**Judicial Merit Selection Commission**

**Questionnaire of Members of the Bench and Bar,**

**and Clerks of Court**

Thank you for your participation and assistance with this questionnaire. Your responses will be kept strictly confidential. Please respond to this questionnaire by **Noon, Thursday, September 29, 2011. PLEASE NOTE THIS COMMISSION WILL NOT UTILIZE RESPONSES TO THIS QUESTIONNAIRE AS A FORMAL COMPLAINT.** If you wish to testify concerning an area of concern about a candidate, you must file a formal complaint with the Commission on or before **Noon, Wednesday, November 2, 2011**. You can contact the Commission staff at (803) 212-6623 to request a complaint affidavit. Your completed questionnaire may be mailed to the following address: P.O. Box 142, Columbia, S.C. 29202 or e-mailed to [jms@scsenate.gov](mailto:jms@scsenate.gov).

**Candidate’s Name:**

1. Do you personally know the candidate listed above?

If so, how long have you known the candidate and in what capacity?

Please continue with this questionnaire if you know the candidate personally or if you know of the candidate's reputation. Use an attached page if you need more space.

2. **Character:**

Does the candidate have the ability to perform adjudicative duties impartially and to deal with litigants, lawyers, witnesses, and other courtroom participants objectively and without bias? If not, please elaborate.

If the candidate is currently a member of the judiciary: Are you personally aware of any situations in which there was impropriety, or the appearance of impropriety or partiality, in the candidate's conduct? Examples of improper conduct or conduct that could raise an appearance of impropriety might include asking for letters of recommendation from attorneys who regularly appear before the candidate, improper acceptance of gifts, misuse of judicial office, improper ex parte communication, or failure to recuse him- or herself in a matter where there is a personal or financial conflict of interest. If you know of such conduct, please describe.

If the candidate is currently practicing law: Are you personally aware of any situation in which the candidate has not complied with the South Carolina Rules of Professional Conduct? If so, please describe.

3. **Professional and Academic Ability**:

Does the candidate have the intellectual capacity to interpret legal principles, apply them to specific factual situations, and clearly and logically communicate the reasoning leading up to his or her conclusion? If not, please elaborate.

4. **Experience**:

If the candidate is currently a member of the judiciary: What are the candidate's strengths and weaknesses as a member of the judiciary? Include any personality traits or habits that impact positively or negatively the candidate's conduct on the bench.

If the candidate is currently practicing law: What are the strengths and weaknesses of the candidate's practice of law? Include any personality traits or habits that impact positively or negatively the candidate's practice of law.

5. **Judicial Temperament**:

Among the qualities that comprise outstanding judicial temperament are patience, open-mindedness, courtesy, tact, firmness, understanding, compassion, humility, and an ability to relate well to others. Do you believe the candidate has these qualities and the ability to consistently exhibit exemplary judicial temperament? If not, please elaborate.

6. **Diligence and Industry**:

Is the candidate self-disciplined, punctual, attentive, and diligent? Please elaborate if you believe the candidate needs improvement in one or more of these areas.

Do you believe the candidate can balance the personal demands of family and outside interests with the rigors of service on the bench? If not, please elaborate.

7. **Mental and Physical Capabilities**:

To your knowledge, does the candidate use illegal drugs? If so, give details.

8. **Financial Responsibility**:

Does the candidate have any economic interest, or perhaps a troubled financial status, which has, or might in the future, pose a conflict of interest dilemma in a matter or with a party before him or her on the bench? If so, please describe.

9. **Public Service**:

Please describe the candidate's involvement in community affairs, public office, or pro bono service.

10. **Ethical Fitness**:

Are you aware of any criminal laws, other than traffic violations which do not carry a possible suspension or revocation of the offender's license to drive, the candidate has violated? If so, give details.

If you are familiar with the campaigning the candidate has done for this election, please describe the activities the candidate has undertaken.

11. Please comment on any other positive or negative factors the General Assembly should consider in its screening of this candidate for judicial office.