

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



Administrative Law Court
(Incumbent)

Full Name:

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1. Do you plan to serve your full term if re-elected?
Yes, subject to mandatory state retirement.
2. Do you have any plans to return to private practice one day?
I have no plans, but I haven't ruled out the possibility.
3. Have you met the statutory 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 can undermine the integrity of the judicial process and should be avoided. There are occasions in scheduling hearings that my office might contact attorneys individually, but we try to avoid *ex parte* communications by sending out suggested times and dates via simultaneous emails or conference calls. Sometimes self-represented individuals call with questions about procedures, the status of cases, or how to get legal help. I do not take these calls. My law clerk is instructed to refer callers to public sources such as the Court's website for rules, the SC Bar for legal representation, or to the SCALC's clerk of court for other questions.

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

In cases in which my bias might be questioned, I disclose the issue to the parties. If I am certain that I am not biased, I will tell them so. If there are circumstances in which my bias is more subtle (such as a matter in which I have knowledge that would not come from evidence presented in court), I explain that and would grant a party's motion or recuse myself on my own motion.

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

I would not accept gifts except from family members on normal occasions. I accept social hospitality only on occasions in which invitations are general and include all members of groups to which I belong or to the general public.

7. 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?

If certain of the misconduct or infirmity, I would encourage the individual to self-report and to seek assistance. If the circumstances and Rules of Professional Conduct or the Standards of Judicial conduct required, I would also report the behavior.

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

I have made contributions to community organizations and charities, but I do not participate in or lend my name to specific fund-raising efforts.

9. How do you handle the drafting of orders?

Some cases I draft. Other cases I provide an outline of a decision and work collaboratively with my staff. Ordinarily two of us work on an order. A final proofing and review is done by the individual on my staff who has not worked on the order.

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

We keep track of all cases. In contested cases, it is a matter of coordinating hearing dates and beginning work on an order as soon as the hearing is over. For appeals, as soon as the respondent's brief is filed, the case is moved to my desk to review. That way no time is lost if the appellant does not file a reply brief.

For all cases, when a motion is filed, the case is moved to my desk for review in anticipation of a response to the motion. Extension requests when there is no objection, orders must be issued immediately. These techniques and goals are only realizable when staff is fully trained to work as a team.

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

Public policy is set by the legislature. Judges apply the law to the facts of each case. Sometimes the facts get ahead of the statutes, and judges have to make decisions by analogizing existing laws and precedents to apply them to novel questions. While some might see that as judicial activism, cases and controversies have to be resolved.

12. 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 think it is important to explain the operation of the law to young people, including law students who perhaps have not seen how it works outside of law school textbooks. I have welcomed and will continue to welcome visitors and students to my court and to entertain questions afterwards. I have been fortunate to have had attorneys who were willing to remain to answer questions after I excused myself so their candor would not be handicapped.

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

Any work to which a person is committed can strain personal relationships. As a judge, I have certain restraints on what I can do, how I should behave, and on what opinions I can express. I discuss these matters with my children. As a lawyer, my spouse understands and allows me to avoid circumstances that might be uncomfortable.

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

As an owner of a bookstore and rental property, it is possible that a party could have a dispute with an agency that might come before me. So far that has not happened, but I am prepared to disclose any interest that might impair the appearance of impartiality. I did recuse myself from one tax case in which I believed I might have personal (extra-judicial) knowledge of the business arrangements being challenged.

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

Even a *de minimis* interest should be disclosed. If, after disclosure, a party objected to my hearing the case, I would step aside.

16. 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 these bases.

No

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

Yes

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

A judge has to be calm, thoughtful, and patient. It is important to listen carefully to what parties and witnesses say and to do so in a manner that encourages other people

in the courtroom to do so as well. I find it best to practice those rules and behaviors in all circumstances in court, in the office, and outside of the professional setting.

19. 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?

No. However, sometimes a judge has to be firm to maintain control of the courtroom so that the proceeding is fair to all parties.

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

Sworn to before me this ____ day of _____, 2019.

(Signature)

(Print name)

Notary Public for South Carolina

My Commission Expires: _____