

1979 WL 43062 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 11, 1979

**\*1 RE: Responsibility for preparation of jury summons**

Honorable Louis Rosen  
Assistant Director  
S.C. Court Administration  
S. C. Supreme Court  
P. O. Box 11788  
Columbia, SC 29211

Dear Mr. Rosen:

You have requested the opinion of this Office regarding the responsibility for the preparation of summons for prospective jurors. You have asked whether the responsibility for the preparation of the actual summons rests in the clerk of court or the sheriff.

South Carolina Code of Laws, 1976, as amended, Sections 14-7-460 and 14-7-650 indicate that this responsibility rests with the clerk of court. Section 14-7-460 indicates that the sheriff shall summon the jurors drawn from the jury box. Section 14-7-650 indicates that immediately after the drawing of the jurors, the clerk of court shall issue his writ and process as now required by law for the jurors whose numbers were drawn. The term 'process' is frequently applied to the writ of summons. Blacks Law Dictionary, (4th Ed.) (1978). Thus, it would appear that the responsibility for the preparation of the summons rests in the clerk of court.

It should be noted that traditionally in this State, as elsewhere, the preparation of summons is delegated by law to the court, the clerk of court, or the parties to an action and, customarily, the sheriff is responsible only for the service of the process and not for its preparation. In light of this practice, and the specific statutory language cited, it is the opinion of this Office that, in the absence of express legislative language to the contrary, the responsibility for the preparation of summons to jury duty rests in the clerk of court.

I hope this has been of some assistance to you. If you have any further questions, please do not hesitate to contact me.  
Very truly yours,

Katherine W. Hill  
Assistant Attorney General

1979 WL 43062 (S.C.A.G.)

---

End of Document

© 2017 Thomson Reuters. No claim to original U.S. Government Works.