

JUDICIAL SELECTION PROCESS

LWVSC Questions Constitutionality of Judicial Selection Process in South Carolina:

On January 6, 2010, the League of Women Voters of South Carolina (LWVSC) filed a Motion for Leave to file an Amicus Brief and the Amicus Curiae Brief of the LWVSC with the Supreme Court of South Carolina. This Amicus Curiae Brief supports a petition that challenges the constitutionality of the way in which judges are selected in South Carolina. The petition deals with the S.C. Judicial Merit Selection Commission's ruling that Charleston Family Court Judge Segars-Andrews is unqualified. *Segars-Andrews v. Judicial Merit Selection Commission, et al.* was filed in the Supreme Court in December 2009. The process of judicial selection in South Carolina has long been an area of interest and concern for the LWVSC. This case goes to the heart of LWVSC's support of: a constitutional framework of a balance among the three branches of government--legislative, executive and judicial; a judiciary that is qualified, independent and diverse; and merit selection of judges at all levels through a statewide judicial nominating commission. LWVSC's brief was filed out of concern that the Judicial Merit Selection Commission serves as "gatekeeper" to keep many qualified, diverse, and independent people screened out of the selection process. The LWVSC believes that diversity at all levels of our state courts is crucial, not only because different viewpoints make for a more robust jurisprudence, but because it will help to legitimize our justice system in the eyes of an ever-diversifying public.

Our September 2008 public forum on issues around judicial selection and the members of that panel (Chief Justice Jean Toal, Rep. Greg Delleney, Prof. John Freeman, Prof. John Simpkins, Attorney Barbara Barton George and Attorney I.S. Leevy Johnson) give us a particular acuity and position to support this action. The goal of the forum was to increase citizen understanding on the importance of our governmental system of separation of powers and highlight the vital need for protecting a fair, independent and diverse judiciary. The LWVSC did not file the Amicus Brief to address one particular judge's qualifications; rather we wanted to address the constitutionality of the process. Our Brief only questions constitutional issues around judicial selection, specifically the make-up of the Judicial Merit Selection Committee with its majority of state legislators. The brief does not address whether or not Judge Segars-Andrews is qualified.

The LWVSC believes that this case which challenges how judges are selected in our state is long overdue and much needed.

2008, 2010