



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

Circuit Court
(New Candidate)

Full Name: Daniel Ezekiel Martin, Jr.
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1. Why do you want to serve as a Circuit Court judge?

I believe that my service as a Family Court judge for the last 12 years has prepared me to be of greater service to the state of South Carolina as a Circuit Court judge. While Family Court has an incredible impact of the lives of families, and children in particular, the Circuit Court is even more impactful. South Carolina needs to have seasoned men and women on the bench who have experience in jurisprudence and the just administration of law. I feel that I am able to provide this service and will benefit from the tutelage of my many colleagues from the bench.

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

I plan to serve the entire term if elected.

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

I have no plans to return to private practice in the future.

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

Yes

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

communications being tolerated?

The rules of *ex parte* communication are not governed by philosophy but rather by our Code of Judicial Conduct and the Rules of Civil Procedure. *Ex Parte* communications with litigants and their lawyers is strictly prohibited. When lawyers and litigants seek certain *ex parte* relief, such relief must be pursued only under the most exigent of circumstances when irreparable harm is likely to occur and must be filed with the Clerk of Court pursuant to the South Carolina Rules of Civil Procedure.

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

I would not hesitate to yield to the request of the moving party. In such a situation, I would grant the request and recuse myself.

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

I would recuse and place the reason for my recusal on the record or issue a written order explaining the reason for my decision.

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

The standards in all such situations are set forth in our Canons of Judicial Ethics and Rules of Profession Conduct. As such, I have not accepted gifts or social hospitality beyond that which has been allowed by our Canons. The only exception is when Family Court judges are invited to attend annual conferences sponsored by legal organizations such as the South Carolina Bar and the South Carolina Trial Lawyers Association. In such events, the organization may waive the registration fee and/or pay for the judge's hotel accommodations. These expenses are listed annually on the Rule 501 annual disclosure statements that all judges are required to file. On or about 03/2023, Attorney James Fletcher Thompson provided me, and all South Carolina Family Court and South Carolina Court of Appeals judges, with a copy of his latest addition of the South Carolina Adoption Law and Practice at no charge. The book is valued at \$162.26. I served as a member of his Editorial Board for that publication. (A copy of the disclosure of that gift and the credit given to me for my part in editing the book prior to its publication is enclosed with my application.)

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

In such a situation, I would be required to report the situation to the Office of Disciplinary Counsel or the Office of the Chief Justice of the Supreme Court. I would make such a report if I had direct knowledge of misconduct or the infirmity of a lawyer or fellow judge. If I had no such direct knowledge, I would seek to confirm such information, if able, or request that ODC or the Chief Justice pursue(s) an investigation based upon the knowledge that I had.

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

I am a member of the following fraternal organizations.

Alpha Phi Alpha Fraternity, Inc.
Sigma Pi Phi Fraternity
Prince Hall Freemasonry
A.E.A.O.N.M.S. – (Shriners)
United Supreme Council – (33° Masons)

The organizations are brotherhoods which have no policy of discrimination and are universally recognized as appropriate organizations to which judges are allowed to belong.

11. Have you engaged in any fund-raising activities with any political, social, community, or religious organizations? No. Please describe.

N/A

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

No

13. If elected, how would you handle the drafting of orders?

I have drafted orders throughout my career as a lawyer and also as a judge. In addition to having lawyers who appear before me draft orders pursuant to my rulings and instructions, I will continue my practice of

drafting my own orders as well. I would never ask a self-represented litigant to draft an order.

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

It would be my duty to monitor any and all matters pending before me and ensure that deadlines are kept. Although it would be part of the job of my administrative assistant to remind me of looming deadlines, it would ultimately be my responsibility. As a Family Court judge, I try to render my decisions within hours or days of the hearings. On the rare occasion when I am unable to do so, I keep the files in my office to remind me. My administrative assistant, who has been with me more than 12 years, tracks all outstanding orders and alerts me when any are approaching near 30 days from the date of the hearing. This rarely happens. Additionally, it is required that our office report any orders more than 30 days outstanding to the S.C. Judicial Department. I would continue to follow these procedures as well as adopt other checks and balances used by other circuit court judges.

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

Judicial activism is inappropriate and never allowed. Therefore, I have no philosophy on judicial activism other than it has no place in our Courts. Judges should not be promoting personal judicial philosophies that run afoul of our mission to dispense justice equally and fairly based upon the laws of the United States of America and the state of South Carolina. The public policy of the state should not be infringed upon by any judge’s particular “judicial activism.”

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

I believe that it is important to inform the public, especially our young people, about the judicial system. Over the years, I have been asked to speak to elementary and high school students about the juvenile justice system and I have happily agreed to do so. I have presided as a judge in moot court competitions. I have made presentations at CLEs and also at the Charleston School of Law at the request of professors employed there. Last fall, I spoke to members of the James L. Petigru chapter of the Inns of Court. I have served as a member of the Children Justice Act task force and the Family Court docketing

committee. I currently serve on the Family Court Judges Advisory Committee. I plan to continuing serving the judiciary and the public in anyway that I might be helpful. I routinely make presentations at the Family Court New Judges Orientations each year.

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

No. I have not had such pressures over the last 12 years and don't expect that I would as a Circuit Court judge.

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

a. Repeat offenders:

There are certain offenses that require an enhanced sentence. Repeat offenders may fall into such a category. To the degree that the sentence requires a minimum amount of active time, the Court would impose no less than what the law requires. Having said that, repeat offenders would be treated the same as all other offenders. I would take into consideration any and all mitigating factors that all judges should consider, including the crime itself and the victim(s) of that crime and render a decision that I believe to be just and proper under the circumstances.

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

If a juvenile has been waived up to the Court of General Sessions, a judge has already evaluated the situation and determined that the juvenile should be treated as an adult. The age of any offender may be one of many factors that the Court may consider. For instance, the Youthful Offender Act may be an appropriate sentence for a young person who qualifies for the program. However, I would treat the offender the same as all other offenders. I would take into consideration any and all mitigating factors that all judges should consider, including the crime itself and the victim(s) of that crime and render a decision that I believe to be just and proper under the circumstances.

c. White collar criminals:

I would treat the offender the same as all other offenders. I would take into consideration any and all mitigating factors that all judges

should consider, including the crime itself and the victim(s) of that crime and render a decision that I believe to be just and proper under the circumstances.

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

I would treat the Defendant the same as all other Defendants. I would take into consideration any and all mitigating factors that all judges should consider, including the crime itself and the victim(s) of that crime and render a decision that I believe to be just and proper under the circumstances.

- e. Elderly defendants or those with some infirmity:

I would treat the Defendant the same as all other Defendants. I would take into consideration any and all mitigating factors that all judges should consider, the age of the Defendant, his or her confirmed infirmity, the crime itself and the victim(s) of that crime and render a decision that I believe to be just and proper under the circumstances.

19. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?
No.

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

No, I would not.

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

Yes, I have.

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

I believe a judge should have an even temperament. She/he should be patient and allow the parties to be heard, of course, within the appropriate rules of Court. The judge's demeanor should be stern, but not harsh. He/she should be able to control the courtroom while showing respect to all lawyers, litigants, court staff and court observers. I believe that these rules should apply whenever a judge

is acting in his/her capacity as a judge. When judges are not on the bench, they must still display an even temperament but should be able to be relaxed among staff, colleagues and others.

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

I do not feel that it is ever appropriate to be angry with a member of the public, lawyer, Defendant or anyone who appears in Court. Demonstrations of anger are never appropriate when dealing with the lawyers and self-represented litigants.

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

Daniel E. Martin, Jr.

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

(Signature)

(Print Name)
Notary Public for South Carolina

My Commission Expires: _____