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To: Philpott, Katie <KatiePhilpott@gov.sc.gov>
Veldran, Katherine <KatherineVeldran@gov.sc.gov>
Smith, Austin <AustinSmith@gov.sc.gov>
Date: 1/22/2016 2:43:40 PM
Subject: RE: Appointment Process for Magistrates

Finally read through the email. Happy to discuss.

From: Philpott, Katie
Sent: Wednesday, January 06, 2016 12:52 PM
To: Veldran, Katherine; Patel, Swati; Smith, Austin
Subject: Appointment Process for Magistrates

Swati, Austin, and Katherine,

Unfortunately, our online boards module is not quite yet ready for implementation. I wanted to give you all a summary of our current, appointment process for magistrates so that perhaps we can share this with the Senate offices in order to increase transparency and hopefully eliminate errors.

Magistrates are appointed by the Governor, by and with the advice and consent of the Senate. This means that they must first be nominated to our office by the county Senatorial Delegation and then subsequently confirmed in the full Senate.

In order for the Senatorial Delegation to make a nomination to our office for all appointments (initial appointments **AND reappointments**), we ask that the Senatorial Delegation provide our office with the following materials:

A nomination letter from the Senatorial Delegation which includes the following information

- Full- or part-time
- Term dates
- Seat the nominee will be filling

A signed, dated, and notarized Magistrate Application (attachment 1)

WE ASK THAT THE DELEGATION SEND THE APPLICATION AND NOMINATION LETTER TO OUR OFFICE TOGETHER, AS ONE PACKET, IN ORDER TO IMPROVE PROCESSING TIME.

For INITIAL appointments only, we ask that the following information also be included in the nomination packet:

On the nomination letter, designate who the nominee will be replacing (the vice) – we must have this information to make the appointment

Copy of the nominee's eligibility examination score which includes the date on which the nominee took the test

Once we receive the full and complete nomination packet, our office will proceed through the following steps:

Request a background and credit check from SLED. If the nominee has a freeze on their credit report, we will then have to ask the individual to lift the freeze and have SLED run it again.

If the nominee has anything come up on the background or credit check, we will generate a background letter and send it to the Senatorial Delegation notifying them of the issue. We require a *written* response from the chairman in order to proceed.

Conduct a dual-office holding check if the nominee holds any other official offices

Verify the nominee's magistrate eligibility exam score with SC Court Administration (for initial appointments)

Prepare the appointment letter for the Governor's signature

Compile the completed appointment packet for delivery to the Senate Clerk's office

Commonly asked questions:

1. Do magistrates who are being nominated for reappointment need to complete the Magistrate Application?

- a. Yes, all nominees for appointment and reappointment must complete the application so that we can run the background and credit check with up-to-date personal information and verify that the nominee still meets all of the requirements.
2. How long does the process take?
 - a. The process takes about 2 months on average. The process can take longer if there are issues with the nominee's test score, dual-office holding violations, or we are required to send a background letter.
3. What is the background letter?
 - a. If the nominee has a criminal history or anything unusual comes up on the credit report, we sent a letter to the Senatorial Delegation and a copy of the report in question. The letter notifies the delegation that we have found an issue that we would like to share with the delegation and asks that the chairman provides our office with a *written* response advising us how to proceed. We cannot advance the packet in the process without this written response.
4. What can we do to speed up the process?
 - a. Make sure that the Magistrate Application and nomination letter are sent to our office together, as one packet.
 - b. Ensure that the vice (if applicable), seat, term, and working time (full- or part-time) are all included in the body of the nomination letter.
 - c. Check to make sure that the Magistrate Application is completed entirely and that it is notarized.
 - d. Notify the candidate that we will be running a credit check and ask them to lift the freeze for a short period of time so that SLED can pull the report.
5. What is the magistrate eligibility exam?
 - a. South Carolina Law requires that all persons seeking initial appointment as a magistrate take an eligibility examination to test basic skills. Applicants must have a combined score of 68 on the two tests to pass. The test scores are valid for six months before and six months after the time of appointment. An overview of the process and relevant contacts are included in a memorandum from the SC Court Administration (attachment 2).

Please let me know if you see anything you would like me to revise and advise if this is something we should provide to the Senatorial Delegations.

Thanks,

Katie R. Philpott
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