

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

**Master-in-Equity
(Incumbent)**

Full Name: Charles B. Simmons, Jr.

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1. Do you plan to serve your full term if re-appointed?
Yes
2. Do you have any plans to return to private practice one day?
None at this time.
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?

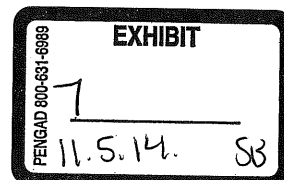
Ex parte communications are inappropriate and should be avoided. On rare instances, there may be a truly emergency situation (i.e. filing of an emergency TRO) where ex parte communication occurs. In those situations, counsel for the moving party must provided notice ASAP to all other parties and counsel.

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

It is a highly fact sensitive situation. At minimum, if a former partner or associate appears, the judge should disclose it on the record. Then, if there is a reasonable basis that the impartiality of the judge may be called in to question and all sides do not consent for the judge to continue, the better practice is for the judge to recuse himself. The fact a lawyer-legislator appears in front of the judge is not a basis, without some showing of bias (real or reasonably perceived), and the judge should continue on the case.

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?

As per 5. above, it is fact sensitive. The balance is to reasonably avoid the appearance of impropriety or a reasonable basis that the judge may not be impartial against the possibility of "judge shopping" by a litigant or attorney. If I felt there was no reasonable



basis for recusal, I would have the parties state their basis for recusal on the record and then state I would state the reasons on the record I was denying the request.

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

Where attorneys or potential litigants are involved, I do not allow gifts or any purchase of meals.

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

If it was something I felt unprofessional or inappropriate, I would ask to meet with the person privately to share my thoughts. If I felt it rose to the level of misconduct, I would report the same to the appropriate source.

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?

On cases where I do not rule from the bench, I will email my decision to attorneys and pro se litigants or send a letter to the attorneys, or have my staff email my decision to the attorneys. I also direct the attorney drafting the order to send a copy to all counsel and pro se litigants when sending the order to me.

12. What methods do you use to ensure that you and your staff meet deadline?

I have multiple "tickle" systems set up with my staff and they actively monitor status of orders.

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

Judges should "judge" based upon the law and not attempt to "legislate" by judicial activism. It is for the legislature to determine and set policy.

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 frequently speak at law related events, seminars and CLE's. I plan to continue these activities.

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?

The biggest pressure I felt when I first went on the bench were the "lines" that must be drawn between having lawyers as friends and

then having them appear in front of you. While that took some adjustment, I have been on the bench for so many years now its not much of an issue.

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?

It would depend on the case. At minimum, I would disclose it on the record and allow any party or attorney to ask me to recuse myself.

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?

Yes.

20. What do you feel is the appropriate demeanor for a judge?

Fair, cordial patient and firm.

21. Would 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?

Yes. Regardless of where I am, I am representing the judicial system to the public.

22. Do you feel that it is ever appropriate to be angry with a member of the public who would appear before you? Is anger ever appropriate in dealing with attorneys or a pro se litigant?

There are situations where anger is understandable and even, in exceptional cases, appropriate. However, the real issue is handling the anger in an appropriate manner so as to protect the integrity of the judicial system.

23. 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?

\$30.00 for letters/postage advising Greenville Delegation of me seeking reappointment

24. While campaigning for this office, have you used judicial letterhead or the services of your staff for your campaign?

Yes. With permission of staff of Judicial Merit Selection Committee, sent letter to Greenville Legislative Delegation advising of my applying for reappointment as Master. One of my court reporters prepared the letters and envelopes. I reimbursed Greenville County for the staff time, letterhead/envelopes and postage in total amount of \$30.00

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. But see #24 above relating to a telephone call I made to staff of JMSC.
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/ Charles Simmons

Sworn to before me this 24 day of July, 2014.

Ann Dicky Campbell
Notary Public for S.C.
My commission expires: September 8, 2020