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PUBLIC HEARINGS

December 02, 2020

Judicial Merit Selection Commission

REPORTER: Jennifer Nottle

1 STATE OF SOUTH CAROLINA)

2 COUNTY OF RICHLAND)

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5 JUDICIAL MERIT SELECTION COMMISSION

6 TRANSCRIPT OF PUBLIC HEARINGS

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8 BEFORE: SENATOR LUKE A. RANKIN, CHAIRMAN

9 REPRESENTATIVE G. MURRELL SMITH, JR., V. CHAIRMAN

10 SENATOR RONNIE A. SABB

11 SENATOR SCOTT TALLEY

12 REPRESENTATIVE J. TODD RUTHERFORD

13 MS. HOPE BLACKLEY-LOGAN

14 REPRESENTATIVE CHRIS MURPHY

15 MR. J.P. "PETE" STROM

16 MS. LUCY GREY MCIVER

17 MR. ANDREW N. SAFRAN

18 MS. ERIN CRAWFORD, CHIEF COUNSEL

19 * * * * *

20 DATE: December 2, 2020

21 TIME: 12:00 p.m.

22 LOCATION: Gressette Building

23 1101 Pendleton Street

24 Columbia, South Carolina 29201

25 REPORTED BY: JENNIFER NOTTLE, COURT REPORTER

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1 CHAIRMAN RANKIN: We're going to go into Executive
2 Session on the motion of Pete Strom, seconded by
3 Representative Murphy.

4 EXECUTIVE SESSION

5 CHAIRMAN RANKIN: We are back on the record and
6 during executive session, no votes were taken,
7 no decisions made. We will proceed to the next
8 candidate.

9 (Off the Record)

10 CHAIRMAN RANKIN: We will get started now. Had a
11 little housekeeping to keep up -- or to take
12 care over there with these House members. Mr.
13 Rhoden, if you will, raise your right hand.

14 ROBERT "ROB" RHODEN, having been duly sworn,
15 testifies as follows:

16 CHAIRMAN RANKIN: You have before you your PDQ and
17 your Sworn Statement. Are those ready to go in
18 the record as is?

19 MR. RHODEN: Yes, sir.

20 CHAIRMAN RANKIN: All right. If you'll hand those to
21 Caroline to your right. You are aware of our
22 process in investigating your candidacy, the
23 nine evaluative criteria. We also look at your
24 ballot box survey, a study of your application
25 materials, verification of compliance with the

1 state ethic laws, a search of newspaper articles
2 in which your name appears. You have never
3 screened before, or have you?

4 (Exhibit Number 3 was marked for identification
5 purposes - (15 pages) Personal Data Questionnaire for
6 Robert "Rob" Rhoden.)

7 (Exhibit Number 4 was marked for identification
8 purposes - (8 pages) Sworn Statement of Robert "Rob"
9 Rhoden.)

10 MR. RHODEN: No, sir.

11 CHAIRMAN RANKIN: Okay. And a check for economic
12 conflicts of interest. No affidavits have been
13 filed in opposition to your campaign. No
14 witnesses are here to testify for you or agin
15 you. You have the opportunity to make a brief
16 opening statement if you like. Otherwise, we'll
17 turn it over for questions by our staff.

18 MR. RHODEN: Well, for those who don't know me, I'm
19 Rob Rhoden. I've been in government practice in
20 Spartanburg for 20 years. I've been married to
21 my wife, Laura for 22. She's a full professor
22 at Wofford. We have two kids, 16 and 13, and I
23 look forward to your questions.

24 CHAIRMAN RANKIN: Very good. All right. Ms. Ross
25 has got some for you, and then others may as

1 well.

2 MR. RHODEN - EXAMINATION BY MS. ROSS:

3 Q. Hey, Mr. Rhoden. How you doing?

4 A. Good.

5 Q. Mr. Rhoden, please state for the record the city
6 and circuit in which you reside.

7 A. I live in Spartanburg, in the Seventh Judicial
8 Circuit.

9 MS. ROSS: Mr. Chairman, I note for the record that
10 based on the testimony contained in the
11 candidate's PDQ, which has been included in the
12 record with the candidate's consent, Robert
13 Rhoden meets the statutory requirements for this
14 position regarding age, residence and years of
15 practice.

16 Q. Mr. Rhoden, why do you want to serve as a family
17 court judge, and why do you feel that your legal
18 and professional experience qualify and will
19 assist you to be an effective judge?

20 A. That's a big question. Let me start with the
21 first part, why I want to. What I really want
22 is for Judge Fraley and Judge Sinclair to have
23 never left the bench because I really enjoyed
24 them. But things change, somebody needs to pick
25 up the baton. I think my experience has

1 prepared me. It's something that would be a
2 tremendous opportunity and a challenge as far as
3 my personal growth is concerned. And in some
4 ways a next step, maybe, in my career, which has
5 all been in public service. As far as how my
6 experience has prepared me -- so I spent the
7 first seven years there as an assistant
8 solicitor under Trey Gowdy and Barry Barnette in
9 Spartanburg. I started off doing drug cases,
10 white collar cases, progressed to -- as part of
11 that doing drug court cases and eventually our
12 juvenile case load for a couple of years. Over
13 two years as a juvenile prosecutor there and
14 then I transferred to DSS, where I've been for
15 almost 13 years now. I have handled thousands
16 of family court cases. I've probably tried or
17 had contested hearings in a couple of hundred
18 cases. So I've been immersed in family court
19 for the last 15 years, approximately. I think
20 specifically how all that's prepared me -- while
21 I was at the solicitor's office, I think I
22 learned three major things: how to try a case,
23 the importance of being prepared for court and
24 the importance of treating everyone with respect
25 and integrity and dealing with people on the

1 high side of fair. And then, with the busyness
2 of the juvenile docket in Spartanburg and then
3 the DSS docket in Spartanburg, I've learned how
4 to handle tremendous volume, important cases
5 under pressure. I've done cases both juvenile
6 and DSS 25-case dockets all day, by myself.
7 I've done that in Spartanburg and Cherokee. So
8 I know the rules, I know how to try a case. I
9 have the -- I think both the tunnel vision to
10 dig into any particular case as deep as I need
11 to go, and then also with my experience in the
12 system, I think I have the panoramic vision to
13 understand the importance of moving cases,
14 keeping the system moving. So I think those are
15 some of the qualities that would help me. And
16 then with all of it I think there are two big
17 questions that go into what makes an effective
18 judge or an effective candidate. I think one
19 is, is this person intelligent and capable and
20 experienced enough to do the job, but then also,
21 if this person had the authority and discretion
22 of a family court judge, would they increase
23 confidence in the integrity and efficacy of the
24 judicial system. And, you know, for 20 years
25 now I've gotten up every day, I've gone to court

1 on behalf of the State. And so I think that
2 gives me confidence and I hope it gives others
3 confidence that I'll treat people well, that
4 what's important is increasing confidence in our
5 system. And I've tried to do that, I hope,
6 every day that I've gone to work on behalf of
7 the State for the last 20 years.

8 Q. **Thank you. Are there any areas of law for which**
9 **you would need additional preparation in order**
10 **to serve as a family court judge, and how would**
11 **you handle that additional preparation?**

12 A. The two main areas that I would need to
13 strengthen are alimony and equitable
14 apportionment or distribution. And I didn't say
15 divorce in that because I've actually been a
16 part of a lot of domestic hearings that have
17 looped into DSS cases, dozens, where DSS is
18 named as a party initially in the domestic
19 cases. But what I haven't done specifically is
20 get involved in the alimony and equitable
21 distribution. So what I would do to prepare for
22 that is things I've already done, which is
23 study, read the statutes, read the case law.
24 When I became a candidate, I started reading all
25 the published opinions over the last couple of

1 years. I've read every published family court
2 opinion in the last two years. I've outlined
3 them, made notes on them, got them in a binder,
4 my notes and my outlines. And so I treat it as
5 a Bar exam, basically, to familiarize myself
6 with those things. And I've talked to judges.
7 I've talked to practitioners. I would continue
8 to. If this goes forward, I will go and sit
9 more in court and watch and continue to question
10 presiding judges about those things. And so
11 it's like anything else that we've done, we
12 study, we get good at it, and it comes with the
13 experience. But I think those are the two
14 areas, but I think all the other areas I feel
15 pretty good about.

16 Q. **This kind of touches on that. So just if you**
17 **want to expand on it at all for this question.**
18 **If you could, describe your experience in**
19 **handling complex contested family court matter**
20 **and specifically discuss your experience with**
21 **the financial aspects of family court work.**

22 A. I mean, so the complex cases -- I could argue
23 that almost any DSS case is complex, because it
24 deals with abuse and neglect and custody and
25 child support and visitation. Termination of

1 parental rights tend to be complex. I've been a
2 part of -- gosh, I've done multi-day sex abuse
3 cases. I've done multi-day TPR cases. I've
4 been looped in to hybrid DSS domestic cases. In
5 fact, I think the one case that I handled -- I
6 handle our appellate work with our office as
7 well. I think my reported case came out of a
8 complex domestic DSS case, so I handle routinely
9 complex cases. Child support's always a part of
10 those. I have not directly myself handled the
11 financial aspects as far as having to determine
12 alimony or equitable distribution. Again,
13 that's what I'm studying.

14 Q. **Thank you. Mr. Rhoden, the Commission received**
15 **138 ballot box surveys regarding you with 22**
16 **additional comments. The ballot box survey, for**
17 **example, contained the following positive**
18 **comments: "Would be an excellent addition to**
19 **the judiciary. Mr. Rhoden is exemplary."**
20 **"Extremely knowledgeable and well respected by**
21 **his peers. I have worked with Rob for over 11**
22 **years on the opposite side of the courtroom. I**
23 **recommend him without reservation. He has the**
24 **temperament and experience to make an**
25 **outstanding family court judge. His honesty,**

1 **ethics and integrity are beyond reproach." Nine**
2 **of the written comments expressed concerns.**
3 **Several of those comments indicated that you**
4 **lack experience with private family court**
5 **matters. I know you've kind of discussed this,**
6 **but is there anything else you want to respond**
7 **with for that concern?**

8 A. I think -- so that's probably coming from people
9 who do more of the private side. And I would
10 say, with respect to them, that they may not
11 know just how often we're looped in now,
12 especially I think -- I noticed kind of a shift
13 after the recession ended around 2012, 2013,
14 where it became more and more routine for us to
15 get named as a party in domestic cases. And so
16 I started handling -- going to court on more of
17 those around that time. I would say that also
18 the public docket, at least in Spartanburg, I
19 think, consumes more time than the private
20 docket now. There are more, I think, public
21 cases than private cases. So I have
22 acknowledged their concern about that, and I
23 would say that I'm actually very familiar with
24 the private docket because I've done the cases.
25 I've attended mediations, depositions,

1 settlement conferences, hearings. I've been a
2 part of all that. So some may not know that.
3 And the things that I don't know, I would use my
4 training, my background, my experience to study
5 it, pick it up and do the very best I could with
6 it.

7 **Q. Thank you. A few comments raised the concern**
8 **that you've not responsive to calls and emails**
9 **in a timely manner, and how do you respond to**
10 **this concern?**

11 A. I would say that I'm sorry I gave anyone that
12 impression. We're in court a lot. I don't know
13 when -- what period they're referring to. If
14 that may have been on their minds during the
15 pandemic -- we've been working at home since mid
16 March, so I don't know what time frame or if
17 that's just something in general, but we're in
18 court a lot. And I do try to be responsive to
19 calls and emails. It's not uncommon to get over
20 50 emails a day at DSS, and also when I'm not in
21 court I'm staffing cases, dealing with
22 emergencies, new protective custody cases, new
23 requests for ex parte removals, new requests for
24 inspection warrants. So there may be times
25 where what's urgent to the caller is

1 unfortunately not as urgent to me because we
2 sometimes deal with truly urgent things. But I
3 do -- you know, to the best of my knowledge, I
4 do return calls and emails. It may just
5 unfortunately not be on some people's time frame
6 sometimes based on what we have to deal with,
7 but I am sorry that anybody felt that way.

8 MS. ROSS: I would note that the Upstate Citizens
9 Committee found Mr. Rhoden qualified in the
10 evaluative criteria of constitutional
11 qualifications, physical health and mental
12 stability. And they found him well qualified in
13 the evaluative criteria of ethical fitness,
14 professional and academic ability, character,
15 reputation, experience and judicial temperament.

16 Q. **I just have a few housekeeping issues, Mr.**
17 **Rhoden. Are you aware that as a judicial**
18 **candidate you are bound by the Code of Judicial**
19 **Conduct as found in Rule 501 of the South**
20 **Carolina Appellate Rules?**

21 A. Yes, ma'am.

22 Q. **And since submitting your Letter of Intent, have**
23 **you contacted any members of the Commission**
24 **about your candidacy?**

25 A. No, ma'am.

1 Q. Are you familiar with Section 2-19-70, including
2 the limitations on contacting members of the
3 General Assembly regarding your screening?

4 A. Yes, ma'am.

5 Q. Since submitting your Letter of Intent, have you
6 sought or received the pledge of any legislator,
7 either prior to this date or pending the outcome
8 of your screening?

9 A. No, ma'am.

10 Q. Have you asked any third parties to contact
11 members of the General Assembly on your behalf,
12 or are you aware of anyone attempting to
13 intervene in this process on your behalf?

14 A. No, ma'am.

15 Q. And have you reviewed, and do you understand,
16 the Commission's guidelines on pledging in South
17 Carolina Code § 2-19-70(E)?

18 A. Yes, ma'am.

19 MS. ROSS: I would just note for the record that any
20 concerns raised during the investigation
21 regarding the candidate were incorporated into
22 the questioning of the candidate today, and I
23 have no further questions.

24 CHAIRMAN RANKIN: Okay. Thank you. Questions from
25 Mr. Safran.

1 MR. RHODEN - EXAMINATION BY MR. SAFRAN:

2 MR. SAFRAN: Thank you, Mr. Chairman.

3 Q. Mr. Rhoden, first of all, good afternoon.

4 A. Good afternoon.

5 Q. And let me say this. I think you handle
6 yourself with composure. I have no reason to
7 question at all based on what I'm reading that
8 you are a good person and that a lot of people
9 hold you in high regard. And I see no reason
10 why anybody would think otherwise, frankly. Let
11 me ask this. You brought this up earlier in
12 your responses that, I guess, you held out
13 Judges Sinclair and Fraley as being models of
14 kind of what you look for in a judge and what
15 you've been very pleased with in the time you've
16 been handling cases in that area; is that fair?

17 A. Yes, sir, they're both excellent judges.

18 Q. Well, and let me ask you this. Would you agree
19 with me that some of the -- maybe some of the
20 greatest attributes that both of them have were
21 their empathy, not just to the litigants but to
22 the litigators too?

23 A. Yes, sir.

24 Q. I mean, they were pretty down to earth type of
25 folks?

1 A. Yes, sir.

2 Q. All right. And again, they tried to remedy or,
3 I guess, reach remedies a lot of times maybe
4 without always staying completely within the
5 boxes. I mean --

6 A. I think that's true of any family court judge,
7 really. I mean, it's a court of equity, so you
8 get -- there's a lot of discretion, a lot of
9 creativity, to deal with some of the problems we
10 deal with, but, yes, sir.

11 Q. Well, and I think basically your comments are
12 shared by what I recall seeing in the past when
13 they would come up here and be in the same spot
14 you are. And the ballot boxes would be saying
15 so many, just, commendable things about them,
16 that they were just models to be in front of.
17 And I think with Judge Sinclair, the last time
18 he was here, we were more of less bragging on
19 him and holding him out as being just exemplary,
20 because time wasn't an issue. It was always a
21 matter of whatever the people needed, I'm going
22 to make myself available. Is that kind of your
23 attitude?

24 A. Yes, sir. I mean, I think that, you know, Judge
25 Sinclair, Judge Fraley both worked very hard and

1 yet they also tend to finish on time too, but
2 whatever it takes. I mean, I'm not sure if I
3 fully understand the question.

4 **Q.** No. And I guess what I'm getting at is this.
5 I've heard a couple of things before that more
6 or less kind of talked about, hey, I know that
7 I'm kind of maybe lacking in some areas of
8 experience, particularly with the equitable
9 distribution, with the custody issues because of
10 my focus of my practice. And I know you've said
11 I'm kind of wrapped into those things as being
12 also --

13 A. Well, and I don't mean to --

14 **Q.** **Sure.**

15 A. -- correct you, but not custody, because we deal
16 with custody all the time.

17 **Q.** **Oh, okay.**

18 A. So it's just the equitable distribution and
19 alimony.

20 **Q.** **Okay. Excuse me, alimony.**

21 A. Yes, sir.

22 **Q.** And I guess my thought is -- along those lines
23 is this, you also kind of made the comment that
24 I'm going to have to kind of treat this like a
25 Bar exam in terms of what I have to do to make

1 myself proficient; was that --

2 A. That's what I said, yes, sir.

3 Q. Okay.

4 A. That's what I've been doing.

5 Q. And I guess the question is this, obviously we
6 all passed the Bar, and that makes us lawyers.
7 From my personal experience I reflect back and
8 realize that after passing the Bar exam I might
9 have been admitted to practice, but I knew
10 nothing about being a lawyer and how to practice
11 law in the state. And obviously over a period
12 of time that is something that's developed based
13 upon your experience. And I'm sure you have
14 used your particular paths that you've gone in
15 order to gain some experience, because it
16 certainly reflects in the comments. I mean, you
17 would agree with me on that?

18 A. Yes, sir.

19 Q. I guess the question I've got is, is that when
20 you're dealing with cases -- and let's just talk
21 about those two areas we mentioned, the alimony
22 and the equitable distribution. There are
23 substantial issues in every family court case,
24 but to varying degrees. How is it that you can
25 maybe have the empathy of someone like a Judge

1 **Sinclair and the understanding of kind of what**
2 **the actual practice of law involves if your only**
3 **client for 20 years has been the State of South**
4 **Carolina?**

5 A. Because for the last 15, as I've said, I've been
6 immersed in family court and had interactions
7 with my colleagues who are also on the private
8 side and chatted with them in the hallways,
9 soaked up some of that. Having empathy as far
10 as understanding the people who come into family
11 court, they want the judge to listen to them,
12 they want to be treated fairly, and I can -- I
13 think as far as empathy, I think I do have a
14 strong sense of empathy because we deal with,
15 you know, parents who abuse and neglect their
16 children. I don't hold most of them in
17 contempt. I tend to feel sorry for a lot of
18 them. It's a small fraction who intentionally
19 do things so egregious that that'll make me
20 angry, but I sympathize with many of them. So I
21 think what I would do is -- at the end of the
22 day, it's a court of equity. We're trying to be
23 fair. You listen, you find the facts, you apply
24 the law, you identify, you know, an equitable
25 distribution, what's marital property and what's

1 not, and you try to come up with a fair division
2 of that. I would -- again, I would talk to
3 colleagues, talk to judges, watch hearings on
4 that. And, at the end of the day, find the
5 facts, apply the law, make a fair resolution
6 based on those case-specific facts,
7 understanding that everybody wants to be heard
8 and wants a fair day in court. I hope that
9 answers your question.

10 Q. Well -- and I don't mean to imply in any respect
11 that you're not an empathetic person or that you
12 don't have to have a certain level of humanity
13 to do what you do, because you deal with some
14 tough issues through a DSS circumstance. I get
15 that. But I guess one thing we look at also is
16 is that someone who basically can really relate
17 to a lot of the practical things that come up on
18 a day-to-day basis that occur in these cases,
19 that unless you've walked in those shoes as the
20 attorney in a private setting, you're really
21 never going to necessarily fully appreciate
22 them. And I guess the question I'm asking you
23 is, is that, you know, if you really haven't
24 been there -- you know, book learning is great.
25 But again, one thing we like to ask about

1 routinely -- it's not just you, I promise you --
2 is that, you know, having some sense of
3 understanding from your own experience what the
4 lawyers are going through who have to deal with
5 these clients outside of that courtroom before
6 they get there, all those issues that come up,
7 you know. You only see a bit of it. But I
8 think would it not be fair to say that somebody
9 who's been in that situation would have probably
10 a greater degree of maybe capacity and
11 understanding of those circumstances than
12 someone who's more or less been kind of secluded
13 in a different area?

14 A. I think the short answer to that would be yes,
15 of course. At the same time, again, I talk to
16 my colleagues. I've settled things with my
17 colleagues. I know I have a good sense of their
18 attorney/client interactions that I've developed
19 over the last 15 years in family court. So, you
20 know, I'm not in a bubble where I don't have a
21 sense. I understand that they've got caseloads,
22 they're trying to make a living, they want an
23 opportunity to speak, for example, and
24 represent, advocate for their clients during
25 temporary hearings, for example. So I

1 understand that they want to make a good
2 presentation. And that they have wrangling that
3 they need to do with their clients sometimes.
4 So I do have a sense of that. I do have an
5 appreciation for that, and I would not get into
6 this to try to make their jobs harder.

7 Q. **One last question -- and we've asked this in**
8 **different contexts for the time I've been here.**
9 **It's that you've obviously had a long career**
10 **that -- based on a lot of comments, it's been a**
11 **strong career. If this is something that at**
12 **some point you decided was going to be a path,**
13 **was there every any thought, hey, maybe I need**
14 **to go out and try to do this in a private**
15 **setting before I come and present myself?**

16 A. No, sir. I didn't know that I was ever going to
17 do this. It was an opportunity that arose.
18 Some folks kind of nudged me to do it as well,
19 asked me to do it. But it was something that I
20 embraced and thought I should look at. And, you
21 know, I tend to be stable in my employment, you
22 know, two employers the last 20 years here. So,
23 no, I never did anything with an eye toward the
24 judiciary. And by the way, I should interject
25 there that I do appreciate this process, though,

1 that South Carolina has. Because someone like
2 me, with my personality, I would not be going
3 through this if it were popular vote or
4 political appointment. So I just want to
5 commend the State on this process. I feel it's
6 more open, more merit based, and I would not be
7 here if we had a different process, so.

8 Q. Well, and again, I think there are some
9 outstanding comments that have been made from
10 people, obviously, that deal with you. And I
11 don't want to you take anything that I've asked
12 you as being anything as a personal type of
13 slant. But obviously these are issues we deal
14 with all the time, and they need to be
15 addressed. And I hope that you understand that.

16 A. I understand. I don't take any offense at all.
17 I think that's a concern, right. If there was a
18 softer spot in my resume, it's exactly what
19 we've been talking about. I acknowledge it.
20 I've been trying to take steps to remedy it. I
21 think I have the experience and the academic
22 background and the personal background to
23 eventually turn it into a strength.

24 9. Thank you very much.

25 CHAIRMAN RANKIN: Ms. McIver.

1 MS. MCIVER: Thank you very much, Mr. Chairman.

2 MR. RHODEN - EXAMINATION BY MS. MCIVER:

3 Q. Mr. Rhoden, you just touched on your academic
4 background. I've reviewed your academic
5 credentials as well as your Letters of
6 Reference, and they're certainly quite strong.

7 A. Thank you.

8 Q. It is not something that we will have to wonder
9 whether or not you are intellectually capable
10 of doing this job. I think, based on your
11 credentials, you clearly have that. I'm going
12 to ask a little bit more specific question, kind
13 of following up on what Mr. Safran was asking
14 you about, about experience. One of the
15 comments in the ballot box surveys was, with the
16 current backlogs which exist in Spartanburg
17 County, we simply don't have time to wait for
18 someone to learn the job. In temporary hearings
19 where you have a 15 minute time slot -- and I
20 don't practice family law anymore, but I used
21 to. And I know that I would say I only need 15
22 minutes, because I needed the court time. I
23 needed to get my client before the judge. But I
24 needed more than 15 minutes to do my job. And
25 so how would you handle that in terms of

granting hearings, the amount of time that you grant the hearings and still trying to get rid of the backlog that exists if you were to take the bench?

5 A. Right. So on an individual hearing, I think
6 it's important to receive the packets and read
7 the packets and yet still give each side a few
8 minutes. Because, like I said, the clients want
9 to see their lawyers advocate for them some. So
10 if it goes a few minutes over 15, that's fine.
11 You know, it's funny, because I did read -- this
12 was something Judge Sinclair talked about when
13 he testified here two years ago and this was a
14 big topic then as well. And so I think I would
15 follow his practice of it's more efficient to go
16 five or ten minutes over and hear it instead of
17 sending people away or cutting them off at 15.
18 It's something that I -- I would give them their
19 time, try to give each side a short time and,
20 you know, allow me to read the packets and rule
21 and take as few things under advisement
22 initially as possible. Now some probably have
23 to, but I think it also buys into the concept
24 of, you know, the judge is on that hallway,
25 working as a team. And I think right now I do,

1 albeit as a lawyer, but I think I would have a
2 good relationship with Judge Thigpen and Judge
3 Bridges to where if one of us is running ahead
4 or behind, the other one steps in to help each
5 other out, as a team concept. And so those are
6 some of the things. The other thing that Judge
7 Sinclair -- I talked to him about this. He said
8 one of his common practices is to allow the
9 parties to request a second temporary hearing,
10 de novo without prejudice, within, let's say, 15
11 or 30 days of the initial guardian's report
12 being received. And I think that takes a lot of
13 the heat and the pressure off of getting that
14 first temporary hearing exactly right, letting
15 people know, hey, you know, we can come back if
16 we need to, you know, so that if something gets
17 missed a little bit or is a little bit off, you
18 can fix it more easily rather than waiting all
19 the way to the final. So I think that sounds
20 like a good practice as well. So those are some
21 of my ideas on that topic.

22 **Q. Yeah, I think that makes sense. In terms of --**
23 **just one more question -- in terms of COVID,**
24 **have y'all been conducting hearings via Zoom? I**
25 **just wonder if that has anything to do with the**

1 **backlog, and if so, how you would handle that?**

2 A. Gosh, it seems like there have been backlogs in
3 Spartanburg as long as I've been around. You
4 know, when I started with the solicitor's
5 office, there were over 10,000 warrants
6 backlogged, you know. And so anyway, it's a
7 busy county. I will say on the DSS side at one
8 point we were number one in the state in foster
9 care, children and vulnerable adults. I've been
10 through all that. I've had -- in fact, there
11 are times when I've managed that by myself,
12 where my colleague was on maternity leave or
13 something. So I'm comfortable actually --
14 probably that probably goes to my mental
15 fitness, but I'm comfortable with that pressure,
16 and I don't think it's just COVID. We have been
17 doing a lot of hearings by Webex, but we've gone
18 back to live hearings per the chief justice's
19 order, mainly. I did a bunch of Webex hearings
20 this summer, and we did a lot of things by
21 consent order as well on the DSS side. We
22 actually moved a lot of cases this summer on the
23 DSS side through consent orders and Webex. So
24 we're back to more normal. We've been doing
25 some hybrid live Webex hearings if somebody

1 can't make it or has COVID or something. I
2 don't think that the backlog is just because of
3 the COVID. I think that's -- that could be any
4 number of reasons. And I know, for example, we
5 also now just have three resident judges instead
6 of four. We used to have four so that might be
7 playing a factor as well.

8 Q. **Thank you very much, Mr. Rhoden --**

9 A. Thank you.

10 Q. **-- and thank you for offering.**

11 A. Yes, ma'am.

12 CHAIRMAN RANKIN: Senator Tally.

13 SENATOR TALLEY: Thank you, Mr. Chairman.

14 MR. RHODEN - EXAMINATION BY SENATOR TALLEY:

15 Q. **Mr. Rhoden, nice to see you --**

16 A. Yes, sir.

17 Q. **-- somewhere other than 180 Magnolia Street for**
18 **a change. I wanted to follow up. I don't**
19 **really have a question, just some comments, and**
20 **Mr. Safran touched on it as we looked through --**
21 **and you commented on it too, this process, about**
22 **the comments that have been made. Obviously you**
23 **and I have had some cases on opposite sides of**
24 **each other over the years. You've always been a**
25 **professional. I don't see how you do what you**

1 do. You know, when you talk about the backlog
2 and the dockets and the amount of court time
3 that you have right now just because of the
4 caseload, it doesn't really leave a question in
5 my mind about your ability to handle a docket as
6 a judge or adapt to some of these things that
7 you may not have experienced as much as a
8 "practicing attorney" that you would see from
9 private divorce cases or custody cases or
10 anything like that. And you touched on a couple
11 of the things that I think are important to
12 those of us that practice in this area, about
13 how you would manage a docket and how you would
14 look at, you know, attorneys coming in that say
15 they need 15 minutes but take an hour or
16 whatnot. And I think you've done a good job
17 managing that from a docket perspective in the
18 amount of time set for hearings. And you've
19 touched on it too, but I want -- and I know you
20 very well. I want to give you a chance to
21 explain on something you commented earlier to
22 some of the folks on this Commission that may
23 not know you as well. But if you were to get
24 elected to this position and knowing the need
25 for a judge to jump right in in our circuit in

1 particular, what would you do to get up to
2 speed, you know, on the equitable division
3 question and the alimony question, you know, the
4 financial issues that would come through some of
5 these cases that you may not see as much of on
6 DSS? So I would just like for you to share with
7 us what you would do to do that.

8 A. Senator Talley, I would pick up my efforts that
9 I've already begun as far as studying cases,
10 reading cases and statutes, talking to private
11 practitioners, talking to judges. I would start
12 attending more hearings and trying to actually
13 take leave, sit in court, watch those things. I
14 would like to believe that but for the pandemic
15 I would have done even more of that this summer
16 than I've been able to. So those are all things
17 that I would do. But those are all things I've
18 done already to some extent is I've talked to
19 those different people. I think, you know -- I
20 don't like -- you know, I don't like to be wrong
21 with my academic background. And I want to get
22 things right, especially when other people are
23 depending on me. So I would redouble my efforts
24 to study those things, talk to more members of
25 the Bar who are best domestic practitioners, get

1 what their expectations are, get them to tell me
2 their war stories, talk to Judge Bridges, Judge
3 Thigpen, other visiting judges. Those are all
4 things that if this moves forward I would ramp
5 up the time that I spend doing those things.

6 CHAIRMAN RANKIN: Hope, Madam Clerk.

7 MS. BLACKLEY-LOGAN: Hello, Rob. It's so good to see
8 you.

9 MR. RHODEN: Yes, ma'am, you too.

10 MS. BLACKLEY-LOGAN: I wanted to have on the record
11 that we used to work together in the solicitor's
12 office. And when I was clerk I had a lot of
13 dealings with scheduling cases, and I can tell
14 you more about why that -- why there is a
15 backlog. It's a multitude of reasons, not --
16 long before COVID hit, but that was one of the
17 tasks that I was tasked with, and we were trying
18 to get double scheduling of court with DSS and
19 encouraging our staff, our judicial staff, to
20 maybe work a little later on Friday, sometimes
21 as well. But I know that you have mentioned it,
22 and it's been talked about in depth in regards
23 to what you need to learn and know, and that is
24 of a concern for any candidate when it's time to
25 take the bench, but I know that you will do your

1 best. I know your temperament is unlike anybody
2 I've met, a very great temperament, very
3 patient, very kind, very understanding, and I
4 just want to commend you on that and just
5 continue to encourage to focus on what you need
6 to do. And I have always enjoyed working with
7 you, and I am very happy that you did run. I
8 could see this not being had it been a different
9 process, you not running with your personality
10 and was surprised when I saw your name. So that
11 speaks a lot of what your intentions are and not
12 just a career opportunity. So I wish you the
13 very best, and thank you for running.

14 MR. RHODEN: Thank you, appreciate it.

15 CHAIRMAN RANKIN: All right. Any other questions,
16 comments? Mr. Rhoden, you have gone through
17 quite the gauntlet here. No worse for the wear
18 it appears to the eye, and your smile is still
19 as bright as ever, so this will conclude this
20 portion of your screening process. And you are
21 reminded that pursuant to our evaluative
22 criteria and our focus here that we have a very
23 strict adherence to both the letter and spirit
24 of the South Carolina ethics laws. Any
25 violation of those or the appearance of

1 impropriety would be deemed very heavily and
2 seriously. You're aware that this record is not
3 released or closed until the formal release of
4 the Report of Qualifications. You know that we
5 can call you back should the need arise,
6 correct?

7 MR. RHODEN: Yes, sir.

8 CHAIRMAN RANKIN: We don't anticipate that, but we
9 just need that for the record. Sir, thank you,
10 and Merry Christmas to you and your family. God
11 speed to you.

12 MR. RHODEN: Thank you. Merry Christmas to all of
13 you. Thank you for your time.

14 (Off the Record)

15 CHAIRMAN RANKIN

16 MS. MOSS: Yes.

17 CHAIRMAN RANKIN: Is it Brooks?

18 MS. MOSS: Brooks, plural, yes, sir.
19 CHAIRMAN RANKIN: Is that shortened for anything, or
20 is it Brooks straight up?

21 MS. MOSS: It's Brooks. I was actually named after
22 my Godfather.

23 CHAIRMAN RANKIN: If you will now, raise your right
24 hand

25 M. BROOKS MOSS, having been duly sworn, testifies as

1 follows:

2 CHAIRMAN RANKIN: Very well. And you are M. Brooks
3 Moss, correct?

4 MS. MOSS: Yes, sir.

5 CHAIRMAN RANKIN: You have before you the two
6 documents you've prepared for us, the PDQ and
7 that Sworn Statement. Are those ready to be
8 introduced into evidence?

9 MS. MOSS: Yes, sir.

10 CHAIRMAN RANKIN: If you'll hand those to Caroline to
11 your right, we'll do that. You are aware of our
12 investigation and our dive into your
13 qualifications, that includes the nine
14 evaluative criteria. We also look at the ballot
15 box survey, a thorough study of your application
16 materials, verification of your compliance to
17 the state ethics laws, a search of newspaper
18 articles in which your name appears. You've
19 never screened before for this -- for any
20 judicial position, have you?

21 (Exhibit Number 5 was marked for identification
22 purposes - (23 pages) Personal Data Questionnaire for
23 M. Brooks Moss.)

24 (Exhibit Number 6 was marked for identification
25 purposes - (9 pages) Sworn Statement of M. Brooks

1 Moss.)

2 MS. MOSS: No, sir, I have not.

3 CHAIRMAN RANKIN: And a check for economic conflicts
4 of interest. No affidavits have been filed in
5 opposition to your election, no witnesses are
6 present to testify, though I do note you have
7 brought a handsome young man with you. Who is
8 with you here today?

9 MS. MOSS: I have brought my husband, Michael
10 Leighton.

11 CHAIRMAN RANKIN: Michael Leighton, stand up if you
12 will, drop the little mask so everybody can get
13 a good look at that smile. You look like a
14 proud husband. Thank you for being with us.

15 MR. LEIGHTON: Thank you for allowing me to be here.

16 CHAIRMAN RANKIN: All right. You have the
17 opportunity, Ms. Moss, to make any opening
18 statements that you'd like. Otherwise, Erin
19 will be asking questions of you to start off
20 this process, and then we'll turn it over to
21 members of the Commission. So the floor is
22 yours if you'd like to make a brief statement.
23 I recognize your -- we are delayed in reaching
24 you, and that -- and I'll take that as my fault
25 alone. We had some matters we needed to take

1 care of outside of the presence of everyone. So
2 with that, the floor is yours, or you can waive
3 it.

4 MS. MOSS: I would -- in the interest of time, will
5 waive my statement other than to thank each of
6 you for taking your time to speak with me today
7 and your service to our state.

8 CHAIRMAN RANKIN: Very well. All right, Ms.
9 Crawford.

10 MS. CRAWFORD: Thank you, Mr. Chairman.

11 MS. MOSS - EXAMINATION BY MS. CRAWFORD:

12 Q. Ms. Moss, please state for the record the city
13 and circuit in which you reside.

14 A. I reside in Cowpens, South Carolina, which is in
15 the Seventh Judicial Circuit.

16 MS. CRAWFORD: Mr. Chairman, I note for the record
17 that based on the testimony contained in the
18 candidate's PDQ, which has been included in the
19 record with the candidate's consent, Ms. Moss
20 meets the statutory requirements for this
21 position regarding age, residence and years of
22 practice.

23 Q. Ms. Moss, why do you want to serve as a family
24 court judge, and why do you feel like your past
25 professional and legal experience qualify you

1 **and will assist you to be an effective family**
2 **court judge?**

3 A. As to your first question, I desire to serve as
4 a family court judge because I have a spirit of
5 service. I have served on numerous committees
6 and activities throughout my community for
7 several years. I also have structured my
8 practice in a way to serve litigants and to
9 serve children. And being a judge would allow
10 me to continue in that spirit of service. As to
11 my qualifications to serve, I have had the
12 opportunity to represent plaintiffs, defendants,
13 third-party interveners, state agency as well as
14 children. And I've learned from my experiences
15 much more than my formal education ever
16 provided. I have learned that there are all
17 walks of life and that to the litigants in the
18 courtroom a \$5,000 versus a \$5,000,000 equitable
19 distribution is no less important to them.
20 Serving as a special referee and as a mediator,
21 I have learned that you have to observe people's
22 interactions, how you react to those
23 interactions and that you always must be
24 courteous as well as concise and decisive. My
25 service as a guardian ad litem has given me the

1 ability to gather evidence from all sources, to
2 look at cases from a neutral point of view and
3 has allowed me the opportunity to work with a
4 great number of experts that typically testify
5 in the family court system. And all of these
6 experiences together have helped me to have a
7 background suitable to serve.

8 **Q.** **Thank you, Ms. Moss. I was just looking at your**
9 **PDQ. You said to the Chairman you haven't run**
10 **before. Did you apply to run before in 2009?**

11 A. Yes, ma'am, I applied, and I withdrew prior to
12 screening.

13 **Q.** **Prior to screening, that's what I was looking**
14 **for. Okay, thank you. Are there any additional**
15 **areas of law that you're not as comfortable with**
16 **or that you're not as familiar with if you were**
17 **to become a family court judge you would need to**
18 **...**

19 A. My weakest area of law would probably be in
20 matters dealing with the Department of Juvenile
21 Justice. I've not tried a case in a DJJ matter
22 in about five years. My recent experience with
23 DJJ has typically been as a guardian ad litem,
24 and I would need to read statutes, talk to the
25 solicitors, speak with public defenders and

1 obviously observe some trials prior to that
2 time.

3 **Q. You touched on this a bit, but can you please**
4 **briefly describe in a little bit more depth your**
5 **experience in handling complex contested family**
6 **court matters and specifically your experience**
7 **with the financial aspects of family court work?**

8 **A. In dealing with complex litigation I have dealt**
9 **in numerous multi-day trials, wherein we've**
10 **called experts ranging from psychosexual**
11 **evaluators to medical professionals, bonding**
12 **experts, parental alienation evaluators,**
13 **education specialists. And I've dealt with all**
14 **of those experts working to deal with the**
15 **complex issues that come, whether it be a**
16 **custody case. I've dealt with parental**
17 **alienation, grandparent visitation. We also**
18 **have had several other -- I've had some**
19 **interesting cases where there was no clear**
20 **statutory or case law to help us to determine**
21 **what the law of the case should be, such as**
22 **sibling visitation, post adoption without DSS**
23 **involvement and where -- my most interesting is**
24 **the paradigms of parental alienation were used**
25 **to establish grandparent alienation.**

1 Q. Thank you, Ms. Moss. Ms. Moss, the Commission
2 received 127 ballot box surveys regarding you
3 with 26 additional comments. The ballot box
4 survey, for example contained the following
5 positive comments: She would do an excellent
6 job and is well qualified. She would make an
7 excellent candidate for a judge who served in
8 many roles in family court. She would make an
9 excellent family court judge. She listens well
10 and causes people to feel that they have had an
11 opportunity to be heard. Five of the written
12 comments expressed concerns. Several comments
13 expressed that you may lack good judgment and
14 question your moral character. How would you
15 respond to these five concerns?

16 A. As we know, we do not know where these come
17 from. I was given the information that the
18 allegations of those five are that I am involved
19 in an affair with a sitting judge, per the
20 ballot box surveys. I am not, nor have I ever,
21 been involved in an extramarital affair with any
22 sitting judge. And if there was any proof to
23 those allegations or any veracity, which there
24 is none, then I would be appearing as well as
25 this other individual in front of disciplinary

1 council.

2 **Q. Thank you, Ms. Moss.**

3 MS. CRAWFORD: Mr. Chairman, I would note that the
4 Upstate Citizens Committee found Ms. Moss
5 qualified in the evaluative criteria,
6 constitutional qualifications, physical health
7 and mental stability. The Committee also found
8 her qualified in the evaluative criteria of
9 ethical fitness, professional and academic
10 ability, character, reputation, experience and
11 judicial temperament.

12 **Q. Ms. Moss, are you aware that as a judicial**
13 **candidate you are bound by the Code of Judicial**
14 **Conduct as found in Rule 501 of the South**
15 **Carolina Appellate Court Rules?**

16 A. Yes, ma'am.

17 **Q. And since submitting your Letter of Intent, have**
18 **you contacted any members of the Commission**
19 **about your candidacy?**

20 A. No, ma'am.

21 **Q. And are you familiar with Section 2-19-70,**
22 **including the limitations on contacting members**
23 **of the General Assembly regarding your**
24 **screening?**

25 A. Yes, ma'am.

1 Q. Since submitting your Letter of Intent, have you
2 sought or received the pledge of any legislator
3 either prior to this date or pending the outcome
4 of your screening?

5 A. No, ma'am.

6 Q. Have you asked any third parties to contact
7 members of the General Assembly?

8 A. No, ma'am.

9 Q. Are you aware of anybody doing that on your
10 behalf?

11 A. No, ma'am.

12 Q. Have you reviewed, and do you understand, the
13 Commission's guidelines on pledging in South
14 Carolina Code § 2-19-70(E)?

15 A. Yes.

16 MS. CRAWFORD: I would note for the record that any
17 concerns raised during the investigation
18 regarding this candidate were incorporated in
19 the questioning of the candidate today. And I
20 have no further questions.

21 CHAIRMAN RANKIN: Okay, thank you. Questions by
22 members of the Commission? Senator Talley.

23 SENATOR TALLEY: Thank you, Mr. Chairman. Good
24 afternoon, Ms. Moss. I should state for the
25 record you are Guardian in a handful of cases in

1 which I'm involved right now. And I know you
2 have probably served as mediator in a dozen, if
3 not more, cases I've been involved in over the
4 years; is that fair?

5 MS. MOSS: Yes.

6 SENATOR TALLEY: Having said that, I wanted to go
7 back to some of the comments in the ballot box
8 regarding your qualifications, and you've
9 touched on it earlier. You've obviously
10 represented parties in private cases, agency
11 cases, been guardian in too many to count,
12 served as special referee, served as mediator.
13 And so I want to just say thank you for running
14 and bringing that experience to the table. And
15 there are a lot of positive comments that
16 appreciate, understand and acknowledge the vast
17 background and experience you have in family
18 court in seeking this position as well.

19 MS. MOSS: Thank you.

20 SENATOR TALLEY: Thank you, Mr. Chairman.

21 MS. MOSS - EXAMINATION BY CHAIRMAN RANKIN:

22 Q. Ms. Moss, let me ask you. Your interaction with
23 this process and the Citizens Committee, the
24 Bar, our staff as well, has this been a -- to
25 you in your view, a fair and thorough process

1 **whereby all steps along the way has been a fair**
2 **process for you?**

3 A. Yes, sir, I believe so. And I also am very
4 appreciative the amount of work that all of
5 these committees and individuals put into this
6 process.

7 Q. **And the Citizens Committee, I think, that's**
8 **where -- how many folks appeared with you there**
9 **or -- well, you might have done it remotely, I**
10 **guess, but --**

11 A. No, sir. I attended in person. I prefer in
12 person, and there was a room full. I did not
13 count them. I apologize. I did not think of
14 that at the moment in time where they were all
15 staring at me as y'all are now, but there was
16 probably -- there was more than a dozen in the
17 room.

18 Q. **So again, that process, fair, an open exchange**
19 **of questions, answers, did you believe or feel?**

20 A. Yes, sir, I did. The chairman asked several
21 questions. Other individuals asked questions.
22 They went through an extensive list of
23 questions, and I felt that they addressed many
24 areas and took the time necessary to really look
25 into my qualifications.

1 Q. Okay. Your ballot box surveys and the Letters
2 of Reference, again, sing your praises. Pete
3 Diamaduros might have been a little ahead of me
4 in law school. You can't get a better letter,
5 although I recognize the names of a number of
6 those who have written on your behalf, so that's
7 all the questions I have.

8 CHAIRMAN RANKIN: Anybody else, anything? All right.

9 Ms. Moss, unless there are others, at this time
10 we will conclude this portion of the screening
11 process. I want to remind you that pursuant to
12 our process and the evaluative criteria we
13 invoke both strict adherence to the letter and
14 the spirit of the ethic laws, and any violation
15 or the appearance of impropriety of those will
16 be deemed very serious and deserving of heavy
17 weight for us in our deliberation. The record
18 will not be closed until the formal release of
19 the Report of Qualifications, at which time we
20 could call you back and have further under-oath
21 questions and answers with you. Just need a
22 verbal acknowledgment that you understand that?

23 MS. MOSS: Yes, sir, I understand.

24 CHAIRMAN RANKIN: And for the record, that verbal
25 response was greeted with a smile as well. With

that, Ms. Moss, thank you, thank you and your husband for both being with us today, and again, my apologies for the delay in getting to y'all. God speed to you. Have safe travels back on those well-paved roads to the Upstate.

MS. MOSS: Thank you, and I appreciate each of you and your time today.

CHAIRMAN RANKIN: Very well. Y'all take care. Merry Christmas to y'all.

MS. MOSS: Merry Christmas.

(Off the Record)

CHAIRMAN RANKIN: All right, sir. Chadwick D. Pye.

MR. PYE: Yes, sir.

CHAIRMAN RANKIN: If you will raise your right hand.

CHADWICK D. PYE, having been duly sworn, testifies as follows:

CHAIRMAN RANKIN: You have before you two documents that you've previously prepared. Are those ready to go in the record?

MR. PYE: Yes, sir.

CHAIRMAN RANKIN: All right. If you'll hand those to Caroline, we will get them in. In our investigation of your candidacy, as you know, we've looked at nine evaluative criteria, and we also focus on the ballot box survey, a thorough

1 study of your application materials,
2 verification of your compliance with state
3 ethics laws, a search of newspaper articles in
4 which your name appears, a study of previous
5 screenings and a check for economic conflicts of
6 interest. No affidavits have been filed in
7 opposition to your election and no witnesses are
8 here to testify against you or for you, but I do
9 note that you brought in a couple of dapper
10 young men with you. Who are these folks?

11 (Exhibit Number 7 was marked for identification
12 purposes - (20 pages) Personal Data Questionnaire for
13 Chadwick D. Pye.)

14 (Exhibit Number 8 was marked for identification
15 purposes - (2 pages) Amendment to Personal Data
16 Questionnaire for Chadwick D. Pye.)

17 (Exhibit Number 9 was marked for identification
18 purposes - (5 pages) Sworn Statement of Chadwick D.
19 Pye.)

20 MR. PYE: Yes, sir. That's my son, Corbin, and
21 that's my son, Will.

22 CHAIRMAN RANKIN: Stand up, sir, and speak into the
23 mic so the court reporter can record these names
24 fully.

25 MR. PYE: Corbin and Will.

1 CHAIRMAN RANKIN: Corbin, stand up. Will, stand up,
2 and y'all have got to drop your masks in order
3 to see what the Pye family looks like. Good
4 looking smiles. Welcome. Senator Tally.

5 SENATOR TALLEY: Mr. Chair, I want the Commission
6 members to know that Mr. Corbin Pye here, the
7 next time you see him, he may be wearing a green
8 jacket. He's quite the golfer. He didn't get
9 it from his daddy but I've been reading about
10 his golf career back home, so good luck to both
11 of you. Good boys.

12 CHAIRMAN RANKIN: Will, are you a caddy, by chance?

13 MR. CORBIN PYE: Sometimes, some days.

14 CHAIRMAN RANKIN: If he's wearing a green jacket,
15 he's sure to be his caddy. And you can have
16 some friends and family help you with egg salad
17 sandwiches. We'll make a run for you. Nice
18 having you gentlemen with us, and y'all have a
19 seat. All right. Mr. Pye, you have the
20 opportunity to make a brief opening statement if
21 you like. It is late. I apologize for the
22 delay in reaching you. Young men, we apologize
23 to you as well. You have the opportunity.

24 MR. PYE: Well, I'd just like to thank you all for
25 your time today and the opportunity to be here

1 and for your service to the state. And Ms.
2 Benson, I'd like to thank her, because she's
3 been great throughout this whole process.

4 CHAIRMAN RANKIN: You thought she was nice. You
5 just watch. Sic 'em, Paula.

6 MS. BENSON: Thank you, Mr. Chairman.

7 MR. PYE - EXAMINATION BY MS. BENSON:

8 **Q. Mr. Pye, would you please state for the record**
9 **the city and the circuit in which you reside?**

10 A. Spartanburg is the city and the seventh circuit.

11 MS. BENSON: Mr. Chairman, I note for the record that
12 based on the testimony contained in the
13 candidate's PDQ, which has been amended and
14 which is made part of the record with the
15 candidate's consent, Mr. Pye meets all the
16 statutory requirements for this position
17 regarding age, residence and years of practice.

18 **Q. Mr. Pye, why do you want to serve as a family**
19 **court judge, and why do you feel that your legal**
20 **and professional experience qualify and will**
21 **assist you to be an effective judge?**

22 A. Well, I've been practicing law now for 22 years,
23 and of that 22 years 19 of it has been primarily
24 in family court. Three of the years I was with
25 the Haynsworth firm where I did no family court.

1 Otherwise, for 19 years, I've primarily
2 practiced family court law. I enjoy family
3 court work. I feel like I'm actually making a
4 difference in people's lives and not just
5 dealing with money. When I was at the
6 Haynsworth firm I felt like a glorified
7 insurance adjuster a lot of times. We were just
8 dealing with money, and you don't feel like
9 you're really helping people. So in family
10 court you're making a difference, and I just
11 enjoy that.

12 **Q. Thank you. Mr. Pye, are there any areas of the**
13 **law for which you feel like you'll need**
14 **additional preparation in order to serve as a**
15 **family court judge and how would you go about**
16 **getting that additional preparation?**

17 A. Well, I've handled all areas of family court
18 except non-step-parent adoptions. I do not have
19 a lot of experience with non-step-parent
20 adoptions, but to remedy that I've reached out
21 to Jim Thompson from Spartanburg who literally
22 wrote the book on adoption law in South
23 Carolina. I reached out to Jim, and I was
24 supposed to actually try a two-day case with him
25 last month that got postponed. So in the hopes

1 that I will be on the family court bench, I'm
2 going to work with Jim for the next several
3 months on his cases to get a better
4 understanding of that.

5 **Q. Thank you, Mr. Pye. Will this also include --**
6 **or do you have experience in handling complex**
7 **and contested family court matters, and**
8 **specifically could you discuss any experience**
9 **that you have with dealing with financial**
10 **matters before the family court?**

11 A. So most of my practice in family court has been
12 divorce, custody, asset and debt division. I
13 have handled very complex cases, one of which
14 involved a gentleman who owned convenience
15 stores all over South Carolina, probably the
16 largest convenience store owner in South
17 Carolina. I handled his case, so I'm used to
18 working with accountants, forensic accountants,
19 and people who just come in and value
20 businesses. And the way I see it is, you know,
21 whether it's \$100,000 case or a marital estate
22 of 100 million dollars, the 100,000 is just as
23 important to those people as the 100 million is
24 to the other crowd. So I can divide up, you
25 know, 50 percent or 40 percent of 100 million as

1 easy as I can do 100,000.

2 Q. Thank you, Mr. Pye. Mr. Pye, the Commission
3 received 144 ballot box surveys regarding you.
4 Fifteen of those had additional comments, and
5 many of them had positive comments. For
6 instance, Outstanding, excellent, hard working,
7 prepared, honest, intelligent, desire to serve,
8 a good man, would have excellent judicial
9 temperament. Eight of the 15 comments expressed
10 some concerns. Several comments questioned
11 whether or not that you'd had the requisite
12 family court experience. Would you have a
13 response about that?

14 A. Yes, ma'am. As I stated, for 19 years I've been
15 practicing law in family court. And I would say
16 55 to 65 percent of my time has been in family
17 court handling defense of juveniles and DJJ
18 cases, thousands of divorces involving custody,
19 alimony, child support, things of that nature.
20 I have defended hundreds of DSS cases, abuse and
21 neglect cases. So I have experience in all
22 aspects of family court law except I haven't, as
23 I stated, done adoptions outside of step-parent
24 adoptions. I've done a lot of step-parent
25 adoptions, but they are a little different than

1 the traditional adoption.

2 Q. Thank you. Mr. Pye, the second concern
3 indicated that you had not been seen often in
4 family court and that you had indicated to your
5 peers that your practice focus was on personal
6 injury and workers' compensation cases. What
7 response do you have to that?

8 A. Well, I'm in family court at least, I would say,
9 two or three days a week. So if they haven't
10 seen me, I don't -- maybe they weren't there.
11 But as far as the personal injury, as I
12 mentioned earlier, I did have a stint at the
13 Haynsworth firm where I did a lot of workers'
14 comp defense. So when I left, I kind of had
15 that reputation for a while of being a workers'
16 comp lawyer. So people would associate me on
17 workers' comp cases, but having worked for a
18 gentleman by the name of Bob Holland prior to
19 going to Haynsworth. Bob was, in my opinion and
20 probably the opinion of a lot of people, the
21 premiere family court lawyer in Spartanburg.
22 Having worked for Bob, then going back to
23 Spartanburg, I started getting family court
24 again. So family court slowly took over my
25 personal injury practice. And that was fine

1 with me because, once again, I wanted to feel
2 like I was representing real people and not just
3 in there fighting over money.

4 **Q. Thank you. Mr. Pye, the third concern**
5 **questioned whether your business interests would**
6 **distract you from concentrating on judicial**
7 **duties. I believe that you own a fitness**
8 **business and wonder if you have a response to**
9 **this?**

10 A. Yes, ma'am, I do. Two and a half years ago I
11 opened up a gym right down below Senator
12 Talley's house. I haven't seen him in there
13 working out, but --

14 SENATOR TALLEY: You won't.

15 A. -- so I did that two and a half years ago. I've
16 always had an interest in working out. I've
17 always been the little guy on the sports team,
18 so I was always having to do a little extra.
19 And I felt like Spartanburg needed a nice
20 community facility. And so my boys and I
21 started this gym, and I've wanted them to be
22 able to see how you start a business and grow a
23 business. And they're running the business now,
24 so it's been fun, but I do have an offer of
25 someone to purchase that gym from me because I

1 do think under the rules it would be conflict to
2 be on the bench and have the gym. Because one
3 of the rules says if you have continuous contact
4 financially with people who may come before you,
5 that would be a conflict. So that would be
6 resolved by selling the gym.

7 **Q. Thank you, Mr. Pye. Mr. Pye, the fourth concern**
8 **raised questions about your ethical behavior and**
9 **trustworthiness, particularly in dealings with**
10 **your clients as well as with fellow lawyers.**
11 **What would your response to this concern be?**

12 A. First I would say that's troubling to hear. I
13 mean, certainly I take that to heart. But when
14 you take the Bar exam and pass the Bar, you're
15 required to take an oath of civility as well as
16 an oath that entails ethics and professionalism.
17 And we are required as attorneys and members of
18 the Bar to approach someone that we think is
19 crossing ethical bounds or acting in an
20 untrustworthy manner. And I can tell you, in my
21 22 years, I've never been approached by anyone
22 or accused of that. I've never had any issues
23 with the Bar, but I unfortunately -- and I wrote
24 about this in my PDQ -- I have had the
25 unfortunate circumstance of turning someone in

1 to the Bar. I gave them three chances to remedy
2 the issue. They refused to. I talked to a
3 circuit court judge begging him to tell me
4 reasons why I did not turn him in to the Bar. I
5 called John Nichols in Columbia before he became
6 disciplinary counsel. I said, please, John,
7 tell me reasons why I do not turn this guy in to
8 the Bar because I just don't want to do that. I
9 mean, he's got a wife and children. John said,
10 well, do you like your license better than you
11 like his license? You better turn him in.
12 Because if you don't turn him in, it's on you.
13 So I've been in that position. It's a horrible
14 position, to turn someone in, but I've never had
15 anyone approach me and say I was in any way
16 unethical, which they should have under the
17 rules if they felt that way.

18 Q. Thank you, Mr. Pye. Mr. Pye, in your PDQ, you
19 listed six lawsuits where you were a named
20 party. And in addition, as we talked about, the
21 SLED report came back with three additional
22 lawsuits which you amended your PDQ to list.
23 Now are any of these lawsuits still pending with
24 the exception of the last one that I'll mention
25 that you were not served upon? And I'll go

1 **through each one briefly.**

2 A. So I can tell you that there's one still
3 pending, which is what she just stated. I have
4 never sued anyone. I have never been personally
5 sued until a couple of months ago. And Ms.
6 Benson pointed that out to me that a federal
7 lawsuit had been filed in one of my domestic
8 cases. I've provided that to her, and I hope
9 y'all have had an opportunity to read it. It
10 was quite interesting. Not only was I sued, the
11 judge was sued, the clerk of court was sued, the
12 sheriff was sued, the guardian was sued.
13 Basically everyone who looked at this gentleman
14 was sued, and he's a very troubled individual.
15 I had to get released from the case. He was --
16 had to be escorted from the courthouse on two
17 occasions. I was not comfortable representing
18 someone that was threatening witnesses. And he
19 decided to sue me but I've never been served
20 with it.

21 Q. **And that's the Piccirilli case?**

22 A. Piccirilli, yes, ma'am.

23 Q. **The other cases, The Household Finance
24 Corporation, even though you're listed as a
25 defendant, you were representing a party in that**

1 **case as opposed to being a defendant?**

2 A. I believe that's where I was representing The
3 Palmetto Bank.

4 Q. **Yes, sir. The Chadwick Pye versus Leonard
5 Mazur, that's where you were appointed as a
6 personal representative?**

7 A. That's correct. The Harris and White law firm
8 in Spartanburg had a wrongful death case, and
9 they called me and asked me if I would act as
10 the PR of the estate so that they could bring
11 the case.

12 Q. **In re Talley, you were a creditor in that
13 matter.**

14 A. Correct.

15 Q. **Jolley versus Joe Wells, you were named as a
16 defendant because -- what was your connection
17 with Mr. Wells there?**

18 A. Myself, a surgeon friend of mine in Spartanburg
19 and a stockbroker friend of mine in Spartanburg
20 had all invested in a business in downtown
21 Spartanburg that Mr. Wells had started. And as
22 security for the money that we loaned him he put
23 up this land, and we were way down the line as
24 creditors. So when he defaulted on the loan
25 with the plaintiff, we had to be included also

1 as defendants. And there's a companion case to
2 that too. Mr. Wells didn't pay a lot of his
3 bills.

4 **Q. And in Gillespie versus Jolley, that's the
5 companion case?**

6 A. Yes, ma'am, that's correct.

7 **Q. Okay. And then Pye versus Cartee was a
8 neighborhood matter?**

9 A. Yes, ma'am. Mr. Cartee came into my
10 neighborhood and broke into like 15 cars one
11 night, him and a partner in crime. And that was
12 part of the restitution. When he went to court
13 they turned it into a civil matter, so it's me
14 against him. I never filed anything. That's
15 just -- I get a check for about \$20 trickle in
16 about every six months for his restitution.

17 **Q. Thank you. And the Grigg versus McIntyre, you
18 were an attorney for one of the parties as
19 opposed to being a party?**

20 A. Correct. I believe that's the two cases that I
21 was listed by the Boiling Springs magistrate's
22 court as a plaintiff when I was actually
23 representing landowners in an eviction case.

24 **Q. And the other was Price versus Gilliam?**

25 A. That's correct. We were evicting her mother-in-

1 | -law in that one.

2 Q. Thank you, Mr. Pye.

3 A. Yes, ma'am.

4 MS. BENSON: I would note that the Upstate Citizens
5 Committee found Mr. Pye qualified in the
6 evaluative criteria of constitutional
7 qualifications, physical health and mental
8 stability. The Committee found him well
9 qualified in the evaluative criteria of ethical
10 fitness, professional and academic ability,
11 character, reputation, experience and judicial
12 temperament.

13 Q. Mr. Pye, I've got just a few housekeeping
14 questions. Are you aware that as a judicial
15 candidate, you are bound by the code of judicial
16 conduct as found in Rule 501 of the South
17 Carolina Appellate Court Rules?

18 A. Yes, ma'am.

19 Q. Since submitting your Letter of Intent have you
20 contacted any members of the Commission about
21 your candidacy?

22 A. No, ma'am.

23 Q. Are you familiar with Section 2-19-70, including
24 its limitations on contacting members of the
25 General Assembly regarding your screening?

1 A. Yes, ma'am.

2 Q. Since submitting your Letter of Intent, have you
3 sought or received the pledge of any legislator,
4 either prior to this date or pending the outcome
5 of your screening?

6 A. No, ma'am.

7 Q. Have you asked any third parties to contact
8 members of the General Assembly on your behalf,
9 or are you aware of anyone attempting to
10 intervene in this process on your behalf?

11 A. I haven't asked anyone to, and I'm not aware of
12 anyone doing it.

13 Q. Thank you. Have you reviewed, and do you
14 understand, the Commission's guidelines on
15 pledging and Code § 2-19-70(E)?

16 A. Yes, ma'am.

17 MS. BENSON: I would just note for the record that
18 any concerns raised during the investigation
19 regarding the candidate were incorporated into
20 the questioning of the candidate today. Mr.
21 Chairman, I have no further questions.

22 CHAIRMAN RANKIN: All right. Thank you, Paula. Mr.
23 Pye, that wasn't nearly as bad as you were
24 fearing, was it?

25 MR. PYE: No, sir, no, sir. I had it built up to be

1 pretty bad though.

2 CHAIRMAN RANKIN: Okay. Questions by other members
3 of the Commission? I want to start out -- and
4 again, Corbin and Will, y'all are 15 and 18?

5 MR. WILL PYE: I am 19, sir.

6 CHAIRMAN RANKIN: Nineteen and --

7 MR. CORBIN PYE: I am 16.

8 CHAIRMAN RANKIN: Super, super. This is perhaps the
9 most unique trip to Columbia you've ever made.
10 Glad y'all are here.

11 MR. PYE - EXAMINATION BY CHAIRMAN RANKIN:

12 Q. **Mr. Pye, I want to ask about your interaction**
13 **with this process, all phases of this. And**
14 **obviously, this today is just one step along the**
15 **way of many steps you've taken to get here,**
16 **right?**

17 A. Yes, sir.

18 Q. **Is this, in your view, a healthy and thorough**
19 **investigative process for candidates, yourself**
20 **included?**

21 A. I think that it has been very thorough in the
22 investigation. I would say that I was surprised
23 a little bit by not only my -- what came out
24 from the committees with me as far as qualified
25 versus well qualified or whatever. And some of

1 the other candidates in other races that had
2 contacted me, they were concerned about, well,
3 how did they know my academic qualifications if
4 they didn't see my transcript. Those kind of
5 questions were discussed amongst candidates, you
6 know, not just in this family court race, but in
7 others as well. So I would just point that out
8 to you -- and that made me think, well, you
9 know, how did they know the academic credentials
10 of a candidate unless they've seen transcripts
11 and grades. But otherwise, I think it's the
12 best system that we have.

13 Q. Well, again, you're raising others commenting to
14 you about that, and again, this is you're
15 referring to professional and academic ability
16 perhaps?

17 A. Yes, sir.

18 Q. All right. And do you -- again, the interaction
19 with that Upstate Committee, was that done by
20 Zoom, or was that done in person, that
21 interview?

22 A. My Upstate Committee was in person, and it went
23 great. I thought they did as good of a job as
24 one could do. The other one was by Zoom, my Bar
25 interview, and those folks were very thorough

1 and asked me a lot of questions.

2 Q. **And so at the Citizens Committee, the Upstate**
3 **Citizens Committee meeting, I guess, do you feel**
4 **like you had the opportunity to answer fully or**
5 **state your case as fully as you wanted?**

6 A. Yes, sir. They gave me every opportunity to
7 explain anything I wanted to.

8 Q. **If you would waive your magic wand and have us**
9 **do something differently -- again, not us today,**
10 **not me, but throughout this JMSC process, what**
11 **would you have us do?**

12 A. That I don't know. And that's why I mentioned
13 that I think it's the best system that we have
14 at this point. But I thought that was a
15 legitimate question that I had not thought up
16 when someone brought up the whole academic
17 issue. In particular, this person had gone to
18 Vanderbilt Law School, which is a very fine
19 school and had done very well and didn't
20 understand why they were disqualified
21 academically with nothing else to show that they
22 weren't, if that makes sense.

23 Q. **That was not you?**

24 A. Sir?

25 Q. **You're not making that statement?**

1 A. No, sir. I wasn't smart enough to go to
2 Vanderbilt Law School.

3 Q. Well, likewise, I rode by it. That's as close
4 to it as I could get. And finally, in terms of
5 the ballot box survey, do you participate in
6 these when you get these solicitations on other
7 candidates?

8 A. Yes, sir. I do, yes, sir.

9 Q. Do you believe that that's a healthy way for us
10 to gauge -- again, anonymous though they are,
11 but to gauge folks in their view of a
12 candidate's qualifications?

13 A. Thank you for brining that up because I should
14 have mentioned that myself. Like, for example,
15 the comment about the trustworthiness and the
16 ethics. I think it's kind of a cheap shot
17 sitting behind a computer and anonymously saying
18 that about someone when I look back at my career
19 and I've never been approached or challenged in
20 that manner. But my first thought was, well,
21 the guy I had to turn into the Bar, him and his
22 buddies probably thought, well, this is my time
23 to give a little payback and Chad won't even
24 know it's us. So it would be nice if they had
25 to come before the Committee and tell us what

1 the issue was back then if there truly is an
2 issue.

3 **Q. Well, again, you have participated in this.**
4 **You've filled these out?**

5 **A. I have.**

6 **Q. And so, good or bad, you've made comments about**
7 **other candidates?**

8 **A. Well, typically I don't -- I wouldn't make any**
9 **bad comments unless it was -- and I don't recall**
10 **ever making any bad comments about people. I**
11 **usually will say qualified, well qualified or**
12 **unqualified. And then if I know them very well,**
13 **I will speak to how well I know them and their**
14 **daily -- but if I've only had a couple of cases**
15 **with them, I mean, you just never know what's**
16 **going on in someone's life. I may have caught**
17 **them on a bad day. You just don't know what**
18 **people are dealing with personally. So I**
19 **wouldn't want to sabotage their career based on**
20 **one or two interactions with someone. So I**
21 **avoid the negative.**

22 **Q. Well, and for Will and Corbin's benefit and**
23 **yours as well, but overwhelmingly you get more**
24 **positive comments by those who know you.**

25 **A. Thank you.**

1 Q. So be heartened by that. So with that, I don't
2 have anything else.

3 CHAIRMAN RANKIN: Mr. Safran.

4 MR. PYE - EXAMINATION BY MR. SAFRAN:

5 Q. Good afternoon, Mr. Pye.

6 A. Good afternoon.

7 Q. Hope you're doing well today. I won't be long,
8 but let me just ask a couple of things. I get
9 the sense that -- looking at your PDQ, that you
10 appear in family court relatively frequently?

11 A. Yes, sir.

12 Q. And is it generally in Spartanburg County?

13 A. Mostly Spartanburg, sometimes Greenville,
14 sometimes Cherokee County. I have been in
15 Columbia. I have been as far as Charleston.

16 Q. I know and I get it. I travel myself a little
17 bit.

18 A. Yes, sir.

19 Q. So I guess for the most part you're regional in
20 most of your cases?

21 A. That's correct, yes, sir.

22 Q. Okay. And I know you've indicated -- and I
23 don't remember ever dealing with you, you did
24 comp defense many, many years ago --

25 A. Yes, sir.

1 Q. -- and that over time, I guess -- you hadn't
2 turned those cases down, but just over time
3 you've developed a bigger family court practice?

4 A. Yes, sir. I've found that it's just difficult
5 to compete with the TV guys.

6 Q. **No question.**

7 A. And I just -- so I just enjoy family court, so I
8 take what comes and know it's what comes.

9 Q. And I get it. And to just kind of echo a little
10 bit of what the Chairman is saying is that
11 certainly we look at ballot box comments, we
12 take them, I guess, for what they're worth, look
13 for trends. I mean, we -- I hear the word
14 outlier a lot in here, meaning if there's one or
15 two as opposed to fifty that are very good, you
16 kind of, again, get a sense of what's going on.
17 And the only thing I'm kind of puzzled about is
18 is where are these comments coming up saying you
19 don't go to family court. You don't do it very
20 much, that you want to do personal injury, you
21 want to do workers' comp, but where's that all
22 coming from?

23 A. I don't know. I can tell you that I'm in family
24 court weekly. The judges in Spartanburg can
25 tell you that. I do still get a lot of workers'

1 comp. I get some car wreck stuff but family
2 court takes up -- and I kid sometimes. I tell
3 people 65 percent of my time is spent on family
4 court and in family court and 65 percent of my
5 money comes from personal injury. That's just
6 the way it shakes out.

7 Q. **Well, and it sounds like that you're staying**
8 **busy, you're being successful. I mean, is this**
9 **something that has been a long-term goal, or**
10 **does this just happen to be, hey, the**
11 **opportunity's there?**

12 A. No, sir. I told Senator Talley 15 years ago
13 that I want to be a family court judge one day,
14 probably in about 2005 I guess it was. So this
15 is something I've always wanted to do. The time
16 just wasn't right, my boys weren't old enough,
17 because I would attend all of their functions.
18 And I understand once you take the bench at 9:00
19 in the morning you don't just get to go to a
20 golf match or to a play or to an awards banquet.
21 And so I maintained my private practice until
22 now. Corbin's a freshman in college and Will's
23 a junior in high school and with Judge Sinclair
24 having to retire, it just -- the timing is just
25 right. I've done all I can do, I feel like, as

1 a private practitioner, and I'd like to see what
2 I can do from the bench, which includes helping
3 families. I know a lot of lawyers -- and I
4 think I wrote about this in my PDQ, like to pour
5 gas on the fire. To me, family court's one of
6 the worst things you're going through in your
7 life, or you're going to go through in your
8 life, is a divorce and loss of your children
9 possibly part time and your retirement that you
10 worked for. And I like to look at myself as
11 someone that fixes the problem rather than just
12 pours gas on it to create a bigger fight for the
13 other side and they make more money. And I have
14 brought up the fact I can make my money settling
15 one car wreck case, but I'd rather do good on a
16 family court case and bring people together and
17 end the squabble, and I think I can do that as a
18 judge.

19 Q. **Well, and just on that last point, my concern**
20 **over time. And I haven't done a family court**
21 **case in quite some time, I did some in the past.**
22 **It's that it just seems like there's a**
23 **underlying incentive on the part of the lawyers**
24 **to want to fuel the fire, because that's how**
25 **they get paid.**

1 A. Absolutely.

2 Q. That the bottom line isn't always really the
3 goal.

4 A. Yes, sir.

5 Q. It's a matter of let's take a few trips around
6 the park before we get there. What are you
7 going to do to try to facilitate what you're
8 telling us, which is, I don't want these things
9 to become just mushrooms. I want them to
10 basically get to the crux and get them done in a
11 way that these folks aren't paying a fortune in
12 order to get oftentimes a division of some
13 meager assets.

14 A. That's a great question and I've thought about
15 that a lot. And the way to fix that as a judge
16 is, you know, as in family court, which is one
17 of the few areas where we can award attorney's
18 fees. And if there is a case that were to
19 become before me where clearly one side was
20 trying to resolve issues from the beginning and
21 the other side was just trying to churn the
22 meter, I think that person should pay some
23 attorney's fees. I don't think that is used
24 enough in our family court system. I don't
25 think attorney's fees are awarded enough or

1 enough attorney's fees are awarded.

2 **Q. Thank you for your responses.**

3 A. I think that would quickly quell the notion of,
4 you know, party A, lawyer A, to run up a huge
5 bill on the other side if their client had to
6 pay.

7 **Q. Well, I get the point. I appreciate it. Thank**
8 **you.**

9 CHAIRMAN RANKIN: All right. Anybody else? Hope.

10 MS. BLACKLEY-LOGAN: Good afternoon.

11 MR. PYE: Good afternoon.

12 MS. BLACKLEY-LOGAN: I just wanted to go on the
13 record to have it stated that we know each
14 other. I have seen you. And I first met you on
15 the halls of the family court -- hallways when I
16 was clerk of court, and that's how we've known.
17 And I also want to be on record that you have
18 assisted in helping my daughter on an issue.
19 And I wanted that all to be on the record but
20 thank you for running, and thank you for what
21 you do.

22 CHAIRMAN RANKIN: All right. Anybody else? Very
23 well. Mr. Pye, I appreciate your being here.
24 Again, Will, Corbin, likewise your attendance
25 with your father. This concludes this portion

1 of the screening process. You are reminded that
2 we in the JMSC treat very seriously and adhere
3 to both the letter and the spirit of the South
4 Carolina ethics laws. Any violation or
5 appearance of impropriety in that vein is
6 deserving of very serious consideration by us.
7 You understand that this record is not closed
8 and will not be until the formal release of the
9 Report of Qualifications, and if the need were
10 to arise, we would call you back, correct?

11 MR. PYE: Yes, sir, I understand.

12 CHAIRMAN RANKIN: Very good. All right, sir. With
13 that, y'all have a wonderful Christmas, college
14 at Wofford -- which one's at Wofford?

15 MR. CORBIN PYE: Spartanburg Methodist.

16 CHAIRMAN RANKIN: Spartanburg Methodist, okay. Very
17 good.

18 MR. PYE: Hopefully he'll transfer to Wofford and
19 finish his last year in golf.

20 CHAIRMAN RANKIN: Super, super. Well, can you hit a
21 nine iron from your campus to the Wofford
22 campus? How far is it?

23 VICE CHAIRMAN SMITH: That'd be a long drive.

24 CHAIRMAN RANKIN: Would it be a three wood or a --

25 MR. CORBIN PYE: A driver, probably.

1 CHAIRMAN RANKIN: A driver. I believe you could do
2 it. All right, guys, thank y'all. Merry
3 Christmas to you.

4 MR. PYE: Thank you.

5 (Off the Record)

6 CHAIRMAN RANKIN: Ms. Erika L. McJimpsey.

7 JUDGE MCJIMPSEY: Yes, sir.

8 CHAIRMAN RANKIN: What a beautiful name.

9 JUDGE MCJIMPSEY: Thank you.

10 CHAIRMAN RANKIN: We're going to get started by first
11 asking you to raise your right hand.

12 THE HONORABLE ERIKA L. MCJIMPSEY, having been duly
13 sworn, testifies as follows:

14 CHAIRMAN RANKIN: You have before you two documents,
15 a PDQ and a Sworn Statement. Are those ready to
16 be put into the record?

17 JUDGE MCJIMPSEY: Yes.

18 CHAIRMAN RANKIN: All right. If you'll hand those to
19 the young lady to your right. Ms. McJimpsey, we
20 have thoroughly investigated your application
21 here and your qualifications for the bench. You
22 know that we focus on nine evaluative criteria.
23 We also look at the ballot box survey, a study
24 of your application materials, verification of
25 your compliance with state ethics laws, a search

1 of newspaper articles in which your name
2 appears. You've not previously screened for a
3 position?

4 (Exhibit Number 10 was marked for identification
5 purposes - (16 pages) Personal Data Questionnaire for
6 The Honorable Erika L. McJimpsey.)

7 (Exhibit Number 11 was marked for identification
8 purposes - (4 pages) Sworn Statement of The Honorable
9 Erika L. McJimpsey.)

10 JUDGE MCJIMPSEY: Yes, sir, I have on two prior
11 occasions.

12 CHAIRMAN RANKIN: Okay. When were they, remind me?

13 JUDGE MCJIMPSEY: 2012 and 2016.

14 CHAIRMAN RANKIN: Very well. And my apologies. That
15 is in my book. I was not here so I did not
16 participate, I don't believe.

17 JUDGE MCJIMPSEY: No, sir.

18 CHAIRMAN RANKIN: Glad to have you back, before us,
19 and me, the first time.

20 JUDGE MCJIMPSEY: Thank you.

21 CHAIRMAN RANKIN: Finally, we looked at and checked
22 for economic conflicts of interest. No
23 affidavits have been filed in opposition to your
24 campaign, and no witnesses are here to testify
25 for you or against you. Ms. McJimpsey, you have

1 the right to make an ever so brief opening
2 statement. I apologize for the hour that you
3 are appearing. We are late. You're right here
4 on time. The floor is yours.

5 JUDGE MCJIMPSEY: I just want to thank y'all for the
6 opportunity to be here before you. It's an
7 honor and a privilege to be here, so, thank you.

8 CHAIRMAN RANKIN: Judge, thank you, and Ms. Mottel
9 will ask you some questions now.

10 MS. MOTTLE: Thank you, Mr. Chairman.

11 JUDGE MCJIMPSEY - EXAMINATION BY MS. MOTTEL SYMMES:

12 Q. Judge McJimpsey, please state for the record the
13 city and circuit in which you reside.

14 A. Spartanburg, South Carolina, the Seventh
15 Judicial Circuit.

16 Q. Thank you.

17 MS. MOTTEL SYMMES: Mr. Chairman, I note for the
18 record that based on the testimony contained in
19 the candidate's PDQ, which has been included in
20 the record with the candidate's consent, Judge
21 McJimpsey meets the statutory requirements for
22 this position regarding age, residence and years
23 of practice.

24 Q. Judge McJimpsey, why do you want to serve as a
25 family court judge, and why do you feel that

1 **your legal and professional experience qualify**
2 **and will assist you to be an effective judge?**

3 A. I'd like to serve as a family court judge
4 because it would continue the legacy of service,
5 particularly as it relates to family. My father
6 was a juvenile probation officer for 32 years.
7 My grandmother -- I remember, being a small
8 child, and she worked in a facility for unwed
9 mothers. So I have a long legacy of service to
10 families, have always been interested and
11 dedicated to issues relating to children and
12 family. I'm certain that you reviewed my
13 information. All of my volunteer work relates
14 to children and families within the schools,
15 within churches, within our community. I have a
16 strong dedication to family. My first job out
17 of law school was the first full time domestic
18 violence prosecutor. I went on from there to do
19 some work in general sessions. Following that,
20 I worked in the family court as a juvenile
21 prosecutor for about four and a half years. I
22 worked for about four and a half years at the
23 South Carolina Department of Juvenile Justice,
24 which at that time was my dream job. I
25 continued to live in Spartanburg but commuted

1 daily with two small kids, a husband, to have
2 the opportunity to work for the Department of
3 Juvenile Justice. I absolutely loved and adored
4 that job and would not have left that job except
5 for the opportunity to serve on the bench. So
6 my commitment and dedication from as long as I
7 can remember has always been related to children
8 and family. I understand the extreme importance
9 of having good people who have a fair and a just
10 background in those roles to help hopefully
11 restore families or to create a family that a
12 child did not have. So it's extremely important
13 to me, and it's one of my lifelong passions.

14 Q. **Thank you. Judge McJimpsey, are there any areas**
15 **of the law for which you would need additional**
16 **preparation in order to serve as a family court**
17 **judge and how would you handle that additional**
18 **preparation?**

19 A. I've never worked in private practice, and I'm
20 certain you've noticed that from my information.
21 I have worked in legal issues as it relates to
22 the family as a military judge. I was in the
23 JAG Corps for over 11 years. At that time, I
24 was devoted to legal services, which dealt with
25 separation agreements and issues as it relates

1 to soldiers and their families. And I have
2 already begun, and even while working on the
3 bench, continued to do continuing legal
4 education classes as it relates to family court,
5 even 2016, 2018, even up to last night. I was
6 doing a CLE as it relates to abuse and neglect,
7 DSS issues. So again, there are certain areas
8 where I would have to work to gain competency.
9 But I've already gained and am currently gaining
10 that competency because I'm proactive in regard
11 to taking that approach.

12 **Q. Thank you. And you spoke to this, but can you
13 please briefly describe your experience in
14 handling complex or contested family court
15 matters and discuss your experience with the
16 financial aspects of such work?**

17 A. And I have not personally worked in those areas,
18 but again, I have taken the advanced family law
19 course, the Bench Bar, Hot Tips, all of those
20 classes I've taken numerous times beginning from
21 2012, 2016, '17 and '18. But I have not
22 personally served as a lawyer in regard to
23 complex family court cases. But again, I'm
24 continuing to sharpen my skills and will
25 continue to do that.

1 Q. Thank you. Judge McJimpsey, the Commission
2 received 191 ballot box surveys regarding you
3 with 22 additional comments. The ballot box
4 survey contained the following positive
5 comments: Given her deep background of
6 experience, both in the Spartanburg County
7 Courthouse and as a judge for the City of
8 Spartanburg, I think Erika McJimpsey would be an
9 excellent addition to the family court. Erika
10 has shown incredible leadership in establishing
11 the homeless court in Spartanburg. Her
12 compassion for the people who come in front of
13 her and her desire to find creative solutions to
14 actually improve their lives makes her a great
15 judge. And, I have appeared before Judge
16 McJimpsey on numerous occasions and would note
17 that she has excellent knowledge of the law and
18 courtroom procedure. She listens attentively to
19 the litigants that appear before her and is
20 always courteous to attorneys, witnesses and
21 parties alike. She is exactly what we need more
22 of in our judiciary. Nine of the written
23 comments expressed concerns. The majority of
24 those comments indicated that you lack
25 experience or have no experience with family

court matters, particularly related to DSS.

What response would you offer to this concern?

A. And again, oftentimes people are not fully aware of the background that a candidate has. When I worked for DJJ, I was intricately involved with DSS matters, because they often intertwined, not only professionally but also personally. I'm an adopted mom. I'm a foster care mom. My husband worked over 20 years in a group home setting, so I do have some background in regard to those abuse and neglect issues, both personally and professionally.

Q. Thank you. The second concern indicated that you have poor judicial temperament. Could you please tell the Commission what you feel the appropriate demeanor of a family court judge?

A. The appropriate demeanor of a judge, family court judge or otherwise, is to be fair, to be temperate, to be polite, to be courteous and also to be competent.

Q. Thank you, Judge McJimpsey.

MS. MOTTEL SYMMES: I would note that the Upstate Citizens Committee found Judge McJimpsey to be well qualified in the evaluative criteria of ethical fitness, professional and academic

1 ability, character, reputation, experience and
2 judicial temperament and qualified in the areas
3 of constitutional qualifications, physical
4 health and mental stability.

5 **Q. And I just have a few housekeeping questions for**
6 **you now. Are you aware that as a judicial**
7 **candidate you are bound by the Code of Judicial**
8 **Conduct as found in Rule 501 of the South**
9 **Carolina Appellate Court Rules?**

10 A. Yes.

11 Q. Since submitting your Letter of Intent, have you
12 contacted any members of the Commission about
13 your candidacy?

14 A. No.

15 Q. Are you familiar with Section 2-19-70, including
16 the limitations on contacting members of the
17 General Assembly regarding your screening?

18 A. Yes.

19 Q. Thank you. Since submitting your Letter of
20 Intent, have you sought or received the pledge
21 of any legislator, either prior to this date or
22 pending the outcome of your screening?

23 A. No.

24 Q. Have you asked any third parties to contact
25 members of the General Assembly on your behalf,

1 **or are you aware of anyone attempting to**
2 **intervene in this process on your behalf?**

3 A. No.

4 Q. **Have you reviewed, and do you understand, the**
5 **Commission's guidelines on pledging in South**
6 **Carolina Code § 2-19-70(E)?**

7 A. Yes.

8 MS. MOTTEL SYMMES: I would just note for the record
9 that any concerns raised during the
10 investigation regarding Judge McJimpsey were
11 incorporated into the questioning of the
12 candidate today. Mr. Chairman, I have no
13 further questions.

14 CHAIRMAN RANKIN: Okay. Thank you, Ms. Symmes.

15 Questions by members of the Commission? Senator
16 Talley.

17 JUDGE MCJIMPSEY - EXAMINATION BY SENATOR TALLEY:

18 Q. **Good afternoon, Judge.**

19 A. Yes, sir.

20 Q. **Nice to see you.**

21 A. You too.

22 Q. **How are your boys?**

23 A. They're doing well.

24 Q. **Good. I shared with some members of this**
25 **Commission, I think we have two that played**

1 sports together for a period of years.

2 A. We did from little league on.

3 Q. That's right. I had a comment, and then I just
4 want to give you an opportunity to expand on
5 something --

6 A. Yes, sir.

7 Q. -- that you had mentioned. You know, one, we
8 look at a lot of things, including some of these
9 ballot box surveys. And some of the comments
10 that have been made as far as, you know, your
11 demeanor or temperament. One even says it's
12 based on stories. It's not something anybody's
13 personally witnessed. I wanted you to know
14 that. And I also wanted you to know that while
15 I've appeared in your courtroom numerous times,
16 I've never seen anything of the such. It's run
17 professionally. It's run efficiently. You do
18 hear both sides, give everybody a chance to
19 state their case and try their case. And so I
20 just wanted to make that comment. But I did
21 want to give you a chance to talk through the
22 issues that have come up about your lack of
23 private practice experience. And you're well
24 aware in Spartanburg we have a pretty heavy
25 family court docket. And there's a need for

1 somebody to jump right in and help move cases.
2 So what would you say to these critics and this
3 Commission beyond what you've already done as
4 far as continuing education and things like that
5 that you think would help you get on the bench
6 and be able to hear a three-day private divorce
7 case that has custody issues, financial issues
8 from day one?

9 A. Again, you all are aware that I've been screened
10 several times, and I've continued to gain
11 knowledge and expertise in these particular
12 areas. And I'm quite familiar with learning and
13 doing things that oftentimes look very
14 difficult. I was 28 years old when I joined the
15 military, which a lot of people told me, why are
16 you doing this. There's no reason for you to do
17 this. There's no way that you would be able to
18 catch up to speed without any prior knowledge or
19 prior involvement with the military, but I got
20 involved. I excelled. One of my strong points
21 is excellence and excelling and being committed
22 to doing well and to working very, very hard.
23 I'm not a stranger to hard work. I'm not afraid
24 of hard work, even though there are times that I
25 didn't go through, I continued to learn and to

1 study and to gain expertise. Even though those
2 doors were shut, I never gave up on the
3 opportunity of being a family court judge. I
4 think oftentimes there are also skill sets that
5 are not directly related to the role. Being in
6 the military, I've learned to deal with complex,
7 novel issues. Without the experience prior to
8 going in, I was able to learn and to advance in
9 the military setting, even as it relates to
10 coming on the bench to the municipal court there
11 in Spartanburg. At the time that I got the
12 position, there were over 1,800 pending jury
13 trial cases. They hadn't had a jury trial in
14 five to ten years. When I started that job I
15 worked very hard to streamline that docket and
16 to make sure that our cases in our court ran as
17 efficiently as any court in the state. And I'm
18 proud to say I personally believe that we run a
19 good court and part of that is some of the skill
20 sets that I brought to the bench based on my
21 prior prosecutorial experience, my prior military
22 experience and even being a mother. As a mother
23 and as a foster parent and adoptive parent,
24 issues come up that you have to exercise extreme
25 patience and competency, and I've done that

1 throughout my career.

2 CHAIRMAN RANKIN: All right. Hope.

3 MS. BLACKLEY-LOGAN: Hello, Judge McJimpsey. I
4 wanted to have it stated on the record that we
5 know each other both personally and
6 professionally. I worked with Erika when she
7 was assistant solicitor on DJJ cases as well as
8 criminal domestic violence cases and grew a
9 friendship out of that as well as a mentorship.
10 I wanted to make sure that y'all knew that, but
11 I was very surprised about the temperament
12 comment, because I've never in any time seen you
13 have a horrible or even come close to having a
14 bad temperament. So I found that to be very
15 interesting, but I also wanted to -- I didn't
16 hear any mention of you starting the homeless
17 court in Spartanburg, which is a big, big deal
18 right now with the homeless, homeless numbers
19 increasing around the country, especially in the
20 upstate. And that's something you just did on
21 your own and you don't get any additional
22 funding for -- compensation for it, I guess I
23 should say. So I wanted to commend you on that
24 process and that's something that you needed to
25 learn. And I have an institute that's called

1 the Institute for Youth Justice, where we work
2 with 11th to 12th graders to learn about the
3 justice system as a whole. And Judge McJimpsey
4 is a volunteer along with other circuit court
5 and family court judges with this program. And
6 by far, the surveys always come back that they
7 enjoyed Judge McJimpsey's courtroom and her
8 interaction with these youth. And so I wanted
9 to make sure that was on the record, and your
10 volunteer experience is impeccable. And thank
11 you for running. I know that you are going to
12 continue to work hard to get the -- learn the
13 things that you need to learn to be in a good
14 position for a judicial appointment such as
15 this, but I wish you all the best. And thank
16 you for running, and it's great, great seeing
17 you.

18 JUDGE MCJIMPSEY: Thank you.

19 JUDGE MCJIMPSEY - EXAMINATION BY CHAIRMAN RANKIN:

20 Q. Judge, you have an impressive resume and two
21 things I want to comment on. Full time city
22 judge city judge in Spartanburg, correct?

23 A. Yes, sir.

24 Q. And that speaks to your inability to, I guess,
25 have time in a family court setting. When you

1 list your practice mix, effectively you don't
2 have any percentage attributed to the domestic
3 practice, correct, presently?

4 A. Not presently, not presently.

5 Q. Okay. And you've been a city judge since 2012,
6 right?

7 A. 2009.

8 Q. All right. And I'm looking at your PDQ --

9 A. And I think the distinction would be I was part
10 time --

11 Q. Part time.

12 A. -- and then in 2011, 2012 I became full time.

13 Q. Full time, right.

14 A. So initially when I started, I was in a part-
15 time capacity, and then went into a full-time
16 capacity around 2011, 2012.

17 Q. As Hope and Scott, or Senator Talley,
18 referenced, you are a busy lady. It appears
19 that you are in high demand for speaking and you
20 have quite a resume of activity and community
21 involvement, which is very noteworthy. And then
22 one other is a letter of reference by Mr.
23 Cauthen, George Cauthen, I believe.

24 A. Yes, sir.

25 Q. That is worthy of note, too. Do you have much

1 **time to sleep might be a fair question for you?**

2 A. Not a lot but I don't need a lot. And when
3 you're in your passion and you're doing what you
4 love, you have the capacity to do more. And
5 that's part of the reason why I go out to
6 schools and speak to people in the community
7 because I consider myself somewhat of an
8 ambassador of the legal system. And my story's
9 such that I believe if I can do it, anyone can
10 do it. If you're willing to put in the hard
11 work, you can accomplish that. And it's part of
12 my mandate to make sure that people see people
13 like me and understand that not everybody gets
14 to walk the same path and not everybody has
15 certain opportunities. But if you work hard and
16 you're committed, those things will happen in
17 time. So for me, that's part of what I love to
18 do. I spend the bulk of my time in schools, in
19 community settings just to make sure that people
20 see my face and I am accessible. And I can tell
21 my story that hopefully will capture someone's
22 attention that they have what it takes to do it
23 as well.

24 Q. **Got it. Well, you certainly are getting, again,**
25 **anonymous comments that you -- I'm going to**

1 perhaps read someone's comment, the right stuff.
2 Either I read, or you're invoking that with what
3 you just said for me. And that is a role of a
4 judge. What you don't have, fortunately or
5 unfortunately for you, is a deep knowledge of
6 and/or experience in the very court that you're
7 trying to get. You were a JAG officer for 11
8 years, I think?

9 A. Yes, sir.

10 Q. Obviously, you've got the ability to be a quick
11 study. But to the person who would appear
12 before you who has never seen you in a family
13 court setting in the throes of custody or
14 equitable distribution or all the iterations of
15 family court, all important, that would be
16 concerned that you have no experience. Speak to
17 that again.

18 A. While I don't have direct experience in a
19 civilian setting, I do have that experience in
20 the military setting, and some of that does
21 translate. I also have the involvement in terms
22 of abuse and neglect. As a juvenile court
23 prosecutor, 70 percent of our caseload dealt
24 with child sexual assault, which also relates.
25 I've got over ten years of experience as it

1 relates to the juvenile justice system. So
2 while there are certain components that don't
3 quite fit, there are other components that fit
4 quite well. And I'm confident that if I were
5 allowed to take the bench, there would be no
6 questions or concerns in regard to my
7 competency. I think most members of the Bar
8 have experienced that in different settings,
9 even as a prosecutor or as a judge. Questions
10 in regard to my competency have never been an
11 issue, because I'm willing to work hard. And I
12 will make whatever difference there is that
13 needs to be made. I'll make sure that
14 difference is made.

15 **Q.** **Well, and again, recognizing the advent of**
16 **mediation, how perhaps the bigger cases with the**
17 **tentacles of all things financial, family,**
18 **children, et cetera, may well be worked out**
19 **before they ever reach you on a permanent basis,**
20 **but at a temporary basis, you know, what is the**
21 **docket of a family court roster right now. I**
22 **would ask that of others later, but it may well**
23 **not be so heavy on the things which you don't**
24 **have that much experience in --**

25 **A.** Yes, sir.

1 Q. -- but that which you do, and obviously you, as
2 I said, are surely a quick study, so.

3 A. Yeah. And I have actually taken the opportunity
4 to go in and sit in on family court cases.
5 Judge Bridges as well as Judge Thigpen have
6 opened their doors to me. And I've taken
7 advantage of that, just to come in and sit in
8 the courtrooms. Or they've even allowed me to
9 go back into the office with attorney's consent
10 to sit there and to hear how things are run. So
11 I did take the initiative of currently and in
12 the past to do that, and they've been more than
13 willing to open their doors. Judge Georgia
14 Anderson as well, a retired family court judge.

15 Q. An Horry product. She was a vault.

16 A. Okay.

17 Q. Her father was a family court judge way back,
18 took -- didn't go to law school, read for and
19 studied under a lawyer to pass the Bar --

20 A. Wow.

21 Q. -- and then made a family court judge way back
22 before I was -- I was alive, but not practicing.
23 So she's a good mark.

24 A. She is.

25 CHAIRMAN RANKIN: All right. Unless there are other

1 questions, Judge McJimpsey, this will close this
2 portion of the screening process. You're
3 reminded that this Commission takes very
4 seriously both the letter and the spirit of the
5 South Carolina ethics laws. Any violation or
6 the appearance of impropriety in that regard
7 would be deemed very serious. We would be able
8 to call you back, because you understand that
9 this record is not closed until the formal
10 release of the Report of Qualifications,
11 correct?

12 JUDGE MCJIMPSEY: Yes, sir, yes, sir.

13 CHAIRMAN RANKIN: We don't anticipate that that would
14 happen, but we always ask and make sure that the
15 candidate is aware of that.

16 JUDGE MCJIMPSEY: Yes, sir.

17 CHAIRMAN RANKIN: So with that, God bless you --

18 JUDGE MCJIMPSEY: Thank you.

19 CHAIRMAN RANKIN: -- happy trails back to Boiling
20 Springs.

21 JUDGE MCJIMPSEY: Yes.

22 CHAIRMAN RANKIN: And Merry Christmas to you and your
23 family.

24 JUDGE MCJIMPSEY: Thank you. God bless you all.
25 Thank you.

1 (Off the Record)

2 CHAIRMAN RANKIN: Welcome, Ms. Moss.

3 MS. MOSS: Thank you.

4 CHAIRMAN RANKIN: My apologies for the delay in
5 starting with you.

6 MS. MOSS: No, there was not a wait at all. It was
7 fine, thank you.

8 CHAIRMAN RANKIN: Super. If you will raise your
9 right hand. In fact, we're only ten minutes
10 late with you.

11 MS. MOSS: Yes, sir.

12 ANGELA J. MOSS, having been duly sworn, testifies as
13 follows:

14 CHAIRMAN RANKIN: You have before you two documents
15 that you've prepared, the Personal Data
16 Questionnaire and the Sworn Statement. Are
17 those ready to be put into the record?

18 MS. MOSS: Yes, sir, they are.

19 CHAIRMAN RANKIN: If you'll hand those to the young
20 lady to your right. Ms. Moss, in our thorough
21 investigation of your qualifications for the
22 bench, you're aware of the nine evaluative
23 criteria we look at as well as the ballot box
24 survey, a thorough study of your application
25 materials, verification of your compliance with

1 state ethics law, a search of newspaper articles
2 in which your name appears, a study of previous
3 screenings and a check for economic conflicts of
4 interest. There is one affidavit in opposition
5 to your election, one witness who will testify,
6 I believe, which we'll get to later. You have
7 the opportunity at this moment or time to make a
8 brief opening statement if you so choose.

9 (Exhibit Number 12 was marked for identification
10 purposes - (15 pages) Personal Data Questionnaire for
11 Angela J. Moss.)

12 (Exhibit Number 13 was marked for identification
13 purposes - (5 pages) Sworn Statement of Angela J.
14 Moss.)

15 MS. MOSS: You know, I think we all know we have a
16 lot to do this afternoon, so I'll waive the
17 opening statement.

18 CHAIRMAN RANKIN: Very well. Maura Baker will ask
19 some questions, and thank you.

20 MS. MOSS - EXAMINATION BY MS. BAKER:

21 Q. **Good evening, Ms. Moss. Please state for the**
22 **record the city and circuit in which you reside.**

23 A. I live in Inman, South Carolina, Seventh
24 Judicial Circuit.

25 MS. BAKER: Mr. Chairman, I note for the record that

1 based on the testimony contained in the
2 candidate's PDQ, which has been included in the
3 record with the candidate's consent, Angela Moss
4 meets the statutory requirements for this
5 position regarding age, residence and years of
6 practice.

7 **Q. Ms. Moss, why do you want to serve as a family**
8 **court judge, and why do you feel that your legal**
9 **and professional experience qualify and will**
10 **assist you to be an effective judge?**

11 A. When I started practicing law about 26 years
12 ago, it was not on my radar to become a family
13 court judge. I did not plan my career with that
14 in mind, but now after all of these years of
15 experience day by day, case by case, I look back
16 on my career and realize at this point I have
17 obtained life experience that I think would be
18 worthwhile and that I could give back to my
19 community by serving as a family court judge.
20 Throughout my career -- 23 years of my career
21 I've kept one foot in public service at all
22 times, and that has been very rewarding to me.
23 I've enjoyed that and I think being a family
24 court judge would be another way just to
25 continue in with the public service.

1 Q. Thank you, Ms. Moss. Are there any areas of the
2 law for which you would need additional
3 preparation in order to serve as a family court
4 judge, and how would you handle that additional
5 preparation?

6 A. Actually I've sat in almost every scene in the
7 family courtroom. I have been a guardian ad
8 litem. I have represented clients in divorces,
9 custody actions. I have represented parties in
10 DSS cases. I have prosecuted juveniles in
11 family court. I've defended juveniles in family
12 court. So I have a varied experience. The only
13 thing I could think of that I might need a cheat
14 sheet for would be the statutory deadlines for
15 the DSS cases. I don't have all of those
16 memorized. But I think we have really clear
17 laws, and I think I can make a little sheet to
18 keep up with that. That would be the only thing
19 I would think would need a little extra work.

20 Q. **Ms. Moss, please briefly describe your**
21 **experience in handling complex contested family**
22 **court matters and specifically discuss your**
23 **experience with the financial aspects of family**
24 **court work.**

25 A. Okay. I have -- as I said, I have been in

1 private practice. I have represented clients,
2 both plaintiffs and defendants, husbands and
3 wives in divorce actions. Some of those actions
4 were simple property division, simple financial
5 issues. Some were complex. On the complex
6 family cases, the complex financial issues
7 sometimes they require business valuations,
8 substantial work to get a case ready. Also in
9 my mediation practice, now that's what I do
10 mainly as I've kind of turned to mediation
11 practice. And in that practice you have to know
12 the law. You have to know how to divide
13 property to be an effective mediator. That's
14 something I do every week on a weekly basis.
15 We're dealing with complex issues. Also as a
16 guardian ad litem, I have sat in many, many
17 cases, many, many divorce cases where I've seen
18 those issues tried. But I have had a hand in
19 actually trying them myself.

20 Q. **Ms. Moss, the Commission received 131 ballot box**
21 **surveys regarding you with 21 additional**
22 **comments. The ballot box survey, for example,**
23 **contained the following positive comments: "Ms.**
24 **Moss has extensive experience in both**
25 **prosecution, juvenile defense and GAL work. She**

1 would be an asset to the bench. Angela Moss has
2 the temperament, diverse background and
3 intellectual ability to be a first-rate judge.”
4 Eight of the written comments expressed some
5 concerns. Several comments indicated you have
6 difficulty with the time management of your
7 caseload. What response would you offer to this
8 concern?

9 A. Without more detail regarding those comments,
10 it's hard to understand what they are talking
11 about. I do know sometimes attorneys become a
12 little antsy while they're waiting on drug test
13 results to come back or for the children to work
14 with a therapist to try to get the
15 recommendation from the therapist. Those issues
16 just take time, and that's not something anyone
17 can rush. However, regarding time management, I
18 think that my career is a good example of --
19 that I can manage cases and time. It's very
20 important that the family court judge stay on
21 schedule. You're dealing with people trying to
22 earn a living, people in private practice,
23 lawyers. You're dealing with litigants that are
24 missing work to be there. These people need to
25 know that the family court's going to stay on

1 schedule, and I can do that. I have been an
2 assistant solicitor. I was actually in charge
3 of the Cherokee County office for Holman Gossett
4 when he was solicitor. I was in charge of all
5 the general sessions cases, all the family court
6 cases. I had to make decisions on indictments.
7 We're talking hundreds of cases coming in. And
8 you have to make a decision and move on.
9 Sometimes those decisions are hard. Sometimes
10 they're a little bit easier. But they have to
11 be made and you have to do it quickly,
12 thoroughly and effectively and do a good job
13 with that. And you have to make the decision to
14 move on, and that's the way it would be with a
15 family court judge. Right now I do a lot of
16 juvenile defense work. My docket is not just
17 one or two cases. I have several cases on that
18 docket. I have to make decisions. I have to do
19 the cases. I have to do it and move on. And
20 that's the way a family court judge would have
21 to handle their docket each day, although you
22 have to give everyone a fair hearing, everyone
23 has to feel that they have a level playing field
24 and that they have been heard thoroughly.
25 However, the family court judge in the end, they

1 have to make the decision, and you have to keep
2 the schedule, and I think that's definitely
3 important.

4 **Q. Thank you, Ms. Moss. The other concern**
5 **indicated that you have difficulty communicating**
6 **with parties or you do not perform a thorough**
7 **investigation in guardian ad litem cases. What**
8 **response would you offer to this concern?**

9 A. Again, without knowing the particulars, who is
10 actually saying it, it's hard to know. But I
11 would disagree with that statement. As guardian
12 ad litem, I have multiple cases. I have
13 hundreds of cases. I would dare to say over a
14 thousand that I've done. Judges continue to
15 appoint me on cases. Every week I'm turning
16 cases down from the private Bar. I think if I
17 did have those issues, I wouldn't have any work,
18 and I have more work than I can handle. I am
19 turning down cases repeatedly. In all of my
20 cases I follow the facts. I start out, I read
21 the information, I follow the facts. And where
22 the facts lead me, that's where I go. I don't
23 make the facts. The facts are what they are.
24 And so I follow those facts, I talk to every
25 party, I talk to the witnesses, I look at the

1 other evidence, such as school records, medical
2 records, whatever's in play in that particular
3 case. And you can't make a decision, you can't
4 make a recommendation until you hear from all
5 sides. Because we all know, in family court
6 there's more than two sides to every story.
7 There's usually four or five, six sides to every
8 story. And the truth is somewhere in the middle
9 of all of that. And so I would disagree with
10 that assessment of my work.

11 **Q. Thank you, Ms. Moss.**

12 MS. BAKER: I would note that the Upstate Citizens
13 Committee found Ms. Moss was well qualified in
14 the following evaluative criteria of ethical
15 fitness, professional and academic ability,
16 character, reputation, experience and judicial
17 temperament. And qualified in the evaluative
18 criteria of constitutional qualifications,
19 physical health and mental stability.

20 **Q. Ms. Moss, I have a few housekeeping questions.**

21 A. Okay.

22 **Q. Are you aware that as a judicial candidate you
23 are bound by the Code of Judicial Conduct as
24 found in Rule 501 of the South Carolina
25 Appellate Court Rules?**

1 A. Yes.

2 Q. Since submitting your Letter of Intent, have you
3 contacted any members of the Commission about
4 your candidacy?

5 A. I did speak with Senator Talley before he was
6 appointed to the Commission. But since he's
7 been appointed to the Commission, I have only
8 told him hello in the hallway, I think, once.

9 Q. Are you familiar with Section 2-19-70,
10 including the limitations on contacting members
11 of the General Assembly regarding your
12 screening?

13 A. Yes.

14 Q. Since submitting your Letter of Intent, have you
15 sought or received the pledge of any legislator,
16 either prior to this date or pending the
17 outcome of your screening?

18 A. No.

19 Q. Have you asked any third parties to contact
20 members of the General Assembly on your behalf,
21 or are you aware of anyone attempting to
22 intervene in the process on your behalf?

23 A. No.

24 Q. Have you reviewed and do you understand the
25 Commission's guidelines on pledging in South

1 **Carolina Code § 2-19-70(E)?**

2 A. Yes.

3 MS. BAKER: I would just note for the record that any
4 concerns raised during the investigation
5 regarding the candidate were incorporated into
6 the questioning of the candidate today. Mr.
7 Chairman, I have no further questions for the
8 candidate at this time.

9 CHAIRMAN RANKIN: Okay, thank you. Questions by
10 members of the Commission.

11 SENATOR TALLEY: Good afternoon, Ms. Moss. Nice to
12 see you again.

13 MS. MOSS: Good afternoon.

14 SENATOR TALLEY: I just wanted to put on the record,
15 I don't know that you and I have ever
16 represented opposing sides in a family court
17 case, but I know that you have been guardian in
18 numerous cases of mine and my firm's over the
19 years. So I just want to put that on the record
20 and then to make a comment about some of the
21 questions Ms. Baker asked you. Obviously we get
22 a lot of information as part of this process,
23 and some of these ballot box comments that
24 express concerns about you -- you know, you
25 addressed one already. You have been appointed

1 by our judges in Spartanburg often, and so you
2 do have a big caseload. I think that speaks to
3 our local Bar and our judiciary's respect for
4 the work you do and how you go about your job in
5 those cases. And then it's the one that said
6 you're hard to reach. That one baffled me a
7 little bit. Because I think every time we've
8 worked together the only means by which you've
9 asked me to contact you were your cell phone.
10 And so we've spoken frequently via that means,
11 and you've always been responsive. You've not
12 always liked my clients, but you've always been
13 easy to reach and a pleasure to work with. And
14 I would just, you know, comment on what you said
15 as well. I appreciate your statement about
16 there being more than one side to every story.
17 I mean, I could point to several cases I've been
18 in that you've been in where, you know, you've
19 worked with people, and you've kind of laid out
20 a path and said, you know, you're here today,
21 and this is a temporary order that has expressed
22 some concerns, but here's what you need to do:
23 this, this and this, and you've given people the
24 opportunity to rehabilitate themselves. Some
25 have, some haven't, but you've tried to really

1 look out for the best interests of the children
2 and both parents in a number of cases I'm aware
3 of. So I appreciate you offering for this
4 position, and I wish you the best.

5 MS. MOSS: Thank you. I appreciate those kind words.

6 CHAIRMAN RANKIN: All right. Other questions. Mr.
7 Strom.

8 MR. STROM: Mr. Chairman, just quickly. I don't have
9 a question. And of course, those of us from
10 around the state, we really don't know any of
11 you, so one of the things I do is look at
12 letters of recommendation, and, you know, John
13 White is somebody that I've admired as a lawyer
14 my whole career as well as I understand you
15 worked for Albert Smith --

16 MS. MOSS: Yes.

17 MR. STROM: -- he's just a really quality guy.

18 MS. MOSS: That was a wonderful job.

19 MR. STROM: Yes.

20 MS. MOSS: He threw me in the deep end. He was
21 great.

22 MR. STROM: Those are two people that I hold in high
23 regard, and having letters from them means a lot
24 to me.

25 MS. MOSS: Thank you.

1 MR. STROM: Thank you, Mr. Chairman.

2 CHAIRMAN RANKIN: Very good. Hope.

3 MS. MOSS - EXAMINATION BY MS. BLACKLEY-LOGAN:

4 Q. **Good afternoon, Ms. Moss.**

5 A. Hey.

6 Q. I wanted to go on record to state that Angela
7 and I worked together in the solicitor's office
8 while she worked and carried cases in the family
9 court. I was her advocate and have known her to
10 have a great temperament and a very hard worker.
11 I want to thank you for running for this seat,
12 but wanted you to elaborate a little bit more on
13 your qualifications in the areas that you're not
14 completely vested in in private practice. Can
15 you just give us a little bit more information
16 on what you will do to get up to par?

17 A. Sure. If I would come to the point where I did
18 not -- if I had a question about how --
19 procedurally how things would work or in any
20 other matter, of course, I would obviously look
21 at the law. I would discuss with the other
22 judges in our circuit, who are wonderful. We
23 have Judge Bridges and Judge Thigpen, and they
24 are just wonderful people. I would feel very
25 comfortable consulting with them. However,

1 again, I've been in so many different areas of
2 family court. Some people may just see a
3 snapshot of me. Maybe they see me as a guardian
4 ad litem, but they may not know she's also
5 prosecuted juveniles. She's also defended
6 juveniles, and she's done a waiver hearing,
7 which is important for a family court judge to
8 understand those concepts. Because I think
9 sometimes juvenile court is the last thing
10 anybody wants to deal with. And I think that's
11 one of the most important parts of family court.
12 Because if we can fix the issue when they're
13 children, in these juveniles, we might be able
14 to avoid some problems later on when they're
15 adults. And we may not see them back in family
16 court through divorces, custody actions, DSS
17 cases. So if we can work on that issue. So I
18 think that the juvenile court system is
19 something that is important, and I think I'm
20 very well versed in that. The DSS cases that we
21 talked about earlier, when I was speaking in
22 that, DSS cases have specific time lines, and
23 that's what I was mentioning earlier. Those
24 specific time lines, maybe there's a 30-day time
25 line. Those are things I'll just have to

1 memorize or have a chart or sheet. I think I
2 can get up to speed on that pretty quickly.

3 **Q. The staff will keep you updated on that as well.**

4 A. I think you've trained them well.

5 **Q. Thank you.**

6 A. And thank you.

7 MS. MOSS - EXAMINATION BY CHAIRMAN RANKIN:

8 **Q. Ms. Moss, one of the -- and I've read the**
9 letters as Mr. Strom pointed out. You've got
10 good folks speaking in your behalf. The comment
11 or theme or the minority of complaints or
12 comments about you that are less than glowing
13 speak to perhaps your being all things to all
14 people. The public defender's office, part-time
15 role there and then a very busy guardian on a
16 full-time basis, and that is your job too,
17 correct?

18 A. Yes, sir.

19 **Q. So in terms of splitting that presently -- as**
20 you say you try to turn down cases. And I agree
21 with what Senator Talley says, you're not busy
22 because you're bad. You've got the respect of
23 the judges and/or the community in that respect.
24 How do you split and tend to all your
25 responsibilities as early as you could, or maybe

1 **you do, I guess?**

2 A. That's a good question. My career is very
3 unconventional. And the way I got to this point
4 was when I had my first child. I intended to go
5 back to work full time but I got home with that
6 little baby and things just changed. And so on
7 my maternity leave that's when I decided to work
8 for the public defender part time. And at that
9 point, Judge Sinclair was in private practice.
10 And so I began to work for him two days a week
11 while he was in the legislature. When he was in
12 Columbia, I would work in his office and cover
13 for him. And that was obviously before he
14 became a judge. And so that's when I started my
15 unusual career but it worked. We were able to
16 make ends meet. And my husband and I decided
17 that was the best for our family at that time.
18 And it's just grown since that time. Right now
19 my public defender role is court one day a week,
20 which is Tuesdays. And so I know I don't do
21 other cases on Tuesdays. So Tuesdays are
22 dedicated to my juvenile public defender role,
23 and that is a part-time position. I'm not in
24 the office 40 hours a week there. I work out of
25 my home with the public defender position. And

1 then the guardian and the mediation, I do that
2 on my own schedule. I can schedule that as
3 little or as -- for example, mediations, I
4 schedule as many as I want where I can work in
5 my schedule. If I can't do it, I can't do it.
6 And so I just have to be aware of my limitations
7 as a human being and as a mom and as a wife.
8 And I have to just be careful to keep a schedule
9 and just keep up with my work and just be very
10 diligent about that.

11 Q. **Favoritism, your showing Favoritism was another**
12 **little theme. And I don't know how that is**
13 **wrong if the facts suggest that one parent or**
14 **one fact pattern dictates an opinion. I don't**
15 **know whether -- do you think that you show**
16 **favoritism outside of the facts that you have**
17 **after an investigation in a guardian position?**

18 A. No, sir, I don't. I follow the facts, and my
19 goal is to serve the best interests of the
20 child, wherever that may lead me. And that's my
21 job is to be an advocate for the child or for
22 the incompetent adult, whomever I'm a guardian
23 for, and that's my goal and that's my job. And
24 I follow the facts where they lead. And it's my
25 job to be the eyes and ears for the court. To

1 come back to the court, show them what I've
2 seen, show them what I've heard, show them what
3 I've learned, tell them what the home
4 environment's like, those things. I'm not the
5 decision maker. The court is the decision
6 maker. And so I just am the eyes and ears, and
7 I try to bring back an impartial and unbiased
8 opinion -- impartial and unbiased report -- for
9 the court.

10 CHAIRMAN RANKIN: All right. If there are no other
11 questions at this point, Ms. Moss, I'm going to
12 ask you to have a seat, I think.

13 (Off the record.)

14 CHAIRMAN RANKIN: All right, sir. Mr. Lounsberry.

15 MR. LOUNSBERRY: If you will, please, raise your
16 right hand.

17 JONATHAN W. LOUNSBERRY, having been duly sworn,
18 testifies as follows:

19 CHAIRMAN RANKIN: Very well. You have before you the
20 PDQ and the Sworn Statement. Are those ready to
21 be put into the record?

22 MR. LOUNSBERRY: They are, Mr. Chairman.

23 CHAIRMAN RANKIN: All right. If you'll hand those to
24 Caroline to your right. Mr. Lounsberry, in our
25 thorough investigation of your qualifications,

1 you know that we focus on the nine evaluative
2 criteria. We also look at the ballot box
3 survey, a study of your application materials,
4 verification of your compliance with state
5 ethics laws, a search of newspaper articles in
6 which your name appears, a study of previous
7 screenings and a check for economic conflicts of
8 interest. There is one Affidavit filed in
9 opposition of your election and one witness here
10 to testify, which we will hear from shortly.

11 You now have the opportunity for a brief opening
12 statement if you'd like before questions are
13 asked of you by Sharon.

14 (Exhibit Number 14 was marked for identification
15 purposes - (23 pages) Personal Data Questionnaire for
16 Jonathan W. Lounsberry.)

17 (Exhibit Number 15 was marked for identification
18 purposes - (1 page) Amendment to Personal Data
19 Questionnaire for Jonathan W. Lounsberry.)

20 (Exhibit Number 16 was marked for identification
21 purposes - (6 pages) Sworn Statement of Jonathan W.
22 Lounsberry.)

23 MR. LOUNSBERRY: Thank you, Mr. Chairman. Briefly,
24 I'd just like to thank you, Mr. Chairman and Mr.
25 Vice Chairman and all members of the Commission

1 for your service, particularly during these
2 challenging times, and I'll just be happy to
3 answer any questions that y'all may have.

4 CHAIRMAN RANKIN: Thank you.

5 MR. LOUNSBERRY - EXAMINATION BY MS. WILKINSON

6 Q. **Good afternoon, Mr. Lounsberry. Please state**
7 **for the record the city and circuit in which you**
8 **reside.**

9 A. I live in Spartanburg, South Carolina, Seventh
10 Judicial Circuit.

11 MS. WILKINSON: Mr. Chairman, I note for the record
12 that based on the testimony contained in Mr.
13 Lounsberry's PDQ, which has been included in the
14 record with his consent, Mr. Lounsberry meets
15 the statutory requirements for this position
16 regarding age, residence and years of practice.

17 Q. **Mr. Lounsberry, why do you want to serve as a**
18 **family court judge, and why do you feel that**
19 **your legal and professional experience qualify**
20 **and will assist you to be an effective judge?**

21 A. To answer the first question as to why I want to
22 be a family court judge, I would say that from a
23 very young age my parents have instilled in me
24 the understanding that service to one's
25 neighbors, community and state is the highest

1 calling that we can have. And they have also
2 instilled in me that in doing that service we
3 have to understand that we're doing it out of a
4 love for our neighbors as we love ourselves and
5 to treat everybody as we would like to be
6 treated and to do so for the betterment of our
7 community. These maxims that my parents gave
8 me, I witnessed in my mother's occupation, which
9 she did for almost 40 years as a public school
10 teacher, the majority of which was spent here in
11 Richland County School District One. I watched
12 her serve and watched her serve her community.
13 I also watched her teach the children of the
14 community, and in doing so garnered an
15 understanding from her that children are
16 society's most precious commodity. And that we
17 must do everything that we can to make sure the
18 children of our communities, of our neighbors
19 and of our state are able to reach their best
20 and highest abilities that they can. In serving
21 as a family court judge, I desire to carry
22 forward those maxims that my parents gave me
23 from a young age. And I desire to serve my
24 state, my community and my neighbors and to do
25 so with the skills that I possess. Each of

1 those possesses a certain set of skills. My
2 mother's skills would be of a teacher. I'm not
3 so sure that I possess those skills, but I do
4 possess skills that allow me to practice law.
5 And I would like to carry those forward to make
6 sure that the children of my community, which
7 the family court is charged to act in the best
8 interest, are also able to reach -- those that
9 appear before the family court are also able to
10 reach their highest and best capabilities. As
11 to the question of the experience, I've worked
12 very hard to be prepared to be able to stand in
13 front of this Commission today. I've worked for
14 several top domestic trial lawyers in this state
15 to garner a breadth of experience that spans
16 private practice. And on my own, when we had
17 608 appointments, I practiced representing
18 juveniles in family court. That preparedness
19 has allowed me to be here. I would not stand
20 before this Commission, I would not have applied
21 to this, if I did not feel I was prepared or had
22 the experience to rise to the requirements of
23 the position. This is a very solemn occasion.
24 It's not something that I take lightly. In
25 working for those practitioners I would note

1 that one of -- the amendment I have to my PDQ
2 was to include admittance to an organization
3 that I have been honored to be admitted as a
4 fellow, and that's the International Academy of
5 Family Lawyers. I was admitted as a fellow this
6 year. To be admitted as a fellow in that
7 organization it's based on one's experience and
8 knowledge of the law but also how one's peers
9 view that experience of knowledge and law. And
10 as a cannon to the American Academy of
11 Matrimonial Lawyers that carries an extra layer
12 in that the practitioners that are admitted to
13 that organization are admitted not only on a
14 basis of having a high experience and knowledge
15 of the law in their jurisdiction, but also a
16 high experience and knowledge of dealing with
17 international family laws. There are 350
18 members around that approximately in the United
19 States, and there are eight members in this
20 state, and there are less than 1,000 members in
21 the world. It's something, again -- standing
22 before this Commission to work to be prepared to
23 be able to apply for this position is something
24 I worked very hard to be prepared to do.

25 **Q. Mr. Lounsberry, are there any areas of the law**

1 **for which you would need additional preparation**
2 **in order to serve as a family court judge and**
3 **how would you handle that additional**
4 **preparation?**

5 A. I would say the two areas that I would need
6 additional preparation would be dealing with
7 juvenile matters and with DSS. I have
8 represented juveniles in the past. As I
9 mentioned earlier, when we had 608 appointments,
10 all of my 608 appointments cases were of
11 juveniles. I've represented them dealing with
12 simple assaults, drug possession all the way up
13 to criminal sexual conduct in the third degree
14 with a co-charge of lewd and lascivious. It's
15 been a while since I have represented a juvenile
16 client, but what I would do is observe as many
17 trials as I could until it's necessary for me to
18 deal with a trial on my own and attend as many
19 CLEs and seek out as much knowledge as I can.
20 And the same would go for a DSS action. I have
21 not been a counsel of record in a DSS action,
22 but I have dealt with DSS actions as part of my
23 private cases. There have been allegations of
24 abuse and overlays with private cases. I
25 recently dealt with a case in Greenville that

1 had -- I represented my client who had a pending
2 criminal charge and a pending DSS charge. She
3 was represented by two separate lawyers in that,
4 but we all interacted together to make sure that
5 her interests were met, her best interests were
6 met, in all of those cases. But likewise, with
7 DJJ actions I would seek as much knowledge as I
8 could, observe as many hearings as I could and
9 look to the statutes and look to others to gain
10 the knowledge. I would say that that's
11 something that I have done throughout my career
12 is when I don't know the answer to a question, I
13 will go find it. When I was first appointed to
14 a DJJ case early on, I looked high and low for
15 as much information as I could get. And there
16 wasn't much out there, but in an effort to
17 provide some -- and this is not to say that I'm
18 an expert on the issue at all. But in an effort
19 to provide some guidance for others in the
20 future who may have been appointed a case, I
21 worked with the Bar to develop a distance-
22 learning CLE to just give you the basics of what
23 to do if you were appointed. That's the
24 attitude that I would take to garnering
25 information and knowledge about these two areas

1 of the law.

2 Q. **Thank you. Please briefly describe your**
3 **experience in handling complex contested family**
4 **court matters and specifically discuss your**
5 **experience with the financial aspects of family**
6 **court work.**

7 A. The majority of the cases that I have dealt with
8 in my career have been -- have had some type of
9 complex issue to them, whether it be custody or
10 financial. And the question as to the financial
11 aspects, I have dealt with the division of
12 assets that range in the millions. I've been
13 involved in a case that involved national
14 financial valuation experts, local financial
15 valuation experts, that dealt with valuing very
16 small percentages of very large businesses and
17 how and when those should be divided. I dealt
18 in cases that have involved trusts and limited
19 liability companies, closely held businesses, to
20 figure out what those values are and how to
21 divide those. I regularly deal with complex
22 issues, which would be of alimony and how to
23 determine the amount of alimony one should ask
24 for. But mostly dealing with those issues on a
25 regular basis and having to learn the difference

1 in corporate structures and how businesses may
2 be held and what corporate structures may allow
3 a business to be divided amongst parties and
4 what corporate structures may protect an entity
5 from division, dealing with family partnerships,
6 which, you know, on paper the litigant may not
7 own anything, but the family partnership may own
8 everything. And we'd have to look to dealing
9 with the articles of incorporation and all the
10 articles that dealt with the formation of that
11 of the trust of the partnership of the business
12 and have to determine what is to be divided and
13 how to divide it.

14 Q. **Thank you. Mr. Lounsberry, the Commission**
15 **received 153 ballot box surveys regarding you**
16 **with 26 additional comments. The ballot box**
17 **surveys, for example, contained the following**
18 **positive comments: "He is always very pleasant**
19 **to deal with. He is extremely knowledgeable and**
20 **while younger than most of the other candidates,**
21 **the breadth of his experience is probably equal**
22 **to or greater than the other candidates. He has**
23 **truly dealt with almost every issue in family**
24 **court."** Another states: "I know Jonathan, his
25 wife and his two kids well, and they are a

1 wonderful family. In addition to his
2 professional acumen and abilities, I strongly
3 believe that his personal background and
4 character will lead him to thrive in this
5 position on the bench, and he will serve the
6 Seventh Circuit and its constituents very well
7 for years to come." Another commenter states:
8 "The candidate is unquestionably qualified in my
9 opinion. I have heard from some who think
10 because he has worked for "white shoe law firms"
11 that he doesn't have the experience of dealing
12 with low-level cases. I disagree.
13 Additionally, his youth is not a concern of
14 mine. I've had cases with him ranging from
15 simple to more complex. He is very professional
16 and cuts to the chase. He knows the law and the
17 issues and which issues deserve more attention.
18 If there is an area he doesn't have experience
19 in, I believe his ability to handle other areas
20 of family law so well suggest he would have no
21 difficulty learning in those areas." Five of
22 the written comments did express concerns. One
23 commenter noted that Mr. Lounsberry would make
24 for a great judicial candidate in the future,
25 but not at the present, because he needs more

experience. Another commenter observed that Mr. Lounsberry does not regularly serve as lead counsel. And another commenter noted concerns of Mr. Lounsberry's lack of experience of DSS and DJJ cases. Again there was a concern that he only has experience in high-end divorce law. Mr. Lounsberry, how would respond to these concerns regarding your experience?

9 A. With regard to only dealing with high-end cases,
10 I would say that in my practice I've dealt with
11 litigants of all walks of life. I've dealt with
12 people who have had very few economic means and
13 people who have had more economic means than
14 they know what to do with. And in all of those
15 cases I treat all my clients the same. Just
16 because I might work for -- as I mentioned one
17 of -- you know, one of the higher-end domestic
18 firms in the state doesn't mean that I haven't
19 represented someone of -- doesn't mean I haven't
20 represented clients of all walks of life. So
21 I'd say the experience is there. You know, it's
22 very different in fighting over a multi-million
23 dollar corporation and trying to figure out
24 who's going to get the financed lawnmower from
25 Lowe's, but all of those cases are treated the

1 same. With respect to the comment about lack of
2 experience with DSS and DJJ, I've addressed
3 those issues earlier, but I would have the same
4 response to that. Have I addressed all of the
5 comments, or was -- there was the --

6 **Q. Yes, sir. I read the concerns that were in the**
7 **ballot box survey.**

8 MS. WILKINSON: Mr. Chairman, I would note that the
9 Upstate Citizens Committee found Mr. Lounsberry
10 qualified in the evaluative criteria of
11 constitutional qualifications, physical health,
12 mental stability and experience. The Committee
13 reported Mr. Lounsberry well qualified in the
14 evaluative criteria of ethical fitness,
15 professional and academic ability, character,
16 reputation and judicial temperament. The
17 Upstate Citizens Committee did have concerns
18 based on members of the Bar and the community
19 that Mr. Lounsberry does not have the experience
20 needed. It may be noted that while Mr.
21 Lounsberry's experience is vast, he has only
22 been practicing law for 11 years, approximately
23 11 years.

24 **Q. Mr. Lounsberry, at this time we have some**
25 **housekeeping issues we do need to go over. Are**

1 you aware that as a judicial candidate you are
2 bound by the Code of Judicial Conduct as found
3 in Rule 501 of the South Carolina Appellate
4 Court Rules?

5 A. Yes.

6 Q. Since submitting your Letter of Intent, have you
7 contacted any members of the Commission about
8 your candidacy?

9 A. No.

10 Q. Are you familiar with Section 2-19-70, including
11 the limitations on contacting members of the
12 General Assembly regarding your screening?

13 A. Yes.

14 Q. Since submitting your Letter of Intent, have you
15 sought or received the pledge of any legislator
16 either prior to this date or pending the outcome
17 of your screening?

18 A. No.

19 Q. Have you asked any third parties to contact
20 members of the General Assembly on your behalf,
21 or are you aware of anyone doing so?

22 A. No, ma'am.

23 Q. Have you received, and do you understand, the
24 Commission's guidelines on pledging and South
25 Carolina Code 2-19-70(E)?

1 A. Yes, ma'am.

2 MS. WILKINSON: I would note for the record that any
3 concerns raised during the investigation
4 regarding Mr. Lounsberry were incorporated into
5 the questioning today. Mr. Chairman, I have no
6 further questions at this time.

7 CHAIRMAN RANKIN: All right, thank you. A couple of
8 comments and then I'll open it up. You have
9 great credentials by way of your letters of
10 reference. Judge Dottie Mobley Jones, I know
11 her very well. Cannot say nice enough things
12 about you in terms of your ability to handle
13 this. Mr. Strom, you didn't want to say
14 anything?

15 MR. STROM: Yeah.

16 CHAIRMAN RANKIN: I'm going to interrupt myself. Go
17 ahead, go ahead.

18 MR. STROM: No.

19 CHAIRMAN RANKIN: I'm done, I'm done.

20 MR. STROM: Thank you, Mr. Chairman. I just wanted
21 to echo what you said. I have not met you that
22 I know of, but I'm reading your letters. And as
23 the Chairman said, Dottie Jones suffers no
24 fools. And if she didn't think a lot of you,
25 she wouldn't have written this letter. And I

1 also know that you worked for Jim McLaren in
2 Columbia, who was, you know, by a lot of
3 accounts the best or one of the best domestic
4 lawyers in the state and has received a lot of
5 national recognition, and he also speaks very
6 highly of you. And all of us know Ben and what
7 a great lawyer he is. So I don't know what else
8 you could do to prepare yourself any better to
9 be ready to do this job. I mean, you've worked
10 with, you know, some of the top people in the
11 state and around the state. So other than
12 having more gray hair, I don't know how you'd do
13 that. But I think you've done it the right way
14 and want to congratulate you. You're obviously
15 a really bright guy and you're working hard, and
16 you're focused on how to get where you want to
17 go --

18 MR. LOUNSBERRY: Thank you.

19 MR. STROM: -- so congratulations on that. Thank
20 you, Mr. Chairman.

21 MS. BLACKLEY-LOGAN: Hello, Mr. Lounsberry. I don't
22 think we've had the chance to meet, or I don't
23 remember, but I can tell you I've been impressed
24 with your presentation. But also more
25 impressive is you've got a letter from Stinson

1 Ferguson, which is -- I know everybody that gave
2 you a reference letter. But I know her really
3 well in particular as well, and that says a lot.
4 I think the world of Stinson and she's a go-
5 getter and says what she means and means what
6 she says, so --

7 MR. LOUNSBERRY: That she does.

8 MS. BLACKLEY-LOGAN: -- I trust that, but thank you
9 for running and glad to see you today.

10 MR. LOUNSBERRY: Thank you.

11 CHAIRMAN RANKIN: Any other comments, questions. Mr.
12 Lounsberry, I remember you screening before --

13 MR. LOUNSBERRY: Yes, sir.

14 CHAIRMAN RANKIN: -- and was impressed with your
15 qualifications before. So unless there are
16 questions by other Commission members, we're
17 going to, at this point, I think now have you
18 take a seat. We're going to bring Ms. Moss back
19 and turn it back over to you, Sharon, Ms.
20 Wilkinson, to hear from our complainant. Maura.
21 Mr. Smith, you're the complainant?

22 MR. SMITH: Yes.

23 CHAIRMAN RANKIN: All right. Come on up here, get
24 you close to getting ready, and if you will,
25 sir, for the court reporter's benefit, I'm going

1 to ask you to take your mask off. And we're
2 going to swear you and get started here.

3 WAYNE KEITH SMITH, having been duly sworn, testifies
4 as follows:

5 CHAIRMAN RANKIN: Very well, Ms. Baker will say some
6 preliminary matters, and then we'll get right in
7 it.

8 MR. SMITH - EXAMINATION BY MS. BAKER:

9 MS. BAKER: Thank you. Thank you, Mr. Chairman. Mr.
10 Smith's complaint alleges that -- and this is
11 the complaint for Ms. Moss -- that Ms. Moss has
12 violated the First, Ninth and Fourteenth
13 Amendments, has violated parental rights, failed
14 to perform her duties as a guardian ad litem in
15 a custody case involving Mr. Smith's grandson
16 and alleges systematic racism in the case. For
17 the Commission's background, Mr. Smith's son,
18 Wayne Smith, Jr. and Steven Alukonis, the
19 maternal grandfather who lives in Florida, are
20 involved in a custody case. Ms. Moss was
21 appointed the guardian ad litem in the case by
22 Judge Fraley in 2015. After a nine-day trial in
23 2017, Judge Sinclair's final order granted joint
24 custody with Mr. Smith, Jr. having primary
25 custody. Both parties filed an appeal with the

1 Supreme Court -- or, excuse me -- with the Court
2 of Appeals. In July of this year, the Court of
3 Appeals reversed the trial court and granted
4 primary custody to the maternal grandfather and
5 remanded to the family court for visitation for
6 the father. This case has been appealed to the
7 South Carolina Supreme Court and as recently as
8 this morning is listed as pending on its docket.
9 The original trial order is currently in effect,
10 pending the outcome of the pending Supreme Court
11 case. Mr. Smith, the Commission has before it
12 your Affidavit of Complaint. Since filing the
13 Affidavit, you have provided several documents
14 to the Commission's staff, including family
15 photographs, social media posts, including posts
16 related to your grandson who is still a minor.
17 The Commission has been given that as well. I
18 respectfully request that the transcripts you've
19 provided, the Affidavits you've provided and the
20 orders be made part of the record at this time.
21 For the record, the names of minor children,
22 home addresses, driver's license information
23 have been redacted or removed. The purpose of
24 today's hearing is for the Commission to review
25 the qualifications of the candidates to

1 determine whether she, Ms. Moss, is qualified to
2 be a family court judge. The Commission is not
3 here to re-litigate a case, and they do not have
4 the ability to change the result of the case,
5 which is ongoing. Mr. Smith, you've submitted
6 these documents, which the Commission is
7 reviewing. Is there anything else that you wish
8 to testify to, specifically regarding Ms. Moss'
9 ethics, competency or character that has not
10 already been covered in the documents before the
11 Commission?

12 MR. SMITH: No, ma'am.

13 CHAIRMAN RANKIN: All right. Thank you, Maura.

14 Thank you, sir. The questions that any member
15 of the Commission has.

16 VICE CHAIRMAN SMITH: Mr. Chairman, can I ask a
17 procedural question? Is this for both
18 candidates or just one? Are we going to redo
19 the same thing?

20 CHAIRMAN RANKIN: Yes. All right. So now let's hear
21 from Sharon, or do we want to hear from Ms. Moss
22 at this point? Mr. Smith, I do want to address
23 you, and I read this Order -- I read the Court
24 of Appeals decision, and I may just only say
25 this one time. But effectively this decision

1 which you have filed a complaint against Ms.

2 Moss stems from that case, which is pending now
3 at the Supreme Court, correct?

4 MR. SMITH: Yes, sir.

5 CHAIRMAN RANKIN: All right. And the complaint that
6 you've filed against Mr. Lounsberry likewise
7 stems from this same case?

8 MR. SMITH: Yes, sir.

9 CHAIRMAN RANKIN: So I'll only have to say this one
10 time. I am incredibly impressed with you as a
11 human being to stand in the gap and be the role
12 model and hopefully -- or again, up to the
13 courts to decide based on the facts of the case
14 -- the would-be father, whether in actual deed
15 or label, you are the grandfather standing in
16 your son's or your daughter's shoes, correct?

17 MR. SMITH: Yes, sir.

18 CHAIRMAN RANKIN: So that is incredibly one of the
19 most -- I don't know that there can be a better
20 act of a human being than you have demonstrated
21 for a child who your daughter wanted, but isn't
22 here to be the mother to that child that
23 obviously, if I'm -- my facts --

24 MR. SMITH: No, it's my son.

25 CHAIRMAN RANKIN: I'm sorry, the son. But anyway

1 being the person that wants to be there for that
2 child. So I've got my parties confused, but my
3 sense of your desire is just a beautiful thing.

4 So with that, again, we've got your complaint.

5 You don't need to add anything further to that,
6 but again, kudos to you as a human being is my
7 point.

8 MR. SMITH: Thank you.

9 CHAIRMAN RANKIN: We'll now hear from Ms. Moss.

10 SENATOR SABB: Mr. Chairman, we also have the
11 responses, do we not? So I assume the same
12 question would be laid to her as to whether or
13 not there is anything to add, because certainly,
14 as you've indicated, we appreciate all of the
15 information that we've received from Mr. Smith.

16 MS. BAKER: If I may, Mr. Chairman, Ms. Moss has
17 submitted a written response, and respectfully
18 requests her response to be made of the record
19 at this time.

20 CHAIRMAN RANKIN: That will be so ordered as well as
21 the complaints and the items you mentioned
22 earlier without objection.

23 (Exhibit Number 17 was marked for identification
24 purposes - (159 pages) Complaints, Responses and
25 Supporting Documents.)

1 MS. BAKER: Thank you. And Ms. Moss, as you've
2 submitted your written response, which the
3 Commission is reviewing, is there anything else
4 that you wish to respond to regarding the
5 allegations?

6 MS. MOSS: No, my responses, they're all there.

7 CHAIRMAN RANKIN: All right, thank you, ma'am.

8 MS. MOSS: Thank you.

9 CHAIRMAN RANKIN: All right. You can have a seat.

10 Ms. Wilkinson, now to proceed to Mr.
11 Lounsberry's complaint against him.

12 MR. SMITH - EXAMINATION BY MS. WILKINSON:

13 MS. WILKINSON: Mr. Chairman, for the purposes of Mr.
14 Lounsberry's record, I will give a brief
15 background of the case and Mr. Smith's complaint
16 against Mr. Lounsberry. Again, the basis of the
17 complaint is a custody case between a minor
18 child's biological father, Wayne Smith, Jr., who
19 is the complainant's son and Steven Alukonis,
20 who is the maternal grandfather. Mr. Lounsberry
21 is the third attorney to represent Mr. Smith,
22 Jr. and began representation of Mr. Smith, Jr.,
23 first as co-counsel on May 6, 2016 and was co-
24 counsel during a mediation of the case, which
25 ended in an impasse. Mr. Lounsberry was the

1 sole counsel for the trial, which took place in
2 March 2017, and an order was issued a few months
3 later in May of 2017. Judge Sinclair was the
4 judge of that case. After the trial concluded,
5 Judge Sinclair signed the order giving Mr.
6 Smith, Jr. and Dr. Alukonis joint custody, with
7 Mr. Smith, Jr. being the primary custodian of
8 the minor child. Visitation was to be worked
9 out between the parties. After the decision by
10 Judge Sinclair, Dr. Alukonis did file an appeal
11 and Smith, Jr. did file a cross appeal. Mr.
12 Lounsberry did not represent Mr. Smith, Jr. on
13 the appeal. Again, the Appellate Court reversed
14 the lower court's award of primary custody to
15 Mr. Smith, Jr. and granted primary custody to
16 Dr. Alukonis. The case was remanded to the
17 family court to set a visitation schedule for
18 Mr. Smith, Jr. The case is currently pending
19 before the Supreme Court, and the original trial
20 order is in effect, pending the outcome of the
21 appeal, to the Supreme Court. In his complaint
22 to the Commission, Mr. Smith, Sr. alleges that
23 Mr. Lounsberry violated the First, Ninth and
24 Fourteenth Amendments. His complaint also
25 alleges that Mr. Lounsberry has no integrity, no

honesty, no courage, no loyalty, no fortitude, no competency and no ethics. He also alleges fraudulent concealment of evidence and alleges leading questions to which Mr. Lounsberry would give his client, Mr. Smith, Jr., the answer. Lastly, Mr. Smith, Sr. does allege systemic racism. Mr. Smith.

CHAIRMAN RANKIN: If you'll come back up here, sir.

And you're still under oath from the prior oath administered. You understand that, correct?

11 | MR. SMITH: Yes, sir.

12 CHAIRMAN RANKIN: All right.

13 MS. WILKINSON: Mr. Smith, the Commission has before
14 it all of the documents you submitted for their
15 review and consideration. At this time, I would
16 request that your Affidavit of Complaint against
17 Mr. Lounsberry as well as the several
18 affidavits, subpoenas, letter from Mr.
19 Lounsberry and the final court order in the case
20 be made a part of the record. Mr. Smith, the
21 Commission's purpose is to review the
22 qualifications of the candidate based on
23 evaluative criteria. The Commission is not here
24 to re-litigate the case, and they do not have
25 the ability to change what has occurred in the

1 case thus far. Is there anything that you wish
2 to testify to today regarding Mr. Lounsberry's
3 character, competency or ethics that has not
4 been included in your complaint and all of the
5 information that you have submitted to the
6 Commission?

7 MR. SMITH: Yes. I have two things, and one is
8 90,000 -- over \$90,000 and going from the first
9 case we paid Mr. Lounsberry. And he left
10 everything out that should have been at the
11 trial, witnesses, coworkers, you name it. And
12 in fact, he said my son did not need those,
13 because he was the father. So now, every time
14 we go to court, everything he didn't do that's
15 what they're going on, like a friend, witnesses
16 and just basically everything the Appellate
17 Court said that he didn't do that's what they
18 are going by. And the second thing, when I
19 walked into the room I looked at everybody. I
20 have a beard, I have dreads and I'm black. He
21 told my son that he was behind the eight ball,
22 because he was black and he had dreads and he
23 didn't pay child support. And there never was
24 an order for my son to pay child support. So
25 when I walked in here, I pretty much knew maybe

1 I'm already judged. And that's all I have.

2 CHAIRMAN RANKIN: Mr. Smith -- go ahead.

3 MS. WILKINSON: Mr. Chairman, I have nothing further.

4 CHAIRMAN RANKIN: And I want to apologize. I
5 confused your grand -- or your status here.

6 Your son was the father?

7 MR. SMITH: Yes, sir.

8 CHAIRMAN RANKIN: And so he was granted custody. The
9 Court of Appeals reversed that --

10 MR. SMITH: Reversed it, yes, sir.

11 CHAIRMAN RANKIN: -- in favor of the maternal
12 grandparents?

13 MR. SMITH: Yes, sir.

14 CHAIRMAN RANKIN: So I apologize for that.

15 Nonetheless you are here, obviously in support
16 of a son and his role as a father, so --

17 MR. SMITH: Yes, sir.

18 CHAIRMAN SMITH: -- so my comments still apply. So I
19 appreciate that.

20 MR. SMITH: That's no problem, sir, because Mr.
21 Lounsberry thought he didn't have but one child.

22 CHAIRMAN RANKIN: Well, thank you so much, Mr. Smith.
23 I want to tell you just as a person you're
24 addressing here, one person, I would suggest to
25 you my face, my appearance does not dictate my

1 sympathies or my role in judging and hearing
2 complaints. And so I think I speak for the
3 entire Commission in that regard. We take these
4 very seriously based on the facts that we have
5 before us. And so I appreciate your being here
6 and participating in this process.

7 MR. SMITH: Thank you.

8 CHAIRMAN RANKIN: Very well. Thank you. Mr. Louns -
9 -- Senator Sabb.

10 SENATOR SABB: Mr. Chairman, I just noted that he has
11 a guest with him. And I just wanted the record
12 to establish the gentleman that he has here
13 supporting him. Do you mind introducing him to
14 us?

15 MR. SMITH: That's my uncle, Estin Wilkins.

16 SENATOR SABB: Okay. Well, we're delighted that he's
17 here as well.

18 MR. SMITH: I was told not to travel alone so I
19 brought somebody with me.

20 SENATOR SABB: Well, I think it's always good to have
21 a riding partner; and it's always good to have
22 people who support you. And if I just might add
23 just to what the Chairman said as it relates to
24 your appearance. My daughter has dreadlocks,
25 and I would certainly hope that when people see

1 her they don't base any preconceived notions on
2 the type of individual that she is. And I would
3 just suggest to you that there are many of us,
4 and I happen to know all the members of this
5 Commission. And I feel very comfortable in
6 letting you know as a matter of fact that we do
7 not prejudge individuals. We take them based
8 upon their content and how they present, and so
9 we appreciate you.

10 MR. SMITH: Yes, sir. I do understand but that's
11 just something that's been sticking with me for
12 the past five years.

13 CHAIRMAN RANKIN: All right. Hope.

14 MS. BLACKLEY-LOGAN: Hello. I just want to state for
15 the record that I am from Spartanburg, have been
16 in politics in Spartanburg. I have a nephew who
17 has locks and is a black male, of course. And I
18 want you to know that I'm new to this
19 Commission. But I can tell you from my short
20 time being here that we take all matters
21 seriously. Although I've worked with Ms. Moss
22 and I've just met Mr. Lounsberry today, I want
23 you to know that you have -- I want you to
24 believe in the system and that there are people
25 who are seated on this Commission and who work

1 every day to make sure that equity is served,
2 fair and just to all people. And that is part
3 of my mission of why I'm even on this
4 Commission. So I want to thank you for driving
5 down here. I hate that you are comprised of
6 fear, but I need you to know that we are
7 watching this. We have heard you, and we want
8 you to know that we take what you have stated
9 seriously. And we're going to do our job,
10 although we cannot retry the case or hear the
11 facts of it. Thank you for being here, and
12 thank you for having your uncle drive down here
13 and have a safe trip back home.

14 MR. SMITH: Thank you.

15 CHAIRMAN RANKIN: Thank you, sir. All right. Mr.
16 Lounsberry come back for us, please. And you,
17 too, are still under oath.

18 MR. LOUNSBERRY: Thank you, Mr. Chairman.

19 MS. WILKINSON: Mr. Lounsberry, you received a copy
20 of Mr. Smith's complaint, and you provided a
21 written response, which is before the Commission
22 at this time. Is there anything else -- well,
23 first of all, would you like the written
24 response to be added as an exhibit into the
25 record?

1 (The documents entered into the record are
2 incorporated into previously marked exhibit 17 - 159
3 pages. This would include complaints, affidavits,
4 subpoenas, letter from Mr. Lounsberry, the final
5 order in the case, and Mr. Lounsberry's response to
6 the complaint.)

7 MR. LOUNSBERRY: I would.

8 MS. WILKINSON: Yes, sir.

9 CHAIRMAN RANKIN: Without objection.

10 MS. WILKINSON: Is there anything you would like to
11 add to the written response that you've already
12 submitted or anything that you would like to add
13 today to the complaint that Mr. Smith has just
14 brought before the Commission?

15 MR. LOUNSBERRY: I would briefly like to say that at
16 no point in time has Mr. Smith, Jr. made any
17 complaint to me or to anyone else I know of our
18 representation to him. And as such, the
19 attorney client privilege has not been waived,
20 so that I cannot wade into the facts of my
21 representation of him other than what has been
22 set forth in responses before the Commission. I
23 would say to the last comment about how I --
24 about the comment of Mr. Smith, Jr.'s
25 appearance. When I received the complaint I did

1 some deep soul searching and because, as I
2 mentioned earlier in my testimony, my parents
3 had raised me to love my neighbor as myself and
4 to treat people as I wished to be treated. And
5 I was saddened by the comments, because I strive
6 to represent my clients in the same way. And I
7 strive to treat them as I wished that I would be
8 treated if I were a litigant before the family
9 court. That's all the comments that I have.

10 CHAIRMAN RANKIN: All right. Thank you so much.
11 Have a seat. All right. So Ms. Moss and Mr.
12 Lounsberry, I'm going to do this to each of you.
13 It's a little unusual, but let me have you both
14 -- you don't need to -- if you speak loud
15 enough, we'll be able to get for the court
16 reporter. This will conclude this portion of
17 your respective screening processes. You both
18 understand that the JMSC takes very seriously
19 both the letter and the spirit of the South
20 Carolina ethics laws. Any violation or
21 appearance of impropriety in that regard is a
22 very serious matter and would be worthy of our
23 very heavy deliberation, should we have to come
24 back. You understand that this record is not
25 closed until the release of the final Report of

1 Qualifications and therefore, I need both of you
2 to verbally attest that you understand that we
3 can call you back again in the unlikely event
4 that that were to occur.

5 MS. MOSS: Yes, sir, I understand.

6 CHAIRMAN RANKIN: All right, Ms. Moss. Mr.
7 Lounsberry?

8 MR. LOUNSBERRY: Yes, sir, Mr. Chairman, I
9 understand.

10 CHAIRMAN RANKIN: All right. Thank y'all both very
11 much for being here. Mr. Smith and your
12 partner, I hope he's driving until he doesn't
13 want to drive any longer, then you take the
14 wheel. Very well, it's inappropriate for me to
15 ask a woman this, but I want to ask you, what is
16 your age?

17 MR. WILKINS: Seventy-nine.

18 CHAIRMAN RANKIN: Seventy-nine. Well, you're the
19 best dressed 79-year-old I've seen in a long
20 time. God bless you all. Merry Christmas to
21 you. Thank you all for being here. Upon motion
22 of Representative Smith and seconded by Senator
23 Talley, we will now go into Executive Session.

24 EXECUTIVE SESSION

25 CHAIRMAN RANKIN: And for the record, during

Executive Session, no votes were taken and no decisions were made. All right. Now we will proceed to a ballot on the various races.

VOTE

MS. CRAWFORD: Mr. Chairman, I'll do them in order of the schedule for Monday and based on the seats. We have for reelection for Administrative Law Court the Honorable Phillip "Phil" Lenski.

9 CHAIRMAN RANKIN: Motion for qualification of
10 nomination. All in favor say aye.

(Ayes are heard.)

CHAIRMAN RANKIN: Ayes have it unanimously.

13 MS. CRAWFORD: Mr. Chairman, the Circuit Court seats
14 that are up for reelection, I'll read them in
15 the order that they appeared on the schedule.
16 The Honorable J. Cordell Maddox, Jr., the
17 Honorable Jennifer Blanchard McCoy, the
18 Honorable Benjamin H. Culbertson and the
19 Honorable Robert E. Hood.

20 CHAIRMAN RANKIN: All right. Is there a motion.

21 VICE CHAIRMAN SMITH: So moved. I move that we elect
22 them, en banc and vote on them as --

23 CHAIRMAN RANKIN: Qualified and nominated.

24 VICE CHAIRMAN SMITH: Qualified and nominated.

25 CHAIRMAN RANKIN: Motion made, and the second.

1 MS. McIVER: Second.

2 CHAIRMAN RANKIN: Lucy Gray McIver. All right. All
3 in favor say aye or raise your hand.

4 (Ayes are heard.)

5 CHAIRMAN RANKIN: All right. Ayes have it. Is there
6 any dissenting vote? There is none.

7 MS. CRAWFORD: Mr. Chairman, the Masters-in-Equity
8 running for reappointment are: the Honorable
9 Martin R. Banks, the Honorable Teasa K. Weaver,
10 the Honorable Charles B. Simmons, the Honorable
11 James B. Jackson and the Honorable Joseph M.
12 Strickland and the Honorable Marvin H. Dukes,
13 III.

14 CHAIRMAN RANKIN: Motion for qualified. All in
15 favor, say Aye.

16 (Ayes are heard.)

17 CHAIRMAN RANKIN: Ayes have it. No opposition.

18 MS. CRAWFORD: Mr. Chairman, for the contested race
19 for the Master-in-Equity of Spartanburg County,
20 we have four candidates: the Honorable Whitner
21 S. Bishop, Shannon M. Phillips, Shane W. Rogers
22 and the Honorable Tommy Wall.

23 SENATOR TALLEY: I just want the record to reflect
24 I'm abstaining from this vote.

25 CHAIRMAN RANKIN: And Ms. Hope has made that clear

1 for each one of those, but for the record that
2 will be so. All right. Is there a motion for
3 all being found qualified?

4 REPRESENTATIVE MURPHY: So moved.

5 CHAIRMAN RANKIN: All right. Motion made by
6 Representative Murphy. Seconded by a handful of
7 hands. All those in favor, say aye.

8 (Ayes are heard.)

9 CHAIRMAN RANKIN: Any opposition? There being none.

10 MS. CRAWFORD: At this time I ask that we have a
11 recess.

12 CHAIRMAN RANKIN: All right. Motion to go into
13 Executive Session by Mr. Safran, seconded by Mr.
14 Strom. We're going into Executive Session.

15 EXECUTIVE SESSION

16 CHAIRMAN RANKIN: All right. We're back on the
17 record, folks. In Executive Session no votes
18 were taken, no decisions were made. We're back
19 on the record, and we now will proceed to the
20 next race, and that is -- Erin?

21 MS. CRAWFORD: Mr. Chairman, I'll read the names of
22 the six candidates that are in this race. You
23 will have three votes. Let me read all the
24 names first and then I'll go through and do them
25 individually. Robert "Rob" Rhoden, Mr. Brooks

1 Moss, Chadwick D. Pye, the Honorable Erika L.
2 McJimpsey, Angela J. Moss and Jonathan W.
3 Lounsberry. I'll now read their names out, and
4 remember you have three votes. So those are the
5 candidates.

6 SENATOR TALLEY: Mr. Chairman, I move that all six
7 candidates be found qualified.

8 CHAIRMAN RANKIN: All right. And so those are --

9 SENATOR SABB: Mr. Chairman.

10 CHAIRMAN RANKIN: Senator Sabb.

11 SENATOR SABB: Can we go off the record a second?
12 (Off the record.)

13 CHAIRMAN RANKIN: All right. So a motion by Senator
14 Talley, seconded by Ms. Logan; is that right?
15 All right. So now we'll proceed to a ballot.

16 MS. CRAWFORD: Correct. For the qualified and
17 nominated. Just go down the -- all those in
18 favor of Jonathan Lounsberry. Ten votes. The
19 Honorable Erika L. McJimpsey. Ten votes.
20 Angela J. Moss. Ten votes. Ms. Brooks Moss was
21 zero. So the three -- all the votes have been
22 taken, so the three qualified and nominated are:
23 Jonathan Lounsberry, Honorable Erika L.
24 McJimpsey and Angela J. Moss.

25 CHAIRMAN SMITH: All right, folks. Thank y'all. We

1 will be in recess. Thank y'all so much.
2 (There being nothing further, the proceeding concluded at
3 7:20 p.m.)
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1 CERTIFICATE OF REPORTER

2 I, JENNIFER NOTTLE, COURT REPORTER AND NOTARY PUBLIC
3 IN AND FOR THE STATE OF SOUTH CAROLINA AT LARGE, HEREBY
4 CERTIFY THAT I REPORTED THIS PROCEEDING, ON WEDNESDAY, THE
5 2ND DAY OF DECEMBER, 2020, AND THAT THE FOREGOING 153
6 PAGES CONSTITUTE A TRUE AND CORRECT TRANSCRIPTION OF MY
7 STENOMASK REPORT OF SAID PROCEEDING.

8 I FURTHER CERTIFY THAT I AM NEITHER ATTORNEY NOR
9 COUNSEL FOR, NOR RELATED TO OR EMPLOYED BY ANY OF THE
10 PARTIES CONNECTED WITH THIS ACTION, NOR AM I FINANCIALLY
11 INTERESTED IN SAID CAUSE.

12 IN WITNESS WHEREOF, I HAVE SET MY HAND AND SEAL THIS
13 7TH DAY OF JANUARY, 2020.


14

15 JENNIFER NOTTLE, COURT REPORTER

16 MY COMMISSION EXPIRES JULY 11, 2023

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