

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

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

Full Name: Stonewall Jackson Kimball, III
Business Address: 1 North Congress St., York, S.C., 29745
Business Telephone: 803-628-3930

1. Do you plan to serve your full term if re-appointed?

Although Masters are not currently subject to mandatory retirement, I will reach the usual judicial retirement age during my term, and may consider retirement within a year or two after that.

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?

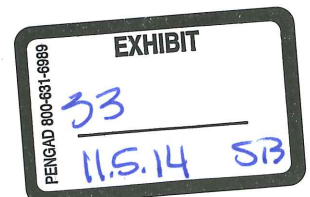
Yes.

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

Ex parte communications concerning cases before me are not permitted or tolerated. I believe that some communications, such as the transmittal of proposed orders or other documents requested or required by the Court, are permitted, so long as a copy of the communication and the document are also sent to the opposing counsel or party. *Ex parte* communications, such as matters pertaining to scheduling of cases are permitted with the express consent of the opposing counsel or party.

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 do not believe that recusal is required in the cases posed. My "philosophy" and practice is that if I felt that a situation would impair my impartial judgment, I would recuse myself. In addition, if a situation presented an 'appearance of impropriety', I would recuse myself, even if no real conflict existed. If a party or counsel requested recusal, I would consider the facts presented to support the request, and rule based on the preceding principles.



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?

Assuming that there was a genuine appearance of bias, I believe I should give great deference to the motion for recusal. The appearance of bias would be an appearance of impropriety. If I could not reasonably satisfy the concerned party that there was not any actual bias, I would recuse myself.

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

My standard is no gifts. As to hospitality, my standard is that I would not accept social hospitality directed to me individually, such as payment for my meal or my admission to a sporting event. I believe it would be proper to accept general social invitations, where I or my family were among a group of invited guests, such as a wedding reception, or a small group of people at someone's home, such as a friend, neighbor or church member, etc.

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

I would first inquire of the person apparently guilty to be sure I correctly understood the facts. If the fact of misconduct was established, I would be obligated to report it.

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?

Except for cases where a party is in default and "administrative" orders, I draft orders myself. In more detailed or complex matters, I typically request that a prevailing party's attorney prepare a proposed order and send it to me by email in an editable format. I then edit the order to suit my findings, conclusions, and research in the case. I request orders by letter, email, or conference call, always involving all parties or their attorneys. I specify my general findings and conclusions to assist in the preparation of the "proposed" order.

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

I and my staff keep deadlines calendared on our computer network, and one staff person also keeps a written calendar of the deadlines. I keep on my desk a file of notes on cases in which orders are due, and work through that regularly.

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

My "philosophy" and practice is to follow established precedent, or any clear inference to be drawn from that precedent. I do not attempt to set, establish, or promote any particular public policy. I recognize and

enforce public policy where applicable statutory or case law does so. I equate "judicial activism" with a "judicial agenda", and I do not have an agenda, other than to apply fairly the law.

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 am currently a member of the Chief Justice's Commission on the Profession, and am committed to the promotion of professionalism in, and among the members of, the S.C. Bar. As part of being a member, I have reviewed and made recommendations to the Commission regarding the use and purpose of the "Standards of Professionalism" published by the S.C. Bar. I also proposed the mentoring program for Magistrates and Municipal Court judges, which is now a trial program being overseen by the Commission.

I am a co-author of the "South Carolina Foreclosure Manual", which was published in 2006, and updated with a revision in 2013.

I have participated every year in the Judicial Observation Experience ("JOE" program), which enables law students to "sit" with a judge, and observe and discuss the function of the court, the handling of cases, and the practice of law in a courtroom environment.

Also, it is always my goal to maintain a court where the judicial process is open to public scrutiny, and, without exception, maintains the public trust.

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?

I have not found, and do not believe, that my service has been a strain on any personal relationships to this point.

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?

No, although I do not think that I would be automatically disqualified in such a case.

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?

Courteous, temperate, patient, deliberate, decisive 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?

I believe the first three apply to the judge's entire lifestyle – 24/7. The

last three have to do more with my judicial function.

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?

The responsibility to uphold the integrity of the legal and judicial system, and respect for the judicial office, requires a clear and firm response. This may sometimes be expressed in the form of displeasure towards apparent or actual disregard for the adjudicatory process, the judicial system, or the judicial office. However, I do not think that a judge has the "privilege" of "venting" personal anger toward any member of the public or an attorney. The proper objective is always to maintain respect for the court and the judicial process, and to correct improper behavior when necessary.

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?

None so far. I do not anticipate spending more than \$100 in mailing, telephone calls, and travel.

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/ Stonewall Kimball

Sworn to before me this 9 day of July, 2014.

Deborah J. Strickland
Notary Public for S.C.

My commission expires: June 20, 2021