

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

Administrative Law Court
(Incumbent)

Full Name: John Davis McLeod
Business Address: 1205 Pendleton St.
Edgar A. Brown Bldg., Suite224
Columbia, SC, 29201
Business Telephone: 803-734-6403

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 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?

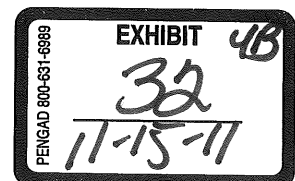
My philosophy is that *ex parte* communications should be avoided at all costs because even if innocuous, they tend to undermine confidence in the system. Canon 3B(7) of Judicial Conduct does permit limited *ex parte* contact. Contact for scheduling and administrative matters certainly contributes to the efficient administration of justice but my view is that such contact is best left to administrative personnel.

5. 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 is that a judge should recuse himself or herself in all cases in which there is a genuine conflict of interest or in cases in which the appearance created by the failure to recuse tends to undermine confidence in the system. Recusal should not be granted on tenuous grounds that are patently for delay or constitute a veil for "judge shopping". It is not possible for Administrative Law Judges to avoid lawyer-legislators who practice administrative law.

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?

I would probably give substantial deference to the requesting party and probably grant the motion.



7. What standards have you set for yourself regarding the acceptance of gifts or social hospitality?
Never accept gifts except as permitted by Canon 4D (5).
8. How would you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge?
If I had unequivocal knowledge, reporting is absolutely required. If it was rumor or surmise, I would "take appropriate action" as required by Canon 3D, depending upon the facts presented.
9. Are you affiliated with any political parties, boards or commissions that need to be re-evaluated? No.
10. Have you engaged in any fund-raising activities with any political, social, community, or religious organizations? No.
11. How do you handle the drafting of orders?
In complex cases, I have the prevailing party prepare a proposed order and send it to the opposing party and to my law clerk in Word format. I then make any necessary additions or omissions. My law clerk does simple orders which I review. On requests for some simple orders (continuance, extension of time), I stamp "Granted" or "Denied" and sign and date.
12. What methods do you use to ensure that you and your staff meet deadlines?
Computer calendar and paper calendar-both mine and law clerk's.
13. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy?
I am not a judicial activist. Judges should decide based on logic and reason based on law and regulations made by the legislature.
14. 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 would like to serve on a committee with the goal of simplifying practice and procedure.
15. 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 children are grown with families of their own and my wife supports my service.
16. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality? No.
17. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved?

Even though Canon 3E permits it, such cases are best avoided because the determination of what is "de minimis" is subjective and what is acceptable to one may not be to another.

18. Do you belong to any organizations that discriminate based on race, religion, or gender? No.
19. Have you met the mandatory minimum hours requirement for continuing legal education courses?
I am no longer required to participate in CLE because of my age.
20. What do you feel is the appropriate demeanor for a judge?
A demeanor that preserves the dignity of the state without being rude or boorish.
21. 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 the time.
22. Do you feel that it is ever appropriate to be angry with a member of the public, appearing before you?
Absolutely not but firmness is appropriate when necessary to preserve decorum in the courtroom. Is anger ever appropriate in dealing with attorneys or a prose litigant? No
23. How much money have you spent on your campaign? If the amount is over \$100, has that been reported to the House and Senate Ethics Committees?
\$0.00, and I do not anticipate spending more than \$100.
24. While campaigning for this office, have you used judicial letterhead or the services of your staff for your campaign? No.
25. Have you sought or received the pledge of any legislator prior to this date? No.
26. Have you sought or been offered a conditional pledge of support by any legislator pending the outcome of your screening? No.
27. 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.
28. Have you contacted any members of the Judicial Merit Selection Commission? No.
29. 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/John Davis McLeod

Sworn to before me this 25th day of July, 2011.
Notary Public for S.C.
My Commission Expires: 2/26/2020