

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 ) AMENDED  
 ) STANDING ORDER  
S.C.Code Ann. §17-3-60 )  
(1976, as amended) )  
\_\_\_\_\_ )

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 Office of Indigent Defense and the Defender Corporation of Greenville County. The Defender Corporation of Greenville County exists pursuant to S.C.Code Ann. §17-3-60 is administered by a Board of Directors elected by the Greenville County Bar Association and is funded by state funds. The Greenville County Office of Indigent Defense, established by Standing Administrative Order of the Circuit Court dated July 21, 1981, is funded by Greenville County through the Greenville County Council.

The Greenville County Office of Indigent Defense is managed by nonattorney personnel who screen applications for indigency determination and appoint counsel. Such nonattorney personnel have heretofore operated as an independent Greenville County governmental office. Commencing July 1, 2003, all non-attorney personnel with the Greenville County Office of Indigent Defense 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


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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 Selection Committee which screens applicants and awards contracts.

The private attorneys who are awarded annual contracts by the Greenville County Office of Indigent Defense 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, and June 16, 2003, regarding this subject matter are rescinded. This order, and the transfer of said nonattorney personnel of the Greenville County Office of Indigent Defense to the office of the Clerk of Court for Greenville County, shall be effective July 1, 2003.

AND IT IS SO ORDERED.

  
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John W. Kittredge  
Chief Administrative Judge  
Court of General Sessions

Greenville, South Carolina  
June ~~24~~, 2003