



JUDICIAL MERIT SELECTION COMMISSION
Sworn Statement to be included in Transcript of Public Hearings

Supreme Court/Court of Appeals
(New Candidate)

Full Name: The Honorable Grace Gilchrist Knie

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1. Do you plan to serve your full term if elected?
Yes.
2. If elected, do you have any plans to return to private practice one day?
No.
3. Have you met the Constitutional requirements for this position regarding age, residence, and years of practice?
Yes.

4. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated?

It is my opinion, and general philosophy, that any ex parte communication with the trial judge is inappropriate due to the unfairness to the opposing counsel and party. Such communication also places the judge in a precarious situation due to the appearance of impropriety on behalf of the judge. My opinion is supported by Canon 3 B.(7), CJC, Rule 501, SCACR, which provides that judge shall not initiate, permit, or consider ex parte communications, or consider other communications made to the judge outside the presence of the parties concerning a pending or impending proceeding except for limited circumstances such as emergencies or scheduling, or as provided by law. Therefore, I can envision that, per the exceptions allowed by court rules and law, I would only allow ex parte communications, per those limited and specific circumstances.

5. If you disclosed something that had the appearance of bias, but you believed it would not actually prejudice your impartiality, what deference would you give a party that requested your recusal? Would you grant such a motion?

In this situation, my belief is not the focus or the relevant factor, but the appearance of bias as perceived by the parties or counsel. Canon 2A, CJC, Rule 501, SCACR, provides that judge shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary. Therefore, in that the question suggests that there is an appearance of bias, I would, in an effort to protect the integrity of the judiciary and promote public confidence in the impartiality of the judiciary, have a discussion with all counsel on the record and if the party raising the concern was not reassured, I would grant the motion to recuse.

6. What standards have you set for yourself regarding the acceptance of gifts or social hospitality?

Canon 4D. (5), CJC, Rule 502 SCACR, provides that a judge shall not accept and shall urge members of the judge's family residing in the judge's household, not to accept, a gift, bequest, favor or loan from anyone with few exceptions. It is my opinion that, based upon this Canon that the presentation of a gift, regardless of the value, would bring into question and scrutiny the appearance of bias or impropriety of a jurist. As a Circuit Court Judge, my general rule is to avoid offers of social hospitality. My spouse and I normally only accept gifts from family members, and generally do not accept any gift or offer of social hospitality which may be perceived as creating an appearance of impropriety or conflict of interest.

7. How would you handle a situation in which you became aware of misconduct or appearance of infirmity of a lawyer or of a fellow judge?

I would handle the situation by complying with the Code of Judicial Conduct. Canon 3D. (1)-(4), CJC, Rule 501, SCACR requires that I take appropriate action by directly communicating with the judge or lawyer who has committed the violation and reporting the violation to the appropriate authority. If the issue regards possible infirmity, I would contemplate utilizing programs offered through the South Carolina Bar Association for reporting concerns to include mental health issues and substance abuse disorders.

8. Are you affiliated with any political parties, boards or commissions? If so, in what capacity are you serving?

No.

9. Have you engaged in any fund-raising activities with any political, social, community, or religious organizations? Please describe.
No.

10. How would you prepare for cases that were before you?
As a circuit court judge to prepare for cases, I review the rosters of cases assigned to me in advance. I read the filed documents in those cases. I also review the applicable law. I discuss any unusual issues with my law clerk. In trials I request, in advance, detailed pre-trial briefs from counsel. As an appellate court judge, I would review the record on appeal and the briefs of counsel. I would then assign research assignments to my law clerks and/or staff attorneys. With the benefit of their research in place, I would be prepared to discuss the case with the other members of the court on my assigned panel. Ultimately, in preparation for the oral arguments (if any), I would prepare pertinent questions for counsel.

11. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy?
It is my opinion that the role of a judge is to apply the law to the facts as presented in each case. To do otherwise would go beyond the role of the judiciary as defined by our government's separation of powers and would infringe on the authority of the Legislative Branch. Therefore, I am opposed to judicial activism and it is my opinion that judges should not have a role in setting public policy.

12. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. What activities would you plan to undertake to further this improvement of the legal system?
It is my wish to participate in continuing legal education programs and to pursue educating the public, especially young people and students, as to the legal system. Specifically, I would like to promote a positive public image of lawyers and members of the judiciary in South Carolina in accord with the parameters articulated in Canon 4, CJC, Rule 501, SCACR.

13. Do you feel that the pressure of serving as a judge would strain personal relationships (i.e. spouse, children, friends, or relatives)? How would you plan to address this?

In my current position as a Circuit Court Judge I do not feel undue pressure associated with the judicial position and social relationships. I do not anticipate that the level of stress as to personal relationships will change if elected to the position of Judge on the SC Court of Appeals. In my social relationships I maintain professionalism and do not allow personal relationships to cause bias.

14. Please describe your methods of analysis in matters of South Carolina's Constitution and its interpretation by explaining your approach in the following areas. Which area should be given the greatest weight?

a) The use and value of historical evidence in practical application of the Constitution:

First, look to the language of the Constitution and then, if clarification is needed, examine the historical evidence. Historical evidence in practical application should give the greatest weight. These sources include the actual text itself, the case law interpreting the Constitution (judicial interpretation), and putting the Constitution in the context of the period in which it was written.

b) The use and value of an agency's interpretation of the Constitution:

There is danger in using agency interpretation because of political motivation and self-interest. The use of agency interpretation should be used with extreme caution.

c) The use and value of documents produced contemporaneously to the Constitution, such as the minutes of the convention:

Contemporaneous minutes, while useful due to showing the intent of the Framers, should be used with caution as well because the minutes are not the final work product but only events leading to the final product.

15. Are you a member of any organization or association that, by policy or practice, prohibits or limits its membership on the basis of race, sex, religion, or national origin? If so, please identify the entity and explain if this organization practices invidious discrimination on any basis.

No.

16. Have you met the mandatory minimum hours requirement for continuing legal education courses for the past reporting period?

Yes.

17. What do you feel is the appropriate demeanor for a judge and when do these rules apply?

A judge should exhibit the demeanor of respect, courtesy, and patience, to all persons without prejudice or bias. The demeanor of a judge should be consistently judicious regardless of the environment, time, or setting.

18. Would there be a role for sternness or anger in meetings with attorneys?

There is no situation in which anger is the acceptable emotion to portray. The term anger equates to hostility or loss of temper. However, there are situations where sternness is appropriate. I feel that being stern while maintaining respect to all parties is the appropriate courtroom demeanor.

I HEREBY CERTIFY THAT THE ANSWERS TO THE ABOVE QUESTIONS ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.



Grace Gilchrist Knie

Sworn to before me this 12 day of July, 2022.

Ashley D. Burgess
(Signature)

Ashley D. Burgess
(Print name)

Notary Public for South Carolina

My Commission Expires: 10/2/27