

The State of South Carolina



Opinion No 8871

Ag 222

Office of the Attorney General

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ATTORNEY GENERAL

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October 10, 1988

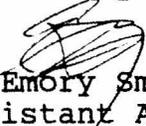
The Honorable Caroline W. Mattos
Clerk of Court, Greenville County
Greenville County Courthouse
Greenville, SC 29601

Dear Ms. Mattos:

You have requested the Opinion of this Office as to whether clerks of court should hold decisions of arbitration panels until the appeal time has lapsed before entering the decisions into the judgment records. Your duty to enter the decisions is set forth in § 38-77-760 of the Code of Laws of South Carolina, 1976, which provides that the arbitrators ". . . shall enter the decision on the back of the original claim and file it with the Clerk of Court, who shall enter it as a judgment on the records of his office." Giving this statute its plain meaning (South Carolina Department of Highways and Public Transportation v. Dickinson, 341 S.E.2d 134 (S.C. 1986)); Sutherland Statutory Construction, Vol. 2A, §46.01 et seq.), indicates that the clerks of court are to enter the decisions on the judgment records in the normal course of the duties of that office without waiting for the lapse of appeal time. Neither § 38-77-760 nor the provisions for appeal of arbitration decisions in § 38-77-770 condition the clerks' duty to enter the decision as a judgment upon whether the appeal time has lapsed.

In conclusion, clerks of court should not await the lapse of appeal time before entering, as judgments, decisions of arbitrators under § 38-77-760 and should enter such decisions under the ordinary course of office procedure.

Yours very truly,


J. Emory Smith, Jr.
Assistant Attorney General

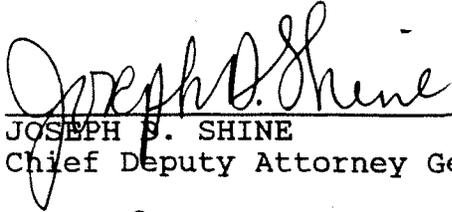
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cc: The Honorable James I. Davis
President, Clerks of Court Association

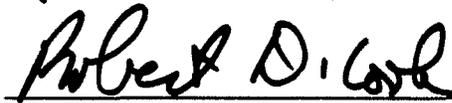
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