



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

Circuit Court
(New Candidate)

Full Name: Walton J. McLeod, IV

**Business Address: McLeod Law Group, LLC, 500 Taylor Street, Suite 404,
Columbia, SC 29201**

Business Telephone: 803-451-6057

1. Why do you want to serve as a Circuit Court judge?

I was fortunate in having the opportunity to work as a judicial law clerk in the Circuit Court after graduating law school. The year I spent in the court house and on the bench observing trials from the Judge's perspective, observing hearings and arguments, status conferences, and other meetings opened my eyes to the importance of our judiciary, and the jury system. Our access to the court system is our most important constitutional right. The only way anyone or any entity is held accountable by citizens comes via our judicial branch. I enjoy my work as an attorney helping people improve their lives, and many times the only way to help a client seek justice is through the judicial systems (or its availability). It would be a high honor to serve the State as a Circuit Court Judge and play a role in this indispensable branch of government.

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?

It is possible that I would return to private practice, but my intent would be to fulfill my term as a Circuit Court Judge, and reevaluate return to private practice before seeking another term.

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?

Generally, *ex parte* communications are not appropriate. Should the need to consider a TRO arise under Rule 65, then that would be a scenario in which *ex parte* communications could be tolerated. In that event, I would still make every effort to establish communications with either the other attorney or party prior to making such a ruling.

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 judge must determine if the case and parties create a situation in which his impartiality might reasonably be questioned. If a situation arose in which I owned property, had a joint financial interest, or was related by blood or marriage to any litigant or the litigant's attorney (whether lawyer-legislators, former associates, etc.), recusal would be appropriate.

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?

In the event that I disclosed something which had the appearance of bias, then I would grant the motion for recusal. If the appearance of bias is present, then it is reasonable that a judge's impartiality might be questioned and therefore warrant recusal.

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

The appearance of impropriety leads to the appearance that a Judge's impartiality might be reasonably questioned. As a judge, I would communicate this information to the parties along with my intent to recuse. Pursuant to Canon 3D, if the recusal was not based upon bias or prejudice, the parties and attorneys could all agree in writing that the relationship with my spouse or close relative was immaterial to the case. This would be a decision the parties and the attorneys could make, without any involvement from the Judge in making the decision.

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

I would not accept any gifts or hospitality to me, or to a member of my household, that could raise questions on my impartiality and reflect poorly on the integrity of the judicial office. I would also look to Canon 4 for guidance if ever in doubt.

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 made aware of conduct in violation of the Rules of Professional Conduct or the Rules of Judicial Conduct that raise a substantial question as to a person's honesty, trustworthiness, or fitness, then I am required to inform 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.

I have participated in fund raising for Indian Waters Council, Three Rivers District of the Boy Scouts of America and also for the Muscular Dystrophy Association in Columbia. I served as Chair of Finance Committee for the Three Rivers District in the Friends of Scouting Campaign, and participated in the MDA Lock Up locally to raise money for MDA. Through my involvement with the S.C. Bar Conventions Committee I have assisted the S.C. Bar Staff in contacting potential sponsors and exhibitors for the annual Bar Convention.

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?

Depending upon the nature and substance of the case I would draft my own orders, and request proposed orders from counsel for both parties.

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

I would employ the same practices used in a litigation practice, using

calendars (electronic and hardcopy) to keep apprised of any and all deadlines.

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

Public policy is drafted and implemented by the Legislative and Executive branches respectively. Judicial activism, in my opinion, is derived from the Judicial branch creating and imposing public policy. As a judge, I would look to the Constitution, Statutes, and Regulations to apply and uphold public policy.

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?

As an attorney, I have always found value is learning from sitting judges and justices and SC Bar CLE events. I would intend to also volunteer in this manner, by working with the SC Bar on programs like the SC Bar Convention, CLE Division, iCivics and mock trial programs to continue our profession’s outreach to judge, lawyers, and the general public.

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?

I think any job in the legal profession has the potential to contribute to strain outside the workplace. As I do now, I would communicate with my family to ensure we are working as team as best we can to minimize strain.

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:

The term itself has important meaning since a repeat offender has already been given a second chance by the justice system. While sentencing must always be approached by examining the facts of each case, a repeat offender is more likely to be incarcerated. Whether the crime is a violent offense or a property offense would be relevant to the level of sentence. We are a society of laws, and if a person habitually breaks the law, then there must be a consequence to hold the repeat offender accountable and protect the public.

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

The specific facts relating to the juvenile's charge must be examined. One consideration would be to determine if the offense is of violent nature or non-violent. The Court must examine the juveniles background, ascertain if there is a stable family structure in place, his or her past offenses, and whether the juvenile appears to be someone who could be successfully rehabilitated. Hopefully there is a reasonable path to redemption for the juvenile, but the juvenile must indicate a desire to do the right thing as well. While the hope would be to find a solution outside an extended prison sentence, if the facts surrounding the crime warrant a substantial sentence then it must be done.

c. White collar criminals:

While not violent in nature, white collar crime can still bring great harm to citizens, particularly their victims' financial well-being. White collar crime does not happen by accident and usually requires a great deal of thought in putting a criminal plan in motion. Such a defendant's background, previous history of other similar crimes should go into a judge's thought process of weighing a sentence. Just as our law and society do not tolerate violent crime, dishonest and fraudulent crimes must also have hard consequences to hold the wrongdoer accountable, and to send a clear message to any other plotting criminals that the law and justice system will not condone such conduct. In addition to restitution (as appropriate) a prison sentence is likely appropriate for such white collar crime.

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

As with all sentencing, the facts surrounding the charge must be closely examined. Is the Defendant trying to overcome the circumstances with which he is faced? His previous family, economic, and criminal history should be examined to gain a better perspective of the Defendant's life, but crime cannot be condoned by the court. Assuming the offense is non-violent, a non prison sentence can be considered. In the event of violent offense, absent any other defenses, a prison sentence would be appropriate.

e. Elderly defendants or those with some infirmity:

Assuming the offense is non-violent, and the Defendant's history does not indicate a high concern for the future, then a probation sentence could be appropriate. That said, if the defendant does not appear to grasp the gravity of the acts, has committed a violent offense, or other great harm, then a prison sentence could be appropriate. I would want to learn as much as possible about this family and home situation prior to making any sentence.

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?

I would disclose to the parties that I, or a family member, held a financial interest, even if that interest was so insignificant that it would not raise a reasonable question of impartiality. I would ask each attorney and litigant to concur as to whether the disclosed interest was indeed *de minimis* in their opinion. I would ensure that it was clearly evident that nothing more than a *de minimis* interest existed using Canon 3 as a guide.

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?

All judges swear the Attorneys Oath when admitted to practice law in this State. That oath includes a promise to maintain the respect and courtesy due to courts of justice, fairness, and also civility in all communications. Generally, the appropriate demeanor for a judge should always be one of civility. Exceptional circumstances can certainly arise, but a Judge's demeanor should strive to reflect positively upon the Courts, the State, and the legal profession.

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 has no place in open court, or in a Judge's interaction with attorneys or pro se litigants. Further, it is not appropriate to ever let one's anger cloud their judgment. A judge cannot allow himself to make decisions out of anger, which is very relevant to a criminal defendant

(who is perhaps facing sentencing. Let the Attorneys Oath serve as the guide. To be clear, a stern or emphatic conversation with an attorney or pro se is sometimes a very useful teaching tool when administering the court and litigation processes, but the stern and serious tone from the bench is not for expressing anger, but more so to keep the court operating in a civil and productive manner.

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: _____