

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 practiced law for over thirty years and found it to be a rewarding profession. I particularly like the problem solving aspect of the practice. I enjoy exploring the law and applying it to the facts of a case. I believe my experience, judgment, and demeanor would be assets for the bench and give me an opportunity to contribute to the system of justice in which we so strongly believe.

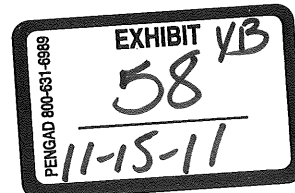
2. Do you plan to serve your full term if elected? Yes.
3. Do you have any plans to return to private practice one day? No.
4. Have you met the Constitutional requirements for this position regarding age, residence, and years of practice? Yes.
5. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated?

Ex parte communications should not take place generally. There are very narrow exceptions to this rule such as an emergency request for a temporary restraining order. However, even if an exception were applicable, I would make sure the party requesting the relief had made every effort to contact the other party and notify that party of the request for relief and any hearing set on the request. Following any unavoidable *ex parte* communication permitted by law I would give the non-participating party an opportunity to respond. *Ex parte* communications may include scheduling or administrative matters which do not give a party any advantage where the non-participating party has an opportunity to respond. *Ex parte* communications may also take place with the consent of the parties in an effort to mediate a matter.

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

A judge should recuse himself or herself when the judge's impartiality might reasonably be questioned. I would disclose to the parties anything that might give even the appearance of impartiality and give them an opportunity to request recusal.

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?

Unless I thought the motion was totally unreasonable, I would tend to grant it. I would not permit a frivolous motion to impede the progress of a matter or be used as an excuse to avoid having a matter heard.

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 disclose the financial or social involvement of my spouse or close relative, permit the parties to discuss the matter outside my presence, and recuse myself unless waived by the parties.

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

I would not accept gifts except those from a relative or very close friend for a special occasion upon which gifts are normally given such as a birthday. The gift would have to be commensurate with the occasion and the relationship. Acceptance of 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?

Actual knowledge of misconduct would require that I report the misconduct to the Commission on Lawyer Conduct or the Commission on Judicial Conduct, as appropriate.

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?

It would depend on the nature of the matter being ruled on. If the matter were a routine motion that could be handled by a form order, my office or the clerk of court would probably draft it. If the matter were complex, I would ask the parties to submit proposed orders in word processing formats so that I could change the appropriate proposed order to reflect my decision. In the latter case I would require counsel drafting the proposed orders to exchange the proposed orders at the time of submission.

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

I would institute a master task schedule and support it with specific task assignments. All assigned tasks would be given due dates and a tickler system utilized to insure nothing is missed. In addition, I would make sure the office coordinated closely with the clerk of court's office.

15. What is your philosophy on "judicial activism," and what effect should

judges have in setting or promoting public policy?

Judges are to apply the law as it is given to them by the Legislature or other appropriate source of law.

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?

I would speak on our system of justice at events that would give me the opportunity to increase citizens' knowledge of how the system works. I would also support mock trial and mock appellate court activities. I have served as a mock trial team advisor and a judge for mock appellate court presentations.

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 do not feel that the pressure of serving as a judge would strain personal relationships other than I would not be as active socially with friends who are lawyers.

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 consider more severe punishment as a repeat offender needs additional reinforcement to learn a lesson.

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

I would carefully consider the sentence as I would have a responsibility to attempt to direct a young person to correct his or her behavior and become a productive citizen.

- c. White collar criminals:

White collar criminals would not be treated differently because of their white collar status.

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

I would consider a disadvantaged background only if it explained the commission of the crime. Normally, it would not be a consideration in sentencing.

- e. Elderly defendants or those with some infirmity:

I would consider the life expectancy of very elderly defendants.

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?

While not required, I would look very carefully at the appearance of impropriety and would recuse myself in a proper case. However, as noted above, I would not permit a frivolous motion to impede the progress of a matter or be used as an excuse to avoid having a matter

- heard.
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 patient, dignified, and courteous. A judge should listen to each party's presentation and thoughtfully consider the positions of each party.
 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?
The appropriate demeanor for a judge applies seven days a week, twenty- four hours a 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 pro se litigants?
Anger is never appropriate. Anger is not appropriate but firmness may be in certain circumstances.
 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?
As of the date hereof, I have spent \$1.32 on postage to mail a letter to the Commission on Judicial Conduct and Commission on Lawyer Conduct and copies to the Supreme Court and the Judicial Merit Selection Commission.
 27. If you are a sitting judge, have you used judicial letterhead or the services of your staff while campaigning for this office? Not applicable.
 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/Grady Patterson, III.
Sworn to before me this 11th day of August, 2011
Notary Public for S.C.
My Commission Expires: 7/25/2021