

Uniform Guidelines for Nomination of a Circuit Public Defender by a Selection Panel

(Revised and republished 4-25-2008)

I. Responsibilities of the Circuit Public Defender Selection Panel

Pursuant to SC Code Section 17-3-510, each Circuit Public Defender Selection Panel is responsible for nominating a person to serve as the Circuit Public Defender for their circuit. Each selection panel shall:

1. Convene the first meeting at a convenient time and place, designated by the executive director of SCCID in consultation with all panel members, within ten (10) days of all panel members being elected.
2. Each member of a Selection Panel, before assuming his or her duties thereon, shall execute the following Oath and immediately return it by regular mail to SCCID to the attention of Hugh Ryan, General Counsel (P.O. Box 11433, Columbia, SC 29211):

As a member of the Judicial Circuit Public Defender Selection Panel, I acknowledge that I am not pledged to vote for any applicant or potential applicant, and that I will not do so throughout my term as a panel member; that I will comply with the Uniform Guidelines and Procedures for nominating a Circuit Public Defender; and that in all deliberations I will execute my duties fairly, impartially and objectively to insure the nomination of the most qualified applicant.

(Form of this Oath for members to sign is included in these Guidelines)

3. Elect a chairman and a secretary of the Selection Panel and transmit by regular mail or fax these names along with mailing and email addresses to SCCID General Counsel.
4. Follow Robert's Rules of Order in conducting all meetings and in the selection of the panel's nominee.
5. Upon receipt of the applications from SCCID the Panel shall interview all applicants. The Panel may also seek references and take such steps as they feel are necessary to insure the most qualified candidate is elected to the position of Circuit Public Defender.
6. The Panel shall make the selection of Circuit Public Defender within 30 days of receiving the applications from SCCID. Any extension of time may be granted only by the Executive Director of SCCID for good cause.

7. By a majority vote of its membership, select and forward to SCCID the circuit nominee for Circuit Public Defender. The Selection Panel shall also forward to the Commission all relevant materials used in the selection and a certification signed by all members of the panel (see attached form) that the nomination process was properly conducted in a fair, impartial and objective manner.

II. Responsibilities of the Office of the South Carolina Commission on Indigent Defense

1. SCCID will draft a standardized job description to be used in all advertisements for the Circuit Public Defender position.
2. SCCID will post the position through the Office of Human Resources (www.scjobs.com) and will advertise the position in a manner reasonably calculated to alert interested candidates, as soon as practical after the first (organizational) meeting of the Selection Panel.
3. Notify the SC Employment Security Commission and the State Career Center of the Office of Human Resources of the available position and comply with all relevant laws and regulations including SC Code section 8-11-120, 8-11-230 and State HR Regulations 19-703.
4. Provide in the position advertisement that applications may be submitted online or mailed to the Office of SCCID on the standard state application form (available online or through SCCID) along with any additional information the applicant wishes to provide.
5. Provide that the time period for receiving applications will not be less than twenty (20) days from the date of the initial posting on the state's human resources site.
6. SCCID will review the applications to insure all applicants meet the statutory qualifications for the position and provide to the Selection Panel a SLED criminal background check for each applicant.
7. Upon completion of the review process all applications and supporting material will be forwarded by SCCID to the Chairman of the Selection panel.
8. If a nominee is rejected by the Commission, SCCID will repost and advertise the position as outlined above.

III. Responsibilities of the Commission on Indigent Defense

1. At the next scheduled commission meeting after receipt of a nomination or at a time established by the Chairman, the Commission shall by majority vote accept

or reject the nomination but may not substitute the name of another person.(17-3-510(C)) The Commission may interview any nominee and consider any materials used in the selection process by the Selection Panel, in its discretion.

2. The Commission shall notify the nominee and the chairman of the Selection Panel of the Commission's vote on the nomination.
3. If the nominee is accepted the Commission shall oversee an oath taking ceremony for each Public Defender, to be held at a convenient time, at a courthouse in the nominee's circuit.

IV. Complaint procedures concerning Circuit Public Defender elections.

1. Complaints regarding alleged improper acts or omissions in the election of members to a Circuit Public Defender Selection Panel and in the selection of a nominee Circuit Public Defender by a selection panel must be made in writing and provided to the General Counsel for the Commission on Indigent Defense within 10 days of discovery of any alleged improper activity. Complaints will remain confidential between complainant, SCCID General Counsel and the SCCID Executive Director pending presentment to the Commission.
2. The complaint shall list specific facts supporting each and every claim of impropriety.
3. The complaint shall list the name, address and telephone number of each and every witness complainant is aware of that has information concerning the facts of the matter.
4. The Commission has the authority to request that the general counsel interview all material witnesses. Witnesses may be asked to appear before the Commission however witnesses who are not also the complainant cannot be compelled to appear.
5. The Commission will take such action as it deems appropriate or take no further action after review of complaint.
6. If requested complainant (this includes any witness acting as complainant) will appear before the Commission and be prepared to answer questions concerning any allegations.
7. The complainant will not address or have any third party address the issues with individual members of the Commission. Any correspondence, communication, etc., shall be to the General Counsel of the agency, Hugh Ryan. (P.O. Box 11433, Columbia, SC 29211) (803)734-1338. hryan@sccid.sc.gov

Oath of Public Defender Selection Panel Members

As a member of the ____ Judicial Circuit Public Defender Selection Panel, I acknowledge that I am not pledged to vote for any applicant or potential applicant, and that I will not do so throughout my term as a panel member; that I will comply with the Uniform Guidelines and Procedures for nominating a Circuit Public Defender; and that in all deliberations I will execute my duties fairly, impartially and objectively to insure the nomination of the most qualified applicant.

Signature

Bar Number

SWORN TO BEFORE me this day of _____, 2008.

Notary Public for South Carolina
My commission expires:

Each member of a Selection Panel, before assuming his or her duties thereon, shall execute the above Oath and immediately return it by regular mail to SCCID to the attention of Hugh Ryan, General Counsel (P.O. Box 11433, Columbia, SC 29211)