



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

Circuit Court
(New Candidate)

Full Name: William Chandler McMaster III

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1. Why do you want to serve as a Circuit Court judge?

I would like apply my twenty-six years of experience to service on the bench. I have practiced law for fourteen years as a member of the Solicitor's Office in addition to twelve years in private practice. My experience combined with a balance of public service and private practice, has given me the necessary background to serve as a capable and competent member of the judiciary. My years in the courtroom, my work ethic, and my experience of managing large complex dockets have provided me the framework to make a meaningful and positive impact on the justice system while serving the citizens of South Carolina.

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

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?

Ex parte communications should be avoided except as allowed under the rules.

In certain circumstances, such as scheduling and administrative purposes, the issuance of temporary restraining orders, and matters of

an exigent nature, *ex parte* communications can be conducted as permitted under Canon 3B(7).

However, if an *ex parte* communication does take place all other parties should be notified of the communication and given the right to respond.

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?

I would give considerable deference to the party requesting the recusal. I would listen to the motion and discuss the issue on the record with all parties, and allow the parties time to discuss the issue with their clients. However, based on the disclosure, the guidance from Canon 3E and the appearance of a lack of impartiality and neutrality, I would recuse myself.

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 all matters involving this issue.

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

I would not accept any gifts or social hospitality outside of the parameters set forth by Canon 4(D).

It is not appropriate to accept gifts from parties or firms that may appear before me.

In regards to social hospitality, the receipt of social hospitality is permitted under the Canons. However, the magnitude and nature of the extended offer should always be considered. Additionally, social hospitality should never be accepted if the intent of the offer is to influence the decisions of the court.

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?

In regard to misconduct, I would take the appropriate action as described in Canon 3D. Regarding the appearance of infirmity, I would take the necessary and appropriate action as described in Canon 3G. The necessary and appropriate action could be referring the lawyer or fellow judge to Lawyers Helping Lawyers. Any issue dealing with infirmity must be addressed in a manner so that any potential damage

to the justice system is prevented.

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.

No

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?

Orders should be drafted and filed in a timely manner. Depending on the situation, I would usually ask the prevailing party to draft a proposed order and send a copy to the opposing party. There could also be certain situations where both parties would be asked to submit proposed orders. All proposed orders would be reviewed by me in a timely manner, and any necessary revisions would be made before I would issue the final order.

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

I would discuss with my staff the importance of deadlines. I would also set up a calendaring system that would display all upcoming deadlines. Additionally, I would conduct monthly meetings with my staff in order to ensure that deadlines are recognized and recorded in our calendaring system.

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

I believe that "judicial activism" should not contribute to a judge's reasoning process. The judiciary should not set or promote public policy. A judge's decisions should be made by applying the laws as provided by the legislature and interpreted by the appellate courts.

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 would volunteer to speak at seminars or participate on judicial panels for South Carolina Bar related functions.

I would encourage and welcome students and school classes to the courtroom to help young people better understand the justice 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 do not anticipate that serving as a judge would have a negative effect on my personal relationships. My family and I have discussed my aspiration to serve in a judicial capacity and I have their full support.

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 are usually sentenced more severely than first-time offenders. In my opinion, a bad record follows a repeat offender just as a good record follows a first-time offender. However, the seriousness of the charge and the victim's input, coupled with any mitigation provided by defense counsel or the defendant, would be factors to consider before issuing any sentence. It is important to note that prior contact with the criminal justice system is not always an accurate depiction of a repeat offender's relevant prior record. The court must look at the prior record along with the length of time between the prior offenses before making a final decision.

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

If juveniles are in Circuit Court, the charged offense is usually serious in nature and would carry the possibility of a substantial term of active incarceration. In each case, I would look at the seriousness of the charge and consider the victim's input. If the charge is serious in nature and a sentence of active incarceration is necessary, I would consider the age and educational level of the juvenile before issuing an active sentence. An *Aiken v. Byers* analysis would be appropriate for statutorily most serious offenses before sentencing the juvenile.

If, based on the charge, a probationary sentence was appropriate, I would fashion a sentence using rehabilitative programs such as substance abuse counseling and/or vocational rehabilitation and/or obtaining a GED (if necessary) in an effort to attempt to address issues that could deter the juvenile offender from reoffending.

c. White collar criminals:

Although white collar crimes are not usually perceived as serious offenses, the impact of white collar crimes can be devastating to victims. White collar criminals can destroy companies and take the life savings of members of the community. Before sentencing, I would consider the charge, the amount of financial loss to the victims, and the relevant prior record of the defendant. In many instances, white collar criminals could receive an active prison sentence. One factor to consider before issuing a sentence involving incarceration would be the existence of a prior record involving the same type of conduct. However, as in all cases, I would listen closely to the victim's input. If a probationary sentence were appropriate, as a condition of probation, I would order restitution paid to the victims.

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

Defendants from this type of background would be sentenced according to the seriousness of the crime and their relevant prior record. The court is equipped with tools outside of a sentence of active incarceration that could attempt to rehabilitate a defendant and deter the defendant from further criminal activity. Depending on the crime and the relevant prior record, a probationary sentence with court-ordered vocational rehabilitation and/or substance abuse counseling, including the possibility of inpatient treatment and/or mental health counseling, could address some of the underlying issues that may have contributed to the defendant's current charges.

e. Elderly defendants or those with some infirmity:

The seriousness of the charged crime, relevant prior record, and the victim's input (if applicable) of the elderly and/or infirm defendant would be considered and could have an impact on the type of sentence. To be clear, a defendant's age and/or

infirmity does not excuse criminal activity but could be considered as a basis for mitigation. The elderly and/or infirm defendant's ability to re-offend could also be a factor to consider before imposing a sentence of active incarceration. In appropriate situations, the court could use alternatives to active incarceration, such as a probationary sentence with home incarceration.

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

I have various stocks, retirement accounts, and one investment property. However, if an issue was brought before me pertaining to any of these investments or the companies associated with these investments, I would disclose this information to all parties and if requested, I would recuse myself.

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

I would disclose on the record any *de minimis* interest to all parties and give the attorneys adequate time to discuss this issue with their clients. If a party asked me to recuse myself based on my disclosure, I would do so.

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 maintain and display a calm, courteous, and patient demeanor while addressing issues and listening to arguments from parties. The judge's demeanor and courteous nature should extend to visitors to the courtroom and courtroom personnel. Additionally, a judge's demeanor extends to activities away from the courthouse, and a member of the judiciary should always conduct themselves in a respectful and courteous manner.

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?

A judge should never make any proceeding personal and should never

verbally attack or be dismissive of a member of the public, a criminal defendant, or a pro se litigant. There are times when a judge must be stern, but the display of anger toward any party is never appropriate. All parties should be treated with respect and feel welcomed in the court.

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

Sworn to before me this ____ day of _____, 2023.

(Signature)

(Print Name)

Notary Public for South Carolina

My Commission Expires: _____