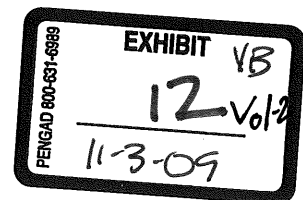


JUDICIAL MERIT SELECTION COMMISSION
Sworn Statement to be included in Transcript of Public Hearings

Family Court
(New Candidate)

Full Name: DeAndrea Gist Benjamin
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Columbia, SC 29203
Business Telephone: 803.771.8007

1. Why do you want to serve as a Family Court Judge?
The court system in our Country and in our State is the best devised by man. However, the Family Court is a stressful and emotional place to be for most families and particularly children. As a Family Court Judge I would have the opportunity to positively affect the lives of children with the hope of turning a bad experience into a positive situation. My experience as Family Court prosecutor, W.G. Kellogg Child Welfare Fellow, Juvenile Parole Board member, and private attorney in family court has afforded me the knowledge to preside over all aspects of family court. My experience and record as a Municipal Judge reflects my fairness, impartiality, and excellent temperament in the review and disposition of cases I preside over. I have enjoyed working in the Family Court and I believe that I would be an asset to the Fifth Circuit Family Court Bench.
2. Do you plan to serve your full term if elected? Yes
3. Do you have any plans to return to private practice one day?
I am 36 years old; I'm sure at some point I will return to private practice.
4. Have you met the statutory 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 Family Court are proper under certain circumstances. For example:
Administrative purposes
Ex Parte temporary custody orders
Ex Parte temporary restraining orders
Ex Parte temporary child support orders
Emergency situations involving juveniles



- 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?
A judge should recuse herself in situations when the Judge cannot be fair and impartial. In my current role as a Municipal Judge for the City of Columbia lawyer-legislators regularly appear before me, I am not affected by the appearance of lawyer-legislators, I give them the same consideration and impartial decisions that I give other litigants who appear before me.
My law partner is my father; it would be inappropriate for him to appear before me. I would also recuse myself from hearing any cases in which former associates of my firm are involved.
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 more than likely 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 would you set for yourself regarding the acceptance of gifts or social hospitality?
I would not accept gifts or social hospitality from litigants who have pending cases before me. I would report all gifts and social hospitality on my State Ethics Commission Statement of Economic Interest form.
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 elected, would need to be evaluated?
No. I have disclosed all boards that I am affiliated with in my application.

12. Do you have any business activities that you would envision remaining involved with if elected to the bench? No.
13. Since family court judges do not have law clerks, how would you handle the drafting of orders?
I would use form orders in cases where it is appropriate. For orders that require more detail than a form order, I would draft them myself or I would ask the lawyers to draft proposed orders and forward them to me electronically for review.
14. If elected, what method would 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. If elected, what specific actions or steps would you take to ensure that the guidelines of the Guardian Ad Litem statutes are followed during the pendency of a case?
I would only appoint Guardian ad Litem that are certified and trained.
16. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy?
I believe that public policy is for the legislature to set. My job as a judge is to follow the black letter law.
17. 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 think that people's perception of the legal system is judged by their experiences 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 enjoy speaking with students about the law and the judicial system.
18. 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 have young children and I have worked since they were infants. I have a strong family support system.
19. Would you give any special considerations to a *pro se* litigant in family court? I would advise pro se litigants of their constitutional right to an attorney. I would grant continuances in non-emergency cases to allow a pro se litigant to retain an attorney. If they decided to proceed pro se, I would explain to them procedurally what would happen in that hearing.

20. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?
No.
21. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved? No.
22. Do you belong to any organizations that discriminate based on race, religion, or gender? No.
23. Have you met the mandatory minimum hours requirement for continuing legal education courses? Yes
24. What percentage of your legal experience (including experience as a special appointed judge or referee) concerns the following areas? If you do not have experience in one of these areas, can you suggest how you would compensate for that particular area of practice?
 - a. Divorce and equitable distribution: 50%
 - b. Child custody: 30%
 - c. Adoption: 5%
 - d. Abuse and neglect: 5%
 - e. Juvenile cases: 10%
25. What do you feel is the appropriate demeanor for a judge?
Patience and good temperament.
26. Would the rules that you expressed in your previous answer apply only while you are on the bench or in chambers, or would these rules apply seven days a week, twenty-four hours a day?
24 hours a day, seven days a week and 365 days a year.
27. Do you feel that it is ever appropriate to be angry with a member of the public who would appear before you, especially with a criminal defendant? No. Is anger ever appropriate in dealing with attorneys or a pro se litigant? No.
28. How much money have you spent on your campaign? If the amount is over \$100, has that been reported to the House and Senate Ethics Committees? None
29. If you are a sitting judge, have you used judicial letterhead or the services of your staff while campaigning for this office? N/A
30. Have you sought or received the pledge of any legislator prior to this date? No
31. Have you sought or been offered a conditional pledge of support by any legislator pending the outcome of your screening? No
32. Have you asked any third parties to contact members of the General Assembly on your behalf before the final and formal screening report has been released? No Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf? No
33. Have you contacted any members of the Judicial Merit Selection Commission? No

34. Are you familiar with the 48-hour rule, which prohibits a candidate from seeking pledges for 48 hours after the draft report has been submitted? Yes

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

s/ DeAndrea Gist Benjamin

Sworn to before me this 24th day of August, 2009.

Notary Public for South Carolina

My commission expires: 08-08-2011