



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

Supreme Court/Court of Appeals
(New Candidate)

Full Name: **Aphrodite Konduros**

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1. Do you plan to serve your full term if re-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?
They are never appropriate. The Canons allow for ex parte communication with lawyers for scheduling purposes, but our clerk of court manages all scheduling. Certain ex parte communications are sanctioned by statute, but they pertain more to the trial bench. I follow Canon 3 assiduously.

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?
As I believe we have the finest judiciary in the world, I will recuse myself at the first appearance of impropriety or discomfort of a litigant or lawyer, as I believe that any other member of my court can handle the matter as effectively as I can. Canon 3E of the Code of Judicial Conduct governs. The conflict need not be real. I am a firm believer in the concept of "the appearance of impropriety".

6. What standards have you set for yourself regarding the acceptance of gifts or social hospitality?
I reciprocate with normal hospitality with my close friends and family. I refuse any offer of gifts from anyone not a close friend or family member and I return any gifts that do not come from those two groups.
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 have and I will continue to file a report with either the Lawyer Grievance or Judicial Grievance Committee. The SC Bar now has a new intervention program in place for lawyers exhibiting infirmities that may compromise their ability to practice, and I have referred a lawyer to that program.
8. Are you affiliated with any political parties, boards or commissions?
No.
9. Have you engaged in any fund-raising activities with any social, community, or religious organizations? Please describe
Not since I first offered myself for my first judgeship in 2002.
10. How do you prepare for cases that come before you?
With diligence and respect for the case, the lawyers and the litigants. I read ever word of the submissions, all the cases cited if I do not know them already, as well as my own research and that of my clerks. My chambers discuss the cases thoroughly both before and after oral argument.
11. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy?
I attend and serve on any committee to which I am assigned by the Chief Justice or Chief Judge. Otherwise, I seek no roles. I am opposed to judicial activism.

12. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. What activities do you plan to undertake to further this improvement of the legal system?
I serve on various committees at the request of the Chief Justice and I teach CLEs and JCLEs. I have taught two law school classes of which the subject matter was how to conduct oneself as a young lawyer. I developed the mentoring program for magistrates and municipal court judges, and serve as the chairman of the Supreme Court Committee on Family Court Docketing. I have had the privilege to serve on two legislative committees concerning adoptions and sentencing reform. I am vice-chairman of the Chief Justice's Commission on the Profession, chaired by Justice John Kittredge. I was recently appointed to the SC Bar's Lawyers Helping Lawyers Board, and serve on the SC Bar's Vulnerable Adult Task Force.
13. Do you feel that the pressure of serving as a judge would strain personal relationships (i.e. spouse, children, friends, or relatives)? How do you address this?
I do not. After 20 years on the bench, my friends and family know what events I will attend and those that I will not, and what topics I will address and will not.
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:
All students of law should consider a law from its inception to passage by the Legislature if there is any ambiguity. However, the legislative process usually yields clarity in the wording of the law, and judges should tread carefully at making educated guesses as to the intent of the lawmakers. Laws and words should be given their plain and ordinary meaning.
- b. The use and value of an agency's interpretation of the Constitution:
None. For an interpretation dispute to come before my court, the parties have not been able to agree on what the language

means. Interpreting the Constitution is a judicial function, not an agency one. However, I will always consider their arguments and expertise on the subject in helping me arrive at my decision, as they live and die by their pertinent statutes and regulations. Judges must be very careful not to cause any unintended consequences.

- c. The use and value of documents produced contemporaneously to the Constitution, such as the minutes of the convention:
In the case of ambiguities, contemporaneously kept minutes and records can be of exceptional importance. The spirit and tenor of the debate can explain the language used in the final document, and even show when another argument was discarded in debate.

16. 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? **No.**
17. Have you met the mandatory minimum hours requirement for continuing legal education courses for the past reporting period? **Yes.**
18. What do you feel is the appropriate demeanor for a judge and when do these rules apply?
A judge should exhibit courtesy, patience, focus, impartiality and show no irritation. I ask courteous questions to keep the arguments going forward and listen patiently to the answers.
19. Is there a role for sternness or anger in meetings with attorneys?
I used the long pause instead of sternness on the trial bench. Lawyers appearing at the Court of Appeals are beautifully behaved and prepared. I have used my gavel only once on the trial bench, and never on the Court of Appeals. There is no place for a display of anger by a judge in the courtroom. One should always remember that no litigants and very few lawyers have slept well the night before court.

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 _____, 2020.

(Signature)

(Print name)

Notary Public for S.C.
My Commission Expires: _____