

F. P. SEGARS-ANDREWS
100 BROAD STREET SUITE 241
CHARLESTON, SOUTH CAROLINA 29402
FAX #958-4415 PHONE (843) 958-4416

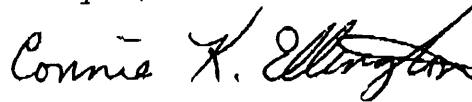
TO: Ms. Paula Benson
FAX: 803-212-6299
FROM: F. P. Segars-Andrews
DATE: November 3, 2009
RE: Complaint of William R. Simpson, Jr.

Dear Ms. Benson,

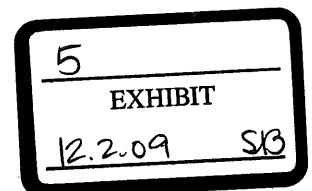
Please find following the information you requested on the above captioned case from Clarendon County.

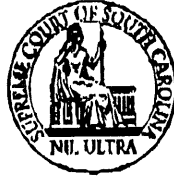
If there is anything further you need please let me know.

Thank you,



Connie K. Ellington
Administrative Assistant





The Supreme Court of South Carolina

OFFICE OF COMMISSION COUNSEL

Deborah S. McKeown
Commission Counsel

1015 Sumter Street, Suite 305
Columbia, South Carolina 29201

Commission on Judicial Conduct
(803) 734-1965
Commission on Lawyer Conduct
(803) 734-2037

Facsimile: (803) 734-0283

FAX COVER SHEET

CONFIDENTIAL

TO: Frances P. Segars-Andrews
FAX #: (843) 958-4415
FROM: Karen H. Cordell
DATE: 11/02/2009
RE: Information you requested

NUMBER OF PAGES: 15 including cover

If needed we can provide the attachments/exhibits, just let us know.

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THIS FACSIMILE IS BEING TRANSMITTED IN THE CONDUCT OF THE BUSINESS OF THE OFFICE OF COMMISSION COUNSEL TO THE SOUTH CAROLINA SUPREME COURT. THE INFORMATION CONTAINED HEREIN IS PRIVILEGED AND CONFIDENTIAL. THIS FACSIMILE IS INTENDED FOR THE SOLE USE OF THE INDIVIDUAL IDENTIFIED ABOVE. IF YOU ARE NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISCLOSURE, COPYING OR OTHER USE IS PROHIBITED. IF YOU HAVE RECEIVED THIS FACSIMILE IN ERROR, YOU MUST CONTACT COMMISSION COUNSEL AT THE ABOVE NUMBER IMMEDIATELY FOR FURTHER INSTRUCTION.

CONFIDENTIAL*CONFIDENTIAL*CONFIDENTIAL*CONFIDENTIAL*CONFIDENTIAL



The Supreme Court of South Carolina
OFFICE OF THE DISCIPLINARY COUNSEL

HENRY B. RICHARDSON, JR.
DISCIPLINARY COUNSEL

DEBORAH S. MCKEOWN
ASST. DISCIPLINARY COUNSEL

1015 SUMNER STREET, SUITE 111
COLLIERIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1906

November 2, 2006

PERSONAL & CONFIDENTIAL

The Honorable Frances P. Segars-Andrews
Family Court Judge
100 Broad Street, Suite 241
Charleston, South Carolina 29401

Re: Complainant: William R. Simpson, Jr.
Case No.: 06-DE-J-0249

Dear Judge Segars-Andrews:

The Commission on Judicial Conduct has received the above referenced complaint concerning you from the complainant above named and, as required by applicable rules, this complaint has been forwarded to the Office of Disciplinary Counsel. A copy of this complaint is enclosed herewith to you.

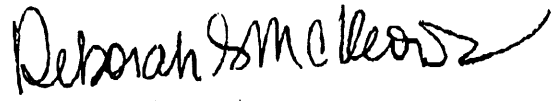
This office is required by the provisions of the Rules for Judicial Disciplinary Enforcement (RJDE) - 502, South Carolina Appellate Court Rules (SCACR), promulgated by the Supreme Court of South Carolina, to investigate and respond to all such complaints. In order for this office to formulate its position concerning this complaint, your response is needed.

Accordingly, you are hereby requested to favor the Office of Disciplinary Counsel with your written response to the allegations in this complaint no later than November 17, 2006. You may limit your response to those allegations in this complaint which relate to the Code of Judicial Conduct, - 501, SCACR, and the other matters set out in Rule (7)(a) of RJDE.

Judge Segars-Andrews
November 2, 2006
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It will be very helpful to us if you will refer to the case number set out above on all correspondence and inquiries concerning this matter. Your assistance in resolving this complaint will be appreciated.

Yours very truly,



Deborah S. McKeown

/dsm
Enclosure



State of South Carolina
The Family Court of the Ninth Judicial Circuit

F. P. SEGARS-ANDREWS
JUDGE

RECEIVED
NOV 14 2006
OFFICE OF
DISCIPLINARY COUNSEL
COURTHOUSE SQUARE
POST OFFICE BOX 984
CHARLESTON, SOUTH CAROLINA 29402-0984
TELEPHONE: (843) 808-4418
FAX: (843) 856-4415
E-MAIL: fsegars@scocourts.org

November 14, 2006

Office of Disciplinary Counsel
1015 Sumter Street, suite 111
Columbia, S.C. 29201

Re: Complainant: William R. Simpson, Jr.
Case No.: 09-DE-J-0249

Dear Sir:

Before I respond to the primary allegations in this matter, I would like to explain that I was not responding to email messages on my computer during the trial of this case but rather taking trial notes. I take all off my trial notes on my computer since I can type faster and more legibly than I can write.

Shortly after I heard this trial and sent my decision to both parties, I received a motion for me to disqualify myself from Mr. Simpson's attorneys. They alleged that I should be disqualified because my husband's law partner, Lon Shull, provided an affidavit for Mr. McLaren on the issue of attorney's fees in Mr. Simpson's father's divorce case.

After receiving that motion, I mentioned to my husband that a lawyer was asking me to disqualify myself simply because Lon had filed an affidavit for Mr. McLaren on the issue of attorney's fees in his father's case. At that time, he reminded me that Mr. Shull had also worked with Mr. McLaren on another case the prior year. I don't know the name of the case but remembered that they had received a large fee in the case.

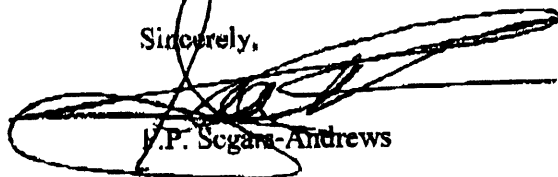
Subsequently, I asked the advice of others with whom I respect. I did not want to make these litigants retry the entire case but I also did not want to do anything improper. In an abundance of caution, I disclosed the prior working relationship between Mr. McLaren and Mr. Shull on the record and suggested that they retry the case. I was asked by one of Ms. Simpson's attorney's to give them time to brief the issue. Since I was unclear whether or not a conflict existed under these circumstances, I granted their request.

I was provided with a memorandum from Professor Crystal which led me to believe that I did not have a duty to disclose the prior relationship, that I had a duty to rule in the matter and that

the appellant courts would determine whether I ruled properly. I do not have the memorandum since it is in the file in Clarendon County.

If you have any further questions, please give me a call at the above number.

Sincerely,

A handwritten signature in black ink, appearing to be "H.P. Segars-Andrews", written over a horizontal line. The signature is stylized and somewhat illegible.

H.P. Segars-Andrews



The Supreme Court of South Carolina

OFFICE OF THE DISCIPLINARY COUNSEL

HENRY B. RICHARDSON, JR.
DISCIPLINARY COUNSEL

DEBORAH S. MCKEOWN
ASST. DISCIPLINARY COUNSEL

1015 SUMNER STREET, SUITE 111
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1988

November 22, 2006

PERSONAL AND CONFIDENTIAL

Mr. William R. Simpson, Jr.
2052 Billy Road
Manning, South Carolina 29102

Re: Judge: Family Court Judge Frances P. Segars-Andrews
Case No.: 06-DE-J-0249

Dear Mr. Simpson:

This office has conducted a preliminary investigation concerning the allegations of misconduct set out in your complaint against the above named judge. This investigation focused solely on those grounds for misconduct set out in the *Rules for Judicial Disciplinary Enforcement (RJDE)* - Rule 502, SCACR, promulgated by The Supreme Court of South Carolina.

These rules do not apply to legal matters related to whether or not the outcome of a case before a judge was fair nor to errors of law a judge might have made in a case. These are legal matters which must be addressed by you at trial or on appeal using appropriate appellate procedures. Many of the issues you raise in your letter concern your dissatisfaction with rulings made by the judge in your domestic action. Such issues are legal in nature and are outside the jurisdiction of the Commission on Judicial Conduct and this office. These issues must be addressed in the appropriate legal forum by motion for reconsideration, appeal to a higher court, or other appropriate and timely legal process.

The crux of your complaint against Judge Segars-Andrews is your belief that she should have recused herself from your case and re-assigned the case to another family court judge. The record indicates that no motion for recusal was made until after the judge had heard the entire case and rendered a decision. Your attorney first made a motion that Judge Segars-Andrews disqualify herself because her husband's law partner had provided an affidavit for Mr. McLaren (opposing counsel) on the issue of attorney's fees in your father's divorce action. The judge denied this motion and, in my judgment, the

Mr. Simpson
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Code of Judicial Conduct would not have required her to recuse herself based upon the grounds set out in that motion.

After receiving your attorney's motion for recusal, the judge advises she mentioned the issue to her husband who then told the judge that his law partner had worked with Mr. McLaren on a personal injury case the prior year in which a large fee was involved. The judge further states that, while she had not recalled this prior working relationship between Mr. McLaren and her husband's law partner during the prior proceedings in your case, she then recalled some prior information in that regard which had not come to mind until that conversation with her husband. In an abundance of caution, she disclosed the prior relationship to the parties involved in your case. The judge claims she did not recall the matter at the time she made her decision in your case, and that the prior relationship had absolutely no effect on her decision in your case.

While, according to the transcript, the judge seemed to be leaning towards recusal, she ultimately allowed the attorneys to brief the issue before she made her final decision regarding recusal. After receiving a memorandum, she ultimately decided that she had no duty to recuse herself. Under the circumstances present in this case, I do not believe that Judge Segars-Andrews' decision not to recuse herself rises to the level of judicial misconduct. First of all, there is no evidence that the judge recalled the relationship until after the case was concluded. In my judgment, even if she had recalled the relationship, she was not ethically required to disclose that information to the parties in your case under the circumstances of her husband's partner having such a prior working relationship. There is no evidence that the judge recalled the prior relationship at the time she made her decision in your case, or that the prior relationship affected her decision in your case. My decision that the judge has not committed any ethical violation does not address any legal aspects of the matter (should any there be) and does not prevent you from raising this issue before an appellate court. If an appellate court finds (from a legal perspective) that the judge should have recused herself, then the matter would be remanded back to the family court for a new trial.

In your letter, you state that "[s]ince this matter involves the Vice Chairman of the Commission on Judicial Conduct ... I do not expect to get any relief from your agency." I take this opportunity to advise you that Judge Segars-Andrews' position with the Commission on Judicial Conduct had no effect on my decision that this matter should be dismissed. I have enclosed a copy of a disciplinary opinion issued by the South Carolina Supreme Court on November 20, 2006, involving Magistrate Joe C. Cantrell. Magistrate Cantrell received a one year definite suspension and, at the time the disciplinary file was opened by the Office of Disciplinary Counsel, Magistrate Cantrell himself was a member of the Commission on Judicial Conduct. This demonstrates that

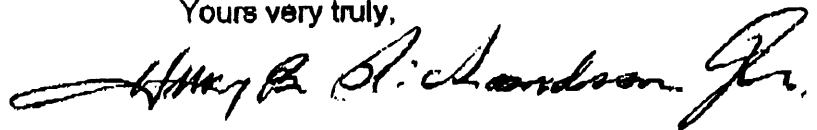
Mr. Simpson
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Page Three

members of the Commission on Judicial Conduct are not given any special treatment by this office or the Supreme Court in disciplinary matters.

Based on the foregoing, I have determined that there is no evidence supporting allegations of any misconduct as defined in these rules on the part of the above named judge arising out of the events mentioned in your complaint. Instead, I find that the events mentioned in your complaint involve such legal matters that are outside the jurisdiction of this office and are also outside the jurisdiction of the Commission on Judicial Conduct.

Accordingly, your complaint is dismissed pursuant to the provisions of Rule (19)(b)(2) of RJDE. As required by this rule, the above named judge is, by copy of this letter, being notified of the action herewith taken concerning your complaint. Your interest in judicial conduct is appreciated.

Yours very truly,



Henry B. Richardson, Jr.

HBRjr:dsm

cc: The Honorable Frances P. Segars-Andrews