

August 9, 1999

D. Michael Kelly, President  
South Carolina Bar  
Post Office Box 608  
Columbia, South Carolina 29202-0608

Dear Members of the South Carolina Bar:

This advisory letter is written to inform the members of the Bar of the Rules of the Judicial Merit Selection Commission regarding letters of endorsement that are written on behalf of judicial candidates. Please be advised of the Commission's rules regarding letters of this nature before submitting them to the General Assembly.

The Commission is of the opinion that while letters of endorsement do not violate the law, it does violate the spirit of the law. Under Commission Rule 24, a candidate for judicial office cannot directly or indirectly seek pledges before the final release of the screening report. Rule 24 provides that "[i]ndirectly seeking a pledge means the candidate or someone acting on behalf of and at the request of the candidate, requesting a person to contact a member of the General Assembly on behalf of the candidate before nominations for that office are formally made by the Commission." The Commission would strongly caution any person, including members of the Bar, not to write letters of this nature prior to the release of the final screening report because they raise the question of whether the candidate violated this Rule.

We understand that many members of the Bar may have been unaware of the Commission's pledging rules as it pertains to judicial candidates. For this reason, the Commission hopes this advisory letter will educate the Bar. We would encourage all members of the Bar to read and adhere to the Judicial Screening Rules so that the Commission is better able to preserve the integrity of the screening process.

Please feel free to contact the Commission with any questions or concerns you may have regarding this advisory letter or any other matter pertaining to the judicial screening process.

Sincerely,

Glenn R. McConnell  
Chairman

F.G. Delleney, Jr.  
Vice Chairman

\*\*The SC Bar published the above letter at the request of the Judicial Merit Selection Commission. October 1999, Vol. 11, No. 2