



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

Circuit Court
(New Candidate)

Full Name: Patrick C. Fant, III
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1. Why do you want to serve as a Circuit Court judge?

I would love the opportunity to be a public servant. I believe my life, and practice of law, have been characterized by adherence to high ethical principles. I have a solid work ethic, including the exercise of self-discipline in my practice of law. I hope that I am seen as a man of integrity who is trustworthy. I am patient, open minded, compassionate, and try my best to be humble. I would be objective and impartial, just as I am as a Certified Mediator. I think the members of the Bar with whom I practice would have no doubt that I have the temperament required to be a judicial officer. While my practice has been primarily focused on workers' compensation defense, and not before the Circuit Court (except for appeals), I have the utmost confidence that I would serve South Carolina well as a trial judge. This has provided me a wealth of experience involving discovery, litigation, constant interaction with other attorneys due to volume of workers' compensation cases, and the ability to negotiate.

2. Do you plan to serve your full term if elected?

Yes.

3. Do you have any plans to return to private practice one day?

No. I plan to retire as a Judge.

4. Have you met the Constitutional requirements for this position regarding age, residence, and years of practice?

Yes.

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

A judge must discourage *ex-parte* communication and allow it only if all the criteria under Rule 501 Code of Judicial Conduct Canon 3(B)7 are clearly met. Certain administrative matters can be handled through *ex parte* communication.

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

Immediate recusal.

7. How would you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative?

In any proceeding, I would disqualify myself in a proceeding in which my impartiality might reasonably be questioned under Rule 501 Code of Judicial Conduct Canon 3E.

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

Ordinary social hospitality and a gift from a relative or friend for special occasion, such as a wedding, anniversary or birthday is permissible under Rule 501 Code of Judicial Conduct as long as the gift is commensurate with the occasion and relationship.

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

I would take "appropriate" action in accordance with the Code of Judicial Conduct, including informing the appropriate authority.

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

No.

11. Have you engaged in any fund-raising activities with any political, social, community, or religious organizations? Please describe.

Downtown Presbyterian Church- Vision Campaign during the Fall 2019.

12. Do you have any business activities that you would envision remaining involved with if elected to the bench?

No.

13. If elected, how would you handle the drafting of orders?

Generally, I would draft my own orders. However, it is customary in certain situations, to allow parties to submit proposed orders. Law clerks can be very helpful in drafting orders.

14. If elected, what methods would you use to ensure that you and your staff meet deadlines?

Would use a tickling (calendar) system.

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

I am against judicial activism. My personal views about public policy and social issues should not guide my decisions. The Judiciary is to interpret, apply and uphold the law, not to legislate from the bench. The Judiciary is to be separate and independent from the established Legislative and Executive branches of government, not usurping the role of these respective branches.

16. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. If elected, what activities do you plan to undertake to further this improvement of the legal system?

Teach and/or participate in Bar CLE's or other organizations to help improve the law, legal system and administration of justice. I would be willing to speak in regards to improving these areas.

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

No. My family and close friends would respect my position if I am elected to serve in a judicial capacity. I know they would be very supportive and an encouragement

to me as I serve.

18. The following list contains five categories of offenders that would perhaps regularly appear in your court. Discuss your philosophy on sentencing for these classes of offenders.

Sentencing should always consider all the facts and circumstances of the case, the victim(s), justice, and mercy.

- a. Repeat offenders:

Harsher sentence than first time offenders, particularly violent crimes. Repeat offenders are not respecting the laws of South Carolina and are causing serious harm and impact on our society, particularly the victims of a crime. Hopefully, a harsher sentence would deter his/her future conduct.

- b. Juveniles (that have been waived to the Circuit Court):

If the Juvenile is before me in General Sessions, they are standing trial as an adult and would be a serious offender. Consideration would have to be given to the age, any mitigating factors, psychiatric report, family conditions and the victim(s).

- c. White collar criminals:

I would carefully look at any prior records, seriousness of the crime, impact on victim, impact on society, and consider recommendations by the solicitor.

- d. Defendants with a socially and/or economically disadvantaged background:

I would look at the facts and crime committed, as well as the victim impact. It would be important to understand the motivation behind the commission of the crime. It could be a mitigating factor, but certainly not controlling my decisions/sentence.

- e. Elderly defendants or those with some infirmity:

This clearly could be a mitigating, but not controlling, factor in sentencing. I would look at the seriousness of the crime, background and the impact on the victim. Some serious crimes require a prison sentence regardless of age or infirmity.

19. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?

No.

20. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved?

No.

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

Yes.

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

A judge should seek justice, be compassionate, firm and humble at all times. The demeanor of a Judge reflects on the judicial system.

23. Do you feel that it is ever appropriate to be angry with a member of the public, especially with a criminal defendant? Is anger ever appropriate in dealing with attorneys or pro se litigants?

I should never be angry with a member of public, attorney or Pro se litigants. There may be circumstances which require me to be stern, but not angry.

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



Sworn to before me this 20th day of July, 2022.

Kirby Brown
(Signature)

KIRBY BROWN
(Print Name)

Notary Public for South Carolina
My Commission Expires: February 1, 2032

