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STATE OF SOUTH CAROLINA

JUDICIAL MERIT SELECTION COMMISSION

PUBLIC HEARINGS ON  
JUDICIAL QUALIFICATIONS

H E A R I N G S

DATE: Thursday, November 6, 2014  
TIME: 9:30 a.m.  
LOCATION: Blatt Building  
Room 516  
1105 Pendleton Street  
Columbia, South Carolina  
REPORTED BY: NISHA GORDON  
Court Reporter

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1 COMMISSION MEMBERS PRESENT:  
2 CHAIRMAN REPRESENTATIVE CLEMMONS  
3 VICE CHAIRMAN SENATOR LARRY A. MARTIN  
4 SUSAN TAYLOR WALL  
5 JOSEPH PRESTON "PETE" STROM, JR.  
6 REPRESENTATIVE DAVID J. MACK, III  
7 SENATOR GERALD MALLOY  
8 REPRESENTATIVE BRUCE W. BANNISTER  
9 SENATOR CHIP CAMPSEN  
10 KRISTIAN C. BELL  
11 DEAN ROBERT M. WILCOX  
12 SCREENING ATTORNEYS:  
13 JJ GENTRY  
14 DANIEL BOAN  
15 BOB MALDONADO  
16 STEVE DAVIDSON  
17 EDWARD BENDER  
18 EMMA DEAN  
19 STEVE DAVIDSON  
20 ANDY FIFFICK  
21 JANE O. SHULER  
22 PATRICK DENNIS  
23 JAMEY GOLDIN  
24  
25

1 9:43 a.m.

2 (Executive session transpired from  
3 9:43 a.m. to 10:46 a.m.)

4 CHAIRMAN REPRESENTATIVE CLEMMONS: Ladies  
5 and gentlemen, the Judicial Merit Selection Commission  
6 is called pursuant to Chapter 19 of Title 2, South  
7 Carolina Code of Laws, requiring the review of  
8 candidates for judicial office. The function of the  
9 Commission is not to choose between candidates, but,  
10 rather, to declare whether or not the candidates who  
11 offer for positions on the bench, in our judgment, are  
12 qualified to fill the positions they seek.

13 The inquiry we undertake is a thorough one.  
14 It is centered around the Commission's nine evaluative  
15 criteria, and it involves a complete personal and  
16 professional background check on each candidate. These  
17 public hearings are convened for the purpose of  
18 screening the candidates.

19 Today we will screen one vacancy on the  
20 appellate court, 14 vacancies on circuit court, one  
21 vacancy on family court, and one vacancy on the equity  
22 court.

23 Good morning.

24 JUDGE BARBER: Good morning, Mr. Chairman.

25 CHAIRMAN REPRESENTATIVE CLEMMONS: Ladies

1 and gentlemen, we have before us the Honorable James R.  
2 Barber, III, who currently serves on the Circuit Court  
3 in At-Large Seat 10, and he is seeking reappointment to  
4 that seat.

5 Judge Barber, please raise your right hand  
6 and be sworn.

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

9 JUDGE BARBER: I do.

10 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
11 you, sir. Have you had an opportunity, Judge Barber, to  
12 review your responses to the personal data  
13 questionnaire?

14 JUDGE BARBER: I have.

15 CHAIRMAN REPRESENTATIVE CLEMMONS: It is  
16 correct?

17 JUDGE BARBER: Yes, sir.

18 CHAIRMAN REPRESENTATIVE CLEMMONS: Do any  
19 changes or amendments need to be made on the record  
20 today?

21 JUDGE BARBER: Not that I'm aware of.

22 CHAIRMAN REPRESENTATIVE CLEMMONS: Do you  
23 object to our making this summary a part of the record  
24 of your sworn testimony, Judge?

25 JUDGE BARBER: I do not.

1                   CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
2 you. It's so ordered at this point.

3                   (Exhibit Number 1, The Honorable James R.  
4 Barber, III's Personal Data Questionnaire, was marked  
5 for identification.)

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

15                   We have received one affidavit filed in  
16 opposition to your election, and one witness is present  
17 today to testify.

18                   At this point in the proceeding, Judge, we  
19 would ask you to take a seat, and we would invite Adrian  
20 Hammond to the stand.

21                   CHAIRMAN REPRESENTATIVE CLEMMONS: Good  
22 morning, sir.

23                   MR. HAMMOND: Good morning.

24                   CHAIRMAN REPRESENTATIVE CLEMMONS: Would  
25 you please raise your 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. HAMMOND: I do.

4 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
5 you, sir.

6 Please state your name and address for the  
7 record.

8 MR. HAMMOND: My name is Adrian Hammond,  
9 and my address is 508 Lakeside Avenue, Columbia, South  
10 Carolina.

11 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
12 you, Mr. Hammond.

13 And you are here today to testify in the  
14 matter of reelection of the Honorable James R. Barber,  
15 III, to Circuit Court, At-Large, Seat 10; is that  
16 correct?

17 MR. HAMMOND: Yes, sir.

18 CHAIRMAN REPRESENTATIVE CLEMMONS: Okay.  
19 Mr. Barber (sic), I would like to remind you and request  
20 that you be brief with your allegations and relevant  
21 testimony. Your testimony should relate to Judge  
22 Barber's character and fitness. It's not meant to be a  
23 re-litigation of your case. It should be limited to his  
24 character and fitness based upon your personal  
25 observations.

1 Do you have a brief opening statement you  
2 would like to make at this time?

3 MR. HAMMOND: I would like to just get into  
4 the facts.

5 CHAIRMAN REPRESENTATIVE CLEMMONS: Very  
6 well, sir, but before you do so, would you please answer  
7 Counsel's questions.

8 MR. GENTRY: Mr. Hammond, in 2008, the  
9 Commission received testimony from you in a hearing  
10 regarding your complaint against Judge Barber. Please  
11 briefly explain your current complaint against Judge  
12 Barber, specifically related to any new allegations,  
13 from the time period of the previous hearing going  
14 forward.

15 MR. HAMMOND: Yes, sir. I'm here today to  
16 testify that in the 2008 hearing that we held here at  
17 State House, I accused Judge Barber of a number of  
18 allegations that occurred in the circuit court.

19 One of the allegations was such things as  
20 ex parte. He accepted ex parte communications, and not  
21 only did he accept ex parte from the other party, he  
22 acted on those -- on the letter, the ex parte letter  
23 that he received from the other -- from the defendants  
24 in this matter.

25 But we had the hearing in 2008 about those

1 facts. I don't know what the Commission didn't see  
2 about some of the allegations that were put against him  
3 then, but in his defense, in the 2008 hearing, one of my  
4 allegations was that -- in the ex parte letter. And one  
5 of the ways that he had acted on it is, when we -- when  
6 I filed the actual suit, the defendants was like at the  
7 state to file a motion to dismiss. After the motion was  
8 filed by the defendants to dismiss, we were all sent out  
9 court notices to be in court to hear the motion.

10 The first hearing came up. Judge -- excuse  
11 me. Attorney Jay Bender did not attend the first motion  
12 that he filed for his client, and that was excusable  
13 because he, in fact, did have court that week.

14 So Judge Lee, who -- Judge Lee was the  
15 original judge that was assigned to the case originally,  
16 and Judge Lee continued the matter, and we were set to  
17 hear it again. And then in the second motion, Judge --  
18 Jay Bennett just didn't appear.

19 Now, mind you that the whole time that this  
20 was going on in the circuit court, I did not know there  
21 was a letter that was written to Judge Barber informing  
22 him that this certain case was back on the docket, and  
23 he needed him to schedule it. So if you look at the  
24 language in the letter, what made it so crucial was --  
25 as far as me accusing him of acting on it, if you pay



1 attention to the language in the letter, he ended it  
2 with hopes that he would schedule it for trial -- I  
3 mean, for a motion hearing.

4 Well, the problem with that is,  
5 Commissioner, that the hearing was already set. We both  
6 were informed to be in court, and there was no excuse  
7 for the letter.

8 And so when that second hearing came before  
9 Judge Lee again, he did not show. She stopped the  
10 hearing to call his office to contact him. He was not  
11 available in no way, so she continued -- she dismissed  
12 his complaint -- I mean, his motion to dismiss. That's  
13 basically in my favor if you kind of look at it, because  
14 they didn't show up for court, basically.

15 So without my knowledge, I just -- I get --  
16 received a notice in the mail to be in court again on  
17 the same motion.

18 Now, one of the other violations that I  
19 believe that was greatly committed by Judge Barber, he  
20 allowed Judge -- I mean, excuse me -- Attorney Jay  
21 Bender to have another motion hearing without him filing  
22 any motions for the hearing to be held. And that's  
23 clearly a violation of civil procedures.

24 Okay. In the 2008 hearing, we had a  
25 hearing about those -- some of those -- about those

1 facts, and in Judge Barber's defense, I accused -- well,  
2 in one of my litigations, I accused him of abusing his  
3 chief administration judgeship by acting on the letter  
4 by scheduling the hearing and -- rescheduling the  
5 hearing without any motions filed by the defendant.

6 He assigned himself to hear the case, and  
7 he also -- as chief administrative judge, his  
8 responsibility is to disperse the case amongst the  
9 judges that's in the court. And like I said, I accused  
10 him of assigning his -- assigning himself to the case.

11 And what he did was, when he sent out the  
12 notices to the extra hearing that it wasn't -- that it  
13 had no motions filed for, he put Judge Lee's name at the  
14 bottom of that form. If you pay attention to the  
15 December 14th, 2006, hearing notice to be in court, you  
16 will see Judge Lee down at the -- the name at the bottom  
17 of that letter, of that court notice.

18 Now, in the 2008 hearing, in Judge Barber's  
19 defense, he waived that very paper in my face, telling  
20 me, Mr. Hammond, see there? There's no way that your  
21 allegations are true because look here. If you can read  
22 on the paper, if you can see, Judge Lee's name is at the  
23 bottom of that paper.

24 And that, basically, was his saving point  
25 in that hearing in 2008, and it made him look good. It

1 made me look like a liar. It made me look like I was  
2 coming up with allegations as a distraught litigant. It  
3 made me look like I was nothing.

4 But lo and behold, if you do your history,  
5 if you look into the history of chief judgeships, you  
6 can go onto the website, and they'll show you who all  
7 served as chief administrative judge and what time they  
8 served.

9 And Judge Barber clearly lied to the  
10 Committee, to this very Commission, in 2008, deeming  
11 this court notice of -- the December 14th court notice  
12 to be good, which, in fact, it wasn't, because Judge Lee  
13 was not the chief administrative judge that assigned --  
14 that was assigned to the -- that assigned this case.  
15 She was not the chief administrative judge at the time.  
16 It was Judge Barber. And in that 2008 hearing, he tried  
17 to make it look like it was Judge Lee that signed it  
18 when, in fact, again, it was himself.

19 And that is a clear violation of lying to  
20 the Commission at State House, let alone his  
21 responsibilities as a judge in keeping up the honor and  
22 the integrity that these courts are supposed to have.

23 I think Judge Barber greatly put that in  
24 jeopardy, and as long as he's the judge and deciding on  
25 people's lives in the manner that he conducted over

1 mine, we are in serious trouble here in South Carolina.

2 And as far as any more allegations, I don't  
3 want to go too deep into what happened in the past, but  
4 like I said, I'm here today because he lied to this  
5 Commission.

6 And if you pay attention to the  
7 December 14th court notice and pay attention to the  
8 judge -- the chief judge chart and who was chief judge  
9 and the language that he used trying to deem Judge Lee  
10 as -- putting him as far as being the -- to preside over  
11 the case, that all was a lie. He was the judge, the  
12 chief administrative judge at the time this notice was  
13 mailed out, and he did it with ill will.

14 And I have nothing to say towards it, but I  
15 reserve my right to respond to his response.

16 MR. GENTRY: Mr. Hammond, as I understand  
17 from your affidavit and the testimony you just gave  
18 today, you believe Judge Barber provided inaccurate  
19 information at the 2008 screening hearing of Judge  
20 Barber; is that correct?

21 MR. HAMMOND: Yes, sir.

22 MR. GENTRY: Have you had any contact with  
23 Judge Barber since that 2008 hearing?

24 MR. HAMMOND: No, sir.

25 MR. GENTRY: Mr. Chairman, I have no

1 further questions for Mr. Hammond.

2 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
3 you very much, Counsel.

4 Mr. Hammond, please entertain any questions  
5 that members of the Commission may have for you.

6 MR. HAMMOND: Yes, sir.

7 CHAIRMAN REPRESENTATIVE CLEMMONS: Members,  
8 do you have any questions?

9 Senator Campsen.

10 SENATOR CAMPSEN: What was the underlying  
11 cause of action?

12 MR. HAMMOND: The underlying cause of  
13 action?

14 SENATOR CAMPSEN: Yes.

15 MR. HAMMOND: I had a -- well, actually, I  
16 filed a civil suit against The State newspaper here in  
17 South Carolina, and one would wonder why Judge Barber  
18 would overreach in a situation. Why would this young  
19 man accuse Judge Barber of overreaching in your  
20 situation? Why? I mean, that would be the number one  
21 question.

22 SENATOR CAMPSEN: What was the suit against  
23 The State newspaper?

24 MR. HAMMOND: What happened was, I was  
25 falsely accused in a school shooting, and I was put in

1 the front page of the paper, of the newspaper here, and  
2 I filed suit for -- because of that. And Judge -- and  
3 that's why -- basically why we're here now.

4 SENATOR CAMPSEN: The paper named you as a  
5 suspect in a shooting?

6 MR. HAMMOND: Yes, sir, as a juvenile. And  
7 they showed -- and I was on -- my picture was placed on  
8 the front page of The State newspaper here in Columbia,  
9 South Carolina, at 16 years old, and that was against  
10 the law.

11 And at the time, we sued. That's -- I  
12 wasn't going to get into it, but one would wonder why  
13 Judge Barber would overreach the way he did in this  
14 situation.

15 What happened was, in that particular  
16 lawsuit, he allowed Jay Bender to file. For example,  
17 whatever rules come up with that particular setting  
18 today, the law that's enacted are the laws that you go  
19 by as far as the day that the incident occurred. In my  
20 case, my accident occurred one year. Two years later,  
21 they repealed the law to change the language of it, and  
22 that's how they kind of like crossed up my situation.

23 And that's -- Jay Bender -- I felt like Jay  
24 Bender -- well, Judge Barber overreached in this matter,  
25 because the way my suit was dismissed, it was not

1 applicable to the law at all.

2 SENATOR CAMPSEN: Thank you.

3 MR. HAMMOND: Yes, sir.

4 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
5 you.

6 Dean Wilcox.

7 DEAN WILCOX: Is my understanding correct,  
8 sir, that the basis of your belief that this occurred in  
9 the way you say is that the document was dated in  
10 December and that -- December 14th, I believe it is.

11 MR. HAMMOND: Yes.

12 DEAN WILCOX: And that in reviewing the  
13 online records of who the chief administrative judge in  
14 2006 -- that it was Judge Barber, and that is the basis  
15 for your belief that it could not have been Judge Lee.

16 MR. HAMMOND: It was not Judge Lee, but  
17 he --

18 DEAN WILCOX: Well --

19 MR. HAMMOND: -- lied to the Commission and  
20 said it was.

21 DEAN WILCOX: But the -- is that the reason  
22 you're under that belief, because of the date of this  
23 document being December, and when you go back and look,  
24 you see in December, she was not yet the administrative  
25 judge? Is that why you believe that --

1 MR. HAMMOND: That's the basis.

2 DEAN WILCOX: All right. Do you have any  
3 additional knowledge, specific knowledge, that Judge  
4 Barber in any way directed that a document be sent out  
5 over Judge Lee's name or did -- in other words, do you  
6 have any evidence that he communicated with the clerk's  
7 office and indicated that this should be sent out over  
8 her name as opposed to his?

9 MR. HAMMOND: Well, it wouldn't be no other  
10 way to do that other than getting -- being inside of his  
11 head or inside of his office at the time he dismissed  
12 it. But that's why I didn't really accuse him of it  
13 right off top, because he could easily have said it was  
14 a clerical mistake. But anything can be misprinted, or  
15 it could have been a mistake or anything.

16 But what I did, I waited until we got in  
17 the Committee -- in front of the Commission, and he  
18 deemed that paper as being good.

19 DEAN WILCOX: Well, but you don't have any  
20 information that you're -- you know of personally that  
21 he had a communication at the clerk's office indicating  
22 that her name should be put on this, do you?

23 MR. HAMMOND: Well, there's no way other  
24 than what he tried -- after the way he tried to use that  
25 to -- document.



1 DEAN WILCOX: But you're going by  
2 inferences as opposed to actual knowledge.

3 MR. HAMMOND: There's no way unless a clerk  
4 came and something came and -- behind his back and tried  
5 to call me or something.

6 DEAN WILCOX: But nobody -- you -- you have  
7 no --

8 MR. HAMMOND: Other than him validating  
9 that being good as far as the way it was orchestrated.  
10 He kind of like made evidence against himself in that  
11 Committee hearing.

12 DEAN WILCOX: Have you at any time  
13 communicated with the clerk of court to ask for their  
14 explanation of how this might have occurred?

15 MR. HAMMOND: I did, and they kind of like  
16 went in -- they went to scrambling. Anyway, I forgot  
17 the guy's name at the time, but he kind of went to  
18 scrambling, and they really couldn't answer my questions  
19 in a way that would make me feel confident. So we kind  
20 of like just -- I filed complaints against Judge Barber  
21 in response.

22 So we did contact one of the people in the  
23 clerk's office. I forgot his name. He still works  
24 there, as a matter of fact, right now. I can get the --  
25 I can get his name back to the Committee, but he did act

1 like things wasn't going the way they do normally.

2 And that's why I went there and act the way  
3 I do. All my -- I did all I knew what to do as far as  
4 filing the appropriate actions.

5 DEAN WILCOX: And that's fine. I  
6 understand. I just wanted to clarify exactly the basis  
7 of your belief that he has somehow falsified a document,  
8 which is really what I think you're trying to say.

9 MR. HAMMOND: Yes, yes.

10 DEAN WILCOX: Is your inference drawn from  
11 the fact that you have looked at the date of this and  
12 the timing? And that -- that becomes important, because  
13 I think the explanation given is that it is the normal  
14 practice of the court that when a hearing is to be  
15 scheduled, it's the time of the scheduled date of the  
16 hearing that determines which judge issues the order.

17 And so --

18 MR. HAMMOND: Well, Judge --

19 DEAN WILCOX: -- the fact that the hearing  
20 was going to be held in 2007 when Judge Lee was the  
21 administrative judge would explain why her name would  
22 appear on this as opposed to his.

23 MR. HAMMOND: Well, maybe he should have  
24 got with Judge Barber to let -- make him -- that should  
25 have been his argument in 2008.

1 DEAN WILCOX: Well, we'll talk to him, but  
2 I just --

3 MR. HAMMOND: And -- and -- and that was  
4 the reason why I had to kind of like wait it out to  
5 avoid him declaring it a clerical mistake or anything as  
6 far as it being a mistake. Well, in that 2008 hearing,  
7 he told me -- he told the Commission that it was no way  
8 he could have assigned himself to the case because,  
9 look, he waived it in my face behind -- I was sitting  
10 like around (indicating), and he deemed it as good.

11 DEAN WILCOX: Thank you.

12 CHAIRMAN REPRESENTATIVE CLEMMONS: Any  
13 other questions by the Commission members?

14 Very well.

15 Mr. Hammond, thank you so much. If you  
16 would have a seat for a moment, we'll invite Judge  
17 Barber back to the stand.

18 MR. HAMMOND: All right. Thank you, sir.

19 CHAIRMAN REPRESENTATIVE CLEMMONS: Judge  
20 Barber, would you like to take an -- this opportunity to  
21 respond?

22 JUDGE BARBER: Well, thank you. I don't  
23 know how much detail you want.

24 I heard a case in 1997 that he had -- where  
25 he had sued the newspaper. I heard a motion to dismiss

1 and dismissed it. As far as I know, he may have  
2 appealed it or didn't appeal it. I don't know what  
3 happened. It was the law of the case.

4 And apparently, in 2006, he filed another  
5 lawsuit. I knew nothing about the filing of the  
6 lawsuit. At the end of -- when we -- a case is six  
7 months old in Richland County, the clerk of court sends  
8 a letter out to everybody saying, This case is six  
9 months old. It will be put on the trial roster in six  
10 months.

11 If there's any motions that need to be  
12 heard, any problems, you need to schedule a status  
13 conference or ask for a motion. Mr. Bender wrote me as  
14 the administrative judge, asking me to schedule a  
15 motion. I took it to the clerk; it had already been  
16 scheduled.

17 Apparently, in November, when it was to be  
18 heard in front of Judge Lee, Mr. Bender failed to  
19 appear, she issued a form for an order saying dismiss  
20 for failure to appear.

21 Apparently, again, in December, a notice  
22 was sent out under Judge Lee's name scheduling it for me  
23 in January. As the administrative judge, we don't have  
24 non-jury. It gets back about the first week in January  
25 scheduling a non-jury. I knew nothing about Judge Lee

1 having dismissed the case in November. I wouldn't have  
2 ever known anything about it.

3           When I went back to try and reconstruct  
4 this record in 2008, I saw where Judge Lee had sent out  
5 the notice, and I assumed that she was the  
6 administrative judge. For 2007, it would have been  
7 under her guidance that that roster would have been  
8 prepared. The clerk of court prepares the roster. We  
9 have a non-jury clerk.

10           Judges don't prepare the roster. We can  
11 ask something to be put on it. I don't know  
12 Mr. Hammond. I've had one hearing in front of him and  
13 had never had any contact with him before. I have  
14 certainly no interest in doing anything to Mr. Hammond  
15 other than giving him his fair hearing in a courtroom.

16           I wouldn't have known that hearing was  
17 scheduled in front of me until I got the roster,  
18 probably a few days before the January 2nd hearing. I  
19 certainly did not do anything to alter any documents.  
20 As a matter of fact, when that motion -- when that  
21 letter went out, I was on vacation. I had vacation the  
22 week of December 11th, and I've got this from the thing.

23           So I just wouldn't have known anything  
24 about that case being on the roster other than Judge Lee  
25 would have been the judge that would have -- the

1 administrative judge. I acknowledged I was the  
2 administrative judge for the year 2006, but I had no  
3 interest in trying to hear Mr. Hammond's case. I just  
4 heard the case when it came up on the roster in 2007.

5 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
6 you. Any questions of Judge Barber on this issue?

7 Thank you, Judge Barber. We would invite  
8 you to have a seat, and we invite Mr. Hammond back to  
9 the stand.

10 Mr. Hammond, do you care to reply to --

11 MR. HAMMOND: Yes, sir.

12 CHAIRMAN REPRESENTATIVE CLEMMONS: -- the  
13 response?

14 MR. HAMMOND: I keep -- I kept hearing what  
15 he didn't know. I didn't know. I wouldn't do. I would  
16 expect that.

17 But if you pay attention to the ex parte  
18 letter, that is an ex parte letter, which is a violation  
19 of the Canon. The language in letter -- let's pay  
20 attention to the date first before we get into the  
21 language.

22 The date of that letter is November 17th,  
23 and that's after he missed the first hearing trial.  
24 Then he had a court -- he had a trial for that week, and  
25 that's the -- ten days before December 27th, when we

1 were scheduled to go before Judge Lee. Now, that's ten  
2 days scheduled before we were supposed to go before  
3 Judge Lee.

4 The letter was sent out under the two --

5 CHAIRMAN REPRESENTATIVE CLEMMONS:

6 Mr. Hammond, if I could just interrupt you for one  
7 second.

8 MR. HAMMOND: Yes, sir.

9 CHAIRMAN REPRESENTATIVE CLEMMONS: Our real  
10 focus, our only focus on your -- on the issues that you  
11 raise are going to have to be limited to the new  
12 allegations that you've raised, the new allegation of  
13 the untruth, the lie --

14 MR. HAMMOND: Okay.

15 CHAIRMAN REPRESENTATIVE CLEMMONS: -- that  
16 will you allege was --

17 MR. HAMMOND: Well, he's lying now, because  
18 when he's saying he didn't know this and know that to --  
19 in overreaching this matter, his letter and the language  
20 of the ex parte letter clearly contradicts what he just  
21 said.

22 Now, when it comes down to the untruth in  
23 the 2008 hearing, it's clearly a situation where -- he  
24 didn't really touch on that too much, as far as him  
25 validating that letter to be good, as far as him trying

1 to save himself of the allegations I was accusing him  
2 of.

3 But, sir, it's clear. We can hear about  
4 this clerical stuff that a judge -- a chief justice has  
5 to go with, but Judge Lee was very much of -- aware of  
6 this -- of the letter that stated Judge Lee's name as  
7 the chief judge in the 2008 hearing.

8 If you pay attention to the transcript, he  
9 clearly tried to use that as his defense, and it clearly  
10 was a lie that he stood on.

11 And I rest my case. Thank you, sir.

12 CHAIRMAN REPRESENTATIVE CLEMMONS:

13 Mr. Hammond, thank you.

14 Let me just ask before you step down, if  
15 any members of the Commission have any questions with  
16 regard to your reply.

17 Hearing none, Mr. Hammond, thank you for  
18 participating in the hearing today.

19 MR. HAMMOND: Okay.

20 CHAIRMAN REPRESENTATIVE CLEMMONS: I  
21 appreciate you bringing your concerns before the  
22 Commission. That -- your concerns will be considered by  
23 the Commission as we evaluate Judge Hammond based upon  
24 the nine evaluative criteria -- I'm sorry -- Judge  
25 Barber based upon the nine evaluative criteria, which is



1 our duty upon to -- upon which we review each and every  
2 judge.

3 Thank you for your input today.

4 MR. HAMMOND: I thank you so much for  
5 hearing me.

6 CHAIRMAN REPRESENTATIVE CLEMMONS: We  
7 appreciate you being with us today.

8 MR. HAMMOND: All right. Thanks.

9 CHAIRMAN REPRESENTATIVE CLEMMONS: Judge  
10 Barber, would you please take the stand.

11 JUDGE BARBER: Yes, sir.

12 CHAIRMAN REPRESENTATIVE CLEMMONS: Would  
13 you please respond to the questions of Counsel.

14 MR. GENTRY: Mr. Chairman and Members of  
15 the Commission, I have a procedural matter to take care  
16 of with regards to Judge Barber.

17 Judge Barber, you have before you the sworn  
18 statement you provided with detailed answers to over 30  
19 questions regarding judicial conduct, statutory  
20 qualifications, office administration, and temperament.

21 Are there any amendments you'd like to make  
22 to your sworn statement?

23 JUDGE BARBER: No, sir.

24 MR. GENTRY: Mr. Chairman, I would ask that  
25 Judge Barber's sworn statement be entered as an exhibit

1 into the hearing.

2 CHAIRMAN REPRESENTATIVE CLEMMONS: Is there  
3 any objection?

4 Hearing none, it's so ordered.

5 (Exhibit Number 2, The Honorable James R.  
6 Barber, III's Sworn Statement, was marked for  
7 identification.)

8 MR. GENTRY: Judge Barber, why do you want  
9 to continue serving as a circuit court judge?

10 MR. ALEXANDER: Well, I've served for  
11 17-and-a-half years, and I have another 14 or 15 months  
12 that I'm eligible to continue to serve. At that time  
13 I'll be -- reach mandatory retirement age, so I'd like  
14 to continue to serve as long as I can.

15 I also want to be able to exercise the  
16 options of sitting as an active, retired judge at the  
17 end of my term in December of 2015 if I'm successful in  
18 my efforts here today.

19 MR. GENTRY: Please explain one to two  
20 brief accomplishments that you feel you have completed  
21 during your tenure and a goal that you'll like  
22 accomplished before you retire.

23 JUDGE BARBER: Well, I think one of the  
24 things that I'm most proud of is when I was the  
25 administrative judge the last time, and we had

1 implemented several programs, which I thought were very  
2 helpful to moving cases, one of which is, we've got it  
3 so if you file a motion in Richland County, you can get  
4 it heard in 30 days. All trials could be heard in one  
5 year. All non-jury trials could be heard in six months.

6 We have a lot of non-jury. We schedule no  
7 hearings on Friday so that people can call and say, I've  
8 got a motion for summary judgment that needs to be heard  
9 because we're coming up in two weeks. And I think we  
10 really put our docket in a good position here in  
11 Richland County.

12 As far as what I can accomplish in the next  
13 14 months, I'm probably going to be fairly limited. I'm  
14 not the administrative judge for Richland County or the  
15 fifth circuit at all in the next -- at least through  
16 June of 2015. What I hope to accomplish is just to work  
17 hard and try to be as good a judge as I possibly can.

18 MR. GENTRY: The commissioner received 234  
19 ballot-box surveys regarding you, with 15 additional  
20 comments. The ballot-box survey, for example, contained  
21 the following positive comments.

22 A distinguish jurist who reflects great  
23 upon himself and the bench. No better judge in South  
24 Carolina, and a steady, competent, wise, fair judge.

25 Eight of the written comments express

1 concerns, primarily focused on your temperament.

2           Would you like to offer a response with  
3 regards to this temperament concern?

4           JUDGE BARBER: Well, I understand that the  
5 judge has to show good temperament and be fair and  
6 impartial to people and be polite, giving them whatever  
7 opportunity they need within the rules of our courts to  
8 participate. I would imagine most complaints arise  
9 primarily out of one of the things I expect of  
10 lawyers -- is, one, to be on time; and, two, is to be  
11 prepared.

12           And when I was the administrative judge, I  
13 would expect of them when their case was up for trial,  
14 if we hadn't heard from them before, to be ready to go  
15 forward with trial. And if I don't give them a  
16 continuance sometimes, that seemed to upset the court.  
17 But I clearly understand what it means to be a -- the  
18 judge with good temperament, and I try to do that at  
19 every opportunity.

20           MR. GENTRY: Thank you, Judge Barber.

21           A few housekeeping issues.

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

24           JUDGE BARBER: No. Oh, no.

25           MR. GENTRY: Have you sought or have you

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

3 JUDGE BARBER: No, I have not.

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

7 JUDGE BARBER: I have not.

8 MR. GENTRY: Are you aware of anyone  
9 attempting to intervene in any part of this process on  
10 your behalf?

11 JUDGE BARBER: I am not.

12 MR. GENTRY: Have you contacted any members  
13 of the Commission?

14 JUDGE BARBER: No, I have not.

15 MR. GENTRY: Do you understand that you are  
16 prohibited from seeking a pledge or commitment until 48  
17 hours after the formal release of the Commission's  
18 report?

19 JUDGE BARBER: I do.

20 MR. GENTRY: Have you reviewed the  
21 Commission's guidelines on pledging?

22 JUDGE BARBER: I have.

23 MR. GENTRY: As a follow-up, are you aware  
24 of the penalty 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 JUDGE BARBER: Yes. I'm aware of it.

4 MR. GENTRY: In response to Mr. Hammond's  
5 compliant, you submitted some materials to the  
6 Commission in writing. Do you have any opposition to  
7 those materials being entered into the record at this  
8 time?

9 JUDGE BARBER: I do not.

10 MR. GENTRY: Mr. Chairman, I'd ask that  
11 those materials be entered into the record.

12 CHAIRMAN REPRESENTATIVE CLEMONS: Is there  
13 any objection?

14 Hearing none, it's so ordered.

15 (Exhibit Number 3, Documents in Response to  
16 Adrian Hammond's Complaint, was marked for  
17 identification.)

18 MR. GENTRY: I would note that the Midlands  
19 Citizens Committee found that Judge Barber is  
20 well-qualified in the evaluative criteria of  
21 constitutional qualification, ethical fitness,  
22 professional and academic ability, character, reputation  
23 physical health, mental stability, experience, and  
24 judicial temperament.

25 The Committee stated, Judge Barber has

1 served for many years as an outstanding circuit court  
2 judge. He is a dedicated jurist who works hard at his  
3 craft. He is respected by all. Judge Barber is  
4 eminently qualified to serve as a circuit court judge.

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

9 Mr. Chairman, I have one other housekeeping  
10 matter, and that would be to call Mr. Hammond forward at  
11 this time.

12 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
13 you, Judge Barber. If you could have a seat for a  
14 moment.

15 Mr. Hammond, if you would, please, take the  
16 stand.

17 MR. GENTRY: Mr. Hammond, you submitted an  
18 affidavit and compliant materials to this Commission; is  
19 that correct?

20 MR. HAMMOND: Yes, sir.

21 MR. GENTRY: Do you have any opposition to  
22 those materials being made part of the record?

23 MR. HAMMOND: No, I don't. No. They can  
24 be a part of the record.

25 MR. GENTRY: Mr. Chairman, I'd ask that

1 those materials be made part of the record at this time.

2 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
3 you.

4 Is there any objection?

5 Hearing none, it's so ordered.

6 Thank you, Mr. Hammond.

7 MR. HAMMOND: Thanks.

8 CHAIRMAN REPRESENTATIVE CLEMMONS: And  
9 we'll make sure we have a complete report.

10 MR. HAMMOND: I appreciate you. Thank you,  
11 sir.

12 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
13 you very much.

14 MR. GENTRY: Mr. Chairman, I have no  
15 further questions or issues or matters.

16 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
17 you very much, Mr. Gentry.

18 Are there -- Judge Barber.

19 JUDGE BARBER: Yes, sir.

20 CHAIRMAN REPRESENTATIVE CLEMMONS: I'm  
21 sorry to make you jump up and down, but --

22 JUDGE BARBER: No problem.

23 CHAIRMAN REPRESENTATIVE CLEMMONS: -- if  
24 you'll take the stand and answer any questions the  
25 members of the Commission may have.



1 DEAN WILCOX: Mr. Chairman, if I --

2 CHAIRMAN REPRESENTATIVE CLEMMONS: Dean  
3 Wilcox.

4 DEAN WILCOX: If I may just put on the  
5 record that Judge Barber, for the last several years,  
6 has been an adjunct professor at the University of South  
7 Carolina School of Law teaching trial matters. Since I  
8 work at the school and am dean of the school, I want to  
9 put that on the record.

10 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
11 you for that disclosure.

12 Is there anything more by Commission  
13 members?

14 Hearing nothing, Mr. Barber, thank you so  
15 much for being with us today, and we -- this will  
16 conclude this portion of the screening process.

17 As you know, the record will remain open  
18 until the report is published, and you may be called  
19 back at such time, if the need arises.

20 I'll remind you of the 48-hour rule and ask  
21 you to be mindful of it. If anyone that should inquire  
22 of you whether or not they may advocate on your behalf  
23 should you be screened out, then we would ask that you  
24 also inform them of the 48-hour rule and its  
25 implications.

1                   We thank you, Judge Barber, for your  
2 service to South Carolina and for being here with us  
3 today.

4                   JUDGE BARBER: Thank you, Mr. Chairman and  
5 members of the Committee -- Commission.

6                   CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
7 you, sir.

8                   The next candidate before us will be  
9 Roger E. Henderson. Staff, will please invite Judge  
10 Henderson in.

11                   (Discussion off the record.)

12                   CHAIRMAN REPRESENTATIVE CLEMMONS: Ladies  
13 and gentlemen, we have the honor of having before us the  
14 Honorable Roger E. Henderson, the judge of the Circuit  
15 Court, 4th Judicial Circuit, Seat 2, and he is seeking  
16 nomination and reelection to that seat.

17                   Judge Henderson, it's good to have you with  
18 us here today.

19                   JUDGE HENDERSON: Thank you, sir.

20                   CHAIRMAN REPRESENTATIVE CLEMMONS: Would  
21 you please raise your right hand to be sworn.

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

24                   JUDGE HENDERSON: I do.

25                   CHAIRMAN REPRESENTATIVE CLEMMONS: Thank

1 you.

2 Have you had an opportunity, Judge  
3 Henderson, to review your responses to the personal data  
4 questionnaire?

5 JUDGE HENDERSON: I have.

6 CHAIRMAN REPRESENTATIVE CLEMMONS: It is  
7 correct?

8 JUDGE HENDERSON: It is correct.

9 CHAIRMAN REPRESENTATIVE CLEMMONS: Is it  
10 complete? Does it need to be changed or amended in any  
11 way on the record today?

12 JUDGE HENDERSON: I don't believe so, no,  
13 sir.

14 CHAIRMAN REPRESENTATIVE CLEMMONS: Do you  
15 object to our making the summary a part of the record of  
16 sworn testimony?

17 JUDGE HENDERSON: No.

18 CHAIRMAN REPRESENTATIVE CLEMMONS: It's so  
19 ordered.

20 (Exhibit Number 1, The Honorable Roger E.  
21 Henderson's Personal Data Questionnaire, was marked for  
22 identification.)

23 CHAIRMAN REPRESENTATIVE CLEMMONS: All  
24 right. The Judicial Merit Selection Commission, Judge  
25 Henderson, has thoroughly investigated your

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

8 We have no affidavits filed in opposition  
9 to your election, and no witnesses are here present to  
10 testify today other than yourself.

11 Do you have a brief opening statement you  
12 would like to share with the Commission?

13 JUDGE HENDERSON: Other than to say I'd  
14 just like to have the opportunity to serve as a circuit  
15 court judge. I've served in the family court over 19  
16 years ago now and would like to take that experience  
17 with my prior experience in the general practicing of  
18 law and, you know, sort of close out my career on the  
19 circuit bench, if at all possible.

20 CHAIRMAN REPRESENTATIVE CLEMMONS: And I  
21 apologize. I note my error in the introduction. You  
22 currently serve as a family court judge. Thank you very  
23 much for your indulgence for my mistake.

24 With that, would you please answer any  
25 questions of Counsel.

1 JUDGE HENDERSON: Yes, sir.

2 CHAIRMAN REPRESENTATIVE CLEMMONS: Senator.

3 SENATOR MALLOY: Thank you, Mr. Chairman.

4 I want to put on the record, first, that  
5 Judge Henderson is a fellow Chesterfield native, as I  
6 am. So -- and I've known him all of my life, and I  
7 appeared in front of him. Not so regularly, but  
8 somewhat. We've had appearances regarding two other  
9 cases (indiscernible) --

10 (Court reporter raising hand to indicate  
11 dialogue is inaudible as instructed to do so before the  
12 hearing.)

13 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
14 you for that disclosure, Senator.

15 With that, please respond to Counsel's  
16 questions, Judge.

17 MR. BOAN: Mr. Chairman and members of the  
18 Commission, I have a procedural matter to take care of  
19 with this candidate.

20 Judge Henderson, I believe you have before  
21 you a sworn statement you provided of detailed answers  
22 to over 30 questions regarding judicial conduct,  
23 statutory qualifications, office administration, and  
24 temperament.

25 Are there any amendments you would like to

1 make at this time to your sworn statement?

2 JUDGE HENDERSON: No, there are not.

3 MR. BOAN: As this time, Mr. Chairman, I  
4 would like to ask that Roger E. Henderson's sworn  
5 statement be entered as an exhibit into the hearing  
6 record.

7 CHAIRMAN REPRESENTATIVE CLEMMONS: Is there  
8 any objection?

9 Hearing none, it's so ordered.

10 (Exhibit Number 2, The Honorable Roger E.  
11 Henderson's Sworn Statement, was marked for  
12 identification.)

13 MR. BOAN: One final procedural matter,  
14 I'll note for the record that based on the testimony  
15 contained in the candidate's PDQ, which has been  
16 included in the record with the candidate's consent,  
17 Judge Henderson meets the statutory requirements for  
18 this position regarding age, residence, and years of  
19 practice.

20 Judge Henderson, why do you now want to  
21 serve as a circuit court judge?

22 JUDGE HENDERSON: I had a number of members  
23 of the Bar throughout the 4th circuit to approach me  
24 when Judge Baxley announced his retirement. They  
25 encouraged me to seek this seat. And as I said earlier,

1 I thought about it, and I thought that, you know, I  
2 could take, you know, my years of experience on the  
3 family court bench, apply that to the experience I had  
4 as a general practitioner of law for over 17 years, and  
5 I decided I would offer for this based on the  
6 encouragement of a lot of other lawyers.

7 MR. BOAN: Judge Henderson, are there any  
8 areas, including subjective areas, of the law that you  
9 would need to additionally prepare for in order to serve  
10 as a judge, and how would you handle that additional  
11 preparation?

12 JUDGE HENDERSON: I can't think of anything  
13 specific that I would need to work towards other than  
14 just, you know, study everything as I would anytime I  
15 had a case. So...

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

20 JUDGE HENDERSON: I think with regards to  
21 general sessions, if a term of common pleas were to  
22 break down, I think it needs to be converted to a term  
23 of general sessions to take care of the pleas, any  
24 matters that get to be disposed of, and in that manner,  
25 making sure that, you know, court is held a full five

1 days a week, which we do in the family court every week.  
2 And I would just make sure that was done in circuit  
3 court as well.

4 MR. BOAN: Judge Henderson, the Commission  
5 received 134 ballot-box surveys regarding you, with 26  
6 additional comments. The ballot-box survey contained  
7 several positive comments.

8 One calls you the most consistently  
9 professional and well-balanced family court judge I have  
10 been in front of. Another complimented your demeanor,  
11 your intelligence, and your work ethic.

12 However, two of the written comments  
13 expressed concerns and indicated that you are not  
14 even-tempered and that you act disrespectfully toward  
15 litigants, including juvenile defendants.

16 What response would you offer to this  
17 concern?

18 JUDGE HENDERSON: The only thing I can  
19 think as far as if a particular juvenile -- I have  
20 probably gotten angry when they've showed a total  
21 disregard for the Court and had no respect for the  
22 Court. Sometimes that's the only thing some people  
23 understand, is to get angry and possibly raise your  
24 voice.

25 I don't make a habit of it and never have



1 made a habit of it, but on occasion, you -- you know,  
2 you're pushed to the limit by certain litigants, adult  
3 and juvenile, as far as being disrespectful to the  
4 Court.

5 Like I said, I've been doing this for over  
6 19 years, and during the course of that time, you make a  
7 lot of people mad. It's just part of the business we're  
8 in.

9 MR. BOAN: Thank you, Judge Henderson.

10 I have a few housekeeping questions for  
11 you.

12 Have you sought or received the pledge of  
13 any legislator prior to this date?

14 JUDGE HENDERSON: No, I haven't.

15 MR. BOAN: Have you sought or have you been  
16 offered a conditional pledge of support of any  
17 legislator pending the outcome of your screening?

18 JUDGE HENDERSON: No, I haven't.

19 MR. BOAN: Have you asked any third parties  
20 to contact members of the General Assembly on your  
21 behalf?

22 JUDGE HENDERSON: No.

23 MR. BOAN: Are you aware of anyone  
24 attempting to intervene in any part of this process on  
25 your behalf?

1 JUDGE HENDERSON: Not that I know of.

2 MR. BOAN: Have you contacted any members  
3 of the Commission?

4 JUDGE HENDERSON: No, I haven't.

5 MR. BOAN: You understand that you are  
6 prohibited from seeking a pledge or commitment until 48  
7 hours after the formal release of the Commission's  
8 report?

9 JUDGE HENDERSON: I am.

10 MR. BOAN: Have you reviewed the  
11 Commission's guidelines on pledging?

12 JUDGE HENDERSON: I have.

13 MR. BOAN: And as a follow-up, are you  
14 aware of the penalties for violating the pledging rules;  
15 that is, it is a misdemeanor, and upon conviction, the  
16 violator must be fined not more than \$1,000 or  
17 imprisoned not more than 90 days?

18 JUDGE HENDERSON: I am aware of that.

19 MR. BOAN: I would note that the Pee Dee  
20 Citizens Committee found Judge Henderson qualified in  
21 the evaluative criteria of constitutional  
22 qualifications, physical health, and mental stability.

23 The Committee found him well-qualified in  
24 the evaluative criteria of ethical fitness, professional  
25 and academic ability, character, reputation, experience,

1 and judicial temperament.

2 I should just note for the record that any  
3 concerns raised during the investigation regarding this  
4 candidate were incorporated into my questioning of the  
5 candidate today.

6 Mr. Chairman, I have no further questions.

7 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
8 you.

9 Do any members of the Commission have  
10 questions?

11 Hearing none, Judge Henderson, thank you so  
12 much for being with us today.

13 This concludes this particular portion of  
14 the screening process. As you know, the record will  
15 remain open until such time that the report is  
16 published. You may be called back at such time if that  
17 occasion should arise.

18 I'll remind you of the 48-hour rule, and we  
19 ask that you be mindful of it and to instruct any others  
20 that may inquire whether they may or may not advocate on  
21 your behalf of the 48-hour rule and its implications.

22 We thank you for your service to South  
23 Carolina, Judge Henderson, and we thank you for offering  
24 for this position.

25 JUDGE HENDERSON: Thank you very much.

1 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
2 you.

3 Our next candidate is Autrey C. Stephens.  
4 Ladies and gentlemen, we have before us,  
5 Autrey C. Stephens (indiscernible) --

6 THE COURT REPORTER: I can't hear you.

7 CHAIRMAN REPRESENTATIVE CLEMMONS: Sorry.  
8 Thank you.

9 We have before us Autrey C. Stephens, who  
10 is seeking election to Circuit Court, 4th Judicial  
11 Seat -- Circuit, Seat 2.

12 Mr. Stephens, thank you for being with us  
13 today.

14 Would you please right hand and be sworn.

15 Mr. Stephens, do you swear to tell the  
16 truth, the whole truth, and nothing but the truth, so  
17 help you God?

18 MR. STEPHENS: Yes, sir.

19 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
20 you, sir.

21 Have you had an opportunity to review your  
22 personal data questionnaire?

23 MR. STEPHENS: I have.

24 CHAIRMAN REPRESENTATIVE CLEMMONS: Are the  
25 responses you've provided therein correct?

1 MR. STEPHENS: Yes, sir.

2 CHAIRMAN REPRESENTATIVE CLEMMONS: All  
3 right. Did -- does anything need to be changed or  
4 amended on the record today?

5 MR. STEPHENS: The only thing was, I had  
6 additional expenditures.

7 CHAIRMAN REPRESENTATIVE CLEMMONS: Okay.

8 MR. MALDONADO: They've been incorporated.

9 CHAIRMAN REPRESENTATIVE CLEMMONS: They  
10 have been incorporated in the personal data  
11 questionnaire in front of you, sir.

12 Other than that, is there -- are there any  
13 other amendments that need to be made?

14 MR. STEPHENS: No, sir.

15 CHAIRMAN REPRESENTATIVE CLEMMONS: Very  
16 well, sir.

17 Would you object to our making your  
18 personal data questionnaire a part of the record of your  
19 testimony -- your sworn testimony today?

20 MR. STEPHENS: No, sir.

21 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
22 you. It's so ordered in that event.

23 (Exhibit Number 1, Autrey C. Stephens'  
24 Personal Data Questionnaire, was marked for  
25 identification.)

1                   CHAIRMAN REPRESENTATIVE CLEMMONS: While  
2 staff is picking that up, Mr. Stephens, do you have  
3 someone special you'd like to introduce to us today?

4                   MR. STEPHENS: I do.

5                   CHAIRMAN REPRESENTATIVE CLEMMONS: All  
6 right.

7                   MR. STEPHENS: I have my wife, Robin, of 34  
8 years with me today.

9                   CHAIRMAN REPRESENTATIVE CLEMMONS: It's  
10 wonderful to have you with us today.

11                  MRS. STEPHENS: Thank you so much.

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

22                  We've received no affidavits found in  
23 opposition to your election and no witnesses have  
24 presented to testify with regard to your election.

25                  Do have you a brief opening statement you

1 would like to make at this time?

2 MR. STEPHENS: I'd just like to thank you  
3 for the opportunity to be here and to bring my wife,  
4 Robin, with me. It's been a pleasure to be a part of  
5 this process so far, and I look forward to answering any  
6 questions you have and for participating in this  
7 hearing.

8 One thing I would like to point out is that  
9 on my application, my birth certificate and everything  
10 has Autrey C. Stephens. At some point, I've met some of  
11 y'all and introduced myself and that's as Michael  
12 Stephens. My middle name is Carmichael, and I've always  
13 been called Michael since the day I was born. But I  
14 didn't want there to be any confusion about who was up  
15 here.

16 CHAIRMAN REPRESENTATIVE CLEMMONS: Very  
17 well. Thank you, Mr. Stephens, for that clarification.

18 If you would, please, answer Counsel's  
19 questions.

20 MR. STEPHENS: Certainly.

21 THE CLERK: Thank you, Mr. Chairman and  
22 members of the Commission. I'll begin with the  
23 procedural questions.

24 Mr. Stephens, you have before you a sworn  
25 statement that you provided with detailed answers to

1 over 30 questions regarding judicial conduct, statutory  
2 qualifications, office administration, and temperament.  
3 Are there any amendments you would like to make at this  
4 time to your sworn statement?

5 MR. STEPHENS: No, sir.

6 MR. MALDONADO: At this time, Mr. Chairman,  
7 I would like to ask that Mr. Stephens' sworn statement  
8 be entered as an exhibit into the hearing record.

9 CHAIRMAN REPRESENTATIVE CLEMMONS: Are  
10 there any objections?

11 Hearing none, it's so ordered.

12 (Exhibit Number 1, Autrey C. Stephens'  
13 Sworn Statement, was marked for identification.)

14 MR. MALDONADO: One procedural matter.  
15 I'll 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. Stephens meets the statutory requirements for this  
19 position regarding age, residence, and years of service.

20 Mr. Stephens, why do you want to be a  
21 circuit court judge?

22 MR. STEPHENS: I'd like to continue to  
23 serve the State as a circuit judge. As you can see in  
24 my application, I began as a -- in Dillon County years  
25 ago as a city police officer, deputy sheriff.



1 I was elected twice as clerk of court for  
2 Dillon County, and after that, I finished college and  
3 went to law school and served as a circuit -- I mean, as  
4 a public defender here in Richland County and as an  
5 assistant solicitor. I went the full circuit and served  
6 as a judicial law clerk. I was in private practice for  
7 approximately 20 years, and since 2008, I have served as  
8 a circuit public defender in the 4th Circuit.

9 I think with my life experience and my  
10 qualifications, I have something to offer to the State  
11 of South Carolina, and I believe I'll bring a welcome  
12 experience, not just work experience, but life  
13 experience that would be valuable on the bench and serve  
14 the good people of South Carolina.

15 MR. MALDONADO: Mr. Stephens, are there any  
16 areas, including subjective areas, in the law in which  
17 you would need to additionally prepare for in order to  
18 serve as a judge, and how would you handle such  
19 preparation?

20 MR. STEPHENS: I think that I'd probably  
21 need to do a little more on the civil side for like --  
22 I've indicated for the last eight years, I've been a  
23 circuit public defender. Most of my work -- 100 percent  
24 of my work has been on the criminal side. You know,  
25 before that, I had a private practice and did some

1 plaintiff's work and just some civil defense, but I  
2 think that I could use a little extra time and -- on the  
3 civil side through CLEs, talking with other judges.

4           And of course, fortunately, we have in  
5 Dillon County a judge on the court of appeals who could  
6 help me if I had any questions or needed any advice on  
7 the civil side.

8           MR. MALDONADO: Mr. Stephens, although you  
9 addressed this in your sworn affidavit, could you please  
10 explain to the members of the Commission what you think  
11 is the appropriate demeanor of a judge?

12           MR. STEPHENS: I think a judge should treat  
13 all parties with civility. I think that most parties in  
14 a -- any matter, any type of matter in court, they just  
15 want an opportunity to be heard, to tell their side. I  
16 think a judge should be patient with all the parties and  
17 display an even temper and treat all of the parties and  
18 the lawyers with respect as much as they'll let him.

19           But I think that the biggest thing is  
20 civility, not just for judges, but for all parties and  
21 attorneys that are practicing in the courts. But -- and  
22 I know there's -- I've seen judges that you never know  
23 what their reaction is because they always keep the same  
24 face, and some you can read like a book. But I think  
25 the ones that are even-keeled and with a good

1 demeanor -- most people, like I said, want an  
2 opportunity to be heard and feel like they've been  
3 treated fairly and given an opportunity to be heard, and  
4 I think those judges that display that even-keeled  
5 demeanor, the parties walk out with a good feeling.

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

8 MR. STEPHENS: You know, I've thought about  
9 that. I've known that the Supreme Court has appointed a  
10 committee to look at the general sessions' backlog.  
11 From what I understand, the civil backlog -- the civil  
12 side is running a little better. And of course, it  
13 always hasn't on the criminal side.

14 One thing I've always said is that, you  
15 know, when we talk about the solicitors and we get on  
16 the solicitors about the backlog of cases -- and in  
17 their defense, all I can say is that we give solicitors  
18 a docket to run and tell them to move it along smoothly.  
19 And then, on the other hand, we tell them to go out and  
20 get elected every four years.

21 So at some point there's going to be a  
22 disconnect, or there's going to be a conflict between  
23 running a docket and getting elected every four years.  
24 And I'm not saying that that happens all the time.

25 And another thing I've thought about is

1 that I know in family court and civil court, it seems  
2 like we have more of the review of cases upfront with  
3 mediation, and of course, you have to have verifications  
4 that you have a case. And I know you can't mediate all  
5 criminal cases, but if there was some way to review them  
6 a little earlier, I think it would help some of the  
7 backlog.

8 MR. MALDONADO: Mr. Stephens, the  
9 Commission received 33 ballot-box surveys regarding you,  
10 with eight additional comments. The ballot-box survey,  
11 for example, contained the following positive comments.

12 Michael would make an excellent circuit  
13 court judge. He knows what it's like practicing  
14 attorney in the past 16 years. He is a very kind and  
15 conscientious man who would make a decision based on the  
16 evidence before him and the law.

17 Seven of the written comments expressed  
18 concerns. However, one comment noted, I am concerned  
19 about A.C. Stephens ability to hold any judicial  
20 position. I do not believe he possesses the work ethic,  
21 impartiality, mental stability, character and ethical  
22 fitness, and reputation of service for circuit judge.

23 What response would you offer to this  
24 concern?

25 MR. ALEXANDER: I would say that as far as

1 impartiality in what I do right now and in every job  
2 I've held, I was to take a partial or a biased position.  
3 I've always been a zealous advocate for my clients, but  
4 I know that -- as a judge told me years ago when I was  
5 clerk of court -- we're all like spokes in a wheel. We  
6 all have our job to do. The solicitor has a job to do,  
7 the public defender, the judge. Everybody has a job to  
8 do, and we should do that job.

9 I don't -- you know, as far as -- I don't  
10 really know how to answer something general like work  
11 ethic. I don't think there's anybody -- well, let me  
12 rephrase that.

13 There's a lot of people that don't think  
14 lawyers work very hard; that they sit back and people  
15 just bring them thieves. Well, I learned early on it  
16 didn't work like that, and I think I do a good job at  
17 what I do as a circuit public defender. I try to mentor  
18 young lawyers. I try to keep open communication with  
19 the elected solicitor. We talk weekly.

20 And -- but -- and as far as stability, I  
21 think my mental and physical health are as good as  
22 they've been in years. And I just -- I would just have  
23 to say that I disagree with that assessment.

24 MR. MALDONADO: Mr. Stephens, another group  
25 of comments raised concerns about your temper, stating,

1 Mr. Stephens routinely loses his temper in unnecessary  
2 situations. Another noted, I have serious reservations  
3 about a man who regularly displays inappropriate  
4 temperament on the bench.

5 How would you respond to this?

6 MR. STEPHENS: Well, I would say that,  
7 again, as an advocate -- as a public defender, there  
8 have been times I have lost my temper with solicitors  
9 over cases. It wasn't anything personal. It didn't  
10 last. It may have been just for a moment.

11 I've never been disrespectful to the court  
12 or any of the court staff as being a zealous advocate.  
13 As I said, I have had run-ins with assistant solicitors  
14 through the years. I know that, as I said earlier,  
15 that's a part of being a good advocate.

16 A judge has a different responsibility and  
17 also that -- you know, one thing that the Bar's  
18 Qualification Committee did say, I was well-qualified in  
19 judicial temperament. That would be all I'd add.

20 MR. MALDONADO: You mentioned physical and  
21 mental health. One comment did raise a question about  
22 an unspecified physical or mental health issue that  
23 might have interfered with your responsibilities as  
24 chief public defender. Are there -- do you know of any  
25 physical or mental issues that could impair your ability

1 to perform the duties of a circuit court judge without a  
2 reasonable accommodation?

3 MR. STEPHENS: No, sir, I don't.

4 MR. MALDONADO: Mr. Stephens, the South  
5 Carolina Board Report stated that they found you overall  
6 unqualified, and more specifically, unqualified in areas  
7 of character and reputation.

8 What response would you offer this report?

9 MR. STEPHENS: Well, you know, I've seen  
10 that, and I went to my interview on one week, and the  
11 next week they called me and said they had some  
12 concerns, and they really couldn't tell me of anything  
13 specific as far as character and reputation.

14 Again, as I've said, I've been practicing  
15 law for a long time. I've been in elected politics.  
16 I've been in law enforcement. I've represented public  
17 defender clients zealously, you know, and I think my  
18 reputation and character -- of course, you know when I  
19 saw that -- I'll be honest with you -- it kind of stung  
20 a little bit for somebody to say that you have bad  
21 character and reputation, but then they couldn't tell me  
22 anything really specific.

23 But, again, I would also show -- say that  
24 the Bar said that my ethics -- ethical fitness was  
25 qualified, and my judicial temperament was

1 well-qualified. And I really don't know how to answer  
2 as far as character and reputation other than being  
3 60 years old, I guess. It has a -- you know, some  
4 people may think that being from Dillon County would  
5 give you a little negative on the character and  
6 reputation from the beginning.

7           So I think that there are people who think  
8 I have a good reputation and character; they just didn't  
9 answer the survey.

10           MR. MALDONADO: Mr. Stephens, The  
11 Commission on Lawyer Conduct states that you received a  
12 letter of caution in 2007 for violation of Rule 407, the  
13 disclaimers on lawyer advertisements. It states that  
14 the misconduct by you was minor, and there was no or  
15 very little harm to the public or administration of  
16 judges.

17           Can you explain to the Committee the  
18 circumstances of this.

19           MR. ALEXANDER: Sure. I did a real estate  
20 closing with a -- I believe it was a -- the  
21 master-in-equity in Dillon County had sold some  
22 property, and my check -- his -- the check I wrote him  
23 beat my deposit to the bank, and on Monday morning, I  
24 got it down there, and there was no harm.

25           MR. MALDONADO: Thank you, Mr. Stephens.



1 I'll finish up with some housekeeping issues.

2 Have you ever sought or pledged -- or  
3 received a pledge of any legislator prior to this date?

4 MR. STEPHENS: No, sir.

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

8 MR. STEPHENS: No, sir.

9 MR. MALDONADO: Have you asked any third  
10 parties to contact a member of the General Assembly on  
11 your behalf?

12 MR. STEPHENS: No, sir.

13 MR. MALDONADO: Are you aware of anyone  
14 attempting to intervene in any part of the process on  
15 your behalf?

16 MR. STEPHENS: No, sir, I'm not.

17 MR. MALDONADO: Have you contacted any  
18 members of this Commission?

19 MR. STEPHENS: No, sir.

20 MR. MALDONADO: Do you understand that you  
21 are prohibited from seeking a pledge until after 48  
22 hours after the formal release of the Commission's  
23 report?

24 MR. STEPHENS: Yes, sir. And to your last  
25 question, now, I have introduced myself to some of these

1 legislators on this Commission, but I haven't asked for  
2 any pledge. I just told them who I was.

3 MR. MALDONADO: Have you reviewed the  
4 Commission's guidelines on pledging?

5 MR. STEPHENS: Yes, sir.

6 MR. MALDONADO: Are you aware of the  
7 penalties for violating the pledging rules, and that  
8 it's a misdemeanor, and upon conviction, the violator  
9 must be fined not more than \$1,000 or imprisoned not  
10 more than 90 days?

11 MR. STEPHENS: Yes, sir.

12 MR. MALDONADO: I would note the Pee Dee  
13 Citizens Committee found Mr. Stephens qualified in the  
14 evaluative criteria of constitutional qualifications,  
15 physical health, and mental stability.

16 The Committee found him well-qualified in  
17 the evaluative criteria of ethical fitness, professional  
18 and academic ability, character, reputation, experience,  
19 and judicial temperament.

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

24 Mr. Chairman, I have no further questions.

25 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank

1 you, Mr. Maldonado.

2 Does any member of the Commission have a  
3 question?

4 Hearing none, Mr. Stephens, thank you.

5 SENATOR MALLOY: Mr. Chairman.

6 CHAIRMAN REPRESENTATIVE CLEMMONS: Senator  
7 Malloy.

8 SENATOR MALLOY: I want to put on the  
9 record (inaudible) --

10 THE COURT REPORTER: I can't hear you, sir.

11 SENATOR MALLOY: I want to put on the  
12 record, I think that -- in getting confirmation from my  
13 office, that I think that Mr. Stephens has contributed  
14 to my campaign on at least two or three occasions, and I  
15 just wanted to make certain that that is in the record.  
16 I think at least one time earlier this year.

17 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
18 you very much for that disclosure. Maybe I should  
19 disclose he has not contributed to (inaudible) --

20 Thank you very much for that disclosure,  
21 Senator.

22 Is there anything else by any member of the  
23 Commission?

24

25 DEAN WILCOX: May I?

1 CHAIRMAN REPRESENTATIVE CLEMMONS: You may,  
2 Dean Wilcox.

3 DEAN WILCOX: Just one quick question, sir.

4 MR. STEPHENS: Sure.

5 DEAN WILCOX: As chief public defender, I'm  
6 sure there's a lot of administrative tasks that you're  
7 doing.

8 MR. STEPHENS: Yes.

9 DEAN WILCOX: What is your current caseload  
10 in terms of active cases in court compared to the load  
11 that your assistant public defenders would carry?

12 MR. STEPHENS: At this time, I don't really  
13 have an active caseload. I'll assist wherever I'm  
14 needed. We have four counties in my circuit, and if any  
15 of the younger lawyers need assistance, that's where I  
16 go and help them out.

17 It's been a pleasure to help these young  
18 lawyers. I told one the other day that some of these  
19 things I tell you is just because I've lived longer than  
20 you have; that you'll pick them up. But I go to the  
21 jail with them when they have difficult clients, when  
22 they need to make a motion or need some help picking a  
23 jury, that kind of thing in the different -- in the  
24 different counties.

25 DEAN WILCOX: Thank you.

1                   CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
2 you, Dean Wilcox.

3                   Any other questions?

4                   Hearing none, Mr. Stephens, thank you so  
5 much. That concludes that -- this portion of our  
6 screening process. As you know, the record will remain  
7 open until the report is published, and you may be  
8 called back at such time, if that need should arise.

9                   I'll remind you of the 48-hour rule, and  
10 ask that you be mindful of it and to educate any others  
11 that may ask you whether or not they can advocate on  
12 your behalf should you be reported out.

13                   We thank you for offering for this  
14 position, and we thank you for your desire to serve the  
15 State of South Carolina.

16                   MR. STEPHENS: Thank you. Thank you all  
17 for letting me be here.

18                   CHAIRMAN REPRESENTATIVE CLEMMONS: We are  
19 moving on to the 13 Judicial Circuit, Seat 1, in which  
20 we have one candidate, Perry H. Gravely. Two -- I'm  
21 sorry. James C. Alexander will be first, followed by  
22 Perry H. Gravely.

23                   Good evening, Mr. Alexander.

24                   MR. ALEXANDER: Good morning, Mr. Chairman.

25                   CHAIRMAN REPRESENTATIVE CLEMMONS: Ladies

1 and gentlemen, we have before us James C. Alexander, who  
2 seeks nomination to the Circuit Court, 13th Judicial  
3 Circuit, Seat 1.

4 Mr. Alexander, would you please raise your  
5 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. ALEXANDER: I do.

9 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
10 you, sir.

11 Have you had an opportunity to review your  
12 responses to your personal data questionnaire?

13 MR. ALEXANDER: I have, Mr. Chairman.

14 CHAIRMAN REPRESENTATIVE CLEMMONS: Okay.  
15 And are those responses correct?

16 MR. ALEXANDER: They are correct.

17 CHAIRMAN REPRESENTATIVE CLEMMONS: And does  
18 there need to be any change or amendment made on the  
19 record today?

20 MR. ALEXANDER: No, sir.

21 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
22 you, sir.

23 Do you object to making this summary a part  
24 of the record of your sworn testimony?

25 MR. ALEXANDER: I do not.

1 CHAIRMAN REPRESENTATIVE CLEMMONS: Hearing  
2 no objections, it's so ordered.

3 (Exhibit Number 1, James C. Alexander's  
4 Personal Data Questionnaire, was marked for  
5 identification.)

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

16 We have received no affidavits filed in  
17 opposition to your election nor are there any witnesses  
18 present to testify today other than yourself.

19 Do you have a brief opening statement you'd  
20 like to share with the Commission?

21 MR. ALEXANDER: I would just make myself  
22 available for whatever questions the Commission may  
23 have.

24 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
25 you.

1 MR. ALEXANDER: I believe my responses  
2 are -- I tried to make them as thorough as I could and  
3 with the questions that were involved. So I am here to  
4 answer any questions that anybody may have about any  
5 qualifications.

6 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
7 you, Mr. Alexander.

8 In that vein, would you please respond to  
9 Counsel's questions.

10 MR. DAVIDSON: Thank you, Mr. Chairman and  
11 members of the Commission. I have a procedural matter  
12 to take care of with this candidate first.

13 Mr. Alexander, you have before you a sworn  
14 statement that you provided with detailed answers to  
15 over 30 questions regarding judicial conduct, statutory  
16 qualifications, office administration, and temperament.

17 Are there any additional amendments you  
18 would like to make at this time to your sworn statement?

19 MR. ALEXANDER: There are not.

20 MR. DAVIDSON: At this time, Mr. Chairman,  
21 I would like to ask that Mr. Alexander's sworn statement  
22 be entered as an exhibit into the hearing record.

23 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
24 you.

25 Is there any objection?



1                   Hearing none, it's so ordered.

2                   (Exhibit Number 1, James C. Alexander's  
3 Sworn Statement, was marked for identification.)

4                   MR. DAVIDSON: One final procedural matter.  
5 I'll note for the record is that based on the testimony  
6 contained in the candidate's PDQ, which has been  
7 included in the record with the candidate's consent,  
8 Mr. Alexander meets the statutory requirements of this  
9 position regarding age, residence, and years of  
10 experience.

11                   Mr. Alexander, could you please explain to  
12 the Commission why you would like to serve as a circuit  
13 court judge?

14                   MR. ALEXANDER: I've had a lot of time to  
15 think about that. I've been practicing law in South  
16 Carolina since 1978. I spent four years in the United  
17 States Air Force in JAG, so I practiced -- had the  
18 opportunity to see how the military does things.

19                   I've been here a long time. I've been a --  
20 basically, a trial lawyer my career. I do a general  
21 practice. I do some real estate.

22                   I do some wills, some general things, but  
23 primarily I handle litigation-type cases, family court,  
24 circuit court. I do social security litigation. I do a  
25 lot of litigation. I've learned a lot since I have been

1 practicing law.

2                   Early in my career, as a very young lawyer,  
3 when you see trial judges, you come in, you see the  
4 prestige, the power that they have, and you think, Yeah,  
5 that would be great. That'd be really neat to be a  
6 judge.

7                   But I learned very quickly that if that's  
8 your reasons to be a judge, you don't need to be a  
9 judge. And I've run across judges who I thought had  
10 those aspirations for why they wanted to be a judge, and  
11 I never liked to practice in front of them. So those  
12 are not my reasons.

13                   I've handled a lot of things. I believe  
14 I've appeared in front of a lot of trial judges. Since  
15 1978, I've seen a lot of trial judges and judges coming  
16 and going. I've seen the right way to do things, the  
17 wrong way to do things, how I would handle things.

18                   I've had a lot of cases, a lot of different  
19 types of cases. I've practiced extensively on the civil  
20 side of the circuit court and the criminal side. I  
21 worked with an actual public defender for Pickens County  
22 for about ten or twelve years, something like that,  
23 handling a lot of criminal cases including -- and then  
24 not counting the privately retained cases.

25                   So I've seen a lot, done a lot, a lot of

1 experience. I am -- frankly, at my age, I'm toward the  
2 end of my career, and I know that. I've got some  
3 productive years left. What I would like to do is take  
4 some of the experience that I have gotten in my many  
5 years of practice and try to give something back to my  
6 community.

7 I'm not here for the prestige of the office  
8 or the power of the office. I'd like to see what I can  
9 do.

10 I've found that the civil side of the court  
11 and on the criminal side, the trial judge sets the tone,  
12 obviously. I've seen and had clients who could never  
13 get past the civil case because of how they felt they  
14 were treated, and I would like to take the experience  
15 I've had and see if I can't help mediate these civil  
16 disputes and let people get on with their lives,  
17 regardless of the result. Some people you will never  
18 satisfy ever, regardless, but most people, if they've  
19 been treated fairly, can at least get on with their  
20 lives.

21 On the criminal side -- and obviously, the  
22 criminal justice system is extremely important. It's  
23 the fabric of our society, and I believe I've seen how  
24 that can be operated and can work.

25 So I'd like to take my experience and try

1 to give something back toward the end of my legal  
2 career. So -- and I think can do that as a trial judge,  
3 and I would like the opportunity to have that done.

4 MR. DAVIDSON: Thank you.

5 Are there any areas, including subjective  
6 or substantive areas of the law that you would need to  
7 additionally prepare for in order serve as the judge;  
8 and if so, how would you handle that additional  
9 preparation?

10 MR. ALEXANDER: I don't really think so.  
11 On the civil side of the court, I've been involved on  
12 the civil side, the common pleas side, since 1978,  
13 frequently, and I still practice extensively on the  
14 civil side.

15 My son is a lawyer. He's been a lawyer  
16 since 2003. He has a particular interest in criminal  
17 cases. So, I've let him primarily do the criminal since  
18 2003, although I still handle a case or two on the  
19 criminal side.

20 I've been able to keep up with the criminal  
21 side of the court, the general sessions, side through  
22 him because I'm, frankly, acting as a sounding board for  
23 him because he has a public defender contract in Pickens  
24 County. He handles a lot of criminal cases. So I've  
25 been able to keep up in general with the criminal side

1 of the court.

2 Frankly, I have not personally handled a  
3 criminal case in at least three to four years because  
4 I've let him do it. I have tried a case in the last  
5 five years or so, but I may have to get involved in that  
6 a little bit just -- frankly, just reading the cases for  
7 the last year. The practices and procedures test, as a  
8 result, we had to go back and read every case for the  
9 last year, September to September. That was interesting  
10 because it really got me up to speed on a lot of the  
11 criminal issues that I have not been particularly  
12 involved in since my son's been with me.

13 But I would have to do a little bit,  
14 candidly, but I think in general, I'm in pretty good  
15 shape. I know I'm in good shape on the civil side.

16 The criminal side, I might have to do a  
17 little bit of a refresher, but I believe I could do  
18 that.

19 MR. DAVIDSON: What suggestions would you  
20 offer for improving the backlog of cases on the docket  
21 both for general sessions and common pleas in the  
22 circuit court?

23 MR. ALEXANDER: In my particular county,  
24 we've got a real backlog on, particularly, the non-jury  
25 side. The jury side is not as bad. Non-jury is

1 particularly bad.

2 I find, frankly -- this is just my  
3 observation -- there are a lot of case -- to get a case  
4 tried on the non-jury side, you almost have to get it  
5 referred to a special referee.

6 And a lot of my clients ask me, Why am I  
7 having to pay a special referee when you've got a  
8 circuit judge who's getting paid to try my case.

9 And it's -- I don't have a real good answer  
10 for them. I just say, That's the way the system is, and  
11 that's what we have to go with.

12 I think that circuit judges can try more  
13 non-jury cases. That's one method rather than refer.  
14 There are some cases that have to be referred to  
15 masters-in-equity and those types of things, but there  
16 are a lot of cases that a circuit judge can try, not a  
17 jury.

18 As far as the jury side goes, I have found  
19 mediations are a breakthrough. I've settled a lot of  
20 cases in mediations. Sometimes you go to mediations and  
21 you can't quite get there. You can't quite get over the  
22 hump to get a settlement, and I've always thought that  
23 if you can get a judge involved at some process prior to  
24 the jury stage, you might be able to get over the hump  
25 on settlements.

1 I remember early in my career, we used to  
2 have status conferences all the time, and it was not  
3 just status conferences, Is your case ready for trial?  
4 It was status conferences, Tell me about your case, and  
5 let's see what we can do.

6 I really think that with the mediation  
7 system the way it is and mediation -- I know it's  
8 mandatory in my county now. It should be statewide with  
9 everything. But a mediator can identify a case as  
10 they're almost there. We couldn't quite get there. It  
11 really should probably go on another list and get a  
12 judge involved in status-type conferences because, you  
13 know, the rules allow that.

14 Judges with consent can meet with each  
15 party, and they can get them over the hump, and it may  
16 result in some settlements to where it gets it off the  
17 jury docket altogether. The solution is to settle more  
18 cases. There's only so many -- it's a fact there's only  
19 so many cases you just can't try and then we return.  
20 You just can't try a lot, and we don't have that many  
21 terms in Pickens County to start with.

22 But settlement may be getting a judge  
23 involved earlier in the process on cases, and a  
24 mediator, a good mediator are going to identify which  
25 cases could be settled or can be settled. And getting a

1 judge involved may do that, and it would certainly help  
2 the backlog.

3 MR. DAVIDSON: You disclosed on your PDQ  
4 and it said you reported two lawsuits. The first  
5 lawsuit in 1999 was a foreclosure action which you were  
6 named as a defendant because you had a lien on the  
7 property as a result of an attorney's fee.

8 Could you please explain the nature and  
9 disposition of that lawsuit.

10 MR. ALEXANDER: I have not -- and that's  
11 not the only one. I've tried to disclose a couple more.

12 Attorney's fees -- you go to family court,  
13 you get attorney's fees. I've had several people who  
14 then didn't pay their mortgage. Normally it's the other  
15 party who was supposed to pay me money.

16 They foreclose. They do a title check. A  
17 judgment pops up. They see my order.

18 They owe me attorney's fees. So they name  
19 me as a defendant because that's a lien on the property  
20 itself. And they have to name me -- they have to  
21 have -- whatever the liens are, it's got to be named to  
22 actually clear the title up.

23 And I've had that happen at least two times  
24 that I'm aware of in my career, and it involved where  
25 the opposite side in a divorce case owed me money. They



1 named me, and of course, I don't get paid anything.

2 They're just naming me to clear the title up.

3 MR. DAVIDSON: Another was filed in 2011,  
4 and you were added as a defendant in 2013. It involved  
5 an estate matter in which you represented the estate.

6 Would you explain the nature and  
7 disposition of that lawsuit as well.

8 MR. ALEXANDER: I will. I was -- I  
9 represented an estate, and in that case, the only asset  
10 in the estate, a will estate -- it was very tragic  
11 situation where a husband shot and killed his wife and  
12 then killed himself. It was a second marriage for both  
13 parties. Each party had three children.

14 I was hired to bring a wrongful death case  
15 on behalf of the wife, which I did. We got a verdict.  
16 My fee was on a contingency basis.

17 When it came down to it, and this  
18 litigation -- this is over a six- to seven-year period.  
19 The three heirs on each side obviously didn't like one  
20 another a lot, and there was no cash and no assets in  
21 the estate. They didn't pay the estate taxes, which was  
22 23 acres of real property. They didn't pay the taxes.

23 It was sold at auction for past due taxes  
24 in 2012. The heirs just refused to pay the taxes. It  
25 was going into the redemption period. It was up in

1 October of 2013, which meant the property was going to  
2 be gone.

3           These six people couldn't get along well  
4 enough. There were -- absolutely refused to redeem the  
5 property, which, of course, the property has been gone.  
6 My attorney's fee is gone.

7           So we worked out a deal where they sign  
8 over their -- they -- basically, my attorney's fee was  
9 my three heirs interest in the real estate, and we  
10 deemed the taxes. And to do it -- to actually get it  
11 done, we had to have the clerk of court sign the deeds  
12 in the process. That's the only way we could get the  
13 six heirs to do anything. In fact, they wouldn't do  
14 anything, so we had to have the clerk do it.

15           I was named as a party because I was part  
16 of the title owners, and I was named as a party so that  
17 the clerk could sign the deed whenever the property was  
18 sold. There was no relief requested against me. I  
19 struggled with that a little bit because of some ethical  
20 considerations, but I called the Bar and talked to  
21 people at the Bar as to what I had to do to make sure  
22 that I met all the steps and took those actions.

23           I followed their guideline to the letter,  
24 and -- but I was named, not for anything as any relief  
25 against me, but to clear up the title so that the clerk

1 of court could sign it.

2 MR. DAVIDSON: Thank you for those  
3 explanations.

4 The Commission received 35 ballot-box  
5 surveys regarding your candidacy, with two additional  
6 comments. The ballot-box survey, for example, contained  
7 the follow positive comments.

8 In all my dealings over the years, Jim  
9 Alexander has been above reproach, a good lawyer, knows  
10 what he is doing, always prepared.

11 Zero of the written comments expressed  
12 concerns.

13 Now, a few housekeeping questions to ask  
14 first.

15 Have you sought or received the pledge of  
16 any legislator prior to this date?

17 MR. ALEXANDER: I have not.

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

21 MR. ALEXANDER: That has not happened.

22 MR. DAVIDSON: Now, have you asked third  
23 parties to contact the members of the General Assembly  
24 on your behalf?

25 MR. ALEXANDER: I have seen certain people

1 and had said if you know a legislator, mention my name,  
2 tell them my qualifications if you want to know -- if  
3 they, in fact, want to know. So -- and I think that one  
4 or two people have seen a legislator and mentioned my  
5 name. I have not -- certainly, I've told anybody, You  
6 cannot ask for support at all, period. If you feel led  
7 to do so, you can mention my name and qualifications,  
8 but that's all you can do.

9 And as far as I know, that is all that's  
10 happened.

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

14 MR. ALEXANDER: I am not aware of it.

15 MR. DAVIDSON: Have you contacted any  
16 members of this Commission?

17 MR. ALEXANDER: I'm going to disclose that  
18 Senator Martin and I go to church with one another, and  
19 we have passed one another in the hallway and said  
20 hello, but other than that contact, I have not talked to  
21 Senator Martin at all and no other member of this  
22 Commission.

23 MR. DAVIDSON: Do you understand that you  
24 are prohibited from seeking a pledge or a commitment  
25 until 48 hours after the formal release of the finished

1 report?

2 MR. ALEXANDER: I understand, yes, sir.

3 MR. DAVIDSON: Have you reviewed the  
4 Commission's guidelines on pledging?

5 MR. ALEXANDER: I have.

6 MR. DAVIDSON: As a follow-up, are you  
7 aware of the penalties for violating the pledging rules;  
8 that is, it is a misdemeanor, and upon conviction, the  
9 violator must be fined not more than \$1,000 or  
10 imprisoned not more than 90 days?

11 MR. ALEXANDER: I cannot stand here under  
12 oath and say I knew that or say what the penalty was,  
13 but I knew there was a penalty, and if I violated that  
14 restriction -- so I have not done so or do not intend  
15 to, but I do understand there are penalties, if I did  
16 so.

17 MR. DAVIDSON: Thank you.

18 I would note that the Upstate Citizens  
19 Committee found Mr. Alexander qualified in the  
20 evaluative criteria of constitutional qualifications.

21 The committee found him well-qualified in  
22 the evaluative criteria of physical health, mental  
23 stability, ethical fitness, professional and academic  
24 ability, character, reputation, experience, and judicial  
25 temperament.

1 I would also just note for the record that  
2 any concerns raised during investigation regarding the  
3 candidate were incorporated into the questioning of the  
4 candidate today.

5 Mr. Chairman, I have no further questions.

6 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
7 you very much.

8 Does any member of the Commission have  
9 questions?

10 SENATOR MARTIN: I don't have a question,  
11 Mr. Chairman, but I have a comment.

12 First of all, I don't know if Mrs. Linda,  
13 his wife -- if she was recognized when we started.  
14 They've been married -- I won't say how many years.

15 MR. ALEXANDER: And I don't mind saying.  
16 We -- she's been my -- well, I've been her better half  
17 for 43 years.

18 SENATOR MARTIN: Forty-three years.

19 MR. ALEXANDER: This is my wife, Linda,  
20 here. So...

21 SENATOR MARTIN: But we -- we obviously --  
22 Jim mentioned we attend the same church, and I've got to  
23 tell you how careful he was.

24 We ran into each other at the vestibule of  
25 the church one Sunday right after he'd filed, and he

1 said, This doesn't count as a contact, does it?

2 And I said, Oh, no. No, no, no.

3 We didn't see you talk about it, and just  
4 great, great folks, and I can't say enough about him and  
5 his son and just what good folks they are in our  
6 community.

7 SENATOR CAMPSEN: Mr. Chairman.

8 CHAIRMAN REPRESENTATIVE CLEMMONS: Yes,  
9 sir.

10 SENATOR CAMPSEN: In light of his -- In  
11 light of Mr. Alexander going to the same church as the  
12 senator from Pickens, I know we're focusing on your  
13 qualifications, but I'd be interested in his  
14 qualifications as a Sunday school teacher.

15 MR. ALEXANDER: You know, it's interesting.  
16 Senator Martin and I used to co-teach a Sunday school  
17 class. We actually worked together on the class.

18 But I will say this just as an observation.  
19 I've also had little miss Anna Lee Martin in the nursery  
20 when she was three years old. It's amazing what you can  
21 learn from a three-year-old back then.

22 Senator Martin is a good teacher, though.  
23 I have to say that.

24 SENATOR MARTIN: Did the senator have hair  
25 back then or --

1 MR. ALEXANDER: Yeah. Oh, yeah, a little  
2 bit.

3 SENATOR MARTIN: All right.

4 MR. ALEXANDER: I will tell y'all that my  
5 oldest daughter, Caroline, who just had our first  
6 grandchild, when she went through the directory of first  
7 names that -- when they found out we were expecting our  
8 second child, all the nursery workers about quit.

9 Well, we had Anna Lee. Anna Lee was a very  
10 good child. She was a sweet child.

11 SENATOR MALLOY: Mr. Chair.

12 CHAIRMAN REPRESENTATIVE CLEMMONS: Yes,  
13 sir, Senator Malloy.

14 SENATOR MALLOY: I will note that,  
15 Mr. Alexander, I listened carefully to everything that  
16 you said, and I do know that you made one major mistake  
17 when you said that I have been her better half for the  
18 last 43 years, but I know as the defender of her, I know  
19 what you meant was that she's been your better half.

20 MR. ALEXANDER: I would like to correct the  
21 record that way -- to that question. She's the better  
22 half. No doubt about it.

23 SENATOR MALLOY: I'm just making sure that  
24 we didn't need to give you a ride home.

25 MR. ALEXANDER: We're in her car today, so



1 that was good thing. So...

2 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
3 you for clarification for the record, Senator Malloy.  
4 Are there any other questions or clarifications?

5 Hearing none, Mr. and Mrs. Alexander, it  
6 was a pleasure to have you with us today. Thank you for  
7 joining us.

8 Mr. Alexander, thank you so much for  
9 offering.

10 MR. ALEXANDER: Yes, sir.

11 CHAIRMAN REPRESENTATIVE CLEMMONS: This  
12 concludes this --

13 SENATOR MALLOY: I have one more thing.

14 CHAIRMAN REPRESENTATIVE CLEMMONS: Senator  
15 Malloy, please proceed.

16 SENATOR MALLOY: I just want you to take  
17 one minute for you to talk about working for John Bolt  
18 Culbertson.

19 MR. ALEXANDER: Mr. Culbertson was one of  
20 the more interesting lawyers I've ever run across. I  
21 worked with him from 1978 to 1983. I had five years  
22 with Mr. Culbertson.

23 He was a -- very much a people person. He  
24 never turned away a case. We, as his young lawyers in  
25 his office -- they would come in, and we may not think a

1 lot of it or it might not be involved in enough money,  
2 and we would not take that case, for whatever reason.  
3 In their belief, they went to Mr. John. Mr. John took  
4 their case, saying it was back on my desk, if I'm the  
5 one.

6 So I learned very early that Mr. Culbertson  
7 thought of a lot of people. He treated everybody the  
8 same. It didn't make any difference if you were the  
9 governor or somebody who had a criminal case as a  
10 defendant, but they got the same treatment from him.

11 Ken Porter in Greenville tells a great  
12 story that -- at some point, I'd be happy to share it  
13 with you -- about Mr. Culbertson in trial on just a  
14 small case. He gave that person his absolute 100  
15 percent best effort.

16 I had the privilege to be second chair to  
17 him in two death-related cases early in my career, and  
18 he was one of the best trial lawyers that I've run  
19 across. He could try a case. And -- but he was a  
20 people person. I learned a lot from Mr. John.

21 SENATOR MALLOY: He was legendary --

22 MR. ALEXANDER: A lot.

23 SENATOR MALLOY: -- legendary in the arena  
24 of civil rights.

25 MR. ALEXANDER: He absolutely was, and

1 he -- and it was -- he was -- a lot of people may not  
2 think this, but it was all genuine from him. He  
3 generally liked people, and handled them very well. I  
4 really feel privileged to have spent five years with him  
5 because I've learned a lot.

6 SENATOR MALLOY: You got great experience.

7 MR. ALEXANDER: I did. It was  
8 absolutely -- a lot of the things I learned from  
9 Mr. Culbertson, I still practice today. He was a good  
10 mentor.

11 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
12 you.

13 Any other questions?

14 Hearing none, this concludes -- that  
15 concludes this portion of our screening process. As you  
16 know, the record will remain open until the report is  
17 published, and you may be called back at such time if  
18 that need should arise.

19 We'll remind you of the 48-hour rule and  
20 ask you to be very -- particularly mindful of that and  
21 that you instruct anyone that may ask whether they may  
22 advocate on your behalf or not -- advise them of the  
23 48-hour rule and its implications.

24 We thank you very much for offering for  
25 this position, Mr. Alexander, and we are grateful for

1 your desire to serve South Carolina.

2 MR. ALEXANDER: Thank you, Mr. Chairman.

3 I thank the members of the Merit Selection  
4 Commission.

5 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
6 you.

7 MR. ALEXANDER: Thank you. Y'all have a  
8 good day.

9 CHAIRMAN REPRESENTATIVE CLEMMONS: You too.  
10 Just to advise the Commission, we are  
11 one-fifth of the way through our schedule today, and we  
12 are now 30 minutes late -- behind schedule. At that  
13 rate, we will be here until, oh, about the same time as  
14 last night. We need to speed things up, is what we need  
15 to do.

16 Ladies and gentlemen, we have with us the  
17 Honorable Perry H. Gravely, who received a nomination to  
18 Circuit Court, 13 Judicial Circuit, Seat 1.

19 Judge Gravely, if you would, please, raise  
20 your right hand and be sworn.

21 Perry H. Gravely, do you swear to tell the  
22 truth, the whole truth, and nothing but the truth, so  
23 help you God?

24 JUDGE GRAVELY: I do.

25 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank

1 you very much, and thank you for being here with us.

2 JUDGE GRAVELY: Thank you for having me.

3 CHAIRMAN REPRESENTATIVE CLEMMONS: Judge  
4 Gravely, have you had an opportunity to review your  
5 responses to the personal data questionnaire?

6 JUDGE GRAVELY: Yes, I have.

7 CHAIRMAN REPRESENTATIVE CLEMMONS: Are they  
8 correct?

9 JUDGE GRAVELY: They are correct.

10 CHAIRMAN REPRESENTATIVE CLEMMONS: And does  
11 anything need to be changed or amended on the record  
12 today?

13 JUDGE GRAVELY: Not that I'm aware of. I  
14 think I added a supplemental about a month ago. Other  
15 than that, I --

16 CHAIRMAN REPRESENTATIVE CLEMMONS: And  
17 that's now incorporated in the questionnaire.

18 JUDGE GRAVELY: Yes.

19 CHAIRMAN REPRESENTATIVE CLEMMONS: With  
20 that, do you object to our making this summary a part of  
21 the record of your testimony today?

22 JUDGE GRAVELY: No. I don't have a problem  
23 with that.

24 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
25 you. It's so ordered then.

1 If you can please hand that over to staff.

2 JUDGE GRAVELY: This one?

3 (Exhibit Number 1, The Honorable Perry H.  
4 Gravely's Personal Data Questionnaire, was marked for  
5 identification.)

6 CHAIRMAN REPRESENTATIVE CLEMMONS: The  
7 Judicial Merit Selection Commission has thoroughly  
8 investigated your qualifications for the bench.

9 Our inquiry has focused on nine evaluative  
10 criteria and has included a ballot-box survey, a  
11 thorough study of your application materials,  
12 verification of your compliance with state ethics laws,  
13 a search of newspaper articles in which your name  
14 appears, a study of previous screenings, a check for --  
15 and a check for economic conflicts of interest.

16 We've received no affidavits filed in  
17 opposition to your election, and there are no witnesses  
18 here today other than yourself to testify.

19 Do you have a brief opening statement you'd  
20 like to share with the Commission?

21 JUDGE GRAVELY: Other than I'm seeking this  
22 position as circuit judge. You know, I've had many  
23 people ask, Well, Why do you want to -- to be a circuit  
24 judge?

25 And I guess my first response is that I

1 think that I would do a very good job at that because of  
2 my experience, because of my rapport with all areas of  
3 the law and the different parts of the Bar. You know,  
4 I've practiced in every -- I'd say, about every corner  
5 of the courtroom from the plaintiff's side, the  
6 defendant's side. I've been criminal defense. I've  
7 done criminal prosecution in various judicial positions.

8 It's a good time in my life with my kids in  
9 college. I have one left in college, and it's just -- I  
10 think it's just a good fit for me, and I'm a very  
11 dedicated, a very -- I think, a very efficient person.  
12 I like to be a student of the law and search out the  
13 nuances, and it would be a good fit for me and a good  
14 fit for the 13th Judicial Circuit.

15 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
16 you, sir.

17 Please answer Counsel's questions.

18 JUDGE GRAVELY: Okay.

19 MR. BENDER: Thank you, Mr. Chairman and  
20 members of the Commission. I have a procedural matter  
21 to take care of with this candidate.

22 Judge Gravely, you have before you your  
23 sworn statement that you provided with detailed answers  
24 to over 30 questions regarding judicial conduct,  
25 statutory qualifications, office administration, and

1 temperament.

2 Other than the addition you provided to us  
3 already, are there any amendments you would like to make  
4 at this time to your sworn statement?

5 JUDGE GRAVELY: No.

6 MR. BENDER: All right. And just for  
7 clarification purposes for the Commission, I'll refer to  
8 you, Judge Gravely, as Judge because he is the municipal  
9 judge in the city of Pickens.

10 At this time, Mr. Chairman, I'd like to ask  
11 that Judge Gravely's sworn statement be entered as an  
12 exhibit into the hearing record.

13 CHAIRMAN REPRESENTATIVE CLEMMONS: Is there  
14 any objection?

15 Hearing none, it's so ordered.

16 (Exhibit Number 1, The Honorable Perry H.  
17 Gravely's Sworn Statement, was marked for  
18 identification.)

19 MR. BENDER: One final procedural matter  
20 I'll note for the record is, based on the testimony in  
21 the candidate's PDQ, which has been included in the  
22 record with the candidate's consent, Judge Gravely meets  
23 the statutory requirements for this position regarding  
24 age, residence, and years of practice.

25 Judge Gravely, can you explain to the



1 Commission how you feel your legal and professional  
2 experience thus far will assist you to be an effective  
3 judge?

4 JUDGE GRAVELY: Yes. Like I said, I've  
5 been practicing now for over 30 years. I started off  
6 doing a lot of insurance defense work before moving to  
7 Pickens. I always try to pretend like I'm a country  
8 lawyer, but -- I don't know, you know. So...

9 But -- now I've -- you know, I've done  
10 plaintiff work. I've done defense work. You know, I've  
11 done some very small amount of criminal prosecution for  
12 municipalities. I've done defense work on the criminal  
13 side. And the judicial experience, I have been a  
14 part-time city judge for the past 11 years.

15 I have served as a special referee on  
16 numerous occasions including, you know, like  
17 foreclosures and partition actions including one very  
18 lengthy trial where they had a week's worth of testimony  
19 about three years ago. So I -- you know, I sat on the  
20 bench and feel like that, you know, if elected, I can  
21 hit the ground running. I've done -- you know, seen  
22 every part of it. So I think I can hit the ground  
23 running, and I'm ready to do so.

24 MR. BENDER: Thank you.

25 Judge Gravely, are there any areas,

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

5 JUDGE GRAVELY: No, not really, because,  
6 you know, in doing all the different types of law, I  
7 think -- you know, I've been involved in real estate  
8 matters. I've done, you know, breach of contract. I've  
9 done products liability. I've done personal injury on  
10 both sides.

11 I feel like that I have done -- probably  
12 been involved in a case on one side or the other in  
13 almost every area of the law that you would have, you  
14 know, in circuit court. I'm sure there's some -- I  
15 don't mean to think that I know it all, but, you know, I  
16 don't mind hitting the books and finding out what I  
17 don't know.

18 MR. BENDER: Thank you. What suggestion  
19 would you offer for improving the backlog of cases on  
20 the docket in general sessions and common pleas?

21 JUDGE GRAVELY: You know, general sessions,  
22 I think, you know, it seems like that -- I think you  
23 need more of everybody on the same page, and it seems  
24 like you have -- the prosecutor is kind of going with  
25 their itinerary, and then you've got the judge, and then

1 you've got the public defender's office, different  
2 people. I've actually -- in anticipation for this  
3 position, I've talked to, you know, the sheriff. I've  
4 talked to the clerk of court. I've talked to the  
5 solicitor's office and said, You know, if I am elected,  
6 you know, shouldn't we all be sitting at the same table  
7 figuring out how we can do this just a little better.

8 I'm not trying to get into your job, but if  
9 we all sit down at the table on a regular basis, could  
10 we not streamline some things to make things a little  
11 more efficient as opposed to everybody kind of going in  
12 their own direction without -- you know, I think you  
13 have to do it more for the teamwork.

14 You know, I think that one of the biggest  
15 problems that I see -- and I know in Pickens County and  
16 in most counties -- is, you know, the jails are full,  
17 and the public doesn't realize that those people in the  
18 jail are people that are not convicted, you know. Maybe  
19 we need to spend a little more time making sure that  
20 those people can, you know, get in front of the Court  
21 maybe quicker so that they don't have to just stay, you  
22 know, at the local law enforcement centers.

23 Civil side, I think that you need to maybe  
24 push the mediation a little more. And, again, mine is  
25 more -- you know, I deal mainly in Pickens and

1 Greenville County, so I think Greenville County does a  
2 little bit better job of making sure that deadlines are  
3 met towards the mediation. I think you need to push the  
4 mediation a little stronger, hold people to some  
5 deadlines.

6           You know, any of us that try cases, it's  
7 just the nature of the beast. You don't get it resolved  
8 until you have to or because you've got another file  
9 that you're putting out. So, therefore, you know,  
10 you'll maybe have more of those deadlines and make them  
11 more meaningful, and maybe the status conferences could  
12 be -- have a little more meaning to them and make people  
13 come.

14           I think that's -- you know, those are some  
15 things you want to kind of tweak a little bit, I think,  
16 and, you know, get people together, and I think you'll  
17 have a better chance of getting them resolved a little  
18 quicker.

19           MR. BENDER: Thank you.

20           Judge Gravely, you've been personally  
21 involved in two lawsuits. The first lawsuit in 2009,  
22 Regions Bank versus Karol Bailey. It was a foreclosure  
23 action where you were inadvertently named as a  
24 defendant.

25           Can you please provide the details of your

1 dismissal from this case.

2 JUDGE GRAVELY: Yes. In fact, I had  
3 forgotten about it until you told me about it. That was  
4 one of them that -- I was actually appointed through  
5 legal services to represent some lady on an estate  
6 matter. And then when they foreclosed, they named me as  
7 a party. And all I was was the attorney for the estate.

8 And so, when I got the papers served on me,  
9 I was quite irate in the phone conversation that I had  
10 with the lawyer. I can't remember who it was. I said,  
11 You know, you've named me as a party, and I was merely  
12 an attorney for --

13 So I gave them about a 24-hour deadline,  
14 and it was dismissed within 24 hours.

15 MR. BENDER: Thank you.

16 JUDGE GRAVELY: See, I knew it would come  
17 back to haunt me sometime.

18 MR. BENDER: Thank you.

19 The second lawsuit filed against you in  
20 2009 related to the sale of stock in a company you  
21 owned, and this action was brought by Peoples  
22 Bancorporation in order to achieve the sale.

23 Can you please explain the nature and  
24 disposition of this lawsuit.

25 JUDGE GRAVELY: Yes. That's one where we

1 were minority shareholders, and they changed their  
2 corporate structure, and we merely requested under the  
3 dissenting shareholder's statute that they buy back our  
4 stock, and we couldn't agree on a price. And that --  
5 the mechanism for that is, the bank has to sue the  
6 shareholders to determine what the value is. And  
7 ultimately, that was resolved and dismissed, but it was  
8 just really a matter of just to determine the value of  
9 the stock.

10 MR. BENDER: Okay. Thank you.

11 Judge Gravely, the Commission received 108  
12 ballot-box surveys regarding you, with nine additional  
13 comments. The ballot-box surveys, for example, say the  
14 following positive comments.

15 A fine lawyer, always well-versed in the  
16 law and procedure. His integrity is unquestioned. A  
17 brilliant advocate, fair judge, and an excellent person  
18 with a calm demeanor, open-mindedness, a thorough  
19 knowledge of both civil and criminal law.

20 None of the written comments expressed any  
21 concerns.

22 With that, I have a few housekeeping  
23 questions.

24 Have you sought or received a pledge of any  
25 legislator prior to this date?

1 JUDGE GRAVELY: I have not.

2 MR. BENDER: Have you sought or have you  
3 been offered a conditional pledge of support of any  
4 legislator pending the outcome of your screening?

5 JUDGE GRAVELY: I have not.

6 MR. BENDER: Have you asked any third  
7 parties to contact members of the General Assembly on  
8 your behalf?

9 JUDGE GRAVELY: I have not.

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

13 JUDGE GRAVELY: I do not.

14 MR. BENDER: Have you contacted any members  
15 of the Commission?

16 JUDGE GRAVELY: I have not.

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

21 JUDGE GRAVELY: Yes.

22 MR. BENDER: Have you reviewed the  
23 Commission's guidelines on pledging?

24 JUDGE GRAVELY: I have.

25 MR. BENDER: As a follow-up, are you aware

1 that the penalties for violating pledging rules are a  
2 misdemeanor, and upon conviction, the violator must be  
3 fined not more than \$1,000 or imprisoned not more than  
4 90 days?

5 JUDGE GRAVELY: Yes.

6 MR. BENDER: All right. I would note that  
7 the Upstate Citizens Committee found Judge Gravely  
8 qualified in the evaluative criteria of constitutional  
9 qualifications.

10 The Committee found him well-qualified in  
11 the evaluative criteria of ethical fitness, professional  
12 and academic ability, character, reputation, physical  
13 health, mental stability, experience, and judicial  
14 temperament.

15 I would just note for the record that any  
16 concerns raised during the investigation regarding this  
17 candidate were incorporated into the questioning of the  
18 candidate today.

19 Mr. Chairman, I have no further questions.

20 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
21 you.

22 Does any member of the Commission have a  
23 comment or a question?

24 SENATOR MARTIN: Mr. Chairman, in the  
25 audience with Mr. Gravely today is his wife.



1 JUDGE GRAVELY: Oh, I'm sorry.

2 SENATOR MARTIN: Yes. We need to introduce  
3 her.

4 JUDGE GRAVELY: Okay. My wife, Kathryn  
5 Gravely. I'm sorry.

6 SENATOR MARTIN: Yes, and I want the record  
7 to reflect to the members of the Commission that  
8 Mr. Gravely and I were neighbors for many years up there  
9 on Ann Street in Pickens, and I've known him, of course,  
10 since he was a young fellow, and I just have a great  
11 respect and admiration.

12 If you'll notice on his personal biography,  
13 among his other involvements, he's very active in our  
14 community with the Boy Scouts. I think it's something  
15 that I identify him with on a volunteer basis, and what  
16 a great job he's done. And he's involved in that and  
17 other activities in our community, and we appreciate  
18 your desire and willingness to serve in this area.

19 JUDGE GRAVELY: Thank you.

20 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
21 you.

22 Any other questions or comments?

23 Hearing none, Judge Gravely and  
24 Mrs. Gravely, thank you for being with us today.

25 JUDGE GRAVELY: Thank you.

1 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
2 you, Judge Gravely, for offering.

3 And we would note that this concludes this  
4 particular portion of the screening process. As you  
5 know, the record will remain open until the report is  
6 published, and you may be called back at such time, if  
7 that need should arise.

8 I'll remind you of the 48-hour rule and ask  
9 that you be mindful of it. Anyone who should inquire  
10 whether or not they may advocate on your behalf in the  
11 event that you are screened out, we would ask that you  
12 instruct them with regards to the 48-hour rule and its  
13 implications.

14 Thank you again so much for offering. We  
15 value your service to South Carolina.

16 JUDGE GRAVELY: Well, thank you. Yes, sir.

17 MS. SHULER: Mr. Chairman, before we start  
18 with the Family Court, 9th Judicial Circuit, Seat 2, I  
19 would like to offer for the record two amendments by  
20 Judge Konduros that we voted not to hear at the public  
21 hearing. She wants to amend her question 32 of her  
22 personal data questionnaire and question 26 of her sworn  
23 statement and question 43 of her personal data  
24 questionnaire concerning her campaign expenses.

25 And the first item was discussed yesterday.

1 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
2 you.

3 Is there any objection or discussion?

4 Hearing none, it's so ordered.

5 (Exhibit Number 1, Amendments to Personal  
6 Data Questionnaire and Sworn Statement from the  
7 Honorable Aphrodite Konduros's, was marked for  
8 identification.)

9 CHAIRMAN REPRESENTATIVE CLEMMONS: Ladies  
10 and gentlemen, at this point, I should place on the  
11 record that the next candidates before us for  
12 consideration are running for Family Court, 9th Judicial  
13 Circuit. One of those candidates, Alice A.  
14 Richter-Lehrman, practices with her father in  
15 Charleston. Her father -- her father and therefore her  
16 firm are representing a client in which -- which is a  
17 plaintiff in a lawsuit against a bank upon which I serve  
18 as a director and, in fact, has sued me, along with the  
19 other directors, personally.

20 Due to that particular conflict of interest  
21 or at least the interest of this conflict of interest, I  
22 choose to excuse myself from deliberations with regard  
23 to nomination for this particular seat, and I will not  
24 be -- I will therefore not be participating, and I've  
25 asked Senator Martin if he would step in and chair,

1 which he has agreed to do.

2 We have lunch coming. It's going to be a  
3 little bit ahead of schedule. You'll probably get two  
4 candidates in before lunch.

5 What I would suggest doing is taking as  
6 many candidates as you can, and then when we have lunch,  
7 go into executive session with housekeeping matters  
8 involving the races that we have discussed or  
9 interviewed on except for any matters involving that  
10 family court seat.

11 Then upon conclusion of interviewing  
12 candidates for that family court seat, then you will  
13 make (indiscernible) -- executive session.

14 With that, (indiscernible) --

15 (Court reporter raising hand to indicate  
16 dialogue is inaudible as instructed to do so before the  
17 hearing.)

18 CHAIRMAN REPRESENTATIVE CLEMMONS: Let's  
19 ask Dean Wilcox what his opinion is.

20 We're off the record.

21 (Discussion off the record.)

22 SENATOR MARTIN: Welcome.

23 JUDGE DUFFY: Thank you.

24 SENATOR MARTIN: We have before us the  
25 Honorable John L. Duffy, III.

1 Do you have anyone here with you you'd like  
2 to recognize?

3 JUDGE DUFFY: I do. I do. I have my wife  
4 Abigail Duffy, also my law partner.

5 SENATOR MARTIN: So it's your wife here and  
6 you.

7 Okay. Please raise your right hand and  
8 take the oath.

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

11 JUDGE DUFFY: I do.

12 SENATOR MARTIN: Thank you very much.

13 Have you had the opportunity to review your  
14 personal data questionnaire?

15 JUDGE DUFFY: I have.

16 SENATOR MARTIN: Is it correct? Does  
17 anything need to be changed?

18 JUDGE DUFFY: No, sir.

19 SENATOR MARTIN: Do you object to making  
20 this summary a part of the record of your sworn  
21 testimony?

22 JUDGE DUFFY: I do not.

23 SENATOR MARTIN: That will be done at this  
24 point in the transcript.

25 (Exhibit Number 1, The Honorable John L.

1 Duffy, III's Personal Data Questionnaire, was marked for  
2 identification.)

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

12 We've received no affidavits in opposition  
13 to your election. No witnesses are present to testify.

14 Do you have a brief opening statement you'd  
15 like to make?

16 JUDGE DUFFY: I would just like to tell the  
17 Committee, I appreciate y'all's time and effort in  
18 allowing me the opportunity to meet with y'all and stand  
19 before here, and I hope that if I were to pass through  
20 the Committee that I will be able to serve the people of  
21 South Carolina as a family court judge.

22 SENATOR MARTIN: All right. Please answer  
23 the questions of our Counsel.

24 JUDGE DUFFY: Yes, sir.

25 MR. MALDONADO: Thank you, Mr. Chairman and

1 members of the Commission. I'll begin with the  
2 procedural matters.

3 Judge Duffy, you have before you a sworn  
4 statement you provided with detailed answers to over 30  
5 questions regarding judicial conduct, statutory  
6 qualifications, office administration, and temperament.

7 Other than the financial amendment that you  
8 provided, are there any amendments you'd like to make at  
9 this time to your sworn statement?

10 JUDGE DUFFY: I did make an amendment  
11 regarding the SLED background check, I believe, and I  
12 don't know if that's included here, in regards to a case  
13 where I was -- subsequently indicated I was the  
14 defendant, but I was actually the defendant's attorney  
15 at that time.

16 I have no other additions or objections.

17 MR. MALDONADO: That was included in the --

18 JUDGE DUFFY: Okay.

19 MR. MALDONADO: -- file.

20 So no objections to having that amendment  
21 in the record?

22 JUDGE DUFFY: Correct.

23 MR. MALDONADO: At this time, Mr. Chairman,  
24 I'd ask that Judge Duffy's sworn statement and amendment  
25 be entered in as an exhibit.

1 SENATOR MARTIN: Without objection, it will  
2 be done.

3 (Exhibit Number 1, The Honorable John L.  
4 Duffy, III's Sworn Statement, was marked for  
5 identification.)

6 MR. MALDONADO: Judge Duffy, can you please  
7 state for the record the city and the circuit in which  
8 you reside.

9 JUDGE DUFFY: I reside in the city of North  
10 Charleston in Circuit -- the 9th Judicial Circuit.

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

17 Judge Duffy, why do you now want to serve  
18 as a family court judge?

19 JUDGE DUFFY: I think it will be an  
20 incredible opportunity for me to serve the people of  
21 South Carolina. I've gained judicial experience through  
22 the municipal court of North Charleston, and it's  
23 afforded me a unique opportunity, and I believe to get a  
24 window into what it is to be a judge and how important  
25 it is to have fair and judicious decisions, how



1 important it is to clear a very busy docket. And I  
2 believe that I would be a good, and I would be a good  
3 judge to the people of South Carolina and be able to  
4 give back to the people.

5 And it is such -- such as the position of a  
6 family court judge, where you affect the families and  
7 children of South Carolina, I think there is no more  
8 important position in judiciary.

9 MR. MALDONADO: Judge Duffy, are there any  
10 areas, including subjective areas of the law, in which  
11 you would need to additionally prepare for in order to  
12 serve as a judge?

13 JUDGE DUFFY: I do not believe so.

14 MR. MALDONADO: No?

15 JUDGE DUFFY: No.

16 MR. MALDONADO: Although you addressed this  
17 in you sworn affidavit, could you explain to the --  
18 please explain to the members of the Commission what you  
19 think is the appropriate demeanor of a judge.

20 JUDGE DUFFY: I think a judge has to give  
21 all parties -- a judge needs to be fair, and a judge  
22 needs to be judicious, and a judge needs to give parties  
23 an opportunity to have their matter heard but not  
24 hesitate in order to render a decision and make sure the  
25 judge makes the decision according to the laws

1 applicable to statutes and case laws.

2 MR. MALDONADO: What suggestions would you  
3 offer for improving the backlog of cases in the family  
4 court in the family court docket?

5 JUDGE DUFFY: It may behoove the court to  
6 have special courts appointed and selected in order to  
7 handle those routine matters in those statutorily  
8 necessary proceedings, such as the Department of  
9 Juvenile Justice hearings, Department of Social Services  
10 hearings, wherein the court isn't inundated with these  
11 routine matters and allowing the matters that deserve  
12 merit and need merit to be weighed or laid by them.

13 MR. MALDONADO: I apologize. We're having  
14 technical difficulties.

15 JUDGE DUFFY: That's okay. I didn't touch  
16 anything. I promise.

17 MR. MALDONADO: Judge Duffy, are you a  
18 member of any civic, charitable, or social or fraternal  
19 organizations in the last five years?

20 JUDGE DUFFY: I am. I'm a member of two.

21 MR. MALDONADO: Do either of these  
22 organizations discriminate based on race, religion, or  
23 gender?

24 JUDGE DUFFY: To my knowledge, they don't  
25 discriminate. The Hibernian Society is a male

1 organization. I don't think that we -- I don't think it  
2 denies female membership. It's -- I just don't know of  
3 any male -- female members.

4 I do know that the application process is  
5 actually -- it's actually a closed society wherein,  
6 right now, I believe, the only way you can become a  
7 member is to be a father or a son. So I guess it would  
8 not let women in, I'm afraid, is my answer.

9 MR. MALDONADO: And what was the other  
10 organization that you are a member of?

11 JUDGE DUFFY: The Charleston Rifle Club.  
12 It was also known as the German Charleston Rifle Club.

13 MR. MALDONADO: Judge Duffy, are there any  
14 business activities that you would continue to be  
15 involved with if elected to the bench?

16 JUDGE DUFFY: No.

17 MR. MALDONADO: Judge Duffy, you've been  
18 involved in two lawsuits. The first lawsuit in 2013 was  
19 filed against you in your capacity as a municipal judge  
20 for the city of North Charleston.

21 Will you please explain the nature and the  
22 disposition of the lawsuit.

23 JUDGE DUFFY: I don't know the disposition  
24 of the lawsuit. I do know that in -- I was made aware  
25 that I had been named in the caption of a lawsuit where

1 a gentleman was suing me and the other two judges  
2 through the City of North Charleston in addition to the  
3 police department, code enforcement, the mayor. He was  
4 seeking, I believe, \$500 million.

5 I don't know what happened with that. I  
6 believe a motion to dismiss had been filed through the  
7 insurance secretary -- the state insurance fund. So I  
8 don't know what's happened with that.

9 I know that -- I believe I've had  
10 interactions with the defendant in the matter. I either  
11 bonded him out or put him in jail. I can't remember  
12 what it was. But I -- to be frank with you, personally,  
13 I don't know who he is.

14 MR. MALDONADO: Okay. And the second  
15 lawsuit, I believe, is what we'd already mentioned, the  
16 suit in two thousand -- yes -- where you were named a  
17 personal representative of Mary Ellen Duffy.

18 JUDGE DUFFY: It was actually my father as  
19 the personal representative.

20 MR. MALDONADO: Can you please explain the  
21 circumstances?

22 JUDGE DUFFY: Certainly. My aunt passed  
23 away in June of 2013, leaving no children and no spouse.  
24 Her siblings and my baby cousin, if you will, remained  
25 as heirs to the will. My father was named as personal

1 representative through her will.

2           And speaking of my father, he attempted to  
3 coordinate a payoff with Wells Fargo and was unable to  
4 get a callback, for whatever reason. So payments were  
5 not made, and the condo went into foreclosure. He just  
6 could not get a response back. The condo was left to my  
7 baby cousin, Megan.

8           The suit was initiated by a foreclosure  
9 firm in Columbia. I filed responsive pleadings, and the  
10 matter was resolved once we could get a payoff once the  
11 attorneys on the other side got involved.

12           MR. MALDONADO: It turns out that in --  
13 upon investigation, we don't have your amendment. So we  
14 would ask that -- would you be okay with allowing your  
15 oral representation of the facts of the case be here  
16 amended into the record?

17           JUDGE DUFFY: Absolutely.

18           MR. MALDONADO: Judge Duffy, the Commission  
19 received 82 ballot-box surveys regarding you, with nine  
20 additional comments. The ballot-box survey, for  
21 example, contained the following positive comments.

22           Judge Duffy would be a great addition to  
23 the family court bench. John has a great temperament  
24 and would be a good judge. John Duffy would make an  
25 excellent family court judge.

1           Two comments expressed concerns to lack of  
2 experience to hold the position of family court judge.  
3 One stated, I have concerns about a lawyer who just  
4 began practicing family law in last 12 months or so in  
5 holding this position.

6           What response would you offer to this  
7 concern?

8           JUDGE DUFFY: I don't think it's an  
9 accurate statement. I've been practicing in family  
10 court as long as I've been a practicing attorney. When  
11 I first got out, I handled all of the DSS appointments  
12 through my law firm, and I've always done that through  
13 the -- as long as the bench appointed DSS lawyers. I  
14 have been appointed as a guardian ad litem as far back,  
15 I believe, as 2007, 2006.

16           I've been practicing in the family court,  
17 though the focus of my practice has not been in family  
18 court. I don't think it's an accurate statement. I  
19 don't necessarily live on the second floor of the  
20 Charleston County Courthouse. My practice is a varied  
21 practice, and I handle all matters from real estate  
22 closings to business incorporations to criminal defense  
23 to probate estate matters, as well as family court.

24           So for the fact that someone hasn't  
25 necessarily seen you on that floor doesn't necessarily

1 mean I haven't practiced in that courtroom.

2 MR. MALDONADO: Thank you.

3 Mr. Chairman, I would ask that we go into  
4 executive session at this time.

5 SENATOR MARTIN: All right. Representative  
6 Bannister moves for executive session.

7 Senator Campsen seconds.

8 Any objections?

9 Hearing none, it's so ordered.

10 Everyone needs to go except for the  
11 candidate and his spouse -- or the law clerk.

12 (Executive session transpired from  
13 12:52 p.m. to 12:29 p.m.)

14 SENATOR MARTIN: All right. We're back on  
15 the record.

16 MR. MALDONADO: Thank you, Mr. Chairman.  
17 We'll finish up with some housekeeping  
18 issues.

19 Judge Duffy, have you sought or received a  
20 pledge of any legislator prior to this date?

21 JUDGE DUFFY: No.

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

25 JUDGE DUFFY: No.

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

4 JUDGE DUFFY: No.

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

8 JUDGE DUFFY: No.

9 MR. MALDONADO: Have you contacted any  
10 members of this Commission?

11 JUDGE DUFFY: No.

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

16 JUDGE DUFFY: I am.

17 MR. MALDONADO: Have you reviewed the  
18 Commission's guidelines on pledging?

19 JUDGE DUFFY: I have.

20 MR. MALDONADO: As a follow-up, are you  
21 aware of the penalties for violating the pledging rules;  
22 that is, it is a misdemeanor, and upon conviction, the  
23 violator must be fined not more than \$1,000 or  
24 imprisoned not more than 90 days?

25 JUDGE DUFFY: I am.



1 MR. MALDONADO: I would note that the  
2 Lowcountry Citizens Committee found Judge Duffy  
3 qualified in the evaluative criteria of constitutional  
4 qualifications, physical health, and mental stability,  
5 and experience.

6 The Committee found him well-qualified in  
7 evaluating the criteria of ethical fitness, professional  
8 and academic ability, character, reputation, and  
9 judicial temperament.

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

14 I have no further questions.

15 SENATOR MARTIN: Judge Duffy, thank you so  
16 much.

17 This concludes our portion of the screening  
18 process, and you know the record will remain open until  
19 the report is published, and you may be called back at  
20 such time, if the need arises. I'll remind you of the  
21 48-hour rule and ask that you be mindful of that and  
22 anyone that inquires about whether or not they may or  
23 may not advocate for you in the event that you're  
24 screened out. Describe -- remind them of that rule, and  
25 I thank you for offering and your willingness to serve.

1 JUDGE DUFFY: Thank you, Senator Martin.

2 Thank you all.

3 SENATOR MARTIN: There'll be one more  
4 candidate before lunch.

5 (Discussion off the record.)

6 SENATOR MARTIN: Welcome.

7 MR. FERDERIGOS: Good afternoon.

8 SENATOR MARTIN: Nice to have you with us.  
9 Would you state your name for the record,  
10 please.

11 MR. FERDERIGOS: Spiros Ferderigos.

12 SENATOR MARTIN: Well, glad to have you.  
13 Have you got someone with you you'd like --

14 MR. FERDERIGOS: I do. My lovely wife,  
15 Laura Ferderigos.

16 SENATOR MARTIN: Glad to have you with us.

17 MRS. FERDERIGOS: Thank you.

18 SENATOR MARTIN: Could you please raise  
19 your right hand and take the oath.

20 Do you solemnly swear the testimony you're  
21 about to give will be the truth, the whole truth, and  
22 nothing but the truth, so help you God?

23 MR. FERDERIGOS: I do.

24 SENATOR MARTIN: Have you had an  
25 opportunity to review your personal data questionnaire?

1 MR. FERDERIGOS: Yes, sir.

2 SENATOR MARTIN: Is it correct? Does  
3 anything need to be changed?

4 MR. FERDERIGOS: No, sir.

5 SENATOR MARTIN: All right. Do object our  
6 making the summary a part of the record of your sworn  
7 testimony?

8 MR. FERDERIGOS: I do not object.

9 SENATOR MARTIN: All right. It'll be done  
10 at this point in the transcript.

11 (Exhibit Number 1, Spiros S. Ferderigos's  
12 Personal Data Questionnaire, was marked for  
13 identification.)

14 SENATOR MARTIN: The Judicial Merit  
15 Selection Commission has thoroughly investigated your  
16 qualifications for the bench. Our inquiry has focused  
17 on nine evaluative criteria and has included a  
18 ballot-box survey, a thorough study of your application  
19 materials, verification of your compliance with state  
20 ethics laws, a search of newspaper articles in which  
21 your name applies -- appears, a study of previous  
22 screenings, a check for economic conflicts of interest.  
23 And you've got no affidavits in opposition to your  
24 election, and no witnesses are here to testify.

25 Do you have a brief opening statement you'd

1 like to make?

2 MR. FERDERIGOS: Only to thank you for  
3 allowing me the opportunity to be here today.

4 I've devoted my entire legal career to the  
5 practice of family court law. I've been doing this for  
6 11 years. The entire time has been in family court.  
7 The reason I've done that is, I've always believed that  
8 family court is a place where I can make the most  
9 difference.

10 I was blessed to work with Paul Tinkler in  
11 Charleston County. He's a premiere family court  
12 attorney. We did everything you could imagine. We had  
13 multi-million dollar divorces; child custody issues;  
14 nominal estates, a couple thousand dollars.

15 I purposely left Paul's office to go work  
16 at the solicitor's office. They called me up and asked  
17 if I'd be interested to go there because they were  
18 looking for an attorney who knew the family court  
19 judges, and they didn't want to start from scratch. So  
20 I did that on purpose to round myself off.

21 So one day -- I was always planning to run  
22 to be a family court judge, and I could come here and  
23 say I've done both domestic relations and juvenile  
24 delinquency. So just thank you for the opportunity to  
25 be here, and family court is my passion. I've been

1 doing it the whole time, and I'm very excited to answer  
2 any questions that y'all may have of me.

3 SENATOR MARTIN: Thank you.

4 Counsel has a few questions for you.

5 MS. DEAN: Thank you, Mr. Chairman and  
6 members of the Commission. I have a procedural matter  
7 to take care of first with this candidate.

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

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

15 MR. FERDERIGOS: No, ma'am.

16 MS. DEAN: At this time, Mr. Chairman, I  
17 would like to ask that his sworn statement be entered as  
18 an exhibit into the hearing record.

19 SENATOR MARTIN: Any objection?

20 Hearing none, it will be entered into the  
21 record at this time.

22 (Exhibit Number 2, Spiros S. Ferderigos's  
23 Sworn Statement, was marked for identification.)

24 MS. DEAN: Now, at this time, please state  
25 for the record the city and circuit in which you reside.

1 MR. FERDERIGOS: I'm in Charleston, and  
2 it's the 9th Judicial Circuit.

3 MS. DEAN: Thank you.

4 One final procedural matter. I'll note for  
5 the record that based on the testimony contained in the  
6 candidate's PDQ, which has now been included in the  
7 record with the candidate's consent, the candidate meets  
8 the statutory requirements for this position regarding  
9 age, residence, and years of practice.

10 Mr. Ferderigos, why do you now want to  
11 serve as family court judge?

12 I know you've already touched on this, but  
13 you've got to respond.

14 MR. FERDERIGOS: As I said before, I've  
15 devoted my entire legal career to family court, and I  
16 anticipate continuing to do so. Family court, for me,  
17 is really where the rubber meets the road. I have three  
18 children, three beautiful children, a seven-year-old  
19 boy, a five-year-old little boy, and a two-year-old  
20 little girl, and I believe that every child should have  
21 the same right, to be able to be raised in a nurturing  
22 environment, as my children do, the safe environment.

23 Family court is where that happens, whether  
24 it's domestic relations, which is the best interest of  
25 the child -- that's the cornerstone of the law for

1 that -- or juvenile delinquency, which is rehabilitation  
2 over punishment. I do believe that family court judges  
3 and attorneys are in a position to do what's best for  
4 the communities in which they reside and their families  
5 reside.

6 MS. DEAN: Thank you.

7 Can you also explain how your legal and  
8 professional experience has prepared you to be an  
9 effective judge?

10 MR. FERDERIGOS: Yes. I -- working as an  
11 attorney in Charleston County and working for a premiere  
12 attorney like Paul Tinkler when I started, it wasn't a  
13 glorified paralegal position. The first day, I walked  
14 in, boxes on my desk, and you're ready to go.

15 My first case was against Robert Rosen, one  
16 of the premier attorneys in Charleston, going back and  
17 forth, emergency hearings, ex parte, you know, orders to  
18 start off the emergency hearings. He was trying to get  
19 my client thrown in jail. We were able to successfully  
20 fend that off. It was a very good experience, and it's  
21 gone on from there.

22 Working for Paul Tinkler's office, once  
23 again, nominal estates all the way to multiple, multiple  
24 sheets of equitable distribution. Did it all. The one  
25 thing we didn't do, just for full disclosure, we never

1 had any adoptions come in. That's statutorily driven.  
2 I'm comfortable being able to do that.

3 But I left on purpose to go work for the  
4 solicitor's office so I could do the juvenile  
5 delinquency. My experiences working with Paul Tinkler,  
6 literally doing everything across the board, nominal,  
7 you know, very intrinsic, very complicated cases as  
8 well, I'm very comfortable doing the domestic relations.

9 Even though it's three-and-a-half years of  
10 experience, it was hit the ground running, trial by  
11 fire, and we had some very good outcomes. We had some  
12 crazy cases together, very complex issues with  
13 common-law marriage, marrying people and divorcing them.  
14 Across the board, we did everything.

15 For the juvenile delinquency, I've been  
16 blessed to be able to do labor hearings binding over  
17 juveniles. I'm in the middle of one right now. I did  
18 one a couple of years ago. Murder trials, armed robbery  
19 trials, runaway, status offenses across the board. So I  
20 believe my experiences have really, I hope, shaped me in  
21 the way where I'll be a novel -- knowledgeable judge.

22 And that is really the focus of what I  
23 would like to see in judges and what I believe I would  
24 be, and what I will strive to be is a black letter of  
25 the law judge. There's too many times, especially in



1 family court, where the rules, they're not applied.  
2 They should be, but they're not, and it's chaos in the  
3 courtroom. And all of those experiences together, I  
4 believe, will make me a good family court judge.

5 MS. DEAN: All right. Thank you, sir.

6 You've already touched on an area,  
7 adoption, that is a subjective area where you would want  
8 to additionally prepare.

9 Can you briefly discuss how you would  
10 prepare for that area or any other area that you would  
11 need to prepare?

12 MR. FERDERIGOS: Sure. I'd read up on it.  
13 I'd study on it. I'd learn it.

14 That's the great thing about adoptions, for  
15 example. And a lot of issues in the family court is  
16 that it's in the book. It's statutorily driven. You  
17 can apply it.

18 I was -- when I was in private practice, I  
19 worked late. I studied hard. I did my work. I showed  
20 up prepared for court.

21 It didn't matter how late I worked; if I  
22 had to work weekends. My poor wife has missed so many  
23 anniversaries and Christmas parties from getting a phone  
24 call over someone -- you know, someone who dropped off  
25 the kid five minutes late, and the other side is

1 threatening emergency hearings and whatnot.

2 So you prepare, and that's what I would do.

3 Juvenile delinquency, the waiver hearings,  
4 there is not a plethora of case law when it comes to  
5 waiver hearings. You buckle down, and you read all the  
6 case law, and you do what you have to do.

7 And if I'm blessed to be allowed to  
8 move beyond this Commission and be one of the three  
9 selected to be on the court, I will work hard. I don't  
10 mind working weekends. I'll do what needs to be done.

11 But the way I would prepare is to make sure  
12 that I am knowledgeable, and the citizens of Charleston  
13 County deserve that in a judge.

14 MS. DEAN: Thank you, sir.

15 What suggestions will you offer for  
16 improving the backlog of cases on the family court  
17 docket?

18 MR. FERDERIGOS: Not to sound like a broken  
19 record, but working hard. You need judges who are  
20 willing to work late. I have no problem going in on the  
21 weekends. I'd do it now if I have to. If I had a  
22 murder trial to prepare, I'd do it.

23 I am coming into this position because I  
24 really -- and it sounds cliché to say this, but I want  
25 to do what's right for the community. It's something

1 that is a passion of mine, which is why I have devoted  
2 my whole legal career to this.

3 I'm not looking towards what judges make  
4 and the retirement. I don't even know what the  
5 retirement plan is. I want to be able to go in, do  
6 something that is right for the community, and help out  
7 the community in which I live in. And by doing that,  
8 I -- the answer to your question -- direct answer -- is  
9 to work late, do what you have to do, and move forward  
10 from there.

11 MS. DEAN: Thank you.

12 The Commission received 78 ballot-box  
13 surveys regarding you, with eight additional comments.  
14 The ballot-box surveys, for example, contain the  
15 following positive comments.

16 He brings the insight background --  
17 insightful background that would be of value to the  
18 bench. Vast experience in every aspect of family law  
19 through his days as a private practitioner as well as a  
20 solicitor in the family court division.

21 Four of the written comments expressed  
22 concern regarding your experience with domestic matters.

23 What response would you offer for this  
24 concern?

25 MR. FERDERIGOS: I would imagine those

1 individuals know me as an assistant solicitor and  
2 probably didn't have cases with me in private practice.  
3 My experience with the Paul Tinkler firm is vast.  
4 It's -- once again, I was blessed to be able to have  
5 cases against the higher-tier attorneys in the area,  
6 Robert Rosen, Ann Stirling. It goes on and on and on.

7 But I would imagine those individuals know  
8 me as an assistant solicitor because I've been doing  
9 that for seven years. However, my experience is vast in  
10 family court.

11 MS. DEAN: Thank you.

12 One of those four comments also indicated  
13 some concern of your judicial temperament.

14 What response would you offer for this  
15 concern?

16 MR. FERDERIGOS: I have been on the other  
17 side where judges have lashed out at attorneys in front  
18 of their clients unnecessarily and inappropriately.  
19 It's happened to me. It's embarrassing. I would never,  
20 ever do that to any attorney.

21 If an issue comes up, we would side bar.  
22 We'd go in chambers if we have to, and we resolve it. I  
23 truly believe that a judge is nothing more than a lawyer  
24 in that courtroom. The difference between the judge and  
25 the other lawyer in that courtroom is that that judge

1 gets to make the final decision in that case at that  
2 time in the court unless it's appealed.

3           So I would treat him with the utmost  
4 respect, and I've done that through private practice and  
5 also through prosecution, which I was very pleased to  
6 hear there was no complaints. Because being a  
7 prosecutor, a lot of times you're putting people in  
8 jail, and that's -- that really rubs defense counsel the  
9 wrong way for a recommendation. So I was very humbled  
10 to hear that.

11           MS. DEAN: Okay. Thank you.

12           At this time, I just have some housekeeping  
13 issues, and these are just a bunch of yes-or-no  
14 questions.

15           Have you sought or received the pledge of  
16 any legislator prior to this date?

17           MR. FERDERIGOS: No.

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

21           MR. FERDERIGOS: I have not.

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

25           MR. FERDERIGOS: I have not.

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

4 MR. FERDERIGOS: I do not.

5 MS. DEAN: Have you contacted any members  
6 of this Commission?

7 MR. FERDERIGOS: I have not.

8 MS. DEAN: Do you understand that 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. FERDERIGOS: Yes, ma'am, I am.

13 MS. DEAN: Have you reviewed the  
14 Commission's guidelines on pledging?

15 MR. FERDERIGOS: I have.

16 MS. DEAN: As a follow-up, are you aware of  
17 the penalties for violating the pledging rules; that is,  
18 it is a misdemeanor, and upon conviction, the violator  
19 must be fined not more than \$1,000 or imprisoned not  
20 more than 30 days -- or excuse me -- 90 days?

21 MR. FERDERIGOS: I am.

22 MS. DEAN: I would note that the Lowcountry  
23 Citizens Committee found the candidate to be qualified  
24 in the evaluative criteria of constitutional  
25 qualifications, physical health, and mental stability.

1                   The Committee found him to be  
2 well-qualified in the remaining criteria. Ethical  
3 fitness, 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 of the  
8 candidate today.

9                   Mr. Chairman, I have no further questions.

10                   SENATOR MARTIN: Thank you very much.

11                   Any questions by members of the Commission?

12                   Hearing none, I just want to thank you so  
13 much for being here today answering staff's questions,  
14 your openness with the Commission, and most importantly,  
15 your willingness to serve in this important position.

16                   This will conclude this portion of the  
17 screening process. As you know, the record will remain  
18 open until such time as the report is finalized. You  
19 could be called back in that regard. That's why, again,  
20 we stress the 48-hour rule. Once the report is  
21 released, if you have any questions about that, please  
22 contact the staff.

23                   We want to thank you again for offering and  
24 your willingness to serve and wishing you the very best.

25                   MR. FERDERIGOS: Thank you so much to

1 everyone. Have a good day.

2 SENATOR MARTIN: With that, I think,  
3 possibly --

4 THE COURT REPORTER: I can barely hear you.  
5 I can't hear you.

6 SENATOR MARTIN: Oh, I'm sorry.

7 With that, I think, possibly, lunch is  
8 here. Well, I thought it was. If it's not, we'll take  
9 another one.

10 Oh, it is? Lunch is served. Is everybody  
11 good with that? Any objection to a recess?

12 All right. Hearing none, we'll stand in  
13 recess for about --

14 CHAIRMAN REPRESENTATIVE CLEMMONS:  
15 Actually, I said let's go into executive session.

16 SENATOR MARTIN: Yeah, I missed that.

17 We need to go into executive session, and  
18 we can grab our sandwiches while we meet.

19 Ms. Wall, would you make a motion?

20 MS. WALL: I will.

21 SENATOR MARTIN: All right.

22 REPRESENTATIVE MACK: (Indicating.)

23 SENATOR MARTIN: And we have a second from  
24 Representative Mack.

25 All right. Any objection?



1                   Hearing none, we'll lower the veil, clear  
2 the room, and eat lunch.

3                   (A lunch recess and executive session  
4 transpired from 1:44 p.m. to 2:36 p.m.)

5                   SENATOR MARTIN: Okay. Mr. Sean F. Keefer.  
6 Welcome.

7                   MR. KEEFER: Welcome -- pleasure to be  
8 here.

9                   SENATOR MARTIN: Do you have someone with  
10 you you'd like to introduce?

11                  MR. KEEFER: I've got a couple of folks  
12 with me. My wife, Wendy Keefer, is here.

13                  SENATOR MARTIN: Ms. Keefer, welcome.

14                  MR. KEEFER: I have two of my dear friends  
15 that I grew up with in Horry County, Derrick Coleman --

16                  SENATOR MARTIN: Welcome.

17                  MR. KEEFER: -- and Ken Elliot.

18                  SENATOR MARTIN: Welcome. Glad to have  
19 y'all with us.

20                  Do you have a short statement you'd like to  
21 make to the members of the Commission?

22                  MR. KEEFER: Well, I'd, first of all, like  
23 to thank everybody on the Commission for all their time  
24 and focus. I know y'all have a -- have had a lot of  
25 work over the past few days and got this together now,

1 so thank y'all so much for doing this.

2 I'd also like to thank the staff for  
3 everything that they've done as far as it goes with  
4 pulling things together in the process. They made it  
5 very, very helpful as far as it goes. Anytime I needed  
6 anything, they were there. So a gracious thanks to  
7 that.

8 Also, the members of the Bar who did the  
9 interviews and of the Citizens Committee in the  
10 Lowcountry.

11 SENATOR MARTIN: Thank you.

12 Would you mind raising your hand to take  
13 the oath.

14 Do you solemnly swear to tell the truth,  
15 the whole truth, and nothing but the truth, so help you  
16 God?

17 MR. KEEFER: I do.

18 SENATOR MARTIN: All right. Thank you.

19 Have you had an opportunity to review your  
20 personal data questionnaire?

21 MR. KEEFER: Yes, sir, I have.

22 SENATOR MARTIN: Is everything correct?  
23 Does anything need to be changed?

24 MR. KEEFER: I believe that I did an  
25 amendment that I sent out within the past couple of

1 weeks. Other than to have that in there, everything in  
2 there otherwise is accurate.

3 SENATOR MARTIN: No objection to making the  
4 PDQ part of our record?

5 MR. KEEFER: Absolutely none whatsoever.

6 SENATOR MARTIN: It will be done at this  
7 point in the transcript.

8 (Exhibit Number 1, Sean F. Keefer's  
9 Personal Data Questionnaire, was marked for  
10 identification.)

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

20 And we have no affidavits in opposition to  
21 your election. No witnesses are here to testify.

22 At this point in time -- you've already  
23 made an opening statement.

24 Would you mind answering Counsel's  
25 questions.

1 MR. KEEFER: Absolutely.

2 SENATOR MARTIN: All right.

3 MR. DAVIDSON: Thank you, Mr. Chairman.

4 First, I have a procedural matter to take  
5 care of with this candidate.

6 Good afternoon, Mr. Keefer.

7 MR. KEEFER: Mr. Davidson.

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

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

14 MR. KEEFER: I would not.

15 MR. DAVIDSON: At this time, Mr. Chairman,  
16 I would like to ask that Mr. Keefer's sworn statement be  
17 entered as an exhibit.

18 SENATOR MARTIN: All right. Any objection?

19 MR. KEEFER: Absolutely none whatsoever.

20 SENATOR MARTIN: Hearing none, it's so  
21 ordered.

22 (Exhibit Number 1, Sean F. Keefer's Sworn  
23 Statement, was marked for identification.)

24 MR. DAVIDSON: Would you please state for  
25 the record the city and circuit in which you reside.

1 MR. KEEFER: I reside in Charleston, South  
2 Carolina, and that is the 9th Judicial Circuit.

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

10 Mr. Keefer, could you please explain to the  
11 Commission why you would like to serve as a family court  
12 judge?

13 MR. KEEFER: It's really a juncture of  
14 three particular points. One, my experience, which has  
15 been pretty much solely focused on the family courts.  
16 Two, my service that I've done and that which I hope to  
17 do, and then the fact that there is an opening in  
18 Charleston County.

19 The three of those have intersected to  
20 create what I believe, for me, is to be able to take my  
21 experience, put that into service, serving not only the  
22 citizens of Charleston County, but the citizens of the  
23 state of South Carolina as a family court judge.

24 MR. DAVIDSON: Can you explain to the  
25 Commission how you feel your legal and professional

1 experience thus far will assist you to be an effective  
2 judge?

3 MR. KEEFER: I started law, I believe, as  
4 you can see from the information in front, of you back  
5 in 1997. It started out with the goal of practicing  
6 family law. I was very fortunate to be hired at a firm  
7 that gave me the opportunity to do that.

8 From my first steps of being a family court  
9 practitioner, I began to add in other areas in the  
10 family courts. Mediation trainings expanded to include  
11 other forms of dispute resolution, such as arbitration  
12 and collaborative law. From there, I began to do  
13 guardian ad litem work.

14 Following that, it's been a period of time  
15 representing litigants in DSS matters ultimately  
16 culminating me to contract attorney for the Berkeley  
17 County Guardian Ad Litem Program. The conglomeration,  
18 amalgamation, if you will, of that set of experiences  
19 over my career has given me some unique perspectives,  
20 not only from a standpoint of a litigant, representing,  
21 helping them draw closure from a standpoint of a dispute  
22 resolution perspective, mediation, arbitration,  
23 collaborative.

24 And then, also, one of the things that's  
25 very personal to me is the work that I've done as a

1 guardian ad litem and representing guardians ad litem  
2 for children. Because, for me, almost every family  
3 court case in some form or fashion touches on children.  
4 As I pull the totality of that together, I feel very  
5 strongly that that experience is going to make me an  
6 effective family court judge that understands the needs  
7 of litigants, not just from the perspective of someone  
8 who is represented, but also who has worked with them in  
9 resolution and worked with the children through the  
10 process.

11 MR. DAVIDSON: Thank you.

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

17 MR. KEEFER: Through my career, I've been  
18 very fortunate with a rare exception. I've never worked  
19 as a staff attorney for the Department of Social  
20 Services. I've never been a prosecutor in the juvenile  
21 justice system, but my experience is allowing me to  
22 handle virtually every type of family court case  
23 otherwise, it would appear.

24 In the event that an issue arose that I did  
25 not feel I was able to handle at the time, I have the

1 resources, I believe, available through the mechanisms  
2 that I've used in the past to get myself up to speed to  
3 where I could handle that. But I think in large part,  
4 the first thing I would draw upon would be my  
5 experience, what I've seen working with litigants, and  
6 what I've seen in the courtroom.

7 But if time is needed, I would know where  
8 to go to find it to make sure that I was up to speed on  
9 anything that would come into a courtroom where I was  
10 sitting as a presiding judge.

11 MR. DAVIDSON: What suggestions would you  
12 offer for improving the backlog of cases on the docket  
13 in family court?

14 MR. KEEFER: I believe from a standpoint of  
15 improving the backlog, it runs to making sure that cases  
16 are heard in a timely fashion, making sure that  
17 decisions are issued in a timely fashion, making sure  
18 that attorneys for the litigants are ready to go when  
19 their cases are called to minimize continuances except  
20 in the appropriate of situations, and then simply to  
21 make the court time available to make sure that you were  
22 on the bench hearing these cases to get the resolution  
23 to move the docket along.

24 MR. DAVIDSON: The Commission received 80  
25 ballot-box surveys regarding your candidacy, with 12



1 additional comments. The ballot-box survey, for  
2 example, contained the following positive comments.

3 He is exceedingly bright and compassionate.  
4 He would make an excellent family court judge. Another  
5 said. He is thoughtful and patient, is well-versed in  
6 the law and has an excellent temperament.

7 Another said, He is well-experienced,  
8 insightful, and excessively qualified for this position.

9 Two of the written comments expressed  
10 concerns. The first stated, using their words,  
11 Mr. Keefer may lack the necessary force to be an  
12 effective judicial candidate.

13 What response would you offer to this  
14 concern?

15 MR. KEEFER: It's very difficult to answer  
16 that not knowing the context it was in, but I can break  
17 that down into three arenas, potentially where that  
18 could have arisen. First, me working and representing  
19 any litigant in a family court case. I simply don't  
20 believe that at any point in my career, I have been less  
21 than direct when I have been representing my clients.

22 In other words, I try to make sure that  
23 they know the parameters. I try to make sure that they  
24 know when the settlement is appropriate and advocate for  
25 their position effectively. Sometimes in my role as a

1 mediator or a guardian, I believe that it would be  
2 overstepping the bounds as the mediator toward the  
3 guardian to be too firm, to be too direct, to be to the  
4 point of where I am removed from the role of a neutral  
5 or as a guardian where I have moved out of advocating  
6 for the child and conducting an independent  
7 investigation to where it appeared that I was advocating  
8 for one of the parties.

9                   So I believe that I am very firm and  
10 decisive when need be. I am not here today seeking a  
11 position as a mediator or a guardian. I'm here seeking  
12 a position for family court judge. And as a family  
13 court judge, I have the ability to be firm, direct, and  
14 decisive when called for in the appropriate situations  
15 to rule on issues as they would come before them.

16                   MR. DAVIDSON: Thank you. The other  
17 comment states, using their words, Sean is a wonderful  
18 guy but maybe just a bit lazy.

19                   What response do you offer to that response  
20 as well?

21                   MR. KEEFER: I've thought a great deal  
22 about that and talked about it with my wife, and we've  
23 talked about it when I've been coming from a guardian  
24 visit that I've had to do in the evening because the day  
25 was too full, or as we were talking about it on the way

1 up here, Now, how are you going to balance that visit  
2 that you have to do first thing Saturday morning?

3 I don't have an answer for that except to  
4 say, my work gets done. I make sure that it's done.  
5 And if I have to use the evenings or the weekends to do  
6 it, I'd do it.

7 MR. DAVIDSON: Thank you for those  
8 responses.

9 Now, I have just a few housekeeping  
10 questions to ask first.

11 Have you sought or received the pledge of  
12 any legislator prior to this date?

13 MR. KEEFER: I have not.

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

17 MR. KEEFER: No.

18 MR. DAVIDSON: Have you asked any third  
19 parties to contact members of the General Assembly on  
20 your behalf?

21 MR. KEEFER: I have not.

22 MR. DAVIDSON: Are you aware of anyone  
23 attempting to intervene in any part of the process on  
24 your behalf?

25 MR. KEEFER: I am not aware of any such.

1 MR. DAVIDSON: Have you contacted any  
2 members of this Commission?

3 MR. KEEFER: Absolutely not.

4 MR. DAVIDSON: Do you understand that you  
5 are prohibited from seeking a pledge or commitment until  
6 48 hours after the formal release of the Commission's  
7 report?

8 MR. KEEFER: Yes, sir.

9 MR. DAVIDSON: Have you reviewed the  
10 Commission's guidelines on pledging?

11 MR. KEEFER: I have.

12 MR. DAVIDSON: And lastly, as a follow-up,  
13 are you aware of the penalties for violating pledging  
14 rules; that is, it is a misdemeanor, and upon  
15 conviction, the violator must be fined not more than  
16 \$1,000 or imprisoned not more than 90 days?

17 MR. KEEFER: Quite aware.

18 MR. DAVIDSON: I would note for the record  
19 that the Lowcountry Citizens Committee found Mr. Keefer  
20 qualified in the evaluative criteria of constitutional  
21 qualifications, physical health, and mental stability.

22 The Committee found him well-qualified in  
23 the evaluative criteria of ethical fitness, professional  
24 and academic ability, character, reputation, experience,  
25 and judicial temperament.

1 I would like to note for the record that  
2 any concerns raised during the investigation regarding  
3 the candidate were incorporated into the questioning of  
4 the candidate today.

5 Mr. Chairman, I have no further questions.

6 SENATOR MARTIN: Thank you very much.

7 Thank you, Mr. Keefer.

8 This concludes this portion of our  
9 screening process. As you know, it's been indicated  
10 that the record will remain open, and you could be --  
11 until the report is published, you could be called back  
12 at any time --

13 MR. KEEFER: Certainly.

14 SENATOR MARTIN: -- in that regard. I  
15 don't anticipate that happening because we give notice  
16 to everyone.

17 I'll remind you again of the 24-hour  
18 rule -- 48-hour rule, as we do all candidates.

19 I thank you for offering and thank you for  
20 your willingness to serve, and I wish you and your  
21 family the very best.

22 Any questions?

23 Thank you.

24 SENATOR MALLOY: Mr. Keefer, I take from  
25 your comment that they were saying that a person who is

1 lazy -- I think you had a good way of answering it,  
2 giving us the way that you were spending time after  
3 hours away from your family and working Saturdays and  
4 any time that it takes.

5 That's your commitment that you're making  
6 the effort as a family court judge?

7 MR. KEEFER: As a family court judge, the  
8 work is paramount, and it's going to need to be done.  
9 And I am prepared to make the time commitment to make  
10 sure that anything that comes before me as a member of  
11 the family court judiciary is addressed with the same  
12 commitment, if not more than I do now, and I'd do the  
13 work when it has to be done, yes, sir.

14 SENATOR MARTIN: All right. Any other  
15 questions?

16 Again, thank you so much, and best wishes  
17 to you and your family.

18 MR. KEEFER: Again, thank y'all so very  
19 much for your time today.

20 SENATOR MARTIN: All right. You're  
21 welcome.

22 We're off the record, waiting on the next.

23 (Off the record.)

24 SENATOR MARTIN: All right. We're back on  
25 the record for Ms. Alice Richter-Lehrman for Family

1 Court, 9th Judicial Circuit, Seat 2.

2 Ms. Lehrman, do you have some folks with  
3 you you would like to introduce to us?

4 MS. RICHTER-LEHRMAN: I do. Thank you,  
5 Chairman.

6 My aunt, Donna Richter; my two mentors,  
7 Carl Solomon and Anne Frances Bleeker of the South  
8 Carolina Bar are here in support, and I am very  
9 grateful.

10 SENATOR MARTIN: Well, great to have y'all  
11 with us.

12 MS. RICHTER-LEHRMAN: Thank you.

13 SENATOR MARTIN: Will you raise your right  
14 hand to take the oath.

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

17 MS. RICHTER-LEHRMAN: I do.

18 SENATOR MARTIN: All right. Have you had  
19 the opportunity to review your personal data  
20 questionnaire?

21 MS. RICHTER-LEHRMAN: I have.

22 SENATOR MARTIN: Is everything in order?  
23 Do you need to make any changes or amendments?

24 MS. RICHTER-LEHRMAN: I do not.

25 SENATOR MARTIN: Okay. Do you object to

1 our making it part of the record at this time?

2 MS. RICHTER-LEHRMAN: No, I do not.

3 SENATOR MARTIN: All right. It will be  
4 done.

5 (Exhibit Number 1, Alice A.  
6 Richter-Lehrman's Personal Data Questionnaire, was  
7 marked for identification.)

8 SENATOR MARTIN: All right. The Judicial  
9 Merit Selection Commission has thoroughly investigated  
10 your qualifications for the bench. Our inquiry has  
11 focused on nine evaluative criteria including a  
12 ballot-box survey, a thorough study of your application  
13 materials, a verification of your compliance with state  
14 ethics laws, a search of newspaper articles in which  
15 your name appears, a study of previous screenings, and a  
16 check for economic conflicts of interest.

17 We've received no affidavits in opposition  
18 to the election. No witnesses here -- are here to  
19 testify.

20 Do you have a brief opening statement you'd  
21 like to make at this time?

22 MS. RICHTER-LEHRMAN: I'd like to thank  
23 y'all for your service. This is an important function,  
24 and it's been a very long two days, I know. I'm ready  
25 to get started in answering any questions you may have.



1                   SENATOR MARTIN: If you would, please  
2 answer Counsel's questions he might have for you.

3                   MR. GENTRY: Mr. Chairman and members of  
4 the Commission, I have a procedural matter to take care  
5 of with regards to this candidate.

6                   Ms. Richter-Lehrman, you have before you  
7 the sworn statement and amendments that you provided  
8 with detailed answers to over 30 questions regarding  
9 judicial conduct, statutory qualifications, office  
10 administration, and temperament.

11                   Are there any additional amendments you  
12 would like to make to your sworn statement?

13                   MS. RICHTER-LEHRMAN: There are not.

14                   MR. GENTRY: Mr. Chairman, I would ask that  
15 Ms. Richter-Lehrman's sworn statement and amendment be  
16 entered into -- as an exhibit into the hearing record at  
17 this time.

18                   SENATOR MARTIN: Any objection?

19                   Hearing none, the PDQ and amendment will be  
20 entered into the record at this time.

21                   (Exhibit Number 1, Alice A.  
22 Richter-Lehrman's Sworn Statement, was marked for  
23 identification.)

24                   MR. GENTRY: Please state for the record  
25 the city and circuit in which you preside.

1 MS. RICHTER-LEHRMAN: I reside in  
2 Mt. Pleasant in Charleston County, the 9th Judicial  
3 Circuit.

4 MR. GENTRY: One final procedural matter  
5 I'll note for the record is, based on the testimony  
6 contained in the candidate's PDQ, which has been  
7 included in the record with the candidate's consent, the  
8 candidate meets the statutory requirement for this  
9 position regarding age, residence, and years of  
10 practice.

11 Why do you want to serve as a family court  
12 judge?

13 MS. RICHTER-LEHRMAN: I love the law. I  
14 love this process. I literally grew up around it in a  
15 family of lawyers and grew up in law offices and around  
16 this process throughout my childhood, but always wanting  
17 to practice law and loved every moment of my career,  
18 almost.

19 I think the joy that I have found in the  
20 practice is -- has been really fulfilling, and I have  
21 been able to practice in a broad variety of areas  
22 throughout my career and have found that in family  
23 court, I feel a deep satisfaction in participating in  
24 the process through the family court system. And I  
25 believe that over the years, my temperament and my

1 understanding of the -- processing the issues that arise  
2 in the family court arena has grown, and that I would be  
3 honored to utilize the skills that I've learned and the  
4 knowledge that I've gained through my years of  
5 experience in serving a very important function in  
6 participating in -- of civil servant through the  
7 judiciary.

8 MR. GENTRY: Can you explain to the  
9 Commission how you feel your legal and professional  
10 experience thus far will assist you in being an  
11 effective judge.

12 MS. RICHTER-LEHRMAN: Yes. I've practiced,  
13 as I said, in several different areas of law over the  
14 course of my career, and I've found that my temperament  
15 and my skills were most fulfilled when I was in family  
16 court. And my practice evolved to the point where I do  
17 almost exclusively family and probate work and have been  
18 very satisfied in terms of me dealing with people going  
19 through the judicial process in the family courts and  
20 availing themselves of the court.

21 And I've dealt with, I would say, almost  
22 every issue that could come up in family court and had a  
23 real breadth of experience, but also a real willingness  
24 to continue to learn and evolve, which is, I think,  
25 what's required of anyone serving on the bench and to

1 provide everyone who would come before me, if I were  
2 elected, a full and fair hearing regardless of their  
3 station or background.

4 MR. GENTRY: Are there any areas, including  
5 subjective or substantive areas in the law, that you  
6 would need to additionally prepare for in order to serve  
7 as a judge; and if so, how would you handle that  
8 additional preparation?

9 MS. RICHTER-LEHRMAN: Well, I think that  
10 the practice of law, including service on the judiciary,  
11 is a lifelong learning process. I think any lawyer  
12 would probably agree with that, and I enjoy that aspect  
13 of our profession. I think we all continue to learn  
14 that this law continues to evolve. It's constantly  
15 changing, and I enjoy reading and keeping up with what's  
16 going on.

17 I enjoy the ebook online application. I do  
18 do a lot of CLEs. I like them. I like knowing what's  
19 going on and trying to keep up with where the law is  
20 going and how it affects people in their everyday lives.

21 And so I think that part of the process is  
22 an ongoing thing.

23 In terms of practice in subjective areas, I  
24 would probably have started already to strengthen my  
25 knowledge, understanding, and particularly in terms of

1 practical application in terms of juvenile adjudications  
2 in family court. I haven't prosecuted, and my  
3 representation of individuals in those matters is less  
4 extensive than some of the areas -- other areas of the  
5 family court.

6 MR. GENTRY: What suggestions would you  
7 offer for improving the backlog of cases on the docket  
8 in family court?

9 MS. RICHTER-LEHRMAN: Well, I think the  
10 chief justice has given us a huge boost in that arena in  
11 the family courts, just recently with her new Benchmark  
12 order.

13 I think in Charleston, we have an ABC  
14 docket system, which has proven very effective. I think  
15 that I could first go in and -- as the youngest incoming  
16 judge in that circuit -- defer to some extent to the  
17 practices that are in place in the 9th Judicial Circuit.

18 But it does tend to run much more  
19 effectively than some of the other circuits that I  
20 practice in, for example.

21 And so, you know, I would work with the  
22 other judges to the extent that was necessary, but I do  
23 think that the Benchmark Work Rule, the 365 Rule, is  
24 helpful, as is the ABC docket.

25 MR. GENTRY: In 2013, you were named as a

1 defendant lienholder in a foreclosure action brought by  
2 Bank of America.

3 Please briefly explain the nature and the  
4 disposition of the lawsuit.

5 MS. RICHTER-LEHRMAN: Yes. That was a case  
6 in which I was named as the lienholder. It related to  
7 an estate, a house and an estate, and it was foreclosed  
8 on. I had been a -- I had represented the decedent and  
9 had an attorney for -- had an order for attorney's fees  
10 from that action, which was filed as a creditor's claim,  
11 which led to Bank of America naming me as the creditor.

12 MR. GENTRY: What's the current disposition  
13 of the lawsuit?

14 MS. RICHTER-LEHRMAN: It is currently in  
15 the process of being dismissed, according to the  
16 plaintiff's attorney. It's been ordered for dismissal  
17 somewhere between the Cornwell Firm in Columbia and the  
18 clerk's office in Charleston.

19 MR. GENTRY: The Commission received 45  
20 ballot-box surveys regarding you, with 6 additional  
21 comments. The ballot-box survey, for example, contained  
22 the following positive comments.

23 Perhaps the best judicial temperament of  
24 all the 9th Circuit candidates. Alice is a fine, young  
25 lawyer and would make an exemplary judge.

1 Two of the written comments express  
2 concerns regarding your age and experience.

3 What response would you offer to these  
4 concerns?

5 MS. RICHTER-LEHRMAN: I had touched on  
6 previously, and as I think you can see from my PDQ and  
7 my sworn statement, my breadth of experience, I think,  
8 is extensive. I've also worked in very complex matters  
9 over the course of my career, and I think, particularly  
10 in family court, that I've been lucky enough to have  
11 experience in almost every type of case that could come  
12 before us.

13 I think, also, in the family court arena,  
14 something that has benefitted me has been the fact that  
15 I've represented litigants. I've been a client in  
16 family court. I have served as the guardian ad litem in  
17 family court.

18 And so I have a perspective that I can  
19 bring to the table from those experiences that I think  
20 will give me the unique ability. If I'm sitting, you  
21 know, as the judge, to understand and identify with  
22 where the different folks in the courtroom are coming  
23 from, what the dynamic in the room is and how can I best  
24 and most effectively adjudicate each case.

25 MR. GENTRY: Thank you.

1                   Have you sought or received a pledge of any  
2 legislator prior to this date?

3                   MS. RICHTER-LEHRMAN: I have not.

4                   MR. GENTRY: Have you sought or have you  
5 been offered a conditional pledge of support of any  
6 legislator pending the outcome of your screening?

7                   MS. RICHTER-LEHRMAN: I have not.

8                   MR. GENTRY: Have you asked any third  
9 parties to contact members of the General Assembly on  
10 your behalf?

11                   MS. RICHTER-LEHRMAN: I will have not.

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

15                   MS. RICHTER-LEHRMAN: I am not aware.

16                   MR. GENTRY: Have you contacted any members  
17 of the Commission?

18                   MS. RICHTER-LEHRMAN: I have not. I would  
19 note that my law firm is involved in a litigation in  
20 which Representative Clemmons is also involved. I am  
21 not involved in that case, and I'm screened from the  
22 case and have had no contact with Representative  
23 Clemmons and will not have any.

24                   MR. GENTRY: Do you understand that you are  
25 prohibited from seeking a pledge or commitment until 48



1 hours after the formal release of the Commission's  
2 report?

3 MS. RICHTER-LEHRMAN: I do.

4 MR. GENTRY: Have you reviewed the  
5 Commission's guidelines on pledging?

6 MS. RICHTER-LEHRMAN: I have.

7 MR. GENTRY: As a follow-up, are you aware  
8 of the penalties for violating the pledging rules; that  
9 is, it is a misdemeanor, and upon conviction, the  
10 violator must be fined not more than \$1,000 or  
11 imprisoned not more than 90 days?

12 MS. RICHTER-LEHRMAN: I am aware.

13 MR. GENTRY: I would note that that  
14 Lowcountry Citizens Committee found this candidate to be  
15 well-qualified in the evaluative criteria of ethical  
16 fitness, professional and academic ability, character,  
17 reputation, and judicial temperament.

18 The Committee found her to be qualified in  
19 the remaining evaluative criteria of constitutional  
20 qualifications, physical health, mental stability, and  
21 experience.

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

25 Mr. Chairman, I have no further questions.

1                   SENATOR MARTIN: Any questions from this  
2 committee?

3                   Hearing none, thank you so much.

4                   SENATOR MALLOY: I have one.

5                   SENATOR MARTIN: Yes, Senator Malloy.

6                   SENATOR MALLOY: Thank you, ma'am, for  
7 being here. As we look at your summary, there would  
8 be -- there are some that just speak to your experience  
9 and as it relates to being in the family court. Could  
10 you give us a sense of how you would respond to that as  
11 it relates to cases handled?

12                   I know you talked about it some in general  
13 but --

14                   MS. RICHTER-LEHRMAN: What types of cases?

15                   SENATOR MALLOY: Well, and that happens a  
16 lot of times when folks have been practicing law for a  
17 few years. So we may get one that's been in here for 30  
18 years, and one that's been in here for ten years.

19                   And so just give us some of the  
20 (indiscernible) -- I know you listed some in your  
21 questionnaire.

22                   (Court reporter raising hand to indicate  
23 dialogue is inaudible as instructed to do so before the  
24 hearing.)

25                   MS. RICHTER-LEHRMAN: Sure. In the family

1 court, I've dealt with, I think most, of the issues that  
2 come before a family court. I've dealt with cases  
3 involving DSS, with custody equitable division, divorce,  
4 support and maintenance actions, and I have dealt with  
5 taking cases with all kinds of litigants, from folks who  
6 have huge asset bases and lots of assets to fight over,  
7 basically, and to folks with very limited means.

8 I've dealt with abuse and negligence cases,  
9 adoptions and, to a lesser extent, with juvenile  
10 adjudications in family court.

11 I've been fortunate enough that I came into  
12 a practice where we deal with lots of cases that are  
13 more complex, and take -- take on fewer cases, but  
14 they're tough cases, and they have issues that may be  
15 novel, substantive legal issues, you know, dealing with  
16 all kinds of things in terms of complex financial issues  
17 and Ombuds custody issues that folks don't see on a  
18 daily basis but that do come up in family court.

19 So I feel very comfortable and conversant  
20 with the substantive law and with the different areas  
21 that come before the family court in that sense.

22 Additionally, outside of the family court,  
23 I do extensive work in probate court, which has given me  
24 a perspective in terms of the adult protective services  
25 cases that come through DSS and family court, some of

1 those type of cases -- some of the issues that come up  
2 in conservatorship and guardianship cases, which I deal  
3 with to a large extent in probate court.

4           And I've done, also, extensive civil  
5 litigation both in South Carolina and multi -- in other  
6 states and have been able to practice both at the  
7 appellate -- at the circuit in the appellate level,  
8 which has given me a good opportunity to feel  
9 comfortable with being in the courtroom, understanding  
10 what judges are looking for. I've been honored to  
11 appear before, you know, our Supreme Court and -- but  
12 appellate court is in our state.

13           So I feel very comfortable doing that.  
14 I've been practicing for almost 12 years, so in terms of  
15 experience, I don't do things by half. I've jumped  
16 right in, and I work really hard to sort of go out and  
17 make a name for myself and be really independent, which  
18 is why the family court and probate court work has been  
19 a good fit for me.

20           SENATOR MARTIN: Any other questions?

21           MS. BELL: Good afternoon. Just a  
22 question, again, regarding you experience to let the  
23 Commission know somehow -- not having everybody on the  
24 Commission being a lawyer -- in the particular firm that  
25 you work for, what is your autonomy over cases? Are you

1 first chair? Do you work with others, or do you -- what  
2 kind of control do you have over your caseloads?

3 MS. RICHTER-LEHRMAN: Over most of the  
4 cases that I'm involved with at this point in my career,  
5 I'm either dealing with the case on my own, or I'll have  
6 a younger associate working with me.

7 In my family court cases, I am almost  
8 exclusively handling them on my own. I occasionally  
9 will be co-counsel if, you know, there's another firm on  
10 a case. That happens not infrequently, particularly  
11 where you have a case where there is some sort of a  
12 complex issue going on in terms of multiple parties or  
13 third parties being joined. That's not an uncommon  
14 occurrence in our office.

15 In the civil arena, I very often am working  
16 with my father, who I practice with. And so in those  
17 situations, I am working on a level field with him,  
18 basically, and he -- I do let him take the lead from  
19 time to time. But I am -- but I have worked hard, you  
20 know, particularly in family court and have created sort  
21 of the sub-practice within our firm wherein I do family  
22 and probate court work independent of everyone else in  
23 my office.

24 SENATOR MARTIN: Senator Campsen.

25 SENATOR CAMPSEN: Thank you for being here.

1 And I just want to say I found everything you said very  
2 credible until you said you let Larry Richter take the  
3 lead from time to time.

4 MS. RICHTER-LEHRMAN: I will concede that  
5 point.

6 SENATOR CAMPSEN: No. I will say that I  
7 had an occasion, just this year, of all of us getting  
8 constituent problems when they have problems in court,  
9 particularly family court, all of us elected officials,  
10 you know. I had a constituent who had an issue, and I  
11 said, Well, who's your attorney? And he told me it was  
12 Ms. Richter-Lehrman.

13 You've got to speak to her because usually  
14 the attorney knows if there is something that can be  
15 done. They know what needs to be done.

16 So I called her and asked what -- she told  
17 me what she was doing for the client, and I called the  
18 client back. The client was very, very upset, and I  
19 said, you have an outstanding reputation. You just --  
20 you need to do what your lawyer has told you to do.  
21 They didn't want to do what you had recommended, but  
22 that was clearly in their best interest.

23 And so, I was very impressed with the  
24 manner in which you handled that situation, and I told  
25 you that previously.

1 MS. RICHTER-LEHRMAN: Yes. Thank you.

2 SENATOR CAMPSEN: And I wanted the  
3 Committee -- Commission to know.

4 But Larry does not relinquish the lead, and  
5 I can tell you that. You know that.

6 MS. RICHTER-LEHRMAN: Yes. Fortunately, I  
7 have a lifetime of experience at how to finesse those  
8 situations.

9 SENATOR CAMPSEN: Yes.

10 SENATOR MARTIN: All right. Another  
11 question or comment?

12 Well, Ms. Richter-Lehrman, thank you so  
13 much for being with us, and this concludes this portion  
14 of the screening process.

15 I'll reiterate the time again about the  
16 rules regarding pledging and so forth. I'll just remind  
17 you of that as we close, and the 48-hour rule as the  
18 report is published, should you be nominated.

19 And I will just conclude by thanking you  
20 for your willingness to serve.

21 MS. RICHTER-LEHRMAN: Thank you all for  
22 your consideration.

23 SENATOR MARTIN: Give your dad my regards.

24 MS. RICHTER-LEHRMAN: I will. I appreciate  
25 it. Take care.

1 SENATOR MARTIN: Most certainly.

2 MS. RICHTER-LEHRMAN: Thanks.

3 (Discussion off the record.)

4 SENATOR MARTIN: Welcome, Mr. Schwartz.

5 MR. SCHWARTZ: Thank you very much. Good  
6 afternoon.

7 SENATOR MARTIN: So glad to have you with  
8 us. Do you have anyone here you'd like to introduce to  
9 the Commission?

10 MR. SCHWARTZ: I do. I have my wife with  
11 me, Nancy.

12 SENATOR MARTIN: Mrs. Schwartz, welcome.

13 MRS. SCHWARTZ: Thank you.

14 SENATOR MARTIN: All right. Would you  
15 kindly raise your hand and take the oath.

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

18 MR. SCHWARTZ: I do. Thank you.

19 SENATOR MARTIN: All right. Did you have an  
20 opportunity to review your personal data questionnaire?

21 MR. SCHWARTZ: I have.

22 SENATOR MARTIN: Do you have any change or  
23 amendment you need to make at this time?

24 MR. SCHWARTZ: No, not that I'm aware of.

25 SENATOR MARTIN: Okay. Do you object to



1 our making this summary of the PDQ a part of the record  
2 of your sworn testimony?

3 MR. SCHWARTZ: Not at all.

4 (Exhibit Number 1, Paul D. Schwartz's  
5 Personal Data Questionnaire, was marked for  
6 identification.)

7 SENATOR MARTIN: All right. The Judicial  
8 Merit Selection Commission has thoroughly investigated  
9 your qualifications for the bench. Our inquiry has  
10 focused on nine evaluative criteria including a  
11 ballot-box survey, a thorough study of your application  
12 materials, a verification of your compliance with state  
13 ethics laws, a search of newspaper articles in which  
14 your name appears, a study of previous screenings, and a  
15 check for economic conflicts of interest.

16 We've received no affidavits filed in  
17 opposition to the election. No witnesses are here to  
18 testify.

19 Do you have a brief opening statement you'd  
20 like to make at this time?

21 MR. SCHWARTZ: I beg your pardon?

22 SENATOR MARTIN: Do you have a brief  
23 opening statement?

24 MR. SCHWARTZ: Just that I've been  
25 practicing law now for 32 years. A lot of experience in

1 the family court. I feel I can contribute on the bench.  
2 I've been a guardian ad litem for over 20 years, and in  
3 my role as a guardian, I really got a lot of insight  
4 into kind of how judges actually view things, which is  
5 differently than when you're one of the parties,  
6 representing attorneys, and I feel like I'm in a real  
7 good position to participate on the bench.

8 SENATOR MARTIN: Would you mind answering  
9 Counsel's questions.

10 MR. SCHWARTZ: Not at all.

11 SENATOR MARTIN: All right.

12 MR. DENNIS: Good afternoon, Mr. Schwartz.  
13 You should also have in front of you your  
14 sworn statement. Do you have any amendments that you  
15 need to make to that document at this point?

16 MR. SCHWARTZ: Not that I'm aware of. I do  
17 not.

18 MR. DENNIS: Mr. Chairman, I'd ask that  
19 Mr. Schwartz's sworn statement here be entered as an  
20 exhibit into the hearing record.

21 SENATOR MARTIN: Is there any objection?

22 Hearing none, it will be ordered.

23 (Exhibit Number 2, Paul D. Schwartz's Sworn  
24 Statement, was marked for identification.)

25 MR. DENNIS: To make our record complete,

1 Mr. Schwartz, could you please state the city and  
2 circuit in which you reside.

3 MR. SCHWARTZ: I live -- it's in  
4 Charleston, South Carolina. It's the 9th Circuit.

5 MR. DENNIS: As a final procedural matter,  
6 I will note for the record that based on testimony  
7 contained in the candidates PDQ and sworn statement,  
8 Mr. Schwartz meets the statutory requirements for this  
9 position regarding age, residence, and years of  
10 practice.

11 Mr. Schwartz, can you tell the Commission  
12 why you would like to serve as the family court judge?

13 MR. SCHWARTZ: Well, I -- again, I have  
14 been practicing law now for over 30 years. I feel like  
15 I'm highly qualified for the position. You know, it  
16 seems like when you practice law and the new judges get  
17 on the bench, a lot of the lawyers, you complain from  
18 time to time. You feel like you really don't have a  
19 right to complain unless you try to do something about  
20 it.

21 I want to get on the bench. I believe  
22 in -- particularly in judicial temperament. I feel like  
23 I can bring that to the bench, and with my experience, I  
24 just feel like this is the right thing for me to do at  
25 this time.

1 MR. DENNIS: Mr. Schwartz, do you feel that  
2 there are any subjective areas of the law that you need  
3 to additionally prepare for before taking the bench; and  
4 if so, how would you go about getting this preparation?

5 MR. SCHWARTZ: I feel like I'm very well  
6 prepared. The only area in which I don't practice a  
7 whole lot would be in the juvenile criminal area, which  
8 I would certainly hone up on that. You know, I still --  
9 I remain very abreast of all the Advance Sheets, and I  
10 try to stay up in all areas of the law. But I would  
11 hone up on my criminal law in that area.

12 MR. DENNIS: Do you have any suggestions  
13 that you could make to the Commission for alleviating  
14 the backlog in the family court?

15 MR. SCHWARTZ: One particular area I'd like  
16 to see, with the appointment of the guardian ad litem.  
17 A lot of times as -- and I notice from my own  
18 experience, I'm appointed as a guardian. I am required  
19 to report in 30 days or 10 days, and then there's no  
20 follow-up. Not only is there no follow-up, when you try  
21 to follow up, they don't understand sometimes why you're  
22 following up.

23 What I would do in that area -- and I'd  
24 have a reporting period of 30 days -- we would have a  
25 hearing within that 30-day period and go to that report

1 and try to resolve these children areas -- children  
2 issues a lot sooner.

3 MR. DENNIS: Thank you.

4 MR. SCHWARTZ: There's no reason for them  
5 to drag on for a year like they do sometimes.

6 MR. DENNIS: Thank you, Mr. Schwartz. And  
7 the next statement I'm going to make doesn't actually  
8 require a response. It's just for the record for the  
9 Commission.

10 The Commission has received 47 ballot-box  
11 surveys regarding you, with six additional comments.  
12 The ballot-box surveys contained almost exclusively  
13 positive comments concerning your experience and general  
14 ability.

15 I've got some housekeeping issues that I'm  
16 going to run through with you real quick. These are  
17 very simple yes-or-no questions, again, for the record.

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

20 MR. SCHWARTZ: No.

21 MR. DENNIS: 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. SCHWARTZ: No.

25 MR. DENNIS: Have you asked any third

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

3 MR. SCHWARTZ: No.

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

7 MR. SCHWARTZ: No, I'm not.

8 MR. DENNIS: Have you contacted any members  
9 of the Commission?

10 MR. SCHWARTZ: No.

11 MR. DENNIS: Do 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. SCHWARTZ: Yes, I do.

16 MR. DENNIS: Have you reviewed the  
17 Commission's guidelines on pledging?

18 MR. SCHWARTZ: I have, and I will certainly  
19 do that again as well.

20 MR. DENNIS: Thank you.

21 As a follow-up, are you aware of the  
22 penalties for violating pledging rules are that it is a  
23 misdemeanor, and upon conviction, the violator must be  
24 fined not more than \$1,000 or imprisoned not more than  
25 90 days?

1 MR. SCHWARTZ: I'm aware of that now.

2 Thank you.

3 MR. DENNIS: Yes, sir. Thank you.

4 I would note for the record that Lowcountry  
5 Citizens Committee found Mr. Schwartz qualivent --  
6 qualified in the evaluative criteria of constitutional  
7 qualifications, physical health, and mental stability.

8 The Committee found him well-qualified in  
9 the evaluative criteria of ethical fitness, professional  
10 and academic ability, character, reputation, experience,  
11 and judicial temperament.

12 And, Mr. Chairman, any concerns raised by  
13 the investigation into Mr. Schwartz were incorporated in  
14 my questioning today, and I have no further questions.

15 SENATOR MARTIN: Any questions by members of  
16 the Commission?

17 Hearing none, thank you so much,  
18 Mr. Schwartz. We appreciate your cooperation with our  
19 staff, your responsiveness to the questions.

20 The record will remain open until such time  
21 that the report is completed and published. Then we  
22 have the 48-hour rule, and I want to remind you of that  
23 one more time --

24 MR. SCHWARTZ: Thank you.

25 SENATOR MARTIN: -- how important that is.

1                   We thank you for your willingness to serve,  
2 and we wish you the very best.

3                   MR. SCHWARTZ: Thank you very much. Thank  
4 you.

5                   (Discussion off the record.)

6                   SENATOR MARTIN: You move that we go into  
7 executive session, Ms. Wall?

8                   MS. WALL: I do move. So moved.

9                   SENATOR MARTIN: Ms. Wall, and  
10 Representative Mack seconds.

11                   Any objection?

12                   Hearing none, it's so ordered.

13                   (Executive session transpired from  
14 4:45 p.m. to 5:07 p.m.)

15                   CHAIRMAN REPRESENTATIVE CLEMMONS: Ladies  
16 and gentlemen of the Commission, we have before us today  
17 the Honorable James B. Jackson, Jr., Master-in-Equity  
18 for Orangeburg County.

19                   If you would, please, Judge Jackson, raise  
20 your right hand and be sworn.

21                   Judge Jackson, do you swear to tell the  
22 truth, the whole truth, and nothing but the truth, so  
23 help you God?

24                   JUDGE JACKSON: I do.

25                   CHAIRMAN REPRESENTATIVE CLEMMONS: Thank



1 you very much.

2 Judge Jackson, do you have somebody special  
3 with you today?

4 JUDGE JACKSON: Yes. I brought my wife,  
5 Cynthia Jackson. We've been married for 37 years. I --  
6 we think it's going to last.

7 CHAIRMAN REPRESENTATIVE CLEMMONS: Well,  
8 congratulations.

9 JUDGE JACKSON: Thank you.

10 CHAIRMAN REPRESENTATIVE CLEMMONS: It's  
11 good to have both of you with us today.

12 Judge Jackson, have you had an opportunity  
13 to review your personal data questionnaire?

14 JUDGE JACKSON: Yes, sir.

15 CHAIRMAN REPRESENTATIVE CLEMMONS: Do  
16 you -- are those responses all correct?

17 JUDGE JACKSON: Yes, sir. I did amend one  
18 or two little things, and subject to the amendments, I'd  
19 bet it's all correct.

20 CHAIRMAN REPRESENTATIVE CLEMMONS: And  
21 they're incorporated?

22 MR. FIFFICK: (Nodding head.)

23 CHAIRMAN REPRESENTATIVE CLEMMONS: And  
24 those amendments are incorporated in the document in  
25 front of you.

1 JUDGE JACKSON: Yes, sir. Yes, sir, I  
2 believe so.

3 CHAIRMAN REPRESENTATIVE CLEMMONS: Does  
4 anything need to be changed or updated --

5 JUDGE JACKSON: No, sir.

6 CHAIRMAN REPRESENTATIVE CLEMMONS: -- on  
7 the record today with regard to that record?

8 JUDGE JACKSON: No, sir.

9 CHAIRMAN REPRESENTATIVE CLEMMONS: Do you  
10 object to making that summary a part of the record of  
11 your testimony today?

12 JUDGE JACKSON: I have no objection.

13 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
14 you.

15 Hearing no objection, it's so ordered.

16 (Exhibit Number 1, The Honorable James B.  
17 Jackson, Jr.'s Personal Data Questionnaire, was marked  
18 for identification.)

19 CHAIRMAN REPRESENTATIVE CLEMMONS: The  
20 Judicial Merit Selection Commission has thoroughly  
21 investigated your qualifications for the bench, Judge  
22 Jackson. Our inquiry has focused on nine evaluative  
23 criteria including a ballot-box survey, a thorough study  
24 of your application materials, a verification of your  
25 compliance with state ethics laws, a search of newspaper

1 articles in which your name appears, a study of previous  
2 screenings, and a check for economic conflicts of  
3 interest.

4 We've received no affidavits filed in  
5 opposition to your candidacy, and there are no witnesses  
6 that are present to testify other than yourself.

7 Judge Jackson, would you like to share a  
8 brief opening statement with the Commission?

9 JUDGE JACKSON: Well, I'd just like to say  
10 that I've been serving the unexpired term of Judge David  
11 Burgdorf since March of 2013. So I've been serving as  
12 master-in-equity for about a year and a half now -- I  
13 really enjoy it -- in Orangeburg. That is a -- it's a  
14 part-time position based on our population. I'm still  
15 practicing law as well with the firm of Nester &  
16 Jackson.

17 But I've really enjoyed working as  
18 master-in-equity, and everything seems to have worked  
19 out so far and seems to be going well. I've also been  
20 named a special circuit judge by the chief justice, so  
21 I -- I'm hearing probably 90 to 95 percent of the  
22 motions now in Orangeburg County to help our circuit  
23 judges out. I'm trying to hold a motions' day about  
24 once every other month to keep up with that, and we've  
25 been doing that for about six or eight months now.

1                   So I've enjoyed the job, and I've continued  
2 to work at it, and everything seems to be working fine,  
3 and I'm looking forward to long term.

4                   CHAIRMAN REPRESENTATIVE CLEMMONS: Very  
5 good. Thank you, Judge.

6                   The -- Andy Fiffick is staff counsel  
7 assigned to your case, as you know.

8                   JUDGE JACKSON: Yes, sir.

9                   CHAIRMAN REPRESENTATIVE CLEMMONS: Our  
10 staff counsels are our good right arm. They do all of  
11 our important work for us before we get here today.

12                   If you would, please, turn your attention  
13 to Mr. Fiffick, and answer any questions he may have.

14                   JUDGE JACKSON: Yes, sir. I'd be glad to.

15                   MR. FIFFICK: Thank you, Mr. Chairman.

16                   Mr. Chairman and members of the Commission,  
17 I have a procedural matter to take care of with this  
18 candidate.

19                   Judge Jackson, you have before you a sworn  
20 statement that you provided with detailed answers to  
21 over 30 questions regarding judicial conduct, statutory  
22 qualifications, office administration, and temperament.

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

25                   JUDGE JACKSON: No, sir.

1 MR. FIFFICK: At this time, Mr. Chairman, I  
2 would ask that Judge Jackson's sworn statement be  
3 entered as an exhibit into the record.

4 CHAIRMAN REPRESENTATIVE CLEMMONS: Is there  
5 any objection?

6 Hearing none, it's so ordered.

7 (Exhibit Number 2, The Honorable James B.  
8 Jackson, Jr.'s Sworn Statement, was marked for  
9 identification.)

10 MR. FIFFICK: Judge Jackson, in addition to  
11 what you just answered in your opening statement, is  
12 there anything else you would like to tell us about why  
13 you want to continue serving as a master after -- it's  
14 been over a year serving there in Orangeburg?

15 JUDGE JACKSON: Well, it -- again, it's  
16 a -- certainly a job that needs to be filled in  
17 Orangeburg. There's a lot of work to be done in  
18 Orangeburg in addition to mortgage foreclosure cases,  
19 which is, of course, primarily what the master-in-equity  
20 does.

21 I'm always hearing a lot of other cases  
22 that are referred to me. I'm hearing a lot of default  
23 wreck cases where damages are set. I'm doing a lot of  
24 minor settlements and death settlements.

25 Again, I'm easier to get ahold of than the

1 circuit judges, so I believe I'm providing a service to  
2 the lawyers in the county and doing those kinds of minor  
3 settlements, and I've done a good many of those.

4 As special circuit judge, again, I'm  
5 hearing the motions and just trying to serve the  
6 citizens of Orangeburg County by working as hard as I  
7 can on a part-time basis to not only keep up with the  
8 regular work of the master's office, but also the work  
9 I'm doing as special circuit judge.

10 So I'd really like to continue to have that  
11 opportunity. I wanted to be a judge all of my life, and  
12 I remember I told people this from probably five or six  
13 years old. I always thought I'd make a pretty good  
14 judge. I feel like I'm doing a pretty good job and  
15 would like to continue to do that for -- again, for long  
16 term.

17 MR. FIFFICK: Thank you, sir.

18 And I believe you've answered the first  
19 part of this questions, but could you please explain one  
20 or two accomplishments that you feel like you completed  
21 during your tenure and then a goal you would like to  
22 accomplish if reelected or, in your case, reappointed.

23 JUDGE JACKSON: Well, one goal I would like  
24 to do is, again -- and I've worked with our county  
25 counsel a little bit. I'm hoping maybe to get them to

1 consider increasing the fee, the salary that I'm paid.  
2 And of course it's statutory, but I think they have the  
3 right to increase it so that I can stop practicing law  
4 and work full-time as a judge and to even do more work  
5 on the -- some of the non-jury cases we have pending in  
6 the county and some of the appeals and those sorts of  
7 things.

8 I mean, the benefit I'm providing is moving  
9 things along quicker because I am able to work those  
10 sorts of things in working as a special circuit judge  
11 hearing magistrate's court appeals, and those things  
12 tend to languish sometimes in the clerk's office,  
13 hearing appeals from probate court. These are things  
14 that do need to be moved along, and we're trying to get  
15 ahold of them there in Orangeburg in moving them along,  
16 and I think we're working those cases down, and so that  
17 they can be kept up with over time.

18 MR. FIFFICK: Thank you, sir.

19 Although you addressed this in you sworn  
20 affidavit, please explain to the members of the  
21 Commission what you think the appropriate demeanor is  
22 for a judge.

23 JUDGE JACKSON: Well, I think you're open  
24 to everything that everybody says. You know, I try and  
25 be fair to everybody. I try and explain to those

1 that -- particularly the defendants who come into court  
2 on foreclosure cases, the process that we go through. I  
3 try and talk to them and listen to them about what  
4 they've done to try and save the property.

5 We send a lot of them to South Carolina  
6 HELP, particularly those that I think would qualify.  
7 But I send them all because I'll let South Carolina HELP  
8 decide whether they qualify or not. So I just try and  
9 maintain an easy demeanor, and so far I've had zero  
10 troubles. In fact, in my -- you know, one of the  
11 problems we have in our courthouse, deputies tend to be  
12 in family court and circuit court. I rarely have a  
13 deputy in my court and really have never needed one.

14 Again, I've not had any problems  
15 whatsoever, and I feel like I treat people fairly,  
16 listen to what they say, and just don't have any  
17 problems.

18 MR. FIFFICK: Thank you, sir.

19 As you indicated earlier, in addition to  
20 your service as a part-time master-in-equity, you  
21 continue to practice law in circuit court, family court,  
22 and probate court. How do you balance these two roles,  
23 and is there any opinion that you would like to give to  
24 the Commission as to part-time masters generally?

25 JUDGE JACKSON: Well, it's different. It's



1 weird a little bit being a lawyer one day, dealing with  
2 other lawyers, and the judge the next day, dealing with  
3 those same lawyers. The good news, Orangeburg is small  
4 enough where all the lawyers know me, and they can  
5 differ -- they can differentiate between when I'm a  
6 judge and when I'm another lawyer. So I've not had any  
7 problems with any of those things.

8           What I'm trying to do is, I'm trying to  
9 hold court on -- basically on Mondays and Wednesdays and  
10 practice law the rest of the week. There are times --  
11 my motions days are always on Thursdays because it's  
12 easier to get a court reporter there on Thursdays, and I  
13 also hear masters' cases on other days, when the  
14 scheduling is necessary to do it on the other days.

15           So I'm trying to juggle both. It's not  
16 easy to do, and quite frankly, most people, you know,  
17 and I think a lot of my clients think that, you know,  
18 when you're a judge, it's a full-time job. So that's  
19 one of the problems with practicing law, is I've  
20 probably lost a few clients who think that I'm a  
21 full-time judge.

22           So I think that probably in the future, it  
23 would be better if the master-in-equity system could be  
24 worked into where it's all the masters-in-equity are  
25 full time and maybe cover multiple counties. Well,

1 that's something to worry about in the future. Right  
2 now I'm juggling as best I can and really have not had  
3 any problems.

4 MR. FIFFICK: Thank you, sir.

5 Judge Jackson, the Commission received 23  
6 ballot-box surveys regarding you, with three additional  
7 comments. One positive comment simply said, Outstanding  
8 candidate.

9 The second comment offered no specifics but  
10 simply stated you were a shield for lenders and big law  
11 firms.

12 What response would you offer to this  
13 comment?

14 JUDGE JACKSON: I'm not sure I understand  
15 what that means. I'm not sure what comment to make  
16 about that. Again, I hear cases. I decide them on the  
17 law.

18 I'm fair to everybody. I'm certainly  
19 not -- and I do not show any favoritism to lenders.  
20 When you -- you know, when you have mortgage foreclosure  
21 cases, pretty much, the people that come in have not  
22 paid their mortgage, so there's not a whole lot of  
23 decision-making to be made. You know, foreclosures are  
24 granted far more often than not, and maybe that has  
25 something to do with that.

1                   But I'm just not -- beyond that, I don't  
2 know if I have much response to it.

3                   MR. FIFFICK: Thank you, sir.

4                   I have a series of yes-or-no questions for  
5 you at this time, some housekeeping issues.

6                   Have you sought or received a pledge of any  
7 legislator prior to this date?

8                   JUDGE JACKSON: No, sir.

9                   MR. FIFFICK: Have you sought or have you  
10 been offered a conditional pledge of support of any  
11 legislator pending the outcome of your screening?

12                   JUDGE JACKSON: No, sir.

13                   MR. FIFFICK: Have you asked any third  
14 parties to contact members of the General Assembly on  
15 your behalf?

16                   JUDGE JACKSON: No, sir, I have not.

17                   MR. FIFFICK: Are you aware of anyone  
18 attempting to intervene in any part in the process on  
19 your behalf?

20                   JUDGE JACKSON: I'm not aware of anybody at  
21 all doing that, no.

22                   MR. FIFFICK: Have you contacted any member  
23 of this Commission?

24                   JUDGE JACKSON: No, sir.

25                   MR. FIFFICK: Do you understand that you

1 are prohibited from seeking a pledge or commitment until  
2 48 hours after the formal release of the Commission's  
3 report?

4 JUDGE JACKSON: I do understand that.

5 MR. FIFFICK: Have you reviewed the  
6 Commission's guidelines on pledging?

7 JUDGE JACKSON: Yes, sir.

8 MR. FIFFICK: As a follow-up, are you aware  
9 of the penalties for violating pledging rules; that is,  
10 it is a misdemeanor, and upon conviction, the violator  
11 must be fined not more than \$1,000 or imprisoned not  
12 more than 90 days?

13 JUDGE JACKSON: Yes, sir, I'm aware.

14 MR. FIFFICK: Thank you, sir.

15 I would note that the Lowcountry Citizens  
16 Committee found Judge Jackson to be qualified as to  
17 constitutional qualifications.

18 The Committee found him well-qualified as  
19 to ethical fitness, professional and academic ability,  
20 character, reputation, experience, and judicial  
21 temperament.

22 No findings were made as to his physical  
23 health and mental stability. I would also note for the  
24 record that any concerns raised during the investigation  
25 regarding the candidate were incorporated into the

1 questioning of the candidate today.

2 Mr. Chairman, I have no further questions.

3 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
4 you very much.

5 Does any member of the Commission have a  
6 question or comment?

7 Hearing none, Judge Jackson, thank you so  
8 much for being here and Ms. Jackson.

9 JUDGE JACKSON: Thank you so much. I  
10 appreciate the opportunity.

11 CHAIRMAN REPRESENTATIVE CLEMMONS: This  
12 concludes -- if you'll bear with me just one moment  
13 before you leave, to sum up.

14 This concludes this portion of the  
15 screening process. As you know, Judge, the record will  
16 remain open until the report is published, and you may  
17 be called back at such time, if that need should arise.

18 I'll remind you of the 48-hour rule and ask  
19 that you be mindful of it. Should anyone inquire with  
20 you whether they may or may not advocate for you in the  
21 event of your screening out for this position, remind  
22 them of the 48-hour rule and its implications.

23 We thank you for offering to continue  
24 representing South Carolina as master-in-equity.

25 JUDGE JACKSON: Thank you so much.

1 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
2 you, Judge Jackson.

3 Our next candidate is the Honorable  
4 Joseph M. Strickland.

5 Ladies and gentlemen, we have before us the  
6 Honorable Joseph M. Strickland, Master-in-Equity for  
7 Richland County. He is seeking reelection.

8 It's good to have you with us, Judge  
9 Strickland.

10 JUDGE STRICKLAND: All right. Thank you so  
11 much.

12 CHAIRMAN REPRESENTATIVE CLEMMONS: It's our  
13 pleasure.

14 Would you please raise your right hand,  
15 Judge, to be sworn.

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

18 JUDGE STRICKLAND: I do.

19 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
20 you, Judge.

21 Have you had an opportunity to review your  
22 responses to the personal data questionnaire?

23 JUDGE STRICKLAND: Not lately. Should I --  
24 can I take a minute and do that?

25 CHAIRMAN REPRESENTATIVE CLEMMONS: You may,

1 yes, sir.

2 JUDGE STRICKLAND: All right. Thank you.

3 All right. Thank you.

4 CHAIRMAN REPRESENTATIVE CLEMMONS: Bear  
5 with me just one moment, Judge.

6 JUDGE STRICKLAND: Yes, sir.

7 CHAIRMAN REPRESENTATIVE CLEMMONS:  
8 Technology.

9 Judge Jackson -- or excuse me. Judge  
10 Strickland, is -- have you had an opportunity to review  
11 your personal data questionnaire?

12 JUDGE STRICKLAND: Yes, sir.

13 CHAIRMAN REPRESENTATIVE CLEMMONS: And is it  
14 correct?

15 JUDGE STRICKLAND: Yes, sir.

16 CHAIRMAN REPRESENTATIVE CLEMMONS: Is it in  
17 need of any amendment or change on the record today?

18 JUDGE STRICKLAND: No, sir.

19 CHAIRMAN REPRESENTATIVE CLEMMONS: Do you  
20 object to making this summary a part of the record of  
21 your sworn testimony, Judge?

22 JUDGE STRICKLAND: No, sir.

23 CHAIRMAN REPRESENTATIVE CLEMMONS: It is so  
24 ordered.

25 If you'll please pass that along to the

1 staff to your right.

2 (Exhibit Number 1, The Honorable Joseph M.  
3 Strickland's Personal Data Questionnaire, was marked for  
4 identification.)

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

15 As a result of this process, we've received  
16 no affidavits filed in opposition to your election, and  
17 there are no witnesses present today to testify other  
18 than yourself.

19 Do you have a brief opening statement you'd  
20 like to share with the Commission?

21 JUDGE STRICKLAND: No, sir.

22 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
23 you for that.

24 If you would please respond to the  
25 questions that Counsel may have.



1 JUDGE STRICKLAND: All right.

2 MR. DENNIS: Good afternoon, Judge  
3 Strickland. Thank you.

4 You also have in front of you your sworn  
5 statement that you previously submitted.

6 JUDGE STRICKLAND: Yes, sir.

7 MR. DENNIS: Do you have any amendments  
8 that you'd like to make of that at this time?

9 JUDGE STRICKLAND: No, sir.

10 MR. DENNIS: Mr. Chairman, I'd ask that  
11 Judge Strickland's sworn statement be made a part of the  
12 record.

13 CHAIRMAN REPRESENTATIVE CLEMMONS: Is there  
14 any objection?

15 Hearing none, it's so ordered.

16 (Exhibit Number 2, The Honorable Joseph M.  
17 Strickland's Sworn Statement, was marked for  
18 identification.)

19 MR. DENNIS: Judge Strickland, you've  
20 served 20 years as the master-in-equity for Richland  
21 County. Why do you want to continue serving in that  
22 capacity?

23 JUDGE STRICKLAND: All right. Let me  
24 correct that. I've served 25 years.

25 MR. DENNIS: I apologize.

1 JUDGE STRICKLAND: Yes, sir.

2 MR. DENNIS: Math was never my strong suit.

3 JUDGE STRICKLAND: It's a very, very  
4 interesting and challenging job, and it's probably the  
5 best kept secret in the courthouse. It's probably the  
6 best job in the judiciary, as far as I'm concerned.  
7 That's why I want to serve again.

8 MR. DENNIS: Judge Strickland, could you  
9 explain one, two more brief accomplishments that you  
10 feel you've completed during your time as the  
11 master-in-equity in Richland County and maybe one goal  
12 you'd like to see obtained in your next term.

13 JUDGE STRICKLAND: Well, as far as the  
14 goal, I'd like to make my office more efficient.  
15 Remember that we are in a large county, Richland County,  
16 and we are overwhelmed sometimes with the cases we hear.  
17 I can hear any civil non-jury case.

18 My goal is to take advantage of the order  
19 that Justice Toal issued letting me serve as a special  
20 circuit court judge. In that capacity, I can hear even  
21 some general sessions' matters. So that's my goal, to  
22 do that.

23 As far as accomplishments, I think the  
24 accomplishment of serving so long is really what I'm  
25 most proud of, and I think most people, when they leave

1 my court, think that they've gotten due process and have  
2 been treated fairly, and that's my greatest  
3 accomplishment.

4 MR. DENNIS: Thank you, sir. As you know,  
5 the Commission has received 103 ballot-box surveys  
6 regarding your candidacy, with 7 additional comments.  
7 Those comments were primarily positive concerning your  
8 ability and your demeanor.

9 There were three written comments that  
10 expressed some measure of concern. Two indicated  
11 trouble with the administration of your office and  
12 specifically relating to the timeliness of orders being  
13 issued by your office.

14 Could you react to that for the Commission,  
15 please?

16 JUDGE STRICKLAND: I think that's probably  
17 true, and I certainly welcome constructive criticism  
18 from the Bar. But that's absolutely true, and we're  
19 going to work to improve that.

20 MR. DENNIS: Can you maybe detail for the  
21 Commission what steps you're trying to take to make the  
22 administration of your office more efficient?

23 JUDGE STRICKLAND: Well, I'm going to  
24 counsel my staff personally more than I have been in the  
25 past. I have five people on my staff, I don't have a

1 trained law clerk, a trained lawyer in my staff, but I  
2 kind of delegate the management of my staff to my office  
3 manager, and I'm going to take a more personal hands-on  
4 approach to that in the future.

5 MR. DENNIS: The other concern that you now  
6 have previously discussed that was raised on the  
7 ballot-box survey was dealing with your ability to  
8 handle more complicated matters that might appear before  
9 you on the docket could you offer a brief reaction to  
10 that as well, please?

11 JUDGE STRICKLAND: Well, that's a  
12 constructive criticism, and I blame that, in part,  
13 because I don't have a law clerk. I don't have a  
14 judicially -- a legally trained law clerk, and sometimes  
15 I rely too much on the lawyers and their proposed orders  
16 and their motions memorandum and things like that. So I  
17 think as a goal, I'm going to just basically hunker down  
18 and pay closer attention to what's coming.

19 And, again, I don't mind constructive  
20 criticism, and that's in that category.

21 MR. DENNIS: Thank you, Judge.

22 Mr. Chairman, at this time point, could I  
23 ask for a brief executive session?

24 CHAIRMAN REPRESENTATIVE CLEMMONS:  
25 Absolutely.

1 Do we have a motion?

2 A motion by Senator Martin and seconded by  
3 Dean Wilcox.

4 Those in favor, say aye.

5 ALL MEMBERS: Aye.

6 CHAIRMAN REPRESENTATIVE CLEMMONS: Noes  
7 opposed; the ayes have it.

8 We're in executive session.

9 (Executive session transpired from  
10 5:28 p.m. to 5:32 p.m.)

11 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
12 you, Judge Strickland. I've got a couple of  
13 housekeeping matters I'm just going to run through with  
14 you very quickly, a series of yes-or-no questions,  
15 please.

16 I will move on to make it quick.

17 All right. As a conclusory matter, I would  
18 note that the Midlands Citizens Committee found Judge  
19 Strickland well-qualified in all nine of the evaluative  
20 criteria as to constitutional qualifications and ethical  
21 fitness, professional and academic ability, character,  
22 reputation, physical health, mental stability,  
23 experience, and judicial temperament.

24 The Committee concluded by saying that  
25 Judge Strickland has served Richland County with honor

1 and dedication for years. He has a well-earned  
2 reputation as one of the prevalent masters in this  
3 state.

4 And, Mr. Chairman, at this point, all  
5 matters that were raised during the investigation into  
6 Judge Strickland have been incorporated into our  
7 questioning today, and I have no further matters to take  
8 up with this candidate.

9 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
10 you, Mr. Dennis.

11 Do any members of the Commission have  
12 questions or comments?

13 Yes, sir, Mr. Strom.

14 MR. STROM: Judge Strickland, I've known  
15 you a long time. I don't have the opportunity to appear  
16 before you, but I just want to say, you enjoy an  
17 excellent reputation on the Bar, and all of us  
18 appreciate your service.

19 Thank you, sir.

20 JUDGE STRICKLAND: Thank you so much.

21 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
22 you, Mr. Strom.

23 Yes, Senator Campsen.

24 SENATOR CAMPSEN: Mr. Strickland, I don't  
25 know you as well, but I was very interested to see in

1 your personal data questionnaire that you were the  
2 second assistant parliamentarian for the U.S. Senate  
3 appointed by Howard Baker.

4 JUDGE STRICKLAND: That's correct.

5 SENATOR CAMPSEN: How many years did you  
6 serve in that capacity?

7 JUDGE STRICKLAND: Three years.

8 SENATOR CAMPSEN: That's very interesting.  
9 We could -- you might even -- I thought the senator from  
10 Pickens was the preeminent parliamentarian in South  
11 Carolina, but I see he's been dethroned.

12 DEAN WILCOX: The judge brought the  
13 parliamentarian to Columbia last year.

14 (Indiscernible) --

15 SENATOR CAMPSEN: Thank you.

16 (Court reporter raising hand to indicate  
17 dialogue is inaudible as instructed to do so before the  
18 hearing.)

19 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
20 you.

21 Any other comments or questions?

22 Hearing none, Judge Strickland, thank you  
23 so much for being here. Thank you for your service to  
24 South Carolina.

25 This concludes this portion of our

1 screening process. As you know, the record will remain  
2 open until the report is published, and you may be  
3 called back at such time, if that need should arise.

4 I'll remind you of the 48-hour rule and ask  
5 that you be mindful of it. And we would also ask you to  
6 instruct anyone who should inquire about whether or not  
7 they may advocate on your behalf, in the event that you  
8 are screened out -- that you remind them of the 48-hour  
9 rule and its implications.

10 Again, we thank you for offering, and we  
11 thank you for your service.

12 JUDGE STRICKLAND: All right. Thank you,  
13 sir.

14 CHAIRMAN REPRESENTATIVE CLEMMONS: Welcome.

15 Ladies and gentlemen, we have before us the  
16 Honorable Gordon G. Cooper, Master-in-Equity for  
17 Spartanburg.

18 MS. SHULER: No, no, no. This is  
19 Culbertson.

20 CHAIRMAN REPRESENTATIVE CLEMMONS: Judge  
21 Culbertson, how are you doing?

22 JUDGE CULBERTSON: Doing well.

23 CHAIRMAN REPRESENTATIVE CLEMMONS: I'm  
24 sorry. They've got me out of order here.

25 JUDGE CULBERTSON: That's all right.



1 SENATOR MALLOY: You can go back.

2 JUDGE CULBERTSON: Yeah.

3 CHAIRMAN REPRESENTATIVE CLEMMONS: I wasn't  
4 even looking at who I was talking to.

5 SENATOR MALLOY: Judge, just let them know  
6 that that wasn't me (indiscernible) --

7 (Court reporter raising hand to indicate  
8 dialogue is inaudible as instructed to do so before the  
9 hearing.)

10 CHAIRMAN REPRESENTATIVE CLEMMONS: All  
11 right. Now we're on the same page, Judge Culbertson.  
12 It's good to have you with us.

13 JUDGE CULBERTSON: Thank you.

14 CHAIRMAN REPRESENTATIVE CLEMMONS: Judge  
15 Culbertson is the Circuit Court Judge, 15th Judicial  
16 Circuit, Seat 2.

17 Judge, if you would raise your right hand  
18 to be sworn, please.

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

21 JUDGE CULBERTSON: I do.

22 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
23 you.

24 Have you had an opportunity, Judge, to  
25 review your responses to the personal data

1 questionnaire?

2 JUDGE CULBERTSON: Yes, I have.

3 CHAIRMAN REPRESENTATIVE CLEMMONS: Is it  
4 correct?

5 JUDGE CULBERTSON: Yes, it is.

6 CHAIRMAN REPRESENTATIVE CLEMMONS: Is it  
7 complete? Does it in any way need to be amended or  
8 changed on the record?

9 JUDGE CULBERTSON: Not that I'm aware of,  
10 no.

11 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
12 you. Do you object to our making this summary a part of  
13 the record of your sworn testimony?

14 JUDGE CULBERTSON: No, I do not.

15 CHAIRMAN REPRESENTATIVE CLEMMONS: Hearing  
16 no objections, it's so ordered.

17 Would you please hand that up to staff to  
18 your right.

19 (Exhibit Number 1, The Honorable  
20 Benjamin H. Culbertson's Personal Data Questionnaire,  
21 was marked for identification.)

22 CHAIRMAN REPRESENTATIVE CLEMMONS: Judge  
23 Culbertson, the Judicial Merit Selection Commission has  
24 thoroughly investigated your qualifications for the  
25 bench. Our inquiry has focused on nine evaluative

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

7 As a result of this process, we've received  
8 no affidavits filed in opposition to your election, and  
9 there are no witnesses present today to testify other  
10 than yourself.

11 Do you have a brief opening statement you'd  
12 like to make?

13 JUDGE CULBERTSON: Nothing, other than to  
14 thank this Commission for its service, and thank you for  
15 allowing me to appear before you.

16 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
17 you, Judge.

18 If you would please respond to Counsel's  
19 questions.

20 JUDGE CULBERTSON: All right.

21 MR. GOLDIN: Mr. Chairman and members of  
22 the Commission, I have a procedural matter to take care  
23 of with this candidate.

24 Judge Culbertson, you have before you a  
25 sworn statement that you provided with detailed answers

1 to over 30 questions regarding judicial conduct,  
2 statutory qualifications, office administration, and  
3 temperament.

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

6 JUDGE CULBERTSON: No, sir.

7 MR. GOLDIN: At this time, Mr. Chairman, I  
8 would like to ask if Judge Culbertson's sworn statement  
9 can be entered into as an exhibit -- into the hearing  
10 record.

11 CHAIRMAN REPRESENTATIVE CLEMMONS: Are  
12 there any objections?

13 Hearing none, it's so ordered.

14 (Exhibit Number 2, The Honorable  
15 Benjamin H. Culbertson's Sworn Statement, was marked for  
16 identification.)

17 MR. GOLDIN: Judge Culbertson, after  
18 serving seven years on the circuit court, why do you  
19 want to continue serving as the judge?

20 JUDGE CULBERTSON: Well, for several  
21 reasons. Number one, I enjoy the work. I'm into a good  
22 routine now. I know how the system works, and I enjoy  
23 my work. That's the primary reason.

24 Number two, it affords me an opportunity to  
25 serve my local county, Georgetown County. We have two

1 resident judges in the circuit. One is in Horry County,  
2 Judge John, and then I'm in Georgetown County. So it  
3 does afford the smaller county the luxury of having a  
4 sitting judge locally to take care of administrative  
5 orders and things of that nature, and I just enjoy the  
6 work.

7 MR. GOLDIN: Thank you.

8 Judge Culbertson, you indicated in your PDQ  
9 that since your last screening, a lawsuit was filed  
10 against you in 2010 by Tyler Haselden, an auto accident  
11 case, I believe, with your son.

12 JUDGE CULBERTSON: Right.

13 MR. GOLDIN: Would you explain just the  
14 general nature of that and the disposition.

15 JUDGE CULBERTSON: It -- as a matter of  
16 fact, it was never served. It was -- the Haselden boy  
17 was a passenger in the vehicle driven by my son. He was  
18 sitting on the trunk, fell off, got hurt.

19 And so they had to file the action to  
20 approve the minor settlement. I just turned it over to  
21 our liability carrier car insurance. They filed the  
22 actions since Tyler Haselden was a minor and had to get  
23 the minor settlement approved, and that was it. I was  
24 never served with the pleadings.

25 I did not even know it had been filed until

1 I had heard something from my insurance company saying  
2 that they had settled the case.

3 MR. GOLDIN: Thank you.

4 Judge Culbertson, the Commission received  
5 182 ballot-box surveys regarding you, with ten  
6 additional comments. The majority of those were  
7 positive comments.

8 Some indicated that you were a fine judge  
9 who was well-liked by members of the Bar, and that  
10 you're doing a great job on the bench.

11 Four of the written comments expressed  
12 concern. One comment -- you and I talked about this --  
13 indicated that you are easily influenced by your hunting  
14 buddies in a small community.

15 What response would you offer to this  
16 concern?

17 JUDGE CULBERTSON: I don't think that that  
18 was me because I haven't been hunting in about five  
19 years, and I don't have any hunting buddies in the small  
20 community where I -- so I think that the -- whoever sent  
21 that comment in had me confused with another judge.

22 MR. GOLDIN: The second comment indicated  
23 that you have forgotten what it was like to practice  
24 law, and that you put form over substance. You cannot  
25 deal -- the person indicated that they cannot deal with

1 you over the phone, and you made them travel to appear  
2 before you.

3 How do you respond to that?

4 JUDGE CULBERTSON: Well, and I know the  
5 situation that that probably came from.

6 One or two attorneys around the state who  
7 do primary -- primarily collection actions on credit  
8 card debts that had been written off. The cases are  
9 inactive. They appear on a roster.

10 And then all of a sudden, the day before  
11 the term of court, I get a call. That's a default  
12 judgment. We're sending in a default order.

13 But when I first got on the bench, I would  
14 allow that. But then I started realizing that the  
15 attorney would never send in the default order, and the  
16 case would just stay in limbo.

17 So I've kind of adopted the policy that  
18 says once you appear on that roster, if you give me the  
19 order, it's signed prior to the case being called for  
20 trial, we don't -- that's not a problem. But if you  
21 don't have that default order signed by the time it  
22 comes up for trial on the roster, you're going to need  
23 to appear and bring that order with you, or be ready to  
24 go to trial.

25 Particularly in Horry County, there is just

1 so much litigation in Horry County and so many lawsuits  
2 that when you allow them to send in an order later, the  
3 vast majority of the attorneys do that. There are a  
4 couple which, once they talk through this, they forget  
5 about it, and the case just keeps reappearing on the  
6 roster term after term after term, and they keep saying  
7 we'll get to it, and they never do.

8           So yes, I have found -- adopted the  
9 practice in my court that once you're on the trial  
10 roster, even if it's a default order, you give me the  
11 default order prior to it coming for trial, you're okay;  
12 if not, then just show up and bring the order with you,  
13 and we can take care of the matter right then, and it's  
14 resolved.

15           MR. GOLDIN: Thank you, Judge.

16           Mr. Chairman, I would like to request that  
17 we now go into executive session to handle the next  
18 matter.

19           CHAIRMAN REPRESENTATIVE CLEMMONS: Do we  
20 have a motion?

21           By Senator Martin.

22           Do we have a second?

23           Dean Wilcox seconds.

24           Those in favor, say aye.

25           ALL MEMBERS: Aye.



1 CHAIRMAN REPRESENTATIVE CLEMMONS: Noes  
2 opposed, and the ayes have it.

3 We are in executive session.

4 (Executive session transpired from  
5 5:43 p.m. to 5:45 p.m.)

6 MR. GOLDIN: Thank you, Mr. Chairman.

7 I would note that the Pee Dee Citizens  
8 Committee found Judge Culbertson to be qualified as to  
9 the evaluative criteria of constitutional  
10 qualifications, physical health, and mental stability.

11 The Committee found him well-qualified in  
12 the evaluative criteria of ethical fitness, professional  
13 and academic ability, character, reputation, experience,  
14 and judicial temperament.

15 I would just note for the record that any  
16 concern raised during the investigation regarding this  
17 candidate were incorporated into the questioning of that  
18 candidate today.

19 Mr. Chairman, I have no further questions.

20 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
21 you very much.

22 Judge Culbertson, thank you so much.

23 That concludes this portion of our  
24 screening process, Judge. As you know, the record will  
25 remain open until the report is published, and you may

1 be called back at such time, if that need should arise.

2 We'll remind you of the 48-hour rule and  
3 ask you to be mindful of it, and we ask you to instruct  
4 anyone that may ask you whether or not they may advocate  
5 on your behalf should you be screened out that --  
6 instruct them about the 48-hour rule and any of its  
7 implications.

8 We thank you for your service to South  
9 Carolina on the bench and for your being here with us  
10 today.

11 JUDGE CULBERTSON: Thank y'all very much.  
12 I appreciate you.

13 CHAIRMAN REPRESENTATIVE CLEMMONS: And if  
14 I'm not mistaken, Jeff Young is next.

15 Ladies and gentlemen, we have the pleasure  
16 of having before us today the Honorable W. Jeffrey  
17 Young.

18 JUDGE YOUNG: Good afternoon.

19 CHAIRMAN REPRESENTATIVE CLEMMONS: Circuit  
20 Court, At-Large, Seat 1.

21 It's good to have you with us.

22 JUDGE YOUNG: Nice to be here. Thank you.

23 CHAIRMAN REPRESENTATIVE CLEMMONS: Would  
24 you please raise your right hand to be sworn.

25 Do you swear to tell the truth, the whole

1 truth, and nothing but the truth, so help you God?

2 JUDGE YOUNG: I do.

3 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
4 you very much.

5 Have you had an opportunity, Judge Young,  
6 to review your responses to the personal data  
7 questionnaire?

8 JUDGE YOUNG: I have.

9 CHAIRMAN REPRESENTATIVE CLEMMONS: Is it  
10 correct?

11 JUDGE YOUNG: It is correct.

12 CHAIRMAN REPRESENTATIVE CLEMMONS: Does it  
13 in any way need to be changed or amended on the record?

14 JUDGE YOUNG: I do not believe so.

15 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
16 you.

17 Do you object to our making this summary a  
18 part of the record, your sworn --

19 JUDGE YOUNG: Please do.

20 CHAIRMAN REPRESENTATIVE CLEMMONS: All  
21 right. With no objection, it is so ordered.

22 Will you please pass it along to the staff  
23 to your right.

24 (Exhibit Number 1, The Honorable W. Jeffrey  
25 Young's, Personal Data Questionnaire, was marked for

1 identification.)

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

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

15                   Do you have a brief opening statement you'd  
16 like to share with the Commission?

17                   JUDGE YOUNG: I'd just like to say it's an  
18 honor to be here. I thank y'all for the process that we  
19 go through. I was part of the committee that kind of  
20 set up some of this process. So this is the best system  
21 that's available in the country for electing judges, and  
22 we're glad.

23                   And I'm just glad I don't have to stick out  
24 signs every some years like I did when I was in the  
25 House. Thank you.

1 CHAIRMAN REPRESENTATIVE CLEMMONS: How does  
2 it feel to be on the receiving end of it now?

3 JUDGE YOUNG: You know, I think everybody  
4 has to have accountability. I welcome the opportunity  
5 to be screened. I think the worst animal out there is  
6 someone who doesn't have to be accountable for what he  
7 has done.

8 CHAIRMAN REPRESENTATIVE CLEMMONS: I agree.

9 JUDGE YOUNG: So I appreciate that.

10 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
11 you.

12 Will you please answer Counsel's questions.

13 JUDGE YOUNG: Yes.

14 MR. GENTRY: Judge Young, you have before  
15 you the sworn statement that you provided with detailed  
16 answers to over 30 questions regarding judicial conduct,  
17 statutory qualifications, office administration, and  
18 temperament.

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

21 JUDGE YOUNG: No.

22 MR. GENTRY: Mr. Chairman, I'd ask that  
23 Judge Young's sworn statement be entered as an exhibit  
24 into the hearing record.

25 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank

1 you.

2 Is there any objection?

3 Hearing none, it's so ordered.

4 (Exhibit Number 2, The Honorable W. Jeffrey  
5 Young's Sworn Statement, was marked for identification.)

6 MR. GENTRY: Judge Young, the Commission  
7 received 160 ballot-box surveys regarding you, with 17  
8 additional comments. The ballot-box survey, for  
9 example, contained the following positive comments.

10 A very good judge who tries a good case.  
11 Excellent judicial temperament. He's a -- fair and just  
12 at sentencing. He is a credit to the bench and Bar.

13 Nine of the written comments express some  
14 concerns. Several of the comments expressed concerns  
15 with your sentencing. They stated that you tend to give  
16 the maximum sentence and do not accept plea bargains.

17 What response would you offer to this  
18 concern?

19 JUDGE YOUNG: Well, first of all, it's in  
20 error, because I went for a little period where I said,  
21 Well, I'm just going to see what -- so I said, I'm not  
22 going to -- just put it in front of me. I'm going to  
23 take recommendations. I did that for about four months,  
24 but that was over three years ago.

25 Since then, I take the plea bargains, but

1 if it bothers my conscious -- and I tell the attorneys,  
2 If I can't in good faith sentence to where you're  
3 saying, I will allow the defendant to step down and take  
4 it in front of another judge. So I have either gone  
5 along with the plea bargain or allowed the defendant to  
6 step down and go in front of another judge if he decided  
7 to do so.

8 I don't -- and I don't think I sentence to  
9 harsh. I think I sentence fairly. I certainly do.

10 MR. GENTRY: Some of the concerns also  
11 expressed were with regards to your temperament and bias  
12 toward particular parties.

13 What response would you offer to this  
14 concern?

15 JUDGE YOUNG: I try to be as fair and -- to  
16 everyone who comes in my courtroom. I hope everybody  
17 who comes into my courtroom leaves with a good  
18 experience. That's not always the case. Sometimes  
19 litigants have said horrible things to me and other  
20 people in the courtroom.

21 I think I've been elected by the General  
22 Assembly, and I have been charged with running a good  
23 courtroom, to make sure that decorum takes place. But  
24 as far as being unbiased, I travel too much that I don't  
25 know anybody. I've been to 37 of the 46 counties for

1 court, and most places I go, I don't know anybody.

2 And so I have no reason to be biased.

3 MR. GENTRY: Finally, one person expressed  
4 concern with your work ethic. They say that you  
5 frequently leave work early for personal matters.

6 What response would you offer to this  
7 concern?

8 JUDGE YOUNG: I've been accused of a lot of  
9 things in my lifetime, in my almost 60 years; being lazy  
10 is not one of them. I think in that one, they said I  
11 wanted to go to one of my son's football games. That  
12 had to have been over three years ago because all of  
13 their games in the last three years have been at night.  
14 So I've never left to go to a football game or anything  
15 like that.

16 They may or not also have noted how many  
17 times I've been stuck in a courtroom waiting for a jury  
18 at 11 o'clock on a Friday night. And because I do  
19 travel, how many Sunday afternoons I've had to leave to  
20 be at a court to start at 9:30 the next morning.

21 So they don't know my schedule. You can  
22 ask my secretary. She keeps a general log of what I do.  
23 She knows that I'm always there.

24 I have not missed a day of work other than  
25 when my wife had a hysterectomy and my father died. And



1 that's the only time I've ever missed work --

2 MR. GENTRY: Thank you, Judge.

3 JUDGE YOUNG: -- for personal reasons.

4 MR. GENTRY: Thank you, Judge Young.

5 JUDGE YOUNG: Yes, sir.

6 MR. GENTRY: I would note that the Pee Dee  
7 Citizens Committee found that Judge Young is qualified  
8 in the evaluative criteria of constitutional  
9 qualifications, physical health, and mental stability.

10 The Committee found Judge Young  
11 well-qualified in the remaining evaluative criteria of  
12 ethical fitness, professional and academic ability,  
13 character, reputation, experience, and judicial  
14 temperament.

15 Mr. Chairman, I have no further questions.

16 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
17 you very much.

18 Does any member of the Commission have any  
19 questions?

20 Dean Wilcox, you're recognized.

21 DEAN WILCOX: Just one quick question,  
22 Judge.

23 JUDGE YOUNG: Yes, sir.

24 DEAN WILCOX: One of the other comments  
25 that he didn't mention was the comment to the effect of,

1 I don't care what the Supreme Court says the law is.  
2 I'm ruling.

3 Is there a context in which something like  
4 that would have occurred?

5 JUDGE YOUNG: No, there really isn't. And  
6 the fact that one of the times I got reversed a long  
7 ways back was -- it was on the Mr. T. and Mrs. T. case  
8 where it was a paternity issue, and I had said, If I'm  
9 going to apply the law of this state, if it's necessary  
10 for an appellate court to reverse me on this, then  
11 that's fine. That doesn't bother me, but I'm going to  
12 apply the law of the State of South Carolina as it is  
13 now.

14 I don't get to make interpretations. The  
15 General Assembly writes the law, and I apply the law.  
16 So that would be the only possible context, but I would  
17 never say that. I would say they're welcome to change  
18 my ruling, but they'll be changing the law of the State  
19 at that time.

20 CHAIRMAN REPRESENTATIVE CLEMMONS: All  
21 right. The chair recognizes Mr. Mack.

22 REPRESENTATIVE MACK: Mr. Chairman, thank  
23 you.

24 I just wanted to say for the record, I had  
25 the opportunity and privilege to serve with Judge Young,

1 and you get to know somebody when you serve with them  
2 within this body, and I think of a lot of him. He's  
3 always had a great temperament, and I knew that he'd  
4 make a very good judge.

5 JUDGE YOUNG: Thank you, Representative  
6 Mack.

7 CHAIRMAN REPRESENTATIVE CLEMMONS:  
8 Senator -- I believe Senator Malloy is ahead of you.  
9 Senator Campsen.

10 SENATOR CAMPSSEN: I likewise served with  
11 Judge Young in the General Assembly, and we spent many  
12 of hour in this very room --

13 JUDGE YOUNG: Yes.

14 SENATOR CAMPSSEN: -- during Judiciary  
15 Committee Meetings, and at the risk of diminishing his  
16 chances of being favorably reported out by this  
17 Commission, I'll say that I consider him a bit of a  
18 mentor. I came in as a freshman, and he was a senior.

19 But when I came in as a freshmen, he had  
20 been there three or four years. I was on his  
21 subcommittee, judiciary.

22 And so -- and he's very capable, very  
23 fair-minded, tremendous integrity, and has always had a  
24 great demeanor. As far as in the legislative process,  
25 I'm sure he has on the bench as well.

1 JUDGE YOUNG: Thank you.

2 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
3 you, Senator Campsen.

4 Senator Malloy, do you have a comment or  
5 question?

6 SENATOR MALLOY: Good afternoon, Judge.

7 JUDGE YOUNG: Good afternoon.

8 SENATOR MALLOY: The judge and I have some  
9 history as well.

10 Judge, I just wanted to talk to you a  
11 little bit about the Senate seat. You knew I had been  
12 working on the Senate seat for a long time. And so --  
13 and also, I worked some with you in the past.

14 JUDGE YOUNG: Uh-huh.

15 SENATOR MALLOY: Whenever the Commissioner  
16 comes to you and, you know, they have a recommendation  
17 and it strikes your conscious, then you said that they  
18 can pull it back and go in front of another judge?

19 JUDGE YOUNG: That's correct.

20 SENATOR MALLOY: What happens to the  
21 individuals? Does he return to his state or her state  
22 or where they were before they came? Do they go back to  
23 a jail, or do they go back to the civilian --

24 JUDGE YOUNG: I don't know whether the --

25 SENATOR MALLOY: (Indiscernible) -- bond?

1 (Court reporter raising hand to indicate  
2 dialogue is inaudible as instructed to do so before the  
3 hearing.)

4 JUDGE YOUNG: What -- it could be varied.  
5 I don't know where it would be. But --

6 SENATOR MALLOY: I'm just curious to see if  
7 you give them the opportunity at that time in court to  
8 revisit the bond issue, or is that part of the  
9 discussion?

10 JUDGE YOUNG: It happens so infrequently  
11 that I don't know. I mean, I don't take that into  
12 consideration. And as I told the solicitors, if he's  
13 charged with murder and you want to drop it to  
14 shoplifting, fine. You know, that's your prerogative.  
15 But don't bring me an armed robbery that's clearly an  
16 armed robbery and knock it down to --

17 SENATOR MALLOY: Strong arm.

18 JUDGE YOUNG: -- strong arm when it's clear  
19 to me that -- I said, I want -- and they're wanting to  
20 give him five years or something like that. And I'll  
21 say, Just -- I don't want to hear it, because I think he  
22 might deserve something more. If there was somebody  
23 injured or something like that, take it in front of  
24 another judge. But I'm not going to sentence you with  
25 you thinking that you're going to get a minimum

1 sentence, and then I'm going to max you out. I don't --  
2 I will not do that. I will never exceed what they're  
3 asking.

4 SENATOR MALLOY: But in the same time, do  
5 they have you negotiate the sentence when it comes in  
6 front of you?

7 JUDGE YOUNG: I take negotiating. Almost  
8 all the time, I'll take negotiating.

9 SENATOR MALLOY: And you'll bid for me with  
10 Senate's Reform Bill?

11 JUDGE YOUNG: I am.

12 SENATOR MALLOY: And I guess you appreciate  
13 the discretion that gives you.

14 JUDGE YOUNG: I do. And I do, because each  
15 and every case is different, and I recognize that, that  
16 what happened in this county is different than what  
17 happened in this county. The people have a different  
18 record.

19 I mean, sometimes they won't tell me what  
20 the person's record is until we're doing the plea, and I  
21 find out he's had five other robberies, or they didn't  
22 tell when they were doing it as a -- not a negotiation,  
23 but as a recommendation.

24 And then I'll say, You know, you didn't  
25 tell me all the information, so I don't know that I'm

1 going to take the recommendation. If you would like to  
2 stand down, or if y'all would like to go back and  
3 talk -- because I had one last week in Berkeley County  
4 where I said, I can't do this, but if y'all want to talk  
5 a little more, I'll be here the rest of the week, and  
6 you can, you know, bring it back, and I think they did.

7 They came back and said, This is what we  
8 want to do now.

9 SENATOR MALLOY: Thank you, Judge.

10 CHAIRMAN REPRESENTATIVE CLEMMONS: Are  
11 there any other questions or comments?

12 Hearing none, Judge Young, it's a pleasure  
13 to have you here with us today. Thank you for joining  
14 us, and I thank you for your indulgence.

15 JUDGE YOUNG: Thank you. And for the honor  
16 of appearing here, thank y'all. Have a great night.

17 CHAIRMAN REPRESENTATIVE CLEMMONS: That  
18 will --

19 JUDGE YOUNG: Okay. I'll get out of here.

20 CHAIRMAN REPRESENTATIVE CLEMMONS: Just a  
21 little housekeeping matter with you.

22 This concludes this portion of our  
23 screening process. As you know, Judge Young, the record  
24 will remain open until the report is published, and you  
25 may be called back at such time, if that need should

1 arise.

2 We'll remind you of the 48-hour rule and  
3 ask you to be mindful of it. Should anyone inquire  
4 about whether they may or may not advocate for you in  
5 the event of your being reported out, then we would ask  
6 you to remind them of the 48-hour rule and its  
7 implications.

8 We thank you for service to South Carolina  
9 and for joining us here today.

10 JUDGE YOUNG: Thank y'all very much. Have  
11 a great evening.

12 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
13 you, Judge. Take care.

14 Ladies and gentlemen, while we're waiting  
15 on the next candidate --

16 JUDGE DENNIS: Excuse me. I can step back.

17 CHAIRMAN REPRESENTATIVE CLEMMONS: No,  
18 please, come on. We'd like to go ahead and take care  
19 of --

20 JUDGE DENNIS: Well, it's only 6 o'clock.

21 MS. WALL: Sorry we kept you waiting,  
22 Judge.

23 JUDGE DENNIS: No. It's been wonderful.  
24 We've had a grand opportunity. Thank you very much.

25 CHAIRMAN REPRESENTATIVE CLEMMONS: Ladies



1 and gentlemen, as you all recognize, we have before us  
2 the Honorable R. Markley Dennis, Jr., Circuit Court,  
3 At-Large, Seat 2.

4 Judge Dennis, it's good to have you with  
5 us. Thank you for your patience --

6 JUDGE DENNIS: Delighted to be here.

7 CHAIRMAN REPRESENTATIVE CLEMMONS: -- in  
8 this drawn-out process.

9 JUDGE DENNIS: Well, you're very gracious,  
10 and thank you for all the energy that all of you have  
11 expended in this process. We appreciate it.

12 CHAIRMAN REPRESENTATIVE CLEMMONS: Judge  
13 Dennis, will you please raise your right hand to be  
14 sworn.

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

17 JUDGE DENNIS: I do.

18 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
19 you, Judge. Have you had an opportunity to review your  
20 responses to the personal data questionnaire that's  
21 before you.

22 JUDGE DENNIS: I have.

23 CHAIRMAN REPRESENTATIVE CLEMMONS: Is it  
24 correct?

25 JUDGE DENNIS: As far as I know, it is,

1 yes.

2 CHAIRMAN REPRESENTATIVE CLEMMONS: Does it  
3 need to be amended or changed in any way on the record  
4 today?

5 JUDGE DENNIS: Not that I know of.

6 CHAIRMAN REPRESENTATIVE CLEMMONS: Would  
7 you have any objection to making that summary a part of  
8 the record of your sworn testimony?

9 JUDGE DENNIS: None.

10 CHAIRMAN REPRESENTATIVE CLEMMONS: Hearing  
11 no objection, it's so ordered.

12 If you would pass that off to the staff  
13 member to your right, please.

14 JUDGE DENNIS: Okay. My right.

15 I'm from Berkeley. I'm sorry.

16 (Exhibit Number 1, The Honorable Markley  
17 Dennis, Jr.'s Personal Data Questionnaire, was marked  
18 for identification.)

19 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
20 you, Judge.

21 Judge, the Judicial Merit Selection  
22 Commission has thoroughly investigated your  
23 qualifications for the bench. Our inquiry has focused  
24 on nine evaluative criteria and has included a  
25 ballot-box survey, a thorough study of your application

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

5 As a result of this process, we've received  
6 no affidavits filed in opposition to your election, and  
7 there are no witnesses here today to testify other than  
8 yourself.

9 Do you have a brief opening statement that  
10 you'd like to share with the Commission?

11 JUDGE DENNIS: Only that I've been grateful  
12 for the opportunity to serve this state for the last  
13 almost 21 years. It's been a privilege. It's a truly  
14 distinct honor.

15 I had the pleasure of attending the and  
16 speaking for the retirement of my lifelong friend, Judge  
17 Watson, who was a master for Berkeley County, and we  
18 talked about several things, but just the opportunity to  
19 work with people throughout this state. And I'll be  
20 honest with you, when I first started -- and I still  
21 have it on my computer -- you get frustrated in life  
22 sometimes. I'm sure none of you do, but occasionally  
23 you do.

24 And I had this, which it's written in bold.  
25 It said, Remember you chose and you were elected to

1 serve. And I hope that's what I've tried to do for the  
2 last 21 years, but it's been an honor, and I thank you  
3 for that privilege.

4 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
5 you, Judge.

6 Would you please answer Counsel's  
7 questions.

8 JUDGE DENNIS: Certainly.

9 MR. BENDER: Judge Dennis, you have before  
10 you the sworn statement that you provided with detailed  
11 answers 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 DENNIS: No, sir.

17 MR. BENDER: At this time, Mr. Chairman, I  
18 would like to ask that Judge Dennis's sworn statement be  
19 entered as an exhibit into the hearing record.

20 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
21 you, Counselor.

22 Are there any objections?

23 Hearing none, it's so ordered.

24 (Exhibit Number 2, The Honorable Markley  
25 Dennis, Jr.'s Sworn Statement, was marked for

1 identification.)

2 JUDGE DENNIS: Thank you.

3 MR. BENDER: Judge Dennis, in an effort to  
4 speed things up or moving along in the process, the  
5 Commission received 362 ballot-box surveys regarding  
6 you, with 39 additional comments. The ballot-box  
7 surveys, for example, contained the following positive  
8 comments.

9 A great judge, and a pleasure to appear  
10 before, knows the law and procedure. Judge Dennis  
11 should be an example to the bench and Bar about how a  
12 circuit court judge should conduct themselves, very  
13 conscientious, hardworking, and dedicated.

14 Thirteen of these written comments did  
15 express some concerns. One line of concern, Judge  
16 Dennis, indicated that you have a poor judicial  
17 temperament, are quick to anger, and are often  
18 condescending to attorneys and litigants.

19 What response would you offer to this  
20 concern regarding your temperament?

21 JUDGE DENNIS: Well, being human, I would  
22 certainly acknowledge, I'm sure, that I have been  
23 impatient at times when I probably should not have been.  
24 I can honestly tell you that I would love the  
25 opportunity to discuss with the person that filed about

1     condescending to litigants. To my knowledge, I've never  
2     been condescending to litigants.

3                     I do get perturbed with attorneys. I get  
4     perturbed with attorneys who come and that are  
5     ill-prepared. I was told something that I remember to  
6     this day in law school. My legal writing instructor  
7     happened to be Ron Motley, and Ron told us something  
8     that I have remembered as a lawyer and I remember as a  
9     judge.

10                    He said, Number one, if you'll be prepared,  
11     you will be ahead of 75 percent of the people that  
12     appear before you -- or appear against you. I would go  
13     a little bit higher now today, from my observation, to  
14     be totally candid with you. And I'm not being critical  
15     of the Bar. I'm just being -- just from observation.

16                    But he said in the last part -- and this is  
17     something I find and have found as a lawyer and find as  
18     a person. He said, No one will ever outwork me.

19                    And those of us who know Ron know that he  
20     meant that, and that the reason he said that is because  
21     there are only 24 hours in a day, and if it takes 24  
22     hours to be prepared, I will spend the 24 hours to do  
23     that, to accomplish the preparation. I believe that to  
24     be true.

25                    I think we were trained to be lawyers, and

1 our clients have a right to expect that we will exercise  
2 due diligence in being prepared, and when you come to  
3 court -- and frankly, if it serves me -- not so much for  
4 the lawyer, but for the person that the attorney  
5 represents.

6 So yeah, that -- I'm sure that I have been  
7 impatient sometimes, but I try to be -- I -- the woman  
8 with whom I live, we've been together 42 years, and  
9 she'll tell you I'm very quick-tempered, but I'm a  
10 bottom-line person. I get frustrated with detailed  
11 people sometimes. Get me to the point.

12 And one of the things that I try to do --  
13 last week I heard 350 motions in three days in  
14 Charleston. You can't spend a lot of time listening.  
15 And so you've got to be -- you've got to know and  
16 understand what's before you, and I need to get to the  
17 bottom line.

18 Judge Nicholson and I, we were classmates,  
19 but we often will talk about this. Many times I will  
20 interrupt. I guess it's okay. The Supreme Court does  
21 it, so I think we can probably do that too.

22 But what is it that you want? Tell me what  
23 you want, and then we'll work back from there. I'm  
24 trying to help them get in and out as quickly as  
25 possible, trying to move business. But I'm sure that's

1 received sometimes as being short with people, and I try  
2 to make sure that I don't overdo that.

3 But I am probably guilty, and I'm sorry,  
4 but I am. But I don't think it's the majority of times.

5 I'll tell you this. Okay. I'm not one to  
6 talk about this, but one of the privileges that we've  
7 had -- in going back to -- what was said was, we work  
8 with great people. We're wonderful professionals, but  
9 some of the people, the people that I really have come  
10 to love and admire, are the people that work for the  
11 clerk of courts, bailiffs, security people.

12 And those are solid people, and it makes  
13 you feel very good when they come up and they say,  
14 Judge, we like the way you handled that. We appreciate  
15 that. And when I hear that, maybe I'm not being as nice  
16 as I should have been, but somebody didn't mind.

17 And so those are things that you just use,  
18 and you try to balance it. But I'm sorry. I've  
19 probably run my mouth too long. So...

20 MR. BENDER: All right. Thank you, Judge.

21 The other minor concern was indicated that  
22 occasionally you're biased towards parties that you  
23 favor.

24 What response would offer to this concern?

25 JUDGE DENNIS: I'm not sure I understand



1 "parties that I favor." I'm -- certainly the Charleston  
2 lawyers have heard me say this. I acknowledge that for  
3 21 years, I was primarily a plaintiff's lawyer. I did  
4 some defense work, but I primarily represented the  
5 plaintiff's party -- plaintiffs.

6 As a result, it's kind of along the lines  
7 of what Judge Fields told me when I was first thinking  
8 about running. He used an example, and he said, You  
9 know, a Gedney Howe is like the child. The Gedney is in  
10 my courtroom, and it's 50/50, Gedney loses. And my  
11 initial reaction was, you know, when is it ever going to  
12 be 50/50 with Gedney?

13 But the bottom line is, there are cases  
14 that way. And so there's no question that -- and I tell  
15 plaintiffs that. You know, if I had the slight -- if  
16 it's that close, I'm probably going to rule against  
17 because I don't -- I just don't want that personal  
18 feeling that I had for 21 years to overtake what  
19 really -- and if it's that close, it probably deserves  
20 to be moved -- obviously, we'd have to be talking about  
21 the motions situation because we don't have anything to  
22 do with jury trials. And I assume that's what that  
23 person is alluding to.

24 But really -- I really -- I can't think of  
25 anytime that I have. I really tried my best to do that,

1 but I'm sure I'm not -- I'm not perfect. I don't  
2 profess that.

3 MR. BENDER: Well, thank you, Judge.

4 I would note that the Lowcountry Citizens  
5 Committee reported that Judge Dennis's is qualified in  
6 the areas of constitutional qualifications, physical  
7 health, and mental stability.

8 The Committee found Judge Dennis  
9 well-qualified in the areas of ethical fitness,  
10 professional and academic ability, character,  
11 reputation, experience, and judicial temperament.

12 I will just note that for the record, any  
13 concerns raised during the investigation regarding the  
14 candidate were incorporated into this questioning of the  
15 candidate today.

16 And, Mr. Chairman, I have no further  
17 questions.

18 CHAIRMAN REPRESENTATIVE CLEMMONS: Okay.  
19 Counsel, if I might ask. How many ballot-box surveys  
20 were returned on Judge Dennis?

21 MR. BENDER: There were 362.

22 CHAIRMAN REPRESENTATIVE CLEMMONS: How many  
23 of those ballot-box surveys raised a temperament issue?

24 MR. BENDER: Thirteen.

25 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank

1 you very much.

2 Were there any questions?

3 Yes, Mr. Strom.

4 MR. STROM: Mr. Chairman, I'd just like to  
5 say, I've appeared in front of Judge Dennis several  
6 dozen times all over the state in criminal court and  
7 civil court. And, you know, my impression is, when he  
8 gets on somebody, it's because they're not prepared.  
9 And I've seen him a lot, and I think he runs a tight  
10 courtroom, and I really admire the way he runs the  
11 courtroom.

12 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
13 you.

14 Ms. Wall.

15 MS. WALL: Mr. Chairman, I will just echo  
16 those, the same sentiments. I've appeared in front of  
17 Judge Dennis many, many, many times. I'd like to think  
18 I'm always prepared.

19 JUDGE DENNIS: You are.

20 MS. WALL: I'm a prepared person. But I  
21 really (indiscernible) --

22 (Court reporter raising hand to indicate  
23 dialogue is inaudible as instructed to do so before the  
24 hearing.)

25 MS. WALL: The judge does an excellent job,

1 and it's important to maintain control of the courtroom.

2 CHAIRMAN REPRESENTATIVE CLEMMONS: Of  
3 course, we just heard from two very prepared attorneys  
4 that would appear in a courtroom.

5 SENATOR MALLOY: (Indiscernible.)  
6 (Court reporter raising hand to indicate  
7 dialogue is inaudible as instructed to do so before the  
8 hearing.)

9 CHAIRMAN REPRESENTATIVE CLEMMONS: That's  
10 right.

11 SENATOR MALLOY: How are you doing there,  
12 Judge?

13 JUDGE DENNIS: Senator, I'm fine. It's  
14 good to see you, sir, always.

15 SENATOR MALLOY: I just wanted the judge to  
16 acknowledge that my reputation (indiscernible) --

17 THE COURT REPORTER: I can't hear you.

18 JUDGE DENNIS: Say that again, Senator, so  
19 this --

20 SENATOR MALLOY: I just wanted the judge to  
21 acknowledge that my reputation in the community for  
22 preparation is good.

23 JUDGE DENNIS: It is excellent, sir. Most  
24 assuredly.

25 CHAIRMAN REPRESENTATIVE CLEMMONS: The

1 Chair recognizes Ms. Bell.

2 MS. BELL: Yes. Good evening.

3 I have not personally appeared before you,  
4 but I did want to say for transparency's sake, I am very  
5 good friends with your son, Andrew, and his wife, Beth.  
6 We practice together at Nexsen Pruet, and we have been  
7 good friends ever since. So I just want to note it.

8 JUDGE DENNIS: Well, let me just say this  
9 to you. I appreciate that, and I appreciate the  
10 kindness of Nexsen Pruet in hiring him and -- of course,  
11 I'm biased, but I think they made a good hire with him,  
12 and Andrew is a hard worker, and I'm proud of him.

13 But I also have said -- now that -- and  
14 I -- but I do question, somewhat -- I should say this  
15 with tongue in cheek, but he's going to be offered a  
16 partnership, I think, in January. And so that changes  
17 the complexion here on the floor, in Charleston, or  
18 anywhere.

19 I make it known that my son works -- he  
20 doesn't practice in the courts, to my knowledge. I  
21 think he's done some work to help prepare, but he's  
22 never appeared before. But I said, I'll be happy to  
23 hear it if both sides agree. If anyone does not want me  
24 to hear it, I will recuse myself without any hesitation.

25 And I said -- and also, that's from either

1 side because -- and I love David Parrish, another very  
2 prepared lawyer with Nexsen Pruet. But David said,  
3 We're good.

4 And I said, because if it's ever 50/50,  
5 Nexsen Pruet is going to lose.

6 He said, Well, I don't want that. I want  
7 an even shot.

8 So -- but thank you very much, and he's --  
9 y'all have trained him, and he's learning a lot, and I  
10 appreciate that so much.

11 CHAIRMAN REPRESENTATIVE CLEMMONS: Judge  
12 Wilcox, would you like validation?

13 DEAN WILCOX: I'd like to be Judge Wilcox.

14 CHAIRMAN REPRESENTATIVE CLEMMONS: Excuse  
15 me. Dean Wilcox.

16 JUDGE DENNIS: Dean, you really don't want  
17 to do that.

18 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
19 you.

20 Are there any other questions?

21 Hearing that, Judge Dennis, thank you so  
22 much for being here.

23 JUDGE DENNIS: Thank you, Mr. Chairman.

24 CHAIRMAN REPRESENTATIVE CLEMMONS: This  
25 concludes our portion of the screening process. As you

1 know, the record will remain open until the report is  
2 published, and you may be called back at such time, if  
3 that need should arise.

4 JUDGE DENNIS: Certainly.

5 CHAIRMAN REPRESENTATIVE CLEMMONS: We'll  
6 remind you of the 48-hour rule and ask you to be mindful  
7 of it. Should anyone inquire as to whether or not they  
8 may advocate on your behalf for you in the event that  
9 you're screened out, please remind them or instruct them  
10 regarding the 48-hour rule and its indications.

11 Judge, we thank you for your service to  
12 South Carolina, and we thank you for being with us.

13 JUDGE DENNIS: Thank you for the privilege.  
14 Goodnight.

15 CHAIRMAN REPRESENTATIVE CLEMMONS: The  
16 pleasure is ours. Thank you.

17 I think Judge Maddox is our next...

18 All right. We have Cordell Maddox, then  
19 David C. Brown, and Martin R. Banks.

20 Ladies and gentlemen, you might not  
21 recognize him through his disguise tonight, but we have  
22 before us the Honorable J. Cordell Maddox, Jr., Circuit  
23 Court, At-Large, Seat 7.

24 Judge Maddox, would you raise your right  
25 hand and be sworn.

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

3 JUDGE MADDOX: I do.

4 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
5 you, Judge.

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

8 JUDGE MADDOX: Yes, sir, I have.

9 CHAIRMAN REPRESENTATIVE CLEMMONS: Is it  
10 complete and correct.

11 JUDGE MADDOX: It is. I think I had a  
12 letter to correct a few things, but with that letter,  
13 yes, sir.

14 CHAIRMAN REPRESENTATIVE CLEMMONS: Yes,  
15 and --

16 JUDGE MADDOX: I had left something off.

17 CHAIRMAN REPRESENTATIVE CLEMMONS: That  
18 letter is incorporated in the copy you have before you.

19 JUDGE MADDOX: Yes, sir.

20 CHAIRMAN REPRESENTATIVE CLEMMONS: In  
21 addition to that, is there any need for amendment or any  
22 changes on the record today?

23 JUDGE MADDOX: No, sir.

24 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
25 you.



1                   Judge, do you object our to making this  
2 summary of the record of your sworn testimony?

3                   JUDGE MADDOX: No, sir.

4                   CHAIRMAN REPRESENTATIVE CLEMMONS: Without  
5 objection, it's so ordered.

6                   Would you please hand that to the young  
7 lady to your right.

8                   (Exhibit Number 1, The Honorable J. Cordell  
9 Maddox, Jr.'s Personal Data Questionnaire, was marked  
10 for identification.)

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

21                  We've received no affidavits filed in  
22 opposition to your election, and there is no one present  
23 to testify other than yourself.

24                  Do you have a brief opening statement that  
25 you'd like to share with the Commission?

1 JUDGE MADDOX: I know it's late for you.  
2 If you want me to I will, but no, sir.

3 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
4 you very much.

5 JUDGE MADDOX: I understand.

6 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
7 you very much.

8 Would you please answer Counsel's  
9 questions.

10 JUDGE MADDOX: I sure will.

11 MS. SHULER: Mr. Maddox, you have before  
12 you your sworn statement.

13 Are there any amendments at this time you'd  
14 like to make to that statement?

15 JUDGE MADDOX: No, ma'am.

16 MS. SHULER: Mr. Chairman, I would ask that  
17 Judge Maddox's sworn statement be entered into the  
18 record at this time as an exhibit.

19 CHAIRMAN REPRESENTATIVE CLEMMONS: Is there  
20 an objection?

21 Hearing none, it's so ordered.

22 (Exhibit Number 2, The Honorable J. Cordell  
23 Maddox, Jr.'s Sworn Statement, was marked for  
24 identification.)

25 MS. SHULER: We have abbreviated this, so

1 Judge Maddox, turning to your ballot-box survey. We  
2 received 211 surveys regarding you, with 11 additional  
3 comments.

4 The comments that were positive, for  
5 example, stating, excellent judge who exhibits the  
6 demeanor for his litigants, lawyers, and in public that  
7 all judges should strive for. One of our best judges,  
8 with a keen intellect, excellent temperament, and a  
9 recall what it was like to practice law. An excellent  
10 judge in all areas of the law.

11 Four of those 11, however, expressed  
12 concern. Two of those concerns is related to your  
13 timeliness in starting court.

14 What response would you offer to this  
15 concern?

16 JUDGE MADDOX: When I started almost 13  
17 years ago, the elder judges in my circuit were very  
18 clear to me -- with me that I should not -- that I  
19 should start between 9:30 and 10:00, and that was just  
20 an unspoken rule. The reasoning they gave me was that  
21 people -- staff deputies, et cetera, have to be there an  
22 hour before I get there. If I start at 9:00, they have  
23 to be there at 8:00.

24 And that is a legitimate criticism because  
25 I do start on purpose between 9:30 and 10:00 mainly to

1 give people time get ready in the mornings. The clerk's  
2 office loves it. The deputies love it.

3 I understand that there may be times when  
4 lawyers who come from out of town may not love it, and  
5 when I met with the Bar and they told me that that was  
6 the main criticism, I took it to heart. I -- you know,  
7 I haven't changed it yet, but I'll be happy to if that  
8 would help people.

9 I mean, I get a lot done in a day, and I  
10 think you're going to be hard-pressed to find somebody  
11 to say that I don't finish my work in a day, but I do  
12 start between 9:30 and 10:00.

13 MS. SHULER: I think in your interview with  
14 staff, you said that you often worked late into the  
15 evening --

16 JUDGE MADDOX: Oh, yes.

17 MS. SHULER: -- or through lunch.

18 JUDGE MADDOX: I work too much. I work  
19 Saturday and Sunday. The problem -- I mean we -- the  
20 number of orders and -- you know, that have to be signed  
21 are exponentially growing with the form forwards, and I  
22 usually -- and I've traveled a lot this year, so I  
23 usually go in on Saturday at least and most of the time  
24 Sunday afternoon very late.

25 My wife is not happy about it, and has

1 asked me to stop doing that. But I do work at night. I  
2 work until 6:30 or so.

3 MS. SHULER: Another concern said that  
4 rarely listen to oral arguments or fail to read briefs  
5 or prepare in advance. What response would you offer to  
6 that concern?

7 JUDGE MADDOX: I would think that's  
8 somebody I ruled against that -- I read everything, and  
9 I try to pay attention. I remember how bad it was to be  
10 arguing something in front of a judge who was looking  
11 the other way or typing something into a computer. That  
12 used to make me feel like I was wasting my breath.

13 The time issue isn't legitimate. I don't  
14 think that's legitimate. I mean, I -- was that more  
15 than one person who said that?

16 MS. SHULER: No.

17 JUDGE MADDOX: Oh.

18 MS. SHULER: Another one sort of related to  
19 timing. Another concern said you are often tardy with  
20 orders and rulings. I am waiting currently on an order  
21 ruling from Judge Maddox on a non-jury motion for over a  
22 year.

23 What response would you offer to that?

24 JUDGE MADDOX: I don't -- I have no idea.  
25 I -- the only case -- when the Bar mentioned that to me,

1 I went back to look, and there is one case that was over  
2 a year old. It was a jury trial, but there were  
3 non-jury motions.

4 The defense asked that I withhold ruling on  
5 the motion until they could get the transcript. I was  
6 an eight-day trial. The transcript took six to seven  
7 months to get there. Then he argued, and we had to set  
8 up a hearing.

9 And quite frankly, I calculated, and I sent  
10 both -- all the lawyers -- there were six lawyers -- an  
11 e-mail that said that sorry it's taking so long. I  
12 believed that 30 days of this was my fault because  
13 postjudgment there was an issue of interest, and I  
14 reduced the postjudgment interest by the time -- the 32  
15 days is what I calculated it had been sitting so that it  
16 would be more fair.

17 Then the day that I sent that e-mail to  
18 them, I got an e-mail back that they had settled it.  
19 And I agonized over that, because I calculated times and  
20 sat down and -- I do the best that I can. It would be  
21 rare for something to be that old.

22 MS. SHULER: Okay. Thank you.

23 Mr. Chairman, I would like to request that  
24 we go into executive session to handle a matter.

25 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank

1 you.

2 Senator Martin so moves. Senator Campsen  
3 seconds.

4 Those in favor, say aye.

5 ALL MEMBERS: Aye.

6 CHAIRMAN REPRESENTATIVE CLEMMONS: Noes  
7 opposed; the ayes have it.

8 We're in executive session.

9 (Executive session transpired from  
10 6:25 p.m. to 6:36 p.m.)

11 CHAIRMAN REPRESENTATIVE CLEMMONS: We are  
12 back on the record.

13 MS. SHULER: I would just note that the  
14 Upstate Citizens Committee reported that Judge Maddox is  
15 well-qualified in the evaluative criteria of ethical  
16 fitness, character, reputation, physical health, mental  
17 stability, experience, and judicial temperament.

18 The Committee found Judge Maddox to be  
19 qualified in the remaining criteria of constitutional  
20 qualifications.

21 Mr. Chairman, I have no further questions  
22 for Judge Maddox.

23 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
24 you, Ms. Shuler. Are there any questions by members of  
25 the Commission?

1 Hearing none --

2 JUDGE MADDOX: I'm just glad that  
3 Representative Camp -- or Senator Campsen and Mr. Strom  
4 didn't say anything. I was worried about them.

5 MR. STROM: Well, off the record --

6 JUDGE MADDOX: Nope, nope. I'm sorry.

7 MR. STROM: Off the record, Judge, I want  
8 to know whether that's a prop you're wearing, or is  
9 that --

10 JUDGE MADDOX: No. I will tell you that  
11 that -- in my one moment of seriousness, wear sunscreen.  
12 I have spent the last week thinking I had melanoma. I  
13 don't but --

14 MR. STROM: I'm glad to hear that.

15 JUDGE MADDOX: Yeah. It was -- it's been a  
16 long week. That's a true statement.

17 SENATOR MARTIN: And y'all wear a hat.

18 JUDGE MADDOX: Wear a hat and sunscreen.

19 CHAIRMAN REPRESENTATIVE CLEMMONS: Senator  
20 Campsen, do you wish to be recognized?

21 SENATOR CAMPSSEN: No. I was going to say  
22 something satirical, but I'm not. He's had a tough  
23 enough year.

24 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
25 you.



1 JUDGE MADDOX: Thank you.

2 CHAIRMAN REPRESENTATIVE CLEMMONS: Judge  
3 Maddox, thank you for being here with --

4 MS. WALL: I just have one.

5 CHAIRMAN REPRESENTATIVE CLEMMONS:  
6 Ms. Wall, yes.

7 MS. WALL: Judge, I just want to sympathize  
8 with you. I also had -- one of my children went to  
9 Brown. So...

10 JUDGE MADDOX: It's amazing, isn't it?

11 DEAN WILCOX: One of mine as well, and he  
12 has not been weaned.

13 JUDGE MADDOX: My son gave up an \$800  
14 stipend from Georgia to go there. He's very bright, and  
15 he invented an algorithm, and now he drives a Lexus and  
16 is 29 and makes more than I do. But that was a stunning  
17 experience, just paying that bill monthly.

18 CHAIRMAN REPRESENTATIVE CLEMMONS: I'm  
19 sure. He should give dad a Lexus.

20 Judge Maddox, thank --

21 MS. BELL: Mr. Chairman, I have a comment.

22 CHAIRMAN REPRESENTATIVE CLEMMONS: Yes,  
23 Ms. Bell.

24 MS. BELL: Just for transparency's sake,  
25 thank you so much for your service. And we have never

1 met, but I work with your sister-in-law, Vicky. She was  
2 my paralegal, and she's quite wonderful. And she has  
3 mentioned you, but we have not talked about meeting with  
4 the Commission or anything for today.

5 JUDGE MADDOX: Well, to be completely  
6 transparent, I did look at the list of people last  
7 night, and my wife said, I think she works with Vickie,  
8 and Vicky thinks that you're the bomb.

9 MS. BELL: Thank you. I think of some of  
10 her.

11 JUDGE MADDOX: Well, she did, and I can  
12 show you the text. That's not a lie. If everything  
13 else I said was a lie, that wasn't.

14 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
15 you.

16 Any other comments of Judge Maddox?

17 Judge Maddox, thank you so much for being  
18 here with us.

19 JUDGE MADDOX: Thank y'all.

20 CHAIRMAN REPRESENTATIVE CLEMMONS: This  
21 concludes this portion of the screening process. As you  
22 know, the record will remain open until the report is  
23 published, and you may be called back at such time, if  
24 that need should arise.

25 We'll remind you of the 48-hour rule and

1 ask you to be mindful of that. Should anyone inquire  
2 whether they may or may not advocate on your behalf in  
3 the event that you are screened out, please explain to  
4 them the 48-hour rule and its implications.

5 Judge Maddox, we thank you for offering and  
6 for entertaining us this evening, and --

7 JUDGE MADDOX: Thank you.

8 CHAIRMAN REPRESENTATIVE CLEMMONS: -- we  
9 appreciate your service to South Carolina.

10 JUDGE MADDOX: No, and I appreciate what  
11 you do. I know it's hard.

12 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
13 you.

14 JUDGE MADDOX: Thank you. Y'all have a  
15 good night.

16 Would it be okay if I shook a hand of the  
17 people I haven't seen in a long time?

18 CHAIRMAN REPRESENTATIVE CLEMMONS: As long  
19 as you don't take it with you.

20 JUDGE MADDOX: No. I just had to --  
21 Chip -- Chip and I used to...

22 CHAIRMAN REPRESENTATIVE CLEMMONS: Staff,  
23 please bring in the next candidate.

24 JUDGE MADDOX: Bye, y'all.  
25 Thank you, Jane.

1 JUDGE BROWN: Hey, Senator.

2 CHAIRMAN REPRESENTATIVE CLEMMONS: All  
3 right. Ladies and gentlemen, we have before us the  
4 Honorable David C. Brown, Circuit Court, At-Large,  
5 Seat 8. It's good to have you with us tonight. Thank  
6 you for your patience.

7 JUDGE BROWN: Thank you for having me here  
8 tonight.

9 CHAIRMAN REPRESENTATIVE CLEMMONS: Judge  
10 Brown, would you please raise your right hand to be  
11 sworn.

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

14 JUDGE BROWN: Yes, sir, I do.

15 CHAIRMAN REPRESENTATIVE CLEMMONS: Have you  
16 had an opportunity to review the personal data  
17 questionnaire?

18 JUDGE BROWN: Yes, sir, I have.

19 CHAIRMAN REPRESENTATIVE CLEMMONS: Is it  
20 complete and correct?

21 JUDGE BROWN: Yes, sir, it is.

22 CHAIRMAN REPRESENTATIVE CLEMMONS: Does  
23 anything need to be changed or amended on the record?

24 JUDGE BROWN: No, sir, it does not.

25 CHAIRMAN REPRESENTATIVE CLEMMONS: Do you

1 object to our making this summary a part of your  
2 record -- the record of your sworn testimony?

3 JUDGE BROWN: No, sir, I do not.

4 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
5 you.

6 Without objection, it's so ordered.

7 Please pass that along to the staff to your  
8 right.

9 (Exhibit Number 1, The Honorable David C.  
10 Brown's Personal Data Questionnaire, was marked for  
11 identification.)

12 Thank you, Judge.

13 (Court reporter raising hand to indicate  
14 dialogue is inaudible as instructed to do so before the  
15 hearing.)

16 CHAIRMAN REPRESENTATIVE CLEMMONS: The  
17 Judicial Merit Selection Commission has thoroughly  
18 investigated your qualifications for the bench, Judge  
19 Brown. The -- our inquiry has focused on nine  
20 evaluative criteria, and it has included a ballot-box  
21 survey, a thorough study of your application  
22 materials --

23 (Staff turns on microphone.)

24 CHAIRMAN REPRESENTATIVE CLEMMONS:  
25 Thank you.

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

5                   We've received -- we have no affidavits in  
6 opposition to your election, and there are no witnesses  
7 present to testify other than yourself.

8                   Do you have a brief opening statement that  
9 you'd like to share with the Commission?

10                  JUDGE BROWN: I just want to thank you all  
11 for giving me the opportunity to be here tonight. I am  
12 honored to be here, and I am honored to serve the people  
13 of this great state as a circuit court judge.

14                  CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
15 you very much.

16                  Will you please answer Counsel's questions,  
17 Judge.

18                  JUDGE BROWN: Yes, sir.

19                  MR. DAVIDSON: Thank you, Mr. Chairman.

20                  Judge Brown, you have before you a 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 that you would  
25 like to make at this time to your sworn statement?

1 JUDGE BROWN: No, sir, there are not.

2 MR. DAVIDSON: Mr. Chairman, I would ask  
3 that Judge Brown's sworn statement be entered as an  
4 exhibit into the hearing record.

5 CHAIRMAN REPRESENTATIVE CLEMMONS: Is there  
6 any objection?

7 Hearing none, it's so ordered.

8 JUDGE BROWN: No. No, sir.

9 (Exhibit Number 2, The Honorable David C.  
10 Brown's Sworn Statement, was marked for identification.)

11 MR. DAVIDSON: Judge Brown, the Commission  
12 received 92 ballot-box surveys regarding your candidacy,  
13 with ten additional comments. The ballot-box survey,  
14 for example, contained the following positive comments.

15 A very ethical and patient judge. A great,  
16 hardworking judge. And lastly, by far one of the best  
17 and most extremely clean and fair courtrooms.

18 However, five of the written comments  
19 expressed concerns all related to judicial temperament.  
20 For example, using their words, the comments stated,  
21 Treat parties in a hostile manner and is disrespectful  
22 to all parties. Known to show a lack of respect to both  
23 litigants and attorneys. Abusive and inconsiderate of  
24 the attorneys and litigants before him. Often berates  
25 people in the courtroom, and very overbearing in the

1 courtroom.

2 How would you respond to those comments?

3 JUDGE BROWN: I would respond in the manner  
4 that -- over the last -- when I was elected in February  
5 of 2010 -- since being elected in 2010, in the year of  
6 2012, I was Chief Administrative Judge of Common Pleas  
7 in the 12th Judicial Circuit. In 2013 and 2014, I had  
8 been the Chief Administrative Judge, Criminal Court, in  
9 the 12 Judicial Circuit.

10 There have been times as the chief  
11 administrative judge for general sessions, and I have  
12 been tasked with running -- or moving the dockets, so to  
13 speak, in the criminal court, or draining the swamp, as  
14 the chief justice would say. And there have been times  
15 when during the carrying out of my responsibilities as  
16 the chief administrative judge that I have had to  
17 address issues with attorneys, such as punctuality and  
18 preparedness, being prepared. But I have done so to  
19 attorneys who have -- and done such on a reoccurring  
20 basis, but I have not done so in a rude, demeaning, or  
21 condescending way but I have been firm with those  
22 attorneys about what is expected in the courtroom.

23 MR. DAVIDSON: Thank you.

24 One of those five comments also mention  
25 that criminal defendants often plead guilty in front of



1 him because he displays no compassion, understanding,  
2 and humility when dealing with these individuals.

3 How would you respond to that?

4 JUDGE BROWN: Well, I would certainly  
5 disagree with that tremendously and would like to bring  
6 to the Committee's attention, about three months ago, I  
7 had a young man sitting in the courtroom with me, a  
8 young African-American gentleman. And he was sitting  
9 out in the courtroom in a minister's shirt, and I  
10 thought he was there in support of someone that day.

11 But at the conclusion of court that day,  
12 one of the officers, security officers in the courtroom  
13 said, Judge, this young man wants to come up and say  
14 something to you. Do you mind if he comes up?

15 And I said, Absolutely not. I don't mind  
16 if he comes up and speaks to me.

17 So he came up to me, and he -- the first  
18 question out of his mouth was -- he said, Judge, do you  
19 remember me?

20 And I said, No, sir. I don't remember you.  
21 Can you give me a little bit more information?

22 He said, I pled guilty in front of you  
23 about eight -- a year and a half ago to impersonating a  
24 police officer.

25 And when he said that, I immediately knew

1 who he was. I said, Yeah, I remember you specifically.  
2 You pled guilty to impersonating a police officer, and  
3 you went into a pizza place down in Lake City and got a  
4 pizza for free, didn't you?

5 He said, Yes, sir, I did. And he looked at  
6 me, and he said, I want to thank you, Judge, for what  
7 you said to me in the courtroom that day.

8 And I said, Really?

9 I said, Yes, sir -- he said, Yes, sir. He  
10 said, You were the first person who ever gave my any  
11 words of encouragement. He said, When I walked out of  
12 that courtroom that day, he said, I couldn't read a  
13 lick. He said, But since then, I've gone back, and I've  
14 learned how to read, and I've gotten my pastoral  
15 certificate, and now I'm pastoring a church in Florence.

16 So I would greatly disagree with me not  
17 being compassionate and understanding of plights, so to  
18 speak, of criminal defendants that appear in front of  
19 me.

20 MR. DAVIDSON: Thank you for your response,  
21 Judge Brown.

22 I would note for the record that the Pee  
23 Dee Citizens Committee reported that Judge Brown is  
24 qualified in the evaluative criteria of constitutional  
25 qualifications, physical health, and mental stability.

1           The Committee found him well-qualified in  
2 the remaining criteria of ethical fitness, professional  
3 and academic ability, character, reputation, experience,  
4 and judicial temperament.

5           I would also note for the record that any  
6 concerns raised during the investigation regarding the  
7 candidate were incorporated into the questioning of the  
8 candidate.

9           Mr. Chairman, I have no further questions.

10           CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
11 you, Counsel.

12           Are there any questions by members of the  
13 Commission?

14           Hearing none, Judge, thank you so much for  
15 being with us today. Thank you for your patience in  
16 awaiting our long schedule.

17           That concludes this portion of our  
18 screening process. As you know, Judge, the record will  
19 remain open until the report is published, and you may  
20 be called back at such time, if that need should arise.

21           We'll remind you of the 48-hour rule and  
22 ask you to be mindful of that. Should anyone inquire  
23 about whether they may or may not advocate on your  
24 behalf should you be screened out, then we would ask  
25 that you remind them of the 48-hour rule and its

1 implications.

2 With that, we thank you for your service to  
3 South Carolina and for being here.

4 JUDGE BROWN: Thank you, sir.

5 CHAIRMAN REPRESENTATIVE CLEMMONS: It's a  
6 pleasure.

7 (Discussion off the record.)

8 CHAIRMAN REPRESENTATIVE CLEMMONS: Ladies  
9 and gentlemen of the Commission, we have before us our  
10 last, but I suppose not least, candidate of the  
11 screening process. We have before us the Honorable  
12 Martin R. Banks, Master-in-Equity, Calhoun County.

13 Judge Banks, thank you for being with us  
14 this evening, and thank for your patience.

15 Judge Banks, would you raise your right  
16 hand and be sworn.

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

19 JUDGE BANKS: I do.

20 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
21 you, Judge.

22 Have you had an opportunity to review your  
23 responses to your personal data questionnaire?

24 JUDGE BANKS: Yes.

25 CHAIRMAN REPRESENTATIVE CLEMMONS: Is it

1 complete and correct?

2 JUDGE BANKS: Can I make one amendment?

3 CHAIRMAN REPRESENTATIVE CLEMMONS: Yes,  
4 sir.

5 JUDGE BANKS: One of the cases that I cited  
6 in there, it was actually -- it was appealed, the 23A,  
7 the Judy case, which you might be familiar with by now.  
8 It was actually appealed, now it's affirmed upon all  
9 points except attorney's fee. And it was so  
10 noneventful, I forgot.

11 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
12 you, Judge.

13 With that verbal amendment, are there any  
14 other amendments that you would like to make to the --  
15 in the record?

16 JUDGE BROWN: No, Mr. Vice Chairman (sic).

17 CHAIRMAN REPRESENTATIVE CLEMMONS: Hearing  
18 that, do you have any objection to making the summary a  
19 part of your sworn testimony this evening?

20 JUDGE BANKS: No objection.

21 CHAIRMAN REPRESENTATIVE CLEMMONS: Without  
22 an objection, it's so ordered.

23 Please pass that along to the lady to your  
24 right.

25 (Exhibit Number 1, The Honorable Martin R.

1 Banks's Personal Data Questionnaire Personal Data  
2 Questionnaire, was marked for identification.)

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

13 As a result of that process, we've received  
14 one affidavit filed in opposition to your election, and  
15 there is one witness present to testify this evening.  
16 That would be Mr. Ronnie Judy.

17 And we would ask at this time, Judge, if  
18 you would have a seat, and we'd like to invite  
19 Mr. Judy to -- oh. Excuse me.

20 Let us get a housekeeping matter out of the  
21 way first. If I could -- if you would please respond to  
22 questions of Counsel.

23 JUDGE BANKS: Sure.

24 MR. DAVIDSON: Thank you, Mr. Chairman.

25 Briefly, I have a procedural matter to take care of with

1 this candidate.

2 Judge Banks, you should have before you a  
3 sworn statement you provided with detailed answers to  
4 over 30 questions regarding judicial conduct, statutory  
5 qualifications, office administration, and temperament.

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

8 JUDGE BANKS: No.

9 MR. DAVIDSON: Mr. Chairman, I'd like to  
10 ask that Judge Banks sworn statement be entered as an  
11 exhibit into the hearing record.

12 CHAIRMAN REPRESENTATIVE CLEMMONS: Do any  
13 Commission members have an objection?

14 Hearing none, it's so ordered.

15 (Exhibit Number 2, The Honorable Martin R.  
16 Banks's Personal Sworn Statement, was marked for  
17 identification.)

18 MR. DAVIDSON: Thank you, Judge. You may  
19 have a seat for the time being.

20 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
21 you.

22 MR. DAVIDSON: At this time, Mr. Chairman,  
23 I'm going to briefly summarize the complaint and  
24 allegations, then we will call the complainant.

25 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank

1 you.

2 MR. DAVIDSON: This complaint is the result  
3 of an underlying lawsuit in which three brothers brought  
4 an action against the fourth brother, Mr. Judy, who is  
5 the complainant, and Mr. Judy's wife and two of his sons  
6 to void or set aside certain remote and recent  
7 conveyances of real property from Mr. Judy to his son  
8 and to restore title to those properties in the name of  
9 Mr. Judy.

10 The case was tried before Judge Banks  
11 serving as a special referee. Judge Banks ruled that  
12 both remote and recent conveyances violated the Statute  
13 of Elizabeth in that they were intended to avoid  
14 creditors, and in regard to the remote conveyances the  
15 partition deeds to substitute Mr. Judy as the true  
16 owner, and with regards to the more recent conveyances,  
17 he was declared the owner for conveyances void. He also  
18 assessed \$7,000 in attorney's fees and an \$800 fee as a  
19 special referee fee against Mr. Judy.

20 Now, appeal was taken to the court of  
21 appeals, and the order was affirmed, in part, and  
22 reversed, in part, as Judge Banks mentioned. It was  
23 reversed with regard to attorney's fees against  
24 Mr. Judy. Attorneys for Mr. Judy filed an additional  
25 appeal to the Supreme Court, which was denied.



1                   Mr. Judy makes five general allegations in  
2 his complaint. The first, he alleges that Judge Banks  
3 disregarded the deeds that were recorded in 1998 having  
4 been recorded for nine years prior to the case.

5                   Number two, he alleged that Judge Banks  
6 altered the trial transcript, and the tape which was  
7 used to make the transcript is missing.

8                   Number three, which is related to the  
9 second allegation, he alleges that Judge Banks accused  
10 Mr. Judy of using profanity in the courtroom and  
11 admonished him to doing show; however, the transcript  
12 does not accurately reflect what Judge Banks actually  
13 said during the trial, according to the complaint, thus  
14 the previous allegation that the transcript was altered.

15                   Number four, the complainant alleges Judge  
16 Banks has no reason to award attorney's fees in the  
17 amount of \$45,000.

18                   And number five, generally complaining that  
19 Judge Banks denied all motion screenings for  
20 consideration.

21                   At this time, with your permission, I'd  
22 like to call -- or ask Mr. Judy to come to the podium.

23                   CHAIRMAN REPRESENTATIVE CLEMMONS:

24 Mr. Judy, you're welcome to take the stand, sir.

25                   Mr. Judy, we're pleased to hear from you

1 tonight --

2 MR. JUDY: Thank you.

3 CHAIRMAN REPRESENTATIVE CLEMMONS: -- and  
4 for your patience. You've been waiting for a while.

5 MR. JUDY: Thank you for the opportunity to  
6 come.

7 CHAIRMAN REPRESENTATIVE CLEMMONS: Yes,  
8 sir. We would ask that you endeavor not the relitigate  
9 your case here tonight. That's not the purpose our  
10 being here.

11 The purpose of our being here is with  
12 regard to your knowledge of the character and fitness of  
13 Judge Banks to continue to serve on the bench.

14 In that regard, we would like to hear from  
15 you, but beforehand, we would like to have you sworn.  
16 If you'll please raise your right hand.

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

19 MR. JUDY: Yes, sir, I do.

20 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
21 you, Mr. Judy.

22 Please feel free to share with us your  
23 insights.

24 MR. JUDY: Mr. Banks has got a disease.  
25 It's called corruption. And putting him back on the

1 bench, Calhoun County Sheriff will have to have -- put  
2 more police in the courtroom than a lot of spectators  
3 there. Ever since this thing has come up -- he was  
4 handpicked by Judge Edgar Dickerson (sic), because in  
5 Dorchester County we had the master-in-equity recuse  
6 hisself, and it was our agreement that they would pick a  
7 special referee and both sides would agree.

8           That never took place, and we got a call  
9 that Mr. Martin Banks was going to have the case. My  
10 two sons was at the beach, and I called Mr. Danson and  
11 told him, you know, could we get a continuance.

12           He said, No. We're going to try your --  
13 whether you're there or not.

14           Well, that morning, we was running a little  
15 bit late, and as we was going through the detector  
16 screening, he came flying in and pushed me up against  
17 the wall. I'd come that close to you know what, and I  
18 asked the bailiff, Who was that guy?

19           He said, That's the judge.

20           It caught me off guard. And in the  
21 courtroom, he said that he was going to try the case  
22 whether we was there or not.

23           But anyhow -- let me get my story now.

24           On the exhibits that I wanted to enter into  
25 evidence, he objected to them. And when I appealed it

1 to the appellate court, and I hired two lawyers, he  
2 said, Where are your exhibits?

3 I said, Judge Banks objected to them. We  
4 couldn't have them. And I finally got the copy of the  
5 transcript, and I specifically remember what he told me  
6 in that courtroom when I referred to a pond dam. He  
7 jumped up out of that seat, almost come out of it and  
8 said, Mr. Judy, you don't curse in my courtroom.

9 I said, Sir, I did not curse in your  
10 courtroom.

11 And he asked Capers Barr -- he said, What  
12 did Mr. Judy say?

13 He said -- Mr. Barr said that he was  
14 referring to the pond dam.

15 And I noticed in the transcript, he  
16 apologized. Ladies and gentlemen, he did not apologize  
17 in that courtroom, and that's the reason I asked for the  
18 copy of the tape to compare it, because I was involved  
19 back in the '80s in a probate matter where they changed  
20 the transcript.

21 And when I finally got the tape -- I  
22 remember the choo-choo train going by at 2 o'clock, but  
23 the choo-choo train sound was not on the tape. So we  
24 went sent it to Washington, and it came back that it's  
25 been tampered with.

1                   By why Mr. Banks done this -- I mean, he  
2 brought my wife, and it run her blood pressure up. And  
3 I just came from the cemetery. She's dead because of  
4 him. He's unfit to sit on the bench.

5                   He needs to get some medicine for that  
6 disease called corruption. How many other people have  
7 he affected? I mean, I deeded this property to my boys  
8 in 1998.

9                   Wasn't no judgments against it until 2007,  
10 and when they put it back in my name, I got a letter  
11 from the sheriff that they're going to sell one piece of  
12 it. The piece they really wanted, they found out it had  
13 a \$100,000 mortgage on it. No, they didn't want that.  
14 They wanted this. And to pay that -- in his  
15 memorandum -- he sent a two-page memorandum to Capers  
16 Barr to write the order up. If he don't know how to  
17 write that order up, he needs the get out the kitchen.  
18 Mr. Barr wrote up a 24-page order knocking us out of any  
19 appeal whatsoever, and we appealed it.

20                   I'll tell you how slick he is. When our  
21 appeal came up on the appellate court, they picked three  
22 judges. We went for oral argument. Guess why? Three  
23 new judges sitting on that panel, and they ruled against  
24 us, Brother.

25                   He handpicked the appellate court judges.

1 My lawyer got a copy of the three lawyers that was  
2 supposed to head our case. Mr. Lackey was one of them,  
3 and I forgot who the other two was, but Mr. Hayward was  
4 supposed to call me back this afternoon and let me know  
5 who the other two lawyers was that had our case.

6 I mean, I spent over 30-, \$40,000 with them  
7 two lawyers, appealing his stupid order.

8 CHAIRMAN REPRESENTATIVE CLEMMONS: Excuse  
9 me, Mr. Judy --

10 MR. JUDY: Okay.

11 CHAIRMAN REPRESENTATIVE CLEMMONS: -- I'm  
12 going to have to caution you --

13 MR. JUDY: All right.

14 JUDGE BROWN: -- not to make personal  
15 derogatory statements.

16 MR. JUDY: All right.

17 JUDGE BROWN: We're interested in the facts  
18 that you want to share with us. We're not interested in  
19 hearing derogatory statements.

20 MR. JUDY: Okay. In other words, I had to  
21 spend 30-, \$40,000. And at the end, I had to give the  
22 lawyer one of my tractors to pay the bill. I mean, it's  
23 not right. Everybody just don't know how the judicial  
24 system works in the 1st Circuit.

25 I've got a PH degree on it, and I hope

1 someday that I'm able to help reform it. And today I'm  
2 asking you to take him off the bench. Put him back in  
3 the cotton field where he belongs. And I'm asking for  
4 an investigation where that tape -- where that tape went  
5 to to compare it to the transcript because it's been  
6 altered, my friend.

7 And I remember what he said to me in that  
8 courtroom, and that transcript doesn't say that. None  
9 whatsoever.

10 I called his office the other week to try  
11 the get the records. They didn't have any. Dorchester  
12 County didn't have most of them. What happened to them?

13 MR. DAVIDSON: Mr. Judy --

14 MR. JUDY: Yeah.

15 MR. DAVIDSON: -- you should have before  
16 the complaint that you submitted to the Commission.

17 MR. JUDY: Yeah.

18 MR. DAVIDSON: Do you have an objection to  
19 that being made part of the record today?

20 MR. JUDY: Yes, sir. I want it part of the  
21 record.

22 MR. DAVIDSON: You would like it to become  
23 part of the record.

24 MR. JUDY: Yes, sir.

25 MR. DAVIDSON: Mr. Chairman, I'll ask for

1 that, that his complaint be entered as an exhibit to the  
2 record at this time.

3 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
4 you. Is there any objection by Commission members?

5 Hearing none, it's so ordered. It's now a  
6 part of the record.

7 (Exhibit Number 3, Ronnie Judy's Complaint  
8 Against the Honorable Martin R. Banks, was marked for  
9 identification.)

10 Ladies and gentlemen, do you have any  
11 questions of Mr. Judy?

12 Hearing none -- thank you, Mr. Judy.

13 MR. JUDY: Thank you, sir.

14 CHAIRMAN REPRESENTATIVE CLEMMONS: We would  
15 like to --

16 MR. JUDY: Thank you for the opportunity.

17 CHAIRMAN REPRESENTATIVE CLEMMONS: We would  
18 like to invite the judge to come back and to offer any  
19 reply that he may have. You have a constitutional right  
20 to a reply after his remarks.

21 MR. JUDY: That's fine. Thank you, sir.

22 CHAIRMAN REPRESENTATIVE CLEMMONS: Please  
23 have a seat. Thank you.

24 Judge, would you care to respond to the  
25 allegations that have been made?



1 JUDGE BANKS: Yes, I would.

2 Quite frankly, I wasn't prepared for some  
3 of the things he said tonight that were not in that  
4 complaint. For instance, I've never heard him say ever  
5 that I had ever touched him when he said I pushed my way  
6 past him to come in, running into the courthouse.  
7 That's outrageous, and I would say that if I would have  
8 had that in the complaint, I -- the bailiff or the  
9 security officer at the front door of the courthouse --  
10 I would have certainly had an affidavit or -- to put  
11 that to rest right here and now, and I wish he would  
12 have said that in his complaint.

13 But I assure you, I have never laid hands  
14 on anybody, anyone that has been before me. Mr. Judy, I  
15 don't even recall seeing him until he walked into the  
16 courtroom that day, and I stayed, at all times, behind  
17 the bench unless we took a recess of some kind.

18 This was a -- actually, it was a fairly  
19 complicated Statute of Elizabeth case, and I know at  
20 least one person in here knows what I'm talking about.  
21 It was actually a very complicated Statute of Elizabeth  
22 case, and it was -- it's an old common law property  
23 issue.

24 And, again, that was part of an appeal, so  
25 I'm not going into details. But any evidence, any

1 exhibit that he tried to submit, I certainly did not  
2 object to it. Mr. Capers Barr, who was the plaintiff's  
3 attorney, may have made objections and I ruled on the  
4 evidence. I ruled according to his objection; sometimes  
5 in favor, sometimes against. But, again, I never took  
6 the position of anything other than a judge in that  
7 courtroom. I did not take a side.

8           Also, you've got the transcript, I hope, in  
9 front of you, and I don't think I need to read it, but  
10 certainly, it speaks for itself. If this transcript was  
11 altered, it wasn't by me. I feel that a good court  
12 reporter handles all of that and handles all of the  
13 evidence, handles whatever tape or other venue she uses  
14 to record the proceedings. I had no input into any of  
15 that, and I think you have an affidavit, or at least  
16 someone has an affidavit over there, that she sent that  
17 said that she didn't -- there's nothing wrong with the  
18 transcript itself.

19           CHAIRMAN REPRESENTATIVE CLEMMONS: Judge,  
20 if I could get you to pause for just one second.

21           That affidavit is on your laptop for  
22 anybody who would like to a look at that.

23           JUDGE BANKS: It's a very short affidavit  
24 that says nothing has been done to the transcript, and  
25 it is what it is, and it says what it says, and she

1 didn't have a personal recollection of anything that  
2 went on inside that courtroom that day.

3           You also have an affidavit from Capers  
4 Barr, who was the plaintiff's attorney in this case.  
5 It's extremely insightful into what went on that day.

6           It supports me in every allegation made in  
7 the written complaint.

8           Today, I'm sure he weighed in strongly on  
9 some of the new allegations that were made just a moment  
10 ago. I did deny his continuance, and I believe it was  
11 after we gave him a continuance. I think it was a  
12 second one, is my recollection. It may be faulty, but  
13 this particular -- the proceedings in this case were --  
14 I'll tell you.

15           I was appointed as a special referee, as he  
16 said, by Judge Dickson. Judge Dickson, I suppose, was  
17 the chief administrative judge for the circuit at that  
18 time, and Mr. Judy had basically -- I'm told by Judge  
19 Dickson and Judge Goodstein that -- and actually, the  
20 previous master-in-equity in Dorchester County -- that  
21 Mr. Judy had either a grievance or a complaint against  
22 every -- or possibly sued every judge he's ever been in  
23 front of, and he had literally run out of judges in that  
24 circuit. And --

25           CHAIRMAN REPRESENTATIVE CLEMMONS: May I

1 interrupt you for just one second, Judge?

2 JUDGE BANKS: Yes, you -- certainly.

3 CHAIRMAN REPRESENTATIVE CLEMMONS: Ladies  
4 and gentlemen, this shouldn't -- the relevant portion of  
5 the transcript will be found on page 88.

6 Please go ahead, Judge.

7 JUDGE BANKS: Thank you. Thank you.

8 So he had run out of judges, and that's why  
9 they had to go to a special referee. And when Judge  
10 Dickson asks me to do something, I generally try to do  
11 it.

12 And so I took this case knowing of  
13 Mr. Judy's reputation towards the judges he's been in  
14 front of. Quite frankly, I was surprised by his  
15 complaint overall, because it has been over two years  
16 since this case has been heard, and he never grievanced  
17 me. And I thought, well, I actually probably won him  
18 over, so to speak, by the way I handled his case, that I  
19 had treated him with respect and given him a lot of  
20 leeway in the courtroom.

21 And so I was kind of shocked by this  
22 particular turn of events.

23 I will tell you that he completely  
24 mischaracterized the cursing part of the thing, and I'll  
25 give you a good example of -- what happened at that

1 point was, his demeanor and his inflection and volume  
2 that he used in front of you guys was the same as it was  
3 in my in courtroom, and you can see in that context --  
4 if you use what you have observed by him today, you can  
5 see in that context that he -- if you said the word dam  
6 with the volume and the way he was conducting himself  
7 here, I think you would have made the same choice.

8                   When he said dam and case, I thought he  
9 meant the curse word damn, and I was unfamiliar with the  
10 real case he was talking about. And Capers Barr  
11 probably set me straight, and as you see on the record,  
12 I apologized.

13                   And I think that's all -- I think that's  
14 all I have.

15                   CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
16 you, Judge Banks.

17                   Yes. Counsel has a question.

18                   MR. DAVIDSON: Judge Banks, you should have  
19 before you three exhibits that you committed to the  
20 Commission. It should be two affidavits. One from  
21 plaintiffs' counsel gave response, the court reporter,  
22 and also the trial transcript.

23                   Do you have those in front of you?

24                   JUDGE BANKS: Yes, I do.

25                   MR. DAVIDSON: Do you have any objection as

1 to those being entered as exhibits?

2 JUDGE BANKS: No, I don't.

3 MR. DAVIDSON: Mr. Chairman, at this time  
4 I'll ask to include them as exhibits.

5 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
6 you.

7 Is there any objection by any members of  
8 the Commission?

9 Hearing none, it's so ordered.

10 MR. DAVIDSON: I have no issues left.

11 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
12 you very much.

13 Do members of the Commission have questions  
14 of Judge Banks at this point?

15 All right. Hearing none, Judge, please be  
16 seated for a moment, while the Commission invites  
17 Mr. Judy back to the stand for a reply.

18 JUDGE BANKS: Thank you.

19 CHAIRMAN REPRESENTATIVE CLEMMONS: Thanks.

20 Mr. Judy, as you come to the stand, I would  
21 ask you to keep your replies specifically --

22 MR. JUDY: Yes, sir.

23 CHAIRMAN REPRESENTATIVE CLEMMONS: --  
24 focused on Judge Banks's remarks. We don't care to hear  
25 anything new at this point.

1 MR. JUDY: Okay.

2 CHAIRMAN REPRESENTATIVE CLEMMONS: You need  
3 to focus very succinctly on responding to his replies.

4 MR. JUDY: He denied pushing me up against  
5 that wall when he came in. I've got two sons who are  
6 witnesses to that. I didn't know he was going to deny  
7 that. I would have had them here today.

8 CHAIRMAN REPRESENTATIVE CLEMMONS: And  
9 Mr. Judy, that allegation actually was not in the  
10 complaint. So that's not --

11 MR. JUDY: Okay.

12 CHAIRMAN REPRESENTATIVE CLEMMONS: -- a  
13 matter that's properly before us.

14 MR. JUDY: But as far as the tape and the  
15 transcript, ladies and gentlemen, it's been altered.

16 SENATOR MARTIN: Can I ask him a question?

17 CHAIRMAN REPRESENTATIVE CLEMMONS: You can  
18 ask, Senator Martin, yes.

19 SENATOR MARTIN: See, if you hadn't met the  
20 judge prior to seeing him at the courthouse that  
21 evening --

22 MR. JUDY: No, sir. I never laid eyes on  
23 him.

24 SENATOR MARTIN: Well, what -- how do you  
25 know that he knew about who you were?

1 MR. JUDY: Because when I went through, I  
2 asked the bailiff, Who was that -- I ain't going to say  
3 the word.

4 And he said, He's the judge.

5 SENATOR MARTIN: How would he have known  
6 you, though?

7 MR. JUDY: He was in a hurry to get up to  
8 the courtroom, and he bypassed us. That's when he  
9 pushed me.

10 SENATOR MARTIN: But he's saying -- his  
11 testimony is that that was the first time he had heard  
12 that you even raised that as an issue.

13 MR. JUDY: He knew it, sir.

14 SENATOR MARTIN: And you never had -- how  
15 did he know you? How did he know -- recognize that was  
16 you?

17 MR. JUDY: When I got up in the courtroom.  
18 He admitted that.

19 SENATOR MARTIN: But that happened  
20 before --

21 MR. JUDY: That happened before I got into  
22 the courtroom, yes, sir.

23 SENATOR MARTIN: How did he know that was  
24 you?

25 MR. JUDY: He knew who I was.



1 SENATOR MARTIN: How? How?

2 MR. JUDY: I was the plaintiff on that -- I  
3 mean, the defendant on that case. I represented myself.

4 SENATOR MARTIN: So you had pictures in the  
5 file of you -- that he would recognize you; that he had  
6 prior -- a prior recognition of you?

7 MR. JUDY: Well, I talked with him on the  
8 telephone prior to get a continuance. He said he'd have  
9 to second continue. He never continued us the first  
10 time.

11 SENATOR MARTIN: I'm just trying to zero in  
12 on how he would have known you. He testified that he  
13 had never heard this of you in all of the complaints  
14 before. So how did he know you, and why would you just  
15 now raise this to the Commission? It wasn't in your  
16 complaint.

17 MR. JUDY: Well, I misoverlooked that. I  
18 wasn't thinking. I've got a little bit of dementia. I  
19 have --

20 CHAIRMAN REPRESENTATIVE CLEMMONS: And I'd  
21 like to point out to the Commission, this matter, this  
22 particular point, being a matter of complaint. It is  
23 not properly before the Commission.

24 MR. JUDY: That's correct.

25 CHAIRMAN REPRESENTATIVE CLEMMONS: And

1 you're welcome to question as you will, Senator.

2 SENATOR MARTIN: Well, and I was just  
3 curious. I was trying to help the me understand --

4 MR. JUDY: Right. Okay.

5 SENATOR MARTIN: -- and help the  
6 Commissioner understand --

7 MR. JUDY: Yes.

8 SENATOR MARTIN: -- where are you coming  
9 from with such an allegation you hadn't even ever raised  
10 before.

11 MR. JUDY: Judge Banks knew who I was when  
12 I walked in that courtroom. There's no question about  
13 it.

14 SENATOR MARTIN: Thank you.

15 MR. JUDY: But Judge Dickson appointed him  
16 as the special referee. And then, you know, he had a  
17 two-page memorandum from Capers Barr to draw up there  
18 before his order, and it came back 24 pages. Evidently.

19 CHAIRMAN REPRESENTATIVE CLEMMONS: Do you  
20 have anything other, Mr. Judy -- anything more,  
21 Mr. Judy, in direct reply to the comments of Judge  
22 Banks.

23 MR. JUDY: Well, I'm just asking, asking  
24 you not to put him back on the bench.

25 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank

1 you for your input.

2 MR. JUDY: Thank you.

3 CHAIRMAN REPRESENTATIVE CLEMMONS: It is  
4 made a part of the record.

5 Before you leave, Mr. Judy, I should ask  
6 members of the Commission if they have any other  
7 questions.

8 Hearing none, Mr. Judy, thank you for your  
9 input in this matter today.

10 MR. JUDY: Thank you.

11 CHAIRMAN REPRESENTATIVE CLEMMONS: It is  
12 made a part of the record --

13 MR. JUDY: Thank you.

14 CHAIRMAN REPRESENTATIVE CLEMMONS: -- and  
15 will be part of our deliberations.

16 Judge Judy -- I mean, Judy Banks, would you  
17 please come back to the stand.

18 Please answer any other questions that  
19 Counsel may have.

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

21 Judge Banks, moving on from the complaint,  
22 you indicated in your personal data questionnaire that  
23 since your last screening, a lawsuit was filed against  
24 you in 2013 by a public defender for malpractice.

25 Could you please explain to the Commission

1 what the nature and disposition of that was.

2 JUDGE BANKS: Yeah. I got an e-mail from  
3 the circuit-wide public defender, which would be my  
4 boss, and he sent me a complaint and ask me if I'd seen  
5 it. And the complaint was done by an inmate in the  
6 penitentiary in South Carolina. He had -- he messed it  
7 up so much I wasn't sure if I had been served or not  
8 because he had, I think, the 1st circuit public defender  
9 as the defendant, and then named my name in the body of  
10 it somewhere.

11 So I actually -- it turns out, I probably  
12 didn't have to defend it at all, but I certainly  
13 notified my insurance company, and they took it from  
14 there, and it was dismissed at summary judgment.

15 MR. DENNIS: Thank you. Your SLED report  
16 deals with two State employer withholding tax liens  
17 filed against your law firm. The first was filed in  
18 October 2013 for \$747 and was reported as satisfied in  
19 February of 2014.

20 The second was filed in February 2014 for  
21 \$858 and was reported as satisfied shortly thereafter in  
22 March of 2013. The SLED report verified these tax liens  
23 as conditions.

24 Judge Banks, would you please explain the  
25 circumstances surrounding those tax liens.

1                   JUDGE BANKS: Sure. I was a new -- I guess  
2 a new participate in their electronic filing system that  
3 they use there to file state withholding taxes on my  
4 employees. The -- I actually filed one of them and paid  
5 the money on time, and that's why that -- I think it was  
6 the first one you mentioned -- that's why they satisfied  
7 it so quickly. It was within a week or so of me finding  
8 out about it.

9                   It was taken off the books. So it was  
10 their mistake.

11                   The second one, I filed and paid that one  
12 as well, but I filed it a few days late. And the --  
13 between the time I filed it and the time I got the  
14 letter, I had owed just a late fee and an interest  
15 payment of -- the penalty of interest payment that -- I  
16 think the total of that 800-and-something-dollar thing I  
17 actually paid a few days late turned out to be a \$73  
18 late fee essentially.

19                   And as you can see, the Government doesn't  
20 necessarily move that quickly. They were all taken care  
21 of within a very short window, considering.

22                   And so one was their mistake, and one was a  
23 slight mistake on my part.

24                   MR. DAVIDSON: Thank you.

25                   I would note that the Midlands Citizens

1 Committee reported Judge Banks was well-qualified in the  
2 constitutional qualifications, ethical fitness, academic  
3 ability, character, reputation, physical health, mental  
4 stability, experience, and judicial temperament.

5 The Committee stated in later comments  
6 Judge Banks is a bright, engaging man. He has an  
7 excellent grasp of his job, the proper demeanor  
8 required. Judge Banks is eminently qualified to serve  
9 as master-in-equity.

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

13 Mr. Chairman, I have no further questions.

14 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
15 you very much.

16 Do any member of the Commission have  
17 questions of Judge Banks?

18 Hearing none, Judge Banks, that concludes  
19 this portion of the screening process. As you know,  
20 Judge, the record will remain open until the report is  
21 published, and you may be called back at such time, if  
22 that need should arise.

23 We'll remind you of the 48-hour rule and  
24 ask you to be mindful of it. Should anyone inquire  
25 whether they may or may not advocate on your behalf

1 should you be screened out, we ask you to inform them of  
2 the 48-hour rule and its implications.

3 Judge Banks, we thank you for your service  
4 to the bench and thank you for offering and being here  
5 with us tonight.

6 JUDGE BANKS: Thank you, Mr. Vice Chairman  
7 (sic).

8 (Discussion off the record.)

9 CHAIRMAN REPRESENTATIVE CLEMMONS: I think  
10 we need a very brief executive session.

11 Do we have a motion?

12 (Indiscernible.)

13 Those in favor, say aye.

14 ALL MEMBERS: Aye.

15 CHAIRMAN REPRESENTATIVE CLEMMONS: Noes  
16 opposed; the ayes have it.

17 We're in executive session.

18 (Executive session transpired from  
19 7:23 p.m. to 7:29 p.m.)

20 CHAIRMAN REPRESENTATIVE CLEMMONS: We are  
21 back on the public record.

22 Ladies and gentlemen, we have before us for  
23 consideration 13 candidates for Circuit Court, At-Large,  
24 Seat 9.

25 Before we get to our votes, let's deal with

1 qualification. And let's begin by asking, does any  
2 member -- well, we can take them one at a time, I  
3 suppose.

4 The Chair would entertain a motion to find  
5 all 13 qualified.

6 (Indiscernible discussion on the record.)

7 THE COURT REPORTER: I can't hear you.

8 MS. SHULER: She can't hear.

9 THE COURT REPORTER: I can't hear. Are we  
10 on the record? I can't --

11 MS. SHULER: Yes, we are.

12 CHAIRMAN REPRESENTATIVE CLEMMONS: Yes.

13 THE COURT REPORTER: Okay. Okay. I can't  
14 hear.

15 CHAIRMAN REPRESENTATIVE CLEMMONS: Okay.  
16 I'm sorry. Who made the motion --

17 MR. STROM: I had a motion. I moved that  
18 we find all the candidates (indiscernible.)

19 THE COURT REPORTER: I can't hear.

20 MR. STROM: Sure.

21 I'll make a motion that we find all of the  
22 candidates who are still left in the race qualified --

23 CHAIRMAN REPRESENTATIVE CLEMMONS: Does any  
24 member object?

25 MR. STROM: -- for Seat 9.



1 (Indiscernible discussion on the record.)

2 CHAIRMAN REPRESENTATIVE CLEMMONS: Does any  
3 member object to a finding of qualifying as to all of  
4 the candidates in this race?

5 Senator Malloy objects.

6 Mr. Strom, would you hold your motion or  
7 withdraw your motion at this time so we can deal with  
8 any of those individuals that others may wish to find  
9 unqualified?

10 MR. STROM: I'll withdraw my motion.

11 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
12 you.

13 SENATOR MARTIN: Mr. Chairman, I know it's  
14 a close call, but I believe that (indiscernible) --

15 THE COURT REPORTER: I can't hear you. I'm  
16 sorry.

17 SENATOR MARTIN: I'm sorry.

18 THE COURT REPORTER: Okay.

19 SENATOR MARTIN: It's already known that  
20 it's -- it's just not picking it up.

21 THE COURT REPORTER: Okay. I can hear you  
22 now.

23 SENATOR MARTIN: We're going to have to  
24 bring you a little closer to us.

25 It's a close call, but I really believe

1 that Ms. Zimmerman, based on experience, would not meet  
2 the evaluative criteria to the extent that I think would  
3 be necessary to be qualified by the Commission. I  
4 needed to state that. I felt like I needed to state  
5 what the reason was.

6 CHAIRMAN REPRESENTATIVE CLEMMONS: Please  
7 state the criteria that you're speaking to.

8 SENATOR MARTIN: Yes, the experience.

9 CHAIRMAN REPRESENTATIVE CLEMMONS:  
10 Experience.

11 SENATOR MARTIN: Experience. She has eight  
12 years of experience --

13 (Indiscernible discussion on the record.)

14 SENATOR MARTIN: Yeah. Eight years of  
15 experience, and I just think that's too borderline.

16 SENATOR MALLOY: (Indiscernible.)

17 THE COURT REPORTER: I can't --

18 SENATOR MALLOY: I wanted to -- I just  
19 voted no on (indiscernible) --

20 THE COURT REPORTER: On who? I can't hear  
21 you, sir.

22 SENATOR MALLOY: Price, Wolf, Zimmerman.

23 CHAIRMAN REPRESENTATIVE CLEMMONS: Price?

24 And for the record Senator, can you state  
25 what the -- which of the nine evaluative criteria it is

1 that you would find Mr. Price not qualified?

2 SENATOR MALLOY: I need to articulate that  
3 later. But obviously, (indiscernible) -- issue with  
4 Mr. Price (indiscernible) --

5 THE COURT REPORTER: I can't hear you. All  
6 I heard was malpractice.

7 CHAIRMAN REPRESENTATIVE CLEMMONS: We have  
8 to establish, Senator, on the record which of the nine  
9 evaluative criteria --

10 SENATOR MALLOY: Not for the individual.  
11 Not for -- (indiscernible) -- no. That's for the  
12 Committee. I voted individually.

13 MS. SHULER: Well, the Committee votes  
14 unqualified vote (indiscernible) --

15 SENATOR MALLOY: Correct, but that's not  
16 the Committee. This is just personal. This is just my  
17 individual vote. I am not required to give you specific  
18 reasons (indiscernible) --

19 CHAIRMAN REPRESENTATIVE CLEMMONS: Fair  
20 enough.

21 SENATOR MALLOY: You do that.  
22 (Indiscernible) -- unqualified.

23 CHAIRMAN REPRESENTATIVE CLEMMONS: Let's  
24 take those up then. Let's move forward then.

25 Are there any others that members wish to

1 voice a concern on qualification?

2 Okay. Hearing none, let's take up the  
3 Honorable Bentley D. Price.

4 Those that would find Bentley D. Price  
5 qualified, please raise your hand.

6 (Indiscernible discussion on the record.)

7 CHAIRMAN REPRESENTATIVE CLEMMONS: And if  
8 you raised your hand, please initial in the box of the  
9 qualified -- with Mr. Bentley D. Price.

10 And those would not --

11 SENATOR MARTIN: We are -- can't we just  
12 check it?

13 CHAIRMAN REPRESENTATIVE CLEMMONS: Or we  
14 can check it. That's fine.

15 Those who do not find Bentley D. Price  
16 qualified, please raise your hand.

17 Okay. Moving on to David W. Wolf. Those  
18 that find David W. Wolf qualified, please raise your  
19 hand.

20 Those that do not, please so indicate.

21 If you find -- found Mr. Wolf qualified,  
22 please so indicate on the sheet.

23 Mindy W. Zimmerman, please raise your hand  
24 if you find her qualified.

25 And if you do not find her qualified,

1 please raise your hand.

2 Thank you. With regard to the remaining  
3 candidates, Askins, Gee, McKinnon, Meetze, Murphy,  
4 Newman, Patterson, Reibold, Scott, Shealy, please -- the  
5 chair would entertain --

6 MR. STROM: I move that we find the  
7 remaining (indiscernible) -- qualified.

8 THE COURT REPORTER: I didn't hear that.

9 CHAIRMAN REPRESENTATIVE CLEMMONS: A motion  
10 and a second.

11 THE COURT REPORTER: I didn't hear that.

12 MR. STROM: I move that we -- I'm sorry.

13 THE COURT REPORTER: Okay.

14 MR. STROM: I move that we find the  
15 remaining candidates qualified. Find the remaining  
16 candidates qualified.

17 THE COURT REPORTER: Okay.

18 CHAIRMAN REPRESENTATIVE CLEMMONS: And  
19 we've received a second from Mr. Mack on that.

20 All those in favor of finding the remaining  
21 candidates qualified, please raise your hand.

22 Those opposed, please so signify.

23 Thank you. Please mark your sheets  
24 accordingly.

25 CHAIRMAN REPRESENTATIVE CLEMMONS: Okay.

1 (Indiscernible discussion on the record.)

2 CHAIRMAN REPRESENTATIVE CLEMMONS: Say it  
3 on the record, please.

4 MR. DENNIS: Just a quick rundown of the  
5 voting procedure one more time to make sure that  
6 everybody's on the same page and understands.

7 The chairman will call the names of the  
8 qualified candidates in alphabetical order. Each  
9 Commission member has three votes to pass to find an  
10 individual qualified and nominated.

11 Any candidate that receives six or more  
12 votes will be considered qualified and nominated at the  
13 end of that vote.

14 Any candidate that does not get any votes  
15 will be removed from consideration on any subsequent  
16 ballot that occurs.

17 Questions? Concerns?

18 Thank you.

19 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
20 you, Mr. Dennis.

21 The first candidate, Jerome P. Askins, III.  
22 Please raise your hand if you find Mr. Askins qualified  
23 and nominated.

24 (Indiscernible discussion on the record.)

25 CHAIRMAN REPRESENTATIVE CLEMMONS: Tanya A.

1 Gee.

2 Tanya A. Gee is found nominated -- is  
3 hereby nominated.

4 William A. "Bill" McKinnon.

5 William V. Meetze. William V. Meetze is  
6 removed from future consideration -- is removed from  
7 consideration at this time.

8 Timothy W. Murphy.

9 Jocelyn Newman.

10 Grady L. "Leck" Patterson, III.

11 The Honorable Bentley D. Price.

12 Judge Price is removed from consideration.

13 Robert L. Reibold.

14 Clifford Scott.

15 Jennifer K. Shealy.

16 David W. Wolf.

17 Mr. Wolf is removed from consideration.

18 Mindy W. Zimmerman.

19 Ms. Zimmerman is removed from  
20 consideration.

21 We all now have two votes remaining.

22 (Indiscernible discussion on the record.)

23 MS. SHULER: Yes, I will.

24 Jerome Askins received five votes. Tanya

25 Gee is now taken out of the election process because she

1 has been nominated. William McKinnon received two.

2 Tim Murphy one; Jocelyn Newman, one; "Leck"  
3 Patterson, four; Robert Reibold, one; Clifford Scott,  
4 five; Jennifer Shealy, three.

5 (Indiscernible discussion on the record.)

6 CHAIRMAN REPRESENTATIVE CLEMMONS: Okay.

7 We each now have two votes, and we'll go back in the  
8 same order of those remaining.

9 Jerome P. Askins, III.

10 Tanya --

11 (Indiscernible discussion on the record.)

12 CHAIRMAN REPRESENTATIVE CLEMMONS: Five.

13 William A "Bill" McKinnon.

14 Timothy W. Murphy.

15 Jocelyn Newman.

16 Ms. Newman is being removed from  
17 consideration.

18 Grady L. "Leck" Patterson, III.

19 (Indiscernible discussion on the record.)

20 CHAIRMAN REPRESENTATIVE CLEMMONS:

21 Robert L. Reibold.

22 Mr. Reibold is removed from consideration.

23 Clifford Scott.

24 Jennifer K. Shealy.

25 Okay. Having failed to find, during that,



1 round, any additional candidates nominated, we still  
2 have two votes per person.

3 (Indiscernible discussion on the record.)

4 CHAIRMAN REPRESENTATIVE CLEMMONS: Pardon  
5 me?

6 (Indiscernible discussion on the record.)

7 CHAIRMAN REPRESENTATIVE CLEMMONS: All  
8 right.

9 MS. SHULER: (Indiscernible) -- Jerome  
10 Askins.

11 THE COURT REPORTER: I can't hear you.

12 MS. SHULER: (Indiscernible.)

13 CHAIRMAN REPRESENTATIVE CLEMMONS:  
14 Jerome P. Askins, III, William A. "Bill" McKinnon,  
15 Timothy W. Murphy, Grady L. "Leck" Patterson, III,  
16 Clifford Scott, Jennifer K. Shealy.

17 Those are the remaining candidates. We  
18 have two votes each.

19 Mr. Gentry, did -- Mr. Gentry, do you have  
20 a question?

21 (Indiscernible discussion on the record.)

22 CHAIRMAN REPRESENTATIVE CLEMMONS: Okay.  
23 All right.

24 Jerome P. Askins III.

25 Everybody raise your hand, and keep it up

1 if you're voting for Mr. Askins.

2 Mr. Askins, having attained six votes, is  
3 hereby nominated.

4 (Indiscernible discussion on the record.)

5 CHAIRMAN REPRESENTATIVE CLEMMONS: Is there  
6 a question?

7 Everybody raise your hand again for  
8 Mr. Askins.

9 MS. SHULER: One, two, three, four, five.

10 CHAIRMAN REPRESENTATIVE CLEMMONS: All  
11 right. William A. "Bill" McKinnon.

12 MS. SHULER: One.

13 CHAIRMAN REPRESENTATIVE CLEMMONS:  
14 Timothy W. Murphy.

15 Mr. Murphy is removed from consideration.

16 Grady L. "Leck" Patterson.

17 MS. SHULER: Four.

18 CHAIRMAN REPRESENTATIVE CLEMMONS: Clifford  
19 Scott.

20 MR. STROM: Oh. Five.

21 MS. SHULER: Five.

22 CHAIRMAN REPRESENTATIVE CLEMMONS:

23 Jennifer K. Shealy.

24 All right. The remaining candidates are  
25 William A. "Bill" McKinnon, Grady L. "Leck" Patterson,

1 III, Clifford Scott, and Jennifer K. Shealy.

2 We now have one vote per Commission member.

3 (Indiscernible discussion on the record.)

4 MS. SHULER: Bill McKinnon received one,  
5 Leck Patterson received four, Clifford Scott received  
6 five, and Jennifer Shealy received three.

7 (Indiscernible discussion on the record.)

8 MS. SHULER: Right. He received six. He's  
9 a nominee.

10 SENATOR MARTIN: So he's in?

11 MS. SHULER: He's in. So we're now --

12 (Indiscernible discussion on the record.)

13 MS. SHULER: We're down to one per --

14 (Indiscernible discussion on the record.)

15 CHAIRMAN REPRESENTATIVE CLEMMONS: It takes  
16 six.

17 (Indiscernible discussion on the record.)

18 CHAIRMAN REPRESENTATIVE CLEMMONS: Somebody  
19 must have had two.

20 (Indiscernible discussion on the record.)

21 CHAIRMAN REPRESENTATIVE CLEMMONS: All  
22 right. We have one vote per person.

23 Yes, Senator Malloy.

24 SENATOR MALLOY: Question. Is there a need  
25 to -- actually a need to discuss further, or do you want

1 to proceed (indiscernible) --

2 THE COURT REPORTER: I can't -- to discuss  
3 further or what?

4 MS. WALL: Proceed immediately to the vote.

5 SENATOR MALLOY: Do we need to discuss  
6 further, or do we need to proceed directly to the  
7 voting?

8 CHAIRMAN REPRESENTATIVE CLEMMONS: If  
9 there's a desire to discuss the remaining candidates, we  
10 certainly can do so.

11 MR. STROM: Well, who are the top  
12 vote-getters? Who are the top vote-getters right now?

13 CHAIRMAN REPRESENTATIVE CLEMMONS: That  
14 would be Clifford Scott and Patterson, just before him.

15 MR. STROM: One vote, he'll be done,  
16 Scott.

17 CHAIRMAN REPRESENTATIVE CLEMMONS: Scott is  
18 one vote away from being nominated. Patterson is two  
19 votes away.

20 Questions? Comments about the candidates?

21 Okay. Hearing none, let's go to a vote.

22 William A. "Bill" -- remember you just have  
23 one remaining vote. William A. "Bill" McKinnon.

24 Mr. McKinnon is removed from consideration.

25 Grady L. "Leck" Patterson, III.

1 Clifford Scott.

2 Jennifer K. Shealy.

3 Okay. We have three remaining candidates.

4 Grady L. "Leck" Patterson, III, Clifford Scott, and  
5 Jennifer K. Shealy.

6 Yes.

7 MS. WALL: Mr. Chairman, I move that we go  
8 off the record for a few moments to discuss the  
9 remaining candidates (indiscernible) --

10 THE COURT REPORTER: I can't --

11 MS. WALL: (Indiscernible.)

12 THE COURT REPORTER: I can't hear you.

13 MS. WALL: I'm sorry.

14 CHAIRMAN REPRESENTATIVE CLEMMONS: That we  
15 go into executive session?

16 MS. WALL: Yes. Mr. Chairman --

17 CHAIRMAN REPRESENTATIVE CLEMMONS: So if  
18 there's a motion --

19 MS. WALL: Procedurally, I ask -- I vote  
20 that -- or I ask that we go into executive session  
21 before we take another vote.

22 CHAIRMAN REPRESENTATIVE CLEMMONS: There is  
23 a motion.

24 Is there a second?

25 SENATOR MARTIN: Second.

1 CHAIRMAN REPRESENTATIVE CLEMMONS: All  
2 right. Those in favor, say aye.

3 ALL MEMBERS: Aye.

4 CHAIRMAN REPRESENTATIVE CLEMMONS: Noes  
5 opposed, and the ayes have it.

6 MS. WALL: Thank you.

7 CHAIRMAN REPRESENTATIVE CLEMMONS: We are  
8 in executive session. Please turn off your microphones.

9 (Executive session transpired from  
10 7:47 p.m. to 7:51 p.m.)

11 CHAIRMAN REPRESENTATIVE CLEMMONS: We're  
12 back on the record. Let's speak loudly --

13 THE COURT REPORTER: Thank you.

14 CHAIRMAN REPRESENTATIVE CLEMMONS: -- for  
15 the court reporter.

16 Okay. We each have one vote, and we'll  
17 begin with Grady L. "Leck" Patterson, III.

18 MS. SHULER: Four.

19 CHAIRMAN REPRESENTATIVE CLEMMONS: Clifford  
20 Scott.

21 MS. SHULER: Four, five, six. Six.

22 CHAIRMAN REPRESENTATIVE CLEMMONS: Okay.  
23 The -- Clifford Scott is hereby found nominated.

24 SENATOR CAMPSEN: In marking our ballots,  
25 do we mark them as the Committee has voted or as we

1 would vote individually?

2 MS. SHULER: As you would vote.

3 SENATOR CAMPSEN: As we would vote.

4 (Indiscernible discussion on the record.)

5 CHAIRMAN REPRESENTATIVE CLEMMONS: You may  
6 mark the ballot with three votes, as you deem  
7 appropriate.

8 DEAN WILCOX: We'll be back where we  
9 started.

10 (Indiscernible discussion on the record.)

11 CHAIRMAN REPRESENTATIVE CLEMMONS: It's got  
12 to be the last round.

13 SENATOR CAMPSEN: The first one,  
14 we (indiscernible) --

15 CHAIRMAN REPRESENTATIVE CLEMMONS: That's  
16 right. It's got --

17 MS. BELL: Because I changed my vote.

18 SENATOR MARTIN: It's got to be the way you  
19 voted last, not the way you voted the first time and  
20 then changed.

21 MS. WALL: The first time, for example, for  
22 Tanya Gee --

23 (Indiscernible discussion on the record.)

24 CHAIRMAN REPRESENTATIVE CLEMMONS: If you  
25 voted in favor of Tanya Gee, whenever she was found

1 nominated, you need to mark the sheet.

2 MR. DENNIS: Even though it's been multiple  
3 rounds to report -- so Tanya Gee was voted qualified and  
4 nominated in the first round. If you voted for Tanya  
5 Gee in that first round, then the ballot needs to  
6 reflect that.

7 Jerome Askins was voted qualified and  
8 nominated in, I think, the third round. If you voted  
9 for Jerome Askins in the third round, the ballot needs  
10 to reflect that.

11 Clifford Scott was voted qualified and  
12 nominated in the final round. If you voted for Clifford  
13 Scott to be qualified and nominated in the final round,  
14 your ballot should reflect that.

15 MR. STROM: You were trained well  
16 in (indiscernible) --

17 CHAIRMAN REPRESENTATIVE CLEMMONS: Be sure  
18 your sign your ballot at the top where indicated.

19 MR. DENNIS: The ballot only needs to  
20 demonstrate that at least six of the Commissioners here  
21 voted for the person who was found qualified and  
22 nominated.

23 If you did not vote for the person to be  
24 qualified and nominated in a particular round, sorry.

25 DEAN WILCOX: For example, I can vote for



1 Mr. Patterson because the last round I was voting for  
2 Mr. Patterson, right?

3 SENATOR CAMPSEN: That's right.

4 CHAIRMAN REPRESENTATIVE CLEMMONS: Okay.  
5 Moving on, we have before us next the Master-in-Equity  
6 for Greenville County.

7 The Honorable Charles B. Simmons, Jr.

8 Is there a motion to find him qualified and  
9 nominated?

10 (Indiscernible discussion on the record.)

11 MR. CAMPSEN: Second.

12 CHAIRMAN REPRESENTATIVE CLEMMONS: All  
13 those in favor, say aye.

14 ALL MEMBERS: Aye.

15 CHAIRMAN REPRESENTATIVE CLEMMONS: Noes  
16 opposed. It's unanimous.

17 Please mark your ballot accordingly, and  
18 sign the ballot.

19 Next, the Honorable Edward W. "Ned" Miller,  
20 Circuit Court, At-Large, Seat 4.

21 Is there a motion to find him qualified and  
22 nominated?

23 MR. MALLOY: So moved.

24 CHAIRMAN REPRESENTATIVE CLEMMONS: Is there  
25 a second?

1 MS. WALL: Second.

2 CHAIRMAN REPRESENTATIVE CLEMMONS: All  
3 those in favor, say aye.

4 ALL MEMBERS: Aye.

5 CHAIRMAN REPRESENTATIVE CLEMMONS: Noes  
6 opposed? It's unanimous.

7 He is found qualified and nominated.  
8 Please mark your ballot.

9 The Honorable John C. Few, Court of  
10 Appeals, Seat 5.

11 Is there a motion to find him qualified and  
12 nominated?

13 Ms. Wall: I do.

14 CHAIRMAN REPRESENTATIVE CLEMMONS:  
15 Ms. Wall.

16 Is there a second?

17 MS. BELL: Second.

18 CHAIRMAN REPRESENTATIVE CLEMMONS: All  
19 those in favor, say aye.

20 ALL MEMBERS: Aye.

21 CHAIRMAN REPRESENTATIVE CLEMMONS: Judge  
22 Few is found qualified and nominated.

23 The Honorable Judge R. Barber, III, Circuit  
24 Court, At-large, Seat 10.

25 Is there a motion to find him to be

1 qualified and nominated?

2 MR. CAMPSEN: So moved.

3 CHAIRMAN REPRESENTATIVE CLEMMONS: Is there  
4 a second?

5 MS. BELL: Second.

6 CHAIRMAN REPRESENTATIVE CLEMMONS: All  
7 those in favor, say aye.

8 ALL MEMBERS: Aye.

9 Noes opposed; They ayes have it.

10 It's unanimous. Judge Barber is found  
11 qualified and nominated.

12 The Honorable Roger E. Henderson, III,  
13 Circuit Court for Circuit, Seat 2. This is -- I'm  
14 sorry. This is a contested race.

15 There are two candidates. The Honorable  
16 Roger E. Henderson and Autrey C. Stephens.

17 We have a motion to find Judge Henderson  
18 qualified and nominated.

19 DEAN WILCOX: Second.

20 CHAIRMAN REPRESENTATIVE CLEMMONS: All in  
21 favor, if we can show by a raise of hands.

22 MS. SHULER: Ten.

23 CHAIRMAN REPRESENTATIVE CLEMMONS: With  
24 regard to Autrey C. Stephens.

25 MR. WALL: I vote to find him not

1 qualified.

2 SENATOR MALLOY: Second.

3 CHAIRMAN REPRESENTATIVE CLEMMONS: There's  
4 a motion to find him nonqualified by Ms. Wall, seconded  
5 by Mr. Malloy.

6 All opposed in the favor, raise your hand.

7 MS. SHULER: Nine.

8 CHAIRMAN REPRESENTATIVE CLEMMONS: All of  
9 those who find him qualified, please raise your hand.

10 Thank you. Mr. Stephens is found not  
11 qualified, and judge Henderson is found qualified and  
12 nominated.

13 Circuit Court, 13th Circuit, Seat 1. We  
14 have two candidates, James C. Alexander and the  
15 Honorable Perry H. Gravely. Do we have a motion?

16 DEAN WILCOX: I move that they both be  
17 found qualified and nominated.

18 SENATOR MARTIN: Second.

19 CHAIRMAN REPRESENTATIVE CLEMMONS: We have  
20 a motion and a second to find both qualified.

21 DEAN WILCOX: And qualified and nominated.

22 CHAIRMAN REPRESENTATIVE CLEMMONS: And  
23 nominated.

24 Circuit Court, 13th Circuit, Seat 3, the  
25 Honorable Robin B. Stilwell. Is there a motion?

1 SENATOR MALLOY: So moved.

2 CHAIRMAN REPRESENTATIVE CLEMMONS: So moved  
3 by Senator Malloy and seconded by Ms. Wall.

4 Those in favor, raise your hand.

5 Those opposed, if any?

6 Let the record reflect that Judge Stilwell  
7 is hereby found qualified and nominated.

8 Circuit Court, 14th Circuit, Seat 2, the  
9 Honorable Carmen T. Mullen.

10 MS. BELL: So moved.

11 CHAIRMAN REPRESENTATIVE CLEMMONS: So moved  
12 by Ms. Bell, seconded by Ms. Wall.

13 Those in favor raise your hand.

14 Those opposed, if any, raise your hand.

15 Carmen Mullen is hereby found qualified  
16 unanimously found qualified and nominated.

17 Circuit Court, 15th Circuit, Seat 2, the  
18 Honorable Benjamin H. Culbertson.

19 Is there a motion?

20 So moved by Senator Malloy and seconded by  
21 Ms. Wall.

22 All those in favor of finding the Honorable  
23 Benjamin H. Culbertson qualified and nominated, raise  
24 your hand.

25

1 Those opposed, by a like sign.

2 Unanimously, Judge Culbertson has been  
3 qualified and nominated.

4 Circuit Court, At-Large, Seat 2, the  
5 Honorable R. Markley Dennis, Jr.

6 Ms. Wall.

7 MS. WALL: I so move, qualified and  
8 nominated.

9 MR. STROM: Second.

10 CHAIRMAN REPRESENTATIVE CLEMMONS: And  
11 seconded by Mr. Strom.

12 All those in favor of so finding, please  
13 raise your hand.

14 Those opposed, if any, by a like sign.

15 The Honorable R. Markley Dennis, Jr. is  
16 unanimously found qualified and nominated.

17 Circuit Court, At-Large, Seat 5, the  
18 Honorable Jay Mark Hayes, II.

19 MR. CAMPSSEN: I move he be found qualified  
20 and nominated.

21 CHAIRMAN REPRESENTATIVE CLEMMONS: We have  
22 a motion, and Ms. Wall seconds the motion.

23 Those in favor, please raise your hand.

24 Those opposed, if any, by a like sign.

25 Judge Hayes is unanimously found qualified

1 and nominated.

2 Do we have a motion with regard to all of  
3 the remaining candidates?

4 SENATOR MARTIN: I move that they all be  
5 nominated and qualified, yes.

6 MS. BELL: Other than the family court?

7 SENATOR MARTIN: Other than family court.

8 CHAIRMAN REPRESENTATIVE CLEMMONS: Other  
9 than family court.

10 Let me read the names into the record.

11 William H. Seals, Jr., Circuit Court, At-Large, Seat 6.

12 J. Cordell Maddox, Jr., Circuit Court, At-Large, Seat 7.

13 Martin R. Banks, Master-in-Equity, Calhoun County.

14 The Honorable David C. Brown, Circuit  
15 Court, At-Large, Seat 8. Deborah B. Durden,

16 Administrative Law Court, Seat 4, Master-in -- excuse  
17 me. The Honorable Marvin H. Dukes, III,

18 Master-in-Equity, Beaufort County. The Honorable  
19 Cynthia G. Howe, Master-in-Equity Horry County.

20 The Honorable James B. Jackson, Jr., Master  
21 in Equity, Orangeburg County. Joseph M. Strickland,  
22 Master-in-Equity, Richland County. Gordon G. Cooper,  
23 Master-in-Equity, Spartanburg. The Honorable S. Jackson  
24 Kimball, III, Master-in-Equity, York County.

25 The Honorable Jasper M. Cureton, Court of

1 Appeals, Retired. The Honorable G. Thomas Cooper, Jr.,  
2 Circuit Court, Retired. The Honorable Robert N.  
3 Jenkins, Sr., Family Court, Retired.

4 Do we have a motion before us to find each  
5 of those individuals qualified and nominated?

6 MS. WALL: So moved.

7 REPRESENTATIVE MACK: Seconded.

8 So moved by Ms. Wall, seconded by  
9 Representative Mack.

10 All those in favor, please raise your hand.

11 Those opposed, by a like sign.

12 Let the record further reflect that each of  
13 those candidates named have been unanimously found  
14 qualified and nominated.

15 That leaves only for our consideration  
16 tonight -- okay. With regard to the Administrative Law  
17 Court, Seat 3, is there a motion to carry this matter  
18 over? Administrative Law Court, Seat 3.

19 SENATOR MARTIN: So moved.

20 CHAIRMAN REPRESENTATIVE CLEMMONS: We have  
21 a motion by Senator Martin.

22 Is there a second?

23 REPRESENTATIVE MACK: Second.

24 CHAIRMAN REPRESENTATIVE CLEMMONS: Seconded  
25 by Mr. Mack.



1 All those in favor by carrying this over,  
2 say aye.

3 ALL MEMBERS: Aye.

4 CHAIRMAN REPRESENTATIVE CLEMMONS: Noes  
5 opposed; the ayes have it.

6 That matter is carried over.

7 May we speak for just a moment on  
8 scheduling the date to come back to take up the matter  
9 of Administrative Law Court, Seat 3.

10 The chair and vice chair have compared  
11 calendars, and we would propose to the Commission  
12 Monday, December the 1st, at 2 p.m. We'd be interested  
13 in hearing feedback from the members of the Commission  
14 for that day.

15 MS. WALL: I've got trial  
16 (indiscernible) --

17 THE COURT REPORTER: I can't hear you.

18 SENATOR MARTIN: You've got trial? Who's  
19 your judge?

20 MS. WALL: (Indiscernible) -- Horry County.  
21 That's probably with Judge (indiscernible) --

22 CHAIRMAN REPRESENTATIVE CLEMMONS: The  
23 House has organizational session December -- Tuesday,  
24 December 2nd, the 3rd -- the 2nd and the 3rd. Excuse  
25 me.

1 I will be out of town. I'll be in  
2 Washington on the 4th and 5th, and I'll leave for a  
3 Philadelphia trip on Monday the 8th.

4 (Indiscernible discussion on the record.)

5 CHAIRMAN REPRESENTATIVE CLEMMONS: All  
6 right. Then we will schedule the next meeting of the  
7 Judicial Merit Selection Commission for Monday, December  
8 the 1st, at 2 p.m., here in the Blatt Building.

9 MS. WALL: At what time? I'm sorry.

10 CHAIRMAN REPRESENTATIVE CLEMMONS: 2 p.m.  
11 Two.

12 (Indiscernible discussion on the record.)

13 SENATOR MARTIN: Be on time. Be on time.

14 CHAIRMAN REPRESENTATIVE CLEMMONS: Counsel  
15 brings up a valid point with regard to the gentleman  
16 that we found not qualified, Autrey Stephens, in Circuit  
17 Court, 4th Circuit, Seat 2. We're required by the  
18 statute to give reasons based upon the nine evaluative  
19 criteria why we found him not qualified.

20 MS. SHULER: Because he's in the race of  
21 less than three people.

22 CHAIRMAN REPRESENTATIVE CLEMMONS: We have  
23 circulated the evaluative criteria this morning, so we  
24 should all have a copy of that.

25 SENATOR MARTIN: To my recollection, the

1 concerns had to do with character and reputation  
2 depicted by the member of the Bar about the ballot-box  
3 surveys.

4 CHAIRMAN REPRESENTATIVE CLEMMONS: Work  
5 habits was also an issue.

6 SENATOR MARTIN: And work habits as well.

7 CHAIRMAN REPRESENTATIVE CLEMMONS:  
8 Temperament. Temperament was raised.

9 SENATOR MARTIN: And it's evidenced by the  
10 vote, concerns spread to the entire Commission.

11 CHAIRMAN REPRESENTATIVE CLEMMONS: Yes, it  
12 did.

13 Is that sufficient for the record?

14 MS. SHULER: (Nodding head.)

15 CHAIRMAN REPRESENTATIVE CLEMMONS: All  
16 right. That leaves only the election in Family Court,  
17 9th Circuit, Seat 2.

18 Let the record reflect that based on my  
19 previous disclosure that I have recused myself from  
20 consideration of that race -- of the -- finding any  
21 individual qualified or nominated. I have not  
22 participated in the hearing with regard to that seat.  
23 We have not -- we have not discussed any matter  
24 concerning this particular seat in executive session  
25 wherein I was present.

1                   With that, I'm going to step down and ask  
2   Senator Martin to chair this election.

3                   SENATOR MARTIN: All right. The first  
4   order of business would be a motion or discussion about  
5   any unqualified -- or not qualified candidates  
6   (indiscernible) --

7                   SENATOR CAMPSEN: Mr. Chairman, a point of  
8   clarification. Who has withdrawn from this race?

9                   SENATOR MARTIN: Race for what? Paul  
10   LeBarron and Jason Luck.

11                   SENATOR CAMPSEN: So that leaves?

12                   SENATOR MARTIN: Duffy, Ferderigos, Keefer,  
13   Richter-Lehrman, Schwartz.

14                   Hearing no recommendations for a  
15   nonqualifying of anyone, do we find all qualified?

16                   DEAN WILCOX: I so move.

17                   SENATOR MARTIN: A motion and a second.

18                   Any objection to finding them all  
19   qualified? We'll do it like that.

20                   Hearing none, it's so ordered. All will be  
21   deemed qualified for the record.

22                   Now, we'll proceed with the ballot on -- in  
23   alphabetical order on the candidates to determine who  
24   the three will be. You'll have three votes in this  
25   first round until we nominate somebody. Then we'll tell

1 you how many votes you have left.

2 The first is the Honorable John L. Duffy,  
3 III. All voting for Mr. Duffy, please raise your hand.

4 Seeing no votes, all voting for  
5 Mr. Ferderigos, raise your hand.

6 MS. SHULER: So he is a candidate that's  
7 nominated.

8 SENATOR MARTIN: All right. We'll proceed  
9 to Mr. Keefer. Mr. Keefer.

10 Now, next --

11 MS. SHULER: Zero votes.

12 SENATOR MARTIN: Zero votes.

13 MS. SHULER: Keefer, one vote.

14 SENATOR MARTIN: All right. Next, Alice  
15 Richter-Lehrman.

16 MS. SHULER: Five, six, seven, eight.

17 SENATOR MARTIN: All right.

18 MS. SHULER: She's nominated.

19 (Indiscernible discussion on the record.)

20 SENATOR MARTIN: Finally, Mr. Schwartz.

21 MS. SHULER: Nine.

22 (Indiscernible discussion on the record.)

23 SENATOR MARTIN: Ferderigos,  
24 Richter-Lehrman, and Schwartz are all nominated and  
25 qualified.

1 (Indiscernible discussion on the record.)

2 JUDGE BANKS: I can hear you back here, by  
3 the way.

4 SENATOR MARTIN: Okay. Any further  
5 discussion on any of -- any of --

6 (Indiscernible discussion on the record.)

7 SENATOR MARTIN: Well, you know, House  
8 members always need a little help. Being a former House  
9 member, I know how much help they need.

10 Any other business?

11 SENATOR MALLOY: Chair, I want to thank you  
12 and (indiscernible) for going through a very  
13 deliberative process -- (indiscernible) -- all the  
14 judges.

15 SENATOR MARTIN: Thank you, thank you.

16 Well, that --

17 MS. WALL: Actually, I do have -- if I  
18 might?

19 SENATOR MARTIN: Yes.

20 MS. WALL: I would like to say thank you  
21 all very much. As a new member, I appreciate all your  
22 kindness, your courtesy in making this a very, very  
23 pleasant experience. And I also thank the staff. I  
24 think they've all done a wonderful job, and it makes our  
25 job so much easier.

1 So thank you all.

2 SENATOR MALLOY: I will state for the  
3 purposes of the record, I made not -- it made it in the  
4 public record for my statement to go into the final  
5 report.

6 SENATOR MARTIN: And I see that.

7 SENATOR MALLOY: She put it in.

8 SENATOR MARTIN: Oh, she put it in?

9 SENATOR MALLOY: Yes.

10 MS. SHULER: Dr. Schwartz.

11 SENATOR MARTIN: All right.

12 (Indiscernible discussion on the record.)

13 SENATOR MARTIN: If there will be no  
14 further objections, we're going to stand adjourned.  
15 Thank y'all.

16 CHAIRMAN REPRESENTATIVE CLEMMONS: Let me  
17 also repeat Ms. Wall. Without our great staff here --

18 SENATOR MARTIN: Oh, yeah.

19 CHAIRMAN REPRESENTATIVE CLEMMONS: -- we  
20 would have -- the train would have fallen off the track  
21 a long time ago.

22 SENATOR MARTIN: Here, here.

23 CHAIRMAN REPRESENTATIVE CLEMMONS: Thank  
24 you very much for your work.

25 (The hearing adjourned at approximately

1 8:18 p.m.)  
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CERTIFICATE OF REPORTER

I, Nisha Gordon, Court Reporter and Notary Public for the State of South Carolina at Large, do hereby certify:

That the foregoing hearing was taken before me on the date and at the time and location stated on the title page of this transcript; that the candidates were duly sworn to testify to the truth, the whole truth and nothing but the truth by the Chairman; that the testimony of the candidates and all comments made at the time of the hearing was recorded stenographically by me and were thereafter transcribed; that the foregoing hearing as typed is a true, accurate and complete record of the hearing 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 12th day of December, 2014, at Columbia, Richland County, South Carolina.



Nisha Gordon  
Notary Public  
State of Carolina at Large  
My Commission Expires:  
June 14, 2022