



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

Frances P. Segars-Andrews
Judge

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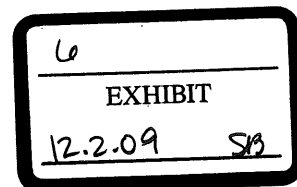
TO: THE JUDICIAL MERIT SELECTION COMMISSION
FROM: F. P. Segars-Andrews
Family Court Judge
Ninth Judicial Circuit
REGARDING: Complaint from William R. Simpson, Jr.

The following is my response to Mr. Simpson's complaint.

In 2006 I heard Mr. Simpson's domestic case in Clarendon County. I sent to the attorneys my decision in the form of listed findings and instructions for them to draft a proposed order. After my instructions were sent to the attorneys, I received a motion from Mr. Simpson's attorney for a new trial. In the motion they stated that my husband's law partner, Lon Shull, had provided an affidavit regarding attorney's fees in support of Mr. Simpson's mother's case against Mr. Simpson's father. Mr. Simpson was made a 3rd party defendant in that law suit because he and his father owned property together. The same attorneys that represented Mr. Simpson's wife represented Mr. Simpson's mother.

After reading Mr. Simpson's motion, I found it to be meritless and was ready to deny the motion. I was then reminded that there was another working relationship between my husband's law firm and defendant's attorney in the past. At the hearing I denied Mr. Simpson's motion but disclosed the other working relationship. On my own motion, I recused myself and granted a new trial out of my concern that there was a technical conflict.

Defendant's attorney thought I was wrong and asked to be allowed to brief the issue, which I allowed. Once I reviewed the brief, I realized that I had a responsibility to continue my duties in the case. Since there was no ongoing working relationship between my husband's firm and the defendant's attorney, I had no valid reason to recuse myself. More importantly, my duty to hear a case where I am qualified is equally as strong as my duty not to hear a case where I am disqualified. The Court of Appeals affirmed my decision not to recuse myself and affirmed my decision in the underlying case finding that there was no prejudice. The decisions are reported at Simpson v Simpson, 377 S.C. 519, 660 S.E.2d 274 (Ct. App. 2008) and Simpson v Simpson, 377 S.C. 527, 660 S.E.2d 278 (Ct. App. 2008).



Secondly, Mr. Simpson believes that I was constantly on my computer using instant messaging during his trial. I was not on instant messaging but I was on my computer taking notes from the testimony presented during the trial. I take all my notes from trials on my computer to use when deciding a case. During trials I sometimes have to answer an instant message from my assistant, the clerk's office or another judge when holding court in Charleston but not often when holding court out of circuit, as in Mr. Simpson's case.

If you need anything further before the public hearing, please contact me at the numbers indicated above.