



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

Retired Judge

Full Name: Alexander Stephens Macaulay

Business Address: Post Office Box 428, Walhalla, South Carolina 29691

Business Telephone: (864) 718-1041

1. Have you met the mandatory minimum hours requirement for continuing legal education courses for the past reporting period? Yes, and have carried forward 30 hours JCLE credit to 2017-2018.
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? No.
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. The Walhalla Presbyterian Church, but it is not invidious.
6. Have you engaged in any partisan political activity since your retirement? No.
7. What do you feel is the appropriate demeanor for a judge? When do these

rules apply? A judge should always be patient, dignified and courteous to litigants, jurors, witnesses, lawyers, and others and of staff, court officials and others subject to the judge's direction and control in maintaining order and decorum in the proceedings. Rule 501, SCACR, CANNON 3B (3) (4).

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? I have the parties agree to the deadlines for the requested filings and follow up with a conference call if they are not met.
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? All persons are entitled to courteous and civil reception and treatment at all times, unless they interfere with the maintenance of the necessary order and decorum of the proceedings.
10. How would you handle a situation in which you became aware of misconduct or appearance of infirmity of a lawyer or fellow judge? Address my concern to the appropriate professional bodies.
11. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law clerks are to appear before you? Whenever I am aware of a possible appearance of conflict or partiality, I advise the attorneys, who then privately counsel their clients and advise me if there is any reservation about my continuing with the proceedings, if so, I then recuse myself.
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 should only be engaged for scheduling, to include emergency situations, or other matters that do not address the merits of the proceedings in anyway.
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? I am always sensitive to the concerns of the parties that they receive a fair and impartial hearing and treatment, but I am aware that there can be "officious intermeddlers" who could use

that technique to effect a form of "forum shopping." Cf. Patel v. Patel, 359, S.C. 515, 525, 599, S.E.2d 114, 119 (2004).

14. What standards have you set for yourself regarding the acceptance of gifts or social hospitality? If it is from a "BJ" ["Before Judge"] source, I treat it as I have always such social amenities, if it is from someone or group with whom I was not so engaged before becoming a judge, I am more circumspect to determine whether it is something that is available to all judicial officials or professionals.

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? My mobility is my only limitation that is mentioned, I have inherited my parent's arthritis and their walking cane that I use to get about.

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

Alexander S. Macaulay

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

(Signature)

(Print name)

Notary Public for South Carolina

My Commission Expires: _____