



1461 JUDICIAL MERIT SELECTION COMMISSION
Sworn Statement to be included in Transcript of Public Hearings

Circuit Court
(New Candidate)

Full Name: Debra R. McCaslin d/b/a Debra Y. Chapman

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1. Why do you want to serve as a Circuit Court judge?

I have practiced law for 26 years and would like to utilize the rest of my professional career as a public servant. I have a successful practice, but believe serving as a Circuit Court judge would be very rewarding for me. I would look forward to new cases every day and deciding the fairest result of each. I have a good temperament and have always been kind and courteous throughout my career. I have learned preparedness and knowledge of the law is half the battle of practicing law. Finally, I believe somewhere between accountability and forgiveness is fairness. If elected, I would adhere to these beliefs. I would very much like to be a circuit judge.

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

3. Do you have any plans to return to private practice one day? No.

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?

I believe a judge should not generally engage in *ex parte* communications and I would discourage this type of communication. However, there are exceptions for the purpose of scheduling, administrative purposes and emergencies. There are also certain circumstances where *ex parte* communications are authorized by law. For example, I have submitted *ex parte* motions for expenses needed to defend indigent clients. I have read Rule 501, Code of Judicial Conduct, Canon 3(b)(7) and would follow its guidance to ensure no side gains an

unfair advantage and ensure impartiality with prompt notice to all parties about any ex parte communications.

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?

A judge is disqualified whenever the judge's impartiality might reasonably be questioned. "A judge should disclose on the record information that the judge believes the parties or their lawyers might consider relevant to the question of disqualification, even if the judge believes there is no real basis for disqualification." Rule 501, Code of Judicial Conduct, Canon 3(E)(1). Yes. I would grant the motion.

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 make sure my spouse and close relatives know about the requirements of Rule 501, Code of Judicial Conduct and help them understand why there are certain events I cannot attend; gifts that can't be accepted; engage in financial and fiduciary activities and give legal advice. I would encourage my spouse and any close relative to refrain from any such conduct.. I would disqualify myself from hearing any cases involving my spouse or close relative.

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

I am aware of the limitations on accepting gifts. I would only accept those gifts set out in Rule 501, Code of Judicial Conduct, Canon 4(5). I would not accept a gift that might be viewed to influence my decision. I would encourage my spouse any close family members to refrain from any such conduct. I would disqualify myself from hearing any cases involving my spouse or close relative.

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?

I would report judge to the appropriate authority or other agency or body for conduct that raises a substantial question as to fitness for office. Likewise, I would report the lawyer if he has committed a violation of the Rules of Professional Conduct that questions his honesty, trust worthiness or fitness to the appropriate authority. This may include direct communication with the judge or lawyer in question and other action if available. Rule 501, Code of Judicial Conduct, Canon 3(D)(1) and (2).

Infirmity of a fellow lawyer or judge, depending on the circumstances, I may address the problem with either the lawyer, his supervisor, make a referral to an assistance program designed to address the problem or report it to the appropriate authority. Rule 501, Code of Judicial Conduct, Canon 3(G).

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.

No. I would not belong to such an organization or association. Rule 501, Code of Judicial Conduct, Canon 2(C).

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

Yes. The Greater Chapin Community Foundation, Board Member 2011-2012. I have helped raise monies for this foundation. The goal of this foundation is to build a permanent endowed fund to address community needs.

I also helped my church, St. Thomas Lutheran, raise monies for a piano.

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 would permit litigants to submit proposed orders, however, I would prefer to write my own orders.

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

I would monitor and supervise my caseload to avoid any unnecessary delays by use of calendaring, docketing practices and use of information systems to monitor age and status and due dates.

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

Throughout my career, I have seen the law change on numerous occasions and sometimes overnight. I believe it is a judge's duty to interpret the laws, and ensure they are applied correctly within the bounds of the law. It is the legislators'

duty to create laws.

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 would like to participate in the court ordered drug Court program or teach a class at the law school. I would also participate in Continuing Legal Education courses.

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?

As a sole practitioner, I find there are aspects of the law that are extremely stressful. There are deadlines, changing laws, client demands, overhead expenses, new technologies and long work hours. I can only imagine the pressures of serving as a judge is just as stressful and challenging. I have found that a balanced life, with time for work, relationships, relaxation and physical exercise meet these challenges head on. My husband and I take a vacation every year. We enjoy boating, fishing and hunting. We are both very active and workout on a regular basis. I became a certified group trainer several years ago and teach evening weight-lifting class three times a week. This combination allows us to work and enjoy life without a lot of stress.

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:
- b. Juveniles (that have been waived to the Circuit Court):
- c. White collar criminals:
- d. Defendants with a socially and/or economically disadvantaged background:
- e. Elderly defendants or those with some infirmity:

It is my experience each case is different and how I would handle each case would depend on the circumstances (i.e. type of crime, criminal history, etc.). I am also aware of the sentencing choices available. For example, the Youthful Offender Program (YOA). I would be fair to all of the above defendants.

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?

It depends. If it was “more than a *de minimis* interest” then I would disqualify myself as stated in Canon 3(E)(c). The question refers to just a *de minimis* interest meaning an insignificant interest that could not raise reasonable question as to a judge’s impartiality. Out of an abundance of caution, I would disclose on record under, Code of Judicial Conduct, Rule 501, Canon (3)(F).

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

Yes.

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

A judge should be patient, dignified and courteous to litigants, jurors, witnesses and others, while in an official capacity. Rule 501, Code of Judicial Conduct, Canon 3(4).

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?

No. It would be inappropriate in any circumstance to become angry with any member of the public, criminal defendant or a pro se litigant. Despite the circumstances, a judge must remain neutral and detached.

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: _____