

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

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

Full Name: Cynthia Graham Howe
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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?
No
3. Have you met the Constitutional requirements for this position regarding age, residence, and years of practice?
Yes

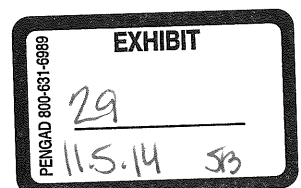
4. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated?

Normally, I do not believe in *ex parte* communications. However, under certain circumstances, such as for scheduling purposes or administrative purposes, such communications may be acceptable so long as no party is prejudiced, and all other parties are notified as soon as possible concerning the substance of the communication. Furthermore, in certain emergency situations, such as when a party requests a Rule 65 TRO or a Writ of Supersedeas, *ex parte* communications are perfectly acceptable under the Canons of Judicial Conduct.

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

For approximately two to three years after I was appointed, I refrained from having my former law partners and associates appear before me in contested matters. Generally, I do not believe that recusal is warranted when a lawyer-legislator is appearing before me. However, during the period of re-election/re-appointment, it may be best to recuse myself so that the appearance of impropriety does not exist.

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?

Yes, I most likely would grant a recusal motion, even though I believed that I would not be prejudiced, to avoid even the appearance of impropriety.

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

I do not accept gifts or social hospitality from litigants/attorneys who are appearing before me, have just appeared before me, or are just about to appear before me. Otherwise, acceptance of such gifts or social hospitality may be construed as a *quid pro quo*.

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

I would inform the appropriate authority. In the case of the Attorney, the Commission on Lawyer Conduct, and in the case of the Judge, the Commission on Judicial Conduct.

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. I resigned from the Myrtle Beach Woman's Club. When I was appointed to the position as Horry County Master in Equity, I continued as a member of the MBWC for several years. Nevertheless, I did not sell fund-raising tickets while a member, and instead, performed other duties.

Moreover, I did not solicit new members for the MBWC.

11. How do you handle the drafting of orders?

I use a combination of drafting my own orders, asking participating attorneys to submit proposed orders and then using portions from those proposed orders to prepare my own, or if the submitted, proposed orders are well-written, I sometimes choose one of those as my own. Other times, I write a letter to both attorneys, setting out a very detailed outline of how I wish the order to read, and in the letter, asking one of the attorneys to prepare an order along the lines of my outline. I generally obtain the best-written orders using the latter method.

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

We use a strict calendaring system with a shared, master calendar on Outlook. We also each have our own, personal calendars on Outlook. My law clerk and I meet once a week to go over all pending cases to determine what is to be done in the pending matters.

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

My philosophy is that trial judges should not play an active role in setting or promoting public policy. Rather, trial judges should follow precedent established by our appellate judges.

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’ve spoken to 5 groups so far, 2 civics groups, a women’s group, the local bar, and a realtor’s group concerning the absolutely overwhelming number of foreclosure cases, the loan modification process, and how that has affected our trial roster in Horry County.

There are so many false rumors about foreclosures and how the process works. Many people facing foreclosure put their heads in the sand and never face the issues. I am willing to speak to groups to calm their fears, at least as to the process itself, and help solve the mystery.

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?

No, I don’t feel that serving as a judge strains personal relationships, at least not any more than serving as an attorney already did. Many times while serving as a practicing attorney and while in a social setting, I would bump in to someone I had sued or who had sued one of my clients. I learned to separate business from pleasure.

Furthermore, as far as my family relationships are concerned, during the last 30 years, I have learned to juggle my family and my career, and although it has not always been easy, it has been worthwhile and fulfilling. My family members support me in my career.

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?

According to the Judicial Code, a *de minimis* financial interest means an insignificant interest that could not raise reasonable questions about a judge’s impartiality. Accordingly, I most likely would have no concerns hearing a case where I or a member of my family held a *de minimis* financial interest in a party involved unless one of the parties objected.

18. Do you belong to any organizations that discriminate based on race, religion, or gender?

No. I resigned from the Myrtle Beach Woman's Club in the fall of 2013, which presently is composed only of women. The MBWC is a charitable organization, and does not practice *invidious* discrimination. It does not exclude any persons as inferior; it does not consider anyone unworthy of membership. Instead, the MBWC is composed of some of the most charitable and gracious women that I know.

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?

I feel that a judge should speak humbly, deliberately, and distinctly, as well as with purpose. I also think it's important that a judge try to pronounce a litigant's name properly and look him or her in the eye. It is, after all, the litigant's case.

A judge should act interested in the litigant's case and give the litigant time to speak. It is, after all, the litigant's case.

A judge should try to put the litigant at ease. A sense of humor and a smile may be appropriate.

A judge should look and act professional and require a sense of decorum.

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?

24/7 Respect must be demanded 24 hours a day, 7 days a week.

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?

No, I don't think anger is ever appropriate in dealing with attorneys or a pro se litigant, and I hope that if I ever feel myself becoming angry that I will take a break from the bench so that everyone involved may "cool" off. Being angry with a member of the public, an attorney, or a pro se litigant is not appropriate, and sometimes, the best way to avoid anger is simply to take a short break. (That's the same strategy I used when teaching school and when dealing with my own children. It's always worked.)

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?

\$5.88 (12 letters x \$.49 for a stamp = \$5.88)

I have sent letters to members of the delegation to either introduce myself to the new members of the Horry County delegation or to inform the other members that I am seeking re-appointment/re-

election (with the exception of the delegation member who also is a member of the Judicial Merit Selection Commission.)

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/ Cynthia Graham Howe

Sworn to before me this 6 day of August, 2014.

Cathy L. Mead
Notary Public for S.C.
My commission expires: January 27, 2024