



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

Circuit Court
(New Candidate)

Full Name: Riley Johnson Maxwell

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

I have always believed that judges play an important role in a functioning society. My respect for the position has only increased since serving as a law clerk and continuing to regularly appear before Circuit Court judges as a prosecutor. I believe judges need to be fair, transparent, and ensure the integrity of the justice system is upheld. Judges need to possess proper temperament and show respect for the parties that appear before them. I believe I possess the qualities to be a fair and unbiased jurist. I have a calm demeanor and possess the required temperament.

I have enjoyed a long career as a public servant and would be honored to serve if elected as a Circuit Court judge.

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?

I would not permit *ex parte* communications except for situations permitted by law, such as for planning and scheduling. Discussion of the facts of a case, legal issues and arguments should be avoided at all costs. Each party should be included in all communications, such as emails, phone calls, and informal, off-the-record conversations.

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 my recusal was requested, I would give strong deference to the party making the request and likely grant the 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 reasonably disclose information necessary for the parties to determine whether to request my recusal.

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

I would follow the Code of Judicial Conduct. I would not accept any gifts or social hospitality that could affect the integrity of the justice system or have the potential appearance of impropriety.

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 refer to Rule 8.3 of the Rule of Professional Conduct in cases where there was a substantial question as to that lawyer's honesty, trustworthiness or fitness as a lawyer and inform the appropriate authority. In instances of potential infirmity, I would consult with the parties and make determinations case by case.

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.

I have been involved with organizing donations for the Oliver Gospel Mission through F3, a men's workout group that is also oriented to helping communities. I have donated low amounts of money to various charitable causes through F3. I would not characterize any of these causes as political in nature.

I have also, in the past, solicited and collected donations for the Old Friends Invitational Golf Classic. This is an annual event in Bamberg, S.C. that funds college scholarships for graduates of Bamberg-Ehrhardt High School. For example, I have contacted various golf courses about donating rounds of golf to be auctioned off to participants of the tournament.

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?

It is imperative that orders of the Court clearly reflect the Court's decisions. Depending on the complexity of the issue or the case, I would in some circumstances accept drafts of orders from the litigating parties. The final order would ultimately be my responsibility as judge.

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

I would develop a calendar system with my administrative assistant and law clerk to ensure motions are timely ruled upon and orders are signed and filed without delay.

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

I am averse to "judicial activism." In our system of justice, it is not the role of the judiciary to legislate or interpret laws with bias or prejudice. It is important for judges to follow enacted law and use discretion where the law allows.

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 spoken to school classes in the past about my role in the legal profession and would welcome future opportunities to speak to students, young lawyers, and legal professionals about the South Carolina legal 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 would not anticipate my service as a judge causing any strain on the relationships in my life. I have received strong support from family and friends throughout my career and would expect that to continue. I believe they understand that it is important for a judge to ensure that fairness and transparency are present in the justice system.

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.

I think it is important for a judge to consider all relevant circumstances that are present in making a decision that affect an individual's liberty. In any case, it is imperative to consider whether there is a danger to the community and if there is a victim, to ensure they are heard.

- a. Repeat offenders:

I think it is important for a judge to consider a criminal defendant's prior record. As a judge, I would consider the nature of the prior convictions and if there are any similarities to the current case, the sentence that was given, and the time when those events may have occurred. I would also consider any evidence that goes to the root of the offender's propensity to reoffend such as drug addiction and mental health and consider options that could help address that issue.

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

The Court must consider the age of the juvenile, the nature of the offense, the level of involvement of the juvenile in the crime, any mitigating circumstances involving mental health issues or family life, and any prior adjudications with the Department of Juvenile Justice and the nature of those incidents.

c. White collar criminals:

As a judge, I would give great consideration to the harm caused by the crime and nature of the conduct used to accomplish the crime. I also think it would be important whether the defendant would be in a position to repeat the conduct or not.

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

Mitigating circumstances must be balanced against the nature of the crime, the harm caused, and the danger a defendant may present in the future. I would hear any background information provided to the Court and make determinations on a case by case basis.

e. Elderly defendants or those with some infirmity:

I would consider the age and the condition of elderly and infirm defendants. However, this must be balanced against the nature of the crime, any future danger to persons or property, and the likelihood of a repeat of the offense. I would also consider the various alternatives of punishment under South Carolina law.

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 would hear the case but would disclose the interest to the parties to avoid any appearance of bias or impropriety.

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 it is important for a judge to have a calm and understanding demeanor. A judge should be willing to listen to the parties before the Court and help resolve issues.

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 do not feel it is appropriate for a judge to show anger towards any party before the Court. While a level of sternness may be necessary at times to maintain order in the courtroom, I would show respect to any individual before me.

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 12~~th~~ day of July, 2023.



(Signature)

Dawn Darner

(Print Name)

Notary Public for South Carolina

My Commission Expires: 12/02/2029