

# **CITIZENS COMMITTEES ON JUDICIAL QUALIFICATIONS**

## **MISSION STATEMENT**

The decisions of our state's judiciary affect the property and lives of every citizen even when they are not parties to an action in the courts. The Judicial Merit Selection Commission is concerned that since the decisions of our judiciary play such an important role in people's personal and professional lives that all South Carolinians should have a voice in the selection of those judges. It is this desire for broad-based grassroots participation that has led the Commission to create the Citizens Committees on Judicial Qualifications. These committees composed of people from across the societal spectrum (doctors, lawyers, teachers, businessmen, and advocates) will be asked to advise the Commission on the judicial candidates in their region. These reports will be based upon interviews by committee members with people who know the judicial candidates personally and professionally. Their input will guide the Commission's investigation of judicial candidates.

## **RULES**

**(Effective as of 9/14/06)**

1. The state will be divided into five geographical districts each of which will contain one Citizens Committee on Judicial Qualifications. The districts shall be comprised as follows:
  - (a) The Lowcountry District: shall comprise the first, ninth, and fourteenth judicial circuits;
  - (b) The Pee Dee District: shall comprise the third, fourth, twelfth, and fifteenth judicial circuits;
  - (c) The Midlands District: shall comprise the second, fifth, and eleventh judicial circuits;
  - (d) The Piedmont District: shall comprise the sixth, eighth, and sixteenth judicial circuits; and
  - (e) The Upstate District: shall comprise the seventh, tenth, and thirteenth judicial circuits.
2. The chairman, with the advice and consent of the Commission, will select no more than ten public members for each of the five districts. Committee members serve at the will and pleasure of the chairman.
3. In making his appointments, the chairman should consider that the diversity of our state is represented in the members for each district.
4. After appointment, the members of each district shall select a chairman unless time is of the essence, then the chairman of the Commission shall select a temporary chairman. The chairman will be responsible for scheduling meetings for the committee, arranging contacts

by members of the committee of appropriate people during the review process, and preparing a report for each candidate to submit to the Commission for its consideration.

5. When presented a list of candidates from its area, the committee shall begin the process of reviewing that candidate's qualifications. The committee for each region shall divide into subcommittees of not less than three members to investigate the candidates for its region.
6. After receiving the names of judicial candidates in their region, committee members may ask each candidate to provide the names of a diverse group of people within the community who are familiar with the candidate's qualifications and character. The committee may interview other individuals as it shall choose.
7. If a committee member has any relationship with a candidate that may impair his ability to be objective or which may undermine the appearance of impartiality of the committee, the member shall inform the chairman of the committee of the potential conflict of interest. The chairman shall take the relationship of the member and candidate into account when appointing subcommittees to investigate candidates.
8. The committee's report will be due no later than five days prior to the beginning of public hearings unless otherwise provided by the Commission. However, if during the course of its investigation the committee discovers information that warrants further investigation by the full Commission, the committee shall forward its concerns as soon as possible along with the basis of those concerns to the Commission. If the committee has not finished its report prior to the beginning of public hearings, the Commission may proceed without the input of the committee.
9. The committee's reports should be constructed so as to evaluate each candidate according to the evaluative criteria used by the Commission. These criteria, as set forth in Section 2-19-35(A), include the following:
  - (1) constitutional qualifications;
  - (2) ethical fitness;
  - (3) professional and academic ability;
  - (4) character;
  - (5) reputation;
  - (6) physical health and mental stability;
  - (7) experience; and
  - (8) judicial temperament.
10. In making its report, the committee should endeavor to protect the confidentiality of its sources who request anonymity. If a source is cited in the report, and the source requests anonymity, the source should be assigned a witness number that is known only to the Commission Chairman and staff.

11. When forwarding the names of candidates to the committees for review, the Commission shall attach all non-confidential materials in its possession that will aid in the committee's review of judicial candidates. If a member of a committee discovers information that is probative of a candidate's qualifications or character and which will aid in the committee's investigation, the committee chairman shall notify the Commission of its existence and request that it be obtained.
12. No member of a regional committee may disclose any information, other than to a Commission member or Commission staff, regarding any phase of the committee's investigative process or the results therefrom. Likewise, the committee's report is a privileged communication produced solely for the benefit of the Commission and shall not be distributed except to the candidate and as determined by the Commission. All documents created by the committee during the course of investigation shall be turned over by the committee to the Commission to be either destroyed or filed in accordance with state law.
13. As a condition of appointment, each committee member agrees that:
  - (a) During his or her service on the committee, he or she will abstain from endorsing or participating in any judicial candidate's campaign for office, and will refrain from appearing before or voting on any other committee or commission involved in the judicial selection process (This prohibition shall not preclude any member from participating in a survey or interview process wherein the member's personal opinions about judicial candidates are solicited.); and
  - (b) Service on the committee results in a relationship between committee members that may create a conflict of interest if committee members who have served together later evaluate one another. Therefore, no committee member shall offer for or accept a nomination for a South Carolina judicial position while a member of the committee and for a minimum of one year after leaving the committee.
14. The Chairman for each region is responsible for ensuring that the rules of the committee are followed by all members of the committee.