

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

Circuit Court
(New Candidate)

Full Name: Mindy Westbrook Zimmerman
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1. Why do you want to serve as a Circuit Court judge?

I enjoy the law and continuously look for ways to contribute to our judicial system. I believe that if given the opportunity to serve, I would bring to the bench a wealth of life experience and a unique perspective.

My parents divorced with I was young. Both had only a high school education, worked entry level positions in manufacturing industries when I was a child. As I have grown, I have observed the impact of manual labor upon their mind and body. Throughout the years, my parents encouraged to me push myself and never shy away from opportunity.

I worked multiple jobs from the time I was twelve years old in order to help support my family, while finishing high school with a high grade point average, remaining on the Dean's List through college, obtaining my bachelor's degree in only three years, and completing the courses necessary for my master degree and law degree at two different universities, which were approximately three and half hours drive apart, almost simultaneously. I share this information because that same drive that pushed me throughout my education is now my motivation to take my professional career to the next level. To serve as a Circuit Court judge is the next challenge for me.

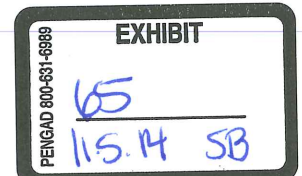
I watched my parents work hard every day, which taught be the value of earning what you have. I am driven, dedicated, and determined, because in my life, anything less is simply unacceptable. I face every element of my life with self-motivation; however, I have never been afraid to watch and learn from those around me. These skills would certainly serve me well on the bench.

I believe that my background will help me relate to the litigants before me, since many of them will be from the same working-class environment. I understand the struggles that come with that, and those roots will always keep me grounded.

Although where I have been in life greatly contributes to why I want to be a Circuit Court judge, there is something greater at work, and that is where I want to go. I want the opportunity to give back and be a part of something greater. I believe, that through judicial service, I can contribute my skills to my community in a wonderful way, and I want the opportunity to do just that.

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

Yes, if elected, I would plan to serve my entire term.



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

If given the opportunity, I would hope to serve in my judicial capacity until retirement.

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

I have met the constitution requirements regarding age and residence. In addition, I will have satisfied the Constitutional requirement of 8 years of practice before the end of screening, and thus, prior to being sworn into office, as is required.

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

I see no reason for any *ex parte* communications. All litigates deserve to be heard, but at the appropriate time and place, which must be in the presence of all parties to the matter.

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 would strive to avoid situations that could lead to potential conflicts, I believe if a conflict exists, or even the appearance of one, the appropriate solution recusal. There are plenty of judges in the State to ensure that every litigant gets the fair trial they deserve, and I would not jeopardize that basic right. Any relationship to counsel or to a party should be fully disclosed, and I would not remain on a case where after that disclosure unless all parties were comfortable that no conflict exists.

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?

Judges should not only be fair, but they should always ensure they give the appearance of fairness. I believe if a party feels I cannot be neutral due to something I have said or done, I should remove myself from the situation to ensure that justice prevails. Even if I *believe* I can be impartial, I should grant a motion for recusal if the parties do not agree.

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 that a financial or social involvement of my spouse, is likewise a financial or social involvement of mine, and thus, any such involvement by him should absolutely result in my recusal if the involvement by me would so result.

I likewise believe any relationship by a close relative should result in caution. If I know of the relationship, then I must disclose that information, weight whether it would affect impartiality, and ensure that I give deference to any concerns by any party who requests that I step aside.

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

I believe it is inappropriate to accept gifts from anyone beyond your family and close personal friends; recognizing however, that it is common to receive nominal tokens to celebrate holidays or special events, anything of any significance should be graciously rejected so as to avoid the appearance of impropriety.

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

I would comply with the appropriate Rules of Professional Conduct regarding reporting of misconduct by another professional. In addition, I believe it is incumbent upon members of the bench to help educate young lawyers on appropriate professional conduct in order to help steer them away from such mistakes. I believe all judges should take an active role in their legal community. More importantly, I believe it is incumbent upon members of the bench to ensure they follow the very highest standards of ethical behavior in order to serve as positive role models for all those that appear before them, and I would strive to do just that.

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

I would obviously terminate my relationship with my current law firm, Zimmerman and Shealy, LLC, and all responsibilities thereto.

Otherwise, I do not believe I have any other affiliations that must change.

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

No.

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

Often counsel for the prevailing party drafts the order, and if that is the case, I would ask that it be first submitted to opposing counsel for input, and then forwarded to me in a modifiable format, such as Word or WordPerfect. I believe that as the Judge, it is imperative that I take an active role in crafting the language in the order so that it matches my decision.

For orders that I draft, I believe it is important to make sure I devote appropriate attention to ensuring accuracy in my statements of fact and law. I would not hesitate to refer back to my court reporter to ensure accuracy prior to finalizing an order.

Most importantly, I understand that people's lives are often hanging in the balance while they await a ruling, and I would do my best to quickly rule on matters and issue order so as not to hold up the progression of justice.

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

I have maintained a calendar and docket management system for my law firm that has ensured we satisfied all necessary filing deadlines for responsive pleadings, discovery, and statutes of limitations. This system

covered not only my case load, but I have overseen the system for my law partner and my associate attorneys. I believe that the same practice could be put into place as a judge to ensure deadlines are met properly. I also believe it is necessary for a judge to be an active supervisor of his or her staff. I have experience in management, as I have been the active manager of my law firm.

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

Members of the Circuit Bench should strive to follow the law, including statutes as set by the General Assembly and common law as set our appellate court system. I do not believe that it would be my role as a Circuit Judge to change that precedent, but would instead defer to such authorities. Obviously, litigates have the right to petition to argue against precedent, and I would evaluate those cases as appropriate. That said, I do not believe it the job of the circuit bench to try to create new law.

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?

Most importantly, I believe that all judges should assist and educate young lawyers. Lawyers come out of law school knowing how to *think* like lawyers, but putting that into practice is often much more challenging. I would work to ensure our attorneys are properly educated so they may best advocate for their clients.

In addition, I believe our judicial community has a diverse mix of experience, both professionally and personally. I would strive to share with fellow members of the bench my knowledge and views, while keeping an open mind to theirs. I believe we all benefit from continued growth.

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 do not believe this would be a problem. My husband and I have survived planning a wedding while studying for the bar exam. He worked full time in Spartanburg during the first two years of my private firm. At that time, he worked swing shifts, and I practically lived at my office, but we always found time for each other.

My husband now is retired, which allows him to take on most of the responsibilities around our home. In addition, he has the freedom of a flexible schedule, which will allow us to spend time together despite the pressures of my schedule. He is extremely supportive of my ambitions, and will do what he can to ensure my professional success. Most importantly, we are secure in our relationship and completely committed to its success, which means that outside pressures don't effect our home life.

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:

Repeat offenders deserve much harsher penalties. The Honorable James Johnson used to express a sentiment that I believe holds true. With most crimes, he would give people the benefit of the doubt on their first offense, but he would tell them, that if they appeared before him again, they would get no sympathy. This was evidence during probation violations hearings, where he would tell the offender that probation was their chance, and they blew that chance. I believe his philosophy was accurate, and I would try to follow that in sentencing those that frequent our criminal court system.

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

I believe it is important with juveniles to not merely punish them for their crime, but to also look for ways to steer them away from crime in the future. I would look for opportunities to educate and rehabilitate these young offenders.

c. White collar criminals:

With regards to white collar crimes, it is imperative to consider the input of the victim. Some victims simply want to recover their funds, while others want to ensure an impact upon professional licenses. I believe that these victims must be heard, and I would give great weight to their desires in sentencing.

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

Much like juvenile offenders, I believe it is important to look for ways that will assist these individuals and help them avoid re-offending. Obviously, they must bear the punishment for their offense, but I believe referrals to vocational rehabilitation, drug rehabilitation, and other similar programs to help them find work and avoid a continue life of crime are necessary. I would strive to keep abreast what programs are available within the jurisdiction over which I preside.

e. Elderly defendants or those with some infirmity:

There must be special consideration given in such situations. I have seen individuals with diagnosed cases of Alzheimer's Disease arrested and prosecuted for crimes that they never understood. I believe it is incumbent upon the presiding judge to look for avenues in which those individuals can be committed to an appropriate facility for treatment.

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

No

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 not hear the case unless, after disclosing to all parties, they all agreed on the record that I should continue to preside over the case. I

believe if I, personally, have the financial interest, then I should step aside.

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?

I believe that all judges should be patient, kind, compassionate, and courteous. I believe he or she should preside with an open mind and rule swiftly, with a firm hand. It is important to exercise moral vigor and strength of character in all aspects of life.

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 these characteristic should be exemplified at all times and in all aspects of life.

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?

Although it is a basic part of human nature to get upset from time to time, I do not believe it is appropriate for a judge to show anger or to allow harsh feelings to govern their decisions. If a judge were to lose their temper with a party, they must step back from the situation, and if the anger cannot cool to avoid the appearance of impropriety, that judge should step aside and allow a different judge to hear the matter.

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?

No

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?

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

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/ Mindy Zimmerman

Sworn to before me this 24 day of July, 2014.

Kirkland G. Smith Jr.

(Print Name)

Notary Public for S.C.

My Commission Expires: December 2, 2023

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October 13, 2014

Jane O. Shuler, Chief Counsel
Post Office Box 142
Columbia, South Carolina 29202

Re: Circuit Court, At-Large, Seat 9
Amendment to Sworn Statement Question 5

Dear Ms. Shuler,

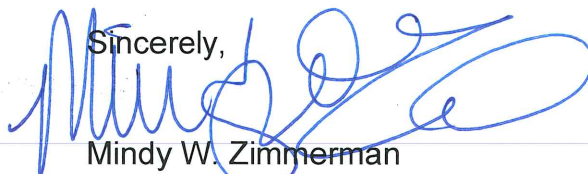
This letter serves to amend my Sworn Statement, Question 5.

When originally answering Question 5, which asks about *ex parte* communications, I initially thought of inappropriate communications. Having reviewed this questions, I realize that my answer is incomplete, as there are clearly certain circumstances where *ex parte* communications are acceptable and specifically authorized. These circumstances are outlined in Canon 3.B.7.

While I believe Judges should avoid *ex parte* communications, there are certainly exceptions, and so long as the applicable rules are followed, such circumstances do not interfere with the administration of justice.

Should you have any questions regarding this matter, please feel free to contact me.

Sincerely,



Mindy W. Zimmerman
Attorney at Law