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SCREENING HEARINGS

November 27, 2023

2023 Judicial Merit Selection Commission

REPORTER: Kathryn Bostrom

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JUDICIAL MERIT SELECTION COMMISSION
TRANSCRIPT OF PUBLIC HEARINGS

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BEFORE: REPRESENTATIVE "MICAH" CASKEY, IV, CHAIRMAN
SENATOR LUKE A. RANKIN, CHAIRMAN
SENATOR SCOTT TALLEY
REPRESENTATIVE WALLACE H. "JAY" JORDAN, JR.
SENATOR RONNIE SABB
REPRESENTATIVE J. TODD RUTHERFORD
HOPE BLACKLEY
LUCY GREY MCIVER
ANDREW N. SAFRAN
J.P. PETE STROM
ERIN B. CRAWFORD, CHIEF COUNSEL

* * * * *

DATE: November 27, 2023
TIME: 9:30 a.m.
LOCATION: Gressette Building, Room 105
1101 Pendleton Street
Columbia, South Carolina 29201
REPORTED BY: Kathryn B. Bostrom, Court Reporter

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dashes [--] Intentional or purposeful]

interruption

[ph] Denotes phonetically written

[sic] Written as said

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P-R-O-C-E-E-D-I-N-G-S

CHAIRMAN CASKEY: Good morning. I will go ahead and call to order today's convening of the Judicial Merit Selection Commission. The first item on our agenda is executive session. So on motion of Senator Talley, seconded by Representative Jordan, the pending question is going into executive session. All in favor, signify by saying aye.

MEMBERS: Aye.

CHAIRMAN CASKEY: All those nay. The ayes have it. And we will step into executive session for a legal briefing. Thank you.

(Executive session was held from 9:35 - 10:01 am)

(Off the Record)

CHAIRMAN CASKEY: All right, ladies and gentlemen, we are now out of executive session. For the record, while we were in executive session, no decisions were made nor were any votes taken. So we are now back on the record to proceed with our first screening of the day. Before us, we have Mr. Sanford Graves. Did I say that correctly, sir?

MR. GRAVES: That is correct. Thank you.

CHAIRMAN CASKEY: If you will please come to the

1 podium.

2 MR. GRAVES: I'm present, sir.

3 CHAIRMAN CASKEY: All right. If you would, please,
4 raise your right hand.

5 WHEREUPON:

6 SANFORD GRAVES, being duly sworn and
7 cautioned to speak the truth, the whole truth and
8 nothing but the truth, testifies as follows:

9 CHAIRMAN CASKEY: Thank you, sir. There should be
10 some documents in front of you. If you would
11 take a look at those.

12 MR. GRAVES: Yes, sir.

13 CHAIRMAN CASKEY: Are those the personal data
14 questionnaire and the sworn statement that you've
15 submitted to the commission?

16 MR. GRAVES: Yes, sir. And an amendment.

17 CHAIRMAN CASKEY: All right. Are there any other
18 updates or corrections that need to be made?

19 MR. GRAVES: No, sir, not to the written documents.
20 However, there's a comment I'd like to make
21 regarding the sworn statement at the appropriate
22 time.

23 CHAIRMAN CASKEY: Yes, sir. We'd be happy to hear it.

24 MR. GRAVES: The question 18 sections B and D
25 reference sentencing of certain individuals,

1 particularly juveniles and those from a
2 disadvantaged background. I just want to point
3 out that in a recent case, State v. Mack,
4 addresses two of the concerns that are in those
5 with the hallmark features of youth as well as
6 disadvantaged background. And I just wanted to
7 note that with regard to those two questions, I
8 would consider the Mack factors, the Aiken v.
9 Byers factors in those as well. It's just -- I
10 don't want to change my answer. It's just an
11 augmentation to let you know that there's
12 additional factors that -- to be considered where
13 life without parole is sentenced to a juvenile.

14 CHAIRMAN CASKEY: Okay, great. Well, I appreciate
15 that.

16 MR. GRAVES: Thank you.

17 CHAIRMAN CASKEY: Do you have any objection to our
18 entering these documents into the record as a
19 part of your testimony?

20 MR. GRAVES: Not at all. No, sir.

21 CHAIRMAN CASKEY: Thank you. Let me give staff an
22 opportunity to do that.

23 (EXHIBIT NO. 1 MARKED FOR
24 IDENTIFICATION PURPOSES (22 pages)
25 PDQ - Sanford Graves)

1 (EXHIBIT NO. 2 MARKED FOR
2 IDENTIFICATION PURPOSES (2 pages)
3 Amendment to the PDQ - Sanford
4 Graves)

5 (EXHIBIT NO. 3 MARKED FOR
6 IDENTIFICATION PURPOSES (11 pages)
7 Sworn Statement - Sanford Graves)

8 CHAIRMAN CASKEY: So you know, Senator Rankin is
9 caught up in traffic. He is on his way here.
10 He's asked to be bootlegged conferenced in so
11 we've got a phone up here so he can hear our
12 proceedings. He wanted to be here but my
13 understanding is there's a pretty significant
14 traffic accident that's blocking traffic. Okay,
15 the Judicial Merit Selection Commission has
16 thoroughly investigated your qualifications for
17 the bench. Our inquiry is focused on nine
18 evaluative criteria and has included a ballot box
19 survey, thorough study of your application
20 materials, verification of your compliance with
21 state ethics laws, search of newspaper articles
22 in which your name appears, study of previous
23 screenings, and a check for economic conflicts of
24 interest. We've received no affidavits filed in
25 opposition to your election and no witnesses are

1 present to testify. Before giving you the
2 opportunity to make any brief remarks you may
3 want to, I want to extend an opportunity to
4 introduce us to this young lady who has joined
5 you today.

6 MR. GRAVES: Thank you. This is my wife of 27 years,
7 Jennifer Graves.

8 MS. GRAVES: Hi.

9 CHAIRMAN CASKEY: Ms. Graves, thank you for being here
10 today.

11 MS. GRAVES: Thank you for having me.

12 CHAIRMAN CASKEY: All right, Mr. Graves, I will simply
13 say if you have a brief opening statement, we'd
14 be happy to hear it. Otherwise, I will turn to
15 staff for questions.

16 MR. GRAVES: I have no statement, sir.

17 CHAIRMAN CASKEY: All right. In which case, Ms. Hall.

18 MS. HALL: Thank you, Mr. Chairman.

19 EXAMINATION

20 BY MS. HALL:

21 Q. I note for the record that based on the testimony
22 contained in the candidate's PDQ which has been
23 included in the record with the candidate's consent,
24 Sanford Cox Graves, meets the constitutional and
25 statutory requirements for this position regarding

1 age, residence, and years of practice. Mr. Graves,
2 how do you feel your legal and professional experience
3 thus far renders you qualified and will assist you to
4 be an effective circuit court judge?

5 A. Thank you for your question. I have a diverse and
6 varied background in legal experience over 21 years.
7 I've worked in the -- for a circuit court judge. I
8 have been a solicitor for almost seven years. I have
9 been a county attorney, a city attorney, a city
10 prosecutor. I currently teach at the Coastal Carolina
11 University. I teach a business law class. And I've
12 served a judge in two other capacities. I was the
13 circuit -- I was the drug court judge for Horry County
14 as well as municipal court judge -- associate
15 municipal court judge for the city of Conway. I have
16 a -- I believe I have a full background and one that
17 will serve me well as a circuit court judge.

18 Q. Thank you. On to the ballot box. Mr. Graves, the
19 commission received 87 ballot box surveys regarding
20 you with 15 additional comments. The ballot box
21 survey, for example, contained the following positive
22 comments. Sanford is a very polite, intelligent, and
23 honest person. I believe his demeanor is well suited
24 for the bench and he -- and he has a strong desire to
25 further serve the community in which he lives. The

1 15th circuit desperately needs and deserves it. And
2 Sanford has a great demeanor and is very experienced
3 in circuit courts. I believe he has all the
4 characteristics to make a great judge. Five of the
5 written comments expressed some concerns. Two of the
6 comments express concern with the lack of experience
7 in circuit court or in trial. What response would you
8 offer to these concerns?

9 A. I actually have a great background in the circuit
10 courts, having worked for a judge including a death
11 penalty trials as both a clerk for the circuit court
12 and I assisted our elected solicitor in a death
13 penalty trial as well. So I've seen the far extremes
14 of these things. I have spent plenty of time in court
15 with pleas. I've handled over 2,000 individual
16 warrants in the circuit courts. And I would -- I
17 would say that I have an abundance of experience. And
18 I'm confident in my ability to move forward with my
19 foundation.

20 Q. Thank you. Mr. Graves, the remaining three comments
21 express concerns that you might be overly confident in
22 your opinion on the law or unwilling to consider other
23 viewpoints. What response would you offer to these
24 concerns?

25 A. I believe that it's a judge's role to be cognizant of

1 the law as well as an attorney's role to know the law
2 and to present the law. And I would express a air of
3 self-awareness for the things that I know and don't
4 know. And I would avoid any situation where I was
5 unable to be persuaded towards what the state
6 legislature, the case law, and the rules require.

7 Q. Thank you, Mr. Graves. The citizen's committee
8 report. So I would note that the Pee Dee Citizen's
9 Committee report reported Mr. Graves is qualified in
10 the areas of constitutional qualifications, physical
11 health, and mental stability. And well qualified in
12 the areas of ethical fitness, professional and
13 academic ability, character, reputation, experience,
14 and judicial temperament. So just some housekeeping
15 issues. Mr. Graves, are you aware that as a judicial
16 candidate you are bound by the Code of Judicial
17 Conduct as found in Rule 501 in the South Carolina
18 Appellate Court rules?

19 A. Yes.

20 Q. Mr. Graves, since submitting your letter of intent,
21 have you contacted any member of the Commission about
22 your candidacy?

23 A. No.

24 Q. Since submitting your letter of intent, have you
25 sought or received the pledge of any legislator prior

1 to this date or pending the outcome of your screening?

2 A. No.

3 Q. Are you familiar with Section 2-19-70 including
4 limitations on contacting members of the General
5 Assembly regarding your screening?

6 A. Yes.

7 Q. Have you asked any third parties to contact members of
8 the General Assembly on your behalf or are you aware
9 of anyone attempting to intervene in this process on
10 your behalf?

11 A. No.

12 Q. Have you reviewed and do you understand the
13 Commission's guidelines on pledging and South Carolina
14 Code 2-19-70(e)

15 A. Yes.

16 MS. HALL: Mr. Chairman, I would note for the record
17 that any concerns raised during the investigation
18 by staff regarding the candidate were
19 incorporated into the questioning of the
20 candidate today. I have no further questions.

21 CHAIRMAN CASKEY: Thank you, ma'am. Do members of the
22 Commission have any questions for -- or comments
23 for Mr. Graves? Mr. Rutherford?

24 EXAMINATION

25 BY REPRESENTATIVE RUTHERFORD:

1 Q. Good morning, Professor Graves. How are you?

2 A. Fine. Thank you, sir.

3 Q. Good. One of the things that's interesting, you --
4 you appear to have a varied background and talk about
5 your varied background but only 87 respondents. Have
6 you taken a hiatus from practicing law or is that --

7 A. I had a health issue in 2020. It wasn't me. I had a
8 bad surgery. And so for a short period of time, I
9 have recovered from that. But other than that, no.
10 And I would think that I would have more responses as
11 well. I join you in that.

12 Q. Prior to -- prior to 2020, you were acting in a role
13 as a professor alone but not practicing, is that --

14 A. No, sir. I started practicing actually in January of
15 2023 was the first class that I taught for Coastal.

16 Q. Okay.

17 A. And I'm continued next semester as well.

18 Q. But prior to 2020, you were in what role?

19 A. Prior to 2020, I worked as -- for my own law firm,
20 Sanford Cox Graves, P.A.

21 Q. And you did primarily what?

22 A. Private practice. I did government work for the City
23 of Conway. I did some criminal defense work. And
24 some business consultations mostly. I did some civil
25 defense including defending in a wreck case.

1 REPRESENTATIVE RUTHERFORD: I don't have anything
2 further.

3 CHAIRMAN CASKEY: Other members of the commission?
4 Senator Sabb.

5 EXAMINATION

6 BY SENATOR SABB:

7 **Q. Good morning.**

8 A. Good morning, sir.

9 **Q. I wanted to follow-up with regard to the line of**
10 **questioning associated with your civil experience.**
11 **And is it pretty much limited to the one defense case**
12 **that you mentioned?**

13 A. As far as civil work in it's entirety?

14 **Q. Yeah, and I guess I would be focused on the jury**
15 **trials.**

16 A. Correct. So one -- I have not done very many civil
17 jury trials. However, as a government attorney, most
18 of the civil work that I have done has been in the
19 role of a county attorney and a city attorney, where I
20 was taking on matters on behalf of the government
21 institutions. I have been involved in cases regarding
22 the 7th Congressional district after redistricting.
23 There were some situations at the beginning of that
24 and I represented the Horry County Election Commission
25 and Voter Registration Board in those things. I've

1 also assisted in bringing cases with regards to waste
2 removal on behalf of the county, casino boats on
3 behalf of the county, and other things such as that.
4 So I've done motions practice. But none of those
5 matters -- but none of the matters that I brought
6 forth on behalf of the County needed to go to jury
7 trial and I worked diligently to make sure that they
8 went the course they were supposed to go through ADR,
9 through intense negotiations, and things such as that.

10 **Q. Would you consider the absence of more experience in**
11 **the area to be a weakness?**

12 A. No, sir, because attorneys and judges are required to
13 have the level of competence to go forward, to -- to
14 complete the work that is before them. There's no
15 circumstances where I would present myself to this
16 board or present myself to the citizens of the state
17 of South Carolina to do a job that I didn't think I
18 was qualified to do, that I had the ability to push
19 forward. I would also point out, Senator, that I
20 worked for Circuit Court Judge John Breeden for a year
21 and we handled numerous civil matters. I also went
22 out of my way on numerous occasions to watch other
23 judges and other attorneys do their cases to
24 completion. So I've -- I believe I have a good
25 foundation to present myself to this board.

1 Q. And I note that you've had some involvement with the
2 drug court, is that right?

3 A. Yes, sir. I was appointed to be the drug court judge.
4 My term lasted about seven months. What had happened,
5 briefly, is that the incumbent judge didn't get re-
6 elected in her primary and the -- and the succeeding
7 judge had not been sworn in. So there was a gap,
8 there was leadership needed, and I was the person that
9 they turned to for that. Including after the new
10 judge was sworn in, I continued on for several months,
11 four months or so past that. I believe that they were
12 entirely satisfied with my participation in that.

13 Q. I think it's important work and I was delighted to see
14 that the Chief Justice reached down and selected you
15 out of all of the other qualified persons that I'm
16 sure would have done a fine job, you were selected. I
17 think it's -- I would certainly consider it an honor
18 to have received that phone call. I think it's almost
19 second only to receiving the call from the president
20 of the United States of America, right?

21 A. Yes, sir. I'm certainly honored by it. And I will
22 tell you that reflecting on that experience, I've had
23 individuals come up to me afterwards who somehow
24 projected onto me that I was the thing that made them
25 change. And I told them that they were the agent of

1 their own change but I was a participant and a guiding
2 factor in their recovery. And that's been fulfilling
3 to me because I've gone in Barnes & Noble and met
4 people that were in my program. Thank you, sir.

5 **Q. Well, I'm a staunch supporter of our drug courts. And**
6 **I noted that you took the South Carolina Bar and the**
7 **Florida Bar. And just as a matter of curiosity, I was**
8 **wanting to know why Florida?**

9 A. Mrs. Graves is from Okeechobee and at the time, my
10 father also lived in Florida. He has since moved.
11 But the thought was at the beginning of a practice and
12 youthfulness, I wanted to make sure that I had plenty
13 of options. I'm very pleased to say that I came to
14 South Carolina, my home, Horry County, my home, and
15 I've had every reason to stay and every reason to
16 believe that I can move forward from this foundation
17 and never had to go to Florida.

18 **Q. Last question. I know your wife's a Gator fan, right?**

19 A. I know that you graduated from Florida as did --
20 there's -- I can't remember who else. But I'd rather
21 keep my silence on that subject.

22 **Q. All right, taking the fifth on me, huh? Thank you so**
23 **much for answering the questions.**

24 SENATOR RANKIN: Mr. Chairman.

25 CHAIRMAN CASKEY: Senator Rankin.

EXAMINATION

1
2 BY SENATOR RANKIN:

3 Q. On the record, body language might suggest not so
4 much. Sam, I know you well and I appreciate the
5 chairman's accommodations by phone to get to hear your
6 -- the beginning of your remarks. And you have been
7 before JMSC one time.

8 A. Correct, sir, on 2019.

9 Q. Okay. And persistence is a virtue many would say.
10 Some may have a different view of it. But I would
11 encourage that as a positive virtue. And you have
12 read prior transcripts. I remember our exchange
13 before, effectively, where I think you might have
14 voiced words that might have been said by oh, a
15 certain other guy from Horry and how they view what
16 this process involves. And tell us why now. Why now
17 is this -- do you believe you are better equipped and
18 ready for this role?

19 A. Right. So I believe that, you know, being a professor
20 and presenting the law to students, I stand in front
21 of my class and tell them what the law is and I give
22 them their foundations. And I want them to go forward
23 and become better business people based on these
24 things. I also am very pleased with what I've done in
25 the past. I think I've built a good foundation and

1 now's the time. I'm sort of rebuilding after what I
2 talked to Representative Rutherford about and I have a
3 caseload that's manageable. I have a caseload that is
4 easily managed if I were to be fortunate enough to get
5 another task. There's not a whole lot of switching
6 that needs to be done. I looked at this race in
7 particular for the open seat -- excuse me, the seat
8 that Judge Hocker will be vacating and it appealed to
9 me for several different reasons. The first is it is
10 a six month term beginning on January 1, 2025, which
11 is 14 months from now, 13 months from now. So it's a
12 very long runway. The next item for that is only
13 lasts six months. Whoever gets this seat -- whoever's
14 fortunate enough to be elected will have to run again
15 next spring. So if it's me, you'll have an
16 opportunity to interview me again so that I could get
17 my own six month term following that. So I look at it
18 as though there's plenty of opportunities to present
19 myself to you again and -- and that's sort of the
20 timeliness of it is I believe that however good I look
21 now, I will look better even more in the spring of --
22 or the fall of 2024.

23 **Q. In terms of your understanding of what is required in**
24 **the progression of a docket of civil versus criminal,**
25 **invariably you know and you are aware of others in the**

1 state, I'm sure, that say that the criminal docket is
2 by far the larger. But to the point of an actual jury
3 trial, you have prosecuted multiple tens, if not
4 hundreds, of city cases. Perhaps not jury trials but
5 prosecuting, correct?

6 A. Yes, sir.

7 Q. All right. And then in terms of your days in the
8 solicitor's office prosecuting to verdict before a
9 jury, how many would you say?

10 A. Dozens. Certainly not hundreds.

11 Q. Tens upon tens.

12 A. Yes. Yes, sir. And that's -- you know, I know I'm
13 under oath. I can't give you an exact number but it's
14 -- it's several. It's a dozen or two, yeah.

15 Q. All right. And then finally, to prepare yourself for
16 this run, what different have you done in terms of
17 your boning up on an area that you, perhaps, sensed
18 were -- you were lacking or an area that you felt that
19 -- not told but that you knew you needed to get a
20 little better handle on.

21 A. Right.

22 Q. What have you done?

23 A. Thank you, sir. In fact, I believe that in order to
24 be an effective judge -- in order to be a -- fulfill
25 that role useful for the state, the -- knowing the

1 law, knowing what the legislature has provided,
2 knowing the rules is important. So I've studied the
3 rules and the -- and the code. But I've also studied
4 the case law through the advance sheets and other --
5 other missives from the Court, particularly the most
6 recent items. For instance, in a most recent case
7 with the -- it's a kitchen outfitter -- kitchen
8 refitters, the Court of Appeals cited the scintilla of
9 evidence rule in a summary judgement motion and the
10 Supreme Court reminded them, and perhaps all judges
11 that were watching, that they would like to see a
12 material issue of fact rather than -- a genuine issue
13 of material fact rather than scintilla of evidence.
14 So if you're a judge and you're paying attention and
15 you're watching, you don't mention scintilla of the
16 evidence. That is archaic and you -- you look to the
17 genuine issue of material fact in a summary judgement
18 motion. So those are some of the things -- there's
19 dozens of things that I've gone through such as that
20 but that's just one that pops out immediately. So
21 I've attempted to make myself prepared for summary
22 judgement in civil motion versus lots of the criminal
23 stuff that I believe I have an excellent hand on.
24 SENATOR RANKIN: All right. A couple of attributes of
25 -- not questions to you but for the record.

1 Judge Breeden, who was a wonderful trial judge as
2 well as our current solicitor, Jimbo Richardson,
3 have written wonderful things about you. So, Mr.
4 Chairman, that's all I have. Thank you.

5 CHAIRMAN CASKEY: Thank you, sir. Any other members
6 who have questions or comments? Senator Sabb.

7 SENATOR SABB: Thank you, Mr. Chairman.

8 RE-EXAMINATION

9 BY SENATOR SABB:

10 **Q. I neglected to ask you about your mediations.**

11 A. Yes, sir.

12 **Q. How are you certified and what is it that you do?**

13 A. In 2019, I -- excuse me. 2021, I took the
14 certification class and one of the things that -- that
15 I intend to do that I haven't done so much, I created
16 a business, Millstone Mediation, which is my company
17 and I'm going to Charleston to do the volunteer
18 clinics. I've read several books on the mediation. I
19 believe that alternative dispute resolution is key
20 primarily in the mediation aspect because it allows
21 the participants to craft their own solution with the
22 mediator being the agent that causes them to confront
23 the questions that break down the impasse in order to
24 get there.

25 **Q. Civil mediation then?**

1 A. Correct, sir.

2 **Q. Okay.**

3 A. Through the ADR process, I'm named in several cases as
4 either the mediator of record or the alternative
5 mediator. However, none of those cases have actually
6 made it to me yet. I think it's just a pipeline
7 situation where I expect them but I do not have them
8 yet.

9 SENATOR SABB: Thank you.

10 CHAIRMAN CASKEY: Any other comments or questions for
11 Mr. Graves? All right, seeing none, that will
12 conclude this portion of our screening process.
13 Mr. Graves, there are a couple of things I need
14 to remind you of. Pursuant to the Commission's
15 evaluative criteria, the commission expects
16 candidates to follow the spirit as well as the
17 letter of the ethics laws and we will view
18 violations with the appearance of improprieties
19 serious and potentially deserving of heavy weight
20 and screening deliberations. On that note, and
21 as you know, the record will remain open until
22 the formal release of the report of
23 qualifications. And you may be called back at
24 such time if the need arises. Thank you for
25 being here today and thank you for offering for

1 service to the state of South Carolina, sir.

2 MR. GRAVES: Thank you, sir. And thank you to all
3 members of the commission.

4 CHAIRMAN CASKEY: Go Gators.

5 (Off the record)

6 CHAIRMAN CASKEY: All right, ladies and gentlemen. We
7 are back on the record. Proceeding with our next
8 screening, we have before us Riley Maxwell, who
9 is a candidate for the Circuit Court bench Seat
10 16, which is an at large seat. Do I have all of
11 that right, sir?

12 MR. MAXWELL: That's correct.

13 CHAIRMAN CASKEY: Okay. If you would please raise
14 your right hand.

15 WHEREUPON:

16 RILEY MAXWELL, being duly sworn and
17 cautioned to speak the truth, the whole truth and
18 nothing but the truth, testifies as follows:

19 CHAIRMAN CASKEY: Thank you. There should be some
20 documents in front of you. Please have a look at
21 those.

22 MR. MAXWELL: Okay.

23 CHAIRMAN CASKEY: Sir, are those are the personal data
24 questionnaire and the sworn statement that you
25 have submitted to the commission?

1 MR. MAXWELL: They are.

2 CHAIRMAN CASKEY: Are there any updates or changes
3 that need to be made?

4 MR. MAXWELL: No, there aren't.

5 CHAIRMAN CASKEY: Okay. Do you have any objection to
6 our entering them into the record as a part of
7 your sworn testimony?

8 MR. MAXWELL: I do not.

9 CHAIRMAN CASKEY: Thank you. Let me give them a
10 moment to do that.

11 (EXHIBIT NO. 4 MARKED FOR
12 IDENTIFICATION PURPOSES (15 pages)
13 PDQ - Riley Maxwell)

14 (EXHIBIT NO. 5 MARKED FOR
15 IDENTIFICATION PURPOSES (7 pages)
16 Sworn Statement - Riley Maxwell)

17 CHAIRMAN CASKEY: The Judicial Merit Selection
18 Commission has thoroughly investigated your
19 qualifications for the bench. Our inquiry is
20 focused on nine evaluative criteria and has
21 included a ballot box survey, a thorough of your
22 application materials, verification of your
23 compliance with state ethics laws, search of
24 newspaper articles in which your name appears,
25 study of previous screenings, and a check for

1 economic conflicts of interest. We've received
2 no affidavits filed in opposition to your
3 election and no witnesses are present to testify
4 today. If you would like to make any brief
5 opening remarks, we'd be happy to hear those or
6 we can proceed to questions from staff counsel.

7 MR. MAXWELL: I'll briefly just reintroduce myself.

8 My name's Riley Maxwell. I've been deputy
9 solicitor for 16 years or been assistant
10 solicitor -- working for the solicitor's office
11 in the Sixth Circuit for 16 years. Been deputy
12 solicitor since 2014. And this is my first time
13 running for a judicial seat.

14 CHAIRMAN CASKEY: Thank you, sir. Ms. Benson.

15 MS. BENSON: Thank you, Mr. Chairman.

16 EXAMINATION

17 BY MS. BENSON:

18 Q. I note for the record that based on the testimony
19 contained in the candidate's PDQ which has been
20 included in the record with the candidate's consent,
21 Mr. Maxwell meets the constitutional and statutory
22 requirements for this position regarding age,
23 residence, and years of practice. Mr. Maxwell, how do
24 you feel your legal and professional experience thus
25 far renders you qualified and will assist you to be an

1 **effective circuit court judge?**

2 A. Well, being a solicitor, especially in a small, rural
3 county where I've mostly been in Fairfield County, it
4 is incumbent upon the solicitor who's handling the
5 criminal matters in a case to deal directly with the
6 circuit court judge who's assigned to do those
7 specific terms. So it's me, basically, in the role of
8 reaching out to that judge, letting him know what's on
9 the docket for that week. Again, I'm working with
10 public defenders, I'm working with private bar, or
11 private lawyers, in doing so but we're the main -- a
12 lot of time the main point of contact and getting --
13 making sure court runs efficiently. And I feel I've
14 done a fairly good job at understanding how court
15 should run. Of course, it's different from county to
16 county depending on the size of the county, size of
17 the docket, and what may be going on, trials or pleas,
18 bond hearings for that matter. But I think I've
19 developed, over the years, that experience of
20 understanding, from a general sessions perspective,
21 exactly what a judge should -- what the role is in
22 that process. And even though I lack some civil
23 experience or I never really practiced as a -- as a
24 lawyer in private practice, I have handled civil cases
25 in making -- filing petitions, filing suits under

1 forfeiture law. And those were before common pleas
2 court, just like a lawsuit. I've also handled appeals
3 in common pleas. Appeals from magistrate and
4 municipal court. Those are handled in common pleas.
5 So I end up at the non-jury terms, the common plea
6 non-jury terms on a fairly regular basis. And I'm not
7 -- I'm sitting there looking at other judges handle
8 motions to compel, motions for summary judgement so
9 that's a fairly regular thing that I get to observe.
10 And I did recently sit in with a -- on a civil trial,
11 wrongful death car wreck trial recently with some
12 private lawyers that I helped them as best I could.

13 **Q. Thank you. Mr. Maxwell, the commission received 80**
14 **ballot box surveys regarding you with 14 having**
15 **additional comments. The ballot box had many positive**
16 **comments about you including level handed, -- level**
17 **headed, even handed, quickness of mind, dedicated to**
18 **fairness, and relates well with diverse groups. Two**
19 **of the written comments expressed concern about your**
20 **level of civil experience. How would you like to**
21 **respond to those comments?**

22 **A.** As I've just stated in regards, I get to see a lot of
23 non-jury stuff. I do attend a lot of civil trials, if
24 they do happen to be taking place in Fairfield County.
25 Even though it's been a long time, I have -- I did

1 serve as Judge Eddie Wilmaker's law clerk up in the
2 13th circuit many years ago. He was the
3 administrative judge for Greenville County at the
4 time. The first half of my clerkship up there, I was
5 able to -- that was a lot of work. That was a very
6 eye opening experience dealing with the administrative
7 aspect of common pleas court, going to a lot of non-
8 jury terms. I do try to keep up in the -- with the
9 new cases as they come out, both civilly and
10 criminally. And as I've said, I've handled cases in
11 common pleas term, even though they weren't, I guess -
12 - because they delve out of criminal matters, they
13 weren't, I guess, what you would consider to be common
14 civil type suits.

15 **Q. Thank you. Mr. Maxwell, your SLED report indicated**
16 **that there were several lawsuits involving a Riley**
17 **Maxwell that you had not listed on your PDQ. None of**
18 **these actions matched your current or your previous**
19 **addresses. We reviewed those in your session. Were**
20 **you a party to any of these actions on the SLED**
21 **report?**

22 **A.** I was not familiar with anything that was presented to
23 me. There was no middle name involved. I don't
24 believe there was any birth year or any more
25 information involved. And the addresses associated

1 with those lawsuits, I've never lived at. I've had no
2 associations with those. And I have no other
3 knowledge other than what was on those -- well, on the
4 index printed out for me.

5 **Q. That was another Riley Maxwell?**

6 A. As far as -- I don't know of another other than my
7 grandfather was named Riley Maxwell. None of those
8 were associated with him as well.

9 **Q. Thank you, Mr. Maxwell. I would note for the record**
10 **that the Midlands Citizens Committee reported that Mr.**
11 **Maxwell was qualified in the evaluative criteria of**
12 **constitutional qualifications, professional and**
13 **academic ability, physical health, mental stability,**
14 **and experience. And well qualified in the evaluative**
15 **criteria of ethical fitness, character, reputation,**
16 **and judicial temperament. The committee noted lack of**
17 **experience in civil but otherwise qualified. A few**
18 **housekeeping issues. Mr. Maxwell, are you aware that**
19 **as a judicial candidate you are bound by the Code of**
20 **Judicial Conduct as found in Rule 501 of the South**
21 **Carolina Appellate Court rules?**

22 A. I am.

23 **Q. Since submitting your letter of intent, have you**
24 **contacted any member of the Commission about your**
25 **candidacy?**

1 A. No, ma'am, not about -- not in regards to the
2 candidacy.

3 Q. Since submitting your letter of intent, have you
4 sought or received the pledge of any legislator prior
5 to this date or pending the outcome of your screening?

6 A. No, ma'am.

7 Q. Are you familiar with Section 2-19-70 including
8 limitations on contacting members of the General
9 Assembly regarding your screening?

10 A. Yes, ma'am.

11 Q. Have you asked any third parties to contact members of
12 the General Assembly on your behalf or are you aware
13 of anyone attempting to intervene in this process on
14 your behalf?

15 A. No, ma'am.

16 Q. Have you reviewed and do you understand the
17 Commission's guidelines on pledging and South Carolina
18 Code Section 2-19-70(e)

19 A. I am.

20 MS. BENSON: Mr. Chairman, I would note for the record
21 that any concerns raised during the investigation
22 by staff regarding the candidate were
23 incorporated into the questioning of the
24 candidate today. And, Mr. Chairman, I have no
25 further questions.

1 CHAIRMAN CASKEY: Thank you, ma'am. Do members of the
2 commission have questions or comments for Mr.
3 Maxwell? Mr. Strom?

4 MR. STROM: Thank you, Mr. Chairman. I don't have a
5 question. I was looking over your letters of
6 reference and I see Creighton Coleman, Doug
7 Barfield, then you have a letter from the
8 solicitor, and the public defender all
9 recommending you. Creighton and Doug, you know,
10 are some of the top lawyers in the area. You've
11 got both sides of the criminal bar. That speaks
12 highly of you and your impartiality. So
13 congratulations on that. I looked at those
14 letters to see who's supporting you. I get you
15 don't have the civil experience but if you're at
16 the solicitor's office, it's hard to get civil
17 experience. But you're in a courtroom every day,
18 right?

19 MR. MAXWELL: Yes, sir.

20 MR. STROM: Yeah. That's all I have. Thank you, Mr.
21 Chairman.

22 CHAIRMAN CASKEY: Thank you. Other questions?
23 Senator Sabb.

24 SENATOR SABB: Thank you, Mr. Chairman.

25 EXAMINATION

1 BY MR. SABB:

2 Q. So personal story. So when I was trying to figure out
3 what I wanted to do in life, I found myself on a
4 basketball court and was playing basketball with two
5 guys, both of whom were educators and one was teaching
6 school by day and attending law school at the
7 University of Miami at night. And as a result of the
8 -- of course, we were winning. I want Senator Rankin
9 to know that. We were winning.

10 REPRESENTATIVE RUTHERFORD: Add that in.

11 Q. And during our break, we got a chance to talk and part
12 of that conversation, I'm absolutely satisfied to this
13 day led me to want to be a lawyer and found myself in
14 law school. And I noted that you were on the golf
15 course and then the next thing you know, you're in law
16 school. I'm curious as to whether or not anything
17 that happened with your caddying motivated you to go
18 to law school.

19 A. It was not necessarily that. I can recall, I think,
20 around my junior year of college before I knew what
21 was going -- what I was going to go into next, I was a
22 business degree and had sports -- did some sports
23 management stuff and ended up with a degree in that as
24 well. And my dad mentioned why don't you go to law
25 school. And I believe before my sophomore year, I was

1 a runner aide in Judge Early's office when he was
2 still in private practice with the Ness Law Firm down
3 in Bamberg and so it's kind of those two things. I
4 said well, this may be the path. And then, I guess,
5 finishing school, kind of having a fun, relaxing year
6 down in Charleston with not too serious of a job.
7 Still had to wake up early and get out there and do
8 basically manual work, carry golf clubs, I said I need
9 to figure out what's next. So I was down there,
10 decided to take the LSAT. I think fairly early on in
11 moving down to Charleston, I think I took it in the
12 fall, just after a couple of months of -- after I had
13 graduated from college and started law school the next
14 year. So it wasn't anything specifically with the
15 caddying part of it but did caddy for some lawyers on
16 the course down there.

17 **Q. I thought you might have met a guy like Pete Strom out**
18 **there or something like that.**

19 A. I caddied for Vernon Jordan down there if you recall
20 from --

21 **Q. Oh, I absolutely remember Vernon Jordan.**

22 A. -- the Bill Clinton --

23 **Q. Yeah.**

24 A. -- Monica Lewinsky scandal. He was down there as a
25 guest of somebody and I caddied for him. Very

1 pleasant person. I remember caddying for some guests
2 of Ron Motley, who at the time he was suing -- I don't
3 know the entity necessarily but, essentially, suing
4 Saudi Arabia or companies in Saudi Arabia --

5 **Q. Yeah.**

6 A. -- over the 911 attack. And the people, after I kind
7 of started talking to them, I said well, how do y'all
8 know Mr. Motley. I could tell they were not from
9 South Carolina. They were from up -- up north. And
10 they told me their son had died in the World Trade
11 Center.

12 **Q. Yeah.**

13 A. And that's how they -- through that lawsuit and Mr.
14 Motley representing them is how they got to be down
15 there and me meeting them. And they -- again, they
16 were very pleasant people. And -- but I can't say
17 that's what turned me to that but that was just some
18 experiences I had down there --

19 **Q. I got you.**

20 A. -- that were legally related.

21 **Q. Yeah, I'm a huge Vernon Jordan fan when he worked with**
22 **the Urban League and a lot of the great work that he**
23 **did. And so I'm a huge fan. Let me shift gears a**
24 **little bit. So you've been prosecuting for 16 years.**
25 **I'm curious, number one, as to what is your position**

1 **with regard to second chance as it relates to**
2 **defendants.**

3 A. I do believe that -- that people deserve second
4 chances. I remember having a friend ask me one time
5 if I got a bonus for putting people in prison. And I
6 kind of laughed at it and said that would be a pretty
7 dirty game if that was the case. So I never have
8 counted my victories of putting somebody in prison or
9 getting so many years. I have no idea what my
10 conviction rate is or even how I'd even go about even
11 trying to calculate that. So I don't look at my job
12 as throw everybody in prison. Everybody's got to be -
13 - everybody's guilty. I think I've always been very
14 fair minded when I receive a case about the merits of
15 the case, what the person's background is, and what
16 they may have done or not done since they've been
17 arrested. Because maybe it's been a little while.
18 Have they gone to rehab? Have they cleaned their act
19 up? Do they have a job? Have they had a family? So
20 I certainly think -- I certainly believe in second
21 chances. But it takes -- I think -- you have to
22 evaluate it on a case by case basis, the tendency of
23 violence. Either prior violence or the violence of
24 whatever they may be currently charged with. You have
25 to take that into account. The timeframe of when

1 prior violent acts, or prior crimes, may have taken
2 place in regards to when they -- what they're before
3 the Court on today. If it's been 10 years, a year, 15
4 years. What have they been doing in that timeframe?
5 Getting in trouble, staying out of trouble, living a
6 productive life or not, and, again, what have they
7 done since they've gotten arrested to when they're
8 showing up in front of the court.

9 **Q. What's the -- in your view, what's the most difficult**
10 **thing a circuit court judge has to do?**

11 A. I recall I believe it was Judge Kinard telling a story
12 one time of a felony DUI -- of two different felony
13 DUI cases in which he had very similar circumstances.
14 You had two friends in the car, get into a car wreck,
15 coming -- leaving the party/leaving the bar, passenger
16 dies, the driver survives and is now charged with
17 felony DUI. And he said -- whether it was the same
18 day or the same week or just in the same close
19 timeframe, you have two separate -- two different
20 cases with that factual scenario and you have one
21 family of a deceased saying this is -- our -- our
22 son's dead. This man's responsible for killing him.

23 **Q. Throw the book at him.**

24 A. He needs the maximum sentence. You go to the other
25 case. You've got the family saying this is our son's

1 friend.

2 Q. They want him on probation. They want him on
3 probation.

4 A. Could have been -- just as easily could have been my
5 son behind the wheel and he'd been the one dead. Take
6 -- go lenient on him. And so you have to weigh those
7 out as best you can. I've heard other lawyers talk
8 about when nobody's happy when they leave -- I'm not
9 saying it's always true but when nobody's happy when
10 they leave the courtroom, defense or the prosecution,
11 then maybe it was a fair resolution to the case. So I
12 think the challenge of balancing those cases out is
13 one of the most difficult things a judge can do. We
14 deal with the same circumstances and people asking for
15 very, very different sentences in those types of
16 cases.

17 Q. Yeah. Let me apologize to the court reporter for
18 talking over you. I knew I created a challenge for
19 her in doing that. But I go back to what Mr. Strom
20 indicated in your letters of recommendation and the
21 fact that you've got letters from what we call both
22 sides of the aisle, I too think that's commendable.
23 I'm curious as to what defense lawyers would say about
24 you in terms of how you worked with them. I practiced
25 law in the third and prosecuted for a period of time

1 myself and one of the things that we prided ourselves
2 on is creating a scenario where defense lawyers could
3 make money. Where we didn't have them in a courtroom
4 all the time but they knew when their case was up for
5 trial, that's the time when we expected to be there
6 and be ready to go to court. And I did it for 20
7 years and I never had a defense lawyer who was
8 supposed to come to court at a certain time that did
9 not show up. But I know a lot of the other circuits
10 that would have defense lawyers come and just sit just
11 waiting to see whether or not their case would come to
12 trial. And I'm curious as to what the defense bar
13 would say about you in terms of how you work with
14 defense lawyers.

15 A. One thing that I have always stressed is when we have
16 -- we start court as soon as we can. Sometimes
17 there's a little bit of delay getting stuff going,
18 getting everybody signed up, but one of my main
19 priorities is I know defense lawyers. They've got
20 other counties they've got to get to. I try to put
21 them first on the docket, get them out of there as
22 soon as I possibly can. I always try to check with
23 them ahead of time do you have some other place to be?
24 Or they'll call me, they'll email saying hey, can you
25 get me up first or second and I always try to do that.

1 I always try to be very up front in my dealings with
2 the -- with the private bar, public defenders
3 included. I understand their time's valuable and I'm
4 fine to give them time sometimes to make sure they get
5 paid before I push a case too much or too soon if it's
6 not gotten too much age on it. So I'm fine -- I would
7 think that most defense lawyers don't have any issues
8 I hope -- hope working with me, whether it be for
9 scheduling purpose or for case by case.

10 SENATOR SABB: Thank you.

11 CHAIRMAN CASKEY: Representative Rutherford.

12 REPRESENTATIVE RUTHERFORD: Senator, what he wanted to
13 say was you can ask Todd how he treat me because
14 I deal with him a lot and I read the ballot box
15 surveys with a great deal of interest because I
16 wanted to see whether anybody would have negative
17 to say about Riley, and they didn't, except for
18 his lack of civil experience because he is the
19 level headed prosecutor that they all proclaim
20 him to be. I am difficult to deal with at best
21 and --

22 SENATOR SABB: Shocking.

23 REPRESENTATIVE RUTHERFORD: Yeah. But Riley manages
24 me and other lawyers that come up there very
25 well. He's very patient and kind of lays out why

1 he's doing what he's doing, and gives us a chance
2 to push back on it. Never had a bad experience
3 with him. And I looked at the ballot box
4 responses but know that you also practice in a
5 small county. When you go up there, Riley's
6 going to get you in and out, tell you what you're
7 dealing with on the way. Call him on his cell
8 phone, he'll step out of court in front of the
9 judge and tell you what the schedule looks like,
10 and just does everything he can to treat you the
11 way that a lawyer should. So, Riley, I want to
12 say thank you for that.

13 MR. MAXWELL: Thank you.

14 REPRESENTATIVE RUTHERFORD: Your ballot box surveys
15 were very good, the way I expected them to be and
16 the lawyers that practice around you and in front
17 of you think a lot of you. So I just wanted you
18 to know that.

19 MR. MAXWELL: I appreciate that.

20 CHAIRMAN CASKEY: Other members of the commission?

21 SENATOR RANKIN: Chairman.

22 CHAIRMAN CASKEY: Senator Rankin.

23 EXAMINATION

24 BY SENATOR RANKIN:

25 Q. Luke Rankin. I don't believe we've ever met.

1 A. No, sir.

2 Q. And if we have, forgive me for not recognizing you.
3 For a fact --

4 A. Nice to see you, Senator.

5 Q. For a fact, you did not meet me on the golf course at
6 Kiawah unless it was when my wife, who is from
7 Winnsboro, and I were riding one time just to look. I
8 am curious about Kiawah and the biggest tip you ever
9 got while caddying. Not from whom, but the amount.

10 A. Oh. I think during the member guests tournaments, it
11 was about a couple -- about three or four hundred
12 dollars, I think, and that was -- that may have been
13 two or three days of caddying all in a row. But one
14 of the better experiences, just to kind of go off
15 that, that I enjoyed and I was hoping to get a good
16 tip out of it, was I ended up caddying for the Palmer
17 Cup which was a top college -- U.S. college amateurs
18 versus top European amateurs and Bill Haas was one of
19 the -- he's one of the main guys that was playing in
20 that tournament. He was at Wake Forest at the time, I
21 think. And I caddied for the European team and the
22 defending national champion. And they had given them
23 some really nice tournament specific bags for the
24 tournament and I kept looking at that bag thinking
25 he's got 100 bags. I hope he just gives me the -- the

1 nice bag at the end of this four day tournament. But
2 he gave me all the golf balls out of it but not --

3 **Q. Was there a language barrier between you two?**

4 A. He was Spanish but he'd been in the United States and
5 he was -- he was actually a little bit younger than me
6 because I think I was 23 at the time. I think he
7 might have been 20 and he was Alejandro Cañizares from
8 Arizona State and that was in August or late July and
9 he had won the national -- individual national
10 championship -- NCAA national championship in June, I
11 think.

12 **Q. Winnsboro is where you work.**

13 A. Yes, sir.

14 **Q. And full-time since '06?**

15 A. Started in fall of '07.

16 **Q. Where do you eat lunch in Winnsboro?**

17 A. The Barn used to be a weekly place but if you've ever
18 -- but if you've been up to the Barn, it's great
19 buffet style Southern cooking all you can eat and it
20 can be dangerous to eat up there more than -- more
21 than one time a week. Now it's down to about once a
22 month.

23 **Q. Speedy Wok.**

24 A. I've only eaten there once or twice. But there's a
25 new --

1 Q. And I don't know how to spell the last word and then
2 that's finally where I was going. There's a new
3 Mexican restaurant.

4 A. There's a new Mexican restaurant out there.

5 Q. My wife is from there and these folks have heard this
6 too many times. When I get a Winnsboro candidate,
7 man, I want to find out where to eat other than Speedy
8 Wok.

9 A. The Barn. The Barn is -- I think is the best place in
10 Winnsboro.

11 SENATOR RANKIN: Thank you so much for being here and
12 running.

13 MR. MAXWELL: All right, thank y'all.

14 CHAIRMAN CASKEY: Other members of the commission.
15 Representative Rutherford.

16 REPRESENTATIVE RUTHERFORD: I don't know what your
17 impression was of Vernon Jordan but I remember
18 driving down the street one time and this was
19 when Bill Clinton was president, but seeing this
20 guy standing on a corner and everybody just drawn
21 and staring at him. He just had that kind of
22 effect literally on a street corner. He was a
23 massive guy and it always struck me, to this day,
24 about the presence that he had when he walked
25 around. And I don't know if he had it on the

1 golf course but man, he sure had it just standing
2 on a street corner in Washington D.C. He was an
3 impressive guy.

4 MR. MAXWELL: It's been 20 years but he was very
5 pleasant. Did not talk about oh, this is the
6 person I know. Just a very normal -- normal guy.
7 He was a guest of, if I remember correctly, a
8 regular member who I caddied for that maybe I
9 think were retirees from up north that were
10 living down there and were there all the time.
11 So I knew the members. Their wives played and
12 everybody was very pleasant. A lot of people
13 know -- remember who he is. Tell that story a
14 lot of times nowadays, people don't quite
15 remember who he is. He was on -- people played
16 him on Saturday Night Live.

17 REPRESENTATIVE RUTHERFORD: He was a big deal. He was
18 a big deal. Appreciate it.

19 CHAIRMAN CASKEY: Anybody else? Mr. Maxwell, thank
20 you for being here. I think my colleagues have
21 taken most of the comments that I would have made
22 or asked the questions I would have asked. I
23 would note, though, given your relative lack of
24 civil experience, what other ways -- and this is
25 more by way of suggestion as you move forward in

1 the process, certainly CLEs are an opportunity to
2 -- to expedite one's learning. And just had seen
3 in your CLE transcripts that, for reasons that
4 are completely understandable, they're mostly the
5 prosecution -- solicitor's conferences. So
6 whatever it's worth going forward, I know there
7 will be some time with this seat before whomever
8 is elected to it actually takes the office.
9 Would certainly commend that to you.

10 MR. MAXWELL: All right.

11 CHAIRMAN CASKEY: Anyway, that will conclude this
12 portion of the screening process. I do need take
13 a moment though to remind you that pursuant to
14 the commission's evaluative criteria, the
15 commission expects candidates to follow the
16 spirit as well as the letter of the ethics laws
17 and that we will view any violation or appearance
18 of improprieties serious and potentially
19 deserving of heavy weight in our screening
20 deliberations. The record will remain open until
21 the formal release of the report of
22 qualifications. And you may be called back at
23 such time if the need were to arise. So with
24 that, thank you for being here today and thank
25 you for offering for service to the state of

1 South Carolina.

2 MR. MAXWELL: Thank y'all.

3 (Off the record)

4 CHAIRMAN CASKEY: We will go back on the record.

5 Before us, we have Mr. Charles Chad McCutchen who
6 is a candidate for the circuit court bench seat
7 16, which is an at large seat. Do I have that
8 all correct, sir?

9 MR. MCCUTCHEN: Correct, Your Honor.

10 CHAIRMAN CASKEY: If you would, please, raise your
11 right hand.

12 WHEREUPON:

13 CHARLES MCCUTCHEN, being duly sworn and
14 cautioned to speak the truth, the whole truth and
15 nothing but the truth, testifies as follows:

16 CHAIRMAN CASKEY: There should be some documents in
17 front of you, if you'd take a look at those,
18 please.

19 MR. MCCUTCHEN: I recognize them.

20 CHAIRMAN CASKEY: Are those the personal data
21 questionnaire and sworn statement that you have
22 submitted to the commission?

23 MR. MCCUTCHEN: They are.

24 CHAIRMAN CASKEY: Are there any updates or changes
25 that need to be made to those?

1 MR. MCCUTCHEN: No, everything should be up to date.
2 I've updated my expenditures a couple of times, I
3 think, but everything should be correct and up to
4 date.

5 CHAIRMAN CASKEY: Okay. Do you have any objection to
6 our entering those into the record as part of
7 your sworn testimony?

8 MR. MCCUTCHEN: No.

9 CHAIRMAN CASKEY: Okay. Let me give staff a moment to
10 do that.

11 (EXHIBIT NO. 6 MARKED FOR
12 IDENTIFICATION PURPOSES (14 pages)
13 PDQ - Charles McCutchen)

14 (EXHIBIT NO. 7 MARKED FOR
15 IDENTIFICATION PURPOSES (6 pages)
16 Sworn Statement - Charles
17 McCutchen)

18 CHAIRMAN CASKEY: The Judicial Merit Selection
19 Commission has thoroughly investigated your
20 qualifications for the bench. Our inquiry is
21 focused on nine evaluative criteria and has
22 included a ballot box survey, thorough of your
23 application materials, verification of your
24 compliance with state ethics laws, search of
25 newspaper articles in which your name appears,

1 study of previous screenings, and a check for
2 economic conflicts of interest. We've received
3 no affidavits filed in opposition to your
4 election and no witnesses are present to testify.
5 We'd be happy to hear any brief opening statement
6 you have or if there are none, I'll simply
7 recognize staff counsel for some questions.

8 MR. MCCUTCHEN: I would just like to thank, you know,
9 the Commission -- all the Commission for having
10 me here. Again, it's an honor to be here.
11 Introduce my wife, Tara, who came with me this
12 morning. Certainly be glad to answer any
13 questions that any of you guys may have.

14 CHAIRMAN CASKEY: First, let me apologize, Tara, for
15 not recognizing you were sitting back there. Try
16 to make sure candidates can get full credit with
17 their spouse for introducing them. So I
18 apologize for not affording you that opportunity.
19 With that being said, I'd recognize Mr. Gentry
20 for some questions.

21 MR. GENTRY: Thank you, Mr. Chairman.

22 EXAMINATION

23 BY MR. GENTRY:

24 **Q. I note for the record that based on the testimony**
25 **contained in the candidate's PDQ which has been**

1 included in the record with the candidate's consent,
2 Charles J. McCutchen, meets the constitutional and
3 statutory requirements for this position regarding
4 age, residence, and years of practice. Mr. McCutchen,
5 how do you feel your legal and professional experience
6 thus far renders you qualified and will assist you to
7 be an effective circuit court judge?

8 A. Well, as you can probably deduce from my application,
9 I've been a practicing attorney for 21 years now. I
10 have had the opportunity, you know, -- I've only
11 practiced in private practice but I've done a -- you
12 know, insurance defense work. I've been in a general
13 practice for the last 20 years and practicing a lot of
14 different areas of law. And I think that's pretty
15 important whenever you deal with so many different
16 areas of law, especially in the circuit court bench.
17 And even areas that don't come in front of a circuit
18 court judge, I practice and I realize that there's an
19 overlay in some of those. Like, you know, how a
20 family court -- how a criminal case can affect a
21 family court case like a DSS abuse and neglect case.
22 Or something like a workers' comp case effecting a --
23 a tort case in common pleas. So I feel like having
24 that broad range of experience, you know, would be an
25 asset to me if I would be fortunate enough to take

1 this position.

2 Q. The Commission received 107 ballot box survey
3 responses with 14 comments. The ballot box, for
4 example, contain the following positive comments.
5 Very well qualified. Mr. McCutchen would be a
6 wonderful judge. He has a great temperament. No
7 comments indicated a pattern for concern. I'd note
8 that the Low Country Citizen's Committee reported Mr.
9 McCutchen to be qualified in the evaluative criteria
10 of constitutional qualifications, physical health, and
11 mental stability. And well qualified in the
12 evaluative criteria of ethical fitness, professional
13 and academic ability, character, reputation,
14 experience, and judicial temperament. Additionally,
15 the Committee noted good experience. Not as much on
16 criminal side. Highly relational and likeable.
17 Compassionate. Great disposition. Would make a great
18 circuit court judge. Mr. McCutchen, are you aware
19 that as a judicial candidate you are bound by the Code
20 of Judicial Conduct as found in Rule 501 of the South
21 Carolina Appellate Court rules?

22 A. I am.

23 Q. Since submitting your letter of intent, have you
24 contacted any member of the commission about your
25 candidacy?

1 A. I have not.

2 Q. Since submitting your letter of intent, have you
3 sought or received the pledge of any legislator either
4 prior to this date or pending the outcome of your
5 screening?

6 A. I have not.

7 Q. Are you familiar with section 2-19-70 including
8 limitations on contacting members of the General
9 Assembly regarding your screening?

10 A. Yes, I am.

11 Q. Have you asked any third parties to contact members of
12 the General Assembly on your behalf or are you aware
13 of anyone attempting to intervene in this process on
14 your behalf?

15 A. No, and I have not.

16 Q. Have you reviewed and do you understand the
17 commission's guidelines on pledging and South Carolina
18 Code Section 2-19-70(e)

19 A. Yes.

20 MR. GENTRY: Mr. Chairman, I would note for the record
21 that any concerns raised during the investigation
22 by staff regarding the candidate were
23 incorporated into the questioning of the
24 candidate today. Mr. Chairman, I have no further
25 questions.

1 CHAIRMAN CASKEY: Thank you, sir. Do members of the
2 commission have any comments or questions for Mr.
3 McCutchen? Chairman Rankin.

4 EXAMINATION

5 BY SENATOR RANKIN:

6 Q. Mr. McCutchen, we met before when you came through
7 which doesn't seem -- it can't a year ago.

8 A. It was a little -- maybe it's more than a year because
9 I think I screened before Thanksgiving last year.

10 Q. Okay. Okay, well, good it isn't. I was right. It
11 can't be a year ago. It had to be a little more. The
12 -- and I don't recall kind of honing in on your being
13 from Kingstree before. There's this family called
14 McGill -- McGills. Do you know any of those guys, by
15 chance? Or gals? Ladies?

16 A. I do. I went to school with most of the younger
17 McGills and I've known former Senator McGill for a
18 long time. I think everybody about my age refers to
19 him as Uncle Yancey anyway. But yeah, I actually went
20 to a football game with my good buddy, Stan, the other
21 -- a couple of weeks ago.

22 Q. Stan Williamson?

23 A. McGill.

24 Q. Stan McGill, okay. Okay.

25 A. Which was, ironically, in Kingstree.

1 Q. Well, and I was going to focus on Tommy McGill, who
2 would be closer to you in age though much older. He
3 would be born in about '63, four, or five. But did
4 you know Tommy? He's Yancey and Hilton and all of
5 their -- not the youngest child. A lawyer and a
6 preacher. If you don't know him, then I'm going to
7 move right along.

8 REPRESENTATIVE RUTHERFORD: This is a test.

9 A. I don't. You know, I knew Yancey and Hilton the best.

10 Q. Okay, that's good. You have from the civil lens,
11 perhaps, the best of both worlds having worked with a
12 well known defense firm and similarly, a well known
13 plaintiff's firm. And then you've got John Grantland
14 writing a letter saying how he wished he could have
15 hired and did hire you before you went to Orangeburg.
16 And so I -- that has got to be a great testament --
17 perhaps no other letter in here but maybe a preacher
18 and John Grantland who have sung your praises.
19 Criminal, though. Do you feel like you have the --
20 the experience and/or certainly the capacity to learn
21 it, if you haven't, the criminal practice where, I
22 think, you write effectively historic five year look
23 back four percent have been your -- your wheel, or the
24 makeup of your time. Tell us about that.

25 A. Well, and that's, obviously, been my track record over

1 -- over the years. I mean, even past couple of weeks,
2 you know, I've had a few criminal cases come in the
3 door like a DUI case over in Orangeburg County. While
4 I recognize and, obviously, I think we've discussed
5 this before, I actually had the opportunity, because I
6 stay in touch with the solicitor's office, three weeks
7 ago to the day, I went and observed a murder trial.
8 It was a four day murder trial in Orangeburg County.
9 From jury selection all the way through verdict and
10 sentencing. And that was, you know, -- as I don't
11 practice in that realm every day, it was pretty
12 interesting to see the jury selected, the pre-trial
13 motions, Jackson v. Denno hearing, the -- the issues
14 on the admissibility of a polygraph. I mean, those
15 are things that as long as I have access to the court
16 system, which is public, -- I mean, I took it upon
17 myself to go see -- the thing should have only lasted
18 three days but it ultimately, lasted four. So and I
19 picked up a lot of valuable information just in those
20 three days. And yes, I believe I'm more than capable
21 and have the mental ability to bridge the gap between
22 my civil and criminal experience.

23 **Q. In Orangeburg and particularly, their docket, do you**
24 **have any idea what the caseload is in terms of civil**
25 **versus criminal cases? And that's not a trick**

1 **question. I couldn't tell you in Horry.**

2 A. Senator Rankin, as far as I understand, the -- the
3 civil docket is fairly well up to speed and caught up.
4 And I think our current judges do a great job of
5 trying to get things ready for trial and, you know,
6 have enough non-jury terms to -- to get it ready for
7 trial. I think there might be a little bit of a
8 backlog but our solicitors, especially our deputy
9 solicitor in Orangeburg does a great job of moving a
10 lot of cases. I mean, if I had to just simply guess,
11 I would think there might be a little more criminal
12 backlog than civil. But I know civil's fairly caught
13 up which is a good thing. Which allows them to focus
14 more on the criminal backlog, assuming there is one.

15 Q. Well, and it may be unfair but the point of that is,
16 in terms of what business is out there for a circuit
17 court judge in any given district is invariably, we
18 hear seemingly more criminal. Now, Richland County
19 may be way different than Horry or the 15th Judicial
20 Circuit but in terms of -- if you were successful in
21 getting this nomination and the General Assembly votes
22 and selects you, you're going to have hit the ground
23 running on the criminal docket largely. And so to
24 those who might say, Mr. McCutchen, with only four
25 percent experience in the past five years in the

1 criminal realm, it's going to be a slow uptake for
2 him. Speak to that, if you will.

3 A. Well, and, obviously, I believe that, you know, the
4 best way you learn is by experience. You know, I
5 would be willing to go -- I don't plan on sticking
6 around Orangeburg. I'd be willing to hit the road to
7 go wherever I was needed anywhere in the state. I
8 know we do have more criminal terms than we do civil
9 terms. A lot of those, mostly are non-jury terms, or
10 they're not trying a case that week so it's a lot of
11 pleas. But, you know, there again the best way to get
12 it done is to do it. But there again, you know,
13 sitting with judges, as you -- you know, between
14 election and the time you take the bench, I think
15 that's a resource that I don't know of any judge that
16 hadn't taken advantage of that. Which certainly, I
17 would -- I'd be willing to hit the ground running
18 tomorrow if you'd let me.

19 Q. Pleasant, professional, though, -- and this, perhaps,
20 from a defense minded person -- though, despite
21 working as a plaintiffs' lawyer, he/she whomever,
22 anonymous, affirms your excellent demeanor and your
23 fairness. So I want to credit you that. No other
24 questions.

25 MR. MCCUTCHEN: Thank you.

1 CHAIRMAN CASKEY: Other members of the commission
2 comments or questions? Senator Sabb.

3 SENATOR SABB: Chairman Rankin stole my thunder on
4 that ballot box comment. I thought it was great.
5 But the omitted part I also wanted to mention
6 which is despite working as a plaintiffs' lawyer
7 in Orangeburg County where winning and settling
8 cases in excess of the real value is like
9 shooting fish in a barrel, has always
10 demonstrated both professionalism and
11 pleasantness that is often missing when one side
12 has an unfair advantage over the other. I just -
13 - I love the comment. But I'd just say for the
14 record, I've really known the work of -- and
15 actually, I didn't realize his name was Charles
16 until really today. And I know the last time I
17 should have realized it but it struck me today
18 that it's Charles and not Chad because most of us
19 affectionately refer to him that way. But I,
20 too, enjoyed reading the letters of reference.
21 And, you know, you've got Lee Cope in there who I
22 just think is just one of the most brilliant
23 minds in the legal profession and just a heck of
24 a trial lawyer. And, you know, in there and all
25 the others. And so just wanted you to know that

1 there are many of us who admire the work of the
2 Orangeburg County Bar that you guys have done --
3 and how you've, in my mind, educated folks to
4 where they hold folks accountable when it comes
5 to violations of the law. I think it's
6 remarkable and congratulations. And you all make
7 practicing law better for all of us, plaintiffs'
8 lawyers in particular. So thank you.

9 MR. MCCUTCHEN: Thank you.

10 CHAIRMAN CASKEY: Other comments or questions? Well,
11 Mr. Mccutchen, I'll just add to this high praise.
12 One of the comments that stood out to me in your
13 ballot box survey, -- of course, you know, you
14 don't get to see all of this because of our
15 provisions around anonymity but it stood it out
16 to me because it's reflective of something that I
17 value as an attorney and somebody who's in this
18 position trying to figure out, you know,
19 qualifications for judicial service. And this
20 one line said Mr McCutchen's always well prepared
21 for court hearings. He is objective and
22 practical about his client's position in whatever
23 the case my be. He gets along well with opposing
24 counsel and it's unusual if he's not able to
25 reach a reasonable settlement. I just -- the

1 preparation for court stands out to me and I
2 think in addition to all the other superlative
3 comments about how great you are, that one really
4 resonated with me and I think I'd be remiss if I
5 didn't share that with you. So kudos.

6 MR. MCCUTCHEN: Well, and -- and if I may say
7 something. Getting back to Senator Rankin's
8 question and that goes for I realize that that's
9 not over when you place a robe on. There's
10 always preparation that goes into any term of
11 court, especially general sessions that I know
12 I'd be doing a lot of.

13 CHAIRMAN CASKEY: Good. Well, thank you, sir. This
14 concludes this portion of our screening process.
15 I do need to take a moment to remind you that
16 pursuant to the Commission's evaluative criteria,
17 the Commission expects candidates to follow the
18 letter as well as the spirit of the law. And if
19 we -- if there were any violations with the
20 appearance of impropriety, we would view
21 seriously and potentially deserving of heavy
22 weight in our screening deliberations. The
23 record will remain open until the formal release
24 of the report of qualifications. And you may be
25 called back at such time if the need arises.

1 Thank you for being here today and thank you for
2 offering for service to the state of South
3 Carolina.

4 MR. MCCUTCHEN: Thank you all for having me.

5 CHAIRMAN CASKEY: Thank you.

6 (Off the record)

7 CHAIRMAN CASKEY: All right, we will go back on the
8 record. Good morning. Before us we have Ms.
9 Jane Merrill who is a candidate for Seat 16 on
10 the circuit court bench which is an at large
11 seat. Do I have all that right?

12 MS. MERRILL: You do. Good morning.

13 CHAIRMAN CASKEY: Good morning. Thank you for being
14 here. If you would please, raise your right
15 hand.

16 WHEREUPON:

17 JANE MERRILL, being duly sworn and cautioned
18 to speak the truth, the whole truth and nothing
19 but the truth, testifies as follows:

20 CHAIRMAN CASKEY: There should be some documents in
21 front of you. If you'd please take a look at
22 those.

23 MS. MERRILL: Yes, I'm familiar with these documents.

24 CHAIRMAN CASKEY: Are those the personal data
25 questionnaire and the sworn statement that you

1 submitted to the commission?

2 MS. MERRILL: Yes, and there's also an amendment
3 included.

4 CHAIRMAN CASKEY: Okay. Are there any further updates
5 or changes that need to be made?

6 MS. MERRILL: No, not at this time.

7 CHAIRMAN CASKEY: Do you have any objection to our
8 entering those as a part of sworn testimony
9 today?

10 MS. MERRILL: No objection.

11 CHAIRMAN CASKEY: Let me give staff a second to do
12 that.

13 (EXHIBIT NO. 8 MARKED FOR
14 IDENTIFICATION PURPOSES (20 pages)
15 PDQ - Jane Merrill)

16 (EXHIBIT NO. 9 MARKED FOR
17 IDENTIFICATION PURPOSES (2 pages)
18 Amendment to PDQ - Jane Merrill)

19 (EXHIBIT NO. 10 MARKED FOR
20 IDENTIFICATION PURPOSES (7 pages)
21 Sworn Statement - Jane Merrill)

22 CHAIRMAN CASKEY: The Judicial Merit Selection
23 Commission has thoroughly investigated your
24 qualifications for the bench. Our inquiry is
25 focused on the nine evaluative criteria and has

1 included a ballot box survey, thorough study of
2 your application materials, verification of your
3 compliance with state ethics laws, search of
4 newspaper articles in which your name appears,
5 the study of previous screenings, and a check for
6 economic conflicts of interest. We have received
7 no affidavits filed in opposition to your
8 election and no witnesses are present to testify
9 today. Before giving you an opportunity to make
10 any brief opening comments you may like to, I've
11 noticed there's some folks who have come in the
12 room with you. If you want to introduce them,
13 we'd be happy to meet.

14 MS. MERRILL: Thank you. I've brought my husband of
15 20 years, Albert Merrill, and Denea Harris who I
16 met through the bar mentoring program who is a
17 close friend who came from Ohio to support me
18 today.

19 CHAIRMAN CASKEY: Great. Well, thank you for being
20 here We're glad to have you. Apologize we're
21 running a little bit behind. But per custom and
22 tradition, here we are. So thank you for that.
23 If you have any brief opening remarks, I'd be
24 happy to hear those. Otherwise, I will recognize
25 staff counsel for some questions.

1 MS. MERRILL: I'd just like to thank the Commission.

2 I know time is a finite resource and I imagine
3 being on this commission takes a lot of it so I
4 appreciate it. I'd also like to thank Ms.

5 Starnes and Ms. Crawford and Ms. Putnam.

6 CHAIRMAN CASKEY: Great. Ms. Starnes.

7 MS. STARNES: Thank you, Mr. Chairman.

8 EXAMINATION

9 BY MS. STARNES:

10 Q. I would note for the record that based on the
11 testimony contained in Ms. Merrill's PDQ which has
12 been included in the record with her consent, Ms.
13 Merrill meets the constitutional and statutory
14 requirements for this position regarding age,
15 residence, and years of practice. Ms. Merrill, how do
16 you feel your legal and professional experience thus
17 far renders you qualified and will assist you to be an
18 effective circuit judge?

19 A. I think my well rounded experience, my strong work
20 ethic, and my desire to serve the public make me well
21 suited for the circuit court bench. I had the
22 opportunity to serve as a circuit court clerk so I
23 kind of saw how things work behind the bench. And
24 though there's a phrase all trial attorneys say:
25 ladies and gentlemen of the jury, and I have said that

1 phrase representing plaintiffs and defendants in
2 common pleas and representing defendants in the state
3 as an assistant solicitor in general sessions. So I
4 think all that experience -- and I wouldn't have that
5 experience without a strong work ethic. As a daughter
6 of a social worker and truck driver, I worked my way
7 through college with multiple jobs. In law school, I
8 served on law review, wrote and published a scholarly
9 article, and also became a mother. And I've continued
10 that work ethic in my practice. And then also my
11 family instilled in me the importance of public
12 service. And though I am in private practice, I have
13 done that through various different avenues such as
14 the bar's mentoring program. As I mentioned, Ms.
15 Harris is here with me today and she nominated me and
16 I won Mentor of the Year several years ago. I've also
17 done community service. I've been an adjunct
18 professor at Lander. Anybody who's done that knows
19 you do not do that for the money and so I've done
20 that. So I think serving your community is important
21 and being public service is very important. So for
22 those reasons, I think I'm well suited for the bench.

23 **Q. Thank you. Ms. Merrill, the commission received 138**
24 **ballot box surveys regarding you with 18 additional**
25 **comments. The ballot box survey, for example, contain**

1 the following positive comments. Jane will make an
2 excellent judge. She is smart, fair, and driven. She
3 will work tirelessly to do her job well. I have seen
4 her try a number of cases and interact with other
5 lawyers for several years. She is kind, caring,
6 passionate, and hard working. Three of the 18
7 comments expressed concerns about your temperament to
8 be a judge. What response would you offer to this
9 concern?

10 A. It's always my goal to be respectful to everyone. In
11 the courtroom, outside the courtroom, and I would
12 continue to do that. And it saddens me to think that,
13 perhaps, I do not do that or, you know, these folks
14 had this impression. It's hard to address it directly
15 without knowing more context. But certainly, you
16 know, I do always try to respect people, like I said,
17 both inside and out of the courtroom.

18 Q. Thank you. In your last screening, you told the
19 Commission that you're plaintiff in a pending action
20 in Abbeville County that involves a dog attack. Since
21 your last screening, would you please tell us the
22 status of this lawsuit?

23 A. So there is a -- the defendant is in default and there
24 is default judgement hearing scheduled for December
25 18th, I believe, in Abbeville. The primary plaintiff

1 is my uncle. He ended up with some medical bills and
2 he was injured and was in the hospital overnight. My
3 interest is very limited to vet bills.

4 Q. Thank you. I would note that the Piedmont Citizens
5 Committee reported that Ms. Merrill is well qualified
6 as to the evaluative criteria of ethical fitness,
7 professional and academic ability, character,
8 reputation, experience, and judicial temperament. She
9 was found qualified in the evaluative criteria of
10 constitutional qualifications, physical health, and
11 mental stability. The Committee noted that Ms.
12 Merrill has appeared before this Committee before.
13 Then and now she has made a forceful impression on us
14 as a skilled and talented lawyer, a dedicated
15 community servant, and a person of great character and
16 integrity. We believe that she would make a fine
17 circuit court judge. Ms. Merrill, I do have a few
18 housekeeping issues I would like to go through with
19 you. Are you aware that as a judicial candidate you
20 are bound by the Code of Judicial Conduct as found in
21 Rule 501 of the South Carolina Appellate Court rules?

22 A. I am.

23 Q. And since submitting your letter of intent, have you
24 contacted any member of the Commission about your
25 candidacy?

1 A. I have not.

2 Q. Since submitting your letter of intent, have you
3 sought or received the pledge of any legislator prior
4 to this date or pending the outcome of your screening?

5 A. I have not.

6 Q. Are you familiar with section 2-19-70 including
7 limitations on contacting members of the General
8 Assembly regarding your screening?

9 A. I am.

10 Q. Have you asked any third parties to contact members of
11 the General Assembly on your behalf or are you aware
12 of anyone attempting to intervene in this process on
13 your behalf?

14 A. I have not. I'm not aware of anyone trying to
15 intervene.

16 Q. Have you reviewed and do you understand the
17 Commission's guidelines on pledging and South Carolina
18 Code Section 2-19-70(e)?

19 A. Yes, I am familiar with those.

20 MS. STARNES: Mr. Chairman, I would note for the
21 record that any concerns raised during the
22 investigation by staff regarding the candidate
23 were incorporated into the questioning of the
24 candidate today. Mr. Chairman, I have no further
25 questions.

1 CHAIRMAN CASKEY: Thank you, ma'am. Do members of the
2 commission have any questions or comments for Ms.
3 Merrill?

4 SENATOR RANKIN: Chairman.

5 CHAIRMAN CASKEY: Chairman Rankin. As it was,
6 Chairman Rankin.

7 EXAMINATION

8 BY SENATOR RANKIN:

9 Q. Custom and design, I think, is the term. Right on
10 time and me right out of the gate. Ms. Merrill,
11 welcome back.

12 A. Thank you.

13 Q. I am aware and familiar with at least one of the
14 letters of -- authors, Ms. Himpie, who I know well,
15 who writes glowingly about your candidacy and your
16 balance, your professionalism. And then a little side
17 note, if I may. My father was a judge, a county judge
18 that then became a special circuit court judge way,
19 way back in the day. And one particular civil case
20 that he had before him, a jury trial involved the
21 Tams, a beach music group. Perhaps you've heard of
22 them.

23 A. I have.

24 Q. And they were suing, I think a hotel, the Holiday Inn
25 that they had performed for and I think the case

1 bottom line centered on whether they should have been
2 paid something that they didn't get. My father
3 requested of the Tams' lawyer that before the verdict
4 was rendered, either way good or bad for them, that at
5 the end of the case before they dismissed the jury,
6 that the Tams would sing a song. I wonder with the
7 Church, your Bishop's letter noting your being a
8 depended soloist in the Church, whether you might
9 regale Todd Rutherford something like that. Or could
10 he find you on YouTube to celebrate your voice.

11 A. I hope not find me on YouTube and perhaps in a less
12 formal setting, certainly.

13 Q. We have seen multiple candidates each with very unique
14 backgrounds. Today seems to be a unique day with a
15 caddy at Kiawah and now a soloist who obviously is
16 great in need this time of year. Do you have any gigs
17 with the church between now and Christmas?

18 A. So we have a traditional lessons and carol service on
19 December 17th so I'll do that and we have a little
20 trio for that.

21 Q. Very good. Thank you for that gift. And then, again,
22 thank you with -- the first guy today -- persistence.
23 He has run before. You have run before. My question
24 to you now back specific to your candidacy. What have
25 you done differently since your last run? What have

1 you, not by gentle suggestion or by something you took
2 away from that last screening experience, to prepare
3 to be ready now -- more ready now for service if you
4 were so screened and nominated and, ultimately, picked
5 by majority of 170 House and Senate members?

6 A. Certainly. I've -- well, I've tried -- well, I
7 already had tried a lot of jury trials but I've tried
8 several of those in the past year. And I have also
9 really prepared for this hearing in kind of reviewing
10 things and trying to kind of figure out -- and, of
11 course, it's a, you know, similar people most of the
12 time but not always the exact same make up. Kind of
13 what the Commission, you know, may be looking for and
14 all of that. So I know one thing that was brought up
15 in my last screening was, I mean, I don't have a lot
16 of civil experience but I did work in a civil defense
17 firm for three years. But the question specifically
18 asked in the last five years to give those
19 percentages. So I have done less civil work more
20 recently but I still primarily practice in circuit
21 court.

22 Q. **The 29 cases you reference have gone to trial and**
23 **resulted in verdict. Were those criminal only or --**

24 A. No, it was --

25 Q. -- was it family court because it could --

1 A. It was criminal, common pleas, and family court. And
2 I think I put that on my PDQ to qualify.

3 Q. You reference -- in fairness to you, 29 gone to trial
4 and resulted in verdict, approximately, -- including
5 criminal and general sessions family court and civil
6 cases in common pleas, what -- what type posture of
7 civil cases were you involved in that went to trial
8 and verdict?

9 A. So I had a case where an elderly woman fell in the
10 movie theater and that case went to trial. And I was
11 actually brought on by another attorney because she
12 does a lot of workers' comp law but doesn't -- hasn't
13 done much in circuit court. So I was kind of brought
14 on by her to help and then I ended up kind of taking
15 the lead during the trial because she had not tried a
16 case yet. So I've tried that as far as civil goes.
17 And I've also -- I think this will be outside of the
18 five years so I'm trying to think about when this
19 other civil case was where I represented a business
20 who was trying to recoup. They terminated an employee
21 but the paperwork didn't go through properly,
22 essentially, so the former employee continued to
23 receive a paycheck and with one headquarters being
24 somewhere else and things like that, they didn't catch
25 it for a little while. I can't recall off the top of

1 my head if that was within or outside the five year.
2 But that's two civil trials specifically that I can
3 think of.

4 **Q. You're a mediator in both, I guess, mostly family
5 court or is it all stripes --**

6 A. I'm only certified in circuit but I do family court
7 mediations as long as the parties agree. So by the
8 Court rules, I can't be appointed for a family court -
9 - like a family court judge can't appoint me because I
10 don't have that official certification but the parties
11 can agree to use me for -- as a mediator.

12 **Q. Okay. And then finally, Jerry Peace writes about you.
13 Your -- and he is a federal administrative law judge.
14 What area is he?**

15 A. He does Social Security.

16 **Q. Okay. And he says great things about you.**

17 A. Thank you.

18 SENATOR RANKIN: All right. That's all for me. Thank
19 you, ma'am.

20 CHAIRMAN CASKEY: Ms. Blackley.

21 MS. BLACKLEY: Thank you, Chairman.

22 EXAMINATION

23 BY MS. BLACKLEY:

24 **Q. Good morning. Yeah, it's still morning.**

25 A. Good morning.

1 Q. I just wanted to -- I was -- Senator Rankin asked you
2 a couple of questions about your experiences. I
3 wanted to know a little bit more about your civil
4 background and I get that, I think, it's been one case
5 within the last three years.

6 A. I think that other one I referenced would be prior to
7 that timeframe.

8 Q. But before then, you do have civil experience based on
9 having worked for a firm?

10 A. Yes. When I was with that civil defense firm, I tried
11 four or five cases and I also argued motions for
12 summary judgement. You know, motions to compel,
13 defended motions for summary judgement. Things like
14 that.

15 Q. Okay, great. Last question. In regards to the --
16 some of the -- some of the ballot box comments in
17 regards to temperament, I'm sure you're aware of the -
18 - of a couple of them in regards to your temperament.
19 How would you address that to this Commission in
20 regards to being what one would say vindictive or
21 petty? I look at these and I was -- it brought pause
22 to me because you have some that say that and then you
23 have one that says that you can basically be easily,
24 what I would assume or interpret, is soft and would
25 cry. I would like you to address that to us in

1 **regards to where you think that might -- someone may**
2 **have interpreted that from you.**

3 A. So as far as whether I cry, I certainly maintain my
4 composure in court. I think if I didn't, there would
5 be many comments that say I don't. But I will say
6 that I don't think crying is necessarily a sign of
7 weakness. And the job we do is hard. And I will give
8 you an example of a case I cried about. When I was a
9 prosecutor, I prosecuted a sexual predator who
10 infected a young girl with HIV. During the trial, of
11 course, I had my -- maintained my composure during
12 court. I absolutely did. But I will tell you when I
13 got in my car, I shed a few tears on my way home to go
14 home to my own two daughters. I mean, it was a
15 terrible case. But I don't think there's any shame or
16 problem with having compassion for a victim for whom
17 I'm seeking justice. That wasn't done in the
18 courtroom. That was privately in my car on my way
19 home. I don't know if someone saw this and -- I can't
20 speak exactly to it without more details but, you
21 know, sometimes the work we do is difficult and
22 sometimes it does bother me but not in the courtroom.

23 **Q. What about the temperament issue that some folks have**
24 **raised?**

25 A. I guess the one way I would address that is it's hard

1 to specifically -- like petty and vindictive, I really
2 don't -- I don't know where that's coming from and I
3 feel like if that were truly a universal issue, there
4 were would be numerous comments with that. And so
5 without more specific -- specifics it's harder for me
6 to specifically tell you why someone would say that.
7 I will say I have tried some really tough cases
8 sometimes. I mean, I had a murder case that was very
9 intense and when my client was acquitted, I distinctly
10 remember, you know, some folks on the other side being
11 very, very upset about it. I don't -- I'm not saying
12 it came from that case. I don't know that. But I'm
13 just using that as an example of where it might -- you
14 know, somebody could just be upset about a particular
15 case, you know, or something like that.

16 Q. Well, with a lot of comments that I've seen on
17 multiple candidates, you get some very positive and
18 you get some -- some not so positive. I would just
19 encourage you to continue to tredge on and be as firm
20 and focused as you need to be and not let that be a
21 worry. But I did want to address it since it was
22 mentioned. But you're right. If it probably was a
23 problem, you'd probably have a lot more. I thank you
24 for coming back and -- and doing with -- following up
25 with what was given you -- given to you as far as

1 **advice on trying to complete all areas of being**
2 **qualified.**

3 MS. MERRILL: Thank you.

4 CHAIRMAN CASKEY: Senator Sabb.

5 SENATOR SABB: Thank you, Mr. Chairman. I really want
6 to do more of an editorial than -- than anything,
7 I think. I mean, I just want to congratulate you
8 on being such a scholar. When you look back at
9 how you performed both in undergrad and in law
10 school, I mean, I just -- I think it's -- it's
11 extraordinary. So I just wanted to compliment
12 you on you law review and the mock trial stuff
13 and all of that. And then the other part, as I
14 looked at your career, when you talked about your
15 family and being committed to public service, I
16 think it shows in every aspect of -- of your
17 professional career. And I think to have someone
18 to come from Ohio to be here with you, I just
19 think speaks volumes to -- to the impact you've,
20 obviously, had on her life. And for you to give
21 of your time to mock trial since 2013 -- I did it
22 for -- for two and a half years hard and then
23 after that from time to time but I know the
24 dedication it takes, the time it takes, and all
25 of that, and I know the impact that you have on

1 the lives of those kids because I've had, I
2 think, three now in the short period of time when
3 I was there either in law school or one trying to
4 get into law school, and I know that that
5 experience, you know, just has a good impact on
6 their life. And then the other part is the work
7 you do for veterans with appeals and those kinds
8 of things. That's probably not one of the more
9 financially rewarding areas of practice and not a
10 whole lot of people do it. But if there's
11 anybody who we ought to do work for, it's our
12 veterans. And so when I look at what you do with
13 your law practice and outside of your law
14 practice, I'm proud to witness lawyers doing that
15 kind of work. And so I just have an appreciation
16 for how you've gone about the business of living
17 a lawyerly life. So I just want to congratulate
18 you and wish you good luck on the rest of the
19 journey.

20 MS. MERRILL: Thank you. I appreciate that. I'll --
21 I'll share with you one of my former mock trial
22 students is a 2L at USC. And I guess he was in
23 the pro bono office and they were talking about,
24 I guess, the list of candidates and he reached
25 out to me and he said I saw your name on the list

1 of judges -- or running for judge. I thought
2 that was really great, you know. So I still try
3 to keep in touch with them as much as I can. So
4 I'm really proud of all of them.

5 SENATOR SABB: Thank you.

6 MS. MERRILL: Thank you.

7 CHAIRMAN CASKEY: Other members of the Commission
8 comments or questions? All right, seeing none,
9 Ms. Merrill, thank you so very much for being
10 here today. I do need to take a moment to remind
11 you that pursuant to the Commission's evaluative
12 criteria, the Commission expects candidates to
13 follow spirit as well as the letter of the ethics
14 laws and we will view any violations with the
15 appearance of impropriety, we would view
16 seriously and potentially deserving of very heavy
17 weight in our screening deliberations. The
18 record will remain open until the formal release
19 of the report of qualifications. And you could
20 be called back at such time if the need were to
21 arise. So that will conclude this portion of our
22 screening process. Thank you very much for being
23 here today and thank you for offering for service
24 to the State of South Carolina.

25 MS. MERRILL: Thank you. Thank you all.

1 CHAIRMAN CASKEY: And thank y'all for being here too.

2 (Off the record)

3 CHAIRMAN CASKEY: We will go back on the record. In
4 front of us, we have Mr. Christian Spradley who
5 is a candidate for Seat 16 of the circuit court
6 bench which is, of course, an at large street.
7 Mr. Spradley, did I get all of that correct?

8 MR. SPRADLEY: Yes, you did sir. Thank you.

9 CHAIRMAN CASKEY: All right. If you would please,
10 raise your right hand.

11 WHEREUPON:

12 CHRISTIAN SPRADLEY, being duly sworn and
13 cautioned to speak the truth, the whole truth and
14 nothing but the truth, testifies as follows:

15 CHAIRMAN CASKEY: Fantastic. There should be some
16 documents in front of you. If you would have a
17 look at those, please.

18 MR. SPRADLEY: Yes, sir.

19 CHAIRMAN CASKEY: Are those the personal data
20 questionnaire and the sworn statement that you
21 have submitted to the commission?

22 MR. SPRADLEY: They are.

23 CHAIRMAN CASKEY: Are there any updates or corrections
24 that need to be made?

25 MR. SPRADLEY: There's not.

1 CHAIRMAN CASKEY: Do you have any objection to our
2 entering those into the record as part of your
3 sworn testimony?

4 MR. SPRADLEY: No objection.

5 CHAIRMAN CASKEY: Thank you, sir. Let me give staff a
6 moment to do that.

7 (EXHIBIT NO. 11 MARKED FOR
8 IDENTIFICATION PURPOSES (16 pages)
9 PDQ - Christian Spradley)

10 (EXHIBIT NO. 12 MARKED FOR
11 IDENTIFICATION PURPOSES (8 pages)
12 Sworn Statement - Christian
13 Spradley)

14 CHAIRMAN CASKEY: The Judicial Merit Selection
15 Commission has thoroughly investigated your
16 qualifications for the bench. Our inquiry is
17 focused on nine evaluative criteria and has
18 included a ballot box survey, thorough study of
19 your application materials, verification of your
20 compliance with state ethics laws, search of
21 newspaper articles in which your name appears,
22 study of any previous screenings, and a check for
23 economic conflicts of interest. We have received
24 no affidavits filed in opposition to your
25 election and no witnesses are present to testify

1 today. Before recognizing you for an opportunity
2 to make any brief opening comments, if you wanted
3 to do so, I do want to want to give you a chance
4 to introduce these folks who have joined you here
5 this morning.

6 MR. SPRADLEY: Thank you. With me my wife, Kristie,
7 and my two daughters, Reese and Morgan.

8 CHAIRMAN CASKEY: Thank you all for being here today.

9 It's a big day and we're glad to have you. So,
10 Mr. Spradley, as I said if you'd like to make any
11 brief opening remarks --

12 MR. SPRADLEY: I'll waive outside of thanking your
13 staff. You've got a great staff. Lindi and Erin
14 are awesome. And they've -- for a first time
15 person coming through, it made a very strange
16 path a lot easier to come through.

17 CHAIRMAN CASKEY: Outstanding. Mr. Fiffick.

18 MR. FIFFICK: Thank you, Mr. Chairman.

19 EXAMINATION

20 BY MR. FIFFICK:

21 Q. I note for the record that based on the testimony
22 contained in the candidate's PDQ which has been
23 included in the record with the candidate's consent,
24 Mr. Spradley meets the constitutional and statutory
25 requirements for this position regarding age,

1 residence, and years of practice. Mr. Spradley, how
2 do you feel your legal and professional experience
3 thus far renders you qualified and will assist you in
4 being an effective circuit court judge?

5 A. I believe I'm a -- a unique candidate in that I have
6 practiced in a large are of law. I started out as a
7 public defender. Worked there for three years. Then
8 I worked as a solicitor as three years. And then
9 luckily, I was hired for the law firm that I'm with
10 now, the Moore, Bradley, Myers Law Firm where I'm the
11 managing partner. Where I'm at now, we opened an
12 office in Saluda, a small town. You have to be able
13 to do a little bit of everything in a small town and
14 I've had to do that. I've represented Saluda County.
15 I have represented municipalities. I've done civil
16 work, plaintiff's work. I've done a little bit of
17 insurance defense work because our firm does some of
18 that. I have done property litigation. I have
19 practiced in probate court. I've touched a little bit
20 of a lot of different areas of law and I think that's
21 important for somebody being on the bench. And I also
22 believe that being the managing partner of a firm our
23 size, I think we have probably 50 employees all the
24 way around now, is pretty good experience. I also
25 served as the town judge for the town of Ridge Spring

1 many, many, many years ago and I think that was a
2 great experience also.

3 Q. Thank you, sir. The commission received 144 ballot
4 box surveys regarding you with 30 additional comments.
5 The ballot box survey, for example, had the following
6 kind comments. Outstanding attorney of the highest
7 character. Great attitude and universally well
8 respected. And a kind, intelligent lawyer that would
9 do excellent on the bench. Nine of the written
10 comments expressed concerns regarding your judicial
11 temperament and perhaps you might be quick to anger.
12 How would you respond to these concerns?

13 A. First off, those trouble me greatly. That's not who I
14 am and that's not who I want perceived by others.
15 Unfortunately -- or fortunately, how you're perceived
16 by others is their reality. And that's something that
17 moving forward I would have to, obviously, work on. I
18 was actually in a roll call a few weeks ago and this
19 lawyer that I sort of knew walked in, and I said
20 something to him about his shoes because I had the
21 same exact pair of shoes on. They were almost tennis
22 shoes like shoes. And I said man, nice shoes. And he
23 turned around and kind of snapped at me and I realized
24 he couldn't see that I was wearing the same shoes.
25 And his perception of me at that moment, if I hadn't

1 stepped out, would have been very different even
2 though I didn't mean anything by it. But his
3 perception is what is important. And moving forward,
4 I would have to -- I feel like I would need to spend
5 more time or be more mindful of how others may see
6 something that I say or do.

7 Q. Thank you, sir. I just now have a few housekeeping
8 issues before -- I will note that the Midlands
9 Citizens Committee reported that Mr. Spradley is
10 qualified as to his constitutional qualifications,
11 physical health, and mental stability. The committee
12 found Mr. Spradley well qualified in the remaining
13 evaluative criteria of ethnical fitness, professional
14 and academic ability, character, reputation,
15 experience, and judicial temperament. Noting that Mr.
16 Spradley is well qualified all the way around,
17 pleasant, and enduring. Just a couple of housekeeping
18 issues for you. Mr. Spradley, are you aware that as a
19 judicial candidate you are bound by the Code of
20 Judicial Conduct as found in Rule 501 of the South
21 Carolina Appellate Court rules?

22 A. Yes, sir.

23 Q. And since submitting your letter of intent, have you
24 contacted any member of the Commission about your
25 candidacy?

1 A. No, I have not.

2 Q. Since submitting your letter of intent, have you
3 sought or received the pledge of any legislator prior
4 to this date or pending the outcome of your screening?

5 A. No, I have not.

6 Q. Are you familiar with section 2-19-70 including
7 limitations on contacting members of the General
8 Assembly regarding your screening?

9 A. Yes.

10 Q. Have you asked any third parties to contact members of
11 the General Assembly on your behalf or are you aware
12 of anyone attempting to intervene in this process on
13 your behalf?

14 A. No, I have not and do not.

15 Q. And finally, have you reviewed and do you understand
16 the Commission's guidelines on pledging in South
17 Carolina Code 2-19-70(e)?

18 A. Yes.

19 MR. FIFFICK: Mr. Chairman, I would note for the
20 record that any concerns raised during the
21 investigation by staff regarding the candidate
22 were incorporated into the questioning of the
23 candidate today. Mr. Chairman, I have no further
24 questions.

25 CHAIRMAN CASKEY: Thank you. Mr. Spradley before I go

1 to anybody else, I just want to note for the
2 record, and to you that we, of course, all join
3 in sadness with the passing of your friend -- our
4 friend and your law partner, Stanley Myers. And
5 I think I would remiss if I didn't point that
6 out.

7 MR. SPRADLEY: Well, I appreciate that very much.

8 It's been one of the toughest things I've had to
9 deal with. Stanley was like a brother to me and
10 a huge part of our firm. And, you know, Jake was
11 already out with some health problems and that
12 just compounded a lot of things. And it makes
13 you think about your own mortality when somebody
14 that young that is in that kind of health just
15 passes away that quickly. I appreciate that.

16 CHAIRMAN CASKEY: With that being said, members of the
17 Commission have questions for comments from Mr.
18 Spradley?

19 EXAMINATION

20 BY CHAIRMAN CASKEY:

21 Q. Well, let me ask here then as others gather their
22 thoughts. And you talked about this with Mr. Fiffick
23 and I certainly don't mean to dwell on the negative
24 but some of the comments did come back on the ballot
25 box survey which, of course, you're not privy to in

1 full, or really at all other than what we share here.
2 There are so many that speak to your excellence as an
3 attorney, your reputation as a person, and being a man
4 of character. And I don't think there's any
5 questioning your knowledge of the law. There are
6 some, though, who perceive that you would be
7 susceptible to robe-itis, or the condition which some,
8 unfortunately, have found themselves afflicted that
9 comes sometimes with sitting on the bench, and I just
10 want to give you an opportunity to respond to that
11 more fully and why we should not see that as
12 precluding your election, or qualifications.

13 A. I don't believe that I would be that kind of person.
14 You know, until somebody puts the robe on, I guess
15 there's really no way to really know the person till
16 that happens. But, you know, when I was the town
17 judge in Ridge Spring, I found that it was a very
18 different mind set that when I was sitting on the
19 bench as the town judge than being a -- a litigator
20 and being a proponent, or a gladiator in the ring, for
21 a client. And I think that experience was great for
22 me. I worry about how people think of me. I would
23 want to model myself after Judge Keesley. I mean, I
24 remember reading -- I had somebody get me a copy of
25 his transcript when he was actually sworn in and how

1 he spoke about that if he ever started getting robe-
2 itis for somebody to tell him that he had a hanging
3 thread from his robe and he would know what they
4 meant. And I kind of took that to -- to heart that --
5 that I would hope that if that happened, and I don't
6 think it would, but that I would listen to other
7 people and change what I was doing. But I don't
8 believe that that would be a problem for me.

9 CHAIRMAN CASKEY: Senator Rankin.

10 SENATOR RANKIN: Thank you, Mr. Chairman.

11 EXAMINATION

12 BY SENATOR RANKIN:

13 Q. To that last point, I can't help but tack to the
14 Spearman husband and wife, I guess, Molly who I know
15 well and the comments that she has about you. I
16 cannot imagine her knowing you as long as she has ever
17 imagine you becoming a judge that she may never appear
18 before but that you have appeared before and walked
19 out grimacing. So that's a slightly editorial but to
20 that point, let me just ask you. You've been in front
21 a judge, or judges, who wore the robe like, what, not
22 silk glove with an iron fist. They wore it like a
23 buzz saw. Without naming that experience and that
24 judge, is that a fair statement that you've
25 encountered someone who did not have the temperament

1 or was not having a good day, and took it out on
2 either your or the litigants in the courtroom?

3 A. Yes, sir. My first job was as a public defender in
4 Aiken County and that was many years ago. And I never
5 had a problem with that judge personally. I saw that
6 judge say and do things to other people that shocked
7 me but I can't see myself being that way. And as you
8 point out, I've known Ms. Spearman -- I think my
9 brother was a page for her when she was in the House.
10 So I've known her a very, very long time. Her son was
11 a law clerk for our law firm. But I have -- I have
12 been around judges that have done things that I didn't
13 agree with or I thought were too harsh.

14 Q. And, of course, Molly knows you.

15 A. Yes, sir.

16 Q. And the folks that have commented overwhelmingly
17 glowingly about you though the negative, though in the
18 minority, commenters have said the other. Judge
19 Keesley would, obviously, be a person you would want
20 to be compared too. Who else? Well, no, first why
21 Judge Keesley? And then who else and why would you
22 want to be compared to favorably?

23 A. In preparing this, I kind of went through and I kind
24 of don't want to leave any judge out because I think
25 we have a bunch of great jurists in the state. But

1 the first one that came to mind is Justice Kittredge
2 because he is just such a great professional person
3 and he is such a great proponent in public for the bar
4 and for the bench. Judge Verdin and her temperament
5 is awesome. She controls her courtroom very, very
6 well in a way that I don't think anybody would ever be
7 upset with her. And Judge Keesley because he -- he --
8 his temperament is he's always very quiet, he's always
9 very nice to everybody that's in the courtroom, and he
10 lets you know that he cares about what he's ruling on.
11 He doesn't just rule. A lot of time, he worries about
12 his rulings and he is a proponent of the rule of law
13 and whatever the law says that's what he's going to
14 follow. He's not going to make something up to fit
15 the facts. He's going to follow what's been passed by
16 y'all.

17 **Q. You do have a mix of civil/criminal 30 percent-ish on**
18 **each, and you have prosecuted cases too. And tell me**
19 **your view of the role of the solicitor in the Court in**
20 **terms of your experience that you would draw from in**
21 **terms of being fair to both the proponent and opponent**
22 **of a plea and/or sentencing.**

23 **A.** Now, you're going to make me wish I had written down
24 the name of this case. There was a case, and I'm not
25 going to remember the name of it, but when I was a

1 prosecutor, I had a quote from that case on the back
2 of the door to my office so when I shut the door, I
3 saw that -- that -- that case. I'm not going to be
4 able to quote it exactly but it goes into saying that
5 a prosecutor is a quasi judicial position. The
6 solicitor and the prosecutor they are supposed to
7 represent society and society includes the defendant.
8 And so the prosecutor has a duty to make sure that
9 when they are prosecuting somebody that they are doing
10 it within the law. That they're not doing something
11 that they shouldn't do. And that's why the
12 prosecutors are given so much power in our state. And
13 having been on that side -- you know, a public
14 defender and a solicitor -- I've been asked before why
15 I left the public defender's office and went to the
16 solicitor's office because I felt like I could do more
17 good at the solicitor's office. I felt like that if
18 somebody needed help, I could get -- I could do
19 something to help somebody. And one thing that I've
20 done in the last two years is I went and took a class
21 to learn how to be a addiction drug -- addiction court
22 judge because that's something that if I'm lucky
23 enough to get elected that I want to volunteer to do
24 because when I was at the solicitor's, I prosecuted a
25 lot of drug cases, and -- and all of y'all know, drugs

1 touch 80/85 percent of every crime that -- that we
2 deal with. And sometimes we need to be able to -- or
3 most of the time we need to be able to help those
4 people and find some way to get them treatment,
5 whether it's through mental health court, whether it's
6 through veteran's court, whether it's through drug
7 court. I maybe went off the rails there a little bit
8 answering your question.

9 **Q. No, you didn't. In Horry County in the more rural**
10 **areas, we call what you do in your volunteer work**
11 **out'n a fire. What do y'all call it as a volunteer**
12 **fireman when you go respond and successfully put a**
13 **fire out?**

14 **A.** It's going and doing a job. I mean, that's what we
15 called it when I worked for the City of Columbia and
16 it's the same for a volunteer as it is for a paid
17 person. Same danger, same training, same everything.
18 But out'n a fire, I've heard that too. That's a good
19 country word.

20 **Q. O-u-t apostrophe N.**

21 **A.** Yes, sir, I think that's right.

22 CHAIRMAN CASKEY: Oh, the things we learn. Other
23 members of the commission. Mr. Safran.

24 EXAMINATION

25 BY MR. SAFRAN:

1 Q. Mr. Spradley, appreciate you being here. Just a
2 couple of points. You've been actively involved in,
3 more or less, adversarial proceedings for 20 plus
4 years. That's fair?

5 A. Yes, sir.

6 Q. And, you know, I think at times, I like to look at
7 these ballot boxes and kind of have a different
8 context. I mean, if you've got a sitting judge where
9 you start getting these kind of reports about robe-
10 itis and poor behavior, you look at it and say yeah,
11 you know, you're already there. I think I pay less
12 attention to it when they're talking about somebody
13 who's been involved in an active trial practice
14 because, unfortunately, you can't avoid upsetting
15 people sometimes even if you don't intend to do it.
16 And I'm hearing from you that if those statements are
17 being made, a lot of it's probably coming from the
18 heat of battle, I guess, whether it's true or
19 perceived. I mean, is that --

20 A. That's exactly. I mean, and if -- if I knew who they
21 were, I'd apologize to them right now. Maybe they'll
22 watch this and they'll see me apologize to them.
23 Because I don't want anybody to take anything personal
24 that I've ever done as a lawyer. That's one thing I
25 think that within our profession, we've kind of lost.

1 I mean, I remember when I first started, the public
2 defender's office, the solicitor's office, and the
3 judge we'd all go eat lunch once a week whenever we
4 had a term of court and it's gotten to where now, man,
5 everybody just hates each other. And it's bad.
6 People take things much too personal now than they
7 should because it's an adversarial thing where we go
8 in there and beat each other over the head, and walk
9 out and shake hands is the way it should be.

10 Q. Well, when I started out, I think it was the same as
11 what you're describing where people could be collegial
12 but still be able to maintain opposite positions, you
13 know, on the record in professional context. But I
14 think there's been a tendency to get away from that
15 primarily because there -- it's a perception that if
16 you're trying to be friendly with everybody that you
17 can't be doing your job but I don't believe that's the
18 case. I, too, have been down with the judge in Aiken,
19 or the former judge in Aiken. Look, unfortunately, or
20 fortunately, I never had to take the lash on that but,
21 I mean, I'm sure there are plenty of people who did.
22 So you've, at least, seen things that have gotten your
23 attention in terms of what comes from the bench and
24 you understand that it does have implications. Is
25 that --

1 A. That is very true, yes, sir.

2 Q. I think you'd agree with me that in the course of time
3 that you've been practicing you've seen the attitude
4 towards how the judges behave has changed
5 dramatically.

6 A. Very much.

7 Q. I mean, it used to be Judge Keesley to some extent
8 might have been an aberration.

9 A. That's true.

10 Q. But I think most people are kind of looking at him, or
11 somebody like him, as kind of the model now. And I
12 think you've also picked up on the fact -- you're
13 right, I don't think anybody's ever had a cross word
14 for Judge Verdin.

15 A. I don't think.

16 Q. I don't think. And, I guess, looking at what she does
17 and how well she does it, and at the same time seeing
18 how nobody can think of anything derogatory to say
19 proves that it can be done.

20 A. Yes, sir.

21 Q. Let me ask you this. You, I guess, -- you were a
22 firefighter actually for the city of Columbia at one
23 point?

24 A. Yes, sir.

25 Q. Was that part-time or was that a full-time --

1 A. No, sir. When I graduated -- when I graduated from
2 undergrad, I was working for the Aiken Public Safety
3 at the time as a full-time firefighter. I went to
4 USC-Aiken. And when I got out, I applied to law
5 school and didn't get in. And so I went to work for
6 the city of Columbia for three years. And then I met
7 my wife and decided that I didn't want to spend one
8 out of every three nights away from her. And I
9 applied to a few more law schools and when I got
10 accepted, I went to see Chief Jantzen and I said
11 Chief, I got accepted to law school. I'm thinking
12 about going. And he said, well, Chris, you're fired.
13 He said if you don't make it, you can come back and
14 I'll give you your job back but you're going to go to
15 law school. You're going to go try it because it's an
16 opportunity that most people don't get. And I've been
17 thankful to him my entire life for that because he's
18 right. You know, I still volunteer today. He said
19 you can go volunteer as a fireman but being a lawyer
20 is something not everybody can do.

21 **Q. And, well, I think, probably having done that for**
22 **those three years really kind of brings a different**
23 **perspective to things. I mean, I've represented**
24 **firefighters. I know how much it takes to do that. I**
25 **mean, it's not just a disruption of schedule. It's a**

1 danger that you face, literally, every time you go
2 out.

3 A. Yes, sir.

4 Q. It sounds like to me this is something you've been
5 really wanting to do now for quite a while.

6 A. Yes, sir. I actually spoke to Judge Keesley about it
7 many, many, many years ago and just waiting on the
8 right time in my life. I mean, I've got one daughter
9 that's out of college and one's that -- she's a junior
10 over at Carolina right now. And it's just the right
11 time struck.

12 Q. On top of that, do you really think, though, that the
13 experiences that you've gotten in that period since
14 you first started bringing it up really have made you
15 more aware of what the job entails and also maybe
16 helped you develop in a way where if, by chance,
17 sometimes, you know, people do get angry in the
18 context of litigation, that we understand that as a
19 judge, it's a different game -- ball game altogether.

20 A. Oh, yes, sir. I mean, like I said earlier, being a
21 litigator is a complete different mind set than --
22 than being a judge. I mean, a judge -- hopefully --
23 hopefully, if I'm lucky enough to be elected that I'll
24 be -- people will leave the courtroom understanding
25 why what happened happened, and maybe not like it, but

1 be okay with it.

2 MR. SAFRAN: Thank you very much.

3 MR. SPRADLEY: Thank you.

4 CHAIRMAN CASKEY: Other members of the commission
5 comments or questions? All right, seeing none
6 then, Mr. Spradley, this will conclude this part
7 of the screening process. I do need to take a
8 moment, though, to remind you that pursuant to
9 the Commission's evaluative criteria, the
10 Commission expects candidates to follow the
11 letter as well as the spirit of the law. We will
12 view any violation or the appearance of
13 impropriety, as serious and potentially deserving
14 of very heavy weight in our screening
15 deliberations. The record will remain open until
16 the formal release of the report of
17 qualifications. And you could be called back at
18 such time if the need were to arise. And with
19 that, I thank you very much for being here today
20 and thanks to your family for joining us, and
21 thank you, sir, for offering for service to the
22 State of South Carolina.

23 MR. SPRADLEY: Thank y'all.

24 (Off the record)

25 CHAIRMAN CASKEY: All right, ladies and gentlemen, we

1 will go back on the record. Before us now we
2 have Mr. Boyd Young, who is a candidate for the
3 circuit court bench Seat 16, which is an at large
4 seat. Do I have that all right, sir?

5 MR. YOUNG: Yes, sir.

6 CHAIRMAN CASKEY: All right, if you would please,
7 raise your right hand.

8 WHEREUPON:

9 BOYD YOUNG, being duly sworn and cautioned
10 to speak the truth, the whole truth and nothing
11 but the truth, testifies as follows:

12 CHAIRMAN CASKEY: Thank you. There should be
13 documents in front of you. If you would, please,
14 take a look at those.

15 MR. YOUNG: I have.

16 CHAIRMAN CASKEY: Are those the personal data
17 questionnaire and the sworn statement that you've
18 submitted to the commission?

19 MR. YOUNG: They are.

20 CHAIRMAN CASKEY: Are there any updates or changes
21 that need to be made?

22 MR. YOUNG: No, sir.

23 CHAIRMAN CASKEY: Do you have any objection to our
24 entering those onto the record as part of your
25 sworn testimony?

1 MR. YOUNG: No, sir.

2 (EXHIBIT NO. 13 MARKED FOR
3 IDENTIFICATION PURPOSES (14 pages)
4 PDQ - Boyd Young)

5 (EXHIBIT NO. 14 MARKED FOR
6 IDENTIFICATION PURPOSES (5 pages)
7 Sworn Statement - Boyd Young)

8 CHAIRMAN CASKEY: Thank you. The Judicial Merit
9 Selection Commission has thoroughly investigated
10 your qualifications for the bench. Our inquiry
11 has focused on the nine evaluative criteria and
12 has included a ballot box survey, a thorough
13 study of your application materials, verification
14 of your compliance with state ethics laws, search
15 of newspaper articles in which your name appears,
16 the study of previous screenings, and a check for
17 economic conflicts of interest. We have received
18 no affidavits filed in opposition to your
19 election and no witnesses are present to testify.
20 If you have any brief opening remarks, we'd be
21 happy to hear from you. Otherwise, I'll just
22 recognize staff counsel to begin questions.

23 MR. YOUNG: Please continue.

24 CHAIRMAN CASKEY: All right. Mr. Davidson.

25 MR. DAVIDSON: Good afternoon, Mr. Young.

1 MR. YOUNG: Afternoon.

2 MR. DAVIDSON: Good to see you.

3 EXAMINATION

4 BY MR. DAVIDSON:

5 Q. I note for the record that based on the testimony
6 contained in the candidate's PDQ which has been
7 included in the record with the candidate's consent,
8 Mr. Young meets the constitutional and statutory
9 requirements for this position regarding age,
10 residence, and years of practice. Mr. Young, how do
11 you feel your legal and professional experience thus
12 far renders you qualified and will assist you to be an
13 effective circuit court judge?

14 A. Well, I have been a lawyer for 24 years. One of
15 those, I spent clerking. Twenty-three years I've
16 spent trying cases in circuit court either in South
17 Carolina or Georgia. In that time, I have spent a lot
18 of time in front of a lot of very good jurists and
19 learned a lot from them. I've also spent some time in
20 front of some not so good jurists and have learned a
21 lot from them as well. I have grown up in a household
22 dedicated to leadership and service. I have spent my
23 legal career in service to the citizens of South
24 Carolina and I think I would be a good candidate to
25 continue that on the bench.

1 Q. Thank you, Mr. Young. The commission received 272
2 ballot box surveys regarding your candidacy with 67
3 additional comments. The ballot box survey, for
4 example, contained the following positive comments.
5 Mr Young listens to opposing viewpoints, cares about
6 the law, and makes careful decisions. He can handle
7 large caseloads and many employees and complicated
8 internal processes. He is a respected member of the
9 legal community and has a reputation for honesty,
10 intelligence, dependability, and hard work. Four of
11 the written comments expressed concerns. Some of
12 those expressed concerns regarding impartiality based
13 on your work experience questioning the ability to be
14 impartial in criminal matters. What response would
15 you offer?

16 A. I would say that over my career, I have tried cases in
17 every circuit in South Carolina, almost every county
18 in South Carolina, and the relationships that I have
19 developed with the prosecutors that I have worked with
20 and their support -- most of my letters of support are
21 from prosecutors that I have had cases against --
22 signify that I can work well with both sides and will
23 not be disposed of being favorable to either side.

24 Q. Thank you, Mr. Young. I would note that the Midlands
25 Citizens Committee reported that Mr. Young is

1 qualified in the evaluative criteria of constitutional
2 qualifications, physical health, and mental stability.
3 And well qualified in the evaluative criteria of
4 ethical fitness, professional and academic ability,
5 character, reputation, experience, and judicial
6 temperament. The committee stated in summary no doubt
7 well qualified. Just a few housekeeping issues to run
8 through. Mr. Young, are you aware that as a judicial
9 candidate you are bound by the Code of Judicial
10 Conduct as found in Rule 501 of the South Carolina
11 Appellate Court rules?

12 A. Yes, sir.

13 Q. Since submitting your letter of intent, have you
14 contacted any member of the Commission about your
15 candidacy?

16 A. No, sir.

17 Q. Since submitting your letter of intent, have you
18 sought or received the pledge of any legislator prior
19 to this date or pending the outcome of your screening?

20 A. No, sir.

21 Q. Are you familiar with Section 2-19-70 including
22 limitations on contacting members of the General
23 Assembly regarding your screening?

24 A. Yes, sir.

25 Q. Have you asked any third parties to contact members of

1 the General Assembly on your behalf or are you aware
2 of anyone attempting to intervene in this process on
3 your behalf?

4 A. No, sir.

5 Q. Have you reviewed and do you understand the
6 Commission's guidelines on pledging and South Carolina
7 Code Section 2-19-70(e)?

8 A. Yes, sir.

9 MR. DAVIDSON: Thank you, sir. Mr. Chairman, I would
10 note for the record that any concerns raised
11 during the investigation by staff regarding the
12 candidate were incorporated into the questioning
13 of the candidate today. I have no further
14 questions. Thank you, Mr. Young.

15 MR. YOUNG: Thank you.

16 CHAIRMAN CASKEY: Thank you, sir. And, Mr. Young,
17 before we go any further, I did not see that
18 there's a gentleman behind you who, though,
19 appearing in our reference letters may be someone
20 that you want to introduce to the Commission.

21 MR. YOUNG: Sure. I'd like to introduce my uncle,
22 Jeff Young.

23 CHAIRMAN CASKEY: Judge, thank you for being here,
24 sir.

25 MR. J. YOUNG: Good to see y'all.

1 CHAIRMAN CASKEY: Glad to have you. Members of the
2 commission, questions or concerns?
3 Representative Jordan.

4 REPRESENTATIVE JORDAN: Thank you, Mr. Chairman.

5 EXAMINATION

6 BY REPRESENTATIVE JORDAN:

7 **Q. Good morning, Mr. Young.**

8 **A. Good morning, Mr. Jordan.**

9 **Q. Thank you for appearing before us and let me say I**
10 **know you and your work history speaks for itself. It**
11 **is tremendous on the criminal side not just in volume**
12 **but in complexity. You've handled some truly**
13 **difficult matters and have done so for a very long**
14 **time. But let's go ahead and jump on it. Tell me**
15 **about the civil.**

16 **A. Well, you know, the first time I ran four years ago, I**
17 **did not have a lot of civil experience. Any civil**
18 **experience I had was sort of quasi civil in a post**
19 **conviction relief aspect. Since that time, I have**
20 **dedicated myself to attending civil CLEs, watching**
21 **civil court, and the more that I've watched civil**
22 **court and the more CLEs that I attended, I realized**
23 **that what we're really doing in a capital case, or in**
24 **a death penalty case, is the first trial is a criminal**
25 **case and the second trial is really sort of a but for**

1 causation trial about how an individual got to be
2 where they are. And the more I watched civil trials,
3 the more I recognized like this is what a capital case
4 penalty trial is. It is a civil trial in finding
5 those answers, those but for answers on how somebody
6 ended up there. So while I recognize that I still
7 need more civil experience and I do continue to
8 judicially read the advance sheets every Wednesday at
9 10:00 and follow the cases, and attend as much court
10 as I can. But that's what I think about.

11 **Q. Tell me about some of the court you've attended.**
12 **Motion hearings? Trials? What --**

13 A. Trials. I generally take discovery over to the --
14 fortunately enough my office is not far from the
15 Richland County courthouse, -- and go -- sit and read
16 discovery or read depositions or work on motions and
17 just sit and watch cases. Most of them have been
18 wreck cases and a med mal case.

19 **Q. And when you say you watch the trial, you watch it all**
20 **the way from jury selection and handling whatever pre-**
21 **trial motions? I mean, --**

22 A. On the short cases, I am able to spend one or two days
23 over there for a wreck case and watch it from start to
24 finish. Other cases, I've had to go see a particular
25 expert that I wanted to watch and how that was handled

1 or how that issue was handled and I would go watch
2 that.

3 Q. Let me ask you. What have you learned from watching
4 those things as far as I'm sure you -- for instance,
5 you just talked about qualifying an expert so you've
6 seen some technical issues. What have you learned
7 about the process of running court and seeing that
8 first hand?

9 A. I think the process in running civil court was really
10 sort of -- what struck me was the way that they were
11 able to limit the issues ahead of case so we're really
12 narrowed and focused on particular issues to get those
13 answers in a case and able to direct the evidence to
14 that whereas in criminal cases it's always -- a lot of
15 it is sort of all over the place and challenging
16 everything. But the way that they were able to focus
17 it in civil cases was what I learned a lot about.

18 Q. So, and I'll wrap up. There might be other questions.
19 But so you've, obviously, tried a ton of criminal
20 cases.

21 A. Yes, sir.

22 Q. Now seeing a fair amount of civil court, is there a
23 difference in your mind and opinion as to the judge's
24 role in the process in those two different entities?

25 A. No, sir, I don't think that there is. I think the

1 judge is there to call balls and strikes and be a
2 neutral unattached umpire for the advocates for each
3 side.

4 Q. What about -- how do you square, for instance, in a
5 criminal case jury finds someone guilty. Now the
6 sentencing is squarely in the hands of the judge. On
7 the civil side, do you think a judge ever has the
8 responsibility to dive into a verdict when they find
9 it to be -- I think I'm one of the rare lawyers in the
10 state I've had additur and remittitur granted against
11 me. So how does it -- how would you process that?

12 A. Well, I've seen additur granted twice in cases and,
13 you know, I don't know how I'd personally feel making
14 that decision where a jury has said like you're at
15 fault and this is the amount. I think there are some
16 reasonable numbers and some unreasonable numbers there
17 on, you know, de minimus awards and stuff like that.
18 But -- so I think there are times where a judge has to
19 say well, that doesn't jive with what your assessment
20 was on liability and that needs to be a call that the
21 judge needs to be prepared to make.

22 REPRESENTATIVE JORDAN: Thank you.

23 CHAIRMAN CASKEY: Other members of the commission,
24 questions or comments? Mr. Strom.

25 MR. STROM: Thank you, Mr. Chairman. Representative

1 Jordan, this candidate has run several times and
2 I just want to put a couple of things on -- on
3 the record. The first time you ran, I spent a
4 good bit of time talking to you about your
5 experience because a lot of us felt like death
6 penalty lawyers are kind of a different breed.
7 You know, a lot of us train in a solicitor's
8 office and go into private practice but like the
9 death penalty guys kind of do whatever to win
10 their case. And you really educated me about
11 that and specifically I remember you had a
12 letter, or maybe more than one letter, from the
13 victim's family member who you represented the
14 person who killed their relative, as their
15 lawyer. And the victim's family wrote a letter
16 for you. And in all of my years of serving on
17 this Commission, I don't think I've seen anything
18 that's moved me as much as that because we're all
19 concerned about the perception of the judiciary,
20 the perception of the Court, everybody needs to
21 have a fair trial, and all sides need to feel
22 like they're treated fairly. And when I see a
23 guy who's a death penalty lawyer get a letter
24 from a victim's family, that tells me just
25 volumes about you. And I thank you for doing

1 your part to uphold the reputation of the
2 judiciary while also advocating for your client.
3 MR. YOUNG: If I may respond because just a little.
4 You know, I think as a young lawyer, I started
5 off and I could have gone in prosecution or
6 defense. It didn't really matter to me. The
7 opening was in Charleston at the public
8 defender's office so that's where I went. And to
9 me it was about like winning the case but I
10 pretty quickly figured out that trying to win
11 cases at all costs is not what's in my client's
12 best interest. Particularly, in capital cases
13 that I've -- since I've started doing capital
14 cases, I have more letters from victims to me
15 about reaching out, keeping the informed, telling
16 them what's going on, telling them why we're
17 doing what we're doing, explaining the process.
18 You might not like me, I understand you
19 absolutely hate my client and that's fine, but
20 just engaging in dialogue with them. You know,
21 nobody wants to come to court. Something has
22 happened that people aren't going to be happy
23 with. But I think through dialogue and
24 entertaining that, we can all be better and not
25 just advocates against each other. Not just

1 adversarial but working together to find the best
2 solutions.

3 MR. STROM: Thank you. Thank you, Mr. Chairman.

4 CHAIRMAN CASKEY: Chairman Rankin.

5 EXAMINATION

6 BY SENATOR RANKIN:

7 Q. Quick question. Hope it will be quick. At the
8 outset, you said you had been in front of both good
9 and bad, my words not yours, but jurists both of whom
10 in those categories that you have learned from. Not
11 who but what have you learned from the good and what
12 have you learned from the bad. What is about it the
13 good? What are their attributes? And the bad.

14 A. I think the good ones are consistency and
15 predictability. The judges who are on time, running
16 court, you know what they're going to do, you know
17 what they're going to say, you know how they're going
18 to move through the case has been what has been the
19 best factor in the judges that I've worked with in
20 moving a lot of cases. In a -- you know, in a week
21 long docket, I've seen 250/300 cases get moved by a
22 judge in a docket week. And then not as good jurists
23 are people that are unpredictable or people who get
24 emotional or get emotionally involved on one side or
25 the other. And I think you've got to have a very even

1 temperament, you've got be able to take criticism, and
2 make hard decisions, and move forward.

3 **Q. What does emotionally involved mean?**

4 A. I think anger, showing frustration, demonstrating
5 frustration from the bench, and being angry at
6 litigants or advocates on either side diminishes their
7 ability to effectively move court and it --

8 **Q. Excuse me.**

9 A. Go ahead.

10 **Q. Consistency on the other side is a positive attribute.**
11 **If you are consistently lenient on criminal sentences,**
12 **is that a consistency that is -- and, again, pick**
13 **either side.**

14 A. Sure.

15 **Q. If you are consistent because you are known to be the**
16 **judge who does blank, is that -- that is a positive**
17 **attribute because everybody will know what you're**
18 **going to get?**

19 A. Well, I think consistency on following recommendations
20 or negotiations is key to moving a lot of cases in
21 front of a judge. Whether or not you're a consistent
22 sentencer, I think you do want to try and make sure
23 that everybody that comes before you on a similar fact
24 pattern is getting relatively the same sentence. Now,
25 that doesn't mean that I think you need to be

1 consistently light or not. I mean, one of the reasons
2 I want to be a judge is I want safe communities for my
3 family and -- and my children as well. I don't think
4 that everybody ought to get probation. I don't want
5 to get too far into what -- like how would I sentence
6 on a particular case, but I think there needs to be
7 consequences for people but those consequences need to
8 consistently applied.

9 **Q. I don't do any criminal. I do do civil and I want to**
10 **kind of delve down on your response to Representative**
11 **Jordan about your aversion, effectively, to get in and**
12 **become the 13th juror. Not specifically about should**
13 **you or should you not grant additur or remittitur but**
14 **is a judge not more than a effective rubber stamper**
15 **who, either on the criminal side y'all got a deal,**
16 **negotiated or recommended, boom, next or on the civil**
17 **jury verdict, boom, next. You follow my question.**

18 **A. Yes, sir, I do. And yeah, no, a criminal -- a judge,**
19 **whether criminal or civil, is not a rubber stamper.**
20 **They need to be an evaluator of the deal, the offer,**
21 **the agreement, whatever it is to make sure that it is**
22 **being consistent -- consistently applied -- does that**
23 **sort of make sense -- across the board. I don't think**
24 **a judge needs to be a rubber stamp. I think that the**
25 **judge needs to be in a position to evaluate it also on**

1 sort of a public policy equality.

2 SENATOR RANKIN: Thank you.

3 CHAIRMAN CASKEY: Other comments or questions for Mr.
4 Young? Well, Mr. Young, I'll just add here.
5 Obviously, because of our protocols regarding
6 anonymity, we can't give you all of the ballot
7 box surveys but I think that I would be remiss if
8 I didn't point out here that you should be very
9 proud of the reputation you've earned. The
10 comments and -- I'll just mention here that you
11 had 272 respondents which is not always the case.
12 Obviously, you know, some folks are in more rural
13 areas and they come across less lawyers who are
14 able to, you know, add feedback. But the volume
15 of complimentary remarks here stands out with
16 respect to your -- your intellect, your knowledge
17 of the law, and your demeanor and disposition,
18 the way you treat people. So I just want to
19 mention that to you here. Seeing no further
20 comments or questions, that will conclude this
21 portion of our screening process. I do need to
22 remind you that pursuant to the Commission's
23 evaluative criteria, the Commission expects
24 candidates to follow the spirit as well as the
25 letter of the law. And that we will view any

1 violation or the appearance of impropriety as
2 very heavy and deserving potentially of serious -
3 - or heavy weight in our screening deliberations.
4 The record will remain open until the formal
5 release of the qualifications report. And you
6 may be called back if such need were to arise.
7 So thank you for being here today, sir, and thank
8 you for offering for service to the state of
9 South Carolina.

10 MR. YOUNG: Thank you, everyone.

11 CHAIRMAN CASKEY: On motion of Mr. Rutherford,
12 seconded by Representative Jordan, the pending
13 question is going into executive session. All in
14 favor signify by saying aye.

15 MEMBERS: Aye.

16 CHAIRMAN CASKEY: All those nay. The ayes have it.
17 And we will go into executive session. Thank you
18 very much.

19 (Executive Session was held from 12:20 to 1:16 pm)

20 (Off the record)

21 SENATOR RANKIN: We'll pick up our next contestant for
22 family court -- our next candidate. I want to
23 welcome Jerrod Anderson. And are you doing --
24 okay. All right. Welcome, Mr. Anderson.

25 MR. ANDERSON: Thank you.

1 SENATOR RANKIN: Raise your right hand, if you will.

2 WHEREUPON:

3 JERRORD ANDERSON, being duly sworn and
4 cautioned to speak the truth, the whole truth and
5 nothing but the truth, testifies as follows:

6 SENATOR RANKIN: Very good. You have before you the
7 PDQ and Sworn Statement that you have prepared.
8 Are those ready to go into the record without
9 objections on your part?

10 MR. ANDERSON: Yes, sir.

11 SENATOR RANKIN: All right. If you'll hand those to
12 Lindi, we'll put them in the record, without
13 objection.

14 (EXHIBIT NO. 15 MARKED FOR
15 IDENTIFICATION PURPOSES (12 pages)
16 PDQ - Mr. Anderson)

17 (EXHIBIT NO. 16 MARKED FOR
18 IDENTIFICATION PURPOSES (1 pages)
19 Amendment to PDQ - Mr. Anderson)

20 (EXHIBIT NO. 17 MARKED FOR
21 IDENTIFICATION PURPOSES (6 pages)
22 Sworn Statement)

23 SENATOR RANKIN: And Mr. Anderson, you are familiar
24 with this process now, coming through the various
25 stages. But you know that our evaluation

1 includes the nine evaluative criteria that we are
2 searching and focused on as we vet your
3 candidacy. Those include the ballot box survey,
4 a study of your application materials,
5 verification of your compliance with state ethics
6 laws, search of newspaper articles in which your
7 name appears, and checks for economic conflicts
8 of interest. No affidavits have been filed in
9 opposition to your election, and no witnesses are
10 present to testify. You have the opportunity to
11 make a brief statement to start this process,
12 otherwise, if you want to waive and revisit that
13 at the end, you can do so.

14 MR. ANDERSON: I would waive at this time.

15 SENATOR RANKIN: All right. We're going to turn it
16 over to staff counsel for questions, and then
17 members of the Commission as they may deem fit as
18 well. Thank you.

19 MR. COHL: Thank you, Mr. Chairman.

20 EXAMINATION

21 BY MR. COHL:

22 **Q. Mr. Anderson, please state for the record the city and**
23 **circuit in which you reside.**

24 A. City, Orangeburg, circuit, First Judicial Circuit of
25 South Carolina.

1 Q. Thank you.

2 SENATOR RANKIN: Is your light on there?

3 MR. ANDERSON: No, it's not. Hello. Is that better?

4 SENATOR RANKIN: Much better. Thank you.

5 MR. ANDERSON: Yes, sir.

6 MR. COHL: Mr. Chairman, I note, for the record, that
7 based on the testimony contained in the
8 candidate's PDQ, which has been included in the
9 record with the candidate's consent, Mr. Anderson
10 meets the statutory requirements for this
11 position regarding age, residence and years of
12 practice.

13 Q. Mr. Anderson, why do you want to serve as a family court
14 judge, and why do you feel that your legal and
15 professional experience qualify and will assist you to
16 be an effective judge?

17 A. I believe it's a calling. I've had dealings in family
18 court for over 24 years. I've had the pleasure of
19 serving the public. I've had the pleasure of serving
20 my clients. And I believe that with that experience,
21 I would be an asset and one that could help move that
22 docket like it should be moved, however, preserving
23 justice and meeting the needs of our community and our
24 public. Thank you.

25 Q. Are there any areas of the law for which you would

1 **need additional preparation in order to serve as a**
2 **family court judge and how would you handle that**
3 **additional preparation?**

4 A. I've had experience in all the areas that are
5 pertinent to meeting the criteria of adjudicating
6 issues before the Court. I know that I don't know it
7 all. I know that I would take advantage of
8 researching case law and statutes to meet the issues
9 that are presented before the Court. I know also that
10 I could ask opposing counsels to brief and submit
11 their stance on the issues to get even a more keen and
12 another look at the issues that come before the Court.
13 So I am open to learn, however, I do believe, with my
14 experience and my education, that I could meet the
15 needs of the demands of the bench.

16 **Q. Thank you. Please briefly describe your experience in**
17 **handling complex contested family court matters and**
18 **specifically discuss your experience with the**
19 **financial aspects of family court work.**

20 A. Okay. I think the most complex case that I've dealt
21 with was termination of parental rights. I've been a
22 prosecutor for DSS. I have defended parents in those
23 actions. And I believe that they're complex because
24 they deal with a grave right that is -- that is being
25 questioned to be terminated. So you balance the

1 statute which looks at criteria if there's enough
2 evidence to prove by clear and convincing evidence
3 from 15 out of the last 22 months that the child's
4 been in foster care to failure to remedy the
5 conditions that led to the removal of the child from
6 that environment in a reasonable time. You have to
7 weigh the evidence and present it and test it, you
8 know, from both sides. Secondly, there's a criteria
9 of best interest for the child. And so while we might
10 have what we need to terminate those rights, is this
11 really in the child's best interest. And there have
12 been situations where, one, the child does not want to
13 be adopted and they're at an age where the Court gives
14 serious weight to their recommendation. And so it's
15 not in the child's best interest, even though we do
16 meet the criteria to terminate those parental rights.
17 And so, on a case-by-case basis, the number of
18 children that are involved in the household, there's
19 just many criteria, many factors that weigh into
20 whether or not this act should be taken, and also, is
21 it suitable in this specific situation. So I would
22 say that's highly complex, given the gravity of the
23 right that's at issue. Secondly, I've dealt with
24 divorces that deal with equitable division of marital
25 property where numbers play a key factor in developing

1 what is the marital portion and what -- how should you
2 appropriate it to the parties. It's equivalent to
3 taking something, shattering it and spreading the
4 pieces. But if you have many -- a business and you
5 have retirements, it can get quite complex, however,
6 you have to find the asset, value the asset, determine
7 whether or not it's a separate property or marital
8 property and then apportion it according to the laws
9 of the state.

10 **Q. Thank you.**

11 A. Yes, sir.

12 **Q. Mr. Anderson, the Commission received 91 ballot box**
13 **surveys regarding you with 9 additional comments. The**
14 **ballot box survey, for example, contained the**
15 **following positive comments: "Mr. Anderson has a**
16 **variety of experiences in family court." "He would be**
17 **an excellent addition to the bench." "His knowledge**
18 **and temperament would make him an asset to the**
19 **judiciary." No comments indicated a pattern for**
20 **concern. I would note that the Lowcountry Citizens**
21 **Committee found Mr. Anderson to be qualified in the**
22 **evaluative criteria of constitutional qualifications,**
23 **physical health and mental stability. The Committee**
24 **found him well qualified in the evaluative criteria of**
25 **ethical fitness, professional and academic ability,**

1 character, reputation, experience and judicial
2 temperament. The Committee stated, in summary:
3 "Dedicated, empathetic, calm, good integrity,
4 tremendous desire to help and protect children, wide
5 experience, and would make a great family court
6 judge." Mr. Anderson, are you aware that as a
7 judicial candidate, you are bound by the Code of
8 Judicial Conduct as found in Rule 501 of the South
9 Carolina Appellate Court Rules?

10 A. I am aware.

11 Q. Since submitting your Letter of Intent, have you
12 contacted any members of the Commission about your
13 candidacy?

14 A. I have not.

15 Q. Are you familiar with Section 2-19-70, including the
16 limitations on contacting members of the General
17 Assembly regarding your screening?

18 A. I am.

19 Q. Since submitting your Letter of Intent, have you
20 sought or received a pledge of any legislator either
21 prior to this date or pending the outcome of your
22 screening?

23 A. No, I have not.

24 Q. Have you asked any third parties to contact members of
25 the General Assembly on your behalf or are you aware

1 of anyone attempting to intervene in this process on
2 your behalf?

3 A. I have not, and I am unaware of any third parties
4 trying to.

5 Q. Have you reviewed and do you understand the
6 Commission's guidelines on pledging in South Carolina
7 Code Section 2-19-70(E).

8 A. Yes.

9 MR. COHL: Thank you. I would note -- I would just
10 note for the record that any concerns raised
11 during the investigation regarding the candidate
12 were incorporated into the questioning of the
13 candidate today.

14 Mr. Chairman, I have no further questions.

15 SENATOR RANKIN: All right. Thank you, sir.

16 Questions by members of the Committee?

17 SENATOR TALLEY: Thank you, Mr. Chairman.

18 EXAMINATION

19 BY MR. TALLEY:

20 Q. Good afternoon, Mr. Anderson.

21 A. Good afternoon, sir.

22 Q. You made a comment in response to one of Mr. Cohl's
23 questions you thought you would be an asset in helping
24 move the docket.

25 A. Yes, sir.

1 **Q. What do you mean by that?**

2 A. What I mean is that you have a volume of cases that
3 are filed and everyone has an opportunity and a right
4 to be heard as to the issues that are presented before
5 the Court. Sometimes, that docket could be slowed by
6 many variables. I'll put -- But if a matter has been
7 filed and it's a scheduled time to have a hearing, and
8 that matter is continued, that just adds to the
9 congestion of the docket. So I believe that there
10 should be good cause for that continuance and I would
11 hold that in a high standard according to the law
12 before a continuance is given. Sometimes, you have
13 complex cases that have many issues that involve
14 experts sometimes. And so different timetables
15 present different variables which could increase the
16 congestion of a docket. So I would do what I could to
17 make sure that the docket is run efficiently so we can
18 move the dockets and people could get the justice as
19 to the issues that are presented before the Court.

20 **Q. And that leads to another question. Temporary**
21 **hearings take up a lot of time on family court**
22 **dockets, as I'm sure you're well aware.**

23 A. Yes, sir.

24 **Q. And so to your point about moving cases and the issues**
25 **involved, but also realizing that those temporary**

1 hearings at times are anything but temporary and the
2 lives of people that come before a family court judge,
3 whether it's custody, whether it's financial, whatever
4 the case may be. How would you approach temporary
5 hearings and what would be your overall approach to
6 that?

7 A. Well, I think that good representation has a great
8 idea of what type of time is necessary to hear a
9 matter. So they would have a good temperament as to
10 if we need 15 minutes for this temporary hearing as
11 opposed to 30 minutes, as opposed to more time. So if
12 it is scheduled for 15 minutes, that's a signal that
13 the parties have spoken, we have an agreement that we
14 could capture and have before the Court and adjudicate
15 it within a reasonably quick time. So giving the
16 docket flexibility as to agreements, you don't need a
17 lot of wiggle room. But if you get into 30 minutes
18 and above, maybe we need to schedule a little bit more
19 flexibility because we might run over. So I think
20 that we need to try to move the docket efficiently,
21 but schedule it accordingly, and give the parties an
22 opportunity to be heard. Also, a lot of the attorneys
23 see the issues before they come to court. So, you
24 know, we could have a good idea of trying to boil it
25 down and move the docket and give it just enough time

1 to be heard and have it ordered -- have it weighed and
2 ruled upon and so we can move to the next case. I
3 think that all domestic relations are imperative and
4 important, especially when you're dealing with
5 families and children, vulnerable adults. So I
6 believe that when you're dealing with a person, you
7 have to have a balance. You have to be open to
8 hearing what are the needs. You have to prioritize
9 those needs. And you have to move efficiently, but
10 giving care to those who need it and the time to
11 examine it and investigate it to make sure that, while
12 we rule, it impacts the family like it should impact
13 the family.

14 **Q. You talked about TPR cases --**

15 A. Yes, sir.

16 **Q. -- and mentioned involving sort of the interest of the**
17 **child through the child's words. When is that**
18 **appropriate?**

19 A. I think what the child has to say when they're able to
20 communicate is always important. I believe it's up to
21 the trier of fact to give it the weight that it needs
22 in a certain situation given the circumstance and
23 given the facts that are presented. I think that the
24 law gives the child's words even more weight,
25 depending on the issue, at age 14 and up, okay, until

1 they reach majority. So again, the guardian ad litem
2 who is brought in to look out for the best interest of
3 the child, one of the core requirements is what are
4 the wishes of the child? And so the guardian is the
5 one that usually investigates that and presents that.
6 But of course, any party that is aware, on some level,
7 can present that. So I would say all the time, when
8 they communicate it, but it's a question of what
9 weight you give it, given the issues before the Court.

10 SENATOR TALLEY: Thank you, sir.

11 MR. ANDERSON: Yes, sir.

12 SENATOR RANKIN: Mr. Safran.

13 MR. SAFRAN: Thank you, Mr. Chairman.

14 EXAMINATION

15 BY MR. SAFRAN:

16 Q. Mr. Anderson, I've been very impressed --

17 A. I'm sorry, I can't hear you.

18 Q. Can you hear me now?

19 A. Yes, very well, sir.

20 Q. You speak very eloquently.

21 A. Thank you.

22 Q. And you know, I think you certainly have a very good
23 core in terms of what you see as kind of the priority
24 in the family court. I heard a couple of things --
25 and again, as somebody who hasn't done family court in

1 a lot of years, you know, I may be wrong about some
2 things, so correct me if you think that I am. Okay?

3 A. Yes, sir.

4 Q. Basically, when you're talking those 15-minute
5 hearings, my understanding is the reason those
6 temporary hearings are set for 15 minutes is is
7 because, number one, if they ask for any more time,
8 they're not going to get in. And so as a practical
9 matter, all those temporary hearings, even the ones
10 that are contested, that aren't more or less the
11 result of agreement, are still going to be in that
12 same time slot. You know, I hear you saying,
13 correctly, I believe, that you've got to be in a
14 situation where there is more time often needed. I
15 mean, how do you balance where they're pushing you
16 from a docket situation saying move, move, move, but
17 at the same time, you recognize -- and again,
18 rightfully -- that there are far more things that need
19 to be addressed than 15 minutes is going to
20 necessarily allow you to do.

21 A. Got you. Well, I would think that we need to
22 prioritize the needs of the families that are before
23 the Court, especially the children, and we go from
24 there. I recall a certain case that I was prosecuting
25 on behalf of DSS where the judge had a probable cause

1 hearing, which are scheduled for 15 minutes, and my
2 client had to come back two other times that week
3 because there were certain pressing needs that this
4 child needed -- or these children needed. And I liked
5 the way this judge handled and prioritized the needs
6 of these children while maintaining a docket and we
7 moved Heaven and earth to make sure we were back in
8 front of this judge to make sure we could report and
9 not misrepresent the facts that were -- and can
10 address the concerns of the judge. So I learned right
11 there that we need to make sure that we do what we do
12 by maintaining the laws of this state, but
13 prioritizing what's important, that is the needs, in
14 this case, of the child. So I think from that build,
15 if you will, and prioritizing, I think we can preserve
16 what's important.

17 Q. Well, I think we would all agree that when you're
18 dealing with situations involving the children,
19 particularly their safety and it's exigent, then
20 certainly, you've got to do that. Okay?

21 A. Yes, sir.

22 Q. But I think what maybe Senator Talley was alluding to
23 is that it's become pretty well common knowledge that
24 when you go in there on a temporary hearing, it's all
25 there on paper. It may or may not get read while

1 they're in there with the judge.

2 A. Right.

3 Q. And that, as a result of what's on that paper, maybe
4 who writes the best affidavit, 95-plus percent of that
5 case is going to ultimately be decided based on that
6 temporary order, whether we want to acknowledge that
7 or not. I think, as a practical matter, that's what
8 happens. So again, recognizing that we're looking at
9 situations where children are in danger, that's
10 obviously going to be number one priority. But these
11 children are ultimately impacted by what happens in
12 that temporary hearing, even if they're not in danger
13 in the moment. So how do we still reconcile it with
14 those cases?

15 A. Wow.

16 Q. Listen, I'm not --

17 A. Uh-huh.

18 Q. -- beating you up. I'm --

19 A. No.

20 Q. -- just asking, because --

21 A. Right.

22 Q. -- I look at it this way, as somebody who is viewing
23 from the outside, to me, one of the most basic flaws
24 of the way we handle family court cases is exactly
25 that: that we basically afford the least amount of

1 time to the most important hearing. So I'm just
2 asking you how do you kind of weight that and balance
3 it out?

4 A. Well, I think that all the evidence should be
5 considered. I think that the ruling in a temporary
6 hearing is just that temporary relief. There is no
7 doubt that your temporary relief does not prejudice
8 your permanent position. However, parties get used to
9 certain way of doing things. And so may it be
10 negotiated, may it have a history that -- one that
11 everybody can agree upon and maybe it meets the best
12 interest, because it's working, you stick to that
13 formula. But I think that the judge can only weigh
14 what's in -- what they've been presented, the evidence
15 properly presented, and they can only rule in
16 situations where, number one, it's contested, or
17 number two, the parties have worked it out and they
18 believe that it's a reasonable settlement. So I just
19 think that it takes, you know, the advocate on behalf
20 of the parties. It takes a judiciary that properly
21 weighs it according -- and rules according to South
22 Carolina law. There's just a lot of factors in it, so
23 I --

24 Q. No, and I understand.

25 A. Yeah.

1 Q. I mean, nobody can make you come in here and commit to
2 an absolute answer.

3 A. Right.

4 Q. I think what I'm hearing from you is you recognize
5 that there's a problem and that there has to be some
6 way for you to more or less, in deciding how you're
7 going to do it, even if it may be bringing them back
8 later in the week, if it's substantial enough, you
9 recognize that would be an option for you.

10 A. Yes, sir. And I would move to be part of the solution
11 and not the problem.

12 MR. SAFRAN: All right. Thank you very much.

13 MR. ANDERSON: Yes, sir.

14 SENATOR RANKIN: Other questions?

15 EXAMINATION

16 BY SENATOR RANKIN:

17 Q. Mr. Anderson, couple of quick ones on my part.

18 A. Yes, sir.

19 Q. You submitted a couple of writing samples that I note.
20 One is from 2011 and the other is 2012.

21 A. Yes, sir.

22 Q. And I don't -- forgive me for not knowing whether we
23 asked for the writing sample, whether it is in the
24 last five years. But without -- unless you -- and
25 staff can correct me, but why did you choose those two

1 as one and unopposed draft with a pro se litigant and
2 then the other looked to be a temporary order.

3 A. I think it was the area that it covered. An secondly,
4 fatigue. You know, I was getting that application in
5 and so I chose what I, you know, felt was relevant to
6 what I believe you asked me for. And so that's why I
7 did submit those. But I do have other more current
8 ones that I can submit supplement.

9 Q. And I'm not quibbling with it, because --

10 A. Yes, sir.

11 Q. -- I don't know, as I preface what we decide or tell
12 the candidates' --

13 A. Right.

14 Q. -- timeliness of. But I'm curious then looking to
15 your most significant litigated cases --

16 A. Uh-huh.

17 Q. -- each of which are DSS cases where you prosecuted or
18 you defended?

19 A. Well, I've worn three hats, okay. And again, I've
20 prosecuted on behalf of DSS. I did that between -- I
21 think it was July of 2004 and September of 2006, so
22 over two years. I did a lot of defense work after
23 that as part of my private practice.

24 Q. And to help you -- not help you, but the dates of
25 these five are 2022 Green, 2012 Young, 2023 Jeter.

1 I'm just giving the last names -- 2019 Cattles.

2 A. Uh-huh.

3 Q. And then again Cattles in 2022.

4 A. Yes.

5 Q. So you would've been defending those from, you said,
6 '16 forward, or you would've been --

7 A. Well, okay. Presently -- I did prosecute for DSS
8 again on a private contract in 2016. So yes, I was --
9 in that timeframe, I was prosecuting for a small stint
10 for DSS. Presently, I am counsel for the guardian ad
11 -- volunteer guardian ad litem program. So I'm sorry
12 that -- I've had dozens if not hundreds of cases that
13 I've dealt with for DSS from wearing a hat as
14 prosecutor, from wearing a hat as defense counsel, and
15 also as wearing a hat as counsel for the guardian ad
16 litem who's appointed to look out for the best
17 interest of the child.

18 Q. So let me interrupt, just briefly, not to linger here,
19 but --

20 A. Yes, sir.

21 Q. -- these cases that you've cited again, 2020 -- well,
22 in fact, all -- so 2019 forward --

23 A. Yes, sir.

24 Q. -- are you the guardian in these three?

25 A. Yes. I was counsel on behalf -- I think I started my

1 guardian ad litem stint end of '19 into 2020 to the
2 present. So I could've been the counsel for the
3 guardian ad litem. Crazy thing is, for instance,
4 Cattles has a history that involves nine children and
5 has a history where this person got the children back.
6 I prosecuted early, years before on that case. And
7 so, you know, I wore a -- I was prosecuting way back
8 in the day in '06, -- '07 -- wait, sorry, '04, '05,
9 '06, around that time. So I'm sorry. That's why it's
10 kind of a blur, because I kind of touched it because
11 of the history, given the size of the county and the -
12 - I wouldn't say frequency, but it's not uncommon for
13 people to have multiple cases, multiple children. And
14 so it can be kind of slippery given all the factors of
15 in and out, different children at different times,
16 different circumstances.

17 **Q. In terms -- and I apologize -- to describe your**
18 **recollection with these five cases --**

19 A. Uh-huh.

20 **Q. -- is that what you're saying is --**

21 A. Yes, sir.

22 **Q. Okay. And that's fine.**

23 A. Yes, sir.

24 **Q. That's fine.**

25 A. Uh-huh. I'm sorry.

1 Q. To the quick question, hopefully, a quick answer --

2 A. Yes, sir.

3 Q. -- or as briefly as you can, submission of affidavits
4 by warring parents at a temporary --

5 A. Yes, sir.

6 Q. -- hearing, have you represented either father or
7 mother in that context in the last five years?

8 A. I have.

9 Q. In a private, not for appointed case.

10 A. I have. The couple was not married and my client was
11 the mother who had physical custody of the child.

12 Q. And I'm going to stop you, because I don't want get --

13 A. Yes.

14 Q. -- too much in the weeds.

15 A. Yes, sir.

16 Q. So in that case, you had affidavits for maintaining
17 the custodial arrangement and those opposing from the
18 father -- or the -- yeah, the father, but not the
19 husband.

20 A. I represent the mother that wanted to maintain
21 custody, yes, sir. And father was represented by
22 local counsel who I've been fighting against, or if
23 you will, opposing counsel too many of times.

24 Q. Y'all submitted affidavits.

25 A. We did, sir.

1 Q. And the judge considered those and ruled from the
2 bench upon sitting and reading those or thereafter?
3 Which?

4 A. She did. She --

5 Q. Which?

6 A. She read them and then ruled.

7 Q. From the bench.

8 A. From the bench, yes, sir.

9 Q. And is that your preference? Do you think that gives
10 the parties the flavor and the time for the judge to
11 sit and absorb and then read? Is that the way you
12 plan to do it if you're successful?

13 A. Definitely. If it's properly presented, I will
14 definitely weigh it -- read it and consider it and
15 rule, yes, sir.

16 Q. What are you least looking forward to hearing if
17 you're successful in this role?

18 A. Being a father, you know, you talk about being
19 responsible for something and something else. But
20 until that person comes in the world, you really don't
21 know the boundaries of your selfishness. And so I
22 believe that a child not only deserves another chance
23 and another chance, but needs help, nurturing and
24 protection. I don't look forward to when trust is
25 broken and children are victimized. I don't look

1 forward to that. However, there is a need to protect
2 and adjudicate issues -- those issues, and I will be
3 more than willing and ready and educated to do so.

4 SENATOR RANKIN: Thank you. Any other questions? All
5 right. Mr. Anderson, I did offer you opening
6 remarks. You now have the opportunity, if you'd
7 like, to make any closing remarks. We'd welcome
8 those at this time and --

9 MR. ANDERSON: I would just like to thank you for your
10 time and thank you for the opportunity.

11 SENATOR RANKIN: Thank you, Mr. Anderson. Hold on one
12 second --

13 MR. ANDERSON: Oh, yes, sir.

14 SENATOR RANKIN: -- I want to put a couple of things
15 on the record. Again, pursuant to the evaluative
16 criteria, in addition to those considerations I
17 addressed at the outset, be aware, as you know,
18 we are very much sticklers to both the letter and
19 the spirit of the ethics law. Any violation
20 thereof or the appearance of impropriety would be
21 deemed very serious by us and potentially
22 deserving our calling you back should that
23 occasion arise, which we certainly don't expect.
24 I need you, though, sir, to understand and affirm
25 that this record is not closed until the formal

1 release of the Report of Qualifications. In
2 which case, if there were such an occasion, you
3 understand, do you not, that we can call you
4 back?

5 MR. ANDERSON: I understand and affirm.

6 SENATOR RANKIN: Thank you very much, Mr. Anderson.

7 MR. ANDERSON: Thank you.

8 SENATOR RANKIN: Happy week to you.

9 MR. ANDERSON: Thank you.

10 (OFF THE RECORD)

11 S
12 ENATOR RANKIN: All right, Ms. Gray. Welcome. We
13 are a few minutes behind. You were supposed to
14 be at 1:30, see, and I apologize that we have
15 taken 16 minutes into your schedule. You will
16 have all the time you need to make any answers
17 you need. First, let me ask you to raise your
18 right hand.

18 WHEREUPON:

19 DEANNE M. GRAY, being duly sworn and
20 cautioned to speak the truth, the whole truth and
21 nothing but the truth, testifies as follows:

22 SENATOR RANKIN: You have before you the PDQ and Sworn
23 Statement. Are those ready to be put into the
24 record without addition or correction?

25 MS. GRAY: They are.

1 SENATOR RANKIN: All right. If you'll hand those to
2 Lindi. You are well familiar with this process,
3 and welcome back.

4 MS. GRAY: Thank you.

5 (EXHIBIT NO. 18 MARKED FOR
6 IDENTIFICATION PURPOSES (15 pages)
7 PDQ - Ms. Gray)

8 (EXHIBIT NO. 19 MARKED FOR
9 IDENTIFICATION PURPOSES (8 pages)
10 Sworn Statement)

11 SENATOR RANKIN: For the record, you understand,
12 obviously, our investigation of your candidacy.
13 It focuses on those nine evaluative criteria,
14 including the ballot box survey, a thorough study
15 of your application materials, verification of
16 your compliance with state ethics laws, search of
17 newspaper articles in which your name appears, a
18 study of previous screens and then finally, check
19 for economic conflicts of interest. No
20 affidavits have been filed in opposition to your
21 election. No sworn statements or witnesses have
22 been filed against you and are present to
23 testify. The floor is yours to make a brief
24 opening statement, or to Mr. Gentry, we will go
25 with questions, and then I'll give you that

1 opportunity, if you choose, to waive it now.

2 MS. GRAY: I'll waive it now.

3 SENATOR RANKIN: Thank you. All right, Mr. Gentry.

4 EXAMINATION

5 BY MR. GENTRY:

6 **Q. Hi, Ms. Gray. Please state for the record the city**
7 **and circuit in which you reside.**

8 A. I currently reside in Summerville, South Carolina,
9 which is in the First Judicial Circuit.

10 MR. GENTRY: Mr. Chairman, I note for the record that
11 based on the testimony contained in the
12 candidate's PDQ, which has been included in the
13 record with the candidate's consent, Ms. Gray
14 meets the statutory requirements for this
15 position regarding age, residence and years of
16 practice.

17 **Q. Ms. Gray, why do you want to serve as a family court**
18 **judge and why do you feel like your legal and**
19 **professional experience so far qualifies you to be a**
20 **family court judge?**

21 A. I didn't come to family law with that intent when I
22 entered law school. I somewhat fell into it at the
23 Court of Appeals. None of the other clerks wanted to
24 deal with family law cases, so they kind of got
25 shifted to me, and that's where I developed my love of

1 family law. And now, I wouldn't practice any other
2 type of law other than family law. My family has
3 always raised me to be civic minded and help my
4 community. I am the spouse of a retired Marine. My
5 father was in the Navy. I've worked for the County of
6 Charleston as an assistant solicitor and spent almost
7 a decade with the Department of Social Services.
8 Family court, in my opinion, is the court that
9 citizens of South Carolina are most likely to have
10 impact their individual lives, whether that's through
11 DJJ or DSS or names changes, adoptions; unfortunately,
12 divorces and separations. I feel that the family
13 court has the most impact on the individuals in the
14 community and that's why I seek to serve in the family
15 court. And feel that my background and qualifications
16 not only as an assistant solicitor in family court,
17 but as a DSS attorney, now in private practice. Along
18 with being a Marine Corp spouse and being exposed to
19 so many different types of people, backgrounds, leads
20 me to a unique perspective as a family court judge.
21 Excuse me.

22 **Q. Are there any areas of the law which you need**
23 **additional preparation in order to serve as a family**
24 **court judge, and how would you handle that additional**
25 **preparation?**

1 A. I don't feel I need any additional preparation at this
2 time. However, it's always important for all
3 attorneys and sitting judges to maintain their
4 continuing legal education and being up to date on
5 things. So that is always something that I will
6 maintain and strive for to make sure that I'm up to
7 date on the most current topics.

8 **Q. Please briefly describe your experience in handling**
9 **complex contested family court matters, and**
10 **specifically, discuss your experience with the**
11 **financial aspects of family court work.**

12 A. As a family court prosecutor, I did do a waiver
13 hearing involving a young man who was charged with
14 criminal sexual conduct in Charleston County. We did
15 take the waiver hearing to its completion. He was
16 waived up by the family court. As a DSS attorney, I
17 handled many termination of parental rights actions,
18 some near the end that were actually -- there were
19 private adoptions filed at the same time. So it was
20 not just a DSS action, but it was also including a
21 private TPR and adoption action as well. Now, in
22 private practice, especially with the complex
23 financial matters, I have handled cases where you're
24 looking at retirement funds, realty, things of that
25 nature, that are over a million dollar mark. I

1 currently have a case, complex-wise, both financial
2 and otherwise, where there is a DSS allegation against
3 one of the parents. There is also now a separation
4 and divorce action pending. And in addition, there's
5 some mismanagement accusations regarding a trust that
6 one of the spouses was in charge of. So having to
7 unroll that trust and those funds to determine what is
8 marital and what is not, before we look at dividing
9 aspects, is another complex matter that I'm currently
10 involved in.

11 Q. The Commission received 164 ballot box surveys
12 regarding Ms. Gray, with 30 additional comments. The
13 ballot box survey, for example, contained the
14 following positive comments: Excellent trial lawyer
15 with a good understanding of family law. She would be
16 a wonderful addition to family court. Her wealth of
17 knowledge in the family court, a well-rounded attorney
18 and great temperament. There were no comments that
19 indicated a pattern for concern. I would also note
20 that the Low Country Citizens Committee found Ms. Gray
21 to be qualified in the evaluative criteria of
22 constitutional qualifications, physical health and
23 mental stability, and well qualified in the evaluative
24 criteria of ethical fitness, professional and academic
25 ability, character, reputation, experience and

1 judicial temperament. Additionally, the Committee
2 stated, in summary, in all caps with three exclamation
3 marks, HIGHLY QUALIFIED!!! Would make a great family
4 court judge. Organized, compassionate, great comments
5 from her peers. Ms. Gray, are you aware that as a
6 judicial candidate, you are bound by the Code of
7 Judicial Conduct as found in Rule 501 of the South
8 Carolina Appellate Court Rules?

9 A. Yes, I am.

10 Q. Since submitting your Letter of Intent, have you
11 contacted any members of the Commission about your
12 candidacy?

13 A. Other than just introducing myself, no.

14 Q. Are you familiar with --

15 A. Oh, excuse me. You said of the Commission. No, I
16 have not.

17 Q. Okay. Are you familiar with the South Carolina Code
18 Section 2-19-70 including the limitations on
19 contacting members of the General Assembly regarding
20 your screening?

21 A. I am.

22 Q. Since submitting your Letter of Intent, have you
23 sought or received a pledge of any legislator either
24 prior to this date or pending the outcome of your
25 screening?

1 A. No, I have not.

2 Q. Have you asked any third parties to contact members of
3 the General Assembly on your behalf or are you aware
4 of anyone attempting to intervene in the process on
5 your behalf?

6 A. I have not, and I am not aware of anyone.

7 Q. Have you reviewed and do you understand the
8 Commission's guidelines on pledging on South Carolina
9 Code Section 2-19-70, Subsection E?

10 A. Yes.

11 MR. GENTRY: I would just note for the record that any
12 concerns raised during the investigation
13 regarding the candidate were incorporated into
14 the questioning of the candidate today. Mr.
15 Chairman, I have no further questions.

16 SENATOR RANKIN: Okay. Thank you. Questions by
17 members of the Commission? Senator Talley.

18 EXAMINATION

19 BY MR. TALLEY:

20 Q. Ms. Gray, good afternoon.

21 A. Good afternoon.

22 Q. Nice to see you again. I think one of the things that
23 came up when you were before the Commission previously
24 was in regards to your private practice experience
25 and now, obviously, we see that for about two years,

1 you have done that. So I'm just curious, going from
2 your DSS role to private practice, what was the
3 biggest learning curve?

4 A. I think the biggest learning curve was client control,
5 so to speak. Most people assume that as a DSS
6 attorney, I didn't have much client control, with
7 their preconceived notions of DSS. I had been there
8 for almost a decade. I had worked really hard to get
9 things organized and I had a really good working
10 relationship with my clients. I've been blessed
11 working for the firm that I have. I am given complete
12 control over whether I'm accepting a client or not
13 accepting a client. But the biggest learning curve for
14 me was learning to be, for lack of a better word,
15 somewhat confrontational with my private clients to
16 make sure that they were telling me the truth. I do
17 have some clients who were very wary, whether it was
18 my gender or my background, of telling me the truth
19 about their extramarital activities and trying to make
20 sure that they knew it was important to talk to me
21 first and I, above all else, need to know the truth so
22 I can best represent them. The first year, it was a
23 lot of that aspect of learning how to advocate for my
24 clients, but also learn how to kind of confront when
25 necessary to get the best outcome and how to really

1 listen to them and have them listen to me as well. As
2 an attorney for DSS and even the state, our clients
3 are somewhat captive that that's their job. With our
4 private clients, a lot of times, they have many other
5 things going on in their lives, so we have to track
6 them down, hunt them down, and try and express to them
7 how important it is to give us what we need as soon as
8 possible so that we can prepare the best case for
9 them.

10 **Q. And now that you've been on the private side, I'm**
11 **assuming you've handled several temporary hearings --**

12 **A. Yes.**

13 **Q. -- as part of that. A lot of times, with family court**
14 **candidates, we hear about docket management being**
15 **efficient, which I think everybody agrees is something**
16 **that needs to happen. But now having had that**
17 **experience, how, generally, would you see yourself**
18 **handling temporary hearings?**

19 **A. I think it's important to maintain a schedule as much**
20 **as possible. In family court, it's -- the citizens**
21 **need to feel comfortable bringing those issues to the**
22 **family court. But I also think it's important to**
23 **maintain the dignity and integrity of the family court**
24 **so it doesn't turn into a free-for-all. There are --**
25 **sometimes, I've been in temporary hearings that the**

1 parties -- it's a lot more conversational, which I
2 think sometimes can lead to an extended time for that
3 temporary hearing. There are judges that are
4 currently sitting that are more strict with it,
5 plaintiff gets five minutes, defense gets five
6 minutes. I'll allow you a rebuttal and really keeps
7 to the 15-minute time limit. Now, if something comes
8 up in that time that needs to be addressed, definitely
9 need to address that. But I think it's important to
10 maintain that integrity of the schedule, not just for
11 the clients, but also for the other attorneys who are
12 waiting. Everybody's time is valuable. So although
13 all issues need to be looked at and examined, we also
14 need to be mindful of people's time as well.

15 **Q. That kind of ties back to your comments about client**
16 **control as well.**

17 A. Exactly. And that's why they need to tell me ahead of
18 time if there's issues I need to know about so I don't
19 get in court and then all of a sudden, the Court's
20 asking me Does your client's girlfriend have this or
21 that, when he hasn't even told me he has a girlfriend
22 despite my numerous requests. So that's additional
23 time that we need to do to answer those questions.

24 **Q. Thank you.**

25 SENATOR RANKIN: Other questions?

EXAMINATION

1
2 BY SENATOR RANKIN:

3 Q. All right, Ms. Gray, I'm -- just a last question.

4 A. Uh-huh.

5 Q. Obviously, referencing to your private practice, now,
6 since '22, I think.

7 A. Yes.

8 Q. When did you join the firm?

9 A. January of 2022.

10 Q. Okay. So you are approximately, what, a month and a
11 half shy of two years under the belt.

12 A. Yes.

13 Q. Why now? What makes you better and more qualified and
14 ready to serve if you are successful in this process?

15 A. Honestly, this process -- this is now my fourth time
16 seeing y'all. Some of it's been enjoyable, some of
17 it's been rough. But I think it's been a learning
18 experience, has made me really examine not only my own
19 background and qualifications, how others in the
20 community see me. Some of the first ballot boxes I
21 got, I had to sit back and it -- it's good. Because
22 they're anonymous, it lets me know how people feel
23 about me or how they perceive me. And that's actually
24 one of my first hearings here, I admitted I'm somewhat
25 of an introvert, which seems odd being, you know, a

1 trial litigation attorney and family law, but I'm
2 slightly shy. But it was causing people not to feel
3 like I wanted to connect with them or be interested in
4 them. Through this process, I've also traveled to
5 many delegation meetings. I've probably seen more of
6 the state of South Carolina during this process than
7 any other time. We were just at Aiken High School.
8 They have a new auditorium that they just opened
9 there. If you haven't see it, it's worth the trip.
10 But it's been a learning experience, because in
11 sitting in some of those meetings, I've learned more
12 about those communities that I may be holding court
13 with. So I think this process, above all else, has
14 led me to those experiences that have only helped me
15 grow as an attorney, an individual, and, hopefully,
16 prepared me for the bench.

17 **Q. Very good. All right.**

18 SENATOR RANKIN: Mr. Safran.

19 EXAMINATION

20 BY MR. SAFRAN:

21 **Q. Ms. Gray, it's good to see you again.**

22 A. You too.

23 **Q. And I know we've had this conversation.**

24 A. Uh-huh.

25 **Q. Just following up on what Senator Talley and Senator**

1 Rankin said, I think maybe what were focused on -- and
2 I know it may sound like a broken record, because I
3 know I was focused on it before. Is it -- having
4 spent two years dealing with clients that really are
5 not entities --

6 A. Uh-huh.

7 Q. -- or people that, you know -- or ones that, you know,
8 are kind of used to the system, haven't you kind of
9 felt like there's been kind of an educational aspect
10 to what's going on in terms of having private clients
11 over the last two years?

12 A. Oh, definitely. I've learned a lot. Family law is
13 some expansive of a topic. It's not just divorce and
14 not just separation. With child custody, name
15 changes, emancipation of minors, things of that
16 nature, which is why I think it impacts the lives of
17 South Carolinians more than problem any other court,
18 but it's always something that you have to continually
19 educate yourself on. Because, honestly, there's so
20 many different topics that even though you deal with
21 one this month, you may or may not see it again for
22 another couple of months, so you always have to go
23 back and refresh yourself. And even as a DSS
24 attorney, I would do that. I never want to just rely
25 on my memory of things. Always helps to go back to

1 the statutes, look at case law to make sure I'm up to
2 date on everything that I need to be.

3 **Q. Well, and beyond the states, I mean, it -- would you**
4 **agree with me that having now been able to get into so**
5 **much more of that broad spectrum than what you were**
6 **doing at DSS.**

7 A. Uh-huh.

8 **Q. Because no matter how accomplished you were at doing**
9 **that, you know, it's been an eye opener for you.**

10 A. I has. And one of the smallest areas that seems small
11 until you're in it are the amount of forms that you
12 need. Not just court forms, but DHEC forms for
13 adoptions and divorces and things of that nature that
14 aren't necessarily in your forefront. You're worried
15 about your temporary hearing, you're worried about
16 mediation, but not necessarily worried about that form
17 that DHEC needs. So that was a huge learning
18 experience for me making sure that I knew all those
19 forms, I have them prepped, I have them ready to go.
20 And just the differences between the local courts and
21 how the different courts like to have things presented
22 to them. Any additional stipulations or provisions
23 they have for submitting documents and things like
24 that has been a wealth of new information.

25 **Q. Let me -- just one last thing.**

1 A. Uh-huh.

2 Q. Obviously, you had a comfort zone involving certain
3 aspects and having years of experience over at DSS.
4 What has been the biggest -- besides the forms, but I
5 mean, in terms of substantively, what has been the
6 biggest challenge for you in the private area compared
7 to what you were doing before?

8 A. And I'm not sure if this answers your question or not,
9 but in mentoring new attorneys, I always stress to
10 them that I wasn't asking them to be a copy of me, but
11 I was there to help them become the best attorney they
12 could be. I found myself, when I left DSS and getting
13 out of that comfort zone trying to copy other
14 attorneys that I respected. And probably about a
15 month or two in, when the stress of trying to do that
16 became so much that I finally sat down and, once
17 again, had that talk within myself of I don't need to
18 be like this family law attorney, or do things exactly
19 how this family law attorney does it. You take all
20 that information, include it in yourself, and figure
21 out the best way for you to advocate for your clients.
22 And I think that has been the biggest growth for me as
23 well is realizing that it may not be how this person
24 would advocate for my client, or this one would, but
25 my clients came to me, they trusted me, they trust my

1 insight and judgment, and I'm advocating them as the
2 best family law attorney I can be.

3 **Q. Thank you very much.**

4 SENATOR RANKIN: All right. Any other questions? If
5 not, Ms. Gray, thank you so much. That will -
6 - these questions and answers, this portion of
7 the evaluation is complete. You do know, though,
8 that the formal record of report will not be
9 released until the very end. In the unlikely
10 event there would be a violation or appearance of
11 impropriety regarding our ethics laws, you
12 understand that we have the right to call you
13 back for further questions, correct?

14 MS. GRAY: I do understand.

15 SENATOR RANKIN: And we don't expect that, but your
16 affirmation of that is what we need for the
17 record. And we wish you well and thank you for
18 your presence today.

19 MS. GRAY: Thank you.

20 SENATOR RANKIN: Take care.

21 (Off the Record)

22 CHAIRMAN CASKEY: All right. Let's go back on the
23 record. Before us, we have Pete Diamaduros. Am
24 I saying that correctly, sir?

25 MR. DIAMADUROS: That is correct.

1 CHAIRMAN CASKEY: All right. Who is a candidate for
2 seat four of the family court bench in the
3 Seventh Judicial Circuit. Did I get all that
4 right?

5 MR. DIAMADUROS: You got it.

6 CHAIRMAN CASKEY: All right. If you would, sir,
7 please raise your right hand.

8 WHEREUPON:

9 PETE DIAMADUROS, being duly sworn and
10 cautioned to speak the truth, the whole truth and
11 nothing but the truth, testifies as follows:

12 CHAIRMAN CASKEY: There should be some documents in
13 front of you. You can take a second and look at
14 those.

15 MR. DIAMADUROS: I'm familiar with them.

16 CHAIRMAN CASKEY: Okay. Are those the Personal Data
17 Questionnaire and the Sworn Statement that you've
18 submitted to the Commission?

19 MR. DIAMADUROS: They are.

20 CHAIRMAN CASKEY: Are there any updates or changes
21 that need to be made to those?

22 MR. DIAMADUROS: None.

23 CHAIRMAN CASKEY: Okay. Do you have any objection to
24 us entering those in the record as a part of your
25 sworn testimony today?

1 MR. DIAMADUROS: I don't.

2 CHAIRMAN CASKEY: Okay. Well, thank you, sir. Let me
3 give the staff an opportunity to do that.

4 (EXHIBIT NO. 20 MARKED FOR
5 IDENTIFICATION PURPOSES (19 pages)
6 PDQ - Pete Diamaduros)

7 (EXHIBIT NO. 21 MARKED FOR
8 IDENTIFICATION PURPOSES (7 pages)
9 Sworn Statement)

10 CHAIRMAN CASKEY: The Judicial Merit Selection
11 Commission has thoroughly investigated your
12 qualifications for the bench. Our inquiry is
13 focused on the nine evaluative criteria and has
14 included a ballot box survey, a thorough study of
15 your application materials, verification of your
16 compliance with state ethics laws, search of
17 newspaper articles in which your name appears,
18 study of any previous screenings, and a check for
19 economic conflicts of interest. We have received
20 no affidavits filed in opposition to your
21 election, and no witnesses are present to
22 testify. Before giving you the opportunity to
23 make any brief opening remarks you'd like, if
24 you'd like to introduce us to the young lady
25 who's come with you today, we'd be happy to meet

1 her.

2 MR. DIAMADUROS: That is my wife, Gia Diamaduros.

3 CHAIRMAN CASKEY: Thank you for being here.

4 MRS. DIAMADUROS: Thank you for having me.

5 CHAIRMAN CASKEY: Glad to have you. So, as I said,
6 sir, we'd be happy to hear any opening remarks or
7 I can proceed straight to questions from staff
8 counsel.

9 MR. DIAMADUROS: I'll go to staff counsel.

10 CHAIRMAN CASKEY: All right. Staff counsel, Ms. Webb,
11 please.

12 MS. WEBB: Thank you.

13 EXAMINATION

14 BY MS. WEBB:

15 **Q. Good afternoon. Mr. Diamaduros, please state for the**
16 **record the city and circuit in which you reside.**

17 **A. Spartanburg, in the Seventh Circuit.**

18 **Q. All right. Thank you.**

19 MS. WEBB: Mr. Chairman, I note, for the record, that
20 based on the testimony contained in the
21 candidate's PDQ, which has been included in the
22 record with the candidate's consent, Mr.
23 Diamaduros meets the statutory requirements for
24 this position regarding age, residence and years
25 of practice.

1 Q. Mr. Diamaduros, why do you want to serve as a family
2 court judge and why do you feel that your legal and
3 professional experience qualify and will assist you to
4 be an effective judge?

5 A. Well, let's start with I have a servant's heart and I
6 know that everybody talks about public service when
7 they come up here. But I've been engaged in public
8 service all my life. And that's not to say -- I'm not
9 bragging, but I've just had opportunities to serve and
10 I've been blessed to serve. I have 37 years of
11 practice in law. You know, I love the law. I can't
12 say that every day is a great day in the office, but I
13 love going to work. And I've been blessed with the
14 opportunity now to look at my life and where I stand
15 in my life and be able to say, It's time to give back.
16 And when you want to be a servant, it's supposed to
17 hurt. And the two things that will be effected,
18 financially. This is not a pay raise for me. And I
19 don't say that to brag. I just say that to -- I'm not
20 here looking for another job. Time. You know, I've
21 been practicing, basically, in a small law firm with a
22 bunch of friends for years and I'll have to sacrifice
23 my freedom to have a schedule, work nine to five, four
24 or five days a week, whatever it's supposed to be. At
25 this point, I can do that. My kids are grown.

1 They're out of the house, they're married. When I say
2 service, I served for 28 years on the Supreme Court
3 Commission on Lawyer Conduct. Just got replaced in
4 2021. I served on the State Ethics Commission for
5 five years. I've been in the Rotary Club for 35
6 years. When I was the president of the Rotary Club,
7 we made a big donation because we wanted to make a
8 change or do something to upfit the YMCA with a bunch
9 of new weight machines. I've been active with the
10 Wofford Terrier Club Board. In my years of being at
11 Wofford College, I served in the athletic department
12 where we served as a fundraising arm of that
13 department. The year that I was the chairman of the
14 Terrier Club Drive, we raised a million dollars for
15 the first time. So when I say I've -- you know, I've
16 served, I have that servant heart, I've always done
17 that, and that's always been part of that. Wofford
18 has an interim program. I have kids that come in with
19 me and my brother and just kind of shadow us for two
20 weeks every year. I called the head of the prelaw
21 department and asked him, How long have I been doing
22 this? And he told me, I don't know, but probably over
23 20 years. So I've got that as far as why I want to
24 serve, because I think I know so much and learned so
25 much that street smarts, common sense, the people that

1 I've interacted with give me the ability to really sit
2 on the bench and be a good judge and to help good
3 lawyers coming along become better lawyers and
4 domestic practitioners. As far as a couple of things,
5 my skill set of what I can bring to the table, besides
6 common sense, everybody can know the statutory law.
7 Everybody can know the -- you know, the case law. But
8 I just know people. And I've worked, in these 37
9 years, I estimate that I've probably handled 7500
10 cases. In the family court arena, I've probably
11 handled 1500 to 2500, in that range, and I've
12 practiced in a third of the counties in this state.
13 I'm the one that does the work. I don't second-chair
14 anything. I am the lawyer that you're going to be
15 with from the time you hire me till the time you
16 leave. My other practice, criminal and personal
17 injury, they kind of all intertwine in the domestic
18 setting. So many divorces happen because of things
19 that happen, people are charged criminally, or where
20 someone's hurt at work, hurt in a workers' comp
21 accident, the money gets spent, now the family can't
22 live, people divorce. So I think that skill set of
23 being well rounded in the law makes me fit to serve.
24 When it comes to consistency, you know, in family
25 court -- let's just say for a child, you're looking

1 for what's stable, consistent, ethical, integrity of
2 the parents. And that's kind of how I built my
3 practice. I've been practicing for 35 of my 37 years
4 basically in the same law firm. Started out with four
5 of us, went to three of us, two of us. I have the
6 same staff. We got two staff members that have been
7 with me for 30 years. Got the same wife that's been
8 with me for -- be 36 years on the date of this
9 election, if it happens on February the 7th. I have
10 two grown children. One of them is a lawyer in
11 Greenville, practices with Maynard -- what's it called
12 -- was Nexsen Pruet, now it's Maynard Nexsen. I have
13 a daughter who finished Wofford College -- my son
14 finished Wofford too -- but she is a paralegal/project
15 manager with a law firm in Greenville. So when I look
16 at that, that kind of comes in to my consistency and
17 my stability. When I look at the integrity part, all
18 these years of practicing law, I don't represent
19 anybody, especially in the domestic arena, unless we
20 have had long conversations and realistic expectations
21 have been agreed upon. If they're not realistic and
22 they want some crazy outcome that I don't think's ever
23 going to happen based on my experience before the
24 family courts for 37 years, I just don't take the
25 case. Tell them to go find somebody that's going to

1 promise them what they want, but I'm not getting it.
2 Being a judge is going to be pretty time consuming, if
3 you read the articles about Spartanburg where you got
4 700 cases per judge at this time. But I have always
5 been able to handle a schedule of 100 -- you know, a
6 docket of 150 to 200 clients at a time throughout my
7 career. I consistently return phone calls,
8 consistently respond to emails, to letters. I give
9 them my time at night. On weekends, when I get an
10 emergency call from our answering service, if I'm
11 sitting there doing nothing, I pick up the phone and
12 call them back. If I'm doing something with family,
13 I'll call them back two hours later at 11:00 o'clock,
14 if I have to. So I bring that to y'all just to say my
15 history in the law, my skill set, my knowledge and my
16 common sense is why I think I'll be a good judge if
17 elected.

18 **Q. Thank you. And Mr. Diamaduros, are there any areas of**
19 **the law for which you would need additional**
20 **preparation in order to serve as a family court judge,**
21 **and how would you handle that additional preparation?**

22 **A.** I don't think I'd need any additional preparation.
23 I've been doing this a long time.

24 **Q. Thank you, Mr. Diamaduros. And please briefly**
25 **describe your experience in handling complex contested**

1 **family court matters; and specifically, discuss your**
2 **experience with the financial aspects of your family**
3 **court work.**

4 A. Well, the financial aspects are probably the easiest
5 to handle. I was an accounting major at Wofford, you
6 know. And when you're an accounting major, you
7 understand business valuations. You understand, you
8 know, interest rates. You understand discount rates.
9 You understand all of it that it takes. But the
10 reality is the financial part of a case -- I don't
11 care if you're worth \$10 million or a \$100 million in
12 getting divorced, that's easy. Your identifying
13 assets, you're coming up with what they're worth. And
14 you know, I tell some of clients it's just as easy as
15 getting a stack of index cards and tossing them to her
16 side and your side and adding it up, and if it's the
17 same, fine, it's easy to split. What I find hard is
18 that most divorces that come before the family courts
19 I would probably venture to say 90 percent of them are
20 upside down in life. Everybody's broke. You know,
21 the credit cards are maxed out, the Disney vacation's
22 over, summer trip to Europe's over and now, we're
23 getting divorced. We don't have assets to split, we
24 got a lot of debt. Those are harder to handle. So
25 that part, I think, is the easy part. When I talk

1 about complex -- when you talk about complex, the
2 financial matters are, like I said, easy. The hard
3 part are the custody fights. You've got two people
4 who loved each other enough to have two or three
5 children. Now, they talk about each other in such a
6 way that you feel like you ought to call DSS in, if
7 half of what they say about each other is true, to
8 take the kids. So, I mean, that's hard. And you have
9 to be able to fight through that. I've had -- oh,
10 gosh, just a couple of years ago, probably had five
11 seriously contested domestic custody fights at one
12 time, and I swore I'd never take five on again, not at
13 one time. Because Thanksgiving, Easter, Christmas,
14 the emails and the calls that I get about the
15 craziness that's going on, it's just -- it's nerve-
16 racking. But that part is easier, I think, to handle
17 as a judge, because now, you can look at sole custody,
18 joint custody, some sort of shared custody, and having
19 been through a lot of that, I think I can pretty much
20 decipher that and give a fair ruling.

21 **Q. Thank you. And Mr. Diamaduros, the Commission**
22 **received 387 ballot box surveys regarding you, with 67**
23 **additional comments. The ballot box survey, for**
24 **example, contained the following positive comments: A**
25 **very knowledgeable and wonderful temperament. Amazing**

1 attorney. Kindhearted and perfect candidate. Has a
2 great amount of experience and works well with others
3 in the courtroom. Has the skill set to hit the ground
4 running. Steady and hard worker. A lawyer with many
5 years of experience at a high level and the kind of
6 lawyer we love to see run for judgeships because they
7 have earned the right to be there with their breadth
8 of knowledge and fine demeanor. Three of the written
9 comments, however, expressed concerns. Some of the
10 comments indicated that you can be condescending to
11 low income clients and have made inappropriate
12 comments about low income clients receiving legal
13 services. What response would you like to offer to
14 this concern?

15 A. I think that one's kind of a funny one. If I'm making
16 a negative comment towards a low income client, then
17 if I'm representing the other spouse, they're low
18 income too. So I don't think I'd be making those
19 comments. I just don't find -- I really can't respond
20 to that. If somebody said, in this particular case
21 when I was against him, he said something, maybe I
22 could figure it out. But I don't make fun of people
23 for being low income people. I grew up -- you know, I
24 grew up from an immigrant family, flipping
25 cheeseburgers and working with low income people that

1 I consider to be brothers of mine today.

2 Q. Thank you, Mr. Diamaduros. And I would note that the
3 Upstate Citizens Committee found Mr. Diamaduros
4 qualified in the evaluative criteria of constitutional
5 qualifications, physical health and mental stability.
6 The Committee found him well qualified in the
7 evaluative criteria of ethical fitness, professional
8 and academic ability, character, reputation,
9 experience and judicial temperament. And Mr.
10 Diamaduros, just for a few housekeeping issues, so are
11 you aware that as a judicial candidate, you are bound
12 by the Code of Judicial Conduct as found in Rule 501
13 of the South Carolina Appellate Court Rules?

14 A. I am.

15 Q. Thank you. And Mr. Diamaduros, since submitting your
16 Letter of Intent, have you contacted any members of
17 the Commission about your candidacy?

18 A. No, I haven't.

19 Q. And are you familiar with Section 2-19-70 including
20 the limitations on contacting members of the General
21 Assembly regarding your screening?

22 A. Yes.

23 Q. All right. And since submitting your Letter of
24 Intent, have you sought or received a pledge of any
25 legislator either prior to this date or pending the

1 outcome of your screening?

2 A. No.

3 Q. All right. And have you asked any third parties to
4 contact members of the General Assembly on your
5 behalf, or are you aware of anyone attempting to
6 intervene in this process on your behalf?

7 A. No, and I have not.

8 Q. Thank you. And have you reviewed and do you
9 understand the Commission's Guidelines on Pledging in
10 SC Code 2-19-70(E)?

11 A. Yes.

12 Q. All right. Thank you.

13 MS. WEBB: I would just note for the record that any
14 concerns raised during the investigation
15 regarding the candidate were incorporated into
16 the questioning of the candidate today. And Mr.
17 Chairman, I have no further questions.

18 CHAIRMAN CASKEY: Thank you, ma'am. Do members of the
19 Commission have questions or comments for Mr.
20 Diamaduros? Senator Talley.

21 EXAMINATION

22 BY MR. TALLEY:

23 Q. Good afternoon, Pete.

24 A. Good afternoon.

25 Q. My friend, good to see you. One thing I would tell

1 you at the outset is the breadth of comments about you
2 in the ballot box should be a sign of affirmation to
3 you and the respect you have amongst your peer and the
4 legal community worked with you for many years. I,
5 too, laughed when I saw the comment from one person
6 about the low income. I mean, you and I have had
7 cases where we walked in with clients that had
8 financial declarations but we worked hard for them and
9 that's just what we do, correct?

10 A. That's correct.

11 Q. Yeah. I would also like to just comment, you've got
12 letters of recommendation from people that are well
13 known and well respected in our community, and you
14 have done it all. I mean, in all candor and just so
15 the record's clear, you and I have a couple of cases
16 against each other right now. But we've always been
17 professional and worked together well, and you've done
18 a good job representing your clients. So I would like
19 for you to expand a little bit on -- you mentioned
20 Spartanburg's docket. You've been a part of it
21 probably even in the last couple of weeks. What do
22 you see as something you could bring to the bench that
23 would help us, particularly with the problem we have
24 there on getting temporary hearings before a judge
25 before two months, three months, those kind of things

1 **that we just continue to face in the Seventh Circuit?**

2 A. Well, I just talked about this with somebody the other
3 day. I said I don't know if they'll allow me to do it
4 or whether I can just ask to do it. But you know,
5 when you get in front of the judge, some judges, you
6 hand up your packet of material at the temporary
7 hearing and they want you to tell them a little bit
8 about the case. So I tell them something, the other
9 lawyer tells them something and they issue a ruling.
10 They never really look at the packets. Other judges
11 take the packets and say I don't need to hear from
12 y'all. I'll read the packets and issue a ruling. You
13 know, that's really an easy way to do it. I really
14 would like to say that if the two attorneys would
15 consent, if you and I had a case against each other
16 and we're trying to get into court quickly and they
17 tell us it's six weeks, I got no problem saying,
18 during my in-chambers weeks, If y'all want to submit
19 your packets, I'll be glad to sit there and rule on
20 them without you needing to discuss it. Everything's
21 supposed to be in there. I find it interesting, when
22 we do discuss, sometimes we say things that aren't
23 even in the affidavits themselves, pushing our point
24 across. So I think it's kind of like maybe a speed
25 temporary docket where you submit your stuff and he

1 submits his stuff, and if everybody's in agreement,
2 and the clients are in agreement, I'll just issue a
3 ruling. And if I need to talk to you, we can easily
4 get on a conference call or a Zoom meeting. So I
5 think that's one way to help the backlog. The other
6 thing is you have to look at some clients and, when
7 they're going to come in and hand the court, you know,
8 eight pages of affidavits and that many text messages
9 and IM screenshots, they can't ask for a 15-minute
10 hearing. You know, they got to -- or you know, I
11 would sit there and do it, as we did recently with a
12 case that was very contentious with Todd Thigpen,
13 Judge Thigpen. He asked us to submit all our packet
14 by noon and we had a hearing at 4:00 o'clock that
15 afternoon. And that way, he had time to look at all
16 that stuff instead of just looking and trying to rule
17 with -- you know, in 15 minutes.

18 **Q. Appreciate that. One other question, and then there**
19 **may be others. Anything you want us to ask your**
20 **brother later today? You don't have to comment.**

21 **A.** I don't -- nothing from me.

22 MR. TALLEY: Thank you, Mr. Chairman.

23 CHAIRMAN CASKEY: Mr. Strom.

24 MR. STROM: Thank you, Mr. Chairman.

25 EXAMINATION

1 BY MR. STROM:

2 Q. Good to see you, Mr. Diamaduros.

3 A. Good to see you, Mr. Strom.

4 Q. You know, I think I've known you about 40 years from
5 during law school meeting at the Winner's Circle.
6 And I've followed you and Gia, and your career, and
7 your family, and these folks have heard me say this a
8 lot. I worry about the people we put on the family
9 court bench, because circuit court, general sessions,
10 common pleas, you have the benefit of a jury. That's
11 12 people to make a decision. But when we have
12 somebody on the family court bench, you're in charge
13 of money, you're in charge of children, you're in
14 charge of property. I mean, you're kind of Solomon.
15 And you know, that first hearing means a lot. And I
16 have a lot of angst about putting somebody on the
17 family court bench that hasn't been in private
18 practice and his peers, like Senator Talley, don't
19 have good things to say about them, because you just
20 don't know what you're going to get. And that impacts
21 a lot of families. And I can tell you I've followed
22 you and I've seen that smile, I know your heart, and
23 I'm not sure why you want to do this, but this is what
24 I think the General Assembly intended and what we've
25 all kind of grew up thinking it was. Sort of the

1 twilight of your career when you've had a good
2 practice, go back and do some public service and use
3 that wisdom that you have to try to make the place
4 better. That sounds like where you're going with
5 this, and I'm not surprised that you want to do it.
6 And I congratulate you and thank you for running.

7 A. Thank you. I will say one thing that I like to say.
8 We're not a small Bar in Spartanburg up at the
9 Greenville area, but we're a close Bar. And you know,
10 you don't burn bridges with people you're going to be
11 working with again. That's one of the problems I see
12 with a lot of young lawyers. They get behind these
13 emails or these text messages and they get kind of
14 tough and then they just burn bridges and they hate
15 the other guy. And you get into court and you see
16 judges having to send them out. Recently, in
17 Spartanburg, they had to send them out of the room,
18 Y'all got to go calm down and come back in. Y'all are
19 screaming at each other. Nobody's -- you know,
20 there's no decorum. So that's one of the things we
21 can bring. The old guys like us can bring that.
22 You're going to practice law with these people for a
23 long time. Got to be nice.

24 MR. STROM: Thank you, Mr. Chairman.

25 CHAIRMAN CASKEY: Ms. Blackley.

1 MS. BLACKLEY: Thank you, Mr. Chairman.

2 EXAMINATION

3 BY MS. BLACKLEY:

4 Q. It's so good to see you.

5 A. Thank you.

6 Q. Your reputation precedes you. I'm glad to see you
7 standing there to vie for this position. The only
8 thing that I would consider negative would be the
9 reference letter from Freddie Gault. I'm just
10 kidding. Freddie and I used to work together in the
11 congressional office. I know him very well. I didn't
12 -- I don't have any questions. I just wanted to
13 commend you for running and thank you for doing so.
14 Your reputation proceeds you.

15 A. Thank you. Freddie Gault and I, we know where the
16 skeletons are buried. That's why I had to keep him --

17 Q. I understand.

18 A. -- in my corner.

19 Q. Thank you.

20 A. Thank you.

21 CHAIRMAN CASKEY: Other members of the Commission have
22 questions or comments? Seeing none, then, sir,
23 this will end this portion of the screening
24 process. I do need to take a moment to remind
25 that pursuant to the Commission's evaluative

1 criteria, the Commission expects candidates to
2 follow the spirit, as well as the letter of the
3 ethics laws. And any violation or any appearance
4 of impropriety would be viewed as serious and
5 potentially deserving of heavy weight in our
6 screening deliberations. And as you know, the
7 record will remain open until the formal release
8 of the qualifications report and should the need
9 arise, we will retain the ability to call you
10 back here or refer the conversation, in the
11 unlikely event that that became necessary. So
12 thank you for being here today, sir. And thank
13 you for offering for service to the State of
14 South Carolina.

15 MR. DIAMADUROS: And thank y'all for serving.

16 CHAIRMAN CASKEY: Thank you.

17 MR. DIAMADUROS: Bye-bye.

18 THE CHAIRMAN: Bye-bye.

19 (Off the Record)

20 CHAIRMAN CASKEY: All right. Good afternoon.

21 MR. LOUNSBERRY: Good afternoon.

22 CHAIRMAN CASKEY: Before us, we have Mr. Jonathan
23 Lounsberry -- am I saying that correctly?

24 MR. LOUNSBERRY: Yes.

25 CHAIRMAN CASKEY: Okay -- who is a candidate for seat

1 four of the family court bench in the Seventh
2 Judicial Circuit. Do I have all that right?

3 MR. LOUNSBERRY: Yes.

4 CHAIRMAN CASKEY: All right. We should stop there,
5 then.

6 WHEREUPON:

7 JONATHAN LOUNSBERRY, being duly sworn and cautioned to
8 speak the truth, the whole truth and nothing but the
9 truth, testifies as follows:

10 CHAIRMAN CASKEY: Fantastic. There should be some
11 documents in front of you. If you would take a
12 look at those, sir.

13 MR. LOUNSBERRY: Yes, sir.

14 CHAIRMAN CASKEY: Are those the Personal Data
15 Questionnaire and the Sworn Statement that you
16 had submitted to the Commission?

17 MR. LOUNSBERRY: Yes.

18 CHAIRMAN CASKEY: Are there any updates or changes
19 that need to be made to those.

20 MR. LOUNSBERRY: There is one amendment that's
21 included in this.

22 CHAIRMAN CASKEY: And we have that.

23 MR. LOUNSBERRY: Yes.

24 CHAIRMAN CASKEY: All right. Do you have any
25 objection to our entering them into the record as

1 a part of your sworn testimony today?

2 MR. LOUNSBERRY: No.

3 CHAIRMAN CASKEY: Thank you, sir. Let me give staff
4 a second to do that.

5 (EXHIBIT NO. 22 MARKED FOR
6 IDENTIFICATION PURPOSES (24 pages)
7 PDQ - Jonathan Lounsberry)

8 (EXHIBIT NO. 23 MARKED FOR
9 IDENTIFICATION PURPOSES (7 pages)
10 Amendment to PDQ - Jonathan
11 Lounsberry)

12 (EXHIBIT NO. 24 MARKED FOR
13 IDENTIFICATION PURPOSES (7 pages)
14 Sworn Statement - Jonathan
15 Lounsberry)

16 CHAIRMAN CASKEY: The Judicial Merit Selection
17 Commission has thoroughly investigated your
18 qualifications for the bench. We have focused
19 our inquiry on the nine evaluative criteria and
20 has included a ballot box survey, a thorough
21 study of your application materials, verification
22 of your compliance with state ethics laws, a
23 newspaper search of articles in which your name
24 appears, a study of any previous screenings, and
25 a check for economic conflicts of interest. We

1 have received no affidavits in opposition to your
2 election, and no witnesses are present to
3 testify. If you would like to offer a brief
4 opening statement, we'd be happy to hear it,
5 otherwise, I would just recognize staff counsel
6 for some questions.

7 MR. LOUNSBERRY: Just brief. I'm thankful to be
8 here, and it's an honor and a privilege to be
9 before you, and I'm happy to answer any questions
10 you may have.

11 CHAIRMAN CASKEY: Fantastic. Ms. Wilkinson.

12 EXAMINATION

13 BY MS. WILKINSON:

14 **Q. Mr. Lounsberry, please state for the record the city**
15 **and circuit in which you reside.**

16 A. Spartanburg, South Carolina, in Spartanburg County.
17 It's the Seventh Judicial Circuit.

18 MS. WILKINSON: Mr. Chairman, I note, for the record,
19 that based on the testimony contained in Mr.
20 Lounsberry's PDQ, which has been included in the
21 record with his consent, Mr. Lounsberry meets the
22 statutory requirements for this position
23 regarding age, residence and years of practice.

24 **Q. Mr. Lounsberry, why do you want to serve as a family**
25 **court judge, and why do you feel that your legal and**

1 **professional experience qualify and will assist you to**
2 **be an effective judge?**

3 A. As to why to serve, the keyword would be to serve. I
4 take inspiration -- I've mentioned before this
5 Commission before -- my mother, who was a school
6 teacher, I used to joke, around the time Moses went to
7 school, it was about 40 years before she left us. And
8 she instilled in me, along with my father, that the
9 most important thing you could do is to serve the
10 community and to give of your gifts. As far as
11 experience, I've been blessed with having a varied
12 career in family court and have touched almost all of
13 the cases that would appear before family court, even
14 some of the, I guess, rare ones. And I have had great
15 mentors, and I would not stand before y'all today if I
16 did not believe I had the experience to be able to
17 take this position on.

18 **Q. Mr. Lounsberry, are there any areas of the law for**
19 **which you would need additional preparation in order**
20 **to serve as a family court judge, and how would you**
21 **handle that additional preparation?**

22 A. The two areas that would come to mind would be what we
23 affectionally call the institutional areas, DJJ and
24 DSS. Early in my career, I've handled a number of DJJ
25 cases and throughout my career, sometimes attached to

1 my private cases, I've handled DSS actions as part of
2 those private cases, but I've also have handled a few
3 direct DSS cases. Since, I think, the end of August
4 of this year, I've been sitting in court on days where
5 DSS hearings have been heard and DJJ hearings have
6 been heard. I've been appointed as a guardian in a
7 couple of DJJ cases, on a temporary basis, to move
8 those forward. And I would continue to, as long as I
9 could, observe and seek as much education as I could
10 in those areas to better myself in those.

11 **Q. Please briefly describe your experience in handling**
12 **complex contested family court matters and**
13 **specifically discuss your experience with the**
14 **financial aspects of family court work.**

15 A. I have practiced all across this state. I've
16 practiced in Columbia. I've practice in Charleston,
17 and I'm now in -- well, I like to call it the Upstate,
18 but some people call it the Upcountry. I have handled
19 marital estates that have had no commas, and I've
20 handled marital estates that have had two or three
21 commas. I would say each divorce or each custody
22 cases is complex in their own right, because we're
23 dealing with people's emotions, and as long as we keep
24 that in mind, we're able to help them find a practical
25 and rational solution to help them move forward. And

1 my goal -- I tell all my clients, My goal is to help
2 you not have to see me again. I don't want you to
3 keep coming back. I want to be able to solve whatever
4 issue you've going through in the best practical way
5 to keep you moving forward. With complexities of
6 financial issues, I've had to use experts who have
7 valued businesses, who have valued percentages of golf
8 courses, who have valued all kinds of things. We've
9 had to use forensic accountants to review a person's
10 living -- standard of living to make sure that we
11 understand what their need is, if we're either trying
12 to seek alimony or making a case against alimony. In
13 custody cases, I've interacted with some of the
14 nation's leading experts in psychological issues.

15 **Q. Mr. Lounsberry, the Commission received 240 ballot box**
16 **surveys regarding you with 43 additional comments.**
17 **The ballot box survey, for example, contained the**
18 **following positive comments: Jonathan has a sharp**
19 **legal mind and a perfect temperament for the**
20 **judiciary. Jonathan Lounsberry is an outstanding**
21 **family court practitioner. His experience, skill and**
22 **demeanor would make him an excellent family court**
23 **judge. Jonathan is one of the most intelligent,**
24 **hardworking and ethical lawyers that I know. He would**
25 **be a fantastic family court judge and an asset to the**

1 state in that role. Ten of the ballot box responses
2 did express concerns. Although you had an
3 overwhelming number of positive comments regarding
4 temperament and experience, some did express concerns
5 in those areas. Several comments indicated an issue
6 with temperament, stating that you come off as
7 arrogant and condescending, and they were concerned
8 about how you would treat certain litigants such as
9 pro se litigants. What would your response be for
10 these concerns?

11 A. My response is, even though that's the less enticing
12 part of this process is to hear what people don't
13 necessarily like about you, it's good to know. And if
14 I could, at one point, I would like to know who those
15 people were that mentioned the condescending or the
16 arrogant, so that I could sit down and, as the same
17 goes, bury the hatchet with them. My mother always
18 raised me with the understanding that the first
19 impression you make on someone is the only impression
20 you make on them, and that I needed to treat others
21 like I wanted to be treated, always. And in preparing
22 for this hearing today, I was listening to a sermon in
23 church and I was reminiscing on the fact that Jesus
24 always got the best questions from the lawyers. And
25 the lawyers always got the best responses. And the

1 lawyer who got the response to the question, What do I
2 need to get to heaven? is, basically, give away allow
3 your stuff and live by these two Commandments, right,
4 Love the Lord God above everyone else and love your
5 neighbor as you love yourself. I try very hard every
6 day to live that out. And it pains me to think that
7 there's someone out there who has a less than
8 flattering opinion of me. As far as treating people
9 differently, I'd hearken back to that treat others as
10 you want to be treated. Court for me -- to stick with
11 the theme, is a lot like church. I grew up in this
12 town. I grew up in Columbia and I grew up in
13 Spartanburg. And I grew up going to the church across
14 the street. And so a lot of times I spent looking at
15 the State House and looking at Trinity. And there's a
16 certain reverence you have when you go into a
17 cathedral like that. And for me, there's a certain
18 reverence I have when I go into a courthouse. And I
19 believe that, you know -- this saying is attributed to
20 Aristotle, that every man is -- was justice is giving
21 every man his due. Every person who comes into court
22 deserves to be treated with respect. Every pro se
23 litigant I have, I treat them as a lawyer. I treated
24 them as they are a respected person of our profession
25 because they're choosing to represent themselves, and

1 that's, I think, the highest thing that we can do is
2 to show the world how we feel and to treat everyone
3 like we want to be treated.

4 **Q. Several of the comments also noted that you lack the**
5 **requisite experience needed for the position and were**
6 **often second chair on cases. What is your response to**
7 **this concern?**

8 A. I have served second chair and I would not have
9 learned to be the lawyer that I am without having
10 served second chair. But it's been a while since I've
11 served second chair. I've tried -- the longest case
12 I've tried -- I had a co-counsel for a bit and she got
13 out. And we were equal, in part. It was a ten-day
14 custody trial tried in Spartanburg under Judge
15 Sinclair on a third-party custody issue, which has
16 since been appealed and it's now created law in this
17 state. But I wouldn't have been able to try that case
18 -- and in fact, I called my mentor shortly after --
19 who basically taught me how to do this -- and told him
20 I wouldn't have been able to do that if I hadn't sat
21 second chair. But it's been some time.

22 MS. WILKINSON: Mr. Chairman, I would note that a
23 Upstate Citizens Committee found Mr. Lounsberry
24 qualified in the evaluative criteria areas of
25 constitutional qualifications, physical health

1 and mental stability, and well qualified in the
2 evaluative criteria areas of ethical fitness,
3 professional and academic ability, character,
4 reputation, experience and judicial temperament.
5 The Committee did not have any related or summary
6 concerns or comments.

7 **Q. Mr. Lounsberry, there are a few housekeeping issues.**
8 **Are you aware that as a judicial candidate, you are**
9 **bound by the Code of Judicial Conduct as found in Rule**
10 **501 of the South Carolina Appellate Court Rules?**

11 A. Yes.

12 **Q. Since submitting your Letter of Intent, have you**
13 **contacted any members of the Commission about your**
14 **candidacy?**

15 A. No.

16 **Q. Are you familiar with Section 2-19-70, including the**
17 **limitations on contacting members of the General**
18 **Assembly regarding your screening?**

19 A. Yes.

20 **Q. Since submitting your Letter of Intent, have you**
21 **sought or received a pledge of any legislator either**
22 **prior to this date or pending the outcome of your**
23 **screening?**

24 A. No.

25 **Q. Have you asked any third parties to contact members of**

1 the General Assembly on your behalf or are you aware
2 of anyone attempting to intervene in this process on
3 your behalf?

4 A. No.

5 Q. Have you reviewed and do you understand the
6 Commission's guidelines on pledging in South Carolina
7 Code Section 2-19-70(E).

8 A. Yes.

9 MS. WILKINSON: I would just note for the record that
10 any concerns raised during the investigation
11 regarding Mr. Lounsberry were incorporated into
12 the questioning of him today. Mr. Chairman, I
13 have no further questions.

14 CHAIRMAN CASKEY: Thank you, ma'am. Do the members
15 of the Commission have questions or comments for
16 Mr. Lounsberry? Mr. Talley.

17 EXAMINATION

18 BY MR. TALLEY:

19 Q. How you doing, sir?

20 A. I'm doing well. How are you?

21 Q. Good to see you. Just for the record and clarity, you
22 and I actually have some cases against each other
23 right now.

24 A. Yes, sir, we do.

25 Q. We've had many over the last several years. So I just

1 want that to be on the record. I want to just state
2 to you, Jonathan, that, you know, you heard some of
3 these comments. I don't -- I certainly don't think
4 that's widespread amongst the members of the Bar in
5 Spartanburg. I think you have great respect amongst
6 members of our Bar. That you pointed out, you have a
7 lot of experience, prior to coming to Spartanburg,
8 working on some of the bigger cases that worked their
9 way through the appellate court process here in South
10 Carolina. In fact, the ten-day custody case you
11 mentioned, I think my associate was involved with you
12 on that for a period of time as well. She was the one
13 that was removed that you were talking about.

14 A. She was in the -- she was the -- that was the second
15 ten-day trial.

16 Q. That was the second ten-day trial. Okay. And so,
17 yeah, I mean, I'd say that just so the record is
18 clear, you, obviously, have stood on your own and
19 tried your own cases and done many of that. I asked
20 Mr. Diamaduros, who was in here earlier, this same
21 question. So in fairness, you are well aware of our
22 family court backlog in the Seventh Judicial Circuit
23 in Spartanburg County, in particular. So if you're
24 successful in this, what is something you think you
25 could bring to the bench to help move the docket, in

1 particular, get temporary hearings scheduled sooner
2 than they are right now. As you well know, we wait
3 oftentimes months before we're able to get those first
4 hearings in court up there, so just -- I just offer
5 that to you.

6 A. Thank you. It's a crutch that we hear, you know,
7 since about 2022, 2023, that we're still trying to
8 crawl out from COVID. And what the bench has done up
9 there this year, I think, is pulling us out. And I
10 think we need to keep moving in that direction, which
11 is setting as many trials that need to be set as can
12 be set. A lot of those times, what happens is -- when
13 I tell my clients, you know, We're going to get ready
14 for trial. And I know it's not fun, but we have to do
15 it. And we show up. And they keep asking why. I
16 said, Well, some people go to Disneyworld and they
17 figure out, when they see Space Mountain, that they
18 don't want to get on it. So getting people to court
19 kind of helps resolve cases. But whatever we could do
20 to help move those trials forward I think would be
21 helpful. I don't know how it would exactly fit in,
22 but in some of the cases I've tried in district court,
23 you get that scheduling order, you get a tight
24 deadline on discovery, there has to be an exchange of
25 witness lists and exhibits before trial, and any

1 objections noted to those exhibits, so that when you
2 go to court, you know, you spend the first couple of
3 minutes putting all of the exhibits into the record,
4 and then dealing with the ones that have objections
5 later. I think those could move trials forward. But
6 a lot of times, what I experience as causing a backlog
7 is for getting temporary hearings, is having those
8 trials set. And what's causing those trials to have a
9 backlog is people, you know, it's kind of this
10 constant rat race -- it's getting in discovery and
11 trying to get things done to get ready for trial.

12 **Q. Thank you.**

13 MR. TALLEY: Thank you, Mr. Chairman.

14 CHAIRMAN CASKEY: Ms. McIver.

15 MS. McIVER: Thank you, Mr. Chairman.

16 EXAMINATION

17 BY MS. McIVER:

18 **Q. Mr. Lounsberry, I noticed in one of your letters of**
19 **reference from John B. White that you are a member of**
20 **the Fellow in Academy of Matrimonial Lawyers and the**
21 **International Academy of Family Lawyers.**

22 A. Yes, ma'am.

23 **Q. For those of us who don't practice in the family**
24 **court, can you kind of explain what that means and why**
25 **that's important for someone who's running for this**

1 **position?**

2 A. To be a Fellow in the American Academy of Matrimonial
3 Lawyers, it is -- it is not kind of a pay-to-play
4 process. Both of those organizations are peer
5 recognized organizations for experience and knowledge
6 -- for knowledge and experience in family law. And
7 particularly, for the American Academy, it is a
8 process of taking a 200-question test on 15 different
9 subjects that touch family court law, Social Security,
10 Medicare, Medicaid, all of the things we would
11 regularly deal with. And then being vetted by not
12 people that you know, but by people that you've tried
13 cases against and judges you've appeared in front of.
14 Currently, I think there are around -- I don't know
15 the exact number, so I'll give you a range. I think
16 between 14 and 1500 fellows across the United States
17 in the American Academy. And globally -- the
18 International Academy is global. There are about
19 1,010 or so fellows on the International. Now that --
20 kind of the overlay there is if you have a bit of your
21 practice that focuses on international family law, you
22 kind of can move over into that one as well.

23 **Q. Thank you. My dad practiced in family court and he**
24 **would mention those organizations and say that he**
25 **wanted to, you know, talk to someone, and he said**

1 they're a member of this, a member of that, and I
2 didn't really know what it meant. Certainly, we
3 appreciate someone with your credentials and
4 background and being willing to serve. May I ask you
5 one other question?

6 A. Yes. Is it about the pin?

7 Q. Yeah. I've been staring at it and I'm very curious.

8 A. So the pin is a reminder to do the best you can with
9 what you have. Now, there's kind of a longer story.
10 The joke is my father is from western North Carolina.
11 He grew up in Appalachia. And so I grew up with a lot
12 of funny sayings. All right. I would ask him for
13 things when I was little and he would say, Son, if a
14 frog had wings, he wouldn't bump his butt when he
15 jumped. I would also hear, When life -- you know,
16 other people would hear, When life gives you lemons,
17 you make lemonade. I heard, Sometimes, you just got
18 to turn chicken mess into chicken salad. And as a
19 family court lawyer, all I do is make chicken salad
20 sandwiches. So I told somebody one day, I said, I
21 want a pin. Everybody has their pin. But I want a
22 Duke's mayonnaise jar. I opened my mouth and what
23 happened, it appeared on my desk. And I said, Well,
24 if they went through the trouble of finding it, I'm
25 going to wear it. We also like to joke and say it's a

1 symbol of hope, hope I don't have to use too much
2 mayonnaise. But that's -- that's the pin.

3 **Q. Thank you very much.**

4 SENATOR TALLEY: And Mr. Chairman, for the record, he
5 does wear it every day.

6 CHAIRMAN CASKEY: Ms. Blackley.

7 MS. BLACKLEY: Thank you, Mr. Chairman.

8 EXAMINATION

9 BY MS. BLACKLEY:

10 **Q. So good to see you. I am --**

11 **A. Yes, ma'am.**

12 **Q. I just have a comment. I am a little stunned at the**
13 **fact that there was any comment about you being**
14 **arrogant and your temperament. I know people who've**
15 **worked with you, and I know you, and I've never heard**
16 **anything like that or experienced that. But I would**
17 **say the same thing about you as I did the last**
18 **candidate, your reputation proceeds you in your**
19 **temperament and your work. And so, you know, these**
20 **ballot boxes have a way of having things that may not**
21 **be as pleasurable as we would like. But I wanted that**
22 **on the record, that I know of, that I've had**
23 **experiences with you and never, ever felt anything**
24 **like that or received anything like that from you and**
25 **anybody I have heard of who has dealt with you hasn't.**

1 **So thank you for running. Thank you for being here.**
2 **And I hope I don't have to use a lot of mayonnaise in**
3 **my life.**

4 A. Thank you.

5 **Q. Thank you.**

6 CHAIRMAN CASKEY: Any other questions or comments?

7 All right. Seeing none, then, that will conclude
8 this portion of the screening process. I do need
9 to take the opportunity, though, to remind you
10 that pursuant to the Commission's evaluative
11 criteria, the Commission expects candidates to
12 follow the spirit, as well as the letter of our
13 state's ethics laws. And we will view violations
14 or the appearance of impropriety as serious and
15 potentially deserving of heavy weight in our
16 screening deliberations. The record will remain
17 open until the formal release of the
18 qualifications -- report of qualifications --
19 excuse me -- and you may be called back if the
20 need were to arise. So thank you for being here
21 today, and thank you for offering for service to
22 the State of South Carolina.

23 MR. LOUNSBERRY: Thank you all.

24 CHAIRMAN CASKEY: We can go off the record for a
25 second.

1 (Off the Record)

2 CHAIRMAN CASKEY: Good afternoon. We will go back on
3 the record as we continue with your screening.

4 Before us, we have Ms. Gina McAlhany. Is --

5 MS. McALHANY: Yes, sir.

6 CHAIRMAN CASKEY: -- that correct?

7 MS. McALHANY: That is correct.

8 CHAIRMAN CASKEY: All right. And you are a candidate
9 for seat six of the family court bench for the
10 Ninth Judicial Circuit.

11 MS. McALHANY: That is correct.

12 CHAIRMAN CASKEY: All right. If you would, please,
13 raise your right hand.

14 WHEREUPON:

15 GINA McALHANY, being duly sworn and
16 cautioned to speak the truth, the whole truth and
17 nothing but the truth, testifies as follows:

18 CHAIRMAN CASKEY: There should be some documents in
19 front of you. Can you take a look at those,
20 please?

21 MS. McALHANY: Yes, sir. Yes, sir.

22 CHAIRMAN CASKEY: Are those the Personal Data
23 Questionnaire and the Sworn Statement that you've
24 submitted to the Commission?

25 MS. McALHANY: Yes, sir.

1 CHAIRMAN CASKEY: Are there any updates or changes
2 that need to be made?

3 MS. McALHANY: There are not.

4 CHAIRMAN CASKEY: Do you have any objection to us
5 entering those into the record, along with your
6 sworn testimony today?

7 MS. McALHANY: No, sir.

8 (EXHIBIT NO. 25 MARKED FOR
9 IDENTIFICATION PURPOSES (16 pages)
10 PDQ - Gina McAlhany)

11 (EXHIBIT NO. 26 MARKED FOR
12 IDENTIFICATION PURPOSES (6 pages)
13 Amendment to PDQ - Gina McAlhany)

14 (EXHIBIT NO. 27 MARKED FOR
15 IDENTIFICATION PURPOSES (7 pages)
16 Sworn Statement - Gina McAlhany)

17 CHAIRMAN CASKEY: The Judicial Merit Selection
18 Commission has thoroughly investigated your
19 qualifications for the bench. Our inquiry has
20 focused on the nine evaluative criteria and it
21 has included a ballot box survey, a thorough
22 study of your application materials, verification
23 of your compliance with state ethics laws, a
24 search of newspaper articles in which your name
25 appears, a study of any previous screenings, and

1 a check for economic conflicts of interest. We
2 have received no affidavits filed in opposition
3 to your election, and there are no persons
4 present to testify. If you would like to make a
5 brief opening statement, we'd be happy to hear
6 from you, otherwise, I will recognize staff
7 counsel and we'll proceed with questions.

8 MS. McALHANY: Thank you. I would just say thank you
9 for having me this afternoon, and I certainly
10 appreciate all the time and hard work and
11 dedication you each put into this process.

12 CHAIRMAN CASKEY: Thank you, ma'am. Ms. Wilkinson.

13 EXAMINATION

14 BY MS. WILKINSON:

15 **Q. Ms. McAlhany, please state for the record the city and**
16 **circuit in which you reside.**

17 **A.** Summerville, South Carolina, Ninth Circuit.

18 MS. WILKINSON: Mr. Chairman, I note, for the record,
19 that based on the testimony contained in the
20 candidate's PDQ, which has been included in the
21 record with her consent, Ms. McAlhany meets the
22 statutory requirements for this position
23 regarding age, residence and years of practice.

24 **Q. Ms. McAlhany, why do you want to serve as a family**
25 **court judge, and why do you feel that your legal and**

1 professional experience qualify and will assist you to
2 be an effective judge?

3 A. Thank you, Sharon. I have practiced in the family
4 court for 30 years, which is hard to believe,
5 honestly, but that has been my practice. I was
6 fortunate enough, when I came out of law school 30
7 years ago this month I was able to hang a shingle and
8 have continued in private practice continuously since
9 then with my own law firm. Over the course of my 30
10 years, I have litigated almost every type of case you
11 could as a family court practitioner, whether it's
12 custody, visitation, grandparent visitation,
13 termination of parental rights, adoptions, equitable
14 distribution. I handled prenuptial agreements, name
15 changes. And the reason I was able to develop my
16 practice is when I came out, I didn't have a client
17 base, obviously, coming out of law school, but I was
18 fortunate enough to have a contract with the Public
19 Defender Corporation. At that time, there were no
20 circuit defenders. That wasn't in existence. And so
21 that allowed me to build my practice while having some
22 sort of income to feed myself. And quite frankly,
23 that's a job that I have held for the -- essentially,
24 the entirety of my practice, representing juveniles in
25 family court. In addition to that position, which I

1 would say probably has been the most meaningful
2 position I've had, I have served at the attorney for
3 the Department of Social Services, again, as a
4 contract position, prosecuting the abuse and neglect
5 cases. I have served as the guardian ad litem's
6 attorney in abuse and neglect cases, obviously,
7 representing the volunteer guardian ad litem's -- in
8 those cases. And saying that, when you asked me why do
9 I want to be a judge, I certainly think based on my
10 practice and based on everything that I've dealt with,
11 and some of the most serious things that could come
12 across in the family court, that gives me, certainly,
13 a realization and a keen -- I say a keen awareness of
14 the seriousness and the magnitude of the decisions and
15 the cases that come before a family court judge. I
16 would hope that my experience in practicing in all of
17 these areas would aid me in making rulings and
18 decisions and serving the litigants that come before
19 me, the families, the children, the things that we all
20 hold most sacred. I think that's important to have
21 that experience to aid anybody in seeking to take this
22 step and become a judge.

23 **Q. Are there any areas of the law for which you would**
24 **need additional preparation in order to serve as a**
25 **family court judge, and how would you handle that**

1 **additional preparation?**

2 A. Again, I feel like I have practiced, and I continue to
3 practice in, obviously, juvenile law every day, seems
4 like. I'm in court frequently. I've handled DSS
5 cases while in private practice. The one thing that I
6 think is just significant to brush up on are just the
7 Rules of Evidence. That matters. I think, as a
8 judge, you have to have a handle on what those are,
9 how they apply. So that's something I would always
10 review just to refresh.

11 **Q. Please briefly describe your experience in handling**
12 **complex contested family court matters and**
13 **specifically discuss your experience with the**
14 **financial aspects of family court work.**

15 A. Sure. The complex -- I'll talk about that first.
16 Obviously, in my practice -- and I've cited -- I've
17 given some examples of cases that I've represented
18 clients in. You know, I've represented the most
19 serious of cases, meaning juveniles charged with
20 murder, looking at waiver hearings. I have, in the
21 prosecution of abuse and neglect, had obviously seen
22 the most horrific things and prosecuted those and,
23 hopefully, at times, given permanency to a child. I
24 had a case, at one point -- I think, again, I
25 referenced that regarding a mother charged with murder

1 in a DSS case of her special needs child. Her three
2 children were removed from her. And that case went on
3 for a while. The three children that mother had --
4 the remaining children, sorry, her special needs --
5 her special needs son she was accused of murdering.
6 She had three other children who were excellent
7 students, no problems, never been in trouble before,
8 no criminal record. And as you can imagine, you know,
9 we had to deal not only with the complexity of the
10 family court, with the complexity of the pending
11 criminal charges, but was ultimately able to resolve
12 the case, and it was determined -- because this child
13 that died was loved, was a special needs child, that
14 he had had a seizure and it was not murder. As far as
15 financials, certainly, the financial cases that I had
16 -- I've practiced in Summerville and it's certainly a
17 growing community now. I've litigated everything from
18 a hog cooker and who gets possession, certainly, to
19 people that own businesses. I have had forensic
20 accountants, obviously, when things become above my
21 pay grade, to deal with valuations of businesses,
22 obviously, determining what the values are and the
23 equitable distribution. The cases that I sometimes --
24 I just had a recent case where the people owned two
25 businesses, owned multiple properties. I was dealing

1 with the corporate attorney in the division of the
2 business. And ultimately, we were able to address the
3 division of assets, the division of the businesses.
4 We had a large retirement fund. We had two thrift
5 saving plans retirement funds. We had military
6 retirement. And those are the issues that I was
7 addressing. So I believe I've dealt with certainly
8 all facets regarding family court and financials.

9 Q. Ms. McAlhany, the Commission received 243 ballot box
10 surveys regarding you with 56 additional comments.
11 The ballot box survey contained all positive comments
12 for you with no negative comments or comments of
13 concern noted. Some of the positive comments include:
14 Great demeanor and temperament. Experienced in all
15 areas of family law. Great mediator. Gina may be the
16 most qualified candidate to run for family court in
17 the Low Country in the last ten years. Very
18 experienced practitioner who has the empathy and
19 knowledge to be a very effective family court judge.
20 Gina is an experienced attorney who is honest,
21 forthright, and dependable. She is able to cut to the
22 chase, consider practical implications, and comprehend
23 complex situations. I believe her to be well
24 qualified. Ms. McAlhany, a SLED check revealed, and
25 your PDQ has been amended to provide, that you were

1 involved in a 2009 lawsuit as a homeowner against a
2 construction company for quality of work. Please
3 explain the nature and disposition of the lawsuit.

4 A. Sure. In 2009, my husband and I were plaintiffs in a
5 construction litigation lawsuit against the builder of
6 our first home that we'd ever purchased. We learned,
7 when we were selling the home, that he had failed to
8 install piers on the front of our house. We did not
9 know how our house was standing, apparently, so we
10 brought a lawsuit to address that. We ultimately
11 settled that at the depositions and were awarded
12 \$40,000, which covered the cost of installing the
13 piers on our home so we were able to sell it.

14 Q. Also, you were listed as the defendant in a 2009 --
15 excuse me -- 2012 foreclosure action regarding
16 collection of attorney's fees. Is there any
17 additional information you want to put on the record
18 regarding that foreclosure action?

19 A. No. And quite frankly, I didn't even remember it. I
20 had represented the -- the foreclosure action was
21 against a husband and wife and I had represented the
22 wife in the domestic action in Berkeley County. I was
23 awarded attorney's fees from the husband in that
24 action and when they foreclosed on the home, they
25 named me, because, obviously, I had a financial

1 interest.

2 Q. The Low Country Citizens Committee reported Ms.
3 McAlhany to be well qualified in the evaluative
4 criteria areas of ethical fitness, professional and
5 academic ability, character, reputation, experience
6 and judicial temperament. Ms. McAlhany was also found
7 qualified in the areas of constitutional
8 qualifications, physical health, and mental stability.
9 The related comments noted that Ms. McAlhany is,
10 quote, Super qualified and experienced, end quote.
11 Quote, Well-regarded and well liked. Wonderful
12 disposition, empathetic, smart, dedicated, would make
13 a great family court judge, A+, end quote. We do have
14 a few housekeeping issues. Ms. McAlhany, are you
15 aware that as a judicial candidate, you are bound by
16 the Code of Judicial Conduct as found in Rule 501 of
17 the South Carolina Appellate Court Rules?

18 A. Yes, ma'am.

19 Q. Since submitting your Letter of Intent, have you
20 contacted any member of the Commission about your
21 candidacy?

22 A. No, ma'am.

23 Q. Are you familiar with Section 2-19-70, including the
24 limitations on contacting members of the General
25 Assembly regarding your screening?

1 A. Yes, ma'am.

2 Q. Since submitting your Letter of Intent, have you
3 sought or received a pledge of any legislator either
4 prior to this date or pending the outcome of your
5 screening?

6 A. No, ma'am.

7 Q. Have you asked any third parties to contact members of
8 the General Assembly on your behalf or are you aware
9 of anyone attempting to intervene in this process on
10 your behalf?

11 A. No, ma'am.

12 Q. Have you reviewed and do you understand the
13 Commission's guidelines on pledging and South Carolina
14 Code Section 2-19-70(E).

15 A. Yes, ma'am.

16 MS. WILKINSON: I would just note for the record that
17 any concerns raised during the investigation
18 regarding the candidate were incorporated into
19 the questioning of her candidate today. Mr.
20 Chairman, I have no further questions.

21 CHAIRMAN CASKEY: Thank you, ma'am. Do members of
22 the Commission have any comments or questions for
23 Ms. McAlhany? Ms. McAlhany, I'll just jump in
24 here and say the comments we see in the ballot
25 box survey are simply remarkable. You have

1 certainly done an admirable job and earned a
2 reputation that has distinguished you as somebody
3 that I think, as members of the Bar, we can all
4 be very proud of. There's a high number of
5 responses, which is not always the case, and to
6 have them all -- all the comments be universally
7 positive is not something we frequently see, so.

8 MS. MCALHANY: I really appreciate that. Thank you.

9 CHAIRMAN CASKEY: Other comments or questions? All
10 right. Well, with that, then, we will conclude
11 this portion of the screening. Ms. McAlhany, I
12 do need to take this moment, though, to remind
13 you that pursuant to the Commission's evaluative
14 criteria, the Commission expects candidates to
15 follow letter, as well as the spirit of our
16 ethics laws. And we will view violations or any
17 appearance of impropriety as very serious and
18 potentially deserving of very heavy weight in our
19 screening deliberations. On that note, and as
20 you know, the record will remain open until the
21 formal release of the report of qualifications
22 and should the need arise out of a remote
23 possibility, we will retain the ability to call
24 you back for further discussion. With that, I'll
25 recognize Senator Rankin, who's energy is --

1 MR. RANKIN: Boundless.

2 CHAIRMAN CASKEY: -- culpable.

3 MR. RANKIN: Boundless. I just want to state the
4 obvious here. And it's not a question. It's no
5 gotcha, but that you enjoy the regard of so many
6 that you practice with and the fact that they
7 have chosen to stand down to let the one most
8 qualified get the job is -- speaks volumes of
9 your credentials. So I just want to compliment
10 you. And as you embark upon this, again, absent
11 a slip through the cup and the lip between here
12 and election day and ascending to the bench, that
13 you wear your robe lightly as you have presented
14 to us in a very serious, but very light way. So
15 God bless you.

16 MS. McALHANY: Thank you so much.

17 CHAIRMAN CASKEY: And with that, I'll thank you and
18 thank you for offering for service to the State
19 of South Carolina.

20 MS. McALHANY: Thank you, I appreciate it. Thank you.

21 (Off the record)

22 CHAIRMAN CASKEY: All right. Good afternoon. We
23 will go back on the record. Before us, we have
24 Mr. Sammy Diamaduros. Did I say that correctly?

25 MR. DIAMADUROS: You did, which is pretty good.

1 CHAIRMAN CASKEY: All right. I had a little practice
2 earlier, so I'm glad I got it. So you are here
3 as a candidate for Seat one of the family court
4 bench in the Sixteenth Judicial Circuit; is that
5 right?

6 MR. DIAMADUROS: Correct.

7 CHAIRMAN CASKEY: Okay. If you would, please, raise
8 your right hand.

9 WHEREUPON:

10 SAMMY DIAMADUROS, being duly sworn and
11 cautioned to speak the truth, the whole truth and
12 nothing but the truth, testifies as follows:

13 CHAIRMAN CASKEY: Please take a look at the documents
14 that should be right in front of you.

15 MR. DIAMADUROS: Okay.

16 CHAIRMAN CASKEY: Are those the Personal Data
17 Questionnaire and the Sworn Statement that you've
18 submitted to the Commission?

19 MR. DIAMADUROS: They are.

20 CHAIRMAN CASKEY: Are there any updates or changes
21 that need to be made?

22 MR. DIAMADUROS: No, sir.

23 CHAIRMAN CASKEY: Okay. Do you have any objection to
24 our entering them in the record as a part of your
25 sworn testimony today?

1 MR. DIAMADUROS: No, sir.

2 CHAIRMAN CASKEY: Fantastic. I'll let the staff do
3 that.

4 (EXHIBIT NO. 28 MARKED FOR
5 IDENTIFICATION PURPOSES (16 pages)
6 PDQ - Sammy Diamaduros)

7 (EXHIBIT NO. 29 MARKED FOR
8 IDENTIFICATION PURPOSES (7 pages)
9 Sworn Statement - Sammy
10 Diamaduros)

11 CHAIRMAN CASKEY: The Judicial Merit Selection
12 Commission has thoroughly investigated your
13 qualifications for the bench. Our inquiry is
14 focused on the nine evaluative criteria and has
15 included a ballot box survey, a thorough study of
16 your application materials, verification of your
17 compliance with state ethics laws, search of
18 newspaper articles in which your name appears,
19 study of any previous screenings, and a check for
20 economic conflicts of interest. There are no
21 affidavits filed in opposition to your election,
22 and no witnesses are present to testify. Before
23 extending to you an opportunity to make any brief
24 comments you may want to make, I do want to offer
25 you the opportunity to introduce us to this young

1 lady who has followed you here.

2 MR. DIAMADUROS: Thank you. This my wife, Beth
3 Diamaduros, and she just came to support me.

4 CHAIRMAN CASKEY: Thank you for being here, Beth.

5 MRS. DIAMADUROS: Thank you.

6 CHAIRMAN CASKEY: And as I said, if you have any
7 brief opening remarks, we'd be happy to hear
8 them, otherwise, we'll turn to staff counsel.

9 MR. DIAMADUROS: I can make a brief statement. First
10 of all, thank y'all for having me here and thank
11 y'all for everything y'all do, because y'all have
12 been interviewing lawyers for like three weeks,
13 now, so I'm assuming that's probably hard and
14 tedious. My name is Sammy Diamaduros. I'll be
15 brief and then take questions. I'm running for
16 the Sixteenth Circuit Seat 1 Family Court. I
17 consider it an honor to be able to have that
18 opportunity. I consider it an opportunity in
19 life to do something different, sort of like a
20 calling. It's not something I took lightly to
21 do. It's not something I planned when I became a
22 lawyer, to run for a judge one day. This just
23 sort of came to me. I've spent a lot of time
24 praying about it, talking to my family, my wife,
25 my kids, step kids. And even Judge White, who's

1 my partner, who's retiring, I've spent a lot of
2 time talking to him to get the pros and the cons,
3 and many other lawyers and judges like Judge
4 Guyton just get their opinions and thoughts on
5 what it's like to be a judge so I would have an
6 idea. So I think I'm ready to do it.

7 CHAIRMAN CASKEY: Outstanding. Ms. Crater.

8 EXAMINATION

9 BY MS. CRATER:

10 **Q. Mr. Diamaduros, please state for the record the city**
11 **and circuit in which you reside.**

12 A. Union, South Carolina, Sixteenth Judicial Circuit.

13 MS. CRATER: Mr. Chairman, I note, for the record,
14 that based on the testimony contained in the
15 candidate's PDQ, which has been included in the
16 record with the candidate's consent, Mr.
17 Diamaduros meets the statutory requirements for
18 this position regarding age, residence and years
19 of practice.

20 **Q. Mr. Diamaduros, why do you want to serve as a family**
21 **court judge and why do you feel that your legal and**
22 **professional experience qualify and will assist you to**
23 **be an effective judge?**

24 A. Well, after 30-plus years of being a lawyer and an
25 advocate for one side or the other, I think this is a

1 good opportunity to make a difference. I don't have
2 to pick a side. I can actually do what I think's
3 right, try to use my demeanor and my personality and
4 my ability to deal with people over the years, my
5 experience and my knowledge of the law, and go into a
6 case and look at the facts and the law and help make
7 decisions that are right and that are fair and
8 equitable do so something different than just arguing
9 one point my whole career. So I think it can actually
10 be something rewarding to close out my career with.
11 As for experience, I can go straight into that if you
12 want.

13 **Q. Of course.**

14 A. I have been practicing law for over 30 years. I spent
15 my first two as assistant solicitor in the Sixth
16 Circuit, which is Chester, Lancaster and Fairfield.
17 We prosecuted general session cases and DJJ cases. So
18 I got more experience prosecuting DJJ cases probably
19 than DJJ after that. I worked under the Honorable John
20 Justice. I had a lot of experience and served two
21 years of prosecutor. Then I went back to Union and
22 have practiced there my entire career for 30-plus
23 years. And I have done family court throughout my 30
24 years. I think I've handled -- I won't list them --
25 but virtually every type of family court case there

1 can be. I'm sure there's some issue I might not have
2 done regularly that I'd have to do a little research
3 on, and that's not a problem. I've also done criminal
4 and civil. Just briefly, I've been in family court
5 tons of times. I've been in criminal court in
6 magistrate's, municipal, and general sessions, and
7 I've had trials on all of those. I've had trials in
8 common pleas court and civil trials in magistrate's
9 court. I've had trials in Workers' Compensation
10 Commission. I've had trials in probate court. I
11 served as a guardian a lot and I've served as a
12 mediator numerous times. So I think my experience
13 would make me well qualified to handle virtually any
14 situation. And I want to add to that, even doing
15 criminal, I think, helps with family law, because
16 there's a lot of things in family law, like domestic
17 violence and crimes that matter, and we sort of
18 understand those. Even, I've also done a lot of real
19 estate, a little bit more in the last few years with
20 the boom of real estate. In a small town, you do
21 everything. And I think that's helped, because I've
22 seen so many people come see me and they're going to
23 sell their property. But they didn't know that after
24 they got divorced, that they still need to do a deed,
25 or what type of deed, which matters to title insurance

1 companies if it's right of survivorship or if it's
2 tenancy in common. And I think all of that
3 experience, even though it doesn't seem like it would
4 matter, does. Because I've dealt with a hundred loan
5 closes last year, or more, easily -- probably. Don't
6 know the exact number. And so I know values,
7 appraisals. I understand a lot of that. And all
8 that, I think, put together will make it beneficial
9 for me.

10 **Q. Mr. Diamaduros, are there any areas of the law for**
11 **which you would need additional preparation in order**
12 **to serve as a family court judge and how would you**
13 **handle that additional preparation?**

14 A. I'm going to say no. There might be some areas that
15 we don't see frequently anyway. It might take some
16 research, but I don't think there's any areas that I'm
17 not prepared for. But obviously, the day-to-day
18 divorce, the DSS cases, those are so routine, but I'm
19 sure there will be something that will take attention
20 to, but I don't really have a list.

21 **Q. Please briefly describe your experience in handling**
22 **complex contested family court matters, and**
23 **specifically, discuss your experience with the**
24 **financial aspects of family court work.**

25 A. So probably the larger case I dealt with was the

1 Boulware case that went to the Supreme Court. I did
2 not handle the appeal but I handled the trial. The
3 case lasted for several years, but I was only involved
4 for the last few weeks. I was retained. But I did go
5 to the trial, which had six or seven lawyers, DSS.
6 And it was a three-day trial, I believe. We were
7 successful in that the foster parents did not have
8 standing in that case, but it was overturned in
9 Supreme Court, because any South Carolina resident has
10 standing for adoption. So that would probably be the
11 more popular case I've handled. Recently, I handled
12 an adoption in the Randall case, which was one of my
13 bigger adoptions for multiple reasons. One, it was
14 not an intra-family. It was outside, so it takes all
15 the requirements of an adoption. But also, because
16 there's an agency in Union called C4 ministries opened
17 up by two preachers and they're the ones -- one of
18 them was getting the child. And when we went to
19 court, they showed up with about 30 people from the C4
20 Ministry to support it. So that was the most
21 uplifting, exciting time I've had, because I've never
22 had that many people to celebrate a family court
23 matter. I've also handled numerous custody cases,
24 divorce cases. I've handled an adult charged with
25 neglect of a child over returning a child to the

1 hospital and how they should've done it. Financial
2 matters, tons of them. Now, obviously, I would say
3 that I think we tried more cases early on than now,
4 because mediation seems to work well. So I would say
5 that more cases are mediated than tried. But I've
6 handled tons of financial matters. Given that in
7 Union, we probably don't have some of the same
8 financial matters on a day-to-day basis that you might
9 have in Greenville or Charleston, but still, we've
10 handled them. And it's the same rules. It's just
11 probably not as big of numbers as on a daily basis in
12 some of the bigger towns.

13 **Q. Mr. Diamaduros, the Commission received 343 ballot box**
14 **surveys regarding you, with 21 additional comments.**
15 **The ballot box survey, for example, contained the**
16 **following positive comments: Beyond qualified. Will**
17 **have an excellent courtroom temperament. Well**
18 **experienced, fair and ethical. And there is no**
19 **attorney that is more personable, good-hearted, and**
20 **morally righteous. The only negative comment raised**
21 **did not reveal any pattern of concern. I would note**
22 **that the Piedmont Citizens Committee found Mr.**
23 **Diamaduros qualified in the evaluative criteria of**
24 **constitutional qualifications, physical health, and**
25 **mental stability. The Committee found him well**

1 qualified in the evaluative criteria of ethical
2 fitness, professional and academic ability, character,
3 reputation, experience, and judicial temperament. The
4 Committee stated, in summary, Mr. Diamaduros was a
5 member of this committee for many years. He impressed
6 us then and impresses us now. As a lawyer with a deep
7 commitment to his clients and his community, a deep
8 knowledge of the areas of law required of family court
9 practitioners and deep reserves of humility and
10 compassion. We think he would make an excellent
11 family court judge. I just have a few housekeeping
12 issues. Mr. Diamaduros, are you aware that as a
13 judicial candidate, you are bound by the Code of
14 Judicial Conduct as found in Rule 501 of the South
15 Carolina Appellate Court Rules?

16 A. Yes, ma'am.

17 Q. Since submitting your Letter of Intent, have you
18 contacted any members of the Commission about your
19 candidacy?

20 A. No, ma'am.

21 Q. Are you familiar with Section 2-19-70 including the
22 limitations on contacting members of the General
23 Assembly regarding your screening?

24 A. I am.

25 Q. Since submitting your Letter of Intent, have you

1 sought or received a pledge of any legislator either
2 prior to this date or pending the outcome of your
3 screening?

4 A. No, ma'am.

5 Q. Have you asked any third parties to contact members of
6 the General Assembly on your behalf, or are you aware
7 of anyone attempting to intervene in this process on
8 your behalf?

9 A. No, ma'am.

10 Q. Have you reviewed and do you understand the
11 Commission's guidelines on pledging in SC Code 2-19-
12 70(E)?

13 A. Yes, ma'am.

14 MS. CRATER: I would just note for the record that any
15 concerns raised during the investigation
16 regarding the candidate were incorporated into
17 the questioning of the candidate today. Mr.
18 Chairman, I have no further questions.

19 CHAIRMAN CASKEY: Thank you, ma'am. Do members of
20 the Commission have questions or comments of Mr.
21 Diamaduros?

22 MR. DIAMADUROS: If I could add one more thing before
23 that, I'll just add that I did forget to say one
24 other thing that would -- I think would assist me
25 in being a family court judge is I was married in

1 1991 and divorced in two thousand -- separated in
2 2007, divorced in 2009, which is in my
3 questionnaire. But I've also lived through a
4 divorce with joint custody, equitable division of
5 property, alimony. And I think living through it
6 -- and I'm remarried to my lovely wife, Beth and
7 we have -- I have three children, she has two, so
8 we have five combined. So I sort of know how to
9 handle a blended family and go through a divorce,
10 so I think I understand the personal toll of a
11 divorce more than some lawyers. Not to say that
12 makes me better, but I felt the pain of what a
13 divorce is like. And it's not an easy thing, and
14 I think that should help. That's all.

15 CHAIRMAN CASKEY: Mr. Safran.

16 MR. SAFRAN: Thank you, Mr. Chairman.

17 EXAMINATION

18 BY MR. SAFRAN:

19 Q. I just had a quick, I guess, wonder. In one of the
20 comments, it said that, you know, nothing personal,
21 but they questioned the breadth of your experience.
22 And it looks like to me you've been doing some level
23 of family court work for over 30 years. You've been
24 through a divorce yourself, so you've kind of seen a
25 lot of what you're going to have in front of you on a

1 **day-to-day basis. Why would anybody question that,**
2 **you think?**

3 A. So first of all, they told me that comment. I think
4 it was very minimal, but I lacked experience and
5 depth. I can't answer it. I have been, for 30-
6 something years, the first two were just prosecution
7 of juveniles and then after, I have done family court
8 continuously through the 30 years and there's never
9 been a pause in it. I've also served as county
10 attorney, which also is a little different area in
11 Union. I wonder sometimes -- and this might come
12 across wrong, but sometimes only people look at a
13 small town and think that we're from Union and maybe
14 we don't have the depth and experience that you would
15 have in a Greenville or Charleston. And I don't
16 believe that's correct. So I can't really answer why.
17 And I know we had it, but I wonder sometimes if we're
18 not a little bit -- the smalltown lawyer maybe not as
19 good as some of the bigger cities and maybe we didn't
20 see enough to have the depth or experience. But
21 that's probably the best I could say, I think.

22 **Q. Well, you know, I've practiced in both bigger and**
23 **small. And when you're in a small town, you take**
24 **everything. I mean, that's what comes in the door.**
25 **And I guess, you know, you may not have people, you**

1 know, bringing their yachts up to the office, but by
2 the same token, you're dealing with the same issues.
3 It may just be in a different scale. I'm sure over
4 the course of time, you've had some people who've had
5 more assets than others. But it sounds like to me
6 you've done divorces, you've done custody, you've done
7 adoption at some point or another. You've done pretty
8 much anything and everything you'd see as a family
9 court judge, haven't you?

10 A. Yes, sir, DSS, DJJ, TPRs. I did one of those in the
11 last year or two. I mean, I don't think anything I
12 could've missed. My partner, Tom White, once told me
13 when he became a judge, he told me, we may not be used
14 to handling \$50 million estates, but there's also
15 people that live in a mobile home and have one car and
16 you have to divide that too. So there's actually
17 different complexities to everything.

18 Q. Oh, there are. Look, Tom was a classmate of mine, and
19 I can hear him saying it. So --

20 A. He'd spend hours talking to me on that, so.

21 Q. I think that the thing is is that maybe there's an
22 undervaluing of being a big person, being something
23 that will listen, being somebody who won't take
24 themselves too seriously. That's what I'm reading
25 here is the description of you. You know, you've been

1 a people person for along time. And I think isn't
2 that really what you would appreciate out of a family
3 court judge when you go in with your client?

4 A. Yes, I believe we want -- well, you got to have a
5 family court that's stern, but you also have to have
6 somebody that's compassionate and nice. I got
7 questions, going through this process, of maybe I was
8 too nice. I'm very argumentative and stand my ground
9 when I go to court. I've had day hearings recently.
10 I just think sometimes you have to be nice first,
11 because that's what people want. But when a client
12 comes in front of you, with a lawyer or not, being
13 nice and compassionate and listening is more important
14 than stern, unless they're disrespectful or something
15 like that.

16 Q. Well, isn't this really oftentimes the worst time
17 they're ever having in their lives when they come in
18 front of you in family court?

19 A. I would agree.

20 Q. And that's the time, really, that need to have a
21 little bit of concern and compassion.

22 A. Yeah. Well, my wife is a nurse, and I'll say this.
23 We deal with people at their weakest time and so does
24 she in hospitals, doctors. I think if you don't have
25 compassion with people that are going through a hard

1 time or going through a sickness, then you don't need
2 to be there in the first place.

3 Q. Well, and, you know, you've been in front of a ton of
4 judges over the years and I think Judge Sinclair was
5 one of them.

6 A. Uh-huh.

7 Q. He's pretty nice, wasn't he?

8 A. Yeah, he's very nice.

9 Q. And but he kept control of the courtroom and made
10 things run the way they should.

11 A. Well, I've seen tough when we had Judge Guyton. And
12 we had Judge Jones, bless his soul. And Judge White,
13 they were all three, in our circuit, completely
14 different judges, but very good and different, is the
15 best way to say it.

16 Q. Well, so you've seen kind of how to work it.

17 A. Correct.

18 Q. And I guess, maybe you borrow something from every one
19 of them in terms of trying to maybe how you want to
20 run things.

21 A. Honestly, that's what I'm going to try to do is to
22 piece it together. And past judges in Union. I
23 learned a lot from the ones that were there, the Jack
24 Flynn and the Robert Guesses. And Judge Wilborn was
25 there when I first started. That's how long ago I was

1 there. But they were all different.

2 Q. Thank you for your comments and thank you for
3 offering.

4 A. Thank you. Appreciate it.

5 CHAIRMAN CASKEY: Senator Rankin.

6 EXAMINATION

7 BY SENATOR RANKIN:

8 Q. You're the only candidate in the field, correct?

9 A. Correct.

10 Q. And we had that with your -- the previous screening of
11 Ms. McAlhany, who you will meet if you haven't
12 already. But similarly for her, you obviously enjoy
13 the regard and esteem of those who could have run as
14 well, but chose not to. So that puts you literally
15 head and shoulders above the others in terms of no
16 one's standing in the race besides you. So there's a
17 compliment, obviously, to you in the regard that you
18 enjoy. The negative comment, we throw in there just
19 for spice, I think just to get a reaction. But again,
20 don't believe -- and your wife in particularly --
21 that's not the diagnoses that the world of the
22 anonymous -- the world of anonymity shares of you.
23 And one particular that may have been spoken of, which
24 I think is incredibly appropriate, in terms of the
25 personableness, good-heartedness, and moral

1 righteousness that I think is so important as a judge,
2 whatever the context of law before them, but
3 particularly, as a family court litigant. And then
4 one final comment. You could not have said it any
5 better, Been there, done that. And I've been there,
6 did that and I think that does give you an acute
7 appreciation for the person coming before you. I have
8 said, as a lawyer, to the client across the table from
9 me I can feel for you because you really have no sense
10 of control in the process that is about to become
11 this, and this your case. And so in a family court
12 context, I share that I'm not in control. I cannot do
13 any more than I can do. You, having been there, I
14 think are going to be so perfect for the litigants
15 before you. Not that you'll have to tell that story,
16 but that you will wear on your robe and be able to
17 relate with folks. I wish you well, and Godspeed and
18 lovingly, tenderly, respectfully, do wear that robe
19 lightly.

20 A. Thank you.

21 CHAIRMAN CASKEY: Representative Jordan.

22
23 REPRESENTATIVE JORDAN: Thank you, Mr. Chairman.

24 EXAMINATION

25 BY MR. JORDAN:

1 Q. Thank you for offering. I'm very impressed by your
2 qualifications and I'm just curious. Did your brother
3 and you talk about doing this at some point in time
4 years ago or just did --

5 A. So it's been mentioned to me for several years, mainly
6 from my partner, Judge White, that, I'm going to
7 retire one day and you might be the heir apparent that
8 might want to do this. And I never answered because I
9 just didn't put it on my plate. If it came, I would
10 decide at that time. So we didn't talk at length
11 until recently when we both decided that Spartanburg
12 created a new seat and my partner decided to retire
13 early, because I was unaware he was going to retire
14 early and then he hinted he might. So it just sort of
15 hit us both at the same time. So, yeah, I actually
16 hate to say this, but I met with my partner Tom White
17 longer -- Judge White -- than anybody before I made a
18 decision because I wanted to hear -- he had been with
19 us for 20 years and I wanted to have like ten years on
20 the other side so I didn't get into something I didn't
21 like. He told me everything for an hour or two,
22 everybody positive, some of the negatives, everything
23 about being a judge. So me and my brother -- my
24 brother and I did not plan it that way. But now that
25 we're doing it, it seems to work in good fashion. I

1 wish him and myself well.

2 **Q. I was just curious. I have a brother that if I told**
3 **him I was going to be a judge, I think he'd try and be**
4 **a judge too. And he's not even a lawyer, so.**

5 **A.** There will be no competition. I think my brother
6 moved first because Spartanburg seat was announced and
7 he said he was going to do it. And then I got a call
8 from Tom saying he was -- again, I'm sorry, I keep
9 calling him Tom, but he's my partner. But Judge White
10 -- and he said he was going to retire and he sort of
11 put the word out and he said, I want to talk to you,
12 and we talked and, very amicably, we both decided to
13 do it. We're not doing -- I will say this. We're not
14 doing because we're going broke from practice law and
15 we need this for money. I don't know if that's
16 appropriate to say. But we didn't need it to end our
17 careers. We've had a prosperous career for 30-
18 something years. It just gives me something to do
19 different and I think it will be rewarding and I can
20 make a difference. And so just being -- again, I hate
21 to say -- repeat it, but being an advocate for 30
22 years, sometimes you just get tired of just picking a
23 side and getting hired and arguing in court when you
24 know you might not even have the good side, but you
25 still have to represent your client.

1 CHAIRMAN CASKEY: I can't decide which permutation of
2 events would lead to the most interesting
3 Thanksgiving dinner next year, your shared
4 success, your shared failure, one or the other.
5 And then you both have children I understand are
6 lawyers as well. Good luck.

7 MR. DIAMADUROS: My son works for Mike Kelley law
8 group and my daughter works in Columbia in
9 Hometown Ticketing. My other daughter is in
10 University of South Carolina, and my two step
11 kids are both in high school or middle school.

12 CHAIRMAN CASKEY: Senator Talley.

13 EXAMINATION

14 BY SENATOR TALLEY:

15 Q. Mr. Chairman, Mr. Jordan actually took my question,
16 which you've somewhat answered. I guess I hadn't
17 thought about the timing of the new seat in
18 Spartanburg. But one thing we were talking about
19 earlier and so I'll just throw it out to you now.
20 Will this leave two active lawyers practicing in Union
21 if you're both successful?

22 A. So we have -- my brother and me are one firm. All and
23 Frost is another firm. But Mr. Frost works in Union
24 but lives in Spartanburg.

25 Q. Right.

1 A. Cheryl Bland is a lawyer that does family court, but
2 she actually lives out of town. Then we also have a
3 couple of prosecutors, Jennie Williams, who has been
4 practicing about 10, 12, years, does DJJ but doesn't
5 do family law. So there are still some people, but
6 there's not a lot left.

7 **Q. Right. I just wondered if y'all just couldn't stand -**
8 **-**

9 A. And Melinda Butler --

10 **Q. -- to be alone and so that's why y'all both did it at**
11 **the same time.**

12 A. And also, Melinda Butler. Melinda Butler also
13 practices --

14 **Q. That's right, I didn't think about Melinda.**

15 A. She does almost all family court and criminal defense
16 appointed. So there's still -- there's about six or
17 eight. Two of them are prosecutors, though.

18 **Q. Well, I'm glad you're offering. It's good to see you.**

19 A. Thank you.

20 **Q. Yes, sir.**

21 CHAIRMAN CASKEY: Any other questions or comments?

22 Seeing none then, that will bring us to the
23 conclusion of this part of our screening process,
24 Mr. Diamaduros. So I do need to take this moment
25 to remind that pursuant to the Commission's

1 evaluative criteria, the Commission expects
2 candidates to follow the letter, as well as the
3 spirit of our ethics laws. And we will view
4 violation or the appearance of impropriety as
5 serious and potentially deserving of very heavy
6 weight in our screening deliberations. And as
7 you know, the record will remain open until the
8 formal release of the report of qualifications
9 and -- however remote, should the need arise, we
10 would be able to call you back for further
11 discussion. So with that, thank you for being
12 here today and thank you for offering for service
13 to the State of South Carolina.

14 MR. DIAMADUROS: Thank you all. Appreciate it.

15 CHAIRMAN CASKEY: Thank you, sir. On motion of
16 Senator Rankin and seconded by Representative
17 Rutherford, the pending question now is going
18 into executive session. All in favor, signify by
19 saying, Aye.

20 MEMBERS: Aye.

21 CHAIRMAN CASKEY: Opposed, Nay. The ayes have it and
22 we will go into executive session.

23 (Executive session was held from 3:32 - 5:54)

24 (Off the record)

25 CHAIRMAN CASKEY: Good evening, ladies and gentlemen,

1 we are now back on the record. We have been in
2 executive session and for the record while we
3 were in Executive Session receiving a legal
4 briefing, no decisions were made and no votes
5 were taken. There being no further business on
6 the agenda for today, we will stand adjourned
7 until tomorrow at 9:00 am. Thank you.

8 (There being no further questions, the hearings
9 concluded at 5:55 p.m.)

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CERTIFICATE OF REPORTER

I, KATHRYN BOSTROM, COURT REPORTER AND NOTARY PUBLIC
 IN AND FOR THE STATE OF SOUTH CAROLINA AT LARGE, HEREBY
 CERTIFY THAT I REPORTED THE HEARINGS ON MONDAY, THE 27TH
 DAY OF NOVEMBER 2023, THAT THE WITNESS WAS FIRST DULY SWORN
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 AND CORRECT TRANSCRIPTION OF MY STENOMASK REPORT OF SAID
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