



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

**Circuit Court**  
**(New Candidate)**

Full Name: Samuel LaNue Floyd  
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1. Why do you want to serve as a Circuit Court judge?

Immediately after graduating law school, I had the pleasure to work as a law clerk for the Honorable M. Duane Shuler. My experience as his law clerk was enlightening and very rewarding to say the least. I learned the impact that a Judge could have on society. Prior to this experience, I had never even considered being a Judge, but that experience left a profound impact on me.

As fate would have it, I was appointed to serve as a full time Magistrate for Williamsburg County immediately following my clerkship. I thoroughly enjoyed my time as a Magistrate, serving the citizens of the county where I grew up. These two positions have been by far my most rewarding jobs and became the catalyst for me to dream about becoming a Circuit Judge.

After serving as Magistrate, I immediately went to work to expand my knowledge on all aspects of the practice of law. I took a job with a very reputable law firm in my hometown of Kingstree, rather than working with a large firm or governmental entity. I made this choice because I believed working in a general practice firm would enable me to be exposed to many different aspects of law, rather than to be specialized in one area.

After five years, I fulfilled a childhood dream of mine to practice law in my father's law office in Kingstree. In 2007, using the knowledge and experience gained, I opened my office and have been a sole practitioner ever since.

The law has also provided me the opportunity to serve others through volunteer work and political participation. I would like to use the knowledge and experience I have gained, coupled with the passion and desire to serve others, on a broader base. Becoming a Circuit Court Judge provides the opportunity to do so on a statewide level.

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

Yes.

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

No.

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 believe in *ex parte* communication and cannot envision such a situation unless it was created out of an emergency such as need for a search warrant. The situation should not deal with substantive matters or issues on the merits.

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

a. I would have no problem with lawyer-legislators appearing before the Court.

b. As to former associates, the facts of each situation would dictate whether recusal was the correct action. I would certainly make opposing counsel aware of all the circumstances.

c. I have no former law partners.

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 recuse myself if I believed the matter truly gave a sense of impropriety to the party requesting my recusal.

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 at all times avoid the appearance of impropriety. I would recuse myself in order to maintain the public trust.

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

I would not accept gifts, and I would encourage my household members not to accept gifts. Social hospitality would be limited to ordinary hospitality that in no way reflects a sense of impropriety or shows a sense of favoritism.

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?

On a case by case basis, I would report misconduct or the appearance of infirmity of a lawyer or a fellow judge to the appropriate authority.

11. 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.

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

- a. Williamsburg Regional Hospital Foundation Board
- b. First Baptist Church of Kingstree Family Life Center
- c. Sam Floyd for County Council
- d. Sam Floyd for Senate
- e. Yancey McGill for Governor

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

No.

14. If elected, how would you handle the drafting of orders?

I would advise both sides of the ruling of the Court in each case. Depending on the situation, I would either:

- a. Designate the attorney for the prevailing party to prepare the order and provide a copy to the other party, with any objections to be submitted with the order for my review; or

- b. Have the attorneys for each side draft an order and exchange them with each other. I would require both proposed orders be sent to me for review along with any objections from both attorneys; or
- c. Draft the order myself.

15. If elected, what methods would you use to ensure that you and your staff meet deadlines?

I would have my secretary schedule all appearances and deadlines on my monthly calendar. I would have my law clerk monitor and update all appearances and deadlines. I would also monitor my calendar in order to supervise and confirm that all such appearances and deadlines are met and disposed of properly, effectively and fairly.

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

I do not believe in judicial activism. I believe that the job of the judge is to interpret and apply the law as it has been handed down and follow it as closely as possible in the way in which it has been written.

17. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. If elected, what activities do you plan to undertake to further this improvement of the legal system?

Having taught business law courses at Williamsburg Technical College, I witnessed firsthand the effect of judges on students, the good will and public trust it creates and enhances. I would also engage in speaking activities in my community to encourage public trust in the judicial system.

18. Do you feel that the pressure of serving as a judge would strain personal relationships (i.e. spouse, children, friends, or relatives)? How would you address this?

Yes. I would remind myself daily that no matter where I go, what I do or what I say that someone is listening, watching me and that I have a duty to maintain the integrity of the position I hold.

19. 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.

Each case must be reviewed on its own merit, as every case is different and no two are exactly alike. All offenders cannot be sentenced the same. In general, each case

must be approached on its own circumstances.

I would review the law, the facts of the case, the position of the prosecution, the defense, the defendant's criminal record, the victim's position, and any other exigent circumstances that may exist.

a. Repeat offenders:

Repeat offenders should receive a harsher sentence, in that they have proven themselves inadequate of rehabilitation.

b. Juveniles (that have been waived to the Circuit Court):

Juveniles should be sentenced sternly, understanding that the ultimate goal is addressing the problem that exists, and providing rehabilitation and the opportunity for success.

c. White collar criminals:

White collar criminals should be sentenced on the basis and nature of their crime, criminal background and the possibility of rehabilitation.

d. Defendants with a socially and/or economically disadvantaged background:

Although social and/or economic disadvantage has a bearing on crime, and under some circumstances should be considered a mitigating factor, such disadvantage does not negate the fact that a crime has been committed. I would review the nature of the crime and the totality of the circumstances and sentence accordingly.

e. Elderly defendants or those with some infirmity:

Personally and politically, I have always supported the elderly, and would continue to do so in a judicial capacity; however, again, such infirmity does not negate the fact that a crime has been committed. The defendant's criminal and medical history should be thoroughly examined. After careful examination of all of the circumstances, I would sentence with an understanding of the age and infirmity of the defendant.

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

No.

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

No.

22. Do you belong to any organizations that discriminate based on race, religion, or gender?

No.

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

Yes.

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

I feel that a judge should be patient, dignified and courteous and always maintain a consistent demeanor. I believe a judge should show interest in each case and be accommodating to the attorneys, staff, and the parties as much as possible, as this may be the only time they ever appear in Court.

25. 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 pro se litigants?

Anger is never appropriate with the public or attorneys. With criminal defendants or litigants, a judge should maintain civility and dignity in his conduct. However, a judge should be granted some leeway to express his displeasure with the conduct of a party.

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

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Samuel L. Floyd

Sworn to before me this \_\_\_\_ of \_\_\_\_\_ 2017.

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Judy M. Welch  
Notary Public for South Carolina  
My Commission Expires: \_\_\_\_\_