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JUDICIAL MERIT SELECTION  
COMMITTEE

EVALUATION OF CANDIDATES  
BY COMMITTEE MEMBERS

PUBLIC HEARINGS ON JUDICIAL QUALIFICATIONS

WEDNESDAY, NOVEMBER 5, 2014  
ROOM 516, BLATT BUILDING  
COLUMBIA, SOUTH CAROLINA

COMMENCING AT 10:07 A.M.

REPORTED BY: SHERI L. BYERS,  
REGISTERED PROFESSIONAL REPORTER

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1 MEMBERS IN ATTENDANCE:

2 REPRESENTATIVE ALAN D. CLEMMONS, CHAIRMAN

3 SENATOR LARRY MARTIN, VICE CHAIRMAN

4 SENATOR GERALD MALLOY

5 SENATOR GEORGE E. "CHIP" CAMPSEN

6 REPRESENTATIVE BRUCE BANNISTER

7 REPRESENTATIVE DAVID MACK

8 JOSEPH P. "PETE" STROM

9 KRISTIAN C. BELL

10 SUSAN T. WALL

11 DEAN ROBERT M. WILCOX

12

13 COUNSEL PRESENT:

14 JANE O. SHULER, CHIEF COUNSEL

15 PATRICK G. DENNIS

16 ANDREW T. FIFFICK, IV

17 J.J. GENTRY

18 BRETT HUBLER

19 BOB MALDONADO

20 EDWARD BENDER

21 EMMA DEAN

22 JAMEY GOLDIN

23 STEVE DAVIDSON

24 DANIEL BOAN

25 (INDEX AT REAR OF TRANSCRIPT)

1           REPRESENTATIVE CLEMMONS: Ladies and  
2 gentlemen, it's a pleasure to greet you all this  
3 morning at Judicial Merit Selection Commission  
4 hearings. We have the pleasure of having a couple of  
5 new faces with the commission who we are thrilled to  
6 have with us today.

7           We have with us in addition to our current  
8 members, Larry Martin, Chip Campsen, Gerald Malloy,  
9 Kristian Bell, Pete Strom, David Mack, Bruce Bannister,  
10 and myself, Alan Clemmons, we now have Susan Taylor  
11 Wall with us, and we have with us Professor Robert  
12 Wilcox. It's a pleasure to have both of you join our  
13 ranks. Thank you so much for being here and for  
14 joining agreeing to be a part of this commission.

15           And at this point, I would like to turn the  
16 time over to Ms. Shuler, Jane Shuler, so we can go over  
17 business on the record.

18           MS. SHULER: I would like to introduce the  
19 screening attorneys at this time so that you will be  
20 familiar with them when they handle judicial candidates  
21 in the screening. And I have done it in alphabetical  
22 order. And if the screening attorney, when I call your  
23 name, if you will just stand.

24           Edward Bender, who is counsel to the senate  
25 clerk.

1 Daniel Boan, who is director of Budget and  
2 Finance, House Ways and Means Committee.

3 Steve Davidson, staff counsel, House  
4 Judiciary Committee.

5 Emma Dean, who is assistant chief counsel,  
6 House Judiciary Committee.

7 Patrick Dennis, who is chief counsel, House  
8 Judiciary Committee.

9 Andy Fiffick, who is chief counsel, House  
10 Labor, Commerce and Industry Committee.

11 J.J. Gentry, who is an attorney with Senate  
12 Judiciary Committee.

13 Jamey Goldin, who is assistant chief counsel,  
14 House, Labor, Commerce and Industry Committee.

15 Brett Hubler, who is research director, Fish,  
16 Game and Forestry Committee.

17 Bob Maldonado, who is an attorney with Senate  
18 Judiciary Committee.

19 And then lastly, I'm Jane Shuler with Senate  
20 Judiciary and Judicial Merit.

21 I would also like to thank our support staff  
22 at this time. These are all Senate judiciary  
23 administrative assistants.

24 Jaynie Jordan, who also works with the  
25 Judicial Merit Selection Commission.

1 Sharon Scholl and Mae Wilson.

2 And I also want to thank Linda Anderson with  
3 House Judiciary Committee who helped with refreshments  
4 today as well. Thank you.

5 At this time, I'm going to have Jaynie Jordan  
6 distribute the signature page for the draft report to  
7 circulate for signature. And for the new members, this  
8 page goes at the back of the report that will be given  
9 to the members of the General Assembly on all the  
10 judicial candidates when it's published in January. I  
11 will also email you a copy as well. We don't actually  
12 bind it anymore. We send it out by email to save  
13 printing costs.

14 Mr. Chairman, at this time I would request to  
15 go into executive session.

16 REPRESENTATIVE CLEMMONS: Before we do so, I  
17 would like to thank staff for all their hard work that  
18 they put into the proceedings for the next few days.  
19 You make our -- you are very thorough and you make our  
20 job as easy as it can possibly be. Thank you very  
21 much.

22 With that, the Chair would entertain a motion  
23 to go into executive session.

24 SENATOR MARTIN: So moved.

25 REPRESENTATIVE CLEMMONS: We have a motion.

1 SENATOR MALLOY: Second.

2 REPRESENTATIVE CLEMMONS: Second.

3 Those in favor please raise your hand.

4 Those opposed please raise your hand.

5 The motion passes.

6 We are in executive session.

7 Would everyone other than staff and members  
8 of the commission please exit the room.

9 (The members went into executive session.)

10 \* \* \* \* \*

11 (The members came out of executive session.)

12 (EXHIBIT 74, Statement of Senator Malloy, was  
13 marked for identification.)

14 (A recess transpired.)

15 REPRESENTATIVE CLEMMONS: Thank you, ladies  
16 and gentlemen. The Judicial Merit Selection Commission  
17 is now back on the record.

18 For the record, I would like to state that we  
19 have been in executive session; however, no decisions  
20 were made, no votes were taken during executive  
21 session.

22 We now have before us a list of currently  
23 serving judges that have been thoroughly vetted by  
24 staff. And I would like to ask Ms. Shuler if she could  
25 describe the vetting process that these candidates have

1     been through.

2                   MS. SHULER:  Each judicial candidate  
3     submitted application documents, including a financial  
4     statement, full credit report.  We also requested a  
5     disciplinary record, a SLED report.  Each candidate had  
6     a screening attorney review all those documents and  
7     conduct a personal interview with the judicial  
8     candidate, questioning them with any concerns that they  
9     had related to any of the application documents.

10                   Each judicial candidate was screened by a  
11     citizens committee and a report was issued.  Each  
12     judicial candidate, except for Masters-In-Equities and  
13     retired judges were screened by the judicial  
14     qualifications committee of the South Carolina Bar.

15                   Candidates -- members of the general public,  
16     attorneys, or anybody that was interested could have  
17     filed a complaint against these judicial candidates,  
18     and no complaints were filed against these candidates  
19     that we're going to discuss shortly.

20                   No concerns were seen with their financial  
21     statement or their credit report.  No ballot box  
22     concerns were found.  And, again, no complaints were  
23     brought.

24                   REPRESENTATIVE CLEMMONS:  Thank you,  
25     Ms. Shuler.

1           Operating under Code Section 2-19-40, which  
2 reads, "Not with withstanding the provisions of this  
3 chapter, when there is no known opposition to a  
4 candidate and there appears to be no substantial reason  
5 for having a public hearing, whether or not a candidate  
6 is an incumbent, and no request is made by at least six  
7 members of the Judicial Merit Selection Commission for  
8 a public hearing, the commission chairman, upon  
9 recommendation of the commission, may determine that a  
10 public hearing is unnecessary and may not be held.

11           In that regard, with regard to the  
12 Honorable Robert E. Hood, that candidate has been  
13 thoroughly reviewed. There have been no concerns  
14 raised with regard to the candidates' financial matters  
15 on his ballot box results, his judicial qualifications  
16 committee report, and his citizens committee report.  
17 There have been no complaints made against this  
18 candidate.

19           And I would ask now if there is any member of  
20 the public that wishes to be heard with regard to this  
21 candidate?

22           Hearing none, are there six members of the  
23 commission that request a public hearing on this  
24 candidate?

25           Not having six members -- I do recognize



1 Senator Malloy has raised his hand. Not obtaining the  
2 threshold of six, then as Chair, I deem that a public  
3 hearing is unnecessary with regard to the  
4 Honorable Robert E. Hood.

5 With regard to the Honorable Aphrodite  
6 Konduros, I would reiterate the same as I just shared.  
7 This candidate has been thoroughly vetted. There have  
8 been no concerns with regards to candidate's financial  
9 matters, ballot box results, judicial qualifications,  
10 committee report or citizens committee report. And  
11 there have been no complaints made against the  
12 candidate.

13 Are there any members of the public who wish  
14 to be heard with regard to this candidate?

15 Hearing none, are there six or more members  
16 of this committee that would desire a public hearing  
17 with regard to the Honorable Aphrodite Konduros?

18 Senator Malloy is noted.

19 Not having attained the threshold, then the  
20 Chair would rule that the public hearing is unnecessary  
21 with regard to the Honorable Aphrodite Konduros.

22 SENATOR MALLOY: Mr. Chair.

23 REPRESENTATIVE CLEMMONS: Yes, sir.

24 SENATOR MALLOY: The process with which we  
25 are going, and I just want to be clear as to my

1 long-stated position that they should all have public  
2 hearings. My question is now that we call these  
3 members out on the list at this particular time, are we  
4 want to do that also at the listed time?

5 Just a question as to what the procedure is.

6 SENATOR CAMPSSEN: Mr. Chairman.

7 REPRESENTATIVE CLEMMONS: Yes, Senator.

8 SENATOR CAMPSSEN: May I suggest -- I think  
9 Senator Malloy has a point. May I suggest that when we  
10 approach their scheduled time on the published agenda,  
11 that we once again ask is there any members of the  
12 public who are interested in the hearing because they  
13 may be showing up at that time, and then we'll schedule  
14 a hearing.

15 REPRESENTATIVE CLEMMONS: We have individuals  
16 scheduled for Friday as well, and we're trying to  
17 determine whether or not we will be having the hearing  
18 on Friday.

19 I'm being reminded by counsel that asking for  
20 public comment outside of the complaint process is not  
21 allowed under our rules.

22 MS. SHULER: Unless there's extenuating  
23 circumstances. Something newly discovered after the  
24 complaint.

25 REPRESENTATIVE CLEMMONS: Okay. Did

1 everybody hear that? Would you repeat that for the  
2 court reporter.

3 MS. SHULER: We have a complaint process, and  
4 so members of the public who want to testify or file  
5 against a judicial candidate have a time period within  
6 which to testify. The deadline was October 25th at  
7 noon. The statute provides unless there are  
8 extenuating circumstances for not meeting that  
9 complaint deadline, it's a very high threshold, it  
10 would have to be basically something newly occurring or  
11 newly discovered that was not discovered within that  
12 complaint deadline.

13 So technically they couldn't just come on  
14 Friday or Thursday to testify against that complainant.

15 REPRESENTATIVE CLEMMONS: We're going to  
16 continue.

17 Yes.

18 SENATOR CAMPSER: May I suggest in the  
19 unlikely event that there is such a complaint, that  
20 it's permitted after the deadline for the written  
21 affidavit, that we reconvene the commission to conduct  
22 that public hearing in the unlikely event that that  
23 were to occur.

24 REPRESENTATIVE CLEMMONS: Okay. That is a  
25 suggestion that this chair would act upon. Thank you.

1           With regard the candidate before us, the  
2           Honorable Aphrodite Konduros, do we have six members of  
3           the commission who would deem that a public hearing  
4           would be required?

5           We have one member, Senator Malloy. Not  
6           having attained the threshold, the chair orders that a  
7           public hearing isn't unnecessary for the Honorable  
8           Aphrodite Konduros.

9           With regard to the Honorable Roger M. Young,  
10          I would share that the same conditions I described for  
11          the last candidate are the same. This candidate has  
12          been fully vetted, has been through the review process,  
13          including the candidate's financial matters. There  
14          have been no concerns with those financial matters, no  
15          concerns raised on ballot box results, the Judicial  
16          Qualifications Committee report for the Citizens  
17          Committee report.

18          There have been no complaints made and any  
19          otherwise against this candidate.

20          Are there members of the commission who would  
21          ask that this candidate appear personally before us?

22          Hearing one, Senator Malloy.

23          And not rising to the required six members,  
24          this chair orders that a public hearing is unnecessary  
25          with regard to the Honorable Roger M. Young.

1           With regard to the Honorable Robin B.  
2 Stilwell, the Chair would stipulate to the same  
3 conditions as expressed previously with regard to the  
4 Honorable Robert E. Hood and the Honorable Aphrodite  
5 Konduros and would ask if there are six members of the  
6 commission who would request that Judge Stilwell appear  
7 before us?

8           Having heard one, Senator Malloy, and not  
9 having attained the required six, the Chair orders that  
10 a public hearing is unnecessary with regard to the  
11 Honorable Robin B. Stilwell.

12           Stipulating likewise with regard to the  
13 Honorable Carmen T. Mullen. This candidate has been  
14 fully reviewed, and no concerns or complaints have been  
15 validly raised as stated before for the other  
16 candidates.

17           Are there any members of the commission who  
18 would request this candidate appear before us?

19           Senator Malloy so requests.

20           Not having attained the required six, the  
21 Chair orders that a public hearing is unnecessary with  
22 regard to this candidate.

23           With regard to the Honorable Clifton B.  
24 Newman, the Chair would again stipulate that this  
25 candidate has been fully vetted, and no complaints or

1 concerns have been validly raised as stated previously  
2 for the other candidates.

3 The Chair would ask if there are any  
4 commission members that would request this candidate  
5 appear before us?

6 Senator Malloy so requests.

7 Not having attained the required six  
8 commission members, the Chair orders that a public  
9 hearing is unnecessary with regard to this candidate.

10 With regard to the Honorable J. Mark  
11 Hayes II. This candidate has likewise been thoroughly  
12 vetted as described for the previous candidates. No  
13 complaints or concerns have been validly raised.

14 Are there members of the commission who would  
15 request this candidate appear virtually before us?

16 Senator Malloy so requests.

17 Not having attained the required six members  
18 of the commission, the Chair orders a public hearing is  
19 unnecessary with regard to the Honorable J. Mark  
20 Hayes II.

21 Regarding the Honorable William H. Seals Jr.  
22 This candidate has also been thoroughly vetted with no  
23 concerns or complaints being validly raised under the  
24 process.

25 Are there members of the commission who

1 requests the personal appearance of Judge Seals?

2 Senator Malloy so requests. However, not  
3 having attained the required six members of the  
4 commission, the Chair orders that a public hearing is  
5 unnecessary with regard to that candidate, Judge Seals.

6 Continuing on with the Honorable Deborah D.  
7 Durden. This candidate, again, has been thoroughly  
8 vetted. As a result of that process, no concerns about  
9 this candidate or complaints have been validly raised.

10 Are there members of the mission who wish to  
11 require the personal appearance of Judge Durden?

12 Senator Malloy so requests. However, not  
13 attaining the required six members of the commission,  
14 the Chair orders that a public hearing is unnecessary  
15 with regard to this candidate.

16 With regard to the Honorable Marvin H.  
17 Dukes III. This candidate has likewise been fully  
18 vetted and with no concerns or complaints validly  
19 raised.

20 Are there members of the commission that  
21 request personal appearance of Judge Dukes?

22 Senator Malloy so requests. However, not  
23 attaining the required six members of such request,  
24 this Chair orders that a public hearing is unnecessary  
25 with regard to Judge Dukes.

1           Next, the Honorable Charles B. Simmons Jr. is  
2 before us. That candidate has been fully vetted. No  
3 complaints or concerns have been validly raised in this  
4 process.

5           Are there members that request a personal  
6 appearance of the candidate?

7           Senator Malloy so requests. However, not  
8 attaining the required six members so requesting, the  
9 Chair orders a public hearing unnecessary with regard  
10 to this candidate.

11           Regarding Judge Cynthia G. Howe. This  
12 candidate, again, has been fully vetted with no  
13 complaints or concerns being validly raised throughout  
14 the statutorily required process.

15           Are there members of the commission that  
16 request the personal appearance of Judge Howe?

17           So noted, Senator Malloy. However, not  
18 attaining the required six members under the statute,  
19 the public hearing is deemed by the Chair as  
20 unnecessary with regard to Judge Howe.

21           Next, the Honorable Gordon G. Cooper.  
22 Judge Cooper has been thoroughly vetted, no complaints  
23 or concerns have been validly raised throughout the  
24 process.

25           Are there members of the commission that



1 requests the personal appearance of Judge Cooper?

2 Senator Malloy so requests. However, not  
3 attaining the required six members of the commission,  
4 the Chair orders that a public hearing is unnecessary  
5 with regard to Judge Cooper.

6 Next the Honorable S. Jackson Kimball III is  
7 before us. Judge Kimball has been thoroughly vetted,  
8 no complaints or concerns having been validly raised  
9 through the statutory process.

10 Are there members of the commission that  
11 request personal appearance of Judge Kimball?

12 Judge -- Senator Malloy so requests.  
13 However, not attaining the required six members so  
14 requesting, the Chair orders a public hearing is  
15 unnecessary with regard to Judge Kimball.

16 With regard to retired judges, beginning with  
17 Judge Jasper M. Cureton. Judge Cureton has been fully  
18 vetted as have the other judges.

19 Yes.

20 SENATOR MALLOY: I would request that you  
21 would take them as a group.

22 REPRESENTATIVE CLEMMONS: Thank you,  
23 Senator Malloy.

24 We have before us three retired judges, Judge  
25 Jasper M. Cureton, Judge G. Thomas Cooper Jr., and

1 Judge Robert N. Jenkins Sr.

2 Those -- each of those have been fully vetted  
3 as described previously with no concerns or complaints  
4 having been raised through the process. We would note  
5 that Senator Malloy would request personal appearance  
6 on each of the three retired judges being considered.

7 Are there other members of the commission  
8 that would join Senator Malloy and his request with  
9 regard to any or all of these judges?

10 Hearing none, the Chair orders that the  
11 public hearing is unnecessary with regard to each of  
12 those three judges, Judge Cureton, Judge Cooper, and  
13 Judge Jenkins.

14 I'm being cautioned by counsel that our court  
15 reporter is having difficulty transcribing our hearing  
16 today. That it's necessary each time we speak to turn  
17 on our microphone whenever we're speaking.

18 SENATOR MALLOY: Mr. Chair.

19 REPRESENTATIVE CLEMMONS: Yes,  
20 Senator Malloy.

21 SENATOR MALLOY: Prior to moving on, allow me  
22 a brief statement as to my no vote, and then I will  
23 move on.

24 REPRESENTATIVE CLEMMONS: Absolutely. The  
25 chair recognizes Senator Malloy.

1           SENATOR MALLOY: I would just represent that  
2 I generally don't have problems with the folks that we  
3 have waived, but I do believe that in the matter of  
4 transparency and for the public that to have a person  
5 to come here for a 20-minute session during the  
6 six-year term is something that we probably want to be  
7 able to end up doing.

8           I think that we have one of the best systems  
9 in the country. One of only two states that have  
10 elections in this manner. And I think this is the only  
11 chance for the legislature and the representatives to  
12 actually hear from them in this type of forum. And,  
13 therefore, I cast my vote to have a public hearing for  
14 each one of the judges.

15           Thank you for allowing me that.

16           REPRESENTATIVE CLEMMONS: Thank you for your  
17 comments, Senator Malloy.

18           Commission, we have a candidate before us  
19 today who has requested that the policy limits of her  
20 firm's practice liability policy not be disclosed in  
21 open session. That it be taken up in executive session  
22 contrary to our normal practice.

23           What's the will of the commission?

24           SENATOR MALLOY: Mr. Chair, I have some  
25 opinions on this. Mr. Chair, I have some opinions on

1 this issue. It appears that the history of this  
2 commission is that we actually have questioned the  
3 candidates before as to their liability insurance and  
4 coverage. And I think that in order to make certain  
5 that we are treating everyone the same, that we would  
6 require them to actually submit the coverage. And I  
7 would think that -- I guess whenever we do have a  
8 chance to end up discussing, I'm not sure that's a  
9 request that she has made or that's a request that her  
10 firm has made.

11 And so I would respectfully request that we  
12 require them to list their liability coverage just like  
13 we do every other candidate.

14 REPRESENTATIVE CLEMMONS: And thank you for  
15 your comments, Senator Malloy. They are apropos.

16 I think the question, however, is not whether  
17 or not we ask or inquire with regard to liability  
18 limits, I think the question is whether we do that on  
19 public -- in the public record or we do it off the  
20 public record.

21 Do you have thoughts in that regard?

22 SENATOR MALLOY: We same as we did for  
23 others.

24 REPRESENTATIVE CLEMMONS: In every other case  
25 that we're aware of, we placed that information on the

1 public record.

2 SENATOR MALLOY: I would move --

3 REPRESENTATIVE CLEMMONS: I'm sorry, I'm told  
4 that it's a question. It's a standardized question on  
5 the PDQ, which is a part of the public record.

6 SENATOR MALLOY: I will yield to the Senator  
7 from Pickens.

8 SENATOR MARTIN: Is the question the amount  
9 or do you have it?

10 REPRESENTATIVE CLEMMONS: It's the amount,  
11 and we do have the amount. It has been provided.

12 THE COURT REPORTER: I can't hear without the  
13 microphone.

14 SENATOR MARTIN: I asked is there an amount  
15 listed or just the fact that we have it. I guess for  
16 us nonlawyers in the bunch, it's a requirement you have  
17 a minimal amount, I assume?

18 MS. SHULER: No. You don't even have to have  
19 malpractice insurance. But we started in the past  
20 couple of years asking.

21 SENATOR MARTIN: Why would we want to know  
22 the amount?

23 MS. SHULER: To see I guess what their  
24 coverage was. That was suggested, that we include that  
25 with them.

1 REPRESENTATIVE CLEMMONS: There have been  
2 questions on that issue.

3 MS. SHULER: Right.

4 SENATOR MARTIN: Well, I don't have -- maybe  
5 what we ought to do, since this has come up, is we've  
6 got to have -- you've got to have it. I mean,  
7 obviously you've got to have more than \$10,000.

8 MS. SHULER: You don't have to have  
9 malpractice insurance.

10 SENATOR MARTIN: You don't have to have it?

11 MS. SHULER: No, you do not.

12 SENATOR MARTIN: Well, do we require you to  
13 have it?

14 MS. SHULER: No. We don't require you to  
15 have it, we just require you to disclose whether you  
16 have any so -- what amount and if you have a tail  
17 policy.

18 SENATOR MALLOY: Mr. Chair.

19 REPRESENTATIVE CLEMMONS: Senator from  
20 Pickens. Yes.

21 SENATOR MALLOY: Sometimes it shows in some  
22 cases responsibility. We call it sometimes in the  
23 profession going naked, and basically some people would  
24 not have coverage. And obviously as a part of what the  
25 Bar had, we have a fund that goes in with the Bar that

1 as part of what we do that is not adequately covered.  
2 We have some cases where -- in the last case we had, we  
3 questioned one of the applicants about the amount of  
4 coverage that they had in their practice.

5 And my only issue is that if we're going to  
6 question a smaller practitioner about the adequacy of  
7 their coverage when they listed the amount and the fact  
8 that they had some tail coverage, that I can understand  
9 that folks want to be protected as to what they end up  
10 doing, but I just want to make sure we treat all the  
11 applicants the same.

12 SENATOR MARTIN: What I was trying to think  
13 of maybe is some way we could just -- we can just get  
14 them to disclose that you have it, not an amount but at  
15 least in excess of. I mean, if she doesn't want to  
16 disclose the exact amount, maybe there's some case  
17 pending out there that somebody is trying to zero in on  
18 the amount of the malpractice coverage.

19 SENATOR MALLOY: If they had a case, they're  
20 going to get it in discovery anyway.

21 SENATOR MARTIN: Yeah.

22 REPRESENTATIVE CLEMMONS: I think  
23 Senator Martin's suggestion is a sound one. The  
24 candidate may wish to amend the response on the PDQ  
25 that her firm has liability coverage in excess of X

1 dollars. I think that might be more appropriate than  
2 deviating from our threshold.

3 SENATOR MALLOY: What's our threshold?

4 REPRESENTATIVE CLEMMONS: Then again,  
5 regardless of what the response is on the PDQ, I  
6 suppose the question then becomes do -- if any member  
7 has questions with regard to that, must those questions  
8 be taken up in public session or in executive session?

9 As it stands at the moment, unless there's a  
10 motion otherwise, then it's an appropriate inquiry on  
11 the PDQ to be made public which we can discuss with the  
12 candidate in public -- in a public forum. Unless  
13 there's a motion to the contrary.

14 SENATOR MALLOY: Mr. Chair, I don't quite  
15 understand. I don't quite understand your comment as  
16 to what's before us. Are you seeking a motion, or are  
17 you seeking the opportunity for a motion that we  
18 require the disclosure on the PDQ? Are you saying  
19 absent any action by us?

20 REPRESENTATIVE CLEMMONS: There is already a  
21 question on the PDQ that goes to liability coverage.  
22 That is a part of the public record and will be a part  
23 of the public record and subject to questioning by  
24 members of this committee on the public record unless  
25 there is a motion that passes to take that matter up in



1 executive session.

2 SENATOR MALLOY: I would prefer to say if the  
3 committee does nothing, then the requirement is that we  
4 have it in the PDQ.

5 REPRESENTATIVE CLEMMONS: That's correct.

6 MS. SHULER: She has submitted an amended PDQ  
7 but asks that the policy -- with the policy amounts but  
8 asks that they be redacted and asks in executive  
9 session.

10 I have a clean -- I have a copy with the  
11 amounts on it that we can offer into the public record.

12 REPRESENTATIVE CLEMMONS: Comments?  
13 Questions? Dean Wilcox.

14 DEAN WILCOX: I think I share the view that  
15 if we're going to not require its disclosure that we  
16 ought to change our policy as to all individuals and  
17 simply require that they disclose whether or not they  
18 have coverage -- whether they have insurance at all and  
19 then either not require them to disclose the amount or  
20 for all candidates that would be held in executive  
21 session.

22 I agree with Senator Malloy that it would be  
23 inappropriate to treat one candidate different from  
24 another in that regard.

25 REPRESENTATIVE CLEMMONS: Is that a motion,

1 Dean?

2 DEAN WILCOX: No. I think I would leave it  
3 at -- my understanding being in the absence of a  
4 motion, we would simply leave it at disclosure at this  
5 point.

6 REPRESENTATIVE CLEMMONS: Thank you.

7 Mr. Bannister.

8 REPRESENTATIVE BANNISTER: I'm just sitting  
9 here trying to figure out, if I understand correctly,  
10 we would ask about liability insurance, because if you  
11 get elected judge, this might be relevant to this  
12 committee. If you're elected as a judge and then  
13 someone sues you, if you have coverage, then the  
14 chances of you doing something as a judge that you  
15 shouldn't do as a result of being sued would be less  
16 because you have insurance coverage. You would have  
17 your defense paid for. You would not be put in some  
18 financial strain.

19 On the other hand, if you didn't have  
20 coverage or if you had inadequate coverage and you are  
21 sued, as a judge your independence might be called into  
22 question because you're a litigant in a lawsuit.

23 So it's relevant to the committee to know  
24 that they have coverage or they don't. And it's  
25 relevant for the committee to know how much. If we

1 want to determine there's a certain amount that's  
2 adequate and say you can say, I've got 20 million  
3 liability coverage, then that would be fine. I think  
4 certainly we can look at the amounts in executive  
5 session and then decide if we want to make that public  
6 or not.

7 If that firm has got 20 million in liability  
8 coverage, I think for purposes of this committee and  
9 the public disclosure, we could say they have adequate  
10 coverage so if she gets sued, there's not going to be  
11 an issue with her on the bench.

12 But I sort of agree with the concept that  
13 everybody have to disclose the amount publicly or  
14 disclose the amount privately. We shouldn't pick and  
15 choose based on who is embarrassed about their coverage  
16 limits.

17 SENATOR MALLOY: Mr. Chair.

18 REPRESENTATIVE CLEMMONS: Yes, Senator  
19 Malloy.

20 SENATOR MALLOY: May I pose a question to  
21 Ms. Shuler?

22 How many applicants do we have in this round  
23 of judicial merit selection as a total?

24 MS. SHULER: Currently 57.

25 SENATOR MALLOY: And a large portion of those

1 are not currently sitting on the bench?

2 MS. SHULER: Correct.

3 SENATOR MALLOY: And in every case, every  
4 person had to fill out the question on the PDQ?

5 MS. SHULER: That's correct. And two  
6 candidates don't have malpractice insurance coverage.

7 SENATOR MALLOY: And I think that one of the  
8 critical issues that we have a lot of times, not in  
9 this circumstance, this tail coverage was something  
10 they would have when they practice law. In the event  
11 they are on the bench, the insurance and the adequacy  
12 of the insurance is always an issue. And so my concern  
13 is that we've asked every other candidate that. I  
14 don't think this candidate is opposed to it. It seems  
15 to me that it's coming from the folks in the firm. And  
16 so I think that that should be required from all  
17 candidates. Should be required of each candidate.

18 MS. SHULER: In talking to her firm's  
19 managing partner, if it has to be disclosed, they  
20 understand that. But they asked that we make a request  
21 that it be not included in the public record.

22 REPRESENTATIVE CLEMMONS: Okay. All right.  
23 With that stated, is there a motion that we deviate  
24 from our policy?

25 Hearing no motion, then it's matter of public

1 record.

2 MS. SHULER: Okay.

3 REPRESENTATIVE CLEMMONS: The Chair  
4 recognizes Ms. Shuler.

5 MS. SHULER: Mr. Chairman, at this time I  
6 have a few preliminary matters to handle.

7 I would like to offer and have made exhibits  
8 to the record the following citizens committee reports  
9 for the fall 2014: The Piedmont Citizens Committee;  
10 the Pee Dee Citizens Committee; the Lowcountry Citizens  
11 Committee; the Midlands Citizens Committee, and the  
12 Upstate Citizens Committee.

13 REPRESENTATIVE CLEMMONS: Are there any  
14 objections?

15 Hearing none, I ask at this time that the  
16 Piedmont Citizens, the Pee Dee Citizens Committee,  
17 Lowcountry Citizens Committee, Midlands Citizens  
18 Committee, and Upstate Citizens Committee reports for  
19 Fall 2014 be marked as exhibits and entered into the  
20 public hearing record.

21 (EXHIBIT 1, Piedmont Citizens Committee  
22 Report, was marked for identification.)

23 (EXHIBIT 2, Pee Dee Citizens Committee  
24 Report, was marked for identification.)

25 (EXHIBIT 3, Lowcountry Citizens Committee

1 Report, was marked for identification.)

2 (EXHIBIT 4, Midlands Citizens Committee  
3 Report, was marked for identification.)

4 (EXHIBIT 5, Upstate Citizens Committee  
5 Report, was marked for identification.)

6 MS. SHULER: Mr. Chairman, I would also ask  
7 at this time, those judicial candidates that are  
8 currently voted not to appear at the public hearing for  
9 the fall screening have their PDQs and their amended  
10 PDQs and their sworn statement made exhibits in the  
11 public hearing record. And those candidates would  
12 be -- the PDQs and sworn statement amendments for the  
13 Honorable Aphrodite Konduros, the Honorable Robert E.  
14 Hood, the Honorable Roger M. Young, the Honorable Robin  
15 B. Stilwell, the Honorable Carmen T. Mullen, the  
16 Honorable Clifton B. Newman, the Honorable J. Mark  
17 Hayes II, the Honorable William H. Seals Jr., the  
18 Honorable Deborah B. Durden, the Honorable Marvin H.  
19 Dukes III, the Honorable Charles B. Simmons Jr., the  
20 Honorable Cynthia G. Howe, the Honorable Gordon G.  
21 Cooper, the Honorable S. Jackson Kimball, the Honorable  
22 Jasper M. Cureton, the Honorable G. Thomas Cooper Jr.,  
23 and the Honorable Robert M. Jenkins Sr.

24 Are there any objections?

25 Hearing none, so ordered.

1 (EXHIBIT 6, Personal Data Questionnaire of  
2 The Honorable Charles B. Simmons, Jr., admitted.)

3 (EXHIBIT 7, Sworn Statement of The Honorable  
4 Charles B. Simmons, Jr., admitted.)

5 (EXHIBIT 8, Personal Data Questionnaire of  
6 The Honorable Aphrodite Konduros, admitted.)

7 (EXHIBIT 9, Sworn Statement of The Honorable  
8 Aphrodite Konduros, admitted.)

9 (EXHIBIT 10, Personal Data Questionnaire of  
10 The Honorable Clifton Bernard Newman, admitted.)

11 (EXHIBIT 11, Sworn Statement of The Honorable  
12 Clifton Bernard Newman, admitted.)

13 (EXHIBIT 12, Personal Data Questionnaire of  
14 The Honorable Robert E. Hood, admitted.)

15 (EXHIBIT 13, Sworn Statement of The Honorable  
16 Robert E. Hood, admitted.)

17 (EXHIBIT 14, Personal Data Questionnaire of  
18 The Honorable Roger M. Young Sr., admitted.)

19 (EXHIBIT 15, Sworn Statement of The Honorable  
20 Roger M. Young Sr., admitted.)

21 (EXHIBIT 16, Personal Data Questionnaire of  
22 The Honorable Robin B. Stilwell, admitted.)

23 (EXHIBIT 17, Sworn Statement of The Honorable  
24 Robin B. Stilwell, admitted.)

25 (EXHIBIT 18, Personal Data Questionnaire of

- 1 The Honorable Carmen Tevis Mullen, admitted.)  
2 (EXHIBIT 19, Sworn Statement of The Honorable  
3 Carmen Tevis Mullen, admitted.)  
4 (EXHIBIT 20, Personal Data Questionnaire of  
5 The Honorable J. Mark Hayes II, admitted.)  
6 (EXHIBIT 21, Sworn Statement of The Honorable  
7 J. Mark Hayes II, admitted.)  
8 (EXHIBIT 22, Personal Data Questionnaire of  
9 The Honorable William Henry Seals Jr., admitted.)  
10 (EXHIBIT 23, Sworn Statement of The Honorable  
11 William Henry Seals Jr., admitted.)  
12 (EXHIBIT 24, Personal Data Questionnaire of  
13 The Honorable Deborah Brooks Durden, admitted.)  
14 (EXHIBIT 25, Sworn Statement of The Honorable  
15 Deborah Brooks Durden, admitted.)  
16 (EXHIBIT 26, Personal Data Questionnaire of  
17 The Honorable Marvin H. Dukes III, admitted.)  
18 (EXHIBIT 27, Sworn Statement of The Honorable  
19 Marvin H. Dukes III, admitted.)  
20 (EXHIBIT 28, Personal Data Questionnaire of  
21 The Honorable Cynthia Graham Howe, admitted.)  
22 (EXHIBIT 29, Sworn Statement of The Honorable  
23 Cynthia Graham Howe, admitted.)  
24 (EXHIBIT 30, Personal Data Questionnaire of  
25 The Honorable Gordon G. Cooper, admitted.)



1 (EXHIBIT 31, Sworn Statement of The Honorable  
2 Gordon G. Cooper, admitted.)

3 (EXHIBIT 32, Personal Data Questionnaire of  
4 The Honorable Stonewall Jackson Kimball III, admitted.)

5 (EXHIBIT 33, Sworn Statement of The Honorable  
6 Stonewall Jackson Kimball III, admitted.)

7 (EXHIBIT 34, Personal Data Questionnaire of  
8 The Honorable Jasper Marshall Cureton, admitted.)

9 (EXHIBIT 35, Sworn Statement of The Honorable  
10 Jasper Marshall Cureton, admitted.)

11 (EXHIBIT 36, Personal Data Questionnaire of  
12 The Honorable G. Thomas Cooper Jr., admitted.)

13 (EXHIBIT 37, Sworn Statement of The Honorable  
14 G. Thomas Cooper Jr., admitted.)

15 (EXHIBIT 38, Personal Data Questionnaire of  
16 The Honorable Robert N. Jenkins Sr., admitted.)

17 (EXHIBIT 39, Sworn Statement of The Honorable  
18 Robert N. Jenkins Sr., admitted.)

19 REPRESENTATIVE CLEMMONS: All right. Only an  
20 hour and 40 minutes behind.

21 Ladies and gentlemen, the Judicial Merit  
22 Selection Commission is called pursuant to Chapter 19  
23 of Title 2, South Carolina Code of Laws requiring  
24 review of candidates for judicial office. The function  
25 of the commission is not to choose between candidates

1 but rather to declare whether or not the candidates who  
2 offer for positions on the bench, in our judgment, are  
3 qualified to fill the positions they seek.

4 The inquiry we undertake is a thorough one.  
5 It is centered around the commission's nine evaluative  
6 criteria and involves a complete personal and  
7 professional background check on each candidate.

8 These public hearings are convened for the  
9 purpose of screening candidates.

10 Today we will screen one vacancy on the  
11 Appellate Court, two vacancies on the Circuit Court,  
12 one vacancy on the Equity Court, and one vacancy on the  
13 Administrative Law Court.

14 Our first candidate for consideration is  
15 Jerome P. Askins III.

16 We would invite the candidate in, please.

17 (Mr. Jerome Askins is present in the room.)

18 REPRESENTATIVE CLEMMONS: Mr. Askins, it is  
19 good to have you back before us again.

20 MR. ASKINS: Thank you, Mr. Chairman.

21 REPRESENTATIVE CLEMMONS: Mr. Gentry, I  
22 believe that you are the counsel responsible for having  
23 interviewed Mr. Askins, and would you please proceed.

24 Mr. Askins, first let me swear you in. If  
25 you would please raise your right hand.

1 Do you swear to tell the truth, the whole  
2 truth and nothing but the truth, so help you God?

3 MR. ASKINS: I do.

4 REPRESENTATIVE CLEMMONS: Thank you very  
5 much.

6 Have you had an opportunity to review your  
7 personal data questionnaire?

8 MR. ASKINS: I haven't read it today, but I  
9 am familiar with it.

10 REPRESENTATIVE CLEMMONS: Is it correct?

11 MR. ASKINS: As far as I know, yes, sir.

12 REPRESENTATIVE CLEMMONS: Okay. Does  
13 anything need to be changed?

14 MR. ASKINS: Not that I know of.

15 REPRESENTATIVE CLEMMONS: Do you object to  
16 making this summary a part of the record of your sworn  
17 testimony?

18 MR. ASKINS: No, sir. That will be fine.

19 REPRESENTATIVE CLEMMONS: It will be done at  
20 this point in the transcript.

21 (EXHIBIT 40, Personal Data Questionnaire of  
22 Jerome P. Askins III, admitted.)

23 REPRESENTATIVE CLEMMONS: The Judicial Merit  
24 Selection Commission has thoroughly investigated your  
25 qualifications for the bench. One inquiry is focused

1 on nine evaluative criteria and has included a ballot  
2 box survey, a thorough study of your application  
3 materials, verification of your compliance with state  
4 ethics laws, search of newspaper articles in which your  
5 name appears, study of previous screenings, and a check  
6 for economic conflicts of interest.

7 We have received no affidavits filed in  
8 opposition to your election. No witnesses are present  
9 to testify.

10 Do you have a brief opening statement you  
11 would like to make at this time?

12 MR. ASKINS: I guess I'll introduce myself.  
13 I'm Jerome Askins and most of my friends know me as  
14 "Romie." I practice law in Hemingway, which is in  
15 Williamsburg County. I have resided in Johnsonville,  
16 which is in Florence County.

17 I have practiced law since 1976. I went back  
18 to Hemingway to practice with my father, who was a  
19 small town, country lawyer. We had a general practice.  
20 I did a little bit of everything over the years. I  
21 have appeared in just about every court, Municipal  
22 Court, the Magistrate's Court, the Probate Court, the  
23 County Court, the Court of General Sessions, Court of  
24 Common Pleas, the South Carolina Court of Appeals, the  
25 South Carolina Supreme Court, the U.S. District Court.

1 And I used to go to the U.S. Bankruptcy Court. I  
2 haven't been there for a long time, thankfully.

3 But in my experience, I've encountered judges  
4 at all levels, judges of all sorts and sizes. And  
5 somewhere along the way, I decided that I would like to  
6 do that job. I think I can do it and do it well. And  
7 I can't say exactly when it was that I decided I would  
8 like to do this at some point.

9 As you know, timing is crucial. And I ran  
10 for circuit judge two years ago. At this time, I just  
11 turned 62 last month. I have no plans to retire. As  
12 far as I know, I'm in pretty good health. I don't use  
13 hair color. I can still make it around the track a few  
14 times. I plan to work. And I would like nothing more  
15 than to finish my legal career serving on the circuit  
16 court bench.

17 In my practice, I have had a wide range of  
18 clientele. I've represented large corporations that  
19 are traded on the big board, all the way down to the  
20 one-horse mom or pop operation. I've had individual  
21 clients that have more money than I can count, and I've  
22 had clients that couldn't put their hands on \$50 if  
23 they had to.

24 I've seen the world through a lot of  
25 different eyes, and I think that that's an advantage

1 when you're looking to serve in this position.

2 REPRESENTATIVE CLEMMONS: Thank you very  
3 much, Mr. Askins. Will you please respond to the  
4 questions of Mr. Gentry.

5 MR. GENTRY: Mr. Chairman and members of the  
6 commission, I have a few procedural matters to take  
7 care of with this candidate.

8 Mr. Askins, you have before you the sworn  
9 statement you provided with detailed answers to over 30  
10 questions regarding judicial conduct, statutory  
11 qualifications, office administration, and temperament.

12 MR. ASKINS: Yes, sir.

13 MR. GENTRY: Are there any amendments you  
14 would like to make at this time in your sworn  
15 statement?

16 MR. ASKINS: No, sir.

17 MR. GENTRY: At this time, Mr. Chairman, I  
18 would ask that Mr. Askins' sworn statement be entered  
19 as an exhibit into the hearing record.

20 REPRESENTATIVE CLEMMONS: Is there any  
21 objection?

22 Hearing none, the sworn statement will be  
23 entered into the record at this time.

24 (EXHIBIT 41, Sworn Statement of Jerome P.  
25 Askins III, admitted.)

1           MR. GENTRY: One final procedural matter, I  
2 note for the record that based on the testimony  
3 contained in the candidate's PDQ, which has been  
4 included in the record with the candidate's consent,  
5 Mr. Askins meets the statutory requirements for this  
6 position regarding age, residence, and years of  
7 practice.

8           Mr. Askins, you just explained why you want  
9 to serve as a judge, and you also explained briefly  
10 some of your legal and professional experience you have  
11 will help prepare you to become an effective judge.

12           Are there any areas, including subjective  
13 areas of the law, that you would need to additionally  
14 prepare for in order to serve as a judge, and how would  
15 you handle that additional preparation?

16           MR. ASKINS: You know, at one time I served  
17 as assistant public defender in Williamsburg County,  
18 and I was around the criminal court quite a bit. Every  
19 time they were in session, I was there for the entire  
20 week, and during that time I came to learn pretty much  
21 what the going rate was, if you will, for given  
22 offenses. And I could tell you pretty much what the  
23 sentence would be for a given crime.

24           I haven't been around the criminal court  
25 enough for a long time, for several days at a time to

1 know the going rates for sentencing. And in some  
2 cases, the statute sets out what the sentences will be.  
3 In some cases there is still a fairly wide range of  
4 what the sentence could be. I think if there's  
5 anything that I would need to get up to speed on, it  
6 would be sentencing in criminal cases. I don't think  
7 it would be a large, long learning curve. I could  
8 handle that fairly quickly and fairly easily.

9 MR. GENTRY: Although you address this in  
10 your sworn affidavit, could you please explain to the  
11 members of the commission what you think is the  
12 appropriate demeanor for a judge.

13 MR. ASKINS: Well, a judge has to maintain  
14 order and decorum in the courtroom, first of all. But  
15 the judge needs to do so in a way that's not  
16 heavy-handed. He needs to be courteous, respectful to  
17 the litigants, the attorneys, the jurors, the courtroom  
18 personnel.

19 I learned a long time ago that one could be  
20 an effective judge without having to be heavy-handed.  
21 The judge needs to be patient. I think an important  
22 thing is the judge needs to know when to listen and  
23 when to talk. And sometimes that's a difficult thing,  
24 it seems.

25 The judge has to be deliberative. And some



1 of the judges that I admire most have had those  
2 qualities. There was never any doubt who was in charge  
3 of the courtroom, but the judges were never  
4 heavy-handed. They never jerked people around. They  
5 never exhibited a condition that sometimes lawyers  
6 refer to as "robitis."

7 MR. GENTRY: What suggestions would you offer  
8 for improving the backlog of cases on the document for  
9 General Sessions and Common Pleas?

10 MR. ASKINS: I think that in Common Pleas,  
11 the ADR, the mediation and arbitration has helped a  
12 lot. And I think that that's a very positive step.  
13 I've always felt that with good attorneys, the majority  
14 of cases could and should be settled without an  
15 adversary hearing.

16 In criminal court, I'm really not able to say  
17 what we could do. It seems to me that the caseload is  
18 as heavy as ever and, frankly, when I used to do a lot  
19 of work as the assistant public defender, it was a  
20 little bit depressing to me to see how heavy the  
21 caseload was. And it seemed that in many terms that  
22 the roles were basically the same, just the players  
23 changed. And it's a little frustrating that we don't  
24 make more progress in turning that around. I'm not  
25 sure I have the answer to that. Maybe one day I would

1 be able to give you some more input on that.

2 MR. GENTRY: The commission received 27  
3 ballot box surveys regarding you with two additional  
4 comments. The ballot box survey, for example,  
5 contained the following positive comments: "He has an  
6 outstanding reputation in his community as a lawyer and  
7 community servant."

8 One of the written comments expressed  
9 concerns. The comment indicated that you were  
10 difficult to work with and quick tempered.

11 What response would you offer to this  
12 concern?

13 MR. ASKINS: Well, of course, it's  
14 disappointing any time you have a negative comment.  
15 Not knowing the source, it would be difficult to  
16 respond directly to that comment. I don't know what  
17 brought that about. As I say, it's disappointing to  
18 hear it. I guess if that was the only negative  
19 comment, then that was not bad. I would like for them  
20 all to be positive.

21 MR. GENTRY: Thank you, Mr. Askins.

22 Have you sought or received a pledge of any  
23 legislator prior to this date?

24 MR. ASKINS: I have not.

25 MR. GENTRY: Have you sought or have you been

1 offered a conditional pledge of support of any  
2 legislator pending the outcome of your screening?

3 MR. ASKINS: I have not.

4 MR. GENTRY: Have you asked any third parties  
5 to contact members of the General Assembly on your  
6 behalf?

7 MR. ASKINS: I have not. Not at this time.  
8 I have talked to people that I would like to be of  
9 assistance down the road at the appropriate time. I  
10 have not sent anybody to seek support or pledges.

11 MR. GENTRY: Are you aware of anyone  
12 attempting to intervene in any part in the process on  
13 your behalf?

14 MR. ASKINS: I am not.

15 MR. GENTRY: Have you contacted any members  
16 of the commission?

17 MR. ASKINS: No, sir.

18 MR. GENTRY: Do you understand that you are  
19 prohibited from seeking a pledge or commitment until 48  
20 hours after the formal release of the commission's  
21 report?

22 MR. ASKINS: Yes, sir.

23 MR. GENTRY: Have you reviewed the  
24 commission's guidelines on pledging?

25 MR. ASKINS: I have.

1 MR. GENTRY: As a follow-up, are you aware of  
2 the penalties for violating the pledging rules, that  
3 is, it is a misdemeanor, and upon conviction, the  
4 violator must not be fined more than a thousand dollars  
5 or imprisoned not more than 90 days.

6 MR. ASKINS: If you were to ask me to recite  
7 it, I probably could not have at the moment. But I  
8 have no intention of violating so I wasn't too  
9 concerned about the penalty.

10 MR. GENTRY: I would note that the Pee Dee  
11 Citizens committee found Mr. Askins qualified in the  
12 evaluative criteria, the constitutional qualifications,  
13 physical health, and mental stability. The committee  
14 found him well qualified in the evaluative criteria of  
15 ethical fitness, professional and academic ability,  
16 character, reputation, experience, and judicial  
17 temperament.

18 I would just note for the record that any  
19 concerns raised during the investigation regarding the  
20 candidate were incorporated into the questioning of the  
21 candidate today.

22 Mr. Chairman, I have no further questions.

23 REPRESENTATIVE CLEMMONS: Mr. Askins, thank  
24 you so much for being here today and offering for this  
25 judgeship. This concludes -- or before I go there, do

1 you have someone special with you today that you would  
2 like to introduce?

3 MR. ASKINS: I do. Someone who's been  
4 special for a long time. We celebrated our 40th  
5 anniversary this year. And this is my wife, Donna.

6 REPRESENTATIVE CLEMMONS: Thank you. Good to  
7 have you with us as well.

8 MRS. ASKINS: Thank you. Thank you for  
9 having me.

10 REPRESENTATIVE CLEMMONS: Well, this  
11 concludes this portion of the screening process. As  
12 you know, Mr. Askins, the record will remain open until  
13 the report is published, and you may be called back at  
14 such time if the need arises.

15 I remind you of the 48-hour rule and ask you  
16 to be mindful of that. Anyone that inquires with you  
17 about whether they may or may not advocate for you in  
18 the event you are screened out, as you've described it,  
19 remind them of the 48-hour rule.

20 I thank you for offering, and I thank for  
21 your service to South Carolina.

22 MR. ASKINS: Thank you, Mr. Chairman.

23 REPRESENTATIVE CLEMMONS: Thank you, sir.

24 (Mr. Askins exits the room.)

25 \* \* \* \* \*

1 REPRESENTATIVE CLEMMONS: We're at tab 3,  
2 ladies and gentlemen. Tanya Gee.

3 (Ms. Tanya Gee enters the room.)

4 REPRESENTATIVE CLEMMONS: The Chair  
5 recognizes Senator Malloy for comment on the record.

6 SENATOR MALLOY: Thank you, Mr. Chair. Just  
7 before we take the next candidate, I would like to  
8 place on the record that actually we had a resolution  
9 in the senate that was sponsored by me in support of  
10 Ms. Gee. Also, that we were involved somewhat during  
11 her sickness when she was diagnosed with sarcoma.

12 She and I served on the board together, which  
13 is a foundation that provides resources for sarcoma  
14 victims at the request of the leader of that program,  
15 Dr. Scott Porter. But unfortunately, the board has  
16 never met. We do have an email strand, and it is very  
17 substantial, and we've had two fundraisers since that  
18 time.

19 I will say that we assisted each other on a  
20 couple of cases. One, she represented Senator  
21 Pinckney, and I was involved somewhat.

22 I think there was another indication of a --  
23 some contact as it relates to another case that would  
24 involve another matter that was pending since this  
25 process started.

1           So our contact has been involved around these  
2 cases, and I wanted to put that on the record.

3           REPRESENTATIVE CLEMMONS: Thank you for that  
4 disclosure, Senator Malloy.

5           Ms. Gee, we invite you to the podium.

6           MS. GEE: Thank you very much.

7           REPRESENTATIVE CLEMMONS: Good afternoon.

8           MS. GEE: Good afternoon.

9           REPRESENTATIVE CLEMMONS: Let me swear you  
10 in, if I may.

11           Do you swear to tell the truth, the whole  
12 truth and nothing but the truth, so help you God?

13           MS. GEE: I do.

14           REPRESENTATIVE CLEMMONS: Thank you very  
15 much.

16           Have you had an opportunity to review your  
17 personal data questionnaire?

18           MS. GEE: I have.

19           REPRESENTATIVE CLEMMONS: Is it correct?

20           MS. GEE: It is correct. I did have an  
21 amendment that I sent in to Jane Shuler about two weeks  
22 ago.

23           REPRESENTATIVE CLEMMONS: Thank you. That is  
24 included in your personal data questionnaire now.

25           MS. GEE: Great.

1           REPRESENTATIVE CLEMMONS: With that  
2 amendment, is there a need to change your personal data  
3 questionnaire at all?

4           MS. GEE: No, sir.

5           REPRESENTATIVE CLEMMONS: Thank you very  
6 much.

7           Do you object to our making this summary a  
8 part of the record of your sworn testimony today?

9           MS. GEE: I do not object.

10          REPRESENTATIVE CLEMMONS: Thank you. It will  
11 be done at this point in the transcript.

12                   (EXHIBIT 42, Personal Data Questionnaire of  
13 Tanya A. Gee, admitted.)

14          REPRESENTATIVE CLEMMONS: Ms. Gee, the  
15 Judicial Merit Selection Commission has thoroughly  
16 investigated your qualifications for the bench. Our  
17 inquiry is focused on nine evaluative criteria that's  
18 included a ballot box survey, a thorough study of your  
19 application materials, verification of your compliance  
20 with state ethics laws, search of newspaper articles in  
21 which your name appears, a study of previous  
22 screenings, and a check for economic conflicts of  
23 interest.

24          We are pleased to report that we received no  
25 affidavits filed in opposition to your election and



1 there are no witnesses here to testify today.

2 Do you have a brief opening statement that  
3 you would like to share with us?

4 MS. GEE: No, Mr. Chairman, other than to  
5 thank you and all the members of the commission for  
6 serving. And also to thank Jane Shuler for all her  
7 help with this. I appreciate the opportunity to be  
8 before you today.

9 REPRESENTATIVE CLEMMONS: Thank you very  
10 much.

11 Would you please answer Ms. Shuler's  
12 questions.

13 MS. GEE: Yes, sir.

14 REPRESENTATIVE CLEMMONS: I'm sorry.  
15 Ms. Shuler reminds me you may have someone you would  
16 like to introduce to us.

17 MS. GEE: I have my husband, Chris Koon,  
18 here. And I also have my parents, Don and Angel Gee as  
19 well. They are sitting so far apart I think just so  
20 they both can see and not because of any sort of riff  
21 in the family.

22 REPRESENTATIVE CLEMMONS: It's okay to sit  
23 with your mother-in-law. Thank you. It's good to have  
24 you all with us today supporting Ms. Gee in this  
25 endeavor.

1 Now, Ms. Gee, would you please answer  
2 Ms. Shuler's questions.

3 MS. GEE: Yes.

4 REPRESENTATIVE CLEMMONS: Thank you.

5 MS. SHULER: Good afternoon, Ms. Gee.

6 You have before you the sworn statement you  
7 provided with detailed answers to over 30 questions  
8 regarding judicial conduct, statutory qualifications,  
9 office administration, and temperament.

10 Are there any additional amendments that you  
11 would like to make at this time to your sworn  
12 statement?

13 MS. GEE: No, ma'am.

14 MS. SHULER: At this time, Mr. Chairman, I  
15 would ask that Ms. Gee's sworn statement be entered as  
16 an exhibit into the hearing record.

17 REPRESENTATIVE CLEMMONS: Is there any  
18 objection?

19 Hearing none, the sworn statement will be  
20 entered into the record at this time.

21 (EXHIBIT 43, Sworn Statement of Tanya A. Gee,  
22 admitted.)

23 MS. SHULER: I would note for the record that  
24 based on the testimony contained in the candidate's  
25 PDQ, Ms. Gee meets the statutory requirements for this

1 position regarding age, residence, and years of  
2 practice.

3 Ms. Gee, you have been a licensed attorney  
4 since 2002. Why do you now want to serve as a circuit  
5 court judge?

6 MS. GEE: I've been asked that question a  
7 number of times since I filed for candidacy, and I've  
8 got to say my answer changes but not because my reasons  
9 change. It's just that I have so many reasons why I  
10 want to be a circuit court judge.

11 I think the most important reason and the one  
12 that honestly sounds the sappiest is that I believe in  
13 the justice system. I want to be a part of it. I  
14 believe that our justice system works when we have hard  
15 working, fair-minded, intelligent judges. And I hope  
16 you'll find that I meet that criteria.

17 My second reason is a little bit more  
18 personal to me and that is for me to feel personally  
19 fulfilled in life, I want to gave back to the  
20 community. I believe in public service, and I think  
21 being a circuit court judge would allow me to do what I  
22 love, which is reading and writing about the law,  
23 interacting with people, and also being able to feel  
24 good about myself doing it.

25 I've got a sister who from the first day of

1 kindergarten came home and knew she wanted to be a  
2 teacher. Well, I was never like that. In fact, it was  
3 not until my twenties when I worked for the public  
4 defender's office that I got a sense of what I wanted  
5 to do.

6 And it was only after spending one day in the  
7 courtroom with Judge John Hayes that I came home, much  
8 like my sister did back in kindergarten, and I knew  
9 that I wanted to be like the man I had just seen  
10 listening so carefully to people, deciding things  
11 fairly, and touching the people's lives who were before  
12 him. The defendants' lives and the family of the  
13 defendant, the victims, the jurors, and the intern for  
14 the public defender's office who was sitting in the  
15 back row.

16 Those are some of the reasons why I want to  
17 be a circuit court judge.

18 MS. SHULER: Thank you.

19 Can you explain to the commission how you  
20 feel your legal professional experience thus far will  
21 assist you in serving as an effective judge?

22 MS. GEE: I have had the privilege before  
23 going into private practice of having the richest  
24 apprenticeship that a person could have. I worked at  
25 the Court of Appeals. I started as an administrative

1 assistant, then became a law clerk, then became chief  
2 staff attorney, and then the Clerk of Court. I like to  
3 joke that there was no job too big and more importantly  
4 there was no job too small for me when I was at the  
5 Court of Appeals. In fact, when I became the clerk, it  
6 was then that I realized that when things like the sink  
7 was stopped up in the bathroom, that was actually my  
8 responsibility.

9           So I had a wonderful ten years at the Court  
10 of Appeals. During that time I worked with 18  
11 different judges, and I really learned about what it  
12 took to be a judge from all those 18 different  
13 personalities.

14           My role at the Court of Appeals was to look  
15 at cases from the eye of was there legal error, so I  
16 would read transcripts. It didn't matter to me whether  
17 the attorney in the transcript was good at picking a  
18 jury, it didn't matter who made the most eloquent  
19 argument. What I was looking for was whether the trial  
20 judge applied the correct burden of proof or whether  
21 the trial judge made the right evidentiary call.  
22 Whether the jury was charged correctly.

23           I learned so much about a vast -- a vast  
24 number of different types of cases, both civil and  
25 criminal, from reading all those records and always

1 looking over the shoulder of trial judges during that  
2 time.

3 After having that academic experience of  
4 learning the substantive law for both civil and  
5 criminal, I went into a business litigation practice  
6 with Nexsen Pruet. I focus on trial work, and there  
7 I've had the opportunity to understand the practical  
8 side of the law.

9 It's very different to understand what an  
10 attorney's desk looks like when you've got five fires  
11 burning on your desk and all of them need attention,  
12 and you're just that one person. That's a lot  
13 different than working at the Court of Appeals. It's a  
14 lot different to go to a roster call meeting and wait  
15 all day trying to get your motion heard. So I sort of  
16 learned the rhythm of litigation being in private  
17 practice.

18 So I think those two things, having that  
19 academic experience at the Court of Appeals and the  
20 practical experience in private practice, would make me  
21 an affective circuit court judge.

22 MS. SHULER: Thank you.

23 Are there any areas, including subjective  
24 areas of the law, that you would need to additionally  
25 prepare for in order to serve as a judge and, if so,

1 how would you handle that additional preparation?

2 MS. GEE: I think the answer to that is  
3 absolutely. There is a lot that I don't know. I think  
4 that if I was sitting on the bench for 30 years, I  
5 would learn something new every single day. And I  
6 actually think that's really important for judges to  
7 recognize that, that each case is unique, each case  
8 takes attention.

9 And for me particularly, the learning curve  
10 would be highest learning how to be on stage, if you  
11 will. I have been the understudy for judges for a long  
12 time. I've read their scripts. I've read thousands of  
13 transcripts. I know their lines. I can whisper their  
14 lines, if they're doing something wrong, from behind  
15 the curtain. But I've never been the one on stage. So  
16 that would take an adjustment for me to be that  
17 understudy, to be the one that actually gets to say,  
18 "Overruled," "Sustained."

19 And to prepare for that, I think it's just  
20 like anything else you do in life, you work hard, you  
21 emulate other people, you look at other people who do  
22 it right. And you understand that you're constantly  
23 learning and you're working toward being the best  
24 circuit court judge that you can be.

25 MS. SHULER: Thank you.

1           Ms. Gee, although you address this in your  
2 sworn affidavit, would you explain to the members of  
3 the commission what you believe to be the appropriate  
4 demeanor for a judge.

5           MS. GEE: I think a judge should be calm, I  
6 think a judge should be humble, I think a judge should  
7 be respectful of the litigants in front of him or her.

8           MS. SHULER: What suggestions would you offer  
9 for improving the backlog of cases on a docket for both  
10 the general sessions and common pleas in the circuit  
11 court?

12           MS. GEE: I understand with the general  
13 sessions that there's a task force to implement State  
14 versus Langford. That will transition us from a  
15 solicitor-controlled docket into a court-controlled  
16 docket. And so that aspect of the backlog I think is  
17 being addressed.

18           From a single circuit court judge  
19 perspective, I would adhere to chambers hours, have an  
20 open-door policy. If my trial were to break down, I  
21 would transition into hearing guilty pleas and motions  
22 and helping out other circuit court judges.

23           In the court of common pleas, I think there's  
24 a big bottleneck right now with motions, as well. I'd  
25 use chambers weeks to hear motions. I would be happy



1 to do that.

2 I like the way federal courts allow motions  
3 to be heard or motions to be decided actually on the  
4 motion themselves without being heard. That's not the  
5 custom right now in state court. So I think that would  
6 be a suggestion for getting that bottleneck moving.

7 Other than that, I would say that scheduling  
8 orders are important and sticking to scheduling orders.  
9 And, you know, we've got some discovery abuse issues,  
10 monitoring cases and making sure that cases don't get  
11 gridlocked in discovery.

12 MS. SHULER: Thank you, Ms. Gee.

13 The commission received 130 ballot box  
14 surveys regarding you with 37 additional comments. The  
15 ballot box surveys, for example, contain the following  
16 positive comments: "Tanya has the poise, experience,  
17 and intellect to be a wonderful judge for our state.  
18 She is an exceptional lawyer and possesses the perfect  
19 temperament for the bench. I have had the privilege of  
20 watching Tanya graduate from law school into the  
21 appellate administration. She has both the academic  
22 skill and the right temperament to serve ably."

23 Seven of the written comments expressed  
24 concern. One line of comment expressed concern  
25 regarding your professional and academic ability being

1 adequate.

2 I note in the ballot box survey, 119 people  
3 responded to a question regarding the evaluative  
4 criteria of professional and academic ability. In this  
5 evaluative criteria, 104 respondents found you well  
6 qualified; 12 respondents found you qualified; 3 found  
7 you unqualified; and 11 had no opinion.

8 What response would you offer to this concern  
9 regarding the adequacy of your professional and  
10 academic ability?

11 MS. GEE: I would say that I'm proud of the  
12 professional accomplishments I've had. I feel like  
13 I've done well academically, certainly in undergrad and  
14 in law school. So I'm not exactly sure why they would  
15 say that about me academically. I would like to be  
16 able to speak with them and prove them wrong, honestly.

17 But I guess my response would be that I'm  
18 proud that there were so many that said that I was well  
19 qualified and qualified.

20 MS. SHULER: I would just note for the record  
21 that Ms. Gee made the highest score on the commission's  
22 practice and procedure test for that particular test  
23 area in circuit court.

24 Another comment alleged concern that you were  
25 extremely liberal and would not be a neutral judge.

1           What response would you offer to this line of  
2 concerns?

3           MS. GEE: I would say that that's not true.  
4 I guess they're saying liberal in the judicial sense,  
5 and I believe I would be a conservative jurist. I  
6 certainly don't believe in judicial activism at all.  
7 So that would be how I answer that concern.

8           MS. SHULER: Ms. Gee, your SLED report  
9 indicated that in your capacity as the former of Clerk  
10 of Court on the Court of Appeals, you had three  
11 prisoner civil rights cases filed against you in the  
12 U.S. District Court, District in South Carolina.  
13 Specifically, one case was filed in 2013, dismissed in  
14 2014, without issuance and service of process.

15           Two cases were filed in 2012, and those cases  
16 were dismissed the same year, again, without issuance  
17 and service of process.

18           Is this the understanding of the status of  
19 the lawsuits filed against you?

20           MS. GEE: Yes, ma'am.

21           MS. SHULER: I note that in your PDQ and in  
22 your interview with staff, you stated that you had  
23 chondrosarcoma, and I apologize if I mispronounced  
24 that.

25           MS. GEE: No. That's okay.

1 MS. SHULER: Pursuant to the Americans of  
2 Disability Act, are you able to perform the essential  
3 job functions required for the Circuit Court at Large  
4 position with or without reasonable accommodations?

5 MS. GEE: I would be able to without any  
6 accommodation. And I also -- I know that talking about  
7 someone's health is sort of tricky and maybe  
8 uncomfortable, but I do want people to know that they  
9 are welcome to ask me anything about my health. That  
10 does not bother me. I think that's a fair question.  
11 And I also want to put on the record that I am cancer  
12 free, and I've finished with all treatments and have  
13 been done for quite some time. But please feel free to  
14 ask me any questions along those lines.

15 MS. SHULER: Thank you.

16 I will turn at this time to some housekeeping  
17 issues.

18 Have you sought or received the pledge of any  
19 legislator prior to this date?

20 MS. GEE: No, ma'am.

21 MS. SHULER: Have you sought or have you been  
22 offered a conditional pledge of support of any  
23 legislator pending the outcome of your screening?

24 MS. GEE: No, ma'am.

25 MS. SHULER: Have you asked any third party

1 to contact members of the General Assembly on your  
2 behalf?

3 MS. GEE: No. But I would like to say a  
4 caveat that people have said a lot of times when  
5 they've heard that I'm running that they want to help  
6 me. I've explained to them the rules and explained  
7 that we can't ask for pledges. That I have been  
8 introducing myself to people around this state, and  
9 that I can't ask anybody to do anything for me.

10 MS. SHULER: You actually can when the  
11 48-hour rule expires in January.

12 Are you aware of anyone attempting to  
13 intervene in any part of the process on your behalf?

14 MS. GEE: No, ma'am.

15 MS. SHULER: Have you contacted any members  
16 of the commission?

17 MS. GEE: Other than socially seeing folks,  
18 but never contacted anyone about running for a  
19 judgeship.

20 MS. SHULER: Do you understand that you're  
21 prohibited from seeking a pledge of commitment until 48  
22 hours after the formal release of the commission's  
23 report?

24 MS. GEE: Yes, ma'am.

25 MS. SHULER: Have you reviewed the

1 commission's guidelines on pledging?

2 MS. GEE: Yes, ma'am.

3 MS. SHULER: Are you aware of the penalties  
4 for violating those rules, that is, it's a misdemeanor  
5 and upon conviction you could be fined not more than a  
6 thousand dollars and imprisoned not more than 90 days?

7 MS. GEE: Yes, ma'am.

8 MS. SHULER: I would note that the Midlands  
9 Citizens Committee found Ms. Gee qualified in the  
10 evaluative criteria of professional and academic  
11 ability, physical health and experience. The committee  
12 found Ms. Gee to be well qualified in the remaining  
13 evaluative criteria of constitutional qualification,  
14 ethical fitness, character, reputation, mental  
15 stability, and judicial temperament.

16 The committee stated in related comments,  
17 "Ms. Gee has impressive credentials in the area of  
18 appellate law. Such attorney would also acquire  
19 exceptional knowledge of case law and statute law and  
20 no doubt has Ms. Gee."

21 The committee has questions about her lack of  
22 trial experience. The committee stated in summary:  
23 "Ms. Gee's lack of trial experience prevents her from  
24 being well qualified. Otherwise, she is qualified to  
25 serve as a circuit court judge."

1 Ms. Gee, would you like to offer a response  
2 at this time to the Midlands Citizens Committee's noted  
3 concern regarding your lack of trial experience?

4 MS. GEE: Yes, I would. Thank you.

5 First of all, I look forward, honestly, to  
6 pleasantly surprising folks who question my experience,  
7 but I also want to say that I understand that question.  
8 My path in law and in life is an unusual one coming to  
9 the circuit court bench. And I would ask the  
10 commission to look at the whole package of my  
11 experience in determining my qualifications.

12 Before I went to law school, I worked at the  
13 York County Public Defender's Office. I was in the  
14 courtroom almost every day with guilty pleas, jury  
15 trials, probation revocations, holding hands with  
16 members of defendant's family, wiping tears. I've been  
17 in the trial setting for a number of years prior to law  
18 school.

19 After law school, I had what I've already  
20 described at the Court of Appeals, where I read  
21 thousands of transcripts, from complex civil litigation  
22 of pro se cases, across the board. Everything a  
23 circuit court judge might see.

24 And I've been in private practice now for two  
25 and a half years. And I'm in the business litigation

1 practice group. My goal, frankly, going into Nexsen  
2 Pruet was to run for a circuit court judgeship one day.  
3 The firm was aware of that. They knew those were my  
4 goals. And so they've helped me to get as much  
5 litigation experience as possible.

6 And we've alluded to my February 2013 cancer  
7 scare. And I'll say that that did encourage me to go  
8 after my dream when this circuit court seat came up.  
9 I've had trial experience, working on several election  
10 cases. Senator Malloy spoke about Senator Pinckney's  
11 case, but I also represented Senator Thurmond and  
12 Senator Bennett in their cases. All of those were  
13 trials in the circuit court.

14 I've had trials -- one way to get trials in  
15 this day and age when everything actually mediates or  
16 is decided in motions, is to go to the family court and  
17 go to boards and commissions. Go to the ALC. And I've  
18 done those things in order to gain trial experience in  
19 my time in private practice.

20 MS. SHULER: Thank you.

21 I would just note for the record that any  
22 concerns raised during the investigation regarding this  
23 candidate were incorporated into my questioning of the  
24 candidate.

25 And Mr. Chairman, I have no further



1 questions.

2 REPRESENTATIVE CLEMMONS: Thank you,  
3 Ms. Shuler.

4 Ms. Gee, thank you so much for offering  
5 today. This concludes this particular portion of the  
6 screening process. As you know, the record will remain  
7 open until a report is published. And you may be  
8 called back at such time as the need should arise.

9 I remind you of the 48-hour rule and ask you  
10 to be mindful of that. Anyone that inquires with you  
11 about whether they may or may not advocate for you in  
12 the event that you are screened out, you should remind  
13 them of the 48-hour rule.

14 I thank you for offering, and we thank you  
15 for your service to South Carolina.

16 MS. GEE: Thank you so much.

17 REPRESENTATIVE CLEMMONS: I'm sorry, before  
18 we adjourn, does any member of the committee have any  
19 question?

20 Hearing none, thank you so much.

21 MS. GEE: Thank you.

22 (Ms. Tanya Gee exits the room.)

23 (A lunch recess transpired.)

24 REPRESENTATIVE CLEMMONS: We are back on the  
25 record, and our next applicant is William A. "Bill"

1 McKinnon.

2 (Mr. William A. "Bill" McKinnon is present in  
3 the room.)

4 REPRESENTATIVE CLEMMONS: Mr. McKinnon, it's  
5 good to have you with us today.

6 MR. MCKINNON: Thank you very much.

7 REPRESENTATIVE CLEMMONS: Thank you.

8 Would you please raise your right hand.

9 Do you swear to tell truth, the whole truth  
10 and nothing but truth, so help you God?

11 MR. MCKINNON: I do.

12 REPRESENTATIVE CLEMMONS: Thank you,  
13 Mr. McKinnon.

14 Have you had an opportunity to review your  
15 personal data questionnaire?

16 MR. MCKINNON: I have, yes.

17 REPRESENTATIVE CLEMMONS: Is it correct?

18 MR. MCKINNON: I have one tiny change in one  
19 of the documents. I don't remember which one.

20 REPRESENTATIVE CLEMMONS: Okay.

21 MR. MCKINNON: The one where I'm describing  
22 my practice. I say that I have defended other lawyers  
23 on ethics charges on a pro bono basis. I just for the  
24 first time was hired by a paying client to do that. So  
25 now it would be pro bono and one paying client.

1 REPRESENTATIVE CLEMMONS: That change has  
2 occurred since you submitted your request?

3 MR. MCKINNON: Yes, very recently.

4 REPRESENTATIVE CLEMMONS: Very good. With  
5 that notation, do you object to making this summary a  
6 part of our record today?

7 MR. MCKINNON: I do not.

8 REPRESENTATIVE CLEMMONS: Thank you. That  
9 will be done at this point in the transcript.

10 (EXHIBIT 44, Personal Data Questionnaire of  
11 William A. McKinnon, admitted.)

12 REPRESENTATIVE CLEMMONS: The Judicial Merit  
13 Selection Commission, Mr. McKinnon, has thoroughly  
14 investigated your qualifications for the bench. Our  
15 inquiry has focused on nine evaluative criteria and has  
16 included a ballot survey, a thorough study of your  
17 application materials, verification of the compliance  
18 of state ethics laws, search of newspaper articles in  
19 which your name appears. A study of previous  
20 screenings and check for economic conflicts of  
21 interest.

22 We received no affidavits in opposition to  
23 your election, and there are no witnesses to testify  
24 today.

25 Do you have a brief opening statement that

1 you would like to make to the commission at this time?

2 MR. MCKINNON: Absolutely. Thank you very  
3 much.

4 REPRESENTATIVE CLEMMONS: Please proceed.

5 MR. MCKINNON: Just very briefly, I know I've  
6 been in front of you ladies and gentlemen before. I  
7 think I have strong qualifications. My academic  
8 background is very strong. I graduated first in my law  
9 school class. I've worked for Joe Anderson here on the  
10 federal district court and clerked for Judge Kleinfeld  
11 on the Ninth Circuit.

12 My experience is extremely broad. I've  
13 appeared in Magistrate's Court. I've appeared in  
14 Circuit Court, General Sessions Court, before the  
15 South Carolina Court of Appeals, before the  
16 South Carolina Supreme Court, before the Federal  
17 Eleventh Circuit, before the Federal Fourth Circuit.  
18 And I have filed petitions for cert with the U.S.  
19 Supreme Court, though I've never argued the case there.

20 I think the only judicial body in  
21 South Carolina I have not appeared before is the  
22 Workers' Compensation Commission. So I have an  
23 extremely broad amount of experience. I have done work  
24 both for the plaintiff and for defendants. I have done  
25 criminal defense work.

1           And then outside of my work in the law, I'm  
2           an elder in my church and previously was a deacon where  
3           my job was to get with members of the congregation that  
4           had financial emergencies. I think that gave me --  
5           increased my empathy and sympathy for folks who are  
6           really struggling, which I think would be very  
7           beneficial for me if I were to be chosen to serve on  
8           the bench.

9           REPRESENTATIVE CLEMMONS: Very good. Thank  
10          you, Mr. McKinnon.

11          Would you please answer the questions of  
12          counsel.

13          MR. BENDER: Thank you, Mr. Chairman.

14          Members of the commission, I have some  
15          procedural matters to take care of with Mr. McKinnon.

16          Mr. McKinnon, before you you have a sworn  
17          statement you provided with detailed answers to over 30  
18          questions regarding judicial conduct, statutory  
19          qualifications, office administration, and temperament.

20          Other than what you've already noted to the  
21          commission, are there any other amendments you would  
22          like to make to your sworn statement?

23          MR. MCKINNON: There are not.

24          MR. BENDER: At this time, Mr. Chairman, I  
25          would like to ask that Mr. McKinnon's sworn statement

1 be entered as an exhibit into the hearing record.

2 REPRESENTATIVE CLEMMONS: Is there any  
3 objection?

4 Hearing none, the sworn statement will be  
5 entered into the record at this time.

6 (EXHIBIT 45, Sworn Statement of William A.  
7 McKinnon, admitted.)

8 MR. BENDER: One final procedural matter. I  
9 note for the record that based on the testimony  
10 contained in the candidate's PDQ, which has been  
11 included in the record with the candidate's consent,  
12 Mr. McKinnon meets the statutory requirements for this  
13 position regarding age, residence, and years of  
14 practice.

15 Mr. McKinnon, why do you want to serve as a  
16 circuit court judge?

17 MR. MCKINNON: I have always loved the law  
18 since I was Dean Wilcox's student in 1L property class.  
19 I have just -- I love the law. And serving on the  
20 bench, first, is an opportunity to expose yourself to  
21 different areas of the law in a way that's very  
22 difficult to do in a private practice.

23 Most of us who are lawyers know that there  
24 are really very few general practice lawyers anymore.  
25 We all have to specialize. And serving on the bench is

1 one of the great ways to expose yourself to lots of  
2 different areas of the law.

3 But even more than that, I want to serve the  
4 people of South Carolina. I think I have the  
5 temperament and the experience, and I have always been  
6 interested in public service. And since I graduated  
7 from law school and did those two clerkships, this has  
8 been my goal is to serve on the bench.

9 MR. BENDER: Thank you.

10 Mr. McKinnon, are there any areas, including  
11 subjective areas of the law, that you would need to  
12 additionally prepare for in order to serve as a judge  
13 and how would you handle that additional preparation?

14 MR. MCKINNON: If the question is, do I think  
15 there are areas of law that I would need to do work or  
16 do research on? No, I don't think so. Criminal trial  
17 experience, I've never done a criminal trial, though  
18 I'm about to have one in a couple of months. But the  
19 Rules of Evidence are the same in criminal and civil  
20 trials, so I'm not concerned about that.

21 MR. BENDER: Thank you.

22 Mr. McKinnon, although you address this in  
23 your sworn affidavit, could you please explain to the  
24 members of the commission what you think is the  
25 appropriate demeanor of a judge.

1 MR. MCKINNON: Certainly. I think a judge  
2 should be deliberative and respectful to the attorneys  
3 and the litigants on both sides. Making sure that each  
4 side has their -- that I hear what they're saying and  
5 that they understand I've given them an opportunity to  
6 be heard. So, yeah, I would say deliberative,  
7 respectful, and scholarly are my three words.

8 MR. BENDER: Thank you.

9 What suggestions would you offer for  
10 improving the backlog of cases on the docket both for  
11 General Sessions and Common Pleas?

12 MR. MCKINNON: Our York County docket moves  
13 very, very well. So my one particular suggestion, and  
14 this is an At-Large seat, so particular to York County,  
15 I would say the defense lawyers in criminal cases are  
16 not currently permitted to make suppression motions  
17 unless they take the case to trial. I would want to  
18 change that.

19 I would want to -- I think part of being able  
20 to negotiate a good plea is knowing whether or not your  
21 suppression motion is going to be effective. That's  
22 one change I would make in York County.

23 Statewide, I'm -- to be honest, I'm not sure  
24 I'm qualified to offer an opinion on statewide changes  
25 to procedure to speed up the court system. I would say



1 in my experience, date certians have been extremely  
2 effective in moving things along in York County.

3 MR. BENDER: Thank you.

4 Mr. McKinnon, personally you've been involved  
5 in one lawsuit. It was in 1995, and it was the result  
6 of an automobile accident. Can you explain the nature  
7 and disposition of this lawsuit.

8 MR. MCKINNON: Sure. This was right after I  
9 graduated from college. I was driving on a residential  
10 road, and I was 22 years old, and I was not paying  
11 attention and turned left in front of a driver coming  
12 the other way. And we more or less hit head on. My  
13 insurance company defended me. The other driver waited  
14 about two years to sue.

15 It was -- I'm pretty sure when I applied to  
16 the bar in 2001, it was still a pending lawsuit. So  
17 that would have been six years after the accident. But  
18 eventually my insurance company paid a settlement.

19 MR. BENDER: Thank you.

20 Mr. McKinnon, the commission received 38  
21 ballot box surveys regarding you with three additional  
22 comments. The ballot box survey, for example,  
23 contained the following positive comments:

24 "Mr. McKinnon has a very aggressive legal knowledge  
25 combined with an outstanding analytical ability and

1 temperament."

2 Two of the written comments expressed  
3 concerns. The comments indicated that you do not have  
4 the experience to be a judge at this time in your  
5 career and specifically are inexperienced in criminal  
6 law.

7 What response would you offer to these  
8 concerns?

9 MR. MCKINNON: I would say I'm -- there are  
10 some assistant solicitors who probably don't like me  
11 very much because I do fight hard for the criminal  
12 defendants I'm appointed to represent. I mean, I've  
13 done probably 40 criminal cases, so I think -- and,  
14 again, I would go back to the rules of evidence are the  
15 same for criminal and civil trials. So although my  
16 criminal trial experience is limited, I'm not concerned  
17 by that. I don't think it's a fair criticism.

18 MR. BENDER: Thank you.

19 The second concern indicated that you are  
20 quick to anger. What response would you offer to that  
21 concern regarding temperament?

22 MR. MCKINNON: That it's not true. I mean, I  
23 really am a pretty even-keel guy. But one -- again,  
24 I'm assuming this came from the Solicitor's Office  
25 because the one time where I remember getting fairly

1 angry in my career, at least in the last few years, was  
2 where I had a 17-year-old defendant who had been in  
3 jail. And we worked out a plea where he was going to  
4 be released. His mother and grandmother were there to  
5 see him. We waited an entire day to do the plea, and  
6 the Solicitor's Office just forgot. And then told the  
7 judge they could go home. And then this poor kid,  
8 17-year-old had to stay in jail for another day even  
9 though he was ready to be released.

10 I in a polite way made my displeasure known  
11 to the Solicitor's Office. I think that's what they're  
12 referring to.

13 MR. BENDER: Understood.

14 A few housekeeping items. Have you sought or  
15 received the pledge of any legislator prior to this  
16 date?

17 MR. MCKINNON: I have not.

18 MR. BENDER: Have you sought or you been  
19 offered a conditional pledge of support of any  
20 legislator pending the outcome of your screening?

21 MR. MCKINNON: I have not.

22 REPRESENTATIVE CLEMMONS: Have you asked any  
23 third parties to contact members of the general  
24 assembly on your behalf?

25 MR. MCKINNON: I have not.

1 MR. BENDER: Are you aware of anyone  
2 attempting to intervene in any part of the process on  
3 your behalf?

4 MR. MCKINNON: I have not.

5 MR. BENDER: Have you contacted any members  
6 of the commission?

7 MR. MCKINNON: I have not.

8 MR. BENDER: Do you understand you are  
9 prohibited from seeking a pledge or commitment until 48  
10 hours after the formal release of the commission's  
11 report?

12 MR. MCKINNON: I do understand that.

13 MR. BENDER: Have you reviewed the  
14 commission's guidelines on pledging?

15 MR. MCKINNON: Yes, I have.

16 MR. BENDER: As a follow up, are you aware of  
17 the penalties for violating the pledging rules, that  
18 is, it is a misdemeanor, and upon conviction, the  
19 violator must be fined not more than a thousand dollars  
20 or imprisoned not more than 90 days?

21 MR. MCKINNON: Yes, I am.

22 MR. BENDER: I would note that the Piedmont  
23 Citizens Committee found Mr. McKinnon qualified in the  
24 evaluative criteria of constitutional qualifications.  
25 The committee found him well qualified in the

1 evaluative criteria of ethical fitness, professional  
2 and academic ability, character, reputation, physical  
3 health, mental stability, experience, and judicial  
4 temperament.

5 The committee commended Mr. McKinnon for his  
6 deep legal knowledge and intellectual capacity and  
7 called him easy going and applicable with a temperament  
8 well suited for the bench.

9 I would just note for the record that any  
10 concerns raised during the investigation regarding the  
11 candidate were incorporated into the questioning of the  
12 candidate today.

13 Mr. Chairman, I have no further questions.

14 REPRESENTATIVE CLEMMONS: Thank you very  
15 much.

16 Are there any questions by members of the  
17 commission?

18 SENATOR MALLOY: Mr. Chair.

19 REPRESENTATIVE CLEMMONS: Yes, sir,  
20 Senator Malloy.

21 SENATOR MALLOY: I just wanted to put on the  
22 record, as well, we screened Mr. McKinnon last year in  
23 another application process. I am frequently  
24 associated with Mr. McKinnon's firm on some cases that  
25 they do likewise with me. I think that right now he

1 and I have one case together where he is chief counsel,  
2 and he's doing all the work. And I am associated in  
3 that case. And so we've had a little bit of contact  
4 about that particular client. And that's the extent.

5 REPRESENTATIVE CLEMMONS: Thank you,  
6 Senator Malloy.

7 Are there any other questions or comments  
8 with regard to this applicant?

9 SENATOR MALLOY: Having said that, I will  
10 note that one of the -- that Bill has been in this  
11 state for a period of time now and looking back, I  
12 didn't realize that -- the federal judge that you  
13 clerked for, who was that?

14 MR. MCKINNON: Joe Anderson here in Columbia,  
15 Senator.

16 SENATOR MALLOY: Was there another judge?

17 MR. MCKINNON: Yes, sir. Andrew Kleinfeld on  
18 the Ninth Circuit up in Alaska. Federal Ninth circuit.

19 SENATOR MALLOY: Where?

20 MR. MCKINNON: In Alaska. Well, the court  
21 meets in San Francisco, but his chambers were in  
22 Alaska.

23 SENATOR MALLOY: I didn't recognize his name.

24 REPRESENTATIVE CLEMMONS: Thank you,  
25 Senator Malloy.

1 Any other questions or comments by members?

2 Hearing none, Mr. McKinnon, thank you so much  
3 for being with us today and offering yourself to us  
4 again for public service.

5 This concludes this portion of our screening  
6 process. As you know, Mr. McKinnon, the record will  
7 remain open until the report is published. You may be  
8 called back at such time if that need should arise.

9 I will remind you of the 48-hour rule and ask  
10 you to be mindful of it. If anyone should inquire with  
11 you about whether they may or may not advocate for you  
12 in the event that you are screened out, I would ask you  
13 to remind them of the 48-hour rule.

14 I thank you for offering, and we thank you  
15 for your service to South Carolina.

16 MR. MCKINNON: Thank you. Thank you, ladies  
17 and gentlemen.

18 REPRESENTATIVE CLEMMONS: Thank you, sir.

19 (Mr. William A. "Bill" McKinnon exited the  
20 room.)

21 MS. SHULER: There's a question concerning  
22 Mr. McKinnon's test. There is a rule that if you have  
23 tested the same level of test like for circuit court in  
24 the past six months, we screened him this past spring  
25 for circuit court seat where he's found qualified and

1 nominated but not elected, he has the choice of using  
2 his old score. He was actually going to take the test  
3 again, but he was baby-sitting a friend's teenage son,  
4 who is out of the country. And his son got sick, and  
5 he could not make the test. And I had to get in touch  
6 with the graders. I could not wait another week.

7 He had a week time period within which to  
8 take the test. He waited until like a Friday to take  
9 the test, and I could not -- I had to give the graders  
10 at least two weeks to grade. So he chose to use the  
11 original test score. He was going to test, but certain  
12 circumstances, personal circumstances dictated he would  
13 rely on that test score.

14 REPRESENTATIVE CLEMMONS: Do we have access  
15 to that test score?

16 MS. SHULER: It should be on your chart. I  
17 just wanted to clarify that for everybody.

18 REPRESENTATIVE CLEMMONS: Thank you very  
19 much.

20 (Mr. William V. Meetze is present in the  
21 room.)

22 REPRESENTATIVE CLEMMONS: Ladies and  
23 gentlemen, we have before us William V. Meetze.

24 Mr. Meetze, it's good to have you with us  
25 today.



1 MR. MEETZE: Thank you very much. I'm happy  
2 to be here.

3 REPRESENTATIVE CLEMMONS: Would you please  
4 raise your right hand to be sworn.

5 Meetze. I'm sorry for mispronouncing your  
6 name.

7 MR. MEETZE: No problem at all.

8 REPRESENTATIVE CLEMMONS: Do you swear to  
9 tell the truth, the whole truth and nothing but the  
10 truth, so help you God?

11 MR. MEETZE: I do.

12 REPRESENTATIVE CLEMMONS: Thank you very  
13 much.

14 Have you had an opportunity, Mr. Meetze, to  
15 review your personal data questionnaire?

16 MR. MEETZE: I have.

17 REPRESENTATIVE CLEMMONS: Is it correct?

18 MR. MEETZE: Yes, sir.

19 REPRESENTATIVE CLEMMONS: Is it in need of  
20 any amendment?

21 MR. MEETZE: It is not.

22 REPRESENTATIVE CLEMMONS: Do you object to  
23 making this summary a part of our record today?

24 MR. MEETZE: I do not.

25 REPRESENTATIVE CLEMMONS: Okay. It will be

1 done at this point in the transcript.

2 (EXHIBIT 46, Personal Data Questionnaire of  
3 William V. Meetze, admitted.)

4 REPRESENTATIVE CLEMMONS: The Judicial Merit  
5 Selection Commission has thoroughly investigated your  
6 qualifications for the bench. Our inquiry has focused  
7 on nine evaluative criteria and has included a ballot  
8 box survey, a thorough study of your application  
9 materials, verification of your compliance with state  
10 ethics laws, a search of newspaper articles in which  
11 your name appears, a study of previous screenings, and  
12 a check for economic conflicts of interest.

13 We are pleased to report that we received no  
14 affidavits filed in opposition to your election. No  
15 witnesses are here to testify today.

16 Do you have a brief opening statement that  
17 you would like to share with the commission?

18 MR. MEETZE: Just briefly I would like to  
19 express to the commission how humbling it is to have  
20 the opportunity to stand here and how grateful I am to  
21 have this opportunity.

22 REPRESENTATIVE CLEMMONS: Thank you very  
23 much.

24 Will you please answer counsel's questions.

25 SENATOR MALLOY: Mr. Chair?

1           REPRESENTATIVE CLEMMONS: Yes. I'm sorry,  
2     Senator Malloy.

3           SENATOR MALLOY: Prior to the questions, I  
4     would like to also point to the committee that his  
5     grandfather or great grandfather was chaplain of the  
6     Senate for almost 60 years.

7           REPRESENTATIVE CLEMMONS: All of us that knew  
8     him had great affection for him.

9           SENATOR MALLOY: You have to put it on the  
10    record for folks that --

11          REPRESENTATIVE CLEMMONS: Thank you for  
12    sharing that, Senator Malloy.

13          Please answer counsel's questions.

14          MR. MALDONADO: Thank you. Mr. Chairman,  
15    members of the commission, I will begin with some  
16    procedural matters.

17          Mr. Meetze, you have before you a sworn  
18    statement you provided with detailed answers to over 30  
19    questions regarding judicial conduct, statutory  
20    qualification, office administration, and temperament.

21          Are there any amendments that you would like  
22    to make at this time to your sworn statement?

23          MR. MEETZE: I do not have any amendments.

24          MR. MALDONADO: At this time, Mr. Chairman, I  
25    would ask that Mr. Meetze's sworn statement be entered

1 as an exhibit into the hearing record.

2 REPRESENTATIVE CLEMMONS: Is there any  
3 objection?

4 Hearing none, so ordered.

5 (EXHIBIT 47, Sworn Statement of William V.  
6 Meetze, admitted.)

7 MR. MALDONADO: One final procedural matter,  
8 I note for the record that based on the testimony  
9 contained in the candidate's PDQ, which has been  
10 included in the record with the candidate's consent,  
11 Mr. Meetze meets the statutory requirements for this  
12 position regarding age, residence, and years of  
13 practice.

14 Mr. Meetze, why do you now want to serve as a  
15 circuit court judge?

16 MR. MEETZE: Well, I certainly appreciate  
17 that question, and it sort of does date back to the  
18 conversations that I used to have with my grandfather  
19 when I enrolled in law school and started. I would  
20 come to visit him quite often. And he would always  
21 say, "You know, Vic, you're going to be my judge.  
22 You're going to be my judge."

23 And, of course, back then that was a proud  
24 grandfather talking with his grandson in private. But  
25 as I graduated and began my career, and I started as a

1 law clerk for Judge Brogdon, and I think that really is  
2 when the ball started rolling with the desire to be a  
3 circuit judge. I got to spend a year with somebody  
4 that I feel like I -- epitomizes excellence in the  
5 judiciary. And I think he set a wonderful example.

6 As I continued in my career, it has been a  
7 career that's been entirely devoted to public service.  
8 I'm very proud of that. That's very important to me.  
9 I feel like the circuit court judges and the judiciary  
10 of the old are the face of the judiciary. And I have a  
11 strong desire to be able to continue public service in  
12 that vein, which would give me an opportunity to ensure  
13 that all parties in general sessions cases, as well as  
14 litigants in common pleas receive fair justice.

15 MR. MALDONADO: Mr. Meetze, can you explain  
16 to the commission how you feel your legal and  
17 professional experience thus far will assist you in  
18 being a judge.

19 MR. MEETZE: I believe my legal experience, I  
20 think that one thing I've always done and not just in  
21 my legal experience but experiences I've had in other  
22 jobs, even though we're in the legal profession, I  
23 still think that being a judge and a lawyer is a lot  
24 about people. And I think that throughout my life,  
25 I've always been very good in dealing with people,

1 making friends, just dealing with people in general.

2 So I think those skills from way back have  
3 certainly lent themselves to effective judicial service  
4 as an attorney. Again, I think I was able to spend a  
5 year with a judge that was I think nothing short of  
6 outstanding.

7 And my career has been one, again, in public  
8 service, either as a solicitor or as a public defender.  
9 I think in those positions, you get to, again, deal  
10 with people. You get to develop many of the skills  
11 that I think are required for effective judicial  
12 service, such as patience and respect and courtesy that  
13 all lend themselves. And I think that all of those,  
14 I've done well in developing throughout my career and  
15 will lend itself well to effective judicial service.

16 MR. MALDONADO: Mr. Meetze, you stated in  
17 your application that you took the South Carolina Bar  
18 exam twice. Are there any areas, including subjective  
19 areas of the law, that you would need to additionally  
20 prepare for in order to serve as a judge and how would  
21 you handle those additional preparations?

22 MR. MEETZE: Obviously, my career has been  
23 pretty much exclusively in General Sessions Court,  
24 either as a prosecutor or as a public defender. I  
25 don't have any real practical experience outside of

1 observing Common Pleas Court as a law clerk.

2 I will say that during that year Judge  
3 Brogdon did handle a number of complex litigation cases  
4 that I was able to work on. Obviously, I don't have  
5 any practical experience in that regard. I will say  
6 that I've always done my own research. I think that's  
7 another skill that I have that will lend itself well.  
8 I'm able to obviously read, look up, and evaluate  
9 cases.

10 I think regardless of amount of experience,  
11 whether I were to be elected, whether I was presiding  
12 over general sessions where I have a lot of experience,  
13 or common pleas where I don't have experience, issues  
14 that would be brought up in either of those courts, I  
15 would look the law up. And I think that's what judges  
16 do today, and I think that's what I would do as well.

17 And I certainly I've always worked hard in  
18 any obstacle that common pleas would present. And if  
19 it's seen as an obstacle, would certainly be overcome  
20 with hard work and study and experience.

21 MR. MALDONADO: Mr. Meetze, although you  
22 address this in your sworn affidavit, would you please  
23 explain to the members of the commission what you think  
24 is the appropriate demeanor for a judge.

25 MR. MEETZE: I think the appropriate demeanor

1 is courteous demeanor as well as very patient demeanor  
2 and respectful. I think all of those are the proper  
3 demeanor for a circuit court judge. And I've always  
4 felt like judges that exemplify those characteristics  
5 have always been, to me, the best judges.

6 MR. MALDONADO: What suggestions would you  
7 offer for improving the backlog of cases?

8 MR. MEETZE: Well, I think with regards to  
9 general sessions court, any backlog, I really think  
10 it's kind of just the old fashioned way. And that's  
11 just sort of getting down in the trenches. I think a  
12 lot of general sessions backlogs can be more dealt with  
13 with the lawyers more so than the judges.

14 However, we are moving in a direction of a  
15 more judicial-controlled general sessions docket. But  
16 I think even with that change, that it's still up to  
17 the attorneys on each side to really sit down and roll  
18 up your sleeves with a stack of files and work through  
19 them to the best of your ability. And those that can't  
20 be worked through will certainly be trials or disposed  
21 of in other methods. But I think that's the best way  
22 to help backlogs in general sessions court.

23 With regards to civil court, I think  
24 obviously the more motions practice you can have in  
25 civil court is helpful. I have been in Florence County



1 now for the past eight years or a little more than  
2 eight years. It would appear from my time there that  
3 Florence County's civil docket is in pretty good shape  
4 and not sure all would be needed there. But, again, it  
5 just comes down to hard work and, again, dealing with  
6 people.

7 MR. MALDONADO: Mr. Meetze, you were involved  
8 in a lawsuit filed in the U.S. District Court in 2007,  
9 but it was dismissed without prejudice, without  
10 issuance, and without service of process.

11 Can you please explain to the commission the  
12 circumstance of the lawsuit.

13 MR. MEETZE: I was sued by a former client of  
14 mine in Florence, from Florence County. His name was  
15 McIver Feagin. I was not aware of that until a  
16 previous occasion when I ran for circuit court  
17 judgeship, and it was discovered during the  
18 investigation process that that had indeed happened.

19 Mr. Feagin was charged with burglary in the  
20 first degree in Florence County. That's a charge that  
21 carries anywhere from 15 years to life in prison.

22 His situation was that he had had a  
23 relationship with a lady. That relationship ended. He  
24 was kind of lovesick with her and sort of wouldn't  
25 leave her alone. He had had burglary charges involving

1 this particular lady prior to the time I represented  
2 him, but I did not represent him on the previous ones.

3 He was charged with that I think in the  
4 latter part of 2009. And he was charged with having  
5 gone into her home with the intent to commit a crime  
6 and having done this in the nighttime. And the crime  
7 that he was alleged to have intended to commit was a  
8 violation of a protective order from the family court  
9 that she had had issued against him.

10 He didn't break in. There was no forced  
11 entry, and there wasn't anything taken. But he went  
12 into the house, he said, with her permission. That he  
13 had been invited even though she wasn't there. And he  
14 was there to wait on her to come back, is what he said.

15 He called her when he got in there. She  
16 wasn't there, and she probably called law enforcement.  
17 And they went over, and they picked him up and arrested  
18 him.

19 In defending him, he wanted me to do some  
20 things such as subpoena the family court judge that had  
21 issued the order of protection. That was  
22 Judge Morehead in Florence. And I told him I didn't  
23 see how that was going to help him.

24 I told him that he would have the choices of  
25 having a jury trial or not, and that if he has a trial,

1 it would be up to him whether or not to testify at that  
2 trial. But any sort of strategy or other witnesses to  
3 call would be my decision if he did want to go forward  
4 with a jury trial. And I told him that that was a  
5 witness that I didn't think would help him, and that I  
6 would not plan to call in defending him.

7 And he didn't like that. And I think that  
8 sort of set him off as having a bad opinion of me,  
9 obviously. And he got -- I think he filed a grievance,  
10 and at one point in time he got me relieved on the  
11 case. I ended up getting back on. And the prosecutor  
12 had reduced the charge to burglary in the second degree  
13 to allow him to plea. And eventually he agreed to do  
14 that.

15 And by that time I had been reinstated on the  
16 case, represented him at the plea. It was a  
17 straight-up plea, but the judge did give him probation  
18 and he got out. Once he was out, he came by my office  
19 and talked to me with all smiles and all that kind of  
20 stuff. And at that point in time he had previously  
21 sued me unbeknownst to me.

22 But, anyway, those were the circumstances of  
23 that suit. I was never made aware of it while it was  
24 active. And, again, it was dismissed without me having  
25 any knowledge of it.

1 MR. MALDONADO: The commission received 28  
2 ballot box surveys regarding you with ten additional  
3 comments. The ballot box surveys are mostly positive.  
4 For example, one stated, "Mr. Meetze is a great  
5 candidate for this judgeship. He has expansive  
6 knowledge of the law and great judicial temperament."

7 Another commented that, "Mr. Meetze would be  
8 an outstanding jurist. He has everything he needs to  
9 excel on the bench. Wonderful demeanor, sharp mind,  
10 courteous," et cetera.

11 Two of the written comments expressed  
12 concerns. One comment indicated that you were lazy and  
13 not well informed of the law.

14 What response would you offer to this  
15 concern?

16 MR. MEETZE: Well, obviously I would disagree  
17 with that. I don't feel like I'm lazy at all. You  
18 know, I've been working now for a long time handling a  
19 large number of cases as a public defender and as a  
20 prosecutor before that. And each of those positions  
21 have handled a large docket, have been able to manage  
22 that docket very effectively. And I've always done so,  
23 in my opinion, in a courteous manner.

24 I've worked with folks and prosecutors. And  
25 when I was a prosecutor with defense attorneys, and I

1 can't say there's been one time when any point in time  
2 we've ever -- I mean, obviously you don't always agree  
3 with someone's offer. And when you're a prosecutor,  
4 you don't always agree with what a defense attorney  
5 wants you to say. But I've never had any kind of --  
6 anything other than collegial relationship with the  
7 adversaries that I've been working in court with.

8           You know, there's not a whole lot that I can  
9 say other than I don't know where they formed that  
10 opinion because I just can't think of a time when I've  
11 represented myself that way in anything other than  
12 courteous as well as hard working.

13           MR. MALDONADO: We'll finish up with some  
14 housekeeping issues.

15           Mr. Meetze, have you ever sought or received  
16 the pledge of any legislator prior to this date?

17           MR. MEETZE: I have not.

18           MR. MALDONADO: Have you sought or been  
19 offered a conditional pledge of support of any  
20 legislator pending the outcome of your screening?

21           MR. MEETZE: I have not.

22           MR. MALDONADO: Have you asked any third  
23 parties to contact members of the General Assembly on  
24 your behalf?

25           MR. MEETZE: I have not.

1 MR. MALDONADO: Are you aware of anyone  
2 attempting to intervene in any part of the process on  
3 your behalf?

4 MR. MEETZE: I have not.

5 MR. MALDONADO: Have you contacted any  
6 members of the commission?

7 MR. MEETZE: I have not.

8 MR. MALDONADO: You understand that you are  
9 prohibited from seeking a pledge of commitment until 48  
10 hours after the formal release of the commission's  
11 report?

12 MR. MEETZE: I do understand that.

13 MR. MALDONADO: Have you reviewed the  
14 commission's guidelines on pledging?

15 MR. MEETZE: I have.

16 MR. MALDONADO: As a follow-up, are you aware  
17 of the penalties for violating the pledging rules, that  
18 is, it is a misdemeanor and upon conviction, a violator  
19 must be fined not more than a thousand dollars or  
20 imprisoned not more than 90 days.

21 MR. MEETZE: I am aware of that.

22 MR. MALDONADO: I would note that the Pee Dee  
23 Citizens Committee found Mr. Meetze qualified as to  
24 constitutional qualifications, physical health, and  
25 mental stability. He was found well qualified in the

1 areas of ethical fitness, professional and academic  
2 ability, character, reputation, experience, and  
3 judicial temperament.

4 I would just note for the record that any  
5 concerns raised during the investigation regarding the  
6 candidate were incorporated in the questioning of the  
7 candidate today.

8 Mr. Chairman, I have no further questions.

9 REPRESENTATIVE CLEMMONS: Mr. Meetze, thank  
10 you so much for being here today and offering yourself  
11 in this position.

12 That concludes this portion of our screening  
13 process. As you know, the record will remain open  
14 until a report is published. You may be called back at  
15 such time if the need should arise.

16 I remind you of the 48-hour rule and ask you  
17 to be mindful of it. Should anyone inquire with you  
18 about whether they may or may not advocate on your  
19 behalf, we would ask that you remind them of the  
20 48-hour rule.

21 Now, I'd like to ask if there are any members  
22 of the commission that have any questions of  
23 Mr. Meetze.

24 SENATOR MALLOY: I would just like to give  
25 him a chance to introduce his Hartsville,

1 South Carolina, born wife, Anna.

2 MR. MEETZE: Thank you very much, Senator.

3 I would be proud to do that. This is my  
4 wife, Anna Meetze. We will have been married five  
5 years this January. And I'm extremely thrilled to have  
6 the opportunity to introduce her to all of you.

7 REPRESENTATIVE CLEMMONS: Thank you very  
8 much.

9 Are there any other questions or comments?

10 Hearing none, we want to thank you for  
11 offering, and thank you for your service to  
12 South Carolina, Mr. Meetze.

13 MR. MEETZE: Thank you all. I sure  
14 appreciate it.

15 (Mr. William V. Meetze exited the room.)

16 (Mr. Timothy W. Murphy is present in the  
17 room.)

18 REPRESENTATIVE CLEMMONS: Ladies and  
19 gentlemen, we have before us Timothy W. Murphy.

20 Mr. Murphy, it's good to have you with us  
21 today.

22 Mr. Murphy is seeking nomination to Circuit  
23 Court At-Large, Seat 9.

24 Mr. Murphy, if you would please raise your  
25 right hand to be sworn.



1                   Do you swear to tell the truth, the whole  
2 truth and nothing but the truth, so help you God?

3                   MR. MURPHY: I do.

4                   REPRESENTATIVE CLEMMONS: Thank you.

5                   Have you had an opportunity to review your  
6 personal data questionnaire?

7                   MR. MURPHY: Yes, I have.

8                   REPRESENTATIVE CLEMMONS: Is it correct?

9                   MR. MURPHY: Yes, it is.

10                  REPRESENTATIVE CLEMMONS: Is there any  
11 amendment that needs to be made?

12                  MR. MURPHY: No, sir.

13                  REPRESENTATIVE CLEMMONS: Do you have any  
14 objection to our making your personal data  
15 questionnaire a part of the record of your sworn  
16 testimony?

17                  MR. MURPHY: I have no objection, sir.

18                  REPRESENTATIVE CLEMMONS: It is so ordered.

19                  (EXHIBIT 48, Personal Data Questionnaire of  
20 Timothy W. Murphy, admitted.)

21                  REPRESENTATIVE CLEMMONS: The Judicial Merit  
22 Selection Commission has thoroughly investigated your  
23 qualifications for the bench. Our inquiry and that of  
24 our staff is focused on nine evaluative criteria and  
25 has included a ballot box survey, a thorough study of

1 your application materials, verification of your  
2 compliance with state ethics laws, a search of  
3 newspaper articles in which your name appears, a study  
4 of previous screenings, and a check for economic  
5 conflicts of interest.

6 We have received no affidavits in opposition  
7 to your election. We have no one present today to  
8 testify.

9 Do you have a brief opening statement you  
10 would like to make at this time?

11 MR. MURPHY: Yes, sir. Thank you very much.

12 I just want to take this opportunity to thank  
13 Attorney Shuler and her staff for this process. I  
14 would like to thank the members of the citizens  
15 committee and the attorneys who I interviewed with  
16 later on.

17 When we came down here ten years ago, and the  
18 Air Force sent us here, one of the things that struck  
19 us was just the overall helpfulness and friendliness of  
20 the people here in South Carolina. That's something  
21 you don't have in other places, and certainly that was  
22 reflected throughout this process. As job interviews  
23 go, this has really been a pleasure. The staff is even  
24 back there trying to make us comfortable in the waiting  
25 room.

1           So I really appreciate this whole process.  
2           No matter how it ends up, I've enjoyed it very much.

3           REPRESENTATIVE CLEMMONS: Thank you. Thank  
4           you very much. I'm sorry, I should have asked to start  
5           with, do you have anyone with you today you would like  
6           to introduce?

7           MR. MURPHY: Yes, I would. I have my wife  
8           Jody. This Saturday we will be married 28 years.

9           REPRESENTATIVE CLEMMONS: Congratulations.

10          MR. MURPHY: And my youngest son, Brendon,  
11          he's a second lieutenant in the Air Force. He will be  
12          leaving for Italy on December 1st.

13          REPRESENTATIVE CLEMMONS: Good luck to you.  
14          Wonderful. Thank you.

15          Would you please answer counsel's questions.

16          MR. MURPHY: Yes, sir.

17          MR. MALDONADO: Thank you, Mr. Chairman.

18          Members of the commission, I'll begin with a  
19          procedural matter.

20          Mr. Murphy, you have before you your sworn  
21          statement you provided with detailed answers to over 30  
22          questions regarding judicial conduct, statutory  
23          qualifications, office administration, and temperament.

24          Are there any amendments you would like to  
25          make at this time to your sworn statement?

1 MR. MURPHY: No, there aren't.

2 MR. MALDONADO: At this time, Mr. Chairman, I  
3 would ask that Mr. Murphy's sworn statement be entered  
4 as an exhibit to the hearing record.

5 REPRESENTATIVE CLEMMONS: Thank you.

6 Are there any objection?

7 Hearing none, so ordered.

8 (EXHIBIT 49, Sworn Statement of Timothy W.  
9 Murphy, admitted.)

10 MR. MALDONADO: One final procedural matter,  
11 I note for the record that based on the testimony  
12 contained in the candidate's PDQ, which has been  
13 included in the record with the candidate's consent,  
14 Mr. Murphy meets the statutory requirements for this  
15 position regarding age, residence, and years of  
16 experience.

17 Mr. Murphy, you have been a licensed attorney  
18 in the state since 2006. Why do you now want to serve  
19 as a circuit court judge?

20 MR. MURPHY: Service to our state. I've  
21 been -- throughout my legal career, mostly been in the  
22 military. Obviously, I've served our nation. That's a  
23 primary motivation for why I became a lawyer.

24 And since I've been retired from the  
25 military, I've served Sumter County as a public

1 defender. I believe service is important.

2           During my career in the military, I've had  
3 occasion to deal with lots of different types of issues  
4 and have to give advice on varying types of issues.  
5 Sometimes with short timelines, sometimes under a lot  
6 of pressure. And I feel that and I think that some of  
7 those skills translate well into some of the challenges  
8 that would face me if I was lucky enough to be a  
9 circuit court judge. So those are the primary  
10 motivating factors.

11           MR. MALDONADO: Thank you.

12           Mr. Murphy, can you explain to the commission  
13 how you feel your legal and professional experience  
14 would assist you to be an effective judge?

15           MR. MURPHY: As I indicated before, there  
16 aren't too many areas of the law that I haven't at  
17 least had some dealings with. Although the bulk has  
18 been probably criminal law. But I think that I have a  
19 wide variety of experience, and I can bring that to the  
20 table. And that's the primary reason. Since I've  
21 retired and been active in the local bar here, I've  
22 learned a lot about the system and how things run. I  
23 think I can be helpful.

24           MR. MALDONADO: Thank you.

25           Are there any areas, including subjective

1 areas of the law, that you would need to additionally  
2 prepare for in order to serve as a judge and how would  
3 you handle that preparation?

4 MR. MURPHY: Well, I've been in positions  
5 before, particularly towards the end of my career,  
6 where I've been placed in positions where I'm expected  
7 to know areas of the law that I wasn't all that  
8 familiar with. And the way you do it is you buckle  
9 down and you study, and, if necessary, you ask people,  
10 other judges I guess that know about those areas.

11 I think the one area obviously that is in my  
12 record, I haven't tried a case in common pleas court.  
13 And until you do that, you haven't. I do understand  
14 the various areas of substantive law on the civil side,  
15 so I would do what I've done before and that is focus  
16 on the procedures, focus on those areas of the law.

17 One of things about being a lawyer is I think  
18 you're always a student of the law. The law is  
19 dynamic, it changes over time, and you're never -- you  
20 never really arrive. At least that's the way I've  
21 always viewed being an attorney. And I think I just  
22 would apply myself as I have in the past.

23 MR. MALDONADO: Can you please explain to the  
24 members of the commission what you think is the  
25 appropriate demeanor for a judge.

1           MR. MURPHY: I think the most important thing  
2 is to be professional and to be professional means to  
3 listen to people. To have a demeanor where people feel  
4 they can talk to you and be inviting, be friendly. I  
5 think in particular in regard to the courtroom setting,  
6 the litigants are usually under a lot of pressure,  
7 sometimes the attorneys are. And it's important for a  
8 judge to project a certain air of calmness, to keep  
9 things on an even keel and keep things professional. I  
10 think that's the most important characteristic of a  
11 good judge is professionalism.

12           MR. MALDONADO: Mr. Murphy, what suggestion  
13 would you offer to improve the backlog of cases both in  
14 the general sessions and common pleas?

15           MR. MURPHY: Well, I think in common pleas,  
16 the mediation process that has gone on is good. I  
17 would certainly advocate that. I mean, mediation tends  
18 to get things moving along.

19           And the general sessions backlog, I think one  
20 of the things that is important for any process you're  
21 involved with, and that is, you know, whether it's  
22 general sessions, whether it's any process, and I've  
23 had experience with a number of different processes,  
24 there has to be a catalyst behind pushing the case  
25 forward. And whether it's the solicitor or the judge

1 or whoever, there has to be a catalyst that's pushing  
2 cases forward. And I would think that in the present  
3 process, the catalyst of the judge would be important  
4 as far as ensuring that deadlines are met.

5 One of the areas that I think needs to be  
6 focused on a bit more is discovery. Obviously, I have  
7 more experience in the criminal side. Mr. Howle, who  
8 is the chief defender for the Third Circuit, asked me  
9 to take a look at the number of cases and find out, you  
10 know, are there any process efficiencies that we could  
11 have in getting cases along.

12 I looked at about a hundred cases over a  
13 two-year period. One of the things that I came away  
14 with and that I talked to Mr. Howle about was that the  
15 earlier a defense attorney gets discovery, the quicker  
16 the case is resolved. And without regard to whether or  
17 not it was litigated or a plea or whatever.

18 And I certainly understand solicitors are  
19 under a lot of pressure because, you know, they have  
20 certain metrics, and they have to deal with getting the  
21 discovery from law enforcement. But that seems to be  
22 the pressure point for a more efficient criminal  
23 process is early discovery.

24 I also suggest more complete discovery. In  
25 the federal system you're given everything. Sometimes



1 it seems like it's too much. And what it does is it  
2 takes a lot of the gamesmanship out of the process.  
3 And I think that those are the factors that I think  
4 would make the general sessions backlog a lot more  
5 effective and a lot more efficient.

6 MR. MALDONADO: Mr. Murphy, the commission  
7 received 17 ballot box surveys regarding you with four  
8 additional comments. Ballot box survey, for example,  
9 contained the following positive comments: "He's a  
10 gentleman, generous, conscientious. I believe that he  
11 is well qualified with impressive breadth of  
12 experience. Mr. Murphy is very intelligent and very  
13 decisive."

14 And fortunately, I can't ask a question about  
15 any negative comments because there weren't any.

16 MR. MURPHY: That's nice to know.

17 MR. MALDONADO: Some housekeeping questions.

18 Have you sought or received any pledge of any  
19 legislator prior to this date?

20 MR. MURPHY: No, I haven't.

21 MR. MALDONADO: Have you sought or have you  
22 been offered a conditional pledge of support of any  
23 legislator pending the outcome of your screening?

24 MR. MURPHY: No, I haven't.

25 MR. MALDONADO: Have you asked any third

1 parties to contact members of the General Assembly on  
2 your behalf?

3 MR. MURPHY: No, I haven't.

4 MR. MALDONADO: Are you aware of anyone  
5 attempting to intervene in any part of the process on  
6 your behalf?

7 MR. MURPHY: No, I am not.

8 MR. MALDONADO: Have you contacted any  
9 members of the commission?

10 MR. MURPHY: No, I have not.

11 MR. MALDONADO: You understand that you are  
12 prohibited from seeking a pledge or commitment until 48  
13 hours after the formal release of the commission's  
14 report?

15 MR. MURPHY: I understand that.

16 MR. MALDONADO: Have you reviewed the  
17 commission's guidelines on pledging?

18 MR. MURPHY: Yes, I have.

19 MR. MALDONADO: As a follow up, are you aware  
20 of the penalties of violating the pledging rules, that  
21 is, it is a misdemeanor, and upon conviction, the  
22 violator must be fined not more \$1,000 and imprisoned  
23 no more than 90 days?

24 MR. MURPHY: I am aware of those.

25 MR. MALDONADO: I will note that the Pee Dee

1 Citizens Committee found Mr. Murphy qualified in the  
2 evaluative criteria of constitutional qualification,  
3 physical health, mental stability. The committee found  
4 him well qualified in evaluative criteria of ethical  
5 fitness, professional and academic ability, character,  
6 reputation, experience, and judicial temperament.

7 I would just note for the record that any  
8 concerns raised during the investigation regarding the  
9 candidate were incorporated in the questioning of the  
10 candidate today.

11 Mr. Chairman, I have no other questions.

12 REPRESENTATIVE CLEMMONS: Thank you very  
13 much.

14 Does any member of the commission have a  
15 question at this time?

16 Yes, Dean Wilcox.

17 DEAN WILCOX: Could you give me a little  
18 more -- could you give me a little more detail in terms  
19 of the nature of your practice? I know you've been  
20 assistant public defender. But since you went into  
21 private practice, the volume of cases, the type of  
22 cases that you have handled in that seven-year period.

23 MR. MURPHY: Right. Since I retired, I  
24 started out for one year as an associate with my  
25 partner. At that time there was the public defender

1 process was under the contract system, and I was  
2 selected to be a contract public defender.

3 My caseload in the public defender office has  
4 been pretty consistent since then. Now, my duties have  
5 changed, but I've averaged probably between -- I think  
6 when I took over that I had about 200 clients. And  
7 that's pretty much been the standard. It's been as  
8 high as 300, as low as 150. But it's about a  
9 200-client caseload. And I take a full caseload even  
10 though I'm part-time over there.

11 The other aspects of my practice, I'm a CJA  
12 panel attorney in U.S. District Court. And now  
13 recently over the last year or two, that's kind of  
14 declined. But I would average probably between -- for  
15 a while there, six, seven cases a year in U.S. District  
16 Court representing individuals in the criminal system.

17 I also over the course of the seven years  
18 have represented probably three or four servicemen in  
19 disciplinary actions. Only one court-martial that went  
20 to trial. And some come down and talk to me and, you  
21 know, they go another way. But I've handled that.

22 I have quite an extensive practice with  
23 veterans through the V.A. system. Also some Social  
24 Security, not too much. And Equal Employment  
25 Opportunity Commission, I've had probably a half a

1 dozen cases in the last two years dealing with that.

2 In regard to other cases, it's pretty much  
3 what you take in. I'm in a small town. I mean, I've  
4 had a couple of situations involving probate. I have a  
5 very small family law practice. Usually no more -- I  
6 think I've had as many as 20 clients at one time, but  
7 usually not -- right now it's fairly low. Most of  
8 them -- in fact, all of them are -- have some sort of  
9 military connection. And I feel more comfortable --  
10 some of them are out of state. I feel comfortable  
11 dealing with those types of issues. So that's pretty  
12 much what I deal with there.

13 In the last two years, Mr. Howle asked me to  
14 be the chief county public defender for Sumter County.  
15 So I assist him with the management of the Sumter  
16 County office. I usually spend anywhere from usually  
17 half a day -- when things are busy, I'm over there all  
18 the time. But usually I go over there every day to  
19 assist with various administrative works.

20 I assign the cases. I make determinations on  
21 the qualifications of clients. Because I'm -- I help  
22 supervise the office. We got young folks over there,  
23 so we have meetings and try to mentor them a little  
24 bit. Mr. Howle and I handle pretty much, not all of  
25 them, but we handle the bulk of the most serious

1 offenses, until the younger public defenders who are  
2 full-time are up to snuff.

3 That's pretty much pretty much what I do.

4 SENATOR MALLOY: Mr. Chairman.

5 REPRESENTATIVE CLEMMONS: Senator Malloy.

6 SENATOR MALLOY: Thank you, Mr. Murphy. Nice  
7 to see you. I think you may have commented in one of  
8 your writings about your civil practice, that you had  
9 not tried a civil case.

10 MR. MURPHY: Yes, sir.

11 SENATOR MALLOY: Is that right?

12 MR. MURPHY: I have not tried a case in  
13 common pleas court. I have tried a couple of cases in  
14 magistrate court.

15 SENATOR MALLOY: Civil cases?

16 MR. MURPHY: Yes, sir. Yes, sir. Contracts  
17 and bad debts. So I have tried a couple of those cases  
18 in magistrate court.

19 SENATOR MALLOY: I personally think  
20 magistrate court is the best training. And so you  
21 tried those to a verdict?

22 MR. MURPHY: Yes, sir.

23 SENATOR MALLOY: Okay. Good.

24 REPRESENTATIVE CLEMMONS: Thank you,  
25 Senator Malloy.

1 Any other questions?

2 Hearing none, Mr. Murphy, we thank you so  
3 much. That concludes this portion of our screening  
4 process. As you know, the record will remain open  
5 until the report is published. You may be called back  
6 at such time if the need should arise.

7 I'll remind you of the 48-hour rule, which we  
8 discussed and ask you to be mindful of it. Should  
9 anyone inquire with you whether or not they may  
10 advocate on your behalf, we would ask that you remind  
11 them of the 48-hour rule.

12 With that, we thank you for offering, and we  
13 thank you for your service to South Carolina.

14 MR. MURPHY: Thank you, Mr. Chairman. Thank  
15 you very much.

16 REPRESENTATIVE CLEMMONS: Thank you.

17 (Mr. Timothy W. Murphy exited the room.)

18 (Ms. Jocelyn Newman is present in the room.)

19 REPRESENTATIVE CLEMMONS: Hello, Ms. Newman.

20 MS. NEWMAN: Hello.

21 REPRESENTATIVE CLEMMONS: Thank you for being  
22 with us today.

23 Ladies and gentlemen, we have before us  
24 Jocelyn Newman, who is a candidate for Circuit Court  
25 At-Large, Seat 9.

1 Ms. Newman, would you raise your right hand  
2 and be sworn.

3 Do you swear to tell the truth, the whole  
4 truth and nothing but the truth, so help you God?

5 MS. NEWMAN: I do.

6 REPRESENTATIVE CLEMMONS: Thank you very  
7 much.

8 Have you had an opportunity to review your  
9 personal data questionnaire?

10 MS. NEWMAN: I have.

11 REPRESENTATIVE CLEMMONS: Is it correct?

12 MS. NEWMAN: Yes, sir.

13 REPRESENTATIVE CLEMMONS: Is it in need of  
14 any amendment?

15 MS. NEWMAN: Not that I'm aware of.

16 REPRESENTATIVE CLEMMONS: Would you object to  
17 our making your personal data questionnaire a part of  
18 the record of your sworn testimony today?

19 MS. NEWMAN: I would not.

20 REPRESENTATIVE CLEMMONS: Hearing such, it  
21 will be done at this point in the transcript.

22 (EXHIBIT 50, Personal Data Questionnaire of  
23 Jocelyn Newman, admitted.)

24 REPRESENTATIVE CLEMMONS: The Judicial Merit  
25 Selection Commission has thoroughly investigated your



1 qualifications for the bench. Our inquiry has focused  
2 on nine evaluative criteria, and it's included a ballot  
3 box survey, a thorough study of your application  
4 materials, verification of your compliance with state  
5 ethics laws, a search of newspaper articles in which  
6 your name appears, a study of previous screenings, and  
7 a check for economic conflicts of interest.

8 We receive no affidavits filed in opposition  
9 for your election. There is no one present to today in  
10 this hearing other than yourself, of course.

11 Do you have a brief opening statement you  
12 would like to make at this time?

13 MS. NEWMAN: I am just happy to be here and  
14 congratulating those who were reelected today.

15 REPRESENTATIVE CLEMMONS: We honor you for  
16 your brevity. Thank you.

17 Would you please answer counsel's questions.

18 MS. DEAN: Thank you. Mr. Chairman and  
19 members of the commission, I have procedural matter to  
20 take care of with this candidate.

21 Ms. Newman, you have before you the sworn  
22 statement you provided with detailed answers to over 30  
23 questions regarding judicial conduct, statutory  
24 qualifications, office administration, and temperament.

25 Are there any amendments you would like to

1 make at this time to your sworn statement?

2 MS. NEWMAN: No.

3 MS. DEAN: At this time, Mr. Chairman, I  
4 would like to ask that Ms. Newman's sworn statement be  
5 entered as an exhibit into the hearing record.

6 REPRESENTATIVE CLEMMONS: Is there any  
7 objection?

8 Hearing none, so ordered.

9 (EXHIBIT 51, Sworn Statement of Jocelyn  
10 Newman, admitted.)

11 MS. DEAN: One final procedural matter. I  
12 note for the record that based on the testimony  
13 contained in the candidate's PDQ, which has been  
14 included in the record with the candidate's consent,  
15 Ms. Newman meets the statutory requirements for this  
16 position regarding age, residence, and years of  
17 practice.

18 Ms. Newman, why do you now want to serve as a  
19 circuit court judge?

20 MS. NEWMAN: It is something that I've wanted  
21 to do since my first year of law school. I think that  
22 I am capable of doing it. I would be honored to serve.  
23 And it's my goal. I think everyone has -- every  
24 ambitious person has goals in life, and this is mine.  
25 You know, whether your goal is to become a professor of

1 the law or open your own firm or become a shareholder  
2 in a firm or whatever that may be or a Workers'  
3 Compensation Commissioner, whatever your goals are.  
4 Most ambitious people have them, and this is mine. I  
5 think I'm well suited for this position.

6 MS. DEAN: Thank you.

7 Ms. Newman, can you please explain to the  
8 commission how you feel your legal and professional  
9 experience thus far will assist you to be an effective  
10 judge.

11 MS. NEWMAN: I think that I have a very  
12 experienced, diverse sort of background. I have  
13 practiced both criminal and civil law for both  
14 plaintiffs and defendants, for the prosecution and  
15 criminal defendants. I've done administrative  
16 procedures, and I think all of that makes me well  
17 suited for the bench.

18 MS. DEAN: Thank you.

19 Ms. Newman, are there any areas, including  
20 subjective and substantive areas of the law, that you  
21 would need to additionally prepare for in order to  
22 serve as a judge, and how would you handle that  
23 additional preparation?

24 MS. NEWMAN: I've been trying to think about  
25 that. I haven't handled any workers' compensation

1 cases in my practice. My firm just doesn't do that.  
2 And while I understand that there is a commission for  
3 that, I also understand that certain appellate issues  
4 are heard by the circuit court. So that is something  
5 that I would need to get up to speed on.

6 By speaking to colleagues, reading advance  
7 sheets, preparing and studying. I think that each case  
8 is a test in some way. Whether you're the judge or one  
9 of the advocates. And, of course, there are always  
10 unknowns in life but as with any case in any situation,  
11 you prepare as much as possible. You read the case  
12 file, study the rules, study statutes, things like that  
13 to prepare as much as you can. And when the unknowns  
14 are thrown at you, then you are better prepared to  
15 handle any unknowns.

16 MS. DEAN: Thank you.

17 What suggestions would you offer for  
18 improving the backlog of cases on the docket both for  
19 general sessions and common pleas in the circuit court?

20 MS. NEWMAN: I think it's a team effort for  
21 sure, amongst attorneys, the court staff, and the  
22 judiciary. And I think that my role in that would be  
23 to be accessible and present and not work a 9-to-5 job.  
24 To be available and make efficient use of court time.  
25 Also to communicate with the court staff and the

1 Solicitor's Office and all parties involved and to hold  
2 attorneys accountable, whether that's through  
3 scheduling orders or, you know, starting a trial when  
4 you should and not taking too much time off and things  
5 like that. By holding all parties accountable and  
6 communicating with everybody. I think that would  
7 improve the efficiency of the judicial system.

8 MS. DEAN: Thank you.

9 Ms. Newman, the commission received 25 ballot  
10 box surveys regarding you with two additional comments.  
11 One comment indicated that you will be an excellent  
12 judge, but they had concern over your level of  
13 experience at the current time.

14 What is your response to such a comment?

15 MS. NEWMAN: I think that, as I said earlier,  
16 I have sufficient experience. I have made a concerted  
17 effort to diversify my experience throughout my time  
18 practicing law. I have worked for judges on both the  
19 federal and state level. I've been a prosecutor. I  
20 have -- I currently work in a civil defense firm, but I  
21 do some plaintiff's work as well. I have represented  
22 criminal defendants. I don't want to repeat myself too  
23 much. I think that all of that makes me sufficiently  
24 experienced.

25 MS. DEAN: Thank you.

1           The second comment expressed concern over  
2     judicial temperament. Could you please explain to the  
3     committee how you would conduct yourself on the bench.

4           MS. NEWMAN: I think it's important for  
5     judges to be patient, respectful, kind, and to treat  
6     people the way they want to be -- the way I would want  
7     to be treated. That's how I treat others.

8           And so I can't explain the comment from the  
9     survey. I don't know the basis of that comment, but I  
10    think that by being patient, respectful, kind, and  
11    maintaining control of the courtroom at all times,  
12    that's appropriate on the bench.

13          MS. DEAN: Thank you, Ms. Newman.

14          Mr. Chairman, at this time I would like to  
15    request we now go into executive session.

16          REPRESENTATIVE CLEMMONS: Thank you.

17          The Chair would entertain such a motion.

18          SENATOR MARTIN: So moved.

19          REPRESENTATIVE BANNISTER: Second.

20          REPRESENTATIVE CLEMMONS: So moved by Senator  
21    Martin. Seconded by Representative Bannister.

22          All in favor say "aye."

23          (Members respond.)

24          REPRESENTATIVE CLEMMONS: Those opposed, nay.  
25    The ayes have it.

1           We shall go into executive session. We would  
2     invite those who are not a member of staff or a member  
3     of the commission to exit the room.

4           (The members went into executive session.)

5                           \*   \*   \*   \*   \*

6           (The members came out of executive session.)

7           MS. DEAN: Thank you very much, Mr. Chairman.  
8           I have a few housekeeping issues at this  
9     time.

10           Ms. Newman, have you sought or received the  
11    pledge of legislator prior to this day?

12           MS. NEWMAN: No.

13           MS. DEAN: Have you sought or have you been  
14    offered a conditional pledge of support of any  
15    legislator pending the outcome of your screening?

16           MS. NEWMAN: I have not.

17           MS. DEAN: Have you asked any third parties  
18    to contact members of the General Assembly on your  
19    behalf?

20           MS. NEWMAN: No, ma'am.

21           MS. DEAN: Are you aware of anyone attempting  
22    to intervene in any part of the process on your behalf?

23           MS. NEWMAN: No.

24           MS. DEAN: Have you contacted any members of  
25    this commission?

1 MS. NEWMAN: No.

2 MS. DEAN: Do you understand that you are  
3 prohibited from seeking a pledge or commitment until 48  
4 hours after the formal release of the commission's  
5 report?

6 MS. NEWMAN: Yes.

7 MS. DEAN: Have you reviewed the commission's  
8 guidelines on pledging?

9 MS. NEWMAN: I have.

10 MS. DEAN: As a follow up, are you aware of  
11 the penalties for violating the pledging rules, that  
12 it, it is a misdemeanor and upon conviction, the  
13 violator must be fined not more than a thousand dollars  
14 or imprisoned not more than 90 days?

15 MS. NEWMAN: I understand.

16 MS. DEAN: I would note that the Midlands  
17 Citizens Committee found Ms. Newman qualified for  
18 evaluative criteria of experienced and well qualified  
19 in the remaining evaluative criteria which are judicial  
20 temperament, constitutional qualifications, ethical  
21 fitness, professional and academic ability, character,  
22 reputation, physical health, and mental stability.

23 The report stated that, "Ms. Newman made a  
24 very positive impression on this committee in every  
25 way. We can certainly see her as a circuit court judge



1 but some things she may need more seasoning, both in  
2 life experiences and in the courtroom."

3 I would just note for the record that any  
4 concerns raised during the investigation regarding  
5 Ms. Newman were incorporated into the questioning of  
6 the candidate today.

7 Mr. Chairman, I have no further questions.

8 REPRESENTATIVE CLEMMONS: Thank you, Ms.  
9 Dean.

10 Ms. Bell -- the chair recognizes Ms. Bell for  
11 comment.

12 MS. BELL: Yes. I wanted to make a comment  
13 on the record regarding the social media status between  
14 Ms. Newman and I. She is member of Instagram, of  
15 Facebook and Twitter, I believe. I don't believe we  
16 follow each other on Twitter. I don't ever use my  
17 Twitter account. But we are friends on Facebook and  
18 Instagram, but we have never had any communications  
19 about her application before the commission today.

20 REPRESENTATIVE CLEMMONS: Thank you, Ms.  
21 Bell.

22 MR. STROM: Mr. Chairman. I probably have  
23 the same status on that. I'm not sure, but I --

24 REPRESENTATIVE CLEMMONS: Thank you,  
25 Mr. Strom. Thank you both for your disclosure on

1 public record.

2 Are there any other comments or questions of  
3 this candidate?

4 Dean Wilcox.

5 DEAN WILCOX: I know you're at a firm that  
6 does a lot of civil litigation, but can you be a little  
7 more specific about your level of responsibility and  
8 just the volume of your work has been in the last seven  
9 or so years you have been with Richardson Plowden.

10 MS. NEWMAN: It has varied. At this point in  
11 my career, I typically handle cases on my own. They  
12 are generally handed to me by a shareholder in the firm  
13 who has ultimate responsibility but does very little  
14 work on each of those cases. So for the most part, I  
15 would consider myself primarily responsible for all of  
16 the cases that I handle. There are a handful that I do  
17 in connection with other attorneys, you know, as  
18 co-counsel.

19 In addition, there are a number of cases that  
20 I try in the courtroom, which I've had no involvement  
21 in up until that point. I'm sort of a pinch hitter for  
22 the courtroom. And those are generally as second  
23 chair. Sometimes I'm solo, though, in the courtroom on  
24 those cases.

25 DEAN WILCOX: Okay.

1                   REPRESENTATIVE CLEMMONS: Thank you,  
2                   Dean Wilcox.

3                   Are there any other questions or comments?

4                   Hearing none, Ms. Newman, thank you so much  
5                   for being here and offering this important position.  
6                   This concludes this portion of our screening process.

7                   As you know, the record will remain open  
8                   until a report is published and you are called back at  
9                   such time if the need arises.

10                  I'll remind you of the 48-hour rule. We ask  
11                  you would be mindful of it. And to remind you that  
12                  should anyone inquire about whether or not they may or  
13                  may not advocate on your behalf in the event that you  
14                  are screened out, please remind them of the 48-hour  
15                  rule.

16                  We thank you for offering, and we thank you  
17                  for your service to South Carolina.

18                  MS. NEWMAN: Thank you.

19                  REPRESENTATIVE CLEMMONS: Thank you.

20                  (Ms. Jocelyn Newman exited the room.)

21                  (Mr. Grady L. "Leck" Patterson III, is  
22                  present in the room.)

23                  REPRESENTATIVE CLEMMONS: Ladies and  
24                  gentlemen, we have before us Grady L. "Leck" Patterson,  
25                  III.

1 Mr. Patterson, it's good to have you back  
2 before the commission today. Thank you for joining us.

3 MR. PATTERSON: Thank you.

4 REPRESENTATIVE CLEMMONS: Would you please  
5 raise your right hand to be sworn.

6 Do you swear to tell the truth, the whole  
7 truth and nothing but the truth, so help you God?

8 MR. PATTERSON: I do.

9 REPRESENTATIVE CLEMMONS: Thank you.

10 Have you had an opportunity to review your  
11 personal data questionnaire, Mr. Patterson?

12 MR. PATTERSON: Yes, I have.

13 REPRESENTATIVE CLEMMONS: Is it correct?

14 MR. PATTERSON: Yes.

15 REPRESENTATIVE CLEMMONS: Is it in need of  
16 any amendment at this time?

17 MR. PATTERSON: No.

18 REPRESENTATIVE CLEMMONS: Would you have an  
19 objection to it being made a part of the record of your  
20 testimony today?

21 MR. PATTERSON: No, sir.

22 REPRESENTATIVE CLEMMONS: Hearing no  
23 objection, it's so ordered.

24 (EXHIBIT 52, Personal Data Questionnaire of  
25 Grady L. "Leck" Patterson III, admitted.)

1           REPRESENTATIVE CLEMMONS: The Judicial Merit  
2 Selection Commission has thoroughly investigated your  
3 qualifications for the bench. Our inquiry has focused  
4 on nine evaluative criteria and has included a ballot  
5 box survey, a thorough study of your application  
6 materials, verification of your compliance with state  
7 ethics laws, a search of newspaper articles in which  
8 your name appears, a study of previous screenings, and  
9 a check for economic conflicts of interest.

10           We are pleased to report we have received no  
11 affidavits filed in opposition to your election, and  
12 there are no witnesses here to testify today other than  
13 yourself.

14           Do you have a brief opening statement that  
15 you would like to share with the commission at this  
16 time?

17           MR. PATTERSON: Just a few words. I would  
18 like, if I may, to introduce my wife, Sally Patterson,  
19 who is here with me today. And I'd also like to say  
20 I'm glad to be here. I appreciate your time, and I  
21 look forward to answering your questions.

22           REPRESENTATIVE CLEMMONS: Thank you very  
23 much.

24           Thank you, Mrs. Patterson, for joining us  
25 today.

1           With that, would you please answer counsel's  
2 questions.

3           MR. DAVIDSON: Mr. Chairman and members of  
4 the commission, I have a few procedural matters to take  
5 care of with this candidate.

6           Mr. Patterson, you have before you the sworn  
7 statement you provided with detailed answers to over 30  
8 questions regarding judicial conduct, statutory  
9 qualifications, office administration, and temperament.

10           Are there any amendments you would like to  
11 make at this time to your sworn statement?

12           MR. PATTERSON: No.

13           MR. DAVIDSON: At this time, Mr. Chairman, I  
14 would like to ask that Mr. Patterson's sworn statement  
15 be entered into the record as an exhibit.

16           REPRESENTATIVE CLEMMONS: Is there any  
17 objection?

18           Hearing none, so ordered.

19           (EXHIBIT 53, Sworn Statement of Grady L.  
20 "Leck" Patterson III, admitted.)

21           MR. DAVIDSON: One final procedural matter.  
22 I note for the record that based on the testimony  
23 contained in the candidate's PDQ, which has been  
24 included in the record with the candidate's consent,  
25 Mr. Patterson meets the statutory requirements for this

1 position regarding age, residence, and years of  
2 experience.

3 Mr. Patterson, why do you now want to serve  
4 as a circuit court judge?

5 MR. PATTERSON: I enjoy the law. I enjoy  
6 reading the law, determining what it is, learning. I  
7 have also enjoyed applying it practically. I've often  
8 looked at the law as a series of competing interests.  
9 For example, you have the sanctity of the contract, but  
10 on the other hand, you have unconscionability rules.  
11 And I enjoy looking at those competing interests.

12 I've had over 30 years of experience. Most  
13 of that in litigation practice. I've enjoyed looking  
14 at the law in litigation context. I love the  
15 courtroom. I feel like my experience and training has  
16 prepared me for this position. I feel think I can make  
17 a contribution. I would like to be a circuit court  
18 judge.

19 MR. DAVIDSON: Could you explain to the  
20 commission, please, how you feel your legal and  
21 professional experience thus far will assist you in  
22 being an effective judge.

23 MR. PATTERSON: I've had over those 30 years  
24 a broad range of experience. I started in the Attorney  
25 General's Office. And at this time, the attorney

1 general's -- of course, it was before the Tort Claims  
2 Act. So we had the damage claim act and we also had  
3 the punitive tort claims act. The point is, the damage  
4 limits were very low, under \$10,000 for one, and 15,000  
5 for the other. So we got to try cases early, which was  
6 a great experience for me.

7 I was also fortunate to attend NITA, the  
8 National Institute for Trial Advocacy, several weeks  
9 out in Colorado. Which honed those skills as well.

10 Workers' comp, we divided -- at that time the  
11 state was divided into several workers' comp districts,  
12 each one -- one of us was assigned to a particular  
13 district. So here I handled all the claims that dealt  
14 with the state fund.

15 The significance of that is you handle  
16 witnesses. Until you go and handle witnesses, you  
17 really don't have that, I don't believe, that courtroom  
18 experience that ultimately helps you in the practice.

19 As you well know, other responsibilities in  
20 terms of the general attorney's office included writing  
21 opinions, representing state agencies. I helped draft  
22 some of the mandatory penalties for drug trafficking.  
23 I helped draft the drug forfeiture law. I did a number  
24 of drug forfeitures, aircraft and cars, during that  
25 time.



1           Following my tenure in the Attorney General's  
2 Office, I've been in private practice and continued  
3 litigation practice. Also, more aimed toward business,  
4 business torts, things of that nature. And had the  
5 experience in criminal area that is not as extensive as  
6 a civil area, but still have been involved in criminal  
7 matters.

8           The other area of my practice, which has  
9 broadened that practice, has been my association with  
10 the South Carolina Air National Guard. In 1981, I  
11 became the judge advocate recognized by the Air Force  
12 as a member of the South Carolina Air National Guard.  
13 Trained extensively in military law, which, of course,  
14 the criminal law for the military.

15           And stayed a judge advocate until 2003 when I  
16 became a line officer, I resigned. I was asked to take  
17 command of the unit in the Air Force. Lawyers can't be  
18 commanders. I never quite figured out why that is but  
19 at any rate, lawyers can't be commanders. So I had to  
20 resign and become a commander and ultimately finished  
21 as assistant adjutant for the South Carolina Air Guard.

22           So that broad range of experience, I believe  
23 particularly the fact that my practice has basically  
24 been litigation practice, has prepared me.

25           MR. DAVIDSON: Thank you.

1           Are there any areas, including subjective or  
2 substantive areas of law, that you would need to  
3 additionally prepare for in order to serve as a judge  
4 and how would you handled that additional preparation,  
5 if so?

6           MR. PATTERSON: There are always going to be  
7 areas that any lawyer has not addressed before. For  
8 example, now I'm handling a will contest for my church,  
9 which I hadn't done before. Well, you prepare. I read  
10 the code, talked to other lawyers, read the case law  
11 before I took the first deposition in the case. And I  
12 look at any of those areas that I had not had  
13 experienced, that I will do the same thing I've always  
14 done, that is prepare thoroughly.

15           Obviously, look at my record. I have not had  
16 a criminal practice. I have had criminal cases. One  
17 thing -- a couple of things I've done to help prepare  
18 me for that area, I associated with a former assistant  
19 solicitor here in Richland County who has been very  
20 helpful to let me help with his cases. Which has  
21 gotten me through all steps of the cases. Of course,  
22 dealing with the client. And had military experience  
23 there, as well.

24           But in all of those cases, the key is  
25 thorough preparation. And that I will do.

1 MR. DAVIDSON: Thank you.

2 What suggestions would you offer for  
3 improving the backlog of cases on the docket for both  
4 general sessions and common pleas in circuit court?

5 MR. PATTERSON: Common pleas, my experience  
6 has been that there's some downtime in the courtroom.  
7 Part of the reason I think is because when you go to a  
8 roster meeting, they're typically held on Monday  
9 morning. A lot of courts have moved to Fridays to try  
10 to get a handle on the following week of court.

11 But when you go to the courtroom for the  
12 first time that often the parties or the lawyers tell  
13 the judge any issues they have in the case. So you go  
14 down the roster and you may be on the third or fourth  
15 page and end up being number one or number two because  
16 they haven't taken certain depositions, there's a  
17 motion outstanding. There's a litany of reasons.

18 What I would do is move that process back in  
19 time. In other words, I would advocate that cases be  
20 assigned to a roster or given a week months ahead of  
21 time. And then at that time, a status conference, rule  
22 16, pretrial, you can call it, status conference,  
23 whatever, you get the lawyers and the parties and the  
24 judge together and say, "What stands between you and  
25 trial?" "A deposition, so and so hadn't been

1 available. We recently added a party." Whatever the  
2 reason is, I would address that and then put it in an  
3 order, that the parties are given X number of months to  
4 be ready for trial. And it would really be like a  
5 scheduling order.

6 But what it would do is then move that Monday  
7 morning issues ahead of time so it can be addressed so  
8 that by the time your week, the week you're assigned to  
9 comes up, you've dealt with the judge. The issues for  
10 the most part should have been resolved and you're  
11 ready to go to trial. And the roster then becomes more  
12 of a solid document.

13 The other thing I would do is would look at  
14 in the larger counties. You know, the Supreme Courts'  
15 strategic plan, although the data are a little dated,  
16 still generally I believe they're correct, that 35  
17 percent of the caseload in this state is in the three  
18 largest counties: Charleston, Columbia, and Greenville.  
19 35 percent.

20 The next 35 percent is in another ten  
21 counties. So in 13 counties, you've got 70 percent of  
22 the caseload. I would look at having multiple weeks of  
23 trial in those counties. Now, of course, one week is  
24 one term. I would look at having multiweek term. That  
25 way -- for example, Friday afternoons, I mean, it's

1 like tumbleweed sometimes over at the courthouse. If  
2 you had a multiweek, you could have a jury start on  
3 Friday so they wouldn't carry -- the jurors would be  
4 subject during the whole multiweek term. But you would  
5 pick them on the first day. You pick several trials on  
6 the first day so if theirs didn't start until Friday,  
7 it's not like they've been sitting there all week.  
8 Start Friday and could easily go over to Monday or  
9 Tuesday.

10 So those are a couple of things. Essentially  
11 what you're doing is moving issues up in time so that  
12 they're addressed properly.

13 On the criminal side, you know, the chief  
14 justice in her report to the General Assembly earlier  
15 this year said three things that helped with the  
16 dockets. Number one, the General Assembly added  
17 judges; number two, the increased technology; and  
18 number three, collaboration. And collaboration is  
19 where a circuit court judge can really make an impact.

20 As a matter of fact, during her address, she  
21 gave several examples of circuit court judges who had  
22 individually affected dockets in certain circuits she  
23 mentioned. She had it benchmarked, as you well know.  
24 And on the civil side, no counties, no circuits need  
25 one; on the criminal side, three do. So there's a lot

1 of work to be done.

2 She cited that as one of the key ingredients  
3 in moving the docket, and that is the collaboration  
4 among the judge, the solicitor, the public defender,  
5 and the private lawyer. That's something I would be  
6 very active in.

7 MR. DAVIDSON: The commission received 42  
8 ballot box surveys regarding your candidacy with four  
9 additional comments. The ballot box surveys, for  
10 example, contained the following positive comments: "A  
11 great deal of experience in both civil and criminal  
12 matters, would be a real asset to the circuit court  
13 bench. His extensive experience and academic ability  
14 will serve him well on the bench." Lastly, "Studious  
15 and high morals, perfect temperament, would make an  
16 outstanding judge."

17 Zero of the written comments expressed  
18 concerns.

19 Now I have just a few housekeeping questions  
20 to go through. Have you sought or received the pledge  
21 of any legislator prior to this date?

22 MR. PATTERSON: No.

23 MR. DAVIDSON: Have you sought or have you  
24 been offered a conditional pledge of support with any  
25 legislator pending the outcome of your screening?

1 MR. PATTERSON: No.

2 MR. DAVIDSON: Have you asked any third  
3 parties to contact members of the General Assembly on  
4 your behalf?

5 MR. PATTERSON: No.

6 MR. DAVIDSON: Are you aware of anyone  
7 attempting to intervene in any part of the process on  
8 your behalf?

9 MR. PATTERSON: No. I mentioned in my PDF  
10 that a friend of mine who walked up to me just randomly  
11 and said he had mentioned my interest -- this is before  
12 I even filed -- in seeking this position. But that's  
13 all that I'm aware of.

14 MR. DAVIDSON: Have you contacted any members  
15 of the commission?

16 MR. PATTERSON: No. I've attended a CLE and  
17 saw Mr. Strom and said hello to him. I saw Mr. Campsen  
18 in the hall and said hello -- but that's it.

19 MR. DAVIDSON: Do you understand that you are  
20 prohibited from seeking a pledge or commitment until 48  
21 hours after the formal release of the commission's  
22 report?

23 MR. PATTERSON: Yes.

24 MR. DAVIDSON: Have you reviewed the  
25 commission's guidelines on pledging?

1 MR. PATTERSON: Yes.

2 MR. DAVIDSON: As a follow-up, are you aware  
3 of the penalties for violating the pledging rules, that  
4 is, it is a misdemeanor, and upon conviction, the  
5 violator must not be fined not more than \$1,000 nor  
6 imprisoned not more than 90 days?

7 MR. PATTERSON: Yes.

8 MR. DAVIDSON: I would note that the Midlands  
9 Citizens Committee found Mr. Patterson well qualified  
10 in the evaluative criteria of constitutional  
11 qualifications, physical health, mental stability,  
12 ethical fitness, professional and academic ability,  
13 character, reputation, experience, and judicial  
14 temperament.

15 The committee stated in summary,  
16 "Mr. Patterson is a very intellectual attorney with  
17 vast civil experience. While he has limited criminal  
18 court experience in private practice, he has  
19 considerable court-martial experience in the Air Force.  
20 He is a very impressive candidate. Mr. Patterson is  
21 well qualified to serve as a circuit court judge."

22 I would also note for the record that any  
23 concerns raised during the investigation regarding the  
24 candidate were incorporated into the questioning of the  
25 candidate today.



1 Mr. Chairman, I have no further questions.

2 REPRESENTATIVE CLEMMONS: Thank you very  
3 much.

4 Are there any questions or comments of this  
5 candidate by members of the commission?

6 Hearing none, Mr. Patterson, thank you so  
7 much for offering today and being here with us.

8 That concludes this portion of our screening  
9 process. As you know, the record will remain open  
10 until the report is published, and you may be called  
11 back at such time that the need should arise.

12 I'll remind you of the 48-hour rule and ask  
13 you to be mindful of it. Should anyone inquire with  
14 you about whether they may or may not advocate for you  
15 in the event that you are screened out, we would remind  
16 you of the 48-hour rule and ask you to remind them of  
17 the same.

18 I thank you for offering. We thank you for  
19 you offering. We thank you for your service to  
20 South Carolina.

21 MR. PATTERSON: Thank you for the  
22 opportunity.

23 (Mr. Grady L. "Leck" Patterson, III, exited  
24 the room.)

25 (The Honorable Bentley D. Price is present in

1 the room.)

2 REPRESENTATIVE CLEMMONS: Ladies and  
3 gentlemen, we have before us the Honorable Bentley E.  
4 Price, who is seeking nomination to Circuit Court  
5 At-Large, Seat 9.

6 Judge Price, it's good to have you with us  
7 today.

8 JUDGE PRICE: Glad to be here. Thank you  
9 very much, Mr. Chairman.

10 REPRESENTATIVE CLEMMONS: Would you please  
11 raise your right hand to be sworn.

12 Do you swear to tell the truth, the whole  
13 truth and nothing but the truth, so help you God?

14 JUDGE PRICE: Yes, sir, I do.

15 REPRESENTATIVE CLEMMONS: Thank you very  
16 much.

17 Have you had an opportunity to review your  
18 personal data questionnaire?

19 JUDGE PRICE: Yes, sir.

20 REPRESENTATIVE CLEMMONS: Is it correct?

21 JUDGE PRICE: It is.

22 REPRESENTATIVE CLEMMONS: Is it in need of  
23 any amendment at this time?

24 JUDGE PRICE: No, sir.

25 REPRESENTATIVE CLEMMONS: Do you have any

1 objection to making your PDQ -- your personal data  
2 questionnaire a summary -- making that summary a part  
3 of the record of your sworn testimony today?

4 JUDGE PRICE: No objection.

5 REPRESENTATIVE CLEMMONS: Hearing no  
6 objection, it is so ordered.

7 (EXHIBIT 54, Personal Data Questionnaire of  
8 The Honorable Bentley D. Price, admitted.)

9 REPRESENTATIVE CLEMMONS: Judge Price, the  
10 Judicial Merit Selection Commission as thoroughly  
11 investigated your qualifications to the bench. As part  
12 of that investigation, we have received no affidavits  
13 filed in opposition to your election. And there are no  
14 witnesses here to testify today other than yourself.  
15 We invite you to share a brief opening statement, if  
16 you would like to at this time.

17 JUDGE PRICE: Just briefly, I just want to  
18 state that it's an honor to be here. And I appreciate  
19 everyone's care and attention. I know that time is  
20 tight, so I'll just take any questions at this time.

21 REPRESENTATIVE CLEMMONS: Thank you very  
22 much.

23 Would you please answer counsel's questions.

24 JUDGE PRICE: Yes, sir.

25 MS. DEAN: Thank you, Mr. Chairman, and

1 members of the commission.

2 I have a procedural matter to take care of  
3 with this candidate.

4 First of all, for clarity, Judge Price, I'll  
5 be addressing you as "Judge" as you serve as municipal  
6 court judge for the City of Folly Beach; is that  
7 correct?

8 JUDGE PRICE: Yes, ma'am. And thank you.

9 MS. DEAN: Judge Price, you have before you  
10 the sworn statement you provided with detailed answers  
11 to over 30 questions regarding judicial conduct,  
12 statutory qualifications, office administration, and  
13 temperament.

14 Are there any amendments you would like to  
15 make at this time to your sworn statement?

16 JUDGE PRICE: No, ma'am.

17 MS. DEAN: At this time, Mr. Chairman, I  
18 would like to ask that Judge Price's sworn statement be  
19 entered in as an exhibit into the hearing record.

20 REPRESENTATIVE CLEMMONS: Are there any  
21 objections?

22 Hearing none, so ordered.

23 (EXHIBIT 55, Sworn Statement of The Honorable  
24 Bentley D. Price, admitted.)

25 MS. DEAN: One final procedural matter. I

1 note for the record that based on the testimony  
2 contained in the candidate's PDQ, which has been  
3 included in the record with the candidate's consent,  
4 Judge Price meets the statutory requirements for this  
5 position regarding age, residence, and years of  
6 practice.

7 Judge Price, why do you now want to serve as  
8 a circuit court judge?

9 JUDGE PRICE: As you stated earlier, I have  
10 been serving as a municipal judge for the past eight  
11 years. And through my practice, as I've gotten older  
12 and I've gotten more involved in the judiciary and  
13 obviously the judiciary itself, even as municipal  
14 levels has grown, I have realized that that is really  
15 what I want to do as my long-term career and my goal  
16 and my passion. It's something I really enjoy doing.  
17 And I didn't recognize that until a few years back.

18 And I love being in the courtroom. I love  
19 being with the attorneys. I love helping. I love  
20 being available to help on a continued basis. And I  
21 would like to expound that into the circuit court.

22 MS. DEAN: Judge Price, can you explain to  
23 the commission how you feel your legal and professional  
24 experience thus far will assist you to be an effective  
25 judge?

1           JUDGE PRICE: Yes. I know I'm young, and I  
2 recognize that. But I think that if you take a look at  
3 my application, something that's very unique about me  
4 is what I've been able to accomplish in that short  
5 amount of time. I'm a former prosecutor. I did that  
6 for two years. I was also liaison with the federal  
7 government at the time with Cease Fire Task Force, so I  
8 prosecuted.

9           From that point, I left and became a partner  
10 in a fairly medium-sized practice. Eight or nine  
11 members. And I was a partner that handled the criminal  
12 cases for that partnership; however, we also did civil  
13 and business. We also had a form of our practice that  
14 did domestic work, but I did none of that.

15           As I've kind of progressed forward, I opened  
16 up my own practice about a year and a half ago, as you  
17 can see. And since that time, I have continued the  
18 criminal defense and my civil plaintiff's work. And on  
19 top of that, still continuing to do all the judicial  
20 requirements that I have.

21           So in that short amount of time, I've been  
22 able to be a prosecutor. I've been able to be a  
23 defense attorney. I've also been able to be a civil  
24 attorney, a plaintiff's attorney. I've been a partner  
25 and ran a large practice. I've also been able to run a

1 solo practice in the past year and a half and continue  
2 to do my judicial duties, which I think is kind of  
3 unique.

4 I got very lucky when I left the Solicitor's  
5 Office. I was mentored by an older gentleman. I  
6 apologize if I state that a little loosely, but he was  
7 a very learned person. His name is Grady Query. He's  
8 pretty famous in the local area. And I just got lucky  
9 with him. I was able to mentor under him. He taught  
10 me how to practice law. He taught me how to treat  
11 people. He taught me judicially to do the right things  
12 ethically and otherwise.

13 And since that time, I just don't know of  
14 anything else I would have accomplished at this point  
15 in time with the amount of time that I've been given.  
16 That's why I think I'm a little bit more unique than  
17 others.

18 I ran practices. I understand what lawyers  
19 are going through on the civil side. Certainly as well  
20 as the criminal side. I've done both sides of that,  
21 same with the civil. I understand what's going on with  
22 their schedules. In my judicial practice or when I'm  
23 serving on the bench, I certainly take that into  
24 consideration a lot. And I think that that has kind of  
25 taught me well on how to treat others, treat attorneys,

1 and understand that everybody does have a very strict  
2 schedule. They have other things outside of their  
3 judicial practice. And I take that very seriously  
4 whenever I'm holding court as well.

5 For that reason, I think I'm a very good,  
6 qualified person for the circuit court.

7 MS. DEAN: Thank you, Judge Price.

8 Are there any areas, including subjective and  
9 substantive areas of the law, that you would need to  
10 additionally prepare for in order to serve as a judge  
11 and how would you go about that preparation?

12 JUDGE PRICE: Not so much -- my plaintiff's  
13 work on the civil side, I have done a fair amount.  
14 I've associated others with those. They've mostly  
15 been, again, just simple plaintiff's cases. Nothing  
16 overly egregious. I did some business, large business  
17 cases with my old partner. And I would probably spend  
18 a lot of time in the beginning, if elected, during  
19 those first six months sitting with a lot of the civil  
20 judges, as well, to continue to build that part of my  
21 practice. On the criminal side, I don't believe that  
22 there's anything left that I would be lacking in that  
23 area.

24 MS. DEAN: What suggestions would you offer  
25 for improving the backlog of cases on the docket for



1 both general sessions and common pleas?

2 JUDGE PRICE: Well, in Charleston, the  
3 biggest complaint that we have is not enough judges.  
4 Hence, why I'm also running for this spot, as well.  
5 And I do agree with that. They hold court as much as  
6 they can. I give them full credit for that. And it  
7 just seems the backlogs continue.

8 My suggestion I think is kind of the same for  
9 many, and I think it is coming to fruition a little bit  
10 with technology. Being able to utilize technology to  
11 communicate with the lawyers and the litigants and to  
12 try to resolve whatever issues they may have prior to  
13 when we call the case.

14 You find far too often that a case is called,  
15 it's number one, you go back in to chambers and the  
16 first thing they say is, "Well, here's the issue that  
17 we have, Judge. Where do you think you would stand on  
18 that?"

19 You discuss the case with them, they go out  
20 in the hall and come back in and say that it's settled.  
21 That could have been done months in advance. And I  
22 think that that's something that could be done with  
23 technology. I think that's something that, you know, a  
24 lot of conference calls, maybe be able to do some  
25 Skyping, some other things where everybody is

1 participating in a hearing long before we actually get  
2 to the courtroom and take up the court's time. If it's  
3 a day certain trial, let's try the case.

4           And I think that on the civil side would be  
5 an enormous benefit. On the criminal side, I think  
6 it's just being able to schedule the docket. I know  
7 the solicitors are losing a little bit of control with  
8 that. I understand that. I think that judge -- our  
9 chief administrative judge is doing an excellent job of  
10 moving some of those older cases and bringing -- he's  
11 basically ordering us to come in and have status  
12 conferences. And it seems to move the cases  
13 immediately, obviously. So we're going in and the  
14 cases are pretty much being resolved.

15           I would continue in that practice. That's  
16 something that's not been in place on the criminal side  
17 with the pretrials. And it seems to be working, and I  
18 would continue with that practice.

19           MS. DEAN: Thank you, Judge Price.

20           The commission received 80 ballot box surveys  
21 regarding you with 14 additional comments. The ballot  
22 box surveys, for example, contained the following  
23 positive comments: "Would be an excellent circuit  
24 court judge as he has been an exceptionally fair  
25 municipal judge and always demonstrates sound judgment

1 and ethical approach towards practicing law. Very  
2 knowledgeable and well respected throughout the legal  
3 community."

4 Three comments indicate a concern regarding  
5 your level of experience. I know you've already  
6 addressed your experience, but could you please respond  
7 to those concerns.

8 JUDGE PRICE: The concerns based on level of  
9 experience I think is attributed to my age. And as I  
10 stated before you, and I think you and I have discussed  
11 before that I don't find that a concern at all. I  
12 think I actually find it as a benefit. I think that  
13 their concern is based on that I'm only 38 years of  
14 age. But I have -- even some of the younger circuit  
15 court judges that have recently taken the bench, I just  
16 think that it's an excellent asset to have is to be  
17 young and to be able to work hard and work the docket,  
18 understand what's going on, know the new cutting-edge  
19 technology, being able to utilize it and utilize the  
20 experiences that I've already had on both sides, civil  
21 and criminal, to continue to -- and take that to the  
22 circuit court.

23 Again, I don't find the concern that they may  
24 have about my experience of what I later can  
25 accomplish. I don't think there's anything else more I

1 could accomplish that I would not be able to have help  
2 on or be able to do while as a standing circuit court  
3 judge.

4 MS. DEAN: Thank you, Judge Price.

5 Judge Price, your SLED check indicated a  
6 charge from back in 1995 regarding your hunting  
7 license. It is our understanding that you were hunting  
8 without a license or an expired license. Could you  
9 please simply address that charge to the committee.

10 JUDGE PRICE: You brought that to my  
11 attention. I wasn't aware of it. I don't remember all  
12 that much about it. I would have been a senior in high  
13 school. And I'm assuming that my hunting license  
14 expired.

15 MS. DEAN: Thank you, Judge Price.

16 I now just have some housekeeping issues.

17 Have you sought or received the pledge of any  
18 legislator prior to this date?

19 JUDGE PRICE: No, ma'am.

20 MS. DEAN: Have you sought or have you been  
21 offered a conditional pledge of support of any  
22 legislator pending the outcome of your screening?

23 JUDGE PRICE: No, ma'am.

24 MS. DEAN: Have you asked any third parties  
25 to contact members of the General Assembly on your

1 behalf?

2 JUDGE PRICE: No, ma'am.

3 MS. DEAN: Are you aware of anyone attempting  
4 to intervene in any part of the process on your behalf?

5 JUDGE PRICE: No, ma'am.

6 MS. DEAN: Have you contacted any members of  
7 the commission?

8 JUDGE PRICE: No, ma'am.

9 MS. DEAN: Do you understand that you are  
10 prohibited from seeking a pledge of commitment until 48  
11 hours after the formal release of the commission's  
12 report?

13 JUDGE PRICE: Yes, ma'am.

14 MS. DEAN: Have you reviewed the commission's  
15 guidelines on pledging.

16 JUDGE PRICE: Yes, ma'am?

17 MS. DEAN: As a follow-up, are you aware of  
18 the penalties for violating the pledging rules, that  
19 is, it is a misdemeanor, and upon conviction, the  
20 violator must not be fined not more than \$1,000 or  
21 imprisoned not more than 90 days?

22 JUDGE PRICE: Yes, ma'am.

23 MS. DEAN: I would note that the Lowcountry  
24 Citizens Committee found Judge Price qualified in the  
25 evaluative criteria of constitutional qualifications,

1 physical health, mental stability. The committee found  
2 him well qualified in criteria of ethical fitness,  
3 professional and academic ability, character,  
4 reputation, experience, and judicial temperament.

5 I would just note for the record that any  
6 concerns raised during the investigation regarding the  
7 candidate were incorporated into the questioning today.

8 Thank you, Mr. Chairman. I have no further  
9 questions.

10 REPRESENTATIVE CLEMMONS: Thank you very  
11 much.

12 Are there any questions by members of the  
13 commission of this candidate?

14 Hearing none --

15 SENATOR MALLOY: Mr. Chair.

16 REPRESENTATIVE CLEMMONS: Yes,  
17 Senator Malloy.

18 SENATOR MALLOY: I may have missed a little  
19 bit of that. You have been in private practice for?

20 JUDGE PRICE: I have been in private practice  
21 since 2004. I was with a medium-sized practice. There  
22 was about three or four partners, several other  
23 attorneys and staff members. And I was the partner in  
24 that firm that handled the criminal cases. And I kind  
25 of digressed over into doing some business and civil

1 with some of the other partners. We did do domestic.  
2 I did none of that.

3 For about 18 months now, I have run my own  
4 solo practice and just primarily concentrating on  
5 criminal and civil.

6 SENATOR MALLOY: Have you tried any cases to  
7 verdict in civil court?

8 JUDGE PRICE: Yes, sir.

9 SENATOR MALLOY: I was looking in your  
10 questions regarding your malpractice coverage, you  
11 didn't mention any malpractice coverage.

12 JUDGE PRICE: I had it previously with the  
13 other practice. I stated earlier that I try all my  
14 civil cases, I associate others on them, including my  
15 old practice. And I have not carried malpractice  
16 insurance since I've been in solo practice.

17 SENATOR MALLOY: You think the group that you  
18 associated with, their malpractice covers you?

19 JUDGE PRICE: As long as I'm associating  
20 them, and I'm working the case with them.

21 REPRESENTATIVE CLEMMONS: Any other  
22 questions?

23 Senator Malloy, do you have anything further?

24 SENATOR MALLOY: I just have -- I'm a little  
25 curious as to how that would occur.

1           JUDGE PRICE: To be honest with you, whenever  
2 I left my old practice, I asked my ex law partner, and  
3 that was what he explained to me. What I told him was  
4 I wanted to keep my overhead as low as possible for the  
5 first year, and I asked him what were the criteria for  
6 that? And he said that if I was going to be  
7 participating in civil cases, that I needed to  
8 associate others and not work on them by myself. So  
9 that's what I've just continued to do.

10           SENATOR MALLOY: Okay.

11           REPRESENTATIVE CLEMMONS: Thank you, Senator.

12           Any other questions?

13           Judge Price, thank you so much.

14           That concludes this portion of our screening  
15 process. As you know, the record will remain open  
16 until the report is published, and you may be called  
17 back at that time if the need should arise.

18           I remind you of the 48-hour rule and ask that  
19 you be mindful of it. Should anyone inquire about  
20 whether or not they may advocate for you in the event  
21 that you are screened out, please remind them of the  
22 48-hour rule.

23           I thank you for offering. We thank you for  
24 offering, and we thank you for your service to  
25 South Carolina.



1 JUDGE PRICE: Thank you all very much again  
2 for having me. You all have a wonderful day.

3 REPRESENTATIVE CLEMMONS: Thank you.

4 JUDGE PRICE: Thank you.

5 (The Honorable Bentley D. Price exited the  
6 room.)

7 (Mr. Robert L. Reibold is present in the  
8 room.)

9 REPRESENTATIVE CLEMMONS: Good morning --  
10 good afternoon, Mr. Reibold.

11 MR. REIBOLD: It is. Good afternoon.

12 REPRESENTATIVE CLEMMONS: I'm sorry, it feels  
13 like the morning has drug on until 4:00 this afternoon.  
14 We are sorry you have been kept waiting during that  
15 time.

16 I think you may have someone you would like  
17 to introduce to us.

18 MR. REIBOLD: Certainly. My wife is here  
19 with me. This is my wife, Shealy.

20 REPRESENTATIVE CLEMMONS: Wonderful. Good to  
21 have you with us.

22 Commission members, we have, of course,  
23 Robert L. Reibold, who is seeking appointment to or  
24 election to the Circuit Court At-Large, Seat 9.

25 Mr. Reibold, would you raise your right hand

1 to be sworn.

2 Do you swear to tell the truth, the whole  
3 truth and nothing but the truth, so help you God?

4 MR. REIBOLD: I do.

5 REPRESENTATIVE CLEMMONS: Thank you very  
6 much.

7 Mr. Reibold, have you had an opportunity to  
8 review your personal data questionnaire?

9 MR. REIBOLD: I have.

10 REPRESENTATIVE CLEMMONS: Is it correct?

11 MR. REIBOLD: It is correct.

12 REPRESENTATIVE CLEMMONS: Does it need  
13 amendment in any way at this time?

14 MR. REIBOLD: The only amendment I need to  
15 make is that I have spent a grand total of \$5.40 on my  
16 campaign.

17 REPRESENTATIVE CLEMMONS: Okay. By your  
18 public admission, consider the record so amended.

19 MR. REIBOLD: Thank you.

20 REPRESENTATIVE CLEMMONS: Do you object to  
21 making your personal data questionnaire a part of your  
22 record of your sworn testimony?

23 MR. REIBOLD: I do not.

24 REPRESENTATIVE CLEMMONS: Thank you very  
25 much.

1 So ordered.

2 (EXHIBIT 56, Personal Data Questionnaire of  
3 Robert L. Reibold, admitted.)

4 REPRESENTATIVE CLEMMONS: The Judicial Merit  
5 Selection Commission has thoroughly investigated your  
6 qualifications for the bench. Our inquiry has focused  
7 on the nine evaluative criteria and has included a  
8 ballot box survey, thorough study of your application  
9 materials, verification of your compliance with state  
10 ethics laws, a search of newspaper articles in which  
11 your name appears, a study of previous screenings, and  
12 a check for economic conflicts of interest.

13 We have received no affidavits filed in  
14 opposition to your election and nobody has appeared  
15 today to testify other than yourself.

16 Do you have a brief opening statement you  
17 would like to share with the commission at this time?

18 MR. REIBOLD: I do. And given today's  
19 schedule, I will make the remarks brief.

20 REPRESENTATIVE CLEMMONS: Thank you.

21 MR. REIBOLD: Again, my name is Rob Reibold.  
22 I am one of 16 candidates for this position that you  
23 have today and throughout the afternoon. And I fully  
24 understand that some of you may have had a late night  
25 last night because of elections, a long commute this

1 morning. And so I am grateful for the attention you  
2 are giving me now.

3 I'm excited to be here. This is my chance to  
4 get out of the box and actually talk to you about my  
5 candidacy. What my goal is today is to be as open and  
6 direct with you as I can, and in the short time that we  
7 do have together, to share with you my commitment to  
8 public service.

9 REPRESENTATIVE CLEMMONS: Thank you very  
10 much.

11 Please answer any questions counsel may have.

12 MR. BENDER: Mr. Chairman and members of the  
13 commission, Mr. Reibold, I have a procedural matter to  
14 take care of.

15 Mr. Reibold, before you you have a sworn  
16 statement provided with detailed answers to over 30  
17 questions regarding judicial conduct, statutory  
18 qualifications, office administration, and temperament.

19 Are there any amendments you would like to  
20 make at this time to your sworn statement?

21 MR. REIBOLD: No, sir.

22 MR. BENDER: At this time, Mr. Chairman, I  
23 would like to ask that Mr. Reibold's sworn statement be  
24 entered as an exhibit into the hearing record.

25 REPRESENTATIVE CLEMMONS: Is there any

1 objection?

2 Hearing none, so ordered.

3 (EXHIBIT 57, Sworn Statement of Robert L.  
4 Reibold, admitted.)

5 MR. BENDER: One final procedural matter. I  
6 note for the record that based on the testimony  
7 contained in the candidate's PDQ, which has been  
8 included in the record with the candidate's consent,  
9 Mr. Reibold meets the statutory requirements for this  
10 position regarding age, residence, and years of  
11 practice.

12 Mr. Reibold, why do you want to serve as a  
13 circuit court judge?

14 MR. REIBOLD: Well, this is now the third  
15 time I've appeared before this commission so I've had  
16 some time to think about that question. I've been  
17 asked it before. There are some minor things that  
18 motivate me. I want to set a good example for my  
19 daughter. Being on the bench is freeing in a way  
20 because I get to shift from finding the answer my  
21 client wants to finding the right and legal answer.

22 But by far the biggest things -- the biggest  
23 two things that drive me are my commitment to public  
24 service and my belief in the system. I think everyone  
25 in this room is a testament to the value of public

1 service. Whether it's being involved in 4H, service on  
2 this commission, service in the legislature, all of  
3 these things and the commitment to public service, I  
4 think, is something that I share with you.

5 I have raised money for the American Cancer  
6 Society. I have been on the board of Keep the Midlands  
7 Beautiful. I'm currently on the board for the local  
8 Salvation Army. I've been on City of Columbia's  
9 Appearance Commission. Going all the way back to high  
10 school, I was in Key Club. It's just been a lifelong  
11 thing with me.

12 And service as a circuit court judge is an  
13 outgrowth of that. It would give me the opportunity to  
14 take my desire for public service and make it my  
15 career. And that, I think, is a worthwhile goal.

16 The other thing that is very important to me  
17 is I believe in the system. I'm not naive. I  
18 understand it doesn't always work the way it's supposed  
19 to, but I am idealistic. There is a way it's supposed  
20 to work. There's a job it's supposed to do. And it  
21 really is my belief that if the system is a good thing  
22 and we should do everything that we can to make sure it  
23 works the way it's supposed to work.

24 Whether it's what happened at Ferguson,  
25 whether it's complaints about the CDC, it's my opinion

1 that there really is a crisis of confidence in  
2 government institutions, including the court system.

3 I'm sure that there are a significant number  
4 of people in South Carolina who feel that if they walk  
5 into criminal court, the deck is stacked against them.  
6 And I've represented businesses who I know feel that  
7 when they walk into civil court, the deck is stacked  
8 against them. That shouldn't happen. That should be  
9 the one place where everyone can walk through those  
10 doors and know they're going to be treated fairly and  
11 that the law is going to be followed. To me, that's a  
12 very big driver.

13 I care too much about the system to be  
14 arm-chair quarterback. And if you really want  
15 something done and done the right way, you need to do  
16 it yourself. And that's why I want to get in there,  
17 and that's why I want to be a judge.

18 MR. BENDER: Thank you.

19 Mr. Reibold, can you explain to the  
20 commission how you feel your legal and professional  
21 experience thus far will assist you to be an affective  
22 judge.

23 MR. REIBOLD: Yes, certainly. I think that  
24 my career and my experience has qualified me to be a  
25 judge. My first job out of law school was as a law

1 clerk. I clerked for Judge Kinard. And I know there  
2 are some people on this commission, you have had  
3 similar experiences, and they can tell you what a  
4 valuable foundation that is. I can't think of any  
5 better training than to actually work side by side with  
6 a judge as your day-to-day job. So that gives me an  
7 excellent foundation for the position.

8           Since that time, I've been involved primarily  
9 in civil practice. And I tried cases. I'm a  
10 litigator. My first case that I tried was a small car  
11 wreck case against Representative Beth Bernstein. She  
12 was opposing counsel. Judge Pleicones was the  
13 preceding judge. That was a small car wreck case. But  
14 from there, I have tried UTPA cases, I've tried trade  
15 secret cases. I've tried multimillion-dollar class  
16 action cases. I've been involved in employment  
17 discrimination cases. I have been very fortunate that  
18 I've had a wide variety of types of litigation to  
19 handle in my career.

20           I've written a number of articles. I'm a  
21 coauthor of a reference book. And I think throughout  
22 it all, over 18 years now of practicing law, that I  
23 have developed judgments.

24           MR. BENDER: Thank you.

25           Mr. Reibold, are there any areas, including



1 subjective or substantive areas of the law, that you  
2 would need to additionally prepare for in order to  
3 serve as a judge and how would you handle that  
4 additional preparation?

5 MR. REIBOLD: As I just said, my career has  
6 primarily been in civil practice. So my criminal  
7 experience is certainly not the strength of my resume.

8 I don't think that's a unique problem. I  
9 think there are a number of candidates who have gone on  
10 to be excellent jurists who came primarily from either  
11 a criminal or a civil background.

12 I can tell you that I do have some criminal  
13 experience. As I mentioned, I did clerk for a judge,  
14 and during that service, I was involved in working with  
15 criminal trials. I helped the judge with guilty pleas.  
16 I did expungements for the judge. I did PCR terms with  
17 the judge. So I was exposed to criminal law in that  
18 regard.

19 Since then, I have also personally handled  
20 PCRs, and I've handled two criminal matters on the  
21 municipal level for clients in the last two years. So  
22 I have some criminal background.

23 But let me tell you what I'm doing to address  
24 that point. When the advance sheets come out, I read  
25 the criminal cases to keep updated. Even though my

1 practice is primarily civil, I have begun working in  
2 criminal law CLEs in an effort to prepare myself should  
3 I be fortunate enough to receive a position.

4 I have also purchased and own and am reading  
5 Professor McAninch's book, The Criminal Law of South  
6 Carolina. He was my criminal procedure professor in  
7 law school.

8 So I'm doing things to prepare and to  
9 increase my competency in that area. And I will make  
10 this commitment to you, I will keep doing those things.  
11 The state's ability to prosecute criminals and the  
12 rights of the accused in a criminal field are just too  
13 important to do anything less. This commission has my  
14 commitment that I will continue to actively increase my  
15 proficiency in that area.

16 MR. BENDER: Thank you.

17 What suggestions would you offer for  
18 improving the backlog of cases on the docket for both  
19 the general sessions and common pleas in the circuit  
20 court?

21 MR. REIBOLD: Well, certainly my expertise in  
22 that area is going to tend toward the civil arena. And  
23 there are a number of factors. I could talk for  
24 several hours on this topic. I know we don't have time  
25 for that.

1           There's very little we can do to decrease the  
2 number of cases filed. So that's not really a viable  
3 approach.

4           After that, we can increase capacity of the  
5 system. We have added some new judges in the last few  
6 years, which is a start in that direction.

7           The third thing we can do is we can increase  
8 the efficiency of the system. And there are a number  
9 of ways to do that. Basically there are three ways to  
10 move a case once it gets to court. You can settle it,  
11 you can go to trial, or it can get dismissed.

12           We are pushing and basically have achieved  
13 mandatory mediation throughout the state, which is  
14 going to help maximize that settlement avenue. If a  
15 case has gone all the way through trial, there's  
16 nothing we can do to short the time the case has gone  
17 through trial. That is the logical conclusion of the  
18 process.

19           The third area is dismissals. The rules of  
20 our state place the bar very high for a circuit court  
21 judge to dismiss a case. So if we really want to move  
22 cases, one thing we can do is increase the ability of  
23 judges to dismiss cases and handle cases short of a  
24 trial. I think that's something that bears looking at.

25           Within the system itself, there are built-in

1 delays. One of my biggest complaints in practice is  
2 what I consider discovery abuse. I will typically  
3 serve interrogatories and request to produce on  
4 opposing counsel and simply get no response at all.  
5 Not a response with objections, not a partial response,  
6 just nothing within the allotted 30-day time period.

7           What happens next is you call or write the  
8 opposing counsel to consult before you file your Motion  
9 to Compel. I don't get anywhere, so then I find a  
10 Motion to Compel, which is docketed and heard anywhere  
11 from three to six months later, depending on which  
12 county you're in. And then at the hearing, you're  
13 going to get the discovery responses that day or the  
14 judge gives them another 30 days to provide responses.

15           The upshot of that is that I have the  
16 information I need to investigate my case eight months  
17 after the case has started, which leaves me only four  
18 months in the remaining allotted year period to prepare  
19 my case. So I have to move for continuances. I have  
20 to get scheduling orders. I have to extend the life of  
21 the case because discovery not timely provided.

22           I have been a member of the bar's Practices  
23 and Procedures Committee, and personally wrote a rule  
24 that we tried to get passed through the House delegates  
25 to shorten that time period. That rule didn't make it.

1 We're working on some alternatives to put forward. So  
2 I am engaged in that, as well. But we're trying to  
3 shorten that time period so that people can actually  
4 get the cases done in the 12-month period that we're  
5 traditionally allotted.

6 MR. BENDER: Mr. Reibold, the commission  
7 received 27 ballot box surveys regarding you with four  
8 additional comments. The ballot box survey, for  
9 example, contained the following positive comments:  
10 "He has proven to be a worthy opponent intellectually.  
11 I have a great amount of respect for Mr. Reibold's  
12 ability and integrity."

13 Two of the written comments express concerns.  
14 One comment indicated that you have no experience with  
15 criminal matters. You've already briefly explained  
16 that. Do you have any additional comments you would  
17 like to make about your criminal experience?

18 MR. REIBOLD: I think we've been well over  
19 that.

20 MR. BENDER: Thank you.

21 The second concern indicated that you would  
22 have poor judicial temperament. What response would  
23 you offer to that concern regarding your temperament?

24 MR. REIBOLD: Well, I would disagree with  
25 that response. I think if you talk to people who have

1 worked with me, I try to resolve disputes. I don't  
2 have a temper. I don't believe anger has a place in  
3 the courtroom. It might have a place outside the  
4 courtroom, but once you step through those doors, the  
5 goal is to treat people fairly and equitably. And I  
6 just don't -- I'm personally surprised to hear that  
7 comment.

8 MR. BENDER: Thank you.

9 Just a few housekeeping items.

10 Mr. Reibold, have you sought or received the  
11 pledge of any legislator prior to this date?

12 MR. REIBOLD: I have not.

13 MR. BENDER: Have you sought or have you been  
14 offered a conditional pledge of support of any  
15 legislator pending the outcome of your screening?

16 MR. REIBOLD: I have not.

17 MR. BENDER: Have you asked any third parties  
18 to contact members of the General Assembly on your  
19 behalf?

20 MR. REIBOLD: No, I have not.

21 MR. BENDER: Are you aware of anyone  
22 attempting to intervene in any part of the process on  
23 your behalf?

24 MR. REIBOLD: No, I'm not.

25 MR. BENDER: Have you contacted any members

1 of the commission?

2 MR. REIBOLD: No.

3 MR. BENDER: Do you understand that you are  
4 prohibited from seeking a pledge or a commitment until  
5 48 hours after the formal release of the commission's  
6 report?

7 MR. REIBOLD: Yes, I do.

8 MR. BENDER: Have you reviewed the  
9 commission's guidelines on pledging?

10 MR. REIBOLD: I have.

11 REPRESENTATIVE CLEMMONS: As a follow up, are  
12 you aware that the penalties for violating the pledging  
13 rule, that is, it is a misdemeanor, and upon  
14 conviction, the violator must be fined not more than a  
15 thousand dollars or imprisoned not more than 90 days.

16 MR. REIBOLD: I am aware of that.

17 MR. BENDER: I would note that the Midlands  
18 Citizen Committee found Mr. Reibold well qualified in  
19 the evaluative criteria of constitutional  
20 qualifications, ethical fitness, professional and  
21 academic ability, character, reputation, physical  
22 health, mental stability, experience, and judicial  
23 temperament.

24 The committee commended Mr. Reibold for his  
25 wealth of civil experience, and they discussed

1 Mr. Reibold's criminal experience. They did say he was  
2 obviously bright, intellectual, and very motivated.

3 I would just note for the record that any  
4 concerns raised during the investigation regarding the  
5 candidate were incorporated into the questioning of the  
6 candidate today.

7 And, Mr. Chairman, I have no further  
8 questions.

9 REPRESENTATIVE CLEMMONS: Thank you.

10 Are there any questions by members of the  
11 commission?

12 Hearing none, Mr. Reibold, thank you so much  
13 for being with us today and offering for this position.

14 That concludes this portion of our screening  
15 process. As you know, the record will remain open  
16 until the report is published. And you may be called  
17 back at such time that that need should arise.

18 I remind you of the 48-hour rule and ask you  
19 be mindful of it. Should anyone inquire with you  
20 whether or not they may advocate on your behalf in the  
21 event that you are screened out, please remind them of  
22 the 48-hour rule and its implications.

23 I thank you -- we thank you for offering, and  
24 we thank you for your service to South Carolina.

25 MR. REIBOLD: Thank you, Mr. Chairman. I



1 have been pleased to come before you and just reiterate  
2 very quickly, I believe in the system. I want to do  
3 the work, and I ask for your recommendation. Thank  
4 you.

5 REPRESENTATIVE CLEMMONS: Thank you very  
6 much. Have a good day, sir.

7 (Mr. Robert L. Reibold exited the room.)

8 (Mr. Clifford Scott is present in the room.)

9 REPRESENTATIVE CLEMMONS: Ladies and  
10 gentlemen of the commission, we have before us Clifford  
11 Scott, who is seeking nomination to Circuit Court  
12 At-Large, Seat 9.

13 Mr. Scott, it's a pleasure to see you this  
14 afternoon. Thank you for being here.

15 MR. SCOTT: Yes, sir. Thank you.

16 REPRESENTATIVE CLEMMONS: Will you please  
17 raise your right hand and repeat after me -- or excuse  
18 me, raise your right hand and be sworn.

19 Do you swear to tell the truth, the whole  
20 truth and nothing but the truth, so help you God?

21 MR. SCOTT: Yes, I do.

22 REPRESENTATIVE CLEMMONS: Thank you.

23 Mr. Scott, have you had an opportunity to  
24 review the personal data questionnaire?

25 MR. SCOTT: Yes, sir, I have.

1 REPRESENTATIVE CLEMMONS: Is it correct?

2 MR. SCOTT: Yes, sir, it is.

3 REPRESENTATIVE CLEMMONS: Are there any  
4 changes or amendments you need to make to that today?

5 MR. SCOTT: Let's see. I probably have to  
6 look through it again, but in the personal data  
7 questionnaire, I think I indicated that I was doing  
8 work in the Third Circuit Solicitor's Office, which  
9 was, in fact, the case. That position ended as of the  
10 last day of August. That's the only change that I  
11 would have to make. I'm thinking I indicated that on  
12 my personal data questionnaire.

13 REPRESENTATIVE CLEMMONS: Thank you.

14 MR. SCOTT: Other than that change, I think  
15 everything else is the same.

16 REPRESENTATIVE CLEMMONS: Thank you.

17 Well, with your sharing that information with  
18 us, it's now part of the record --

19 MR. SCOTT: Yes, sir.

20 REPRESENTATIVE CLEMMONS: -- and will be  
21 considered part of your personal data questionnaire.

22 With that, do you object to making your  
23 personal data questionnaire a part of the record of  
24 your sworn testimony today?

25 MR. SCOTT: No, sir, I do not.

1 REPRESENTATIVE CLEMMONS: Thank you.

2 It's so ordered.

3 (EXHIBIT 58, Personal Data Questionnaire of  
4 Clifford Scott, admitted.)

5 REPRESENTATIVE CLEMMONS: The Judicial Merit  
6 Selection Commission has thoroughly investigated your  
7 qualifications for the bench. As a result of that  
8 investigation and that process, we have received no  
9 affidavits filed in opposition to your election. And  
10 there are no witnesses present here to testify today  
11 other than yourself.

12 Do you have a brief opening statement you  
13 would like to make to us at this time?

14 MR. SCOTT: Well, I would simply say that I  
15 thank you for the opportunity to appear before the  
16 commission. Some of you, who have seen me before, know  
17 that this is my third appearance before the commission.  
18 I have applied again because I guess to the extent that  
19 I'm tooting my own horn, I feel like I have something  
20 to contribute to the judiciary.

21 And as you will probably note from reviewing  
22 my application, I've done quite a few things during the  
23 last 33 years that I've been a lawyer. One of which is  
24 I've had the good fortune for my hair to migrate from  
25 the top of my head to the bottom of my chin.

1                   REPRESENTATIVE CLEMMONS:   Bearing  
2                   distinction, I might add.

3                   MR. SCOTT:   At any rate, during that time  
4                   period, I would like to think I'm a little wiser now  
5                   than I was when I had the distinction of actually  
6                   attending law school with one of your esteemed  
7                   colleagues, Dean Wilcox.  I would like to think I'm a  
8                   little wiser now, and I also think the wisdom I  
9                   acquired, such that it is, would enable me to carry out  
10                  the positions of circuit court judge with the kind of  
11                  fairness and perspective that would allow me to treat  
12                  everyone who comes before me evenhandedly and with a  
13                  sense of equalness -- equality and fair play.

14                  REPRESENTATIVE CLEMMONS:   Thank you,  
15                  Mr. Scott.

16                  Would you please answer counsel's questions.

17                  MR. SCOTT:   Yes, sir.

18                  REPRESENTATIVE CLEMMONS:   Thank you.

19                  MR. FIFFICK:   Thank you, Mr. Chairman.

20                  Mr. Chairman and members of the commission, I  
21                  have a procedural matter to take care of with this  
22                  candidate.

23                  Mr. Scott, you have before you the sworn  
24                  statement you provided with detailed answers to over 30  
25                  questions regarding judicial conduct, statutory

1 qualifications, office administration, and temperament.

2 Are there any amendments you would like to  
3 make to this sworn statement at this time?

4 MR. SCOTT: No, sir.

5 MR. FIFFICK: Thank you, sir.

6 Mr. Chairman, at this time I would like to  
7 ask that Mr. Scott's sworn statement be entered as an  
8 exhibit into the hearing record.

9 REPRESENTATIVE CLEMMONS: Thank you.

10 Is there any objection?

11 Hearing none, so ordered.

12 (EXHIBIT 59, Sworn Statement of Clifford  
13 Scott, admitted.)

14 MR. FIFFICK: One final procedural matter. I  
15 note for the record that based on the testimony  
16 contained in the candidate's PDQ, which has been  
17 included in the record with the candidate's consent,  
18 Mr. Scott meets the statutory requirements for this  
19 position regarding age, residence, and years of  
20 practice.

21 Mr. Scott, why do you now want to serve as a  
22 circuit court judge?

23 MR. SCOTT: Well, I guess it's going to be  
24 somewhat redundant and repetitive of what I said  
25 earlier. I've done a few things during the course of

1 my legal career, and I think I have a broad perspective  
2 or gained a broad perspective based on the various  
3 activities that I have participated in as an attorney.

4 I think that broad perspective would enable  
5 me to be -- to the extent I'm tooting my own horn, a  
6 judge good.

7 Additionally, and this is also going to be  
8 somewhat redundant, if you read my background  
9 information, you know that I don't come from a -- I  
10 wasn't born with a silver spoon in my mouth. And I  
11 won't necessarily I say I grew up on the wrong side of  
12 the tracks, but I understand what it is to come from a  
13 background of economic disadvantage, for lack of a  
14 better description.

15 And I have always tried, and I think anybody  
16 who knows me would echo this, to treat everybody who I  
17 have any interactions with fairly and equally and  
18 without regard to their station in life. And I have  
19 tried, and I think people who know me would say this,  
20 I've never worn "I am a lawyer" blazing on my forehead.  
21 I know that's what I do for a living. I am blessed to  
22 be able to do that.

23 I would like to think that as a judge, I  
24 would maintain that outlook. In fact, I'm almost sure  
25 that I would.

1           So the reason I think I would like to be a  
2 judge, I think I would have something to offer to the  
3 judiciary. I think I would be able to occupy that  
4 office in a manner that would continue to lend to the  
5 prestige and honor of the judiciary.

6           MR. FIFFICK: Thank you, sir.

7           In addition to what you just explained to us,  
8 could you explain to the commission how you feel your  
9 legal and professional experience thus far will assist  
10 you in being an effective judge.

11           MR. SCOTT: Well, again, it's going to be  
12 redundant. When I got out of law school, I entered the  
13 Army JAG Corps. And during the first two years of my  
14 tenure in the JAG Corps, I was -- I guess you could  
15 call it -- it's the equivalent of a public defender. I  
16 was a trial defense counsel. And during that time I  
17 represented service members who were accused of  
18 violations of the Uniform Code of Military Justice.

19           We also provided representation to members  
20 who had committed acts of misconduct that did not  
21 necessarily lend itself to prosecution but required  
22 administrative action. And we -- I represented  
23 individuals in that capacity.

24           So for about two years, I served as a public  
25 defender in the military capacity. Then during the

1 last three and a half years or so of my JAG Corps  
2 tenure, I served as a -- what we call a claims judge  
3 advocate. And a claims judge advocate is a fancy word  
4 for a personal injury defense lawyer in the Army Claims  
5 Service. I investigated claims. I settled cases. I  
6 didn't litigate any cases, but I handled all manner of  
7 personal injury cases to include tanks running into the  
8 back of people's cars, believe it or not; ordinances  
9 dropping out of airplanes on people's property; medical  
10 malpractice cases. We handle Corps of Engineer cases.  
11 Any number of personal injury and property damage  
12 cases.

13 After leaving the Army Claims Service, coming  
14 back to the civilian world, I worked in a law firm with  
15 Bill Toal, I.S. Leevy Johnson, Luther Battiste.  
16 Handled criminal matters, domestic relations matters,  
17 personal injury matters, got a chance to appear before  
18 our Supreme Court, the Fourth Circuit Court of Appeals.

19 After that, I started working with the state.  
20 Worked with what was then the Department of Mental  
21 Retardation, which is now the Department of  
22 Disabilities and Special Needs. Worked there for about  
23 a year. Actually a little less. And I was recruited  
24 away to the university by the then general counsel Paul  
25 Ward and worked in that office full-time for about four



1 years. And then went back into private practice where  
2 I had a varied practice.

3 As of 2006, I have been doing part-time work  
4 for the Office of General Counsel at the university in  
5 a contract capacity. I also have done public defender  
6 work for about four years up in Newberry from 2002 to  
7 2004. I have -- beginning in 2012, March 2012, as I  
8 indicated, I just ended my tenure with that office. I  
9 served as an assistant part-time prosecutor in Lee  
10 County.

11 So I think that I have done a fair amount of  
12 different jobs in the legal profession that give me a  
13 broad perspective of the law in general. And I think  
14 that because of that broad perspective, I wouldn't have  
15 to necessarily be quote, unquote, trained on the job in  
16 the area of law. Any particular area of the law if I  
17 were so fortunate to be elected to serve in the  
18 judiciary.

19 MR. FIFFICK: Thank you, sir.

20 Given what you said and given that these are  
21 standard questions we ask everyone, are there any  
22 areas, including substantive and subjective areas of  
23 the law, that you would need to additionally prepare  
24 for and, if so, how would you handled that preparation?

25 MR. SCOTT: Well, I'm not a tax lawyer and I

1 don't know to what extent circuit court judges have to  
2 grapple with tax issues. But if, in fact, those issues  
3 were to come before me, I think I'm a pretty quick  
4 study. I wouldn't have any difficulty getting up to  
5 speed to be able to handled those issues.

6 MR. FIFFICK: Thank you, sir.

7 What suggestions would you offer for  
8 improving the backlog of cases on the docket both for  
9 general sessions and common pleas?

10 MR. SCOTT: I think perhaps taking a greater  
11 advantage -- and mediation and arbitration is used to a  
12 greater extent now, but I think encouraging more cases  
13 to be resorted to -- forgive me, resolved through  
14 mediation and arbitration. I think that would do a  
15 great -- have a -- go a long way, if you will, toward  
16 getting rid of a lot of the backlog.

17 MR. FIFFICK: Thank you, sir.

18 Mr. Scott, the commission received 30 ballot  
19 box surveys regarding you with two additional comments.  
20 Both of these comments were positive, and one described  
21 you as an exceptional lawyer in terms of skills,  
22 ethics, and demeanor and expressed you would be a  
23 credit to the circuit court bench.

24 Mr. Chairman, at this time I would request we  
25 enter executive session to handle some issues.

1 REPRESENTATIVE CLEMMONS: May I have a  
2 motion?

3 So moved by?

4 DEAN WILCOX: So moved.

5 SENATOR MALLOY: Second.

6 REPRESENTATIVE CLEMMONS: So moved, and we  
7 have a second.

8 Those in favor say "aye."

9 (Members respond.)

10 REPRESENTATIVE CLEMMONS: Those opposed, nay.  
11 The ayes have it.

12 We are in executive session. Please turn off  
13 your microphones.

14 (The members went into executive session.)

15 \* \* \* \* \*

16 (The members came out of executive session.)

17 REPRESENTATIVE CLEMMONS: Mr. Fiffick.

18 MR. FIFFICK: Mr. Chairman, I have some  
19 housekeeping issues to take care of with the candidate  
20 at this point.

21 Mr. Scott, have you sought or received the  
22 pledge of any legislator prior to this date?

23 MR. SCOTT: I have not.

24 MR. FIFFICK: Have you sought or have you  
25 been offered a conditional pledge of support from any

1 legislator pending the outcome of your screening?

2 MR. SCOTT: No, sir.

3 MR. FIFFICK: Have you asked any third  
4 parties to contact members of the General Assembly on  
5 your behalf?

6 MR. SCOTT: No, sir.

7 MR. FIFFICK: Are you aware of anyone  
8 attempting to intervene in any way on your part in this  
9 process?

10 MR. SCOTT: No, sir.

11 MR. FIFFICK: Have you contacted any members  
12 of the commission?

13 MR. SCOTT: No, sir.

14 MR. FIFFICK: Do you understand that you are  
15 prohibited from seeking a pledge or a commitment until  
16 48 hours after the formal release of the commission's  
17 report?

18 MR. SCOTT: Yes, sir.

19 MR. FIFFICK: Have you reviewed the  
20 commission's guidelines on pledging?

21 MR. SCOTT: I have.

22 MR. FIFFICK: And as a follow up, are you  
23 aware that violating the pledging rule is a  
24 misdemeanor, and upon conviction, the violator must be  
25 fined not more than \$1,000 or imprisoned not more than

1 90 days?

2 MR. SCOTT: Yes, sir.

3 MR. FIFFICK: Thank you, sir.

4 I would note that the Midlands Citizens  
5 Committee found Mr. Scott to be qualified as to  
6 character. The committee found Mr. Scott to be well  
7 qualified as to constitutional requirements, ethical  
8 fitness, professional and academic ability, reputation,  
9 physical health, mental stability, experience, and  
10 judicial temperament.

11 The committee stated that Mr. Scott is one of  
12 the few candidates who has considerable experience in  
13 civil litigation and as a prosecutor and defense  
14 attorney and that that experience is impressive. He's  
15 quite intelligent and has a charming personality.

16 The committee had questions about the tax  
17 lien that were addressed in a prior screening. It has  
18 been satisfied. And the committee stated in summary,  
19 "Mr. Scott is well qualified for the position of  
20 circuit court judge."

21 I would just note for the record that any  
22 concern raised during the investigation regarding the  
23 candidate were incorporated in the questioning of the  
24 candidate today.

25 Mr. Chairman, I have no further questions.

1 REPRESENTATIVE CLEMMONS: Thank you very  
2 much.

3 Are there questions of this candidate?  
4 Senator.

5 SENATOR CAMPSSEN: Thank you.

6 Mr. Scott, I'm just curious whereabouts in  
7 Williamsburg County are you from?

8 MR. SCOTT: All right. How familiar are you  
9 with Williamsburg County, Senator?

10 SENATOR CAMPSSEN: Pretty.

11 MR. SCOTT: The reason I ask is that my  
12 mother lives on Thurgood Marshall Road. And if you  
13 took Kingstree -- well, let me just put it to you this  
14 way. If you left Kingstree going east -- I tell people  
15 if you're going toward the beach, it depends on which  
16 way you go toward the beach. If you took 257, which is  
17 Thurgood Marshall Road, about 16 miles out of town, and  
18 eventually you come to a little a community called  
19 Bloomingvale. Actually the folks down there call it  
20 Bloomingville. But anyhow, you would end up in  
21 Bloomingvale, which is about two and a half miles west  
22 of Warsaw.

23 You probably heard of Warsaw. Warsaw is  
24 right where 527 and 41 intersect. That's where I grew  
25 up. I grew up there. My mother still lives there.

1 I went to St. Mark Elementary and High  
2 School, which is about -- St. Mark is I guess about six  
3 miles outside of Kingstree on Thurgood Marshall Road.

4 SENATOR CAMPSEN: I spent a lot of time in  
5 the Lane area.

6 MR. SCOTT: Yes, sir. I'm very familiar with  
7 that.

8 SENATOR CAMPSEN: That's why the name is  
9 familiar.

10 MR. SCOTT: Yes, sir. Yes, sir.

11 SENATOR CLAMPSEN: Thank you.

12 REPRESENTATIVE CLEMMONS: Thank you.

13 Any other questions or comments?

14 Senator Malloy.

15 SENATOR MALLOY: Mr. Scott, just to be fair,  
16 I think I have asked this question. You've tried civil  
17 cases to verdict?

18 MR. SCOTT: Yes, sir.

19 SENATOR MALLOY: Numerous?

20 MR. SCOTT: Yes, sir.

21 SENATOR MALLOY: Have you tried criminal  
22 cases to verdict?

23 MR. SCOTT: Yes, sir.

24 REPRESENTATIVE CLEMMONS: Thank you.

25 Any further questions?

1           Hearing none, Mr. Scott, thank you so much  
2           for being with us today and offering for this position.

3           This concludes this portion of our screening  
4           process. As you know, the record will remain open  
5           until such time the report is published. And you may  
6           be called back at such time if that need should arise.

7           We remind you of the 48-hour rule and ask you  
8           to be mindful of it. Should anyone inquire whether or  
9           not they may or may not advocate on your behalf should  
10          you be screened out by this commission, we would invite  
11          you to remind them of the 48-hour rule and its  
12          implications.

13          We thank you for offering, and we thank you  
14          for your service to South Carolina, Mr. Scott.

15          MR. SCOTT: Thank you, Mr. Chairman. And  
16          thank the other members of the committee for having me.  
17          Thank you very much.

18          REPRESENTATIVE CLEMMONS: Thank you.

19          (Mr. Clifford Scott exited the room.)

20          (Ms. Jennifer K. Shealy is present in the  
21          room.)

22          MS. SHEALY: Good afternoon.

23          REPRESENTATIVE CLEMMONS: Ladies and  
24          gentlemen of the commission, we have with us -- I'm  
25          sorry.



1 MS. SHEALY: That's okay.

2 REPRESENTATIVE CLEMMONS: We have before us  
3 Jennifer Kneece Shealy, who is seeking nomination to  
4 Circuit Court At-Large, Seat 9.

5 It's a pleasure to have you with us today.

6 MS. SHEALY: Thank you for having me.

7 Could I do one thing and just introduce my  
8 son because he's been here, but is going to have to go  
9 to an afternoon class.

10 REPRESENTATIVE CLEMMONS: We would be honored  
11 if you would introduce everybody that's here.

12 MS. SHEALY: Very well. This is my son, Will  
13 Shealy. He's a student at USC. My husband, Miller  
14 Shealy. And my best friend, Lisa Bernadine.

15 REPRESENTATIVE CLEMMONS: It's wonderful to  
16 have you all here with us. Feel free to leave when you  
17 have to or to stay with us throughout the entire  
18 hearing. We would be delighted to have you.

19 With that, if you would please excuse us for  
20 about five minutes for a short break.

21 MS. SHEALY: Sure.

22 REPRESENTATIVE CLEMMONS: Thank you very  
23 much.

24 (A recess transpired.)

25 REPRESENTATIVE CLEMMONS: Ms. Shealy, would

1 you be so kind as to raise your right hand to be sworn.

2 Do you swear to tell the truth, the whole  
3 truth and nothing but the truth, so help you God?

4 MS. SHEALY: I do.

5 REPRESENTATIVE CLEMMONS: Thank you very  
6 much.

7 Ms. Shealy, have you had an opportunity to  
8 review your personal data questionnaire?

9 MS. SHEALY: I have. I did that before  
10 coming in here.

11 REPRESENTATIVE CLEMMONS: Very good. Is it  
12 correct?

13 MS. SHEALY: It is.

14 REPRESENTATIVE CLEMMONS: Does it in any way  
15 need to be amended at this time?

16 MS. SHEALY: It does not.

17 REPRESENTATIVE CLEMMONS: Thank you.

18 Do you object to our making this summary a  
19 part of the record of your sworn testimony today?

20 MS. SHEALY: I do not.

21 REPRESENTATIVE CLEMMONS: Thank you.

22 It's so ordered.

23 (EXHIBIT 60, Personal Data Questionnaire of  
24 Jennifer K. Shealy, admitted.)

25 REPRESENTATIVE CLEMMONS: The Judicial Merit

1 Selection Commission has thoroughly investigated your  
2 qualifications for the bench. Our inquiry has resulted  
3 in no affidavits being filed in opposition to your  
4 nomination, and we have no witnesses present to testify  
5 today except for yourself.

6 With that, do you have a brief opening  
7 statement that you would like to make to the  
8 commission?

9 MS. SHEALY: I do.

10 REPRESENTATIVE CLEMMONS: Please do.

11 MS. SHEALY: Thank you.

12 I wanted to tell you what I think may set me  
13 apart from some of the other candidates. I have  
14 practiced law for 28 years, and for all of those 28  
15 years, I have been in the courtroom. I have had -- my  
16 first two years were with Judge Anderson, Ralph King  
17 Anderson. Obviously, we were in the courtroom all the  
18 time.

19 And the remaining time that I have been  
20 practicing, I have had a very active trial practice. I  
21 have defended, I have prosecuted, and the length of  
22 time in both of those have pretty much been full  
23 careers.

24 I have defended two death penalty cases. I  
25 have argued in front of the South Carolina Court of

1 Appeals, the South Carolina Supreme Court, and the  
2 Fourth Circuit Court of Appeals.

3 I have practiced in Richland County, in  
4 Lexington County, in York County, and in Charleston  
5 County. In addition, I have tried cases in Sumter,  
6 Saluda, Aiken, Florence, Laurens, Kingstree, Camden,  
7 Winnsboro, and Calhoun County. The small counties and  
8 the large ones.

9 I've tried federal cases. I have been around  
10 a lot of judges, and I have appeared in front of a lot  
11 of judges.

12 I also managed the Charleston County Public  
13 Defender's Office, which involved managing a large  
14 staff, and in working with the jail, the Solicitor's  
15 Office, the probation office, the Department of  
16 Corrections, the clerk's office, the private bar, and  
17 security at the courthouse.

18 For those of you who are familiar with the  
19 practice of law and with the duties of judges, those  
20 are similar agencies that they have to work with, that  
21 the judges have to work with. And I did so while  
22 trying some of the most difficult cases in the public  
23 defender's office.

24 I also manage in the Solicitor's Office. I  
25 have the responsibility to assist a team of attorneys

1 with their evaluation of their cases. I assign them  
2 cases. And I mentor the newest attorneys.

3 In addition to that, my role currently in the  
4 Solicitor's Office, I work with the Charleston County  
5 Sheriff's Office, the Mount Pleasant Police Department,  
6 and with the Islands Police Department in a variety of  
7 ways. I'm their go-to person when they have a legal  
8 question. I am the one who conveys to them, "Look,  
9 we've got to get this discovery to the defense  
10 attorneys faster."

11 And when I see their officers making  
12 mistakes, I'm the one who contacts them, in an  
13 educational way, to advise them of a better way to  
14 practice.

15 I have a murder trial starting Monday in  
16 Charleston County with two defendants. My entire  
17 career has been in the courtroom.

18 Now, I am sure you are wondering and so I  
19 wanted to address the issue of civil court. I'm sure  
20 you all know that the rules of evidence for criminal  
21 court are the rules of evidence for civil court. But I  
22 have begun to speak to civil practitioners about what  
23 improvements they think could occur in civil practice.  
24 And as you can imagine, if I'm talking to plaintiff's  
25 attorneys, I hear one thing; when I talk to defense

1 attorneys, I hear another.

2 But I also am very interested in attending  
3 civil CLEs to get myself in a position where I am very  
4 familiar with the issues that are coming before the  
5 court. We have a very good friend, Bill Janssen, who  
6 is a professor of civil procedure at the Charleston  
7 School of Law. And he and I have already begun, like,  
8 a tutoring just to get me refreshed about the issues  
9 that occur in civil court.

10 There are going to be several other CLEs that  
11 you can actually access by your computer or that you  
12 can attend that I certainly want to be active in  
13 participating in.

14 I have been working with the rule -- the  
15 rules of evidence my entire career. Every trial you  
16 have presents new issues, new nuances. And it's a part  
17 of the practice of law that I find attractive is in  
18 working with the rules of court. Working with the  
19 evidentiary rules.

20 One other thing that may separate me from  
21 some of the other candidates is I could very easily be  
22 an at-large judge. The home I grew up in, where my  
23 family still lives, my brother, my cousins, all of my  
24 in-laws, my lifelong friends is Columbia. My brother  
25 and I own my parents' home. Columbia obviously has

1 very easy access to many areas of the state. Mount  
2 Pleasant is my adopted home. That's where my husband  
3 and my younger son live with me. My older son is a  
4 student here at Carolina. If you can't get somewhere  
5 from Columbia or Mount Pleasant, it's going to be --  
6 that's rare that that would happen.

7 This is also a good time for me to be mobile.  
8 I have been approached twice before in my career with  
9 the possibility of becoming a judge. The first time my  
10 husband and I had no children, and I very much wanted a  
11 family. And I did not think that I could face the  
12 rigors of a judicial position when trying to have a  
13 child or having a baby.

14 The second time that I was approached was  
15 when my children were small. And I wanted to be there  
16 for the soccer games. I wanted to be there for the  
17 basketball games. I wanted to help them with their  
18 homework, kiss them goodnight, and be at home with them  
19 when they were sick. So that wasn't the right time.

20 Now I have two young adults. I've got plenty  
21 of time. And I would want to be the type of judge that  
22 would devote the extra time needed to perform well.

23 REPRESENTATIVE CLEMMONS: Ms. Shealy, we need  
24 you to sum up your opening comments.

25 MS. SHEALY: Okay. Well, I will sum up by

1 saying if you were to ask me why I wanted to be a  
2 judge, it's because I think it matters. It's something  
3 important. It's challenging. It involves making  
4 difficult decisions. My father very much wanted me to  
5 work for Ralph King Anderson when I got out of law  
6 school because he found him to be impartial,  
7 intelligent, hard working and deserving of the title  
8 "The Honorable."

9 If I were to become a judge, I would aspire  
10 to be deserving of the same title, "Honorable."

11 REPRESENTATIVE CLEMMONS: Thank you,  
12 Ms. Shealy.

13 If you would please answer counsel's  
14 question.

15 MS. SHEALY: Yes, sir.

16 MR. DENNIS: Ms. Shealy you -- with that  
17 statement, you have considerably lightened my load.  
18 Thank you.

19 You also have before you a sworn statement  
20 that answers over 30 questions that relate to a variety  
21 of topics.

22 MS. SHEALY: Yes.

23 MR. DENNIS: Is there any amendment that  
24 needs to be made to that sworn statement at this time?

25 MS. SHEALY: I don't believe so.



1 MR. DENNIS: Mr. Chairman, I would ask that  
2 Ms. Shealy's statement be entered as an exhibit into  
3 the record.

4 REPRESENTATIVE CLEMMONS: Is there any  
5 objection?

6 Hearing none, so ordered.

7 (EXHIBIT 61, Sworn Statement of Jennifer K.  
8 Shealy, admitted.)

9 MR. DENNIS: I would also note that pursuant  
10 to the information contained in her PDQ and the sworn  
11 statement, Ms. Shealy meets the statutory requirements  
12 for this position regarding age, residence, and years  
13 of practice.

14 Ms. Shealy, let's skip to what's left.

15 What suggestions could you offer for  
16 alleviating the backlog on the general sessions and  
17 common pleas docket that exists?

18 MS. SHEALY: Well, now, you may have heard  
19 something different than I have about the civil  
20 backlog. From my understanding, there's not a great  
21 backlog in civil court in Richland County or Charleston  
22 County.

23 Now, you may have different information than  
24 I do about that, but I will tell you, as a criminal  
25 attorney, when we are starting a week of general

1 sessions court, we're always told the civil court stuff  
2 may settle and you can get a civil judge.

3           However, if that is incorrect, as it applies  
4 to other counties, my suggestion regarding civil would  
5 be that judges really need to exercise good judgment  
6 with the motion practice.

7           I have heard various practitioners indicate  
8 that there are -- oftentimes that civil matters should  
9 be disposed of by way of a motion to dismiss or summary  
10 judgment motion. And so I would hope that that was one  
11 thing that judges take very seriously. It has been  
12 suggested to me that sometimes people don't like to  
13 make that call, to end a case prior a jury trial.

14           Also, it's my understanding that many civil  
15 judges do try to ferret out what cases are actually  
16 going to settle and which ones are going to trial.  
17 Because if you are setting for trial in a very limited  
18 week a number of cases that are actually going to  
19 settle, and other cases are not prepared for trial,  
20 then you've wasted the days in court that are otherwise  
21 allotted to civil court.

22           In criminal court, I'm sure some of you all  
23 are familiar with all the efforts by the Supreme Court  
24 in having us adhere to the policy set out in Langford  
25 where there is an effort to make sure that people are

1 not languishing in jail and that trials are occurring  
2 effectively and that we are concentrating on the  
3 dockets not getting clogged.

4 What we've done in our county is Judge Young  
5 has started holding status conferences to see what  
6 cases are old, to have both the defense attorneys and  
7 the solicitors present to indicate why has this case  
8 not moved. And I think we've had some success in  
9 getting the oldest cases gone.

10 In Charleston, for example, we could benefit  
11 from another trial judge. Because if we could run two  
12 trial court sessions every time we have court, then  
13 obviously we could get more cases tried.

14 I think that we are going to begin the new  
15 year with that practice. Instead of having as many  
16 plea terms, we're going to have some effort to have two  
17 trial terms going forward.

18 So those would be some of the ways in which I  
19 think we could help with the backlog.

20 MR. DENNIS: Thank you, ma'am.

21 Also, as you are aware through the ballot box  
22 survey process, the commission has received 109  
23 individual responses concerning your candidacy with 23  
24 additional comments included in those.

25 The vast majority of those comments are

1 positive and speak glowingly about your experience,  
2 your demeanor, your temperament, and your ability as a  
3 lawyer and recommend you for judgeship.

4           However, two of those comments, individually,  
5 express some level of concern.

6           One, using their words, refers to you as  
7 unresponsive and lazy. The other, again using their  
8 words, calls into question your trustworthiness. I  
9 would ask you to briefly respond to those two comments  
10 that were included in the larger batch.

11           MS. SHEALY: Okay. I'm sorry, tell me what  
12 the first one was again.

13           MR. DENNIS: I'm sorry. I spoke too fast.  
14 The first one included the words "unresponsive and  
15 lazy."

16           MS. SHEALY: The only way I can respond to  
17 that is to say I have never had anyone suggest to me or  
18 to suggest to a supervisor of mine or my ultimate boss  
19 either of those two complaints.

20           I think that I am very responsive. I enjoy a  
21 good relationship with the private bar, with the  
22 judiciary, and with the public defenders. And we have  
23 a very collegial relationship. I know what it's like  
24 to be representing a defendant and to need to be able  
25 to tell your defendant what you've done and what the

1 solicitor has said. So I really believe that comment  
2 is unfounded, frankly.

3 It may be somebody who doesn't like me. It  
4 doesn't seem to be overly specific. And, you know, in  
5 28 years of practicing law, if those are the two  
6 comments, I don't think that necessarily shows any type  
7 of trend, hopefully, or great concern.

8 Now, can you remind me of the second one?

9 MR. DENNIS: They called into question your  
10 trustworthiness.

11 MS. SHEALY: I would think that most people  
12 that you would ask would say that I am very trustworthy  
13 and that I am diligent and that I call things as they  
14 are and that I do not misrepresent any facts to anyone.  
15 That I am very revealing of all discovery matters and  
16 that if someone tells me something in confidence, that  
17 I keep it in confidence.

18 MR. DENNIS: Thank you, ma'am. I have a  
19 series of yes-or-no questions, just housekeeping issues  
20 to run through with you real quick.

21 MS. SHEALY: Okay.

22 MR. DENNIS: Have you sought or received the  
23 pledge of any legislator prior to this date?

24 MS. SHEALY: No.

25 MR. DENNIS: Have you sought or have you been

1 offered a conditional pledge of support of any  
2 legislator pending the outcome of your screening?

3 MS. SHEALY: No.

4 MR. DENNIS: Have you asked any third parties  
5 to contact members of the General Assembly on your  
6 behalf?

7 MS. SHEALY: No.

8 MR. DENNIS: Are you aware of anyone  
9 attempting to intervene in any part of this process on  
10 your behalf?

11 MS. SHEALY: No.

12 MR. DENNIS: Have you contacted any members  
13 of this commission?

14 MS. SHEALY: No.

15 MR. DENNIS: Do you understand that you are  
16 prohibited from seeking a pledge or a commitment until  
17 48 hours after the formal release of the commission's  
18 report?

19 MS. SHEALY: Absolutely.

20 MR. DENNIS: Have you reviewed the  
21 commission's guidelines on pledging?

22 MS. SHEALY: I have.

23 MR. DENNIS: As a follow up, are you aware of  
24 the penalties for violating the pledging rules, that  
25 is, it is a misdemeanor and upon conviction, the

1 violator must be fined not more than \$1,000 or  
2 imprisoned not more than 90 days?

3 MS. SHEALY: I would have said prior to your  
4 telling me that, I would have had to look at it again.  
5 But in that you just told me, yes, I am aware of that.

6 MR. DENNIS: Thank you, ma'am.

7 I would note that the Lowcountry Citizens  
8 Committee found Ms. Shealy qualified in the evaluative  
9 criteria of constitutional qualifications, physical  
10 health, and mental stability. The committee found her  
11 well qualified in the evaluative criteria of ethical  
12 fitness, professional and academic ability, character,  
13 reputation, experience, and judicial temperament.

14 The committee raised a concern about  
15 Ms. Shealy's lack of civil law experience but expressed  
16 that they believe she would easily master the skills  
17 necessary.

18 The committee stated in closing, Ms.  
19 Shealy's, quote, extensive experience on both sides of  
20 the criminal cases would be of considerable value.

21 I would just note for the record that any  
22 concerns raised during the investigation of Ms. Shealy  
23 were incorporated into my questioning today.

24 And, Mr. Chairman, I do not have anything  
25 further.

1 REPRESENTATIVE CLEMMONS: Thank you very  
2 much.

3 Are there any questions or comments by any  
4 members of the commission?

5 Hearing none, Ms. Shealy, thank you so much  
6 for being with us today and offering for this important  
7 judgeship.

8 That concludes this portion of our screening  
9 process. As you know, the record will remain open  
10 until the report is published. And you may be called  
11 back at such time as the need arises.

12 I'll remind you of the 48-hour rule and ask  
13 you to be mindful of it. And should anyone inquire  
14 whether they may or may not advocate on your behalf  
15 should you be screened out in this process, then we  
16 would ask that you remind them of the 48-hour rule and  
17 its implications upon you.

18 I thank you for offering -- and we thank you  
19 for offering, and we thank you for your service to  
20 South Carolina.

21 MS. SHEALY: Thank you.

22 REPRESENTATIVE CLEMMONS: Thank you.

23 (Ms. Jennifer K. Shealy exited the room.)

24 \* \* \* \* \*

25 (Mr. David W. Wolf is present in the room.)



1 REPRESENTATIVE CLEMMONS: Ladies and  
2 gentlemen, we have before us today David W. Wolf who  
3 seeks nomination to the Circuit Court At-Large, Seat 9.

4 Mr. Wolf, welcome. It's good to have you  
5 with us this afternoon.

6 MR. WOLF: Thank you for having me.

7 REPRESENTATIVE CLEMMONS: Would you please  
8 raise your right hand and be sworn.

9 Do you swear to tell the truth, the whole  
10 truth and nothing but the truth, so help you God?

11 MR. WOLF: I do.

12 REPRESENTATIVE CLEMMONS: Thank you.

13 Have you had an opportunity to review your  
14 personal data questionnaire?

15 MR. WOLF: Sorry. Yes, I have.

16 REPRESENTATIVE CLEMMONS: Is it correct?

17 MR. WOLF: It is.

18 REPRESENTATIVE CLEMMONS: Is there any  
19 amendment that you need to make on the record at this  
20 time?

21 MR. WOLF: No, sir, I don't.

22 REPRESENTATIVE CLEMMONS: Thank you.

23 Would you object to our making that summary a  
24 part of the record of your sworn testimony today?

25 MR. WOLF: No, sir, I wouldn't.

1                   REPRESENTATIVE CLEMMONS: Thank you. It's so  
2 ordered.

3                   (EXHIBIT 62, Personal Data Questionnaire of  
4 David W. Wolf, admitted.)

5                   REPRESENTATIVE CLEMMONS: Mr. Wolf, the  
6 Judicial Merit Selection Commission has thoroughly  
7 investigated your qualifications for the bench. As  
8 part of that process, we have received no affidavits  
9 filed in opposition to your election, and there are no  
10 witnesses other than yourself here to testify today.

11                   Do you have a brief opening statement you  
12 would like to make?

13                   MR. WOLF: If I could. I would just like the  
14 commission to know that my aspirations to be a circuit  
15 court judge began while I was a law clerk to Judge  
16 Daniel Pieper, the Ninth Circuit resident judge in  
17 Charleston at the time. He treated his law clerks very  
18 much like junior judges. He would have them purposely  
19 involved in every facet of the judicial process. He  
20 would have us prepare bench memorandums in preparation  
21 for each case that came before him.

22                   On circumstances when it was a nonjury week,  
23 that would involve hundreds of cases that dealt with  
24 any sort of motion, whether it was dispositive or as  
25 simple as a motion to compel, but we would have to

1 review the case file and research the legal issues  
2 involved in whatever matter was being raised to the  
3 court. Have a bench memorandum for that along with a  
4 recommendation to Judge Pieper so that he would be  
5 prepared to handle that matter when it was called.

6 And it's from that foundation that I would  
7 build upon with my years of practice since then, and I  
8 believe would be able to excel as a circuit court  
9 judge.

10 Thank you.

11 REPRESENTATIVE CLEMMONS: Thank you very  
12 much.

13 Please answer counsel's questions.

14 MR. WOLF: Yes, sir.

15 MR. HUBLER: Mr. Chairman and members of the  
16 commission, I have a procedural matter to take care of  
17 with this candidate.

18 Mr. Wolf, you have before you a sworn  
19 statement you provided with detailed answers to over 30  
20 questions regarding judicial conduct, statutory  
21 qualifications, office administration, and temperament.

22 Are there any amendments you would like to  
23 make at this time to your sworn statement?

24 MR. WOLF: Not at this time, no.

25 MR. HUBLER: At this time, Mr. Chairman, I

1 would like to ask that Mr. Wolf's sworn statement be  
2 entered as an exhibit to the hearing record.

3 REPRESENTATIVE CLEMMONS: Are there any  
4 objections?

5 Hearing none, so ordered.

6 (EXHIBIT 63, Sworn Statement of David W.  
7 Wolf, admitted.)

8 MR. HUBLER: One final procedural matter. I  
9 note that for the record that based upon the testimony  
10 contained in Mr. Wolf's PDQ, which has been included in  
11 the record with his consent, Mr. Wolf meets the  
12 statutory qualifications for this position regarding  
13 age, residence, and years of practice.

14 Mr. Wolf, why do you now want to serve as a  
15 circuit court judge to the extent you have not already  
16 answered that question?

17 MR. WOLF: Just to expound a little bit on  
18 that, as I said, I was -- during my two-year clerkship  
19 with Judge Pieper, for those two years every case that  
20 we tried, I would do the legal research relating to any  
21 sort of issues. Judge Pieper would have us participate  
22 in a pretrial conference with counsel before the trial  
23 to try and hash-out any of those issues. And if we  
24 weren't able to get them resolved during that  
25 conference, I would then prepare the memorandum to have

1 Judge Pieper ready to address that issue when trial  
2 came the following Monday.

3 I would be involved in every order that was  
4 drafted. Judge Pieper required that every order that  
5 came out of his office be an original order. We would  
6 accept proposed orders, but that would not be something  
7 that Judge Pieper would consider signing. And we could  
8 use those to the extent we thought that they were  
9 appropriate, but otherwise he wanted it to be an  
10 original order from our office.

11 That experience really was kind of what began  
12 my aspirations and realizing that I am capable of doing  
13 this job. I enjoyed doing it for that period of time.  
14 Since then, I've had the luxury of being able to go  
15 into court on a regular basis and both as a public  
16 defender and private practice, as well. And I've just  
17 always enjoyed being in a courtroom and would welcome  
18 the opportunity to be able to continue doing that in  
19 service of our state.

20 MR. HUBLER: Mr. Wolf, to the extent you have  
21 not already answered this, could you go into a little  
22 more detail about how your legal and professional  
23 experience, other than with Judge Pieper, will show  
24 that you will be an effective judge.

25 MR. WOLF: I'd be happy to.

1           As I mentioned, I was a public defender for  
2 two years after completing my clerkship. During that  
3 time I was able to argue cases in front of the judge  
4 and juries in a range of criminal matters involving  
5 bank fraud, burglaries, murder, criminal sexual conduct  
6 with minor. Just a complete range of the sort of cases  
7 that you deal with in general sessions.

8           After I completed my time at the public  
9 defender's office, I was an associate at Savage &  
10 Savage, and I continued to do the criminal matters.  
11 The cases tended to be a little bit more high profile,  
12 but I would be involved in the research and writing,  
13 preparing motions and the strategic aspect, request to  
14 charge, and matters like that while I was at Savage &  
15 Savage.

16           After completing my time at Savage & Savage,  
17 my father and I started our own practice doing business  
18 and commercial law. So I then got the opportunity to  
19 engage more in the discovery process and civil  
20 practice, motions hearings. And so I think over the  
21 course of the last 15 years, I've been able to do a lot  
22 in both areas that the circuit court gets called on to  
23 handle matters.

24           MR. HUBLER: Are there any areas of the law  
25 that you would need to additionally prepare for in

1 order to serve as a judge and how would you prepare  
2 that additional preparation?

3 MR. WOLF: I don't think that there are areas  
4 that I would need to prepare for. There might be  
5 certain classes of cases. I have done very little in  
6 the area of personal injury, although, I will say while  
7 I was a clerk for Judge Pieper, we handled many  
8 automobile accident cases and other  
9 personal-injury-type matters. So I think that I would  
10 be capable of handling those, but I have not in  
11 practice participated in that to a great deal. So that  
12 might be one area where I would have to get back up to  
13 speed, if you will.

14 MR. HUBLER: What suggestions would you offer  
15 for improving the backlog of cases on the docket in  
16 both general sessions or common pleas circuit court?

17 MR. WOLF: Well, my experience with civil  
18 cases in particular, I think that if we could devote  
19 more time, and whether that's when court falls apart  
20 and the docket that we plan to handle cases gets  
21 settled, I would think that handling motions.

22 So often I have a motion to compel, and it  
23 doesn't get scheduled for five or six months. And that  
24 ends up delaying the case because I've got a case right  
25 now where the motion to compel never actually -- after

1 it was ordered by the judge, the defense attorney moved  
2 to be relieved as counsel because he could no longer  
3 communicate with his client. And now I'm waiting for  
4 the case to get called so that we can try and notify  
5 the defendant. Nobody knows how to get in touch with  
6 him.

7 If there's a way to speed up that process  
8 where we could get a motion to compel into court on a  
9 quicker basis so it's not five months until we get it  
10 heard, but maybe one month, you could try and eliminate  
11 some of these delays in the process that later on make  
12 it more difficult to get a case tried in a timely  
13 manner.

14 So that would be one area. I would try and  
15 focus more time when court isn't able to continue with  
16 what had already been scheduled, trying to handle those  
17 matters.

18 MR. HUBLER: Mr. Wolf, the commission  
19 received 32 ballot box surveys regarding you with two  
20 additional comments. One of which was positive, and  
21 one of which expressed a concern. The positive comment  
22 expressed that you are, quote, a stand-out candidate  
23 who is, quote, careful and thoughtful as he applies his  
24 legal knowledge to the practice of law.

25 The other comment is simply that you have,



1 quote, insufficient experience.

2 What response would you offer to this  
3 concern?

4 MR. WOLF: The response I would offer with  
5 two years of being involved in the day-to-day actions  
6 of the court as a judicial law clerk and preparing  
7 those memorandums and making recommendations to the  
8 court in addition to all of the practice experience  
9 I've gotten since then, I believe with those two -- and  
10 I'm not talking two years of practice. Two years of  
11 practice, you might get into the courtroom pretty  
12 generously ten times.

13 I'm talking about every day of the week being  
14 in the courtroom working with the judge and seeing how  
15 cases move, what issues need additional effort by the  
16 court to be sure that rulings are made in a proper  
17 manner or assisting in whatever regard to get a matter  
18 resolved. I got two quality years that I think equates  
19 to a number of years of practice.

20 MR. HUBLER: Thank you, Mr. Wolf.

21 Mr. Chairman, I would now like to request we  
22 go into executive session to handle a further matter.

23 REPRESENTATIVE CLEMMONS: Do we have a  
24 motion?

25 SENATOR MARTIN: Motion.

1 SENATOR CAMPSEN: So moved by Senator Martin.

2 REPRESENTATIVE BANNISTER: Second.

3 REPRESENTATIVE CLEMMONS: And seconded by  
4 Representative Bannister.

5 All those in favor say "aye."

6 (Members respond.)

7 REPRESENTATIVE CLEMMONS: Those opposed?  
8 The ayes have it.

9 We are in executive session.

10 (The members went into executive session.)

11 \* \* \* \* \*

12 (The members came out of executive session.)

13 REPRESENTATIVE CLEMMONS: We're back on the  
14 public record.

15 Counsel.

16 MR. HUBLER: Mr. Wolf, a couple of  
17 housekeeping issues.

18 Have you ever sought or received a pledge of  
19 nay legislator prior to this date?

20 MR. WOLF: No, sir, I have not.

21 MR. HUBLER: Have you sought or have you been  
22 offered a conditional pledge of support from any  
23 legislator pending the outcome of your screening?

24 MR. WOLF: I have not.

25 MR. HUBLER: Have you asked any third parties

1 to contact members of the General Assembly on your  
2 behalf?

3 MR. WOLF: No, sir. I have not.

4 MR. HUBLER: Are you aware of anyone  
5 attempting to intervene in any part of the process on  
6 your behalf?

7 MR. WOLF: No, sir. I'm not aware.

8 MR. HUBLER: Have you contacted any members  
9 of the commission?

10 MR. WOLF: I have not.

11 MR. HUBLER: Do you understand you prohibited  
12 from seeking a pledge or a commitment until 48 hours  
13 after the formal release of the commission's report?

14 MR. WOLF: Yes, sir, I do.

15 REPRESENTATIVE CLEMMONS: Have you reviewed  
16 the commission's guidelines on pledging?

17 MR. WOLF: I have.

18 MR. HUBLER: And as a follow up, are you  
19 aware of the penalties for violating the pledging  
20 rules, that is, it is a misdemeanor and upon  
21 conviction, the violator must be fined not more than a  
22 thousand dollars or imprisoned not more than 90 days?

23 MR. WOLF: I am aware of that. Yes, sir.

24 MR. HUBLER: I would note that the Lowcountry  
25 Citizens committee found Mr. Wolf to be qualified in

1 the evaluative criteria of constitutional  
2 qualifications, professional and academic ability,  
3 physical health, mental stability, and experience. The  
4 committee found him well qualified in ethical fitness,  
5 character, reputation, and judicial temperament.

6 The committee, however, stated the concern  
7 related to trial experience as we discussed earlier.

8 Lastly, I would note for the record that any  
9 concerns raised during the investigation regarding  
10 Mr. Wolf were incorporated into the questioning of his  
11 candidacy today.

12 Mr. Chairman, I have no further questions.

13 REPRESENTATIVE CLEMMONS: Thank you very  
14 much.

15 Are there any questions of this candidate?

16 DEAN WILCOX: I have a question.

17 REPRESENTATIVE CLEMMONS: Yes, Dean.

18 DEAN WILCOX: You talk about in your practice  
19 how -- you talked about the litigation part, but you  
20 also talked about the transactional part. Can you sort  
21 of give me a percentage of -- what percentage of it is  
22 transactional work and what percentage is litigation  
23 work?

24 MR. WOLF: Sure. It's hard to say because it  
25 fluctuates. In 2008, the transactional part went away

1 for quite a while. So at that point, it was almost all  
2 litigation. Clients fighting over money.

3 Now it's started to come back. I would say  
4 right now I've got -- I'm doing more of the  
5 transactional work. It's hard to give an exact number.  
6 I would say that it's somewhere in the 50 to 60 percent  
7 of my practice currently.

8 But if you'd asked me two years ago, it  
9 probably would have been 75 percent litigation.

10 REPRESENTATIVE CLEMMONS: Thank you, Dean  
11 Wilcox.

12 Any other questions?

13 Hearing none, Mr. Wolf, thank you so much for  
14 being with us today and offering for this position.

15 That concludes this portion of our screening  
16 process. As you know, the record will remain open  
17 until the report is published, and you may be called  
18 back at such time if that need should arise.

19 We remind you of the 48-hour rule and ask you  
20 to be mindful of it and to remind others that may  
21 inquire about advocating on your behalf of the 48-hour  
22 rule and its implications.

23 We thank you for offering, and we thank you  
24 for your service to South Carolina.

25 MR. WOLF: Thank you very much for your time.

1 REPRESENTATIVE CLEMMONS: Thank you.

2 (Mr. David W. Wolf exited the room.)

3 REPRESENTATIVE CLEMMONS: Ladies and  
4 gentlemen, off the record.

5 (Off the record.)

6 (Ms. Mindy W. Zimmerman enters the room.)

7 REPRESENTATIVE CLEMMONS: Ladies and  
8 gentlemen, we're back on record.

9 We have Mindy W. Zimmerman, who is seeking  
10 nomination to the Circuit Court At-Large, Seat 9.

11 Ms. Zimmerman, welcome. It's good to have  
12 you with us.

13 MS. ZIMMERMAN: Thank you.

14 REPRESENTATIVE CLEMMONS: Would you please  
15 raise your right hand and be sworn.

16 Do you swear to tell the truth, the whole  
17 truth and nothing but the truth, so help you God?

18 MS. ZIMMERMAN: I do.

19 REPRESENTATIVE CLEMMONS: Thank you,  
20 Ms. Zimmerman.

21 Have you an opportunity to review your  
22 answers to the personal data questionnaire?

23 MS. ZIMMERMAN: Yes, sir.

24 REPRESENTATIVE CLEMMONS: And are those  
25 answers correct?

1 MS. ZIMMERMAN: Yes.

2 REPRESENTATIVE CLEMMONS: And does it need to  
3 be updated in any way, amendments need to be made on  
4 the record today?

5 MS. ZIMMERMAN: No.

6 REPRESENTATIVE CLEMMONS: Would you have any  
7 objection to including your personal -- your answers to  
8 your personal data questionnaire in your testimony  
9 today -- in the record of your testimony today?

10 MS. ZIMMERMAN: No.

11 REPRESENTATIVE CLEMMONS: It is so ordered.

12 (EXHIBIT 64, Personal Data Questionnaire of  
13 Mindy W. Zimmerman, admitted.)

14 REPRESENTATIVE CLEMMONS: The Judicial Merit  
15 Selection Commission has thoroughly investigated your  
16 qualifications for the bench. We have received no  
17 affidavits filed in opposition to your nomination. Nor  
18 are there any witnesses presents today to testify with  
19 regard to your nomination other than yourself.

20 We would ask that you please respond to  
21 counsel's questions.

22 MR. DAVIDSON: Thank you, Mr. Chairman.

23 Ms. Zimmerman, you have before you your sworn  
24 statement along with the amendment that you provided  
25 with detailed answers to over 30 questions regarding

1 judicial conduct, statutory qualifications, office  
2 administration, and temperament.

3 Are there any additional amendments you would  
4 like to make at this time to your sworn statement?

5 MS. ZIMMERMAN: No.

6 MR. DAVIDSON: At this time, Mr. Chairman, I  
7 would like to ask Ms. Zimmerman's sworn statement be  
8 entered as an exhibit into the hearing record.

9 REPRESENTATIVE CLEMMONS: Thank you.

10 Are there any objections?

11 Hearing none, so ordered.

12 (EXHIBIT 65, Sworn Statement of Mindy W.  
13 Zimmerman, admitted.)

14 MR. DAVIDSON: One final procedural matter, I  
15 note for the record that based on the testimony  
16 contained in the candidate's PDQ, which has been  
17 included in the record with the candidate's consent,  
18 Ms. Zimmerman meets the statutory requirements for this  
19 position regarding age, residence, and years of  
20 experience -- or years of practice.

21 Ms. Zimmerman, could you please explain to  
22 the commission why you would like to serve as a circuit  
23 court judge.

24 MS. ZIMMERMAN: I believe that I have a lot  
25 to offer. I believe that I have a little bit different



1 background than what is typically on the circuit bench.

2 I come from a working-class family. Both of  
3 my parents worked in production. And growing up in  
4 that household, I learned the value of hard work. And  
5 I learned the value of always pushing yourself on to  
6 more.

7 I've enjoyed practicing law, but I'm ready  
8 for the next chapter in my life.

9 MR. DAVIDSON: Could you explain to the  
10 commission how you feel your legal and professional  
11 experience thus far will assist you to be an effective  
12 judge?

13 MS. ZIMMERMAN: Absolutely. I have had the  
14 benefit of practicing as far as the criminal court on  
15 both sides of the courtroom. I prosecuted for several  
16 years before opening my practice, and I believe having  
17 sat on both sides of that courtroom certainly impacts  
18 very strongly on a judge. I think a judge needs to  
19 have the perspective of both defense and prosecution.

20 And as far as my civil practice, I have done  
21 some common pleas work. I have also done a good bit of  
22 family court work, which follows the same rules of  
23 procedure as are followed in civil courtroom. So I  
24 believe that I have a diverse background, and I believe  
25 that will serve me well on the bench.

1 MR. DAVIDSON: Thank you.

2 Are there any areas, including subjective or  
3 substantive areas of the law, that you would need to  
4 additionally prepare for in order to serve as a judge  
5 and, if so, how would you handle that additional  
6 preparation?

7 MS. ZIMMERMAN: I don't feel like that I am  
8 lacking in anything; however, I believe that a judge  
9 needs to always be open-minded to continuing to learn  
10 the law. Continuing to study the law. While I don't  
11 feel like I need anything, I still would answer that  
12 question by saying, yes, of course I think I should  
13 continue to read the advance sheets and continue to  
14 learn anything that I can that would help me better  
15 serve.

16 MR. DAVIDSON: What suggestions would you  
17 offer for improving the backlog of cases on the docket  
18 for both general sessions and common pleas in the  
19 circuit court?

20 MS. ZIMMERMAN: Well, I believe that we have  
21 enough court time. I know a lot of people criticize  
22 the court time and particularly in my circuit. I think  
23 we have enough time. I think part of the problem is  
24 utilizing the time effectively.

25 I think that a better docketing management

1 system might would help to move cases through. I've  
2 seen in particular in the criminal courtroom where I  
3 feel like that cases might not get as much attention as  
4 they should, and there appears to be a lot of downtime  
5 for the court.

6 MR. DAVIDSON: The commission received 29  
7 ballot box surveys regarding your candidacy with five  
8 additional comments. The ballot box survey, for  
9 example, contained the following positive comment:  
10 "Ms. Zimmerman possesses a variety of legal experience  
11 which will serve her well on the bench. A very  
12 talented lawyer."

13 Three of the written comments expressed  
14 concerns. The first comment questioned your knowledge  
15 of the Rules of Evidence and Procedure. What response  
16 would you offer to this concern?

17 MS. ZIMMERMAN: Well, I have a lot of trial  
18 experience, so I feel that I know the rules of evidence  
19 well.

20 I've never been criticized in the courtroom  
21 for any errors in my judgment on the rules of evidence,  
22 so I feel very comfortable with that. In particular,  
23 when I was prosecuting I tried cases sometimes back to  
24 back during a term of court. Newberry had very few  
25 prosecutors, and at one time I was the only one. So

1 I'm very comfortable with the procedure and the rules  
2 of evidence.

3 MR. DAVIDSON: The same commenter also  
4 questioned your trustworthiness. What response would  
5 you offer?

6 MS. ZIMMERMAN: That concerns me just a  
7 little because I feel like that I'm a very ethical  
8 person. I feel like I'm a very honest person. I try  
9 to be very cognizant of that any time I communicate  
10 with anyone. So I hate to hear that someone thinks  
11 that I'm not trustworthy because I feel that I am.

12 MR. DAVIDSON: The second comment questioned  
13 your experience saying in their words that you did not  
14 have the breadth of experience necessary to serve on  
15 the bench.

16 MS. ZIMMERMAN: Well, I have to recognize the  
17 fact that I've been practicing law for eight years, and  
18 I also recognize after sitting in that conference room  
19 that I'm probably the youngest person that you guys are  
20 going to talk to today. But I also believe that I work  
21 very hard. I believe that I study very hard to try to  
22 do a good job. And so I don't think that a short  
23 number of years necessarily means that I'm not caught  
24 up.

25 MR. DAVIDSON: The third and final negative

1 comment questioned your demeanor using in their words  
2 the terms, "cold and rude." What response would you  
3 offer to this concern?

4 MS. ZIMMERMAN: I don't feel like that's  
5 fitting either. The irony of that comment is actually  
6 during my interview with the Bar's commission, they  
7 mentioned that the negative comments that they had was  
8 that some people thought that I might be a little too  
9 nice and not capable of being hard or tough. So I  
10 don't think that I'm cold and rude. And I think maybe  
11 that I might fall in the balance somewhere between  
12 those two extremes.

13 MR. DAVIDSON: Thank you.

14 Lastly, you provided an amendment to your  
15 personal data questionnaire regarding your involvement  
16 with an election campaign. Could you please explain to  
17 the commission the circumstances of that involvement.

18 MS. ZIMMERMAN: Yes. Prior to putting in for  
19 this seat, I have known and had a good working  
20 relationship with Representative Walt McLeod. Actually  
21 two years ago he had assisted my law partner when he  
22 ran for solicitor in our circuit and gave a lot of  
23 advice to him.

24 I had helped Representative McLeod before I  
25 put in for this seat in doing some Facebook posts to

1 try to promote his campaign because  
2 Representative McLeod is not very familiar with  
3 Facebook and doesn't know how it works very well.

4 And he approached me and asked -- he was  
5 organizing a fundraiser in downtown Newberry and had  
6 asked me if I would create a page for that fundraiser.  
7 I said yes without thinking about the impact upon this  
8 seat. It was after I had put in for this seat, and it  
9 was an error in judgment.

10 Immediately after I realized that the page  
11 was going to have my name affiliated with it, I took  
12 the page down. He found someone else to assist him  
13 with that, and I did report.

14 MR. DAVIDSON: Thank you for that  
15 explanation.

16 Now moving on, just a few housekeeping  
17 questions.

18 Have you sought or received the pledge of any  
19 legislator prior to this date?

20 MS. ZIMMERMAN: No.

21 MR. DAVIDSON: Have you sought or have you  
22 been offered a conditional pledge of support of any  
23 legislator pending the outcome of your screening?

24 MS. ZIMMERMAN: No.

25 MR. DAVIDSON: Have you asked any third

1 parties to contact members of the General Assembly on  
2 your behalf?

3 MS. ZIMMERMAN: No.

4 MR. DAVIDSON: Are you aware of anyone  
5 attempting to intervene in any part of the process on  
6 your behalf?

7 MS. ZIMMERMAN: No.

8 MR. DAVIDSON: Have you contacted any members  
9 of this commission?

10 MS. ZIMMERMAN: No.

11 MR. DAVIDSON: Do you understand that you are  
12 prohibited from seeking a pledge or a commitment until  
13 48 hours after the formal release of the commission's  
14 report?

15 MS. ZIMMERMAN: I do understand that.

16 MR. DAVIDSON: Have you reviewed the  
17 commission's guidelines on pledging?

18 MS. ZIMMERMAN: Yes, I have.

19 MR. DAVIDSON: As a follow-up, are you aware  
20 of the penalties for violating the pledging rules, that  
21 is, it is a misdemeanor, and upon conviction, a  
22 violator must not be fined not more than \$1,000 or  
23 imprisoned not more than 90 days?

24 MS. ZIMMERMAN: I do understand that.

25 MR. DAVIDSON: Thank you.

1 I would note that the Piedmont Citizens  
2 Committee found Ms. Zimmerman qualified in the  
3 evaluative criteria of constitutional qualifications.  
4 Additionally, the committee found her well qualified in  
5 the evaluative criteria of ethical fitness,  
6 professional and academic ability, character,  
7 reputation, experience, physical health, mental  
8 stability, and judicial temperament.

9 The committee stated in summary,  
10 "Ms. Zimmerman won great respect from the members of  
11 the bench and bar in a variety of areas: Criminal law,  
12 both defense and the prosecution; family law; and  
13 general civil law. She has a wide reputation as a  
14 person of strong character and is known to be  
15 even-tempered and unflappable."

16 I would also note for the record that any  
17 concerns raised during the investigation regarding the  
18 candidate were incorporated into the questioning of the  
19 candidate today.

20 Mr. Chairman, I have no further questions.

21 REPRESENTATIVE CLEMMONS: Thank you very  
22 much.

23 I would ask if any of members of the  
24 commission have any questions of this candidate?

25 Hearing none, Ms. Zimmerman, thank you so



1 much for being here with us today.

2 MS. ZIMMERMAN: Thank you.

3 REPRESENTATIVE CLEMMONS: That concludes this  
4 portion of our screening process. As you know, the  
5 record will remain open until the report is published.  
6 And you may be called back at such time if that need  
7 should arise.

8 I'll remind you of the 48-hour rule and ask  
9 you to be mindful of it and to remind others as they  
10 may ask you whether or not they may advocate on your  
11 behalf should you be successful in the screening  
12 process. Remind them of the 48-hour rule and its  
13 implications.

14 We thank you for offering, and we thank you  
15 for your desire to serve South Carolina.

16 MS. ZIMMERMAN: Thank you.

17 REPRESENTATIVE CLEMMONS: My pleasure.

18 (Ms. Mindy W. Zimmerman exited the room.)

19 \* \* \* \* \*

20 (A recess transpired.)

21 REPRESENTATIVE CLEMMONS: We will now hear  
22 from the Honorable Edward Ned Miller.

23 (The Honorable Edward Ned Miller is present  
24 in the room.)

25 REPRESENTATIVE CLEMMONS: Judge Miller, it's

1 good to have you with us this evening.

2 JUDGE MILLER: Yes, sir. Thank you very  
3 much. Pleased to be here.

4 REPRESENTATIVE CLEMMONS: Would you please  
5 raise your right hand to be sworn.

6 Do you swear to tell the truth, the whole  
7 truth and nothing but the truth, so help you God?

8 JUDGE MILLER: Yes, sir, I do.

9 REPRESENTATIVE CLEMMONS: Have you had an  
10 opportunity, Judge Miller, to review your responses to  
11 the personal data questionnaire?

12 JUDGE MILLER: Yes.

13 REPRESENTATIVE CLEMMONS: And is it correct?

14 JUDGE MILLER: Oh, yes. Yes, sir. Sorry.

15 REPRESENTATIVE CLEMMONS: Okay. And is it in  
16 need of my amendment or changes today on the record?

17 JUDGE MILLER: Well, I did amend question  
18 number 34, I believe.

19 REPRESENTATIVE CLEMMONS: That is included in  
20 the questionnaire before you, Judge Miller.

21 JUDGE MILLER: Okay. Great.

22 REPRESENTATIVE CLEMMONS: Very good. With  
23 that amendment, then, your PDQ is not in need of  
24 further amendment or change?

25 JUDGE MILLER: No, sir. I don't believe it

1 is.

2 REPRESENTATIVE CLEMMONS: Thank you.

3 Do you object to our making this summary a  
4 part of the record of your sworn testimony today?

5 JUDGE MILLER: No, sir, I don't.

6 REPRESENTATIVE CLEMMONS: Thank you. It's so  
7 ordered.

8 (EXHIBIT 66, Personal Data Questionnaire of  
9 The Honorable Edward Ned Miller, admitted.)

10 REPRESENTATIVE CLEMMONS: Judge Miller, the  
11 Judicial Merit Selection Commission has thoroughly  
12 investigated your qualifications for the bench. We  
13 have received two affidavits filed in opposition to  
14 your election. One from Ricky Bryant and one from  
15 Brenda Bryant.

16 With respect to Brenda Bryant's complaint,  
17 the first affidavit complaint filed, we have received  
18 her written complaint with regard to Judge Miller;  
19 however, the complainant has chosen of her own volition  
20 not to appear at the hearing today. Neither I nor  
21 staff are aware of any physical or legal reason that  
22 the complainant cannot appear nor has she attempted to  
23 provide one.

24 She has decided certain consequences of her  
25 appearance here outweigh the value of her pursuit of

1 the complaint -- her complaint against Judge Miller.

2 No one else is preventing her from appearing  
3 today.

4 As a result of her choice, the commission is  
5 unable to hear Ms. Bryant's complaint, and it will not  
6 be included in the formal questioning by commission  
7 staff, nor will it be made a part of the record as it  
8 relates to Judge Miller.

9 The commission has a constitutional duty to  
10 protect the due process rights of both the candidate  
11 and the complainant. That duty indicates that any  
12 person seeking to question the fitness for office of  
13 any candidate, incumbent or otherwise, must do so as a  
14 sworn witness subject to response and cross-examination  
15 by the candidate as well as questioning by the  
16 commission. That is no more or no less than we expect  
17 from candidates who appear before the commission.

18 I've asked staff that, as information only,  
19 to provide a copy of Ms. Bryant's affidavit and  
20 supporting documents to each of you so that you can be  
21 aware of the matter. It's on your laptop under  
22 Judge Miller's folder.

23 Mr. Rickey Bryant has also filed a complaint  
24 against Judge Miller.

25 I will propose now that we proceed to

1 questioning of Judge Miller by his screening attorney  
2 with regard to housekeeping questions and following  
3 that, I would propose that we hear the testimony of  
4 Mr. Bryant, who is here to testify.

5 All right. Counsel suggests that we move  
6 forward with the sworn testimony -- Judge Miller's  
7 sworn testimony before we go to the witness.

8 With that regard, Judge Miller, I would ask  
9 that you answer counsel's questions.

10 JUDGE MILLER: Thank you, sir.

11 MS. DEAN: Thank you, Chairman. Members of  
12 the commission, as discussed, I have a procedural  
13 matter to take care of first.

14 Judge Miller, you have before you the sworn  
15 statement you provided with detailed answers to over 30  
16 questions regarding judicial conduct, statutory  
17 qualifications, office administration, temperament.  
18 This includes the letter that you submitted regarding  
19 question 34.

20 Are there any other amendments you would like  
21 to make at this time?

22 JUDGE MILLER: No, ma'am.

23 MS. DEAN: At this, Mr. Chairman, I would  
24 like to ask that Judge Miller's sworn statement be  
25 entered as an exhibit into the hearing record.

1           REPRESENTATIVE CLEMMONS: Are there any  
2 objections?

3           Hearing none, so ordered.

4           (EXHIBIT 67, Sworn Statement of The Honorable  
5 Edward Ned Miller, admitted.)

6           REPRESENTATIVE CLEMMONS: And I apologize, I  
7 neglected to offer Judge Miller an opportunity for a  
8 brief opening statement as we have offered all the  
9 other candidates today. So please forgive me in that  
10 oversight.

11           Judge Miller, do you have a brief opening  
12 statement you would like to share with us before we  
13 proceed with questions?

14           JUDGE MILLER: Well, very briefly I want to  
15 thank you all for the opportunity to be here and  
16 appreciate your hard work and service. And I am  
17 seeking reelection. I have been on the bench since  
18 2002. I've enjoyed it and hope I have lived up to  
19 expectations of the body that put me there.

20           So with that, I think that's all I've got to  
21 say.

22           REPRESENTATIVE CLEMMONS: Thank you,  
23 Judge Miller.

24           Please proceed, Ms. Dean.

25           MS. DEAN: Thank you, Mr. Chairman.

1           As just moved by the committee, we'll suspend  
2 the normal questions and move back to that after first  
3 addressing the complaint.

4           For the committee members, the complaint can  
5 be found in the complaint folder on your laptop. We  
6 want to make sure people are seeing that. Under  
7 Judge Miller. The complaint folder under Judge Miller.

8           At this time, Mr. Miller, if you could sit  
9 down, and we'll invite Mr. Bryant forward.

10           JUDGE MILLER: Okay. All right.

11           MS. DEAN: Thank you, sir.

12           REPRESENTATIVE CLEMMONS: Thank you.

13           Mr. Bryant, would you like to come forward,  
14 sir.

15           Mr. Bryant, would you right arm and be sworn.

16           MR. BRYANT: Yes.

17           REPRESENTATIVE CLEMMONS: Mr. Bryant, do you  
18 swear to tell the truth, the whole truth and nothing  
19 but the truth, so help you God?

20           MR. BRYANT: I do.

21           REPRESENTATIVE CLEMMONS: Thank you very  
22 much.

23           Mr. Bryant, please state your full name for  
24 the record.

25           MR. BRYANT: Okay. My name is Ricky Bruce

1 Bryant.

2 REPRESENTATIVE CLEMMONS: Thank you,  
3 Mr. Bryant.

4 MR. BRYANT: Do you need my address?

5 REPRESENTATIVE CLEMMONS: Do we have the  
6 address?

7 MR. BRYANT: You have it.

8 REPRESENTATIVE CLEMMONS: We already have  
9 your address on record.

10 MR. BRYANT: Okay.

11 REPRESENTATIVE CLEMMONS: Mr. Bryant, you are  
12 here today to testify in this hearing regarding the  
13 reappointment of the Honorable Edward W. "Ned" Miller  
14 for the bench.

15 MR. BRYANT: That's correct.

16 REPRESENTATIVE CLEMMONS: And you have  
17 provided an affidavit in that regard.

18 MR. BRYANT: That's correct.

19 REPRESENTATIVE CLEMMONS: You are welcome to  
20 certainly testify as to matters that you have personal  
21 knowledge of, firsthand personal knowledge. We would  
22 ask that you restrict your comments solely to those  
23 matters that you have personal knowledge of.

24 MR. BRYANT: That's correct.

25 REPRESENTATIVE CLEMMONS: With that, do you



1 have -- you may address the commission.

2 MR. BRYANT: Okay. I appreciate you all  
3 letting me come in here tonight -- it was today but now  
4 tonight -- and let me speak. I realize by sitting  
5 through some of these screening of these judges that  
6 this is a very important position for a person to hold,  
7 and it affects not only the judge's life but the life  
8 of the people that go before him.

9 And I'm wondering if some of these judges  
10 don't go up for their benefit, not to benefit the  
11 people. That being said, background, I've lived in  
12 South Carolina all my life. I've resided in Lexington  
13 at my present address for 26 years. I've been married  
14 to my wife for 39 years. My wife is Brenda Bryant.  
15 She's the one that submitted the other affidavit.

16 This is mostly concerning a lawsuit that was  
17 filed in Greenville County. It was involving my wife,  
18 my daughter, stepdaughter Stephanie, and the Department  
19 of Social Services, not social services, Disability and  
20 Special Needs, and some individual plaintiffs.

21 REPRESENTATIVE CLEMMONS: Mr. Miller, were  
22 you a party to that lawsuit?

23 JUDGE MILLER: No, sir.

24 REPRESENTATIVE CLEMMONS: I'm sorry,  
25 excuse me. Mr. Bryant, were you a party to that

1 lawsuit?

2 MR. BRYANT: A party? I was not a party. My  
3 wife was the party in it.

4 REPRESENTATIVE CLEMMONS: Okay. Thank you,  
5 sir. Please continue.

6 MR. BRYANT: I was not a plaintiff or a  
7 defendant.

8 The lawsuit was filed by Alice Perkins, an  
9 attorney for my wife. And when filing it, she did not  
10 file a certificate of service with it and nor did she  
11 serve any of the defendants because they were  
12 supposedly in the process of amending the lawsuit. And  
13 an attorney, Rodney Pillsbury, for the -- one of the  
14 defendants went to the courthouse in Greenville, pulled  
15 a lawsuit, filed a motion for summary judgment on a  
16 case that had not been properly commenced.

17 There was no lawsuit. Okay.

18 They proceeded with it and he was granted it  
19 and they filed a motion to reconsider. Which at that  
20 time, you know, Greenville said that they didn't get it  
21 or lost it or whatever.

22 Ms. Perkins went to a hearing and tried to  
23 produce evidence, and it wasn't accepted.

24 In my little knowledge of the law, and excuse  
25 me for not knowing a lot about the law, but from what

1 I've read, the lawsuit was deemed frivolous, but there  
2 was affidavits not accepted that would prove that it  
3 wasn't.

4 In other words, the motion to dismiss was a  
5 frivolous motion, not the lawsuit frivolous. That's  
6 the way I read the law. Like I said, I'm not a lawyer  
7 or a judge, attorney.

8 Then there was placed sanctions and different  
9 things on my wife, which she wasn't an attorney. And  
10 from my understanding of that, if you have an attorney,  
11 the sanctions go on the attorney, not the plaintiff.

12 So I don't understand this. And the reason  
13 that it bothers me is because this is really come off  
14 to something that continues on a case that never should  
15 have even been in the courtroom one time. And as far  
16 as a judge, a judge should know the Rules of Civil  
17 Procedure. I mean, that's part of their job, right?  
18 Okay.

19 Let me reiterate that even though the ruling  
20 was this and my wife threatened with sanctions and  
21 going to jail, I wrote the attorney offering to pay him  
22 monthly payments on his attorney bill that was awarded  
23 to him by the court. And he wrote me back and said,  
24 "That's not acceptable."

25 So, you know, if you make an offer, according

1 to what I understand, you know, in an order, is if you  
2 make an offer and attempt, you're doing it.

3 In other words, there was a final hearing to  
4 be held and this was -- I'm not even sure what you call  
5 this final hearing, but the hearing was on -- in other  
6 words, she had already had the ruling and it was a rule  
7 to show cause or something like that. Or hearing to  
8 show cause, I'm not sure.

9 REPRESENTATIVE CLEMMONS: Were you present  
10 for that hearing, sir?

11 MR. BRYANT: I wasn't present, no, sir.

12 REPRESENTATIVE CLEMMONS: You were not?

13 MR. BRYANT: No.

14 REPRESENTATIVE CLEMMONS: Okay. Please  
15 confine your comments to what you actually saw or heard  
16 or were party to.

17 MR. BRYANT: Okay. Well, this is what I know  
18 by the actions. My wife filed an intent to appeal.  
19 All right. When you file an intent to appeal, to my  
20 knowledge, this intent to appeal removes the  
21 jurisdiction of the judge holding a hearing or a  
22 sentencing or whatever it be, it removes it out of his  
23 jurisdiction.

24 This was done. There was a hearing scheduled  
25 for that day. My wife didn't show up. And the Court

1 of Appeals called and told him that, yes, she had filed  
2 the intent. So this should have stopped it right  
3 there. But this didn't stop it. A warrant was filed  
4 for my wife's arrest for failure to appear when the  
5 jurisdiction of the court, there was none at that time.  
6 And this caused her to have to flee the state. That's  
7 why she's not here now. That's why that we're not  
8 together. We have been separated for almost two and a  
9 half years continuously.

10 I have a serious heart condition and several  
11 other medical situations. My wife broke her hand out  
12 of state. Her orthopedic doctor is here. She's having  
13 to have -- she's had surgery one time. She's already  
14 had multiple things go wrong. She's got to have  
15 surgery again. And all of this on a case that never  
16 was. Never was a case.

17 I thank you for your patience, your  
18 understanding of my lack of knowledge of the legal  
19 system. But that's mainly why I'm opposing  
20 Judge Miller's reappointment is because if you put  
21 yourself in a position to affect other people's lives  
22 and don't go by the law or by the rules, then it's an  
23 outrageous, malicious attempt to destroy a life.

24 Thank you.

25 REPRESENTATIVE CLEMMONS: Thank you,

1 Mr. Bryant.

2 Do any members of the commission have  
3 questions for Mr. Bryant?

4 SENATOR MARTIN: I think the best thing to do  
5 is hear from Judge Miller.

6 REPRESENTATIVE CLEMMONS: Thank you,  
7 Mr. Bryant, for sharing your thoughts today. We  
8 respect your right to certainly have input into this  
9 process and share any concerns that you have personal  
10 knowledge of. We appreciate that, sir.

11 MR. BRYANT: Thank you.

12 REPRESENTATIVE CLEMMONS: If you could have a  
13 seat. If we could call Judge Miller back to the stand.

14 JUDGE MILLER: Yes, sir.

15 REPRESENTATIVE CLEMMONS: Judge Miller, would  
16 you care to share a response to the length that we just  
17 heard?

18 JUDGE MILLER: Yes, sir. I think my written  
19 response addresses the issues that Mr. Bryant has  
20 raised.

21 This did involve a probate -- well, the care  
22 and treatment of an adult incapacitated daughter. It  
23 began, I think, in the mid to late '90s. I believe,  
24 because I'm not -- didn't have access to those files.  
25 I think in Richland County a judgment was entered on

1 her behalf. She received a fund. Ms. Bryant was  
2 appointed guardian to protect those funds.

3 The adult child was moved to Greenville. The  
4 Greenville probate court oversaw the protection of this  
5 adult, incapacitated child.

6 I don't have the notes right in front of me,  
7 but in 2009 or 2010, there was a -- Ms. Bryant was  
8 removed as the guardian. There was a lawsuit filed.  
9 And if my memory serves me correctly, there was an  
10 order entered in probate court in which all the  
11 parties, the parties involved in the case we're  
12 discussing released each other of all claims.

13 Shortly thereafter -- and Ms. Bryant was  
14 reinstated as the guardian for the child.

15 Shortly thereafter, Richland County issued an  
16 order where they removed her as the guardian because of  
17 improprieties with the fund associated with the child.

18 Shortly after that, Ms. Bryant filed a  
19 lawsuit in Greenville County suing some of the people  
20 who had been released in the probate court. And she  
21 filed the lawsuit and had called the local television  
22 station who met her on the courthouse grounds. She  
23 gave an interview about the lawsuit.

24 Apparently, the defendant -- one of the  
25 defendants in the lawsuit saw that, got her attorney to

1 go get the complaint. And he filed a motion to  
2 dismiss. I happened to be the judge who was hearing  
3 nonjury motions on the week that that case was set. I  
4 granted the motion to dismiss and awarded attorney's  
5 fees, I think at the same hearing.

6 And we went on with protracted litigation  
7 after that. Ms. Bryant refused to pay the attorney's  
8 fees, said it on the record. Would not come to  
9 hearings.

10 The appeal that Mr. Bryant referred to was  
11 filed out of time. She has, that I could see in the  
12 files I have from Greenville County, three appeals all  
13 of which have been dismissed for failure to prosecute.  
14 To serve them.

15 I disagree with Mr. Bryant. I believe that  
16 once a case is filed in the clerk's office, we are a  
17 record notice state. That is a lawsuit. And in my  
18 response, I noted that it's one of the duties of  
19 administrative judges all over the state to dismiss  
20 lawsuits that have been filed and there has been no  
21 service. So it's not as if this is a novel issue.

22 And also would point out that I was never  
23 served with the lawsuits. I amended my question 34 in  
24 the PDQ, and I had never been served with those  
25 lawsuits. I didn't know they existed, and they had



1 been dismissed. So I think there was a lawsuit. I did  
2 have jurisdiction.

3 Ms. Bryant just refused to comply with the  
4 orders of the court. I submitted a copy of the  
5 transcript to the commission, and I think that speaks  
6 for itself.

7 I don't take any great pleasure in holding  
8 anyone in contempt, and I certainly didn't want to do  
9 it with Ms. Bryant. But I did in this case.

10 REPRESENTATIVE CLEMMONS: Thank you,  
11 Judge Miller.

12 Do commission members have questions of  
13 Judge Miller?

14 Yes, Senator Malloy.

15 SENATOR MALLOY: Judge, what was the ruling  
16 on the contempt? You held her in contempt?

17 JUDGE MILLER: Well, she -- the hearings  
18 would be set. She wouldn't appear. We would reset  
19 them. And so Mr. Pillsbury filed rules to show cause.  
20 And at the last one where I did hold her in -- whether  
21 it was a hearing, she appeared, and I said, "Ma'am, I  
22 --" you know, and that's the transcript. "I don't want  
23 to put you in jail --" but I felt like she was backing  
24 me into a corner. And I gave her 30 days to work out  
25 something with the attorney.

1           He was upset because he felt the judges --  
2           and he -- it's in the transcript -- were bending over  
3           backwards for this pro se litigant and not holding her  
4           feet to the fire, so to speak. And when she did not  
5           comply with that, then a -- the process was issued  
6           which resulted in a bench warrant.

7           SENATOR MALLOY: 30 days in jail, but you  
8           didn't give her time to make arrangements?

9           JUDGE MILLER: No. I didn't put her in jail.  
10          No, sir.

11          SENATOR MALLOY: I'm sorry, the sentence --

12          JUDGE MILLER: I never sentenced her. We've  
13          never seen her again. She never came. And I point out  
14          that the probate court, after that hearing, held her in  
15          contempt and I think put her in jail, I believe. From  
16          my reading some of the orders. So ...

17          REPRESENTATIVE CLEMMONS: Representative  
18          Bannister.

19          REPRESENTATIVE BANNISTER: If I'm reading the  
20          transcript correctly, you held her in contempt and you  
21          gave her 30 days to comply with the order. You let her  
22          leave knowing that if she didn't comply in that 30  
23          days, she was going to be held in contempt. And then  
24          they had to re-serve her, and she has not come back to  
25          Court in your courthouse since then.

1 JUDGE MILLER: Yes, sir. That's correct.

2 REPRESENTATIVE BANNISTER: Okay.

3 JUDGE MILLER: Yes, sir.

4 REPRESENTATIVE CLEMMONS: Senator Martin.

5 SENATOR MARTIN: The issue that Mr. Bryant  
6 kept referring to about the appeal.

7 JUDGE MILLER: Yes, sir.

8 SENATOR MARTIN: You referenced it early on  
9 in your remarks about the Court of Appeals, the notice  
10 not having been filed. Had a motion for the appeal  
11 been filed and just hadn't been served?

12 JUDGE MILLER: Well, she claimed that at one  
13 of the previous hearings, that she was going to file a  
14 notice of appeal.

15 SENATOR MARTIN: Right. Never did?

16 JUDGE MILLER: Well, I think that was in  
17 January. Then this hearing was later in the spring.  
18 And I can't remember why, but for some reason I called  
19 the Court of Appeals to see if she had never filed a  
20 notice of appeal because this case had come back. And  
21 they had no notice whatsoever of it.

22 We held the hearing and then later that day  
23 the Court of Appeals called me back and said they'd  
24 received, after my phone call, via UPS a notice of  
25 appeal that was dated back in January. But they never

1 received it and it was not filed until whenever the  
2 hearing was later in the spring.

3 SENATOR MARTIN: So that didn't put in  
4 abeyance your order?

5 JUDGE MILLER: No, sir. I had already issued  
6 my order.

7 SENATOR MARTIN: Right.

8 JUDGE MILLER: I wouldn't have gone forward  
9 if there was a pending appeal. There was not a pending  
10 appeal.

11 I -- based on the history that I dealt with  
12 Ms. Bryant, I question whether or not that notice of  
13 appeal was ever sent until that day. That would be  
14 my -- the inference I would draw from it.

15 REPRESENTATIVE CLEMMONS: Any other questions  
16 by commission members on this matter?

17 Senator Malloy.

18 SENATOR MALLOY: What I was trying to -- my  
19 question was, you gave her an opportunity to work it  
20 out?

21 JUDGE MILLER: Yes, sir. That's all we  
22 wanted to do. You know, I'm not looking to punish  
23 someone for this kind of conduct. Just would like her  
24 to comply with the orders of the court. She, on the  
25 record, said she would not do that. And I still gave

1 her more time to think about it.

2 SENATOR MARTIN: You actually let her leave  
3 that day?

4 JUDGE MILLER: Yes, sir. Yes, sir.

5 SENATOR MARTIN: It was her choice to leave  
6 the state and not comply?

7 JUDGE MILLER: Yes, sir. I wasn't -- I'm not  
8 party to whatever negotiations Mr. Bryant referred to.  
9 I have no idea about that. So I wasn't -- didn't  
10 participate in any of that.

11 SENATOR MALLOY: And the initial basis was  
12 that you had jurisdiction because we are a notice  
13 state?

14 JUDGE MILLER: A notice state, that she filed  
15 a lawsuit. And the attorney for one of the defendants  
16 went and picked it up. Ms. Bryant claimed that because  
17 she hadn't effected service, that it wasn't a lawsuit.  
18 And I believe today that it is a lawsuit. I think when  
19 it's filed, we have a record notice, I mean, it would  
20 be picked up just as SLED picked up my lawsuits that I  
21 didn't know about.

22 And that person -- and she grandstanded with  
23 it. I don't mean to cast stones, but she called the  
24 television station and met them at the courthouse and  
25 talked about the lawsuit and how this -- I don't know

1 what she said. I never saw the video.

2 SENATOR MALLOY: Just one to clarify. When  
3 you said "picked it up," what you're really saying is  
4 she picked it up from the courthouse from the clerk's  
5 office?

6 JUDGE MILLER: The lawyer for the defendant  
7 went to the courthouse, got it from the clerk's office.  
8 Yes, sir. Then filed a motion to dismiss. I happened  
9 to be the judge who was on the bench the week that  
10 motion was set. And so I was the lucky one who got to  
11 hear it.

12 REPRESENTATIVE CLEMMONS: Any other  
13 questions?

14 Hearing none, thank you very much for your  
15 responses to those questions, Judge Miller. The  
16 complaint of Mr. Bryant is a part of the record as well  
17 as your response to that complaint and will be a part  
18 of our deliberations.

19 JUDGE MILLER: And I might add, if I might.  
20 I have never seen Mr. Bryant until tonight. I don't  
21 believe he's ever been in my courtroom. I've never had  
22 any dealings with him in the courthouse.

23 REPRESENTATIVE CLEMMONS: Very good. Thank  
24 you very much, Judge. If you would have a seat.

25 Mr. Bryant, may I invite you back to the

1 stand, please.

2 Mr. Bryant, you have constitutional right to  
3 respond, and I would like to offer you that opportunity  
4 if you so deem fit.

5 MR. BRYANT: Okay. I believe it was vague on  
6 which hearing the gentleman was asked about. My wife  
7 didn't show up for the last hearing, and there was no  
8 opportunity. And the appeal was about the hearing  
9 before that. It wasn't out of time, the notice intent.  
10 She had to leave because she knew what was going to  
11 happen when she went back because she had already been  
12 ordered to pay and she hadn't. And she refused to pay  
13 because the case was never heard.

14 It was not a frivolous case. The Ombudsmen  
15 office had investigated and founded it. Several  
16 agents -- those letters between attorneys, you know,  
17 Rob Stilwell to Tracy Parsons, they should be in the  
18 record there. The letters between them about the abuse  
19 that had gone on. So the case was not frivolous.

20 But the evidence was never presented because  
21 the plaintiffs were never allowed the opportunity.

22 And as far as the negotiation between me and  
23 Mr. Pillsbury, I have a letter from Mr. Pillsbury, if  
24 you all would like me to enter it in, discussing the  
25 payment arrangements.

1 SENATOR MARTIN: Mr. Bryant.

2 MR. BRYANT: Yes, sir.

3 SENATOR MARTIN: If I may, were you present  
4 when Ms. Bryant told the court that she didn't intend  
5 to pay it?

6 MR. BRYANT: No, sir, I was not.

7 SENATOR MARTIN: So can you understand why  
8 the court did impose -- did ultimately sign a contempt  
9 order or find her in contempt or issue the warrant --

10 MR. BRYANT: The warrant wasn't for contempt.  
11 It was for failure to appear.

12 SENATOR MARTIN: Failure to appear, but why  
13 wouldn't she appear? She already told the court she  
14 had no intent to pay it.

15 MR. BRYANT: She filed the notice of intent  
16 to appeal, and she thought that took it out of his  
17 jurisdiction.

18 SENATOR MARTIN: Well, that's not what  
19 happened.

20 MR. BRYANT: Yes, sir.

21 SENATOR MARTIN: That's clearly not what  
22 happened because they didn't get it -- it wasn't  
23 received at the Court of Appeals. It did not stay the  
24 judge's order.

25 MR. BRYANT: Well, that was our



1 understanding. The Court of Appeals told her that it  
2 stayed it. The notice of intent, she said it stayed  
3 it. It takes it out of his jurisdiction.

4 SENATOR MARTIN: That all she had to do was  
5 appeal that?

6 MR. BRYANT: Yes.

7 SENATOR MARTIN: But she told the court that  
8 she wasn't going to pay it.

9 MR. BRYANT: She didn't intend to pay it.

10 SENATOR MARTIN: Well, that's her choice.

11 MR. BRYANT: Yes, sir.

12 SENATOR MARTIN: We can't litigate her choice  
13 here tonight.

14 MR. BRYANT: No, sir.

15 REPRESENTATIVE CLEMMONS: Any other questions  
16 of Mr. Bryant's reply?

17 Senator Malloy.

18 SENATOR MALLOY: Just one thing you said.  
19 Was there ever any discussion on why there wasn't a  
20 voluntary dismissal if they started -- that your wife  
21 thought that this case was now pending, you know, and I  
22 voluntarily withdraw it.

23 MR. BRYANT: Because the case had merit.

24 SENATOR MALLOY: Okay.

25 MR. BRYANT: Like I said, the Ombudsmen had

1 already did an investigation and founded it. Also, the  
2 guardian ad litem that was appointed or the guardian  
3 that was appointed wrote back to Judge Stilwell now,  
4 who was my wife's lawyer at that time, acknowledging it  
5 and not doing anything about it.

6 SENATOR MALLOY: So as you stated before, it  
7 was your understanding that the case had merit, and it  
8 wouldn't be pursued as a viable case?

9 MR. BRYANT: Yes.

10 SENATOR MALLOY: My last thing is a little  
11 bit rhetorical. The last sentence says, it is, "It has  
12 separated me from my spouse."

13 I mean, I won't ask you for a response, but I  
14 would blame my wife if she was gone.

15 REPRESENTATIVE CLEMMONS: Thank you. Are  
16 there any other comments or questions?

17 MR. STROM: So do you think the court -- do  
18 you think the Court of Appeals did something wrong when  
19 they did the filing of the notice of intent to appeal?

20 MR. BRYANT: No. It was filed and clocked  
21 in.

22 MR. STROM: It was filed and clocked in  
23 where?

24 MR. BRYANT: Yes, sir. Right here Columbia.

25 MR. STROM: Okay. At the Court of Appeals?

1 MR. BRYANT: At the Court of Appeals. Yes,  
2 sir.

3 MR. STROM: But it was late according to --

4 MR. BRYANT: It all depends on. It was an  
5 ongoing hearing. Was it late? Was it late? I don't  
6 know.

7 MR. STROM: That's what they said, that it  
8 was late.

9 MR. BRYANT: Who said that?

10 MR. STROM: Isn't that what the Court of  
11 Appeals said, is that the appealed was filed untimely?  
12 The notice of intent to appeal was filed untimely?

13 MR. BRYANT: They may have. I'm not sure.

14 MR. STROM: So that wouldn't be on  
15 Judge Miller, that would be on the Court of Appeals.

16 MR. BRYANT: That part would, yes.

17 MR. STROM: All right. Thank you.

18 REPRESENTATIVE CLEMMONS: Any other  
19 questions?

20 Hearing none, Mr. Bryant, thank you for being  
21 here today and testifying in this matter.

22 MR. BRYANT: Yes, sir.

23 MS. DEAN: Mr. Bryant -- I apologize.

24 Mr. Bryant, I just wanted to, for housekeeping matters,  
25 make sure that your affidavit -- if you were

1 comfortable with your affidavit being offered as an  
2 exhibit to this hearing?

3 MR. BRYANT: Yes, I am.

4 MS. DEAN: Thank you.

5 (EXHIBIT 67A, Witness Affidavit Form, was  
6 marked for identification.)

7 MR. BRYANT: Excuse me, if I may speak. The  
8 only thing that I didn't bring out that I wanted to  
9 bring out was the warrant that was issued on my wife  
10 for failure to appear was done as a criminal warrant,  
11 not a civil warrant. And it had on it that she was  
12 punishable by -- I think one year to death as a  
13 sentence. That is kind of outrageous. I would say,  
14 you know, it should have been noted.

15 REPRESENTATIVE CLEMMONS: Any other  
16 questions?

17 Thank you very much, Mr. Bryant.

18 MR. BRYANT: Okay. Thank you.

19 REPRESENTATIVE CLEMMONS: Yes, sir.

20 Judge Miller, would you take the stand again,  
21 please.

22 JUDGE MILLER: Yes, sir.

23 REPRESENTATIVE CLEMMONS: We'd like to  
24 proceed now with the remaining questions. If you will  
25 please answer counsel's questions.

1 JUDGE MILLER: Yes, sir.

2 MS. DEAN: Thank you, Chairman.

3 Just as procedure, finishing up with the  
4 transition from one piece to another, I wanted to make  
5 sure you were comfortable with your response and the  
6 accompanying documents being offered as an exhibit to  
7 this hearing?

8 JUDGE MILLER: Yes, ma'am.

9 MS. DEAN: All right. Thank you.

10 Now transitioning to these other questions.

11 Judge Miller, after serving 12 years on the  
12 circuit court bench, why do you want to continue  
13 serving as a circuit court judge?

14 JUDGE MILLER: Well, I kind of like it. I've  
15 enjoyed it. And my whole legal career before I got on  
16 the bench, I was called myself a courthouse rat. I  
17 just loved being in the courthouse. I still love being  
18 in the courthouse and enjoy the work and the people and  
19 not ready to quit get. If you all will have me.

20 MS. DEAN: Thank you, Judge Miller.

21 Please explain one or two brief  
22 accomplishments that you feel you have completed during  
23 your tenure on the bench and a goal you would like to  
24 accomplish if reelected.

25 JUDGE MILLER: Accomplishments. Well, I'm

1 honored to serve on the Judicial Conduct Commission.  
2 I'm honored to be one of the original business court  
3 judges, which has been a really good experience. We  
4 are growing -- the business court is growing. Just  
5 recently expanded and added judges.

6 And I am also on the e-filing committee. And  
7 Greenville County is one of the pilot counties for  
8 that, so looking forward to helping implement that over  
9 the next year.

10 MS. DEAN: Thank you, Judge.

11 As you already referred to, you indicated in  
12 your amended PDQ that since your last screening nine  
13 lawsuits were filed by prisoners naming you as a  
14 defendant along with others. All of these were  
15 dismissed without service being made.

16 Would you like to offer any other statement  
17 regarding those lawsuits?

18 JUDGE MILLER: I can't say I remember any of  
19 the nine people. But if there are only nine, I guess  
20 I'm lucky. But, no, I don't really have anything to  
21 add to that.

22 MS. DEAN: Thank you, Judge.

23 Now just moving to housekeeping issue.  
24 There's several yes-or-no questions. First, have you  
25 sought or received the pledge of any legislator prior

1 to this date?

2 JUDGE MILLER: No, I have not.

3 MS. DEAN: Have you sought or have you been  
4 offered a conditional pledge of support of any  
5 legislator pending the outcome of your screening?

6 JUDGE MILLER: No, I have not.

7 MS. DEAN: Have you asked any third parties  
8 to contact members of the General Assembly on your  
9 behalf?

10 JUDGE MILLER: No, I have not.

11 MS. DEAN: Are you aware of anyone attempting  
12 to intervene in any part of this process on your  
13 behalf?

14 JUDGE MILLER: No, I'm not.

15 MS. DEAN: Have you contacted any members of  
16 the commission?

17 JUDGE MILLER: Well, Mr. Bannister is a  
18 lawyer that appears before me on a regular basis, so  
19 other than that, I have not.

20 MS. DEAN: You understand that you are  
21 prohibited from seeking a pledge or a commitment until  
22 48 hours after the formal release of this commission's  
23 report?

24 JUDGE MILLER: Yes, I do.

25 MS. DEAN: Have you reviewed the commission's

1 guidelines on pledging?

2 JUDGE MILLER: Yes, I have.

3 MS. DEAN: And as a follow-up to that, are  
4 you aware of the penalties for violating the pledging  
5 rules, that is, it is a misdemeanor and upon conviction  
6 the violator must be fined not more than \$1,000 or  
7 imprisoned not more 100 days?

8 JUDGE MILLER: Yes, ma'am.

9 MS. DEAN: I would note that the Upstate  
10 Citizens Committee reported that Judge Miller is  
11 qualified for constitutional qualifications and well  
12 qualified for all remaining criteria, which is ethical  
13 fitness, professional and academic ability, character,  
14 reputation, physical health, mental stability,  
15 experience, and judicial temperament.

16 I would just note for the record that any  
17 concerns raised during this investigation regarding the  
18 candidate were incorporated into today's questioning.

19 Mr. Chairman, I have no further questions.

20 REPRESENTATIVE CLEMMONS: Thank you very  
21 much.

22 Are there questions by members of the  
23 commission?

24 Yes, Dean Wilcox.

25 DEAN WILCOX: Judge, given the complaint we



1 just heard, I'd like -- given the complaint we just  
2 heard, I would like to offer you the opportunity to  
3 just tell us a little bit what your approach is in  
4 dealing with pro se individuals when they appear in  
5 your court, what you think that -- you mentioned that  
6 the questions there as to bending over backwards and  
7 things. What's is your sort of attitude on how to  
8 treat this?

9 JUDGE MILLER: Well, I think there's an  
10 emphasis on trying to give them the opportunity to  
11 represent themselves. I generally, although we are not  
12 supposed to -- judges are not supposed to give them any  
13 benefit if they decide to represent themselves. We  
14 hold them to the same standards as we would an  
15 attorney. That, of course, is a -- I guess I would  
16 describe it as a zone of conduct. And so I think that  
17 we try to afford those pro se people the widest  
18 latitude that we can, or I do with respect to that.

19 I will say it's much more pleasant to have  
20 someone represented by an attorney because you don't  
21 run into some of the problems, procedural issues, and  
22 that sort of thing.

23 But it happens all the time in criminal  
24 court. We just make sure they understand what their  
25 rights are. They have a right to an attorney. And we

1 do give them a zone of latitude, I guess would be the  
2 best way to put it.

3 DEAN WILCOX: Thank you.

4 REPRESENTATIVE CLEMMONS: Yes, sir,  
5 Mr. Strom.

6 MR. STROM: Do you have -- do you have the  
7 complete record, or did you put all that together to  
8 compile your response, all the orders?

9 JUDGE MILLER: I got some of them. I don't  
10 have all of them. I know Judge Few, we were --  
11 Judge Few has touched this case. I couldn't find the  
12 order that he was involved in. I have Judge Barber's  
13 order. I have a couple of Judge Sauvain's orders.  
14 I've got orders from Judge Welmaker. I've got orders  
15 from Judge Hill.

16 MR. STROM: What I'm seeing here, it looks  
17 like we've got a draft of your order holding her in  
18 contempt. It's not a signed order. And I think  
19 because we've had this allegation made, we need to get  
20 all the orders and make it part of the record. I think  
21 we ought to have a complete file.

22 Do we have all that stuff?

23 JUDGE MILLER: If I might, I don't believe I  
24 signed any kind of bench warrant that said she would  
25 serve a year to life.

1 MR. STROM: No. It didn't say anything like  
2 that. That's why I would like to have the whole record  
3 so we can document -- okay. Maybe we do have it.

4 SENATOR MARTIN: If I may, while he's looking  
5 at that, if I may.

6 JUDGE MILLER: Yes, sir.

7 SENATOR MARTIN: There's no guarantee that  
8 the bench warrant was issued for failure to appear. If  
9 she had appeared, that doesn't mean you were going to  
10 send her to jail.

11 JUDGE MILLER: No, sir, it doesn't. I  
12 just -- the counsel for the -- he was -- Mr. Pillsbury  
13 was very upset. They had been through protracted  
14 litigation in probate court, protracted litigation in  
15 circuit court. He would have liked to given her a year  
16 to life, I'm sure. But, no, all we wanted her to do  
17 was to appear. And she failed to appear. And at that  
18 point I would have had to decide what to do. But I've  
19 never had the opportunity. She's not come before me  
20 for a determination of how to deal with it.

21 MR. STROM: Judge Miller, I think I have your  
22 order now. It's dated filed on April 16th. And it  
23 says this case before the court on the 14th. Second  
24 rule to show cause. You go through why you ordered her  
25 to pay the amount of money, that you plan to contact

1 counsel for the defendant.

2 It is ordered that the plaintiff is in  
3 willful contempt of the order. As a result of her  
4 willful contempt of the order of this court, plaintiff  
5 shall be arrested by the Greenville Sheriff's Office  
6 and incarcerated until a further hearing can be held.

7 The Greenville County Clerk of Court shall  
8 issue a bench warrant for the arrest of the plaintiff  
9 due to her contempt. And is further ordered that upon  
10 the payment to the counsel for the defendant in the sum  
11 of \$9,639 in cash or certified check, the plaintiff may  
12 purge the contempt.

13 Does that sound accurate?

14 JUDGE MILLER: Yes, sir, it does.

15 MR. STROM: So you found her in contempt,  
16 ordered a bench warrant, and allowed her to purge it.  
17 Which is pretty standard practice of a contempt order  
18 to pay the amount of money that was due?

19 JUDGE MILLER: Yes, sir. Which I think would  
20 constitute civil contempt trying to encourage her.

21 MR. STROM: It looks like in the record  
22 there's another contempt order and another arrest  
23 benchmark from the probate judge.

24 JUDGE MILLER: Yes, sir. I think she went to  
25 jail in probate court. I think. I'm not sure about

1 that. With purged from that one.

2 MR. STROM: I don't have anything further.

3 SENATOR MARTIN: Just for the record, if I  
4 may. Isn't it true she told the court verbally that  
5 she had no intention of honoring the order of the  
6 court?

7 JUDGE MILLER: Yes, sir. That is in the  
8 transcript which I submitted to the commission.

9 SENATOR MARTIN: I think that's something the  
10 commission needs to understand. This whole thing  
11 started -- because she called me as well. For the  
12 record, called me and called other senators and other  
13 house members. She told me at the time this had been,  
14 what, two years ago, three years ago?

15 JUDGE MILLER: Yes, sir.

16 SENATOR MARTIN: Two or three years ago. And  
17 then she called my office this last week, Ms. Bryant  
18 did, wanted to speak with me. Of course, I wasn't  
19 here. And she spoke with Ms. Shuler. And I urged her  
20 not to talk to me because I'm on the commission now. I  
21 wasn't on the commission when she talked to me earlier.

22 And I told her, I said, "Tell my office, just  
23 for the record." But she insisted that she wanted to  
24 talk to me. I couldn't talk to her because I'm on the  
25 commission.

1           But I urged her then to make this right in  
2 the conversations that I had with her. But I wanted  
3 the record to reflect that the judge, his recollection,  
4 his testimony and the record will reflect that the  
5 court was told in here in open hearing, she had no  
6 intention of paying it or ordering -- or complying with  
7 the order of the court. That's what started this whole  
8 thing.

9           JUDGE MILLER: Yes, sir.

10           REPRESENTATIVE CLEMMONS: Are there any other  
11 questions or comments?

12           Hearing none, Judge Miller, thank you so much  
13 for being here tonight. Thank you for your patience  
14 and our schedule getting off track.

15           That concludes this portion of the screening  
16 process. As you know, the record will remain open  
17 until report is published. And you may be called back  
18 at such time if that need should arise.

19           I'll remind you of the 48-hour rule and ask  
20 you to be mindful of it. And we would also ask that  
21 you remind anyone that should inquire about advocating  
22 on your behalf in the event that you are screened out,  
23 that -- remind them of the 48-hour rule and its  
24 implications.

25           We thank you for offering your continued

1 service, and we appreciate what you have done thus far  
2 for South Carolina.

3 JUDGE MILLER: Thank you all very much.

4 REPRESENTATIVE CLEMMONS: Thank you.

5 JUDGE MILLER: Good night.

6 (The Honorable Edward Ned Miller exited the  
7 room.)

8 \* \* \* \* \*

9 (The Honorable John C. Few is present in the  
10 room.)

11 REPRESENTATIVE CLEMMONS: Ladies and  
12 gentlemen, we have before us the Honorable John C. Few,  
13 who seeks nomination and reelection to the Court of  
14 Appeals, Seat 5.

15 Judge Few, thank you for being here. Thank  
16 you for your patience.

17 JUDGE FEW: It's an honor to be here. Thank  
18 you.

19 REPRESENTATIVE CLEMMONS: Will you please  
20 raise your right hand to be sworn.

21 Do you swear to tell the truth, the whole  
22 truth and nothing but the truth, so help you God?

23 JUDGE FEW: I do.

24 REPRESENTATIVE CLEMMONS: Thank you very  
25 much.

1           Judge Few, have you had an opportunity to  
2 review your responses to your personal data  
3 questionnaire?

4           JUDGE FEW: I have. Yes, sir.

5           REPRESENTATIVE CLEMMONS: Is it correct?

6           JUDGE FEW: It is.

7           REPRESENTATIVE CLEMMONS: Does it in any way  
8 need to be amended or changed on the record today?

9           JUDGE FEW: The only thing that needed to be  
10 amended, and I can't recall whether it was actually in  
11 the PDQ or in some other document, but I submitted an  
12 amended financial statement and I submitted the figures  
13 for my travel reimbursement for 2013. Other than that,  
14 those two -- other than that, everything is correct.

15           REPRESENTATIVE CLEMMONS: The travel  
16 reimbursements are part of your state ethics form.  
17 It's not a part of the PDQ but is a part of the record.  
18 The financial statement will be taken up in executive  
19 session.

20           So with that, Judge Few, do you object to our  
21 making your personal data questionnaire as a part of  
22 the record of your sworn testimony?

23           JUDGE FEW: I do not object.

24           REPRESENTATIVE CLEMMONS: Thank you. So  
25 ordered.



1 (EXHIBIT 72, Personal Data Questionnaire of  
2 The Honorable John C. Few, admitted.)

3 REPRESENTATIVE CLEMMONS: The Judicial Merit  
4 Selection Commission has thoroughly investigated your  
5 qualifications for the bench. We received no  
6 affidavits filed in opposition to your election and no  
7 witnesses are present to testify other than yourself.

8 Do you have a brief opening statement that  
9 you would like to share with the commission?

10 JUDGE FEW: No, sir.

11 REPRESENTATIVE CLEMMONS: That's most  
12 prudent.

13 Please answer counsel's questions.

14 MR. DENNIS: Judge Few, good evening. You  
15 also have in front of you a sworn statement that you  
16 provided to the commission with answers to over 30  
17 questions on a variety of topics. Are there any  
18 portions of that statement you wish to amend at this  
19 time?

20 JUDGE FEW: I'm flipping through it, but I  
21 don't think so. There's nothing that -- there's  
22 nothing to amend.

23 MR. DENNIS: Thank you, Judge.

24 At this point, Chairman Clemmons, I would ask  
25 that his sworn statement be made a part of the record.

1                   REPRESENTATIVE CLEMMONS: Thank you,  
2                   Mr. Dennis.

3                   Is there any objection?

4                   Hearing none, so ordered.

5                   (EXHIBIT 73, Sworn Statement of The Honorable  
6                   John C. Few, admitted.)

7                   MR. DENNIS: Judge Few, we're going to get  
8                   right to the very few issues of which you're here  
9                   tonight and skip over the perfunctory questions.

10                  You received 400 ballot box surveys regarding  
11                  your candidacy for chief judge of the South Carolina  
12                  Court of Appeals. 38 of those included additional  
13                  comments. Nine of the written comments expressed some  
14                  level of concern that you and I have previously  
15                  discussed. Those comments seem to suggests in one  
16                  instance that you might be a bit argumentative and  
17                  difficult from the bench during oral argument. Would  
18                  you please offer additional response to that.

19                  JUDGE FEW: Well, I am argumentative, I  
20                  suppose. I really love doing this, and in particular,  
21                  I love the dialogue that exists between lawyers about  
22                  law and how to resolve cases. It's something that goes  
23                  all what the way back to my days as a practicing  
24                  lawyer. My favorite part of the whole thing was to get  
25                  into either an argument over a legal motion or to be in

1 trial. And so I'm -- that's my style.

2 My style on the bench is very engaging. I  
3 ask a lot of questions. I press for the answers -- to  
4 get answers to the questions. And that is a style that  
5 lends itself, and I'm aware of this, it lends itself  
6 sometimes to people having a reaction that I would  
7 rather them not have. That perhaps I am overbearing,  
8 perhaps I am being unfair. And it requires me to  
9 discipline myself. And so I work real hard to  
10 discipline myself to keep that from happening.

11 Sometimes you get a feel for a lawyer who  
12 also enjoys that little bit more heated dialogue, and  
13 sometimes you get a feel that a lawyer doesn't  
14 understand that that dialogue can be under certain  
15 circumstances normal. So I have to be real careful,  
16 and I try very hard not to allow lawyers to draw any  
17 kind of -- to feel like I'm being overbearing.

18 But it is -- it's a style that helps me to do  
19 my job the best I can because I feel like I -- one of  
20 my strengths in the legal field and particularly from  
21 the bench is my ability to get to the heart of the  
22 matter through questions and answers and cooperation  
23 with my colleagues, of lawyers. It helps me to get to  
24 the real issue in the case which helps us ultimately to  
25 get a better decision.

1 MR. DENNIS: Thank you, Judge.

2 Additionally there is a single ballot box  
3 response that makes mention of your, their term,  
4 "personal life" as an issue. It gives no additional  
5 suggestion as to what that means, but as you and I have  
6 discussed previously, would you offer some observations  
7 to the commission.

8 JUDGE FEW: Well, I mean, I think those of  
9 you who have been on the commission for a few years are  
10 aware of some of the things that have been thrown  
11 around in the past about my personal life. I have  
12 taken these comments and these inquiries very, very  
13 seriously.

14 And over the last six or seven years, since  
15 this first came up, which would have been about 2007, I  
16 have made certain that I carry myself outside the  
17 courtroom, wherever I am, in a fashion that would make  
18 you folks proud that I'm your chief judge of the Court  
19 of Appeals and make the public proud and have  
20 confidence in me as a judge.

21 So I'm aware of these criticisms. Sometimes  
22 I feel as though you can't really control some of the  
23 things that people are going to say about you. A spot  
24 becomes a point of vulnerability, perhaps, and it's  
25 something that folks feel free to take advantage of.

1           So I take it seriously, but I can assure the  
2 committee that in recent -- really the whole time but  
3 certainly in recent years, I have been very careful to  
4 control my behavior outside the court in such a way  
5 that is befitting of a judge.

6           MR. DENNIS: Thank you, Judge.

7           At this point, I think we need a brief  
8 executive session to discuss a private matter.

9           REPRESENTATIVE CLEMMONS: Senator Martin  
10 moves we go into executive session.

11           Representative Bannister seconds the motion.

12           All those in favor say "aye."

13           (Members respond.)

14           Those opposed, nay.

15           The ayes have it.

16           The veil is dropped. We are in executive  
17 session.

18           (The members went into executive session.)

19                           \*   \*   \*   \*   \*

20           (The members came out of executive session.)

21           REPRESENTATIVE CLEMMONS: We're back on the  
22 record.

23           SENATOR MALLOY: I would just let the  
24 committee know and --

25           THE COURT REPORTER: I can't hear you. I'm

1       sorry. Can you turn the microphone on?

2               SENATOR MALLOY: -- that Judge Few and I were  
3       classmates in law school. We actually knew each other  
4       in college. We were both representing our respective  
5       university. I've been through a lot of the situation  
6       with him and his personal life. He's a frequent  
7       visitor to Darlington County. I think we've had an  
8       incidental contact maybe about a month ago when he was  
9       visiting his cousin, Former Governor David Beasley, he  
10      was passing in town and wanted to see if I was there.  
11      But we didn't get a chance to meet. I wanted to let  
12      the committee know that kind of thing.

13              REPRESENTATIVE CLEMMONS: Thank you for that  
14      disclosure, Senator Malloy.

15              DEAN WILCOX: Disclosures, the chief judge  
16      also is an adjunct faculty member at the law school. I  
17      hired him in that position before I was in this body.  
18      But he currently teaches at the law school.

19              REPRESENTATIVE CLEMMONS: Any other questions  
20      or disclosures?

21              Mr. Dennis.

22              MR. DENNIS: Thank you.

23              Just a few very simple yes-or-no questions to  
24      finish out the record here. Have you sought or  
25      received the pledge of any legislator prior to this

1 date?

2 JUDGE FEW: No.

3 MR. DENNIS: Have you sought or have you been  
4 offered a conditional pledge of support of any  
5 legislator pending the outcome of your screening?

6 JUDGE FEW: No.

7 MR. DENNIS: Have you asked any third parties  
8 to contact members of the general assembly on your  
9 behalf?

10 JUDGE FEW: No.

11 MR. DENNIS: Are you aware of anyone  
12 attempting to intervene in any part of this process on  
13 your behalf?

14 JUDGE FEW: No.

15 MR. DENNIS: Have you contacted any members  
16 of this commission?

17 JUDGE FEW: Not -- I see members of the  
18 commission from time to time. Senator Malloy and Dean  
19 Wilcox just described some of those, but as far as the  
20 business of the commission, absolutely not.

21 MR. DENNIS: Do you understand that you're  
22 prohibited from seeking a pledge or commitment until 48  
23 hours after the formal release of the commission's  
24 report?

25 JUDGE FEW: I understand.

1 DEAN WILCOX: Have you reviewed the  
2 commission's guidelines on pledging?

3 JUDGE FEW: Yes, I have.

4 MR. DENNIS: As a follow up, are you aware of  
5 the penalties for violating the pledging rules, that  
6 is, it's a misdemeanor and upon conviction, the  
7 violator must be fined not more than \$1,000 or  
8 imprisoned not more than 90 days?

9 JUDGE FEW: I'm aware of that.

10 MR. DENNIS: I would note for the record that  
11 the Upstate Citizens Committee found Judge Few  
12 qualified in the evaluative criteria of constitutional  
13 qualifications; well qualified in the remaining  
14 criteria of ethical fitness, professional and academic  
15 ability, character, reputation, physical health, mental  
16 stability, experience, and judicial temperament.

17 Mr. Chairman, I have incorporated all  
18 concerns about this candidate into the questioning  
19 today, and I do not have any further questions.

20 REPRESENTATIVE CLEMONS: Thank you,  
21 Mr. Dennis.

22 Any questions by commission members?

23 Hearing none, Judge Few, personally and on  
24 behalf of the commission, we thank you for your service  
25 to the State of South Carolina.



1 JUDGE FEW: Thank you. Thank you all. Thank  
2 you very much.

3 REPRESENTATIVE CLEMMONS: That concludes this  
4 portion of the screening process.

5 Judge Few, as you know, the record will  
6 remain open until the report is published. You may be  
7 called back in at such time if that need should arise.

8 We remind you of the 48-hour rule and ask you  
9 to be mindful of that. Anyone that should inquire with  
10 you about whether they may or may not advocate for you  
11 in the event you are screened out, we ask that you  
12 remind them of the 48-hour rule and its implications.

13 We thank you for offering, and we thank you,  
14 as I said earlier, for your service to the state.

15 JUDGE FEW: Thank you, sir. You all have a  
16 good night.

17 REPRESENTATIVE CLEMMONS: Thank you. You  
18 too.

19 (The Honorable John C. Few exited the room.)

20 REPRESENTATIVE CLEMMONS: Do we have a motion  
21 to go into executive session?

22 SENATOR MARTIN: Motion.

23 REPRESENTATIVE BANNISTER: Second.

24 REPRESENTATIVE CLEMMONS: So moved by  
25 Senator Martin and seconded by Representative

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Bannister.

All of those in favor say "aye."

(Members respond.)

REPRESENTATIVE CLEMMONS: Opposed, nay.

The ayes have it.

We are back in executive session.

(The members went into executive session.)

(The hearing recessed at 10:01 p.m.)

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CERTIFICATE OF REPORTER

I, Sheri L. Byers, Registered Professional Reporter and Notary Public for the State of South Carolina at Large, do hereby certify:

That the foregoing proceedings was taken before me on the date and at the time mentioned on page 1 and the proceedings were recorded stenographically by me and were thereafter transcribed under my direction; that the foregoing transcript as typed is a true, accurate and complete record of the proceedings to the best of my ability.

I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof.

Witness my hand, I have hereunto affixed my official seal this 21st day of November, 2014, at Columbia, Richland County, South Carolina.

*Sheri L Byers*



Sheri L. Byers,  
Registered Professional Reporter,  
Notary Public  
State of South Carolina at Large  
My Commission expires:  
October 30, 2023

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