

SUPREME COURT OF SOUTH CAROLINA

Segars-Andrews v. Judicial Merit Selection Commission, 387 S.C. 109

691 S.E.2d 453 (2010) · No. No. 26791 · Decided March 23, 2010

SUMMARY

The Supreme Court of South Carolina dismissed a challenge by a family court judge to the Judicial Merit Selection Commission’s finding that she was unqualified for reelection. The court held that the challenge to the Commission’s political assessment implicated a nonjusticiable political question and that legislative membership on the Commission did not violate separation-of-powers or dual-office-holding provisions. The court also recognized the judicial-independence concerns raised by the Commission’s role in judicial reelection.

CASE DETAILS

COURT	Supreme Court of South Carolina
JURISDICTION	South Carolina
DECIDED	March 23, 2010
DOCKET	No. 26791
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner brought an original-jurisdiction action challenging the Judicial Merit Selection Commission's determination that she was unqualified for reelection to the family court bench. The Supreme Court accepted the matter in its original jurisdiction and dismissed the complaint.
STANDARD OF REVIEW	Constitutional challenges to statutes are reviewed under a presumption of validity; a statute will not be invalidated unless its unconstitutionality is clear and beyond a reasonable doubt. The court independently determines whether a constitutional claim presents a justiciable legal question or a nonjusticiable political question.
PRECEDENTIAL VALUE	Published opinion; precedential South Carolina Supreme Court decision.
PARTIES	Frances P. Segars-Andrews v. Judicial Merit Selection Commission, The State of South Carolina, Andre Bauer, in his official capacity as President of the South Carolina Senate, Glenn F. McConnell, in his official capacity as President Pro Tempore of the South Carolina

TOPICS

constitutional law election law fourteenth amendment

PRACTICE AREAS

constitutional law election law judicial selection

QUESTIONS PRESENTED

1. Whether legislative membership on the Judicial Merit Selection Commission violates the South Carolina Constitution's separation-of-powers provisions.
2. Whether legislative membership on the Judicial Merit Selection Commission violates the constitutional prohibitions against dual-office holding.
3. Whether the Judicial Merit Selection Commission's consideration of the recusal allegations constituted an impermissible review or usurpation of a judicial-branch determination.
4. Whether petitioner's stand-alone judicial-independence claim entitled her to judicial relief.
5. Whether petitioner's constitutional challenges presented nonjusticiable political questions.

HOLDINGS

1. Article V, section 27 of the South Carolina Constitution does not expressly or by clear implication prohibit legislators from serving on the Judicial Merit Selection Commission. The Commission's political role in evaluating judicial candidates does not create a separation-of-powers violation.
2. Although the complaint raised legal issues sufficient to satisfy threshold justiciability requirements, petitioner's challenge to the Commission's political exercise of authority presented a nonjusticiable political question at the merits stage.
3. Legislators may serve on the Judicial Merit Selection Commission without violating South Carolina's dual-office prohibitions because Commission service is an incidental or ex officio duty reasonably related to the General Assembly's constitutional responsibility for judicial elections.
4. The Commission was not bound by the court of appeals' recusal decision or by the Commission on Judicial Conduct's dismissal of the ethics complaint, and its consideration of the allegations did not constitute an unconstitutional super-review.
5. Judicial independence, despite its constitutional importance, is not an independent grant of judicial power and does not permit the court to invalidate or review a Commission determination otherwise within the political branches' constitutional authority.

KEY QUOTATIONS

“While the complaint of Petitioner raises substantial and concerning judicial independence issues, it is our firm judgment that the law provides her no relief.” (at 116)

“At the end of the day, Petitioner's separation of powers challenge presents not a legal question, but a nonjusticiable political question.” (at 123)

“The JMSC exercises the power of the sovereign.” (at 125)

“members of the General Assembly may properly serve on the JMSC as such service is reasonably incidental to the full and effective exercise of their legislative powers.” (at 127)

“Notwithstanding the undeniable significance of judicial independence, a judge's ethical duty to uphold judicial independence is not a grant of judicial power.” (at 130)

FACTUAL BACKGROUND

Frances Segars-Andrews had served as a family court judge since 1993 and sought reelection for another six-year term. A family court litigant opposed her reelection after she declined to recuse in his divorce case. The Judicial Merit Selection Commission found her unqualified based solely on alleged violations of Canons 2 and 2A of the Code of Judicial Conduct, preventing the General Assembly from considering her reelection.

PROCEDURAL HISTORY

Segars-Andrews, an incumbent family court judge seeking reelection, was found unqualified by the Judicial Merit Selection Commission after a litigant complained about her refusal to recuse in a divorce case. The court of appeals had affirmed the recusal ruling, and the Commission on Judicial Conduct had dismissed the related ethics complaint. The Supreme Court rejected respondents' contention that the entire action was nonjusticiable at the threshold, considered the constitutional claims, and dismissed the complaint because the claims afforded petitioner no relief.

DISPOSITION

dismissed

CASES CITED

- Moseley v. Welch, 209 S.C. 19, 39 S.E.2d 133 (1946)
- State v. Broad River Power Co., 177 S.C. 240, 181 S.E. 41 (1935)
- Gold v. S.C. Bd. of Chiropractic Exam'rs, 271 S.C. 74, 245 S.E.2d 117 (1978)
- Joytime Distribs. and Amusement Co. v. State, 338 S.C. 634, 528 S.E.2d 647 (1999)
- Sloan v. Hardee, 371 S.C. 495, 640 S.E.2d 457 (2007)
- S.C. Pub. Interest Found. v. Judicial Merit Selection Comm'n, 369 S.C. 139, 632 S.E.2d 277 (2006)
- Baker v. Carr, 369 U.S. 186, 82 S.Ct. 691, 7 L.Ed.2d 663 (1962)
- U.S. v. Munoz-Flores, 495 U.S. 385, 110 S.Ct. 1964, 109 L.Ed.2d 384 (1990)
- Chicago & S. Air Lines v. Waterman S.S. Corp., 333 U.S. 103, 68 S.Ct. 431, 92 L.Ed. 568 (1948)

- Stone v. Leatherman, 343 S.C. 484, 541 S.E.2d 241 (2001)
- Coleman v. Miller, 307 U.S. 433, 59 S.Ct. 972, 83 L.Ed. 1385 (1939)
- Elliott v. Sligh, 233 S.C. 161, 103 S.E.2d 923 (1958)
- Japan Whaling Ass'n v. Am. Cetacean Soc., 478 U.S. 221, 106 S.Ct. 2860, 92 L.Ed.2d 166 (1986)
- Abbeville County Sch. Dist. v. State, 335 S.C. 58, 515 S.E.2d 535 (1999)
- Sanders v. Belue, 78 S.C. 171, 58 S.E. 762 (1907)
- Willis v. Aiken County, 203 S.C. 96, 26 S.E.2d 313 (1943)
- Ashmore v. Greater Greenville Sewer District, 211 S.C. 77, 44 S.E.2d 88 (1947)
- Spartanburg County v. Miller, 135 S.C. 348, 132 S.E. 673 (1924)
- Bramlette v. Stringer, 186 S.C. 134, 195 S.E. 257 (1938)
- Grimball v. Beattie, 174 S.C. 422, 177 S.E. 668 (1934)
- Simpson v. Simpson, 377 S.C. 519, 660 S.E.2d 274 (Ct. App. 2008)
- Riley v. Carter, 165 Okla. 262, 25 P.2d 666 (1933)

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