



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

**Circuit Court
(Incumbent)**

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1. Why do you want to serve another term as a Circuit Court Judge?

I believe the experience I have gained since being elected in February of 2000 would serve me in seeking an additional term as Circuit Court Judge, and if given the opportunity to do so, I believe I can utilize my experience in improving my performance to serve the State of South Carolina.

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

I plan to serve my full term until I reach the mandatory retirement age of 72.

3. Do you have any plans to return to private practice one day?

Not at this time.

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

Yes.

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

I do not engage in *ex parte* communications unless it involves scheduling

or an *ex parte* temporary restraining order permitted by law. This is governed by Canon 3 B (7) which permits *ex parte* communications under limited circumstances.

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

My philosophy on recusal is that I would recuse myself on any matter which I felt my impartiality might be reasonably be questioned particularly in a situation involving a former law partner or any matter in which I might have a financial interest. I do not recuse myself automatically when Lawyer Legislators appear in front of me unless required by Canon 3 (E) of the Code of Judicial Conduct.

7. 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 would give great deference to a party that requested my recusal where I had disclosed something that had the appearance of bias, but I believed

that it would not actually prejudice my impartiality. The standard which applies is whether my "impartiality might reasonably be questioned." I would in all likelihood recuse myself because of the appearance of bias despite my beliefs.

8. How would you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative?

I would probably grant recusal for the appearance of impropriety involving any financial involvement of my spouse or a close family relative. I would not necessarily grant recusal because of the social

involvement of my spouse or close family relative unless I felt that this involvement rose to the level of the appearance of impropriety and that " My impartiality might reasonably be questioned".

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

I would only accept ordinary social hospitality such as a meal, however, I have accepted lodging from the South Carolina Solicitor's Association, South Carolina Defense Trial Attorneys' Association and South Carolina Association of Justice. I try to comply with Canon 4 D (5) even though ordinary social hospitality is permitted.

10. 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?

If I became aware through personal knowledge of a substantial likelihood of misconduct of a lawyer or a fellow judge, I would comply with the Cannons and take appropriate action. If I have actual personal knowledge of a lawyer or a judge committing misconduct, I would inform the appropriate authority.

11. Have you engaged in any fund-raising activities with any social, community, or religious organizations? Please describe.

I have not been involved with any social or community activities for fund-raising. I have been asked to give a stewardship talk in my church in the past, but I have never directly asked any member of my church for funds.

12. Do you have any business activities that you would envision remaining involved with if reelected to the bench?

No.

13. How do you handle the drafting of orders?

I normally request both sides of an issue to prepare draft orders and then

I edit the proposed orders to suit the facts and circumstances of a case. In

some situations, I draft the complete order myself with the assistance of my law clerk without requesting proposed orders.

14. What methods do you use to ensure that you and your staff meet deadlines?

I have a calendar on my computer, my phone, and my desk and I also request that my administrative assistant and my law clerk calendar any deadlines so that we can cross-check to ensure that deadlines concerning any matters are kept.

15. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy?

Judges should not make laws which is a matter for the Legislature. A judge may have to decide what public policy is, but a judge should never be the one to set public policy.

16. 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?

I helped initiate mandatory mediation in the civil courts of the Fourteenth Judicial Circuit in 2010. Today mandatory mediation is statewide. I have served for the past twelve years on The Alternate Dispute Resolution Board. I have also instituted a program known as The Assign-A-Highway Program in Colleton County. This means that as a special condition of a probationary sentence that I hand down in General Sessions Court, a condition of probation becomes picking up litter on the public highways of Colleton County which has been successful in addressing the litter problems. Probation and the County actually assign the areas of highway in our county which have the greatest need. I also speak each year at the Circuit Court Judges Orientation School and have spoken on numerous occasions to various

community groups in our community as well as to law enforcement groups.

17. 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?

Although I feel that serving as a judge can sometimes strain personal relationships with family, I have taken steps to remind the members of my immediate family that each of us needs to be aware of the responsibility I have as a judge to the people of South Carolina. I am confident that the members of my immediate family are aware of the additional responsibility my position places on them from our discussions. I have advised my family that I would never allow any personal relationship to affect any ruling that I might make from the bench.

18. The following list contains five categories of offenders that would perhaps regularly appear in your court. Discuss your philosophy on sentencing for these classes of offenders.

- a. Repeat offenders: I would certainly give consideration in any sentence to a repeat offender as I believe repeat offenders call for serious consideration of whether they appreciated the seriousness of their misconduct.
- b. Juveniles (that have been waived to the Circuit Court): If a juvenile is waived to Circuit Court, the juvenile is treated in sentencing as any other offender charged with an identical crime. I would, however, consider the age of the juvenile in determining a sentence as well as the severity of the offense including the juvenile's past record.
- c. White collar criminals: I do not believe that white collar criminals should be treated any differently from any other offender in sentencing.
- d. Defendants with a socially and/or economically disadvantaged background: I would certainly consider the economically disadvantaged background or the socially disadvantaged

background of a defendant when sentencing, however, I do not believe this is an outcome determinative factor in reaching a sentence. This is just one of many factors a judge should consider in reaching a fair sentence.

- e. Elderly defendants or those with some infirmity: I would certainly consider an elderly defendant or a defendant with some infirmity, however, I would not consider this to be an outcome determinative factor. This is just one of many factors a judge should consider in reaching a fair sentence.

19. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?

No.

20. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved?

I would disclose a *de minimis* financial interest before even considering

whether or not to hear any case in which myself or a member of my immediate family held a financial interest. If after such disclosure my impartiality "might reasonably be questioned" I would recuse myself.

21. 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

22. Have you met the mandatory minimum hours requirement for continuing legal education courses for the last reporting period?

Yes

23. What do you feel is the appropriate demeanor for a judge and when do these rules apply?

Patient, Prepared, Dignified, Prompt, Courteous, and attempt to use common sense. The rules for the demeanor of a judge in my opinion apply seven days a week and 24 hours per day.

24. 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 or a pro se litigant?

I do not believe anger is appropriate in sentencing any defendant in criminal court or in dealing with attorneys or litigants. I believe that if a judge feels that he or she is angry, he or she should take a break before making any decision in order that anger would not influence the judge's decision. I also believe that it is impossible to have judges who do not feel angry at times on the bench, however, this emotion should not be a part of any decision by a judge in dealing with any party that comes before the court.

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

Perry M. Buckner, III

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

(Signature)

(Print Name)

Notary Public for South Carolina

My commission expires: _____