



# The Voter

November 2010

League of Women Voters of Sumter County

## Ensuring Judicial Independence & Diversity Conference

South Carolina League of Women Voters was selected to take part in the LWV Education Fund ongoing project, "Safeguarding U.S. Democracy: The Quest for a More Diverse Judiciary." The project concentrates on promoting diversity at all levels of state judiciaries in order to enhance the legitimacy of the judicial system in the eyes of a very diverse public. The program presented in Charleston on October 8, 2010 focused on these issues.

State and national judicial experts presented South Carolina's judicial selection process and attempted to answer the questions: Why do judicial diversity and independence matter? What does a fair and impartial judiciary look like and how does the Palmetto State compare to this model? How can the State achieve this vision of a fair and balanced judiciary? What's the connection between judicial selection and a fair judiciary?

Panelists defined diversity as differences, in gender, race, and ethnicities. These diversities are in no way quotas. In South Carolina, as of June 2010, only 56 out of the state's 186 judges were women, and only 6 out of the 46 Circuit Court judges were black. There are no Latino or Asian judges. Thus, the state could do more in eliminating the imbalance of the composition of the judiciary. The need for diversity in selecting members of the Judicial Merit Selection Commission was also cited. (Continued on Page 3)

## November Annual Membership Meeting

League of Women Voters of Sumter County

**6:00 PM, Monday, November 8, 2010**

**Topic: Circuit Court**

**Speaker: Judge W. Jeffrey Young,**  
3rd Judicial Circuit

**Location:** Central Carolina Technical College

New Health Sciences Center

Seminar Room

133 South Main Street

Sumter, SC 29150

Contact: Dawn Adkins (803) 774-3337

**Dues are due: \$45.00.**



## Mark Your Calendars!

### Future Programs

**December 13, 2010**

**Dale Atkinson**

**Judge of Probate Court  
Seminar Room, 6:00pm**

# Sumter County Magistrate Court—How Diverse?

The Sumter League of Woman Voters kicked off its program to investigate how the Judiciary system operates in Sumter County. On Monday, October 11, 2010, Chief Magistrate, Kathy Ward, spoke to the League membership about the duties and responsibilities of Magistrates and the Magistrates' Court. Judge Ward provided two informative handouts and provided an excellent verbal description of her job.

Judge Ward returned to Sumter in 1972 when her father retired from the Air Force. She earned a degree from The College of Charleston and worked as a city and county planner in Lancaster and Sumter Counties for 12 years. She earned her Law Degree from the University of South Carolina and practiced law with Dick Booth. She has served as Sumter County Attorney and as General Counsel for the Sumter County Development Board. Judge Ward was appointed a magistrate in 2002 and has served as Chief Magistrate since January 2003. In 2009, she was appointed Chief Magistrate for Lee County.

There are approximately 319 magistrates in South Carolina. They are appointed by the Governor, upon the advice and consent of the Senate for four-year terms. Since 2005, magistrates must have a four-year college degree. Prospective magistrates must pass an eligibility examination prior to appointment. They then must attend an orientation program, pass a certification examination within one year, and attend a number of trials prior to conducting a trial. There is good diversity within the ranks of those appointed magistrate. As an aside, there are seven Native Americans, trained by the South Carolina Judicial System, that serve as judges on Tribal Lands here in South Carolina.

Magistrates, together with Municipal Judges make up the Summary Court. Magistrates have both civil and criminal trial jurisdiction. Civil cases include small claims up to \$7,500, repossession suits, real estate cases and restraining orders. Criminal cases are subject to a maximum fine of \$500 or imprisonment not exceeding 30 days, or both. Magistrates hold all bond hearings for those charged with a crime unless the charge carries a life or death sentence. In those cases, the circuit court holds the bond hearing.

Most people have their first experience with the court system in Magistrates Court. Traffic misdemeanors, bad checks, and bond hearings are the most common cases heard by magistrates. In civil cases, the magistrate renders a verdict on the "preponderance of the evidence," while criminal cases require "probable cause or no reasonable doubt." If the magistrate releases a prisoner, the Solicitor can still take the case to the Grand Jury for indictment.

Magistrates hear some 38,000 cases per year, mainly traffic misdemeanors, and 8,000 civil cases. Appeals from Magistrate Court are made to the Circuit Court that is composed of the Court of Common Pleas for civil cases, and the Court of General Sessions for criminal cases. If necessary, the State Supreme Court may remove a magistrate from office.

Again, I wish to thank Chief Magistrate Kathy Ward for her excellent presentation. Even Retired Chief Justice Ernest Finney came to hear her, and, as he said, 'learn something.'

Chuck Gibbs, President

## Board of Directors Report

The Board of Directors of the Sumter League met on October 14, 2010. One major concern was the poor attendance for the presentation of Chief Magistrate Kathy Ward as we kicked off our effort to inform the citizens about the operation of our courts and highlight the need for diversity in the selection of judges. As reported elsewhere, Magistrate Ward made an excellent presentation. We look forward to hearing from Judge W. Jeffrey Young on November 8, 2010.

The board affirmed Marie Hill as Coordinator for the State Convention of the South Carolina LWV planned for May 13-15, 2011 at the Quality Inn by Choice Hotels on Broad Street. There will be dinner for State Board members on Friday evening at the Garden Clubs Center on West Liberty, and then Plenary Sessions on both Saturday and Sunday. A Luncheon and a Banquet will be held at the Quality Inn on Saturday. The convention will wind up on Sunday afternoon. There are many details to be worked out. I'm sure that Marie can use all the help she can get. Please call Marie at 469-4252 and find out how you can help.

The board heard a brief report from Barbara Wiley, Barbara Brown and Marie Hill who attended the kick off of the Judicial Diversity study in Charleston on October 8. Barbara Wiley is the coordinator of the Sumter League's part of that state-wide program.

The board is looking for a volunteer to initiate a web site for the Sumter League. If interested, call me at 775-0487. Also, the LWVUS has provided us a new banner that was received in time for the meeting on October 11. It looks great, and we are most appreciative.

Finally, we need to increase our membership. Offers to help and suggestions as to how are solicited and will be greatly appreciated. Don't forget to invite all your friends to the next meeting on November 8 at 6:00 PM to hear Judge W. Jeffrey Young, 3<sup>rd</sup> Judicial Circuit.

Chuck Gibbs, President

**(Continued from Page 1)**

Speakers addressed the judicial selection process. Prior to 1996, the legislature had elected judges, which suggested a lack of independence of the judiciary from the legislature. The constitutional amendment, passed by voters in 1996, called for an independent Judicial Merit Selection Commission (JMSC). The independence of the JMSC from the legislature was then compromised when the General Assembly required by statute that a majority of JMSC members also be members of the seated General Assembly. Again, the questions of fairness and impartiality in this judicial selection process are highlighted. If the public does not have confidence in the selection process, then the legitimacy of the courts may be questioned.

Although South Carolinians believe in the high quality of their courts, many citizens do recognize the need for greater diversity and independence.

Marie Hill, Second Vice President

**Happy  
Thanksgiving!**



<b>Sumter County LWV Local Officers</b>		
President	Charles Gibbs cgibbs@sc.rr.com	775-0487
Past President	Lorraine Dennis	905-4350
First Vice President	Barbara Brown	469-3165
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