



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

**Circuit Court  
(New Candidate)**

Full Name: Lisa G. Collins (Lisa Godwin Collins)

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1. Why do you want to serve as a Circuit Court judge? Throughout my career, I have established a reputation of being fair, fully prepared, and handling matters with the highest standards of integrity. I believe that I have a broad background of legal experience which will enable me to serve the citizens of South Carolina well as a Circuit Court Judge. I believe that serving as a Circuit Court Judge is a natural progression from my years of public service. I have practiced law for more than 30 years. I have represented the State of South Carolina as an Assistant Attorney General, an Assistant Solicitor, an Assistant Deputy Solicitor, and a Chief Deputy Solicitor. I have also served the citizens of York County by serving as Deputy Public Defender, representing clients who are indigent and charged with criminal offenses. I have served the citizens of Rock Hill as an Assistant Municipal Judge and the citizens of Fort Mill as Chief Municipal Judge. I have practiced civil law with a private law firm specializing in insurance defense law. As General Counsel for a state "watch dog" agency which ensures that the rights of foster children are protected, I worked tirelessly on behalf of foster children throughout the State of South Carolina. I believe in the justice system. I believe that the study of the law and to be a scholar of the law is the highest honor for anyone who has been afforded that opportunity.

I am grateful for that opportunity and I have been honored to be a public servant for the citizens of this state throughout most of my career. Many of my peers in the profession have honored me by stating that I am known to be independent and not allowing myself to be affected by the pressure of others in making decisions. I believe that this is a critical character trait required for any judge. As a child I learned from my parents, a farmer and a nurse, that it is imperative to be diligent and hard-working in any profession. I always strive to be neutral and fair and, most importantly, ethical. If elected, I will continue to serve the citizens of our state by serving as a Circuit Court Judge who is experienced, knowledgeable, fair and impartial, and who always strives to show respect to all parties who appear before me.

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?
  - (a) Yes – I am currently 55 years old.
  - (b) Yes – I have resided in South Carolina my entire lifetime, with the exception of 2 months in June and July of 1983 when I worked a summer job at a camp/conference center in North Carolina. I have continuously resided in South Carolina since August of 1983 to the present date.
  - (c) Yes, I have practiced law since 1986, for over 30 years.
  
5. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated?

Answer: Under the Canons of Judicial Conduct, *ex parte* communications are prohibited except in administrative matters such as scheduling. In that case, the content of the conversation should be immediately shared with the other party. However, personally I would take steps to avoid *ex parte* communications even in scheduling matters. I think in scheduling matters and assessing the length of time a matter may require, a scheduling conference could easily slip into substantive matters involving the issues involved and even the merits of the actions, and therefore should be strongly discouraged. Thus, I believe that every effort should be made to have representatives of both parties present in all conversations.
  
6. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you?

Answer: I would give great deference to a party that requested my recusal, unless I felt that the request was for unnecessary delay or for reasons that would result in injustice for the other party. Judicial Canon 1 requires that a judge shall uphold the integrity and independence of the judiciary. Correctly and sensitively handling requests for recusal is critical to upholding the independence of the judiciary. Judicial Canon 3 addresses disqualifications. If a party requested my recusal, I would

certainly put on the record the reasons stated by the party for the recusal request and I would ensure that my reasons for recusing myself or denying the request for recusal are fully stated on the record. I would give serious, careful consideration to any request for recusal and lean toward recusal to avoid the appearance of impropriety. In situations where lawyer-legislators appear before me, I would only recuse myself in the event I have a close, personal or former business relationship with such an attorney. Otherwise, all judges whom are elected by the Legislature would have to recuse themselves in all actions involving lawyer-legislators, and there would be no judge to preside over matters with them. As for former associates or law partners, I would make all parties aware of my former relationship or association with such attorneys, with details such as the length of the prior relationship/association, the nature of the relationship/association, and the number of years since the last involvement with the former associates or law partners. I would ensure that these matters are fully stated on the record. I would ask the parties if they object to my presiding over the matter, and if they did I would recuse myself from presiding over the action.

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?

Answer: I would give great deference to the party that requested my recusal. I would grant such a motion to avoid the appearance of impropriety as required by Judicial Canon 2.

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

Answer: I would recuse myself from presiding over any matter which involved the financial or social involvement of my spouse or a close relative. As a judge, I would work with my spouse to limit our financial and social involvements so that any such matters would be extremely limited in nature and quantity.

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

Answer: Again, I would err on the side of caution to avoid the appearance of impropriety. I would not accept any gifts at all. Although the rules do allow for gifts from close family members or friends that are tailored to the circumstances and the relationship, at this point in my life I am blessed to have everything I need so I would accept no gifts at all.

If a gift of food arrived at my office unsolicited, I would distribute it to court staff. I would not accept any social hospitality. I understand that the position of Circuit Court Judge will require sacrifices in this regard. However, my husband and I are "homebodies" who rarely attend social gatherings, although we are blessed to have many friends. The refusal of gifts and social hospitality is very important to limit the appearance of impropriety to encourage people to place trust in your ability to remain impartial. As such, I believe that it is critical that a judge err on the side of never accepting gifts and not accepting social hospitality. I would also instruct my family members as well as my staff to act in a similar fashion in this regard.

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?  
Answer: I believe that this question is addressed in the Code of Judicial Conduct and the Judicial Canons of Ethics. Canon 3(D) sets forth that, if you acquire information regarding such misconduct, that you should handle it appropriately by informing the appropriate authority. The commentary for the rules provides various options you may employ such as speaking privately to the attorney or fellow judge involved or reporting it to the appropriate disciplinary authority. However, where you actually gain direct personal knowledge of misconduct, I believe you should immediately report it to the appropriate disciplinary authority. I personally would have the principle and philosophy, if I were appointed to serve on the bench, to discourage other individuals from talking about matters involving other attorneys in my presence. I believe that is analogous to *ex parte* communications, because I believe that to discuss the behavior of an attorney appearing before me may have the danger of affecting my opinion regarding that attorney, even in an unintentional or subliminal way. Therefore, once appointed to the bench, I would strongly discourage others from discussing behavior of attorneys *ex parte* with me, and therefore I should only be aware of such matters of misconduct by my personal knowledge and would therefore take action accordingly. Canon 3(G) addresses circumstances in which a judge becomes aware of disability or impairment of a fellow judge or an attorney. If I have a reasonable belief that the performance of a fellow judge or an attorney is impaired, whether by the use of substances or by a mental, emotional or physical condition, I will take the appropriate action as set forth by Canon 3(G) by speaking privately to the fellow judge or attorney and by initiating a confidential referral to an appropriate attorney assistance program or judicial assistance program.

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.

Answer: No, I am not a member of any such organization or association. I will never be a member of any such organization or association, not only because it is prohibited by Judicial Canon 2(C) but also because I am personally opposed to such practices, prohibitions or limitations.

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

Answer: In 2011, as a member of the St. Anne Catholic School family, I assisted in fund-raising for the School's celebration of 60 years in education. My daughter was a student at St. Anne's during that time period. I served on the fund-raising committee. I also sent letters to local businesses encouraging them to support St. Anne's and to be listed as a "sponsor" of the school.

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

Answer: No.

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

Answer: I believe that this issue is addressed by the Code of Judicial Conduct. To receive a proposed order from one party who had not given the other party the opportunity to review the proposed order would constitute an *ex parte* communication. In either a conference call or an email to the attorneys for both parties, I would request the prevailing party to prepare a proposed order and to provide it to me under the same means of communication as they do to the other party. In other words, they should not deliver it to my office and then mail it to the other party, because there would be a time delay for the other party to submit objections or recommended changes. I would send an email to all parties with a deadline for the opposing party to submit requested changes to the language of the proposed order. I would also invite an opportunity for conference calls so there could be simultaneous discussion if there are any changes. Finally, I would personally review the proposed order and the objections raised by the other party and I would prepare the final order myself and have it filed with the Clerk of Court and a certified true copy of the order provided to both parties.

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

Answer: I believe that organization is certainly the key to meeting all deadlines. In my current position as Chief Deputy Solicitor for the Sixth Judicial Circuit, I am involved in managing my personal caseload of pending cases in addition to supervising all prosecutors in Lancaster County regarding their pending cases and deadlines. I also have to be mindful of the court schedule for Lancaster County as well as the entire Sixth Judicial Circuit. Therefore, I maintain several calendars which are coordinated with each other to ensure that trial and non-jury dockets are timely produced and distributed to all attorneys and court staff, as well as a personal calendar to ensure that I meet deadlines on my personal cases. I closely supervise the prosecutors in my office to ensure that they are also meeting deadlines on their cases. Thus, if elected, I would work with my Administrative Assistant and my Law Clerk to ensure that similar methods are used to ensure that we meet deadlines, as well to ensure that all attorneys who appear before us meet the deadlines I have set in providing requested briefs or proposed orders.

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

Answer: I think that all judges should strictly avoid "judicial activism". I believe that the role of judges should be to preside in a neutral, fair manner as to all cases before them, and make decisions in accordance with the Constitutions of the United States and South Carolina, the Code of Laws of South Carolina and case law set by our appellate courts. I do not feel that judges should have any effect in setting or promoting public policy, other than to promote the impartial, unbiased decision of all judges to ensure that justice is met in all cases in accord with being fair to all parties. For a judge to act or speak in any manner which could be interpreted as "judicial activism" or seeking to set or promote public policy would have the effect of providing an opportunity for a party to seek recusal by suggesting that the judge would not be able to be impartial or be able to set aside feelings the judge might have expressed. Such actions or words which could raise such issues and create circumstances requiring recusal should be avoided at all times and in all circumstances. Although some might believe that a judge could express such thoughts or feelings privately, such actions or words should be avoided even then. The prohibition of words or actions which could be interpreted as "judicial activism" or the promotion of public policy should be strictly avoided in public as well as private settings.

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?

Answer: As Chief Deputy Solicitor for the Sixth Judicial Circuit, I have worked very closely with my Circuit Solicitor to try to reduce the backlog in our pending criminal cases. I am proud to say that in the past two and one-half years, we have made great progress in reducing the backlog in our Circuit and specifically in Lancaster County. If elected, I would be willing to work long hours to provide full weeks of court so that as many matters can be moved during each term of court as possible. If appointed to serve as a Chief Administrative Judge for a circuit, I would work with court staff and attorneys to review and improve docket scheduling, conduct status conferences, establish motion practice, and utilize similar methods which can improve the efficient use of court time.

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?

Answer: I do feel that the pressure of serving as a judge would have the potential of straining personal relationships, including with my husband, my daughter, my friends or relatives. However, my family and I are prepared to make that sacrifice. I would take advantage of scheduled vacations and free time to reconnect with my family, including my husband, my daughter and my close relatives. I have served in extremely stressful positions during my years of public service, and as such my family and I have learned to stay close during stressful times. Communication with each other can overcome feelings of stress and isolation, and we would make every effort to ensure that we remain close and communicate our concerns and needs with each other.

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.

a. Repeat offenders: I think that certainly a judge should look very closely at the circumstances of the prior case(s) involving the defendant as well as the current case. The court should consider the delay between the two (or more) instances, and the court should consider the sentence that was given for each prior time, because obviously the prior sentence was insufficient to fully rehabilitate the offender. The court should consider whether the repeat offender has reoffended in the same category of crime or has a prior criminal record of other offenses. A judge should certainly consider what efforts the offender has made between offenses to be rehabilitated, outside of

requirements imposed by the court for prior sentences. Repeat offenders should be punished more harshly than first time offenders. If an offender has been given the opportunity to rehabilitate through a probationary sentence, the defendant should have made every effort to reform through that opportunity. It would be difficult for the repeat offender to expect further mercy from the court in the form of probation or a minimal sentence. However, the judge should also carefully consider mitigation presented on behalf of the defendant which may explain certain circumstances which have led to the defendant reoffending.

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

Answer: I recognize that the law provides for juvenile offenders to be treated as adult offenders if waived up to General Sessions Court. If the Family Court has waived a juvenile offender up to General Sessions Court under the factors set forth in Kent vs. the United States, then I would give great deference to considering those factors and treating the offender fully as an adult offender. However, once the decision has been made to waive a juvenile offender up to General Sessions court as an adult offender, I feel that a judge still has to consider the age of the offender at the time of the crime and their prior record in juvenile court. The court should consider what actions the Family Court took in regard to prior actions in which the juvenile offender appeared in Family Court. For example, did the Family Court place the child on probation or was the child sentenced to D.J.J.? As judge, I would need to consider what prior opportunities have been afforded to the juvenile offender to rehabilitate. I would also consider other mitigating factors that should be considered for any defendant, such as socioeconomic disadvantages, lack of family support or adult supervision, opportunities for education and training or the lack of such opportunities, and the impact of substance issues in the family and the opportunities given for the offender to rise above these conditions.

c. White collar criminals:

Answer: I feel very strongly that white collar criminals should be punished and that such criminals should be held accountable for their actions. While violent crimes are crimes which often directly impact an individual victim in a violent manner during a short period of time, white collar criminals often repeatedly offend over a long period of time and can harm not only an individual victim but many individuals who are impacted by the loss of a business. For example, as a prosecutor I had the opportunity to observe some citizens speak very eloquently to the court about the impact of white collar crimes on their entire business. It was a small business, and embezzlement by a trusted employee caused the entire business to fold. This crime affected not only the boss, the business owner, but also all of the individuals employed by the business as well as customers of the business who could no longer patronize that business. These victims told the court of the difficulties of seeking new employment, and the impact on their families, both in paying their bills to stay



in their homes and providing for their children's health and education. Their comments vividly reflected how white collar crimes can impact a large number of individuals. Although these crimes may not have the immediate intensity of a violent crime, they can deeply impact many citizens and families over a long period of time. Moreover, such crimes are often insidious in nature, happening covertly over a long time period by someone entrusted with the finances of a company. In some ways, the perpetration of such crimes which impact a large number of victims are thus as horrible as a sudden, rash, emotional act of violence which affects one individual. Thus, I believe that white collar crimes should not be "minimized" or dealt with lightly. Of course the court should consider if the conduct was an isolated incident or perpetrated numerous times over a lengthy period of time. I recognize that often these defendants are sentenced to probation so that restitution can be paid to the victims, and restitution is an important goal. However, the court should be willing to also sentence such offenders to prison time in lieu of restitution in appropriate cases, or if the defendant fails to comply with the conditions of probation which include the full payment of restitution.

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

Answer: I think that the court should consider in mitigation the Defendant's background, to include whether he or she comes from a socially and/or economically disadvantaged background. Both as a prosecutor and also as a defense attorney, I've been exposed to individuals who have overcome disadvantages in their background. Certainly those are matters that are often pointed out to the court in support of the individual, that he or she has been able to

rise above those circumstances. On the other hand, if they have not been afforded

those advantages through fate, and have suffered therefrom, I do believe that should be considered by the court in mitigation. The court should also consider whether a person who comes from a very advantageous background, has had a college education or other training to have an "honest" job, who has been afforded that opportunity and yet has turned to a life of crime – these are circumstances the court should consider.

e. Elderly defendants or those with some infirmity:

Answer: Again, I would consider the defendant's age and health in terms of mitigation and in fashioning the appropriate sentence, but these circumstances should not be allowed as an excuse to commit the crime. I have had the experience of many defendants who have had a debilitating accident and have become addicted to pain medicine, but this does not excuse the defendant seeking illegal drugs or obtaining them by fraud. That is a common occurrence in our state. It is an unfortunate occurrence, but again, it is not an excuse. I have had the benefit of being able to observe judges addressing

those types of situations which have been presented to them, both as a prosecutor and as a defense attorney. Certainly while it should be a consideration, both for mitigation and for deciding the correct sentence and conditions thereof, it should not be used as an excuse or treated as such.

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

Answer: 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?

Answer: I would not preside over such a case. The Code of Judicial Conduct does permit that if the amount is an insignificant amount such that it would not cause distrust or raise the appearance of impropriety, then recusal is not required. However, I believe that it is prudent to err on the side of caution, because there is some interpretation allowed in defining the terms "significant" and "de minimus". Therefore, I would recuse myself in such a case.

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

Answer: No.

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

Answer: Yes. (I have attached a copy of my reports for Continuing Legal Education hours during the last five years and for Judicial Continuing Legal Education hours during my time as Chief Municipal Judge for Fort Mill.)

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

Answer: I believe that every word and every gesture of a judge should be founded upon respect. Respect, first of all, for the office entrusted to him or to her, so that the judge always comes to court on time and fully prepared for the events and the matters before him or her that day. The judge should also show respect to the parties that appear before him or her. The judge should show respect for court personnel, and jurors who are called to serve. The court should not tolerate undue delays or lengthy breaks, or lengthy periods of time

without a break. I think that the judge should expect and require that all of the parties and court personnel also show respect to him or to her as well, because that is what the office entails. The judge must be able to firmly but patiently maintain control of the courtroom. I also feel that this respect should extend to enforcement of the laws as they have been passed by our Legislature, enforcing the decisions of our appellate courts, and ensuring that those laws and case precedent are applied appropriately in the cases before the court. Finally, at the end of the day, again, I believe that the judge should have respect enough for the position to go home and reflect upon the events of the day, to consider what did I do wrong, what can I do better, and then to get up the next day and do it better. I think if you begin every word and every gesture with respect, that everything else will follow, as for professionalism and courtesy both to and from the parties before you.

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?

Answer: I do not feel that it is ever appropriate for a judge to be angry with a member of the public, especially a criminal defendant. I also do not believe that anger is ever appropriate in dealing with attorneys or pro se litigants. If a judge expresses anger, a party could feel that the judge can no longer be impartial or fair. Therefore, it is critical that a judge never express anger to any litigants, parties, attorneys, witnesses, or criminal defendants appearing before him or her. Although this may be difficult at times, it is imperative that a judge not show anger.

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: \_\_\_\_\_

