

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

Supreme Court/Court of Appeals
(Incumbent)

Full Name: Aphrodite Karvelas Konduros
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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?

Never appropriate from litigants ever, or lawyers other than for scheduling purposes, which is a rarity on the court of appeals, as our clerk manages all of that. Certain *ex parte* communications are sanctioned by statute, but they pertain more to the trial bench.

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

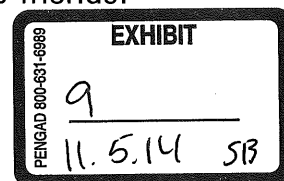
As I believe we have the finest judiciary in the world, I happily will recuse myself at the first appearance of impropriety or discomfort of a litigant or lawyer, as I believe that any other member of my court can handle the matter as effectively as I can. Canon 3E of the Code of Judicial Conduct governs. The conflict need not be real. I am a firm believer in the concept of "the appearance of impropriety".

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 grant any request for recusal, although I have had no requests in my 5+ years on the court of appeals. As most litigants only have one day in court, there is no reason for them to forever wonder if I was biased.

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

I reciprocate with normal hospitality from my close friends and family.
I return any gifts that I deem improper as not being from close friends.



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

I have and will continue to file a report with either the Lawyer Grievance or Judicial Grievance Committee.

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 prepare for cases that come before you?

With diligence and respect for the case and litigants. I read every word of the submissions, all the cases cited, as well as my own research and that of my clerks. We discuss the cases thoroughly before and after oral argument.

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

I will attend and serve on any committees assigned by the Chief Justice or Chief Judge. Otherwise, I seek no roles. I am opposed to judicial activism.

13. 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 serve on various committees at the request of the Chief Justice and teach CLEs and JCLEs. I have taught two law school classes of which the subject matter was how to conduct oneself as a young lawyer. I developed the mentoring program for magistrates and municipal court judges, and serve as the family court docketing chairman to improve the speed in which cases are heard. I have had the privilege to serve on two legislative committees concerning adoptions and sentencing reform. I am vice-chairman of the Chief Justice's Commission on the Profession.

14. 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?

I do not. After all these years, my friends and family know what events I will attend and those that I will not.

15. Are you currently serving on any boards or committees? If so, in what capacity are you serving?

Nothing to which I was not appointed by the Chief Justice. I am subcommittee chairman of the Family Court section of the Supreme Court Docketing Committee, a member of the E-filing Committee, and

I am the vice-chairman of the Chief Justice's Commission on the Profession.

16. Please describe your methods of analysis in matters of South Carolina's Constitution and its interpretation by explaining your approach in the following areas. Which area should be given the greatest weight?

a. The use and value of historical evidence in practical application of the Constitution:

All students of law should consider a law from its inception to passage by the Legislature if there is any ambiguity. However the legislative process usually yields clarity in the wording of the law, and judges should tread carefully at making educated guesses as to the intent of the lawmakers. Laws and words should be given their plain, ordinary meanings whenever possible.

b. The use and value of an agency's interpretation of the Constitution:

None. Interpreting the Constitution is a judicial function, not an agency one. However, I will always consider their argument on the subject in helping me arrive at my interpretation, as they live by their pertinent statutes and regulations.

c. The use and value of documents produced contemporaneously to the Constitution, such as the minutes of the convention:

In the case of ambiguities, contemporaneously kept minutes and records can be of exceptional importance. The spirit and tenor of the debate can explain the language used in the final document, and even show when another meaning was discarded in debate.

17. Is the power of the South Carolina General Assembly plenary in nature unless otherwise limited by some specific Constitutional provision?
Yes

18. Presuming that the three branches of government have plenary power for their responsibilities, do any other levels of government (i.e. local governments) have plenary authority, or do all grants of authority to other levels of government flow from the state level in our Constitution and statutes?

The SC Constitution grants plenary power to local governments in some circumstances, recognizing "Home Rule" for purely local issues. However, once the State has preempted an area for State authority, then there exists only what authority the State leaves to local government, which can be none.

19. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?
No.

20. Do you belong to any organizations that discriminate based on race, religion, or gender?
No.
21. Have you met the mandatory minimum hours requirement for continuing legal education courses?
Yes.
22. Have you written any scholarly articles?
Not on the law.
23. What do you feel is the appropriate demeanor for a judge?
A judge should exhibit courtesy, patience, focus, and impartiality and show no irritation.
24. 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?
No judge benefits the position he or she holds by being startlingly different off the bench than on. I accept the robe for the obligation entails, whether at a party or funeral.
25. Is there a role for sternness or anger with attorneys?
I use the long pause to convey sternness. I used my gavel once in almost 6 years on the trial bench, and none on the court of appeals. There is no place for a judge's anger in the court room. One should always be reminded that no litigant, and few lawyers, have slept well the night before trial.
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?
To date I have spent nothing and I do not anticipate spending over \$100.
27. While campaigning for this office, have you used judicial letterhead or the services of your staff for your campaign?
No.
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? If so, give details
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/ Aphrodite Konduros

Sworn to before me this 29 day of July, 2014.

Bernie G. Bouldakou

(Print name)

Notary Public for S.C.

My Commission Expires: November 8, 2014