



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

**Circuit Court  
(Incumbent)**

Full Name: DeAndrea Gist Benjamin

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Columbia, SC 29201

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1. Why do you want to serve another term as a Circuit Court Judge? I have enjoyed serving as a Circuit Court Judge for the last seven (7) years. It has afforded me the opportunity to preside over civil and criminal trials in Richland County and counties across the state. I have had the opportunity to work with a group of outstanding attorneys and litigants. While the job can be demanding, it has been incredibly rewarding. I have considered it a blessing to be able to use my education, training and experience to administer justice in the state that I love.

2. Do you plan to serve your full term if re-elected? Yes

3. Do you have any plans to return to private practice one day? No plans at this time.

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

5. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated? Canon 3(B)(7) covers ex parte communications. Every Litigant or lawyer should have their cases heard according to the rules of law. This involves even the appearance of impropriety and a judge should not do or say anything that suggests one side has some advantage in appearing before the court. I do not engage in ex parte communications except for a temporary restraining order, for administrative purposes, for

emergency reasons that are in compliance with the rules or if the parties consent.

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

My former law partner is my father, I do not hear any of his cases or cases of the associates in his office.

I treat lawyer-legislators the same way I treat other lawyers who appear before me.

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

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

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

I have recused myself from hearing any cases where there may be an appearance of impropriety because of my spouse or close relative. I would consider the extent of my spouse or relatives involvement in the organization, if they were directly involved in the issue before the court, and if I could be fair and impartial in my decision. It is my practice to err on the side of caution.

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

As a general rule I don't accept gifts from lawyers or litigants before me. Any social hospitality that is accepted on my part is reported on my ethics report.

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

I would report it to the appropriate authorities.

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

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

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

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

We have an Order log, deadline schedule, and we report matters under advisement to Court Administration monthly.

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

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

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

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

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

No, I am able to separate work from my personal life. I have young children and I have worked since they were infants. I have a strong family support system.

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

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

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

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

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

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

19. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality? No
20. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved? No
21. Are you a member of any organization or association that, by policy or practice, prohibits or limits its membership on the basis of race, sex, religion, or national origin? If so, please identify the entity and explain if this organization practices invidious discrimination on any basis. No
22. Have you met the mandatory minimum hours requirement for continuing legal education courses for the last reporting period? Yes
23. What do you feel is the appropriate demeanor for a judge and when do these rules apply? Calm, patient, and kind. I treat lawyers and litigants as I would like to be treated. These rules always apply.
24. Do you feel that it is ever appropriate to be angry with a member of the public, especially with a criminal defendant? Is anger ever appropriate in dealing with attorneys or a pro se litigant? No. Never.

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

\_\_\_\_\_  
Sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print Name)  
Notary Public for South Carolina

My commission expires: \_\_\_\_\_