



THE LEAGUE OF WOMEN VOTERS OF SOUTH CAROLINA
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**LEAGUE OF WOMEN VOTERS OF SOUTH CAROLINA SUPPORTS A FAIR,
IMPARTIAL AND INDEPENDENT JUDICIARY**
League Comments Follow S.C. Supreme Court Decision on Judicial Independence

COLUMBIA, SC.—The League of Women Voters of South Carolina (LWVSC) is disappointed by the decision of the South Carolina Supreme Court to dismiss the complaint of a sitting family court judge who challenged the process of selection and re-appointment of judges in S.C. At the same time, the League appreciates the Court's willingness to hear this important case.

The LWVSC filed an Amicus Curiae Brief with the Court in the case of Segars-Andrews v. Judicial Merit Selection Commission, et al. The League's Brief supported the petition that challenged the constitutionality of the way in which judges are selected in South Carolina. In its Brief, the LWVSC sought to address the constitutionality of the screening process for state judges by a commission comprised of members the majority of whom must be currently serving state legislators. The Brief did not address the particular qualifications of the judge in this case. Rather, LWVSC is concerned that the process of judicial selection in South Carolina frustrates the intent of voters when they voted to establish a commission to diffuse exclusive control by the legislature.

"The process of selecting judges is a key component in ensuring a fair and impartial judiciary," Barbara Zia, LWVSC president, said. "The LWVSC's concern reflects a national movement for reform of state judicial systems. In the words of retired U.S. Supreme Court Justice Sandra Day O'Connor, 'Judicial independence does not just happen all by itself. It is tremendously hard to create, and easier than most people imagine to destroy.'"

"LWVSC filed the Brief because of our concern over judicial independence. We believe that the goal of ensuring judicial independence in our state's courts is vital to government of the people, by the people, and for the people," Zia continued. "Because of the importance of this issue, we felt it was critical for the League to step forward and submit the Friend of the Court Brief."

"As James Madison put it, an independent judiciary is 'an impenetrable bulwark against every assumption of power in the Legislative or Executive'" Zia continued. "The League agrees that the courts are important guardians of constitutionally guaranteed freedoms in our system, and that the system breaks down without judicial independence.

"The League believes South Carolina has a good system of judicial selection, but would like to see it refined. In our view, the insertion of legislative domination in selection of state judges defies the separation of powers and is not in the best interest of judicial independence or diversity," Zia concluded. "Because this issue is so vital to our democracy, we will continue our citizen education and advocacy efforts to achieve fairness, independence and diversity on the bench."

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The League of Women Voters, a nonpartisan political organization, encourages the informed and active participation of citizens in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy.