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Senator Larry Martin
101 Gressette Bldg
Columbia 29201

Subject: Susan Barden reappointment

Dear Senator Martin,

Please consider this recommendation for Commissioner Susan Barden's reappointment. I will be as specific as possible in stating my reasons. I intend to be present to testify at the hearing that has not yet been set.

This is only the second time in the course of almost 33 years of law practice that I have been actively involved with a reappointment of a judicial person. I offer this information because of my very strong belief, based on first hand experience, that Commissioner Barden should be reappointed to her position. I've set forth specific headings to make this letter easier to review.

DEMEANOR

I have probably had dozens of hearings before Susan Barden. She has been consistently courteous, industrious and decisive toward either party in handling each hearing I have had before her. I have never seen any indication of bias toward any participating attorneys or parties.

PUNCTUALITY

She has always been on time for hearings and appropriate in timely deciding any case with which I have been involved.

KNOWLEDGE AND APPLICATION OF LAW

She stays current on comp law and applies it appropriately to the facts after she has decided the facts from disputed evidence. I have not found that all commissioners do this.

FACTUAL DECISION MAKING

Every commissioner is required to make decisions as to the facts that exist in a particular claim. Ms. Barden, as with any commissioner, must listen carefully to the testimony as well as review the medical and other documents of the record. She puts a lot of weight on the credibility

of the witnesses as she can best determine it, in part, by listening intently and observing each witness during the hearing....something each commissioner should do with each disputed case. In my opinion, she takes this responsibility very seriously.

In some cases I have had, my client didn't convey their credibility despite my pre-hearing efforts the help them calm down by reviewing what is expected of them. Every attorney is responsible for helping witnesses truthfully and credibly present their information. Despite those efforts, on occasion, I've had clients who became nervous or didn't tell me of some information that the commissioner hearing the case interprets as lacking credibility.

Susan Barden appears to do her best to carefully determine credibility of a witness by weighing the testimony and comparing other evidence. She is always meticulous in this task in any case I've had with her.

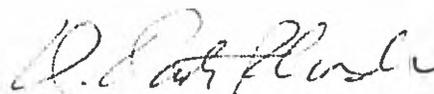
It has been my experience that she goes far beyond what any other commissioner does in explaining the basis of her decision based on the evidence. I don't have to guess at how she arrived at her conclusions which, frankly, makes it easier to explain a loss to a client. She does this much faster than any other commissioner I have dealt with. Her decisions, very specifically, reference evidence that she considered particularly important to the decision. These explanations are often 3-4 pages long as compared to most other commissioners' written explanations that are typically less than a page leaving me and other attorneys to guess at how the conclusions and findings were reached.

All any attorney can justifiably expect from her, is an unbiased review of the case in detail. I haven't always agreed with Ms. Barden's conclusions, though I appreciate and never doubt she will provide a good faith effort as a commissioner. I wish all commissioners were as thorough about their decisions. Susan Barden typically takes about 14 to thirty days, at most, to render a decision. By comparison, many other commissioners will take months to decide, and then, provide only a cursory explanation, often less than a page.

SPECIAL POINT

I did not know Ms. Barden until she became a commissioner. I am not a social friend of hers. I offer this information based on my firsthand experience, to help the judicial Committee receive clearer insight about what a good conscientious commissioner does and why she should be reappointed. I regret that more commissioners don't follow her example. Someone being upset because a good faith decision did not go their way, is not a valid basis to not reappoint any commissioner. If it was valid, no person would qualify.

Cordially,



D Dusty Rhoades, attorney