



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

Family Court
(New Candidate)

Full Name: Edgar Robert Donnald, Jr.

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1. Why do you want to serve as a Family Court Judge?

I possess the common sense and courtroom experience to achieve equitable results and to assist the parties with the treacheries of marital litigation. I also believe that I have the experience and unique perspective to help seek fair and safe outcomes in child abuse and neglect cases.

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 statutory 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?

My philosophy is that *ex parte* communication is not proper regarding any facts that may be heard and ruled upon by that Judge. I do believe that certain *ex parte* communication may be necessary when an emergency situation arises that needs to be dealt with on an expedited basis, but only when the safety of one of the litigants or a child is at issue.

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 that a judge should recuse themselves whenever there may exist bias or the appearance of impropriety. In the case of lawyer-legislators, former associates, or law partners, I believe that all such relationships should be placed on the record, and all parties allowed to state their objection or allegations of potential bias. If any party objects, then the judge should be recused.

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?

I would give deference to the party requesting recusal and would grant the motion.

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 have all such relationships should placed on the record, and any party would be allowed to state their objection or allegations of potential bias. If any party objects, then I would recuse myself.

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

I would not accept any gifts or allow social hospitalities that have the mere appearance of attempting to curry favor or gain undue influence.

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?

Rule 8.3 of the South Carolina Appellate Court rules requires that a lawyer who knows that another lawyer or Judge has committed a violation of the Rules of Professional Conduct that raises a substantial question as to that lawyer's honesty, trustworthiness or fitness as a lawyer in other respects, shall inform the appropriate professional authority.

I would follow the rule and inform the appropriate professional 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 engaged in fundraising activities with the Rotary Club of Sumter-Palmetto. The funds that were raised were used for collegiate scholarships.

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

No.

14. Since family court judges do not have law clerks, how would you handle the drafting of orders?

I would attempt to prepare as many orders myself as possible. In the event that time prohibits such preparation, I would have the prevailing party draft a proposed order to be approved by all other parties.

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

I would institute a calendaring system whereby myself and my administrative assistant would keep separate timelines and ticklers to ensure that orders were prepared and issued promptly and that matters would not remain under advisement for undue periods of time.

16. If elected, what specific actions or steps would you take to ensure that the guidelines of the Guardian Ad Litem statutes are followed during the pendency of a case?

I would ensure that the Guardian ad litem is allowed to conduct a fair and impartial investigation into the welfare of the child and would

work to insure that the guardian is free from influence to report their findings and advocate for the best interests of the child.

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

I do not believe in judicial activism. I believe that separation of powers is fundamental for a properly functioning democratic republic; and as such, I believe that only the Legislative branch has the power to create laws. I believe that a family court judge is limited to interpretation of those laws; and only where the interpretation has not been settled by the appellate courts or constitutional amendment.

18. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. What activities would you plan to undertake to further this improvement of the legal system?

I believe that the Family Court is uniquely situated to address the cycle of poverty at its initiation. Often the first stop to seek responsibility for unwed and single parents is through the Family Court child support system. Too often, it is a Family Court judge that determines paternity and forces the payment of support. I would like to see a program that would bring awareness to this problem and to educate the community about the economic disadvantage into which these children are placed.

19. 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 plan to address this?

Although there is no question that the pressures of being a family court judge could strain personal relationships, I do not believe that the strain would be excessively more than the general practice of law or my current position of Assistant Solicitor. However, I would endeavor to keep lines of communication open with those close to me and encourage them to freely express their opinion as to whether the job is affecting such relationships.

20. Would you give any special considerations to a *pro se* litigant in family court?

I believe that a *pro se* litigant should be held to the same standard regarding the Rules of Court and Rules of Evidence as an attorney. I

would only give special consideration in the event that I believed that an extreme injustice would result without special consideration.

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

No.

22. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved?

Even if a member of my family holds a trivial interest, or an interest that is too minor to merit consideration, I still believe that all such relationships should be clearly enunciated on the record, and if a party has any objection, I would recuse myself.

23. 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.

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

Yes.

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

I believe that a judge should be calm, patient, and impartial at all times. I do not believe that a member of the bar should ever attack another attorney for advocating their client's position, and I do not believe that such personal attacks should be allowed in the courtroom or elsewhere.

26. Do you feel that it is ever appropriate to be angry with a member of the public who would appear before you, especially with a criminal defendant? Is anger ever appropriate in dealing with attorneys or a pro se litigant?

It is inappropriate to ever act or rule out of anger in a professional legal setting. Justice requires calm, dispassionate consideration, and emotions such as anger result in improper and unfair rulings.

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: _____