

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

Circuit Court
(New Candidate)

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

I have spent my entire legal career inside a courtroom trying cases. I love being in court and participating in the judicial process. I want to be a Circuit Court Judge so I can help administer justice to all parties. I believe my significant trial experience and my ability to relate and communicate with people will make this a rewarding and fun job. I believe I can be fair, firm and just. I really think my background has prepared me to be an effective Circuit Court 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?

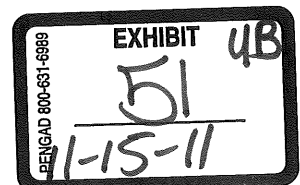
I have prosecuted almost my entire career. After I retire as a judge, I would like to spend a few years in private practice.

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?

As per Canon 3 of the Code of Judicial Conduct, I believe that *ex parte* communications should be discouraged, and allowed only to assist in scheduling, administrative matters and emergencies that do not deal with substantive matters or issues on the merits. A judge must reasonably believe that no party will gain an advantage and notify all parties of the nature of the *ex parte* communication and give all parties an opportunity to respond. *ex parte* communication may be expressly authorized by law for the issuance of a temporary restraining order under certain limited circumstances, the issuance of a writ of supersedes under exigent circumstances, the determination of fees and expenses for indigent capital defendants, the issuance of temporary orders related to child custody and support where conditions warrant and the issuance of a seizure order regarding delinquent insurers. I believe that *ex parte* communications should never be allowed where one side will possibly gain an advantage over the other side.

6. What is your philosophy on recusal, especially in situations in which



lawyer-legislators, former associates, or law partners are to appear before you?

I understand and intend to follow Canon3(E) of the Code of Judicial Conduct which deals with the recusal or disqualification of a judge. I believe that justice requires that the litigants are served by an impartial judge. A judge's failure to disclose conflicts or recuse himself where necessary robs those litigants of the justice that is the judge's duty to provide them. Recusal is required where a judge's impartiality might reasonably be questioned. I do not believe recusal is required when lawyer-legislators appear before me. These lawyers have to be able to perform their trade and recusal just because they appoint judges would not be fair to the legislators. The Canon state that a judge should recuse himself if his impartiality might reasonably be questioned; if he has a personal bias or prejudice concerning a party or a party's lawyer, personal knowledge of disputed facts; was a lawyer in the matter in controversy, or a lawyer with whom the judge used to practice law served as a lawyer in the matter or the judge is a material witness concerning the matter. The Canon additionally states there are times when a judge shall recuse when the judge or a family member has more than a de minimis interest in the proceeding. If former associates or law partners appeared before me, and I do not believe my impartiality could reasonably be questioned, I would still disclose on the record that the party was a former associate or law partner. After such disclosure, I would hear both parties as to whether or not they felt I needed to recuse. In the situation where a matter comes before me that I was involved in before I became a judge, I would recuse myself.

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?

If I felt I should recuse, I would disqualify myself, regardless of what the party had to say. Where I didn't feel that I should recuse, I would disclose the relevant information and would then listen to what the parties had to say and include their respective positions in the analysis of recusal. This would really depend on the nature of the potential bias. Assuming it is a matter where I could be impartial, I would weigh on one side the appearance of bias against my duty as a judge to dispose of all judicial matters promptly, efficiently and fairly. If my impartiality might reasonably be questioned, I would recuse myself.

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 recuse myself if the interest was more than de minimus. I would follow Canon3(D)(1)(c) and (d) of the Code of Judicial Conduct.

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

I would only accept ordinary social hospitality or gifts from family for special occasions. I would also follow myself and advise my family to follow the requirements of Canon 4(D)(4) and (5) of the Code of Judicial Conduct. Canon 4 lays out the guidelines for such gifts and hospitality. I would also follow all of the necessary disclosure requirements that the Canon also imposes for such gifts or hospitality.

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

I would take the appropriate action and inform the appropriate authority, pursuant to Canon 3(D) of the Code of Judicial Conduct.

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

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?

Depending on the issue, I will draft most orders myself and on occasion ask opposite counsel to submit proposed orders. I will either adopt or amend such proposed orders to reflect my rulings.

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

I will institute a calendaring system using both electronic and paper calendars.

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

I believe that the judiciary should be independent and that separation of powers is a fundamental part of the American system of government. I also believe that a judge should be faithful to the law. A judge's responsibility is to hear those cases or controversies that are placed before him and to apply and interpret the applicable laws and provisions of the South Carolina and Federal Constitutions to those controversies. Public policy issues would only come before a judge to the extent that some actual case or controversy before the judge implicated a public policy issue. In deciding such a conflict, a judge is charged to remain faithful to the law. Outside of actual cases or controversies before a judge, such public policy issues should properly be set by one of the other two branches. Any outside activity by a judge is governed by Canon 4(B) of the code of Judicial Conduct.

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?

A key to access to and confidence in the judicial system is the education of the citizens as to the role and workings of the judicial system. I plan on being active with the Bar associations and community in order to foster such education. I also plan on assisting and advocating, within the appropriate boundaries, for any changes that I

feel may improve the delivery, administration, or integrity of judicial system to the citizens of South Carolina.

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?

I have spent 22 years serving in the quasi-judicial function of gatekeeper to the criminal justice system as either a Deputy Solicitor, Assistant Solicitor, or Assistant Attorney General. As such, I have dealt with many of the same or similar pressures or strains that I believe I would face as a judge. My relationships with my family and all of my personal relationships have developed in spite of those strains.

In all of this, I have been blessed with the assistance of a wonderful wife who has helped keep me grounded. I look forward to meeting the new pressure with her support.

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:

Offenders in this category have not been rehabilitated or learned from their prior encounters with the criminal justice system. Generally the sentences for repeat offenders should be more severe than first time offenders. If they have a probation violation along with their new charge or have not been successful on a prior probationary sentence, a straight sentence with no probation may be appropriate. Offenders that show no respect for the law or their neighbors and continue to violate the law should receive a sentence reflecting that conduct. However, this will depend on the type of crime and the type of criminal. A judge must determine whether an offender is a non-violent career criminal, a violent offender or an addict who steals to support his habit. Violent repeat offenders should be incarcerated. Alternatives to prison may be appropriate in certain circumstances for non-violent repeat offenders if an effective alternative to prison is available. Such sentences should be closely supervised. A sentence with successful completion of drug rehabilitation may be appropriate for an addict in certain cases with jail time hanging over the offender if he is not successful. If there are alternatives to incarceration where the public can be protected, then they should be explored under certain situations. Each case must be decided on a case by case basis. I do believe that a Judge should be consistent with his sentences. Similarly situated offenders should be treated the same.

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

If a juvenile has been waived from Family Court to the Court of

General Sessions, a hearing would have been held before a Family Court Judge to accomplish that waiver. Part of the waiver procedure is that a pre-waiver evaluation of the offender is conducted. The Family Court Judge has that evaluation at hand when deciding to waive the juvenile to adult court or not. One of the considerations taken into account in such a hearing is whether or not the child can be adequately served by the Family Court. The goal in Family Court is what is in the best interest of the child. Once they are waived to General Sessions Court they are treated as adults. Each case must be evaluated on its merits. I would review the pre-waiver evaluation in my decision on what to do with the offender. In General Sessions court, I believe the judge is to consider deterrence, retribution and rehabilitation. The ultimate goal is to find justice for all parties including society as a whole. Options include an adult sentence with probation, an active YOA sentence, a YOA sentence suspended on probation, or an active adult sentence. Again all factors should be taken into consideration before sentencing, such as whether the individual has previously been adjudicated delinquent in Family Court. I believe that my experience working in juvenile court and general sessions will assist me in evaluating these types of cases. There are times when an adult crime demands an adult sentence and times when mercy should be shown. It must also be remembered that the decision to waive a juvenile to adult court begins with the Solicitor prosecuting the case. I am particularly qualified in this area since I have made the decision to both request or not to request such a waiver when appropriate.

c. White collar criminals:

The impact on society by white collar criminals is often worse than the impact of traditional violent criminals. Through the use of fraudulent schemes, the effect of one robbery is multiplied countless times. Whole companies lose significant assets that they need to stay in business. Thousands of innocent people can be robbed of their retirement. The seriousness of these crimes makes it necessary for each case to be evaluated individually. For example, an employee with an addiction who stole from his employer may only need to pay restitution and receive probation. However, a senior officer of a company who manipulated financial records may deserve more serious punishment, such as restitution and a jail sentence. If elected to serve as judge, I plan to treat white collar crimes as seriously as other kinds of criminal activity.

d. Defendant with a socially and/or economically disadvantaged background:

The majority of cases before a circuit court judge are in this category. This category also includes individuals who are both economically disadvantaged and also suffer from other issues such as mental illness or addiction issues. If they are before a judge, they are usually economically disadvantaged. Many thefts or robberies would not occur if the offender already had the benefit of an advantageous economic situation. The goal is to be fair, firm and consistent with sentencing. Each case is different and must be evaluated on its own merits. The sentence would depend on the crime. Being economically deprived is not a reason to kill someone. If a probationary sentence was called for, I would include successful completion of GED as a condition of successful completion. Where available, I would also consider placing offenders at the restitution center if appropriate.

e. Elderly defendants or those with some infirmity:

I would weigh the severity of the crime versus the realistic consequences of punishment to this particular offender. A ten year sentence for a 70 year old is like a life sentence to a 20 year old. Depending on the specific infirmity, offenders in this category may be particularly difficult to rehabilitate. I would evaluate the crime and the impact on the victims versus the cost of incarceration and care for the elderly offender and the like likelihood of the individual re-offending. When weighing the offense committed against the age or infirmity of the offender, home detention or other alternative sentencing may be appropriate. In situations where egregious offenses have been committed, the safety of the public in general may demand that an elderly offender be incarcerated even where a relatively short period of incarceration may be a life 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 follow Canon 3(E)(1)(c) and (d) of the Code of Judicial Conduct. Generally a *de minimis* interest does not require recusal. As such, I would hear such a case unless there are other circumstances in addition to a *de minimis* interest that might make recusal appropriate.

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?

A judge should be fair, patient, firm respectful and consistent.

24. Would the rules that you expressed in your previous answer apply only while you are on the bench or in chambers, or would these rules apply seven days a week, twenty-four hours a day?

They would apply at all times. I believe and was raised to treat everyone as you would want to be treated. I have attempted to do that in my personal and professional career thus far and I will continue to do so as a judge.

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 pro se litigants?

I do not think anger is appropriate or professional in dealing with an attorney, criminal defendant or a member of the public. A judge must have control of the courtroom. If a judge cannot control himself, he cannot control his courtroom. If a participant gets out of line and violates court rules, I believe the matter can be remedied in a respectful but firm manner without getting angry.

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. If you are a sitting judge, have you used judicial letterhead or the services of your staff while campaigning for this office? N/A

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/John P. Meadors

Sworn to before me this 11th day of August, 2011.

Notary Public for S.C.

My Commission Expires: 11/5/2011