

Title: **Judges get awfully cozy with legislators in S.C.**
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Judges get awfully cozy with legislators in S.C.

The Judicial Merit Selection Commission began meeting last week to vet judges for seats around South Carolina, marking the bi-annual migration of judicial candidates to the State House. That's where the problem lies: would-be judges are kowtowing to lawmakers again.

On the road to a state judgeship, the first stop is a vetting at the JMSC, a panel composed of six legislators and four other citizens appointed by legislators. It's the same commission where former House Speaker Bobby Harrell placed his brother.

South Carolina is one of only two states where legislators control judicial screening. That's why the American Bar Association says we don't appoint judges by merit.

It's not unusual here to find former legislators with little or

Guest column

Phillip Cease

no experience on the bench making their way to higher courts. Former Supreme Court Chief Justice Jean Toal was a longtime legislator with no prior judicial experience.

Lawyer-legislators on the JMSC have participated in questioning and voted favorably on judges whom they practice in front of. Challenges to the constitutionality of the JMSC have been shot down in state courts.

Three candidates per seat are approved by the JMSC. Then the State House becomes a hive of handshaking and backslapping, with potential judges cozying up to legislators. For some candidates, the support comes easier because they're relatives of legis-

lators. Supreme Court Justice Kaye Hearn's husband, George Hearn, was a house member when she was elected to the Supreme Court.

When the JMSC meets next Thursday, one of the candidates for Administrative Law Court will be Milton Kimpson, Sen. Marlon Kimpson's brother. If the JMSC approves him, his brother's position will, it's fair to say, make it likelier that he'll be elected by the legislature.

Then, when the time for re-electing judges comes, the process starts all over again with the JMSC hearing, the handshaking, the backslapping and the voting.

In a state that claims to have three branches of government, South Carolina really doesn't. Equal justice can get lost somewhere in the State House.

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