



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

**Circuit Court
(Incumbent)**

Full Name: William Paul Keesley

Business Address: 127 Courthouse Sq., P.O. Box 10, Edgefield, SC 29824

Business Telephone: 803-637-4095

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

My service on the bench has been enlightening, challenging, and fulfilling.

I feel that I have a combination of experience and training that will benefit

the State and its citizens.

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

(a) Ex parte communications must be avoided.

(b) Ex parte communications are only allowed where strictly administrative in nature, such as scheduling, and for emergency temporary restraining orders under Rule 65(b), SCRPC .

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

Recusal should be done if there is any appearance of impropriety or if the

judge feels that there is any possibility that the relationship could have an impact upon the decisions to be made. I do not automatically recuse on cases involving lawyer-legislators. It would be a case-by-case decision.

I typically recuse whenever a party requests it. I do have a few relationships that cause automatic recusal. Otherwise, if I feel that there is a relationship that the other party may not know about, I disclose the relationship and entertain any input concerning recusal or waiver.

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?

The motion would be granted to avoid the appearance of impropriety, except, perhaps, in a very rare instance where it is clear that the recusal motion is for an improper purpose, such as being purely for purposes of delay, abusive, or manipulative under the circumstances. Strong deference should always be given towards recusal.

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

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

I do not accept gifts from attorneys. While ordinary social hospitality involving lawyers or potential litigants is sometimes permissible, I avoid being in such situations.

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?

We are required to report those to the appropriate agency or court. We are subject to the rules of conduct related to attorneys, as well as those for judges. Rules 8.3(b) and (c) of the Rules of Professional Conduct require reporting misconduct that raises a substantial question as to honesty, trustworthiness, or fitness.

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

No, not since becoming a judge.

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 draft many of my orders or ask attorneys to submit proposed orders in an electronic format so that I can make changes. On routine matters,

we have Form 4 orders, and my law clerk and the Clerk of Court's staff

are sometimes asked to prepare an order that I can review and amend, as needed.

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

We have a shared calendar. I have a board in my office where reminders are posted. My law clerks keep a matters-under-advisement list on computer that is shared with me, at least monthly.

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

The only permitted activism would be related to something that falls within

the Code of Judicial Conduct allowing assistance on matters to benefit the

judiciary or legal system. The separation of powers must be maintained.

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 previously served as a trainer for the National Drug Court Institute, and I have been asked to resume that role. I have worked with problem solving courts, such as drug courts, for decades and would hope to be able to serve as a resource for efforts to expand those in South Carolina. If the opportunities present themselves, there are several areas where I would like to provide assistance. I was designated by the Chief Justice to serve as the circuit court representative to the committee formed by the General Assembly to study criminal laws and propose improvements to them, which resulted in the Omnibus Crime Reduction and Sentencing Reform Act of 2010. I hope to be called upon as the oversight committee

monitors progress and complications. I have worked and plan to continue to work to assist local jail population reduction efforts. I hope to serve in continuing legal education. If possible, I would like to assist in the implementation of day reporting centers.

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?

(a) With friends, it is not so much the pressure of serving as the fact we that being a judge is somewhat isolating. The limits on what we can say and do under the Code of Judicial Conduct limits social interaction in ways that friends may not grasp. There are days when the traumatic events presented in court or the strain of dealing with resolving other people's disputes can affect one's mood or the motivation to address decisions at home.

(b) I try to be conscious of these things and to compartmentalize.

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: These are subject to higher punishment because of their failure to learn from earlier misconduct.

b. Juveniles (that have been waived to the Circuit Court): While the typical crimes of violence and some repeat offenders that demonstrate a danger to the community and a need for more severe punishment. Recent decisions of the Supreme Court of the United States have established that courts must evaluate factors unique to juveniles in considering sentences of life imprisonment.

c. White collar criminals: Crimes such as stealing, breach of trust, or environmental destruction are reprehensible, regardless of who engages in them. If there is a realistic opportunity to secure restitution, the court has to balance that need and the impact of

incarceration on the ability to secure restitution. I try to find an appropriate punishment that will provide restitution to victims, while meeting fundamental standards of fairness and propriety.

- d. Defendants with a socially and/or economically disadvantaged background: If there is a minimal danger to society and there appears to be a realistic expectation that the defendant can take advantage of education, vocational training, counseling, or other tools to avoid further violations of criminal laws, the court should act in the best interests of society, the victim, and the defendant to order that those things be provided and completed. If a defendant appears to be violent and the risk of reoffending is too great, he or she may have to be incarcerated to protect the public.
- e. Elderly defendants or those with some infirmity: There is an aspect of sentencing that is simply punishment, and the court has to be mindful of the need that the justice system be perceived as fair and even-handed. Punishment may be appropriate, even for those who appear to be unable to cause further harm because of physical or mental limitations. There is also a component of sentencing that involves whether the extension of mercy is appropriate. Sentencing always involves balancing various interests, and the court must evaluate the danger that the defendant poses, as well as such factors as the cost of incarcerating the defendant, medical treatment costs, and whether less-expensive and more productive alternatives exist.

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?
It is permissible under Rule 3 of the Code of Judicial Conduct, though I would plan to disclose it and see if it causes any concern to the opposing party. De minimis is defined to be an insignificant interest

that could not raise a reasonable question as to the judge's impartiality. If no reasonable person could construe it as having any affect upon a decision maker, and if the opposing party expresses no concerns, I would hear the matter.

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.

I am a member of Concordia Lodge #50 of the Masons, though I have not attended a meeting in years. Masons have been classified as a permissible fraternal organization to which judges may belong, based on the interpretation announced by our Supreme Court, as long as we do not hold offices. The term "invidious" connotes a malignant purpose that legitimate fraternal or sororal organizations do not have. I realize that judges cannot and should not participate in any group that practices or promotes invidious discrimination and must also avoid the appearance of impropriety.

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?

A judge should be polite, professional, and respectful of others at all times.

A judge is a judge twenty-four hours a 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.

Anger is not appropriate. There may be situations where a judge has to

be forceful in maintaining proper decorum, which can be misconstrued.

When people act in a contemptable manner in court and will not stop, a judge has an obligation to maintain order and decorum.

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

William Paul Keesley
Sworn to before me this ____ day of July, 2017.

(Signature)

(Print Name)
Notary Public for South Carolina
My commission expires: _____