

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

**Circuit Court
(Incumbent)**

Full Name: RUPERT MARKLEY DENNIS, JR.

Business Address: P.O. BOX 1800, MONCKS CORNER, SC 29461

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

After serving the State for twenty years, I can offer both experience and desire in assisting our judiciary. I am extremely excited about the opportunity to continue the process of improving our system and believe I can be of assistance in that endeavor. All of which, I hope, would benefit the State, the Bench and the Bar.

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

I plan to serve until the required age of retirement.

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?

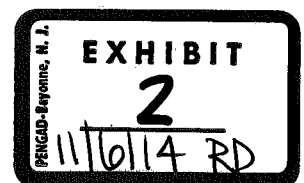
Yes

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

I have always sought to avoid *ex parte* communications. Many times persons unfamiliar with the judicial system and not familiar with that prohibition, do, on occasion, make approaches. I typically advise them such is not proper or permitted. Also whenever it occurs, I always disclose the contact to all parties to the action. I have and do engage in *ex parte* communications permitted by the Rules or permitted by law.

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

My philosophy on recusal is consistent with and specifically set forth in Canon 3(E). In those situations, I disclose the potential problems and ask the parties to consider out of my presence whether they wish me to recuse myself. If requested, recusal is always the correct approach. There are occasions,, however, where I may decline to recuse myself when it appears that the party is simply trying to gain an advantage or possibly further delay which would constitute a prejudice to the other side. In those situations, nothing in the Canons would prevent me from hearing the matter.



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?

As stated, I would in those situations, elect to recuse myself to avoid the appearance of an impropriety.

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 were involved financially or socially in a matter before me, I would probably recuse myself without giving the parties an opportunity to waive a disqualification. I believe the appearance of impropriety in that situation is so great it would be proper and would demean the integrity of the judiciary.

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

I do not accept any food, meals, gifts, except those which are ordinary social hospitality. On occasion, I attend Trial Lawyers Conventions, which is, of course, reported on my financial disclosure each year and is permitted under the Canon Code of Judicial Conduct 4(B)(5). I do receive and have accepted gifts from relatives and friends on special occasions, such as Christmas and birthdays. Such is permitted by Canon 4(5)(D). Generally I try at all times to comply in every respect with Canon 4 of the Judicial Canon of Ethics. It provides fairly explicit guidelines.

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

If there is a substantial likelihood that the judge or the attorney has committed a violation of the Code of Judicial Conduct or the Rules of Professional Conduct governing lawyers, I would confront the lawyer and if required by the Rules, report the conduct to the appropriate authority. If I consider it to be misconduct but not a substantial likelihood that it constitutes a violation of one of the Codes, I probably would discuss the matter in private with the lawyer and/or the judge.

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

I am a member of no political parties, boards, or commissions.

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?

Generally I require the attorneys to prepare the appropriate Orders. I have, on occasion, drafted my own Order. In complex cases

I will typically request that the attorney forward with the Order a disk to facilitate editing when needed.

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

The methods utilized are tickler systems which I have in my office as well as the various reporting requirements that have to be made to Court Administration. In the last fourteen years, I do not believe we have experienced any problems with deadlines. I don't anticipate any in the future

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

"Judicial activism" is a term that certainly may in some circumstances have merit if tempered by legal principal, *stare decisis*. I also strongly believe in preserving three separate but equal branches of government. A judge should never seek to legislate. A judge should interpret and apply the statutory laws of the state as adopted by its legislature. Public policy should be considered by the judge only when it is one of the factors necessary for a decision in a given case. In those situations, I would consider it but not give more weight to a public policy consideration than any other factor.

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?

Upon request, I have spoken to various service clubs concerning the judiciary and the legal system in administration of justice. I will continue to speak on those occasions. Also I attempt to use the qualification process for juries as an opportunity to discuss the merits of our system of dispute resolution and encourage the citizens to be involved in that process as jurors. I consider my job as a circuit court judge to be an opportunity every day for me to be an ambassador for the State and its judicial system.

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?

The stresses of the job are certainly obvious from time to time. It has been my practice to discuss the source of stress, but not discuss the merits of the case or decisions to be made by me until the case has been resolved and I no longer have anything to do with it. From time to time, I may, in my close family setting discuss the cases and give reasons for decisions when asked. I do the same for jurors if they ask from time to time after the case has been of course resolved and ended. At no time, however, do I permit family or friends to interfere with nor suggest or give the appearance that they are interfering with or involved with my decision making process.

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:

It depends on the offenses and the individual case. It would be one of the factors that I would consider in imposing a sentence. The severity of the sentence would depend upon a number of factors, the nature of the prior offenses as stated and the time lapse between them, but it may have an influence on whether or not a probationary sentence is considered.

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

I would consider those cases the same as any other case.

c. White collar criminals:

I believe that all cases should be individually considered. A factor that I do consider, however, is whether or not a person knew or should have known that the conduct in which they were engaged was wrong. Also, I believe there is a higher degree of accountability to those upon whom society has bestowed a trust or confidence. That would be a factor I would likewise consider in imposing a sentence.

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

A person's background will always be considered whether they are socially and economically advantaged or disadvantaged. In imposing a sentence one should consider all the factors having a direct bearing or potential influence on one's conduct.

e. Elderly defendants or those with some infirmity:

A person's infirmity has some bearing on my sentencing in the likelihood of recidivism in some situations. However, a person's physical infirmity would not necessarily prevent me from incarcerating that individual if justified.

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?

Canon 3(E)(1)(B) of the Code of Judicial Conduct requires that I disqualify myself where there is more than a *de minimis* interest which is likely to be affected. Thus, the degree or effect and the degree of interest would have a significant bearing on whether or not I would recuse myself outright. In every instance, if it was not substantial enough or the financial interest was not significant enough, then I would follow the procedure provided in Canon 3(F) and allow the

parties to decide whether or not they are willing to waive the disqualification and allow me to hear it.

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

Not to my knowledge

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 demeanor that reflects an interest in the subject matter at hand and reflects no personal bias or prejudice. I feel that the judges demeanor should be such that the litigant and/or the litigants attorney have a full and complete opportunity to argue and/or state their respective positions. A judge's demeanor should be such that would reflect an attitude of patience and tolerance on the various positions being argued.

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 hope that my answers apply to my every day appearance, however, with family members and my children, I am sure there are occasions when they do not consider my demeanor to be that as described in No. 23, but I am human.

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?

There are occasions when it may be necessary to be firm with members of the public. I do not believe, however, anger is ever appropriate in a courtroom. If a judge is angry, then I believe he loses the ability to be objective and perform his or her duties effectively.

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 spent no monies on this campaign.

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

No

28. Have you sought or received the pledge of any legislator prior to this date?

I have not sought nor have I received any pledge from any legislator 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 sought nor have I been offered any conditional pledge of support by any legislator pending the outcome of the screening.

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 asked no one to contact any legislators on my behalf at this point and I do not intend to until the screening report is released and I am permitted by law to take such action.

31. Have you contacted any members of the Judicial Merit Selection Commission?

I have contacted no one on 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 48-hour rule and intend to comply with same.

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

s/ Rupert Markley Dennis Jr.

Sworn to before me this 4th day of August, 2014.

Linda J. Droze

(Print Name)

Notary Public for South Carolina

My commission expires: June 21, 2020