

JUDICIAL MERIT SELECTION COMMISSION
Sworn Statement to be included in Transcript of Public Hearings

Circuit Court
(Incumbent)

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1. Why do you want to serve another term as a Circuit Court Judge?

I have enjoyed my first year as a Circuit Court Judge. I have enjoyed presiding over criminal and civil matters. My record over the last year reflects my fairness, impartiality, and excellent temperament in the review and disposition of cases that come before me. The court system in our Country and in our State is the best devised by man and it is my pleasure to be a part of the outstanding judiciary in this State.

2. Do you plan to serve your full term if re-elected? Yes
3. Do you have any plans to return to private practice one day? Not at this time.
4. Have you met the Constitutional requirements for this position regarding age, residence, and years of practice? Yes
5. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated?

Canon 3(B)(7) covers *ex parte* communications. Every Litigant or lawyer should have their cases heard according to the rules of law. This involves avoiding even the appearance of impropriety and a judge should not do or say anything that suggests one side has some advantage in appearing before the court. *Ex parte* communications in Circuit Court are proper under certain circumstances. For example:

Administrative purposes
Ex Parte temporary restraining orders
With the consent of both parties

6. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you?

My former law partner is my father; I do not hear any of his cases or cases of the associate in his office. I treat lawyer-legislators the same way I treat other lawyers who appear before me.

7. If you disclosed something that had the appearance of bias, but you believed it would not actually prejudice your impartiality, what deference would you give a party that requested your recusal? Would you grant such a motion?



I would always disclose any relationship that I may have with a party. If the opposing party asked me to recuse myself, I would recuse myself. The public has a right to feel that they are getting a fair and impartial appearance before a judge and I would not want to compromise that.

8. How would you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative?

I would recuse myself in situations where there is the appearance of financial gain by my spouse or other close relatives. I would consider cases where there is an appearance of social involvement by my spouse or close relative on a case-by-case basis. I would consider the extent of my spouse or relatives involvement in the organization, if they were directly involved in the issue before the court, and if I could be fair and impartial in my decision.

9. What standards have you set for yourself regarding the acceptance of gifts or social hospitality?

As a general rule I don't accept gifts from lawyers or litigants who have cases pending before me. Any social hospitality that is accepted on my part is reported on my yearly Statement of Economic Interest report.

10. How would you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge?

I would report it to the appropriate authorities.

11. Are you affiliated with any political parties, boards or commissions that, if you were re-elected, would need to be re-evaluated? No

12. Do you have any business activities that you would envision remaining involved with if reelected to the bench? No

13. How do you handle the drafting of orders?

I accept proposed orders electronically from attorneys (both sides) for review. I sometimes use proposed orders and other times prepare my own orders with the assistance of my law clerk.

14. What methods do you use to ensure that you and your staff meet deadlines?

I strongly believe in the tickler system on my calendar that reminds me of upcoming deadlines. I try to complete task days or weeks before my deadline. I would comply with all standards regarding deadlines that are set by the S.C. Supreme Court.

15. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy?

My job is to enforce the law, not set public policy.

16. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. What activities do you plan to undertake to further this improvement of the legal system?

I think that people's perception of the legal system is determined by their experience before the court. My job as a judge would be to treat everyone with respect, dignity and fairness and to run a timely and efficient court. I would continue to participate with the S.C. Bar Association and to make legal presentations to attorneys and the community. I also enjoy educating students about the law and the judicial system.

I frequently speak to students at the law school, participate in the Law Student externship programs and speak at schools.

17. Do you feel that the pressure of serving as a judge strains personal relationships (i.e. spouse, children, friends, or relatives)? How do you address this?

No, I am able to separate work from my personal life.

18. The following list contains five categories of offenders that would perhaps regularly appear in your court. Discuss your philosophy on sentencing for these classes of offenders.

a. Repeat offenders: Defendants who have very little or no regard for the law and the community should be of serious concern to the court and handled in a tough and strict manner.

b. Juveniles (that have been waived to the circuit court): Juveniles who are waived up should be punished according to the crime. In dealing with juveniles the court should consider alternatives and treatment that may lead to a juvenile offender becoming a productive member of society after he or she completes their sentence. It is the courts responsibility to insure that the juvenile is competent in understanding court proceedings.

c. White collar criminals: White collar crimes are no different than any other crime and should be treated the same.

d. Defendants with a socially and/or economically disadvantaged background: In sentencing the court should consider the nature of the crime, the impact on victims and mitigating circumstances regarding the Defendant and then make an informed decision.

e. Elderly defendants or those with some infirmity: Elderly Defendants and those with infirmities should be evaluated to determine competency if necessary. Once again, in sentencing the court should consider the nature of the crime, the impact on victims and mitigating circumstances regarding the Defendant and then make an informed decision.

19. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?

No

20. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved? No

