



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

**Administrative Law Court**  
(Incumbent)

Full Name: Deborah Brooks Durden

Business Address: 1205 Pendleton Street, Suite 224, Columbia, SC 29201

Business Telephone: 803-734-0550

1. Do you plan to serve your full term if re-elected?

Yes

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

No

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?

The only circumstance in which I would tolerate *ex parte* communication is to deal with scheduling issues or urgent procedural matters when all parties are not available for a telephone conference at the same time and which could not be handled by a law clerk or administrative assistant. Of course I would immediately communicate the substance of the conversation to the other party(ies) and offer them an opportunity to respond.

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?

I would give considerable deference to such a motion and would grant it unless I believed that it was made for purposes of delay or otherwise to gain an advantage in the matter rather than out of genuine concern about the potential of bias.

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

I do not accept gifts or hospitality which would give the appearance of affecting my impartiality in matters that might come before me.

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?

I would initiate a conversation with the affected lawyer or judge to hear from them concerning the circumstances of the situation. If, after such a conversation, I was

convinced that misconduct had occurred or the individual was medically unable to perform the duties of the job, I would report the misconduct or infirmity to the appropriate authority.

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

No

9. How do you handle the drafting of orders?

In matters where the parties are represented by counsel I frequently request proposed orders at the close of a hearing, either from both attorneys or from one attorney and offer the other attorney an opportunity to respond to the proposed order. I consider any proposed orders and comments and prepare an order reflecting my judgment in the matter. In matters where the parties are not represented by counsel, or where the issues are not complicated, I draft the order myself, sometimes with the assistance of staff counsel.

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

I have a tickler system utilizing calendaring software to keep track of all deadlines.

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

I do not believe that judges should engage in judicial activism, but should follow constitutional and statutory law and caselaw precedent. Such an approach promotes predictability of results and encourages the private settlement of disputes rather than protracted litigation. It also avoids judicial interference in the powers reserved to the legislative branch of government.

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 volunteer as a CLE speaker and conduct mock trials and mock legislatures with student groups. I also serve as a mentor for law students and recent graduates.

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?

My service does not strain my personal relationships.

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

No.

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

It would depend on the type of party and interest involved and whether the *de minimis* interest could reasonably call my impartiality in the matter into question. I would evaluate each matter carefully, considering whether the interest was mine or that of a family member; the type of entity the party was; and any other circumstances such as the existence or absence of personal relationships with the party or officers of the party.

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's demeanor should be patient, considerate, and firm. It is important for a judge to create a climate in which litigants have confidence that their concerns will be fairly heard by a judge who is competent in the law and procedure and impartial and fair in applying them. As a judge I am aware that my conduct at all times affects a litigant's confidence in my fairness and so I conduct myself accordingly at all times.

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?

I do not believe that displays of anger are appropriate on the part of a judge. Litigants who believe that a judge is, or has been, angry with them would reasonably fear that the judge's impartiality in handling their case could be compromised. I do believe, however, that a judge must at times be firm with litigants in expressing the standards of the courtroom and in refusing to tolerate inappropriate behavior.

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: \_\_\_\_\_