannot operate unless a contemporaneous record is made. Failure to ensure reliable and adequate funding for Court Reporters/Court Monitors could result in cancellation of terms of circuit and family court, resulting in the inability to provide justice and dispute resolution forums that are constitutionally required and necessary for the safety and well-being of the people of South Carolina. Failure to fund these administrative staff positions from a stable source will negatively impact the justices' and judges' ability to perform their judicial duties and will result in a backlog of cases and longer disposition times.</p> <p>In addition, very little if any general fund allocations have been awarded to fund the Branch's statewide support functions, such as Court Administration, the Office of Disciplinary Counsel, the Commissions on Judicial and Lawyer Conduct, Information Technology, Human Resources, and Fiscal Services. The State Court Administrator has a wide range of responsibilities and duties, which include recommending to the Chief Justice schedules of terms for circuit and family court, assigning judges to preside over these terms, and scheduling and supervising the court reporters who transcribe the proceedings. The Administrator also oversees the Office of Court Services, which</p>
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provides assistance to individual courts on procedural matters, as well as: the Office of Fiscal Services which administers fiscal operations including statewide procurement, and the Office of Human Resources which provides human resource management statewide to all judges and other court personnel. Finally, the State Court Administrator manages the Office of Information Technology, which is responsible for all IT support throughout the State. The Office of Disciplinary Counsel and the Commissions on Judicial and Lawyer Conduct assist the Supreme Court in the ethical regulation of all attorneys and judges.

The Branch is requesting recurring general fund appropriations to provide stable funding for these administrative costs that provide the critical elements necessary to maintain the high quality, efficient, and effective support for the courts in the statewide judicial system.

Further, returning funding for these positions and administrative costs to state appropriations funding will permit the Judicial Branch to use fines and fees monies to begin projects that have languished due to lack of funding.

Please thoroughly explain the request to include the justification for funds, potential offsets, matching funds, and method of calculation. Please include any explanation of impact if funds are not received. If new positions have been requested, explain why existing vacancies are not sufficient.

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FORM B1 – RECURRING OPERATING REQUEST

AGENCY PRIORITY	4
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Provide the Agency Priority Ranking from the Executive Summary.

TITLE	Information Technology Project Manager and Systems Programmer/Developer III
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Provide a brief, descriptive title for this request.

AMOUNT	General: \$0.00 Federal: \$0.00 Other: \$0.00 Total: \$0.00
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What is the net change in requested appropriations for FY 2019-20? This amount should correspond to the total for all funding sources on the Executive Summary.

NEW POSITIONS	3.00 Other FTE
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Please provide the total number of new positions needed for this request.

FACTORS ASSOCIATED WITH THE REQUEST	Mark "X" for all that apply:	
	<input checked="" type="checkbox"/>	Change in cost of providing current services to existing program audience
	<input type="checkbox"/>	Change in case load/enrollment under existing program guidelines
	<input type="checkbox"/>	Non-mandated change in eligibility/enrollment for existing program
	<input type="checkbox"/>	Non-mandated program change in service levels or areas
	<input type="checkbox"/>	Proposed establishment of a new program or initiative
	<input type="checkbox"/>	Loss of federal or other external financial support for existing program
	<input type="checkbox"/>	Exhaustion of fund balances previously used to support program
	<input type="checkbox"/>	IT Technology/Security related
	<input type="checkbox"/>	Consulted DTO during development
<input type="checkbox"/>	Related to a Non-Recurring request – If so, Priority #	

STATEWIDE ENTERPRISE STRATEGIC OBJECTIVES	Mark "X" for primary applicable Statewide Enterprise Strategic Objective:	
	<input type="checkbox"/>	Education, Training, and Human Development
	<input type="checkbox"/>	Healthy and Safe Families
	<input type="checkbox"/>	Maintaining Safety, Integrity, and Security
	<input type="checkbox"/>	Public Infrastructure and Economic Development
<input checked="" type="checkbox"/>	Government and Citizens	

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ACCOUNTABILITY OF FUNDS	NA
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What specific strategy, as outlined in the FY 2018-19 Strategic Planning and Performance Measurement template of agency's accountability report, does this funding request support? How would this request advance that strategy? How would the use of these funds be evaluated?

RECIPIENTS OF FUNDS	South Carolina Judicial Branch (SCJB) Employees
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What individuals or entities would receive these funds (contractors, vendors, grantees, individual beneficiaries, etc.)? How would these funds be allocated – using an existing formula, through a competitive process, based upon predetermined eligibility criteria?

JUSTIFICATION OF REQUEST	The South Carolina Judicial Branch requests one (1.00) Other Funded FTE (Project Manager) and two (2.00) (Systems Program/Developer III) created as interim in FY2020 be made as permanent other funded FTEs. These interim FTEs replaced contract programmers responsible for the support of the Case Management System. SCJB has determined replacing contract programmers and bringing the responsibility in-house is a more effective use of resources, and does not request any general appropriations to support these positions.
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Please thoroughly explain the request to include the justification for funds, potential offsets, matching funds, and method of calculation. Please include any explanation of impact if funds are not received. If new positions have been requested, explain why existing vacancies are not sufficient.

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FORM B2 – NON-RECURRING OPERATING REQUEST

AGENCY PRIORITY	2
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Provide the Agency Priority Ranking from the Executive Summary.

TITLE	Digital Courtroom Recorder Project Phase VI
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Provide a brief, descriptive title for this request.

AMOUNT	\$1,425,000
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What is the net change in requested appropriations for FY 2019-20? This amount should correspond to the total for all funding sources on the Executive Summary.

FACTORS ASSOCIATED WITH THE REQUEST	Mark "X" for all that apply:	
	<input type="checkbox"/>	Change in cost of providing current services to existing program audience
	<input type="checkbox"/>	Change in case load/enrollment under existing program guidelines
	<input type="checkbox"/>	Non-mandated change in eligibility/enrollment for existing program
	<input type="checkbox"/>	Non-mandated program change in service levels or areas
	<input type="checkbox"/>	Proposed establishment of a new program or initiative
	<input type="checkbox"/>	Loss of federal or other external financial support for existing program
	<input type="checkbox"/>	Exhaustion of fund balances previously used to support program
	<input type="checkbox"/>	IT Technology/Security related
	<input type="checkbox"/>	Consulted DTO during development
	<input checked="" type="checkbox"/>	Request for Non-Recurring Appropriations
<input type="checkbox"/>	Request for Federal/Other Authorization to spend existing funding	
<input type="checkbox"/>	Related to a Recurring request – If so, Priority # _____	

STATEWIDE ENTERPRISE STRATEGIC OBJECTIVES	Mark "X" for primary applicable Statewide Enterprise Strategic Objective:	
	<input type="checkbox"/>	Education, Training, and Human Development
	<input type="checkbox"/>	Healthy and Safe Families
	<input type="checkbox"/>	Maintaining Safety, Integrity, and Security
	<input type="checkbox"/>	Public Infrastructure and Economic Development
<input checked="" type="checkbox"/>	Government and Citizens	

ACCOUNTABILITY OF FUNDS	NA
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What specific strategy, as outlined in the FY 2018-19 Strategic Planning and Performance Measurement template of agency's accountability report, does this funding request support? How would this request advance that strategy? How would the use of these funds be evaluated?

AGENCY NAME:	South Carolina Judicial Branch		
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RECIPIENTS OF FUNDS	Vendors
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What individuals or entities would receive these funds (contractors, vendors, grantees, individual beneficiaries, etc.)? How would these funds be allocated – using an existing formula, through a competitive process, based upon predetermined eligibility criteria?

JUSTIFICATION OF REQUEST	<p>The South Carolina Judicial Branch (SCJB) continues to find it difficult to attract qualified Court Reporters as the number of institutions offering this type of professional training has decreased, the number of individuals entering the profession has declined, and as current Court Reporters reach retirement. Like jurisdictions nationwide, we have struggled to maintain a Court Reporter workforce sufficient to keep our family and circuit courts operating at their full capacity. As a result, the Branch has successfully initiated a Pilot Program using Digital Courtroom Recording Equipment to supplement our Court Reporters. While this equipment must be operated by trained individuals, the training to become a certified Digital Court Reporter can be conducted in a relatively short time and does not require the years of education required to become a traditional Court Reporter. Of course, we will continue to hire traditional Court Reporters, but there remains a pressing need to supplement this dwindling work force.</p> <p>This funding request will permit the remaining equipment necessary to expand the Digital Courtroom Recorder Project (DCRP) to 57 courtrooms statewide. In addition, the Branch has purchased a mobile Digital Courtroom Recorder system which is strategically deployed to cover a court term that otherwise would have had to be cancelled.</p> <p>Through the use of this advanced technology, SCJB works to ensure that all scheduled court terms are covered and that all citizens of South Carolina have timely access to court proceedings. Enabling the Branch to cover all scheduled court terms will reduce the amount of times that families are separated while awaiting disposition of their DSS matters; will reduce the case backlog as all scheduled terms of court will be able to go forward; will result in an increase in timely hearings and trials in criminal matters and thus reduce the strain on local jail facilities; and will benefit the State and local economies because business disputes will be heard more quickly, and less working time will be lost as litigants and witnesses will no longer have to wait at the courthouse for their cases to be called for trial.</p> <p>The additional funds will permit the Branch to acquire equipment, better manage court records and information, and enhance the reliability of stored data.</p> <p>Failure to continue to supplement the dire Court Reporter shortage faced by South Carolina through the DCRP will result in an ever-increasing need to cancel family and circuit court terms of court. No one, most especially the family, the crime victim, the business owner, or the ordinary citizen awaiting their day in court, will deny that "Justice delayed is Justice denied." SCJB's Digital Courtroom Recorder Project must continue to expand if the Judicial Branch is to fulfill its mission: "To provide a fair, independent and accessible forum for the just and timely resolution of legal disputes."</p>
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AGENCY NAME:	South Carolina Judicial Branch		
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Please thoroughly explain the request to include the justification for funds, potential offsets, matching funds, and method of calculation. Please include any explanation of impact if funds are not received. Does this non-recurring appropriation request create an annualization or need for recurring funds?

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FORM B2 – NON-RECURRING OPERATING REQUEST

AGENCY PRIORITY	3
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Provide the Agency Priority Ranking from the Executive Summary.

TITLE	Case Management System Modernization
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Provide a brief, descriptive title for this request.

AMOUNT	\$10,000,000
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What is the net change in requested appropriations for FY 2019-20? This amount should correspond to the total for all funding sources on the Executive Summary.

FACTORS ASSOCIATED WITH THE REQUEST	Mark "X" for all that apply:
	<input type="checkbox"/> Change in cost of providing current services to existing program audience
	<input type="checkbox"/> Change in case load/enrollment under existing program guidelines
	<input type="checkbox"/> Non-mandated change in eligibility/enrollment for existing program
	<input type="checkbox"/> Non-mandated program change in service levels or areas
	<input type="checkbox"/> Proposed establishment of a new program or initiative
	<input type="checkbox"/> Loss of federal or other external financial support for existing program
	<input type="checkbox"/> Exhaustion of fund balances previously used to support program
	<input type="checkbox"/> IT Technology/Security related
	<input type="checkbox"/> Consulted DTO during development
	<input checked="" type="checkbox"/> Request for Non-Recurring Appropriations
	<input type="checkbox"/> Request for Federal/Other Authorization to spend existing funding
<input type="checkbox"/> Related to a Recurring request – If so, Priority #	

STATEWIDE ENTERPRISE STRATEGIC OBJECTIVES	Mark "X" for primary applicable Statewide Enterprise Strategic Objective:
	<input type="checkbox"/> Education, Training, and Human Development
	<input type="checkbox"/> Healthy and Safe Families
	<input type="checkbox"/> Maintaining Safety, Integrity, and Security
	<input type="checkbox"/> Public Infrastructure and Economic Development
<input checked="" type="checkbox"/> Government and Citizens	

ACCOUNTABILITY OF FUNDS	NA
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What specific strategy, as outlined in the FY 2018-19 Strategic Planning and Performance Measurement template of agency's accountability report, does this funding request support? How would this request advance that strategy? How would the use of these funds be evaluated?

AGENCY NAME:	South Carolina Judicial Branch		
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RECIPIENTS OF FUNDS	Vendors and Contractors
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What individuals or entities would receive these funds (contractors, vendors, grantees, individual beneficiaries, etc.)? How would these funds be allocated – using an existing formula, through a competitive process, based upon predetermined eligibility criteria?

JUSTIFICATION OF REQUEST	<p>The South Carolina Judicial Branch (SCJB) provides a court Case Management System (CMS) to the trial courts in South Carolina. The CMS application is relied upon not only by the trial courts, their clerks, attorneys, and the general public, but is also the system by which time-sensitive information is delivered to law enforcement agencies. The extent to which these individuals, entities, and agencies depend upon CMS in their mission-critical daily operations cannot be overstated. The CMS application provided by SCJB is based on an antiquated 15-year-old application design model that is rapidly approaching the end of its life cycle.</p> <p>In FY 2018-2019, SCJB was awarded 7 million dollars from Capital Reserves for the Modernization project and an additional 11 million dollars in FY 2019-2020. SCJB has received responses to an RFP for a new statewide CMS. Including vendor estimated labor costs, all of the vendor estimates exceeded the original projected 20 million dollars. An additional ten million dollars is being requested to position SCJB to select the most cost effective solution to serve South Carolina’s trial courts, the legal community, public users, and law enforcement.</p> <p>SCJB’s modernized CMS will benefit state and local governments as well as law enforcement agencies by providing centralized access to court and criminal data. The legal community and the public will benefit from a system that provides accessible, reliable, and up-to-date information. Local governments will benefit by incurring fewer of the financial costs associated with protecting sensitive court data and with maintaining the needed hardware and software that is required to operate a court.</p> <p>Failure to modernize the antiquated CMS application will result in the use of obsolete technology that will: cost increasingly more to maintain with fewer benefits; adversely impact user experience statewide; hinder new feature development required to improve court business functions; increase security vulnerabilities; and be more difficult to maintain as the number of individuals possessing the expertise required to sustain this legacy system dwindles. Without the funding to modernize CMS, South Carolina risks losing a unified CMS and the ability to provide equal technology solutions to all of its courts, accurate and timely information to law enforcement, and equal justice to all of its citizens.</p>
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Please thoroughly explain the request to include the justification for funds, potential offsets, matching funds, and method of calculation. Please include any explanation of impact if funds are not received. Does this non-recurring appropriation request create an annualization or need for recurring funds?



The Supreme Court of South Carolina

DONALD W. BEATTY
CHIEF JUSTICE

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SPARTANBURG, SOUTH CAROLINA 29304-3543
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September 19, 2019

Memorandum

Subject: Branch Cost Savings and General Fund Reduction Contingency Plan

The South Carolina Judicial Branch is one of three co-equal branches of state government created by the South Carolina Constitution. The Branch's mission is to provide a fair and efficient forum for the just resolution of civil disputes and criminal matters. The Branch's operating costs are 75.0% funded by the state's budgetary general fund and 25.0% funded by other fund sources. The Branch's appropriations from the state's budgetary general fund represent 0.79% of the funds allocated. 88.0% of the Branch's general fund appropriation is used for salaries and fringe benefits primarily for judges and some court staff. The remaining 12% of the general fund appropriation is used for operating costs essential to support the courts.

Article V, § 16 of the South Carolina Constitution specifically provides that the compensation received by the Justices of the Supreme Court and the Judges of the Court of Appeals and Circuit Court shall not be diminished during their term of office. Likewise, S.C. Code Ann. § 63-3-50 provides that the compensation of Family Court Judges may not be reduced during their term of office. Additionally Section 57.16 of Part 1B of the 2019 - 2020 Appropriations Act exempts judges' salaries and related employer contributions in Part 1A, Section 57, from mid-year across-the-board reductions.

Further, the Constitution also mandates that Circuit Judges systemically rotate throughout the State, Article V, § 14. Additionally, S.C. Code Ann. § 63-3-320 requires that Family Court Judges rotate among all counties in a circuit.

With the current level of funding, the Branch's ability to adequately fulfill constitutional requirements is already at risk. Any reduction in funding will render the Branch incapable of meeting constitutionally required mandates. Therefore, the Branch cannot identify any existing program that can be cut from an already strained budget.



The Supreme Court of South Carolina

DONALD W. BEATTY
CHIEF JUSTICE

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September 19, 2019

Memorandum

Subject: Reducing Cost and Burden to Businesses and Citizens

By the adoption of Article V of the South Carolina Constitution, the people of South Carolina have established the South Carolina Judicial Branch as one of the three co-equal branches of the State Government. As is such, the South Carolina Judicial Branch is not subject to executive orders of the Governor.