

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

**Circuit Court**  
**(New Candidate)**

Full Name: David Whitten Wolf

Business Address: 286 Meeting Street, Charleston, SC 29401

Business Telephone: (843) 853-9000

1. Why do you want to serve as a Circuit Court judge?

Following graduation from law school, I had the privilege of clerking for the Honorable Daniel F. Pieper for two years. The challenges of functioning as a trial court judge were both intriguing and appealing. Serving as a public defender, in a private litigation practice, and in a business law firm that handles transactional matters as well as litigation has been rewarding and afforded an opportunity to grow. It has also enabled me to crystallize my thoughts regarding what I have concluded will provide the most satisfying application of my education, experience and interests, which is that I would like to pursue my legal career as a member of the South Carolina judiciary.

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

Absolutely.

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

Not at this time.

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

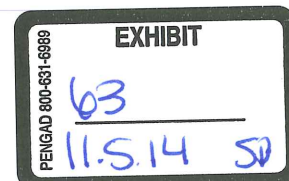
I have.

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

I would only permit *ex parte* communications when the parameters of a permissible *ex parte* Motion, such as an emergency TRO, have been met. Otherwise, in my view *ex parte* communications are inappropriate and would do harm to the reputation of the court.

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

Although I do not believe recusal should be automatic when a lawyer-legislator or former co-worker (whether they be a former associate, supervising attorney, or merely a colleague) is scheduled to appear in front of me, I would consider whether an actual conflict of interest exists or there would be an appearance of impropriety if I proceeded with the hearing or trial. If either existed, I believe recusal would be the best course of action. In the case of a former law partner,



I believe the appearance warrants recusal regardless of whether I could remain impartial throughout the course of the hearing or trial, particularly since my only law partner to date is also my father.

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?

The justice system is dependent on the public's confidence in the rulings and resolutions of the courts. Consequently, if there is an appearance of bias or partiality, the request for recusal should be given serious consideration and absent being able to clearly and unequivocally conclude that I would be impartial, I would grant the motion.

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

I believe it would be best to eliminate any circumstances which would suggest I might have a financial or social incentive in any case because my wife or a close family member is connected to some party and would, after disclosing the connection to all parties, disqualify myself, unless the parties decide to waive the disqualification.

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

I would gracefully decline any gifts or offers of hospitality involving anything more than a courtesy with *de minimus* value.

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

I would satisfy myself that there was sufficient basis to believe the lawyer or judge engaged in misconduct and if I concluded there was sufficient basis, I would report the situation to the appropriate authorities.

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 director on an Advisory Board for the Clemson University College of Business and Behavioral Sciences, Accounting, Finance and Legal Studies Department, which as I understand Canon 4(C)(2) may have to be re-evaluated and if so, I would withdraw from my position on the board. I am also currently serving as the Chairman for the Board of Directors for the Charleston Charter School for Math and Science, which I do not believe runs afoul of Canon 4(C)(2) because of its educational purpose, however, I would likely resign in order to focus on excelling at the judicial post.

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

I expect to retain my interest in our family real estate holding company, ABRRA LLC, but with my father being the sole manager of the manager managed LLC, I do not anticipate it interfering with the

obligations of the judicial position I am seeking.

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

I anticipate adopting the same philosophy utilized by the Honorable Daniel F. Pieper when I was clerking for him, which was that all orders, except routine issues such as orders substituting counsel or compelling discovery, will be prepared by me with the help of my staff and with due consideration of any proposed orders submitted by the parties.

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

I would calendar matters under advisement and any other duties with deadlines and meet with my staff regularly to evaluate what needs to be done so all deadlines would be met.

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

I believe a judge's responsibility is to apply the law as it exists and, unless an appellate court has determined that public policy is a factor to be considered for purposes of ruling on a matter, I do not believe it is within the purview of the trial judge's place to implement or promote his or her perception of public policy.

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?

For the last eight years I have participated in the S.C. Bar House of Delegates, Fee Dispute Resolution Board for the Ninth Judicial Circuit, Wills for Heroes Clinics, and other Bar affiliated community service projects. Additionally, I have given talks to law students about the practice of law and acted as a judge during oral arguments for a legal writing class. While I do not believe it would be appropriate as a judge to continue my participation in the Fee Dispute Resolution Board, I intend to continue these others and similar activities as my schedule may permit.

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?

I don't anticipate the pressure of serving as a judge creating any strain on my personal relationships beyond the stresses and strains inherent in serving in any professional capacity. Since my father has practiced law and served as general counsel of several large corporations, my family is quite familiar with the demands of a legal career as a lawyer or a judge. To the extent my friends did not appreciate that certain actions or activities would be inappropriate if I was serving as a judge, I would try to explain to that person why I feel that the action requested would be inappropriate and ask them to understand why I could not honor their request.

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.
- a. Repeat offenders:  
Because a repeat offender's sentence will be governed by the charged offense, I expect, barring significant mitigating factors, any sentence I would pronounce would involve consideration of the defendant's prior criminal conduct and be based upon the offender's prior history of incarceration as well as what period I believe will be necessary to accomplish the three goals of sentencing. In all likelihood the sentence would be greater than the average period I would give for such a crime without considering aggravating and mitigating circumstances.
  - b. Juveniles (that have been waived to the circuit court):  
With the Family Court having waived its jurisdiction and transferring the defendant to Circuit Court, my consideration of the appropriate sentence would begin in the same manner as any General Sessions defendant and would take into consideration the facts of the case, any aggravating or mitigating circumstances, and the goals of sentencing along with the defendant's age.
  - c. White collar criminals:  
Defendants convicted of a white collar crime should be sentenced without regard to their socio-economic position, but instead based upon the facts and circumstances of the offense(s), likelihood that restitution can be made to minimize the injury to victim(s), and the need to discourage other white collar criminals.
  - d. Defendants with a socially and/or economically disadvantaged background:  
Social and economic disadvantage may constitute a mitigating circumstance and should be considered to the extent it may have contributed to the defendant's criminal act, such as someone whose mental disability is taken advantage of by a more sophisticated perpetrator.
  - e. Elderly defendants or those with some infirmity:  
Because protection of the public is one of the three goals of sentencing, a defendant's advanced age or infirmity may provide some basis for mitigating the sentence, but requires consideration of the facts and circumstances of the crime and the impact the crime has on the State and its citizens.
19. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?  
The only situation I might foresee is if our family real estate holding company, ABRRA LLC, was sued, but I would disqualify myself from any such case.
20. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved?

While it might delay the resolution of a case, I believe it would be best not to handle any cases where a member of my family held any financial interest in a party involved other than the de minimus ownership of a public company. This would eliminate any possibility that handling the case would appear to be improper and erode any particular party's or the public's confidence in our court system. However, if after disclosure the parties and their counsel wish to waive the disqualification, I would proceed to hear the matter.

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

I do not.

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

I have.

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

Dignified, open-minded, calm, respectful and engaged, so that the parties, their counsel, anyone in the gallery and the jurors feel the judge is listening, analyzing the arguments, and applying the law in order to rule on every issue that arises in the course of a trial or hearing.

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?

The conduct I outlined above would be equally applicable out of court as well as in.

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?

I do not believe it is appropriate for judges to allow their anger to manifest itself when dealing with anyone in court, including a criminal defendant. Judges should remember that attorneys are advocates for their client's positions and, to the extent there is no merit to their position, a ruling against counsel's position and an instruction to move on should obviate the need to get angry. Similarly, pro se litigants, who are unfamiliar with court procedure, should be given sufficient leeway to educate them on procedure and advance the administration of justice without getting angry. A judge can convey displeasure with inappropriate conduct without raising his or her voice and, if necessary, may discuss the problem with counsel or the pro se litigant outside the hearing of the jury, if there is one.

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 not spent any money, but I intend to send out letters and do not expect the paper and postage to equal or exceed \$100.

27. If you are a sitting judge, have you used judicial letterhead or the services of your staff while campaigning for this office?  
N/A
28. Have you sought or received the pledge of any legislator prior to this date?  
I have not sought or received a pledge from any legislator on my candidacy for this vacancy prior to this date.
29. Have you sought or been offered a conditional pledge of support by any legislator pending the outcome of your screening?  
I have not received an pledge, conditional or otherwise.
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?  
I have not asked anyone to contact members of the General Assembly on my behalf, nor am I aware of any friends or colleagues contacting members of the General Assembly on my behalf.
31. Have you contacted any members of the Judicial Merit Selection Commission?  
I have not contacted any members of the Judicial Merit Selection Commission.
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?  
I am familiar with the prohibition and will abide by it.

I HEREBY CERTIFY THAT THE ANSWERS TO THE ABOVE QUESTIONS ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

s/ David Wolf

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

Sarah Pendleton

(Print Name)

Notary Public for S.C.

My Commission Expires: July 15, 2017