

## MEETING OF THE JUDICIAL MERIT SELECTION COMMISSION AND THE LEAGUE OF VOTERS OF SOUTH CAROLINA

On February 17, 2011, members of the League met with the following members of the Judicial Merit Selection Commission [JMSC]: Senator John Knotts, Jr., Mr. John Davis Harrell, Representative David Mack, and Mrs. Amy McLester. The Commission's Chief Counsel Jane Shuler was also present.

Those present were provided

- a list of Citizens Committee members;
- the Citizens Committee Mission Statement;
- the statute regarding appointment of Citizens Committee members
- demographics of Citizens Committee members;
- the South Carolina Judicial Department Chart of Judges by race and gender;
- the Judicial Merit Selection Commission demographics on candidates screened since 2005;
- the statute regarding Publication of Vacancies; and
- the statute regarding Confidentiality of Records.

League President Barbara Zia made an opening statement explaining the League's interest in examining the diversity and independence of the judiciary in order to educate citizens and to identify changes which might be needed to increase the level of independence. This included the aspect of demographic imbalance in the judiciary. The purpose of today's meeting was to learn about the role the Commission and the Citizens Committees play in the selection of judges.

Ms. Shuler explained the process for selection beginning with information about openings being sent to newspapers, the Supreme Court, and the South Carolina BAR, with a special release to the BAR of appropriate regional areas.

The five regional Citizens Committees on Judicial Qualifications are each made up of ten members appointed by the Chairman and Vice Chairman of the JMSC. The Committees are advisory in nature and provide a report on each judicial candidate. Each candidate must have a personal interview with the Committee representing the candidate's geographical area. The JMSC members at today's meeting stressed that the Citizen Committees' reports are given very serious consideration in the selection process and, in some cases, may be the deciding factor. The information distributed at the meeting in the Mission Statement and Rules of the Citizens Committees gives extensive detail of the appointment process and responsibilities of the Committees.

Ms. Shuler reviewed the time line in the judicial selection process. There was extensive discussion of the changes in rules that have eliminated potential candidates from lobbying members of the Legislature before the process has begun. Once three

candidates have been nominated a 48 hour waiting period goes into effect; following that, the candidates have two weeks to lobby state legislators for their vote.

Senator Knotts pointed out that the recent judicial selection process resulted in three females and one African-American male being selected from over 30 candidates.

The JMSC is comprised of ten members: The Speaker of the House appoints three House members and two citizens, and the President Pro Tem appoints three Senators and two citizens. Citizen members have a full vote. Transcripts are kept of the hearings and the votes are public. Representative Mack stated that diversity is always kept in mind, but the purpose is to get the best person.

There are no legislators on the Citizens Committees and the legislators from the regional areas generally do not attend meetings of the Citizens Committees.

On the subject of funding difficulties facing the judiciary, Senator Knotts stated that the problem would be solved by an improved work ethic by some judges. He said that judges should be expected to work a full five days a week, and in some cases a sixth.

Senator Knotts asked League members what changes they thought were needed after hearing the information given today. Ms. Cato said the League would like to see more females appointed, but they should be qualified females. Ms. Appler made a request for the two additional citizen positions on the JMSC. Ms. Zia said the League would like to see greater diversity. She thanked the JMSC members for their attendance at the meeting.