



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

Circuit Court
(New Candidate)

Full Name: James Michael Morton

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1. Why do you want to serve as a Circuit Court judge?
I feel like I would be of great service to the public and the Bar. I would be fair and ethical, and would bring much courtroom experience to my duties.
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 have been a prosecutor and defense attorney and abhor *ex parte* communications, and would only permit for scheduling purposes.
6. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you? Always err on the side of caution. It is important to disclose to all parties, the potential conflicts and relationships, and allow the parties to make objections and arguments after full disclosure.
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?

More than likely I would recuse myself to avoid even an appearance of impropriety, but would carefully consider.

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 recuse myself immediately.
9. What standards would you set for yourself regarding the acceptance of gifts or social hospitality?
I would never accept gifts or social hospitality that is prohibited under the Judicial Canon of Ethics, and would follow full disclosure rules.
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?
Report to ODC immediately.
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. Yes, political campaigns, 501c(3) non-profits such as Hollings Cancer Center, Rock Hill YMCA, homeless shelters and medical clinics.
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 draft, review, supervise and authorize in conjunction with a law clerk.
15. If elected, what methods would you use to ensure that you and your staff meet deadlines? I would use a triplicate calendar system with a law clerk and secretary, as well as physical and computer calendars.
16. What is your philosophy on "judicial activism," and what effect should

judges have in setting or promoting public policy?

It is not the responsibility of judges to create policy. Judges, do however, have power to rule within the law.

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?
I would like to further advance the repeal of legislation regarding mandatory minimum sentences.
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? No, my two children will be in high school, and my wife only works part-time.
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: Would depend on previous offenses and level of misconduct that I was being asked to review.
 - b. Juveniles (that have been waived to the Circuit Court): Act in accordance with the law and consider all mitigating and aggravating factors, including age.
 - c. White collar criminals: I would consider all mitigating and aggravating factors.
 - d. Defendants with a socially and/or economically disadvantaged background: I would consider all mitigating and aggravating factors.
 - e. Elderly defendants or those with some infirmity: I would consider the nature of the offense, the likelihood of re-offending and rehabilitative prospects.
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? Calm, never strident; patient.
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? No; Never.

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: _____

