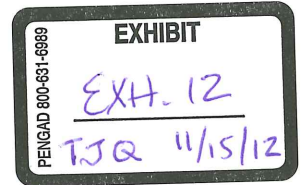


**JUDICIAL MERIT SELECTION COMMISSION**  
**Sworn Statement to be included in Transcript of Public Hearings**

**Family Court**  
**(New Candidate)**



Full Name: Thomas Joseph Quinn  
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Greenville, SC 29601  
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1. Why do you want to serve as a Family Court Judge?

The Family Court is the most important court in our state as it deals with children, our most vulnerable citizens and our greatest resource. As a lawyer for 32 years I have had the pleasure of appearing in Family Court in many capacities and arguing many varied issues for clients. I hope to bring that experience to the bench – the only role I have not filled in the court.

The first court I appeared in as a law student and lawyer was Family Court. The judges I appeared before included Judge Boulware, who was involved in Brown v. Board of Education, and Judge Spigner, who taught me to respect everyone in court and protect they youngest and Judge Burnside, who taught me to be an advocate and how to prepare and present a position. Family Court has defined my career as an attorney as it has evolved and changed and required me to change with it. From small courtrooms hidden away from the main courthouses to the prominent role it has today I have learned from many judges and lawyers and litigants. It is time for me to give back to the court and the people who come to it some of what it has given to me.

Being a Judge has always been viewed by me as an honor one aspires to which allows the greatest service to the Bar, the litigants and the children who come before the court or have their lives affected by the outcome of the proceedings. I hope I can, as a Judge, give back some of the lessons I have learned from those that have come before me and a bit of the wisdom and care they have shown.

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 are not permitted by the rules of court in South Carolina and I cannot envision any scenario where they would be lawful, appropriate or tolerated.

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

My 'philosophy' on recusal is the rules of court in South Carolina require a judge to make any relationship between himself/herself and the parties or their lawyers known to all the persons involved in the case so any party can move the judge to be recused. While there are obvious examples where recusal would be mandatory I also believe litigants have the right to feel their case was given fair consideration and any result is based on the facts, not outside relationships or influence. Consequently I would lean toward recusal in any matter where it was reasonably raised.

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?

Parties and attorneys have the right to not only have a fair hearing but they and the public have the right to believe the system is fair and unbiased, that is to the appearance, as well as actuality, of a fair hearing. I would likely defer to a reasonable motion for recusal and grant the motion even if I believed I would hold no prejudice or bias in the case.

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.

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

A judge should not accept gifts from any citizen, attorney or firm that might appear before him/her. Social hospitality would be a more difficult area. Certainly the judge could not accept anything purchased (food, drinks) that were not available to anyone else at a social event and if the relationship was more than mere acquaintances that would need to be revealed prior to hearing any case involving that person.

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

In addition to addressing the matter with the judge/lawyer involved I would report the matter to the Bar and any other appropriate authorities.

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?

Orders would be drafted by written instructions to the attorneys in many cases and by writing the order in some cases. In either event each attorney would have the opportunity to review and comment on any proposed order before signing.

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

We would utilize a double calendar system where I would keep my calendar with deadlines noted separate from the calendar maintained by the staff with deadlines noted. We would reconcile the calendars weekly and give attention to those deadlines within the next two weeks.

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?

Depending on the situation either by a review of the pleadings and earlier court proceedings, if any, in the case or by discussing with the Guardian or Guardian's counsel how the case has proceeded and whether all the requirements have been followed.

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

My philosophy on judicial activism is that the rules in South Carolina are clear that the legislature determines policy and law and the courts are to give those determinations deference. I would follow the law and decisions of the Supreme Court. While judges may be involved in social policy outside the courtroom as permitted by the rules of judicial conduct a judge should not be concerned with public policy interests in making decisions in court.

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 hope to speak to classes at all levels, judge mock trial competitions at all levels, lecture at Bar seminars and, perhaps, write articles for the Bar.

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?

I do not believe the pressure of being a judge would affect any of my personal relationships and so I would not plan to address this other than suggesting to my family and friends that if they see any change they address it with me. As my wife is a social worker any change will be quickly pointed out.

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

No. I would be certain the person had adequate time to retain counsel or if indigent, that he/she was aware of what resources might be available to assist them and that he/she did not suffer from any mental health disorder that would prevent him/her from understanding the proceedings .

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?

I would hear the case only if the parties were aware of the interest and agreed to proceed.

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: 10%

b. Child custody: 10%

c. Adoption: 5%

d. Abuse and neglect: 10%

e. Juvenile cases: 15%

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

The appropriate demeanor would be patient, interested, knowledgeable and fair.

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?

Hopefully those rules would be followed at all times.

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 would never be appropriate. That emotion never cools a situation or leads to an intelligent, reasoned decision.

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? \$0

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.

Thomas Joseph Quinn

Sworn to before me this 8th day of August, 2012.

Notary Public for South Carolina

My commission expires: 08/31/21