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## **SCREENING HEARINGS**

*November 07, 2023*

**2023 Judicial Merit Selection Commission**

REPORTER: Jennifer Nottle

1 STATE OF SOUTH CAROLINA )

2 COUNTY OF RICHLAND )

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5 JUDICIAL MERIT SELECTION COMMISSION

6 TRANSCRIPT OF PUBLIC HEARINGS

7 \* \* \* \* \*

8 BEFORE: MICAJAH PICKETT "MICAH" CASKEY, CHAIRMAN

9 SENATOR LUKE A. RANKIN, VICE CHAIRMAN

10 SENATOR RONNIE A. SABB

11 SENATOR SCOTT TALLEY

12 REPRESENTATIVE J. TODD RUTHERFORD

13 REPRESENTATIVE WALLACE H. "JAY" JORDAN

14 MS. HOPE BLACKLEY

15 MS. LUCY GREY MCIVER

16 MR. ANDREW N. SAFRAN

17 MR. PETE STROM

18 MS. ERIN CRAWFORD, CHIEF COUNSEL

19 \* \* \* \* \*

20 DATE: November 13, 2023

21 TIME: 9:00 a.m.

22 LOCATION: Gressette Building

23 1101 Pendleton Street

24 Columbia, South Carolina 29201

25 REPORTED BY: JENNIFER NOTTLE, COURT REPORTER

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1 CHAIRMAN CASKEY: Good morning, Judge Curtis.

2 JUDGE CURTIS: Good morning.

3 CHAIRMAN CASKEY: My name is name is Micah Caskey. I  
4 have the honor of serving as chair this year of  
5 the JMSC so I wish you well. If you would please  
6 raise your right hand?

7 THE HONORABLE KRISTI FISHER CURTIS, being duly  
8 sworn, testifies as follows:

9 CHAIRMAN CASKEY: There should be some documents in  
10 front of you. If you would just review those  
11 briefly. Are the Personal Data Questionnaire  
12 and the Sworn Statement before you documents that  
13 you submitted to the Commission?

14 JUDGE CURTIS: Yes, sir.

15 CHAIRMAN CASKEY: Are they both correct, or are there  
16 any changes or amendments that need to be made?

17 JUDGE CURTIS: No, sir.

18 CHAIRMAN CASKEY: Do you object to our making those  
19 documents a part of the record of your sworn  
20 testimony?

21 JUDGE CURTIS: I have no objection to that.

22 CHAIRMAN CASKEY: We'll go ahead and do that, thank  
23 you. And the Judicial Merit Selection Commission  
24 has thoroughly investigated your qualifications  
25 for the bench. Our inquiry has focused on the

1 nine evaluative criteria and has included a  
2 ballot box survey, a thorough study of your  
3 application materials, verification of your  
4 compliance with state ethics laws, search of  
5 newspaper articles in which your name appears, a  
6 study of previous screenings, and a check for  
7 economic conflicts of interest. We have received  
8 no affidavits filed in opposition to your  
9 election, and no witnesses are present to  
10 testify. We'll certainly afford you the  
11 opportunity to make a brief opening statement if  
12 you like. But before we do that if you'd like to  
13 introduce this gentleman who's come with you  
14 today we'd be happy to hear from you.

15 (Exhibit Number 1 was marked for identification  
16 purposes - (16 pages) Personal Data Questionnaire for  
17 The Honorable Kristi Fisher Curtis.)

18 (Exhibit Number 2 was marked for identification  
19 purposes - (8 pages) Sworn Statement of The Honorable  
20 Kristi Fisher Curtis.)

21 JUDGE CURTIS: Sure. This is my husband Warren  
22 Curtis, my husband of twenty-eight years. He is  
23 an attorney with Curtis and Croft Law Firm in  
24 Sumter.

25 CHAIRMAN CASKEY: Thank you for being here today, sir.

1 MR. CURTIS: Thank you.

2 CHAIRMAN CASKEY: As I said, Judge, you're welcome to  
3 make a brief opening statement. If not we'll  
4 jump right into questions from the staff  
5 attorney.

6 JUDGE CURTIS: I'm just glad to be here and welcome  
7 any questions that you have for me.

8 CHAIRMAN CASKEY: Thank you, ma'am. At which point  
9 I'll recognize Ms. Trask.

10 JUDGE CURTIS - EXAMINATION BY MS. TRASK:

11 MS. TRASK: I note for the record that based on the  
12 testimony contained in the candidate's PDQ, which  
13 has been included in the record with the  
14 candidate's consent, Judge Kristi Fisher Curtis  
15 meets the constitutional and statutory  
16 requirements for this position regarding age,  
17 residence, and years of practice.

18 **Q. Judge Curtis, why do you want to continue serving**  
19 **as a Circuit Court judge?**

20 A. This has been the greatest privilege really of my  
21 professional life. Every day I'm thankful and  
22 grateful for the opportunity to serve in a job  
23 that is meaningful, it is intellectually  
24 stimulating, I get to travel the state and see  
25 the really talented, hardworking lawyers of the

1 state, hear the stories of the litigants. I can  
2 not imagine a more fulfilling, really meaningful  
3 job than to be a Circuit Court judge. It's been  
4 a great privilege.

5 **Q. Judge Curtis, you indicated in your PDQ that**  
6 **since your last screening a lawsuit was filed**  
7 **against you in 2022, and then another in 2023 by**  
8 **Gersh Zavodnik in Circuit Court. Can you please**  
9 **explain -- both were filed by him. Can you**  
10 **please explain the nature or dispositions of**  
11 **those lawsuits?**

12 **A.** Yes. So Mr. Zavodnik was a litigant before me in  
13 a motions hearing. I ruled against him on a very  
14 just general motion regarding service of process.  
15 He did not care for it, the fact that I had ruled  
16 against him and as a result he sued me, the Clerk  
17 of Court, a attorney on the other side of the  
18 case. Basically anybody who touched the  
19 documents including the paralegal who I think  
20 notarized some documents for the law firm. Mr.  
21 Zavodnik has been banned from the State of  
22 Indiana filing any further lawsuits because he  
23 has a been a professional litigant in the state  
24 of Indiana. As far as I know this the first  
25 lawsuit that he's filed in the state of South

1 Carolina and he has now filed at least two  
2 lawsuits that I know of. He has sued me in both  
3 of those lawsuits. As a direct result of my -- I  
4 mean, my only interaction with him is from that  
5 lawsuit.

6 **Q. Thank you. And Judge Curtis your SLED report**  
7 **indicated that there was a lawsuit filed against**  
8 **you since your last screening. It was filed in**  
9 **2019 in the district court of South Carolina by**  
10 **Michael Greg Wilson. And it's my understanding**  
11 **that you were not aware of this lawsuit prior to**  
12 **this screening process, and that it was**  
13 **previously dismissed; is that correct?**

14 **A. That's correct. I had -- I was never served with**  
15 **the lawsuit. I had no knowledge that it was even**  
16 **pending.**

17 **Q. Thank you. Judge Curtis, what do you think your**  
18 **reputation is amongst attorneys that practice**  
19 **before you as well as the court personnel?**

20 **A. I like to think that they -- the demeanor that I**  
21 **try to have with all of the litigants, the court**  
22 **staff, is that I am here to serve them. I am not**  
23 **here to be served. So I am flexible with my**  
24 **schedule. My court time is really their court**  
25 **time how they want to use it. I try to be the**

1 calm presence in the room so when -- things  
2 obviously during litigation can get very heated,  
3 very intense. I try to be the calm presence that  
4 keeps everybody on track. I want everybody to  
5 feel like they have had somebody -- that they  
6 have appeared in front of a judge who is  
7 prepared, who is going to give them a fair and  
8 full hearing, who's heard them out, who's  
9 listened objectively. And I hope that that's the  
10 impression that I've given.

11 Q. Thank you. Judge Curtis, the Commission received  
12 519 ballot box surveys regarding you, with 62  
13 additional comments. The ballot box survey, for  
14 example, contained the following comments,  
15 including, "excellent demeanor in the court room,  
16 very thoughtful and deliberate in her decisions,  
17 respectful of all litigants and attorneys, fair,  
18 intelligent and professional." Four of the  
19 written comments expressed concerns, and the  
20 concerns involved not working too hard or being  
21 deliberative, and deciding issues based on her  
22 desired outcome. What response would you offer  
23 regarding concerns about your work ethic and time  
24 spent deliberating?

25 A. I think anybody that has spent time with me knows

1 that I do have a very strong work ethic. Of  
2 course sometimes the attorneys will see just a  
3 very small snapshot of you. But I think the  
4 people that I work with on a regular basis would  
5 tell you that I never say no. If you want a  
6 hearing I'm glad to schedule a hearing, if you  
7 need me to stay late I'm glad to stay late. I  
8 honestly try to never say no to the attorneys for  
9 the reasonable requests that they make of me.  
10 I'm glad to accommodate. However sometimes  
11 attorneys get just a small glimpse, and we're all  
12 human. It's, you know, possible that you could  
13 give a unfavorable impression based on that small  
14 snapshot. I hope that that's certainly an  
15 anomaly. But we're human, so you might catch us  
16 on a bad day. As to the ruling based on what I  
17 want, the outcome, I can tell you that's a  
18 hundred percent not the way that that -- that's  
19 not my ethic. There are many times that I have  
20 to rule based on the law, and it's not  
21 necessarily the outcome that I would choose in a  
22 perfect world. If I could wave the magic wand I  
23 would choose a certain outcome but I believe  
24 strongly that a trial judge has to follow the  
25 law. So I will follow the law even if it's not

1           what I personally would choose. But there is a  
2           lot of times when trial judges have discretion.  
3           And in those discretionary rulings, of course we  
4           try to rule based on how -- the big picture. So  
5           I try to be consistent when I've got discretion.  
6           I try to exercise that discretion consistently so  
7           that the attorneys and litigants know what to  
8           expect from me. For example, in a default  
9           situation, I apply basically the same guidelines  
10          for default situations so that I can be  
11          consistent in exercising my discretion. But when  
12          it is discretionary, then, yes, we have a little  
13          bit more wiggle room that we look at the big  
14          picture.

15       **Q. Well, thank you. You actually answered my**  
16       **secondary question about that as well.**

17       MS. TRASK: I would note that the Pee Dee Citizens  
18       Committee found Judge Curtis qualified in the  
19       evaluative criteria of constitutional  
20       qualification, physical health and mental  
21       stability. And well qualified in the evaluative  
22       criteria of ethical fitness, professional and  
23       academic ability, character, reputation,  
24       experience, and judicial temperament. These are  
25       some housekeeping questions.



1 Q. Judge Curtis, since submitting your letter of  
2 intent, have you contacted any members of the  
3 Commission about your candidacy?

4 A. No, ma'am.

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

8 A. Yes.

9 Q. Since submitting your letter of intent, have you  
10 sought or received the pledge of any legislator  
11 either prior to the state or pending the outcome  
12 of your screening?

13 A. No.

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

18 A. No.

19 Q. Have you reviewed and do you understand the  
20 Commission's guidelines on pledging and SC Code §  
21 2-19-70(E)?

22 A. Yes.

23 MS. TRASK: I would just note for the record that any  
24 concerns raised during the investigation  
25 regarding the candidate were incorporated into

1 the questioning of the candidate today. Mr.  
2 Chairman, I have no further questions.

3 CHAIRMAN CASKEY: Thank you, ma'am. Do you members of  
4 the Commission have any questions for Judge  
5 Curtis? Mr. Jordan.

6 JUDGE CURTIS - EXAMINATION BY REPRESENTATIVE JORDAN:

7 Q. Thank you, Mr. Chairman. Good morning, Judge.

8 A. Good morning.

9 Q. Thank you for serving, first of all. I don't  
10 think we say thank you enough for folks that are  
11 willing to step away from practice and work hard  
12 and take on this role. And I don't get to Sumter  
13 very often but it's just through the woods from  
14 Florence and I hear nothing but good things. But  
15 I want to surprise you a little bit and ask you a  
16 couple questions about your background a little  
17 bit.

18 A. Sure.

19 Q. You spent a lot of time in Magistrate Court, is  
20 that right?

21 A. That's right. Almost seven years.

22 Q. And I'm -- you know, we're working through some  
23 things at the state level is how we deal with  
24 Magistrate Court. So I'm curious what your  
25 experience was like in Magistrate Court. Did you

1           **feel like it prepared you first off to take on**  
2           **this role in Circuit Court?**

3       A.    I do.    In Sumter we're fairly I think fortunate.  
4            I think there's a wide variety across the state  
5            in the type of magistrate that you will see.    So  
6            in Sumter we are fortunate.    We had, I think,  
7            four attorneys.    Four of the six were attorneys.  
8            In smaller communities that's difficult to find  
9            attorneys who are willing to do it.    But in  
10           Sumter we had four of the six were attorneys.  
11           The non-attorneys were very experienced, very  
12           seasoned.    I think well chosen for the position,  
13           had great temperaments.    So we were very  
14           fortunate in the working environment that we had.  
15           I was chief magistrate for six and a half years.  
16           And so when I started there we had a terrible  
17           backlog of trials.    Our jury trials, there was a  
18           five year wait to have a DUI first trial.    And so  
19           we worked over the course of the next year and we  
20           -- I was very proud of the fact that we whittled  
21           that down to less than a one-year wait.    But we  
22           had trials two weeks out of every month.  
23           Criminal jury trials.    And so I got a lot of  
24           trial experience.    And it was a mini-trial but we  
25           had jury selection, it's the same jury selection

1 process that we use in Circuit Court, you know,  
2 the same qualification. We had everything that  
3 you have in a five-day trial but we just had it  
4 in half a day. So I had a lot, lot of trial  
5 experience from that. Now the majority of those  
6 people were self represented. But for the jury  
7 trials we had a larger percentage that were  
8 represented by attorneys. So a lot of the things  
9 I feel like I use now I got from my magistrate  
10 experience. And particularly I think it's helped  
11 with dealing with pro se litigants.

12 **Q. And then lastly, obviously the screening process**  
13 **is very different for what you're doing now**  
14 **versus then. Do you think that the magistrate**  
15 **process could benefit from more of a screening?**

16 **A.** I do. It's a very -- it's a bit of an awkward  
17 system because you are being -- you're being  
18 nominated for the position so to speak by a body  
19 that doesn't pay you. So you -- you know, once  
20 you're nominated by your local delegation, your  
21 local senate, you then kind of go to the County  
22 on your own and you talk with them about salary.  
23 But they don't -- they didn't choose you, they  
24 can't fire you. It's a very awkward situation  
25 that you've got the County paying you, and they

1 didn't have any input into hiring you. I think  
2 it varies widely as to what the criteria were for  
3 being nominated. And so, you know, when it's  
4 done and this little county over here may have no  
5 relationship to what's done in Sumter County.  
6 And so I think uniformity would help  
7 tremendously. There's a two-week judge's school.  
8 I think that's not enough for a layperson who's  
9 going into that role as magistrate. Because they  
10 see such a huge volume, and so many people,  
11 that's their only contact with the court system  
12 is through the magistrate's court. And so it's  
13 important that we get that right.

14 **Q. And I'm guessing you see it at Circuit Court you**  
15 **can deal with some appeals from the Magistrate**  
16 **Court even now.**

17 A. I do. And again, the -- you know, the level of  
18 performance I'm going to say from the  
19 magistrate's, you know, seeing it now in a lot of  
20 different counties. And there's a wide  
21 disparity.

22 **Q. Thank you.**

23 CHAIRMAN CASKEY: Yes, ma'am. Ms. McIver.

24 MS. MCIVER: Thank you Mr. Chair. I don't have any  
25 questions for you, but I just wanted to commend

1           you on your ballot box surveys and the reputation  
2           that you enjoy in Sumter and throughout the  
3           state. I've looked through these, and as you  
4           know people have an opportunity to say whatever  
5           they want to. These comments are anonymous.

6 JUDGE CURTIS: It's terrifying.

7 MS. MCIVER: And you might have some comments in here  
8           that are not perfect, but they are very few. And  
9           sixty-two people took the time to comment on you  
10          and many of them just in a glowing way. And I  
11          feel like the way that you presented yourself  
12          today demonstrates your excellent judicial  
13          temperament and that's what all of these -- most  
14          of these comments have said over and over again.  
15          Consistently pleasant, perfect demeanor,  
16          intelligent, outstanding jurist, amazing person  
17          and awesome judge, a force to be reckoned with.  
18          But that person also said even-handed with an  
19          undisturbed face, so it was meant in a very  
20          positive way. So thank you very much for your  
21          service, and I just wanted to point that out to  
22          you and thank you for the good work that you're  
23          doing for the people of South Carolina.

24 JUDGE CURTIS: Thank you.

25 CHAIRMAN CASKEY: Ms. Blackley.

1 MS. BLACKLEY: I just want to reiterate what Lucy has  
2 said. I know we -- I don't think we've  
3 officially met but I'm a former Clerk. And you  
4 have two outstanding letters from two of my  
5 former colleagues who I respect and admire  
6 greatly. And it don't come any better than Ms.  
7 Beulah Roberts.

8 JUDGE CURTIS: They do not. And I understand she's  
9 looking at retirement in the not too distant  
10 future, and that's going to be a huge loss.

11 MS. BLACKLEY: Yeah.

12 JUDGE CURTIS: She's one of the best.

13 MS. BLACKLEY: She is a state treasure, for those of  
14 us who may not know it, she is wonderful. So I  
15 commend you on your recommendations. You know  
16 when you do good there's some negatives that come  
17 with that. People don't like outcomes and we see  
18 that all the time, especially in here, so I would  
19 just want to thank you for your service.

20 JUDGE CURTIS: Thank you. We're very lucky in the  
21 Third Circuit with our clerks of court.

22 CHAIRMAN CASKEY: Representative -- sorry, didn't mean  
23 to step on you there. Mr. Rutherford?

24 REPRESENTATIVE RUTHERFORD: Thank you. Good morning  
25 judge, and thank you for being here. And my

1 Chairman calls on me last, even if I raise my  
2 hand first. Otherwise I would have beat  
3 everybody else to tell you what a great job  
4 you've done and tell you how these ballot box  
5 surveys. Because I've been in front of you  
6 several times, and so when I read the surveys I  
7 wanted to see what people said. And they said  
8 exactly what I was thinking. That you do a  
9 fantastic job. That you are always very  
10 thoughtful in your deliberations, and that  
11 everybody on both sides loves you and loves the  
12 fact that you take the time to go through  
13 anything that anybody presents. That you don't  
14 rush people, that you make sure that everything  
15 is -- that somebody wants to say can be said.  
16 And several times that we've had to wait on  
17 somebody to be brought from the jail or some  
18 other problem you are always patient with it.  
19 And I just want to tell you how much I appreciate  
20 your service, so thank you. And again I would  
21 have said that first, but my Chairman didn't call  
22 on me. So either way, thank you.

23 CHAIRMAN CASKEY: Mr. Safran.

24 JUDGE CURTIS - EXAMINATION BY MR. SAFRAN:

25 **Q. Thank you. Judge, let me digress a little bit.**



1 You had a pretty lengthy period prior to going on  
2 the bench. You had a pretty diverse spectrum of  
3 experiences. I -- actually looks like you left,  
4 practiced law for a period of time to be working  
5 for the bank. How would you, more or less,  
6 characterize the benefit of your life experience  
7 as it relates to how you more or less progressed  
8 as a judge in the time you've been on the bench?

9 A. Well I have had, I guess, the pleasure and the  
10 honor of serving in a number of different  
11 capacities. I have prosecuted cases, I've  
12 defended people, I've done civil litigation.  
13 Again, stepped away from litigation and from the  
14 practice of law to work for the bank for a period  
15 of time. And then experience really taught me a  
16 lot of compassion, because I dealt with a lot of  
17 people who could not handle their own affairs.  
18 And that's why a bank was necessary to serve as  
19 either the estate or their personal  
20 representative. My time in Magistrate's Court I  
21 felt like -- if nothing in the world will teach  
22 you patience, Magistrate Court will teach you  
23 patience. Because so many people are self-  
24 represented and they are fighting to the death  
25 over a barking dog. And -- but I mean if you've

1 ever slept next to a barking dog, you understand,  
2 this is their whole life, the quality of life  
3 issue. So I think being able to see different  
4 arenas has helped me. Because when you're the  
5 trial judge you really have to keep the big  
6 picture. And so many times I have such hard  
7 working people that are in front of me but  
8 they're only seeing a narrow slice. And so for  
9 example our probation agents work so hard. But  
10 sometimes they have a client who has just driven  
11 them insane, you know? They get put on  
12 probation, they can't get out their own way, they  
13 can't figure out how to report and, you know,  
14 they backslide into substance abuse. And they  
15 get in front of me, and the probation agent  
16 really wants me to just hammer this person. And  
17 I have to step back and say, okay, you're seeing  
18 this little narrow slice. I have to look at the  
19 big picture. And if I send everybody who messes  
20 up the first time on probation straight to  
21 prison, then we've got to build some more  
22 prisons. So I just -- I don't have the luxury of  
23 just looking at the one case. I've got to look  
24 at the larger picture. And I think having a  
25 little bit more of a diverse background lets me

1 take a look at the big picture.

2 Q. And I'm assuming that as great of an experience  
3 as it was, that your appreciation for the big  
4 picture wouldn't have been the same right after  
5 you left Justice Hearn's employ?

6 A. Sure.

7 Q. And even in the early stages of your time working  
8 at the Bryan Firm, as much as you got exposed to,  
9 there was so much more out there that ultimately  
10 helped shape you and how you go about your day-  
11 to-day, I guess, practice as a judge. I mean  
12 pretty crucial, isn't it?

13 A. I think so. And, you know, I learn something  
14 every week. Every time I have a jury trial with  
15 really great lawyers on both sides -- even not so  
16 great lawyers on both sides. I learn something  
17 every single time. I've learned from my other  
18 judges, who have been tremendously helpful. But  
19 I do think that having a period of experience  
20 just being on the ground -- because being an  
21 attorney is a difficult lifestyle, it's a  
22 difficult road to hoe. There are winners and  
23 there are losers, and that's not the case, you  
24 know -- accountants, you don't have a winner and  
25 a loser if you're an accountant. And hopefully

1 if you're a doctor you don't have a winner and a  
2 loser. The legal profession is a little  
3 different in that regard. And so to be in the  
4 arena and know what it feels like to be in that  
5 battle, I think, is helpful.

6 Q. And I think you previously mentioned the  
7 discretion. That there are those calls that you  
8 have to make that may be in the grey area.

9 A. That's right.

10 Q. And I'm assuming that basically having done what  
11 you've done, having, as you say, been on the  
12 ground, having been able to deal with people in  
13 various scenarios on the kind of issues that come  
14 before you makes you more appreciate that  
15 everything is not black and white. There's some  
16 gray areas. I'm assuming that's what you've  
17 learned during this time.

18 A. I think that's the majority of what we deal with  
19 is the grey area. I mean, there are a few times  
20 when it's absolutely set in stone, but even in  
21 trials and evidentiary ruling you're making just  
22 off the cuff that we don't have the luxury of  
23 going and researching for half a day, there is a  
24 lot of discretion. And so people need to trust  
25 that you have the right motivation and that

1           you've got the justice system -- like the good of  
2           the justice system in mind. When you're given  
3           that much discretion it's important that people  
4           trust that you are not ruling just based on some  
5           personal agenda or personal feelings.

6           **Q.    Okay. Thank you very much.**

7           CHAIRMAN CASKEY: Senator Sabb.

8           JUDGE CURTIS - EXAMINATION BY SENATOR SABB:

9           **Q.    Thank you Mr. Chairman, and thank you Judge**  
10          **Curtis. It's -- I think these are kind of like**  
11          **the moments that we live for as being a part of**  
12          **JMSC. Because you go through the screening**  
13          **process, you try to select persons that you**  
14          **believe will be good jurists. And when the**  
15          **person that's ultimately elected and they become**  
16          **a jurist, and you get these kinds of reviews, I**  
17          **think we say to ourselves my goodness, we got**  
18          **that one right. And the fortunate part is that**  
19          **we get it right a whole lot more than instances**  
20          **where we don't get it exactly right. And so I'm**  
21          **appreciative for you giving us the opportunity to**  
22          **really just have a chance to talk as opposed to**  
23          **being worried about our profession and how it's**  
24          **viewed, all of those kinds and sorts of things.**  
25          **But I want to shift gears a bit. I've read some**

1 recent articles that sort of suggest that we're  
2 the problem as opposed to a part of the solution.  
3 And one of the issues that I've read about is  
4 whether or not lawyer/legislators are the real  
5 problem for clogged dockets. And so I'm curious,  
6 and it's my intent to ask members of our  
7 judiciary. Because if we've got a problem, then  
8 we need to talk about it. And so I'm curious  
9 about your experience both in the third and of  
10 course you've got the Speaker of the House who's  
11 probably the busiest legislator on the planet in  
12 South Carolina. You know, right there in Sumter  
13 with you. And so if you don't mind I'd like to  
14 have you comment on what you see as it relates to  
15 lawyer/legislators and an impact on the docket.

16 A. Well, we're very fortunate in Third Circuit I  
17 will tell you straight out the gates. David  
18 Weeks is, I think, the prime example. When I was  
19 a magistrate, David Weeks would come on Fridays  
20 and have those cases heard on Fridays. He would  
21 come on Mondays and have his cases heard on  
22 Mondays. Even when we're in session, just  
23 extremely amazing work ethic. Our civil docket,  
24 I know in Sumter and throughout the Third  
25 Circuit, is in good shape. So we really don't

1 have a terrible issue with a backlog on the civil  
2 side. We do have a back log in Sumter County on  
3 the General Sessions side. But that's due to a  
4 host of factors. I don't think it's in any way  
5 related to lawyer/legislators holding up the  
6 dockets. You know, we do have to work around.  
7 There's a few times with cases that are from  
8 complex litigation where parties need a date  
9 certain. You've got to work around the  
10 lawyer/legislator calender, and so that's a  
11 factor. But it's one factor along with, you  
12 know, when is your expert available. You know,  
13 it's just one of a number of factors. Any time  
14 you're dealing with I would say high level  
15 attorneys or handle complex cases they have a  
16 very backed up court calender so, you know, they  
17 can't try cases back to back. So we always have  
18 to juggle all these factors. So I think if  
19 you're the admin judge for civil, you've got to  
20 work around that. You've got to look at your  
21 entire calender for the year and you've got to  
22 make sure that your lawyer/legislator cases,  
23 you're getting those scheduled while they're not  
24 in session. So I think it can be managed.

25 **Q. Thank you.**

1 CHAIRMAN CASKEY: Any other questions from members of  
2 the Commission? Seeing none, Judge, I thank you  
3 again for your service to the state and for being  
4 here today. This is I think my first time  
5 appearing in front of you so it's a pleasure to  
6 make your acquaintance. I do want to take the  
7 opportunity though to remind you that pursuant to  
8 the Commission's evaluative criteria, the  
9 Commission expects candidates to follow the  
10 spirit as well as the letter of the ethics laws,  
11 and we will view violations or the appearance of  
12 impropriety as serious and potentially deserving  
13 of heavy weight in screening deliberations. On  
14 that note, and as you know, the record will  
15 remain open until the formal release of the  
16 Report of Qualifications, and you may be called  
17 back at such time if that need arises. But again  
18 I thank you for your service and I thank you for  
19 offering again for service to the state.

20 JUDGE CURTIS: Thank you all so much. You've been  
21 most kind, I sure appreciate it.

22 CHAIRMAN CASKEY: Thank you.

23 (Off the Record)

24 CHAIRMAN CASKEY: Judge, good morning.

25 THE HONORABLE GRACE GILCHRIST KNIE, being duly



1 sworn, testifies as follows:

2 CHAIRMAN CASKEY: Thank you, ma'am. You should have  
3 some documents there before you. If you would  
4 please just review those?

5 JUDGE KNIE: Yes, sir.

6 CHAIRMAN CASKEY: Okay. Are the Personal Data  
7 Questionnaire and the Sworn Statement before you  
8 the documents that you submitted to the  
9 Commission?

10 JUDGE KNIE: Yes, sir. As far as I can tell.

11 CHAIRMAN CASKEY: Are they both correct? Does  
12 anything need to be changed or updated?

13 JUDGE KNIE: Sir, I did offer an amendment something  
14 that was a new matter. And I filed that on  
15 September the 5th by correspondence to Chief  
16 Counsel Crawford. And I have that before me as  
17 well. It was to the PDQ question number 35.

18 CHAIRMAN CASKEY: Okay, great. Thank you. Do you  
19 object to our making these documents and the  
20 amendment a part of the record of your sworn  
21 testimony?

22 JUDGE KNIE: No, sir.

23 CHAIRMAN CASKEY: Okay. We'll have staff do that now.  
24 The Judicial Merit Selection Commission has  
25 thoroughly investigated your qualifications for

1 the bench. Our inquiry has focused on the nine  
2 evaluative criteria and has included a ballot box  
3 survey, a thorough study of your application  
4 materials, verification of your compliance with  
5 state ethics laws, search of newspaper articles  
6 in which your name appears, a study of previous  
7 screenings, and a check for economic conflicts of  
8 interest. We have received no affidavits filed  
9 in opposition to your election, no witnesses are  
10 present to testify. We will certainly extend you  
11 the opportunity to make a brief opening statement  
12 if you want to first introduce your husband who's  
13 sitting behind you not paying attention.

14 (Exhibit Number 3 was marked for identification  
15 purposes - (19 pages) Personal Data Questionnaire for  
16 The Honorable Grace Gilchrist Knie.)

17 (Exhibit Number 4 was marked for identification  
18 purposes - (3 pages) Amendment to Personal Data  
19 Questionnaire for The Honorable Grace Gilchrist Knie.)

20 (Exhibit Number 5 was marked for identification  
21 purposes - (8 pages) Sworn Statement of The Honorable  
22 Grace Gilchrist Knie.)

23 JUDGE KNIE: Yes, thank you. Good morning. This is  
24 my husband Patrick Knie who is accompanying me  
25 here today.

1 CHAIRMAN CASKEY: Thank you for being, here Mr. Knie.  
2 And Judge, as I said, you're welcome to provide  
3 an opening statement or we can go straight to  
4 questions.

5 JUDGE KNIE: Okay. This will be very brief. Thank  
6 you all. I am honored to be here seeking re-  
7 election as an incumbent Circuit Court judge for  
8 the Seventh Judicial Circuit and I do appreciate  
9 your consideration.

10 CHAIRMAN CASKEY: Thank you, ma'am. At this point I  
11 would recognize Ms. Crater for some questions.

12 JUDGE KNIE: Ms. Crater.

13 JUDGE KNIE - EXAMINATION BY MS. CRATER:

14 Q. Hi, Judge Knie. I note for the record that based  
15 on the testimony contained in the candidate's PDQ  
16 which has been included in the record with the  
17 candidate's consent, Judge Knie meet the  
18 constitutional and statutory requirements for  
19 this position regarding age, residence, and years  
20 of practice. Judge Knie, after serving almost  
21 seven years on the Circuit Court, why do you want  
22 to continue serving as a Circuit Court judge?

23 A. I absolutely love my job. And you can not make  
24 up the things that happen to us in a courtroom.  
25 And it is so much better than television. I was

1 thinking yesterday as I qualified a jury in a  
2 medical malpractice case, and I told them, this  
3 is very different from what you're about -- what  
4 you're about to do is different from what you're  
5 going to see on television. And I think, as the  
6 day went on, they believed that. I -- as a lot  
7 of you know from my prior hearings, I came from  
8 private practice. But I also did work in the  
9 public service as a part-time prosecutor for the  
10 city of Spartanburg. I did that for 15 years and  
11 I had a private practice that I was very proud  
12 of, and it was very difficult for me to leave.  
13 But I did leave after 27 years and I wanted to  
14 extend my public service. I believe that there  
15 was no higher calling than this for a lawyer.  
16 And I believe that every day I impact the lives  
17 of people that appear in front of me. And just  
18 last week a lady appeared in front of me in  
19 General Sessions and just broke down. She told  
20 me that I had saved her life. I had insisted, as  
21 a condition of her bond, that she complete  
22 intensive substance abuse counseling. And not  
23 only had she completed it and now it was time for  
24 her to enter her plea, but she is going to start  
25 working at the substance abuse center in

1 Spartanburg, the Forester Center. She told me  
2 that because of my input and my speaking with  
3 her, telling her to get excited about her life.  
4 I told her she was very young, and she was much  
5 younger than me. She was 39 when she appeared in  
6 front of me. And she has since reconciled with  
7 her children, who were living with her mother.  
8 And has reconciled with her mother. And is well  
9 on her way -- and I take my job very, very  
10 seriously. And I think that I do make a  
11 difference. I try to make a difference every  
12 day. Sometimes I get frustrated. But I believe  
13 that I do, and I hope that I've answered your  
14 question.

15 **Q. Judge Knie, what do you think your reputation is**  
16 **among attorneys that practice before you?**

17 A. Well, I know what I would like for it to be. You  
18 know, how one is sincerely perceived and knowing  
19 how one is sincerely perceived is a gift. And  
20 once you take the bench I don't know that people  
21 are as sincere with you as they were before you  
22 took the bench. But I think that I am perceived  
23 as my oath of office requires me to act. I have  
24 sworn to treat all people fairly, with civility  
25 and respect. I have -- in the cannons I have

1 stated that I shall uphold the integrity and in  
2 propriety of the office. And so I hope that I am  
3 perceived as being patient, kind, intelligent,  
4 and approachable. And that my office is  
5 perceived as being one that responds and is  
6 extremely responsive to all requests and calls  
7 for assistance.

8 Q. Judge Knie, the Commission received 637 ballot  
9 box surveys regarding you, with 54 additional  
10 comments. The ballot box survey, for example,  
11 contained the following positive comments.  
12 "Phenomenal judge, serves our state well, has a  
13 knack for putting litigants at ease, fair and  
14 thoughtful, great judicial temperament, prepared,  
15 and well versed in the law." Only seven of the  
16 written comments expressed concerns. Some  
17 concerns related to academic ability specifically  
18 relating to hesitation to rule in certain  
19 matters. What response would you offer to that  
20 concern?

21 A. Well I will say that I certainly try to prepare.  
22 And I won't say that when I took this job that I  
23 was an expert in every aspect of the law. But  
24 what I don't know I've done my best to learn  
25 about and I -- and I know that y'all know but

1 maybe a lot of the folks that appear in front of  
2 us don't understand that one day you may be  
3 handling General Sessions pleas and do several  
4 and the next day you're getting ready for a  
5 medical malpractice case. And the next day  
6 you're during common pleas non-jury and you're  
7 hearing magistrate appeals and summary judgment  
8 motions. I certainly don't want there to be a  
9 perception that I'm not prepared or that I'm not  
10 able to academically digest the information  
11 before me. I don't agree with that. And I will  
12 tell you though sometimes I try to read the  
13 crowd. And if I have a bond hearing where half  
14 the room is there for a -- the victim of a very  
15 serious crime and half the room is there for the  
16 defendant. I don't rule from the bench, for  
17 security reasons. And I say I will issue a  
18 ruling and a lot of the judges up our way handle  
19 bond orders maybe a little differently than they  
20 do in other part of the state. But we issue  
21 written bond orders ourselves. And my staff and  
22 I are set up to do it, and I sometimes can issue  
23 thirty or forty bond orders in a week that I  
24 write, in addition to holding those hearings plus  
25 maybe 150 plea hearings. An we get them out by

1 Friday at 5:00. The originals signed and emailed  
2 to the lawyers. But sometimes I do try to read  
3 the crowd because if -- either way I'm going on  
4 that decision, I don't want there to be an uproar  
5 in my court room and I don't want to place  
6 anybody in danger. I rarely have anything under  
7 advisement and if I need guidance from the  
8 attorneys I ask them to submit a brief. But I  
9 don't -- I hope that I've answered your question.  
10 Thank you.

11 **Q. Thank you, Judge Knie.**

12 MS. CRATER: I would note that the Upstate Citizens  
13 Committee found Judge Knie qualified in the  
14 evaluative criteria of constitutional  
15 qualifications, physical health, and mental  
16 stability. The Committee found her well  
17 qualified in the evaluative criteria of ethical  
18 fitness, professional and academic ability,  
19 character, reputation, experience, and judicial  
20 temperament.

21 **Q. A few housekeeping notes, Judge Knie. Judge Knie**  
22 **since submitting your letter of intent have you**  
23 **contacted any members of the Commission about**  
24 **your candidacy?**

25 A. No, ma'am.



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

4 A. Yes, ma'am.

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

9 A. No, ma'am.

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

14 A. No, ma'am.

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

18 A. Yes, ma'am.

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

24 JUDGE KNIE: Thank you, ma'am.

25 CHAIRMAN CASKEY: Thank you, ma'am. Do any

1           Commissioners have questions for the judge? Mr.  
2           Rutherford, was that an affirmative movement to  
3           solicit recognition?

4   MR. RUTHERFORD: Mine was a comment, not a question,  
5           so I was waiting on someone that might have had a  
6           question.

7   CHAIRMAN CASKEY: Okay.

8   SENATOR SABB: What is it with you two? You all are  
9           terrible.

10   CHAIRMAN CASKEY: Chairman Rankin is recognized.

11   VICE CHAIRMAN RANKIN: Lest we find out, I'll pose a  
12           question or two. What is going on with you two.  
13           I just want to similarly ask a question. Did you  
14           know, Judge Knie, that viewing the letters of  
15           endorsement, letters of recommendation that you  
16           have from a host of great people, I don't believe  
17           I've ever been before you. But one of the  
18           comments that struck me as most relevant and  
19           impressive on your behalf, this comment that  
20           every time they've appeared in front of you, win  
21           or lose, everyone feels like they've gotten a  
22           fair shake. And your demeanor, your civility,  
23           your courteousness making everyone at comfort,  
24           helps the Bar, helps the judiciary and helps  
25           folks walk away. Win or lose, you apparently, to

1           this commenter's view, hear them. And I want to  
2           commend you for that.

3 JUDGE KNIE: Thank you.

4 CHAIRMAN CASKEY: Mr. Rutherford.

5 MR. RUTHERFORD: I would just echo that comment  
6           exactly. I have been in front of her a number of  
7           times and she is one of the pillars that the  
8           Spartanburg County General Sessions bench is  
9           built on. They need her, and I'm happy to go in  
10          front of her every time I go up there, and she  
11          does an absolutely wonderful job.

12 CHAIRMAN CASKEY: Thank you. Ms. Blackley?

13 MS. BLACKLEY: Hello, Judge Knie.

14 JUDGE KNIE: Hello, Ms. Blackley.

15 MS. BLACKLEY: I just want to reiterate. I don't have  
16          any questions. I just want to put some things on  
17          the record in regards to how you have served.  
18          Especially when it comes to people coming to your  
19          courtroom, how caring and open you are in  
20          listening. And as the former Clerk who worked  
21          directly with you, never had to wait on you to  
22          get court started. You were always ready,  
23          willing, and able to get started when we were  
24          supposed to get started. Your issuance of taking  
25          things under advisement and issuing orders are

1 probably one of the best in the circuit. And so  
2 I don't want you to ever think that a negative  
3 comment here or there overshadows all the  
4 wonderful things you can do. And there are crazy  
5 things that happen in court, especially in the  
6 courthouse that we are currently in and what  
7 we're about to move into, it's going to be great.  
8 And you help lead that effort as well so I wanted  
9 to thank you publically for that while I was  
10 there. And lastly, publically, I have an  
11 institute of -- I think I've mentioned this  
12 before, it's called the institute for youth  
13 justice. It's for eleventh and twelfth graders  
14 to learn about the justice system from beginning  
15 to end. And I have had the pleasure of having  
16 Circuit Court judges -- well all judges, not even  
17 Circuit, Magistrate, family, probate judge. All  
18 actually saying, hey, I want to volunteer, I want  
19 to help. And Judge Knie is always one of the  
20 first ones to come and speak to the youth in  
21 regards to what the justice system means and what  
22 it -- how they can benefit from it. And I  
23 appreciate that. And we do surveys after every  
24 session and you've gotten some of the highest  
25 remarks from our youth. And in that -- in that

1 program. And I don't think I've ever told you  
2 that. But you have, and I appreciate you giving  
3 back as much as you do and taking your job  
4 seriously for the folks that understand the  
5 system. So thank you for all you do and keep  
6 doing it just the way you're doing it.

7 JUDGE KNIE: Thank you.

8 CHAIRMAN CASKEY: Senator Sabb.

9 SENATOR SABB: Thank you, Mr. Chairman. I happen to  
10 know her husband, who's here. And I hope it's  
11 clear to him that he married above himself. But  
12 I did want to comment on a gift that I think that  
13 Judge Knie does have. I think it's special when  
14 people are able to -- you called it read the  
15 room. But I think you're gifted in that way.  
16 Because as I listen to you talk, and as I listen  
17 to some of my colleagues, it's clear that you  
18 read the room. I mean those kids at Williamsburg  
19 County, when I see them, still talk about that  
20 experience that they had in your courtroom. And  
21 that's just you paying attention to who's out  
22 there and seizing an opportunity to inspire them.  
23 And one of them is taking the LSAT in this month,  
24 as a matter of fact. But I think I would just  
25 encourage you to continue to use the gift,

1           because it is impactful and it does make a  
2           difference.

3       JUDGE KNIE: Thank you, Senator. The Senator isn't  
4           going into great detail but he showed up at the  
5           court house with a class of students with him  
6           that he mentors. And during the day we actually  
7           had a little mock trial. We just decided we've  
8           got some time and I asked them if they wanted to  
9           and of course somebody grabbed the gavel. It was  
10          really great. We had a great time, we had a  
11          prosecutor, a defense attorney, we had a  
12          defendant and a jury. And we had our picture  
13          made afterwards, I think.

14       SENATOR SABB: It was in the paper, front page.

15       JUDGE KNIE: That's what I heard. Anyway, thank you.  
16          I enjoyed that experience very much.

17       CHAIRMAN CASKEY: Any other Commissioners have  
18          questions? I do have two comments I'd like to  
19          share. First in the narrow, judge as my  
20          colleagues have mentioned the well deserved  
21          plaudits that you received in the ballot box  
22          survey are voluminous. One that stood out to me,  
23          though, because I think this is an often under-  
24          appreciated aspect of the job is -- and I won't  
25          quote in full but, "victims always feel that they

1 were heard after a hearing with Judge Knie. Even  
2 if the result doesn't up going our way." And so  
3 I just wanted to commend you for that. That's  
4 not an easy thing to do, and as you well know,  
5 particularly given some sorts of cases it can be  
6 particularly tragic. So I thank you for that.  
7 And then I think you deserve praise for that.  
8 And then the broader point I wanted to underscore  
9 some comments you made about the job itself. And  
10 the diverse range of tasks and responsibilities  
11 that we ask Circuit Court judges in particular to  
12 undertake. And I think -- and I raised this  
13 because this is obviously a public hearing. I  
14 think many members of the public don't appreciate  
15 that. And I think that the reason the public  
16 doesn't appreciate that is because the Bar, as a  
17 professional community, has done a poor job in  
18 educating the public about what our judges do.  
19 This is something I've spoken with the chief  
20 justices about for the particular purpose of  
21 educating elected representatives. Unlike some  
22 folks, I didn't get any magically smarter just by  
23 getting elected. And I can tell that some people  
24 definitely didn't get any smarter just by getting  
25 elected, despite their own self perceptions. But

1 as it pertains to this conversation and this  
2 issue, we do have a public that doesn't fully  
3 understand the breadth and depth of issues with  
4 which our judges undertake. And the diversity of  
5 responsibilities and issues before different  
6 types of judges. A magistrate judge does a very  
7 different thing than a Family Court judge, does a  
8 very different thing than a Circuit Court judge,  
9 does something very different than an appellate  
10 judge. And so I take the time to mention that  
11 because both people who are watching this might  
12 need an encouragement that there's a lot to  
13 understand and perhaps relying on self-interested  
14 bloggers to inform their understanding of the  
15 issue is a poor idea. So I appreciate the  
16 indulgence and do thank you for offering and for  
17 your service to the state. And so I also wanted  
18 to take this opportunity to remind you that  
19 pursuant to the Commission's evaluative criteria,  
20 the Commission expects candidates to follow the  
21 spirit as well as the letter of the ethics laws  
22 and we will view violations or the appearance of  
23 impropriety as serious and potentially deserving  
24 of heavy weight in screening deliberations. On  
25 that note, and as you know, the record will



1 remain open until the formal release of the  
2 Report of Qualifications and you may be called  
3 back at such time if the need should arise.  
4 Thank you again for your service to the state of  
5 South Carolina and offering again for service.  
6 Thank you for being here. Good to see you, Pat.

7 JUDGE KNIE: Thank you, Mr. Chairman and members.

8 Thank you very much for this opportunity.

9 (Off the Record)

10 CHAIRMAN CASKEY: All right. Good morning everybody,  
11 I think we're ready to go. Judge Griffith this  
12 is Micah Caskey. I don't know if you have a  
13 visual of where we're at but pleasure to have you  
14 this morning. If you would, sir, raise your  
15 right hand.

16 THE HONORABLE EUGENE CANNON GRIFFITH, JR., being  
17 duly sworn, testifies as follows:

18 CHAIRMAN CASKEY: Thank you. Do you have copies of  
19 the -- have we provided copies to the judge of --

20 MS. PUTNAM: These are the pages of his Sworn  
21 Statement he turned in with this application.

22 CHAIRMAN CASKEY: Okay. Judge I'm being told that  
23 the Personal Data Questionnaire and the Sworn  
24 Statement you submitted are with us, is that  
25 right?

1 JUDGE GRIFFITH: (Nods head.)

2 CHAIRMAN CASKEY: Have you had any amendments or  
3 changes that need to be made to those documents?

4 JUDGE GRIFFITH: I have not. I have a copy of those  
5 which I submitted with me as well.

6 CHAIRMAN CASKEY: Okay. Do you object to our making  
7 these documents a part of the record of your  
8 sworn testimony?

9 JUDGE GRIFFITH: Absolutely not, that's fine.

10 CHAIRMAN CASKEY: Thank you, sir. We will do that now  
11 with staff. And I'll just note that the Judicial  
12 Merit Selection Commission has thoroughly  
13 investigated your qualifications for the bench.  
14 Our inquiry has focused on nine evaluative  
15 criteria and has included a ballot box survey, a  
16 thorough study of your application materials,  
17 verification of your compliance with state ethics  
18 laws, search of newspaper articles in which your  
19 name appears, a study of previous screenings, and  
20 a check for economic conflicts of interest. We  
21 have received no affidavits filed in opposition  
22 to your election and no witnesses are present  
23 here today to testify. If you would like to make  
24 a brief opening statement we'd be happy to hear  
25 from you. Otherwise we can go straight to

1           questioning from staff attorneys.

2           (Exhibit Number 6 was marked for identification  
3           purposes - (12 pages) Personal Data Questionnaire for  
4           The Honorable Eugene Cannon Griffith, Jr.)

5           (Exhibit Number 7 was marked for identification  
6           purposes - (8 pages) Sworn Statement of The Honorable  
7           Eugene Cannon Griffith, Jr.)

8           JUDGE GRIFFITH: Well I just -- I'll very much thank  
9           the screening committee for allowing me to appear  
10          via Zoom considering my recent diagnosis. So,  
11          other than that, I'm glad to be getting this done  
12          today because it's a good day for me to get it  
13          done.

14          CHAIRMAN CASKEY: Thank you, Judge. At this point I  
15          will recognize Mr. Davidson for some questions.

16          JUDGE GRIFFITH - EXAMINATION BY MR. DAVIDSON:

17          **Q. Morning, Judge Griffith. It's good to see you,**  
18          **albeit virtually. After serving fourteen years**  
19          **on the Circuit Court, could you please share with**  
20          **us why you'd like to continue serving in that**  
21          **capacity?**

22          A. I think the main reason is I really enjoy  
23          presiding as a circuit judge. I enjoy presiding  
24          over civil and criminal court. Particularly, I  
25          like the interaction with juries. I think

1           there's a responsibility we as judges have of  
2           educating the public and particularly juries as  
3           to how the legal system works and different  
4           parameters that we have to act under and I feel  
5           that it's just a job that I'm well suited for so  
6           I enjoy what I do and I will continue doing as  
7           long as I'm able.

8       **Q. Thank you, judge. As you know your SLED report**  
9       **indicated that there was a lawsuit filed against**  
10      **you since your last screening. It was filed in**  
11      **2021 in Federal Court by Demarius Collier. Can**  
12      **you please explain the nature and disposition of**  
13      **this lawsuit, please?**

14      **A.** This is what I'm aware of. I did a little  
15      research on Mr. Collier. I do not know him, but  
16      what I gleaned from my research was that he  
17      appeared in Greenwood County as a General  
18      Sessions defendant and pled guilty before Judge  
19      Addy. The solicitor who was responsible for the  
20      prosecution was solicitor Brown. And for some  
21      reason Mr. Collier deemed it necessary to file a  
22      1983 lawsuit and instead of naming Judge Addy he  
23      named me. And so I have no knowledge of why he  
24      confused the two of us even though we're both  
25      from the Eighth Circuit. It's just a mixup. I

1 did not -- I have no interaction with him in the  
2 General Sessions court. So to my knowledge the  
3 case has been dismissed as not -- like a 40(c)30  
4 type thing. Dismissed involuntarily on a civil  
5 branch of the Federal Court.

6 **Q. Thank you, judge. Moving on to a different**  
7 **question, what do you think your reputation is**  
8 **among attorneys that practice before you?**

9 A. Well I hope it's one that they enjoy appearing in  
10 front of me because I'm patient with them. Enjoy  
11 the interaction and talk with them and enjoy some  
12 good banter from time to time. But I believe my  
13 reputation with the attorneys is I'm prepared and  
14 I'm ready to work when we get to court, and I  
15 like to start punctually.

16 **Q. The Commission received 606 ballot box surveys**  
17 **regarding your candidacy with 50 additional**  
18 **comments. The ballot box survey, for example,**  
19 **contained the following positive comments, "Judge**  
20 **Griffith possesses all of the qualities that make**  
21 **for a fine member of the judiciary. He is smart,**  
22 **knowledgeable, experienced, personable, and**  
23 **courteous to lawyers and litigants alike. He has**  
24 **a great judicial temperament, very knowledgeable**  
25 **in the law, and a great addition to the bench.**

1           And he never caves to pressures of either side or  
2           office." And several others complimented your  
3           demeanor, temperament, work ethic, and knowledge.  
4           Five of the 50 comments, however, expressed  
5           concerns. Two comments expressed concerns over  
6           being subject to influence by media pressure.  
7           How would you -- or political pressure. How  
8           would you respond to those comments?

9       A. Well, you know, I guess fortunately and  
10       unfortunately what we do is in the public. All  
11       hearings should be open to the public. The media  
12       loves to come in and make news. Members of the  
13       General Assembly are allowed to practice in front  
14       of the Circuit Court, and so I try to be fair to  
15       everyone. I try to judge everything  
16       appropriately and consider it within the  
17       parameters of what law I'm applying. And I think  
18       it's unfortunate but it would be my guess that  
19       the people that say I did that would probably be  
20       on the dissatisfied group that I ruled against.  
21       And, you know, unfortunately the general is only  
22       two -- generally there's just two groups of  
23       people in front of you, one side or the other.  
24       And you've got to rule with one or the other.  
25       And so there's -- half the people leaving the

1 court room are disappointed. So it's just part  
2 of what you do for a living, you make decisions.  
3 And call balls, call strikes, and that's --  
4 that's just what I do. I try to do it fairly,  
5 but I understand when you roll the short end of  
6 the call you're probably disappointed. I would  
7 be.

8 **Q. Thank you, Judge. And two of the comments**  
9 **expressed concerns alleging a casual demeanor or**  
10 **not taking the job seriously. What response**  
11 **would you offer to those concerns?**

12 A. Well I'm trying to figure that one out, but  
13 basically my personality, as I understand, I'm a  
14 very people-minded person. I'm affable, I have a  
15 sense of humor. I think those comments were  
16 probably taken out of context but most likely  
17 when General Sessions court is going on and there  
18 are pleas being moved and these are pleas what I  
19 would consider on the lower end of the severity  
20 spectrum, time served, under 90-day sentences.  
21 Short probationary sentences for counseling and  
22 restitution. It's there part of what has to be  
23 done but these are not hardened criminals,  
24 they're not people who were -- have guns,  
25 threaten people. No one's gotten hurt, so to

1 speak. And on some of those cases I enjoy a  
2 sense of humor and have fun with them. I thought  
3 of one case I did. The guy was shop lifting and  
4 I have this habit of asking people what they  
5 took. And he told me, I took five trees and some  
6 top soil and some other things, and casually,  
7 without thinking, I asked him why did he do that,  
8 were you celebrating Arbor Day? And it felt  
9 probably offhanded but he was getting probation  
10 and paying the money back for the trees. So if  
11 that's not taking the job seriously, I'll own  
12 that. But that was in an afternooon plea,  
13 probation restitution type thing and sometimes  
14 you got to laugh at the court.

15 **Q. Thank you, Judge.**

16 MR. DAVIDSON: I would note for the record that the  
17 Piedmont Citizens Committee found Judge Griffith  
18 qualified in the evaluative criteria of  
19 constitutional qualifications, physical health,  
20 and mental stability. The Committee found him  
21 well qualified in the evaluative criteria of  
22 ethical fitness, professional and academic  
23 ability, character reputation, experience, and  
24 judicial temperament. The Committee stated in  
25 summary Judge Griffith has been an able and well-



1           regarded judge for years on the circuit bench.  
2           The Committee appreciates his record as a fine  
3           public servant and believes he will continue to  
4           do his community and state credit during another  
5           term.

6   **Q.   And lastly, Judge, just a few housekeeping**  
7           **questions.  Since submitting your letter of**  
8           **intent, have you contacted any members of the**  
9           **Commission about your candidacy?**

10   A.   I have not.

11   **Q.   Are you familiar with § 2-19-70, including the**  
12           **limitations on contacting members of the General**  
13           **Assembly regarding your screening?**

14   A.   I'm familiar.

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

19   A.   I have not.

20   **Q.   Have you asked any third parties to contact**  
21           **members of the General Assembly on your behalf or**  
22           **are you aware of anyone attempting to intervene**  
23           **in this process on your behalf?**

24   A.   I have not, and I'm not aware of anyone.

25   **Q.   Have you reviewed and do you understand the**

1           **Commissions guidelines on pledging and SC code §**  
2           **2-19-70(E)?**

3           A.    I am aware of the pledging restriction.

4           **Q.    Thank you.**

5           A.    And the 40-hour rule.

6           **Q.    Thank you, sir.  Mr. Chairman I would note for**  
7           **the record that any concerns raised during the**  
8           **investigation regarding Judge Griffith were**  
9           **incorporated into the questioning of the**  
10          **candidate today and I have no further questions.**  
11          **Thank you Judge Griffith.**

12          CHAIRMAN CASKEY:  Thank you, sir.  Any members of the  
13                Commission have questions or comments?  Mr.  
14                Rutherford.

15          MR. RUTHERFORD:  I just want the judge to know that  
16                because those questions are posed to him by the  
17                screening attorney it doesn't mean that this  
18                Commission has a problem with the way that he  
19                holds court.  I for one have been in front of him  
20                hundreds of times and don't have a problem with  
21                it.  And just because people express their  
22                dissatisfaction with something does not mean that  
23                the judge needs to change who he is or how he  
24                runs court.  And I don't want anybody to think  
25                that that was our concern, it was just what some

1 attorney wrote and that's why it was voiced to  
2 the judge and that's all that it was. Because I  
3 have been in front of him, tried a case, tried a  
4 murder case in front of him twice I believe and  
5 he does a great job. So I just wanted to say  
6 that.

7 CHAIRMAN CASKEY: Thank you, sir. Of course our  
8 questions are generated from the -- or  
9 consolidated and asked by the staff attorney from  
10 comments that were made. So your point is well  
11 taken, Mr. Rutherford. Chairman Rankin?

12 VICE CHAIRMAN RANKIN: Judge, good to see you. And I  
13 just want to commend you for one continuing to do  
14 this, wanting to do it. And for I think in the  
15 comment about the Arbor Day celebration, with  
16 great levity -- and because in a court room  
17 you're either laughing or crying, or gnashing  
18 your teeth. And when you get a chance why not  
19 throw a little humor in there, at no prejudice to  
20 the litigants, particularly this one who got  
21 probation. So if they don't get you, they're  
22 just not smart enough. And so those folks you  
23 just got to pray for that they get with it and  
24 lighten up. So I appreciate that light touch  
25 that you describe there, and that I know that you

1           conduct your court room because again it is a  
2           reflection on your brothers and sisters on the  
3           bench and the state of our judiciary as well.  
4           Because I think humor has a large part to do with  
5           the seriousness that we all enjoy our struggle  
6           with at times, of very difficult decisions you  
7           may have or the sentences that you may impose.  
8           So, all that said, keep it up and tell Judge  
9           Rushing I said hello.

10       JUDGE GRIFFITH: I'll be glad to, I talked to him  
11           yesterday.

12       CHAIRMAN CASKEY: Any other comments or questions from  
13           Commissioners? Seeing none, then, Judge, I'll  
14           simply thank you for your service. Your  
15           reputation precedes you and I think the ballot  
16           box surveys speak to that. So this concludes  
17           this portion of our screening process. I do want  
18           to take this opportunity to remind you that  
19           pursuant to the Commission's evaluative criteria,  
20           the Commission expects candidates to follow the  
21           spirit as well as the letter of the ethics laws  
22           and we will view violations or the appearance of  
23           impropriety as serious and potentially deserving  
24           of heavy weight and screening deliberations. On  
25           that note and as you know, the record will remain

1 open until the formal release of the Report of  
2 Qualifications and you may be called back at such  
3 time if that need arises. Again, I thank you for  
4 your offering for service, and your past service,  
5 and wish you a speedy recovery from your current  
6 illness. Thank you judge.

7 JUDGE GRIFFITH: Thank you all so very much.

8 (Off the Record)

9 VICE CHAIRMAN RANKIN: Good morning, Judge.

10 JUDGE SPROUSE: Good morning.

11 VICE CHAIRMAN RANKIN: Luke Rankin, welcome

12 JUDGE SPROUSE: Glad to be here.

13 VICE CHAIRMAN RANKIN: If you will, raise your hand.

14 THE HONORABLE R. SPROUSE, being duly sworn,  
15 testifies as follows:

16 VICE CHAIRMAN RANKIN: Welcome again and we, for the  
17 record, are early. And so we want to shout that  
18 out to the mountain top. Will you give me an  
19 amen to that?

20 JUDGE SPROUSE: Amen.

21 VICE CHAIRMAN RANKIN: Hallelujah. All right. Judge,  
22 you've done this before and so, you've got some  
23 documents there, a PDQ and a Sworn Statement.  
24 Any changes to those before we put them in the  
25 record?

1 JUDGE SPROUSE: They appear to be what I filed. No,  
2 sir.

3 VICE CHAIRMAN RANKIN: Very good. If you'll hand  
4 those to Lindi, we'll put them in the record  
5 without objection. And you are familiar with  
6 this. Remind me the last time you were here,  
7 Judge?

8 (Exhibit Number 8 was marked for identification  
9 purposes - (15 pages) Personal Data Questionnaire for  
10 The Honorable R. Scott Sprouse.)

11 (Exhibit Number 9 was marked for identification  
12 purposes - (15 pages) Personal Data Questionnaire for  
13 The Honorable R. Scott Sprouse.)

14 JUDGE SPROUSE: Would have been screened in the fall  
15 of 2017, re-elected in February of 2018.

16 VICE CHAIRMAN RANKIN: Seems like just yesterday,  
17 maybe, right?

18 JUDGE SPROUSE: Time flies.

19 VICE CHAIRMAN RANKIN: Boom. As you know our process  
20 here of JMSC, in terms of our investigation of  
21 your qualification, we focus on nine evaluative  
22 criteria, which includes a ballot box survey,  
23 study of your application materials, verification  
24 of your compliance with state ethics laws, search  
25 of newspaper articles in which your name appears,

1 study of previous screening and a check for  
2 economic conflicts of interest. No affidavits  
3 have been filed in opposition to your election.  
4 No witnesses are present to testify. I don't  
5 believe you came in with anyone. Is that  
6 correct?

7 JUDGE SPROUSE: That's correct.

8 VICE CHAIRMAN RANKIN: All right. And you now have  
9 the opportunity, if you'd like to make a ever so  
10 brief opening statement before we turn it over to  
11 Mr. Walpole for questions of you.

12 JUDGE SPROUSE: Yes, sir. Thank you. Thank you for  
13 allowing me to appear in front of you. I stand  
14 for reelection because, in short, I love my job.  
15 I enjoy it very much. This is a job that I've  
16 been able to handle a wide variety of cases.  
17 I've seen the state. I've been able to see some  
18 of the best lawyers in the state, try cases, and  
19 most importantly I have seen some positive  
20 results from out court in our community. So, I  
21 very much would like to continue and it's been a  
22 wonderful experience for me. Thank you.

23 VICE CHAIRMAN RANKIN: Thank you, Judge. All right.

24 JUDGE SPROUSE - EXAMINATION BY MR. WALPOLE:

25 **Q. Thank you, Mr. Chairman. Judge, good to see**

1           **you again.**

2       A.    Good to see you.

3       **Q.    After serving nine years on the Circuit Court,**  
4           **why do you want to continue serving as a judge.**  
5           **I guess you just answered it little bit, but I'll**  
6           **let you expound.**

7       A.    Well, again, this job is a wonderful experience.  
8            I enjoy getting up and going to work every day.  
9            It is a job that we are on the front line.  Every  
10          case has the same issue, even though the facts  
11          are different.  And that is they need the legal  
12          system to address a problem that has arisen,  
13          whether it's a multi-day complex civil case all  
14          the way down the pro se litigants on some case  
15          that takes an hour.  They need the court system  
16          to help resolve a problem.  Some problems we  
17          can't -- obviously, most problems we can't fix.  
18          The disasters happen before it gets to court.  
19          But, we can apply the law and give resolution and  
20          closure to parties.  And it has been a very  
21          enjoyable job and I very much would like to  
22          continue.

23       **Q.    Judge, what do you think your reputation is among**  
24           **attorneys that practice before you and court**  
25           **staff as well.**



1 A. I believe that lawyers that appear in front of  
2 me, think that I'm fair and that I apply the law  
3 in a fair, impartial and efficient manner. I'm  
4 not going to say that I'm universally liked  
5 because I don't think any -- when a lawyer has a  
6 case go against them, I don't think they like the  
7 judge at that point. But, I believe that my  
8 reputation is good amongst the Bar. And I  
9 certainly try to show respect to the attorneys  
10 that appear in my courtroom.

11 **Q. Judge, the Commission received 522 ballot box**  
12 **surveys regarding you with 34 comments. And of**  
13 **those 32 comments, the overwhelming majority were**  
14 **positive, consistently, speaking to your**  
15 **excellent temperament, that you are a hard**  
16 **working and that your rulings are well-reasoned**  
17 **and fair in places. Two of those comments were**  
18 **negative. And they both alleged that you tend to**  
19 **avoid hard rulings. What response would you**  
20 **offer to that concern?**

21 A. Well, rulings are dependent on the facts of each  
22 case. And sometimes it is easy for a court to  
23 make a very well reasoned to ruling, if it's a  
24 motion that you can take under advisement if it's  
25 an appeal from Probate Court or something of that

1 nature that you can take the amount of time, read  
2 case law. Other rulings, if it's at the trial  
3 level, have to be made instantaneously. They  
4 have to be made without the luxury of a  
5 tremendous amount of research. But, I do my best  
6 and I have a law clerk that is provided to me and  
7 the law clerks are very helpful. And I found  
8 that the young people's research skills are much  
9 superior to mine. And they can pull up cases  
10 very quickly and we get to the issue as best we  
11 can.

12 **Q. Thank you, Judge.**

13 MR. WALPOLE: I would note that the Upstate's Citizens  
14 Committee found Judge Sprouse to be well  
15 qualified as to the evaluative criteria of  
16 ethical fitness, professional and academic  
17 ability, character, reputation, experience, and  
18 judicial temperament, and qualified in the  
19 evaluative criterial of constitutional  
20 qualifications, physical health and mental  
21 stability. The Committee had no related or  
22 summary comments.

23 **Q. And a few housekeeping issues, Judge. Judge,**  
24 **since submitting your letter of intent, have you**  
25 **contacted any members of the Commission about**

1           your candidacy?

2       A.    No.

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

6       A.    Yes.

7       Q.    Since submitting your letter of intent, have you  
8           sought or received the pledge of any legislator  
9           either prior to this date or pending the outcome  
10          of your screening?

11      A.    No.

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

16      A.    No.

17      Q.    Have you reviewed and do you understand the  
18           Commission's guidelines on pledging and South  
19           Carolina code § 2-19-70(E)?

20      A.    Yes.

21      Q.    I would just note for the record that any  
22           concerns raised during the investigation  
23           regarding the candidate were incorporated into  
24           the questions of the candidate today.  Mr.  
25           Chairman, I have no further questions.

1 VICE CHAIRMAN RANKIN: Okay. Questions by members of  
2 the Commission, Senator Talley?

3 SENATOR TALLEY: Okay, thank you, Mr. Chairman.  
4 Judge, good to see you. Not as much a question,  
5 just a comment. I've had the pleasure of  
6 appearing in front of you. I was going to say  
7 courtroom, but I think the last several times,  
8 it's all been virtual. But, I have been in your  
9 courtroom before as well. And the ballot box  
10 surveys that counsel took upon reflect my  
11 appearance in front of you. You've always been  
12 patient with the lawyers and litigants, let  
13 everybody have their say. But, then also, in my  
14 experience is you're very efficient rulings as  
15 well. So, I commend you for that. One of the  
16 things this Commission has looked at over the  
17 last several years is demeanor and public  
18 perception, good, bad, indifferent of the  
19 judicial system and how people that go into the  
20 courtrooms are treated and so I just commend you  
21 for what you have done and I know that you will  
22 continue to do that.

23 JUDGE SPROUSE: Thank you.

24 VICE CHAIRMAN RANKIN: Others. Mr. Safran?

25 JUDGE SPROUSE - EXAMINATION BY MR. SAFRAN:

1 Q. Judge, we're happy to have you here. You seem to  
2 follow in a long line of some very well received  
3 judges from up in your part of the state, Judge  
4 Maddox, notwithstanding. But, but, but,  
5 basically what I wanted to ask you is this: you  
6 kind of went through a long track of private  
7 practice, some by yourself, generally in small  
8 firms, until you got on the bench. And I guess  
9 you waited until at least a certain time in your  
10 career to say I'm ready to take that next step.  
11 We've seen in other contexts this time, people  
12 who are trying to take that leap at a relatively  
13 young stage of their career. And I guess my  
14 question is, didn't you feel like having all that  
15 personal people type experience from the time you  
16 started in Beaufort until the time you went on  
17 the bench was really invaluable to you, in terms  
18 of being a judge?

19 A. It has been. And just, and you'll be able to  
20 note from my application. I did, early in my  
21 career run, for Family Court way back. And I can  
22 tell you now, at age 59 versus when I was 35 at  
23 that time, that I was not fully prepared had I  
24 been successful at that point, career wise. It  
25 was a blessing that I didn't get that position

1 back then because I gained so much more  
2 experience in the decade and a half after that.  
3 One thing that helped me tremendously was being a  
4 municipal judge. That experience, not just in  
5 the criminal law and criminal procedure, but in  
6 dealing with pro se litigants -- because ninety-  
7 nine percent of the people that came into  
8 Municipal Court did not have a lawyer. You have  
9 to manage a docket, even though it's on a smaller  
10 scale. But you manage court time, all of the  
11 things that you do as a circuit judge were done,  
12 it's like a pre-season game for an NFL Team. You  
13 can workout all of the -- all of the issues  
14 before you move up. The private practice of law  
15 prepares you for what the lawyers are  
16 experiencing that come into your court. The  
17 lawyer has to know the law, which is hard. That  
18 gets more complicated by the day. A lawyer has  
19 to know ethics, which also, that's a major  
20 consideration. Plus a lawyer has to run a  
21 business. And I got to -- again, another decade  
22 and a half experience doing that. So, all of  
23 these things are pieces of the puzzle when you  
24 have a career. And I haven't forgotten being a  
25 sole practitioner at the age of 27 wanting the

1 phone to ring in my office. That's a scary thing  
2 when you're trying to build a practice. So, I'm  
3 understanding to lawyers when they come in and  
4 they're in that situation.

5 Q. And just along those same lines that you,  
6 obviously, are sitting on the bench, the law is  
7 the law. And while we want to always  
8 characterize it as black and white, most of the  
9 circumstances you're going to see are always  
10 going to have a shade of grey and you have to  
11 apply it in certain circumstances to the facts,  
12 pretty much all the time, don't you?

13 A. Yes, sir.

14 Q. And so, I guess my question again is what you've  
15 gained in terms of the process that led you to  
16 the bench, especially in kind of looking at the  
17 human end of it really had an impact in terms of  
18 how you feel like, hey, I've got to apply with  
19 all this given circumstance.

20 A. Old lawyers tell you when you get out of school,  
21 no two cases are the same. And that is so true,  
22 that is so -- that is so true because you just  
23 hit on something. You may have two defendants  
24 appear in court with an identical charge. But  
25 until you get into the facts of that case, you

1 don't know exactly what happened. It's  
2 impossible to treat people as just a statistic or  
3 a code section. Every case has a personal  
4 element to it. And every lawyer does things  
5 their own way. And then they develop their own  
6 style. And every lawyer has problems too.  
7 Things arise in cases. And I've -- my door's  
8 always open to them. If they have a problem in  
9 the case, I tell them come see me, tell me about  
10 it. And we'll see if we can work around it if a  
11 case is up for trial and something has happened  
12 that they're asking you for a continuance. I --  
13 obviously, sometimes you can't grant that but I'm  
14 going to try to help if it's a situation that's  
15 out of their control. So, again -- but you hit  
16 on that absolutely correctly. Every case is  
17 different, every person is different and they  
18 have to be evaluated on their own merits and not  
19 as some statistic or a cold code section.

20 MR. SAFRAN: Thank you very much.

21 VICE CHAIRMAN RANKIN: Anyone else?

22 JUDGE SPROUSE - EXAMINATION BY VICE CHAIRMAN RANKIN:

23 **Q. Judge, I want to kind of drill down just a**  
24 **little, not long, but one of your prior services,**  
25 **as an attorney, a young attorney apparently, was**



1 handling discovery and your chronology of work  
2 and assignments there. As a judge, as a Circuit  
3 Court judge, I'm curious what experience from  
4 those discovery days do see and apply now when  
5 you have discovery conflicts between warring  
6 parties?

7 A. I will say it varies depending on what kind of  
8 case it is. The discovery that I handled mainly  
9 in my practice, even back in my days as a first  
10 year associate were civil type of wreck cases,  
11 medical records, that kind of thing. And then I  
12 had discovery of, and other types of cases. I  
13 had a lot of discovery and that increased a lot  
14 in Family Court. As, when I first started, you'd  
15 never see discovery in Family Court. But then,  
16 toward the end of my practice, every attorney was  
17 making the motion for discovery. But, the cases  
18 that I have today that are motions to compel and  
19 I get them every term of common pleas, non-jury.  
20 And I can tell you those are probably the least  
21 favorite hearings for judges to have to get into  
22 the middle of. Because a lot of time the  
23 attorneys could work out there issues if they  
24 would just go to, sit down in either one of  
25 them's office and spread the file out. But, the

1 instinct is to -- is to just fight. And some  
2 attorneys are very disappointed when I don't have  
3 a hair trigger for sanctions or they want to wait  
4 until the interrogatories are one hour late and  
5 then they move for sanctions. And I'd give  
6 attorneys an opportunity to resolve that. In  
7 extreme cases, I have awarded severe sanctions.  
8 I've stricken pleadings in a case, but that was  
9 after repeated refusals of a party to cooperate  
10 with discovery. That's an extreme measure and I  
11 don't do that except unless it's in extreme  
12 circumstances. I have issued attorneys fees in  
13 some cases where the party just refused to  
14 cooperate. And I think sometimes it's an  
15 extension of their clients. Certain types of  
16 cases I see where you have individuals fighting  
17 each other. Good examples would be over property  
18 issues. And they are hiring their attorneys to  
19 fight. And the attorneys become an extension of  
20 that. So, these are hard things to referee.  
21 It's generally resolved if the Court just gives  
22 them a timeline and say, you will answer these  
23 interrogatories. I do take things in camera,  
24 because sometimes there's a dispute over whether  
25 something's privileged. Their attorneys ask for

1 documents about correspondence and so forth. And  
2 a lot of that's privileged information  
3 attorney/client conversations. So, I'm always  
4 willing to look at it. I'd say make a privilege  
5 log, send me the stuff. I will sift through it  
6 and -- which I do. And I'll try to do it in a  
7 expeditious fashion. But sometimes it takes a  
8 while to go through all of it because it's a lot  
9 of material. But, those are becoming more and  
10 more common. I think it got so bad about 20  
11 years ago that the Supreme Court made us do the  
12 new oath. I remember as a younger attorney when  
13 the civility portion was added to the new oath.  
14 But that issue has not gone away. There's a lot  
15 of attorneys who really are contentious with each  
16 other on the issue of discovery. My job is to  
17 get the case processed, but I'm not going to  
18 reward people who are fighting just for the sake  
19 of fighting, that's -- I hope that answered your  
20 --

21 **Q. It does and that is refreshing because I don't**  
22 **think that's a surprise that you view it that way**  
23 **or that the bench, overall, the Bar rather, would**  
24 **expect differently because it -- and I'm not**  
25 **going to ask you this, but forever growing up,**

1 practicing in Horry, hearing my father who  
2 practiced in Horry, there were certain parts of  
3 the state that we weren't like in Horry. And I  
4 won't say who or where they are but that ain't  
5 the way we do it here, which effectively is, more  
6 of the, work it out, try to get along, try not to  
7 run to the courthouse over something that should  
8 be resolved otherwise. So, two other little  
9 quick little things. You obviously followed, I  
10 believe, Judge Macaulay?

11 A. Yes, sir.

12 Q. Who was the consummate Solomon. And I served  
13 with him, ever so briefly, back in 1892 when I  
14 was first elected to the Senate. For the record  
15 I said 1892, but what a wise salt and soul and it  
16 -- the ballot box surveys effectively suggest the  
17 very similar a light touch that you have and  
18 respect within that courtroom of treating  
19 everyone fairly, civilly, and giving what you  
20 expect of them. And so, I want to compliment you  
21 on that. Would Judge McCauley be in your top 20,  
22 top 5, top 3 of folks who, at the end of your  
23 career as a judge, that you would want to be  
24 compared to?

25 A. He has had a tremendous effect on the way I hold

1 court. And just -- I'm not going to give you a  
2 long history of it, but when he became retired  
3 active, we set up -- we have a third floor  
4 configuration where the circuit judge's office is  
5 on one end, the visiting office is on another and  
6 there was a conference room there that nobody was  
7 using so we converted that into Judge Macaulay's  
8 office. So, he was just right down the hallway  
9 until he ceased being a retired active, which was  
10 last year. But, he was a tremendous resource.  
11 And my secretary and my law clerks assisted him  
12 because -- with the computer and so forth. But,  
13 I appeared in front of him for years as a lawyer.  
14 And so, I have a very good example of how a judge  
15 should behave in the courtroom, how a judge  
16 should handle different things. And if I am able  
17 to even approach the type of judge he was, I'll  
18 be happy because he set the standard for our  
19 circuit and our state and for -- and I hear the  
20 same thing, as going all over the state, people  
21 will ask me about him. He's now in an assisted  
22 living facility, but we still go see him and  
23 he's, his mind is still as sharp as --

24 **Q. Wearing a bow tie still?**

25 **A.** -- wearing. You go take him to lunch, he dresses

1 up and puts on his suit. But his mind is just as  
2 sharp as it was.

3 Q. Judge, lest it be all glowing here. This from  
4 Tyler from Spartanburg, "Judge Sprouse, although  
5 he went to Clemson, he has been a good judge."  
6 I'm glad that there are two people who appreciate  
7 that. And you too. With that smile you don't  
8 have to say a word. But now we get another  
9 question and comment.

10 JUDGE SPROUSE - RE-EXAMINATION BY MR. SAFRAN:

11 Q. Let me try to be brief. I share your admiration  
12 for Judge Macaulay. He was great. And I wish  
13 there were more like him out there. And you set  
14 a pretty good standard yourself. But going back  
15 to what you said, and I've noticed that now more  
16 than ever, is a lot of the problem that you have  
17 when you get into these discovery fights just  
18 because the lawyers just aren't talking to each  
19 other? I mean, they don't try to get it done.  
20 It's just a matter of, let's go fight about it  
21 and let somebody else take on the problem.

22 A. A root of the problem too -- and that's certainly  
23 is the end result is there's a communication  
24 breakdown but a root of the problem is young  
25 lawyers are not trying cases. We're having fewer

1 and fewer jury trials and there's a multitude of  
2 reasons for that. But a primary reason is  
3 mediation is wiping out all of the good cases.  
4 And if it's a personal injury case and there's  
5 any theory of liability that is reasonable and  
6 there's objective evidence of injury, that case  
7 settles in mediation. So, it narrows the scope  
8 of what we actually try in common pleas. And the  
9 things that go to trial, a lot of them, are so  
10 serious and so much money involved that they  
11 don't let young associates try those cases. So,  
12 there's a limited opportunity for young lawyers  
13 to cut their teeth and try cases. So, their role  
14 gets to be a discovery role. It's like two  
15 armies line up with cannons and they shoot  
16 documents at each other. And that's what the  
17 young associates do. So, I think that it causes  
18 a lack of perspective when they're not trying  
19 cases. And I don't know what the answer to that  
20 is. We have -- they had the same problem in  
21 General Sessions, although it's a little better.  
22 You have some cases that go to trial. I cut my  
23 teeth -- I tried a bunch of cases in Magistrate's  
24 Court as a young lawyer. I handled all kinds of  
25 things. And that's valuable experience, but I

1 don't see young lawyers getting that and so  
2 they're fight is over documents. And the fight's  
3 over discovery. And again, I don't know what the  
4 answer to that is. But, that's the world in  
5 which we live today.

6 **Q. Well, I know it is. And unfortunately it just**  
7 **seems like it's a pretty sad commentary. Thank**  
8 **you for your appearance today.**

9 JUDGE SPROUSE: Thank you.

10 VICE CHAIRMAN RANKIN: All right. Unless any other  
11 questions. Judge, this will conclude this  
12 portion of your process here. And you are  
13 reminded that both the spirit of the law, and the  
14 ethics law, in terms of how you comport yourself  
15 from here on, you're reminded of that. And the  
16 appearance of any violation or outright violation  
17 will be taken very seriously and deserving of  
18 heavy weight in our screening deliberations. You  
19 know, and I'll need an affirmative response, that  
20 this record remains open until the final release  
21 of the report. And should there be any issue,  
22 which we would not expect, you understand we  
23 would call you back, correct?

24 JUDGE SPROUSE: Yes, sir.

25 VICE CHAIRMAN RANKIN: Judge, thank you for your time



1           and your punctuality and it's 11:09. You are  
2           free to go.

3 JUDGE SPROUSE: Thank you. Thank the Commission.

4                                 (Off the record.)

5 VICE CHAIRMAN RANKIN: All right. We're going to get  
6           started. And Judge Michael S. Holt, welcome.

7 JUDGE HOLT: Thank you.

8 VICE CHAIRMAN RANKIN: If you will, sir, you know the  
9           drill. Please  
10          raise your right hand.

11                 THE HONORABLE MICHAEL S. HOLT, being duly sworn,  
12          testifies as follows:

13 VICE CHAIRMAN RANKIN: You have before you the PDQ and  
14          Sworn Statements that you prepared. Without any  
15          objection from you from them going into the  
16          record, before hand. Do you have any changes you  
17          need to make?

18 JUDGE HOLT: None that I'm aware of. I have no  
19          objection.

20 VICE CHAIRMAN RANKIN: Okay. And if you'll hand those  
21          to Lindi, we'll get them in the record. All  
22          right. Judge, you are familiar with this  
23          process, our investigation and our vetting of the  
24          qualifications for your continued service on the  
25          bench, and our focus on the nine evaluative

1 criteria, which include the ballot box survey,  
2 study of your application materials, search of  
3 newspaper articles in which your name appears,  
4 verification of your compliance with the state  
5 ethics laws, prior screenings and a check for  
6 economic conflicts of interest. We have one  
7 affidavit that was filed in opposition but, that  
8 has been dismissed and so, no complaints, no  
9 witnesses are here to testify. And unless you  
10 relegated someone to stay in the hall to come get  
11 you later that you'd like to bring in and  
12 introduce, you're here on your own, correct?

13 (Exhibit Number 10 was marked for identification  
14 purposes - (13 pages) Personal Data Questionnaire for  
15 The Honorable Michael S. Holt.)

16 (Exhibit Number 11 was marked for identification  
17 purposes - (5 pages) Sworn Statement of The Honorable  
18 Michael S. Holt.)

19 JUDGE HOLT: I'm here alone.

20 VICE CHAIRMAN RANKIN: Okay. All right. You have the  
21 opportunity to make a brief opening statement, if  
22 you'd like. If not, Erin Crawford will lead you  
23 to a few questions before the Commission members  
24 ask anything they have.

25 JUDGE HOLT: I'll waive any opening statement.

1 VICE CHAIRMAN RANKIN: Very good. Thank you.

2 JUDGE HOLT - EXAMINATION BY MS. CRAWFORD:

3 Q. Morning Judge.

4 A. Morning.

5 Q. Judge, you have now served two years, I guess, in  
6 your role as a Circuit Court judge. How have you  
7 liked it compared to serving as a Family Court  
8 judge?

9 A. I wouldn't be honest if I didn't say that I  
10 didn't miss the Family Court aspects of it. But,  
11 I'm enjoying the role that I'm in now. It's a  
12 different experience. It's something that's a  
13 little fresher to me. So, I'm enjoying the  
14 experience. But, you know, I spent a long time  
15 on the Family Court bench and I was very  
16 passionate about, you know, being involved and  
17 trying to resolve issues related to children.  
18 And so, when you give that role up, it's -- you  
19 know, you kind of -- you wonder about what's  
20 going to happen. But y'all select good judges  
21 and I know that the successors will do a good  
22 job. But it was kind of hard leaving the Family  
23 Court. But I've thoroughly enjoyed this  
24 experience and it's been a privilege to do it.

25 Q. Okay. Thank you, Judge. And why else do you

1           **want to continue serving?**

2    A.    Public service is important and I've always been  
3           passionate about that. I think that -- you know,  
4           I don't want to say that I'm in a better position  
5           than others because that sounds a bit arrogant.  
6           But, I do believe that I have a lot of  
7           experience. It puts me in a unique position.  
8           But, it's a passion and, you know, I enjoy the  
9           job. I enjoy going to work. It's not a chore.  
10          And so, that's why I want to continue to do it.  
11          That's why I choose to run for re-election. It's  
12          a wonderful opportunity, you know, this body has  
13          given me. And I'm grateful for it.

14    **Q.    Thank you, Judge. Judge Holt, what do you think**  
15          **your reputation is among attorneys that practice**  
16          **before you and include also, maybe, court**  
17          **personnel?**

18    A.    Lawyers, you never know. Because I used to say,  
19           when you're a judge you're the funniest guy in  
20           the courtroom. Because you don't always know  
21           what people truly think about you. But I think  
22           that one of the aspects of this process is that  
23           the survey that's sent out gives you kind of an  
24           idea how people see you and perceive you. I hope  
25           it's a positive one. I try. I certainly want to

1 have a good working relationship with the Bar. I  
2 do think that I have a good relationship with  
3 court personnel, that makes your job so much  
4 easier when they're eager to help you. And it's  
5 just treating them nice and appreciating them.  
6 So I do think that I have a good working  
7 relationship with clerks or staff, law  
8 enforcement, everybody that's involved in the  
9 judicial process. But, you know, the Bar you  
10 never know really until you get the survey.

11 Q. Well, good segue into that. The Commission  
12 received 555 ballot box surveys regarding you  
13 with 55 additional comments. The ballot box  
14 survey, for example, contained the following  
15 positive comments. And one that I just saw  
16 relating to what we talked about earlier. "One  
17 of Judge Holt's most shining features is the  
18 respect and kindness he displays to court staff,  
19 attorneys and to individual parties. He conducts  
20 his court with the upmost respect for each  
21 individual and displays immense professionalism  
22 and is extremely knowledgeable in the law with  
23 each case, which is presented before him."  
24 Another example of the comments, one of my  
25 favorites that I've seen is "the original

1 G.O.A.T."

2 A. My mother must have inserted that one.

3 Q. Yes. I did review the 555 ballot box comments  
4 and found no patterns of concerns raised as to  
5 your qualifications. Again, they were all  
6 primarily very positive. I would note that the  
7 Pee Dee Citizens Committee found you qualified in  
8 the evaluative criteria of constitutional  
9 qualifications, physical health and mental  
10 stability, and well qualified in the remaining  
11 evaluative criteria of ethical fitness,  
12 professional and academic ability, character,  
13 reputation, experience and judicial temperament.  
14 For some housekeeping issues. Since submitting  
15 your letter of intent, have you contacted any  
16 members of the Commission about your candidacy?

17 A. No, I haven't.

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

21 A. Yes.

22 Q. Since you've submitted your letter of intent,  
23 have you sought or received the pledge of any  
24 legislator, either prior to this date or pending  
25 the outcome of your screening?

1 A. I have not.

2 Q. Have you asked any third parties to contact  
3 members of the General Assembly?

4 A. I have not.

5 Q. Are you aware of anybody attempting to intervene  
6 in this process on your behalf?

7 A. No.

8 Q. Have you reviewed and do you understand the  
9 Commission's guidelines on pledging and South  
10 Carolina code § 2-19-70(E)?

11 A. Yes.

12 MS. CRAWFORD: Mr. Chairman, I have no further  
13 questions.

14 VICE CHAIRMAN RANKIN: Okay. Questions by a member of  
15 the Commission?

16 REPRESENTATIVE JORDAN: Good morning, Judge.

17 JUDGE HOLT: Morning.

18 REPRESENTATIVE JORDAN: Thank you for being with us  
19 today. I don't know that I have questions, as  
20 much as a few comments and observations that I'd  
21 like you and the Commission to hear, which is  
22 with being next door over in the 12th Circuit, I  
23 get over to the 4th circuit occasionally. But  
24 obviously our part of the state is a small  
25 population part of the state. So, we're all kind

1 of know -- each other by reputation and  
2 experience. But, being in the 4th Circuit, I  
3 think you have a little bit of a unique challenge  
4 compared to other places in the state, that you  
5 have to deal with a lot of different type of  
6 small, more rural-type issues. And I've always  
7 noticed you to be a judge, whether it be the  
8 Family Court or the Circuit Court, that goes out  
9 of their way to treat people very well and fairly  
10 and kindly. And I don't know -- certainly we  
11 have that in the state, we're blessed to have  
12 that. But I want you to know that doesn't get  
13 lost that people recognize and see that, how you  
14 treat people. And I wanted to convey that to you  
15 as much as anything. And thank you for doing  
16 that.

17 JUDGE HOLT: And thank you for those kind words.

18 VICE CHAIRMAN RANKIN: Anyone else? I want to suggest  
19 to you that you have either tithed appropriately  
20 or not said no to your pastor in some other ask  
21 of service. But, I note that the Presbyterians,  
22 this cycle, coming on strong. So, Reverend  
23 Ashley Cheek has commended your ability and your  
24 candidacy and one thing that stands out to me,  
25 which I know not directly, but indirectly, your



1 sense of service to others and strengthening the  
2 community. You care deeply about our people, the  
3 state and the institution of our state. And so,  
4 that passion and energy which he commends you  
5 for, I likewise salute. And it is well known  
6 that that is your shining -- or north star. I  
7 want to commend you for doing that.

8 JUDGE HOLT: Thank you.

9 VICE CHAIRMAN RANKIN: Because again, as we interact  
10 with folks in the court, whether litigants,  
11 lawyers, staff or the judge sitting on high, it  
12 is a reflection of what we as a state stand for.  
13 And particularly this JMSC in its current  
14 composition deems very important how we treat  
15 folks in our courtrooms. And it is a great  
16 reflection to see yet another great example of  
17 that in your service, sir.

18 JUDGE HOLT: Thank you.

19 VICE CHAIRMAN RANKIN: Unless there's anything else  
20 for you, Judge, I want to remind you how this  
21 process works going forward. You know that all -  
22 - what I'm about to put on the record that this  
23 now concludes this portion of this process. We  
24 in our evaluation, also are charged with both the  
25 letter and the spirit of the law, ethics law as

1 well. And any violation or the appearance of  
2 impropriety or a violation thereof would be  
3 deemed serious and taken extremely seriously by  
4 this Commission. And so, as you know -- and I  
5 will need an affirmative response by you, you  
6 understand that this record remains open until  
7 final release of the Report of Qualifications and  
8 you may be called back in the unlikely event that  
9 a violation or appearance of impropriety were to  
10 occur, correct?

11 JUDGE HOLT: I understand. Yes, sir.

12 VICE CHAIRMAN RANKIN: All right. Thank you Judge  
13 Holt. And God speed to you in every walk.

14 JUDGE HOLT: Thank y'all and thank y'all for y'all's  
15 service. I appreciate this process. It's not  
16 fun but it's the best way we can do it. And, you  
17 know, I think we vet our judges and I think we  
18 have quality judges in our state and my peers.  
19 And so, we're not anxious to come over here but  
20 it's a necessary process. And I appreciate how  
21 y'all treat us. Thank you.

22 REPRESENTATIVE RUTHERFORD: Good to see you, Judge.

23 (Off the record.)

24 VICE CHAIRMAN RANKIN: Judge Nettles, welcome.

25 JUDGE NETTLES: How you doing?

1 VICE CHAIRMAN RANKIN: Doing great, doing great. We  
2 ready. All right, Judge. If you will raise your  
3 right hand.

4 THE HONORABLE MICHAEL G. NETTLES, being duly  
5 sworn, testifies as follows:

6 VICE CHAIRMAN RANKIN: You have before you, with  
7 Lindi's handoff, of your PDQ and Sworn Statement.  
8 Any changes that need to be made on those before  
9 we put them in the record?

10 JUDGE NETTLES: None other than I think there was an  
11 omission cited while I was on the bench since  
12 2005 until now, that has been amended.

13 LINDI: Yeah, it's corrected.

14 JUDGE NETTLES: Oh, it's already, it's in there. Very  
15 good.

16 VICE CHAIRMAN RANKIN: If no objections to those  
17 coming in the record?

18 JUDGE NETTLES: None.

19 VICE CHAIRMAN RANKIN: All right, Judge. You're  
20 familiar with this process and how we do this. I  
21 want to welcome you this morning and particularly  
22 appreciate your being here extremely early. Two  
23 hours and four minutes before your --

24 JUDGE NETTLES: I don't want to be late, this is kind  
25 of important.

1 VICE CHAIRMAN RANKIN: We appreciate that because we  
2 are sticklers for punctuality in this group. For  
3 the record. Yeah, anyway thank you Judge for  
4 being here. As you know, this process involves  
5 and investigation on our part, whereby Todd  
6 Rutherford is quieter, and we look at the nine  
7 evaluative criteria which includes the ballot box  
8 survey, a study your application materials,  
9 verification of your compliance with the state  
10 ethics laws, search of newspaper articles in  
11 which your name appears, prior screenings and a  
12 check for economic conflicts of interest. No  
13 affidavits have been filed in opposition to your  
14 candidacy, no witnesses are here to testify and  
15 you now have the opportunity to make an ever so  
16 brief statement if you'd like before you answer  
17 questions of counsel.

18 (Exhibit Number 12 was marked for identification  
19 purposes - (13 pages) Personal Data Questionnaire for  
20 The Honorable Michael G. Nettles.)

21 (Exhibit Number 13 was marked for identification  
22 purposes - (1 page) Amendment to Personal Data  
23 Questionnaire for The Honorable Michael G. Nettles.)

24 (Exhibit Number 14 was marked for identification  
25 purposes - (13 pages) Sworn Statement of The Honorable

1 Michael G. Nettles.)

2 JUDGE NETTLES: In the interest of time, I'll waive.

3 VICE CHAIRMAN RANKIN: Super. Steve, take it away.

4 Thank you, Judge.

5 JUDGE NETTLES - EXAMINATION BY MR. DAVIDSON:

6 **Q. Good morning, Judge. Good to see you. After**  
7 **servicing 18 years on the Circuit Court, could you**  
8 **share with us why you'd would like to continue**  
9 **servicing in that capacity?**

10 A. Well, I grew up in a family of lawyers.  
11 Everybody in my family was a lawyer with the  
12 exception of my mother. I spent 20 years  
13 practicing law and I achieved some success  
14 financial, and otherwise. But however, to be  
15 quite frank with you, I think I'm a better judge  
16 than I was a lawyer. I enjoy the role that a  
17 judge plays, in that, as a lawyer you're an  
18 advocate and you try to get what your client  
19 wants within the bounds of the law. But a judge  
20 is different than that, and to some extent, more  
21 interesting, more stimulating. And what we're  
22 called upon to do is to look at the law, look at  
23 all of the facts and circumstances and to do  
24 what's right and what's fair. There's not a  
25 better job in the whole United States of America

1 for me, personally.

2 **Q. Thank you, Judge. You indicated in your PDQ that**  
3 **since your last screening, two lawsuits have been**  
4 **filed against you. The first is from 2021,**  
5 **captioned Gibbs v. James E. Lockemy. Would you**  
6 **please explain the nature or deposition of that**  
7 **lawsuit?**

8 A. This was -- this is a gentleman by the name of  
9 Eugene Gibbs, who was disbarred attorney who was  
10 defending a foreclosure action. My interaction  
11 with him about five minutes. I presided over the  
12 foreclosure hearing. His lawsuit was nonsensical  
13 and had no basis in reality. He maintained that  
14 me, Bill Cosby and Bank of America conspired to  
15 steal a priceless art collection. That was one  
16 of the cases. Then he filed a case in the  
17 District Court of New York and I'm in good  
18 company in regard to the defendants: Nationstar,  
19 the United States, Freddie Mac, Federal Housing  
20 Finance Agency, myself, Bill Cosby, Peter Stern,  
21 Michael Rosenfield Art Gallery, Smithsonian  
22 Institute, NAACP, Al Sharpton, the Black Caucus  
23 and the United States House of Representatives  
24 and Ron Rosenstein. It was dismissed by the  
25 Honorable Rachel P. Kovner in the District Court

1 of New York. Her comment was, the lawsuit was  
2 repetitive, frivolous, and vexatious.

3 **Q. I hope this proceeding is not.**

4 A. That's what they said.

5 **Q. Thank you, Judge. Moving onto a different topic,**  
6 **what do you think your reputation is among**  
7 **attorneys that practice before you?**

8 A. Well, you know this whole process I think is a  
9 study in judicial reputation. The South Carolina  
10 Bar, you know, you ask for a reputation, they  
11 made a specific finding that I was well  
12 qualified. I received 761 positive ballot  
13 responses, another indication that I might enjoy  
14 a good reputation is that the Supreme Court has  
15 appointed me to serve on the Judicial Advisory  
16 Committee. I also teach new judges school which  
17 would indicate that I'm doing fairly well. And  
18 the thing that I find the most indicative of a  
19 good reputation is, that the new judges, when  
20 they come on the bench, they have to sit with  
21 other judges for four weeks. And I get more than  
22 my share of those. And that's an honor and  
23 flattering to me and I enjoy that. I hope and  
24 believe that my reputation is a good one.

25 **Q. Thank you, Judge. The Commission received 717**

1 ballot box surveys regarding your candidacy, with  
2 64 additional comments. The surveys, for  
3 example, contained the following positive  
4 comments, "Judge Nettles is an excellent judge,  
5 superbly qualified in all aspects. His decisions  
6 are always fair and well reasoned. Judge Nettles  
7 is a sterling example of what our current judges  
8 and aspiring judges should emulate. He is always  
9 presided with the compassion, judicial  
10 temperament, conviction and discernment his  
11 position requires." Ten of the 64 written  
12 comments expressed some concerns. Five of those  
13 comments expressed concerns over impartiality,  
14 whether it be bias against prosecution or bias in  
15 favor of certain attorneys. What response would  
16 you offer to those concerns?

17 A. Well, the issue of bias is certainly something  
18 that's very subjective. And we all know the  
19 process and we don't have the benefit of a  
20 record. We don't have the facts and  
21 circumstance. We don't have what the case was  
22 about. But one thing I can assure this committee  
23 of is, I make sure everybody's voice is heard  
24 before I conclude any hearing out. I always say,  
25 is there anything else from anybody? But,



1 knowing that I made sure that the voice is heard,  
2 I make sure it's on the record. One of the first  
3 cases I tried when I was back in the '80s, way  
4 back when, I found myself in a position where I  
5 had to appeal at a case, looked at the transcript  
6 and none of the objections or rulings were on the  
7 record. And when I have a bench conference, I  
8 always remind the lawyers, in civil and criminal  
9 court, to make sure that the objections and the  
10 rulings are on the record. As far as civil  
11 matters, it's not uncommon in non-jury matters,  
12 particular with more difficult cases, products  
13 liability, business litigation, medical  
14 malpractice for them to -- at the plaintiff and  
15 defense ask that I retain jurisdiction because of  
16 the complexity of it. I would think that if I  
17 were not fair to people, that wouldn't take  
18 place. The Citizens Committee asked for four  
19 different people that practice before you on a  
20 regular basis. And ever since the beginning of  
21 my tenure as a judge, I always pick one from the  
22 Civil Defense Bar, one from the Plaintiff's Bar,  
23 one from the Solicitor's office and one from the  
24 Criminal Defense Bar. If I were biased, I  
25 certainly wouldn't adopt that policy. I have

1 spent 18 years on the bench and it's not uncommon  
2 when I go to a different county -- I've been to  
3 all of them with the exception of three, Lee  
4 County, Oconee County and Fairfield. It's not  
5 uncommon to hear as many as 35 cases a day. And  
6 if you think about it, 35 people prevail, 35  
7 people don't and I call it like I see it. I  
8 don't have any friends to reward and any enemies  
9 to punish. I don't doubt that some people might  
10 have thought that my rulings might have been  
11 incorrect or unfair, but I value this process.  
12 And if allowed to continue I will be mindful of  
13 these concerns.

14 **Q. Thank you, Judge. Other comments expressed some**  
15 **concern regarding temperament and demeanor. What**  
16 **response would you offer to those regarding**  
17 **temperament and demeanor?**

18 A. When I first started practicing law in the 1980s,  
19 judges were different back then. They were  
20 somewhere between difficult and tyrannical. The  
21 three that come to my mind, they're all dead now  
22 and I'm not going to name them. One of which was  
23 from Cheraw, Chesterfield and Chesterfield  
24 County. The other was from Sumter and the other  
25 one was from the Bamberg area. And it's like --

1 and I had an experience with one of them. I  
2 shared with my father and law partner. And he  
3 said, in a slow, deliberate voice said, "now,  
4 Michael I've always maintained that if an  
5 individual has just a hint of S.O.B in them, all  
6 you have to do is put a robe on him it'll pop  
7 right out." This is my fourth screening and I've  
8 always gotten great reviews with regard my  
9 demeanor. And to be quite honest with you, I'm  
10 surprised that there was negative comments with  
11 regard to my demeanor. Those individuals  
12 properly would not have survived in the '80s.  
13 But, you know, I take this seriously. When  
14 someone questions your demeanor it requires that  
15 you look inward, engage in some introspection.  
16 And one thing that I made the determination is,  
17 that I might not be the best judge, and I might  
18 not be the smartest judge, but I'm not mean-  
19 spirited. I've had a vast majority of positive  
20 ballot responses and I was well qualified by the  
21 South Carolina Bar, as far as judicial  
22 temperament. I know that temperament is a top  
23 priority of this committee and it should be.  
24 When I was sworn in, my father reminded me of my  
25 experience with the difficult judges. And gave

1 me advice that he gave me my entire life and it  
2 said -- advice is good for judges and everyone  
3 else regardless of your endeavor. It says, "it  
4 never hurts to be nice." If allowed to continue,  
5 I will ensure that I will treat all lawyers with  
6 dignity and respect.

7 **Q. Thank you, Judge.**

8 MR. DAVIDSON: I would note that the Pee Dee Citizens  
9 Committee found Judge Nettles qualified in the  
10 evaluative criteria of constitutional  
11 qualifications, physical health, and mental  
12 stability. The committee found him well  
13 qualified in the evaluative criteria of ethical  
14 fitness, professional and academic ability,  
15 character, reputation, experience and judicial  
16 temperament.

17 **Q. Judge Nettles, I'm just going to run through a  
18 few housekeeping questions quickly. Since  
19 submitting your letter of intent, have you  
20 contacted any members of the Commission about  
21 your candidacy?**

22 A. I have not.

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

1 A. Yes, I am.

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

6 A. I have not.

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

11 A. No contact whatsoever.

12 Q. And lastly, have you reviewed and do you  
13 understand the Commission's guidelines on  
14 pledging in South Carolina code § 2-19-70(E)?

15 A. I do.

16 Q. Thank you.

17 MR. DAVIDSON: I would note that any concerns raised  
18 during the investigation regarding the candidate  
19 were incorporated into the questioning today.  
20 Mr. Chairman, I have no further questions and  
21 thank you, Judge Nettles.

22 VICE CHAIRMAN RANKIN: Okay. And thank you, Steve.  
23 Questions by the members -- Representative  
24 Jordan.

25 REPRESENTATIVE JORDAN: Thank you, Mr. Chairman.

1 Good morning Judge. I think I've been before you  
2 as, probably as much as any other judge I've been  
3 in front of. And so I've been in the courtroom a  
4 lot, both waiting on you to start court and then  
5 after court. Would it surprise you to know that  
6 the people in that courtroom when they're either  
7 waiting on you to come out or when you just leave  
8 that they talk about you?

9 JUDGE NETTLES: Oh, my Lord. Don't tell it all.

10 REPRESENTATIVE JORDAN: I think one of the things that  
11 can be said best about a judge is when the staff,  
12 when the Clerk's office, says how much they  
13 appreciate how you respect them and their time.  
14 And always taking into consideration, does  
15 anybody need to take a break, restroom break,  
16 water break, need to make sure we get to lunch on  
17 time so that people have an adequate amount of  
18 time to take their lunch break. I think that's a  
19 reflection on how you treat and value people. I  
20 was just wondering do you consciously try to  
21 establish that pattern or is that just something  
22 that comes natural?

23 JUDGE NETTLES: Well, I think it probably just comes  
24 natural and just being decent and considerate, I  
25 assume.

1 REPRESENTATIVE JORDAN: And then the other thing I  
2 wanted to ask you about because I was reading the  
3 comments. And I want to take particular  
4 exception on your behalf for one of these about  
5 picking and choosing, that's my sort of boiling  
6 it down. But, I can remember, I've been  
7 practicing law, I think, 16, 17 years, I guess.  
8 And I can remember getting a 403 in front of you.  
9 And you were nice enough to take me to lunch.  
10 Now, you might have known I was going up in the  
11 House and on the JMSC, but I got to tell you  
12 there's a lot more people that thought I was  
13 going to end up in jail or somewhere else. My  
14 mother-in-law included. And so, the fact that  
15 you -- and I've noticed that you treat people  
16 even-handedly and engage with young lawyers, in  
17 particular, I think needs to be noted for the  
18 record and here today. So, thank you, Judge.

19 JUDGE NETTLES: Thank you so much.

20 VICE CHAIRMAN RANKIN: Excuse me, Senator Sabb, go  
21 ahead.

22 SENATOR SABB: Thanks Chairman. I guess I want to  
23 make some comments as well. It was Rule what was  
24 with you, Jay?

25 REPRESENTATIVE JORDAN: 403.

1 SENATOR SABB: Well, in my day it was Rule 5s. Yeah,  
2 and so one of my rule 5s I remember, Judge  
3 Nettles' dad and Billy Jenkinson had squared off  
4 on different sides of the aisle. And it was  
5 just really something to behold. And he, Judge  
6 Nettles, is so fortunate to have had a role model  
7 like his dad. I mean, he was just as cool, calm  
8 and collective as he could be. A classy example  
9 of not having to yell like I do and like Todd  
10 does, but yet be effective. And so I watched him  
11 do some masterful cross-examinations without ever  
12 raising his voice. I could never do that but he  
13 was certainly good at it. But now you did make  
14 one comment that I think I'd take issue with and  
15 that's your comment relating to you think you're  
16 a better judge than a better lawyer. I don't  
17 know if you remember the case we tried, it was  
18 back in my prosecutorial days. And in those days  
19 we had what we call confidential informants. And  
20 so, my confidential informant was paid by law  
21 enforcement ten dollars for going in and doing  
22 what he did, which was making a controlled buy.  
23 I believe to this day, from your client, but,  
24 somehow or another, you managed to describe what  
25 law enforcement was doing compared to what goes



1 on at some of the corners where folks take money  
2 for something in return. And for whatever  
3 reason, the jury agreed with you. And they  
4 acquitted the guy and I still him from time-to-  
5 time. And he and I still speak and all of that.  
6 But, I thought you were a pretty darn good lawyer  
7 back in the day as well. And you're doing a  
8 great job as a judge. And I think we just want  
9 to encourage you to keep doing what you're doing.

10 JUDGE NETTLES: Thank you very much.

11 VICE CHAIRMAN RANKIN: A couple of quick -- note, Mr.  
12 Safran.

13 JUDGE NETTLES - EXAMINATION BY MR. SAFRAN:

14 Q. Judge, I just want to echo the comments. I've  
15 heard nothing but good and I still have plenty of  
16 people I talk to up in the Pee Dee, who swear by  
17 you. Not at you but by you but let me ask just a  
18 couple of things. I mean, what stuck out for me  
19 in the comments is that there are a lot of these  
20 different statements with judges that say they  
21 don't want to have to address the tough question.  
22 And we've got a couple in here that say, point  
23 blank, he will not punt on it. He will take the  
24 tough one, he'll make the decision if it has to  
25 be made. And I assume, again, as you said,

1           there's going to be some winners and there going  
2           to be some losers. And I understand we look at  
3           these things. You gotta kind of take them with a  
4           grain of salt because, unfortunately, if you're -  
5           - most lawyers go in there and they expect to win  
6           and they're not happy when they're losing. I'll  
7           raise my hand, I'm one of them. But, I guess,  
8           the thing that also came out is, you know, they  
9           talk about ruling with people. Isn't it fair to  
10          say that better lawyers are generally going to  
11          make the better arguments, that they're going to  
12          basically bring the better cases and at least,  
13          give you more of a reason to be able to rule than  
14          maybe the ones who aren't.

15        A.    That's 100 percent true. The very best thing  
16           that I can do, and the most stimulating and  
17           rewarding thing, is to handle medical malpractice  
18           cases. Because you don't get plaintiff's medical  
19           malpractice lawyers that aren't good because  
20           they'll spend a quarter of million of their own  
21           money doing it. And the insurance companies,  
22           they hire the most seasoned defense lawyers. The  
23           most beautiful thing in the world is when you got  
24           a good lawyer on both sides and you can recognize  
25           the right thing to do because they provide the

1 law. The difficult thing to do is when you get  
2 somebody who is not very confident on both sides  
3 and you have to figure out what the law is. So -  
4 - but you are right. The ones that made the best  
5 argument, the ones that prepared better and  
6 certainly, hopefully, I could see through the  
7 presentation and do what's right. But the good  
8 lawyers, quite often, prevail.

9 **Q. Well, I guess unfortunately, aren't there still,**  
10 **at least number of lawyers that come to court,**  
11 **unprepared?**

12 A. That happens from time-to-time, but most lawyers  
13 are conscientious. Most of them show up. Some  
14 of them are better than others, either through  
15 inexperience or just don't have the ability to do  
16 it. But I've been all over the state and I've  
17 seen real good ones, real bad ones and everything  
18 in between. But mostly lawyers are good people.  
19 They're gregarious, they like people and they try  
20 to do a good job. And so, practicing law is a  
21 difficult job. It's hard to do. You've got to  
22 manage a law firm, the business of it. You've  
23 got to represent your client and you've got to  
24 manage your personal matters. So it's a  
25 difficult thing.

1 Q. I've asked this question because in different  
2 context that we've been experiencing here so far.  
3 We've encountered folks who may very well have  
4 great academic records, but they don't really  
5 have a lot of practical seasoning as a lawyer.  
6 And it looks like you're about maybe a year  
7 younger than me and you are working and actually  
8 handling cases for 20 years. My experience has  
9 been, and I wanted to ask yours, hasn't what  
10 you've done, in terms of dealing with the guts of  
11 the case, as a lawyer, dealing with people,  
12 looking at the practical aspects of how things  
13 may turn out, as well as how laws is applied to  
14 those things, haven't those aspects of your  
15 journey been invaluable to you as a judge?

16 A. Probably the most valuable thing is to recognize  
17 the appellate issues. I had a case over in  
18 Clarendon County where the solicitor and the  
19 defense lawyer didn't know whether or not the  
20 crime included a lesser and included offense. I  
21 thought it did not. But both of them thought it  
22 did. So, he ended up -- the defendant ended up  
23 getting convicted of the lesser-included offense.  
24 But I knew that they were probably wrong but the  
25 State didn't object to them doing it. And the

1 defense specifically asked me to do it. And so,  
2 I made him say on the record, "do you want this  
3 charge?" And then because of that, on appeal it  
4 stood up, even though it's not a lesser-included  
5 offense. And I asked him that. I knew that was  
6 going to be a problem. So, to that extent,  
7 having tried cases -- and I've done some, a good  
8 bit of appellate work in federal and state court.  
9 So, you kind get to see what's coming down the  
10 road.

11 MR. SAFRAN: Thank you for your time.

12 JUDGE NETTLES: Thank you.

13 VICE CHAIRMAN RANKIN: Other comments, questions?

14 Briefly Judge, One of the anonymous ballot box  
15 survey respondents described them in your  
16 courtroom as a young attorney who got -- or  
17 showed too much emotion after a ruling that you  
18 had made. And you invited that attorney to your  
19 chambers afterward. And apparently with a very  
20 firm but fair bit of education suggested he do it  
21 differently. This person said you were very kind  
22 and effective and, obviously, he learned  
23 something. That is a testament to you as a  
24 mentor because you've heard many an example of a  
25 judge upbraiding someone in front of God and

1 country, and not having the tact, particularly  
2 with a young attorney, to teach them, but not  
3 punish them. And so, that is a unique  
4 perspective into how you see your role. And so,  
5 I want to compliment you for that. You obviously  
6 know how well you have scored. Steve has  
7 certainly not hidden that from you and we want  
8 you to know that we notice it too. And whatever  
9 new Kickapoo joy juice you drink in the morning  
10 to keep you happy, active, fair and abiding by  
11 the sense of your solemn oath and doing it in a  
12 light, fair way, please keep it up.

13 JUDGE NETTLES: Thank you so much.

14 VICE CHAIRMAN RANKIN: All right. Unless there's  
15 anything else, Judge, this will conclude this  
16 portion of your screening. As you know in this  
17 process, we both look at these evaluative  
18 criteria and then we are bound by the spirit and  
19 the black letter of law of the ethics rules in  
20 our state. And so any violation of those or any  
21 appearance of impropriety, you know, we take very  
22 serious. And we would call you back in the  
23 unlikely event those were to occur, correct, you  
24 understand?

25 JUDGE NETTLES: I understand that.

1 VICE CHAIRMAN RANKIN: And you know that this record  
2 does remain open until the formal release of the  
3 Report of Qualifications. And again, we don't  
4 expect to see you, but you do know the record is  
5 open until that report, correct?

6 JUDGE NETTLES: I understand that, yes, sir.

7 VICE CHAIRMAN RANKIN: All right, Judge. And thank  
8 you so much.

9 (Off the Record)

10 VICE CHAIRMAN RANKIN: We will go back on the record,  
11 thank you for your indulgence, Your Honor.  
12 Please come to the podium. Judge Keesley, if you  
13 would please raise your right hand, sir.

14 THE HONORABLE WILLIAM PAUL KEESLEY, being duly  
15 sworn, testifies as follows:

16 VICE CHAIRMAN RANKIN: Thank you, sir. There are some  
17 documents before you. If you would just take a  
18 moment to review those.

19 JUDGE KEESLEY: They look like what I submitted.

20 VICE CHAIRMAN RANKIN: And so those are the Personal  
21 Data Questionnaire and the Sworn Statement that  
22 you submitted to the Commission, sir?

23 JUDGE KEESLEY: Yes, sir.

24 VICE CHAIRMAN RANKIN: Okay. Are they both correct?  
25 Do they need to be changed or updated?

1 JUDGE KEESLEY: I don't know of any changes.

2 VICE CHAIRMAN RANKIN: All right. We will -- do you  
3 object to making those documents a part of our  
4 record of your sworn, written testimony?

5 JUDGE KEESLEY: No, sir.

6 VICE CHAIRMAN RANKIN: Thank you, sir. We'll have  
7 staff do that now. The Judicial Merit Selection  
8 Commission has thoroughly investigated your  
9 qualifications for the bench. Our inquiry has  
10 focused on the nine evaluative criteria and has  
11 included a ballot box survey, a thorough study of  
12 your application materials, verification of your  
13 compliance with state ethics laws, search of  
14 newspaper articles in which your name appears, a  
15 study of previous screenings and a check for  
16 economic conflicts of interest. We have received  
17 no affidavits filed in opposition to your  
18 election and no witnesses are present to testify.  
19 We would certainly welcome any brief opening  
20 remarks you may have, or we can proceed directly  
21 to questions from staff.

22 (Exhibit Number 15 was marked for identification  
23 purposes - (14 pages) Personal Data Questionnaire for  
24 The Honorable William Paul Keesley.)

25 (Exhibit Number 16 was marked for identification



1 purposes - (7 pages) Sworn Statement of The Honorable  
2 William Paul Keesely.)

3 JUDGE KEESLEY: It's my honor to be here before you  
4 and I hope I can answer any questions you may  
5 have.

6 CHAIRMAN CASKEY: Thank you, sir. At this point I  
7 would recognize Mr. Walpole.

8 JUDGE KEESLEY - EXAMINATION BY MR. WALPOLE:

9 **Q. Thank you, Mr. Chairman. Judge, good to see you**  
10 **again. After serving for 32 years on the bench,**  
11 **why do you want to continue serving as a circuit**  
12 **judge?**

13 **A.** Well, it's sort of selfishly I have a job where I  
14 learn something every day. So I feel like I grow  
15 every day. At my age I've reached the point  
16 where I think that I can contribute some  
17 experience to the bench and to the younger  
18 judges, and I like my job.

19 **Q. Judge, your SLED report indicated that there was**  
20 **a lawsuit filed against you since your last**  
21 **screening. It was filed in 2019 in the U.S.**  
22 **Magistrate's Court by Michael Alexander Collins.**  
23 **The plaintiff was a prisoner in the custody of**  
24 **the South Carolina Department of Corrections.**  
25 **Could you please explain the nature and the**

1           **disposition of this lawsuit?**

2       A.    I didn't even know anything about that.  Federal  
3           cases, we don't get served until after they make  
4           a review.  And so I didn't know anything about it  
5           until you brought it up.  I understood he served  
6           Judge -- or he sued Judge Peeples as well so I  
7           don't know how far back this goes.  But I have no  
8           recollection of it to be honest with you, I have  
9           no recollection of the gentleman.  Never got any  
10          papers from him, don't know what it was that I  
11          did that caused him to add me to suit.

12       **Q.    Judge Keesley, what do you think your reputation**  
13           **is among attorneys that practice before you?**

14       A.    I hope they think I'm fair and that I work hard.

15       **Q.    The Commission received 641 ballot box surveys**  
16           **regarding you with 62 additional comments.  The**  
17           **ballot box survey for example contained the**  
18           **following positive comments, "Smartest judge on**  
19           **the bench in South Carolina.  Great temperament**  
20           **and has great experience on the bench."  And**  
21           **then, "Judge Keesley is the type of judge that**  
22           **makes lawyers proud.  He is an upstanding, kind**  
23           **and intelligent person on and off the bench."**  
24           **Four of the comments did express concerns.  And**  
25           **one area of concerns from these comments were**

1           allegations that your judicial temperament has  
2           begun degrading, and that your decision making is  
3           at times delayed. What response would you offer  
4           to these concerns?

5       A.    As far as the delay in ruling, I do a lot of my  
6           own orders. And for the last year or so I have  
7           done a great deal of common pleas/non-juries,  
8           which means I do a tremendous amount of order  
9           writing. So I try very hard to keep up with  
10          those. I have a law clerk who tracks them. I  
11          mentioned to you earlier we have a bulletin board  
12          that I put up specifically for the purpose of  
13          having it right where I have to walk through to  
14          get to my office so I see anything on there that  
15          -- every day that has to be done. I'm working  
16          hard on that part of it.

17       **Q.    Judge the second -- oh, sorry, excuse me.**

18       A.    As far as my disposition on the bench, I try to  
19           be consistent. I'm sure I have bad days like  
20           anyone else. I'm sure that not everybody likes  
21           me. I just -- if there is anything that I am  
22           doing that I can correct I'll do my utmost to  
23           correct. I've tried very hard to be kind to  
24           people and to be respectful of people. I'll just  
25           continue to try to do that and I'll try to do

1 better.

2 **Q. Thank you, Judge. Judge, the second concern**  
3 **centered around your physical health. What**  
4 **response would you offer to that?**

5 A. Well I've had some medical issues but I'm getting  
6 good reports, so. Other than that I don't know  
7 what to say. I follow up with my doctors all the  
8 time and none of the doctors have told me I  
9 needed to retire. So I'm very mindful of it and  
10 I try to take care of myself and do exactly what  
11 those doctors tell me to do because they have  
12 gotten me this far.

13 **Q. Thank you, Judge.**

14 MR. WALPOLE: I would note that the Midlands Citizens  
15 Committee found Judge Keesley to be well  
16 qualified as to the evaluative criteria of  
17 ethical fitness, professional and academic  
18 ability, character, reputation, experience and  
19 judicial temperament and qualified in the  
20 evaluative criteria of constitutional  
21 qualifications, physical health, and mental  
22 stability. The Committee made the following  
23 related comment, "no question about being well  
24 qualified."

25 **Q. Judge a few housekeeping issues. Since**

1 submitting your letter of intent, have you  
2 contacted any members of the Commission about  
3 your candidacy?

4 A. No, I have not.

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

8 A. I am.

9 Q. Since submitting your letter of intent, have you  
10 sought or received the pledge of any legislator  
11 either prior to this date or pending the outcome  
12 of your screening?

13 A. I have not.

14 Q. Have you asked any third parties to contact  
15 members of the General Assembly on your behalf,  
16 or are you aware of anyone attempting to  
17 intervene in the process on your behalf?

18 A. I have not and I'm not aware.

19 Q. Have you reviewed and do you understand the  
20 Commission's guidelines on pledging and South  
21 Carolina code § 2-19-70(E)?

22 A. Yes.

23 Q. I'd just note for the record that any concerns  
24 raised during the investigation regarding the  
25 candidate were incorporated into the questioning

1           **of the candidate today. Mr. Chairman, I have no**  
2           **further questions.**

3 CHAIRMAN CASKEY: Thank you, sir. Members of the  
4 Commission have any questions or comments? Mr.  
5 Safran.

6 MR. SAFRAN: Judge Keesley we're happy to see you here  
7 today and one thing that brought up in the last  
8 hearing. Not yours, but before yours today, is  
9 that there was a time and it was a time you went  
10 on the bench, where judges could pretty well do  
11 what they wanted to do. They could basically  
12 chew somebody out with impunity and they could be  
13 as rough as they wanted to be and I think many of  
14 us in here certainly felt that lash at one point  
15 or another. And despite that, you never went  
16 down that road. And you have been as courteous  
17 and as honorable as anybody that's ever served on  
18 the bench in this state at least in the time I've  
19 been around. I haven't been in front of you in  
20 years but it's well known that it's never  
21 changed. And you are truly -- it's our privilege  
22 to have you and I think people come over here and  
23 expect, more or less, to be criticized. And they  
24 don't necessarily get the acclaim that they  
25 should. You've given your time a very honorable

1 way. And again, we're extremely blessed to have  
2 you.

3 JUDGE KEESLEY: Well I'm humbled by those comments. I  
4 will say I have been in the well and I have had a  
5 little chew taken out of me once in a while. And  
6 I deserved every one of them.

7 CHAIRMAN CASKEY: Yes, sir. Mr. Rutherford.

8 MR. REPRESENTATIVE RUTHERFORD: To that response,  
9 Judge, I would admonish the lawyer that said that  
10 you take too long to rule. That they might have  
11 messed up on something and didn't realize it.  
12 And before you got angry and chewed somebody out,  
13 you simply took a little bit more time as I've  
14 seen you do on multiple occasions. But like it's  
15 already been said, you are truly an asset to the  
16 bench and other judges could learn a lot from  
17 your demeanor in court. So thank you for what  
18 you do.

19 JUDGE KEESLEY: That's very kind, thank you, sir.

20 CHAIRMAN CASKEY: Any other Commissioners questions  
21 and concerns?

22 VICE CHAIRMAN RANKIN: If I may.

23 CHAIRMAN CASKEY: Yes, sir. Chairman Rankin.

24 VICE CHAIRMAN RANKIN: I just want to associate myself  
25 with those two comments Andy Safran's and Todd

1 Rutherford's. And I knew you way back and you  
2 were early and interested in some of the less  
3 sexy things that our state judiciary was required  
4 to do. And took an active, full-footed embrace  
5 of helping change the arc of young peoples lives  
6 in our state. So I want to just commend you for  
7 having it still. And one comment, I think, says  
8 it all. "He is what all judges in South Carolina  
9 should strive to be." Thank you.

10 JUDGE KEESLEY: Well the drug court, I got a lot more  
11 out of it than they got out of me, if that's part  
12 of your reference.

13 VICE CHAIRMAN RANKIN: Yeah, that is, that is.

14 JUDGE KEESLEY: I had a great team. Fantastic team.  
15 And changed some lives but I always call  
16 graduation night pay day because it's a voluntary  
17 effort, as you know. But I got paid very well to  
18 see those people change their lives and to hear  
19 the stories their families would say about how  
20 far they've come, so. That was an opportunity  
21 that I'll be honest with you that took me in  
22 kicking and screaming a little bit but I couldn't  
23 be prouder of what we did.

24 CHAIRMAN CASKEY: Thank you for that, Judge. I want  
25 to underscore the complementary nature of these



1 remarks that you've heard, of my own experience  
2 with you. I appreciate that. Your selflessness  
3 and dedication to developing and growing the drug  
4 court program while, as you say, a benefit to  
5 you, undeniably was and is a benefit to the  
6 people of Lexington County, the people of the  
7 Midlands, and really state wide. So thank you  
8 for that. I do want to take the opportunity  
9 though to remind you that pursuant to the  
10 Commission's evaluative criteria the Commission  
11 expects candidates to follow the spirit as well  
12 as the letter of the ethics laws and we will view  
13 violations or the appearance of impropriety as  
14 serious and potentially deserving of heavy weight  
15 in screening deliberations. On that note, and as  
16 you know, the record will remain open until the  
17 formal release of the Report of Qualifications  
18 and you may be called back at such time if that  
19 need were to arise. Thank you again, sir, for  
20 your many years of service and offering for more.

21 JUDGE KEESLEY: Understood, Mr. Chairman. And thank  
22 you all very much for your service as well.

23 CHAIRMAN CASKEY: Thank you, judge.

24 (Off the Record)

25 CHAIRMAN CASKEY: Good afternoon, your honor. If you

1 would please raise your right hand.

2

3 THE HONORABLE ROBERT BONDS, being duly sworn,  
4 testifies as follows:

5 CHAIRMAN CASKEY: You should have some documents in  
6 front of you. If you would please review those.

7 JUDGE BONDS: Yes, sir. They appear to be my Judicial  
8 Merits Selection Commission Personal Data  
9 Questionnaire of 2023, which is marked as Exhibit  
10 17. And this appears to be my Judicial Merit  
11 Selection Commission Sworn Statement to be  
12 included in transcript and public hearings which  
13 I'm understood will be marked 18. Yes, sir.

14 CHAIRMAN CASKEY: Thank you, your honor. Are there  
15 any updates or changes that need to be made to  
16 those documents?

17 JUDGE BONDS: No, sir, not that I'm aware of.

18 CHAIRMAN CASKEY: Do you have any objection to us  
19 making those a part of the record of your  
20 testimony here today?

21 JUDGE BONDS: No, I do not.

22 CHAIRMAN CASKEY: Thank you. We'll have staff do that  
23 now. Okay. The Judicial Merit Selection  
24 Commission has thoroughly investigated your  
25 qualifications for the bench. Our inquiry has

1 focused on the nine evaluative criteria and has  
2 included a ballot box survey, a thorough study of  
3 your application materials, verification of your  
4 compliance with state ethics laws, search of  
5 newspaper articles in which your name appears, a  
6 study of previous screenings, and a check for  
7 economic conflicts of interest. We have received  
8 no affidavits filed in opposition to your  
9 election and no witnesses are present to testify.  
10 If you would like to give a brief opening  
11 statement we'd be happy to hear from you.  
12 Otherwise we can go straight to questions from  
13 staff.

14 (Exhibit Number 17 was marked for identification  
15 purposes - (15 pages) Personal Data Questionnaire for  
16 The Honorable Robert Bonds.)

17 (Exhibit Number 18 was marked for identification  
18 purposes - (7 pages) Sworn Statement of The Honorable  
19 Robert Bonds.)

20 JUDGE BONDS: I'm happy to have you go straight to  
21 questions, sir.

22 CHAIRMAN CASKEY: All right, great. Then I'd  
23 recognize Ms. Starnes for those questions.

24 JUDGE BONDS - EXAMINATION BY MS. STARNES:

25 **Q. Good afternoon, Judge Bonds. Before we get into**

1 the more substantive questions and regarding your  
2 PDQ response related to campaign contributions --

3 A. Yes, ma'am.

4 Q. -- I wanted to bring it to the Commission's  
5 attention that you were informed today that a  
6 campaign contribution was made to Chairman  
7 Caskey's campaign in September 2023 by a Robert  
8 Bonds. And to clarify for the record this was  
9 not made by you, correct?

10 A. It was not made by me. I received that phone  
11 call this morning indicating that I had made a  
12 contribution to Representative Caskey and it had  
13 my address and it had my occupation, apparently,  
14 the occupation listed as business man. I could  
15 not figure that out. I contacted my son, who is  
16 named Robert Bonds who recently graduated law  
17 school and I'm proud to say has just passed the  
18 bar, I found out a week ago. He has made a  
19 contribution in September. And so to that  
20 extent, he lives now here in Columbia but is in  
21 the process of getting -- as a student getting  
22 things changed over. That's why it came back to  
23 me. He has also forwarded to me this morning a  
24 copy of the -- from his register that shows I  
25 guess the carbon of where he imprinted and sent

1           that check in September. But that was not me and  
2           I will say I did not know that my son did that  
3           until earlier this morning.

4 CHAIRMAN CASKEY: I just want to interrupt briefly to  
5           say that I had not put together the two. The  
6           relation even though he described it to me when  
7           we met and so I'm learning about this all right  
8           now as we speak. We can confirm --

9 JUDGE BONDS: I was learning about it at 10:30. I was  
10          like, what?

11 CHAIRMAN CASKEY: Definitely the younger Bonds who  
12          made that contribution.

13 **Q. All right, wonderful. Thank you for that**  
14 **explanation, Judge Bonds. And you were**  
15 **previously elected to serve on the Circuit Court**  
16 **bench in 2021. After serving for two years, why**  
17 **do you want to continue serving as a Circuit**  
18 **Court judge?**

19 **A.** I've really enjoyed it. I think I've gotten  
20 hooked because I now have my sea legs as it  
21 relates to serving and moving away and  
22 transitioning from lawyering for so many years  
23 and moving to the bench I really enjoyed it. And  
24 I think it's something that I can hopefully make  
25 a positive impact to the folks particularly in

1 the 14th Circuit, and continue to make that  
2 impact.

3 **Q. Thank you. Judge Bonds, what do you think your**  
4 **reputation is among the attorneys that practice**  
5 **before you?**

6 A. I would like to think that my reputation is  
7 somebody who is fair but also somebody who will  
8 give the attorneys and litigants the opportunity  
9 to state their case. I think it's extremely  
10 important that lawyers are able to state their  
11 case in front of the judge, in court, get things  
12 on the record, but also as importantly or perhaps  
13 more importantly, to have their clients see them  
14 making that case and having their day in court.  
15 So I would like to think that people think that I  
16 do a good job in doing that.

17 **Q. The Commission received 418 ballot box surveys**  
18 **regarding you, with 19 additional comments. The**  
19 **ballot box survey for example contained the**  
20 **following positive comments, "Judge Bonds is a**  
21 **great trial judge, he knows and follows the law.**  
22 **He is not afraid to rule on very difficult and**  
23 **sometimes novel issues." As well as, "I have**  
24 **always found Judge Bonds to be fair, courteous,**  
25 **and to be a very good judge." Two of the 19**

1 written comments expressed concerns and the first  
2 comment expressed concerns about your adherence  
3 to the law when making rulings. If the outcome  
4 would quote/unquote clash with your desired  
5 result. What response would you offer to this  
6 concern?

7 A. Well, as it relates to that concern, I have a  
8 feeling that's probably someone who didn't like  
9 the way I ruled. I don't know and I'm at a  
10 little bit of a disadvantage there but what I'll  
11 do is I do my best to make sure that I try to  
12 understand every issue that's in front of me and  
13 take my time. And to make sure I believe I'm  
14 making the right decision in each case. And so  
15 that's the best way I can do that. And the only  
16 thing that I would try to do is to, again, allow  
17 everyone to state what it is they want to state,  
18 to make their argument on the record, so that  
19 everybody has that opportunity to be heard.

20 Q. Thank you. The second comment expressed some  
21 concerns about your patience on the bench. How  
22 would you respond to that?

23 A. Well, you know, I'm disappointed because that's  
24 one of the things that I try to really go above  
25 and beyond. And that is to make sure that

1 litigants have the opportunity to state their  
2 case in full. So if somebody feels that way,  
3 then clearly, that day, that's something that I  
4 didn't -- that I failed to do my job on. So I've  
5 got -- you know, I want to try and do a better  
6 job at doing that because that's extremely  
7 important to me. Because as a lawyer for many  
8 years, you know, the one thing I really wanted to  
9 do was, right or wrong, I wanted to be able to  
10 state my case in the court and have my client  
11 clearly state that case. And so if didn't do  
12 that on that day then obviously I must have not  
13 have not have. Or at least that individual  
14 perceived that I did not -- that's just something  
15 that I've got to try to do a better job of.

16 **Q. Thank you, Judge. I would note that the Low**  
17 **Country Citizens Committee found you to be well**  
18 **qualified as to the evaluative criteria of**  
19 **ethical fitness, professional and academic**  
20 **ability, character, reputation, experience, and**  
21 **judicial temperament. You were also found**  
22 **qualified in the evaluative criteria of**  
23 **constitutional qualifications, physical health,**  
24 **and mental stability. The committee also**  
25 **commented, "good temperament, studied, great**



1           demeanor, conscientious, great judge." I have a  
2           few housekeeping issues I would like to go  
3           through.

4    A.    Yes, ma'am.

5    Q.    Judge Bonds, since submitting your letter of  
6           intent have you contacted any members of the  
7           Commission about your candidacy?

8    A.    I have not.

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

12   A.    I am.

13   Q.    Since submitting your letter of intent, have you  
14          sought or received the pledge of an legislator,  
15          either prior to this date, or pending the outcome  
16          of your screening?

17   A.    I have not.

18   Q.    Have you asked any third parties to contact  
19          members of the General Assembly on your behalf or  
20          are you aware of anyone attempting to intervene  
21          in this process on your behalf?

22   A.    I have not asked anyone to do so nor am I aware  
23          of anyone having done so.

24   Q.    Have you reviewed and do you understand the  
25          Commission's guidelines on pledging and South

1 Carolina code § 2-19-70E?

2 A. Yes, ma'am.

3 MS. STARNES: I would just note for the record that  
4 any concerns raised during the investigation  
5 regarding Judge Bonds were incorporated into my  
6 questioning of the candidate today. Mr.  
7 Chairman, I have no further questions.

8 CHAIRMAN CASKEY: Thank you, ma'am. Mr. Safran?

9 Q. Thank you, Mr. Chairman. Judge Bonds, I read  
10 these comments. And candidly, to coin a phrase  
11 that Senator Rankin has used many times, anything  
12 that I see in that one comment about not  
13 listening is an outlier. Because it seems like  
14 to me uniformly they say you do exactly what you  
15 wanted to have done when you were a lawyer.  
16 You've listened, you pay attention, you give them  
17 their opportunity. I don't know if it's because  
18 you're still so soon after being a lawyer. But,  
19 I mean, I get the sense that it's really of  
20 paramount importance to you to make sure people  
21 feel like they've had a fair day in court.

22 A. Yes, sir.

23 Q. And, you know, I was looking here another one of  
24 the comments. In my experience, and I think I've  
25 appeared in front of all the judges from that

1 circuit going back to Luke Brown days, except for  
2 you, and I think everybody always at least gave  
3 you a listen. And I'm assuming you're following,  
4 you know, in the same steps that you, more or  
5 less, were kind of exposed to as a lawyer.

6 A. I certainly try to, yes, sir.

7 Q. What's been the biggest surprise to you, since  
8 you've been on the bench, in terms what you might  
9 not have been expecting and it just kind of hit  
10 you a little a differently?

11 A. Lunch. When are we going to take lunch, Judge?  
12 When are we going to break for lunch, Judge?  
13 Judge, what are we going to do about lunch? When  
14 are we? I'm serious. I never thought about  
15 those things, you know. I'm just a lawyer going  
16 in to argue my case. I show up, I argue my case  
17 or we try that case, and when the judge says  
18 break or when we do this that's what we do. And  
19 what I realized was is that I'm just one cog in a  
20 wheel that everybody has got to be ready to spin.  
21 Because you've got lawyers who you've got to  
22 coordinate, you've got witnesses, you've got  
23 court personnel, you've got all of these people  
24 who have got to work together. And so I'm just  
25 one cog. The court reporter, my gosh. I mean

1 all of these things are probably -- were shocking  
2 to me but lunch really stood out. And I tell  
3 you, you just -- I mean you can't stand between  
4 somebody and lunch, so that probably was the  
5 biggest surprise to me is dealing with those  
6 types of things that I just never thought of as a  
7 -- you know, as a lawyer. Big decisions,  
8 complicated issues, yeah, but yeah that's about  
9 what surprised me. Those types of things are the  
10 things that surprise me the most.

11 **Q. Have you I guess seen in your experience so far**  
12 **kind of the diminishing -- at least in terms of**  
13 **what actually gets to that point where a trial**  
14 **will happen?**

15 A. Well if you're asking are there fewer and fewer  
16 trials, particularly on the civil side, certainly  
17 I think there are. And I think a lot of it has  
18 to do with mediation but I think a lot of it has  
19 to do with the cost associated with litigation  
20 even more. The cost just becomes -- and I say  
21 that basically having practiced law for so many  
22 years. I've seen how, over the years, the cost  
23 of litigation, not just the time, certainly has  
24 impacted the cases that you see going to court.  
25 If that answers your question, Mr. Safran.

1 Q. Well, the other thing is too, you've waited a  
2 good number of years and practiced before you  
3 offered to be a judge. And I know I've asked  
4 this question in several contexts but do you  
5 really think putting that time in, having the  
6 experiences that you necessarily have as a  
7 practicing lawyer, being able to really not only  
8 sympathize but to empathize with kind of what  
9 your clients are really all about. Has that made  
10 a difference for you as a judge?

11 A. For me, it has. For me, it's helped me. Some  
12 judges, you know, I -- some judges may have fewer  
13 years experience but I mean I just think that  
14 different levels of experience, different  
15 capabilities. I just think that for me now or  
16 when I came on in '21, that was the time for me,  
17 and I think that my practice in those years of  
18 experience helped me. But, yeah, I think overall  
19 it's going to help whether somebody needs 30  
20 years of practice before they go and assume the  
21 bench, that's another matter. But for me, it was  
22 right for me. Yes, sir.

23 Q. Okay. Thank you very much.

24 CHAIRMAN CASKEY: Senator Rankin.

25 Q. Thank you, Mr. Chairman. Judge, you are a newly

1 minted judge, effectively. Two years now and  
2 change, or?

3 A. Right.

4 Q. Are you at two years?

5 A. March of -- March it would have been two years.  
6 So about two and a half.

7 Q. And that, other than lunch, the -- your  
8 predecessor was Judge --

9 A. Buckner.

10 Q. Buckner. Who had a unique style in his own  
11 right, which was a wonderful style, I thought.  
12 Though I never appeared before him his  
13 personality seemed just perfectly suited to  
14 everybody. How have -- and the odd perhaps realm  
15 of questions, how have you been compared to him  
16 by your friend or your foe that might have said  
17 it in jest?

18 A. Well, I think that Judge Buckner, we have a very  
19 different style. And so, for me to that extent,  
20 he has -- he has a brilliant legal mind. He is  
21 organized beyond -- I just can't tell you how  
22 organized he was. Even as a lawyer when I would  
23 go -- I did defense work initially and he would  
24 have -- I thought my files were neat. And have  
25 to go to his office and he opens this file. The

1 organization, there's nothing out of place, and  
2 being prepared. So to those types of things,  
3 yes, sir, Senator Rankin. I think those are  
4 things that certainly are qualities that I would  
5 want. Those types of qualities I would like to  
6 emulate as it relates to -- he just, his  
7 personality and mine as it relates to in the  
8 courtroom, I think are different in a sense that  
9 I'm just -- I would like to think that I'm a  
10 little more laid back. He is definitely that  
11 pushing type A personality. And I just think  
12 that I would be a little more laid back. And to  
13 that extent perhaps a little less intimidating to  
14 some litigants, particularly people who haven't  
15 appeared before him before. And so as being  
16 compared I don't know that I've had a lot of  
17 people compare or tell me about it. And if they  
18 have, they certainly haven't told me to my face.  
19 And so I don't know what they might be saying  
20 behind my back. Perhaps the surveys could give  
21 you a better idea of that.

22 **Q. Well, there's no direct question on that. And**  
23 **that was perhaps an unfair question. But**  
24 **obviously a force of a personality in his own**  
25 **right.**

1 A. Yes, sir.

2 Q. You aren't to be compared with him but here after  
3 you will be compared to other judges.

4 A. Sure.

5 Q. And the ballot box surveys, I would suggest to  
6 you, are extremely favorable. But by the same  
7 token, not as -- do not show breadth because  
8 people just don't know you because you've not  
9 been on the bench that long.

10 A. Yes, sir.

11 Q. As your full-term hereafter will go, what do you  
12 hope to come back to whoever is sitting in  
13 whatever iteration of screening about your  
14 candidacy? What would you want us to know and  
15 that you aspire to and if you have accomplished  
16 it, what we hear and see? What will the record  
17 reflect?

18 A. Sure. Well off the beat just a little bit, one  
19 of the things that when I first ran I think that  
20 one of the Citizens Committee asked me was there  
21 a judge that I would like to be like? Was there  
22 someone who I thought, a type of judge that I  
23 would like to be. And I told them sure, Alex  
24 Macaulay. And so if you've appeared or knew of  
25 Judge Macaulay.



1 **Q. We talked about him earlier today.**

2 A. I just think -- I've tried two cases in front of  
3 him, to verdict, I've lost both of them. And but  
4 I feel like a got a great shake. I felt like --  
5 I felt like. I think everybody thinks that he's  
6 there and helping them and wanting to help them.  
7 And that would be the type of judge that I would  
8 like people to say, hey, he's a lot like Alex  
9 Macaulay. He's a nice guy, he lets people try  
10 their cases, he lets people be heard, he's got a  
11 little bit of a sense of humor. And those are  
12 the things that I would like people to say about  
13 me. And if that answers your question, sir.

14 **Q. Thank you. And I hope that they will so far. It**  
15 **appears you're on that path. So thank you for**  
16 **being willing to serve again.**

17 A. Yes, sir.

18 CHAIRMAN CASKEY: Do any other members of the  
19 Commission have questions or comments for Judge  
20 Bonds? Senator Talley.

21 SENATOR TALLEY: Judge, good afternoon.

22 JUDGE BONDS: Good afternoon, yes, sir.

23 SENATOR TALLEY: Nice to see you. I just wanted to  
24 comment that I've only been before you one time  
25 since you've been on the bench but I would echo

1           what a lot of these comments say. That was a  
2           very contentious matter that you were willing to  
3           take on. The solicitor and the defense wanted to  
4           get it done, and you let us come in and spend  
5           several hours on a Friday afternoon to move that  
6           case, so I appreciate that.

7 JUDGE BONDS: Yes, sir.

8 SENATOR TALLEY: To Mr. Safran's comment earlier, it's  
9           clear through here that you have not forgotten  
10          what it's like to sit at counsel table and  
11          represent people. And so I commend you for that  
12          and going forward, as Senator Rankin said, I hope  
13          that's something that will always be so.

14 JUDGE BONDS: Thank you.

15 SENATOR TALLEY: Thank you.

16 JUDGE BONDS: Yes, sir.

17 CHAIRMAN CASKEY: Thank you, Judge. I'll simply echo  
18          those comments from Senators Rankin and Talley.  
19          Everything we have here points to positive things  
20          and so I commend you for that. And thank you for  
21          your service and for offering for continued  
22          service. So I do want to take the opportunity  
23          though to remind you that pursuant to the  
24          Commission's evaluative criteria, the Commission  
25          expects candidates to follow the spirit as well

1 as the letter of the ethics laws and we will view  
2 violations or the appearance of impropriety as  
3 serious and potentially deserving of heavy weight  
4 in screening deliberations. And I note, and as  
5 you know, the record will remain open until the  
6 formal release of the Report of Qualifications  
7 and you may be called back at such time if the  
8 need arises. Again, thank you, sir. Appreciate  
9 you being here today. I wish you all the best as  
10 you travel back.

11 JUDGE BONDS: All right. Thank y'all very much.

12 CHAIRMAN CASKEY: Thank you.

13 (Off the Record)

14 CHAIRMAN CASKEY: All right. Good afternoon, we are  
15 back on the record. Good afternoon Judge, thank  
16 you for being here.

17 THE HONORABLE RALPH K. ANDERSON, III, being duly  
18 sworn, testifies as follows:

19 CHAIRMAN CASKEY: Thank you. There are some documents  
20 that should be before you though, there. If you  
21 would please review those.

22 JUDGE ANDERSON: I'm good with that.

23 CHAIRMAN CASKEY: All right. Those were the Personal  
24 Data Questionnaire and the Sworn Statement that  
25 you submitted to the Commission?

1 JUDGE ANDERSON: Yes, sir.

2 CHAIRMAN CASKEY: Okay. Are they both correct or do  
3 they need any changes or updating?

4 JUDGE ANDERSON: I believe they're correct.

5 CHAIRMAN CASKEY: Do you object to us entering them on  
6 the record as a part of your sworn testimony?

7 JUDGE ANDERSON: No, sir.

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,  
15 newspaper search -- search of newspaper articles  
16 in which your name appears, a study of previous  
17 screenings, and a check for economic conflicts of  
18 interest. We have received no affidavits filed  
19 in opposition to your election and no witnesses  
20 are present to testify. We'd certainly be -- we  
21 would welcome of any brief opening remarks if you  
22 choose to make any. Otherwise we would go  
23 directly into questioning from staff.

24 (Exhibit Number 19 was marked for identification  
25 purposes - (17 pages) Personal Data Questionnaire for

1 The Honorable Ralph K. Anderson, III.)  
2 (Exhibit Number 20 was marked for identification  
3 purposes - (6 pages) Sworn Statement for The Honorable  
4 Ralph K. Anderson, III.)

5 JUDGE ANDERSON: I'll waive opening.

6 CHAIRMAN CASKEY: Thank you, sir. At that this point  
7 then I'd recognize, Ms. Benson.

8 JUDGE ANDERSON - EXAMINATION BY MS. BENSON:

9 **Q. Thank you. Judge Anderson, having served**  
10 **since 1994 as an administrative law judge**  
11 **and since 2009 as the chief administrative**  
12 **law judge, why do you want to continue**  
13 **servng on the administrative law court?**

14 **A.** Well, I truly enjoyed my service there. We  
15 got a lot of diversity at that court. And  
16 when I first got there it was mostly a trial  
17 court. Now it's become about sixty percent  
18 appellate. And -- but I enjoy both aspects  
19 of the law. Our court has a lot of  
20 statutory construction. There's in-depth  
21 legal issues we have to deal with and I  
22 enjoy that. Hopefully I'm doing a good job  
23 as chief, so. If you're asking about that  
24 particular aspect of my job.

25 **Q. Judge, what do you think your reputation is**

1 among the attorneys who practice before you?

2 A. I would assume a hard worker. And I stick  
3 to the law.

4 Q. And what do you think your reputation is  
5 among the court personnel?

6 A. Same thing. Except I have an open door  
7 policy. I think our staff really enjoys  
8 working there. We've had a few people leave  
9 but then a fair amount of them come back.  
10 So it was a great place to work.

11 Q. Thank you, Judge. Judge, the Commission  
12 received 631 ballot box surveys regarding  
13 you, with 45 additional comments. And many  
14 of them were positive comments. Citing your  
15 experience, that you are fair, that you are  
16 indeed a workaholic, a scholar, and that you  
17 have the utmost quality of character.  
18 Judge, eight of the written comments  
19 expressed concerns. Several of the comments  
20 question your fairness in proceedings, and  
21 your abruptness in moving matters along,  
22 particularly whenever you are familiar with  
23 the law. What response would you give to  
24 this concern?

25 A. Well I think the other people attest to the

1 fact that I'm fair. I really try to keep an  
2 open mind. I can't tell you how many times  
3 I've gone in there -- in there being into  
4 the court room, believing I was going to go  
5 one direction on my decision and listening  
6 to the applicants, and going a different  
7 direction. But, my gosh, I would hate that  
8 there was any truth to abruptness. Maybe  
9 moving cases along, I do believe I should  
10 do. I like the fact that our court does not  
11 have a backlog and we keep cases moving.  
12 So, to be honest, that's something I'm proud  
13 of.

14 **Q. Judge, the second concern is one that we**  
15 **discussed at length in your conference.**  
16 **Several of the comments indicated that you**  
17 **perhaps inappropriately used your**  
18 **Christianity in the courtroom and other**  
19 **settings. What response would you give to**  
20 **this concern?**

21 **A.** I don't think I've ever used my Christianity  
22 in the courtroom. So I would like them to  
23 give examples if they want to make untrue  
24 statements like that.

25 **Q. Thank you, Judge Anderson.**

1 MS. BENSON: Mr. Chairman, I would note that the  
2 Midlands Citizens Committee found Judge Anderson  
3 qualified in the evaluative criteria of  
4 constitutional qualifications, physical health,  
5 and mental stability and well qualified in the  
6 evaluative criteria of ethical fitness,  
7 professional and academic ability, character,  
8 reputation, experience, and judicial temperament.  
9 The Committee -- I beg your pardon. The  
10 Committee stated, in summary, "exceptionally  
11 experienced."

12 Q. Judge, just a few housekeeping issues. Since  
13 submitting your letter of intent, have you  
14 contacted any members of the Commission about  
15 your candidacy?

16 A. No, ma'am.

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

20 A. Yes, ma'am.

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

25 A. No, ma'am.



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

5 A. That would be no, and no, compound question.

6 Q. Have you reviewed and do you understand the  
7 Commissions guidelines on pledging and South  
8 Carolina code § 2-19-70(E)?

9 A. Yes.

10 MS. BENSON: Mr. Chairman, I would note for the record  
11 that any concerns raised during the investigation  
12 regarding this candidate were incorporated into  
13 the questioning today, and I have no further  
14 questions.

15 CHAIRMAN CASKEY: Thank you. Excuse me. Thank you,  
16 ma'am. Are there any other questions or comments  
17 from Commissioners? All right. Seeing none,  
18 Judge Anderson, I think that's going to be the  
19 first of the day.

20 SENATOR SABB: That's a good thing, for the record.

21 CHAIRMAN CASKEY: That's a good thing. Do appreciate  
22 your service to the State and thank you for  
23 offering once again. I want to take this  
24 opportunity to remind you that pursuant to the  
25 Commission's evaluative criteria the Commission

1 expects candidates to follow the spirit as well  
2 as the letter of the ethics laws. And we will  
3 view violations or the appearance of impropriety  
4 as serious and potentially deserving of heavy  
5 weight in screening deliberations. On that note,  
6 and as you know, the record will remain open  
7 until the formal release of the Report of  
8 Qualifications, and you may be called back at  
9 such time if the need were to arise. Again, sir,  
10 thank you very much for what you've done for the  
11 state and what you continue to do by offering  
12 further service.

13 JUDGE ANDERSON: Thank you all.

14 (Off the Record)

15 CHAIRMAN CASKEY: Good afternoon, Your Honor.

16 JUDGE COBLE: Good afternoon, apologize for being  
17 late.

18 CHAIRMAN CASKEY: That's all right. We are  
19 uncharacteristically ahead of schedule so you  
20 would be forgiven for expecting us to -- for  
21 adhering to years of custom and practice in being  
22 late.

23 JUDGE COBLE: Sometimes when I walk onto the bench two  
24 minutes early, attorneys look at me and I say the  
25 same thing. It's okay, you all are on time, so I

1 appreciate that.

2 CHAIRMAN CASKEY: I do appreciate you being here.

3 THE HONORABLE DANIEL McLEOD COBLE, being duly  
4 sworn, testifies as follows:

5 CHAIRMAN CASKEY: Thank you. You should have some  
6 documents there in front of you. If you wouldn't  
7 mind, take a look at those.

8 JUDGE COBLE: Yes.

9 CHAIRMAN CASKEY: Are the Personal Data Questionnaire  
10 and the Sworn Statement before you the documents  
11 that you have submitted to the Commission?

12 JUDGE COBLE: They are.

13 CHAIRMAN CASKEY: Are there any updates or corrections  
14 that need to be made to those?

15 JUDGE COBLE: The only amendment which is Exhibit 22.  
16 Other than that, no there is not.

17 CHAIRMAN CASKEY: Okay. All right. Do you have any  
18 objection to us making those documents a part of  
19 the record of your sworn testimony?

20 JUDGE COBLE: No objection to that.

21 CHAIRMAN CASKEY: Thank you, sir. If you would just  
22 pass those to staff there, we'll designate those.  
23 The Judicial Merit Selection Commission has  
24 thoroughly investigated your qualifications for  
25 the bench. Our inquiry has focused on the nine

1 evaluative criteria and has included a ballot box  
2 survey, a thorough study of your application  
3 materials, verification of your compliance with  
4 state ethics laws, search of newspaper articles  
5 in which your name appears, a study of previous  
6 screenings and a check for economic conflicts of  
7 interest. We have received one affidavit filed  
8 in opposition to your election, however it has  
9 been dismissed by the Commission pursuant to our  
10 rules. No witnesses are present to testify  
11 today. If you have a brief opening statement  
12 we'd be happy to hear from you, otherwise we can  
13 go directly into questioning from staff.

14 (Exhibit Number 21 was marked for identification  
15 purposes - (17 pages) Personal Data Questionnaire for  
16 The Honorable Daniel McLeod Coble.)

17 (Exhibit Number 22 was marked for identification  
18 purposes - (2 pages) Amendment to Personal Data  
19 Questionnaire for The Honorable Daniel McLeod Coble.)

20 (Exhibit Number 23 was marked for identification  
21 purposes - (8 pages) Sworn Statement of The Honorable  
22 Daniel McLeod Coble.)

23 JUDGE COBLE: Just very briefly, it's an honor to be  
24 back here for, I believe, the third year in a  
25 row. And I'm truly humbled to be here, thank

1           you.

2           CHAIRMAN CASKEY: Yes, sir.

3           JUDGE COBLE - EXAMINATION BY MS. WILKINSON:

4           **Q. Judge Coble, why do you want to continue to**  
5           **serve as a Circuit Court judge?**

6           A. Well I think first and foremost, this is a  
7           selfish reason, but I really enjoy the job.  
8           And I think that's very important no matter  
9           what job you have because, especially as a  
10          judge, if you don't enjoy it, you tend to  
11          take it out on either your subordinates, or  
12          as a judge, on litigants. But frankly I've  
13          enjoyed -- when I was a magistrate for full  
14          time -- full time for four years. I enjoy  
15          the judiciary, I enjoy making decisions and  
16          helping people, and Circuit Court has lived  
17          up to my expectations. It is fulfilling,  
18          and it's an honor to serve and I thoroughly  
19          enjoy it. But I want to keep serving the  
20          people of South Carolina if this Commission  
21          and the General Assembly see fit to grant me  
22          another term. I think it would be a  
23          privilege to have that honor bestowed upon  
24          me and to be able to give back to the people  
25          of South Carolina.

1     **Q.     Judge Coble what do you think your reputation is**  
2     **among the attorneys that practice before you?**

3     A.     Well, I hope it's positive.  And as a judge,  
4     obviously, you pick winners and losers.  So it's  
5     not always a good, you know, view point.  
6     Sometimes they're not happy with you.  But I hope  
7     that it's a positive view, and I hope they  
8     respect me as a judge even when I rule against  
9     them.  Obviously it's difficult with some of  
10    these serious cases you have, where you're  
11    dealing with -- whether it's civil, or criminal,  
12    complex issues where there are winners and  
13    losers.  So I hope though, as a relatively new  
14    judge about ten months on the job, that attorneys  
15    and the Bar at large see me as growing, and  
16    being, most importantly, coachable.  I know it's  
17    difficult when you get up on this perch to  
18    receive criticism except once every six years.  
19    Obviously me wife, my brothers and sisters, they  
20    will keep me honest.  But I hope that the Bar  
21    sees me as a growing judge who's willing to  
22    learn, willing to do better, and always willing  
23    to listen, most importantly.  So I hope they have  
24    a positive view of me.

25    **Q.     The Commission received 637 ballot box surveys**

1 regarding you, with 65 additional comments. The  
2 ballot box surveys for example contained the  
3 following positive comments, "Judge Coble is  
4 professional, thoughtful, and courteous. He is  
5 wonderful to be in front of. He has an extensive  
6 knowledge base, judicial temperament, he is even-  
7 keeled and issues well thought out rulings. He  
8 has an excellent judicial temperament and takes  
9 the time to learn an issue even if he's not  
10 familiar with it. He is very fair. He has  
11 brought dignity to the office and fairness in his  
12 daily work. South Carolina is better because of  
13 his service." Although the ballot box was  
14 overwhelmingly positive, there were a few  
15 comments that did express concerns. Judge Coble,  
16 a few comments indicated a concern regarding your  
17 lack of experience with complex civil issues.  
18 How do you respond to this concern?

- 19 A. Well I stated earlier, and I stated in previous  
20 screenings I've gone through, I take that very  
21 seriously. Because sitting through some of these  
22 civil motions I know how much time and effort  
23 attorneys put into not just the written motions  
24 but their oral arguments. And so I want it to be  
25 very known that I do read the motions, I do take

1 them seriously, and I am persuaded by both oral  
2 arguments as well as motions to reconsider, which  
3 some might find surprising. But I want attorneys  
4 to know that I'm working, I'm growing with these  
5 complex civil cases. I've been assigned one so  
6 far just in the past few weeks. But when you get  
7 these cases kind of they come to you all of a  
8 sudden. You know, you show up on Monday and  
9 you've got a very complex case, a motion you got  
10 to hear. But I'm going to work to understand the  
11 issues, to understand the rules as much as  
12 possible, and to know that it's a growing  
13 process. And always speaking with fellow  
14 attorneys about -- whether civil or criminal, as  
15 well as fellow judges who I'm constantly texting  
16 when I have a question. Because as I said  
17 earlier, I don't want to just get the answer out  
18 there and I don't want to just get it right, I  
19 want to try to get a competent and confident  
20 answer every time so that people have trust in me  
21 and respect so that they know that I'm hearing  
22 them, I'm listening to them, and that whenever  
23 I'm on the bench they know I'll be fair and  
24 predictable. So to answer your question, I take  
25 that very seriously, because I want attorneys to



1 know that they're being heard and listened to and  
2 they have a chance based on the law and the facts  
3 of their case.

4 **Q. Another group of concerns indicated that you**  
5 **often have a bias in favor of certain parties.**  
6 **How would you respond to that concern?**

7 A. Well I can tell you that I have no bias towards  
8 any party, towards any litigant, towards any  
9 individual. I take every case based on their  
10 individuality, based on the law and based on the  
11 facts. However if there is a perceived bias,  
12 that is something I absolutely want to address.  
13 And I've learned this before, as a young  
14 magistrate, it can take just a simple joke  
15 beforehand with an attorney, and the other  
16 litigant sees it and they don't know how to  
17 handle it and it looks inappropriate. So I'm  
18 always working to make sure that the perception  
19 is as neutral, and fair, and unbiased as  
20 possible. Because even though I know in my heart  
21 of hearts that I don't favor any one party, any  
22 one attorney. That doesn't matter if the  
23 litigants and the people at large think that  
24 they're not being treated fairly and they don't  
25 have their full day at court. So I'm going to

1 work as hard as I can, continue to work as hard  
2 as I can, to make sure when every litigant leaves  
3 court that they said everything they said  
4 everything they wanted to say. That they got  
5 their case out in front of me and that I listened  
6 to them. And that just takes more experience and  
7 just working on that as much as possible. But as  
8 I stated, I believe it was last year when I was  
9 before the Commission, but my biggest two  
10 concerns first and foremost are ethics, second is  
11 temperament. So always going to make sure that  
12 I'm unbiased, that I'm a neutral arbiter, and  
13 that I'm kind and patient with them and listening  
14 to them.

15 MS. WILKINSON: I would note that the Midlands  
16 Citizens Committee found Judge Coble to be well  
17 qualified in the evaluative criteria of ethical  
18 fitness, professional and academic ability,  
19 character, reputation, experience and judicial  
20 temperament. Judge Coble was also found  
21 qualified in the areas of constitutional  
22 qualifications, physical health, and mental  
23 stability. The Citizens Committee noted that  
24 Judge Coble has already -- "has already done well  
25 on the bench."

1 Q. There are a few housekeeping issues to go over  
2 with you Judge Coble. Since submitting your  
3 letter of intent, have you contacted any members  
4 of the Commission about your candidacy?

5 A. I have not.

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

9 A. I am.

10 Q. Since submitting your letter of intent, have you  
11 sought or received the pledge of any legislator,  
12 either prior to this date or pending the outcome  
13 of your screening?

14 A. I have not.

15 Q. Have you asked any third parties to contact  
16 members of the General Assembly on your behalf,  
17 or are you aware of anyone attempting to  
18 intervene in this process on your behalf?

19 A. I have not and I am not.

20 Q. Have you reviewed and do you understand the  
21 Commission's guidelines on pledging and South  
22 Carolina code § 2-19-70(E)?

23 A. I reviewed them and I am familiar.

24 MS. WILKINSON: I would note for the record that any  
25 concerns raised during the investigation

1            regarding Judge Coble were incorporated into the  
2            questioning of him today. I have no further  
3            questions, Mr. Chairman.

4  
5 JUDGE COBLE - EXAMINATION BY REPRESENTATIVE RUTHERFORD:

6            CHAIRMAN CASKEY: Thank you, ma'am. Do members of the  
7            Commission have any questions or comments for  
8            Judge Coble? Mr. Rutherford.

9            Q. Thank you. Good afternoon, Judge. So I  
10           heard in the questions that staff was posing  
11           to you that you were being accused, as have  
12           most of the judges here today, been accused  
13           of making your rulings in favor of certain  
14           lawyers or certain parties. And I'm aware  
15           that actually has gone on in the newspaper  
16           as it relates to you. And so my question is  
17           specifically related to that question, it is  
18           who exactly those people are that you're  
19           accused of being in favor of? Because you  
20           will remember -- and if you don't I'll  
21           remind you. My first case in front of you  
22           in Richland County. It's a guy named  
23           Christopher Young, and I told you that he  
24           was innocent. Not just not guilty, that he  
25           was innocent. And it was a bond reduction,

1 and I told you that he had video proof that  
2 he was in his home at the time that they  
3 alleged that he was at Middle Lake Park,  
4 shooting it up. The alarm system confirmed  
5 it, ADT confirmed it, this was not some  
6 little makeshift alarm. That they all  
7 confirmed he was in his house at the time  
8 the alleged crime was being committed. And  
9 the Richland County Sheriff's Department  
10 told you, mistakenly, that no, Judge, you  
11 need to deny his bond. He was involved in  
12 this, it's a really bad case, eleven people  
13 that were victims. And it went on for about  
14 thirty minutes, and I kept telling you that  
15 he was innocent. You, in fact, denied his  
16 bond. First time I'd ever been in front of  
17 you, Richland County. And two weeks later,  
18 the sheriff's department told the solicitor,  
19 didn't tell you, told the solicitor,  
20 actually he was in his house. He didn't do  
21 it. And told the solicitor to consent to  
22 him getting his bond reduced. Not his  
23 charge dismissed, but his bond reduced. I  
24 don't believe they ever came back and told  
25 you that. But either way, should you recuse

1           yourself since the first time I ever  
2           appeared in front of you in Richland County  
3           I had an actually innocent client and you  
4           denied his bond, despite the fact that he  
5           was actually innocent. So should you then  
6           recuse yourself on every case that a  
7           lawyer/legislator appears in front of you?  
8           Or, should you just recuse yourself on any  
9           cases where a lawyer appears in front of you  
10          and tells you that the client is innocent,  
11          and you deny the bond anyway. So these  
12          people that are making these allegations --  
13          should you pick a category of cases where  
14          you should recuse yourself, or do you  
15          believe you should continue to simply call  
16          balls and strikes the way that you see them?  
17          Even if certain people, in this case me and  
18          my innocent client, are aggrieved by your  
19          decision. How should it continue to go in  
20          court if you don't give everybody what  
21          they're asking for, and you get accused of  
22          doing exactly that?

23        A.     Well I think that hits the nail on the head, is  
24           that I know that whether I get accused of  
25           something, or that I say I'm biased towards one

1 party or another, my most important thing is just  
2 looking at the case, looking at the law and  
3 making my personal judgment. And if I'm wrong,  
4 I'm wrong. But I don't base it on the attorney,  
5 and I don't hold attorneys against their client.  
6 And I don't hold it in favor of their client, one  
7 way or the other. I base it on the law and the  
8 facts. I call balls and strikes. Because at the  
9 end of the day, in Richland County, we see  
10 hundreds of cases each week in General Sessions.  
11 And so frankly I don't have -- it would be too  
12 much to keep up with, playing favorites. And  
13 that's just not my job, it's not how I operate.  
14 As Mr. Rutherford said, I'm quite familiar with  
15 that case and I know you disagreed with me then,  
16 and disagree with me now.

17 **Q. Because I was right but go ahead. You can keep**  
18 **going.**

19 A. And you're absolutely right and that's all about  
20 calling balls and strikes. And I think that's  
21 just how I operate. It's the best way to do it  
22 as a judge, in my experience.

23 **Q. And in fact, Judge Coble, I wasn't with you this**  
24 **past week in Kershaw, not Richland but a young**  
25 **lawyer working for me was, on my behalf. And he**

1 requested that my client get time to turn himself  
2 in because of his health condition. And you  
3 denied that, too. So should those people -- if  
4 they're going to make allegations of you playing  
5 favorites, should they decide that really what it  
6 is is they just want their way? Or should they  
7 pick a better favorite than me, since twice that  
8 I can recall in your very short career you have  
9 ruled against me, and once where I can prove that  
10 you were absolutely wrong.

11 A. And I think you're absolutely right in the sense  
12 of I call balls and strikes. And just last week,  
13 with that client, without getting too much in the  
14 details there was a request on your firm's behalf  
15 if he could -- he had a medical issue, to turn  
16 himself in at a later date. After hearing from  
17 both parties, as well as a request for more  
18 credit for time served, I denied both those  
19 requests based on the facts of the case and the  
20 law as I see it, not based on any party, not  
21 showing favoritism, fear or favor, just based on  
22 the law. So to your point, yes. I think I  
23 should not recuse myself just based on the  
24 attorney, if there's no showing of bias because  
25 it works both ways.



1 Q. And it certainly does work both ways. And given  
2 what their assertion is, I should be able to ask  
3 you to recuse yourself because I don't like your  
4 rulings. Because if they don't like your  
5 rulings, then they get to ask for you to recuse  
6 yourself, then certainly other lawyers on the  
7 other side should be able to do the same thing,  
8 isn't that right?

9 A. Based on that logic, yes, sir.

10 Q. And again, it's incumbent upon all of us in this  
11 process and the public to have faith in what it  
12 is that we do not only here, but what it is that  
13 you do on the bench. And so if someone is going  
14 to accuse you of being corrupt, they should at  
15 least have the facts. They should at least be  
16 able to educate themselves. And especially if  
17 that person is a lawyer, they should educate  
18 themselves before alleging that this system is in  
19 some way, or that you in particular, are corrupt.  
20 Because if they would, then they would see that  
21 their allegations are not only unfounded, not  
22 only baseless, but are egregious -- egregious in  
23 a contempt of a system that continues to be,  
24 again, the best that I can find in this country.

25 A. Yes, sir.

1 CHAIRMAN CASKEY: Any other Commissioners have  
2 questions or comments for Judge Coble? Your  
3 Honor, I'll just say that I appreciate everything  
4 you've been doing. You obviously are -- our  
5 rules preclude us from sharing the text of the  
6 comments that come in through the ballot box so  
7 as to protect anonymity of those attorneys. But  
8 as I perused these, I would tell you that you  
9 have a lot to be proud of. Your reputation is  
10 one that is solid. Your enthusiasm for the job,  
11 the respect that you show litigants, victims and  
12 others as well as your commitment to the rule of  
13 law is something that the Bar has taken note of  
14 and I think you should be very proud of that. So  
15 unless there are any further questions or  
16 comments from Commissioners, Judge I would just  
17 thank you for your service to the state, and  
18 thank you for offering to continue to serve. I  
19 also need to take this opportunity to remind you  
20 that pursuant to the Commission's evaluative  
21 criteria, the Commission expects candidates to  
22 follow the spirit as well as the letter of the  
23 ethics laws and that we will view violations or  
24 the appearance of impropriety as serious and  
25 potentially deserving of heavy weight in the

1 screening deliberations. On that note, and as  
2 you know, the record will remain open until the  
3 formal release of the Report of Qualifications  
4 and you may be called back at such time if the  
5 need arises.

6 JUDGE COBLE: Thank you, Mr. Chairman, thank you all.  
7 Thank you for letting me be here.

8 CHAIRMAN CASKEY: Thank you for being here.

9 (Off the Record)

10 CHAIRMAN CASKEY: Good afternoon, Judge.

11 JUDGE MCLEOD: Good afternoon.

12 CHAIRMAN CASKEY: Thank you for being here today. If  
13 you would please, sir, raise your right hand.

14 THE HONORABLE WALTON J. MCLEOD, being duly sworn,  
15 testifies as follows:

16 CHAIRMAN CASKEY: Thank you. You should have some  
17 documents in front of you. Would you mind taking  
18 a look at those?

19 JUDGE MCLEOD: Yes, sir.

20 CHAIRMAN CASKEY: Are those the Personal Data  
21 Questionnaire and Sworn Statement that you have  
22 submitted to the Commission?

23 JUDGE MCLEOD: Yes, sir.

24 CHAIRMAN CASKEY: Are they both correct, or do there  
25 need to be any changes or updates?

1 JUDGE MCLEOD: I believe they are correct, yes, sir.  
2 No changes necessary.

3 CHAIRMAN CASKEY: Do you object to our making these  
4 documents a part of the written record of your  
5 sworn testimony?

6 JUDGE MCLEOD: No, sir.

7 CHAIRMAN CASKEY: Thank you very much. Staff will do  
8 that now. The Judicial Merit Selection  
9 Commission has thoroughly investigated your  
10 qualifications for the bench. Our inquiry has  
11 focused on the nine evaluative criteria and has  
12 included a ballot box survey, a thorough study of  
13 your application materials, verification of your  
14 compliance with state ethics laws, search of  
15 newspaper articles in which your name appears, a  
16 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 You will certainly be welcome, sir, to make a  
21 brief opening statement if you like. Or we can  
22 go directly into questions.

23 (Exhibit Number 24 was marked for identification  
24 purposes - (13 pages) Personal Data Questionnaire for  
25 The Honorable Walton J. McLeod, IV.)

1 (Exhibit Number 25 was marked for identification  
2 purposes - (8 pages) Sworn Statement of The Honorable  
3 Walton J. McLeod, IV.)

4 JUDGE MCLEOD: I don't have anything really formal  
5 prepared but I do want to say it's nice to see  
6 everyone. And I do want to start by just saying  
7 it's been the honor of a lifetime to serve in  
8 this capacity for the last few years. So it's  
9 nice to be with you again.

10 CHAIRMAN CASKEY: Thank you, Judge. In that case I  
11 will recognize Ms. Trask who has some questions  
12 for you.

13 JUDGE MCLEOD: Yes, ma'am.

14 JUDGE MCLEOD - EXAMINATION MY MS. TRASK:

15 MS. TRASK: I note for the record that based on the  
16 testimony contained in the candidate's PDQ, which  
17 has been included in the record with the  
18 candidate's consent, Judge Walton J. McLeod, IV  
19 meets the constitutional and statutory  
20 requirements for this position regarding age,  
21 residence and years of practice.

22 **Q. Judge McLeod, why do you want to continue serving**  
23 **as a Circuit Court judge?**

24 A. For many of the reasons I inquired about this job  
25 in the first place six years ago. I think it's a

1 wonderful way to serve the legal profession. It  
2 still is for me. I enjoy being part of -- really  
3 further it as a team. The justice system that I  
4 think makes a real difference on a day-to-day  
5 basis. And I still appreciate the job every  
6 single morning when I come through the garage at  
7 the courthouse. That feeling hasn't left yet.  
8 So, I mean, ultimately serving the profession was  
9 what has been and what continues to motivate me.

10 **Q. Thank you. Judge McLeod, what do you think your**  
11 **reputation is amongst attorneys that practice**  
12 **before you as well as the court personnel?**

13 A. Well, I hope my reputation is someone who is  
14 fair, who is accommodating, who is available. I  
15 strive very hard to -- when attorneys need  
16 something to try to accommodate them. I hope the  
17 attorneys see me as someone who will do what he  
18 can to assist attorneys in their practice in law.  
19 But also someone who ultimately, if tough  
20 decisions have to be, made will make those  
21 decisions. In a nutshell, I hope that's how the  
22 Bar views me, certainly fairness and, you know,  
23 proper temperament, which I think they do. I  
24 think they do.

25 **Q. Well, Judge McLeod, the Commission received 604**

1 ballot box surveys regarding you, with 49  
2 additional comments. The ballot box survey for  
3 example contained the following positive  
4 comments, "very knowledgeable with a great  
5 judicial temperament, very well respected in the  
6 legal community. He is wise, experienced, and  
7 possesses a strong work ethic." Three of the  
8 written comments expressed concern, and one of  
9 those concerns questioned your knowledge of  
10 criminal law. What response would you offer to  
11 the concern regarding your knowledge of criminal  
12 law?

- 13 A. Well, I feel comfortable in the criminal law.  
14 I'd say if that were a response from six years  
15 ago, or at least five-and-a-half years ago, you  
16 know I -- looking back over the last, I've done  
17 about 60 to 65 cases to verdict at this point.  
18 I'm in a murder trial as we speak. I feel  
19 comfortable handling all matters pre-trial, post-  
20 trial, in the criminal context. I would say if  
21 there was ever an attorney who had a concern,  
22 again, this kind of goes back to the original  
23 question, it wouldn't bother me in the least if  
24 an attorney ever approached me to ask or to voice  
25 a concern like that. Because I think you've got

1 to have a certain amount of comfort with members  
2 of your profession letting you know something  
3 like that. But I -- my response is I feel  
4 comfortable with the criminal law. Certainly  
5 today -- much more today than I did six years  
6 ago. But I feel comfortable now, certainly.

7 **Q. Thank you, Judge McLeod.**

8 MS. TRASK: I would note that the Midlands Citizens  
9 Committee found Judge McLeod qualified in the  
10 evaluative criteria of constitutional  
11 qualifications, physical health and mental  
12 stability, and well qualified in the evaluative  
13 criteria of ethical fitness, professional and  
14 academic ability, character, reputation,  
15 experience and judicial temperament. The  
16 Committee additionally noted Judge McLeod to be  
17 exceptionally qualified.

18 **Q. Just a few housekeeping things. Judge McLeod,**  
19 **since submitting your letter of intent, have you**  
20 **contacted any members of the Commission about**  
21 **your candidacy?**

22 A. No.

23 **Q. Are you familiar with § 2-19-70 including the**  
24 **limitations on contacting members of the General**  
25 **Assembly regarding your screening?**



1 A. Am I familiar? Yes.

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

6 A. No.

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

11 A. No.

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

15 A. Yes.

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

21 CHAIRMAN CASKEY: Thank you, ma'am. Do members of the  
22 Commission have any questions or comments for  
23 Judge McLeod? Ms. McIver.

24 MS. MCIVER: Thank you, I just have some comments. I  
25 know that you were just asked about the criminal

1 law and your familiarity with that area. And  
2 when I look at your resume and what you did prior  
3 to ascending to the bench, it looks like you were  
4 mostly involved in civil work.

5 JUDGE MCLEOD: That's correct.

6 MS. MCIVER: But I also notice in your letters of  
7 reference that you have letters from solicitor  
8 Hubbard as well as letters from the public  
9 defender. And both of them highly praise your  
10 abilities, and not only your knowledge now in  
11 criminal law, but also your willingness to tackle  
12 the hard cases, the tough issues, and not to shy  
13 away from those big cases. So I want to commend  
14 you for getting up to speed in that area of the  
15 law. That is certainly an issue that we look at  
16 when we are considering judges, or talking to  
17 judges about their experience, is do they have  
18 experience in both of those areas. So I want to  
19 commend you for obviously the good work that  
20 you've done there, and for your work ethic in  
21 getting to the place where you are now where you  
22 have such strong letters of reference from both  
23 sides of the V in --

24 JUDGE MCLEOD: Thank you.

25 MS. MCIVER: -- in the criminal law. Also I wanted to

1 point out the public defender talks about your  
2 work with the drug court. And Judge Keesley was  
3 here earlier, and talked about when he initially  
4 got involved with the drug court, like he said he  
5 was taken kicking and screaming. But once he got  
6 involved with it, that he considered it his pay  
7 day to be able to see some of the participants.

8 JUDGE MCLEOD: My involvement has been about a year  
9 now. And coming out of covid like every other  
10 organization we had a few issues we had to deal  
11 with. One of our treatment providers  
12 unexpectedly passed away as well, so it's been --  
13 it's been a unique experience. Because the drug  
14 court is a team, involving people from the court,  
15 solicitors office, public defender's office, the  
16 Department of Probation, treatment professionals.  
17 And we've been through now four graduations and  
18 it's a great experience every time, to be able to  
19 see the transformation. And even to see people  
20 who've been in the program for only six to eight  
21 months at this point, you can see it working and  
22 it's neat to watch.

23 MS. MCIVER: Well thank you for your good work there.  
24 Clearly when you're willing to commit to that  
25 program after long, long hours on the bench it

1           says a lot about what you're willing to do for  
2           your community. And also to show up for this  
3           participants, the sobriety success events, shows  
4           a lot about not only the worth of the program but  
5           who you are. So thank you for continued service.  
6           Thank you, Mr. Chair.

7   CHAIRMAN CASKEY: Yes, ma'am. Any other questions or  
8           comments? Judge. I will underscore and reiterate  
9           what Ms. McIver said. You're to be commended for  
10          your efforts to bolster your knowledge of  
11          criminal law. You know, as I take note of the  
12          letters of recommendation, you know, from Theo  
13          Williams and Sarah Mauldin, the public defender  
14          and long time practicing attorney there in  
15          Lexington -- defense attorney in Lexington. As  
16          well as Solicitor Hubbard, whose letters have not  
17          always been as impressive to me but this letter  
18          stands out as a positive, as well as the comments  
19          from the ballot box survey. And I know you're in  
20          a position of not being able to see those because  
21          of our anonymity requirements but there's no  
22          question that the Bar has recognized in you  
23          someone who is eager to learn, to improve, to  
24          come to court ready to work, to be respectful to  
25          lawyers, litigants, victims and the like. And I

1 think you're a real asset to the bench, to the  
2 state, and certainly to Lexington County so I  
3 just wanted to say all that to thank you for your  
4 service, and for offering for continued service.  
5 I also want to take this opportunity to remind  
6 you that pursuant to the Commission's evaluative  
7 criteria, the Commission expects candidates to  
8 follow the spirit as well as the letter of the  
9 ethics laws, and we will view violations or the  
10 appearance of impropriety as serious and  
11 potentially deserving of heavy weight in  
12 screening deliberations. On that note, and as  
13 you know, the record will remain open until the  
14 formal release of the Report of Qualifications,  
15 and you may be called back at such time if the  
16 need arises. Again, thank you for getting here  
17 today. We know you were in trial and appreciate  
18 your flexibility in meeting with us today.

19 JUDGE MCLEOD: Thank you.

20 CHAIRMAN CASKEY: Thank you, sir. All right. Is  
21 there anything else we need to put on the record  
22 today? Seeing nothing, and our business for the  
23 day having been concluded, we will stand  
24 adjourned until tomorrow morning at 9:00 a.m.  
25

1 (There being nothing further, the proceeding concluded at  
2 1:54 p.m.)  
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CERTIFICATE OF REPORTER

I, JENNIFER NOTTLE, COURT REPORTER AND NOTARY PUBLIC  
IN AND FOR THE STATE OF SOUTH CAROLINA AT LARGE, HEREBY  
CERTIFY THAT I REPORTED THIS PROCEEDING, ON TUESDAY, THE  
7TH DAY OF NOVEMBER, 2023, AND THAT THE FOREGOING 173 PAGES  
CONSTITUTE A TRUE AND CORRECT TRANSCRIPTION OF MY STENOMASK  
REPORT OF SAID PROCEEDING.

I FURTHER CERTIFY THAT I AM NEITHER ATTORNEY NOR  
COUNSEL FOR, NOR RELATED TO OR EMPLOYED BY ANY OF THE  
PARTIES CONNECTED WITH THIS ACTION, NOR AM I FINANCIALLY  
INTERESTED IN SAID CAUSE.

IN WITNESS WHEREOF, I HAVE SET MY HAND AND SEAL THIS  
12TH DAY OF DECEMBER, 2023.

  
\_\_\_\_\_

JENNIFER NOTTLE, COURT REPORTER

MY COMMISSION EXPIRES JULY 19, 2033

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