



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

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

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

Since law school and especially since my time with the South Carolina Court of Appeals, I have fostered a passion for the academics of law. I have always been fascinated with legal research and writing and I love to discuss the meaning of statutory language and precedent with my peers. Academic judicial aspects of the practice law that many attorneys find tedious, I greatly enjoy. When that passion and interest is combined with a dedication to public service and great pride in my state, the best career path for me seems clear. I aspire to a lengthy judicial career and the opportunity to make this state proud of my service.

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

I would aspire to serve multiple terms in full if elected.

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

I do not presently have any aspirations toward private practice.

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?

Judicial Canon 3(B)(7) states unambiguously that “[a] judge shall not initiate, permit, or consider ex parte communications, or consider other communications made to the judge outside the presence of the parties concerning a pending or impending proceeding” (with some exceptions). I could only envision tolerating ex parte communications should an emergency present itself or other compelling circumstances and only with the express written or on record consent of all parties. Even then I would insist all communications be on the record.

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

I believe if there is even the potential appearance of a conflict, recusal is the best course. Obviously, this cannot mean recusal in every case where you may socially know a lawyer. If elected, there would be a small group of attorneys that I would likely recuse myself sua sponte from handling any of their cases. That is not to say that I would be unfair were they before me, but with a small number of attorneys I believe my close personal friendship could have the potential to create an improper appearance of bias. With others, I would make sure both parties are told of any social connection on the record and hopefully obtain consent to proceed from both parties. If any social or professional connection gives rise to a concern or objection from a party, I would lean heavily toward recusal, unless the objection is unreasonable, baseless, or made in bad faith. In any event, these issues should be addressed on the record as early in any proceeding as possible.

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?

Unless I believed the objection to be made in bad faith in the middle of a proceeding or to be wholly unsupported under any reasonable standard, I would lean heavily toward granting any motion for recusal which asserted a reasonable appearance of bias. Even if a judge knows he or she could rule impartially, it is best to avoid even the appearance of bias in a legal matter.

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 handle it in the same manner I would handle the appearance of impropriety regarding myself.

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

I would politely decline to accept any gift beyond small tokens like birthday cards, flowers in honor of a deceased, etc. Social hospitality with friends would be acceptable, but I would politely decline any invitation from an attorney or party with current business before me, especially if we did not have a previously established relationship. Any close social connection should be disclosed to opposing parties before the Court.

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?

These are very difficult situations, but any attorney (or judge) is required to report these situations.

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 a few events over the years (5K runs, dragon boat racing) which raised money for charitable organizations, like the Susan G. Komen Race for the Cure.

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

My wife and I currently rent out our first house. We hope to sell it soon, but would likely continue to rent it out for some period of time.

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

I would endeavor to draft as many orders myself as possible. The practice of having another draft an order for the Court must be done very cautiously and carefully.

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

I would utilize technology, such as outlook calendar and reminder functions. Old fashioned time management skills and work ethic are also important values in an office culture.

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

I believe that a judge is allowed to fully express his or her own opinions on public policy at the ballot box like any other citizen, but not in the courtroom. The role of a judge is to carry out the intent, as expressed in the plain meaning of statutes, of the legislative branch of government. As discussed during recent United States Supreme Court nomination processes, a judge who is properly doing their job is going to inevitably have to make a ruling that they absolutely do not like or agree with, because it is their job to apply the law no matter their personal beliefs. While perhaps demonstrative of a principled naiveté, I believe a good judge should endeavor to achieve professional non-partisanship.

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?

If elected, I would work in furtherance of current local experimentation with docket management in hopes of developing an improved system to address docket backlogs. In a more general sense, I think all attorneys best improve the legal system by advising and mentoring new attorneys.

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 do not feel that the pressure would cause strains. My current occupation has for years come with many similar stressors and I feel I and my family have developed fairly successful coping skills and work / life balance.

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:

While I believe a person should be given chances to correct criminal behavior and become a productive citizen, at some point they become a known danger to the community and, for the safety of the people of this state, should not be free to endanger the public. My current role at the Ninth Judicial Circuit Solicitor's Office is based heavily in identifying these offenders objectively and focusing on their assertive prosecution.

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

A string of recent United States Supreme Court cases, namely Roper v. Simmons, 543 U.S. 551, 125 S.Ct. 1183 (2005) and Miller v. Alabama, 567 U.S. 460, 132 S.Ct. 2455 (2012), and conforming South Carolina cases, such as Aiken v. Byars, 410 S.C. 534, 765 S.E.2d 572 (2014), have thoroughly articulated the special considerations mandated in considering the proper sentence of a juvenile offender. My personal philosophy comports with this precedent and the generally accepted scientific basis of juvenile mitigation.

c. White collar criminals:

While the lack of violence (typically) is a factor to be considered in white collar crime, I generally feel that white collar criminals can often be treated too leniently in our current criminal justice system. Every case has its own facts and circumstances, and there are many examples of white collar crime deserving of leniency, but there are also examples where the harm caused by the offender's criminal act is far greater than your average street crime and the damage done, often to working families, incalculable. I do not, in those cases, accept the philosophy that because the offense was committed with some degree of sophistication and not merely by brute force, it is deserving of automatic leniency.

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

I believe this is an important factor to consider in sentencing. Most criminal conduct arises from hopelessness and hopelessness is, in many situations, not merely an emotional condition, but an inescapable societal truth. I do not believe that a disadvantaged background drastically relieves a person of all criminal responsibility. That belief is an insult to the vast majority of people with social and economic disadvantages that live perfectly lawful existences in spite of them. Social disadvantage remains, however, an important factor to consider in sentence

mitigation.

- e. Elderly defendants or those with some infirmity:

Pragmatism and common sense must sometimes dictate sentencing results. In all but the most serious of offenses, sentencing an eighty-year-old with cancer to an active prison term is not a justifiable decision and serves little legitimate criminal justice interest.

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

No. I have a small state-managed 457 retirement account, but am not personally aware of the individual stocks and bonds each mutual fund accrues.

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. I would never knowingly hear a case where the outcome could benefit myself or my family financially, even by small amounts.

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 believe that a judge is doing his or her best work when silently listening. A judge's demeanor should be calm, respectful, polite, and quietly engaged. It is necessary for a judge, from time to time, to firmly and assertively gain control of his or her courtroom, but in my experience that can be done most effectively by a judge who is typically calm, polite, and respectful. Standards and norms regarding judicial conduct apply in the courtroom and out of the courtroom. Expectations are not relieved when the robe is removed.

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?

I think the likely hoped for response to this question is that anger is never appropriate. I have, however, seen circumstances where a judge, justifiably and effectively, utilized a raised voice and firm speech to gain control of situations that were getting out of hand. I would categorize this behavior more as firm assertiveness, not anger, but it is commonly necessary from the bench. To be clear, however, anger in the form of rage or unhinged behavior by a judge to anyone in the courtroom is never appropriate. Unless an extreme situation presents itself, every lawyer and member of the public before a judge, no matter the reason, should be treated with dignity and respect.

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

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

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print Name)  
Notary Public for South Carolina  
My Commission Expires: \_\_\_\_\_