



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

Retired Judge

Full Name: Howard Pickett King

Business Address: 115 N. Harvin Street, P.O. Box 189, Sumter, SC 29151-0189

Business Telephone: (803) 774-3852

1. Have you met the mandatory minimum hours requirement for continuing legal education courses for the past reporting period? Yes
2. Do you have any plans to return to private practice? No
3. Are you engaged in any legal activities other than your service as a retired judge, such as acting as an arbitrator or mediator? No
4. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?

I have financial investments in stocks, bonds, mutual funds, etc. that are handled for me by an independent financial advisor not located in my judicial circuit. I disclose these investments to the parties and attorneys if anything comes before me involving these companies. However, for the last six plus years and for the foreseeable future I have not and will not be involved in any civil matters but will be handling General Sessions matters only.

5. Are you a member of any organization or association that, by policy or practice, prohibits or limits its membership on the basis of race, sex, religion, or national origin? If so, please identify the entity and explain if this organization practices invidious discrimination on any basis. No.

6. Have you engaged in any partisan political activity since your retirement? Please describe. No.

7. What do you feel is the appropriate demeanor for a judge? When do these rules apply?

Everyone should be given a fair opportunity to be heard and everyone (lawyers, defendants, parties, victims, court personnel) should be treated with dignity and respect. My philosophy is: Be Patient; Be Prompt; Be Polite; Be Prepared. These rules apply at all times, especially in any judicial proceeding.

8. In your position as a retired judge, what methods do you employ to ensure that deadlines for the timely issuance of orders are met?

Everything I hear and take under advisement is put on a "tickler" system on my computer and everything I take under advisement is put on a report to Court Administration beginning with the day it is taken under advisement. I endeavor to have all Orders completed and filed within 30 days from the time the last hearing is held or the last brief or proposed order is received.

9. 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?

I think it is inappropriate to display or show anger with a member of the public, a party, a criminal defendant, an attorney, or court personnel. If someone does something that angers me I will recess and deal with that person in chambers.

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

Initially I would talk to the lawyer or judge and if the conduct rose to the level of unethical behavior, or he appeared to be infirm or disabled, I would urge them to report the conduct to Disciplinary Counsel, or personally address the infirmity. I would advise them that if they do not self-report, I would be compelled to do so.

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

I fully disclose to all parties if any of these individuals appear before me and determine if there is any objection to my hearing the matter. If there is an objection, I would recuse myself. With regard to close professional or personal acquaintances, I recuse myself automatically.

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

Ex parte communications on the merits are never permissible. *Ex parte* communications regarding scheduling matters are permissible and *ex parte* communications permitted by statute are permissible (e.g. request by appointed defense counsel for indigent funding).

13. 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?

Yes. I would grant the motion. I think that a judge must avoid not only impropriety but the appearance of impropriety.

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

I accept gifts or social hospitality from non-attorney friends. Normally I do not accept gifts or social hospitality from attorneys, and in those rare instances where there would have been a gift or social occasion from a close attorney friend (such as a former law partner) I would disclose this to all parties and their attorneys.

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

Sworn to before me this ____ day of _____, 2017.

(Signature)

(Print name)

Notary Public for South Carolina

My Commission Expires: _____