

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

**Family Court**  
(New Candidate)

Full Name: James G. McGee, III  
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1. Why do you want to serve as a Family Court Judge?

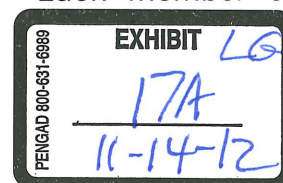
I believe the Family Court is where I can best utilize my experience in service to my state. I have a desire and excitement to serve in this capacity. I would deem this position as a position of service to my fellow citizens of this state and would faithfully execute the duties of the position in a fair and impartial manner.

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 statutory requirements for this position regarding age, residence, and years of practice? Yes  
5. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated?

*Ex parte* communications should be discouraged and only instituted when the necessity for quick action is shown and no other alternative exists. *Ex parte* communications should be limited to scheduling, administrative or emergency situations if such matters do not deal with substantive matters on the merits and do not give a party an advantage. It is probable that a Family Court Judge will be asked to issue *ex parte* restraining provisions based upon sworn information. Such a decision should be based on the absence of alternatives, the necessity for quick action and the quality of information submitted to the Judge. The Court would make the determination based upon the totality of the circumstances as presented to the Judge and the best interests of any minor child or children which the restraining provision would affect. If at all possible, *ex parte* restraining provisions should be mutual upon the parties.

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

As a Judge, I would disqualify myself in any matter in which my impartiality might be reasonably questioned. Each member of the



judiciary is elected by legislators, so there is no means to avoid those situations. Lawyer-Legislators would not be afforded any favoritism. I would recuse myself from hearing any matter brought before me by my former law partner that was initiated while I was a partner in the law firm. My former law partner is also a personal friend. I would recuse myself from hearing any matter in which my law partner was representing a party.

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 generally grant the motion to avoid the appearance of impropriety. I believe it is important that both sides have the confidence that their matter is being heard in a fair and impartial manner. Even though I may believe I am not prejudiced, the fact that one side believes that I am, and there is an appearance of bias, I believe it would be appropriate to recuse 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 apply the same standard as I apply for myself.

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

I would not accept and would urge members of my household not to accept any gift except those that were ordinary before becoming a Judge (birthday gifts from relatives, or other gifts commensurate with the occasion) and I would accept ordinary social hospitality.

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

Misconduct would be reported to the appropriate disciplinary counsel.

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 select an attorney to draft a proposed Order, circulate it to opposing counsel and then have the drafting attorney submit it to my office for review.

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

Allotted times for hearings must be adequate and monitored so as not to overload Court. The Court should be intimately familiar with

the pending cases on the docket. The Judge should communicate the need for members of the Bar to request adequate time for a hearing, taking into account the issues to be litigated and the number of witnesses. Pre-trial conferences and Orders can assist attorneys in zeroing in on the issues and the information a Judge will need to make a ruling.

Besides time on the bench, a Judge needs adequate time in chambers to administrate his office. The timely filing of pending Orders must be closely monitored.

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?

As attorney for the Guardian *ad litem* program in the Twelfth Judicial Circuit, I am familiar with the statutes pertaining to GALs in DSS child abuse and neglect cases. The Court should insure that the GAL has properly utilized the investigatory tools given pursuant to the statute in conducting his or her investigation. Questioning the GAL regarding these matters while at the hearing would be a way to insure the GAL had access to everything he or she needed to render a recommendation.

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

A Judge should apply the U.S. Constitution, S.C. Constitution, statutes, the rules and the case law to the facts to the case and make a decision therein. The term judicial activism would imply that the Judge is making law from the bench. That would not be appropriate. The Constitution grants only the legislative branch the authority to create law.

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 undertake Bench and Bar and other Family Law CLEs. They provide an important forum for the bench and practitioners to discuss issues and problems as well as possible solutions. I would keep abreast of current family law issues across the nation to see what problems were occurring in other states and what solutions were being instituted to address those problems.

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, I do not believe it would create a strain with personal relationships.

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

A *pro se* litigant is held to the same standards as an attorney licensed to practice law in the State of South Carolina. However, as to understanding procedure, the Court can provide some instruction to the litigant.

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?

Generally yes, in that by definition, a *de minimis* interest would mean that there is no reasonable question as to the Judge's impartiality. However, the Court must remain sensitive to the appearance of impropriety.

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? Yes

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: | 75%                            |
| b. Child custody:                      | 60% (Inclusive of the % above) |
| c. Adoption:                           | 5%                             |
| d. Abuse and neglect:                  | 20%                            |
| e. Juvenile cases:                     | 0%                             |

In regard to Juvenile cases, I would familiarize myself with the statues and speak with sitting Judges and practitioners (both sides) regarding juvenile matters. I have performed a number of adoptions over my years of practice, estimating one or two per year. For each adoption I undertake, I familiarize myself with the current adoption statues and case law. I would be comfortable hearing adoption matters based upon my experience.

25. What do you feel is the appropriate demeanor for a judge?

A Judge should possess a demeanor from the bench and in chambers conducive to making a fair and impartial decision and affording both sides an equal opportunity to have the Court hear their side of the case. The qualities associated with such a demeanor are courtesy, civility, temperateness, attentiveness, patience and impartiality.

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?  
I currently strive and would continue to strive to meet those standards in both my personal and professional life, with the exception of impartiality in matters pertaining to my clients.
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?  
Anger from the bench is never appropriate and is a breach of conduct.
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? None
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.

James G. McGee, III

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

Stephanie Sr

Notary Public for South Carolina

My commission expires: 2/17/2018