

Jean Hoefler Toal
Chief Justice, Retired
Senior Active Judge
2418 Wheat Street
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Columbia, S.C. 29211

October 27, 2023

VIA HAND DELIVERY ONLY

Erin Crawford, Chief Counsel
S.C. Judicial Merit Screening Commission
104 Gressette Building,
P.O. Box 142
Columbia, SC 29202

✓ Macey Webb, Staff Attorney
S.C. House Judiciary Committee
Blatt Building
Columbia, South Carolina 29201

RE: *Screening for Senior Active Service Chief Justice Retired Jean H. Toal/ Complaint of Rhonda Meisner*

Dear Counsel:

I am in receipt of the witness affidavit of Rhonda Meisner dated October 23, 2023, filed in connection with my screening above referenced. I submit this statement in response to Ms. Meisner's 5-page affidavit.

Ms. Meisner's complaint against me concerns a hearing I conducted on December 2, 2022, regarding many pre-trial motions then pending in the matter of *Rhonda Meisner v. Grant Meisner, MD. et al.*, Case No. 2022-CP-40-01415. I was assigned by Chief Justice Beatty to hear a non-jury roster of motions pending in many cases on the Common Pleas Roster for the Richland County. These motions calendars are generally heard by the Chief Administrative Judge for Common Pleas or designee. Because of the imminent retirement of Judge Casey Manning and the screening of Judge DeAndrea G. Benjamin for appointment to the United States Court of Appeals for the Fourth Circuit, Richland County needed some assistance regarding its circuit court motions roster. I am a Senior Active Judge and serve in the circuit courts by appointment by Chief Justice Donald Beatty.

Senior Active Judges are not full-time judges but rather serve by special appointment by Chief Justice to specific cases or roster. The December 2, 2022 motion roster that I conducted had many matters. Ms. Meisner's case alone had at least ten motions for hearing and disposition.

Ms. Meisner had an active domestic relations matter pending in Richland County Family Court against her husband. Many issues were involved including divorce, child custody, property matters and claims that her husband was cognitively impaired. Many hearings had been conducted in family court for at least two years. A three-week trial had been conducted and the matter was currently scheduled for at least another week of trial.

Ms. Meisner brought a suit in circuit court, common pleas, against her husband, his medical practice, his lawyers, a medical expert witness, the expert lawyer's, the guardian ad litem, the guardian's law firm and the process server alleging defamation, conspiracy and a host of other claims, all related to the pending family court litigation and rulings made by the family court judge.

I conducted a lengthy hearing on all pending motions listed in my docket. I ruled that Ms. Meisner's action was an improper attempt to litigate in circuit court matters pending and/or ruled upon or arising out of the family court matter. I ruled from the bench on all motions and signed Form-4 Orders reflecting my rulings. The result was that I dismissed Ms. Meisner's lawsuit against each defendant. I treated Ms. Meisner with respect but ruled with firmness.

I have obtained a recording from the court reporter in this matter, Elizabeth Harris, of this hearing. It lasted about 1 hour. I believe the recording supports my statement that Ms. Meisner was treated courteously but firmly by me. At no time does the recording reflect that I told Ms. Meisner to "Shut up", or "Hush you mouth" or anything of the like. Ms. Meisner did at one point analogize her claims about the attorneys in her case to the behavior Alec Murdaugh. I did forbid her from making that argument. I did repeatedly rule that it is completely improper to attempt to litigate in circuit court one's dissatisfaction with rulings on issues being litigated in family court. This is precisely what Ms. Meisner was attempting to do with this litigation. I did say toward the end of the hearing, when Ms. Meisner continued to reassert her claims upon which I had already ruled, that I was a patient person but my patience had come to an end.

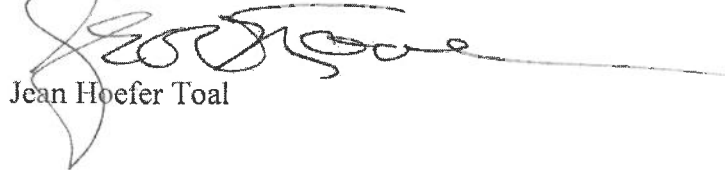
Ms. Meisner also suggests that I had difficulty hearing her or understanding her. I disagree and the court reporter's tape of the proceeding does not support her contention. The Richland County Courtrooms are not ideal acoustically. It is important that all participants hear the proceedings especially the court reporters. I insist that all participants in hearings speak into the microphones at the counsel tables, the podium or the witness box. The courtroom for this hearing was very full. When I called Ms. Meisner's case she began to speak from the audience. I did request she come to the counsel table unmasked and speak into the microphone. She did and I heard her clearly throughout the hearing.

I do have a hearing deficit which is corrected with bilateral hearing aids. My hearing deficit is not age related as Ms. Meisner seems to suggest. I was first diagnosed with hearing loss in my thirties. This loss is the result of heavy and prolonged dosage with penicillin shots administered by my doctor when I was a child and suffered severe and repeated ear, sinus and throat infections.

In the 1940s and 1950s, penicillin was the only drug widely available for treating childhood infections. Unfortunately, in some recipients of this treatment, the 8th cranial nerve can be damaged by repeated dosage. My hearing loss had been diagnosed as resulting from my heavy treatments with penicillin. Hearing aids have greatly improved over the fifty years that I have worn them. I have had a successful career as a lawyer, legislator and judge, and this hearing deficit has not hampered my effectiveness in these roles.

Finally, Ms. Meisner complains that at age eighty, I should not be approved because I don't keep up a full schedule and I am too old to serve. Senior Active judges are not expected or appointed to keep a full schedule. As to my age, I believe I am fully capable of understanding the issues presented to me and ruling fairly and expeditiously. I believe the vast majority of lawyers, litigants and court personnel who work with me fully support my continued service as Senior Active Judge.

Sincerely yours,



Jean Hofer Toal

Enclosures: