



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

**Supreme Court/Court of Appeals
(New Candidate)**

Full Name: DeAndrea Gist Benjamin

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1. Do you plan to serve your full term if elected? Yes

2. If elected, do you have any plans to return to private practice one day? No plans at this time.

3. Have you met the Constitutional requirements for this position regarding age, residence, and years of practice? Yes

4. 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 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. I do not engage in ex parte communications except for temporary restraining orders, for administrative purposes, for emergency reasons that are in compliance with the rules or if the party's consent.

5. 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? Yes, I would, and I have in the past when a party has requested that I recuse myself or when I thought it was appropriate to do so.

6. 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 before me. Any social hospitality that is accepted on my part is reported on my ethics report.

7. How would you handle a situation in which you became aware of misconduct or appearance of infirmity of a lawyer or of a fellow judge? I would report it to the appropriate authorities or agency.

8. Are you affiliated with any political parties, boards or commissions? If so, in what capacity are you serving? No

9. Have you engaged in any fund-raising activities with any political, social, community, or religious organizations? Please describe. No

10. How would you prepare for cases that were before you? In preparing for cases, I generally read over the case file, review memoranda of law and briefs, outline the issues and questions of law. I will, or my law clerks will research and review all relevant case law. This provides me an opportunity to familiarize myself with the facts and the law prior to a matter being heard.

11. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy? My job is to enforce and interpret the law, not set public policy.

12. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. What activities would you plan to undertake to further this improvement of the legal system? I frequently speak to students at the law school, participate in the Law Student externship program and the Summer Judicial Observation Externship. I speak at local schools for Career Day, Constitution Week and Law Day. I have served as a Judge for Mock Trials and I participate in Job Shadow Day every year. I have an open courtroom policy to allow students to come and observe the judicial process.

13. Do you feel that the pressure of serving as a judge would strain personal relationships (i.e. spouse, children, friends, or relatives)? How would you plan to address this? No, I am able to separate work from my personal life. I

now have teenage children and I have worked since they were infants. I have a strong family support system.

14. Please describe your methods of analysis in matters of South Carolina's Constitution and its interpretation by explaining your approach in the following areas. Which area should be given the greatest weight?

In analyzing matters regarding the South Carolina Constitution, the court must consider the original meaning or intention of the drafters, judicial precedent, and constitutional construction. The court should give some value to the agency's interpretation and contemporaneous documents produced. However, the greatest weight and value should be given to the practical application of the Constitution and the historical evidence.

- a) The use and value of historical evidence in practical application of the Constitution: When analyzing a Constitutional matter, the court must consider historical evidence and precedent. The court must consider past judicial analysis and conclusions drawn. The court must then apply that analysis to the practical matters before the court in its decision.
- b) The use and value of an agency's interpretation of the Constitution: While some value should be given to an agency's interpretation of the Constitution, by the mere fact that the agency specializes in a said area. The court should give it the consideration it deserves but not the greatest weight.
- c) The use and value of documents produced contemporaneously to the Constitution, such as the minutes of the convention: Documents produced contemporaneously, should be reviewed and analyzed along with the Constitution to determine the intent of the drafters.

15. Are you a member of any organization or association that, by policy or practice, prohibits or limits its membership on the basis of race, sex, religion, or national origin? If so, please identify the entity and explain if this organization practices invidious discrimination on any basis. No.

16. Have you met the mandatory minimum hours requirement for continuing legal education courses for the past reporting period? Yes, I exceed the requirements yearly.

17. What do you feel is the appropriate demeanor for a judge and when do these rules apply? Calm, patient, and kind. I treat lawyers and litigants as I would like to be treated. These rules always apply.
18. Would there be a role for sternness or anger in meetings with attorneys? No. Never a reason to be angry. I believe that you can be direct and polite, stern and respectful.

I HEREBY CERTIFY THAT THE ANSWERS TO THE ABOVE QUESTIONS ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

Sworn to before me this ____ day of _____, 2020.

(Signature)

(Print name)

Notary Public for South Carolina

My Commission Expires: _____