

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

Circuit Court  
(New Candidate)

Full Name: Tanya Amber Gee  
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1. Why do you want to serve as a Circuit Court judge?

Having worked for ten years at the South Carolina Court of Appeals, I realize that being a judge has downsides: you are confronted with human tragedy and problems so intractable the litigants have turned to the justice system; you are relied upon to make tough decision and pressured to decide many cases in an efficient yet thoughtful manner; you are required to isolate yourself from certain activities so as to reduce conflicts of interest and uphold the integrity of the office; and you inevitably expose yourself to public criticism when you rule on controversial cases. Even so, my reasons for wanting to be a circuit court judge far outweigh these negatives. First and most importantly, I want to use my law degree to ensure that our society's promise to provide "justice for all" is kept. Second, I want to make a difference. Ever since watching judges as a starry-eyed college intern, I recognized the enormous impact judges have on the people they encounter, from parties to jurors to members of the courtroom audience. A judge truly has the opportunity to change people's lives. Finally, I love the law. I love reading cases. I love writing. I love listening and learning. I am not afraid of making decisions, even when those decisions are difficult and/or unpopular. If I were lucky enough to be elected to the circuit bench, I would be experiencing all of the aspects of law that I find most appealing. I would be realizing a professional dream. In turn, I would be the best judge I could be, twenty-four hours a day, seven days a week.

2. Do you plan to serve your full term if elected?

Yes.

3. Do you have any plans to return to private practice one day?

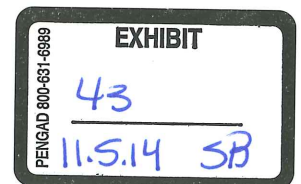
No.

4. Have you met the Constitutional requirements for this position regarding age, residence, and years of practice?

Yes.

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

My philosophy regarding *ex parte* communications mirrors that of Rule 501 of the South Carolina Appellate Court Rules, Canon 3(B)(7). Generally, *ex parte* communications are inappropriate, and they are tolerated only in extremely limited circumstances, such as when the parties consent to it or



when the law expressly allows for it. *Ex parte* communications are rarely necessary, even in emergency situations, based on current technology.

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

I would recuse myself in all cases in which:

- a member of my immediate family or I have a financial interest in the outcome of the case,
- I previously served as a lawyer in the case,
- I had personal knowledge of disputed evidence,
- I have a personal bias, or
- my impartiality could be reasonably questioned.

Although I have many friends and colleagues who are lawyers, I would not feel compelled to rule in their favor. I would also add that, because my friends know me, they know that I play by the rules, and they would not expect me to rule in their favor. With regard to lawyer-legislators, I would not recuse myself from a case simply because a lawyer-legislator appeared before me. However, if a party asked me to recuse myself from a case involving a friend, former colleague, or lawyer-legislator, and I determined that the party's concern regarding my impartiality was reasonable, I would recuse myself.

7. 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 recuse myself in matters in which the party requesting my recusal had a reasonable basis for doing so. Because this question presupposes that the request was reasonable, I would grant the motion to recuse.

8. How would you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative?

If my spouse or close relative had a financial interest in the outcome of the case, I would recuse myself. I would also discourage close family members from engaging in financial deals that reasonably appear to exploit my position as a judge.

If the social interactions of my spouse or close relative provided a reasonable basis for questioning my impartiality, I would recuse myself.

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

I would strictly comply with Canon 4D(5), which does not allow a judge to accept gifts except in the limited circumstances listed (such as a birthday gift from a relative or something given in the course of ordinary social hospitality).

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

Because the question assumes that I have received information that indicates "a substantial likelihood" exists that a judge or lawyer has committed misconduct, I would report the misconduct to the Office of Disciplinary Counsel, as required by Canon 3D(1) and (2).

11. Are you affiliated with any political parties, boards or commissions that, if you were elected, would need to be re-evaluated?

I am a Board Member of Sarcoma Warriors, a non-profit agency that provides emotional and financial support to South Carolinians who have been diagnosed with sarcoma. If I were elected, I would re-evaluate my Board position in light of the restrictions placed upon me as a judge. If I continued to serve on the Board, I would comply with Canon 4C(3), which requires me to refrain from soliciting funds on behalf of the organization and prohibits me from using the prestige of office to solicit funds.

12. Do you have any business activities that you would envision remaining involved with if elected to the bench?

I am not involved in any business activities.

13. If elected, how would you handle the drafting of orders?

My procedure for drafting orders would vary depending on the case. In some cases, I would ask the attorney for the prevailing party to draft an order and to submit it to me in Word format so that I could carefully review the order and make changes as appropriate. Other orders I would write myself, with the assistance of my law clerk. I would rarely ask both sides to submit an order, as I believe this procedure is inefficient and needlessly expensive for the parties.

14. If elected, what methods would you use to ensure that you and your staff meet deadlines?

If elected, I would put a priority on ruling on matters diligently, thoughtfully, and efficiently. To achieve these goals, I would have a spreadsheet of outstanding orders, and I would review that list with my law clerk and/or secretary on a daily basis. If I asked a lawyer to draft the order, I would set a specific date upon which I expected to receive a copy of that order, I would calendar that date, and my law clerk would contact the attorneys on both sides if the order was not timely received. While some orders might necessarily take weeks or even months to draft, I would not allow orders to stagnate so long that I became "cold" on the case. Based on the workload of circuit judges in our state, the maintenance of a current docket is difficult, yet extraordinarily important because catching up becomes nearly impossible. In addition to using chamber weeks to draft lengthy and difficult orders, I expect to work after hours and on weekends to turn around decisions in a timely fashion.

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

Judges should apply the law, not make it. Accordingly, I do not believe judges should engage in "judicial activism." Furthermore, circuit court judges are not elected to set public policy, and they should only "promote" those

public policies that have been established by our Legislature.

16. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. If elected, what activities do you plan to undertake to further this improvement of the legal system?

I would continue to speak at continuing legal education seminars and to teach legal classes. I believe judges have a responsibility to engage in these activities to help improve our legal system.

17. Do you feel that the pressure of serving as a judge would strain personal relationships (i.e. spouse, children, friends, or relatives)? How would you address this?

No. When working for the Court of Appeals (my first ten years out of law school), I had many of the same restrictions that apply to judges, so the life I lead has always been non-political and I have always avoided the appearance of impropriety. I will remain vigilant in my compliance with the Code of Judicial Conduct and will explain the content of the Code to close friends and relatives as necessary.

18. The following list contains five categories of offenders that would perhaps regularly appear in your court. Discuss your philosophy on sentencing for these classes of offenders.

As a threshold matter, each of my sentencing decisions would be unique to the individual offender and the circumstances surrounding the crime.

Among other things, I would take into consideration the seriousness of the offense, the harm done by the crime, the offender's prior criminal record, and the offender's potential for reform.

a. Repeat offenders:

One of the most important factors in my sentencing decision would be the defendant's prior record. If the offender's recidivism involved violence, that person poses a threat to the public and the punishment would be a lengthy incarceration. Such a sentence is appropriate not simply to provide "just deserts" (retribution), but more importantly, to keep the public safe. On the other hand, some repeat offenses, such as simple possession drug offenses (as opposed to distribution of drugs), indicate a substance abuse problem that would be better (and more inexpensively) treated through probation services, which would include drug counseling.

b. Juveniles (that have been waived to the circuit court):

Again, my philosophy depends upon the crime committed by the juvenile. In certain situations, the seriousness of the crime and the danger the juvenile posed to the public would result in a sentence no different than one I would dole out to an adult offender. However, to the extent a juvenile offender had promise to be rehabilitated through youthful offender detention or shock incarceration, I would take advantage of those resources.

c. White collar criminals:

In making a sentencing decision, the two most important factors for me would be the seriousness of the offense and the defendant's prior record. White collar crime is a serious offense and should be treated as such.

- d. Defendants with a socially and/or economically disadvantaged background:

Above, I have identified factors that I believe are relevant to a judge's sentencing decision. I do not believe that social class (or race or gender, for that matter) is legally relevant to a judge's sentencing decision. I have read numerous articles on sentencing reform, and I understand from studies cited in these articles that the economically disadvantaged statistically receive harsher punishments than similarly situated offenders who enjoy a higher standard of living. As a judge, I would be mindful of this bias and would constantly "self check" to make sure I was not imposing disparate sentences for reasons that are legally irrelevant.

- e. Elderly defendants or those with some infirmity:

A person's advanced age and/or medical infirmities could be relevant for two reasons: (1) these factors may reduce the likelihood of the offender causing future harm to the public, and (2) as a practical matter, the cost of incarceration may be exorbitant. Under the appropriate circumstances, I would consider alternative forms of punishment such as house arrest.

19. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?

I own 120 shares of CVS Pharmacy stock, and I would recuse myself if a case came before me involving CVS Pharmacy.

20. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved?

I would disclose the interest to the parties and recuse myself unless all parties consented to me hearing the matter.

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

No.

22. Have you met the mandatory minimum hours requirement for continuing legal education courses?

Yes.

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

A judge should be attentive, respectful, and decisive.

24. Would the rules that you expressed in your previous answer apply only while you are on the bench or in chambers, or would these rules apply seven days a week, twenty-four hours a day?

I believe that a judge should always be respectful and courteous, twenty-four hours a day, seven days a week. However, I imagine that if I were a judge, in my free time I would delight in allowing others to make decisions for me, such as where we should eat for dinner!

25. Do you feel that it is ever appropriate to be angry with a member of the public, especially with a criminal defendant? Is anger ever appropriate in dealing with attorneys or pro se litigants?

Anger is not appropriate, though based on my experiences in

courtrooms thus far, it will be an inevitable emotion. At some point, after hearing about a heinous crime or hearing from a callous witness, a judge – as a human being – will feel angry. However, it is never appropriate to make a decision based on anger, and it is critically important for judges to recognize their feelings of anger so they can take a break, if necessary, to cool off. Civility is an important aspect of ensuring that justice is delivered, and I believe the presiding judge must act civilly if he or she expects lawyers and litigants to also be civil.

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?

I have not spent any money on my campaign.

27. If you are a sitting judge, have you used judicial letterhead or the services of your staff while campaigning for this office?

Not applicable.

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?

No. However, I have long dreamed of becoming a judge, and many people are aware of that dream. Often times in the past – before this seat was announced – friends would introduce me to legislators and playfully say, “She’s going to run for a judgeship some day!”

Since this seat has opened I have not requested any friends or colleagues to contact members of the General Assembly on my behalf. As friends learn that I have picked up an application for this seat, they have offered to “help me in any way they can,” and I have explained that, at this point, I can only introduce myself to members of the General Assembly and that pledges cannot be sought until much later in the process.

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/ Tanya Gee

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

Laura L. Thomason

(Print Name)

Notary Public for S.C.

My Commission Expires: March 25, 2023