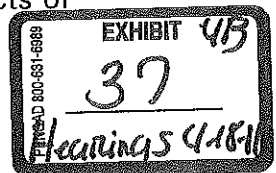


JUDICIAL MERIT SELECTION COMMISSION  
Sworn Statement to be included in Transcript of Public Hearings

Master-in-Equity  
(New Candidate)

Full Name: Maite D. Murphy  
Business Address: 136 W. Richardson Avenue,  
Summerville, SC 29483  
Business Telephone: (843) 832-1120

1. Do you plan to serve your full term if appointed? Yes.
2. If appointed, do you have any plans to return to private practice one day? If appointed as Master-In-Equity I would plan to serve in the judiciary for the remainder of my career, barring any unforeseen circumstances.
3. Have you met the Constitutional requirements for this position regarding age, residence, and years of practice? Yes.
4. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated? *Ex parte* communications are improper and should not be allowed except in circumstances allowed and outlined in the Rules Governing the Judiciary. These exceptions include circumstances for scheduling, administrative purposes or emergencies that do not deal with substantive matters or issues on the merits provided that: the judge reasonably believes that no party will gain a procedural or tactical advantage as a result of the *ex parte* communication; and, that the judge makes provision promptly to notify all other parties of the substance of the communication and allows the other party an opportunity to respond. A judge may also obtain the advice of a disinterested expert on the law if the judge gives notice to the parties of the person consulted and the substance of the advice, and affords the parties reasonable opportunity to respond. A judge may also consult with court personnel that aid the judge in carrying out his or her adjudicative responsibilities or with other judges. A judge may also meet separately with the parties and their counsel in an effort to mediate or settle matters before the court if all parties consent to said meeting. Any other *ex parte* communications may happen only if expressly authorized by law.
5. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you? I would disqualify myself in any proceeding where my impartiality might reasonably be questioned. I would recuse myself if I had any personal biases or knowledge regarding the evidentiary facts of



the proceeding or had an interest in the proceeding. Both of my current law partners are within the third degree of relationship and I would therefore not hear any matters that they had pending before the court. In regards to former associates or lawyer-legislators, I would disclose the relationship on the record for the parties to consider relevant to the issue of disqualification and allow the parties to consider outside of my presence whether or not they would waive disqualification. Said agreement would need to be fully placed on the record. The fact that a person is a lawyer- legislator would not automatically require recusal. If that were the case, no member of the legislature would be able to practice law. All precautions should be taken to ensure that there is not a true conflict of interest or an appearance of bias or prejudice for or against either party. Parties should be satisfied that the court is fair and impartial.

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? If there was an expression of bias or prejudice that was perceived by the parties, even though I believed I could be fair and impartial, I would give deference to a motion for my recusal. This decision would be based upon the fact that said expression of bias could potentially cast a reasonable doubt on my capacity to act impartially in the proceeding.
7. What standards have you set for yourself regarding the acceptance of gifts or social hospitality? Ordinary social hospitality is acceptable, but a judge must not accept gifts from lawyers or their firms if they are likely to come before that judge. Such gifts would raise an appearance of impropriety. Gifts from relatives or friends are acceptable so long as the gift is commensurate with the occasion and the relationship.
8. How would you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge? I would report such misconduct to the appropriate authority.
9. Are you affiliated with any political parties, boards or commissions that would need to be evaluated if you are appointed? I resigned all such positions upon my appointment as a Magistrate Court judge.
10. Have you engaged in any fund-raising activities with any political, social, community, or religious organizations? I have assisted in various fund-raising activities for various non-profit organizations in my community in the past. The organizations include the YMCA, The Miracle League, Children in Crisis, The Rotary Club, and the Dorchester County Bar Association. Prior to my appointment as a Magistrate, I assisted in fund raising activities for the Summerville Republican Women's Club and I was involved in the campaigns of former Solicitors Walter Bailey and Robert D. Robbins.

11. If appointed, how would you handle the drafting of orders? That would depend on the type of order. The court has a duty to take reasonable measures for prompt disposition of matters. There are circumstances in which it would be permissible for the court to request that a party submit proposed findings of fact and conclusions of law, so long as the other party is aware of the request and afforded an opportunity to respond to the proposed order. There are many circumstances, such as bond reduction hearings, where parties have form orders that upon review by both parties, they can submit to the court for approval. Should the matter be something of a complex nature, I would draft the order myself.
12. If appointed, what method would you use to ensure that you and your staff meet deadlines? I would ensure effective communication with my staff so that they understood what was expected and required of their service.
13. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy? Judicial activism is improper. The role of the judiciary is to at all times comply with and apply the applicable law, not to make law, based upon his or her own personal beliefs or agendas.
14. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. What activities do you plan to undertake to further this improvement of the legal system? I would participate in efforts through the bar association or other organizations which are dedicated to the improvement of the law. I believe in being an active participant and giving time to my community.
15. Do you feel that the pressure of serving as a judge will strain personal relationships (i.e. spouse, children, friends, or relatives)? How would you plan to address this? I do not feel as serving as a judge would strain my personal relationships with my family. I currently serve as a part time Judge and continue to be a partner in a busy law firm. I have been able to manage both successfully. I am fortunate to be able to accomplish this by having full support of my family in this endeavor.
16. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality? No.
17. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved? Yes, a *de minimis* interest denotes an insignificant interest that could not raise a reasonable question as to a judge's impartiality.
18. Do you belong to any organizations that discriminate based on race, religion, or gender? No.
19. Have you met the mandatory minimum hours requirement for continuing legal education courses? Yes.

20. What do you feel is the appropriate demeanor for a judge?  
A judge should always be courteous, respectful, patient and dignified to all litigants, jurors, lawyers, and anyone with whom the judge deals with in their official capacity.
21. Do the rules that you expressed in your previous answer apply only while you are on the bench or in chambers, or do these rules apply seven days a week, twenty-four hours a day? Yes. Judges at all times should act in a manner that promotes the public confidence in the integrity and impartiality of the judiciary.
22. Do you feel that it is ever appropriate to be angry with a member of the public appearing before you? Is anger ever appropriate in dealing with attorneys or a pro se litigant? A judge must not express emotions, to include anger, in all proceedings. The court shall require order and decorum at all times. The court is charged with remaining impartial and to not manifest any form of conduct or reaction to include body language that would suggest an appearance of judicial bias.
23. How much money have you spent on your campaign? If the amount is over \$100, has that been reported to the House and Senate Ethics Committees? I have not expended any money on my campaign.
24. If you are a sitting judge, have you used judicial letterhead or the services of your staff while campaigning for this office? No.
25. Have you sought or received the pledge of any legislator prior to this date? No.
26. Have you sought or been offered a conditional pledge of support by any legislator pending the outcome of your screening? No.
27. Have you asked any third parties to contact members of the General Assembly on your behalf before the final and formal screening report has been released? Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf? No.
28. Have you contacted any members of the Judicial Merit Selection Commission? No.
29. Are you familiar with the 48-hour rule, which prohibits a candidate from seeking pledges for 48 hours after the draft report has been submitted? Yes.

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

S/W. Maite D. Murphy

Sworn to before me this 7<sup>th</sup> day of March, 2011.

Notary Public for S.C.

My Commission Expires: 2/4/21