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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

7 \* \* \* \* \*

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      **Q. 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 your 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



1       granting hearings, the amount of time that you  
2       grant the hearings and still trying to get rid  
3       of the backlog that exists if you were to take  
4       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 Talley.

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: Brooks.

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

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

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

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

10      MS. MOSS: Merry Christmas.

11                               (Off the Record)

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

13      MR. PYE: Yes, sir.

14      CHAIRMAN RANKIN: If you will raise your right hand.

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

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

20      MR. PYE: Yes, sir.

21      CHAIRMAN RANKIN: All right. If you'll hand those to  
22           Caroline, we will get them in. In our  
23           investigation of your candidacy, as you know,  
24           we've looked at nine evaluative criteria, and we  
25           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 Talley.

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. MOTTEL: 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



1           **court matters, particularly related to DSS.**

2           **What response would you offer to this concern?**

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

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

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

21       **Q.     Thank you, Judge McJimpsey.**

22       MS. MOTTEL SYMMES: I would note that the Upstate  
23           Citizens Committee found Judge McJimpsey to be  
24           well qualified in the evaluative criteria of  
25           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 the 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

1           experience.    Another commenter observed that  
2           Mr. Lounsberry does not regularly serve as lead  
3           counsel.   And another commenter noted concerns  
4           of Mr. Lounsberry's lack of experience of DSS  
5           and DJJ cases.   Again there was a concern that  
6           he only has experience in high-end divorce law.  
7           Mr. Lounsberry, how would respond to these  
8           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



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

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

9 And you're still under oath from the prior oath  
10 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

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

4 VOTE

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

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

11 (Ayes are heard.)

12 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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| Exhibits             |                       |                 |                   |                 |
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