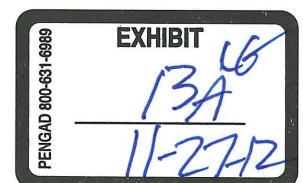


**JUDICIAL MERIT SELECTION COMMISSION**  
**Statement to be included in Transcript of Public Hearings**

**Retired Judge**

Full Name: John Ernest Kinard, Jr.  
Business Address: Room 310, Kershaw County Courthouse  
1121 Broad Street  
PO Drawer 1707  
Camden, SC 29020  
Business Telephone: 803.425.7182

1. Have you met the Constitutional or statutory requirements for this position regarding age, residence, and years of practice? Yes
2. Have you met the mandatory minimum hours requirement for continuing legal education courses? Yes
3. Do you have any plans to return to private practice one day? No
4. Are you engaged in any legal activities other than your service as a retired judge, such as acting as an arbitrator or mediator? No
5. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?  
No, I recuse on all matters where stock is held.
6. Do you belong to any organizations that discriminate based on race, religion, or gender? No
7. Have you engaged in any partisan political activity since your retirement? No
8. What do you feel is the appropriate demeanor for a judge?  
Do not condescend, patronize or criticize persons with whom I come in contact. Always attempting to project as fair and not biased.
9. In your position as a retired judge, what methods do you employ to ensure that deadlines for the timely issuance of orders are met?  
All matters are calendarized and in over 24 years I have held nothing under advisement over 30 days from receipt of proposed order or final briefs.
10. Do you feel that it is ever appropriate to be angry with a member of the public, especially with a criminal defendant? Is anger ever appropriate in dealing with attorneys? No
11. How would you handle a situation in which you became aware of misconduct of a lawyer or fellow judge?  
Depends on situation, I have never held an attorney in contempt but have pointed out my ability to do so on several occasions, I have called attorneys to chambers to discussion perception of misconduct and obviously would report to proper authorities if egregious misconduct occurred.



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

I recuse if a merits issue is presented, advise litigants of prior relationship; on routine issues, i.e. amend a pleading, etc., I recuse if conflict not waived and recuse whenever former clients are involved.

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

Ex parte generally is not permitted. Occasionally one litigant's attorney will appear with consent of other litigant attorney or solicitor and defense counsel on similar consented contact, i.e., inquire as to general sentencing range for a particular crime. Scheduling is often handled ex parte since it is subject to change if unsatisfactory to non-appearing litigant, i.e. moving a hearing from 10 on Tuesday to latter in week due to conflict one attorney has on Tuesday.

14. 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?

Need to be fact specific to answer, but generally I would recuse; however, if I viewed the recusal request as Judge Shopping I possibly would not recuse.

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

I refrain from any situation where the appearance of impropriety could arise, clearly avoid gatherings where political issues are involved and engage in extremely limited acceptance of social hospitality.

16. In order that we might advise court administration on steps that need to be taken, are there any limitations on your sight, hearing, or mobility that should be addressed by the court administrator?

No, I fortunately have not missed an assigned day of holding court due to illness and at least once yearly have an eye, dermatology, and physical exam with no negative reports from last exam.

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

J. Ernest Kinard

Sworn to before me this 18th day of July, 2012.

Lillian Ryons

Notary Public for S.C.

My Commission Expires: September 9, 2013