

JUDICIAL MERIT SELECTION COMMISSION  
Sworn Statement To Be Included In Transcript Of Public Hearings

Administrative Law Court  
(Incumbent)

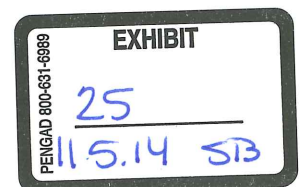
Full Name: Deborah Brooks Durden  
Business Address: 1205 Pendleton Street  
Suite 224  
Columbia, SC 290201  
Business Telephone: (803) 734-0550

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?

The only circumstance in which I would tolerate *ex parte* communication is to deal with scheduling issues or urgent procedural matters when all parties are not available for a telephone conference at the same time and which could not be handled by a law clerk or administrative assistant. Of course I would immediately communicate the substance of the conversation to the other party(ies) and offer them an opportunity to respond.

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

I believe it is important to carefully balance the interest in the prompt and efficient handling of the court's business with the need for all parties to have confidence that the judge hearing their case will be fair and impartial. In situations where individuals I was previously associated with or social acquaintances appear before me I disclose the relationship and give the opposing attorney or party an opportunity to voice any concerns. I recuse myself if any party has a reasonable question as to my impartiality in the matter. When lawyer-legislators appear before me I do not expect there to be a reasonable question of my impartiality, but if one arose I would give careful consideration to whether it would be appropriate to recuse myself. My overriding consideration is whether I believe the parties have legitimate doubts as to my ability to be impartial.



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 would give considerable deference to such a motion and would grant it unless I believed that it was made for purposes of delay or otherwise to gain an advantage in the matter rather than out of genuine concern about the potential of bias.

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

I do not accept gifts or hospitality which would give the appearance of affecting my impartiality in matters that might come before me.

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

I would initiate a conversation with the affected lawyer or judge to hear from them concerning the circumstances of the situation. If after such a conversation I was convinced that misconduct had occurred I would report the misconduct to the appropriate disciplinary authority.

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?

In matters where the parties are represented by counsel I frequently request proposed orders at the close of a hearing, either from both attorneys or from one attorney and offer the other attorney an opportunity to respond to the proposed order. I consider any proposed orders and comments and prepare an order reflecting my judgment in the matter.

In matters where the parties are not represented by counsel, or where the issues are not complicated I draft the order myself.

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

I have a tickler system utilizing calendaring software to keep track of all deadlines.

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

I do not believe that judges should engage in judicial activism, but should follow constitutional and statutory law and caselaw precedent. Such an approach promotes predictability of results and

encourages the private settlement of disputes rather than protracted litigation. It also avoids judicial interference in the powers reserved to the legislative branch of government.

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 volunteer as a CLE speaker and conduct mock trials and mock legislatures with student groups.

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?

My service does not strain my personal relationships.

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 type of party and interest involved and whether the *de minimis* interest could reasonably call my impartiality in the matter into question. I would evaluate each matter carefully, considering whether the interest was mine or that of a family member; the type of entity the party was; and any other circumstances such as the existence or absence of personal relationships with the party or officers of the party.

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?

A judge's demeanor should be patient, considerate, and firm. It is important for a judge to create a climate in which litigants have confidence that their concerns will be fairly heard by a judge who is competent in the law and procedure and impartial and fair in applying them.

21. 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?

Judges are public figures who are constantly observed and scrutinized by those they come in contact with in both their public and private lives. I believe that a judge must act with dignity, patience and fair dealing at all times to prevent undermining public

respect and confidence that litigants in the courtroom will be treated with fairness and impartiality.

22. Do you feel that it is ever appropriate to be angry with a member of the public, appearing before you? Is anger ever appropriate in dealing with attorneys or a prose litigant?

I do not believe that displays of anger are appropriate on the part of a judge. Litigants who believe that a judge is, or has been, angry with them would reasonably fear that the judge's impartiality in handling their case could be compromised. I do believe, however, that a judge must at times be firm with litigants in expressing the standards of the courtroom and in refusing to tolerate inappropriate behavior.

23. How much money have you spent on your campaign? If the amount is over \$100, has that been reported to the House and Senate Ethics Committees?

None

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

No

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

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/ Deborah Durden

Sworn to before me this 5 day of August, 2014.

Robin E. Coleman

(Print name)

Notary Public for S.C.

My Commission Expires: February 26, 2020