



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

Circuit Court
(New Candidate)

Full Name: Daniel J. Ballou
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1. Why do you want to serve as a Circuit Court judge?

I have practiced law for over 30 years and have been fortunate to appear before a number of excellent judges who possess a combination of intelligence, common sense, fairness, and humility that I would hope to emulate if fortunate enough to serve. I see judicial service as a challenge I am suited to take on, bringing the variety and depth of experience I have gained over my career to the bench. I have a deep respect for the law and the legal profession and as our bar continues to grow and evolve, hope to nurture a culture of professionalism, civility and skill in our courts.

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?

I have no immediate plans but enjoy the practice of law and would consider resuming practice at some point in the future, most likely as a mediator.

3. 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?

Except for the limited circumstances where specifically allowed under the Rules of Procedure or the Canons of Judicial Conduct, *ex parte* communications erode confidence in an impartial court system and should be avoided. Even when *ex parte* communications are allowed under the Rules or Canons, the court should notify any opposing counsel or other party of the communication and allow for an appropriate response if necessary.

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?

Avoiding the appearance of impropriety is an important feature of our judicial system, so in the event of a motion for recusal, I would give substantial deference to the movant if the appearance of bias and would likely grant such a motion.

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

I would recuse myself from any proceeding involving a family member or close personal friend.

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

Canon 4(D)(5) of the Code of Judicial Conduct addresses the limitations on acceptance of gifts to judges, and I would comport my standards to the rules under the Canon. I would not accept any gift from any lawyer or party to any case before me and would not accept any ordinary social hospitality or gift that was not 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?

Canons 3(D) and 3(G) govern situations involving misconduct or infirmity of lawyers and judges and requires "appropriate action" which may include reporting to the Office of Disciplinary Counsel or referral to some other resource such as Lawyers Helping Lawyers. Often misconduct is related to other issues relating to infirmity, so the ultimate decision depends upon the facts presented, and can include multiple actions.

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.

Yes. I have participated in fund raising activities for NAMI Piedmont TriCounty, Inc.'s annual walk to support the mental health programs of the organization in 2021 and 2022. I was a co-chair of the York County Regional Chamber of Commerce campaign to support passage of the Pennies for Progress referendum in 2003. I was a board member of the United Way of York County but did not directly participate in fundraising activities.

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?

I anticipate drafting my own orders based upon input from the briefs and arguments of counsel or the parties. As an attorney, I appreciate when judges request counsel to prepare draft orders or even competing orders in cases involving complex questions or law. However, ultimately a well drafted final order is the responsibility and the work product of the trial court judge.

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

I have used litigation calendaring tools throughout my practice and anticipate using similar systems to maintain deadlines as a trial court judge. I have found that regular meetings with staff to go over the roster of active cases help avoid scheduling problems or missed deadlines and keep cases moving forward.

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

Principles of separation of powers require judges to interpret the law, not make it. Ultimately, public policy is an expression of the will of the people and is only properly expressed through their elected representatives in the legislative and executive 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?

I have found the SC Bar's Law Related Education programs to be particularly effective at educating the public about the law, and the legal profession, and have participated as a coach and a judge in various middle and high school mock trial programs. I would hope to continue to serve those programs as a mock trial judge and in other programs directed towards educating South Carolina students regarding our judicial system.

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?

I have been married to a fellow attorney for over 28 years, and know my wife understands the responsibilities and demands serving as a judge can and would impose. Our children are grown and beginning their own careers, and do not expect our relationship to change if I am elected. My family has always been a source of strength to me, and I do not anticipate that my personal relationships with them will change.

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.

a. Repeat offenders:

Repeat offenders by definition have failed to conform to the law after having been given a second chance and should face escalating consequences for their conduct according to the nature of the offense. Where violent offenses are involved, the punishments should be designed to remove those persons from society for as long as it takes to protect the public. I believe that every defendant has the potential for redemption, but they have to want to be redeemed and have the ability to do so.

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

Waiver to Circuit Court indicates that a juvenile has committed a more serious offense, potentially requiring a more severe punishment. Many juvenile defendants suffer from mental illness conditions that contribute to antisocial or violent behavior, and I would seek to require mental health evaluations and interventions where available and appropriate. The goal for juvenile sentencing should be to create a path to redemption as an adult. However, particularly in cases of violent offenses, a substantial incarceration can be necessary and justified.

c. White collar criminals:

These days, "white collar crime" can involve much more than public corruption, institutional fraud or money laundering, and can involve internet schemes and forms of electronic theft where no physical contact with a victim ever occurs. However, most of these crimes also involve more forethought and planning than other criminal offenses and can cause harm to a large number of victims compared to traditional burglary or larceny. I would consider all of these factors in sentencing, and in a proper case would not hesitate to order substantial prison time and restitution.

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

A judge should thoroughly consider all the relevant facts of each case in any sentencing decision, including a defendant's socioeconomic background, particularly in mitigation. These factors can affect both the perpetrators and the victims of crime, however, and the goal of the sentencing judge should be to craft a fair sentence that does justice for both.

e. Elderly defendants or those with some infirmity:

The diminished capacity of a defendant, whether as a result of age or other disability, may be considered in determining an appropriate sentence. In proper cases, mental health intervention may be appropriate in addition to or even as an alternative to incarceration. However, a conviction or plea requires a finding of intent and capacity to know right from wrong, and so the facts of each case must guide the judge in this determination. If age or physical infirmity play no factor in the commission of a crime, they may not deserve substantial weight. However, particularly if the offense is non-violent, it would be

appropriate to consider the circumstances of the defendant, the victim and any surrounding family members or caretakers in sentencing.

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. I would disclose any such interest but would likely recuse myself from any proceedings in the case.

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

Yes.

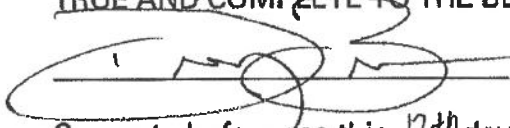
22. What do you feel is the appropriate demeanor for a judge and when do these rules apply?

A trial judge should aspire to civility, impartiality, and respect for lawyers and litigants at all times, and his or her demeanor should always reflect in a positive manner upon the court system and the legal profession.

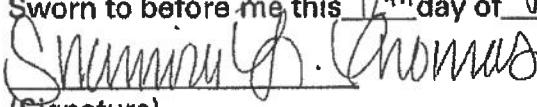
23. Do you feel that it is ever appropriate to be angry with a member of the public, especially with a criminal defendant? Is anger ever appropriate in dealing with attorneys or pro se litigants?

While anger is a natural emotion, displays of emotion towards counsel, the public, or pro se litigants generally accomplish little to advance the cause of justice. Firmness and decisiveness are essential, but emotion from the bench, and anger in particular, rarely serves the interests of the state, the court system or the public.

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 17th day of July, 2023.



(Signature)

SHAMIRA L. THOMAS

(Print Name)

Notary Public for South Carolina

My Commission Expires: 6/23/2031

Shamira Thomas
NOTARY PUBLIC
State of South Carolina
My Commission Expires 6/23/2031