

# WILLSON JONES CARTER & BAXLEY, P.A.

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March 14, 2016

Senator Larry A. Martin  
South Carolina Senate  
101 Gressette Bldg.  
Columbia, SC 29201

Re:    Subcommittee Hearing on reappointment of Susan Barden to the  
      South Carolina Workers' Compensation Commission

Dear Senator Martin:

I am writing this letter to provide the Senate subcommittee with information for use at the upcoming hearing on the reappointment of Susan Barden to the South Carolina Workers' Compensation Commission. I am writing this letter on behalf of myself and the 41 other lawyers in our firm who practice in the field of workers' compensation and who routinely appear before Commissioner Barden.

First, I want to make it clear to the subcommittee that I am not advocating for or against Ms. Barden's reappointment. However, with 42 lawyers handling defense of workers' compensation claims in the state of South Carolina, our firm is in a unique position to offer widespread first-hand feedback to the subcommittee as to Ms. Barden's performance as a commissioner in the past and her qualifications for reappointment. We have no intention of advocating for or against any candidate for a commissioner position with the South Carolina Workers' Compensation Commission.

Second, as indicated above, our firm has a large number of lawyers defending workers' compensation claims across the state of South Carolina, and as a result, lawyers from our firm routinely appear before Commissioner Barden and have done so over the course of the past 12 years. We have no records as to how many times lawyers from our firm have appeared before Ms. Barden, but anecdotally we suspect that lawyers from our firm have appeared before her for the adjudication of a workers' compensation claim/issue more than 1,500 times in the past.

With regard to Ms. Barden and her actions and performance while serving as a commissioner, we believe that she has a good judicial demeanor and a good judicial temperament. We believe that she allows both sides to present their arguments, that she thoroughly reviews all submitted evidence, and that she considers the arguments and evidence presented by both sides. We believe that she gives both sides due process at every hearing. We do not believe that she is biased toward one side or the other. We believe that she tries to do what she believes is right according to the law on every claim. We believe that she performs her duties fairly, impartially, and diligently. We believe that she has a high degree of integrity, and we believe that she is both moral and ethical. We believe that during her tenure, Ms. Barden has properly and ethically performed her duties as a commissioner of the South Carolina Workers' Compensation Commission.

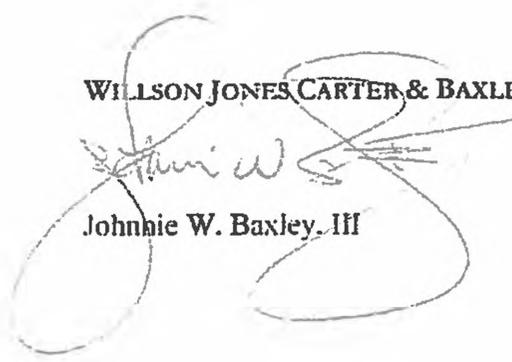
The beliefs of the lawyers in our firm outlined above are not based upon the results of the hearings where we have appeared before her. In fact, as is the nature of workers' compensation defense, we tend to lose more decisions before Commissioner Barden than we win. The beliefs and observances outlined above are based upon Ms. Barden's handling of hearings and the judicial process itself, regardless of whether the final decision was favorable or unfavorable. We may not always agree with the decision and results rendered by Commissioner Barden in the past, but our clients are always afforded fair and impartial due process and we believe that our legal positions and arguments are always given fair consideration.

Additionally, none of the lawyers in our firm are involved in any politics regarding the South Carolina Senate or the South Carolina Workers' Compensation Commission. I can assure you that this letter is not motivated in any way by politics or any political agenda.

Should you require any additional information or clarification of anything in this letter, please feel free to contact me at any time. Thank you for your consideration of this letter.

With kindest regards,

WILLSON JONES CARTER & BAXLEY, P.A.



Johnnie W. Baxley, III

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