



HENRY McMASTER
GOVERNOR

September 1, 2023

The Honorable Leon Howard, Chairman
Richland County Legislative Delegation
Post Office Box 192
Columbia, South Carolina 29202

Dear Representative Howard:

Thank you for your August 10, 2023 letter, in which you, on behalf of the Richland County Legislative Delegation ("Delegation"), "offer[ed] the name of Joseph M. Strickland for consideration for appointment as the Master-in-Equity of Richland County" to "comply" with the Supreme Court's recent Order. *See Strickland v. Richland Cnty. Legislative Delegation*, Case No. 2023-001130 (S.C. Aug. 10, 2023). Although I was not a party to the aforementioned litigation, I am aware that the Court directed the Delegation to "to submit [Judge Strickland's] name as a candidate for the office of Richland County Master to the Governor for consideration." After careful consideration, and as reflected in the enclosed letter, I have reappointed Judge Strickland to serve as Master-in-Equity of Richland County for the remainder of the current, unexpired term. Pursuant to sections 2-19-110 and 14-11-20 of the South Carolina Code of Laws, Judge Strickland's reappointment remains subject to the advice and consent of the General Assembly.

I write today to in an effort to bring clarity to this situation and to explain briefly I view the law and the facts as supporting Judge Strickland's reappointment.

As the Supreme Court observed in its recent Order, when Judge Strickland first sought reappointment for the term beginning in 2021, he was the only candidate to apply for the position. *See id.* at 1. The Judicial Merit Selection Commission ("JMSC"), which included a member of the Delegation, then conducted the requisite screening. After noting Judge Strickland's "outstanding reputation" and "great intellect," the JMSC unanimously found Judge Strickland "qualified for re-appointment." Yet, the Delegation—for unstated reasons—did not submit his name to me for consideration as required by section 2-19-110. Instead, three months after the JMSC issued its report on January 19, 2021, and again without any explanation, the Delegation purported to nominate a different candidate for my consideration, albeit one who apparently had not formally applied for the position or been screened by JMSC. Because the Delegation's March 19, 2021 submission did not comply with the statutory requirements, I did not accept that recommendation. S.C. Code Ann. § 14-11-20 ("No person is eligible to hold the office of master-

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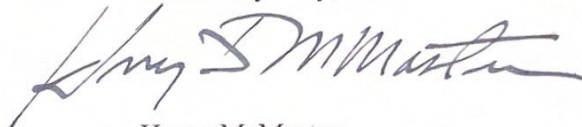
in-equity who . . . has not been found qualified by the [JMISC]."). The Delegation then took no further action with respect to the Richland County Master-in-Equity until earlier this year, when you advised the JMISC that a vacancy existed in the office.

Since that time, it has become obvious that the prospect of Judge Strickland's reappointment has been a source of contention among members of the Delegation. I must note, however, that no member of the Delegation has presented me with any convincing evidence or credible basis upon which to conclude that Judge Strickland is not fit to continue serving as Master-in-Equity—a role in which he has, by most accounts, served with honor and distinction (and with little or no opposition) for more than thirty years.

As I have repeatedly emphasized, a critical component of the Rule of Law is ensuring that the public has confidence in the manner in which our State's judges are selected. Like in other contexts, I am convinced that the only way to maintain and enhance that public trust is for the relevant process to be transparent and accountable.

My appointment of Judge Strickland is now before the General Assembly. Thus, you and your colleagues in the Delegation remain free to support or oppose his candidacy, as the ultimate decision on whether Judge Strickland will continue serving in his current capacity now rests with the General Assembly, in accordance with the law.

Yours very truly,

A handwritten signature in dark ink, appearing to read "Henry McMaster", with a stylized, flowing script.

Henry McMaster

HM/tl
Enclosure
cc w/ enc: Richland County Legislative Delegation