

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

Family Court
(New Candidate)

Full Name: Randall Edward McGee
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1. Why do you want to serve as a Family Court Judge?

I have always considered being involved in some form of public service. My legal experience has evolved over the years to where now 80% of my practice deals with Family Court matters. I believe I have developed the experience, ability, and knowledge to be a good Family Court Judge. Being a Family Court Judge is the form of public service I desire to undertake.

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?

Not at this time.

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 communication is to be avoided in almost all circumstances. There are exceptions, such as requests for emergency relief under SCFC Rule 21(a) or for a temporary order under SCRCP Rule 65(b). The Code of Judicial Conduct, Canon 3(B)(7) limits on *ex parte* communication would be enforced strictly by me if I am elected judge. There should never be a question as to whether *ex parte* contact has occurred if Canon 3(B)(7) is followed.

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

Canon 3(E)(1) is controlling. I would recuse myself from future matters represented by my firm. I have practiced law for over 20 years with John G. Felder, Sr. and over ten (10) with Bates Felder, my law partners. Derrick Felder and I have practiced together for over five (5) years. Obviously, I would have to recuse myself from any matters or parties I had previously represented. I think it best to not hear any matters wherein my present law partners will be involved as counsel, parties, or as a witness.

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 most likely would always err on the side of caution and recuse myself. See Canon 3(E)(1)(a).

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

If the financial matter was more than a de minimis interest, recusal would be required. I would recuse myself from a close, personal friend or associate involved, including work associates, church friends, and social friends. Mere acquaintances or familiarity would not require recusal.

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

Those standards found in Canon 4(D)(5) apply. Obviously, attending bar related cookouts or events where all bar members are invited, I believe would be permissible. I do not believe judges or their staffs should accept gifts and hospitality from lawyers and litigants to protect judicial impartiality and the very appearance of impartiality.

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

I would follow the requirements of Canon 3(d) and if the situation warranted or required reporting the misconduct to the appropriate disciplinary body, I would do so.

11. Are you affiliated with any political parties, boards or commissions that, if you were elected, would need to be evaluated?

Yes. If elected, as a matter of caution, I would resign from my position as a director on the Calhoun Academy board of directors. I would also resign as school attorney. I would also resign from my position on the Calhoun County Recreation Commission.

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 continue the practice of having lawyers on the particular cases before me prepare proposed orders in most matters.

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

I would examine the current system in place as used by Court Administration and incorporate my own deadline schedule therewith. Accurate records should be kept as to requested orders and the 30-day rule strictly enforced.

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 be sure S.C. Code § 63-3-810 et seq is complied with in each case where applicable. Each GAL should be appointed by Court order. Only persons qualified per S. C. Code Ann. § 63-3-820 should be appointed. Each appointed GAL would have to provide his or her affidavit certifying their qualifications under the statute. Each GAL would also have to provide the disclosure regarding the previous relationship the GAL has had with any party or any interest adverse to a party or his or her attorney which might cause the impartiality of the GAL to come into question. I would also ensure the GAL is fulfilling his or her duties toward the child and investigation by having pre-trial or status conferences. I would also require the GAL to prepare necessary reports at appropriate intervals in the case with a final written report that is made available to the Court and parties at least 20 days prior to any merits hearing.

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

My philosophy is that judges are duty bound to follow the law as promulgated by the General Assembly and as interpreted by the Appellate Courts. I would not use my judicial post to "make" 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 like to share my judicial experience by speaking to student groups for educational purposes. I would also like to speak at CLE functions in an effort to share insight as to how to improve family court.

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?

My wife is very supportive of my desire to be a judge. We, as a family, are prepared to change the schedule of our lives to accommodate my travel time. I know of no other strains to personal relationships I might experience.

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

Justice requires, I believe, that a *pro se* litigant not be simply "run over" by the legal system. I would strive to be sure the *pro se* litigant understood the rules of court so that injustice would not be done; however, I would not help the *pro se* litigant to the degree that I lost my appearance of impartiality to the other parties.

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? 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: 60%.
 - b. Child custody: 25%.
 - c. Adoption: 2.5%
 - d. Abuse and neglect: 10%
 - e. Juvenile cases: 2.5%
25. What do you feel is the appropriate demeanor for a judge?
A judge should be polite to all parties, attorneys, witnesses, and court personnel. Judges can be firm and in control of their courtroom without being bad-tempered or rude. Justice requires civility of the judge. Judges should always strive to appear fair and impartial. A judge should never appear partial to one party over another. A judge should be mindful of his in-court body language to always leave no question as to 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 believe a judge should conduct himself outside the courtroom just as he does inside. Justice and impartiality requires judges of good moral character and integrity.
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 in and of itself is not always inappropriate. Anger that is instructional in nature can be very motivating. If used correctly, anger can be a tool a judge uses to administer justice. The anger must not be of a personal nature or administered with vengeance. Anger in the regard I am speaking of is probably more appropriately termed sternness.

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 to date.
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

Sworn to before me this 7 day of August, 2012.

Notary Public for South Carolina

My commission expires: 02/11/21