



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?

After practicing law for almost twenty years and engaging in public service for eight years in the SC General Assembly, I would like to translate my experience and my love for public service in a judicial capacity as a fair and impartial jurist.

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?

Ex parte communications violate SC Rule 501 Canon 3 and shall never be permitted outside the presence of other parties concerning a pending or impending proceeding, except under certain enumerated exceptions. Indeed, as a practicing attorney, I have always copied all counsel of record at the same time and in the same manner as the court regarding substantive issues.

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

Canon 3 of the Rules of Judicial Conduct requires a judge to recuse himself of herself where a judge has a personal bias or prejudice concerning a party or a party's lawyer or personal knowledge of disputed evidentiary facts concerning a proceeding. Canon 3 also requires judges to recuse themselves if a lawyer with whom he or she was previously associated with had such matter when the judge was associated with the firm. Thus, if a judge has some particular knowledge or bias concerning a particular proceeding, he or she is required to recuse himself or herself.

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?

Canon 3 of the Rules of Judicial Conduct says that a judge shall disqualify himself of herself in a proceeding in which the judge's impartiality might reasonably be questioned. I would, therefore, recuse myself under such circumstances.

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

Canon 3 of the Rules of Judicial Conduct says that a judge shall disqualify himself of herself in a proceeding in which the judge's impartiality might reasonably be questioned. I would, therefore, recuse myself under such circumstances.

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

Canon 4 of the Rules of Judicial Conduct allows a judge to accept travel and lodging to speak at conferences and also allows small gifts incident to speaking engagements. I would comply with those standards outlined in Canon 4.

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?

The Canons of Judicial Conduct require a judge to take action intended

and reasonably likely to help the judge or attorney in question address the problem and prevent harm to the justice system. I would personally speak to said person in privacy to determine the circumstances surrounding the infirmity. If appropriate, I would refer that person to Lawyers Helping Lawyers.

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.

In the past, I have engaged in fundraising activities for my South Carolina House Seat and for an unsuccessful run for Congress in 2016; however, I have not engaged in any such activity since announcing my candidacy to JMSC.

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 ask the parties to submit proposed orders in word format for ease of modification and revision.

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

As a federal law clerk we had a calendar and certain reports setting forth the ages of the cases/motions on the docket. I will follow the outlines set out by Court Administration to promptly and efficiently issue orders and dispose of motions. As a practicing attorney, I understand that a delay in a ruling can cost a client time and money. If elected, I will be diligent and considerate of the litigants in my court in issuing rulings in a timely fashion.

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

As a former member of the General Assembly, I have a unique perspective on the separation of powers among the Legislative, Executive, and Judicial branches of government. It is the Legislature’s sole responsibility to pass laws, while it is the Judiciary’s duty to interpret those laws based upon legislative intent. As a jurist, I will interpret the state laws as passed by the legislature and follow the rule of law in all my decisions.

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 intend to accept invitations by members of the bar, the public, and educational institutions to discuss our legal system of justice.

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.

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.

Considering the significant cost to taxpayers to house inmates, the role of the judge is to consider all relevant factors to mete out the appropriate sentence by taking into account the competing needs of protecting society from dangerous individuals and recognizing the opportunity to allow an offender to rehabilitate himself or herself.

- a. Repeat offenders: These offenders often pose the greatest risk of harm to the community so that stiffer penalties may be appropriate.
- b. Juveniles (that have been waived to the Circuit Court): Having represented juveniles as a guardian ad litem, often these children

are in the DSS system and have suffered some form of abuse and/or neglect. I will take all those background factors in sentencing juveniles.

- c. White collar criminals: With the advent of technology, financial crimes can cause great harm to society and should be punished accordingly.
- d. Defendants with a socially and/or economically disadvantaged background: In sentencing, all social and economic adversity should be considered by the judge on imposing sentences in such cases. This would include defendants who suffer from addiction and substance abuse. Treatment of substance abuse should be a central part of the sentence.
- e. Elderly defendants or those with some infirmity: Having personal experience with dealing with dementia of loved ones, I understand the helplessness a family might feel when a mentally ill person commits a crime. An offender who is guilty but mentally ill should receive services while in the care of Department of Mental Health.

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?

While Cannon 3 of the Rules of Judicial Conduct allows for a judge to hear matters that he or she or a member of their immediate family have only a *de minimis* financial interest, I would not proceed to hear any matters in those cases unless and until that *de minimis* interest is fully disclosed to the litigants so they can decide if they wish to seek disqualification.

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 was fortunate early in my career to clerk for U.S. District Judge Margaret B. Seymour who epitomizes one of the finest examples of a calm and even judicial demeanor. If elected judge, I will hold myself to Judge Seymour's standard for dealing with lawyers, litigants, defendants, and the public.

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?

Canon 3 of the Rules of Judicial Conduct requires a judge to be patient, dignified and courteous to litigants, jurors, witnesses, lawyers, and others with whom the judge deals in an official capacity, and the judge shall require similar decorum of those who appear in his or her courtroom. Further, the judge should set the standard for conduct of all those who appear before him or her.

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: _____