

Judicial Diversity
November 8, 2010
Presentation by the Honorable W. Jeffrey Young

Judge Jeff Young made the second in our planned presentations on “Judicial Diversity in South Carolina” at 6:00 PM on Monday, November 8, 2010 in The Seminar Room of CCTC’s Health Sciences Building on South Main Street. Judge Young serves as a Circuit Court Judge at-large. His presentation was excellent. Sorry that so few attended.

Judge Young was born and raised in Sumter. He graduated from The Citadel in 1977, and earned his Juris Doctorate from USC in 1984. He served on both Active and Reserve duty with the USAF from 1977 to 2007, retiring as a Lt. Colonel. He was elected to the House of Representatives in 1994 and served until 1998. Elected as a Family Court Judge for the Third Judicial Circuit in 2004, he served in that capacity until 2009 when he was elected as a Circuit Judge. Judge Young is married and they have one daughter and three sons.

The Circuit Court operates with two jurisdictions—General and Criminal. General jurisdiction is called “Common Pleas” and involves civil complaints of more than \$7,500. Criminal jurisdiction is called “General Sessions” and involves cases that carry fines of more than \$500, or incarceration of more than thirty days and up to the death penalty. All appeals from Magistrate’s Court are heard by the Circuit Court, either in Common Pleas or General Sessions.

There are sixteen circuits in the state served by forty-six Circuit Court Judges. Thirty-three of the judges serve as resident judges in the individual circuits, and sixteen serve as at-large judges, traveling the state. Judge Young fills Seat #1 of the at-large judgeships. When he was elected in 2009, there were nine others seeking the position. Judge Young feels that judges must know the law and must apply it impartially even when unpopular.

Circuit Court Judges are elected by a Joint Session of the General Assembly. Candidates for the position are screened by the Judicial Merit Selection Commission (JMSC). The JMSC was created by amendment to the South Carolina Constitution. It is composed of ten persons, five of who are appointed by the House and five by the Senate. Six of the ten members must be sitting members of the state legislature. The JMSC recommends three candidates for each judgeship after a detailed and thorough screening process designed to eliminate unqualified individuals seeking the office.

Each candidate must undergo a public hearing taken under oath, and a detailed investigative procedure including a SLED investigation. They must successfully complete a written examination. Lawyers and other individuals may submit anonymous letters concerning individual candidates to the JMSC that become part of the investigative record. At the conclusion of the screening process, the JMSC makes public a report that recommends three candidates for each of the judgeships to be filled. Candidates may not seek a commitment from sitting members of the General Assembly until the Screening

Report is made public. Then the candidates actively solicit votes from the representatives and senators. The General Assembly, in Joint Session, elects the judges.

While not perfect, the current system requires the JMSC to consider such items as gender and ethnicity in making their final recommendations. Only Virginia has a similar system.

Judge Young provided a number of charts that detail the diversity found in the various state courts. Data from the reports are reported elsewhere. Copies will be available at our December meeting. Plan now to come and hear Dale Atkinson, Judge of Probate, on December 13, 2010. Same time, same location.

Chuck Gibbs