

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

Circuit Court
(Incumbent)

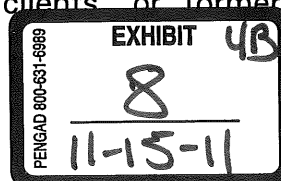
Full Name: George Coggin James, Jr.
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1. Why do you want to serve another term as a Circuit Court Judge?
I enjoy the job and I believe I can continue to serve very effectively.
2. Do you plan to serve your full term if re-elected? Yes
3. Do you have 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?

My general philosophy is to follow the Judicial Canons and common sense. *Ex parte* communications are permitted in only limited instances, such as discussing scheduling matters, hearing motions for temporary restraining orders, emergency matters not dealing with the merits of a case, and defense motions for funding in criminal cases. After engaging in most *ex parte* communication, I am required to notify other parties of the communication. Other than those instances, I do not engage in *ex parte* communication. I also advise my staff of the prohibition on *ex parte* communication, subject to the above exceptions.

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

Lawyer-legislators are very conscientious about not using their positions to obtain any advantage over an adverse party and I have not encountered any situations with lawyer-legislators in which I was requested to recuse or in which I felt the need to recuse *sua sponte*. They typically bend over backwards to avoid any appearances of impropriety. My former law partners do infrequently appear in front of me, and that is permissible, provided that the matter involved is not one that was pending in my former firm when I departed in 2006. In instances in which close friends, former clients, or former client



adversaries have appeared in front of me, I would advise the parties of the relationship and typically recuse myself, even if not requested. My overall philosophy in other matters is, again to follow the Judicial Canons and common sense. If a situation arises, even if unknown to the parties or their counsel, I notify them of the potential issue, give them the opportunity to discuss it with their clients outside of my presence, and recuse myself if there is an actual conflict or if my impartiality might reasonably be called into question.

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?

My practice is to recuse myself if my impartiality might reasonably be called into question, even if I really believe I could be impartial. Even if the parties do not know of the possible conflict, I will bring it to their attention.

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

If a relative were involved in a case as a witness or a party, I would not take part. If a close relative or my spouse were involved socially with a party or had more than a *de minimis* financial interest in the outcome of a case, I would recuse myself; what is '*de minimis*' is in the eye of the beholder, and I would recuse regardless of the level of potential financial interest, as it wouldn't look right if I presided. In situations involving financial or social involvement of my spouse, or a close relative outside the court system, if their involvement in a matter was improper, I would discourage it and try to end it, if possible.

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

Ordinary hospitality to and from my friends is appropriate. Gifts on special occasions between friends are appropriate, as long as the gift is not extreme. I accept invitations to bar functions in accordance with the Canons. The Circuit bench is routinely invited to attend the yearly Bar Convention, and the SC Defense Trial Attorneys Association and S.C. Association for Justice annual conventions, and that is permitted and disclosed on my yearly Disclosure Statement.

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

I am required to report it if I have actual knowledge of it. If I were to receive information indicating a substantial likelihood of misconduct, I would take "appropriate action", i.e., direct communication with the judge or attorney, or report the conduct if necessary.

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?
Predominantly, my law clerk and I draft the orders I sign.
14. What methods do you use to ensure that you and your staff meet deadlines?
I, my law clerk, and my assistant maintain calendars.
15. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy?
It is settled in my mind that I am to interpret and apply the law, and not "make law". I apply public policy as set forth by statute and existing case law and do not create it on my own.
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 spoken to legal groups, most recently to the Third Circuit PDs and solicitors, about legal topics and am available to speak on topics that have some positive impact on the administration of justice. Circuit Judge Stilwell, Judge Bruce Williams of the Court of Appeals, former Court of Appeals Judge William Howard and will be presenting a panel discussion for attorneys at the SC Defense Trial Attorneys Association meeting in November. I have also presented lectures in the Advanced Evidence course at the National Judicial College in Reno, Nevada.
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?
I have not had the misfortune of having any relationships strained as a result of my service.
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.
Overall, I treat each case on its own and don't have a self-imposed range of sentencing for any given category of offender.
 - a. Repeat offenders:
Repeat drug offenders and repeat property crime and repeat violent offenders must be distinguished from one another as "repeat offenders". As for repeat drug offenders, I look at whether they are repeat drug use or repeat drug dealer defendants. Repeat drug dealers are more subject to mandatory prison terms and I apply sentences according to their criminal histories and the circumstances of the charged crime. As for

repeat drug users, that is a difficult category, as I have to keep in mind that prison is not always the best place for the offender to be if the habit is to be kicked and future drug crimes are to be avoided. Drug court and inpatient treatment is sometimes effective, but sometimes prison is the only option. Repeat property crime and violent offenders—I typically give them prison time, but the difficult issue in property crime cases is when some restitution is owed to a victim. If the offender goes to prison, restitution is going to be unlikely.

b. Juveniles (that have been waived to the circuit court):
In five years, I have had limited dealings with juveniles who have been waived up to Circuit Court, and I keep in mind that they have been waived up for good reason.

c. White collar criminals:
These are typically financial crimes, and I try to be cognizant of the victim's interest in obtaining restitution, but I usually sentence repeat financial criminals to prison time. I do not give white collar drug, violent, etc., offenders special treatment because of their higher economic status.

d. Defendants with a socially and/or economically disadvantaged background:
I don't view their status as an excuse for their crimes, but this category of defendant is all too common. Those defendants who have never had a chance in life or have never caught a break are heart breaking and I do try to fashion a sentence that will require these defendants to pay for their crimes, while at the same time offer some hope of rehabilitation and overall hope for the future. This philosophy does not apply to violent offenders or to repeat-repeat offenders who are socially or economically disadvantaged.

e. Elderly defendants or those with some infirmity:
See (d) above.

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?
No, even though I would be permitted to do so.

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?

Civil, courteous, and firm. No showing of personal contempt for any lawyer, witness, or litigant.

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?

All times, especially courtesy and civility.

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?

Anger is never appropriate, though firmness is. Some lawyers and litigants confuse the two, and some will push the envelope to try to get a rise out of opposing counsel or parties and the court. I think I have done well in that regard.

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? None

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/George Coggin James, Jr.

Sworn to before me this 1st day of August, 2011.

Notary Public for South Carolina

My commission expires: 05/26/2019