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## **HEARING PROCEEDINGS**

*November 15, 2022*

**Judicial Merit Selection Commission**

REPORTER: Jennifer Nottle

1 STATE OF SOUTH CAROLINA )

2 COUNTY OF RICHLAND )

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5 JUDICIAL MERIT SELECTION COMMISSION

6 TRANSCRIPT OF PUBLIC HEARINGS

7 \* \* \* \* \*

8 BEFORE: SENATOR LUKE A. RANKIN, CHAIRMAN  
9 MICAJAH PICKETT "MICAH" CASKEY, VICE CHAIRMAN  
10 SENATOR RONNIE A. SABB  
11 SENATOR SCOTT TALLEY  
12 REPRESENTATIVE J. TODD RUTHERFORD  
13 MS. HOPE BLACKLEY  
14 MR. J.P. "PETE" STROM  
15 MS. LUCY GREY MCIVER  
16 MR. ANDREW N. SAFRAN  
17 REPRESENTATIVE WALLACE H. "JAY" JORDAN  
18 MS. ERIN CRAWFORD, CHIEF COUNSEL

19 \* \* \* \* \*

20 DATE: November 15, 2022

21 TIME: 10:19 a.m.

22 LOCATION: Gressette Building  
23 1101 Pendleton Street  
24 Columbia, South Carolina 29201

25 REPORTED BY: JENNIFER NOTTLE, COURT REPORTER

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1 CHAIRMAN RANKIN: Welcome Judge Hewitt.

2 THE HONORABLE BLAKE HEWITT, being duly sworn,  
3 testifies as follows:

4 CHAIRMAN RANKIN: You have generated for us the  
5 Personal Data Questionnaire and the Sworn  
6 Statement. And you have thoroughly reviewed them,  
7 I'm sure. Are there any additions, corrections?

8 JUDGE HEWITT: Mr. Chairman, I may have one addition.

9 One of the questions, I believe it was number 47,  
10 asked about lawsuits filed against me. And I  
11 disclosed that there was at that time pending in  
12 the Supreme Court a case against me and all of  
13 the members of the Court of Appeals. I was never  
14 served. That case has since been dismissed. I  
15 have a copy of that order. I'm happy to let it  
16 stand, but if the Commission wants a copy of that  
17 order for a complete file, I'm happy to comply.

18 CHAIRMAN RANKIN: Just include that if you don't mind.  
19 And if you have no objection to the PDQ or Sworn  
20 Statement, include it in.

21 JUDGE HEWITT: Absolutely not.

22 CHAIRMAN RANKIN: if you'll hand those to Lindi, we  
23 will now include those in the record. Judge, you  
24 are familiar with this process having come  
25 through here now, how many times?

1 (Exhibit Number 1 was marked for identification  
2 purposes - (18 pages) Personal Data Questionnaire for  
3 The Honorable Blake A. Hewitt.)

4 (Exhibit Number 2 was marked for identification  
5 purposes - (8 pages) Sworn Statement of The Honorable  
6 Blake A. Hewitt.)

7 JUDGE HEWITT: I believe this is number four.

8 CHAIRMAN RANKIN: So, our efforts and our thorough  
9 investigation of your candidacy for reelection to  
10 the Court of Appeals, as you know, focuses on the  
11 nine evaluative criteria, which includes the  
12 ballot box survey, thorough study of your prior  
13 application materials and this one as well as the  
14 study of previous screenings. Your verification  
15 of compliance with the state ethics laws, search  
16 of newspaper articles in which your name appears  
17 and a check for economic conflicts of interest.  
18 There are no affidavits, no complaints have been  
19 filed. Now, with that Judge Hewitt, you have the  
20 opportunity to make a brief statement and help me  
21 cool my face. Otherwise, I'll turn it over to  
22 Erin for questions and then to the Commission.

23 JUDGE HEWITT: Mr. Chairman, I would like to thank the  
24 Commission and all of its excellent staff. I  
25 know this is a busy season and that all of you

1 work very hard. Beyond that, I have no opening  
2 statement.

3 JUDGE HEWITT - EXAMINATION BY MS. CRAWFORD:

4 Q. **Thank you, Judge. Judge, how -- have you enjoyed**  
5 **your service, your time on the -- this is the**  
6 **first time the Commission has seen you since you**  
7 **were elected, I believe. Have you enjoyed your**  
8 **service on the bench?**

9 A. I've enjoyed it very much. I loved my law firm  
10 and I enjoyed litigating cases. Serving as a  
11 judge has been hard work, but I like it very much  
12 and would love to continue doing it.

13 Q. **And why do you want continue doing it?**

14 A. Well, I was drawn to appellate work because I  
15 thought it brought out the best lawyer in me.  
16 And as I said a few moments ago, I really did  
17 enjoy, genuinely, the law firm that I was with.  
18 But the opportunity to serve the appellate court  
19 system by coming inside and helping it do its  
20 work, which is too attractive to pass up.

21 Q. **Thank you, Judge. Judge Hewitt, the Commission**  
22 **received 924 ballot box surveys regarding you,**  
23 **with 87 additional comments. Overwhelming**  
24 **positive comments including, "A judge of the**  
25 **highest caliber, incredible legal mind, good**

1 temperament, solid character and very  
2 professional, confident and fair, phenomenal  
3 judge and person." There's been a -- the only  
4 possible negative was the fact that you had lack  
5 of trial experience prior to serving in this  
6 position. How would you respond to that and do  
7 you think it's been hindrance anyway?

8 A. Well, I hope not. And it's, of course, certainly  
9 true that I did a lot more appellate work than  
10 trial work, but I did that on purpose. I spent  
11 13 years trying to be the best appellate lawyer  
12 that I could possibly be. And that was because,  
13 as I said, I thought appellate work brought out  
14 the best lawyer in me. I hope that my  
15 substantial appellate experience has been an  
16 asset to the court as it's gone about this work.  
17 That was part of the theory of the case of my  
18 candidacy.

19 Q. **Thank you, Judge.**

20 MS. CRAWFORD: I would note that the Piedmont Citizens  
21 Committee reported that Judge Hewitt is qualified  
22 in the constitutional requirements, physical  
23 health and mental stability. It also reported  
24 he's well qualified in the remaining categories,  
25 ethical fitness, professional and academic

1                   ability, character, reputation, experience and  
2                   judicial temperament.

3 Q. Since submitting your letters of intent to run  
4 for this seat, have you contacted any members of  
5 this commission.

6 A. I have not.

7 Q. Are you familiar with 2-19-70, including the  
8 limitations on contacting members of the General  
9 Assembly regarding your screening?

10 A. Yes, ma'am.

11 Q. Since submitting your letter of intent, have you  
12 sought or received the pledge of any legislature,  
13 either prior to this date or pending the outcome?

14 A. I have not.

15 Q. Have you asked any third parties to intervene on  
16 your behalf in anyway?

17 A. I have not.

18 MS. CRAWFORD: I just note for the record that any  
19 concerns raised during the investigation  
20 concerning Judge Hewitt were incorporated to the  
21 questioning of him today. I have no further  
22 questions.

23 CHAIRMAN RANKIN: All right questions by members of  
24 the Commission. Mr. Safran?

25 JUDGE HEWITT - EXAMINATION BY MR. SAFRAN:

1 Q. Thank you, Mr. Chairman. I just wanted to say  
2 that, I mean, Mr. Hewitt is somebody who I  
3 consider a friend. I've also looked at him as  
4 somebody who was a valuable resource over the  
5 years, in terms of his ability in the appellate  
6 area. And I want to just focus on what we just  
7 asked about the lack of trial experience and how  
8 it impacted. Do you feel like you've been in any  
9 disadvantage from not trying criminal cases on a  
10 regular basis or trying to retrial on the civil  
11 side?

12 A. I don't think so. And I certainly hope not. You  
13 know, I have, I think a healthy appreciation for  
14 the challenges that circuit judges face, really  
15 any trial judge faces in managing the mechanics  
16 of a trial. But I wouldn't be the person, I  
17 don't think, that you would pick to do that.  
18 It's the bread and butter of my practice. I  
19 mean, I did trial work. But the bread and butter  
20 of my practice was trying to write top-flight  
21 appellate briefs and deliver first-rate oral  
22 arguments. We don't see those trial mechanic  
23 sort of issues at the Court of Appeals. There's  
24 a reason that's written into the standard of  
25 review. We defer heavily to trial judges on

1 trial management type stuff. We predominately  
2 review legal issues. And so, I mean when we have  
3 something where trial mechanics are involved. I,  
4 of course, lean heavily -- I shouldn't say lean  
5 heavily. But I try to be keenly attuned to what  
6 my colleagues who served as trial judges say, but  
7 we don't see many of those. Most of the times,  
8 it's legal issues. And that's what I was dealing  
9 with, you know, every day soup to nuts in every  
10 case for the 13 years I was litigating appeals.

11 Q. **And along those lines, I think basically, if**  
12 **there's any body of law that's been developed in**  
13 **South Carolina to a high level, it's criminal.**  
14 **So, I mean there are cases all over on about**  
15 **every issue there can be, so I would assume that**  
16 **the guidance that you get from previous decisions**  
17 **is amply there. So, it's not like you have to**  
18 **reinvent the wheel on stuff like that, has that**  
19 **basically been your experience?**

20 A. That's right, we're not going out, you know, into  
21 the wilderness of the Court of Appeals, or at  
22 least we ought not be and I don't think we are,  
23 you know, making stuff up on the fly. We rely,  
24 we do a lot of research, read a lot of other  
25 cases. Talking about trial, interfacing with

1 trial stuff. I mean, I've probably read, you  
2 know, gosh, I don't know a conservative, you  
3 know, 400 plus, you know, maybe more, you know,  
4 trial transcripts, sorting through all this  
5 stuff. So, I think I speak that language okay.

6 Q. And the other thing I wanted to ask is this. At  
7 least it's been my experience in the past, that  
8 coming in, having done a particular type of  
9 practice to a great level, there's a tendency to  
10 want go back and default in certain times on  
11 issues and say, well, that's how we do it. And  
12 the thing that sticks out in my mind personally  
13 is that Dodge case years ago. You know, I took  
14 that to the Court of Appeals. And up until that  
15 point the issue was basically dismissed by the  
16 notion, well, that's how we do it. That's how  
17 we've done it. And when you get somebody on the  
18 court who may not have already been indoctrinated  
19 that way, who can look at the law more  
20 objectively and freshly, they came up with a  
21 completely different decision. I mean, isn't  
22 that something that having not necessarily been  
23 through those wars over and again gives you, at  
24 least a fresh perspective to maybe see something  
25 that they haven't?

1 A. I hope so. And, you know, y'all maybe familiar  
2 with the saying, experience is a cruel teacher  
3 because it gives the test first and then the  
4 lesson. And so, you know, you just have to say,  
5 I hope that my experience, fairly recent  
6 experience as a litigator has been an asset to  
7 the court in that way. Because, as you know,  
8 when you're working a case, when you're  
9 litigating a case, I mean, you're working as hard  
10 as you can to sort of figure out, not just  
11 globally how the law works but how it works for  
12 this case. And that's a little bit of different  
13 speed of pitching than you see on the inside at  
14 the court. So, I hope my experience has been  
15 useful in that respect.

16 Q. Just lastly, we kind of touched on this  
17 yesterday. I understand that the Bar seems to  
18 think, you know, pretty, just generally that  
19 there's a lag time that's associated with appeals  
20 that goes beyond what it should be. But on the  
21 flip side, you wrote briefs. You tried to make  
22 sure that whatever the product you presented to  
23 the court was as good as you could come up with.  
24 I doesn't happen overnight, does it?

25 A. It doesn't. You know, I've read -- several

1 members of the court have read a lot about this.  
2 We have a task force that I think the Commission  
3 is aware of that's working on how we manage our  
4 docket. And so there's a lot of literature,  
5 predominately published by the National Center of  
6 State Courts, but there's some other stakeholders  
7 who've written about it. They talk about what  
8 the standard is for intermediate appellate  
9 courts, what they want it to be. Almost nobody  
10 is meeting it because this is hard. If it was  
11 easy everybody would do it, right? So, the  
12 process, even if you're doing great, is going to  
13 take time. The average case spends about a year  
14 in the briefing process. We don't control that,  
15 that's really predominately the parties. There  
16 are things that we can do to help them manage  
17 that, but at the end of the day, it's up to them.  
18 And so, even if you're doing your job, as an  
19 intermediate appellate court, as well as you can.  
20 It's gonna take time. But we can certainly do  
21 better and we all realize that we can do better.  
22 And we're actively deploying things to do that --  
23 I'm sorry I didn't mean to --

24 Q. **No, no, you're good. I mean, there's time, first**  
25 **of all, going in, because the people, if they're**

1 doing it conscientiously want to provide you with  
2 something that they will certainly not be  
3 embarrassed about, that they feel like is making  
4 the point. And again, you know, look, I was a  
5 law clerk up there. You were a law clerk up  
6 there. And you sometimes look at briefs and go,  
7 did somebody spend more than five minutes on  
8 this. I mean, it's absolutely crap. And, you  
9 know, the fact that it occurs is, you know, hard  
10 to believe when you consider kind of what's at  
11 stake. And really the time element, just in  
12 having to even go down that road. But if you do  
13 it right, it's going to take time. And then if  
14 you're only going to truly produce a product  
15 that is based upon just every bit of good faith,  
16 reasoning and that's it going to read well, say  
17 enough, but not too much. That again is a time  
18 consuming process, isn't it?

19 A. Yes.

20 Q. So, I guess the thought is that what I asked, I  
21 think, yesterday of Judge McDonald that, you  
22 know, when you're even just getting there, you're  
23 probably already anywhere from two to five years  
24 in the game, as far as the case going on. Isn't  
25 that generally a reasonable estimate?

1 A. If you want to get a case -- what I used to tell  
2 people in practice, sitting across the table, you  
3 know, telling, explain to a client what the  
4 appeals process was going to look like, I would  
5 say two to three, to get through the Court of  
6 Appeals, and another one and half to two if  
7 you're going to take it, or try and take it all  
8 the way to the Supreme Court.

9 Q. Well, and then the point is, you've then got two  
10 plus, if not longer, just before you even get to  
11 the Court of Appeals.

12 A. Yeah.

13 Q. So, I mean, again, if you really look at it in  
14 perspective, the time that you really have been  
15 up there isn't really much different than what  
16 you've already had to spend to even get there,  
17 isn't that basically the situation?

18 A. I think that's fair.

19 Q. Okay. Well, thank you again for service. I've  
20 heard nothing but good things. And we appreciate  
21 having somebody like you on the bench.

22 A. Well, thank you, thank you for your kind  
23 compliment.

24 CHAIRMAN RANKIN: Other questions, Representative  
25 Jordan.

1 REPRESENTATIVE JORDAN: Judge, personally apologize  
2 for running behind this morning. I didn't want  
3 to miss any of your great presentation, but I'm  
4 glad I could get here. I did want to clear  
5 something up. You and I did have a case years  
6 ago and we got skunked the Supreme Court. And I  
7 want you to know I don't hold you accountable for  
8 that at all. I think we can agree it was John  
9 Nichols fault.

10 JUDGE HEWITT: As in most things in life that go  
11 badly. No, I'm kidding.

12 REPRESENTATIVE JORDAN: Just wanted to make sure I  
13 publically said that we were not to blame in  
14 that.

15 JUDGE HEWITT: You know, there's nobody I'd rather  
16 taken a 5-0 beat down with. I believed in our  
17 case, but they saw it differently.

18 CHAIRMAN RANKIN: All right, any other questions?

19 JUDGE HEWITT - EXAMINATION BY CHAIRMAN RANKIN:

20 Q. I want to compliment you for, particularly these  
21 young 2Ls that are behind you to your right, take  
22 a look over there. And Costner, Mellet, Errett  
23 and Cooper, all from and is your Pete's -- ah,  
24 you weren't there when I came back through a  
25 minute ago, she's a 3L, so you may know her. But

1 these other young folks are 2Ls that are clerking  
2 with us. And I want to commend you for them  
3 because this is the type judge South Carolina's  
4 looking for. And you, along with others, that we  
5 had the distinction of touting, not what we see  
6 and say, but what others say about you with  
7 regard to your interaction with the Bar, your  
8 appearance and demeanor in front of folks arguing  
9 for or against, before you. And this is the mark  
10 of what South Carolina's judiciary should be,  
11 along with others. And so, you have so many  
12 people saying the similar things about you.  
13 Again, you must owe a ton of money for these  
14 people hoping to get paid back. And, of course,  
15 that is -- I say that in total jest. But it is a  
16 sincere, across the board, endorsement of your  
17 intellect, your wit, your light touch and more.  
18 And most importantly, your humility. Joe Burris  
19 writes a wonderful letter about you -- of course,  
20 I know Joe. But he says things as a senior  
21 member of our Bar, retired in Conway, that folks  
22 who have anonymously commented on you said about  
23 you in law school, you were made for this role.  
24 And so, y'all as you see and sent as these  
25 continue, Blake Hewitt is the mark. So, now with

1           **that, who was your mark? What judge did you and**  
2           **have you aspired to emulate as you have walked**  
3           **and processed through this position?**

4           A. It would be a mash up, is how I would  
5           characterize it. You know, I was very lucky to  
6           interface with several people throughout law  
7           school and beyond who had a mark on my  
8           development as a lawyer. Bob Bachman, who's a  
9           long time professor at the law school, who is a  
10           prince of a guy. And who, himself, was very  
11           heavily influenced by -- oh, I can't believe --  
12           his name, it's Griffin Bell, Carter's attorney  
13           general, who's a long time Atlanta lawyer. Bob's  
14           an Atlanta native like me. And I got to spend a  
15           substantial amount of time with former Chief  
16           Justice, Costa Pleicones, who is also a  
17           consummate gentleman. District Judge, Joe  
18           Anderson, who is the smartest guy in every room  
19           but, you know, he goes out of his to not present  
20           himself that way. Very heavily influenced by my  
21           first boss out of law school, former Chief  
22           Justice, Jean Toal. Nobody was more devoted to  
23           the legal system than her. And just the command  
24           of the law that she had was astonishing. I mean  
25           she was a real force of nature in her legal mind.

1           And at least gave the impression of never  
2           stopping to work. I mean, her motor went 24  
3           hours a day, seven days a week, 365. My partners  
4           John Nichols and Marti Bluestein are wonderful.  
5           And beyond the legal community, you know, my  
6           parents invested in me very heavily. And, you  
7           know, is because of them that I'm not in jail,  
8           I'm sure, or something like that. So, you know,  
9           any good qualities that I have have come from  
10           them. And it's very, of course, very kind of you  
11           to share those kind of remarks, Mr. Chairman, and  
12           the people who wrote in. And I am deeply humbled  
13           by them. And you just hope that you can do your  
14           best and that your best will be good enough. And  
15           so, I hope I can carry through however long I'm  
16           privileged to serve in that way because I do want  
17           to leave everything better than I found it or at  
18           least give it my best while I'm doing it.

19           **Q. You were asked about the, not lack of trial**  
20           **practice, but criminal practice and, obviously,**  
21           **we have plowed this field before with you. For**  
22           **other would-be aspirants to bypass the trial**  
23           **bench, is it an impairment or negative that they**  
24           **have not had trial experience, actually making**  
25           **the motion versus reading the transcript and**

1                   **preparing the appeal?**

2       A. You know, my theory of the case was I did not  
3           think so. You know, I've thought that the best  
4           way to go about charting a career path was to  
5           just chase whatever good experience you could  
6           get. And as long as it was good experience,  
7           there would be value in it. I would love to have  
8           done more good trial work, whatever that means.  
9           But for whatever reason, my former partner, John  
10          and I were just always drowning in appellate work  
11          we wanted to get invested in. And while we did,  
12          you know, what I consider good trial work on a  
13          fairly regular basis, there just wasn't nearly as  
14          much of that. So, you can mark my name, you  
15          know, in the column of, as long as it's good  
16          experience, it's valuable. There have, of  
17          course, been great appellate judges who were  
18          great trial lawyers first or great trial judges  
19          first. I don't think there's one path. But I  
20          don't pretend to have the market cornered on that  
21          on wisdom in that arena.

22       Q. **Last question from me, and again, to not just**  
23           **these 2 and 3Ls, but to the folks reading this**  
24           **transcript, what suggestions do you have for**  
25           **those in their early stages of a career?**

1 A. Chase good mentors. Chase good experience. And  
2 chase knowledge. A lot of people chase wealth,  
3 but I think that's a mirage. If you chase good  
4 experience and knowledge, wealth and success will  
5 find you.

6 Q. **And can you give that advice in a rap song  
7 because you know so many?**

8 A. Is it worth it? Let me work it.

9 CHAIRMAN RANKIN: And Madam Court Reporter, I do think  
10 that would be relevant in the record. We might  
11 talk about that later. Unless there are any  
12 other questions, Judge Hewitt, Todd wants to know  
13 where he can get that record signed. Anyway,  
14 thank you for being here. And thank you for,  
15 again, distinguishing yourself again and again in  
16 the eyes of those who take the time to weigh in,  
17 and there are so many in your case. Pursuant to  
18 our criteria and the law, you know, we pay close  
19 attention to both a letter and the spirit of  
20 ethics law. Any violation or appear to be an  
21 impropriety by you would be very seriously  
22 considered and potentially deserving of your  
23 being called back before this Commission. To  
24 that end, as you know, the record is not closed  
25 until the formal report of qualifications is

1 issued. Should there be any of those areas of  
2 concern, which again we would never expect, you  
3 do know that we could call you back; is that  
4 correct?

5 JUDGE HEWITT: That's correct.

6 CHAIRMAN RANKIN: All right, Judge Hewitt. Thank you  
7 so much for being here and we are off the record.

8 (Off the Record)

9 CHAIRMAN RANKIN: All right, Macey, come on down.

10 Judge, come on up if you will. Welcome Judge  
11 Hughston, good morning.

12 JUDGE HUGHSTON: Good morning.

13 CHAIRMAN RANKIN: How are you today?

14 JUDGE HUGHSTON: Fine, thank you.

15 CHAIRMAN RANKIN: Looking good and looking better in  
16 the company of?

17 JUDGE HUGHSTON: Thank you, my wife Maryann.

18 CHAIRMAN RANKIN: Very good, welcome Maryann Hughston.

19 THE HONORABLE TOMMY HUGHSTON, being duly sworn,  
20 testifies as follows:

21 CHAIRMAN RANKIN: Thank you so much. You have  
22 prepared for us a Personal Data Questionnaire and  
23 a Sworn Statement. Are those ready to be put in  
24 the record or do you need to make any changes?

25 JUDGE HUGHSTON: I assume it's what I sent in and it's

1 ready to be put in the record.

2 CHAIRMAN RANKIN: If you'll hand those to Lindi, we  
3 will mark them as part of our record. You have  
4 done this before. Ms. Hughston, I think you may  
5 have been here with us before. But, if not, this  
6 is all new to you, what I'm about to say, the  
7 judge knows it. But we, in our efforts to  
8 thoroughly investigate your candidacy for retired  
9 circuit court appointment focus on nine  
10 evaluative criteria, which includes your ballot  
11 box surveys, assertive for application materials,  
12 verification of your compliance with the state  
13 ethics laws, search of newspaper articles in  
14 which your name appears, study of previous  
15 screenings and check for economic conflicts of  
16 interest. No affidavits have been filed in  
17 opposition to your candidacy, other than your  
18 wife, who, if she would like, may be we would put  
19 her under oath to say things about you.

20 (Exhibit Number 3 was marked for identification  
21 purposes - (5 pages) Personal Data Questionnaire for  
22 The Honorable Tommy Hughston.)

23 (Exhibit Number 4 was marked for identification  
24 purposes - (3 pages) Sworn Statement of The Honorable  
25 Tommy Hughston.)

1 JUDGE HUGHSTON: She was my driver this morning.

2 CHAIRMAN RANKIN: Well, we will not ask him about his  
3 driving then. But anyway there's no one here to  
4 testify, and so you, sir, have the opportunity to  
5 make a brief opening statement if you'd like.

6 Otherwise Macey will ask questions and then  
7 perhaps members of the Commission.

8 JUDGE HUGHSTON: I didn't prepare anything, as far as  
9 an opening statement. But I'm glad to be here  
10 and appreciate y'all's attention.

11 CHAIRMAN RANKIN: Very well, take it away.

12 JUDGE HUGHSTON - EXAMINATION BY MS. WEBB:

13 Q. **Good morning, Judge Hughston.**

14 A. Good morning.

15 Q. **All right. You are being screened for**  
16 **reappointment as a retired judge on the circuit**  
17 **court bench. Why do you want to continue serving**  
18 **as a retired circuit court judge?**

19 A. I don't have any hobbies. I like to work. I  
20 still enjoy my work and I still enjoy the contact  
21 I have with attorneys and the people that are  
22 involved in civil and criminal litigation. So, I  
23 still enjoy that. It's always a challenge, it's  
24 something that you, new that comes up every time  
25 you go into court. So, I still enjoy the work.

1 Q. Thank you, Judge Houston. And what do you think  
2 your reputation is among attorneys that practice  
3 before you?

4 A. I hope it's good. But I don't know, I don't know  
5 quite how to answer that.

6 Q. That's fair. And then Judge Houston, can you  
7 tell the Commission how you continue to conduct  
8 your day-to-day operations inside your chambers,  
9 as well as your courtroom?

10 A. Well, as a retired but active judge, I'm lucky in  
11 that I live in Charleston and the Clerk of Court  
12 down there, Julie Armstrong and Judge Roger Young  
13 and all, have been gracious enough to allow me to  
14 use an unused office in his chambers and all, so,  
15 I have an office. A lot of retired but active  
16 judges don't have that. But I have an office  
17 where I have access to the equipment that I might  
18 need, the telephones, the computer, the fax  
19 machine, all that sort of stuff. And Judge  
20 Young's administrative assistant, Robin Hills,  
21 has been good enough to help me with my -- the  
22 work that is done by an administrative assistant.  
23 And so, I just keep up with through her and  
24 through where I put it on my desk.

25 Q. All right. Thank you, Judge Hughston. Judge

1 Hughston, the Commission received 628 ballot box  
2 surveys regarding you, with 62 additional  
3 comments. The ballot box survey, for example,  
4 contained the following positive comments. So,  
5 several people stated that you are terrific  
6 judge, that you are very experienced. And that  
7 many also commented that the state of South  
8 Carolina is very lucky to have you. So,  
9 overwhelming, the vast majority of your comments  
10 were very, very positive. However, 11 of the  
11 written comments did express concerns, indicating  
12 that you might have clouded judgement and  
13 reasoning from the bench. **What response would**  
14 **you offer to this comment?**

15 A. That's hard to answer when you don't know what  
16 the person's specifically talking about. So, I  
17 don't know how to answer that except that, if  
18 somebody brings something to my attention that  
19 they think, you know, I'm overlooking or have  
20 done something wrong in regards to some action  
21 that I've taken in court, and if they bring it to  
22 my attention, then I'll try to see if I need to  
23 change it or whatever. But without knowing more  
24 about what the person is talking, that's real  
25 hard to answer.

1       Q.    Thank you, Judge.  And one other concern  
2           expressed is that you might be biased in your  
3           rulings.  What response would you offer for this  
4           concern?

5       A.    Again, and without knowing exactly what their  
6           talking about -- every judge comes to the bench,  
7           you know, with the experiences that he or she has  
8           had in the years that you've been a lawyer and if  
9           you've been a judge.  And now that's over 50  
10          years for me.  And also, I bring those  
11          experiences with me and I'm sure that I have --  
12          you know, I have my own guidelines, as far as  
13          what I do in regards to sentencing, in  
14          particular.  I have my own set of guidelines and  
15          all as far as sentences are concerned.  And that  
16          may be contributing to it.

17       Q.    Thank you, Judge Hughston.

18       MS. WEBB:  I would note that the Lowcountry Citizens  
19          Committee found Judge Hughston to be qualified in  
20          the evaluation criteria of constitutional  
21          qualifications, ethical fitness, physical health  
22          and mental stability.  The Committee found him  
23          well qualified in the evaluative criteria of  
24          professional and academic ability, character,  
25          reputation, experience and judicial temperament.

1                   The committee stated in summary, Judge Hughston  
2                   is immensely qualified. I would just note for  
3                   the record that any concerns raised during the  
4                   investigation regarding the candidate were  
5                   incorporated into the questioning of the  
6                   candidate today. And Mr. Chairman, I have no  
7                   further questions.

8                   CHAIRMAN RANKIN: Questions by members of the  
9                   Commission? Representative Caskey.

10                  JUDGE HUGHSTON - EXAMINATION BY VICE CHAIRMAN CASKEY:

11                  Q.    Thank you, Mr. Chairman. Judge, it's a pleasure  
12                   to be here with you today. I've reviewed your  
13                   file, your application. It's clear that you've  
14                   distinguished yourself in service over many  
15                   years. And I have not had the privilege to be  
16                   before you, I don't believe. But, again, as I  
17                   look at your career I can say with all sincerity  
18                   that I hope to build a career as distinguished  
19                   myself one day and do it that way. I nonetheless

20                  --

21                  A.    It's the best job in the world, I'll tell you  
22                   that.

23                  Q.    Yes, sir. I nonetheless come to this position  
24                   today with a sense of responsibility to the Bar  
25                   at large. And as in this capacity, I do look at

1 some of the concerns as was noted by counsel.  
2 And I found your response to be appropriate and  
3 insofar as you've elicited or solicited counsel  
4 to bring those issues to your attention. And so,  
5 mindful of the fact that, as I anticipate your  
6 success here today, one day I may get a question  
7 from one of those lawyers out there who says, why  
8 did you vote for old Judge Hughston, he wasn't  
9 all with it and we told you that. I would like  
10 to be able to reply to them, well, if you have a  
11 concern you can bring it to him in this form.  
12 And what is that form you would suggest of a  
13 lawyer who has a concern, bring it to your  
14 attention?

15 A. Because a motion would be the formal way of doing  
16 it. But I'm certainly open to a request to be  
17 heard in chambers, you know. And if I am heard  
18 in chambers -- if I hear somebody, about  
19 something in chambers, I'll put it on the record  
20 when I go back into court, you know. I want  
21 there to be a record of what's going on, that's  
22 just a habit of mine that I think is the best way  
23 to handle things like that. And also, I've only  
24 had one or two occasions when somebody has  
25 brought up something that they wanted to bring to

1 my attention and all I can think of one or two  
2 occasions and all. I've talked with them about  
3 it in chambers. And then I've done what I should  
4 do if I needed to do something to correct the  
5 situation when I get back out in court.

6 **Q. Thank you, Judge. I appreciate that.**

7 CHAIRMAN RANKIN: Any other questions? Judge, I want  
8 to just briefly comment on the regard that your  
9 that the Bar holds you in. And the comments that  
10 we have received overwhelmingly call you a credit  
11 to the bench.

12 JUDGE HUGHSTON: I appreciate that.

13 CHAIRMAN RANKIN: Few judges, who work harder or  
14 devote as much energy trying to do the right  
15 thing as you. So, a wonderful judge who presides  
16 wonderfully knows the law, it's practical  
17 implementation and knows people. That last  
18 touch, knows people. Not necessarily the  
19 litigants, is what that's what telling me. But  
20 knows how to interact with people. Am I reading  
21 that correctly?

22 JUDGE HUGHSTON: Yes. What that brings to mind for me  
23 was the first magistrate judge that I practiced  
24 before early on in my career. And I always  
25 enjoyed going to magistrate's court. The first

1 magistrate judge that I practiced before was not  
2 a lawyer, but he knew people. He knew how to  
3 help solve the problems that came before him  
4 involving the people. And so, I hope that I'm  
5 following in his footsteps, so to speak, when I  
6 say that -- when somebody says that I know  
7 people. I learned that early on in my career.

8 CHAIRMAN RANKIN: Well, and again, one of multiple  
9 touches that we have in our job to vet qualified  
10 -- and advance qualified and nominated candidates  
11 is, again, that anonymous ballot box survey. And  
12 I want to tell you that you enjoy a very high  
13 regard in the people business and I equate that  
14 to temperament. And so, whatever you got that  
15 your wife is serving, keep it up. Thank you so  
16 much.

17 JUDGE HUGHSTON: Thank you. I appreciate it.

18 CHAIRMAN RANKIN: Any other questions. All right.

19 Judge, this will conclude this portion of our  
20 screening process and again, thank you so much.  
21 Thank you, ma'am for joining us.

22 JUDGE HUGHSTON: I just like to say, I hope I'm not  
23 out of line in saying this. And I don't know  
24 exactly what the process is, how it follows and  
25 all once this is through and all. And if I'm

1 approved by the committee and all. But I did  
2 hold some court last spring and all. And there  
3 were two cases in Greenville County two pleas  
4 that I accepted up there. And one of them in  
5 particular and all that I accepted the plea, kept  
6 the cases under advisement, kept jurisdiction of  
7 them. Asked for pre-sentence investigations and  
8 I've received a pre-sentencing investigations.  
9 And so, I need to go back to Greenville to finish  
10 those cases up and all. And it's been a little  
11 long. But one of them was, I can't say. You  
12 think you've heard and seen everything and then  
13 something else comes up. Something comes along  
14 that just you can't believe, you know, what's  
15 happened and all. And so, I have one of those  
16 cases that I'm still on my, still on my plate so  
17 to speak, so I do need to get approved, if I'm  
18 going to be approved and get back to Greenville  
19 as soon as I can.

20 CHAIRMAN RANKIN: Well, very good. Ms. Hughston, let  
21 her rip. Take off. Thank y'all so much.

22 (Off the Record)

23 CHAIRMAN RANKIN: All right. We are on the record.  
24 Judge, thank you for being here. And you have  
25 the documents that we've required y'all, Personal

1 Data Questionnaire and a Sworn Statement. Are  
2 those ready to be put into the record?

3 JUDGE MOREHEAD: Yes, sir.

4 CHAIRMAN RANKIN: Any objection to them coming in, if  
5 not hand them to Lindi and we'll include them.

6 (Exhibit Number 5 was marked for identification  
7 purposes - (5 pages) Personal Data Questionnaire for  
8 The Honorable Arthur Eugene "Gene" Morehead, III.)

9 (Exhibit Number 6 was marked for identification  
10 purposes - (3 pages) Sworn Statement of The Honorable  
11 Arthur Eugene "Gene" Morehead, III.)

12 THE HONORABLE ARTHUR EUGENE "GENE" MOREHEAD, III,  
13 being duly sworn, testifies as follows:

14 CHAIRMAN RANKIN: You know how this process works.  
15 You've been here a time or ten-ish, how many  
16 times, do you remember?

17 JUDGE MOREHEAD: I'm not -- I started in 1985 and when  
18 I went on the bench is was a four-year term and  
19 by the time I came up for re-election, it had  
20 turned into a six-year term. And I had to retire  
21 in 2018, so went through this process as a  
22 retired judge and this is my second time as a  
23 retired judge. Since we've come up every four  
24 years, you have to check our senility a lot  
25 sooner than a six-year.

1 CHAIRMAN RANKIN: Let me tell you, Todd Rutherford's  
2 got some laser like focus on that. And so far, I  
3 think he's smiling. So, we're not sure about his  
4 senility though. So, anyway real quick and you  
5 know the process. You know how we do this. Our  
6 thorough investigation of your candidacy to  
7 continue serving in a retired status. We look at  
8 the nine evaluative criteria, focusing on the  
9 ballot box survey, study of the application  
10 materials, verification of your compliance with  
11 the state ethics laws, search of newspaper  
12 articles in which your name appears, study of  
13 previous screenings and a check for economic  
14 conflicts of interest. No affidavits have been  
15 filed in opposition to your candidacy, no one is  
16 here to testify. You have the opportunity to  
17 make an ever so brief statement. If not, we'll  
18 turn it over for questioning at this time. So,  
19 the floor is yours to give to counsel.

20 JUDGE MOREHEAD: Other than I appreciate the  
21 opportunity to come before you, I don't have any  
22 other statement.

23 CHAIRMAN RANKIN: Very good.

24 JUDGE MOREHEAD - EXAMINATION BY MS. STARNES:

25 Q. Good morning, Judge Morehead.

1 A. Yes, ma'am.

2 Q. **You are being screened for reappointment as a**  
3 **retired judge on the family court bench. Why do**  
4 **you want to continue serving as a retired family**  
5 **court judge?**

6 A. Well, throughout my tenure on the bench, I've  
7 thoroughly enjoyed the relationship, not only  
8 with the fellow judges, but the attorneys who  
9 appear before us in family court. And I've  
10 always looked at it as a situation that I could  
11 help parties bring some closure to a very trying  
12 time in their lives. And that's sort of how I've  
13 approached it. And I still really enjoy doing  
14 what I'm doing and would like to continue.

15 Q. **How much time do you spend per month in your**  
16 **capacity as a retired judge?**

17 A. Well, I -- of course, it's up to the chief  
18 justice to appoint you. I indicated to them I  
19 was willing to be appointed one week every two  
20 months. So, I'm definitely assigned six weeks a  
21 year. But on the average I've ended up, in the  
22 past four years, of working anywhere from 10 to  
23 16 weeks a year because you have judges getting  
24 Covid, judges having deaths in the family or  
25 someone getting sick. And they'll call you up

1 and ask you to fill in for a term. I just spent  
2 this past week in Rock Hill. Occasionally, there  
3 will be a special case that will come up where  
4 all of the judges have recused themselves and  
5 they'll ask you to go down and I did that in  
6 Charleston a few years back and ended up spending  
7 six months working with that case and trying it  
8 for two and a half weeks. So, those things  
9 happen through the appointment of the chief  
10 justice.

11 Q. **And Judge Morehead, what do you think your  
12 reputation is among attorneys that practice  
13 before you?**

14 A. Well, I hope they realize that I'm a fair judge.  
15 I listen to their presentations. I don't reward  
16 people. I don't punish people. I hope that's  
17 what they take from being in the courtroom.

18 Q. **Judge Morehead, the Commission received 590  
19 ballot box surveys regarding you with 50  
20 additional comments. The following positive  
21 comments were made: you were cited as being an  
22 excellent judge, the gold standard for family  
23 court judges. One of the most thorough and well  
24 respected jurists in the state. Judge Morehead,  
25 the responses you were received were**

overwhelmingly positive and complimentary. There were three written comments that pertained to your temperament towards attorneys and litigants. What response would you offer to these concerns?

A. If only three out of 38 years -- you know, anytime somebody questions your temperament, it makes you look inward to see how you could do things better. Occasionally, you know, you get lawyers who are really fighting for their clients, don't proceed properly and you may have to call them down several times or tell them to move on with the case that, you know, they don't need to repeat it three times, I got it the first time they told me. But when somebody says something about temperament, you do analyze it and try to do better. I think it's all a learning experience from that standpoint.

18 Q. Thank you, Judge Morehead. I would note that the  
19 Pee Dee Citizens Committee found you to be  
20 qualified in the evaluative criteria of  
21 constitutional qualifications, physical health  
22 and mental stability. The committee found you  
23 well qualified in the evaluative criteria of  
24 ethical fitness, professional and academic  
25 ability, character, reputation, experience and

1                   judicial temperament. I would just note for the  
2                   record that any concerns raised during the  
3                   investigation regarding you. were incorporated  
4                   into the questioning of yourself today.

5                   MS. STARNES: Mr. Chairman, I have no further  
6                   questions.

7                   CHAIRMAN RANKIN: All right, Ms. Starnes, thank you.  
8                   Other questions by members of the Commission.  
9                   Representative Jordan.

10                  JUDGE MOREHEAD - EXAMINATION BY REPRESENTATIVE JORDAN:

11                  Q. Judge, always good to see you. Always good of  
12                  you to catch up. First off, thank you for your  
13                  service to our state. And, of course, folks in  
14                  Florence thank you for all you've done for  
15                  hometown. I have just one kind of quick question  
16                  regarding, you know, your experiences.  
17                  Certainly, I remember when you retired, active  
18                  retired, went active retired, I think you were  
19                  the longest serving judge in the state at the  
20                  time of your retirement. Experience is and can  
21                  be and is a wonderful, wonderful thing. Do you  
22                  ever find yourself getting trapped in some of the  
23                  old ruts of experience though? And if so, how do  
24                  you keep it fresh, I guess is the better way to  
25                  say it?

1 A. Well, I've always -- I think I put in the  
2 application, for about 15 years I ran -- before I  
3 retired, I ran the new judges' school. And one  
4 thing that I emphasized to all of the new judges,  
5 you may have heard this particular situation 500  
6 times. The same scenario, the same case 500  
7 times, but for those two litigants who have come  
8 into the courtroom, that's the first time they've  
9 ever heard it. And you can't just be rote with  
10 your commentary or do everything the same way  
11 every time. You've got to keep it fresh,  
12 realizing that those two litigants are there for  
13 the first time. They've never heard any of it  
14 and I've tried to emphasize that. And I try to  
15 put that in practice. One of the best things  
16 that keep you fresh -- when I first started, you  
17 know, I remember my administrative assistant was  
18 extremely excited when she got a new Selectric  
19 typewriter that had a little memory in it. And  
20 then all of a sudden, when Chief Justice Howell  
21 came on, we got some computers and it has just  
22 progressed and progressed. So, staying on top of  
23 a laptop computer with all of the new inferences  
24 and now we're going to filing on line and things  
25 of that nature. You've got to stay on top of it

1 to keep it fresh.

2 Q. Well, I know you're very busy with Boys State  
3 and, of course, we're on the Indigent Defense  
4 Commission together and doing this. So, thank  
5 you for all you do. And I hope you keep doing  
6 it.

7 JUDGE MOREHEAD: Thank you.

8 CHAIRMAN RANKIN: Mr. Strom.

9 JUDGE MOREHEAD - EXAMINATION BY MR. STROM:

10 Q. Thank you, Mr. Chairman. Judge Morehead, always  
11 good to see you. I wanted to follow up a little  
12 bit on this issue of courtroom management and  
13 temperament. You know, I know in your case,  
14 particularly, that the chief justice now assigned  
15 you these very complicated, difficult lawyers on  
16 both sides, highly contentious cases that  
17 somebody's got to get in and keep those two lions  
18 from killing each other. And somebody's got to  
19 run the courtroom and I think everybody knows you  
20 have the skill set to do that, but also do it in  
21 a way that's polite. We struggle, as a  
22 commission, with complaints against the judiciary  
23 about temperament. And I think everybody sits up  
24 here now says that is a top concern of ours. But  
25 people need to have pleasant experience in the

1 courtroom and heard, the lawyers ought to be  
2 heard. And judges ought to be polite but firm.  
3 Any thoughts on how you balance that? Is that  
4 just a personality skill or personality trait as  
5 judge that allows people like Letitia Verdin, who  
6 was in here yesterday, who has 38 pages of  
7 glowing reviews, not one negative. And she puts  
8 people in jail all day. And then we see others  
9 who, you know, their reviews are just horrendous.  
10 How do you get to a place where you keep both  
11 sides happy and the public's happy, but what  
12 advice do you have on that?

13 A. To me the hardest thing is, as you know, when you  
14 get your docket, you may have one case the entire  
15 week or you may have 20 cases that week or that  
16 day. And you walk in and then all of a sudden,  
17 they tell you, well, we've got three domestic  
18 abuse cases and we got six bench warrants that  
19 you've got to hear before you get started. If  
20 you let that affect your day -- because you're  
21 going to get behind and you get frustrated and  
22 you try to cut people off. You've lost the  
23 ability to have that relationship with litigants.  
24 I am sure that over the years, I feel like that  
25 I've become more patient. I'm willing to allow

1 the people to do it or argue, as compared to when  
2 I first went on the bench, you know. I may have  
3 been a bulldog when I first started. Then, you  
4 know, that has changed over the years. The  
5 louder the lawyers get, the softer I get. I feel  
6 that way. But, I do believe some of it's the  
7 personality traits. I tell the new judges, you  
8 know, you kill them with kindness. When they  
9 walk out of that courtroom, they may not agree  
10 with your decision but you want them to know that  
11 they've been heard and you've made a -- I'm going  
12 to give you an example. This past week in Rock  
13 Hill, I was able to resolve a case that had been  
14 in litigation for four years. The parties had  
15 gone through two or three different attorneys.  
16 And they finally appeared pro se and we were able  
17 to structure a -- they were not married, but they  
18 were fighting over custody of two children. And  
19 we were able to structure a parenting plan where  
20 both of them were actively involved. At the  
21 conclusion of the hearing, the Guardian ad litem  
22 came up to me and said, Judge, I've been involved  
23 with this case for four years and no judge has  
24 ever talked to these litigants like you did, to  
25 resolve this issue. So, I don't know if that

1                   answers your question but there's a lot of stress  
2                   on a lot of judges. But you got to realize why  
3                   you're there and who you're trying to help.

4                   **Q. Addressing the point you made, when I started and**  
5                   **Senator Sabb and some of us are a little older,**  
6                   **judges were tough old SOBs, Judge Laney and, you**  
7                   **know, Judge Harris and they would just chew a**  
8                   **lawyer out. We've all been the beneficiary of**  
9                   **that.**

10                  A. Well, I mean I've been that too, you know. When  
11                  I first started practicing law, you know, there  
12                  wasn't a family court. There were 16 circuit  
13                  court judges and they were --

14                  **Q. But where I was going with this, what you said**  
15                  **was that in your years, your 38 years, you've**  
16                  **evolved and probably softened because that's what**  
17                  **-- I guess, that's what the public requires now.**  
18                  **Is that a fair way to say that?**

19                  A. Yes.

20                  **Q. That's just something we struggle with and I just**  
21                  **wanted your thoughts on because you do an**  
22                  **excellent job. Thank you for your service.**

23                  A. Thank you.

24                  CHAIRMAN RANKIN: Mr. Safran.

25                  JUDGE MOREHEAD - EXAMINATION BY MR. SAFRAN:

1 Q. Thank you, Mr. Chairman. Judge, you don't  
2 remember but I think I first met you when you  
3 were one of about dozen lawyers at Nelson Mullins  
4 way back. Yes, sir, so that's been a long time  
5 ago.

6 A. That's exactly right. When I left to go to  
7 Columbia -- I mean Florence, my wife constantly  
8 reminded me because they were only 17 lawyers  
9 there. She said, do you know where your name  
10 would be on that letterhead? I told her we're  
11 still married. We probably wouldn't been  
12 married.

13 Q. That was an old day. I mean, I was a runner at  
14 Nexsen Pruet, so I had to come over to that  
15 office periodically. But let me ask you this  
16 along the lines of what Mr. Strom said. Just two  
17 questions: one, you made the comment and I think  
18 it is very telling. You got to know why you're  
19 there. We had a session about three years ago  
20 where we had the opportunity to have just  
21 probably 30 family court judges come through.  
22 And the thing that became very disturbing to me,  
23 during that time, as one who's dabbled and did it  
24 long enough to know I didn't want to do it  
25 anymore. Is that there seemed to be too much of

1 preoccupation with staying on time, as opposed to  
2 really getting into the meat of the case, and  
3 trying to get something done. I know when you  
4 started, obviously that wasn't quite the premium  
5 of staying on the clock. It was there to get  
6 things resolved. Have we strayed away too far  
7 from the idea of taking the time with the people  
8 to get it resolved in order, you know, I guess in  
9 lieu of now just saying okay, we got 15 minutes,  
10 gotta go. I mean, that was troubling to me then.  
11 It just seems like it's still going on.

12 A. Well, I hope not. If I have to stay there until  
13 6:00 or 7:00 o'clock to, you know, get it done,  
14 you do that. Now, of course, you don't want to  
15 inconvenience the court reporter whose got a  
16 family and may have to pick up a child or the  
17 deputies or the people from the clerk's office.  
18 So, you arrange that situation. But to me, the  
19 whole purpose of what we do is to serve those  
20 people who are before us. And they're going  
21 through some traumatic times in their lives.  
22 And, you know, we also hear the juvenile cases  
23 who commit crimes in they're under 18. So, we  
24 deal with some difficult situations. But I hope  
25 with the number of judges that y'all have created

1 now, they're ought be sufficiency to not be time  
2 oriented at all with the litigation.

3 Q. **And the other question I had was, can we**  
4 **sometimes maybe interpret folks that are**  
5 **complaining about temperament to the fact that**  
6 **maybe lawyers today seem to want to push the**  
7 **envelope with the bench a little bit more than**  
8 **what you might have seen 25 years ago?**

9 A. Without question, and especially in certain  
10 areas. You'll go into certain counties and I'm  
11 sure the lawyers here that travel around the  
12 state, they know where lawyers have a tendency to  
13 churn it and go after each other all the time, as  
14 compared to like in Florence where I think the  
15 Bar association gets along extremely well. And  
16 they're willing to work with each other and  
17 compromise and reach a settlement. But, I think,  
18 the way judges rotate around the state, that is a  
19 tremendous benefit. Because you have those  
20 resident judges saying, Richland or Charleston  
21 and they hear all that all the time. You get a  
22 new judge that comes in, they're more amenable,  
23 not knowing how you're going to handle the case  
24 of trying to resolve it. So, that system works  
25 well. But you're correct that sometimes a judge

1 has to call down an attorney when they're trying  
2 to push that envelope. And you can do it in a  
3 very tactful way, you know. I would say, you  
4 know, Mr. Strom, you're a better attorney than  
5 this, you know, that -- I'm not, you know, laying  
6 it out and embarrassing him in front of his  
7 client. But you can do it in a tactful way.

8 MR. STROM: You can strike that and call somebody  
9 else's name.

10 Q. Let me just to kind of hopefully move and wrap it  
11 up. But the question really becomes how do you  
12 put people into the mindset that they have to  
13 respect the bench? That they have to recognize  
14 that, you know, you're more than just a referee.  
15 I mean, there's a certain authority that you've  
16 got. I mean, in the old days when I used to go  
17 to family court, I can remember guys like Judge  
18 Laney up in Spartanburg. And he didn't put up  
19 with a lot of crap. And, you know, I mean, he  
20 would pretty well let you know it. And, you  
21 know, some people would kind of give a little  
22 bit. But it almost seems sometimes now that  
23 circumstances beg for that. But, I think, so may  
24 be the younger judges, you know, I don't know  
25 that they have necessarily the desire to want to

1       get in and have to be hard when people are doing  
2       that. And I guess it encourages some of the  
3       lawyers that, if they're no consequences, let's  
4       just run roughshod. I mean, have you seen some  
5       examples of that?

6       A. Without question. And some of the judges, I have  
7       learned from a formality standpoint, it is  
8       better. I put, I think, in my application, if  
9       you read it, where I made a mistake. Last year  
10      or year before over in Darlington during a Covid  
11      situation. I traditionally have all litigants  
12      come up to the witness stand to testify. If  
13      there's an agreement to be approved, I know some  
14      judges ask all the litigants. The lawyers are  
15      sitting out there, they swear the litigants in at  
16      the table, ask them question from the table and  
17      all that. Well, at the judges school, I talked  
18      to the new judges, why in the world would you do  
19      that? They walk out in the hallway after the  
20      case is over and say, why in the world did I hire  
21      you, you didn't say anything? The judge asked  
22      all the questions. So, I make the lawyers ask  
23      the questions to approve an agreement, so they  
24      can earn their fee and do that instead of my  
25      doing it. So, at times you have to follow this

1 procedure. When I first started in family court  
2 in Florence, they didn't even have a courtroom.  
3 You held family court around a conference table.  
4 Well, you know, that was terrible. Now, that you  
5 have a courtroom, that leads to some belief that  
6 you're in the system. And there's procedures to  
7 follow.

8 Q. Well -- and last question. Despite what you may  
9 have to deal with, what I heard you say was,  
10 there's a way to say it without striking terror  
11 into people where they would feel almost somehow  
12 terrorized or just completely unnerved to even  
13 walk in your courtroom. You would never want to  
14 set that kind of tone, as far as lawyers coming  
15 in where they would fear you to that level?

16 A. Without question. And one of the best things  
17 during Covid was when we wore a mask, nobody  
18 could, unless they could read it in my eyes, they  
19 didn't whether I was laughing, crying, frowning  
20 or what. But, yes, I agree with you 100 percent.

21 Q. Thank you very much for your time.

22 A. Thank you, sir.

23 CHAIRMAN RANKIN: Real quick and we're going to get  
24 this train running back on schedule here in just  
25 a second. But I cannot let it go unmentioned,

1 the biggest statement you just made. And the  
2 question, what do you feel is appropriate  
3 demeanor for a judge? When do these rules apply?  
4 You said, "demeanor is one of the most important  
5 attributes of a judge, since it relates to his  
6 appearance, it applies in and outside of the  
7 courtroom and cannot be underestimated. The tone  
8 of a judge's voice, his gestures and his entire  
9 presentation must be even based to ensure that  
10 everyone concerned knows that he will be making"  
11 or she, "a fair and impartial and educated  
12 decision." Your words.

13 JUDGE MOREHEAD: Yes, sir.

14 CHAIRMAN RANKIN: One other point, people. Your  
15 comments talk about -- and you have testified  
16 about the ability to broker, effectively, the  
17 Solomon role that for four years wasn't present  
18 in the case that you referenced. This is a  
19 people business. You obviously enjoy people and  
20 that comes through loud and clear, as well as the  
21 comments about you in the ballot box survey. And  
22 so, empathy and the 500, been-there done-that,  
23 been-there done-that, not for the litigants,  
24 empathy apparently you show in great levels. So,  
25 those are not questions because it may take you a

little longer to answer them. But thank you for your willingness to do this and continue to be as one called you, the Dean of the Bar, or the Poobah, the Grand Poobah of the family court.

JUDGE MOREHEAD: Thank you.

CHAIRMAN RANKIN: All right. With that, Judge, that concludes this portion of our screening process and thank you so much again for being here today for your service to the state, both in the Bar and to the Palmetto Boys State organization for which you've been involved for decades. So, thank you very much.

JUDGE MOREHEAD: Next year will be 60 years. Thank  
y'all.

(Off the Record)

CHAIRMAN RANKIN: Judge, welcome.

JUDGE MORRIS: Good morning, how are you.

CHAIRMAN RANKIN: Great, thanks for being here.

THE HONORABLE DANA A. MORRIS, being duly sworn,  
testifies as follows:

CHAIRMAN RANKIN: Thank you. You have prepared for us the PDQ and the Sworn Statement. Are those ready to be put into the record?

JUDGE MORRIS: Yes, sir.

CHAIRMAN RANKIN: Any changes need to be made?

1 JUDGE MORRIS: No, sir.

2 CHAIRMAN RANKIN: All right, if you'll hand them to  
3 Lindi. You don't object to them coming in, do  
4 you?

5 JUDGE MORRIS: No, I do not.

6 (Exhibit Number 7 was marked for identification  
7 purposes - (5 pages) Personal Data Questionnaire for  
8 The Honorable Dana A. Morris.)

9 (Exhibit Number 8 was marked for identification  
10 purposes - (3 pages) Sworn Statement of The Honorable  
11 Dana A. Morris.)

12 CHAIRMAN RANKIN: You're very familiar with this  
13 process. I'm going to reel through the items.  
14 And then Ms. Hart will ask some questions. You  
15 are familiar with our investigation of your  
16 continued service as a retired judge, correct?

17 JUDGE MORRIS: Yes, sir.

18 CHAIRMAN RANKIN: We focus on the nine evaluative  
19 criteria, which includes the ballot box survey,  
20 thorough study of your application materials,  
21 verification of your compliance with the state  
22 ethics laws, search of newspaper articles in  
23 which your name appears, study of previous  
24 screenings and a check for economic conflicts of  
25 interest. No affidavits have been filed in

1 opposition to your candidacy. No one is here to  
2 testify against you. Judge Morris, you have the  
3 opportunity to make an ever so brief opening  
4 statement or defer to Ms. Hart for questions.

5 JUDGE MORRIS: I'll defer.

6 CHAIRMAN RANKIN: Great. Thank you, Ms. Hart?

7 JUDGE MORRIS - EXAMINATION BY MS. HART:

8 Q. **Thank you, Mr. Chairman. Good morning, Judge.**

9 A. Good morning.

10 Q. **Judge Morris, you're being screened for**  
11 **reappointment, as a retired judge on the family**  
12 **court bench. Why do you want to continue serving**  
13 **as a retired family court judge?**

14 A. That could be the hardest question I get asked  
15 today. I was in private practice for 25 years  
16 before I went on the bench. During that time I  
17 was in most of the courts, but family court was  
18 always my favorite court of all the courts.

19 Mainly because you're helping people through  
20 really difficult situation, short of a death in  
21 the family, or a serious illness of a family  
22 member. Family court's tough. And if you can  
23 help somebody get through that and reduce the  
24 pain, reduce the suffering, reduce the financial  
25 impact, that was very rewarding to me. And

1           that's, you know, whether I'm in a courtroom or  
2           I'm in a mediation session, that's really kind of  
3           my goal; is try to help people get through a  
4           difficult time as quickly as they can and as  
5           painless as they can. I'm 65. I think I've  
6           still got a little bit more I can give and I'm  
7           more than willing to do it.

8   **Q. Judge Morris, what do you think your reputation  
9       is among attorneys that practice before you?**

10   A. I think that's hard to say because judges, they  
11       tend to defer to judges. I think it's pretty  
12       solid. I think I was a tough judge, but fair,  
13       would probably be -- would be the best way to say  
14       it.

15   **Q. Judge Morris, how often do you like to serve in  
16       the courtroom?**

17   A. Prior to Covid, I was offering a week a month.  
18       Usually Judge Snelgrove did the third week, I did  
19       the fourth week, that we would be available.  
20       During Covid, they did not need the retired  
21       judges as much. And so, during that time the  
22       mediations have gotten kind of busy. We're still  
23       operating under a backlog right now, which I  
24       don't think will go away, probably, until  
25       sometime next year. I'm sort of hoping that once

1                   the backlog goes down, the mediations kind of get  
2                   back to normal, then I'll go back to doing a week  
3                   a month.

4   MS. HART: Thank you, Judge. I'll submit for the  
5                   record that the Commission received 395 ballot  
6                   box survey responses with 28 survey comments.  
7                   Those comments expressed that Judge Morris is  
8                   fair, hardworking and thoughtful, for example,  
9                   one comment stated, "I'm always happy to have  
10                  Judge Morris as the presiding judge. I may not  
11                  always win, but he will be pleasant and kind.  
12                  And his decision will be one that I can easily  
13                  explain to my client. For a family court judge,  
14                  that's all I really want or need." Additionally,  
15                  I would also note that the Midlands Citizens  
16                  Committee found Judge Morris well qualified as to  
17                  the evaluative criteria of ethical fitness,  
18                  professional and academic ability, character,  
19                  reputation, experience and judicial temperament  
20                  and qualified as to the remaining criteria of  
21                  constitutional qualifications, physical health  
22                  and mental stability. The Midlands Citizens  
23                  Committee commented that Judge Morris is an old  
24                  veteran family court judge with vast experience.  
25                  I'd submit that any concerns raised during the

1 investigation regarding the candidate were  
2 incorporated into the questioning of the  
3 candidate today. And Mr. Chairman, I have no  
4 further questions.

5 CHAIRMAN RANKIN: Questions by members of the  
6 Commission?

7 JUDGE MORRIS - EXAMINATION BY CHAIRMAN RANKIN:

8 Q. **Judge, you were first elected?**

9 A. In 2008.

10 Q. **And you are a young man, you're only five years**  
11 **my senior. You got seven more you could have**  
12 **served. And I'm just curious, the light shone to**  
13 **retire?**

14 A. No. It's, family court is a tough court. You're  
15 both the referee, as well as the decider. And  
16 what I was determined to do is not reach my  
17 expiration date. There are judges that I  
18 appeared in front of, as I mentioned I practiced  
19 for 25 years, that I thought had gotten to the  
20 point where the grind of the day-to-day was  
21 catching up with them. You know, in family court  
22 you might hear 30 cases in a week. But that is  
23 that litigant's one case that they will have.  
24 And you have to bring your "A" game everyday.  
25 And there are no exceptions to that. And I

1 wanted to make sure that my last day was as good  
2 as my first day. I did not reach my expiration  
3 date, but I was determined not to. And that was  
4 why I sort of had figured it out that way, which  
5 is one of the reasons I wish to continue as a  
6 retired judge because I still haven't reached my  
7 expiration date.

8 Q. Well, and that is the opinion of those who have  
9 taken the time, these numerous, anonymous  
10 contributors to your reputation here, good or  
11 bad; and there ain't much bad, there's little,  
12 in fact, if I daresay any. You enjoy very high  
13 marks, by folks in the realm of all stripes here,  
14 particularly judicial temperament, incredibly  
15 well received. At least those of you who say  
16 positive things or who don't say negative,  
17 equally important. One compliment to you, I  
18 thought of note, continues to help litigants in  
19 mediation and as an active retired judge, he  
20 knows the law, keeps up-to-date and is fair.  
21 Sounds like you're still bringing that "A" game  
22 in every interaction with the Bar.

23 A. With the litigants, that's the main thing.

24 Q. Yeah. So, I appreciate your willingness to do  
25 that and to do it well in the eyes of those,

1 again, who see you day in and day out. Any  
2 questions by any of the other commission members.

3 Mr. Strom?

4 MR. STROM: No.

5 CHAIRMAN RANKIN: Okay. I'm sorry. Judge Morris,  
6 unless you have now, a brief closing statement,  
7 this will conclude this portion of our screening  
8 process.

9 JUDGE MORRIS: No.

10 CHAIRMAN RANKIN: And again, thank you for your  
11 willingness to continue to serve as the young man  
12 that you are.

13 JUDGE MORRIS: I didn't like the old veteran.  
14 Veteran, I'll take. Thank you so much, I  
15 appreciate it.

16 CHAIRMAN RANKIN: Yes, sir. Take care.

17 (Off the Record)

18 CHAIRMAN RANKIN: All right, Judge Hodges.

19 THE HONORABLE THOMAS HODGES, being duly sworn,  
20 testifies as follows:

21 CHAIRMAN RANKIN: Thank you. You have the PDQ and  
22 Sworn Statement. Are those ready to be entered  
23 into the record?

24 JUDGE HODGES: Yes, sir, they are.

25 CHAIRMAN RANKIN: Okay, if you'll hand those to Lindi,

1                   we will mark them as exhibits. You know the  
2                   drill. You know this process and our evaluative  
3                   criteria focus, as we thoroughly investigate your  
4                   qualifications for continued service on the  
5                   bench. We look at those nine, as well and  
6                   including the ballot box survey, a study of your  
7                   application materials, verification of your  
8                   compliance with the state ethics laws, search of  
9                   newspaper articles in which your name appears,  
10                  study of previous screenings and a check for  
11                  economic conflicts of interest. No affidavits  
12                  have been filed in opposition to your election.  
13                  No one is here to testify, except your wife. And  
14                  I ask you to introduce her.

15                 (Exhibit Number 9 was marked for identification  
16                 purposes - (15 pages) Personal Data Questionnaire for  
17                 The Honorable Thomas T. Hodges.)

18                 (Exhibit Number 10 was marked for identification  
19                 purposes - (6 pages) Sworn Statement of The Honorable  
20                 Thomas T. Hodges.)

21                 JUDGE HODGES: This is Erroll Anne Hodges.

22                 CHAIRMAN RANKIN: And her maiden name, as I recall,  
23                   Yarborough.

24                 JUDGE HODGES: Was Yarborough.

25                 CHAIRMAN RANKIN: And we will ask you to make a Sworn

1 Statement later, if you'd like.

2 JUDGE HODGES: Her?

3 CHAIRMAN RANKIN: I'm not talking to you. I'm talking  
4 to your wife. You have the opportunity still, to  
5 file a complaint if you like. All right. We  
6 will now turn it over to Erin, who's going to ask  
7 you questions and then members of the Commission  
8 will do likewise. Thank you.

9 JUDGE HODGES - EXAMINATION BY MS. CRAWFORD:

10 Q. Morning, Judge.

11 A. Morning. Can y'all hear me okay? Okay.

12 Q. This is the first time you're coming before this  
13 Commission as a sitting family court judge?

14 A. Yes, ma'am.

15 Q. And you served five years, what is your honest  
16 assessment of the job and why do you want to  
17 continue serving in this position?

18 A. It is without question, the best job in the  
19 world. It's exciting, it's challenging. And I'm  
20 under oath and I'll say this. I wake up every  
21 morning, you may have to drag me out of bed, but  
22 you don't have to drag me to work. I'm excited  
23 to go to work. I feel like I'm doing a good job  
24 and helping people that need help. I hope I am.  
25 I hope I get to do it another five-six years. If

1 I don't, I've had the best six years of my  
2 career. This is the place that I feel like I was  
3 meant to be.

4 Q. **Thank you, Judge. What do you think your  
5 reputation is among attorneys in the area and  
6 court staff, court personnel?**

7 A. I hope they view me as being kind and considerate  
8 and open-minded, thoughtful and decisive. All  
9 the things that I try to be and I hope that's  
10 coming across.

11 Q. **On that note, Judge, the Commission received 599  
12 ballot box surveys regarding you, with 34  
13 additional comments, overwhelming positive  
14 comments. For example, "great combination of  
15 many qualities of a fine judge, approachable,  
16 realistic, calm and thoughtful." Another person  
17 said, "I've appeared before Judge Hodges, he's  
18 engaged in the issues, applies the rule as it  
19 should be applied and is not afraid to make an  
20 honest ruling." Five of the written comments  
21 expressed some concern, couple of them suggested  
22 that you're not always prepared well before you  
23 hear a case. How would you react to that or what  
24 response?**

25 A. Well, I disagree with that. And I tell you every

1                   -- at least in Greenville when I'm there, every  
2                   night before the next day I'll review all the  
3                   files. And I'll make notes. I try to do that if  
4                   I'm traveling. But a lot of times -- like this  
5                   week I'm in Spartanburg. I don't get the files  
6                   until that morning. But I review the files, I  
7                   know one comment that you shared with me before  
8                   is someone said, that I don't read the affidavits  
9                   in a temporary hearing, which astounds me because  
10                  I read them right there in front of them. And I  
11                  tell them, I'm going to read these affidavits.  
12                  But what I've been thinking about is, you know,  
13                  perception's reality. And I'm disappointed that  
14                  anybody left my courtroom feeling like I didn't  
15                  listen to them, that I wasn't prepared, that if  
16                  they thought I was biased in one way or another.  
17                  And, you know, if somebody feels like they didn't  
18                  get the good service that they're expecting and  
19                  they're entitled to, then that bothers me. And  
20                  I'm going to just be mindful of words and actions  
21                  can, you know, create impressions. And first  
22                  impressions mean a lot. And I wish I knew those  
23                  people to discuss that with them, but I don't.

24                  **Q. And there were overwhelming positive comments so**  
25                  **leave with that. And I would note that the**

1 Upstate Citizens Committee found you qualified in  
2 the evaluative criteria of constitutional  
3 qualifications, physical health and mental  
4 stability. And they found you well qualified in  
5 the remaining evaluative criteria of ethical  
6 fitness, professional and academic ability,  
7 character, reputation, experience and  
8 temperament. A few housekeeping issues. Since  
9 submitting your letter of intent, have you  
10 contacted any members of this Commission?

11 A. No.

12 Q. Are you familiar with 2-19-70, including the  
13 limitations on contacting members of the General  
14 Assembly, regarding your screening?

15 A. Yes.

16 Q. Since submitting your letter of intent, have you  
17 sought or received the pledge of any legislature  
18 prior to or pending the outcome of this  
19 screening?

20 A. No.

21 Q. Have you asked any third parties to contact the  
22 members of the General Assembly to intervene in  
23 your behalf in anyway?

24 A. No.

25 Q. Do you understand the Commissions guidelines on

## 1 | pledging?

2 A. Yes, ma'am.

3 Q. I would note for the record that any concerns  
4 raised during the investigation regarding the  
5 candidate were incorporated in the questions  
6 today. And I have no further comments or  
7 questions.

8 JUDGE HODGES - EXAMINATION BY CHAIRMAN RANKIN:

9 Q. All right, couple of quick things. Obviously, I  
10 don't practice family law. At least one of us,  
11 maybe two, maybe three do, but your enthusiasm  
12 for the job is obviously stated. But it is  
13 heartfelt, it doesn't just seem to be hollow  
14 words. And I say that, not just by knowing you  
15 and your quest to get this job before. I recall  
16 that --

17 A. Four times.

18 Q. Yeah, yeah, so --

19 A. And I'm going to keep coming back and --

20 Q. Abraham Lincoln got nothing on you, in terms of  
21 his persistence to succeed and get the position.  
22 So, family court is hard though, as we all know.  
23 I know it, again, we won't belabor this. But  
24 I've been there, done that, not been back, pray  
25 never will again. I won't be on my court, I

1 promise you that, Lindsay, hope you're listening.  
2 But your ability to bring, what one of the  
3 comments has and maybe it's one of your letters  
4 of reference, humor and a light touch to the very  
5 serious. Obviously, an important attribute that  
6 makes you the right person for that context.

7 A. Thank you, or you want me to comment on that?

8 Q. I do and how that has either helped you to  
9 deflect or disarm the passions of people who may  
10 loose their minds because of the conflict between  
11 them?

12 A. Well, I think that's the key is an emotional  
13 forum. And I just want to bring some calmness to  
14 it. And I do look for some connection with  
15 everybody that comes in. And I try to -- go off  
16 on a tangent for a minute. But I was a labor  
17 lawyer for 16 years. Spent a lot of time in the  
18 mills, you know, textile mills. And I know a lot  
19 about the old mill jobs. And you go to a place  
20 like Pickens and some of these folks come in and  
21 they're weavers and they're fixers and they're  
22 pickers. And, you know, terms that aren't used  
23 anymore. And I'll find out about that, so I have  
24 a little conversation with them, just to lighten  
25 the air. And let them know, you know, I'm no

1 less human than you are. For whatever reason,  
2 people can't come to a decision and so it's left  
3 to me to make that decision. And I want them to  
4 know, either it's through humor or something else  
5 that, you know, I'm just the guy you come to.  
6 And I'm nothing special, other than I wear a robe  
7 and I've been charged by the state to make this  
8 decision for you because you can't or won't or  
9 somebody won't let you.

10 Q. **We have heard over years past and speed and  
11 efficiency. And we just heard from Judge  
12 Morehead, two ago, that talked about what might  
13 await him as he approached or takes a term of  
14 court, shows up on a Monday thinking he's got  
15 this, but boom, here's seven things thrown at  
16 him. In your flexibility, your -- how do you  
17 respond to being given something that you didn't  
18 expect? Does that make you happy?**

19 A. Well, I mean, the docket can be stressful because  
20 of the time. In Greenville, we might have 24  
21 motion hearings in one day. And you get behind  
22 in one and you feel like you're going to get  
23 behind in others. But it all works out at the  
24 end of the day, something falls off. But,  
25 yesterday I took two or three cases for another

1                   judge in Spartanburg that I wasn't anticipating.  
2                   And she had somewhere she had to be. And she  
3                   said, can you do this? And I said sure, you  
4                   know, we'll just work it in and do it. Now, that  
5                   doesn't allow me a lot of time to review the file  
6                   and know what's coming in before. And I told  
7                   those lawyers, I just got the file, I don't know  
8                   a whole lot about it. Tell me what's going on.  
9                   But the pressure, I guess, is docket driven. But  
10                  it works out for everybody. I may be pressured  
11                  and under stress today but tomorrow I won't be.  
12                  I'm under a little stress right now because I'm  
13                  not at work. I want to be there. And, you know,  
14                  a little stressed going through this.

15                  **Q. I don't think I'm really going to ask her for an**  
16                  **affidavit.**

17                  **A. No.**

18                  **Q. So, in that vein though and, again, to make the**  
19                  **point a little sharper, for the litigants, the**  
20                  **lawyers, the court staff, everybody there with**  
21                  **the lodge-in building. It is important, would**  
22                  **you agree, that you have to maintain cool, calm -**  
23                  **-**

24                  **A. Absolutely.**

25                  **Q. -- and work through it without --**

1 A. Work through it without putting my pressures on  
2 somebody else. I'm not going to let that  
3 influence my decision and I'm not going -- I hope  
4 I'm not going to Bark at the court reporter or  
5 the clerks who brought me the file. And, you  
6 know, I'm just going to, I hope, take it with a  
7 smile and do the work that's handed to me.

8 Q. **And the, again, finally, you've got 15 minutes.**  
9 These litigants aren't getting in there quickly  
10 because you've got so many cases. This is their  
11 15 minutes that either the attorneys have messed  
12 up by requesting only -- again, docket  
13 management, I'm a little off my skis here, in  
14 terms of how this works now. But if you've got a  
15 difficult question that cannot be resolved in 15  
16 minutes.

17 A. Then I'm going to take what time it takes to do  
18 it.

19 Q. **Everybody knows that.**

20 A. Everybody knows that and I'll tell them. And, I  
21 mean, we'll be in there. Or if I say, look, you  
22 know, I need to take this and go look at it  
23 tonight, take it back to my chambers. And I'll  
24 email y'all my instructions or call you on the  
25 phone, I'll do that. But I'm not going to short-

1 change somebody because there's another case  
2 waiting to come in. Everybody's been there. All  
3 the lawyers know that, you know, sometimes you  
4 got to wait, sometimes you're the one causing  
5 people to wait.

6 **Q. Very good. All right.**

7 CHAIRMAN RANKIN: Senator Tally. Thank you.

8 SENATOR TALLEY: Good morning, Judge.

9 JUDGE HODGES: Morning.

10 SENATOR TALLEY: How you doing?

11 JUDGE HODGES: Well.

12 SENATOR TALLEY: Hope I'm not the one causing people  
13 to wait. But, I guess, as the member that has  
14 probably lived more of what you've been saying  
15 here this morning. Not as much a question for  
16 you, but just a comment. It is appreciated the  
17 manner in which you've approached this job from  
18 those of us that spends a lot of time in the  
19 family courts. Are you aware you think out loud  
20 in court? Have you caught yourself?

21 JUDGE HODGES: No, I didn't know that.

22 SENATOR TALLEY: Yeah, and you do.

23 JUDGE HODGES: Do I?

24 SENATOR TALLEY: You do.

25 JUDGE HODGES: Do I say what I'm thinking or do I just

1           --

2 SENATOR TALLEY: Yeah, and you do. And sometimes it's  
3 good and sometimes it's bad. But I say that  
4 because, you know, you do take time to read what  
5 is prepared and what's submitted for you. You  
6 don't rush people through your courtroom and as  
7 you're reading, you're thinking out loud about  
8 what you may or may not do, based on the  
9 particular facts of the case. So, when we go  
10 through these ballot box surveys, realizing this  
11 is the first time you've come back through this  
12 process, I'm certainly one that hopes that you  
13 get another six years and that you take it  
14 because you have done a very good job wherever  
15 you've been but particularly in the upstate. And  
16 I think the lawyers do respect you and you have  
17 done this in a way in which we hope that others  
18 that follow you will do as well. So, I just want  
19 to say thank you.

20 JUDGE HODGES: Thank you for those comments.

21 CHAIRMAN RANKIN: Mr. Safran.

22 JUDGE HODGES - EXAMINATION BY MR. SAFRAN:

23 Q. Judge, we're happy to see you again. Let me  
24 first, I assure you that when we look at these  
25 ballot box surveys, there may be a couple of bad

1 comments, but they're very, very minimal. And I  
2 can honestly feel comfortable that there's no  
3 agenda in this situation. Nobody's saying stuff  
4 because of some kind of tension going on, one way  
5 or the other, because you're there. You're a  
6 sitting judge. Nobody's trying to knock you out.  
7 And so, I mean, when you see excellent,  
8 outstanding, great, I think they're meaningful  
9 and they're legitimate. I guess the thing I'm  
10 also concerned with that was brought up earlier,  
11 because we've run into it before, is that some of  
12 the judges get so consumed with the idea that  
13 we've got to keep the trains running on time that  
14 they don't really remember -- what Judge Morehead  
15 said was, we got to remember what we're here for,  
16 okay. We're here to resolve these cases and we  
17 can't worry about how the clock's moving.

18 A. That's right.

19 Q. And it sounds like to me you subscribe to that  
20 same philosophy.

21 A. I try to. I try to.

22 Q. And you were a practitioner for a long time who  
23 kind of felt like, hey, I want to be heard.

24 A. Right. At the same time, you know, there are  
25 court personnel and deputies and others that,

1                   it's not fair to keep them until 6:30 every  
2                   night, if I'm the one whose slowing things down.

3   Q.    Sure and I get that. But, I mean, I think you  
4                   balance it. I guess, here's a bigger question.  
5                   You've been doing this now for, you say, roughly  
6                   six years. I think I was just on here when you  
7                   first got elected. And what I'm trying to figure  
8                   out is obviously, you had a good practice. You  
9                   didn't have to do this. You basically wanted to  
10                  do this. And my suspicion is that at some point  
11                  when the seat opened up, there were people who  
12                  approached you and said, you ought to think about  
13                  doing this. You're nodding your head, I'm  
14                  assuming that's yes. We always say that in these  
15                  depositions. But, I guess the point is, what can  
16                  be done to do recruitment for some of these  
17                  positions. Because, you know, I guess, there  
18                  seems to be at times a concern that there's not a  
19                  plentiful number of folks who are strong  
20                  practitioners like you were who want to do this  
21                  job. I mean, and I'm not trying to slight  
22                  anybody who does apply. But you would think that  
23                  when a job like this opens up, it would, should  
24                  be something as attractive as would get half a  
25                  dozen people to want to try to get it, okay.

1           When you ran, you weren't the only one, I don't  
2           think.

3       A.    No, no.  In fact, Judge Tiffany, Katherine  
4           Tiffany and I ran numerous times together.  And  
5           we've commented since then, and we just shake our  
6           heads, and even with the generous bump in salary  
7           that we received several years ago, we scratch  
8           out heads and wonder, well, how come there's not  
9           a dozen people running for these seats when I had  
10           to run against a dozen people, you know.  But  
11           now, there's, you know, two, three, maybe one  
12           sometimes.

13      Q.    Well, the \$64,000 question is this, okay.  You  
14           got more money on the table.  I think it's  
15           something that you, as a practitioner, your  
16           former partner -- or Judge Robertson.  I mean,  
17           they're people up there.  Judge Madden who all  
18           had good practices, who basically went and did  
19           this and who can go back to the world and say,  
20           hey, this is really what we wanted and yes, we  
21           gave up some money to do it.  But it's been very  
22           fulfilling as you say, I love it.  Why is there  
23           this absence of people wanting to come forward  
24           now?

25      A.    I don't know.  I tell people, it's a well kept

1                   secret, how good of a job this is. I really  
2                   don't want it getting out that it's such a great  
3                   job. I can't explain it. I think it's more of a  
4                   calling. And people aren't receiving the call or  
5                   not taking the call. I don't know. I wish I  
6                   knew how to answer your question.

7   **Q. But at least, it's obvious to you something's**  
8                   **going on.**

9   A. Oh, it's, yeah -- yeah.

10   **Q. And, I mean, you're in touch obviously with**  
11                   **members of the Bar up there. And I'm sure**  
12                   **there's some people who you look at as**  
13                   **practitioner's that you would say, hey, they do a**  
14                   **really good job. They would potentially be a**  
15                   **good judge. I mean, is there a way to approach**  
16                   **these folks or is there a way to somehow, at**  
17                   **least, stimulate the idea that this is something**  
18                   **we might want to consider? Because, again, I**  
19                   **think the intention of a pay raise was multi, but**  
20                   **one of them was to be able to make this job more**  
21                   **attractive. I'm not sure that that's resonating**  
22                   **like we thought it would.**

23   A. Well, I think with -- and maybe more for the  
24                   potential female candidates with younger  
25                   children, they're afraid of the travel. That

1        doesn't necessarily apply in my situation with  
2        grown children. But names that we've, among the  
3        judges, have discussed who we would like to see  
4        come on board. It's always, well, she has young  
5        children or he has an issue that's going to keep  
6        him close to home. And I don't mind the travel.  
7        I've been to 30 -- well 28 counties. I've got  
8        two new counties on my calendar. So, end of this  
9        year, I'll go to 30 counties. Some people don't  
10       have to travel. Marsh Robertson's been -- he's  
11       only been to six, I think. So, you know, if  
12       there's a way of letting those people know, you  
13       don't have to spend the night out, you know. You  
14       can be home during the day. But it's missing the  
15       car pool. It's missing those activities.

16       Q.       **Well, I know it was probably something that was**  
17       **difficult for you because I read where it said**  
18       **you're very devoted as a father and I know that**  
19       **it meant something. So, I guess at the end of**  
20       **the day, we all recognize there's a problem. And**  
21       **candidly, the travel, I don't think is as onerous**  
22       **as some people might suspect.**

23       A.       It's not.

24       Q.       **I mean, you know, I think it kind of splices it up**  
25       **that you can go down to places that you might**

1 never have the wise to show up for, you know.  
2 What other reason would you have to be in  
3 Ridgeland? So, you know, I think basically, you  
4 know, I'm glad, at least, see the bench sees  
5 there's a problem too. And I appreciate your  
6 comments.

7 A. Thank you.

8 CHAIRMAN RANKIN: Mr. Strom?

9 JUDGE HODGES - EXAMINATION BY MR. STROM:

10 Q. Just quickly. Thank you, Mr. Chairman. Judge, I  
11 want to ask you, of course, I've known you more  
12 as a candidate than a judge. You ran, what, four  
13 times?

14 A. Got it on the fourth.

15 Q. Got it on the fourth. And my question to you is,  
16 is there something we could improve about the  
17 process? You went through it four times. You  
18 were obviously disappointed three of the four.  
19 It didn't work out for whatever reason. I'll  
20 tell you, we try to get it right here. We work  
21 hard at it. But is there anything, you know,  
22 given your four experiences, that you could --  
23 just pops in your mind that would make this  
24 process better for everybody?

25 A. No, not, you've changed the testing, you know. I

1 don't have to take a test anymore. So, in a way,  
2 I guess that's positive. But, it kind of bums me  
3 out that I had to take a test and, you know,  
4 somebody else only has to answer a question of  
5 how do you get divorced in South Carolina? You  
6 know, we had -- or you know, there were 12, 13  
7 questions and you have to answer 10 and you go,  
8 I'm not going to answer that one, not going to  
9 answer that one. And before too long, you're out  
10 of strikes, you know, and you gotta do it. But  
11 it's a long process, you know, from the  
12 standpoint of reelection. And part of this I go  
13 back to my labor lawyer days, employee  
14 satisfaction was real important. And knowing  
15 how you're doing and regular job reviews, we  
16 tried to tell our clients that's real important.  
17 A employee wants to know how they're doing. And  
18 to me that's the worse part about the job is that  
19 there's no regular performance reviews. Well  
20 there are, as it comes every six years when  
21 you're hoping to keep your job. But whether it  
22 be, you know, annually, bi-annually, you know. I  
23 think the Bar used to do a survey on judges when  
24 I started practicing. And then that went away.  
25 But if I had known, you know, three years ago

1                   that somebody thought that I didn't read the  
2                   affidavits in a temporary hearing, I'd be mindful  
3                   of that. So, I don't know what y'all run into,  
4                   in terms of I don't want to call it, you know,  
5                   blind-siding somebody. But, you know, they think  
6                   they're doing fine and then all of a sudden they  
7                   get all these negative comments. Y'all put a lot  
8                   of time and effort into this, which is  
9                   appreciated by me and others. It takes me a week  
10                  to put it all together. I can't imagine how much  
11                  time and effort all of y'all put in, you know,  
12                  when you have 30 candidates you've got to go  
13                  through. But if, as a candidate, particularly  
14                  with reelection, if you knew, you know, well  
15                  beforehand what the issues were going to be, then  
16                  you could address them. And I would think from  
17                  an employer standpoint, you would want that  
18                  because you invest a lot in us.

19                  **Q. That's a very fair comment. Thanks, yeah.**

20                  A. Does that answer your question?

21                  **Q. That answers my question.**

22                  MR. STROM: Thank you, Mr. Chairman.

23                  JUDGE HODGES - RE-EXAMINATION BY CHAIRMAN RANKIN:

24                  **Q. All right. Thank you for your willingness to do**  
25                  **this. Hopefully, a final question or theme of**

1           questions, you got the bumper. You won, right?

2           The chase, the dog chasing the car?

3       A. All right.

4       Q. You got it. Now, we're looking at how you're  
5           doing. You're hearing the glowing things, again,  
6           an occasional exception to that. But overall,  
7           very positive, you'll come back, pray you live  
8           through the term, and your wife continues to  
9           stand by and support you in this field. But as  
10           we look, and it likely won't be us, but it'll be  
11           another group of these --

12       A. In six years.

13       Q. -- Commission members, how will they judge you in  
14           your second term? And how would you want JMSC to  
15           view, whether you were a trending on the  
16           favorable or the unfavorable?

17       A. Oh, I definitely want to trend on the favorable -  
18           -

19       Q. No, no, no, obviously, but how? What do you want  
20           us to be able to look at?

21       A. What do you want --

22       Q. What's important to you they have you --

23       A. What's important to me is to know how I'm doing.  
24           And even if some -- and I hate to say you can't  
25           trust the lawyers out there, but, you know, they

1                   laugh at jokes that I know aren't funny. And so,  
2                   you know, if I ask somebody --

3   **Q. Not Scott Talley. Never.**

4   A. Well, Senator Talley, I think is, you know, he's  
5                   on the Commission so I don't know that it would  
6                   be fair for me to ask him, how am I doing? But  
7                   there are some lawyers out there and some  
8                   legislators, some not. But, you know, I said,  
9                   look, if I'm messing up, I want you to let me  
10                  know. And they say, no, you're doing fine.  
11                  Those, I think I trust but I go to, you know, one  
12                  typical lawyer and they say, oh, you're a great  
13                  lawyer (sic). And I don't know if they're saying  
14                  that because they are sincere or not. So, what I  
15                  would like is, as I said, to Mr. Strom, some  
16                  performance review between now and then. So, if  
17                  there are some issues then they can be corrected  
18                  because I don't plan on going anywhere unless  
19                  somebody, you know, takes me out. And that  
20                  somebody I mean, you know, somebody above that I  
21                  hope to live long enough to -- I hope y'all  
22                  change the law that I don't have to retire at 72.  
23                  You know, I'd like to keep going, as long as my  
24                  health goes and as long as her health, you know -  
25                  - I can't make that decision today because I

1           don't know what it's going to look like at that  
2           point in time. But I don't have any reason to  
3           think I won't be as enthusiastic about the job in  
4           six years. You know, I'm not doing this, other  
5           than I feel like I was called to do it. I'm  
6           excited to do it. I want to keep doing it. As  
7           long as y'all will let me do it, I will pledge to  
8           do as good a job as I can do.

9           Q.    **Well, again, my earlier, out of the gate comment,**  
10           **that passion, that enthusiasm, that genuine**  
11           **desire to do it is infectious. Again, my view of**  
12           **this, the review, you are doing exceedingly well,**  
13           **by those who don't have to laugh at you to gain**  
14           **your favor. And so, we've heard from Judge**  
15           **Morehead and we just heard from Judge Morris**  
16           **about bringing your "A" game, bringing that**  
17           **freshness. That, this is a new process for you**  
18           **two litigants before me, though I've seen it,**  
19           **Judge Morehead said, 500 times. I know what's**  
20           **going to happen. But that personal touch, you**  
21           **got it. And I'm tickled to see it. I'm not**  
22           **surprised. And it's particularly rewarding to**  
23           **see a classmate, though not in my section, who**  
24           **wants to do this. And who puts themselves out to**  
25           **serve in a tough court. So, thank you for doing**

1 | that.

2 A. Thank you.

3 Q. All right.

4 CHAIRMAN RANKIN: Unless there's any other corrections  
5 on my profanity or this now concludes this  
6 portion of the sermon on the mount, that is a  
7 joke. As you know, pursuant to this process, we  
8 judge very closely and abide by the spirit and  
9 the letter of the ethics laws. Any violations  
10 thereof or appearance of impropriety could  
11 warrant your being brought back before this  
12 Commission. As you know, the record is not  
13 closed until the full release of the report of  
14 qualifications. In the unlikely event that that  
15 were to happen in a violation or appearance of  
16 impropriety in the ethics law, you understand, do  
17 you not, that we could you back?

18 JUDGE HODGES: I do understand that, yes, sir.

19 CHAIRMAN RANKIN: All right. With that, we are done.  
20 Thank y'all very much for being here.

21 (Off the Record)

22 CHAIRMAN RANKIN: All right. We are back on the  
23 record. And now, a motion of Hope Blackley,  
24 seconded by Mr. Safran. We're going to go into  
25 executive session.

1 (Off the Record)

2 CHAIRMAN RANKIN: All right. We're back on the  
3 record. And for the record during executive  
4 session, no votes were taken. No decisions were  
5 made. And we will now proceed to votes on the  
6 first race, which is the Supreme Court race.  
7 Let's have a call of the candidates and votes  
8 cast accordingly. All right. So, motion made,  
9 seconded by Senator Talley. All in support of  
10 each of the candidates being found qualified, say  
11 aye.

12 (Ayes are heard.)

13 CHAIRMAN RANKIN: There being no opposition. All  
14 right, now, we'll go to the ballots for  
15 nomination.

16 MS. CRAWFORD: Mr. Chairman, I'll now call out the  
17 names of each of the candidates for Supreme Court  
18 in alphabetical order. Each Commission member  
19 has three votes. Any candidate that receives six  
20 or more votes, for qualified and nominated, will  
21 be considered qualified and nominated at the end  
22 of that vote, unless there's a tie. Any  
23 candidate -- at that point, if there's a tie, we  
24 would go to the next ballot. Any candidate that  
25 does not get any ballot votes will be removed

1 from consideration on any subsequent votes. So,  
2 the first candidate is the Honorable Ralph K.  
3 Anderson, III (votes were taken), The Honorable  
4 David Garrison "Gary" Hill (votes were taken),  
5 The Honorable Aphrodite Konduros (votes were  
6 taken), The Honorable Stephanie Pendarvis  
7 McDonald (votes were taken). The three  
8 candidates qualified and nominated are: The  
9 Honorable David Gary Hill with eight votes, The  
10 Honorable Aphrodite Konduros with 10 and The  
11 Honorable Stephanie Pendarvis McDonald with 10.  
12 The next race we have is for the Court of  
13 Appeals, seat 2.

14 REPRESENTATIVE RUTHERFORD: I move that they all be  
15 found qualified.

16 CHAIRMAN RANKIN: All right, motion made, seconded by  
17 Representative Jordan. All right. Now, the  
18 question of --

19 MS. CRAWFORD: Again, I'll do the same procedure. We  
20 have The Honorable Jan B. Bromell-Holmes (votes  
21 were taken, The Honorable Whitney B. Harrison  
22 (votes were taken), The Honorable Grace Gilchrist  
23 Knie (votes were taken), The Honorable Letitia H.  
24 Verdin (votes were taken). And the three  
25 candidates qualified and nominated are: Whitney

1                   B. Harrison, Letitia H. Verdin and Grace  
2                   Gilchrist Knie. The next race we have is: The  
3                   Honorable Blake A. Hewitt, reelection to the  
4                   Court of Appeals, seat one.

5 REPRESENTATIVE RUTHERFORD: Move that he be found  
6                   qualified and nominated.

7 CHAIRMAN RANKIN: All in favor say, aye.

8                   (Ayes are heard.)

9 CHAIRMAN RANKIN: Ayes have it.

10 MS. CRAWFORD: And the retired judges. for the  
11                   information for the new members, the Commission  
12                   just votes on qualifications and then I will send  
13                   a letter to the chief letting him know what the  
14                   Commission found and then there's no voting on  
15                   them at all. So, I just wanted to let y'all  
16                   know.

17 REPRESENTATIVE RUTHERFORD: Move that they be found  
18                   qualified.

19 CHAIRMAN RANKIN: All in favor, say aye.

20                   (Ayes are heard.)

21 CHAIRMAN RANKIN: Ayes have it.

22 MS. CRAWFORD: Just to -- we've got -- and those three  
23                   include The Honorable Tommy Hughston, The  
24                   Honorable Gene Morehead and The Honorable Dana A.  
25                   Morris. The next position is reelection for

1 family court at large, seat seven. The Honorable  
2 Thomas T. Hodges.

3 CHAIRMAN RANKIN: Motion made by Representative  
4 Rutherford, seconded by Senator Talley. And so,  
5 approved, qualified and nominated. All right.

6 MS. CRAWFORD: That concludes what we're doing right  
7 now. The next candidate up is a retired Judge  
8 Edgar Warren Dickson.

9 (Off the Record)

10 CHAIRMAN RANKIN: Judge Dickson, let me ask you to  
11 raise your right hand, pay no attention to the  
12 chatter up here.

13 THE HONORABLE EDGAR WARREN DICKSON, being duly  
14 sworn, testifies as follows:

15 CHAIRMAN RANKIN: You know this routine very well.  
16 I'm going to be very brief with what we're  
17 looking for. You have a PDQ and a Sworn  
18 Statement, are those ready to be handed into the  
19 record?

20 JUDGE DICKSON: Yes, sir.

21 CHAIRMAN RANKIN: All right. Hand those over to Lindi  
22 and they will be included without your objection.  
23 You know Judge that we look at the nine  
24 evaluative criteria here, which includes ballot  
25 box survey, thorough study of your application

1 materials, verification of your compliance with  
2 state ethics laws, search of newspaper articles  
3 in which your name appears, study of previous  
4 screenings, check for economic conflicts of  
5 interest. No affidavits have been filed in  
6 opposition to your election and no witness are  
7 present to testify. We are sorry that we're so  
8 late getting to you. This should be ever so  
9 brief. Ms. Hart will ask some questions, perhaps  
10 there will be none from us, it will not be. If  
11 there are no questions, an indication of our  
12 displeasure with you, we are happy that you want  
13 to continue serving. Ms. Hart, take it away,  
14 please.

15 (Exhibit Number 11 was marked for identification  
16 purposes - (6 pages) Personal Data Questionnaire for  
17 The Honorable Edgar Warren Dickson.)

18 (Exhibit Number 12 was marked for identification  
19 purposes - (3 pages) Sworn Statement of The Honorable  
20 Edgar Warren Dickson.)

21 JUDGE DICKSON - EXAMINATION BY MS. HART:

22 Q. **Afternoon, Judge.**

23 A. Hey, how are you?

24 Q. **Judge Dickson, you're being screened for an  
25 initial appointment as a retired judge on the**

1 circuit court bench. Why do you want to serve as  
2 a retired circuit court judge?

3 A. I shouldn't say the pay, right? No, actually I  
4 really wasn't ready to retire when I was forced  
5 to retire at 72 because of my advanced age. And  
6 then I actually had some other judges and some  
7 other people ask me to run, to be actively  
8 retired. And my wife wants me out of the house.

9 Q. Excellent. Judge Dickson, how often would you  
0 like daily, like to serve in this capacity?

11 A. About a week a month.

12 Q. Okay. And what do you think that your reputation  
13 is among attorneys that practice before you?

14 A. I think they've been treated fairly. I don't  
15 think you would have too many complaints.

16 Q. Thank you, Judge.

17 MS. HART: For the record, the Commission received 667  
18 ballot box survey responses for Judge Dickson,  
19 with 109 comments. Those comments were  
20 overwhelmingly expressive of great pleasure of  
21 Judge Dickson regarding his intelligence,  
22 demeanor and experience. One example is "both  
23 prosecutors and defense attorneys enjoy being in  
24 front of Judge Dickson. He is a true honor to  
25 our profession."

1 JUDGE DICKSON: Thank you for finding that one note.

2 MS. HART: Additionally, I would note that the

3 Lowcountry Citizens Committee found Judge Dickson

4 to be well qualified as to the evaluative

5 criteria of ethical fitness, professional and

6 academic ability, character, reputation and

7 judicial temperament and qualified to the

8 remaining criteria of constitutional

9 qualifications, physical health, mental stability

10 and experience. The Committee commented that

11 Judge Dickson is immensely qualified. I submit

12 for the record that any concerns raised during

13 the investigation regarding the candidate were

14 incorporated into questioning of the candidate

15 today. Mr. Chairman, I have no further

16 questions.

17 CHAIRMAN RANKIN: And unless there are any other

18 questions, Senator Sabb?

19 SENATOR SABB: I can't resist this one. We see Judge

20 Dickson's address as being in Orangeburg, South

21 Carolina. I just want to correct the record and

22 let everybody know he's really a home boy from

23 Kingstree. I have nothing further.

24 CHAIRMAN RANKIN: Judge, I'm going to be super brief.

25 But you are a judge's judge and the Bar holds you

1                   in the highest regard. Every touch that you  
2                   have, incredible. And so, I want to thank you  
3                   for being young, wanted to keep going on. God  
4                   bless you, thanks for your service.

5 JUDGE DICKSON: Thank y'all.

6 (Off the Record)

7 SENATOR SABB: I move that we find Judge Dickson  
8 qualified and nominated.

9 MS. McIver: Second.

10 CHAIRMAN RANKIN: All right, seconded, qualified. All  
11 in favor say aye.

12 | (Ayes are heard.)

13 CHAIRMAN RANKIN: Ayes have it.

14 (Off the Record)

15 CHAIRMAN RANKIN: All right. We will now proceed to  
16 Ms. Amanda Bailey. Good afternoon, Ms. Bailey,  
17 it's 2:45.

18                   AMANDA A. BAILEY, being duly sworn, testifies as  
19 follows:

20 CHAIRMAN RANKIN: Ms. Bailey, can you hear me?

21 MS. BAILEY: I can hear you, thank you.

22 CHAIRMAN RANKIN: Okay. Good. Do you have before you  
23 the Statement and the Pdq, are those ready to be  
24 introduced into the record?

25 MS. BATTLEY: Yes.

1 CHAIRMAN RANKIN: No additions or amendments need to  
2 be made, correct?

3 MS. BAILEY: None.

4 CHAIRMAN RANKIN: And you don't object to them coming  
5 in? If not, it will now be made part of the  
6 record. You have done this before. Welcome  
7 back. You're with your husband, I believe.

8 (Exhibit Number 15 was marked for identification  
9 purposes - (18 pages) Amanda A. Bailey.)

10 (Exhibit Number 16 was marked for identification  
11 purposes - (1 page) Amendment to Personal Data  
12 Questionnaire for Amanda A. Bailey)

13 (Exhibit Number 17 was marked for identification  
14 purposes - (9 pages) Sworn Statement of Amanda A.  
15 Bailey.)

16 MS. BAILEY: I am.

17 CHAIRMAN RANKIN: Tell us his name.

18 MS. BAILEY: This is my husband, Dan Bailey.

19 CHAIRMAN RANKIN: Dan Bailey, stand up. Good  
20 afternoon to you, happy 2:30 to you. You are  
21 aware of our process, you can have a seat sir,  
22 where we, and our efforts to investigate your  
23 candidacy look at the nine evaluative criteria,  
24 which includes the ballot box survey, thorough  
25 study of your application materials, verification

1 of your compliance with the state ethics laws,  
2 search of newspaper articles in which your name  
3 appears, study of previous screenings and the  
4 check for economic conflicts of interest. No  
5 affidavits have been filed in opposition to your  
6 campaign and your candidacy and no witnesses are  
7 here to testify. You have the opportunity to  
8 make a brief opening statement, if you'd like,  
9 but given the hour, you can defer to a closing  
10 statements.

11 MS. BAILEY: I waive opening.

12 CHAIRMAN RANKIN: Very well, we will go, proceed to  
13 questions, Ms. Foster will take it away. Thank  
14 you.

15 MS. FOSTER: I note for the record, based on the  
16 testimony contained of the candidate's PDQ, which  
17 as been included in the record with the  
18 candidate's consent. Amanda A. Bailey, meets the  
19 constitutional and statutory requirements for  
20 this position regarding, age, residence, and  
21 years of practice.

22 AMANDA A. BAILEY - EXAMINATION BY MS. FOSTER:

23 Q. **Ms. Bailey, how do you feel your legal and**  
24 **professional experience thus far renders you**  
25 **qualified and will assist you to be an effective**

1                   **circuit court judge?**

2       A.    I have had the opportunity to practice in Horry  
3                   County and in the state of South Carolina on a  
4                   variety of different litigation matters. I have  
5                   been in magistrate's court and circuit court, in  
6                   federal court and I've handled plaintiff side and  
7                   defendant side. And I have been in front of all  
8                   different types of judges. I have had the  
9                   opportunity to mentor and be mentored. And I  
10                  think at this point in time, having run once  
11                  before, and having practiced now since Covid, I  
12                  have had an eye-opening experience in the past  
13                  few years that gives me a great deal of  
14                  appreciation for the judges of our state and the  
15                  need for high-quality judges in this state. And  
16                  I think that's what I can present to the state.

17       Q.    **Ms. Bailey, the Commission received 361 ballot**  
18           **box surveys regarding you with 51 additional**  
19           **comments. The ballot box survey, for example,**  
20           **contained the following positive comments:**  
21           **"Amanda is one of the brightest legal minds."**  
22           Another stated, "Ms. Bailey is and always has  
23           been given the confidence of her peers due to her  
24           natural, humble leadership manner. Ms. Bailey is  
25           incredibly intelligent, well researched and

1                   exhibits a natural problem-solving logic which  
2                   would be most beneficial on the bench." Ten of  
3                   the written comments expressed concerns. Several  
4                   comments indicated concern with your lack of  
5                   criminal experience. What response would you  
6                   offer to this concern?

7                   A. I do make my living in the civil arena. So,  
8                   clients come to me, when they come to me, and  
9                   when they chose me voluntarily. It is because I  
10                  have practiced with civil business litigation.  
11                  They come to me for that purpose. And so, that's  
12                  how I make my living. I have -- however, have  
13                  criminal experience. I have handled criminal  
14                  matters and criminal clients at the magistrate's  
15                  level. I have done "pro bono" work that has  
16                  dealt in criminal matters, both at the state  
17                  level and at the federal level. And I really dug  
18                  my teeth in while I was at the Court of Appeals.  
19                  And so, I did have a great deal of criminal  
20                  experience while at the Court of Appeals. I  
21                  don't make my living in general sessions. And I  
22                  do think that that is an obvious criticism for  
23                  the type of work that I do. I practice in civil  
24                  litigation.

25                  Q. Ms. Bailey, though the comments contain many

1 positive remarks noting your fairness and  
2 professionalism, there were two negative comments  
3 indicating concern with potential bias,  
4 specifically towards civil defense litigants.

5 **Would you like to offer a response to these  
6 concerns?**

7 A. Sure. I represent plaintiffs and defendants. I  
8 have not done more defense work than plaintiff's  
9 work. I have done both. And so, majority of the  
10 time, quite frankly, in business litigation, I  
11 end up being on the plaintiff's side. If I am in  
12 a personal injury matter, I have done plaintiff's  
13 personal injury work. I have done insurance  
14 defense personal injury work. At this stage in  
15 my career, it's gets harder and harder to do  
16 plaintiff's personal injury work because of the  
17 firm that I'm with, the conflicts that we have to  
18 clear in order to do plaintiff's work. So, I  
19 have slowed down, that opportunity is not still  
20 available to me, but I am often on both sides of  
21 the V.

22 Q. **Thank you, Ms. Bailey.**

23 MS. FOSTER: I would like to note that the Pee Dee  
24 Citizen's Committee reported that Ms. Bailey is  
25 well qualified as to the evaluative criteria of

1                   ethical fitness, professional and academic  
2                   ability, character, reputation, experience and  
3                   judicial temperament and qualified in the  
4                   evaluative criteria of constitutional  
5                   qualifications, physical health and mental  
6                   stability.

7   **Q. Ms. Bailey, are you aware that, as judicial**  
8                   **candidate, you are bound by the code of judicial**  
9                   **conduct as found in Rule 501 in the South**  
10                  **Carolina appellate court rules?**

11   A. Yes, ma'am.

12   **Q. Ms. Bailey, since submitting your letter of**  
13                  **intent, have you contacted any members of the**  
14                  **Commission about your candidacy?**

15   A. No, ma'am.

16   **Q. Since submitting your letter of intent, have you**  
17                  **sough or received the pledge of any legislator,**  
18                  **either prior to this date or pending the outcome**  
19                  **of your screening?**

20   A. No, ma'am.

21   **Q. Are you familiar with Section 2-19-70, including**  
22                  **the limitations on contacting members of the**  
23                  **General Assembly regarding your screening?**

24   A. Yes, ma'am.

25   **Q. Have you asked any third parties to contact**

1                   members of the General Assembly on your behalf,  
2                   or are you aware of anyone attempting to  
3                   intervene in this process on your behalf?

4                   A. No, ma'am.

5                   Q. Have you reviewed and do you understand the  
6                   Commission's guidelines on pledging in South  
7                   Carolina Code Section 2-19-70(e)?

8                   A. Yes.

9                   MS. FOSTER: Mr. Chairman, I'd note for the record  
10                  that any concerns raised during the investigation  
11                  by staff regarding the candidate were  
12                  incorporated into the questioning of the  
13                  candidate today. Mr. Chairman, I have no further  
14                  questions.

15                  CHAIRMAN RANKIN: Okay. Thank you.

16                  AMANDA A. BAILEY - EXAMINATION BY CHAIRMAN RANKIN:

17                  Q. Ms. Bailey, obviously I know you. I remember  
18                  your presentation before. And you are a rising  
19                  star. You have the overwhelming support of and  
20                  accolades of folks have taken the time, a number  
21                  of which you've heard. Very qualified, bright,  
22                  excellent attorney, asset to the bench, thorough,  
23                  bright, thoughtful, careful, extremely smart with  
24                  a varied and diverse practice. You have letters  
25                  of reference from folks that we know, that I

1 know, that, again, speak to your integrity and  
2 your judgement, discretion and temperament. The  
3 question about your criminal -- lack of criminal  
4 experience. Again, your response that you go  
5 with what you get, right? That's the way we do  
6 it. But apparently, that you have reached out  
7 and tried to and have tried to participate since  
8 the last screening. I don't remember that  
9 comment from before. Tell us about what you're  
10 doing to broaden your criminal experience?

11 A. Well, I continue taking CLE credits, specifically  
12 in criminal law. I also maintain an excellent  
13 working relationship and communication with our  
14 solicitor. I have reached out and met with our  
15 public defender as well. Talked about,  
16 generally, you know, their own internal processes  
17 for presenting and defending cases or presenting  
18 and prosecuting cases. I have participated in  
19 observations of motions and trials. One of the  
20 things that I -- I think, between my last run and  
21 this particular run, of course, Covid has brought  
22 some changes to the court, especially with  
23 pursuing trials in front of a jury. I actually  
24 had the opportunity to be a juror in a test case  
25 in Horry County for general sessions during Covid

1 operations. And I will tell you, it gave me a  
2 perspective of what jurors brought to the table,  
3 at that point in time, that I don't think I ever  
4 appreciated. It also brought a good perspective  
5 as to the people that were wanting to serve on  
6 the jury and what their goals were in coming to  
7 court because they had a lot of opportunity to  
8 get out of that service during Covid. So, the  
9 majority of what I've done since 2019 to the  
10 present is really use the resources that I have  
11 available to me and the people that I have  
12 available to me. I've not taken a general  
13 sessions case to trial during this time period.  
14 But I have done everything that I can in order to  
15 make sure that I'm up to speed on the law, on the  
16 procedure. I am very well versed in courtroom  
17 procedures. I'm very comfortable in the  
18 courtroom. I'm very comfortable with people.  
19 And I'm very comfortable with the rules. And I  
20 can take what I've learned and I can apply that.

21 CHAIRMAN RANKIN: Any other questions, Representative  
22 Jordan.

23 REPRESENTATIVE JORDAN: Very briefly, Mr. Chairman.

24 AMANDA A. BAILEY - EXAMINATION BY REPRESENTATIVE JORDAN:

25 Q. And thank you for your testimony today. I want

1 to talk to you just for a minute about the  
2 criminal aspect of this. And again, I don't hold  
3 it against you at all that you haven't taken a  
4 case to trial since that time. There's been a  
5 lot of other factors involved and I certainly  
6 understand that. How do you see or would you see  
7 yourself going into the criminal process? You've  
8 got the solicitor on one side, you've got the  
9 defense attorney on the other. How do you see  
10 yourself bridging or being between those entities  
11 in determining, for instance, what are  
12 appropriate sentences? How do you waive, for  
13 instance, the recommendation from the solicitor  
14 and then the, you know, the remediation put  
15 before you by the defense?

16 MS. BAILEY: Well, I mean, certainly you're going to  
17 give weight to the recommendation of the  
18 solicitor. The solicitor is going to have  
19 information before him or her that is not  
20 otherwise available to the court at that time.  
21 They've evaluated their case, they've made a  
22 determination as to what the strengths and  
23 weaknesses of their case are. Some of it has  
24 nothing to do with whether or not this particular  
25 individual would have been, let me rephrase it --

1                   - A lot of that may have to do with whether or  
2                   not that case would be capable of a jury verdict.  
3                   It may not have to do with anything other than  
4                   the evidence that they know they can get in.  
5                   So, I think that there is weight to be given to  
6                   the solicitor's recommendation. However, if  
7                   there are other mitigating factors that need to  
8                   be taken into consideration, those need to  
9                   be presented to the court for determination. And  
10                  it's up to the defense attorney to present those  
11                  to the court, so that those can be considered.  
12                  And so, that obligation and the job of the  
13                  defense attorney in order to either argue against  
14                  the recommendation or consent to the  
15                  recommendation is going to be something that I'll  
16                  give weight to, I'll question. I'll question  
17                  both sides. I mean, it's not something that  
18                  would pass without questioning. You've got to  
19                  ask the right questions, depending on the facts  
20                  of the case, depending on the parties that are  
21                  involved. And depending on the witness  
22                  statements that you may hear.

23                  AMANDA A. BAILEY - RE-EXAMINATION BY CHAIRMAN RANKIN:

24                  **Q. One of the comments, unless there are other  
25                  questions. I'll end it with this, which we are.**

1 I think, with our pay raise, trying to  
2 accomplish. You have been, this person writes,  
3 very successful as a private lawyer. While they  
4 don't know your finances, they would suspect you  
5 would take a pay cut to accept this judgeship.  
6 This is the track attorneys should take to the  
7 bench, it should be a call to public service. I  
8 don't need to ask you about your pay, perhaps I  
9 would ask your husband, but I won't. But why  
10 give up a bright, prosperous long trajectory of  
11 earnings and income to take this role as a public  
12 servant?

13 A. This is been what I've wanted to do. I will be  
14 an excellent servant to the state. I have no  
15 doubt that I will provide, I will be a servant.  
16 And I will provide this job the work, the  
17 humanity and the ethics that are needed to be  
18 brought to this table. I want to serve the state  
19 in this capacity. It is what I want to turn my  
20 career into. And so, I maybe able to -- I am at  
21 a point in my career where it is really only  
22 going to go from here. I am confident about, if  
23 I stay in the private practice, it could only be  
24 a successful career going forward in private  
25 practice. I'm very happy to stay in private

1 practice, if that's what this determination is  
2 made. I have no problems with private practice  
3 and I enjoy my job. But I know that my calling  
4 is to make our judiciary better. And I think  
5 anybody that stands before this Commission, it  
6 should be their calling too.

7 CHAIRMAN RANKIN: All right. Mr. Safran?

8 MR. SAFRAN: Thank you, Mr. Chairman.

9 AMANDA A. BAILEY - EXAMINATION BY MR. SAFRAN:

10 Q. Ms. Bailey, just quickly. A couple of things. I  
11 just heard that "my calling". I don't question  
12 your sincerity, however, I've been here now  
13 awhile and I've seen people come in and say, for  
14 instance, this judgeship is my calling and then  
15 two years later, they're back looking for another  
16 calling at another level. How do you address  
17 that?

18 A. I want to be a circuit court judge. I don't put  
19 anything past me as far as what the future holds.  
20 But I enjoy being in a courtroom. I enjoy  
21 litigants. I enjoy witnesses. I enjoy people.  
22 I know at the appellate level -- I've been there.  
23 They read a lot. They don't have a lot of people  
24 that they have in front of them that give  
25 testimony. And they don't deal with the humanity

1                   that you see in a circuit court. It's where I  
2                   want to be. So, I'm confident that that level of  
3                   judgeship is where my heart resides. I can't say  
4                   that if, 20 years down the road, I wouldn't also  
5                   want to go back in private practice if this is  
6                   the end of the road for me. I still like private  
7                   practice. I like what I do.

8                   **Q. And let me ask you also. Even though there are**  
9                   **fewer cases being tried in common pleas, don't**  
10                   **you still stay pretty busy, in terms of having to**  
11                   **deal with other aspects of court time on the**  
12                   **civil side?**

13                   A. Motions and motions and motions and discovery  
14                   motions and discovery. So, I mean, tomorrow I  
15                   end up having a -- I'm going on a virtual motion  
16                   tomorrow morning. I've got a virtual motion  
17                   tomorrow afternoon, neither of which are  
18                   dispositive. Friday, I've got another motion,  
19                   which is a dispositive motion. And so, there's a  
20                   significant opportunity for motions practice to  
21                   allow for, and rule on, and decide the case in  
22                   the civil side. And so, I think that is such a  
23                   significant part of my practice, I can only  
24                   imagine it's also a significant part of the  
25                   majority of attorneys practices these days.

1 Q. And just you bring that up. I mean, it's  
2 certainly I have my own views about it. But  
3 don't you think there's something, you know, that  
4 I think we're losing, with maybe swinging too  
5 much to everything being done virtually?

6 A. Absolutely, yes.

7 Q. And, I mean, as a judge, what would your policy  
8 be, in terms of having to coming up,  
9 differentiate between how you're going do things,  
10 live versus doing the stuff virtually?

11 A. I would love for all discovery motions to be  
12 virtual and to be heard very quickly. There's no  
13 reason that discovery should be pushed off,  
14 especially discovery disputes that should be  
15 pushed off and delayed the case proceeding. That  
16 is a real pet peeve of mind that a discovery  
17 motion may prevent you from getting to the next  
18 step in your case and ultimately getting that  
19 case off the docket. So, I think all discovery  
20 motions should be virtual and should be very  
21 quickly scheduled. Dispositive motions, highly  
22 contested motions are motions in which the  
23 parties really object to having virtual hearings,  
24 those should be in person. There is definitely a  
25 time and place for an in-person hearing and it is

1                   very -- it is received. The lawyers act  
2                   differently in person. But also, I bring my  
3                   clients with me to an in-person hearing and they  
4                   react differently in person. And they like to  
5                   see the process. And they like to see how the  
6                   judge reacts. And they like to see how the  
7                   opposing party reacts. And it gives the  
8                   litigants a belief, a feeling, that they are  
9                   being heard, that they are walking out having  
10                   either justice being doled or they sometimes walk  
11                   out feeling like they did not get -- they got the  
12                   short end of the stick. But they have their day  
13                   in court. And it's such an important part of our  
14                   judicial system that is being short changed with  
15                   virtual hearings. And I don't think that  
16                   litigants are feeling as though they have their  
17                   day in court.

18                   **Q. Are you running into issues, for instance, one**  
19                   **party wants to do it virtual and the other says,**  
20                   **no? I mean, is there any problem with ultimately**  
21                   **the judge saying, yeah, we're going to do it**  
22                   **live, as long as one of parties wants to be**  
23                   **there?**

24                   **A. If one party wants it live, typically, they'll**  
25                   **hold it live. But right now, we are having to go**

1 to some other counties to do that. And so, it  
2 does require some consent for some in-person  
3 hearings.

4 Q. **I mean, is that for lack of a place where you are**  
5 **locally or?**

6 A. Yeah, I mean, it's just the lack of the judges in  
7 the area at the present time. But we are having  
8 the same issue when it comes to depositions,  
9 which is also just a significant part of private  
10 practices, deposition taking. I think, you can  
11 win or lose a case in a deposition, but virtual  
12 depositions require consent.

13 Q. **At least that's how the rule works there, that**  
14 **everybody has to be on board with it.**

15 A. Right.

16 Q. **Well, because I mean, if the case is highly**  
17 **involving documents that you have to show a**  
18 **witness. I mean, it seems to me absurd that you**  
19 **try to go and just beat it around trying to do it**  
20 **virtually.**

21 A. Same with a hearings. It's deposition and same  
22 with hearings. If there's a document-heavy case,  
23 it's very, very cumbersome to introduce your  
24 documents.

25 Q. **So, I could feel comfortable that you are**

1                   somebody's that's not going to be just defaulting  
2                   to the virtual end like maybe some have become.

3     A.    Absolutely not.  There is significant value in-  
4                   person hearings.

5     Q.    **Thank you.**

6     CHAIRMAN RANKIN:  Other questions?  All right.  Ms.

7                   Bailey, thank you so much.  This concludes this  
8                   portion of our screening process.

9     MS. BAILEY:  Thank you all, I very appreciate it.

10    CHAIRMAN RANKIN:  And now you have that opportunity to  
11                   make any closing statements you would like, other  
12                   than a thank you, which we did hear, but ...

13    MS. BAILEY:  I am also going to waive a closing  
14                   statement.  But I do want to thank everybody.  I  
15                   know it's a late hour and I appreciate your time.

16    CHAIRMAN RANKIN:  And our apologies to you and your  
17                   husband, but thank you both for being here.  This  
18                   closes this portion of the hearing.  You know  
19                   pursuant to the rules and our badge of criteria  
20                   that we focus both on, the letter and the spirit  
21                   of the ethics law.  Any violation or appearance  
22                   of impropriety of those laws by you would be  
23                   deemed very serious and potentially deserving of  
24                   your being called back for further inquiry.  You  
25                   are aware of that, correct?

1 MS. BAILEY: Yes, Mr. Chairman.

2 CHAIRMAN RANKIN: And to that end, this record will  
3 remain open until the formal release of the  
4 report of qualifications. Again, in the unlikely  
5 event that there would be a question about the  
6 ethics rules or law, you know that we would be  
7 able to call you back, correct?

8 MS. BAILEY: Yes, thank you.

9 CHAIRMAN RANKIN: And we don't expect that to happen.  
10 And again, God's speed. It is 3:15 and so we  
11 have done exceedingly well, in this time  
12 alternate time warp that we're in. Y'all take  
13 care, safe travels.

14 (Off the Record)

15 CHAIRMAN RANKIN: All right. We are now going to  
16 proceed to the next candidate, Mr. Hyman, come on  
17 up, if you will.

18 B. ALEX HYMAN, being duly sworn, testifies as  
19 follows:

20 CHAIRMAN RANKIN: You have before you the PDQ, the  
21 Sworn Statement that you have filled out. Are  
22 those ready to be entered into the record?

23 MR. HYMAN: I have no objection.

24 CHAIRMAN RANKIN: Okay. And no additions that need to  
25 be made.

1 MR. HYMAN: There is none.

2 (Exhibit Number 18 was marked for identification  
3 purposes - (15 pages) Personal Data Questionnaire for  
4 B. Alex Hyman.)

5 (Exhibit Number 19 was marked for identification  
6 purposes - (6 pages) Sworn Statement of B. Alex  
7 Hyman.)

8 CHAIRMAN RANKIN: If you'll hand those to the court  
9 reporter, please? Mr. Hyman, you have done this  
10 before. You are familiar with our thorough  
11 investigation of your qualifications for the  
12 candidacy. Lindi is bringing you water, for the  
13 record. Nine evaluative criteria we focus on  
14 which includes the ballot box survey, a thorough  
15 study of your application materials, verification  
16 of your compliance with the state ethics law,  
17 search of newspaper articles in which your name  
18 appears, study of previous screenings, check for  
19 economic conflicts of interest. No affidavits  
20 have been filed in opposition to your candidacy  
21 and no witnesses are here to testify unless your  
22 wife wants to say something under oath.

23 MR. HYMAN: No thank you.

24 CHAIRMAN RANKIN: Introduce her for the record, if you  
25 will?

1           MR. HYMAN: This is my wife, Tammi Hyman, by far my  
2           better half.

3           CHAIRMAN RANKIN: Very well. All right. You have the  
4           opportunity to make a very brief opening  
5           statement, if you would. But given that's it  
6           nearly 5:00 somewhere, I would suggest waiving  
7           and --

8           MR. HYMAN: I will absolutely waive and allow my PDQ  
9           to stand.

10          CHAIRMAN RANKIN: Very good. All right. Ms. Haley  
11           Mottel Symmes will be asking your questions.

12          B. ALEX HYMAN - EXAMINATION BY MS. SYMMES:

13          MS. SYMMES: Thank you, Mr. Chairman. I note for the  
14           record that based on the testimony contained in  
15           the candidate's PDQ, which has been included in  
16           the record with the candidate's consent. Mr.  
17           Hyman meets the constitutional and statutory  
18           requirements for this position regarding age,  
19           residence and years of practice.

20          Q. **Mr. Hyman, how do you feel your legal and  
21           professional experience thus far renders you  
22           qualified and will assist you to be an effective  
23           circuit court judge?**

24          A. That's been a question that's been asked  
25           throughout this process probably 10 times. I

1 mean, I've probably given a different answer each  
2 time. But, truth of the matter is, is I really  
3 enjoy people. I believe that we're given certain  
4 attributes and gifts. And the best way to make  
5 better use of our self is to use those attributes  
6 and gifts for the better good of people around  
7 you. I've done that in my practice of my law. I  
8 have very, very good relationships with client.  
9 I've tried my best to always make myself  
10 available to them, probably often times to the  
11 regret of my wife. But I feel like being able to  
12 have those kinds of relationships with my  
13 clients, with court staff, with the solicitors,  
14 with adjustors, with judges. I think it lends  
15 itself to what our judiciary needs right now. We  
16 really need judges, I feel, like who understand  
17 that we're all in the practice of law, that  
18 litigants, for the most part, don't necessarily  
19 want to be there, they're uncomfortable. And I  
20 think that we as lawyers and these judges need to  
21 go out of their way to try to make it a more  
22 comfortable situation for everybody. I've  
23 practiced, both in common pleas and general  
24 sessions, magistrate court, municipal courts,  
25 probate court, federal court. I began my

1 practice, really, doing mostly about 50/50 common  
2 pleas in criminal courts. I've been lucky enough  
3 that over the years that I've hired my younger  
4 brother to kind of handle a lot of the civil  
5 stuff that comes through our office. But I still  
6 probably handle about 15 to 20 cases a year.  
7 Most of them now are auto accidents. Did have  
8 last year have a mortgage fraud case that I kind  
9 of worked on. But the vast majority of my  
10 practice right now is in general sessions court.  
11 And I still handle, maybe, five to seven federal,  
12 usually those are conspiracy cases dealing with  
13 trafficking, narcotics. But I feel like I've got  
14 a very, very broad background. And while I don't  
15 do as much civil work now as I used to, I still  
16 do have that background. I think, given all of  
17 that and I really and truly do feel like I try to  
18 be kind to people. Got two kids and I constantly  
19 preach to them, that you need to be kind to  
20 people even if you're upset. And I think that's  
21 something I would bring to the judiciary. There  
22 are judges that I've appeared in front of that,  
23 I've always felt so comfortable with them. And I  
24 can look around the courtroom and see everybody  
25 seems comfortable. Judge Billy Seals is one of

1                   those. Every time I'm ever in front of him,  
2                   everybody just seems to relaxed, his demeanor is  
3                   always calm. He treats everyone with respect,  
4                   whether it's court staff, a witness and that  
5                   would really be what I would try to bring the  
6                   judiciary.

7                   Q. Thank you. Mr. Hyman, the Commission received  
8                   308 ballot box surveys regarding you, with 51  
9                   additional comments. And a significant number of  
10                  those were positive. And a few of those,  
11                  briefly. "A really great lawyer. His compassion  
12                  is only matched by his knowledge of the law.  
13                  Would be a fantastic judge. Possesses an  
14                  inherent sense of fairness and intelligence that  
15                  would serve our state well." "Alex has a strong  
16                  background and experience in both criminal and  
17                  civil matters, which suits him for a circuit  
18                  court position and is something that many  
19                  judicial candidates lack. He is a fair,  
20                  thoughtful and consistent individual who always  
21                  treats others with respect. Mindful and ethical,  
22                  he is involved in the community and has exemplary  
23                  personal character." Eighteen of the written  
24                  comments expressed concerns. Several comments  
25                  indicated concerns that you would show a lack of

1                   **impartiality. What response would you offer to**  
2                   **this concern?**

3       A. I certainly have friends who are attorneys and  
4                   I've had friends call me and ask me what I  
5                   thought about certain cases. And to be quite  
6                   honest with you, I've upset them sometimes. I  
7                   don't necessarily hide behind saying something  
8                   that's going to make them happy. I think that --  
9                   and when it all boils down to it, I would have an  
10                  ethical obligation to do what's fair and just in  
11                  following the law. Whether people are my friends  
12                  or not, I can put that aside. And I hope that  
13                  they would be able to, as well.

14     Q. **Thank you. Other comments expressed concerns**  
15                  **regarding your lack of civil trial experience or**  
16                  **lacking the experience necessary to serve on the**  
17                  **bench. And I know you addressed your legal**  
18                  **experience moments ago, but what additional**  
19                  **response would you offer to this concern?**

20     A. You know, I'm a staunch reader of the advanced  
21                  sheets. I really try my best to keep up-to-date  
22                  with, really, the current state of the law.  
23                  Again, no, I don't do as much civil court as I  
24                  used to, but that doesn't mean that I don't know  
25                  the rules. I am in trial very often. The rules

1 of evidence are the rules of evidence, whether  
2 it's civil or criminal. So, I believe that my  
3 background does lend itself to that. I do have  
4 that civil background. Again, I think that the  
5 comments that are made about that are just  
6 because they don't see me there very often.

7 **Q. Finally, some concerns indicated that you would**  
8 **have poor judicial temperament. What response**  
9 **would you offer to this concern regarding your**  
10 **temperament?**

11 A. I really, I don't know, it's kind of a strange  
12 thing because so many of the comments talk about  
13 that I try to help people out and I really do.  
14 I'm the first person to greet people in the  
15 morning and go out of my way to try to make  
16 people feel welcome. I would try to do that in a  
17 courtroom. My judicial temperament, I'm a very  
18 patient person. I really and truly think that  
19 when judges show a lack of patience, it not only  
20 demeans the process at that time, it demeans  
21 everything about our judicial system. I would  
22 certainly not want to do that.

23 **Q. Thank you.**

24 MS. SYMMES: I would note that Pee Dee Citizen's  
25 Committee reported Mr. Hyman well qualified as to

1 the criteria of ethical fitness, professional and  
2 academic ability, character, reputation,  
3 experience and judiciary temperament and  
4 qualified in the criteria of constitutional  
5 qualifications, physical health and mental  
6 stability.

7 Q. And I just have a few housekeeping questions for  
8 you. Mr. Hyman, are you aware that as a judicial  
9 candidate, you are bound by the code of judicial  
10 conduct as found in Rule 501 of the South  
11 Carolina appellate court rules?

12 A. Yes, I am.

13 Q. Since submitting your letter of intent, have you  
14 contacted any members of the Commission about  
15 your candidacy?

16 A. I have not.

17 Q. Since submitting your letter of intent, have you  
18 sought or received a pledge of any legislator,  
19 either prior to this date or pending the outcome  
20 of your screening?

21 A. I have not.

22 Q. Are you familiar with Section 2-19-70, including  
23 the limitations on contacting members of the  
24 General Assembly regarding your screening?

25 A. I am.

1           Q. Have you asked any third parties to contact  
2           members of the General Assembly on your behalf or  
3           are you aware of anyone attempting to intervene  
4           in this process on your behalf?

5           A. I have not, nor am I aware of anyone.

6           Q. Have you reviewed and do you understand the  
7           Commission's guidelines on pledging in South  
8           Carolina Code Section, 2-19-70(e)?

9           A. I am.

10          MS. SYMMES: Mr. Chairman, I would note for the record  
11           that any concerns raised during the investigation  
12           by staff regarding the candidate were  
13           incorporated into the questioning of the  
14           candidate today and I have no further questions.

15          CHAIRMAN RANKIN: Okay. Thank you, Ms. Symmes.

16           Questions by members of the Commission?

17          B. ALEX HYMAN - EXAMINATION BY CHAIRMAN RANKIN:

18          Q. I'll start it and Mr. Hyman, obviously I know  
19           you. You and I are in the Sertoma Club together  
20           and practice law perpendicularly by address in  
21           the same hometown. And so, I appreciate your  
22           being here and I remember meeting you as a  
23           candidate in 2020.

24          A. That's correct.

25          Q. Is that correct, yeah. And, we're looking back

1 now at the report that was issued and the ballot  
2 box survey comments that we were able to find.  
3 And I would say to the outlier question, or to  
4 the question about your temperament, then and  
5 now, that would be the great exception to the  
6 rule, as overwhelmingly those who have taken the  
7 time to support your candidacy hold you in one of  
8 the highest of categories in that regard and the  
9 lowest unqualified. And so, don't take offense  
10 at that question. We ask all round these. One  
11 refrain that comes back, either in the Goldilocks  
12 context of just right, not enough this, not  
13 enough that, some of the complaints or questions  
14 concerned your lack of civil trial experience,  
15 you've spoken to that. Isn't it true, though,  
16 that there is more criminal court going on in any  
17 given session? And you'll get questions about  
18 this from others.

19 A. The warrants strongly outweigh the complaints, I  
20 mean as far as any kind of civil complaints been  
21 filed. And especially in Horry County. We have  
22 far more general sessions court than we do common  
23 pleas. There are certainly weeks of non-jury  
24 common pleas, but they still don't come close to  
25 the weeks of general sessions court that we have,

1                   whether it be pleas or trials. And I think, that  
2                   looking at the advance sheets, there are far more  
3                   cases that are being heard by our Court of  
4                   Appeals and Supreme Court that are general  
5                   sessions cases, rather than common pleas cases.  
6                   I don't know if that's a result of someone's  
7                   liberties or freedoms being at stake versus  
8                   money, but it's very obvious to me that that's  
9                   something that is being addressed constantly by  
10                  our upper courts.

11                  Q.    **And the lack or again, perceived lack, of civil**  
12                  **practice. I know you have, and your younger**  
13                  **brother I think, have an active civil practice as**  
14                  **well. The prior candidate, Ms. Bailey, her**  
15                  **testimony was effectively, you get what comes**  
16                  **through the door. But do you feel like you have**  
17                  **an adequate and/or sufficient exposure to both**  
18                  **civil and criminal?**

19                  A.    I do. And, I mean, I settled a traumatic brain  
20                  injury case two weeks ago that was on the trial  
21                  roster. I have currently eight cases right now  
22                  pending in Horry County that are all -- they're  
23                  all personal injury, auto accident cases. But  
24                  I'm still -- it's just a simple fact of I'm not  
25                  there as much as -- and you're in Horry County,

1 but Mike Smith or Ed Lawson, but I am still  
2 there. And we are still handling those kind of  
3 cases. I think the last civil case that I  
4 actually tried was maybe five years ago. But  
5 again, that doesn't mean that I'm not still  
6 handling cases. I'm also very active as a  
7 mediator. I'm a certified arbitrator, but  
8 unfortunately don't do a whole lot of  
9 arbitration. But I do do a good bit of mediation  
10 for common pleas cases.

11 Q. **You and I share the same childhood of having a**  
12 **judge for a father. How has that tempered you,**  
13 **in regard to how you see yourself carrying out**  
14 **your role successfully as a judge?**

15 A. My dad and I are very, very, similar in some  
16 instances. But we are also different in some  
17 instances as well. I was very lucky when I was  
18 in law school, my third year. This was in Little  
19 Rock, Arkansas. They had a student practice  
20 program where if you were on your third year, you  
21 could practice in circuit court. And there was a  
22 judge that was out there, named Marion Humphrey.  
23 Judge Humphrey, looked, sounded, acted exactly  
24 like James Earl Jones. A very, very intimidating  
25 person. But he was the nicest man I've ever met.

1 Took me under his wing, would constantly tell me,  
2 you know, these are the things you need to do.  
3 They have a different arraignment process. And  
4 when I came back here, I tried to use some of the  
5 things that Judge Humphrey taught me. And at  
6 that time I worked for Judge Cottingham. And,  
7 you know, under Judge Cottingham, I learned a  
8 whole litany of other things. I feel like I've,  
9 even though my father is a judge, I've so  
10 benefitted from having other really good judges  
11 mentor me. And I think that taking a little bit  
12 out of all of them, I hope, would make me a very  
13 well-rounded judge. The good thing about all  
14 three of those judges was the fact that they were  
15 hardworking judges. I think that one of the  
16 things that we have to look at sometimes is, you  
17 know, everybody's there to do a job. And I  
18 understand that judges right now are getting  
19 pressure from the higher courts to move cases.  
20 And I would be one that I feel like has the work  
21 ethic to be there Monday morning, bright and  
22 early, ready to work and still be there Friday  
23 afternoon ready to work. And I think that I  
24 really and truly get that, mostly from my dad.  
25 But I do think that the fact that I've had all

1                   three of those judges kind of mold me, I think,  
2                   would make me a good candidate.

3   **Q.**    You have letters of reference from folks that  
4                   kind of cover the gambit and you have one from  
5                   the solicitor, Jimmy Richardson, "watched Alex's  
6                   career as a defense attorney evolve over the  
7                   years, motivated, self-starter, bright, diligent,  
8                   conscientious, never waivers in his quest to  
9                   understand the facts and ascertain the truth,  
10                  fair and hardworking judge." Obviously, you've  
11                  tried cases against the solicitor?

12   **A.**    I have.

13   **Q.**    And not him directly, but others in his --

14   **A.**    He and I, I think, have tried two cases against  
15                  each other.

16   **Q.**    I won't reel through all of these. But note as  
17                  well, particularly to me, Morgan Martin, long-  
18                  time lawyer, outstanding character, watched you  
19                  grow, great skill, co-counsel with you in a  
20                  number of cases, work ethic, professionalism,  
21                  respectful, courteous and empathetic with the  
22                  plight of people. Is empathy an important  
23                  attribute, do you think, as a judge?

24   **A.**    I do. There are times when I feel when justice  
25                  is served by, "dropping the hammer." But there

1                   are also times when justice is served by giving  
2                   somebody a second chance. I've been very  
3                   involved with drug court in Horry County. Our  
4                   mental health court that we just got started has  
5                   kind of evolved. Now, we have three levels of  
6                   that. Having these other types of things  
7                   available to defendants, I think, is very  
8                   important.

9                   **Q.** The -- and then the final is perhaps, to me, no  
10                   offense to the others. But Barbara Jo Blain-  
11                   Bellamy, the mayor of Conway, also an attorney,  
12                   who I would invite the Commission members to read  
13                   what she says about him. Always met or exceeded  
14                   her expectations, highly regarded, has made --  
15                   and you serve on the city council?

16                   **A.** I do.

17                   **Q.** In Conway. And stood for reelection?

18                   **A.** I've only been on it since 2020, so I've been on  
19                   it for two years. But I was on the planning  
20                   commission and zoning board of appeals for about  
21                   10 years prior to that. So, I dealt with her a  
22                   good bit with those commissions.

23                   **Q.** Finally, this as I asked the other -- Ms. Bailey.  
24                   Your ability to -- or your desire to forego a far  
25                   more lucrative, potentially financially

1                   **lucrative, career. Your wife is here, perhaps I**  
2                   **shouldn't ask this in front of her. But the**  
3                   **decision to do that, to forego and effectively,**  
4                   **we would assume, take a pay cut to do it. Why**  
5                   **would you do that?**

6     A. Well, I've always thought that, and I mentioned  
7                   this earlier, that, you know, you give your time  
8                   and you give your talents to people in your  
9                   community. And there's no better way to set an  
10                  example for your children. And to set an example  
11                  for other people who may be looking at you. You  
12                  know, I've often said that you don't necessarily  
13                  have to have a title next to your name to be a  
14                  leader. And I really and truly feel -- and my  
15                  wife and I have talked about this a lot, we've  
16                  prayed about it. I talked to my children about  
17                  this that I would be taking a pay cut, if this  
18                  was to happen. But there are things that are the  
19                  right things to do and right now, at this stage  
20                  of my life, I feel like I'm situated as such that  
21                  I could bring a fresh -- I hate to say a fresh  
22                  face because I've got gray hair on my face. But  
23                  a fresh face to the judiciary and really try to  
24                  bring about maybe some changes that I've often  
25                  said, I'm somewhat of an old soul. But I also

1 think that they're some new things we can do to  
2 better serve, not only, people of Horry County  
3 and Georgetown County in the 15th circuit, but  
4 the rest of the state.

5 CHAIRMAN RANKIN: All right. Representative  
6 Rutherford

7 REPRESENTATIVE RUTHERFORD: Thank you, Mr. Chairman.  
8 And let me just tell you how excited I am to see  
9 what you bring to this table. There's so few  
10 people do what it is that you do and I am one of  
11 them. And you talked about the -- you didn't say  
12 this, but I will add the word ridiculous to this  
13 push that we're getting to now try cases. And  
14 how ridiculous it is and how it's making the  
15 numbers worse and making the dockets worse. And  
16 I constantly look at those people that are making  
17 us do this because I don't believe that they  
18 understand those of us that appear in federal  
19 criminal court. And have defendant's with 18,000  
20 pages of discovery with pole cameras and dash  
21 cams and body cams and title 3s and things that  
22 take up a great deal of your time and then you're  
23 told that you have to execute this plea, while  
24 the federal judge asks your client in front of  
25 you, did he go over all the discovery? And

1 you're like, Judge, unless I have a year to sit  
2 back and watch this pole camera with them,  
3 there's no way I went over all the discovery. To  
4 then be told that next week you have to be in  
5 court trying this criminal case, in your case  
6 Horry County, that the solicitor doesn't want to  
7 try, that you client is fine with putting off.  
8 And yet, some higher up is telling you that this  
9 is the way that we move cases. So, I'm excited  
10 to see someone with your background, your  
11 pedigree coming to the bench. Because I believe  
12 that it is exactly what is needed -- well not  
13 coming to bench but applying to come to the  
14 bench. It is exactly what is needed as we deal  
15 with all of these issues. And at a later date, I  
16 would love to discuss with you, what you believe  
17 is the answer to those people that believe that  
18 forcing us to do things, that are only making the  
19 backlog worse. How that got to be the answer?  
20 And what is going to be the way to relieve the  
21 stress of those of us that are in the fields and  
22 can't catch a break. Because that's what I'm  
23 getting from solicitors, from criminal defense  
24 attorneys. And we begin to feel like we're on an  
25 island, as you talk to people that do more civil

1 work. They aren't being forced to do anything  
2 that they haven't done. They aren't having to  
3 step outside of their comfort zone. They aren't  
4 being overseen in a few dispute case by people  
5 that have no clue what it is that we do. But  
6 yet, they get to sit in judgement of us. And so,  
7 I am extremely excited to see somebody like you  
8 come forward and because it's already 7:00, not  
9 5:00, I will look forward to having these  
10 conversations with you at a later date when we  
11 can talk about things that I think will benefit  
12 those of us that are like us.

13 MR. HYMAN: Thank you, Representative Rutherford.

14 REPRESENTATIVE RUTHERFORD: Thank you, Mr. Chairman.

15 CHAIRMAN RANKIN: All right. Anybody else? Any  
16 further question or comments, given that it's  
17 seven after 5:00. We will wrap this up. And you  
18 have the opportunity, if you'd like, to make any,  
19 you don't have to, but again, I said you could at  
20 the end if you like any brief remarks at the end.

21 MR. HYMAN: I don't think I could say anything else  
22 from what the representative just said. So, I  
23 will leave y'all with that. I do just want to  
24 say thank y'all. I know y'all have been here all  
25 day today and yesterday and will be here tomorrow

1 and Thursday. I wish you all well and hope you  
2 can all finish up tonight, relatively soon.

3 CHAIRMAN RANKIN: Very well. Yeah, don't take off  
4 just yet. I need to get a couple of amens from  
5 you. This closes this portion of the screening  
6 process. You are reminded that the Commission  
7 takes very serious, both the letter and the  
8 spirit of the ethics law, any violation or  
9 appearance of violation will be taken very  
10 seriously by us. You know, do you not, that we  
11 could call you back in the unlikely event that  
12 there would questions about your violating that,  
13 correct?

14 MR. HYMAN: I do.

15 CHAIRMAN RANKIN: As the record is not closed and will  
16 remain open until the release of the report of  
17 qualifications at a later date. So, with that,  
18 thank you both very much for being here. And  
19 again, I apologize Representative Rutherford  
20 couldn't get here before 4:30.

21 (Off the Record)

22 CHAIRMAN RANKIN: On motion by Senator Talley,  
23 seconded by Mr. Strom we're going to go into  
24 executive session.

25 (There being nothing further, the proceeding concluded at

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1 9:23 p.m. )

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CERTIFICATE OF REPORTER

2 I, JENNIFER NOTTLE, COURT REPORTER AND NOTARY PUBLIC  
3 IN AND FOR THE STATE OF SOUTH CAROLINA AT LARGE, HEREBY  
4 CERTIFY THAT I REPORTED THIS PROCEEDING, ON MONDAY, THE  
5 15TH DAY OF NOVEMBER, 2022, AND THAT THE FOREGOING 132  
6 PAGES CONSTITUTE A TRUE AND CORRECT TRANSCRIPTION OF MY  
7 STENOMASK REPORT OF SAID PROCEEDING.

8 I FURTHER CERTIFY THAT I AM NEITHER ATTORNEY NOR  
9 COUNSEL FOR, NOR RELATED TO OR EMPLOYED BY ANY OF THE  
10 PARTIES CONNECTED WITH THIS ACTION, NOR AM I FINANCIALLY  
11 INTERESTED IN SAID CAUSE.

12 IN WITNESS WHEREOF, I HAVE SET MY HAND AND SEAL THIS  
13 6TH DAY OF JANUARY, 2023.

JENNIFER NOTTLE, COURT REPORTER

MY COMMISSION EXPIRES JULY 11, 2023

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