



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

**Circuit Court
(Incumbent)**

Full Name: Walton J. McLeod, IV

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

It has been a high honor to serve as a Circuit Court Judge over the past five years. I cannot think of a better way to serve our State and the legal profession. Further, I hope to continue to the work of ensuring our justice systems remains fair and efficient to all South Carolina citizens. In sum, I believe I can continue to make a positive impact for our State and the legal profession.

2. Do you plan to serve your full term if re-elected?

Yes.

3. Do you have any plans to return to private practice one day?

Perhaps someday, but I intend to continue to serve in this capacity for the foreseeable future.

4. Have you met the Constitutional requirements for this position regarding age, residence, and years of practice?

Yes.

5. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated?

Generally speaking, *ex parte* communications can erode public trust in our judicial system so they are to be avoided. In emergency situations, where there may not be an opportunity to give notice to numerous parties, *ex parte* communications may be necessary to avoid irreparable harm with no adequate remedy at law. However, this is a drastic remedy, and should be rare. To be clear, I would always try to provide as much notice as possible to all the parties before taking any action on a matter.

6. If you disclosed something that had the appearance of bias, but you believed it would not actually prejudice your impartiality, what deference would you give a party that requested your recusal? Would you grant such a motion?

Any request by a party for recusal must be carefully considered. If I disclosed something that had the appearance of bias (hopefully I would not in the first place) I would make a record for the attorneys to note their basis for recusal. If there is a reasonable appearance of bias, then I would be duty bound to recuse myself.

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

Similar to Question #7, I would discuss this matter with the attorneys involved in the case, but if there is a reasonable chance of an appearance of impropriety due financial or social involvement of a spouse or close relative, then recusal may be appropriate. The Judicial Canons would serve as my guide, but avoiding any appearance of impropriety would be a priority in any decision.

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

Generally, I avoid the situation all together. I do not accept gifts or social hospitality that is not provided for in the Judicial Canons. If someone attempted to offer me a gift or social hospitality that ran afoul of the Canons, then I would simply decline.

9. How would you handle a situation in which you became aware of misconduct or appearance of infirmity of a lawyer or of a fellow judge?

I would follow the directives provided for in the Judicial Canons, Rules of Judicial Conduct, and the S.C. Rules of Professional Conduct.

10. Have you engaged in any fund-raising activities with any social, community, or religious organizations? Please describe.

No.

11. Do you have any business activities that you would envision remaining involved with if reelected to the bench?

No.

12. How do you handle the drafting of orders?

Generally, if time permits, I will allow the attorneys of record to submit proposed orders, but this is not always the case. I also work with my law clerk in drafting, revising, and filing Orders when appropriate.

13. What methods do you use to ensure that you and your staff meet deadlines?

We communicate often about what matters needed to be addressed, and document deadlines via dry erase board or Outlook calendar. This ensures our Matters Under Advisement (MUA) gets careful and regular attention.

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

The General Assembly sets public policy, not the Courts. I do not set or promote any public policy. My role is to apply the law as written by the legislative branch of government. In doing so I look to the Constitution, S.C. Code of Laws, and S.C. Code of Regulations.

15. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. What activities do you plan to undertake to further this improvement of the legal system?

I have enjoyed being a member of several panels over the past 5 years that deal with the legal profession. This has ranged from a CLE

on Evidence with the Lexington County Bar, Tips from the Bench, Attorney Conducted Voir Dire, and showing live court sessions to middle and high school students across the State through the Protect Our Youth Day by the S.C. Bar Young Lawyers Division. I hope to participate in similar activities in the future as they support the professional and public perception of the legal profession.

16. Do you feel that the pressure of serving as a judge strains personal relationships (i.e. spouse, children, friends, or relatives)? How do you address this?

Generally, I do not feel serving as a judge strains my personal relationships, but stressful situations can arise from time to time. I try not bring my work day home, and try not bring my home life to work. People can be stressed at home or at work, but it is important to avoid mixing the two. As with any stress or strain, talking about it with family is a good first step to ensure workplace stress does not overwhelm one's personal life.

17. The following list contains five categories of offenders that would perhaps regularly appear in your court. Discuss your philosophy on sentencing for these classes of offenders.

- a. Repeat offenders:

Repeat offenders are different since they have been through the criminal justice system already. Each case needs to be dealt with on the specific set of facts and circumstances, but repeat offenders should be sentenced accordingly based upon the nature of the repeat offense (violent or non-violent), and their performance in society before and since prior offenses.

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

These cases require a careful analysis of the offense charged as well as the life experiences, background, and potential mitigating circumstances of the juvenile defendant. Further consideration of a Youthful Offender Act (YOA) is likely appropriate for consideration. The goal is to find a reasonable sentence which results in both accountability, and a path to rehabilitation to avoid future crimes and convictions.

c. White collar criminals:

While white collar and financial crimes are not violent in nature, their damage can be far reaching, exposing victims to both stress and potential financial ruin. I consider the Defendant's criminal background, including past offenses that are similar in nature. It is also important to explore why the offense happened in the first place. Sometimes there can be mitigating circumstances, which do not excuse the crime, but provide important background context for the court to consider. Often times, restitution is an appropriate remedy with supervision; however, in other cases an active sentence is appropriate.

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

As with every case, the facts and circumstances surrounding the criminal charge must be examined. Often times these circumstances will come up at the mitigation phase of a plea or trial, and this information serves as vital context for the court to consider before sentencing. Whether the case involves a violent or non-violent offense must also be carefully considered.

e. Elderly defendants or those with some infirmity:

Age and health certainly warrant careful consideration before sentencing. As with any case, the violent or non-violent nature of the offense is important context as well. Also important, any additional mitigation factors may be necessary to weigh in coming up with an appropriate sentence. Unfortunately, if the offense is violent in nature, an active sentence may be necessary and appropriate.

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

No.

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

I would first confirm that the financial interest were truly *de minimis*, and request the parties to concur if they believe it is also *de minimis* in nature. Canon 3(E)(1) provides a judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to instances where the judge knows he or a family member has more than a "de minimis interest" that could be substantially affected by the proceeding.

20. Are you a member of any organization or association that, by policy or practice, prohibits or limits its membership on the basis of race, sex, religion, or national origin? If so, please identify the entity and explain if this organization practices invidious discrimination on any basis.

No.

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

Yes.

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

The judge is the face of the judicial branch of government. I do everything I can to make every person in the courtroom feel welcome to be there. After all, it is their courtroom too. While I do what I can to accommodate the public and litigants, I am also charged to maintain the order and decorum of the courtroom as well. I believe this can be done while maintaining a calm and collected judicial temperament.

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

It is not appropriate to show anger with any attorney or pro se litigant. Attorneys and pro se litigants can certainly be frustrating at time, but pro se litigants deserve the same respect and patience

provided to members of the bar. There are times, when litigants do become agitated in the courtroom, and then it is more important for the judge to remain calm and collected so the situation does not become any worse.

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

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

(Signature)

(Print Name)

Notary Public for South Carolina

My commission expires: _____