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JUDICIAL MERIT SELECTION COMMITTEE

EVALUATION OF CANDIDATES

BY COMMITTEE MEMBERS

PUBLIC HEARINGS ON JUDICIAL QUALIFICATIONS

PUBLIC SESSION

MORNING SESSION

TUESDAY, NOVEMBER 16, 2010

ROOM 110, BLATT BUILDING

COLUMBIA, SOUTH CAROLINA

COMMENCING AT 9:18 A.M.

REPORTED BY: RITA A. DEROUEN  
Registered Professional Reporter

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1 MEMBERS IN ATTENDANCE:

2 REPRESENTATIVE F.G. DELLENEY, JR.,  
CHAIRMAN

3 SENATOR GLENN F. McCONNELL, VICE CHAIRMAN

4 REPRESENTATIVE ALAN D. CLEMMONS

5 PROFESSOR JOHN P. FREEMAN

6 SENATOR JOHN M. "JAKE" KNOTTS, JR.

7 REPRESENTATIVE DAVID J. MACK, III

8 AMY JOHNSON McLESTER

9 SENATOR FLOYD NICHOLSON

10 H. DONALD SELLERS

11 COUNSEL PRESENT:

12 JANE O. SHULER, CHIEF COUNSEL

13 J.J. GENTRY

14 PAULA BENSON

15 BONNIE ANZELMO

16 PATRICK DENNIS

17

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(INDEX AT REAR OF TRANSCRIPT)

25

1                   REPRESENTATIVE DELLENEY: We'll call  
2 the commission to order now for our meeting for  
3 today of November the 16, 2010. The judicial  
4 merit selection commission is called pursuant to  
5 Chapter 19 of Title 2 of the South Carolina Code  
6 of Laws requiring the review of candidates for  
7 judicial office.

8                   The function of the commission is not  
9 to choose between candidates but rather to declare  
10 whether or not candidates who are before the  
11 division of the bench, in our judgment, are  
12 qualified to fill the positions they seek.

13                   The requirement we undertake is  
14 thorough. It is centered around the commission's  
15 nine evaluative criteria and involves a complete  
16 personal and professional background check on  
17 every candidate. These public hearings are  
18 convened for the purposes of screening candidates  
19 for the following positions: Two vacancies on the  
20 Court of Appeals, three vacancies on the Circuit  
21 Court, one vacancy on the Family Court, and two  
22 retired judges.

23                   For today, we will screen two  
24 vacancies on the Court of Appeals and one vacancy  
25 on the Family Court and two retired judges. At

1 this time, our able counsel, Ms. Jane Shuler,  
2 advises us that we have certain matters that we  
3 need to take up in executive session.

4 Do I hear a motion that we go into  
5 executive session?

6 MS. SHULER: So moved.

7 SENATOR NICHOLSON: Seconded.

8 REPRESENTATIVE DELLENEY: We have a  
9 motion that's been seconded. All in favor? We  
10 are now in executive session.

11 (The members went into executive  
12 session at 9:20 a.m.)

13 \* \* \* \* \*

14 (The members returned to open session  
15 at 9:55 a.m.)

16 (The following was requested to be  
17 inserted into the record.)

18 "Statement of Senator McConnell and  
19 Senator Knotts. We voted against waiving  
20 screening hearings for the judges listed in the  
21 motion. While we have no problems with the  
22 records of any of these judges and have confidence  
23 in their future service on the bench, we believe  
24 that each and every judge should have to be  
25 screened when they are offering for initial or

1 continued service on the bench.

2 "Twenty minutes of time for a  
3 candidate with the commission is not too much to  
4 ask in return for the benefits of being a judge.  
5 The public deserves an open and transparent  
6 process wherein judges are put under oath and  
7 asked questions about their work ethic and prior  
8 service and experience.

9 "This is the only chance the  
10 legislature has, as representatives of our  
11 constituents, to hear from judicial candidates and  
12 ask questions of them before entrusting them with  
13 the solemn duty of judging others.

14 "We would like to remove the statute  
15 that allows for waiving of judge candidates and  
16 have offered bills to do so. However, until that  
17 bill passes, we will continue to oppose efforts to  
18 waive candidates from screening.

19 "People should at least expect that a  
20 judge every few years comes before the Commission  
21 and explains his past service and asks for future  
22 service. Waiving a candidate forecloses that  
23 expectation of the people and the opportunity to  
24 hear a candidate in person and under oath. For  
25 that reason, we voted no."

1 (End of statement.)

2 REPRESENTATIVE DELLENEY: We are now  
3 in public session. We're now in open session once  
4 again. We're now in open session, and I hear --  
5 do we have any motions at this time?

6 PROFESSOR FREEMAN: Mr. Chairman,  
7 it's my understanding that we have no negative  
8 information at all concerning Judges Short and  
9 Williams, our two retired judge candidates. And,  
10 assuming the correctness of that, which I don't  
11 hear anybody telling me I'm wrong, I would move to  
12 waive the screening for those judges.

13 REPRESENTATIVE CLEMMONS: Second the  
14 motion.

15 REPRESENTATIVE DELLENEY: We have a  
16 motion to second to waive the public hearings for  
17 the Honorable Paul E. Short, Jr., and the  
18 Honorable H. Bruce Williams, both with the Court  
19 of Appeals, and retired judges Jasper Cureton,  
20 Court of Appeals, and the honorable Stephen S.  
21 Bartlett from the Family Court.

22 Any discussion? All in favor of  
23 waiving those four judges say aye.

24 (Unanimous vote.)

25 REPRESENTATIVE DELLENEY: So the

1 Honorable Paul Short, the Honorable Bruce  
2 Williams, the Honorable Jasper Cureton, and the  
3 Honorable Stephen Bartlett will be waived.

4 MS. SHULER: At this time, I'd like  
5 to offer their personal data questionnaires and  
6 their sworn statements for the record. These  
7 waived candidate personal data questionnaires  
8 and/or sworn statements require technical data  
9 which the candidates have provided to the staff  
10 and need to be made an exhibit as part of the  
11 record.

12 The following candidates for waiver  
13 have amendments to their PDQs or their sworn  
14 statements: Judge Paul E. Short, Jr., Judge H.  
15 Bruce Williams, and Judge Stephen Bartlett.

16 REPRESENTATIVE DELLENEY: At this  
17 time, I'd ask that the personal data  
18 questionnaires and sworn statements for all the  
19 waived candidates as well as the amendments for  
20 the personal data questionnaires and/or sworn  
21 statements be entered as exhibits into the  
22 hearing.

23 Is there any objections to entering  
24 that information into the exhibits of the  
25 hearing? Hearing none, the personal data

1 questionnaire and the sworn statements for all of  
2 the waived candidates as well as the amendments  
3 for those candidates will be entered into the  
4 record at this time.

5 (EXH. 1, Paul E. Short's Personal  
6 Data Questionnaire, Amendments, and Sworn  
7 Statement, was admitted.)

8 (EXH. 2, Harris Bruce Williams'  
9 Personal Data Questionnaire and Sworn Statement,  
10 was admitted.)

11 (EXH. 4, Stephen S. Bartlett's  
12 Personal Data Questionnaire and Sworn Statement,  
13 was admitted.)

14 MS. SHULER: I would also ask that  
15 Judge Cureton's personal data questionnaire be  
16 entered into the record. He did not have any  
17 amendments to either of his application documents.

18 REPRESENTATIVE DELLENEY: Is there  
19 any objection? It will be done so without  
20 objection.

21 (EXH. 3, Jasper M. Cureton's Personal  
22 Data Questionnaire and Sworn Statement, was  
23 admitted.)

24 REPRESENTATIVE DELLENEY: Based on  
25 the Commission's motion and vote on November 16,



1 2010, I request that the Commission vote on the  
2 record -- we just did that.

3 Next thing we have is the rule change,  
4 procedural rule change. Ms. Shuler, would you  
5 tell us what we have here?

6 MS. SHULER: At this time, the  
7 Commission proposes the following changes to the  
8 Commission's rule: Rule Number 8 would add a  
9 sentence at the end of Rule Number 8, This rule  
10 also applies to letters of recommendation that the  
11 candidate requests from all other people,  
12 including his or her extenuating circumstances  
13 beyond -- exists beyond the candidate's control.

14 REPRESENTATIVE DELLENEY: Anybody  
15 have any problem with this rule change?

16 MS. SHULER: The next proposed rule  
17 change is to Rule 13 at the end of the rule, which  
18 would state: Sufficient cause could include but  
19 is not limited to allegations related to the  
20 character and fitness of the candidate which  
21 occurred on or after the deadline of the affidavit  
22 or allegations which would corroborate already  
23 filed witness affidavit forms.

24 Character and other affidavits filed  
25 in support of the candidate will not be permitted

1 for consideration by the Commission.

2 REPRESENTATIVE DELLENEY: Does  
3 anybody have any concerns with this rule change?  
4 Why don't we vote on these one at a time. If we  
5 go back to Rule Number 8, all in favor of the rule  
6 change of Rule Number 8. All in favor say aye.

7 (Unanimous vote.)

8 REPRESENTATIVE DELLENEY: Any  
9 opposed? Rule Number 8 will be changed. Now  
10 we'll go to Rule Number 13, which Ms. Shuler just  
11 told us about. Anybody got any problems with that  
12 rule change? All in favor of rule change 13 say  
13 aye.

14 (Unanimous vote.)

15 REPRESENTATIVE DELLENEY: Any  
16 opposed? I believe we have 14 next.

17 MS. SHULER: No, we didn't. Those  
18 were the only changes that were discussed and  
19 agreed to. And that's all the rule changes.

20 At this time, I would like to offer  
21 and have made exhibits to the record the  
22 following: The Citizens Committee reports for the  
23 fall of 2010 from the Low Country Citizen's  
24 Committee, there are two reports; the Midlands  
25 Citizens Committee, there are two reports; the

1 Piedmont Citizens Committee, there are two  
2 reports; and the Upstate Citizens Committee  
3 reports.

4 REPRESENTATIVE DELLENEY: Are there  
5 any objections to these reports? Hearing none,  
6 I'd ask at this time that the Low Country Citizens  
7 Committee, two reports; the Midlands Citizens  
8 Committee, two reports; the Piedmont Citizens  
9 Committee, two reports, and the Upstate Citizens  
10 Committee reports for the fall 2010 be marked as  
11 exhibits and entered into the public hearing  
12 record.

13 (EXH. 5, Reports from Low Country  
14 Citizens Committee, Midlands Citizens Committee,  
15 Piedmont Citizens Committee, and Upstate Citizens  
16 Committee, was admitted.)

17 REPRESENTATIVE DELLENEY: Are we  
18 ready for our first candidate?

19 We have before us today the Honorable  
20 Andrea Culler Roche, who currently is a  
21 commissioner with the South Carolina Workers'  
22 Compensation Commission. She seeks a position  
23 with the Circuit Court, seat number -- Fifth  
24 Circuit, Circuit Court Seat Number One.

25 If you would at this time, Ms. Roche,

1 would you please raise your right hand to be  
2 sworn.

3 (Candidate sworn.)

4 REPRESENTATIVE DELLENEY: Thank you,  
5 ma'am. The Judicial Merit Selection Commission  
6 has thoroughly investigated your qualifications  
7 for the bench. Our inquiry has focused on nine  
8 evaluative criteria, which have included a survey  
9 of the bench and bar; a thorough study of your  
10 application materials; verification of your  
11 compliance with State ethics laws; a search of  
12 newspaper articles in which your name may have  
13 appeared; a study of previous screenings; and a  
14 check for any economic conflicts of interest.

15 We have received no affidavits filed  
16 in opposition to your election, nor are there any  
17 witnesses to testify.

18 Do you have a brief opening statement  
19 that you'd like to make at this time?

20 MS. ROCHE: I'd just like to thank  
21 all of y'all for the process and for allowing me  
22 to be here today.

23 REPRESENTATIVE DELLENEY: Thank you,  
24 ma'am. If you would answer any questions that our  
25 able counsel, Ms. Paula Benson, may have for you.

1 MS. BENSON: Mr. Chairman and members  
2 of the Commission, I have a few procedural matters  
3 to take care of with this candidate.

4 Ms. Roche, you have before you the  
5 personal data questionnaire that you submitted as  
6 part of your application and your amendment to  
7 questions 48 and 50. Are there any additional  
8 amendments that you would like to make at this  
9 time?

10 MS. ROCHE: There are no additional  
11 amendments.

12 MS. BENSON: Thank you.  
13 Mr. Chairman, I would ask that Ms. Roche's  
14 personal data questionnaire and her amendments be  
15 entered as exhibits into the hearing record.

16 REPRESENTATIVE DELLENEY: It will be  
17 done at this point in the transcript.

18 MS. BENSON: You have before you also  
19 the sworn statement that you provided with  
20 detailed answers to over 30 questions regarding  
21 judicial conduct, statutory qualifications, office  
22 administration, and temperament.

23 Do you have any amendments to this  
24 statement?

25 MS. ROCHE: I do not.

1 MS. BENSON: Thank you.

2 Mr. Chairman, at this time, I would ask that this  
3 statement be entered into the record.

4 REPRESENTATIVE DELLENEY: It will be  
5 done at this point in the transcript.

6 (EXH. 6, Andrea Culler Roche's  
7 Personal Data Questionnaire and Sworn Statement,  
8 was admitted.)

9 MS. BENSON: One final procedural  
10 matter. I note for the record that based on the  
11 testimony contained in the candidate's PDQ, which  
12 has been included in the record with the  
13 candidate's consent, the Commissioner wrote:  
14 Meets the statutory requirements for this position  
15 regarding age, residence, and years of practice.

16 Commissioner Roche, for the record,  
17 would you please state the city and the judicial  
18 circuit in which you reside?

19 MS. ROCHE: I live in Columbia in the  
20 Fifth Judicial Circuit.

21 MS. BENSON: Thank you. Ms. Roche,  
22 after serving for four years on the Workers'  
23 Compensation Commission, why do now want to serve  
24 as a Circuit Court judge?

25 MS. ROCHE: Well, I think you can

1 always use good judges, and I believe I have both  
2 the ability and the temperament to be an effective  
3 judge. My experience in the Commission has led me  
4 to believe that I would also enjoy this a lot.

5 And I believe that combination of  
6 enjoyment and ability, when you combine those two,  
7 it really puts me in a position, I think, to  
8 excel. And I personally believe that I can give  
9 superior service to the State of South Carolina.

10 MS. BENSON: Are there any areas in  
11 which you feel like you would need to have further  
12 preparation to handle the matters that come before  
13 Circuit Court?

14 MS. ROCHE: Obviously, I have no  
15 criminal experience, and that's the main thing  
16 lacking in my background, so that's the main area  
17 that I would need to learn and become familiar  
18 with.

19 MS. BENSON: And how would you go  
20 about preparing to learn that area?

21 MS. ROCHE: Well, it's easy enough to  
22 learn the law, that I can do and do well, but it's  
23 important that I go and observe a bunch of  
24 proceedings, and I plan to do that as often as I  
25 can.

1 MS. BENSON: You've explained this in  
2 your sworn affidavit, but would you please tell  
3 the Commission what you perceive is the proper  
4 demeanor for a judge?

5 MS. ROCHE: A judge should treat  
6 everybody that comes before them with respect and  
7 with dignity. In my practice, and since I've been  
8 on the Commission, you don't always see that  
9 happening, and I can tell you it is a troubling  
10 thing.

11 And so it's very important to me to  
12 always treat everybody, anybody -- you know, even  
13 though the claimant can come or sometimes a lawyer  
14 can come and behave in ways that I don't expect  
15 them to or appreciate, but I always treat  
16 everybody with respect and dignity.

17 MS. BENSON: Thank you, Commissioner  
18 Roche. A few housekeeping issues. Have you  
19 sought or received a pledge from any legislator  
20 prior to this day?

21 MS. ROCHE: I have not.

22 MS. BENSON: Have you sought or have  
23 you been offered a conditional pledge of support  
24 from any legislator pending the outcome of your  
25 screening?



1 MS. ROCHE: I have not.

2 MS. BENSON: Have you asked any third  
3 parties to contact members of the general assembly  
4 on your behalf?

5 MS. ROCHE: I have not.

6 MS. BENSON: Have you contacted any  
7 members of the Commission?

8 MS. ROCHE: I have not.

9 MS. BENSON: Do you understand that  
10 you're prohibited from seeking a pledge or  
11 commitment until 48 hours after the formal release  
12 of the Commission's report?

13 MS. ROCHE: I do.

14 MS. BENSON: Have you received the  
15 Commission's guidelines on pledging?

16 MS. ROCHE: I have.

17 MS. BENSON: As a follow-up, are you  
18 aware of the penalties for violating the pledging  
19 rules; that is, it is a misdemeanor and, upon  
20 conviction, a violator could be fined not more  
21 than \$1,000 or in prison not more than 90 days?

22 MS. ROCHE: I do.

23 MS. BENSON: Mr. Chairman, Commission  
24 members, I would note that the Midlands Citizens  
25 Commission found Commissioner Roche well qualified

1 for each of the nine evaluative criteria.

2 In addition, they included in their  
3 summary -- they stated that they were most  
4 impressed by Ms. Roche. She has a most  
5 outstanding academic background and a sincere  
6 commitment to service to our State.

7 She is eminently qualified to serve  
8 as a judge of Circuit Court, and we are confident  
9 that she would continue to serve our state in an  
10 outstanding manner.

11 I would also note that any concerns  
12 raised during the investigation have been  
13 incorporated into the questioning of the candidate  
14 today. Mr. Chairman, I have no further questions.

15 REPRESENTATIVE DELLENEY: Does any  
16 member of the Commission have any questions for  
17 Commissioner Roche? Okay. There being none,  
18 Commissioner Roche, we thank you so much for  
19 appearing before us today.

20 This concludes this portion of your  
21 public hearing screening. Of course, any time  
22 until we issue the report we can call you back and  
23 ask you questions if the need arises, which I  
24 don't expect that to happen, but I would just  
25 remind you of that.

1 I would also like to remind you of  
2 the 48-hour rule. If anyone inquires with you as  
3 to whether they could advocate for you, I would  
4 ask you to also remind them about the 48-hour  
5 rule. And, again, we thank you for offering to  
6 serve and thank you for your service in the State  
7 of South Carolina Commission.

8 MS. ROCHE: Thank you very much.  
9 Thank you for allowing me to be here today.

10 (Candidate excused.)

11 MS. SHULER: We may need to take a  
12 break because our next judicial candidate and  
13 complainant are not here yet.

14 REPRESENTATIVE DELLENEY: We'll be in  
15 recess.

16 (A recess transpired.)

17 REPRESENTATIVE DELLENEY: We will  
18 call the Commission back to order at this time.  
19 We have before us the Honorable DeAndrea Gist  
20 Benjamin, who seeks a position on the Circuit  
21 Court, Fifth Circuit, Seat Number One. If you  
22 would, Judge Benjamin, raise your right hand to be  
23 sworn.

24 (Candidate sworn.)

25 REPRESENTATIVE DELLENEY: Thank you,

1 ma'am. The Judicial Merit Selection Commission  
2 has thoroughly investigated your qualifications  
3 for the bench. Our inquiry has focused on nine  
4 evaluative criteria, which have included a survey  
5 of the bench and bar; a thorough study of your  
6 application materials; verification of your  
7 compliance with State ethics laws; a search of  
8 newspaper articles in which your name may have  
9 appeared; a study of previous screenings; and a  
10 check for any economic conflicts of interest.

11 We have received an affidavit in  
12 opposition to your election, and there is one  
13 witness to testify.

14 Do you have a brief opening statement  
15 that you'd like to make at this time?

16 MS. BENJAMIN: I'm glad to be here  
17 today, thank you all for having me. And I have  
18 with me today my husband, Steve Benjamin. And we  
19 have two younger children, and they're not here  
20 today for obvious reasons.

21 REPRESENTATIVE DELLENEY: Thank you,  
22 Ms. Benjamin. We're so glad you could bring your  
23 husband with you today. If you would at this time  
24 answer any questions our able counsel, Mr. Gentry,  
25 might have for you.

1 MS. BENJAMIN: Yes, sir.

2 MR. GENTRY: Mr. Chairman and members  
3 of the Commission, I have a few procedural matters  
4 to take care of with regard to this candidate.

5 Judge Benjamin, you have before you  
6 the personal data questionnaire you submitted as  
7 part of your application.

8 Are there any amendments you'd like  
9 to make at this time to your PDQ?

10 MS. BENJAMIN: No, sir.

11 MR. GENTRY: Mr. Chairman, I'd ask  
12 that Judge Benjamin's personal data questionnaire  
13 and any amendments be entered as an exhibit into  
14 the hearing at this time.

15 REPRESENTATIVE DELLENEY: It will be  
16 done so at this point in the transcript.

17 MR. GENTRY: Ms. Benjamin, you have  
18 before you also the sworn statement that you  
19 provided with detailed answers to over 30  
20 questions regarding judicial conduct, statutory  
21 qualifications, office administration, and  
22 temperament.

23 Do you have any amendments to this  
24 statement?

25 MS. BENJAMIN: No, sir.

1 MR. GENTRY: Mr. Chairman, I'd ask  
2 that Ms. Benjamin's sworn statement be entered as  
3 an exhibit into the hearing report.

4 REPRESENTATIVE DELLENEY: Without  
5 objection, it is admitted into the transcript.

6 (EXH. 7, DeAndrea Gist Benjamin's  
7 Personal Data Questionnaire and Sworn Statement,  
8 was admitted.)

9 MR. GENTRY: One final procedural  
10 matter. I note for the record based on the  
11 testimony contained in the candidate's PDQ, which  
12 has been included in the record with the  
13 candidate's consent, Judge Benjamin meets the  
14 statutory requirements for this position regarding  
15 age, residence, and years of practice.

16 Judge Benjamin, please state for the  
17 record the city and judicial circuit in which you  
18 reside.

19 MS. BENJAMIN: I am in the Fifth  
20 Judicial Circuit in the City of Columbia.

21 MR. GENTRY: Please briefly explain  
22 to the Commission why you want to serve as a  
23 Circuit Court judge.

24 MS. BENJAMIN: I currently preside in  
25 the City of Columbia as a municipal judge and I

1     preside over cases in criminal proceedings, in  
2     traffic proceedings, and I've done that for the  
3     last six years, I've enjoyed it, it has been  
4     challenging.

5                     And I look forward to -- I look  
6     forward to doing something along the same lines  
7     but something a little different. I have been a  
8     prosecutor before, I've also been in private  
9     practice. I've practiced in Family Court, Circuit  
10    Court, Federal Court.

11                    So I think that I am well qualified  
12    to be a Circuit Court judge. I appear in Fifth  
13    Circuit Court general sessions and also in Civil  
14    Court before the Fifth Circuit, and it's always  
15    been an aspiration.

16                    MR. GENTRY: Are there any areas,  
17    including subjective areas of law, that you would  
18    need to do additional preparation for in order to  
19    serve as a judge, and how would you handle that  
20    additional preparation?

21                    MS. BENJAMIN: If there are areas  
22    that I am not strong in, I study and research,  
23    study and research until I feel comfortable.

24                    MR. GENTRY: Although you addressed  
25    this in your sworn affidavit, will you please

1 explain to the members of the Commission what you  
2 think is an appropriate demeanor for a judge.

3 MS. BENJAMIN: A judge should have  
4 great judicial temperament, patience, and be  
5 respectful to everyone.

6 MR. GENTRY: What suggestions, if  
7 any, would you offer for improving the backlog of  
8 cases on the docket in the Circuit Court?

9 MS. BENJAMIN: Of course, more money  
10 is always an issue. But give case management,  
11 more case management, judges working harder, maybe  
12 having to work longer hours than normal with less  
13 resources.

14 But just case management and moving  
15 more cases. Of course, you know the Supreme Court  
16 is implementing a new case management system, I  
17 think that will help out a lot.

18 MR. GENTRY: Thank you, Judge  
19 Benjamin.

20 Mr. Chairman, at this time I would  
21 ask that the Commission allow Judge Benjamin to  
22 have a seat and call Dr. Assa'ad Faltas forward to  
23 testify.

24 REPRESENTATIVE DELLENEY: If you  
25 would, Ms. Benjamin, have a seat over there by the



1 mayor, and then we will bring the complainant,  
2 Dr. Marie Assa'ad Faltas.

3 DR. FALTAS: Good morning,  
4 Mr. Chairman. Good morning members of the  
5 committee. I do thank you --

6 REPRESENTATIVE DELLENEY: The staff  
7 tells me you have an objection to swearing?

8 DR. FALTAS: Yes. But I would be  
9 happy to affirm.

10 (Complainant affirmed.)

11 REPRESENTATIVE DELLENEY: If you  
12 would answer any questions that our able counsel  
13 may have for you.

14 MR. GENTRY: Please state your full  
15 name and address for the record.

16 DR. FALTAS: Marie-Therese Assa'ad  
17 Faltas. My current address is P.O. Box 9115,  
18 Columbia, South Carolina, 29290.

19 MR. GENTRY: Dr. Faltas, can you pull  
20 the microphone a little closer to you? It doesn't  
21 pick up unless you're close.

22 Thank you. Dr. Faltas, you have  
23 filed an affidavit and requested to testify  
24 concerning the qualifications of Judge Benjamin;  
25 is that correct?

1 DR. FALTAS: Yes, sir.

2 MR. GENTRY: Will you please briefly  
3 state the nature of your testimony regarding the  
4 qualifications specifically as it regards to Judge  
5 Benjamin and specifically as you state in your  
6 complaint?

7 DR. FALTAS: Yes, sir. I would like  
8 to preface by saying that I have no axe to grind.  
9 I have looked at the list of the other candidates,  
10 I do not know any of the other candidates against  
11 whom I saw. So I know of Candidate Shadd just by  
12 name and reputation from his candidacy for another  
13 office.

14 So, by testifying here, I am not  
15 intending to help any competitor, I'm intending to  
16 give the committee the information that I have. I  
17 would also like to say that, as a person, I think  
18 Ms. DeAndrea Benjamin is a very pleasant person;  
19 however, my issues are that I have been before her  
20 twice, and part of the ethical requirements of a  
21 judge is that a judge should know the law,  
22 respectfully.

23 I have found her very deficient in  
24 that area. Another very important qualification  
25 for a judge is that a judge should keep an open

1 mind. I find that she does not.

2 The third important qualification,  
3 and, actually, ethical requirement, is that a  
4 judge should be sensitive to conflicts of interest  
5 and not act only on impartiality but to also  
6 maintain the appearance of impartiality. She -- I  
7 found her defective in those areas.

8 The most important thing is that, of  
9 course, I'm sorry that this may antagonize the  
10 committee, especially Senator McConnell, South  
11 Carolina lost the Super Bowl a long time ago. And  
12 the supreme law of the land is the U.S.  
13 Constitution.

14 And the U.S. Constitution requires  
15 every judge to take an oath of allegiance to the  
16 U.S. Constitution. And the U.S. Constitution has  
17 a First Amendment, and that should be the pride of  
18 the United States. I found that Judge Benjamin  
19 has absolutely no concept of the First Amendment  
20 to the point of what I would characterize as total  
21 disregard of the U.S. Constitution. It's not even  
22 close. It wasn't a gray area.

23 And I have brought to you a recent  
24 South Carolina Supreme Court decision of November  
25 8, 2010, and it is City of Greenville versus

1 Joseph Bing in which the State Supreme Court  
2 unanimously struck down a Greenville City  
3 ordinance as violative of the First Amendment to  
4 the U.S. Constitution.

5           Interestingly, the State Supreme  
6 Court relied on the U.S. Supreme Court decision  
7 from the -- what I would call the African-American  
8 phase of the civil rights era, because the civil  
9 rights era never ended, I believe now, with the  
10 first generation independent of the civil rights  
11 era.

12           It cited the case of Edwards versus  
13 South Carolina, wherein specifically the U.S.  
14 Supreme Court case said that precisely the First  
15 Amendment is there to protect speech that is  
16 critical of others, that are annoying to others,  
17 that is disturbing to others because that is the  
18 very purpose of criticism and that is how change  
19 is made and that is the purpose of the First  
20 Amendment, to allow people to speak, bring change,  
21 and not be punished for it.

22           And I provided the committee with a  
23 transcript of a hearing where Judge Benjamin, in  
24 her capacity as municipal court judge, I argued to  
25 her that even if what I was falsely accused of

1 were true, it would still be protected by the  
2 First Amendment.

3 And she said this shocking phrase,  
4 Yelling and screaming is not protected by the  
5 First Amendment. I am sorry. This is precisely  
6 what the State Supreme Court quoted from the U.S.  
7 Supreme Court, that yelling and screaming is  
8 precisely what the First Amendment protects.

9 MR. GENTRY: Dr. Faltas, let me  
10 interrupt you for a second.

11 DR. FALTAS: I'll go ahead and be  
12 glad to be drafted.

13 MR. GENTRY: The hearing you're  
14 referring to, was this the probable cause hearing  
15 regarding the arrest that was made to you for a  
16 harassment charge?

17 DR. FALTAS: For two false harassment  
18 charges brought by me against a landlady whom I  
19 had sued for housing discrimination. And she  
20 alleged that my very exercise of my right to go to  
21 the courts and my right to complain to City  
22 agencies of fire hazard violations and so on  
23 constitutes criminal harassment.

24 And, incidentally, one of those  
25 charges was tried for five days to a jury in

1 Richland County. I presented myself pro se and I  
2 was not convicted. And, after that, I brought to  
3 the attention of the prosecutor that there was a  
4 whole lot of perjury -- sorry. All right.

5 I would say that I will also -- going  
6 back to Judge Benjamin's lack of knowledge of the  
7 law, I was trying to bring to her attention that  
8 the one witness against me in the probable cause  
9 hearing, Columbia Police Department Investigator  
10 Amanda Blanter, was not testifying on personal  
11 knowledge.

12 And it wasn't -- the issue wasn't  
13 hearsay. There is case law upon case law which a  
14 judge, by being required to know the law, should  
15 know that, when there is an affidavit of probable  
16 cause, not on the personal knowledge of the police  
17 officer who is the affiant, there has to be a  
18 whole lot of sworn information, objective, and  
19 that meets the due process, constitutional  
20 standards of the reliability of the informants,  
21 meaning the police officer would have to go to the  
22 person who's issuing the warrant and say, Ma'am or  
23 sir, I have not witnessed that but I know it based  
24 on this informant whom I know is reliable because  
25 of prior experience, because of the reputation,

1 because of this and that.

2 Not only was there no evidence of the  
3 reliability of the informant, the police  
4 investigator who was testifying, she said she  
5 spoke to someone over the phone whom she didn't  
6 even know to whom she was speaking and those  
7 persons told her they don't even want to be  
8 witnesses.

9 So that wasn't -- again, it's not  
10 even close. When the warrant taker has no  
11 personal information to meet the constitutional  
12 probable cause and due process standard, they have  
13 to provide ample confidence in the filing evidence  
14 that the informant is reliable.

15 Here, the police officer didn't even  
16 know who it was, and they told her, We don't even  
17 want to testify. Then she pretended that they  
18 didn't want to a testify because they were afraid  
19 of me. It turns out that they didn't want to  
20 testify because they have rap sheets this big.

21 So, again, that goes to Judge  
22 Benjamin's lack of knowledge of the law. The  
23 other point I wanted to address is her close-  
24 mindedness. I wanted to challenge the statute as  
25 unconstitutional and she would not even hear the

1 challenge.

2                   It was her duty, because it was my  
3 duty as a litigant, to bring the challenge at  
4 every opportunity, not wait and waive it at the  
5 earliest point and then go to the Court of Appeals  
6 or to the Supreme Court and say, Look, this  
7 statute is unconstitutional. They would say, Did  
8 you try to bring that challenge into lower court?

9                   Sitting as a municipal court judge at  
10 the threshold -- and, you know, municipal court is  
11 not a lifelong matter. In the case of Meyer  
12 versus City of Chicago, the U.S. Supreme Court  
13 unanimously said that even for convictions that  
14 only carry fines and not confinement sentences,  
15 the state is required to provide interest because  
16 there is always collateral consequences to  
17 convictions.

18                   And Justice Brandman wrote in his  
19 usual informative and poetic way, he said,  
20 Justice, if it can be measured at all, it's  
21 measured by the experience people have with the  
22 police and the lower courts. So her experience --

23                   REPRESENTATIVE DELLENEY: Dr. Faltas,  
24 would you answer a question from Professor  
25 Freeman?



1 DR. FALTAS: Sure.

2 PROFESSOR FREEMAN: Doctor, I have  
3 this question: We have your witness affidavit  
4 form and a voluminous amount of evidence that you  
5 have brought to us here today, and you have, as  
6 far as I can tell, summarized your positions.

7 Do you have anything else to say by  
8 way of summary that is not in the materials that  
9 you've already submitted?

10 DR. FALTAS: As far as Municipal  
11 Judge Benjamin?

12 PROFESSOR FREEMAN: Yes. Or have you  
13 adequately summarized?

14 DR. FALTAS: There was another way in  
15 which I appeared before her where the issue was  
16 the City of Columbia's parking ordinance. I also  
17 wanted to challenge the constitutionality of it  
18 and she did not want to hear that challenge  
19 either, she was close-minded to it.

20 The other issue is the conflict of  
21 interest in the -- I have a civil suit against the  
22 City of Columbia, and since she is appointed by  
23 and serves at the pleasure of the City Council,  
24 she should have allowed the probable cause hearing  
25 to go before the Circuit Court.

1                   Because there was a conflict of  
2 interest she was unwilling to --

3                   PROFESSOR FREEMAN: Right. And  
4 that's in the materials you submitted?

5                   DR. FALTAS: Yes.

6                   PROFESSOR FREEMAN: Have we covered  
7 everything, your arguments?

8                   DR. FALTAS: I hope so.

9                   MR. GENTRY: Mr. Chairman, I would  
10 also ask at this time that Judge Benjamin be  
11 called forward to the Commission.

12                   REPRESENTATIVE DELLENEY: Judge  
13 Benjamin?

14                   MS. BENJAMIN: Thank you. Dr. Faltas  
15 appeared before me in January of this year, 2010,  
16 at a probable cause hearing. Just by way of  
17 background, at a preliminary hearing, we normally  
18 have anywhere from 15 to 20 cases scheduled in the  
19 afternoon, sometimes more.

20                   A preliminary hearing is the  
21 testimony of the officer and the investigator  
22 investigating the case. We do not call all the  
23 witnesses because it's not a trial. And I  
24 explained that to Dr. Faltas.

25                   The only determination that I would

1 make on that day is probable cause. The hearings  
2 are normally about 30 minutes. I afforded her  
3 about two hours and 45 minutes for her probable  
4 cause hearing.

5 She was allowed to make motions, I  
6 considered those motions. But, based on the  
7 testimony of the officer that was before me that  
8 day, that sworn testimony, I found that there was  
9 probable cause. The case was bound over to  
10 general sessions court.

11 The Circuit Court judge proceeded on  
12 the case with trial, which I would only assume  
13 that he would not have proceeded with if there was  
14 no probable cause. There were motions made at  
15 that trial and the case was -- it's my  
16 understanding the case was -- there was a mistrial  
17 in the case, that has been remanded back to City  
18 Court, which I would not hear that case.

19 Once again, like I said, I afforded  
20 her the opportunity to speak. She made a motion  
21 regarding a conflict of interest because I was  
22 appointed by City Council. I explained to her  
23 that all of the City judges were appointed by City  
24 Council and that none of us would be able to hear  
25 a hearing.

1 I was not familiar with any lawsuit  
2 that she has filed against the City at that time.  
3 I was not familiar with any of that and I'm still  
4 not familiar with it, the details as to what that  
5 lawsuit is about.

6 We heard at the hearing -- like I  
7 said, she had two and a half hours, and there was  
8 probable cause in the case, and I bound the case  
9 over to general sessions.

10 As to the December 2008 case, that  
11 case was a front yard parking case, it had nothing  
12 to do with freedom of speech. I allowed --  
13 Dr. Faltas appeared the day before court and was  
14 -- interrupted court and insisted that she be  
15 heard.

16 I explained to her that her hearing  
17 was the next day, but I did hear from her that  
18 day -- I think I spent a significant amount of  
19 time -- I provided the transcript from that day  
20 also. I spent a significant amount of time  
21 picking a jury, sat the jury, began having opening  
22 statements, could not get through the opening  
23 statements because Dr. Faltas continued to  
24 interrupt the prosecution.

25 We continued on with the trial until

1 Dr. Faltas told me that she was ill. I called an  
2 ambulance for her, had her transported to Palmetto  
3 Memorial Hospital. She called me the next morning  
4 and told me that she did not feel any better, and  
5 I granted a mistrial.

6 That is a summary of the case. I  
7 have always treated her fairly. I have always  
8 given her an opportunity to speak. Like I said,  
9 in the probable cause hearing, I gave her way more  
10 time than anyone else has ever had in a probable  
11 cause hearing before me.

12 I have always been fair to her, I've  
13 always been polite to her, and practiced good  
14 judicial temperament and patience with  
15 Dr. Faltas. Thank you.

16 REPRESENTATIVE DELLENEY: Thank you,  
17 Judge Benjamin. Does anyone on the Commission  
18 have any questions?

19 Dr. Faltas, we would ask you, if you  
20 have anything in reply to what she said -- we've  
21 got a pretty good handle on your complaints  
22 because you've been very articulate here today,  
23 plus you've provided us an abundance of  
24 information, but I think we understand all of your  
25 arguments.

1                   Do you have anything in direct reply  
2                   to what she said?

3                   DR. FALTAS: Two things. First of  
4                   all, a judge is also required to familiarize him  
5                   or herself of possible conflicts of interest, so  
6                   it doesn't do to say, I do not know of the other  
7                   lawsuits.

8                   Once she was told about them, she was  
9                   -- in fact, she was -- and, frankly, and I don't  
10                  want to be saying negative things, but pretty much  
11                  there has been an obsession in the City of  
12                  Columbia with me because previously they had  
13                  brought forth charges against me and I had argued  
14                  my own case before the State Court of Appeals and  
15                  won.

16                  So the City of Columbia has an  
17                  obsession about me and there is a lot of gossip  
18                  about me. Even if she did not know a judge has a  
19                  duty to familiarize him or herself with sources of  
20                  conflict of interest, it's not something a judge  
21                  can say they didn't know about it; she's supposed  
22                  to have known.

23                  The other thing is, no, it's not  
24                  accurate that this probable cause was re-visited  
25                  at the general sessions level. It was relied upon

1 from the Municipal Court level. And after I  
2 exposed the facts, the prosecutor was, you know,  
3 forced to -- actually should have dismissed them,  
4 but she was forced to admit that she has no  
5 evidence of harassment in the first-degree.

6 That was an option I had specifically  
7 asked Municipal Judge Benjamin. If you want to  
8 bind them, at least bind them second-degree, not  
9 first-degree. So the facts have proved her  
10 wrong. So, on those two points, these are my  
11 rebuttals to her. And I do realize that you have  
12 time limits, so I won't go more than that.

13 REPRESENTATIVE DELLENEY: Thank you,  
14 Dr. Faltas. Does any Commissioner have any  
15 questions for Dr. Faltas? Thank you, ma'am.

16 If you would, Judge Benjamin, I'd  
17 like to -- I think our counsel has a couple more  
18 questions for you.

19 MS. BENJAMIN: Yes, sir.

20 MR. GENTRY: Judge Benjamin, have you  
21 sought or received a pledge of any legislator  
22 prior to this date?

23 MS. BENJAMIN: No, sir.

24 MR. GENTRY: Have you sought or have  
25 you been offered a conditional pledge of support

1 of any legislator pending the outcome of your  
2 screening?

3 MS. BENJAMIN: No, sir.

4 MR. GENTRY: Have you asked any third  
5 parties to contact members of the general assembly  
6 on your behalf?

7 MS. BENJAMIN: No, sir.

8 MR. GENTRY: Have you contacted any  
9 members of this Commission?

10 MS. BENJAMIN: No, sir.

11 MR. GENTRY: Do you understand that  
12 you're prohibited from seeking a pledge or  
13 commitment until 48 hours after the formal release  
14 of the Commission's report?

15 MS. BENJAMIN: I do understand.

16 MR. GENTRY: Have you received the  
17 Commission's guidelines on pledging?

18 MS. BENJAMIN: Yes, I have.

19 MR. GENTRY: As a follow-up, are you  
20 aware of the penalties for violating the pledging  
21 rules; that is, it's a misdemeanor and, upon  
22 conviction, the violator must be fined by not more  
23 than \$1,000 or in prison not more than 90 days?

24 MS. BENJAMIN: Yes, I understand.

25 MR. GENTRY:: Thank you, Judge. I'll



1 note that the Midlands Citizens Committee found  
2 Judge Benjamin to be well-qualified for all nine  
3 criteria, constitutional qualifications, ethical  
4 fitness, professional and academic ability,  
5 character, reputation, physical health, mental  
6 stability, experience, and judicial temperament.

7           The Committee found Ms. Benjamin  
8 highly ethical with outstanding character. The  
9 Committee states that Judge Benjamin has a most  
10 outstanding reputation in the community and among  
11 her peers. The committee was very impressed by  
12 Judge Benjamin's excellent experience in the  
13 attorney general's office and private practice and  
14 also in her outstanding service as a municipal  
15 court judge for the City of Columbia.

16           The Committee believe that with Judge  
17 Benjamin's maturity and experience she would have  
18 outstanding judicial temperament and the Committee  
19 is confident she would make an outstanding judge  
20 on the Circuit Court. I would just note for the  
21 record that any concerns raised during the  
22 investigation regarding the candidate were  
23 incorporated in the questioning today.

24           Mr. Chairman, I have no further  
25 questions.

1                   REPRESENTATIVE DELLENEY: Does  
2 anybody on the Commission have any further  
3 questions? There being none, Judge Benjamin, we  
4 thank you so much for appearing before us today.

5                   This concludes this portion of your  
6 public hearing screening. Of course, any time  
7 until we issue the report we can call you back and  
8 ask you questions if the need arises, which I  
9 don't expect that to happen, but I would just  
10 remind you of that.

11                   I would also like to remind you of  
12 the 48-hour rule. If anyone inquires with you as  
13 to whether they could advocate for you, I would  
14 ask you to also remind them about the 48-hour  
15 rule. And, again, we thank you for offering to  
16 serve and thank you for your service to the City  
17 of Columbia.

18                   And, Dr. Faltas, I would also like to  
19 thank you for your willingness to appear before us  
20 today. I know it takes great courage to enter  
21 into a process like this, and we appreciate you  
22 being succinct in your comments, and we appreciate  
23 all the information that you have provided us  
24 with. So thank you very much, I hope both of you  
25 have a safe trip home. And nice to see you,

1 Mr. Mayor.

2 (Candidate excused.)

3 REPRESENTATIVE DELLENEY: Let's bring  
4 up our next candidate. Mr. Gentry, do you have  
5 something you'd like to add?

6 MR. GENTRY: Mr. Chairman and members  
7 of the Commission, I would like to go back on the  
8 record with the following candidate, Judge  
9 Benjamin, and ask that the complainant's affidavit  
10 be submitted into the record and that also Judge  
11 Benjamin's response to the affidavit be added to  
12 the materials today that are being submitted.

13 DR. FALTAS: I have not received the  
14 written response, if I may have a copy of it,  
15 please.

16 REPRESENTATIVE DELLENEY: We will  
17 enter those documents into the record of Judge  
18 Benjamin's hearing at this point in the  
19 transcript.

20 (EXH. 7, DeAndrea Gist Benjamin's  
21 Personal Data Questionnaire and Sworn Statement,  
22 was admitted.)

23 (EXH. 8, Witness Affidavit of Marie-  
24 Therese H. Assa'ad Faltas, M.D., and rebuttal by  
25 Ms. Benjamin, was admitted.)

1                   REPRESENTATIVE DELLENEY: Now we  
2     have a new applicant here, Mr. John P. Meadors,  
3     who seeks the position of Circuit Court, Fifth  
4     Judicial Circuit, Seat Number One. Mr. Meadors,  
5     if you would please raise your right hand to be  
6     sworn.

7                   (Candidate sworn.)

8                   REPRESENTATIVE DELLENEY:  
9     Mr. Meadors, the Judicial Merit Selection  
10    Commission has thoroughly investigated your  
11    qualifications for the bench. Our inquiry has  
12    focused on nine evaluative criteria, which have  
13    included a survey of the bench and bar; a thorough  
14    study of your application materials; verification  
15    of your compliance with State ethics laws; a  
16    search of newspaper articles in which your name  
17    may have appeared; a study of previous screenings;  
18    and a check for any economic conflicts of  
19    interest.

20                   We have received an affidavit filed  
21    in opposition to your election, and there is one  
22    witness here to testify.

23                   Do you have a brief opening statement  
24    that you'd like to make at this time?

25                   MR. MEADORS: Thank you. May it

1 please the Commission, and good morning  
2 Mr. Chairman and members of the Judicial Merit  
3 Selection Commission. I'm honored to be before  
4 you here today. I'd like to also, at the  
5 appropriate time, introduce some family that I  
6 have with me.

7 REPRESENTATIVE DELLENEY: You may do  
8 that at this time.

9 MR. MEADORS: Thank you, sir. With  
10 me is my wife, Trisha Meadors; my dad, Bishop  
11 Meadors; and my brother James Meadors. And I'd  
12 like to thank them for being here with me today.

13 REPRESENTATIVE DELLENEY: We're so  
14 glad y'all could come.

15 If you would at this time answer any  
16 questions our able counsel, Ms. Anzelmo, might  
17 have for you.

18 MS. ANZELMO: Mr. Chairman and  
19 members of the Commission, I have a few procedural  
20 matters to take care of with this candidate.

21 Mr. Meadors, you have before you the  
22 personal data questionnaire and the amendment you  
23 submitted as part of your application. Are there  
24 any additional amendments you would like to make  
25 at this time to your PDQ?

1                   MR. MEADORS: Obviously, the  
2 amendment under question 34 was an amendment where  
3 Mr. Lawrence Crawford had sued myself, the  
4 attorney general's office, Solicitor Barney Giese,  
5 Mr. Ron Moak, Dr. Joel Sexton, Dr. Ross, who was a  
6 pathologist. That was a murder case in Kershaw.

7                   I was unaware that we had been sued  
8 in Federal Court, thanks to y'all for finding it.  
9 It was dismissed in December of '06. I gave a  
10 copy of Judge Wooton's order in the amendment, and  
11 it did show that it was not clear what cause of  
12 action Mr. Crawford was proceeding under.

13                   He was convicted of killing his  
14 child. Other than that, I believe it's  
15 amendment -- PDQ question 50, I would respectfully  
16 ask that a letter from Ms. Helen Zoch be  
17 substituted for a letter from Mr. Jack Swerling,  
18 an attorney and member of the Richland County Bar.

19                   MS. ANZELMO: Thank you. And both of  
20 those were written amendments that you submitted  
21 earlier, correct?

22                   MR. MEADORS: Yes.

23                   MS. ANZELMO: Mr. Chairman, I would  
24 like to ask that Mr. Meadors' personal data  
25 questionnaire and his amendment be entered into

1 the hearing record at this time.

2 REPRESENTATIVE DELLENEY: It shall be  
3 entered without objection at this point in the  
4 transcript.

5 (EXH. 9, John P. Meadors' Personal  
6 Data Questionnaire and Sworn Statement, was  
7 admitted.)

8 MS. ANZELMO: Mr. Meadors, you have  
9 before you also the sworn statement that you  
10 provided with detailed answers to over 30  
11 questions regarding judicial conduct, statutory  
12 qualifications, office administration, and  
13 temperament.

14 Do you have any amendments to this  
15 statement?

16 MR. MEADORS: No, ma'am.

17 MS. ANZELMO: At this time,  
18 Mr. Chairman, I would like to ask that  
19 Mr. Meadors' sworn statement be entered into the  
20 record.

21 REPRESENTATIVE DELLENEY: That will  
22 be done at this point in the transcript also.

23 MS. ANZELMO: One final procedural  
24 matter. I note for the record that based on the  
25 testimony contained in the candidate's PDQ, which

1 has been included in the record with the  
2 candidate's consent, Mr. Meadors meets the  
3 statutory requirements for this position regarding  
4 age, residence, and years of practice.

5 Mr. Meadors, for the record, would  
6 you please state the city and the judicial circuit  
7 in which you reside?

8 MR. MEADORS: Fifth Judicial Circuit,  
9 Columbia, South Carolina.

10 MS. ANZELMO: Mr. Meadors, why do you  
11 want to serve as a Circuit Court judge?

12 MR. MEADORS: Ms. Anzelmo, members of  
13 the Commission, I love being in the courtroom, I  
14 love being a part of helping resolve disputes,  
15 being part of the judicial system. I've done it  
16 my whole career.

17 I really enjoy being in the  
18 courtroom, I enjoy the emotion, I enjoy the  
19 satisfaction, if you will, when results -- when  
20 you do achieve results, whether they're in your  
21 favor or not, but getting justice is important,  
22 I'd like to continue that as a Circuit Court  
23 judge.

24 I think I've prepared myself, I'm  
25 excited about it, and I think it will be fun, and



1 I think my extensive experience in the courtroom  
2 has prepared me to take that step, and I'm excited  
3 about the possibilities.

4 MS. ANZELMO: Thank you. Are there  
5 any areas of the law that you would need to  
6 additionally prepare for in order to serve as a  
7 Circuit Court judge, and, if so, how would you  
8 handle that preparation?

9 MR. MEADORS: Yes, ma'am. Most of my  
10 time has been in the courtroom trying cases,  
11 primarily murder cases for the last 8 years. Over  
12 my 23 years, I've tried a variety of cases.

13 The rules of evidence are reported in  
14 the common pleas and general sessions, they're the  
15 same, and I think that will be an easy transition  
16 as far as the power. Obviously, in addition to  
17 that is civil work. I've done some civil  
18 forfeitures, DUI cases, we've had forfeitures, but  
19 primarily mine has been in trial in general  
20 session.

21 And, in Civil Court I have -- when  
22 I've had time, gone and viewed Civil Court  
23 proceedings, nonjury matters, nonjury trials,  
24 nonjury motions. I am familiar with the rules of  
25 evidence. Obviously, I'll keep going every day.

1 I'm excited about the possibility of civil court.

2 I've been discussing it with some of  
3 my friends on the bench and have been to several  
4 CLEs, particularly one put on by Mr. McKenzie and  
5 Mr. Davis this year, so several of those, based  
6 primarily on Civil Court.

7 So I have tried and will continue to  
8 try to make myself ready for civil as well as  
9 criminal.

10 MS. ANZELMO: Thank you. Although  
11 you address this in your sworn affidavit, could  
12 you please explain to the members of the  
13 Commission what you think is the appropriate  
14 demeanor for a judge?

15 MR. MEADORS: Mannerly, treat folks  
16 like you want to be treated, be respectful, also  
17 BE firm. Obviously, it's a courtroom. I've  
18 always said it's like going to church; you're  
19 dressed that way, you go in, there's certain rules  
20 and procedures that have to be followed, but you  
21 can also be respectful, and I think a judge should  
22 be respectful.

23 I think a judge should be consistent,  
24 and I think a judge should be fair. And that's  
25 the way I was raised and the way I've been as a

1 prosecutor, and I would continue, if I had the  
2 opportunity, to do that as a judge.

3 I don't know how many times, even  
4 though defense counsel or a client may have gotten  
5 15 or 20 years, they come out thinking the judge,  
6 whether it's a he or she, you know, they are a  
7 pretty good person, they listened to me, treated  
8 me right, gave me an opportunity; even though I  
9 didn't get what I wanted, I still felt like I had  
10 an opportunity to put my side out.

11 And that's what I'll do as a judge,  
12 and I think that's important. It's the road  
13 that's important not the person, and I'll always  
14 remember that in the position, I won't let it get  
15 higher than it should, I promise you.

16 MS. ANZELMO: What suggestions do you  
17 have for improving the backlog of cases on the  
18 docket in the Circuit Court?

19 MR. MEADORS: Civil court is actually  
20 up to date. I was talking to Judge Barber and  
21 several other judges very recently. And, if you  
22 file a civil case, you're going to go to trial in  
23 a year, and that's the quickest you can go.

24 The backlog on the civil docket is  
25 really on the nonjury motion list. Again, nonjury

1 motion, nonjury trial. The nonjury trials are up  
2 to date. So, if there is a backlog in civil, it  
3 would be the nonjury motions, and those, again,  
4 you just have to work on it.

5           They're not bad here but they're a  
6 little bit behind. You have roll calls, you have  
7 roster calls. And it's like anything else, when  
8 it's time to go to a roster call, you get pushed  
9 and you start working on it. So you just do it,  
10 keep that up to date, and it kind of resolves  
11 itself.

12           As far as criminal, we have now a  
13 tracking system that's been in place for years,  
14 Judge Floyd started it. It was one of the two  
15 pilots in the state. If you get arrested -- and I  
16 don't mean y'all -- but a person gets arrested in  
17 January, right now, their first appearance will be  
18 in February.

19           At that appearance, they're  
20 instructed to get a lawyer, they're put on a  
21 track, one, two, or three track depending on the  
22 type of charge. The second appearance, they come  
23 back, the defendant, and at that point they're  
24 supposed to have all the discovery, they're  
25 supposed to have an offer by the prosecutor, and,

1 at that point, the second appearance, they're  
2 supposed to say either plea or trial.

3 We have wonderful judges here, and  
4 sometimes judges take part in those appearances,  
5 sometimes they don't. We've moved more cases than  
6 we brought in in the last two years. That's good,  
7 and we can do better.

8 One thing I think we can do, I might  
9 get more involved in the appearance process, so if  
10 a prosecutor doesn't have his discovery like he  
11 should, you're really going to get your discovery  
12 here. If a defense attorney hasn't talked to  
13 their client, you really need to talk to your  
14 client so we can make a meaningful offer so that  
15 when a plea date is scheduled -- you've got  
16 defense attorneys, and their time is valuable.

17 They come in, if it's scheduled, they  
18 want to plea and move on. So I think I can help  
19 in a respectful way to make that go forward and be  
20 a part of that process in the criminal justice  
21 system, and I look forward to doing that. And I  
22 know the parties, and I think I'd be successful at  
23 it. I know I've been going long, I apologize.

24 MS. ANZELMO: That's perfectly fine.  
25 Mr. Chairman, a complaint has been filed against

1 Mr. Meadors for this Circuit Court seat. At this  
2 time, I would ask that Dr. Faltas please take the  
3 podium so that we may address her concerns.

4 REPRESENTATIVE DELLENEY: Dr. Faltas,  
5 once again, this is a separate hearing, you have  
6 expressed an aversion to being sworn, but you have  
7 no aversion to affirming?

8 DR. FALTAS: I'm still under  
9 affirmation, but if you would like me to affirm  
10 again?

11 REPRESENTATIVE DELLENEY: Yes.  
12 (Complainant affirmed.)

13 MS. ANZELMO: I'm going to go ahead  
14 and summarize your complaint against Mr. Meadors  
15 and then the Commission may have some questions  
16 for you.

17 DR. FALTAS: Sure. I did want,  
18 however, to -- because this is the first time I  
19 wrote Municipal Judge Benjamin, there is a date  
20 error, it was November 19 --

21 REPRESENTATIVE DELLENEY: We're at a  
22 different hearing now. You can tell that to staff  
23 afterwards.

24 DR. FALTAS: Thank you.

25 MS. ANZELMO: In summary, Dr. Faltas

1 complains that Mr. Meadors, in his supervisory  
2 capacity as Deputy Solicitor for the Fifth  
3 Circuit, showed, quote, No care for the integrity  
4 of the courts when Mr. Meadors allowed a trial to  
5 proceed against Dr. Faltas on charges of  
6 harassment.

7 Dr. Faltas, does that fairly  
8 summarize your complaint against Mr. Meadors?

9 DR. FALTAS: I'm sorry. It does  
10 not. Mr. Meadors knew that all the charges  
11 against me were false. He knew they were brought  
12 specifically for the alleged victim of the alleged  
13 harassment to gain advantage in the civil  
14 litigation where I was the plaintiff and she is  
15 the defendant, in fact, under Judge Allison Rene  
16 Lee, whom I believe should be cloned if possible,  
17 if we can have all the judges like her, that would  
18 be a great advancement in the state.

19 Her Honor -- the day before I was  
20 arrested, Her Honor had a preliminary injunction  
21 hearing where I had brought to Her Honor's  
22 attention the fact that I was suspecting that  
23 there were false charges being cooked up against  
24 me.

25 And what came out in discovery and in

1 the trial itself, those charges were being  
2 coordinated at the highest level, that is very  
3 unusual. The Chief of Columbia Police, the entire  
4 special victim's unit, Heather Wise, and Robert  
5 Cooper from the City of Columbia legal department,  
6 they were all involved in meetings ahead of  
7 getting me arrested.

8 After that false arrest and after I  
9 defended myself -- again, I will calmly say I  
10 defended myself ably and that the jury did not  
11 convict me -- there was further conspiracy to get  
12 me arrested again.

13 In fact, before the trial, I was  
14 falsely arrested one more time under false charges  
15 of unlawful use of a telephone, and that arrest  
16 was clearly unquestionably done for the prosecutor  
17 to make a motion to revoke my bond, and that was  
18 before the five-day jury trial.

19 After the five-day jury trial, there  
20 was testimony where the prosecutor's office told  
21 someone -- actually, this false alleged victim who  
22 is the defendant in the civil case kidnapped me,  
23 locked me up, which meets the definition of  
24 kidnapping, which is a criminal offense, and  
25 called the police and had them arrest me.



1                   And I think I provided to you the  
2 papers from the two subsequent false arrests. I  
3 have also provided to you the video of my first  
4 arrest where -- you know the law is that police  
5 officers have no -- and, in fact, there is a U.S.  
6 Supreme Court case, Atwater versus City of  
7 Lacovista, that says that within the Constitution  
8 a police officer may arrest for misdemeanor  
9 committed in his or her presence.

10                   When I was being arrested the first  
11 time, I asked -- the police asked me to open the  
12 door and I said, Why? They said, We have a  
13 warrant. I said, May I see the warrant? And one  
14 police officer asked another, Are there any  
15 warrants? And she lied and she said yes.

16                   And then the other police officer  
17 said, if you don't open the door, I will knock it  
18 down. So this was a false arrest to begin with.  
19 Then, subsequent to that, there was a prosecutor's  
20 office telling people to commit the crime of  
21 kidnapping.

22                   Mr. Meadors is supposed, as a  
23 prosecutor, to be a minister of justice. He is  
24 the one officer, the one lawyer in the adversary  
25 system, who is supposed to work for both sides.

1 He is supposed to have unearthed the exculpatory  
2 evidence, that is his duty.

3 And I'm not the one saying that, it's  
4 the U.S. Supreme Court, Brady versus Maryland and  
5 all before it. No, he wasn't a minister of  
6 justice, he was a Mafia don. That was an attempt  
7 to shake my family and me down, and he was not  
8 ignorant of it, he was aware of it.

9 As chief deputy solicitor, he was  
10 supposed to supervise the office. In fact, after  
11 the trial, I tried to bring to his attention  
12 objective evidence, not he-said/she-said, not  
13 they-say/I-say. But, for example, the main  
14 witness against me, the alleged victim, who took  
15 five days of jury time and costs, her main false  
16 complaint against me is that I was blocking her in  
17 from going to work.

18 And she actively testified, being  
19 prodded by the prosecutor, that she was employed  
20 at the specific employer called South Carolina  
21 Mentor Network. Well, guess what? In another  
22 lawsuit that that woman had filed against another  
23 woman and that had been tried way before my  
24 arrest, that false accuser had testified that she  
25 had been unemployed for all that period for which

1 she accused me falsely of blocking her in from  
2 going to work.

3 Not only is her -- was that her sworn  
4 testimony that she was unemployed during that  
5 period, she was collecting unemployment. And not  
6 only --

7 REPRESENTATIVE DELLENEY: Dr. Faltas,  
8 would you answer a question from one of our  
9 panel?

10 PROFESSOR FREEMAN: I have a  
11 question. Again, we have very detailed  
12 information that you have supplied us and you have  
13 summarized your views. And I think I understand  
14 where you're coming from.

15 Do you have anything to add beyond  
16 what you've -- is covered by the very voluminous  
17 material that has been forwarded to us and what  
18 you've already said?

19 DR. FALTAS: Yes. What is most  
20 disturbing to me is that when I tried to bring to  
21 Mr. Meadors' attention the objective evidence I  
22 obtained from public records, including that  
23 signatures were forged, some witnesses testified  
24 this is not their signature and I pulled their  
25 signature from deeds, and, indeed, it was not

1 their signature, documents were forged and used  
2 against me in court, when I tried to bring that to  
3 Mr. Meadors' attention in a very professional and  
4 objective way, he went like a woman, like a baby,  
5 to Judge Cooper and said, Oh, Dr. Faltas is  
6 harassing me.

7 PROFESSOR FREEMAN: That's in your  
8 report. Is there anything else?

9 DR. FALTAS: Yes. The other thing is  
10 I have recently observed intentionally throwing  
11 DUI cases. So we don't only have a case of his  
12 office going after the innocent in Mafia like, he  
13 is ignoring the guilty who are dangerous to all of  
14 us in DUI and other stuff.

15 PROFESSOR FREEMAN: And that too is  
16 in the summary of your report. Is there anything  
17 else?

18 DR. FALTAS: Well, I would like to  
19 see if he had filed a written response so that I  
20 may respond to it if there is additional  
21 misstatements.

22 PROFESSOR FREEMAN: He's going to be  
23 testifying in just a second. Thank you very much.

24 DR. FALTAS: Thank you.

25 REPRESENTATIVE DELLENEY: Thank you,

1 ma'am. Mr. Meadors?

2 MR. MEADORS: Mr. Chairman,  
3 Dr. Faltas. I became aware of Dr. Faltas after  
4 her trial. I think she'll tell you I was  
5 respectful to her, I listened to her. She had  
6 some concerns about her trial.

7 She represented herself pro se. It  
8 was a mistrial. An assistant solicitor in the  
9 office handled it, I was not involved in the case.  
10 After the trial, I was leaving my office one day  
11 to go to Kershaw County to meet with a victim.

12 Dr. Faltas talked to me and asked me  
13 if she could convey some thoughts about the  
14 trial. I was somewhat aware at this point about  
15 the proceeding and about Dr. Faltas's frustration  
16 with the system. From everything I saw, she was  
17 treated very fairly throughout.

18 She asked me, as we were on the  
19 elevator, and informed me she thought that perjury  
20 had occurred in her trial. I told Dr. Faltas that  
21 I thought it would be best for her and for her  
22 case that any matter she had or any concerns was  
23 brought up in front of the chief administrative  
24 judge, she was pro se, and I thought that was the  
25 appropriate thing to do.

1 I told her that -- I remember  
2 specifically saying, I have a meeting with a  
3 victim in Kershaw County, Doctor, and if that was  
4 you, you wouldn't want me to keep you waiting.  
5 And I think she understood that, and that was the  
6 truth, and I left.

7 Judge Cooper had instructed, I didn't  
8 know it at that time, but if anyone in the  
9 courthouse had had contact with Dr. Faltas, that  
10 the Court would be informed. I did not complete  
11 an affidavit, I did tell the first assistant in  
12 our office that this had occurred, and I think  
13 that was conveyed to the Court.

14 That was the sum and substance of  
15 it. I do -- I'm sorry she is frustrated, but I do  
16 think the system has been fair to Dr. Faltas and I  
17 think I have been.

18 PROFESSOR FREEMAN: Just so the  
19 record is clear, you responded to the DUI comment  
20 in your writing and I would like it on record,  
21 please.

22 MR. MEADORS: Yes, sir. We have two  
23 DUI prosecutors. The first I learned of that was  
24 in her allegation. I don't know how else to say  
25 it, it's simply without merit, Professor, there is

1 no truth to it at all. Thank you. Respectfully.

2 REPRESENTATIVE DELLENEY: Do any  
3 other members of the Commission have any questions  
4 for Mr. Meadors?

5 You may sit down, Mr. Meadors.

6 Dr. Faltas, do you have anything you  
7 would like to say in reply to what he just said?

8 DR. FALTAS: Absolutely. Even if he  
9 -- and he wasn't -- it's not as if he were going  
10 there to investigate anything, that victim's  
11 family was just going for a photo opportunity.

12 But the minister of justice, when  
13 someone tells him that perjury has occurred in a  
14 trial, the least he could have done is make an  
15 appointment with me to look at that evidence.

16 He claims that he didn't know  
17 anything about my trial until after it occurred.  
18 What kind of managerial skills are those? First,  
19 I don't find that credible because, as you have  
20 heard, everyone was obsessed with me.

21 One of his staff is going for a five-  
22 day full-term jury trial. I think he was totally  
23 remiss, criminally remiss, in his duties to not  
24 ask that assistant solicitor what is this case  
25 about, what is our evidence. No, I was not

1 treated fairly at all.

2 I was not given discovery on time. I  
3 had to actually make a nuisance of myself. I  
4 never did anything illegal, but I had to clamor  
5 and clamor and clamor. And, in fact, there was a  
6 parable in the Bible that Jesus Christ gave about  
7 a widow and an unfair judge, and it's called  
8 exhortation. Her only tool was to keep telling  
9 the judge, Give me justice, give me justice.

10 So my only tool was to -- in fact, I  
11 have a FOIA request that's now four months old  
12 that has not been responded to. And, no, the DUI  
13 cases are not without merit. I was shocked,  
14 shocked at -- I was just waiting and seeing case  
15 after case and it hasn't even filed summary  
16 motion.

17 And I made it sometime and I didn't  
18 get a response to it. And someone from  
19 Mr. Meadors' office says, Okay, I don't oppose the  
20 motion to dismiss. Excuse me? Well, where is the  
21 organization? What has he done to make sure that  
22 discovery motions on DUI cases, number one, are  
23 filed, not just someone walks in and says, I just  
24 mailed one; and then, number two, if they are  
25 filed, that an assistant solicitor responded to



1 the case timely and responded to the discovery so  
2 that the DUI defendant gets a fair trial.

3 If, after the fair trial, that DUI  
4 defendant is innocent, then so be it; but if there  
5 is a habitual DUI driver -- and, remember, once it  
6 is dismissed for the alleged negligence of the  
7 prosecutor to respond to discovery, then it gets  
8 expunged.

9 So it means that a habitual DUI  
10 driver, next time he or she is arrested, there is  
11 no prior record and it continues to be considered  
12 DUI first and the same thing gets done. You know,  
13 people think that their political connections make  
14 them immune; that's fine, maybe it will make them  
15 think differently. But the definition of drunk  
16 driving is that a driver has no judgment. You may  
17 be on the road and the driver --

18 REPRESENTATIVE DELLENEY: We've got  
19 that point. Do you have anything else you'd like  
20 to say?

21 DR. FALTAS: Yes. Before the trial,  
22 Attorney Oren Briggs tried to speak to Mr. Meadors  
23 and tell him that in his duty as a supervisor he  
24 should look at the factual basis that is lacking.  
25 So the statement by Mr. Meadors that he didn't

1 know about my case until after the trial is  
2 factually false.

3 REPRESENTATIVE DELLENEY: I believe  
4 that's in your materials also.

5 DR. FALTAS: About Mr. Briggs, no,  
6 it's not, it wasn't.

7 REPRESENTATIVE DELLENEY: So that's  
8 new. Okay.

9 DR. FALTAS: Yes. I would want to  
10 emphasize again, even if he were busy that day,  
11 something as serious -- courts are foremost  
12 temples of truth. I don't care if you wear a  
13 black robe or you go with a crinkled purple robe  
14 or baby blue, the most important and foremost  
15 function of courts is to unearth the truth.

16 So when somebody approaches him with  
17 something as serious as perjury by an office that  
18 he is responsible for, the least he could have  
19 done is made an appointment to get an objective  
20 meaning about it.

21 REPRESENTATIVE DELLENEY: Thank you,  
22 ma'am.

23 DR. FALTAS: Thank you.

24 REPRESENTATIVE DELLENEY:  
25 Ms. Anzelmo?

1 MS. ANZELMO: At this point I'd like  
2 to ask that we could add the affidavit of  
3 Dr. Faltas and the response of Mr. Meadors to the  
4 public record.

5 REPRESENTATIVE DELLENEY: It will be  
6 added at this point into the public record of the  
7 transcript.

8 (EXH. 10, Witness Affidavit of Marie-  
9 Therese H. Assa'ad Faltas, M.D., and rebuttal by  
10 Mr. Meadors, was admitted.)

11 MS. ANZELMO: Mr. Meadors, I'll ask  
12 you to take the podium again.

13 MR. MEADORS: Yes, ma'am.

14 MS. ANZELMO: I just have a few more  
15 housekeeping issues to take care of with you.  
16 Have you sought or received a pledge of any  
17 legislator prior to this day?

18 MR. MEADORS: No, ma'am.

19 MS. ANZELMO: Have you sought or have  
20 you been offered a conditional pledge in support  
21 of any legislator pending the outcome of your  
22 screening?

23 MR. MEADORS: No, ma'am.

24 MS. ANZELMO: Have you asked any  
25 third parties to contact members of the general

1 assembly on your behalf?

2 MR. MEADORS: No, ma'am.

3 MS. ANZELMO: Have you contacted any  
4 members of the Commission?

5 MR. MEADORS: No, ma'am.

6 MS. ANZELMO: Do you understand that  
7 you are prohibited from seeking a pledge or  
8 commitment for 48 hours after the formal release  
9 of the Commission's report?

10 MR. MEADORS: Yes, ma'am, I do.

11 MS. ANZELMO: Have you reviewed the  
12 Commission's guidelines on pledging?

13 MR. MEADORS: Yes, ma'am.

14 MS. ANZELMO: As a follow-up, are you  
15 aware of the penalties for violating the pledging  
16 rules, that is, the violator must be fined not  
17 more than \$1,000 or in prison not more than 90  
18 days?

19 MR. MEADORS: Yes, ma'am, I'm aware.

20 MS. ANZELMO: I'll note that the  
21 Midlands Citizens Committee found Mr. Meadors to  
22 be well-qualified for all nine criteria,  
23 constitutional qualifications, ethical fitness,  
24 professional and academic ability, character,  
25 reputation, physical health, mental stability,

1 experience, and judicial temperament.

2 The Committee noted that it was most  
3 impressed by Mr. Meadors' extensive and  
4 outstanding experience as a solicitor and by his  
5 sterling and outstanding character. It also noted  
6 that Mr. Meadors enjoyed an outstanding reputation  
7 among his peers and that he possesses wisdom,  
8 humility, and profound common sense.

9 The Committee noted Mr. Meadors was  
10 the most experienced candidate who was interviewed  
11 and that Mr. Meadors' character and temperament  
12 are outstanding in every way. The Committee also  
13 said that they believe Mr. Meadors is most  
14 eminently qualified to serve on the Circuit Court,  
15 and the Committee is confident that Mr. Meadors  
16 would serve our State in an outstanding manner.

17 I'll note to the Commission that any  
18 concerns raised about Mr. Meadors were  
19 incorporated into the questioning of him today.  
20 Mr. Chairman, I have no further questions.

21 REPRESENTATIVE DELLENEY: Does any  
22 member of the Commission have any questions?

23 SENATOR MCCONNELL: On your  
24 questionnaire, and I'll just read it to you, it  
25 says, A judge's responsibility is to hear those

1 cases of controversy that are placed before him  
2 and to apply and interpret the applicable laws.  
3 And it goes on to the Constitution. Just tell me  
4 your philosophy on interpreting laws.

5 MR. MEADORS: Just what their pure  
6 meaning is based on the intent of the legislature.  
7 Sir, I can assure you that I believe in separation  
8 of powers and I do not believe in judicial  
9 activism.

10 SENATOR MCCONNELL: Thank you, sir.

11 REPRESENTATIVE DELLENEY: Do any  
12 other members of the Commission have any  
13 questions? There being none, Mr. Meadors, this  
14 concludes this portion of your public hearing  
15 screening. Of course, any time until we issue the  
16 report we can call you back and ask you questions  
17 if the need arises, which I don't expect that to  
18 happen, but I would just remind you of that.

19 I would also like to remind you of  
20 the 48-hour rule. If anyone inquires with you as  
21 to whether they could advocate for you, I would  
22 ask you to also remind them about the 48-hour  
23 rule.

24 And, again, we thank you for offering  
25 to serve and thank you for your service to the

1 State of South Carolina and we thank you for  
2 appearing here today, and I hope you and your  
3 family have a good rest of the day.

4 And, Dr. Faltas, again, I would like  
5 to thank you for your courage and thank you for  
6 participating in the process and being succinct  
7 and, at the same time, being detailed in your  
8 presentation. We wish you well.

9 MR. MEADORS: Also, for the record, I  
10 want to thank all of you on the Commission and all  
11 the staff for helping me through this process.

12 REPRESENTATIVE DELLENEY: Thank you,  
13 sir.

14 (Candidate excused.)

15 REPRESENTATIVE DELLENEY: We are  
16 happy to have before us today, Ms. Lisa C. Glover,  
17 who seeks a position on the Circuit Court, Fifth  
18 Judicial Circuit, Seat Number One. If you would  
19 please raise your right hand to be sworn.

20 (Candidate sworn.)

21 REPRESENTATIVE DELLENEY: Thank you,  
22 ma'am. The Judicial Merit Selection Commission  
23 has thoroughly investigated your qualifications  
24 for the bench.

25 Our inquiry has focused on nine

1 evaluative criteria, which have included a survey  
2 of the bench and bar; a thorough study of your  
3 application materials; verification of your  
4 compliance with State ethics laws; a search of  
5 newspaper articles in which your name may have  
6 appeared; a study of previous screenings; and a  
7 check for any economic conflicts of interest.

8 We have received no affidavits filed  
9 in opposition to your election, nor are there any  
10 witnesses to testify.

11 Do you have a brief opening statement  
12 that you'd like to make at this time?

13 MS. GLOVER: Yes. Good morning and  
14 thank you for having me. I'd like to say it's a  
15 pleasure to be here and I look forward to  
16 continuing to serve. I've been a practicing  
17 attorney here in Richland County for almost 20  
18 years, kind of hard to believe, but I've enjoyed  
19 my service.

20 I've primarily worked in government  
21 work. I've been an assistant solicitor for the  
22 Fifth Judicial Circuit for eight and a half years;  
23 after that I was appointed to the Workers'  
24 Compensation Commission where I served my full  
25 term for six years; and I'm currently serving as



1 Deputy General Counsel for the South Carolina  
2 Second Injury Fund and Workers' Compensation  
3 Underinsured Employers' Fund.

4 REPRESENTATIVE DELLENEY: Thank you,  
5 ma'am. If you would answer any questions our able  
6 counsel has for you, Mr. Dennis has.

7 MR. DENNIS: Mr. Chairman and members  
8 of the Commission, I have a few procedural matters  
9 to take care of with this candidate.

10 Ms. Glover, you should have before  
11 you the personal data questionnaire that you  
12 submitted as part of your application.

13 Do I understand you need to make an  
14 oral amendment?

15 MS. GLOVER: Yes, I do, to Question  
16 Number 41, itemizing the amount of money that I  
17 spent on behalf of this candidacy. I've spent  
18 money on stationery, envelopes, and stamps. And I  
19 do have a letter.

20 MR. DENNIS: Would you please clarify  
21 the amount?

22 MS. GLOVER: That total equals  
23 \$91.16.

24 MR. DENNIS: Thank you. And do you  
25 have a copy that you can give to the court

1 reporter? Mr. Chairman, I would ask that  
2 Ms. Glover's personal data questionnaire and the  
3 amendment be entered as an exhibit into the  
4 hearing record.

5 REPRESENTATIVE DELLENEY: It will be  
6 admitted at this point in the transcript without  
7 objection.

8 (EXH. 11, Lisa C. Glover's Personal  
9 Data Questionnaire, and Sworn Statement and  
10 Amendment, was admitted.)

11 MR. DENNIS: Ms. Glover, you also  
12 have before you also the sworn statement that you  
13 provided with detailed answers to over 30  
14 questions regarding judicial conduct, statutory  
15 qualifications, office administration, and  
16 temperament.

17 Do you have any amendments to this  
18 statement?

19 MS. GLOVER: No.

20 MR. DENNIS: At this time,  
21 Mr. Chairman, I would like to ask that  
22 Ms. Glover's sworn statement be entered into the  
23 record as an exhibit.

24 REPRESENTATIVE DELLENEY: Without  
25 objection it will be admitted.

1 MR. DENNIS: One other procedural  
2 matter. I note for the record that based on the  
3 testimony contained in the candidate's PDQ, which  
4 has been included in the record with the  
5 candidate's consent, Ms. Glover meets the  
6 statutory requirements for this position regarding  
7 age, residence, and years of practice.

8 Ms. Glover, for the record, would you  
9 please state the city and the judicial circuit in  
10 which you reside?

11 MS. GLOVER: I currently reside in  
12 Columbia, South Carolina at 2501 Stratford Road,  
13 that's within the limits of the City of Columbia.  
14 And I am seeking a position for the Fifth Judicial  
15 Circuit Court Judge.

16 MR. DENNIS: Thank you, Ms. Glover.  
17 Ms. Glover, would you tell the Commission why you  
18 would like to serve as a Circuit Court Judge?

19 MS. GLOVER: As I stated earlier, to  
20 continue service within the legal community. As I  
21 stated earlier, I've been practicing for almost 20  
22 years, and I have enjoyed the type of work I've  
23 done. I've never been in private practice.

24 I've never really had a desire to do  
25 that type of work. As an assistant solicitor, I

1 gained, I believe, invaluable trial experience. I  
2 believe that a prosecutor is more than just  
3 someone who puts someone in jail, we seek  
4 justice.

5           And we have to see that justice is  
6 met because we have a burden of proving our cases  
7 as an assistant solicitor. Additionally, I served  
8 as a workers' comp commissioner, that was a new  
9 area of the law for me because all my work  
10 experience had been within the criminal arena.

11           Going into law school, I knew that I  
12 wanted to be a prosecutor, that was what I strove  
13 for. The opportunity came up wherein I applied to  
14 become a workers' comp commissioner. I heard  
15 about the job and decided that I would try to seek  
16 the position. I was successful in doing so.

17           In doing so, I learned about injured  
18 workers and employers and their rights on both  
19 sides of the fence. It's a great process, I  
20 believe, that we have here in the state wherein  
21 injured workers are taken care of throughout the  
22 system where they don't have to file tort claims  
23 against companies, thereby delaying any benefits  
24 that they may be entitled to.

25           So I would like to continue to serve

1 in that capacity. I believe, as a Circuit Court  
2 judge, I could continue to bring the experience  
3 that I've gained throughout the years to the bench  
4 and render decisions. I've had experience in  
5 making decisions based on testimony, based on  
6 evidence presented, and based on the case and  
7 statutory law from my experience.

8 MR. DENNIS: Thank you, Ms. Glover.  
9 Ms. Glover, are there any areas, including  
10 subjective areas of the law, that you would need  
11 to additionally prepare for in order to serve as a  
12 judge and how would you handle that additional  
13 preparation?

14 MS. GLOVER: I believe that I would  
15 need to make additional preparation in the area of  
16 civil law, I don't have much experience in that  
17 area. As I stated, primarily my area has been in  
18 criminal law as far as being in a Circuit Court  
19 atmosphere.

20 I've done workers' comp work. I  
21 appear before an administrative body. The only  
22 way I get into Circuit Court now is by filing  
23 appeals. The appeal process for cases that are --  
24 stemmed before 2007 go to the Circuit Court.

25 After Circuit Court, now the cases go

1 up to Court of Appeals. So in that area I'm  
2 getting some civil experience by drafting briefs  
3 and making oral arguments before Circuit Court  
4 judges and Court of Appeals and/or Supreme Court  
5 justices.

6 MR. DENNIS: Ms. Glover, although you  
7 address this in your sworn affidavit, could you  
8 please explain to the Commission what you think  
9 the appropriate demeanor for a judge is?

10 MS. GLOVER: I believe the  
11 appropriate demeanor for a judge is to be cordial,  
12 to be respectful to all litigants, to make sure  
13 that both sides are heard without belaboring the  
14 process. I think that that can be done in a time-  
15 efficient manner because there are many cases that  
16 are on the court's docket.

17 But I think judges could handle that  
18 in a manner that's time-efficient and allow all  
19 the litigants to be heard in a respectful and  
20 cordial manner.

21 MR. DENNIS: Ms. Glover, what  
22 suggestions would you offer for improving the  
23 backlog of the docket in the Circuit Court,  
24 criminal and civil?

25 MS. GLOVER: As far as civil cases,

1 maybe more mediation. I believe our courts are  
2 going in that area, seeing if the cases can be  
3 mediated before they get to the level of being  
4 adjudicated.

5 As far as criminal cases, just making  
6 sure that -- I think we have to work in a broad  
7 area, working with other agencies, such as, in a  
8 criminal case, if it involves a drug case, we  
9 somehow need to get with SLED if SLED is the  
10 agency that's analyzing the drugs to make sure  
11 they are what the police officer said they are.

12 We need to somehow speed up that  
13 process. I don't know if we need to hire more  
14 chemists or something to that effect, but we need  
15 that process sped up.

16 As far as jail cases, I think some  
17 priority needs to be placed on those cases as far  
18 as getting those before the courts sooner,  
19 whereby, say, if a person, depending on the type  
20 of crime they've committed, if they can't make  
21 their bond within a certain period of time, maybe  
22 that issue needs to be revisited in order to maybe  
23 reduce the bond to see if that person can be let  
24 out of jail and then somehow get that case put on  
25 a fast track, not just get them out of jail and

1 let them hang around for six months to a year, but  
2 make sure that they are represented if they want  
3 to be represented and make sure that there is a  
4 scheduling order, so to speak, like you have in  
5 civil court for discovery, for -- we don't do  
6 depositions in criminal cases, but give some sort  
7 of scheduling order to get that case on the docket  
8 quicker.

9 MR. DENNIS: Thank you, Ms. Glover.

10 Mr. Chairman, at this point, I'd like  
11 to ask the Commission to go into a brief executive  
12 session with Ms. Glover to receive information of  
13 a confidential matter.

14 REPRESENTATIVE DELLENEY: Can we have  
15 a second? Off the record.

16 (The members went into executive  
17 session at 12:00 p.m.)

18 \* \* \* \* \*

19 (The members returned to open session  
20 at 12:08 p.m.)

21 REPRESENTATIVE DELLENEY: We're back  
22 on the public record.

23 MR. DENNIS: Ms. Glover, I've just  
24 got a few more questions for you.

25 MS. GLOVER: Okay.



1 MR. DENNIS: Have you sought or  
2 received a pledge from any legislator prior to  
3 this date?

4 MS. GLOVER: No, I have not.

5 MR. DENNIS: Have you sought or have  
6 you been offered a conditional pledge of support  
7 of any legislator pending the outcome of your  
8 screening?

9 MS. GLOVER: No, I have not.

10 MR. DENNIS: Have you asked any third  
11 parties to contact any members of the general  
12 assembly on your behalf?

13 MS. GLOVER: No, I have not.

14 MR. DENNIS: Have you contacted any  
15 members of the Commission?

16 MS. GLOVER: No, I have not.

17 MR. DENNIS: Do you understand that  
18 you are prohibited from seeking a pledge or  
19 commitment until 48 hours after the formal release  
20 of the Commission's report?

21 MS. GLOVER: Yes, I do.

22 MR. DENNIS: Have you reviewed the  
23 Commissions' guidelines for pledging?

24 MS. GLOVER: Yes, I have.

25 MR. DENNIS: As a follow-up, are you

1 aware of the penalties for violating the pledging  
2 rules; that is, it is a misdemeanor, and, upon  
3 conviction, the violator must be fined not more  
4 than \$1,000 or in prison not more than 90 days?

5 MS. GLOVER: Yes.

6 MR. DENNIS: Mr. Chairman, as one  
7 final note, I would note that the Midland Citizens  
8 Committee found Ms. Glover well-qualified for all  
9 nine of the evaluative criteria and stated that  
10 the committee believes Ms. Glover is very highly  
11 qualified to serve on the Circuit Court bench and  
12 we are confident that she will serve in an  
13 outstanding manner.

14 I would also note for the record that  
15 any concerns raised during the investigation  
16 regarding the candidate were incorporated into the  
17 questioning of the candidate today.

18 And, Mr. Chairman, I have nothing  
19 further.

20 REPRESENTATIVE DELLENEY: Does any  
21 member of the Commission have any questions for  
22 Ms. Glover? Senator Knotts?

23 SENATOR KNOTTS: Ms. Glover, when you  
24 served on the Workers' Compensation Commission,  
25 what was the longest time of any order that was

1 outstanding that took you to assign an order  
2 awaiting a case to be disposed of?

3 MS. GLOVER: I'm not quite sure how  
4 long I took to sign an order, but there were some  
5 orders that were outstanding for quite some time.

6 SENATOR KNOTTS: What's that "quite  
7 some time"?

8 MS. GLOVER: I couldn't state  
9 specifically.

10 SENATOR KNOTTS: 18 months?

11 MS. GLOVER: Could be, but I'm not  
12 quite sure. But I would like to add that when I  
13 served on the Commission, there were times where  
14 we were not fully staffed, did not have a full set  
15 of Commissioners. So the way we decided to handle  
16 that is we would split districts.

17 We had the State split up into seven  
18 districts on the Commission, and each Commissioner  
19 would do one district for two months at a time.  
20 There were times when we were down at least five  
21 Commissioners.

22 So the way we handled that was we  
23 would go to the district that we were originally  
24 assigned to go to, then split the rest among the  
25 five of us, which means we were out on the road

1 more than usual.

2 Typically, the way I tried to handle  
3 my cases were I would like to be on the road  
4 Tuesday, Wednesday, and Thursday and reserve  
5 Mondays and Fridays to be in the office to do  
6 paperwork. And, when those situations would  
7 occur, those days that I reserved Monday and  
8 Friday, I needed to be on the road to make up for  
9 the other Commissioners.

10 Now, we were not understaffed the  
11 entire six years that I was on the Commission,  
12 that did not occur the entire time. So, yes,  
13 there were times when I did not get orders out in  
14 a timely manner, but some reasons for that were,  
15 when I was on the Commission, I had a tendency to  
16 leave the record open, which meant that if a  
17 lawyer came in and needed to take a deposition of  
18 either another party or of a doctor, I would allow  
19 them leave to do that.

20 Sometimes that would take more time  
21 than others. Some doctors who work in the  
22 workers' comp arena don't schedule depositions in  
23 a timely manner. So I would leave them -- I would  
24 give them leave to leave the record open so they  
25 could fully present their case.

1                   So, yes, there were times when it  
2 took me a while to get an order out, I don't know  
3 if it was 18 months or 6 months. Another factor  
4 that I considered, and most members of the bar who  
5 practiced workers' comp knew, that I would read  
6 every piece of paper that I was given.

7                   In some workers' comp cases, you get  
8 25 pieces of paper, i.e., medical records. I  
9 think the largest amount of medical records that I  
10 received was for 3,000 pages. So I read all 3,000  
11 pages. And, of course, I can't sit and read that  
12 overnight or over one weekend, that takes time in  
13 addition to the other duties that I had.

14                   SENATOR KNOTTS: Your backlog of  
15 orders compared to the other Commissioners, were  
16 they about the same?

17                   MS. GLOVER: I have no idea.

18                   SENATOR KNOTTS: Was yours a lot more  
19 or take a lot longer time to get orders after the  
20 case was completely heard than the other  
21 Commissioners?

22                   MS. GLOVER: I can't say that,  
23 respectfully, Commissioner. Because, as far as I  
24 knew, we did not keep up with each other's cases.  
25 We were assigned cases in our office and we were

1       tasked with those cases.

2                   I don't know if anyone at the  
3       Commission kept up with how many orders were  
4       outstanding versus one Commissioner or the other,  
5       I don't know. But I know that the clock started  
6       running on a file being in your office the day  
7       that it got to your office.

8                   From the time it got to your office,  
9       the hearings were not set for another 30 or 45  
10      days, so that file sat in your office --

11                   SENATOR KNOTTS: I'm not trying to  
12      include that time. That time is different. This  
13      is after the case was heard and an order was  
14      waiting for you, for you to sign, 18 months.

15                   MS. GLOVER: Like I said, I cannot  
16      specifically say that.

17                   SENATOR KNOTTS: Yes. Okay.

18                   MS. GLOVER: Whether or not the order  
19      was signed. I mean, it takes -- the way the  
20      Commission ran was, once a hearing was held, the  
21      Commissioner issued order instructions. The  
22      attorneys were tasked with drafting the order.

23                   SENATOR KNOTTS: The order was  
24      delivered back to your desk for you to review?

25                   MS. GLOVER: Yes, they would

1 ultimately deliver it back to my desk for my  
2 review and signature, but that doesn't mean that  
3 the order came back to my desk within the time  
4 frame that I allotted. I asked the orders to come  
5 back in within 30 days, sometimes that didn't  
6 happen.

7           And just there's different factors  
8 that go into play here. Because most attorneys  
9 draft their orders based on the transcript. We  
10 have to request the transcript from the court  
11 reporter. Court reporters typically get out  
12 transcripts within 30 days.

13           So they're already outside of my box  
14 of asking for an order back within 30 days. So  
15 it's probably going to be another two to three  
16 weeks before I could get an order in. But that  
17 doesn't account for the --

18           SENATOR KNOTTS: That's what I'm  
19 trying to get at, Ms. Glover, the fact that,  
20 leaving all those out, all those excuses as to  
21 when the order comes back, the time frame for once  
22 you received an order back after the lawyers had  
23 done their job on it and brought it back to you,  
24 would you say that there were a lot of orders that  
25 took an extraordinary amount of time for you to

1 sign, some of them including, one in particular,  
2 up to 18 months?

3 MS. GLOVER: I don't know. I mean,  
4 if I --

5 SENATOR KNOTTS: It wasn't signed  
6 like within a week or two?

7 MS. GLOVER: Well, sometimes I wasn't  
8 in my office for a week. With all due respect, if  
9 there was an order that I hadn't signed for 18  
10 months, it wasn't brought to my attention for  
11 whatever reason.

12 And we've mentioned this before when  
13 I've been here before. I still don't know that  
14 case name so I could have gone back and checked  
15 and brought you information as to why that could  
16 have happened. I'm not trying to stand here and  
17 make excuses, but I just don't know.

18 I've never been told the name of the  
19 case as to what it was. If someone has filed a  
20 complaint, I was never advised of that.

21 SENATOR KNOTTS: Thank you.

22 REPRESENTATIVE DELLENEY: Does anyone  
23 else have any questions of Ms. Glover? No further  
24 questions for the Commission.

25 Ms. Glover, again, we'd like to thank



1 you so much for appearing before us today. This  
2 concludes this portion of your public hearing  
3 screening. Of course, any time until we issue the  
4 report we can call you back and ask you questions  
5 if the need arises, which I don't expect that to  
6 happen, but I would just remind you of that.

7 I would also like to remind you of  
8 the 48-hour rule. If anyone inquires with you as  
9 to whether they could advocate for you, I would  
10 ask you to also remind them about the 48-hour  
11 rule, and we'd like to thank you for appearing  
12 before us today and hope you have a safe trip  
13 home.

14 MS. GLOVER: Thank you very much.

15 REPRESENTATIVE DELLENEY: Our next  
16 candidate. We have before us today Mr. Robert E.  
17 Hood, who seeks a position on the Circuit Court,  
18 Fifth Judicial Circuit, Seat Number One. Before  
19 we get started, do you have some visitors you'd  
20 like to introduce us to?

21 MR. HOOD: Yes. Thank you. This is  
22 my wife, Christy Hood, and one of my Citadel  
23 classmates and law school classmates who is a  
24 practicing attorney in town, Jason Peavey.

25 REPRESENTATIVE DELLENEY: We're glad

1 to have you here today. If you would please raise  
2 your right hand to be sworn.

3 (Candidate sworn.)

4 REPRESENTATIVE DELLENEY: Mr. Hood,  
5 the Judicial Merit Selection Commission has  
6 thoroughly investigated your qualifications for  
7 the bench.

8 Our inquiry has focused on nine  
9 evaluative criteria, which have included a survey  
10 of the bench and bar; a thorough study of your  
11 application materials; verification of your  
12 compliance with State ethics laws; a search of  
13 newspaper articles in which your name may have  
14 appeared; a study of previous screenings; and a  
15 check for any economic conflicts of interest.

16 We have received no affidavits filed  
17 in opposition to your election, nor are there any  
18 witnesses to testify.

19 Do you have a brief opening statement  
20 that you'd like to make at this time?

21 MR. HOOD: I'd just like to thank you  
22 for the opportunity to be here, Mr. Chairman.

23 REPRESENTATIVE DELLENEY: Thank you,  
24 sir. If you would answer any questions that our  
25 able counsel, Ms. Jane Shuler, may have for you.

1 MS. SHULER: Good morning, Mr. Hood.

2 MR. HOOD: Good morning, Ms. Shuler.

3 MS. SHULER: Mr. Chairman and members  
4 of the Commission, I have a few procedural matters  
5 to take care of with this candidate.

6 Mr. Hood, you have before you the  
7 personal data questionnaire that you submitted as  
8 part of your application as well as your amendment  
9 to question number 41.

10 Are there any other additional  
11 amendments that you would like to make at this  
12 time to your personal data questionnaire?

13 MR. HOOD: I need to amend my home  
14 address to 4721 Devaroux Road, Columbia, South  
15 Carolina 29205 in Richland County.

16 MS. SHULER: Thank you.

17 MR. HOOD: No other amendments,  
18 Ms. Shuler.

19 MS. SHULER: Mr. Chairman, I would  
20 like to ask that Mr. Hood's personal data  
21 questionnaire and his amendment be entered as and  
22 exhibit to the hearing record at this time.

23 REPRESENTATIVE DELLENEY: Without  
24 objection, it will be admitted at this point in  
25 the transcript.

1 (EXH. 12, Robert E. Hood's Personal  
2 Data Questionnaire and Sworn Statement, was  
3 admitted.)

4 MS. SHULER: Mr. Hood, you also have  
5 before you your sworn statement you provided with  
6 detailed answers to over 30 questions regarding  
7 judicial conduct, statutory qualifications, office  
8 administration, and temperament.

9 Do you have any amendments to this  
10 statement?

11 MR. HOOD: No, ma'am.

12 MS. SHULER: Mr. Chairman, I would  
13 like to ask that the sworn statements be entered  
14 into the hearing record at this time as an  
15 exhibit.

16 REPRESENTATIVE DELLENEY: Without  
17 objection, it will be admitted at this point in  
18 the transcript.

19 MS. SHULER: One final procedural  
20 matter. I note for the record that based on the  
21 testimony contained in the candidate's PDQ, which  
22 has been included in the record with the  
23 candidate's consent, Mr. Hood meets the statutory  
24 requirements for this position regarding age,  
25 residence, and years of practice.

1                   Mr. Hood, for the record, would you  
2 please state the city and the judicial circuit in  
3 which you reside?

4                   MR. HOOD: I reside in Columbia,  
5 South Carolina in the Fifth Judicial Circuit.

6                   MS. SHULER: Thank you. Mr. Hood,  
7 after practicing law for nine yours, why do you  
8 now want to serve as a Circuit Court judge?

9                   MR. HOOD: I take the idea of being a  
10 Circuit Court judge very humbly. I have a great  
11 respect and appreciation for the wide latitude of  
12 discretion that we give our Circuit Court judges  
13 in this State, and I also appreciate that, in our  
14 state, our Circuit Court judges are the face of  
15 the judicial system to our citizens.

16                   Knowing this, I believe this position  
17 would give me the precious opportunity to uphold  
18 the laws and constitution of this State and the  
19 United States to protect individual liberty and to  
20 promote the fair administration of justice for all  
21 who appear before the Court.

22                   MS. SHULER: Thank you, Mr. Hood.  
23 Can you explain to the Commission how you feel  
24 your legal and your professional experience would  
25 benefit you serving on the Circuit Court?

1                   MR. HOOD: Yes, ma'am. In my nine  
2 years of experience, I have been blessed with an  
3 abundant opportunity to practice law not in an  
4 office but in a courtroom. I started off as a law  
5 clerk in the solicitor's office.

6                   And between the time I started as a  
7 law clerk to when I left the district solicitor's  
8 office, I had worked on six different murder  
9 trials, two death penalties, and, within 60 days  
10 of being sworn in as an attorney, I was literally  
11 trying a murder case with two defendants against  
12 two defense lawyers that had been practicing law  
13 longer than I had been alive.

14                   I left the solicitor's office and  
15 went to work for Attorney General Henry McMaster.  
16 I was assigned to what is known as the statewide  
17 grand jury division of the attorney general's  
18 office.

19                   And I literally traveled all over the  
20 state prosecuting some of the largest  
21 methamphetamine dealers that this state has ever  
22 known securing convictions in trials that last two  
23 and three weeks spending many, many nights away  
24 from home.

25                   Also while at the attorney general's

1 office I was selected by then-United States  
2 Attorney J. Strom Thurmond, Jr., to be a special  
3 litigator with the United States attorneys to help  
4 in Federal prosecutions.

5 The biggest thing that happened to me  
6 while I was at the attorney general's office was a  
7 very unfortunate circumstance with the Carolina  
8 Investors Home Gold collapse. At that time, the  
9 statewide grand jury had a very specific narrow  
10 area of crimes that they could prosecute, and  
11 securities fraud was not included.

12 Senator Markins from Pickens, where  
13 most of the victims of the crime resided, saw fit  
14 and you all deemed appropriate, to give the  
15 statewide grand jury the power to prosecute  
16 securities fraud.

17 Frankly, I didn't know anything about  
18 securities fraud. And we were given, essentially  
19 on a silver platter, the biggest fraud case that's  
20 ever happened in South Carolina State Court  
21 history. And we began work and we didn't stop  
22 working.

23 And the issue was, in South Carolina  
24 at that time, all the securities law was civil in  
25 nature. There were criminal security statutes on

1 the books, but these different elements that you  
2 have in these criminal cases had never been  
3 defined.

4 So through two major trials, one of  
5 the CEO, one of the chairman of the board, we  
6 developed the criminal securities law of South  
7 Carolina, which was later upheld by the State  
8 Supreme Court. Upon leaving the attorney  
9 general's office, I had the honor to go work where  
10 I currently work, which is with Pete Strom, Jr.

11 And over the past almost six years it  
12 has been, I've had the opportunity to hone my  
13 trial skills, hone my courtroom skills by handling  
14 aggressive criminal defense cases and civil  
15 litigation.

16 I have appeared before Municipal  
17 Court judges, Magistrate judges, Family Court  
18 judges, Circuit Court judges, Federal Magistrates,  
19 United States District Court judges, and the  
20 Fourth Circuit Court of Appeals in Richmond,  
21 Virginia.

22 So what I say to you, very  
23 respectfully, is over the past nine years I  
24 haven't been in a law library and I haven't been  
25 writing briefs, I've been standing in a courtroom



1 three to five days a week.

2 And the two bodies that this  
3 Commission tasked with the job of reviewing  
4 candidates, the Midland Citizens Committee in my  
5 case and the bar committee, both deem me well-  
6 qualified. Out of all the candidates in my race,  
7 there were only two of us that were deemed well-  
8 qualified by the bar, and I had the honor to be  
9 one of those two.

10 So I submit to you that my  
11 experience, both professional and courtroom, is  
12 sufficient for handling the role, responsibility,  
13 and the honor and the privilege of being a Circuit  
14 Court judge in this state.

15 MS. SHULER: Thank you, Mr. Hood. I  
16 know you've detailed your experience, but are  
17 there any areas of law that you would need to  
18 additionally prepare for in order to serve as a  
19 judge, and, if so, how would you go about handling  
20 those additional preparations?

21 MR. HOOD: Well, the practice of law  
22 to me is just that, it is a practice and it is an  
23 ever-evolving practice. So constantly -- even in  
24 my practice as we sit here now, we are constantly  
25 dealing with new law from the Supreme Court, from

1 the United States Supreme Court, from the Court of  
2 Appeals that we have to apply.

3 So I think the preparation that I  
4 would do or the additional work that I would do  
5 would be in keeping up, as I do now, in the  
6 practice so that we can fully represent our  
7 clients to the best of our abilities with the  
8 current state of the law to be able to adequately  
9 apply it under the factual scenarios given to us  
10 in the courtroom setting.

11 MS. SHULER: Mr. Hood, although you  
12 address this in your sworn affidavit, please  
13 explain to the members of the Commission what you  
14 believe to be the appropriate demeanor for a  
15 judge.

16 MR. HOOD: Obviously, a Circuit Court  
17 judge should be fair, courteous, kind, even-  
18 tempered, impartial, attentive, and respectful to  
19 all lawyers, litigants, jurors, witnesses, and  
20 court staff; but, just as important, I submit to  
21 this Commission, is that judge's work ethic.

22 And our Circuit Court judges should  
23 be prompt, they should be efficient, they should  
24 be decisive, and, not only should they have  
25 respect for the people that are appearing before

1     them, they should have respect for those people's  
2     time that they are giving up to be able to come to  
3     court.

4                   MS. SHULER:   Mr. Hood, while you  
5     offer the suggestion that a judge needs to have a  
6     good work ethic, what other suggestions would you  
7     offer for improving the backlog of cases on the  
8     docket in the Circuit Court?

9                   MR. HOOD:    Would you like me to  
10    answer that for civil, criminal or both?

11                  MS. SHULER:   Start with civil.

12                  MR. HOOD:    Yes, ma'am.   In the civil  
13    court system, what I hear from people I practice  
14    law saying, what I here from my friends on the  
15    civil defense bar saying is what we want is a  
16    schedule, we want a schedule.

17                  We go to these roster meetings on  
18    Monday morning and there's 40 cases on the docket  
19    and I may have three of them.   And you don't know,  
20    come Monday, what's really going to happen and  
21    what's really not, because the first 17 may fall  
22    through.

23                  So here I am, as a lawyer, spending  
24    all weekend preparing for three separate cases.  
25    Now, am I able to give any of my clients the full

1 attention that they need? No, because I don't  
2 really know what's going to happen.

3 I think what we need is a system of  
4 pre-trying cases where we put the civil defense  
5 attorneys and the plaintiffs' attorneys in a room  
6 with a judge, and, if the parties are so far apart  
7 and we know it's going to be a trial, let's pick a  
8 day, let's pick a week; that way, everybody can be  
9 prepared.

10 Everybody knows their experts can be  
11 there, everybody knows their witnesses can be  
12 there, everybody knows their clients can be  
13 there. And, when we're all fully prepared for a  
14 case when we come into it, the court is more  
15 efficient. We're not wasting juror time settling  
16 issues that could have been settled the week  
17 before.

18 And the other thing I believe we need  
19 is a motion scheduling practice. When a motion  
20 gets filed -- I'm going to use criminal as an  
21 example. When a motion gets filed in criminal  
22 court in Richland County right now, you send it to  
23 the chief administrative judge, and you're having  
24 a hearing within a week and you're usually having  
25 a decision the same day.

1                   And we need that same type of  
2     schedule in civil court, because what happens is  
3     we make it to the docket and we have dispositive  
4     motions that are outstanding that have never been  
5     heard or that have been heard and no one's ever  
6     ruled on.

7                   Here's what I believe we need in the  
8     criminal system: We can schedule as many court  
9     appearances as we want, we can put as many docket  
10    systems together as we need to, but none of us can  
11    do anything with our case, whether you're a  
12    prosecutor or a defense attorney, until you have  
13    the evidence in your hands, until you have the  
14    discovery materials.

15                  When I was a prosecutor, I didn't  
16    know what plea offer I could make until I saw the  
17    evidence, until I talked to the police officer,  
18    until I met with the victim. I couldn't make a  
19    plea offer. As a defense attorney, the Supreme  
20    Court says it's ineffective assistance of counsel  
21    for me to let somebody plead guilty without seeing  
22    the evidence against them.

23                  So what we need is a collaboration  
24    between local law enforcement and the solicitor's  
25    office to get the discovery materials into the

1 solicitor's office. And they're getting them out  
2 as fast as they can, they're not the glitch. The  
3 glitch is getting it from the law enforcement  
4 agency into the solicitor's office so they can  
5 process it, get it out to the criminal defense  
6 attorneys, and everyone knows what the playing  
7 field is; then the case can actually move.

8 I met with a client earlier this  
9 week. I can't do anything with her case until I  
10 have the evidence, until I know what the police  
11 say happened. And that's what I believe we need  
12 to move the criminal docket system faster.

13 MS. SHULER: Thank you, Mr. Hood.  
14 I'd like to cover some housekeeping matters with  
15 you. Have you sought or received a pledge of any  
16 legislator prior to this day?

17 MR. HOOD: No, ma'am.

18 MS. SHULER: Have you sought or have  
19 you been offered a conditional pledge or support  
20 of any legislator pending the outcome of your  
21 screening?

22 MR. HOOD: No, ma'am.

23 MS. SHULER: Have you asked any third  
24 parties to contact members of the general assembly  
25 on your behalf?

1 MR. HOOD: No, ma'am.

2 MS. SHULER: Have you contacted any  
3 members of the Commission?

4 MR. HOOD: No, ma'am.

5 MS. SHULER: Do you understand that  
6 you're prohibited from seeking a pledge or  
7 commitment until 48 hours after the formal release  
8 of the Commission's report?

9 MR. HOOD: Yes, ma'am.

10 MS. SHULER: Have you reviewed the  
11 Commission's guidelines on pledging?

12 MR. HOOD: Yes, ma'am.

13 MS. SHULER: As a follow-up, are you  
14 aware of the penalties for violating the pledging  
15 rules; that is, it is a misdemeanor and, upon  
16 conviction, a violator could be fined not more  
17 than \$1,000 or in prison not more than 90 days?

18 MR. HOOD: Yes, ma'am.

19 MS. SHULER: Thank you. I would note  
20 that the Midland Citizens Committee found Mr. Hood  
21 well-qualified for all nine criteria,  
22 constitutional qualifications, ethical fitness,  
23 professional and academic ability, character,  
24 reputation, physical health, mental stability,  
25 experience, and judicial temperament.

1                   The Committee further stated in  
2                   summary that the Committee was very impressed by  
3                   Mr. Hood and we believe that his character, work  
4                   ethic, and experience will make him an outstanding  
5                   Circuit Court judge.

6                   We are confident that he is eminently  
7                   qualified to serve on the Circuit Court and that  
8                   he would serve in an outstanding manner. I would  
9                   note for the record that any concerns during the  
10                  investigation regarding the candidate were  
11                  incorporated in our questioning of the candidate.

12                  Mr. Chairman, I have no further  
13                  questions for this candidate.

14                  REPRESENTATIVE DELLENEY: Does any  
15                  member of the Commission have any questions of  
16                  Mr. Hood?

17                  MR. SELLER: Mr. Hood, I heard you  
18                  when you described your experience, and the way I  
19                  understood it was primarily criminal experience.  
20                  What is your experience on the civil side? What  
21                  have you done on the civil side?

22                  MR. HOOD: In the past six years I've  
23                  worked for the Strom law firm, where we have an  
24                  extremely healthy civil practice. I have  
25                  handled -- to begin with the criminal side of



1 civil, I've handled civil forfeiture cases, I've  
2 handled red cases, complex civil litigation cases,  
3 and class action cases that have all come through  
4 the office.

5 The interesting thing about that,  
6 Mr. Sellers, is that's really not part of my job  
7 responsibility, but I have seen fit, I think to  
8 make me a better lawyer and a more well-rounded  
9 lawyer, I have chosen to get involved in those  
10 civil cases that come into the office.

11 And we have a very friendly office  
12 and we're often communicating about cases and  
13 where they are, and I get brought into these civil  
14 cases either on the front end or usually on the  
15 back end when they're getting prepared to go to  
16 trial or for dispositive motions because I have  
17 more courtroom experience than anyone else in the  
18 office.

19 MR. SELLERS: Thank you.

20 REPRESENTATIVE DELLENEY: Senator  
21 Knotts?

22 SENATOR KNOTTS: Mr. Hood, you've  
23 been in the courtroom, you say, a lot in the  
24 Federal and Statewide courtroom, right?

25 MR. HOOD: Yes, sir.

1                   SENATOR KNOTTS: What is the work  
2 ethic you feel to be of the judge, should it be  
3 Monday through Friday or Tuesday through Thursday  
4 or 10 o'clock till 4 o'clock? And I know you know  
5 what I'm talking about.

6                   MR. HOOD: I know exactly what you're  
7 talking about, Senator. And I'm going to tell you  
8 this: I never understood it as a prosecutor.  
9 When I was a prosecutor, I never got how much the  
10 judge not taking the bench till 10:30 affected the  
11 citizens of this state. And when I became a  
12 criminal defense attorney and went to work for  
13 Mr. Strom and started handling civil cases, there  
14 I was, I had a client that was making \$10 or \$12  
15 an hour.

16                   Waiting on that judge to take the  
17 bench three hours affected that person's life.  
18 And I never understood -- I could never appreciate  
19 it as a prosecutor, but, being in private  
20 practice, I've had the ability to see how, when  
21 the judge doesn't take the bench till 10:30 or  
22 11:00, we really are affecting people's lives.

23                   And when I talked about demeanor,  
24 that's what I meant by not only respect for the  
25 people that are coming before you but respect for

1 their time. And the judge needs to be -- I get to  
2 work at 8:30 every day. The judge needs to be at  
3 work at 8:30. And the people that are coming  
4 before the judge need to know that's standard,  
5 that's my standard, I'm going to be there.

6 If you have something we need to  
7 communicate about, I'm going to be there, but, at  
8 9:00 or 9:30, we're taking the bench and we're  
9 going to work and we're going to work till the  
10 lunch hour and we're going to take an hour lunch  
11 and we're going to work till the end of the day,  
12 and that may be 5:00, 5:30, or 6:00 depending on  
13 what we're doing, what's going on that week.

14 And frankly, Senator, I think that  
15 Friday afternoons are the most wasted time in the  
16 South Carolina court system. Because what we  
17 could be doing, instead of everybody doing  
18 nothing, is we could say to the local members of  
19 the bar, Let's meet on Friday afternoon at 2  
20 o'clock, not for court, to plan out the next  
21 week.

22 Why are we trying to figure out what  
23 we're going to do on Monday morning? Let's figure  
24 it out Friday afternoon so that we know what we're  
25 going to do the next week. So I think it's a

1 Monday through Friday, you need to be there, you  
2 need to stay.

3 SENATOR KNOTTS: How would you  
4 propose to do that with the solicitor controlling  
5 the docket?

6 MR. HOOD: Well, the solicitor does  
7 control the docket, but, in this day and age, I  
8 believe the majority of the circuit has docket  
9 control systems in place. It's getting together  
10 with the circuit solicitor, getting together with  
11 your circuit public defender, getting together  
12 with your private bar to say, How are we going to  
13 make court more efficient next week.

14 In Richland County, I think I told  
15 you, something we have to look at in this seat, we  
16 have two criminal judges holding court somewhere  
17 north of 40 weeks a year; whereas, you know, in  
18 the smaller counties, they may be holding court  
19 once every two months.

20 But we have two criminal judges  
21 sitting there 40 weeks a year because the criminal  
22 docket is too large and there's too much work to  
23 do. So it's a collaboration between the solicitor  
24 -- yes, they control the docket, and the law is  
25 very clear on that -- and the public defender in

1 the private bar to put everything together so  
2 that, when court comes up, it's efficient.

3 SENATOR KNOTTS: Compared to Federal  
4 Court, the way the Federal Court runs, tell me  
5 that model and how we could improve if we went to  
6 that model.

7 MR. HOOD: When Federal Court starts  
8 at 10:00, there's a Federal Court judge sitting on  
9 the bench at 10:00 and every lawyer is there 15 to  
10 30, sometimes 45 minutes early, and they're in  
11 fear of their life of being late.

12 I show up to Federal Court at least  
13 30 minutes early because we all know that that  
14 Federal judge has been there for at least an hour  
15 meeting with U.S. Probation, meeting with court  
16 staff, meeting with the marshal's office about  
17 what's going to happen.

18 They're going to walk out on the  
19 bench at 10:00, they're going to have a list of  
20 things they're going through, and we're going to  
21 get them done.

22 SENATOR KNOTTS: And you better be  
23 ready?

24 MR. HOOD: You better be there and  
25 you better be ready and your client better be

1 there or you're going to have a United States  
2 District Court judge that isn't happy with you or  
3 your client.

4 SENATOR KNOTTS: Have you seen that  
5 happen with you?

6 MR. HOOD: There are certain Circuit  
7 Court judges that are saying, I'm taking the bench  
8 at 9:30, be ready to go, I'm going to be here  
9 early, and, if you want to get something done with  
10 me ahead of time, I'll be here for you to meet  
11 with me, but I'm taking the bench at 9:30 and  
12 we're starting court. Yes, I have seen that.

13 SENATOR KNOTTS: And, as a judge, you  
14 plan to do that?

15 MR. HOOD: Yes, sir.

16 SENATOR KNOTTS: Thank you.

17 Mr. Chairman?

18 REPRESENTATIVE DELLENEY: Any other  
19 members of the Commission have any questions?  
20 There being none, Mr. Hood, we thank you for  
21 appearing before us today.

22 This concludes this portion of your  
23 public hearing screening. Of course, any time  
24 until we issue the report we can call you back and  
25 ask you questions if the need arises, which I

1 don't expect that to happen, but I would just  
2 remind you of that.

3 I would also like to remind you of  
4 the 48-hour rule. If anyone inquires with you as  
5 to whether they could advocate for you, I would  
6 ask you to also remind them about the 48-hour  
7 rule. And, with that, I'd like to thank you for  
8 being here with us today, and I hope you have a  
9 safe trip home.

10 MR. HOOD: Thank you. May I be  
11 excused, Mr. Chairman?

12 REPRESENTATIVE DELLENEY: Yes, sir.

13 MR. HOOD: Thank you.

14 (Candidate excused.)

15 REPRESENTATIVE DELLENEY: Mr. Shadd?

16 MR. SHADD: Yes.

17 SENATOR KNOTTS: We have before us  
18 today Mr. James Shadd, III. Mr. Shadd, I see you  
19 have some folks with you. Would you like to  
20 introduce your guests to us?

21 MR. SHADD: Thank you, Mr. Chairman.  
22 I want to first thank you all for allowing me the  
23 opportunity to speak to you all today, to share my  
24 comments and thought on this very important  
25 position.

1                   With me today is, first, to my  
2 immediate right, my lovely wife, Dr. Tammy Shadd,  
3 she's in education; as well as my mother, who gave  
4 me birth and who gave me all those wonderful  
5 values that I try to live by, Mrs. Laurene Davis.

6                   REPRESENTATIVE DELLENEY: We're glad  
7 to have them with us here today. Mr. Shadd seeks  
8 a position on the Circuit Court, Fifth Circuit,  
9 Seat Number One. If you would please raise your  
10 right hand to be sworn.

11                   (Candidate sworn.)

12                   REPRESENTATIVE DELLENEY: Mr. Shadd,  
13 the Judicial Merit Selection Commission has  
14 thoroughly investigated your qualifications for  
15 the bench.

16                   Our inquiry has focused on nine  
17 evaluative criteria, which have included a survey  
18 of the bench and bar; a thorough study of your  
19 application materials; verification of your  
20 compliance with State ethics laws; a search of  
21 newspaper articles in which your name may have  
22 appeared; a study of previous screenings; and a  
23 check for any economic conflicts of interest.

24                   We have received no affidavits filed  
25 in opposition to your election, nor are there any



1 witnesses to testify. I believe you've already  
2 given us a brief opening statement.

3 Do you have anything else you'd like  
4 to tell us before we start?

5 MR. SHADD: No, sir.

6 REPRESENTATIVE DELLENEY: Thank you.  
7 If you would at this time please answer any  
8 questions that our counsel, Mr. Gentry, might have  
9 for you.

10 MR. GENTRY: Mr. Chairman and members  
11 of the Commission, I have a few procedural matters  
12 to take care of with this candidate.

13 Mr. Shadd, you have before you the  
14 personal data questionnaire that you submitted as  
15 part of your application and an amendment. Are  
16 there any additional amendments that you would  
17 like to make at this time?

18 MR. SHADD: There are not.

19 MR. GENTRY: Mr. Chairman, I'd ask  
20 that Mr. Shadd's personal data questionnaire and  
21 amendment be entered as an exhibit into the  
22 hearing record.

23 REPRESENTATIVE DELLENEY: Without  
24 objection, they'll be admitted into the hearing  
25 record at this point in the transcript.

1 (EXH. 13, James Shadd, III's,  
2 Personal Data Questionnaire, Amendment, and Sworn  
3 Statement, was admitted.)

4 MR. GENTRY: Mr. Shadd, You have  
5 before you also the sworn statement that you  
6 provided with detailed answers to over 30  
7 questions regarding judicial conduct, statutory  
8 qualifications, office administration, and  
9 temperament.

10 Do you have any amendments to this  
11 statement?

12 MR. SHADD: There are none.

13 MR. GENTRY: Mr. Chairman, I'd ask  
14 that Mr. Shadd's sworn statement be entered as an  
15 exhibit into the record at this time.

16 REPRESENTATIVE DELLENEY: The sworn  
17 statement will be admitted into the record at this  
18 point without any objection.

19 MR. GENTRY: One final procedural  
20 matter. I note for the record that based on the  
21 testimony contained in the candidate's PDQ, which  
22 has been included in the record with the  
23 candidate's consent, Mr. Shadd meets the statutory  
24 requirements for this position regarding age,  
25 residence, and years of practice.

1                   Mr. Shadd, for the record, would you  
2 please state the city and the judicial circuit in  
3 which you reside?

4                   MR. SHADD: Yes, I reside in  
5 Columbia, South Carolina. The judicial circuit is  
6 the Fifth Circuit here in Richland County

7                   MR. GENTRY: Why do you want to serve  
8 as a Circuit Court judge?

9                   MR. SHADD: I've been a lawyer for  
10 the past ten years and have always wanted to be an  
11 attorney, ever since the second grade. My mother,  
12 back in the second grade, told me once that I like  
13 to argue and challenge authority, so I might as  
14 well make a little money doing it, so maybe the  
15 law might be the way that I need to go.

16                   And I always wanted to help people.  
17 Being an attorney has been a very rewarding  
18 experience for me. There are some good days, some  
19 bad days, some wins, some losses; however, I  
20 always go back home saying I've done a good job.

21                   It's what I tell the jury whenever I  
22 speak to them, that if they can look at themselves  
23 in the mirror and say that they have listened to  
24 everything, applied the law to the facts that they  
25 are presented, if they feel comfortable that they

1 have done the right thing, then everything is  
2 fine.

3 I don't necessarily always agree with  
4 the jury's verdict, but I do accept it. But I  
5 want to be a part of the law on a different  
6 level. I believe that I have achieved a lot of  
7 things in my life and in my legal career, but I  
8 feel that becoming a judge would be a greater  
9 service.

10 I believe that it's oftentimes not --  
11 it's a thankless job, but it can be very rewarding  
12 because you're a part of the process, you are a  
13 part of making sure that decisions are made  
14 correctly, that people's disputes are being taken  
15 care of in a civil manner, in an impartial manner,  
16 and an unbiased manner that should be respected at  
17 all times, and I believe that's something that I  
18 can be part of.

19 MR. GENTRY: Could you please explain  
20 to the Commission how you feel your legal and  
21 professional experience thus far will assist you  
22 in being an effective judge?

23 MR. SHADD: Well, I started my career  
24 at University of South Carolina School of Law,  
25 which I'm very glad to be a graduate in 2000. And

1 it taught me a lot about theory, but it also  
2 taught me a lot about practice.

3 But I apply that practical knowledge  
4 while working at Johnson, Toal & Battiste, a local  
5 firm here. The founding member was I.S. Leevy  
6 Johnson, and he brought me under his wing very  
7 early on. I carried his bags, literally and  
8 figuratively, and we had a lot of great  
9 conversations as we were traveling across the  
10 state for different controversies and disputes  
11 that we had.

12 He gave me a lot of advice on being  
13 an attorney, but, more importantly, on how to be a  
14 person. I learned a lot of values, as I stated,  
15 from my mom. She raised me as a single mother the  
16 majority of my life and then she re-married.

17 But Mr. Johnson helped me to enhance  
18 that part of my life as far as being a leader,  
19 giving back to the community, and making sure that  
20 I was up on all the various areas of law, making  
21 sure that, as far as taking continuing legal  
22 education courses, that I stay abreast of the law,  
23 because we know that it often changes. So I've  
24 continued that.

25 Then I decided to step out on faith

1 in 2006 and began my own practice, the Shadd Law  
2 Firm, and I went with Mr. Johnson's blessing. He  
3 has assisted me throughout time because he knows  
4 that I am now solo, still a relatively young  
5 attorney, and still in need of guidance.

6 I have no problem leaning on those  
7 who have gone before me for advice and counsel on  
8 certain controversies that I may have that may  
9 seem difficult at the time. But I've also learned  
10 that you need to research matters, you need to  
11 make sure that you're in compliance with the laws,  
12 in compliance with the rules, and I'll continue to  
13 do that even as a judge.

14 As I stated, I've been practicing for  
15 the past ten years, but I've been told by certain  
16 judges and other of my peers, who sometimes are on  
17 the opposing side, that I seem to be well beyond  
18 my years, that I seem to be very prepared when I  
19 come to court.

20 That's something that Judge Matthew  
21 Perry told us back in law school when he came to  
22 speak to us, Always make sure that you are either  
23 as prepared or hopefully more prepared than the  
24 other side. I think that goes a long way as far  
25 as making sure that your clients -- you advance

1 your clients' issues to the best of your ability.

2 So that experience that I've had of  
3 being groomed by those mentors, I think that's  
4 going to carry me a long way as an attorney and,  
5 if I'm so honored, as a judge.

6 MR. GENTRY: Are there any areas,  
7 including objective areas of law, that you feel  
8 you need to do additional preparation for in order  
9 to be a judge, and how would you go about that  
10 preparation?

11 MR. SHADD: If one had to evaluate  
12 any type of area where I may need some more work  
13 or experience, I would imagine it would be in the  
14 civil arena. I pattern myself, and was told by  
15 Mr. Johnson when I first started working there,  
16 that I was going to be a criminal defense  
17 attorney.

18 It's part of my life blood, helping  
19 those who have been accused of something,  
20 sometimes falsely. But that's kind of been my  
21 strong area. So, with regard to the civil side, I  
22 would do, as I've already done, go to continuing  
23 legal education courses, making sure that I'm up  
24 on the law, so to speak.

25 And I am not too proud to ask for

1 assistance or advice from fellow judges. Even for  
2 our most seasoned judges, things come up during  
3 the course of a trial or during the course of a  
4 hearing where it may be new to them. Well, you  
5 can share those experiences amongst the bench at  
6 these courses, in chambers.

7 So I'm mindful of taking advantage of  
8 that experience, and I would definitely heed that  
9 on the civil side.

10 MR. GENTRY: Although you address  
11 this in your sworn statement, would you please  
12 explain to the members of the Commission what you  
13 feel is the appropriate demeanor for a judge?

14 MR. SHADD: Yes. The -- a judge has  
15 to make sure that they do not show signals, either  
16 to the attorneys, to the litigants, as well as the  
17 public. You have to make sure that you're not too  
18 stern, but you have to also show that, you know,  
19 you take the issue seriously, regardless of  
20 whether it's a multimillion case or if it's a  
21 small wreck case, because it's still that person's  
22 day in court.

23 So you have to make sure that you  
24 respect them, make sure that the law is respected,  
25 and make sure that you would protect the rule of



1 law. It's good also to have a sense of humor as a  
2 judge because things are going to happen  
3 throughout a trial, things are going to happen,  
4 and sometimes these are very serious matters where  
5 you can't take yourself too seriously.

6 So you have to have a little sense of  
7 that. You have to make sure you're cordial to  
8 folks and you have to make sure that they still  
9 respect the law, they respect that role, not  
10 necessarily the person who's in it, but that the  
11 law will be blind, that it will be fair,  
12 impartial, and unbiased, and I hope to do that.

13 MR. GENTRY: What suggestions would  
14 you offer for improving the backlog of cases in  
15 the Circuit Court?

16 MR. SHADD: Yes. That has been a  
17 cause of mine for quite some time. I'm very  
18 mindful and appreciative of our mediation system  
19 and our arbitration, which tends to cause a lot of  
20 our cases to go through what -- where we avoid the  
21 system on the civil side.

22 I believe that our solicitors  
23 statewide, especially in certain circuits, can do  
24 a little bit more in the course of controlling the  
25 document, controlling the criminal docket, and

1 they could do more as far as moving cases along.

2 I think our criminal defense bar can  
3 do a lot more as well to work with them so we can  
4 get these cases moving. A lot of times these  
5 cases on the criminal side can really be resolved  
6 through a plea rather than taking up the  
7 taxpayers' dollars each and every time we have to  
8 worry about going to trial.

9 I see it on a weekly basis as I'm  
10 going across the state, but, primarily in Richland  
11 County, where we have a serious backlog of cases.  
12 I think judges can assist in that as well by  
13 making sure that the larger cases have consistent  
14 roll calls or consistent status conferences with  
15 the solicitor's office as well as the criminal  
16 defense bar to see where we are, what's the  
17 holdup, if there's a witness issue, let's get them  
18 here, so we can make sure we're more efficient and  
19 effective.

20 I have been a fan of the Federal  
21 system. They take seriously the Speedy Trial Act  
22 under our Constitution and make sure cases are  
23 resolved in a serious period of time.

24 Continuances are going to happen,  
25 requests for continuances are going to happen, but

1 you have to make sure that the attorneys or the  
2 litigants are not abusing the system. A  
3 reasonable request for continuance should be  
4 granted; however, we have to make sure that the  
5 larger cause is to make sure these cases are  
6 moving.

7 Another part of the Federal system is  
8 that -- and we're getting there on the State side  
9 -- is making sure that we have a computer --  
10 things are done by computer. Right now, criminal  
11 defense lawyers are filing discovery motions at  
12 the clerk's office, serving it on the solicitor.

13 Well, you can do that by computer in  
14 the Federal system. I think we should be moving  
15 towards that, and I will applaud the Chief Justice  
16 by making sure we move closer into the 21st  
17 Century from an automated standpoint.

18 But I think judges can play a role in  
19 monitoring and making sure that's happening,  
20 especially on the criminal side.

21 MR. GENTRY: You indicated in your  
22 PDQ that from 2003 to 2005 you were appointed to  
23 the Commission on Indigent Defense. You also  
24 indicated in the PDQ that from 2007 to the present  
25 day you have been appointed to the Commission on

1 Indigent Defense.

2 If you were elected as a judge, would  
3 you continue to serve on the Commission for  
4 Indigent Defense?

5 MR. SHADD: I would not expect to  
6 continue to serve in that capacity. I was very  
7 thankful that I was appointed by Governor Sanford  
8 to serve on that board, and I'm very proud of that  
9 experience.

10 I was actually an appointee -- I was  
11 recommended by the South Carolina Bar, and I  
12 represent the criminal defense section of the  
13 South Carolina Bar. And, as I stated, Governor  
14 Sanford appointed me. I had a great time there,  
15 learned a lot from the public defender side,  
16 because, as you all know, we supervise the circuit  
17 defenders. So I've learned a lot on that side.

18 We do have judges on that Commission  
19 appointed by our Chief Justice. I don't expect  
20 them to leave any time soon. So, if I am honored  
21 with having this position, I would resign from  
22 that position.

23 MR. GENTRY: Would you have  
24 particular bias towards criminal defendants,  
25 especially indigent criminal defendants, as a

1 result of your service on these commissions?

2 MR. SHADD: No, not at all. In fact,  
3 seeing it from that perspective, I've actually  
4 become even more understanding of the solicitor's  
5 role. It's part of the reason why I ran for  
6 solicitor earlier this year.

7 And so I just see it straight down  
8 the middle now. I think it's actually enhanced my  
9 practice. I am not as -- well, I wouldn't say I'm  
10 not as sympathetic, but there is -- with my  
11 indigent defendants, I still want to make sure  
12 that I gave them the same representation as if  
13 I've been retained by my paying clients. But, no,  
14 there would not be any bias there at all.

15 MR. GENTRY: Thank you, Mr. Shadd.

16 MR. SHADD: Yes, sir.

17 MR. GENTRY: Have you sought or  
18 received a pledge from any legislator to this  
19 date?

20 MR. SHADD: No.

21 MR. GENTRY: Have you sought or have  
22 you been offered a conditional pledge of support  
23 from any legislator pending the outcome of your  
24 screening?

25 MR. SHADD: No.

1 MR. GENTRY: Have you asked any third  
2 parties to contact members of the general assembly  
3 on your behalf?

4 MR. SHADD: No.

5 MR. GENTRY: Have you contacted any  
6 members of the Commission?

7 MR. SHADD: Absolutely not.

8 MR. GENTRY: Do you understand that  
9 you're prohibited from seeking a pledge or  
10 commitment until 48 hours after the formal release  
11 of the Commission's report?

12 MR. SHADD: I do.

13 MR. GENTRY: Have you received the  
14 Commission's guidelines on pledging?

15 MR. SHADD: I have.

16 MR. GENTRY: As a follow-up, are you  
17 aware of the penalties for violating the pledging  
18 rules; that is, it is a misdemeanor and, upon  
19 conviction, a violator could be fined not more  
20 than \$1,000 or in prison not more than 90 days?

21 MR. SHADD: Absolutely.

22 MR. GENTRY: I would note that the  
23 Midlands Citizens Committee found Mr. Shadd to be  
24 well-qualified for all nine criteria,  
25 constitutional qualifications, ethical fitness,

1 professional and academic ability, character,  
2 reputation, physical health, mental stability,  
3 experience, and judicial temperament.

4           The Committee was very impressed with  
5 Mr. Shadd and enjoyed his interview. The  
6 Committee was equally impressed by his commitment  
7 to the community. The Committee feels certain  
8 that he is eminently qualified to serve our State  
9 on the Circuit Court and knows that he would serve  
10 in an outstanding manner.

11           I would just note for the record that  
12 any concerns raised in the investigation regarding  
13 the candidate were incorporated in the questioning  
14 of the candidate today.

15           Mr. Chairman, I have no further  
16 questions.

17           REPRESENTATIVE DELLENEY: Do any  
18 members of the Commission have any questions for  
19 Mr. Shadd? Senator Knotts?

20           SENATOR KNOTTS: Mr. Shadd, thank you  
21 for applying. Let me ask you one question. What  
22 do you foresee as the major problem with our court  
23 system today, and, as a Circuit judge, how would  
24 you work toward correcting it?

25           MR. SHADD: Thank you, Senator

1 Knotts. I think the biggest issue right now is  
2 just making sure that our public has a great  
3 respect for the law, because, oftentimes, as I see  
4 in my practice, a lot of my clients feel like they  
5 don't get a fair shake, they believe that the odds  
6 are stacked up against them; and, oftentimes, it's  
7 because there's such a delay of their cases coming  
8 to trial or coming to some resolution.

9           They believe that they have a  
10 legitimate case. Of course, I explain at the  
11 outset that the other side feels they also have a  
12 legitimate argument, and, oftentimes, because this  
13 is not just their one case, it's their one case to  
14 them, however, I have to explain to them that they  
15 are one of, unfortunately, thousands of other  
16 cases that are on the docket, those who have come  
17 before we filed and a number of which have come  
18 since then.

19           So, because of that backlog, they  
20 tend to believe that there's a concerted effort to  
21 make sure that there's delay and it's supposed to  
22 get them to settle for something that they don't  
23 want to settle for.

24           So I believe a judge can play a part  
25 in that by making sure that we unclog that backlog



1 so that the cases move quicker, that the docket  
2 moves more efficiently and more effectively so  
3 that the litigants can feel as though they've had  
4 their fair day in court.

5 SENATOR KNOTTS: I heard you say  
6 something, a comment a while ago, about indigent  
7 defense practice, in part, that you would like to  
8 see plea -- more pleas negotiated.

9 Do you believe that, in your mind,  
10 there are certain people and certain crimes that  
11 need to be actually tried in order to protect the  
12 criminal where pleas would not be negotiated?

13 MR. SHADD: Well, I guess from the  
14 solicitor's side, I can understand that a  
15 solicitor may feel that there are certain crimes  
16 where there is no plea deal, you just have to go  
17 to trial, you're hopeful as a solicitor that the  
18 jury will see it your way and then the sentencing  
19 judge will sentence that person accordingly.

20 Sometimes there are cases where there  
21 are not going to be any deals. From the criminal  
22 defense side, if the solicitor has not made an  
23 offer or they have not made an offer that is  
24 reasonable under the circumstances of what the  
25 person's been charged with, that person has a

1 constitutional right to go to trial, and I hope  
2 that the jury will see it in their favor or hope  
3 that there's a reasonable doubt to see it in their  
4 favor.

5           So sure. When I mentioned pleas, I'm  
6 talking about some of the lesser serious cases  
7 where, I won't say that they're necessarily  
8 routine or mundane, but those lesser cases are,  
9 unfortunately, stopping these more serious murder  
10 cases, capital cases, from going to court because  
11 those take up so much time, where, week by week we  
12 are having cases that really need to be done away  
13 with in a reasonable negotiation so that the State  
14 can allow there be enough court time.

15           Because we only have a finite number  
16 of judges, we only have a finite number of time to  
17 have these jurors come in and hear these cases.  
18 Well, unfortunately, there's been a practice that  
19 criminal defendants believe they're savvy enough  
20 to where they can just hold out until they finally  
21 get the solicitor to change his mind or her mind,  
22 and that doesn't happen, and then, unfortunately,  
23 we have this backlog.

24           SENATOR KNOTTS: Do you believe that  
25 there are certain cases that deserve the death

1 penalty?

2 MR. SHADD: Yes, sir, absolutely.

3 SENATOR KNOTTS: You don't have any  
4 problem with trying those cases?

5 MR. SHADD: Or passing them, no, sir.

6 SENATOR KNOTTS: Thank you.

7 REPRESENTATIVE DELLENEY: Anyone else  
8 have any questions for Mr. Shadd? There being  
9 none, thank you, Mr. Shadd, for appearing before  
10 us today. We thank your family for being here  
11 also.

12 This concludes this portion of your  
13 public hearing screening. Of course, any time  
14 until we issue the report we can call you back and  
15 ask you questions if the need arises, which I  
16 don't expect that to happen, but I would just  
17 remind you of that.

18 I would also like to remind you of  
19 the 48-hour rule. If anyone inquires with you as  
20 to whether they could advocate for you, I would  
21 ask you to also remind them about the 48-hour  
22 rule. And, again, we thank you for offering to  
23 serve and thank you for your service to the  
24 State.

25 MR. SHADD: Thank you, Mr. Chairman,

1 members of the Commission.

2 REPRESENTATIVE DELLENEY:

3 Mr. Tzerman?

4 MR. TZERMAN: Yes.

5 REPRESENTATIVE DELLENEY: If you  
6 would stand up there at the podium. We have with  
7 us today the Honorable Jeffrey M. Tzerman.

8 Do you have someone you would like to  
9 introduce us to?

10 MR. TZERMAN: My best friend and  
11 wife, Mitzi.

12 REPRESENTATIVE DELLENEY:  
13 Ms. Tzerman, we're glad to have you here with us  
14 today. We have before us today the Honorable  
15 Jeffrey M. Tzerman, who seeks a position on the  
16 Circuit Court, Fifth Circuit, Seat Number One.

17 If you would at this time,  
18 Mr. Tzerman, would you please raise your right  
19 hand to be sworn.

20 (Candidate sworn.)

21 REPRESENTATIVE DELLENEY: Thank you,  
22 sir. The Judicial Merit Selection Commission has  
23 thoroughly investigated your qualifications for  
24 the bench.

25 Our inquiry has focused on nine

1 evaluative criteria, which have included a survey  
2 of the bench and bar; a thorough study of your  
3 application materials; verification of your  
4 compliance with State ethics laws; a search of  
5 newspaper articles in which your name may have  
6 appeared; a study of previous screenings; and a  
7 check for any economic conflicts of interest.

8 We have received no affidavits filed  
9 in opposition to your election, nor are there any  
10 witnesses to testify.

11 Do you have a brief opening statement  
12 that you'd like to make at this time?

13 MR. TZERMAN: Mr. Chairman and Vice  
14 Chairman and fellow members of the Commission, I  
15 am Jeffrey Tzerman. I've been a practicing  
16 attorney in private practice since 1981.

17 I've also been the duly appointed  
18 Kershaw County Master in Equity since April of  
19 2000. I'm seeking the position of Circuit Court  
20 judge in light of the retirement of Judge Kinder,  
21 who's been a friend of mine for many, many years.

22 I feel very qualified for this job in  
23 light of my general practice for 29 years and my  
24 service to my community on the bench for ten  
25 years, and I hope that my screening will

1 demonstrate that.

2 REPRESENTATIVE DELLENEY: Thank you,  
3 sir. At this time would you answer any questions  
4 that our counsel, Ms. Anzelmo, might have for you.

5 MS. ANZELMO: Thank you.

6 Mr. Chairman and members of the Commission, I have  
7 a few procedural matters to take care of with this  
8 candidate.

9 Judge Tzerman, you have before you  
10 the personal data questionnaire that you submitted  
11 as part of your application and the amendment you  
12 provided as part of your application.

13 Are there any additional amendments  
14 that you would like to make at this time?

15 MR. TZERMAN: Based upon my  
16 discussions with you, I believe I've covered all  
17 the necessary amendments, and what I've submitted  
18 to the Commission would be my final preparation of  
19 documents.

20 MS. ANZELMO: Thank you.  
21 Mr. Chairman, I'd like to ask that Judge Tzerman's  
22 personal data questionnaire and amendment be  
23 entered as an exhibit into the hearing record.

24 REPRESENTATIVE DELLENEY: Without  
25 objection, it will be done at this point in the

1 transcript.

2 (EXH. 14, Jeffrey M. Tzerman's  
3 Personal Data Questionnaire, Amendment, and Sworn  
4 Statement, was admitted.)

5 MS. ANZELMO: You have before you  
6 also the sworn statement that you provided with  
7 detailed answers to over 30 questions regarding  
8 judicial conduct, statutory qualifications, office  
9 administration, and temperament.

10 Do you have any amendments to this  
11 statement?

12 MR. TZERMAN: No.

13 MS. ANZELMO: At this time,  
14 Mr. Chairman, I would like to ask that Judge  
15 Tzerman's sworn statement be entered as an exhibit  
16 into the hearing record.

17 REPRESENTATIVE DELLENEY: Without  
18 objection, the statement will be entered into the  
19 record and admitted.

20 MS. ANZELMO: I note for the record  
21 that based on the testimony contained in the  
22 candidate's PDQ, which has been included in the  
23 record with the candidate's consent, Judge Tzerman  
24 meets the statutory requirements for this position  
25 regarding age, residence, and years of practice.

1                   Judge Tzerman, for the record, would  
2     you please state the city and the judicial circuit  
3     in which you reside?

4                   MR. TZERMAN: I am a resident of  
5     Camden, South Carolina, which is the Fifth  
6     Judicial Circuit.

7                   MS. ANZELMO: Thank you. Judge  
8     Tzerman, why do you want to serve as a Circuit  
9     Court judge?

10                  MR. TZERMAN: Well, actually, as  
11     Master in Equity, I have been a Circuit Court  
12     judge for ten years now. I'd like to expand my  
13     role and serve my community and state on a full-  
14     time basis where, currently, my job and position  
15     as Master in Equity is only part-time

16                  MS. ANZELMO: Thank you. Can you  
17     explain to the Commission how you feel your legal  
18     and professional experience thus far will assist  
19     you in being an effective judge?

20                  MR. TZERMAN: Well, I would say that  
21     most every attorney is qualified from a knowledge  
22     point of view. We get excellent training in this  
23     state, the University of South Carolina School of  
24     Law, I think I was well-trained to be an  
25     attorney.



1           You never master the law, that's why  
2 we continue to practice, and it's always ever-  
3 changing. But I think the most important part of  
4 being a judge deals more with temperament and,  
5 even more important, the ability to listen to  
6 what's going on in the courtroom so that every  
7 person who comes into your court leaves, whether  
8 they won or lost, believing that they've had their  
9 day in court. And that's what I've strived to do  
10 for the past ten years and will continue to strive  
11 to do.

12           MS. ANZELMO: Thank you. Are there  
13 any areas of the law that you would need  
14 additional preparation for in order to serve as a  
15 Circuit Court judge, and, if so, how would you  
16 handle that preparation?

17           MR. TZERMAN: Well, every case stands  
18 on its own leg, and I'd do my diligence to make  
19 sure I have a full understanding of any contested  
20 matter that would come before me.

21           I believe that, as a Circuit Court  
22 judge, more cases would be involved with handling  
23 a trial and not actually deciding the facts. So  
24 mastery of the laws of and rules of evidence would  
25 be paramount for the Circuit Court judge.

1                   And that's about all I can say. I  
2 plan on doing my due diligence every time I step  
3 into court and put on my robe and listen to what's  
4 going on.

5                   MS. ANZELMO: Although you address  
6 this in your sworn statement, would you please  
7 explain to the members of the Commission what you  
8 think is the appropriate demeanor for a judge?

9                   MR. TZERMAN: Well, I don't want to  
10 be too competitive, but I think the most important  
11 part of being a judge demeanor wise is the ability  
12 to focus and listen to what's being presented to  
13 you.

14                   And it seems that, in every case that  
15 I've heard so far, when the parties believe that  
16 you're listening to them and giving them the time  
17 and respect that they deserve in court while  
18 maintaining the decorum of the court and making  
19 sure that things move in an appropriate fashion,  
20 they leave feeling satisfied most every time, even  
21 if they haven't won.

22                   MS. ANZELMO: Judge Tzerman, what  
23 suggestions would you offer for improving the  
24 backlog of cases on the docket in the Circuit  
25 Court?

1                   MR. TZERMAN: Well, that's a  
2 difficult question. And I haven't had that  
3 challenge myself in my capacity as Master because,  
4 even though -- even in the rural county of Kershaw  
5 County, I probably dispose of 300 cases a year,  
6 most of them are default cases where there's no  
7 contest.

8                   I do appreciate the backlog in  
9 general sessions court that occurs, and I don't  
10 have an easy answer to that. In Kershaw County,  
11 which is the only county that I have to look at,  
12 the only answer is to schedule more court; whether  
13 that would happen or not, I don't know.

14                   I don't want to put Senator McConnell  
15 on the spot, but, at our judicial conference, he  
16 advised us that the chairman would be making sure  
17 that the judiciary was fully funded and that we  
18 would be looked at by both the House and the  
19 Legislature as a co-equal branch instead of an  
20 agency, with all due respect, Senator.

21                   And, if that were to happen, perhaps  
22 we would get more court time and we would be able  
23 to dispose of backlogs. Until that, we have to  
24 just do the best we can with what we're dealt  
25 with.

1 MS. ANZELMO: Thank you. Judge  
2 Tzerman, your SLED report showed that you had an  
3 outstanding state tax lien from 2002 in the amount  
4 of \$1,109.42. I know you've filed an amendment  
5 and it's now part of the record.

6 Will you just tell the Commission  
7 what the current status of this tax lien is?

8 MR. TZERMAN: That tax lien was  
9 satisfied in November of 2002 just a couple of  
10 months after I found out about it. Why it hasn't  
11 reached the public records, I cannot say. But I'm  
12 pleased that it was brought to my attention so  
13 that I could clear it up.

14 MS. ANZELMO: Your SLED report also  
15 showed that you were named as a defendant in a  
16 2009 foreclosure matter.

17 Will you please explain to the  
18 Commission what your role was in that matter and  
19 the current status of that case as well?

20 MR. TZERMAN: I think I provided a  
21 document that demonstrates that I was the attorney  
22 for the defendant. How it came to be in the  
23 records that I was a defendant, I can't explain.

24 MS. ANZELMO: Thank you. Have you  
25 sought or received a pledge from any legislator

1 prior to today?

2 MR. TZERMAN: No, I have not.

3 MS. ANZELMO: Have you sought or have  
4 you been offered a conditional pledge of support  
5 of any legislator pending the outcome of your  
6 screening?

7 MR. TZERMAN: No, I have not.

8 MS. ANZELMO: Have you asked any  
9 third parties to contact members of the general  
10 assembly on your behalf?

11 MR. TZERMAN: Not yet.

12 MS. ANZELMO: Have you contacted any  
13 members of the Commission?

14 MR. TZERMAN: No, I have not.

15 MS. ANZELMO: Do you understand that  
16 you're prohibited from seeking a pledge or  
17 commitment until 48 hours after the formal release  
18 of the Commission's report?

19 MR. TZERMAN: Yes, I do.

20 MS. ANZELMO: Have you reviewed the  
21 Commission's guidelines on pledging?

22 MR. TZERMAN: I have.

23 MS. ANZELMO: As a follow-up, are you  
24 aware of the penalties for violating the pledging  
25 rules; that is, it is a misdemeanor and, upon

1 conviction, a violator could be fined not more  
2 than \$1,000 or in prison not more than 90 days?

3 MR. TZERMAN: I do understand.

4 MS. ANZELMO: I would note that the  
5 Midlands Citizens Committee found Judge Tzerman to  
6 be well-qualified for each of the nine evaluative  
7 criteria, constitutional qualifications, ethical  
8 fitness, professional and academic ability,  
9 character, reputation, physical health, mental  
10 stability, experience, and judicial temperament.

11 The Committee concluded that Judge  
12 Tzerman is a very eminently qualified and highly  
13 regarded candidate, and the Committee said that it  
14 is confident that he would be able to serve the  
15 Circuit Court in an outstanding manner.

16 I would also note for the record that  
17 any concerns raised during the investigation of  
18 the candidate were incorporated into the  
19 questioning of him today. Mr. Chairman, I have no  
20 further questions.

21 REPRESENTATIVE DELLENEY: Thank you,  
22 Ms. Anzelmo. Does any member of the Commission  
23 have any question? Senator Knotts?

24 SENATOR KNOTTS: Thank you. What do  
25 your weekly work hours consist of as a Master In

1 Equity/Circuit Judge?

2 MR. TZERMAN: I generally hear, on  
3 average, I would say, a half a dozen cases a week,  
4 most of them being routine foreclosure matters  
5 that the Bar or defendant has not filed an answer,  
6 defaulted, which means it's a default case and  
7 it's very straight forward from the judge's  
8 perspective.

9 I probably resolve, on the average  
10 over the past ten years, perhaps ten contested  
11 civil cases a year. My next scheduled contested  
12 case is scheduled in about two weeks, it's  
13 scheduled for all day, I don't know how long it  
14 will take.

15 SENATOR KNOTTS: So your workweek  
16 starts --

17 MR. TZERMAN: Well, I'm also a  
18 practicing attorney, I work from 8:30 to 5:00  
19 every day with an hour for lunch.

20 SENATOR KNOTTS: Master In Equity is  
21 not a full-time position?

22 MR. TZERMAN: No, sir, it's not. If  
23 I had to estimate the number of hours a week I  
24 work exclusive, and that's an estimate because it  
25 differs from one week to the next, but I would

1 say, on average, seven to ten hours a week.

2 SENATOR KNOTTS: What is one of the  
3 major problems or the major problem you see in the  
4 South Carolina court system that, as a judge, you  
5 would work to correct?

6 MR. TZERMAN: Well, a lot of that's  
7 been going on lately. And, of course, this is  
8 more from my perspective as an attorney than as a  
9 judge. But the alternative dispute resolution, I  
10 think, is the coming wave that we need to focus on  
11 more, which may help alleviate some of the  
12 backlog. I've actually been involved as an  
13 attorney in mediation and arbitration, and I think  
14 it's a good alternative to litigation in court.

15 SENATOR KNOTTS: Thank you. Thank  
16 you, Mr. Chairman.

17 MR. TZERMAN: I would encourage, as a  
18 judge, for people to mediate cases, and it's  
19 becoming more mandatory now.

20 REPRESENTATIVE DELLENEY: Does anyone  
21 else have any questions for Mr. Tzerman? There  
22 being none, thank you, Mr. Tzerman, thank you for  
23 bringing your wife today.

24 This concludes this portion of your  
25 public hearing screening. Of course, any time



1 until we issue the report we can call you back and  
2 ask you questions if the need arises, which I  
3 don't expect that to happen, but I would just  
4 remind you of that.

5 I would also like to remind you of  
6 the 48-hour rule. If anyone inquires with you as  
7 to whether they could advocate for you, I would  
8 ask you to also remind them about the 48-hour  
9 rule.

10 At this time I would like to thank  
11 you for your service to the State of South  
12 Carolina, and I hope you have a safe trip home.

13 MR. TZERMAN: Thank you, Chairman  
14 Delleney.

15 (Candidate excused.)

16 REPRESENTATIVE DELLENEY: Okay. I'm  
17 going to recuse myself from deliberating on any of  
18 these positions with Circuit Court, Fifth Circuit,  
19 Seat Number One. It dawned on me that I have some  
20 hearings that I have already had the hearings on  
21 but have not had results or decisions made by  
22 Commissioner Roche, and, as a result of that, I'm  
23 going to turn my chairmanship over to Senator  
24 McConnell and recuse myself from any deliberations  
25 or any comments on these candidates.

1 Senator McConnell?

2 SENATOR MCCONNELL: I guess, at this  
3 point, we would have to go into executive session.

4 (The members went into executive  
5 session at 1:20 p.m.)

6 \* \* \* \* \*

7 (The members returned to open session  
8 at 1:30 p.m.)

9 SENATOR MCCONNELL: The veil is  
10 lifted. Open the doors and notify the public. Is  
11 there new business to take up at this point?

12 SENATOR KNOTTS: I make a motion that  
13 all candidates, Andrea Roche, DeAndrea Benjamin,  
14 John Meadors, Lisa Glover, Robert Hood, James  
15 Shadd, and Honorable Jeffrey Tzerman be qualified.

16 SENATOR MCCONNELL: The motion is  
17 that we find all of them qualified.

18 (Unanimous second.)

19 SENATOR MCCONNELL: All in favor of  
20 finding them qualified, please raise your right  
21 hand.

22 MS. SHULER: Eight. And Mr. Delleney  
23 recused himself.

24 SENATOR MCCONNELL: Opposed?  
25 Meaning, of those voting, it was a unanimous

1 vote. Now we come down to a question of who. We  
2 have them all qualified, only three can be  
3 nominated.

4 So the floor is open for discussion.  
5 If there is no discussion, then we'll go into a  
6 vote. I'd ask if you would call each name and we  
7 will vote on each one and see who gets a majority.

8 MS. SHULER: Andrea Roche. One.

9 Judge Benjamin, six.

10 John Meadors, six.

11 Lisa Glover, zero.

12 Robert Hood, seven.

13 James Shadd, four.

14 Judge Tzerman, zero.

15 So Robert Hood was seven, John  
16 Meadors was six, and Judge Benjamin was six.

17 SENATOR MCCONNELL: Is there anything  
18 further to come in open session at this time  
19 before we break for lunch? If there's no  
20 objection, we'll be standing in recess until  
21 2:00 p.m.

22 (The morning session adjourned at  
23 1:33 p.m.)

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CERTIFICATE OF REPORTER

I, Rita A. DeRouen, Registered Professional Reporter and Notary Public for the State of South Carolina at Large, do hereby certify:

That the foregoing transcript was taken before me on the date and at the time and location stated on page 1 of this transcript; that all statements made on the record at the time of the proceeding were recorded stenographically by me and were thereafter transcribed; that the foregoing proceeding as typed is a true, accurate, and complete record of the proceeding to the best of my ability.

I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof.

Witness my hand, I have hereunto affixed my official seal this 1st day of December 2010, at Columbia, Richland County, South Carolina.

---

Rita A. DeRouen  
Registered Professional Reporter  
Notary Public  
State of South Carolina at Large  
My Commission expires:  
August 12, 2019

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