



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

Circuit Court
(New Candidate)

Full Name: T. William (Billy) McGee III

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1. Why do you want to serve as a Circuit Court judge?
I believe my depth of legal experience and work ethic will allow me to become a strong contributor to the judicial system in South Carolina. I enjoy working on challenging legal issues and interacting with a broad range of people – from lawyers and court staff to parties and the public. After a long career as a problem solver and litigator in the private sector, I would greatly appreciate the opportunity to represent the legal profession and contribute to the administration of civil and criminal justice in 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?
Canon 3(b)(7) of the Code of Judicial Conduct governs the subject of *ex parte* communications. As a general rule, such communications are improper and not permitted. However, this Canon also provides a number of circumstances in which *ex parte* communications are

allowed. If I am elected to the bench, I would make sure to fully comply with these clear rules on this particularly important subject.

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?

If after disclosing a fact that had the appearance of bias a party moved for my recusal, I would give deference to the motion and err on the side of recusal. I would do so even if I believed it would not impact my ability to be impartial because such situations could give the appearance of bias.

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

After making a full disclosure to all parties and counsel involved on the record, I would recuse myself from any matter that involved a financial or social connection with my wife or a close relative.

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

Canon 4(D) of the Code of Judicial Conduct sets forth clear guidelines as to gifts and social hospitality involving judges. This Canon provides detailed prohibitions on certain benefits to judges while also recognizing that, like everyone else, they have friends and sometimes exchange appropriate gifts in their personal lives. I would pay very close attention to all parts of this Canon and fully comply with them while on the bench.

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?

Rule 8.3 of the Rules of Professional Conduct provides clear requirements for the reporting of misconduct or the appearance of infirmity by members of the bench and bar. If elected, I would pay very close attention to signs of misconduct or infirmity to ensure lawyers and judges are acting both ethically and competently. I would fully comply with Rule 8.3 and, if required, report any misconduct or infirmity to the relevant governing body (i.e., Office of Disciplinary Counsel or Commission on Judicial Conduct).

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?
In cases involving a ruling on discrete or less complex matters, I may ask counsel of record if they had any objection to a Form 4 standard order being entered. If there were no objections, I would then issue and enter a Form 4 order. If any counsel requested a more detailed order, I may handle this situation in one of two ways: (1) ask the prevailing party to prepare a proposed order, send to all other counsel for review and comment, and then submit for my consideration; or (2) I may either ask counsel to submit proposed orders for my review (and potential revisions before entering) or draft them myself if I felt it necessary given the circumstances of ruling at issue. When appropriate, I would also utilize my law clerk in the initial drafting of such orders, which I would review, edit, and enter once it met with my final approval.
14. If elected, what methods would you use to ensure that you and your staff meet deadlines?
I believe teamwork, structure, and communication are critical to being an effective and efficient judge. These traits would be of primary importance to me in hiring a law clerk and office staff. I would ensure that we keep a shared current calendar and docket so that all action items and deadlines are clear and updated. I would also have regularly scheduled meetings to make sure tasks are on schedule.

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

I do not believe a judge’s job is to set or promote public policy from the bench. I believe a judge should rule on the legal issues presented based on the laws enacted by the Legislature as applied to the relevant facts and circumstances of each case.

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 think it is critical that all judges actively contribute to the legal community and community at large outside the courtroom. Some examples of the activities I would undertake would be:

- Speaking to schools of all levels about our legal system and the need for good people to be involved at all levels make it work;
- Speaking to and engaging with law school students on specific or general legal issues, volunteering to assist with mock trials, and otherwise helping future lawyers where it is appropriate and needed;
- Writing, speaking, and moderating CLEs with members of the bench and Bar; and
- Keeping an open mind when asked by community, Bar, and other organizations to speak or help with education about courts and the judicial system, so long as all ethical and other considerations are complied with.

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 believe the pressure of serving as a judge would affect my relationships with family and long-term friends very much. I can see how it may impact my relationship with many lawyers and friends who are lawyers, at least in the early stages. However, I believe that once some time passes, our personal and work relationships would adjust and be fine.

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.

In sentencing all offenders, the statutory sentencing guidelines, background and education of the defendant, facts and circumstances of the offense, expressions of responsibility and remorse, input from victims, state of physical and mental health, and all other permissible factors must be presented on the record and considered before any sentence is imposed. However, some additional factors may also impact the sentence based on the type of offender being sentenced:

a. Repeat offenders: Absent compelling circumstances, repeat offenders may be most likely receive longer statutory sentences and/or more extensive conditions (i.e., length of probation, fines, etc.) than first-time offenders.

b. Juveniles (that have been waived to the Circuit Court): In addition to the general considerations, I think it is critical in sentencing a juvenile to understand what his or her home life is like, any educational or developmental challenges, and prospects for reinforcement of corrective behavior going forward by the minor's parents or guardians. Moreover, I think strong consideration should be given to alternative or diversionary punishment options if the circumstances warrant, such as pre-trial intervention, community service, programs through the Departments of Corrections and/or Juvenile Justice, counseling, and other opportunities that punish the minor while educating them about positive changes in behavior.

c. White collar criminals: In addition to the general considerations, white collar criminals may have different advantages, backgrounds, and types of victims than some other offenders. For example, white collar crimes are frequently committed by those who are in a position of authority or trust, which allows them to take financial advantage of others. I believe that white collar defendants should not be shown any more deference than other offenders based solely on their education, economic position, or other privilege. Moreover, because white collar crimes frequently cause substantial financial harm to victims, close attention should be paid to the issue of restitution and fines when appropriate.

d. Defendants with a socially and/or economically disadvantaged background: Crimes do not occur in a vacuum and people are not born criminals. There is no doubt that some offenders will face stronger challenges due to their economic and social backgrounds. And while these realities do not excuse criminal behavior, they should be the subject of inquiry and considered when determining an appropriate

sentence. Diversionary or alternative punishments could also be an option if permitted by statute and supported by the totality facts and circumstances of the case.

e. Elderly defendants or those with some infirmity: Victims of crimes committed by elderly or infirm offenders are no less entitled to justice than victims of a young, healthy defendant. While such conditions do not excuse their crimes, elderly or infirm offenders may require supervision and/or medical care that may not be available at certain facilities. Therefore, attention should be given to physical and mental health conditions and current/expected treatment needs. Depending on these and other factors, inquiries into appropriate levels of probation and other punishments that account for the challenges of old age and infirmity should be made.

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?
I think each situation would need to involve full disclosure of any known facts to the lawyers and parties, the amount of interest at issue, and the position taken by all parties once disclosures are made. For instance, if a family member or I have a 401(k) that owns a mutual fund that in turn owns a *de minimis* amount of a company's stock, the parties and their lawyers may have no objection to my hearing the matter at issue. If that is the case and I believe it did not create a conflict or have the appearance of impropriety, I would proceed. If this is not the case and/or there is an objection by the parties or their attorneys, I would allow everyone to be fully heard on the record before making the determination about whether to recuse myself or not.
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?
I believe a judge's demeanor is critical to his or her effectiveness and their ability to earn and maintain the respect and trust of the public,

parties, and counsel. A judge must be able to not only keep the courtroom and parties in order, he or she must also be mindful of how they speak and treat others as a figure of authority and representative of South Carolina's justice 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 think it is understandable that judges, like anyone else, will get angry on occasion. However, I do not think expressing his or her anger at a party, lawyer, or other person appearing before the court is appropriate. As a figure of authority and objectivity, taking out anger on someone in public is not a productive exercise and should be avoided at all costs.

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 13th day of July, 2023.

Jessica Dominick
(Signature)

Jessica Dominick
(Print Name)

Notary Public for South Carolina

My Commission Expires: 10/12/2026