

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

Circuit Court
(Incumbent)

Full Name: Perry M. Buckner, III
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1. Why do you want to serve another term as a Circuit Court Judge?
I believe the experiences I have gained since July 1, 2000 would serve me in seeking an additional term as a Circuit Court Judge, and if given the opportunity to do so, I believe I could utilize my experience in improving my performance as a circuit court judge.

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

3. Do you have any plans to return to private practice one day?
Not at this time.

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?

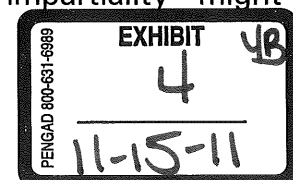
I do not permit *ex parte* communications unless it involves scheduling or an *ex parte* temporary restraining order permitted by law. This is governed by Canon 3B(7) of the Code of Judicial Conduct which permits *ex parte* communications under limited circumstances.

6. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you?

My philosophy on recusal is that I would recuse myself on any matter which I felt my impartiality might reasonably be questioned. I do not recuse myself automatically when lawyer legislators or former associates or former law partners appear in front of me unless required by Canon 3E of the Code of Judicial Conduct

7. 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 great deference to a party that requested my recusal where I had disclosed something that had the appearance of bias, but I believed that it would not actually prejudice my impartiality. The standard which applies is whether my "impartiality might



reasonably be questioned." I would in all likelihood recuse myself because of the appearance of bias despite my beliefs.

8. How would you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative?

I would probably grant recusal for the appearance of impropriety involving any financial involvement of my spouse or a close family relative. I would not necessarily grant recusal because of the social involvement of my spouse or a close family relative unless I felt this involvement rose to the level of the appearance of impropriety, and that "my impartiality might reasonably be questioned."

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

I would only accept ordinary social hospitality such as a meal, however, I have accepted lodging from the SC Solicitors Association, SC Defense Trial Attorneys Association and SC Association for Justice. I try to comply with Canon 4D(5) even though ordinary social hospitality is permitted.

10. How would you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge?

If I became aware through personal knowledge of a substantial likelihood of misconduct of a lawyer or a fellow judge, I would comply with the Cannons and take appropriate action. If I have personal knowledge of a lawyer or a judge committing misconduct I would inform the appropriate authority.

11. Are you affiliated with any political parties, boards or commissions that, if you were re-elected, would need to be re-evaluated? No.

12. Do you have any business activities that you would envision remaining involved with if reelected to the bench? No.

13. How do you handle the drafting of orders?

I normally request both sides of an issue to prepare draft orders and then I edit the proposed orders to comply with the facts and circumstances of a case. In some situations, I draft the order myself with the assistance of my law clerk without requesting proposed orders.

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

I have a calendar on my computer, my phone, and my desk and I also request that my administrative assistant and my law clerk calendar any deadlines so that we can crosscheck to ensure that deadlines concerning any matter are kept.

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

Judges should not make laws, which is a matter for the legislature. A judge may have to decide what is public policy, but a judge should never be the one to set public policy.

16. 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 have helped initiate mandatory mediation in the 14th Judicial Circuit. This means that you must mediate any civil action pending in the 14th Judicial Circuit before any civil case is placed on the jury trial roster. I have also instituted the Assign A Highway program in Colleton County. This means that as a condition of a probationary sentence that I hand down in General Sessions Court, a condition of probation becomes picking up litter on the public highways of Colleton County which has been successful in addressing the litter problem. I also speak each year at the Circuit Court Judges Orientation School as a means of providing continuing legal education. I have also spoken to numerous community groups on the role of the judiciary in our society. I am also a member of the Alternative Dispute Resolution Board.

17. 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?

Although I feel that serving as a judge can sometimes strain personal relationships with family, I have taken steps to remind the members of my immediate family that each of us needs to be aware of the responsibility I have as a judge to the people of South Carolina. I am confident that the members of my immediate family are aware of the additional responsibility my position places on them from our discussions. I have advised my family that I would never allow any personal relationship to affect any ruling I may make from the bench.

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:

I would certainly give consideration in any sentence to a repeat offender as I believe repeat offenders call for serious consideration of whether they have learned any lesson from their previous conviction.

- b. Juveniles (that have been waived to the circuit court):

If a juvenile is waived to circuit court, the juvenile is treated in sentencing as any other offender charged with an identical crime. I would, however, consider the age of the juvenile in determining a sentence as well as the severity of the offense.

- c. White collar criminals:
I do not believe that white collar criminals should be treated any differently from any other offender in sentencing.
 - d. Defendants with a socially and/or economically disadvantaged background:
I would certainly consider the economically disadvantaged background or the socially disadvantaged background of a defendant when sentencing, however, I do not believe this is an outcome determinative factor in reaching a sentence. This is just one of many factors a judge should consider in reaching a fair sentence.
 - e. Elderly defendants or those with some infirmity:
I would certainly consider an elderly defendant or a defendant with some infirmity, however, I would not consider this to be an outcome determinative factor in sentencing unless the infirmity directly related to the conduct prohibited. This is just one of many factors a judge should consider in reaching a fair sentence.
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?
I would disclose a *de minimis* financial interest before even considering whether or not to hear any case in which myself or a member of my family held such a financial interest. If, after such disclosure, my impartiality "might reasonably be questioned," I would recuse myself.
21. Do you belong to any organizations that discriminate based on race, religion, or gender? No.
22. Have you met the mandatory minimum hours requirement for continuing legal education courses? Yes.
23. What do you feel is the appropriate demeanor for a judge?
Patient, Prepared, Dignified, Prompt, Courteous, and attempt to use common sense
24. 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?
The rules apply seven days a week, 24 hours per day.
25. 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 a pro se litigant?
I do not believe anger is appropriate in sentencing any defendant in criminal court or in dealing with attorneys or litigants. I

believe if a judge feels that he or she is angry, he/she should take a break before making any decision in order that anger would not influence the judge's decision. I also believe that it is impossible to have judges who do not feel angry at times on the bench, however, this emotion should not be a part of any decision by a judge in dealing with any party that comes before the court.

26. How much money have you spent on your campaign?
If it is over \$100, has that amount been reported to the House and Senate Ethics Committees? Less than \$100 for postage.
27. While campaigning for this office, have you used judicial letterhead or the services of your staff for your campaign? No.
28. Have you sought or received the pledge of any legislator prior to this date? No.
29. Have you sought or been offered a conditional pledge of support by any legislator pending the outcome of your screening? No.
30. 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.
31. Have you contacted any members of the Judicial Merit Selection Commission? No.
32. 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/Perry M. Buckner, III

Sworn to before me this 9th day of August, 2011.

Notary Public for South Carolina

My commission expires: 2/26/2019