

**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE**

Court, Position, and Seat # for which you are applying:
Circuit Court, At Large, Seat 15

1. NAME: Mr. Jerome P. Askins, III
BUSINESS ADDRESS: P. O. Box 10
Hemingway, SC 29554
TELEPHONE NUMBER: (office): 843-558-2588
2. Date and Place of Birth: 1952; Kingstree, SC
3. Are you a citizen of SC? Yes
Have you been a resident of this state for at least the immediate past five years? Yes
5. Family Status: Married on May 25, 1974, to Donna Wofford Askins.
Never divorced, two children.
6. Have you served in the military? No
7. List each college and law school you attended, including the dates of your attendance, the degrees you received, and if you left an institution without receiving a degree, the reason for your departure.
 - (a) USC-Fall 1970-summer 1973, BS-Business Economics, cum laude;
 - (b) USC Law School-Fall 1973-spring 1976, JD.
8. List the states in which you have been admitted to practice law and the year of each admission. Also list any states in which you took the bar exam but were never admitted to the practice of law. If you took the bar exam more than once in any of the states listed, please indicate the number of times you took the exam in each state. N/A
SC - November 1976.
9. List the significant activities in which you took part during your attendance at college, graduate, and law school. Give the dates you were involved in these activities and list any leadership positions you held.
 - (a) USC Campus Cancer Fund Drive-spring 1973;
 - (b) Chi Psi Fraternity-Fall 1972-spring 1973;
 - (c) Phi Beta Kappa-Spring 1973;
 - (d) Worked as a page in the SC Senate for 6 years during college and law school-Fall 1970-spring 1976. During the sixth year, I worked as a research assistant with the Senate Judiciary Committee.
10. Describe your continuing legal or judicial education during the past five years.

<u>Conference/CLE Name</u>	<u>Date(s)</u>
(a) Civil Court Mediation Certification	02/23/2006;
(b) Mandatory ADR Training	09/08/2006;
(c) Title Insurance Seminar	10/04/2006;
(d) Title Insurance Seminar	11/02/2007;
(e) Title Insurance Seminar	11/07/2008;



- (f) Ethics Update 12/19/2008;
- (g) A Beacon You Can Count On-Title Insurance 04/21/2009;
- (h) Handling Social Security Disability 06/11//2009;
- (i) Introduction to Court-Annexed ADR 10 /29/2010;
- (j) Florence County Bar-Ethics 12/10/2010;
- (k) Plaintiff's Personal Injury 02/28/2011;
- (l) Protecting Assets While Qualifying for Medicaid 12/21/2011;
- (m) 21st Annual Criminal Trial Practice in SC 02/24/2012.

11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs?

I have served as moderator for these two CLE seminars sponsored by the Williamsburg County Bar Association.

- (a) Ethical Issues in Appointed Cases 03/06/2003;
- (b) Recent Significant Ethical Issues 05/05/2004.

I have also spoken on several occasions to students at Johnsonville High School and Hemingway High School, including Career Day, etc.

12. List all published books and articles you have written and give citations and the dates of publication for each. N/A

13. List all courts in which you have been admitted to practice and list the dates of your admission. Give the same information for administrative bodies that require a special admission to practice.

14. Describe chronologically your legal experience since graduation from law school and include a list of all law firms with which you have been associated. Describe the general character of your practice and divide it into periods with dates if its character has changed over the years.

After graduation from USC Law School in May 1976, I took a study course to prepare for the SC Bar Exam, which I took in July 1976. After the bar exam, I was employed as an associate of my father, Jerome P. Askins, Jr., who practiced in Hemingway, SC. I was employed by him until the end of 1980. We were joined by my brother, Gregory B. Askins, in the summer of 1980. My father retired in 1980 (died in 1981), and my brother and I began a partnership in 1981 practicing as Askins and Askins. In April 1984, our firm merged with another two person firm to form Askins, Chandler, Ruffin and Askins. C. B. Ruffin withdrew in 1985, and I practiced with my brother and William H. (Bill) Chandler (Askins, Chandler, and Askins, LLP) from 1985 until December, 2006 when Bill Chandler died. My brother and I have continued the partnership through the present. My nephew, Carson B. Askins was employed as an associate in 2011.

My practice has been a general practice. I have handled civil litigation representing mostly plaintiffs with some defense work, probate and estate matters, domestic relations cases, real property matters, contracts and some criminal cases. Most of my criminal defense work was court appointed. I

served as Assistant Williamsburg County Public Defender for about 3 years in the 1990's. I am a certified circuit court mediator.

- 14.(b) If you are a candidate for Circuit Court, please provide a brief written description of your experience in criminal matters, including any cases handled over the past five years and include a brief description of the issues involved. Further, please provide a brief written description of your experience in civil matters, including any cases handled over the past five years and include a brief description of the types of matters handled, issues involved, and procedural history. Please include information such as the primary areas in civil court in which you practice, whether you represent plaintiffs or defendants, or both. You may go back further than five years if you feel it would assist the Commission with its assessment of your experience. If you lack experience in an area, describe how your background has prepared you to preside over such matters as a Circuit Court Judge, or how you would compensate for your lack of experience in this area.

Criminal Matters: I have handled mostly criminal defense, although I have prosecuted some cases in municipal court. Most of my criminal cases have been court appointed. I also served as Assistant Williamsburg County Public Defender for about 3 years in the 1990's. During this time, I handled numerous jury trials as well as guilty pleas. I am not certified to handle death penalty cases at present, but I have been appointed to defend two death penalty cases in the past. My last jury trial in a criminal case in General Sessions was as court appointed defense counsel in an armed robbery case where the defendant had a prior conviction for armed robbery and was facing life in prison upon conviction. In recent years, I was taken off the list for court appointments for indigent criminal defendants and placed on the list for civil appointments for indigents and minors, handling mostly DSS cases in Family Court and post conviction relief cases.

Civil Matters: When I began practicing law in 1976, I handled civil matters in the US District Court, US Bankruptcy Court, Family Court, Common Pleas, Probate Court, and Magistrate's Court. More recently, I have not handled matters in the US District Court or Bankruptcy Court, and I have handled only a few cases in Family Court, other than numerous court appointed cases representing indigents and minors. In the Court of Common Pleas, I have tried personal injury cases representing plaintiffs, contracts cases representing plaintiffs and defendants, and collection cases primarily representing lenders although I have occasionally represented defendants. I have also tried contested matters in Probate Court. I have not had a jury trial in Commons Pleas Court recently, but I have had numerous non-jury matters. I am presently co-counsel in a complex case which will be tried before a jury following completion of extensive discovery.

In addition to my experience in the court room, I believe experience in dealing with people of all walks of life in a small town general law practice for

over 35 years would be invaluable to me as a circuit judge. My clients have been a widely diverse group, including indigents and multi-millionaires; young and old; male and female; African-Americans, Caucasians, and Hispanics; individuals and large corporations. Also, I have chaired or presided over numerous organizations, serving in positions such as Chairman of the Florence County Planning Commission; Chairman of Hemingway First United Methodist Church Administrative Council and Pastor/Staff Parish Relations Committee; President of Williamsburg County Bar Association; President of Johnsonville/Hemingway Lions Club; past Master of Indiantown Masonic Lodge #165. I am a certified circuit court mediator, and I have served as a special referee in non-jury cases.

15. What is your rating, if any, by any legal rating organization, such as, Best Lawyers, Chambers, Legal 500, Martindale-Hubbell, Who's Who Legal, Super Lawyers, etc.? If you are currently a member of the judiciary, list your last available rating, if any.

Martindale-Hubbell 4.4 out of 5, BV Distinguished (Peer Review Rating)

16. What was the frequency of your court appearances during the past five years?
- (a) federal: 0;
- (b) state: Approximately 25.
17. What percentage of your practice involved civil, criminal, domestic, and other matters during the past five years?
- (a) civil: 50%;
- (b) criminal: less than 1%;
- (c) domestic: less than 5%;
- (d) other: 45%.
18. What percentage of your practice in trial court during the past five years involved matters that went to a jury, including those that settled prior to trial?
- (a) jury: 0%;
- (b) non-jury: 100%.

Did you most often serve as sole counsel, chief counsel, or associate counsel in these matters?

I almost always served as sole counsel.

19. List five of the most significant litigated matters you have personally handled in either trial or appellate court or before a state or federal agency. Give citations if the cases were reported and describe why these matters were significant.
- (a) State v. E. Douglas and K. Douglas - This was a night hunting case. It was my first jury trial in General Sessions Court.
- (b) Smith, et. al. v. McClam, et. al. - This was an action to set aside a deed from an elderly woman to her son. We had a jury trial in Common Pleas appeal to SC Court of Appeals, remand and appeal to SC Supreme Court.
- (c) State v. Bobby Gene Ellison - The defendant was charged with attempt to buy cocaine. We had a jury trial in General Sessions. The defendant

was deaf and mute so it was necessary to have an interpreter from the SC Association of the Deaf.

- (d) State v. Steven Hanna - Jury trial in General Sessions Court for armed robbery. The defendant had a prior conviction for armed robbery, and was facing mandatory life in prison upon conviction.
 - (e) State v. E. D. Wilson - This was a capital murder case. The defendant was charged with murdering two elderly people with an axe. Jury trial in General Sessions. After dealing with some constitutional issues, the defendant was allowed to plead guilty, and was sentenced to life in prison without parole.
20. List up to five civil appeals you have personally handled. Give the case name, the court, the date of decision, and the citation if the case was reported.
- (a) Smith, et. al. v. D. McClam, et. al. - SC Court of Appeals, 280 S.C. 398, 312 S.E.2d 260 (1984); SC Supreme Court, 289 S.C. 452, 346 S.E.2d 720 (1986).
 - (b) Ray Realty, Inc. v. Badger R. Bazen, Inc. - SC Court of Appeals. Sole counsel at trial, co-counsel on appeal
 - (c) Anderson Brothers Bank v. EBT Property Holding Company, Inc., et. al. Pending – SC Court of Appeals - Sole counsel at trial, co-counsel on appeal.
21. List up to five criminal appeals that you have personally handled. Give the case name, the court, the date of decision and the citation if the case was reported. None.
22. Have you ever held judicial office? No.
24. Have you ever held public office other than judicial office? No.
25. List all employment you had while serving as a judge (whether full-time or part-time, contractual or at will, consulting or otherwise) other than elected judicial office. N/A.
26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office?
Unsuccessful candidate for mayor of Johnsonville, SC, on November 3, 1998. (I lost by 4 votes.)
27. Have you ever been engaged in any occupation, business, or profession other than the practice of law, teaching of law, or holding judicial or other public office?
Prior to finishing law school and practicing law, I worked part time for Hemingway Warehouse, Inc., driving a fork lift 1966-68, part time for Hemingway Broadcasting Company, Inc. as a radio announcer 1968-74, part time for Export Tobacco Company as a laborer summer of 1974, and for the SC Senate as a page and research assistant 1971-76.
28. Are you now an officer or director or involved in the management of any business enterprise?

I am one of two partners in Askins, Chandler, and Askins, LLP, engaged in general law practice. I am actively engaged in practicing law and I share in the administrative duties with my brother/partner.

I am the sole member of LA Land Ventures, LLC, a limited liability company which owns a rental property. I am in effect the landlord. I hope to sell the last rental unit in the near future. I could turn management over to a realty company if it becomes a problem.

I am a 25% partner of Hemingway Warehouse, a general partnership owning a rental beach house and an undeveloped tract of land in Florence County. The beach house is managed by a realty company.

29. A complete, current financial net worth statement was provided to the Commission.
30. Describe any financial arrangements or business relationships you have, or have had in the past, that could constitute or result in a possible conflict of interest in the position you seek. None.
31. Have you ever been arrested, charged, or held by federal, state, or other law enforcement authorities for violation or for suspicion of violation of any federal law or regulation, state law or regulation, or county or municipal law, regulation, or ordinance, or any other law, including another country's law?
I was charged with a hunting violation in the 1970's. I believe I paid a fine of \$60.
32. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute? No
33. Has a tax lien or other collection procedure ever been instituted against you by federal, state, or local authorities? No. Have you ever defaulted on a student loan? No. Have you ever filed for bankruptcy? No.
34. Have you ever been sued, either personally or professionally, that is, have you ever been named as defendant or respondent in any court of law? Yes.
 - (a) I was sued personally as a result of an automobile accident about 1995. There were no serious injuries and the case was settled after arbitration.
 - (b) In 1999, I was named as a third party defendant in a lawsuit that I filed as attorney for the plaintiffs against their former associate in a business venture, attorney Thomas E. Ruffin, Jr. Mr. Ruffin was represented by attorney Craig Young, now deceased. Ultimately, I was dismissed as a party and Mr. Ruffin was required to pay me \$10,000 as part of the settlement. As a result of facts related to this case, Mr. Ruffin was suspended from the practice of law in SC and Mr. Young was also sanctioned. (The case number was 99-CP-22-401.)
36. Have you ever been investigated by the Department of Social Services? Has your name ever been enrolled on the Central Registry of Child Abuse and Neglect? No.
37. If you are in private practice, are you covered by malpractice insurance and, if so, how long have you carried malpractice insurance? If applicable, have you ever been covered by a tail policy?

I am currently covered by malpractice (professional liability) insurance, and have been the entire time I was practicing law. I have not been covered by a tail policy. My firm's coverage is \$2,000,000 with \$5,000 deductible.

38. Are you now or have you ever been employed as a "lobbyist," as defined by S.C. Code § 2-17-10(13), or have you acted in the capacity of a "lobbyist's principal," as defined by S.C. Code § 2-17-10(14)? No
39. Since filing with the Commission your letter of intent to run for judicial office, have you accepted lodging, transportation, entertainment, food, meals, beverages, money, or any other thing of value as defined by S.C. Code § 2-17-10(1) from a lobbyist or lobbyist's principal? No.
40. S.C. Code § 8-13-700 provides, in part, that "[n]o public official, public member, or public employee may knowingly use his official office, membership, or employment to obtain an economic interest for himself, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated." None.
41. S.C. Code § 8-13-765 provides, in part, that "[n]o person may use government personnel, equipment, materials, or an office building in an election campaign." None.
42. Itemize (by amount, type, and date) all expenditures, other than those for travel and room and board, made by you, or on your behalf in furtherance of your candidacy for the position you seek. None.
43. List the amount and recipient of all contributions made by you or on your behalf to members of the General Assembly since the announcement of your intent to seek election to a judgeship. None.
44. Have you directly or indirectly requested the pledge of any member of the General Assembly as to your election for the position for which you are being screened? No. Have you received the assurance of any public official or public employee that they will seek the pledge of any member of the General Assembly as to your election for the position for which you are being screened? No.
45. Have you requested a friend or colleague to contact members of the General Assembly on your behalf? No. Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf? No.
46. Have you or has anyone acting on your behalf solicited or collected funds to aid in the promotion of your candidacy? No.
47. Have you or has anyone acting on your behalf contacted members of the Judicial Merit Selection Commission about your candidacy or intention to become a candidate? No.
48. List all bar associations and professional organizations of which you are a member and give the titles and dates of any offices you have held in such groups.
 - (a) SC Bar Association;
 - (b) Williamsburg County Bar Association, President 2003 and 2004;
 - (c) Florence County Bar Association;

- (d) Previously, SC Trial Lawyers Association;
 - (e) Appointed to SC Bench-Bar Committee by then SC Chief Justice David W. Harwell 1993-1994.
49. List all civic, charitable, educational, social, and fraternal organizations of which you are or have been a member during the past five years and include any offices held in such a group, any professional honors, awards, or other forms of recognition received and not listed elsewhere.
- (a) Johnsonville-Hemingway Lions Club-past president, board member, tail twister;
 - (b) Phi Beta Kappa Honor Society;
 - (c) Indiantown Masonic Lodge #165 and Shriner (not active in recent years);
 - (d) Hemingway First United Methodist Church-Chairman of Administrative Council, Chairman of Pastor/Staff Parish Relations Committee, Trustee, Head Usher, President of United Methodist Men;
 - (e) Florence County School District #5 Election Commission.
50. Provide any other information that may reflect positively or negatively on your candidacy, or which you believe should be disclosed in connection with consideration of you for nomination for the position you seek.

I have aspired to be a circuit judge for some time. My father was an attorney and I was exposed to the legal profession at an early age. He was a country lawyer, as I am. I witnessed how he was as kind, respectful and patient with a poor uneducated sharecropper as he was a wealthy businessman. I had good parents, good upbringing. Good grades and good behavior at school were demanded, not merely encouraged. Sunday school was mandatory. I decided as a boy that I wanted to be an attorney. During my years of practicing law, I decided that I wanted to be a judge someday. For me, the timing seems right - my wife has retired from teaching school and my children are adults. As far as I know, I am in good health and I intend to work indefinitely. In my thirty-five plus years of practicing law, I have handled a wide array of cases for a vastly diverse group of clients. I believe the experience gained thus far during my career would be of great benefit – not just time in the courthouse, but time dealing with all kinds of people and all kinds of legal problems. Over the years, I have encountered outstanding judges-skilled and capable with the temperament to maintain order and decorum in the courtroom and control the proceeding while being patient, dignified, courteous and respectful of attorneys, parties, jurors and courtroom personnel. Unfortunately, I have also encountered judges who were rude, arrogant, impatient and inconsiderate of those around them. I very much want to serve and I am committed to being one of the good guys.

51. References:
- (a) David W. Harwell, Esquire
Bell Law Firm
P. O. Drawer 2956

Georgetown, SC 29442
843-546-2408;

- (b) M. Duane Shuler, Esquire
Whetstone Myers Perkins and Fulda, LLC
P. O. Box 980
Kingstree, SC 29556
843-355-2800;
- (c) E. Leroy Nettles, Esquire
Nettles, Turbeville, and Reddick
P. O. Box 699
Lake City, SC 29560
843-374-8511;
- (d) Reverend Timothy J. Rogers
Mt. Hebron United Methodist Church
3050 Leaphart Road
West Columbia, SC 29169
803-794-8273;
- (e) Mr. J. Neal Anderson
Anderson Brothers Bank
P. O. Box 400
Hemingway, SC 29554
843-558-2511.

YOUR SIGNATURE WILL BE HELD TO CONSTITUTE A WAIVER OF THE CONFIDENTIALITY OF ANY PROCEEDING BEFORE A GRIEVANCE COMMITTEE OR ANY INFORMATION CONCERNING YOUR CREDIT.

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

Signature: Jerome P. Askins, III

Date: August 6, 2012

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

Circuit Court
(New Candidate)

Full Name: Jerome Pilkington Askins, III
Business Address: P. O. Box 10, Hemingway, SC 29554
Business Telephone: 843-558-2588

1. Why do you want to serve as a Circuit Court judge?

Recently, a non-lawyer acquaintance remarked about the job of a judge that it "pays pretty good and requires no heavy lifting." However, upon reflection, I realized that upholding the law and the ends of justice can sometimes be burdensome.

My father was an attorney and I was exposed to the legal profession at an early age. I decided as a boy that I wanted to be an attorney. My brother and his son are also attorneys. Like my father, I am a "country lawyer." At one time or another, I have handled cases in Municipal Court, Magistrate's Court, County Court, Probate Court, Family Court, Common Pleas Court, General Sessions Court, South Carolina Court of Appeals, South Carolina Supreme Court, United States District Court, and United States Bankruptcy Court. I have appeared before judges of all sorts - most good, some exceptional, some poor and a few bad. Somewhere along the way, I decided that I would like to be a judge someday. Over the years, I have often found myself presiding over groups and meetings, and chairing committees. I have served as chairman and vice-chairman of the Florence County Planning Commission, chairman of the Administrative Council and Pastor/Staff Relations Committee at my church, president of the Johnsonville/Hemingway Lions Club, president of the Williamsburg County Bar Association, and president of my high school class. I enjoy the challenge and responsibility of being in charge. Growing up, I was expected to do what is right and to be fair, honest, and considerate of others regardless of their station in life. I have represented a widely diverse group of clients in over 35 years of practicing law - African American, Caucasian, Hispanic, male, female, multi-millionaire, indigent, individual, and large corporation. I can relate to them all. I believe my experience as an attorney would be a great asset to me as a judge. I want the job and I am ready to take on a new challenge.

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

3. Do you have any plans to return to private practice one day? No

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

Yes. I am 59 years of age. I was born in South Carolina and have

resided in South Carolina all my life. I have practiced law for over 35 years.

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

Ex parte communications should not be initiated, permitted, or considered by a judge—except in cases specifically permitted by the Code of Judicial Conduct. Exceptions include ex parte communications for scheduling, administrative purposes and emergencies that do not involve substantive issues in the proceeding, provided neither party will gain an advantage as a result and other parties are promptly notified of the substance of the communication and given the opportunity to respond. The rule extends beyond the parties and their attorneys to persons not participating in the proceeding. It is permissible and may be desirable for a judge to consult with a disinterested expert on the law or legal issues pertaining to a case, with disclosure to all parties and opportunity for them to respond. Communications with court personnel pertaining to the functioning of the court or administrative duties are not prohibited. The issuance of a temporary restraining order ex parte is allowed in limited circumstances and is also governed by The Rules of Civil Procedure. Notice must be given to the adverse party unless it clearly appears from facts shown by affidavit or verified complaint that immediate or irreparable injury, loss or damage will result before notice can be given and a hearing held. The TRO must set out the reasons for issuance and be limited in time. A hearing should be held as soon as possible, and the party against whom the order is issued may apply for modification or dissolution of the order. Appropriate security is required of a party obtaining a TRO. There are a few other permitted exceptions.

The prohibition on ex parte communication extends to law clerks and other personnel on the judge's staff.

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

A judge must perform the duties of judicial office impartially. Matters in which a lawyer-legislator, former associate or former law partner are to agree do not automatically require recusal. A judge must disqualify himself/herself in a proceeding where the judge's impartiality might reasonably be questioned, including instances where the judge has a personal bias or prejudice concerning a party or a party's lawyer, or personal knowledge of disputed facts concerning the proceeding and where the judge or a former law partner or associate served as a lawyer concerning the matter. Also included are situations where the judge, his parents, spouse or children may have an economic interest; where the judge, the judge's spouse or family member within the third degree of relationship to either of them as a party, an office director or trustee of

a party, an attorney or has more than a de minimus interest in the proceeding. If the appearance of the lawyer-legislator, former associates or former law partner falls within any of these situations, the judge should disqualify himself/herself. The judge should disclose any special interest or relationship that might cause the judge's impartiality to be reasonably questioned. After disclosure on the record of the basis for the judge's disqualification, it may sometimes be appropriate to submit the issue to the parties and their attorneys outside the judge's presence, and allow them to request or waive disqualification of the judge in accordance with the applicable rules.

7. If you disclosed something that had the appearance of bias, but you believed it would not actually prejudice your impartiality, what deference would you give a party that requested your recusal? Would you grant such a motion?

A judge must avoid even the appearance of impropriety and must promote public confidence in the integrity and impartiality of the judiciary. The fact that I felt it was necessary to disclose the matter suggests that my impartiality might be reasonably questioned. I would likely grant such a motion for recusal. I believe a close call should be resolved in favor of recusal.

8. How would you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative?

I would be compelled to disqualify myself if my spouse, parent, child or other family member residing in my household had an economic interest in the subject matter in controversy or more than a de minimus interest that would be substantially affected by the proceeding. Even if the interest of the spouse or family member was insignificant, recusal may still be appropriate. A judge must be careful to avoid the appearance of impropriety and to act in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

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

I would set standards for myself consistent with the Code of Judicial Conduct. A judge shall not except, and shall urge members of the judge's household not accept gifts or favors from anyone except as allowed in the applicable rules. Ordinary social hospitality is generally acceptable. Gifts must not be intended or reasonably perceived to influence the judge in the performance of judicial duties. Gifts from relatives or friends for special occasions are permissible if the gifts are fairly commensurate with the occasion and the relationship. A gift to a judge or a member of the judge's household that is excessive in value raises questions about the judge's impartiality and integrity, and might require disqualification where it would not otherwise be required.

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

A judge who receives information indicating a substantial likelihood that another judge or an attorney has committed a violation of the code of judiciary conduct must take "appropriate action." What action is appropriate would presumably be dictated by the nature and degree of the misconduct. A judge is required under the Code of Judicial Conduct to inform the appropriate professional authority of another judge or lawyer known by the judge to have committed a violation of the Code that raises a substantial question as to the judge's fitness for office or as to the lawyer's honesty, trustworthiness or fitness. The Rules of Professional Conduct require reporting by a lawyer of similar misconduct of a judge or lawyer. The term "substantial" refers to the seriousness of the possible offense. The rules do not require that every minor infraction be reported. Some measure of judgment is required. A minor, isolated incident, without any pattern or repetitive misconduct, may possibly be appropriately dealt with by confronting the offender personally. The comments to the Rules of Professional Conduct state that the reporting obligation is said to be limited to those offenses that a self-regulated profession must vigorously endeavor to prevent.

11. Are you affiliated with any political parties, boards or commissions that, if you were elected, would need to be re-evaluated? No
12. Do you have any business activities that you would envision remaining involved with if elected to the bench?

I am a partner in a family owned partnership (Hemingway Warehouse) which owns a rental beach house which is managed by a realty company and a tract of undeveloped land in Florence County. I am sole member of a limited liability company (LA LA Land Ventures, LLC) which owns a rental house. I envision remaining involved with these and foresee no conflict.

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

In my experience, most orders have been prepared by one or more of the attorneys handling the case, usually the prevailing side. Many orders are fairly routine and require no extensive time for preparation. For orders in more complex cases - cases with contested facts or cases with substantial legal issues - it may be appropriate to request one or more attorneys to submit a draft of a proposed order, proposed findings or a brief as to certain issues. If such a request is made to the attorney for one party, the other attorneys must be made aware of the request and a copy of a proposed order or proposed findings submitted by counsel for one party must always be provided to all other counsel for review and response before the order is executed.

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

A calendar and a "tickler" system can insure that deadlines are met. More than one person should be responsible for regularly monitoring of the list of dates and deadlines. This would be in addition

to any system utilized or recommended by Court Administration.

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

The judiciary should not usurp the constitutional role of the legislature. The laws of South Carolina are properly enacted by elected members of the General Assembly. It is the role of judges to apply the law and occasionally to interpret the law while endeavoring to ascertain the legislative intent and stay within constitutional limitations. There have been cases where appellate courts have taken it upon themselves to revise the law in a positive way or make new law by resolving novel issues that come before them. Generally, my philosophy is that courts do not sit as a "super legislature" with power to override the will of elected representatives at their whim.

16. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. If elected, what activities do you plan to undertake to further this improvement of the legal system?

I would be willing to participate in continuing legal education programs; to serve on panels created to review or prepare changes to the law or rules governing the practice of law and conduct of the judiciary; to lecture or speak to groups concerning the law, the legal system and the administration of justice; and, after gaining some experience on the bench, to seek and promote ways to improve the legal system and the administration of justice.

17. Do you feel that the pressure of serving as a judge would strain personal relationships (i.e. spouse, children, friends, or relatives)? How would you address this?

My wife is a retired teacher who taught in the public school system for 33 years, and both of my sons are family physicians. The three of them are well acquainted with the pressures of being in the public eye under close scrutiny and being accountable. Most importantly, they all have strong convictions about doing what is right despite any adverse consequences. Other members of my family and my friends who know of my desire to become a judge have been and would be supportive. Family members and friends already know that being an attorney can be very stressful, and often matters that weigh on the mind are confidential and can't be discussed. I foresee no problems in this area.

18. The following list contains five categories of offenders that would perhaps regularly appear in your court. Discuss your philosophy on sentencing for these classes of offenders.

I believe that appropriate sentencing for any criminal defendant depends on the facts and circumstances of each case. The criminal laws often provide for quite a disparity in the penalty for the same offense. The determination as to a proper sentence in any given case must come through the wisdom, common sense and sound discretion of the judge.

My philosophy on sentencing is generally justice tempered with mercy in appropriate cases.

a. Repeat offenders: Repeat offenders should generally be given harsher sentences than first time offenders. Indeed, many statutes provide for graduated penalties for subsequent offenses. For repeated commission of serious violent crimes, the legislature has enacted laws providing for mandatory stiff penalties up to life imprisonment. Typically, most first offenders are not dealt with harshly, and are given the opportunity to get back on the right path. If an offender has rejected the opportunity to reform and has continued to prey on others, society must be protected. It makes sense to me that a person who has committed two armed robberies, for example, should not be afforded the opportunity to commit a third.

b. Juveniles (that have been waived to the circuit court): Juveniles that have been waived to the circuit court to be tried as adults present a difficult situation. Most of us have to admit to foolish actions when we were young and immature. Yet, some people in their early and mid-teens have committed heartless acts of brutal violence that simply cannot be mitigated by their youth. Justice may demand a stiff sentence in such a case. Again, it comes down to case by case determination. I believe that consideration should be given to the rehabilitation for a young offender. Everyone will be better served if a young offender can be diverted from a life of crime or from becoming a lifelong inmate in prison. A harsh prison sentence to a young offender can force him to associate with unsavory criminals, and somewhat ironically, may influence him to become a better criminal.

c. White collar criminals: White collar crime, though not without victims, is usually without violence. Victims typically have lost money but no blood. I see a distinction between someone who embezzles or misappropriates funds at his/her place of employment compared to someone who commits a robbery with the victim at gunpoint. There is also a difference between someone who in effect makes himself an unauthorized loan that he ends up being unable to repay, and someone who employs an elaborate scheme with intentions of stealing from the outset. Consideration should be given to whether the white collar criminal has the opportunity and ability to continue to earn income in order to provide restitution for the victims and to support himself/herself rather than be housed and fed at the expense of the state. If an offender is imprisoned, any chance of restitution to the victim(s) may be lost, possibly forever. A determination must be made as to whether proper restrictions and supervision can be implemented to adequately punish the perpetrator, to guard against subsequent offenses and to afford victims a chance to recover part, if not all, of their loss. Other factors would have to be considered, including the past history of the offender, the nature and extent of the offense, and the willingness and ability of

the offender to make restitution to victims. Common sense and sound discretion must be applied in each case.

d. Defendants with a socially and/or economically disadvantaged background: Defendants with a socially and/or economically disadvantaged background may find themselves at a disadvantage in the criminal justice system as well. They (except for some repeat offenders) don't understand legal principles and how the legal system operates. They usually can't afford the most experienced and reputable attorneys.

While it is not the judge's role to act as attorney or advocate for such a person, care must be taken to insure that such a person is treated fairly and with due respect. A more thorough explanation of the person's legal rights may be required and steps taken to insure that any waiver of rights is knowingly and voluntarily made. The system must afford "justice for all." Without question, we don't all come from the same backgrounds, we don't have the same opportunities, we don't have the same parenting and guidance, we aren't exposed to the same risks and temptations, etc. In short, life is not always fair! It is easier for some to find themselves off the right path because of circumstances beyond their control such as having had no encouragement or discipline from parents or being constantly exposed to negative peer pressure and temptation. However, people from "good families" and advantaged lifestyles can also end up on the wrong side of the law. At some point, we all must assume responsibility for ourselves and be held accountable for our actions. No one is entitled to a pass by reason of a disadvantaged background. Of course, the circumstances of the offense must be examined. Consideration must be given to the opportunity for rehabilitation. Justice, tempered with mercy in appropriate cases, should be the guiding principle.

e. Elderly defendants or those with some infirmity: Elderly defendants and those with some infirmity pose additional problems. These defendants often have physical and medical needs that can be extremely costly to the state when they are incarcerated. The nature and circumstances of the offense must be considered along with the likelihood of additional offenses. If such a defendant were no material threat to society, I would explore an arrangement whereby the offender could be out of prison with appropriate restrictions and supervision. While this type of defendant is not entitled to a pass for criminal conduct, special consideration may be appropriate, applying the common sense and sound discretion of the judge.

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

No

20. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved?

I would disclose any such interest to the parties and their counsel

if known to me. A judge must disqualify himself if he or a family member has any more than a de minimus interest that could be affected by the outcome of the proceeding. However, by definition, "'de minimus' denotes an insignificant interest that could not raise reasonable question as to a judge's impartiality." Absent some additional reason not to, I would hear the case.

21. Do you belong to any organizations that discriminate based on race, religion, or gender? No
22. Have you met the mandatory minimum hours requirement for continuing legal education courses? Yes
23. What do you feel is the appropriate demeanor for a judge?

A judge must require order and decorum in proceedings before the judge, but must be patient, dignified and courteous to litigants, jurors, witnesses, lawyers and others with whom the judge deals in the performance of judicial duties. A judge should be firm but should also be open minded, fair, deliberate, tactful, considerate, compassionate, understanding and humble. A judge must refrain from speech, gestures or conduct that would be reasonably interpreted as sexual harassment, and any conduct that would impair the fairness of a proceeding. A judge should encourage and seek to facilitate settlement, but without applying undue pressure or making parties or attorneys feel coerced. A judge must demonstrate due regard for the rights of those appearing before him/her to have issues fairly and timely resolved. A judge must not comment in a proceeding pending or impending in any court, or make any comment that might reasonably be expected to affect the outcome. A judge should neither compliment nor criticize jurors for their verdict, but may express appreciation for their service. A judge must be mindful of his conduct and demeanor even when off the bench so as not to demean the judicial office or create questions as to the integrity of the judge or his/her ability to fulfill the duties of the office.

A judge should be wary of a condition sometimes referred to by lawyers as "black robe-itis."

24. Would the rules that you expressed in your previous answer apply only while you are on the bench or in chambers, or would these rules apply seven days a week, twenty-four hours a day?

The rules governing demeanor of a judge certainly do not apply only while on the bench or in chambers. A judge must avoid impropriety and the appearance of impropriety, and must act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary. Improper or irresponsible conduct can erode public confidence, and create the impression that the judge's ability to carry out judicial duties with integrity and competence would be impaired. I don't believe that a judge needs to be serious and somber at all times, but generally speaking, the rules governing demeanor of a judge would apply at all times. A judge must be willing to accept restrictions on the

judge's conduct that might be viewed as overly burdensome by the ordinary citizen.

25. Do you feel that it is ever appropriate to be angry with a member of the public, especially with a criminal defendant?

No. Is anger ever appropriate in dealing with attorneys or pro se litigants? No. While members of the public, criminal defendants, attorneys or pro se litigants may say or do things to invoke the displeasure of the judge, the judge's response should never rise to the level of anger. A judge must remain patient, dignified, tactful and cool under fire. A judge should use extreme care when dealing with persons who are rude, disrespectful, antagonistic or even contemptuous, careful not to allow such a person to unduly influence a decision or ruling, or otherwise impair good judgment. I have witnessed judges wisely taking a recess upon becoming aggravated to cool off and reflect on the situation before proceeding.

26. How much money have you spent on your campaign? If it is over \$100, has that amount been reported to the House and Senate Ethics Committees?

None, other than travel expense in my car to pick up and return the application – not over \$100.

27. If you are a sitting judge, have you used judicial letterhead or the services of your staff while campaigning for this office?

Not applicable

28. Have you sought or received the pledge of any legislator prior to this date? No

29. Have you sought or been offered a conditional pledge of support by any legislator pending the outcome of your screening? No

30. Have you asked any third parties to contact members of the General Assembly on your behalf before the final and formal screening report has been released?

No. Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf? No

31. Have you contacted any members of the Judicial Merit Selection Commission? No

32. Are you familiar with the 48-hour rule, which prohibits a candidate from seeking pledges for 48 hours after the draft report has been submitted? Yes

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

Jerome P Askins

Sworn to before me this 6th day of August, 2012.

Notary Public for S.C.

My Commission Expires: 10/4/2020

ASKINS, CHANDLER & ASKINS, LLP

ATTORNEYS AT LAW

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HEMINGWAY, SOUTH CAROLINA 29554

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GREGORY B. ASKINS

TELEPHONE (843) 558-2588
FAX (843) 558-3234

JEROME P. ASKINS, JR. (1923-1981)
WILLIAM H. CHANDLER (1948-2008)

October 10, 2012

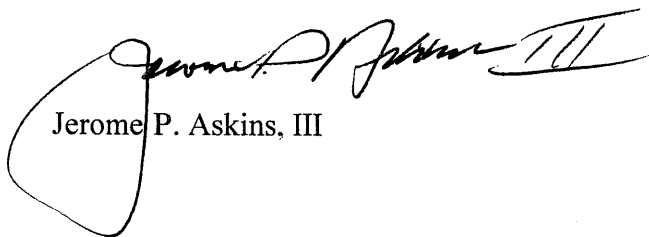
Judicial Merit Section Commission
Attention: Jane O. Shuler, Chief Counsel
PO Box 142
Columbia, South Carolina 29202

Re: Jerome P. Askins, III, Candidate for Circuit Court Judge At Large Seat 15
Amendment to Sworn Statement

Dear Ms. Shuler,

I wish to amend my answer to question 26 of the sworn statement regarding how much money I have spent on my campaign. Other than travel expense in my car, I have spent \$93.25 to mail letters of introduction to most members of the General Assembly. Please let me know if you need additional information. Thank you.

Yours very truly,



Jerome P. Askins, III

ASKINS, CHANDLER & ASKINS, LLP

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307 EAST BROAD STREET, POST OFFICE BOX 10
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JEROME P. ASKINS, JR. (1923-1981)
WILLIAM H. CHANDLER (1948-2006)

CARSON J. ASKINS

October 24, 2012

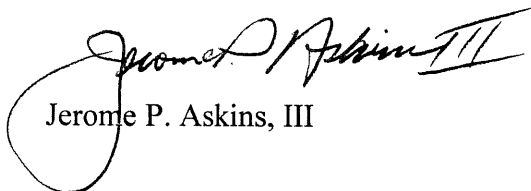
Judicial Merit Section Commission
Attention: Jane O. Shuler, Chief Counsel
PO Box 142
Columbia, South Carolina 29202

Re: Jerome P. Askins, III, Candidate for Circuit Court Judge At Large Seat 15
Amendment to answer to question 13 of Sworn Statement
Amendment to answer to question 42 of Personal Data Questionnaire
Issue of South Carolina Tax Lien reported by SLED

Dear Ms. Shuler,

I would like to amend my answer to question 13 of the Sworn Statement as shown on the attached sheet. Also, I would like to amend my answer to question 42 of the Personal Data Questionnaire to show expenditures of \$93.25 to mail letters of introduction to most members of the General Assembly. Finally, with regard to your inquiry concerning the South Carolina tax lien reported by SLED, I am enclosing a copy of a "Warrant for Distrain" filed May 3, 1978, by the South Carolina Tax Commission in the amount of \$258.34 against my parents, Jerome P. Askins, Jr. and Juanita B. Askins. There was no tax lien filed against me. Please let me know if you need additional information. Thank you for your help.

Yours very truly,



Jerome P. Askins, III

Amendment to Sworn Statement (Jerome P. Askins, III)

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

Many orders are somewhat routine and require no extensive time for preparation. In my experience, this type order has often been prepared by one or more of the attorneys, usually the prevailing side. This procedure seems to work for simple orders most of the time. The judge is always ultimately responsible for the preparation and content of the order. In more complex cases, I would prepare the order myself. In cases with difficult factual issues heard without a jury or with unusual legal issues, it may be appropriate for the attorneys to submit briefs for guidance in preparation of the order. If a request is made for an attorney to submit a draft of a proposed order, the request should be communicated to all other parties. The proposed order must be submitted to counsel for all parties for their review and response when it is submitted to the judge. Of course, any proposed order would be carefully reviewed, and modified or replaced as deemed proper.

STATE OF SOUTH CAROLINA
THE SOUTH CAROLINA TAX COMMISSION

WARRANT FOR DISTRAINT

TO: Any duly authorized representative of the South Carolina Tax Commission

247260424

DEED WILLIAMSBURG

17809883 3

Division Serial No.

County

Warrant No.

ADAMS JACOME P. JR.
ADAMS JUANITA B.

247260424
248324987

Name

DBA
P. O. BOX 100
HENNINGHAM SC 29554

Period Ended DEC 78

Amount of INDIVIDUAL INCOME TAX	\$	
SATISFIED AND CANCELED DAY	\$	
Amount of Penalty	\$	202.43
Amount of Interest	\$	41.70
Total Tax, Penalty and Interest	\$	244.13
Costs (5% of the above total or \$3.00 whichever is greater plus \$2.00)	\$	14.21
RECORDED MAY 3 1978 9 AM	\$	258.34
BOOK <u>202</u> PAGE <u>9</u>	\$	

WINNIE P. JONES
CLERK OF COURT

WILLIAMSBURG CO. S. C.

WHEREAS, in pursuance of the provisions of Title 65, South Carolina Code of Laws and acts amendatory thereto, the above named person or persons is or are liable to pay the tax or taxes assessed against him, or them, in the amount or amounts named herein, together with penalties and interest prescribed by law for failure to pay said tax or taxes when the same became due; and whereas ten days have elapsed since same became due and since notice was served and demand made upon said person or persons for payment of said tax or taxes; and whereas said person or persons still neglect or refuse to pay same, you are hereby commanded in accordance with the provisions of the aforementioned Code of Laws and acts amendatory thereto, to levy upon, by distraint, and to sell so much of the goods, chattels, effects, or other property or rights to property, including stocks, securities, and evidences of debt, of the person or persons liable as aforesaid or on which a lien exists for the tax or taxes; and by virtue of Article 7, Chapter 22, of Title 65, Code of Laws of 1962 to attach, levy upon, or seize bank deposits and all other choses in action on property incapable of manual levy or delivery belonging, owing, or to become due to the above named person or persons, as may be necessary to satisfy the tax or taxes, with penalty and interest as required by law and set forth in schedule above; and also such further sum as shall be sufficient for the fees, costs, and expenses of the levy; and if sufficient goods, chattels, effects or other aforementioned properties are not found, then you are hereby commanded to seize and sell in the manner prescribed, so much of the real estate of said person or persons, as may be necessary for the purposes aforesaid. You will do all things necessary to be done in the premises and strictly comply with the requirements of law, and for so doing this shall be your warrant.

Date of Notice and Demand NOV 25 1977

Witness my Hand and the Seal of the South Carolina Tax Commission at Columbia, South Carolina,
this 20 day of APR, 19 78

(SEAL) SOUTH CAROLINA TAX COMMISSION

Satisfaction see sheet below

C. H. BROOKS

Director.

A CERTIFIED TRUE COPY

Carolyn J. Williams

CAROLYN F. WILLIAMS
CLERK OF COURT
WILLIAMSBURG COUNTY