



South Carolina Judicial Branch
South Carolina Supreme Court
Columbia, South Carolina

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Mr. Will Folks
FITSNews
P.O. Box 3642
Irmo, SC 29063

Dear Mr. Folks,

On Monday, Dec. 13, Circuit Court Judge Alison Lee conducted a bond hearing for Richard Alexander Murdaugh. The bond hearing took place virtually, and was broadcast via Webex Events. Just like any other time Judge Lee conducts a public court proceeding remotely, her Virtual Courtroom was open and available to anyone with Internet access.

In fact, the public may visit the virtual courtroom of any South Carolina Judicial Branch Circuit Court or Family Court judge while remote hearings are in session; they may click on the Calendar section of SCCourts.org, choose Monthly View, select a type of court, and choose which judge's courtroom to view.

Your Dec. 16 article, "Judicial Transparency is Sorely Needed in South Carolina," did not tell readers how to attend virtual court hearings, but it did contain misinformation that I would like to correct.

- **Public Court Hearings Conducted by Webex are Public.** You assert that hearings conducted remotely are not conducted in public, stating "Public hearings must be conducted in public," and "Public Business must remain public." This argument is flawed and distorts what occurred at the Dec. 13 Murdaugh bond hearing and at other hearings, whether virtual or in person.
- **Restriction on Recording Does Not Render a Court Hearing Non-Public.** A restriction on recording virtual or live proceedings neither renders them non-public, nor creates "secrecy" or "shadiness." The Dec. 13 Murdaugh bond hearing was not held behind closed doors—quite the opposite. This hearing was broadcast live on the Internet, and the date and time when it would be broadcast was published well in advance of the hearing. Since

this hearing was held using Webex, many thousands of people were able to virtually attend, observe the proceedings, and judge for themselves the nature and quality of the proceedings.

- **Judges are Guided by Court Rules and Administrative Orders, Rather than “Whims.”**
 - Rule 605 of the South Carolina Appellate Court Rules seeks to balance the interests of justice with the media’s right to report on court proceedings. Under this rule, media may use video and still cameras to cover and broadcast court proceedings with proper notice to the presiding judge. The presiding judge may set forth limits about broadcasting particular portions of a trial when required by the interests of justice. Media may not show the faces of jurors, and may not record or broadcast conversations between attorneys and clients. These restrictions and conditions are in place to ensure court proceedings are fair.
 - Order Regarding Use of Remote Communication Technology. The Supreme Court’s order governing the use of remote communication technology contains similar guidance and instruction and provides that Rule 605 applies. The presiding judge has the same discretion to permit or prohibit the recording of proceedings.
 - Order Prohibiting Recording of In-Person and Virtual Court Proceedings. The prohibition against recording court proceedings is not limited to virtual proceedings. Recognizing the need to protect the integrity of the judicial process, the Chief Justice issued this order on September 28, 2020, which prohibited recordings and emphasized the presiding judge’s authority pursuant to Rule 605. This order is consistent with the practice in Federal Court and in other states.

I have explained above that the Dec. 13 Murdaugh bond hearing was open to the public, and I have shared the Supreme Court rules and orders that guided the presiding judge in handling media access. Still, you may wish to complain that you were not allowed to record the bond hearing or broadcast it on your own website, and it is certainly within your right to do so.

However, in the spirit of accountability, which you have written is important to you, I ask you this: Please do not tell your readers that the Dec. 13 Murdaugh bond hearing was not open to the public, because that’s simply not true.

Sincerely,



Ginny T. Jones