



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

**Supreme Court/Court of Appeals
(Incumbent)**

Full Name: George Coggin James, Jr.

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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? Not at this time.

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?

My philosophy is to follow the letter and spirit of Canon 3(b)(7) (text and comments) and not to engage in such communications unless explicitly permitted and absolutely necessary. I am particularly cognizant of the general rule against such communications, but they are permitted in limited instances set forth in Canon 3(B)(7)(a)-(e). At the appellate level, the specter of *ex parte* communications is not as prevalent as it is at the trial level, but one must exercise caution and follow the rules all the same. My law clerks and administrative assistant are directed to follow the same rules.

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?

If my partiality can reasonably be questioned, I must disqualify myself. If I were to disclose something that has the appearance of bias, but I believe

it would not actually prejudice my impartiality, I would review the issues with the parties (or their counsel if represented) and give both sides the opportunity to state their positions; if the party requesting recusal had a good faith and reasonable argument that my partiality might reasonably be questioned, I would disqualify myself. If, however, the party were trying to concoct an appearance of bias, or if I did not think my impartiality might reasonably be called into question, I would not disqualify myself.

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

Ordinary social hospitality is appropriate between friends. If the friend is an attorney, the same general rule applies, but "ordinary" is the key word. When the friend is an attorney, special care should be exercised to avoid the appearance of impropriety. I would not accept anything other than "ordinary" social hospitality, especially if the friend were an attorney. I typically accept invitations to yearly meetings of the South Carolina Bar, the South Carolina Association for Justice, and the South Carolina Defense Trial Attorneys Association, and I report all necessary items on my yearly disclosure statement.

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?

Canon 3(D)(1) and (2) generally control these situations. If I received information indicating a substantial likelihood a judge violated a provision of the Canons or was not fit for office, I would be required to take "appropriate action." This might include direct communication with the judge or lawyer and reporting the violation to the appropriate authority or other agency or body. If I had actual knowledge a judge violated a provision of the Canons or was not fit for office, I would be required to inform the appropriate authority. If I receive information indicating a substantial likelihood that a lawyer had violated an ethical rule, I would be required to take similar "appropriate action." If I had actual knowledge of a lawyer's violation of an ethical rule that raised a substantial question as to the lawyer's honesty, trustworthiness, or fitness as a lawyer, I would be required to inform the appropriate authority.

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

No. I avoid even the appearance of engaging in any such activity. Please see my answer to Question 13.

9. How do you prepare for cases that come before you?

Preparation at the appellate level requires great attention to every pertinent detail. I and my law clerks read the appellate record, briefs, and cited authorities, and we also look for authority the parties may not have cited in their briefs. Our system of preparation also allows for limited discussion between my chambers and other chambers.

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

My philosophy has been and continues to be that I interpret and apply the law and do not make the law (unless the issue is completely novel and is not addressed by statute). The role of setting public policy primarily belongs to the legislature, and our rulings must honor the public policy set forth by the legislature, provided the policy is not repugnant to the Constitution. In instances in which there is statutory ambiguity, unclear legislative intent, or a public policy issue not best addressed by the legislature, the Supreme Court would address the issue and rule accordingly.

11. 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 am always been willing to speak to legal organizations if my schedule permits. I have spoken to service organizations and school classes as well, and the topic is typically on the law, the legal system, and the administration of justice. I am particularly interested in improving the public's understanding and attitude about lawyers and the legal system.

12. 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?

I have not experienced any strain in any of these relationships.

13. Are you currently serving on any boards or committees? If so, in what capacity are you serving?

I serve on the Board of Trustees of Wilson Hall School in Sumter. This summer, I am ending my service as chairman (and as a member) of the

Athletic Committee of the South Carolina Independent Schools Association. I have served on various committees with my church, Trinity United Methodist Church, and plan to continue to do so. I am currently on an investment committee for the church, which is permitted by Canon 4(C)(3)(b)(i). However, I do not participate in the solicitation of funds and do not use or permit to be used the prestige of my office for any fund-raising. This committee does not raise funds and is devoted solely to proper investment of funds that have been already raised in manners completely separate from this committee (tithes, offerings, bequests, memorials, etc.).

14. Please describe your methods of analysis in matters of South Carolina's Constitution and its interpretation by explaining your approach in the following areas. Which area should be given the greatest weight?

a. The use and value of historical evidence in practical application of the Constitution:

It is important to consider reliable historical evidence when the intent of the framers must be ascertained.

b. The use and value of an agency's interpretation of the Constitution:
An agency's interpretation of a constitutional provision is to be accorded no special deference. If the agency is a party to the proceeding, I would give the agency's interpretation of the constitutional provision the same deference I would give to the interpretation of any other party.

c. The use and value of documents produced contemporaneously to the Constitution, such as the minutes of the convention:
Other than the text of the Constitution, these documents should be given the greatest weight in ascertaining the intent of the framers.

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

No. I, my brother, and my sister own two parcels of real property in Sumter County and in Clarendon County that we rent to two tenants. Neither situation would, in general, impair the appearance of impartiality. Of course, if an employee or principal of either tenant were to be involved in proceedings before me as a witness or a party, I would not participate.

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 any basis. Commentary to Canon 4(C)(3) provides that a judge may be a member of a fraternal organization that does not practice "invidious discrimination." By definition, discrimination is "invidious" if it is motivated by animosity, hostility, or resentment of an excluded group. I am a member of the Thalian Club, a local (Sumter) fraternal and social organization that has only male members. It has only two events per year (a Christmas party and a spring party), both of which are purely social and both of which are attended by spouses. It by no means practices invidious discrimination against females.

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

Yes

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

The appropriate demeanor for a judge is to be, at all times, patient, courteous, and dignified.

19. Is there a role for sternness or anger with attorneys?

There is a role for sternness but not anger.

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 July, 2019.

(Signature)

Print Name

Notary Public for S.C.

My Commission Expires: _____