



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

**Supreme Court/Court of Appeals**  
**(New Candidate)**

Full Name: David Garrison Hill

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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?

I follow Canon 3 (B)(7). Other than for routine scheduling matters and situations where such contact is statutorily permitted, I do not tolerate *ex parte* communications. Even where permitted, care should be taken to ensure no side gains advantage from an *ex parte* contact and that all parties are given appropriate notice of the communication and an opportunity to respond

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?

I would defer to their request, unless there was a compelling countervailing reason not to, such as the rule of necessity.

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

I will at times accept ordinary social hospitality to the extent permitted by the Canons. I look askance at and typically decline such offers from people with whom I had no social relationship with before becoming a judge. As to gifts, I follow Canon 4(D).

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 follow Canon 3(D).

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?

I would read and study the record, the briefs, relevant precedent and do my own legal research. I would discuss the issues with clerks and other judges when permitted.

11. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy?

Judges should not set public policy. I do not engage in "judicial activism," which I understand to mean situations where judges attempt to make rather than merely interpret and apply the law.

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?

I would consider accepting invitations for occasional speaking engagements, offer to support improvements in civics education in schools, and contribute articles on the legal system to enhance public awareness of the role of the judiciary and promote the rule of law.

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?

Yes it can cause such strains, as any public service does. I attempt to address it by relying on the support of my family, friends, faith and personal dedication to duty and fairness.

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:
- b) The use and value of an agency's interpretation of the Constitution:
- c) The use and value of documents produced contemporaneously to the Constitution, such as the minutes of the convention:

Of the three areas listed, (c) should be given the greatest weight in the event of textual ambiguity, see, e.g., *Sloan v. Sanford*. Area (a) could be relevant in certain circumstances. Area (b) should be given little if any weight, again depending on the circumstances.

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?

Above all, patience. A good and active listener. Dispassionate, open-minded and even-keeled. Courteous to everyone in the courtroom,

regardless of their station in life. Firm when necessary but never hostile. A good judge accords everyone dignity and respect. He or she should have a sense of humor when appropriate, but never use it to embarrass or belittle. His demeanor should also be reliable; there are few things worse than a moody judge. A judge should remember that the addition of a robe does not make one omniscient, or even add IQ points or wit; rather it requires one to be ever-mindful not to abuse his position. A judge should be sensitive to the pressure the litigants, witnesses and lawyers are laboring under in the courtroom. He should let the lawyers present their case without undue interference, while efficiently maintaining control of the courtroom and the dignity and decorum of the proceedings. These rules apply to judges at all times, according to the Canons.

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

Benjamin Franklin said it best: "What begins in anger ends in shame." Anger is never appropriate for a judge. There may be times when a judge can be "righteously indignant," but not outright angry. Anger is corrosive. It clouds judgment and destroys objectivity. If a judge senses he is becoming angry, it is a sign that impartiality is at risk.

A judge should however be firm, and even stern when circumstances require it, to the extent necessary to promote respect for and confidence in the judicial system and obedience to its rulings

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

\_\_\_\_\_

Sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print name)

Notary Public for South Carolina

My Commission Expires: \_\_\_\_\_