



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

Retired Judge

Full Name: Thomas W. Cooper, Jr.

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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? Yes, both as an arbitrator and mediator.
4. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality? I am a 1/6 partner in the ownership of a commercial real estate tract located in Manning. We have a managing partner who makes all the decisions about the property. I receive a check semi-annually from the partnership.
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? Patience, calmness, coolness, attention, compassion and respect for the lawyers, litigants, jurors, court personnel and the judicial system.
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? Electronic calendars on my laptop computer and cell phone.
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?

As human beings, we all feel anger from time to time. On the rare occasions that I have felt anger arising in me, I have declared a recess to allow reason to re-enter my thought process. I have never acted out of anger nor have any of my decisions been influenced by anger.

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

As a member of the Commission on Judicial Conduct, I am aware of the devastating impact that judicial misconduct can have on the entire process. As a trial Judge, I have that same awareness regarding the misconduct of a lawyer. I have had the unhappy responsibility of reporting a lawyer to the Disciplinary Counsel for actions that I felt were detrimental to the system. I have never yet had the same responsibility in regard to actions taken by a fellow judge. Depending upon the degree of misconduct, and its duration, I would consider contacting the judge first to address the conduct itself. If the conduct were especially egregious or repetitive, I would report it to Disciplinary Counsel.

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

Having been on the bench since 1992, and having last run for election in 2004, I rarely find it necessary to recuse myself because of

associations with lawyers-legislators or former associates. Additionally, since I retired in 2006, I have not had a law clerk. Recusal has never been necessary because of a former clerk's involvement in a case. I have routinely advised counsel of any prior association with a law clerk, but have never been asked to recuse. Moreover, I would not recuse on that basis alone, unless a moving party could give me some reason, other than the nature of the prior association itself. As is the case in all motions for recusal, the judge must look beyond the motion itself to see if there is some other reason (judge shopping, delay of trial, etc.) behind the motion.

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

My philosophy regarding *ex parte* communications is governed entirely by Canon 3 of the Code of Judicial Conduct. Section 3.B. (7) is very specific as to the limited conditions under which *ex parte* communications are allowed. The language is, in part, "... a judge shall not (emphasis added) initiate, permit or consider *ex parte* communications..." Moreover, the comments to the Rule seem to discourage *ex parte* communications, even in those circumstances which they might be allowed. The most common *ex parte* communications regard scheduling matters and requests for TRO's under Rule 65, SCRCP. Those situations are extremely narrow and are rule specific.

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?

If something had the appearance of bias to me, it would probably have the appearance of bias to the litigants before me. Since the integrity and effectiveness of the judiciary in deciding the issues of law presented to it depend heavily upon the confidence of the public, it is important to avoid "even the appearance of bias." Therefore, while I might personally feel that my impartiality would not be impacted by the situation, if there was an actual appearance of bias, I would tend to recuse myself if requested.

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

I do not accept gifts or social hospitality that are extended to me simply because I am a judge. I do accept normal gifts for holidays, birthdays, etc. which come to me from life-long friends and friends who have known me before I became a judge. When I receive an invitation from a lawyer or law firm to accept social hospitality, I try to ensure that other judges are involved. I would not accept a gift or social hospitality from any lawyer or law firm while I had any matters involving that law firm under consideration.

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: _____