



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

**Supreme Court/Court of Appeals
(Incumbent)**

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1. Do you plan to serve your full term if re-elected? Yes

2. Do you have any plans to return to private practice one day? No

3. Have you met the Constitutional requirements for this position regarding age, residence, and years of practice? YES

4. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated? There is no *ex parte* communications! None

5. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you. I had a solo practice so I do not have the problem of a former law partner or associate appearing before me. I would not automatically recuse myself if a lawyer-legislator appeared before me. If a party or counsel made a motion to recuse me based upon that point I would give it consideration but not automatically remove myself.

6. 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? Your question presupposes a request to recuse and that there is an appearance of bias. That is an important issue in this example.

I am extremely concerned about the appearances of bias since it strikes at the heart of impartiality and fairness to the parties. Whether the bias is real or simply an appearance the issue imposes a financial burden on both parties because it could, if granted, cause a delay in the resolution of the matter. If a party is concerned to the point of filing a motion to request such an action on the appellate level I would give it consideration and err on the side of eliminating the appearance of bias by granting the motion

7. What standards have you set for yourself regarding the acceptance of gifts or social hospitality? I have set high standards in this area. I am mindful the issue has caused much debate with the Bar, the public, the Court and litigants. I refrain from accepting gifts or hospitality from individual attorneys. I have accepted social hospitality from Bar Associations and Foundations if they are found acceptable by the appropriate Commissions and the rules, canons and guidelines. The invitations I have accepted generally have a educational or CLE component.

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

I would take the appropriate steps to insure that it was properly reported to the Commission Judicial Conduct or the Commission on Lawyer Conduct.

9. Have you engaged in any fund-raising activities with any social, community, or religious organizations? Please describe: NO

10. How do you prepare for cases that come before you? In this computer and internet age there is a vast array of legal research tools available to the court. I use them all as I read, research and prepare for court. Naturally, I read the records and briefs of our chamber cases and those cases assigned to the other two judges who serve on the three judge panel.

11. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy? This question is one of the most perplexing and volatile issues facing the judiciary. This question may presuppose that the problem exists in the court system of our state. I believe this has become more of a focal point on the federal level. It is an issue that begs constant scrutiny and sensitivity by our judicial and legislative branches. As a court system, we must be constantly aware of the boundaries imposed by the separation of powers embodied in our Constitution. We must equally recognize the roll of the legislature in establishing public policy thru their legislative power. Our courts should be unwilling and reticent to trespass into legislature's domain under the guise of statutory interpretation in order to impose some public policy more suitable to our viewpoint

12. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. What activities do you plan to undertake to further this improvement of the legal system? Over my tenure on the bench I have made numerous presentations at CLE events. I have been involved with teaching classes at our local high school concerning our legal system. I have made presentations to local civic organizations and other groups. The purpose of my efforts is to bring understanding to the citizenry, especially the young people, as to how our judicial system really operates. Our communities need to know and have a better appreciation of the value and the critical to maintain a vibrant and constitutionally functioning judiciary.

13. Do you feel that the pressure of serving as a judge strains personal relationships (i.e. spouse, children, friends, or relatives)? How do you address this? The appellate court requires tremendous effort to read, research and prepare for oral argument and issuance of opinions. There is constant interaction between other judges, law clerks and staff which is time intensive. It brings into our lives many stressors both professionally and personally. It calls us to recognize that our lives must have balance and that our families should be a source of

strength, support and peace. I deeply acknowledge that my faith has a critical role in maintaining clarity and perspective in my service on the bench. It also instills a clear understanding of why we call it the justice system. Finally, I try to maintain a strong social network of friends to enhance balance in my life. My service on the bench is a gift, a responsibility and opportunity which demands focus all of which is strengthened by faith, family and friends.

14. Are you currently serving on any boards or committees? If so, in what capacity are you serving? NO

15. Please describe your methods of analysis in matters of South Carolina's Constitution and its interpretation by explaining your approach in the following areas. Which area should be given the greatest weight?
 - a. The use and value of historical evidence in practical application of the Constitution: Historical evidence and writings can give perspective and understanding as to intent as well as context. It can also give guidance and aid in understanding to certain grammatical structure.

 - b. The use and value of an agency's interpretation of the Constitution: While agency interpretation of a constitutional provision may make interesting reading and possibly elucidate a point, from my point of view, are not forceful, compelling or controlling. It is critical that interpretation should be grounded in the original intent and purpose of the provision. Prior court decisions and amendments could assist more effectively.

 - c. The use and value of documents produced contemporaneously to the Constitution, such as the minutes of the convention: The value of historical and practical application of the intent of the drafters should rank high in the factors of an interpretive hierarchy of the document The writings and expressions of the drafters which were produced contemporaneously and in proximity of time with the original documents can edify and give guidance and understanding of the constitutional provisions.

16. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality? NO
17. 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
18. Have you met the mandatory minimum hours requirement for continuing legal education courses for the past reporting period? YES
19. What do you feel is the appropriate demeanor for a judge and when do these rules apply? A judge in their service on the bench should consistently exhibit patience, intellectual understanding of the arguments and issues, appropriate firmness, humility and a willingness to attentively listen and inquire respectively and courteously. These qualities should apply at all times. From my point of view, these rules of conduct are applicable not only while on the bench but in our daily efforts to represent the judicial system.
20. Is there a role for sternness or anger with attorneys? A judge should never show anger from the bench. It is the judges absolute duty and responsibility to maintain a respectful and orderly court room environment but without anger. Firmness, directness and being prepared go a long way in maintaining control of the proceedings and the parties.

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 S.C.
My Commission Expires: _____