

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

Circuit Court
(New Candidate)

Full Name: Clifford Scott
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1. Why do you want to serve as a Circuit Court judge?

My desire to become a member of the judiciary is motivated by a belief that I would be a good judge. What do I mean when I say that? In my opinion, judges play an indispensable role in preserving the rights and liberties which we, as a society, value so highly. In order to preserve those rights and liberties, a judge must have the courage to make unpopular decisions. A judge is required to remain above the fray and the emotional discord which often surround contentious issues. I believe I possess the characteristics that would enable me to judge every party and every issue which comes before me dispassionately, with courage and, hopefully, with the wisdom which helps preserve the rights and liberties which are the foundation of our way of life.

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?

If I am elected and allowed to serve until the mandatory retirement age, I probably would not return to private practice. If, however, I am not allowed to serve until the mandatory retirement age, I probably would return to private practice.

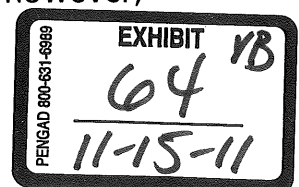
4. Have you met the Constitutional requirements for this position regarding age, residence, and years of practice? Yes.

5. What is your philosophy regarding ex parte communications? Are there circumstances under which you could envision ex parte communications being tolerated?

Generally, ex parte communications are inappropriate. When they are appropriate, they should occur only to the extent permitted by Canon 3. B. (7) of the Code of Judicial Conduct.

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

Recusal would be appropriate in cases involving former associates or law partners. In the case of lawyer legislators, however,



recusal would not necessarily be required, absent a business or personal relationship with a lawyer legislator which would create a conflict, or create the appearance of impropriety.

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 presiding in the case would create the appearance of partiality, I would grant the recusal motion.

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 not preside in such cases.

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

I would adhere to the requirements of Canon 4. D.(5) regarding gifts and social 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 appropriate action, as set forth in Canons 3.D.(1) and 3.D.(2).

11. Are you affiliated with any political parties, boards or commissions that, if you were elected, would need to be reevaluated?

I serve as Assistant Treasurer of the South Carolina Black Lawyers Association. While I am of the opinion that my membership in the organization would continue to be appropriate if elected to the Circuit Court, I would resign my office as Assistant Treasurer, if elected.

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?

I would draft orders as soon as practicable after a matter has come before me and a decision has been reached.

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

I would establish a computerized docket management system, which I and support staff, such as secretaries and law clerks, would monitor to ensure compliance with deadlines.

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

Judges are required to apply and interpret the law. Setting or promoting public policy is a legislative responsibility.

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, to the extent my judicial obligations permit, take advantage of opportunities to speak to young people about our legal system, in an effort to increase their understanding of the benefits and protection it affords each of us. Hopefully, this would increase their interest in, and respect for our legal system.

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?

In my opinion, serving as a judge would not create any more strain on any personal relationships than being a practicing attorney creates. To the extent that such strains would be created, I would address it by trying to ensure that family members and friends are aware that certain activities are not appropriate for a judge, or a judge's family members. I don't really anticipate that this would be a problem for me.

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:

While I would not resort to Draconian measures, I would impose a sentence that recognizes the frequency of the offender's conduct and the nature of the criminal act committed. I would not necessarily conclude that a person's status as a repeat offender renders him/her a "lost cause."

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

I would impose a sentence which recognizes the seriousness of the offense, yet try to remain mindful of the youth of the person I am required to sentence. I would try to fashion a sentence which has a purpose, not simply to punish, but to afford the opportunity to truly rehabilitate, whenever possible

- c. White collar criminals:

I would sentence white collar criminals no more severely than I would sentence other categories of adult offenders. I would, of course, consider the nature of the offense and the consequences of the actions of such offenders in imposing a sentence.

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

While a disadvantaged background should be considered when imposing a sentence, a disadvantaged background cannot be used to justify criminal behavior. It should be borne in mind that the overwhelming majority of persons with disadvantaged backgrounds do not commit crimes.

- e. Elderly defendants or those with some infirmity:
Advanced age or infirmity would not excuse the commission of a crime, and therefore, the status of a person as an elderly or infirmed individual would not necessarily warrant special consideration. However, when appropriate, I would accord a person's age or infirmity the consideration which is warranted.
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?
Not if it would create the appearance of impropriety.
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 have a sense of humor, and be even tempered. He should be courteous to, and respectful of, all who appear before him. A judge should conduct himself in a dignified manner at all times.
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 should apply at all times.
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?
While I can envision situations that may cause a judge to become frustrated, anger is seldom, if ever, appropriate. One cannot be rational, fair and impartial when in the grips of anger.
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?
Approximately \$90.00, representing the cost of copies and postage to send a letter of introduction and accompanying resume to the members of the General Assembly (excluding from such mailing members of the Judicial Merit Selection Commission, of course).
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/Clifford Scott

Sworn to before me this 10th day of August, 2011.

Notary Public for S.C.

My Commission Expires: 11/7/2018