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LWVSC Testimony, H.3530, Magistrates Reform Act, Constitutional Law Subcommittee of the House of Representative Judiciary Committee

The League of Women Voters of South Carolina supports this bill, which is long overdue. Magistrates occupy an important place in our legal system, and candidates should be evaluated and appointed in a manner consistent with that importance.

This bill specifies that the Judicial Merit Selection Commission (JMSC) would evaluate candidates, providing opportunity for expert and public input. This is extremely important. The report of the JMSC must inform the decision of the Governor in appointing a candidate and that of the Senate in advising and consenting in the appointment.

Limitation of the period during which a magistrate can be held over in an expired appointment to 14 days would be a very significant improvement on present circumstances. Magistrates whose term has expired can be terminated without cause. This makes them potentially vulnerable to inappropriate pressures. Magistrates should be able to conduct their work with the assurance that they will remain in their positions so long as they do their work responsibly and in accordance with the law and legal ethics. Everyone appearing before them should be confident that the magistrate is not subject to inappropriate pressures.

We realize that the requirement in this bill that candidate hold a juris doctor degree is likely to be challenged as excessive. However, magistrates make many life-altering decisions and the expanded jurisdiction provided in this bill would amplify that. The State owes it to its citizens to ensure that the person deciding their fate be well qualified to do so. If greater compensation is needed to draw qualified applicants, then the State should provide that compensation.

In summary, the League of Women Voters of South Carolina supports this bill, believing that it corrects longstanding problems in our legal system. We encourage this subcommittee to forward it with a favorable recommendation.

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