

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

Circuit Court
(Incumbent)

Full Name: Jesse Cordell Maddox, Jr.

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1. Why do you want to serve another term as a Circuit Court Judge?

I enjoy my job. I have always believed in public service. The learning curve for a Circuit Court Judge is long. After twelve full years on the bench, I believe that I have reached a peak of competence. If a person can enjoy a job and that job is useful to the community, that is the height of job satisfaction.

The bottom line is that I feel very satisfied with the job of Circuit Court Judge and wish to continue on the bench.

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

I do not participate, except as allowed by The Canons of Ethics and State Law, in any *ex parte* communication regarding substantive matters before the court.

If I believe that a communication arises to the level of *ex parte* communication, I inform all parties of the communication.

As previously stated, this issue has become a problem as a result of Internet connectivity.

I do my best to avoid contact from pro se litigants and criminal defendants via email, etc.

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

As a practice, I disclose any matter that might require recusal immediately. Basically, I rely on 3(e) of the Canons in situations where recusal is an issue.



The most difficult issue arises very rarely. This situation involves a party's perceived need for recusal. If I believe my involvement creates an appearance of impropriety, I will always recuse myself. The above assumes that the recusal is not sought to delay the matter.

After 13 years, I do not have any issues with former law partners or associates. Finally, if a matter arises during a trial that may cause recusal, I allow the parties and their attorneys to discuss the matter outside my presence and then summarize their decision on the record. I usually will grant a legitimate request for recusal.

Lawyers/legislators receive no special treatment in regard to recusal.

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?

Quite frankly, I would give deference to a party seeking recusal because of a perceived impartiality.

That situation is rare, but in most instances I would recuse myself.

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, child or family member residing in my household, or within the third degree of relationship had an "economic interest or social involvement" in a case, I would recuse myself. Any minor or de minimis interest by the above family members should be disclosed to all parties. If I believed that the issue could inject the appearance of impartiality, I would almost always recuse myself.

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

I do not accept gifts.

I attend Bar related activities and functions sponsored by the S.C. Trial Lawyers and the S.C. Defense Lawyers. I have always attempted to attend both functions or neither function in the same year. With the exception of allowed normal social hospitality, I do not accept food, meals or gifts. In accordance with Rule 4(D) of the Canons, I disclose yearly all amounts accepted by me or my family.

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

With great sadness, I would inform the appropriate authority if I believe a judge or attorney had violated their applicable canons or codes.

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

No

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

No

13. How do you handle the drafting of orders?

Attorneys are asked to draft orders and email in a format that allows alterations by my office. I also draft orders with assistance of my law clerk.

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

My law clerk and administrative assistant diary all cases and their deadline both by computer and by hand on a calendar.

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

The legislature is responsible for the creation and implementation of all laws. As a judge, I believe that I must attempt to comply with unambiguous legislative language and intent. A judge should try to presume that legislation is properly enacted and constitutional.

I have never been in a formal or informal setting with other S.C. judges in which judicial activism was promoted.

16. 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 will continue to make myself available to any and all groups who have an interest in the court system. I have spoken and interacted with many groups in the past and will continue to do so in the future.

17. 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?

Serving as a judge does strain personal and family relationships. This strain has been reduced because my children have grown into adults and understand the requirements of the bench. My wife also understands the requirements and stresses of this job. I keep my life balanced and also participate in activities away from the courthouse.

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:
I generally believe that repeat offenders should be given sentences commensurate with their involvement in the court system. This usually means repeat offenders are given longer and more harsh sentences than first time offenders.
 - b. Juveniles (that have been waived to the circuit court):
In non-violent matters I attempt to fashion a sentence that educates the juvenile on potential sentences if they do not comply with the law. If the matter is violent I treat juveniles as adults in sentencing.
 - c. White collar criminals:
Sentences are fashioned to require repayment of ill begotten gains and first times offenders are often given alternative sentences. When possible, I strongly consider the wishes of victims.
 - d. Defendants with a socially and/or economically disadvantaged background:
I take into account the social and economic backgrounds of all defendants but believe adults should be held responsible for their actions and I sentence them accordingly.
 - e. Elderly defendants or those with some infirmity:
If the matter is non-violent, I try to fashion alternative sentences, if possible.
If violent, I treat these defendants the same as all others, even though seriously ill defendants create a substantial financial burden on the corrections system.
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?
No
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 a judge should be fair to all parties. I also believe that a Judge should attempt to remain calm and only express dissatisfaction or anger when the situation calls for that display of emotion.

24. Do 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 try to live my life by the above creed. I am successful most, but not all, of the time.

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 a pro se litigant?

Anger has it's place in a courtroom, but only sparingly. When attorneys or parties continually refuse to abide by the rules, a little anger is sometimes necessary.

I try to never get angry with a criminal defendant. If I am angry, I try to quell the emotion. Sentencing requires detached thought unhindered by anger. I am very patient with pro se litigants.

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 campaigned for re-election of this office.

27. While campaigning for this office, have you used judicial letterhead or the services of your staff for your campaign?

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/ Jesse Maddox

Sworn to before me this 30 day of July, 2014.

Lasandra G. Young

(Print Name)

Notary Public for South Carolina

My commission expires: January 24, 2015