

STATE OF SOUTH CAROLINA)
) IN THE COURT OF GENERAL SESSIONS
) FOR GREENVILLE COUNTY
 COUNTY OF GREENVILLE)

IN RE:)
)
 S.C.A.C.R. 602 AND) STANDING ORDER
)
S.C.Code Ann. §17-3-60)
)
 (1976, as amended))
)

FILED
 2003 JUN 16 PM 3:01
 CLERK OF COURT

The United States and South Carolina Constitutions provide in part that any person accused of a crime is entitled to legal counsel. This constitutional mandate is administered in Greenville County through the Greenville County Public Defender's Office and the Defender Corporation of Greenville County. The Defender Corporation of Greenville County exists pursuant to S.C.Code Ann. §17-3-60¹ and is funded by Greenville County through the Greenville County Council.

The Defender Corporation of Greenville County is, subject to its board of directors' oversight, managed by nonattorney personnel who screen applications for indigency determination and appoint counsel. Such nonattorney personnel have heretofore operated outside of and independent of any Greenville County governmental office. Commencing July 1, 2003, all non-attorney personnel with the Defender Corporation of Greenville County responsible for screening applications and appointing counsel shall become employees of the Clerk of Court for Greenville County. The placement of such personnel with the Clerk of Court for Greenville

¹This entity has been referred to as the Greenville County Office of Indigent Defense. In referring to the "Defender Corporation of Greenville County," this order tracts the technical title from Section 17-3-60.

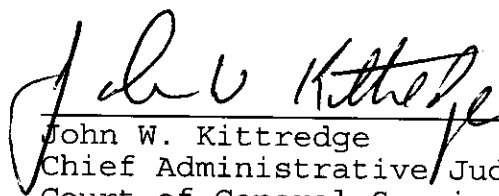
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County complies with the requirements of law. Effective July 1, 2003, the Clerk of Court for Greenville County, or his designee, shall serve as an ex-officio (nonvoting) member of the Board which screens applicants and awards contracts.

The private attorneys who are awarded annual contracts by the Defender Corporation of Greenville County, through its board of directors, shall remain independent contractors. The continued independence of these private contract attorneys is essential, for the law so mandates, through the Code of Professional Responsibility and otherwise. Upon appointment of counsel for an indigent client, representation of such client shall be vested solely with the appointed private contract attorney subject to the standards and requirements of law. Neither Greenville County nor any of its offices, including but not limited to the Greenville County Clerk of Court, shall exercise any supervisory control over the private contract attorneys. Moreover, neither Greenville County nor any of its offices, including but not limited to the Greenville County Clerk of Court, shall be responsible for any act or omission of any private contract attorney.

The previous orders of this court issued in October 1975 and July 1981, respectively, regarding this subject matter are rescinded. This order, and the transfer of said nonattorney personnel of the Defender Corporation of Greenville County to the office of the Clerk of Court for Greenville County, shall be effective July 1, 2003.

AND IT IS SO ORDERED.



John W. Kittredge
Chief Administrative Judge
Court of General Sessions

Greenville, South Carolina
June 16, 2003