

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

Family Court  
(New Candidate)

Full Name: Samuel McGowan Price, Jr.  
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1. Why do you want to serve as a Family Court Judge?

I have practiced law since December of 1974. I have had the experience of representing clients in both an office practice and a trial practice. A Methodist minister once stated, "Preachers and lawyers have the privilege of seeing people in the raw." That statement is so very true. I have developed a knowledge of the law, the ability to read people and the skill to apply the law. These three attributes combine to make me qualified to be a Family Court Judge. I have been married to the same woman for over 40 years and have assisted in rearing three children (all college graduates). I am sensitive to the fact that representing clients is very different than deciding cases. However, my experience gives me the ability to rule on issues fairly and equitably.

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?

Uncertain. I will be 68 years old in six (6) years.

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

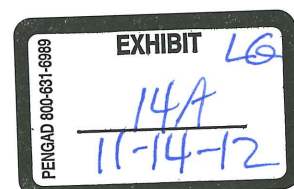
Yes. I am 62 years of age, born in South Carolina, and have been practicing law for over 37 years in Newberry, South Carolina.

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 with an attorney is improper. *Ex parte* communication should be tolerated only when the safety of a child or children is at risk after substantial evidence is presented.

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

I have no former associates nor former law partners. The lawyer- legislators issue would be handled on a case by case basis. However, every trial judge is elected by members of the General



Assembly. For that reason, I would not and could not routinely recuse myself.

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?

I would always consider recusing myself if such motion was made. I see no reason to give a party an argument on appeal that I was prejudice against them. However, if the file demonstrates a routine of frivolous delays or the filing of dilatory motions for purposes of avoiding trial, I would seriously consider not recusing myself.

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 recuse myself to avoid the appearance of impropriety.

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

I would decline such gifts or hospitality.

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

I am bound to report such misconduct. However, I would first discuss the issue with the individual and encourage him to self-report.

11. Are you affiliated with any political parties, boards or commissions that, if you were elected, would need to be evaluated? No.

12. Do you have any business activities that you would envision remaining involved with if elected to the bench? No.

13. Since family court judges do not have law clerks, how would you handle the drafting of orders?

I would make good notes as to my ruling; instruct the prevailing party to draw the order and send a copy to opposing counsel. Upon receipt of the proposed order, I would review my notes with the order to recall my ruling.

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

I would have a computerized calendar together with a paper calendar, both of which would be reviewed regularly with my assistant.

15. If elected, what specific actions or steps would you take to ensure that the guidelines of the Guardian Ad Litem statutes are followed during the pendency of a case?

I would make sure each Guardian Ad Litem sign a certificate that they have read the statute and understand the law and their responsibilities.

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

An old lawyer once told me, "Some time you must say the heck with the law and do what is right." The Family Court is a court of equity. In Family Court, I can follow the law and do what is right. I am a conservative. Legislators should legislate. Judges should decide how the law and the facts fit together.

17. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. What activities would you plan to undertake to further this improvement of the legal system?

I would attend seminars, serve on judicial commissions and otherwise make myself available to the court system.

18. 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 plan to address this?

No. My children are adults. I have been married to a wonderful woman for over 40 years. The practice of law has prepared my wife and me for such "pressure of serving".

19. Would you give any special considerations to a *pro se* litigant in family court?

I would hold them to a lower standard procedurally. I would be courteous to them. I would make an effort to explain things to them because they are at a severe disadvantage.

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

No

21. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved? No

22. Do you belong to any organizations that discriminate based on race, religion, or gender? No

23. Have you met the mandatory minimum hours requirement for continuing legal education courses?

I am currently exempt because of my age and years of practice.

24. What percentage of your legal experience (including experience as a special appointed judge or referee) concerns the following areas? If you do not have experience in one of these areas, can you suggest how you would compensate for that particular area of practice?

a. Divorce and equitable distribution:

b. Child custody:

c. Adoption:

d. Abuse and neglect:

e. Juvenile cases:

These types of cases generate about 12% of my income but about 45% of my time. It would be difficult to break down

percentages of these subtopics. However, I have had contested cases, i.e. trials, in each of these categories.

25. What do you feel is the appropriate demeanor for a judge?  
In control, concerned, polite, courteous, interested in what the parties, attorneys and witnesses have to say and knowledge in the law.
26. 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?  
Should apply all the time.
27. Do you feel that it is ever appropriate to be angry with a member of the public who would appear before you, especially with a criminal defendant? Is anger ever appropriate in dealing with attorneys or a pro se litigant?  
Never. However, some attorneys and/or pro se litigants may mistake politeness or professionalism as weakness. If so, a display of drama, in chambers, may be warranted.
28. How much money have you spent on your campaign? If the amount is over \$100, has that been reported to the House and Senate Ethics Committees? Zero dollars has been spent.
29. If you are a sitting judge, have you used judicial letterhead or the services of your staff while campaigning for this office? N/A
30. Have you sought or received the pledge of any legislator prior to this date? No
31. Have you sought or been offered a conditional pledge of support by any legislator pending the outcome of your screening? No
32. Have you asked any third parties to contact members of the General Assembly on your behalf before the final and formal screening report has been released? Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf? No
33. Have you contacted any members of the Judicial Merit Selection Commission? No
34. 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.

Samuel McGowan Price Jr.

Sworn to before me this 9<sup>th</sup> day of August, 2012.

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Notary Public for South Carolina

My commission expires: 05/21/14