



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

**Circuit Court
(Incumbent)**

Full Name: Grace Gilchrist Knie

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1. Why do you want to serve another term as a Circuit Court Judge?
Having been given the opportunity to serve as a Circuit Court Judge for the last 6 years, I have found the position both intellectually stimulating and personally rewarding. Even though difficult decisions are necessary, serving the public is an honor.
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?
No.
4. Have you met the Constitutional requirements for this position regarding age, residence, and years of practice?
Yes.
5. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated?

It is my opinion, and general philosophy, that any ex parte communication with the trial judge is inappropriate due the unfairness to the opposing counsel and party. Such communication also places the judge in a precarious situation due to the appearance of impropriety on behalf of the judge. My opinion is supported by Canon 3 B. (7), CJC, Rule 501, SCACR, which provides that a judge shall not initiate, permit, or consider ex parte communications, or consider other communications made to the judge outside the presence of the parties concerning a

pending or impending proceeding except for limited circumstances such as emergencies or scheduling, or as provided by law. Therefore, I can envision that, per the exceptions, I would only allow ex parte communications, per those limited and specific circumstances.

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?

In this situation, my belief is not the focus or the relevant factor, but the appearance of bias as perceived by the parties or counsel. Canon 2A., CJC, Rule 501, SCACR, provides that a judge shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary. Therefore, in that the question suggests that there is an appearance of bias, I would, in an effort to protect the integrity of the judiciary and promote public confidence in the impartiality of the judiciary, have a discussion with all counsel on the record and if the party raising the concern was not reassured, I would grant the motion to recuse.

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

Canon 3E. (1) (d) CJC, Rule 501, SCACR, governs the appearance of impropriety because of the involvement in an action by a spouse or close family member, and it provides that a judge should disqualify himself in that situation. Procedurally, I would recuse myself, on the record and with all parties present, and then would ensure that the matter would be referred as expeditiously as possible to another jurist.

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

Canon 4D. (5), CJC, Rule 501 SCACR, provides that a judge shall not accept and shall urge members of the judge's family residing in the judge's household, not to accept, a gift, bequest, favor or loan from anyone with few exceptions. It is my opinion that, based upon this Canon that the presentation of a gift, regardless of the value, would bring into question and scrutiny the appearance of bias or impropriety of a jurist. My general rule is to avoid offers of social hospitality. My spouse and I normally only accept gifts from family members, and generally do not accept any gift or offer of social hospitality which may be perceived as creating an appearance of impropriety or conflict of interest.

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 handle the situation by complying with the Code of Judicial Conduct. Canon 3D. (1)-(4), CJC, Rule 501, SCACR requires that I take appropriate action by directly communicating with the judge or lawyer who has committed the violation and by reporting the violation to the appropriate authority. If the issue regards possible infirmity, I would contemplate utilizing programs offered through the South Carolina Bar Association for reporting concerns to include mental health issues and substance abuse disorders.

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?

The Canons of Judicial Conduct provide that a Judge shall dispose of all judicial matters promptly, efficiently, and fairly. Although, the method varies based on the type of case and type of hearing, in the event that I do not draft the order, it is my opinion that all instructions for the drafting of orders should be issued in writing and provided to all counsel or pro se litigants or on the record with instructions for one attorney to draft the order. The instructions should provide specific time deadlines for completion. The completed order would be forwarded to opposing counsel/parties for review prior to submission to me for signature and execution. Lastly, it is my opinion, and in compliance with Canon 3, B. (8), CJC, Rule 501, SCACR, that all rulings should be made expeditiously to avoid the matter, and memory of the matter, becoming stale.

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

I have implemented a procedure for calendaring time and date deadlines for submission, both on paper and electronically. This procedure is implemented by both me and my staff with regularly scheduled conferences with staff to status the flow of information with timely periodic status checks with counsel.

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

It is my opinion that the role of a judge is to apply the law to the facts as presented in each case. To do otherwise would go beyond the role of the judiciary as defined by our government's separation of powers and would infringe on the authority of the Legislative Branch. Therefore, I am opposed to judicial activism, and it is my opinion that judges should not have a role in setting public policy.

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?

It is my wish to participate in continuing legal education programs and to pursue educating the public, especially young people and students, as to the legal system. Specifically, I would like to promote a positive public image of lawyers and members of the judiciary in South Carolina in accord with the parameters articulated in Canon 4, CJC, Rule 501, SCACR.

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?

In my current position as a Circuit Court Judge I do not feel undue pressure associated with the judicial position and social relationships. In my social relationships, I maintain professionalism and do not allow personal relationships to cause bias.

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.

Generally regarding all criminal defendants, each case must be decided upon its own set of facts regarding the crime committed and the person charged. Each case should be viewed individually, and the appropriate sentence determined for the person committing the offense.

a. **Repeat offenders:**

With repeat offenders my philosophy depends upon the type of crimes committed in the past and currently. The Court should consider the person's history to determine if the current offense is the same or similar to a prior offense and the length of time since the last conviction. I would look at the conditions imposed in the prior sentence and whether the offender had received active SCDC time. My goal is both to punish and to rehabilitate. Offenders with violent histories who continue to commit violent offenses need to be incarcerated, separated from society to protect individuals from being harmed. If the criminal history and current violation/s are a result of drug addiction, it would be beneficial to consider alternative sentencing like enrollment in intensive drug treatment programs such as drug courts. While the offender must be punished for the

crime committed, the court needs to strive to rehabilitate offenders with effective drug treatment programs.

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

It is my belief in sentencing that each person should be viewed individually along with the crime charged. The factors to be focused upon are not the mitigating circumstances for the offender, but rather the facts of the crime, such as harm done to the victim. The relevant facts as to the offender are prior criminal history, and the realistic possibility of rehabilitation, such as a drug addicted offender. I routinely require vocational rehabilitation, the completion of GED courses and job training. There are diversionary Drug Court programs in which the offender pleads guilty, and the sentence is suspended until the offender completes the program. While in the program, the offender is required to have employment or perform hours of community service that would be equivalent to full time employment. Employment or community service is in addition to SAC, time spent in court, meeting with the drug court counselors and having drug screens.

c. **White collar criminals:**

The background of the offender is not a controlling a factor in my sentencing philosophy. It is my belief in sentencing that each person should be viewed individually along with the crime charged. I believe that the factors to be focused upon are not the mitigating circumstances for the offender, but rather the facts of the crime, such as harm done to the victim. The relevant facts as to the offender are if there is any prior criminal history, and the realistic possibility of rehabilitation, such as a drug addicted offender. The payment of restitution to make the victim whole would be a primary objective in ordering probation.

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

The background of the offender is not a controlling a factor in my sentencing philosophy. It is my belief in sentencing that each person should be viewed individually along with the crime charged. I believe that the factors to be focused upon are not the mitigating circumstances for the offender, but rather the facts of the crime, such as harm done to the victim. The relevant facts are the prior criminal history of the offender, and the realistic possibility of rehabilitation, such as a drug addicted offender. I routinely require vocational rehabilitation, the completion of GED courses and job training. There are diversionary Drug Court programs in which the offender pleads guilty, and the sentence is suspended until the offender completes the program. While in the program, the offender is required to have employment or perform hours of community service that would be equivalent to full time employment.

Employment or community service is in addition to SAC, time spent in court, meeting with the drug court counselors and having drug screens.

e. **Elderly defendants or those with some infirmity:**

My sentencing philosophy for elderly or infirm offenders is different from those outlined previously primarily due to the practical approach of weighing the financial cost of incarceration and medical treatment, against the possibility of future crimes and the danger posed to society if this person is under house arrest or on probation. There is a high cost to incarcerate those with serious medical issues and those who are elderly because of the increased medical issues that will arise. The key considerations of the crime committed and the reason for incarceration are included in the sentencing evaluation, along with age, health problems, and unique medical requirements.

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

I have investment assets in my financial portfolio which distribute dividends and interest. In the event that those corporate entities were to appear before me I would offer to recuse myself to avoid the appearance of bias pursuant to Canon 3, CJC, Rule 501, SCACR.

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 disclose the potential conflict to all parties on the record. I would then explain that the Code of Judicial Conduct, Canon 3E.(1)(c), CJC, Rule 501, SCACR, requires disqualification in a proceeding if the economic interest is more than de minimis. I would then inquire if the parties wished to have me recuse myself. Upon recusal, I would have the case referred to another judge.

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?

A judge should exhibit the demeanor of respect, courtesy, and patience, to all persons without prejudice or bias. The demeanor of a judge should be consistently judicious regardless of the environment, time, or setting.

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?

No. The term anger equates to hostility or loss of temper. There is no situation in which anger is the acceptable emotion to portray. I feel that being firm while maintaining respect to all parties is the appropriate courtroom demeanor.

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 14 day of June, 2023.

Ashley D. Burgess
(Signature)

Ashley D. Burgess
(Print Name)

Notary Public for South Carolina
My commission expires: 10/2/27