



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

**Circuit Court
(Incumbent)**

Full Name: George Marion McFaddin, Jr.

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1. Why do you want to serve another term as a Circuit Court Judge?

I have served as a magistrate judge, family court judge and circuit court judge for approximately twenty-two years. While I do not claim to be the smartest or best judge, I do have a lot of experience that I could use for another six years if re-elected. I have tried, and will continue to try, to help lessen docket backlogs and present to lawyers and litigants an approachable and humble judge.

2. Do you plan to serve your full term if re-elected? Yes.

3. Do you have any plans to return to private practice one day? No.

4. Have you met the Constitutional requirements for this position regarding age, residence, and years of practice? Yes.

5. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated?

I avoid *ex parte* situations and communications. I simply will not allow or tolerate this conduct. I am pleased to state that attempts by lawyers to engage in *ex parte* conduct are very rare. Lawyers know not to do this. However, self-represented litigants do not know this, and I calmly and politely tell such litigants that I will not engage in such conduct.

6. If you disclosed something that had the appearance of bias, but you believed it would not actually prejudice your impartiality, what deference

would you give a party that requested your recusal? Would you grant such a motion?

When I have disclosed something that had the appearance of bias and a party seeks that I recuse, I do not "knee jerk" grant the motion but instead give the motion great thought from the "appearance of impropriety" view point. That is, I step into the moving person's shoes to understand how he or she views the situation. And, I almost always grant a recusal motion if there is a reasonable and plausible reason to do so. However, I must be wary of recusal motions made simply for the sake of "judge shopping" or "judge avoidance."

I strive to rule fairly without bias or prejudice. Although a litigant may not like my rulings, I do hope that he or she will at least believe they were treated fairly and decently and that each had his or her "day in court."

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

I would not get involved in any case where these factors were present or even remotely present.

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

I do not accept such gifts. I have accepted free accommodations from the SC Bar at the conventions but such is offered to ALL judges. However, I have only done so once since 2002.

9. How would you handle a situation in which you became aware of misconduct or appearance of infirmity of a lawyer or of a fellow judge?

The canons of judicial conduct mandate the reporting of certain unethical conduct by judges and lawyers. I have to follow the rules set forth there.

10. Have you engaged in any fund-raising activities with any social, community, or religious organizations? Please describe.

No.

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

No.

12. How do you handle the drafting of orders?

While I draft some orders myself, I generally issue a ruling orally or in written form. I ask one of the lawyers to prepare the order with review allowed by the other lawyer. If there is a drafting dispute I will, when requested, clarify the ruling or choose the drafting I prefer. My assistant and I track the orders to be prepared and we contact the drafting lawyer when the order has not been timely submitted.

13. What methods do you use to ensure that you and your staff meet deadlines?

My assistant, the faithful and diligent Andrea Morris, maintains a list reviewed daily in terms of events, the issuance of rulings, the dates reports are due, and other actions we need to perform. I too keep a desk top calendar. Further, our law clerk is copied with all calendar entries.

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

I am not and have not been an activist judge. I follow statutory and case law.

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

I have and will speak at law-related events and seminars upon request. I seek permission from SC Court Administration to do so. When I have done so all such events have been SC Bar related or sponsored.

16. Do you feel that the pressure of serving as a judge strains personal relationships (i.e. spouse, children, friends, or relatives)? How do you address this?

No I do not. I live alone. I have not had any such pressures since 1998.

17. The following list contains five categories of offenders that would perhaps regularly appear in your court. Discuss your philosophy on sentencing for these classes of offenders.
- a. Repeat offenders: Each case is different and each defendant is different. I consider the facts of the offense. I look at the time that has passed between offenses. I consider the victim's input. Lots of factors are considered. I do not use "one size fits all" sentencing.
 - b. Juveniles (that have been waived to the Circuit Court): I consider the nature of the offense. I consider the Kent v. US factors considered by the family court judge. I have to be mindful of the Aiken case ruling regarding sentencing. I like to know and consider competency issues. And, I consider the information I gave in "a" above also.
 - c. White collar criminals: White collar crimes seemingly appear to be less serious than violent crimes, but while collar crimes can devastate victims. I consider the same factors as I have offered for all of my answers to #17.
 - d. Defendants with a socially and/or economically disadvantaged background: These defendants are protected and covered by the same constitutional safeguards that apply to any other defendants. They should be sentenced based on many of the factors I have noted in this section, but they should not be sentenced for being poor or uneducated.
 - e. Elderly defendants or those with some infirmity: Such defendants often require patience. Many do not hear well. Many are easily confused. I always assess such persons to determine if a guardian is needed. Such defendants are not "disposable" persons not worthy of the rights and protections afforded other defendants.
18. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality? No,
19. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved? No.

20. Are you a member of any organization or association that, by policy or practice, prohibits or limits its membership on the basis of race, sex, religion, or national origin? If so, please identify the entity and explain if this organization practices invidious discrimination on any basis. No.
21. Have you met the mandatory minimum hours requirement for continuing legal education courses for the last reporting period? Yes.
22. What do you feel is the appropriate demeanor for a judge and when do these rules apply?
- Patience, respect for all, and humility. And constant adherence to James 1:19.
23. Do you feel that it is ever appropriate to be angry with a member of the public, especially with a criminal defendant? Is anger ever appropriate in dealing with attorneys or a pro se litigant? No.

I HEREBY CERTIFY THAT THE ANSWERS TO THE ABOVE QUESTIONS ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

Sworn to before me this ____ day of _____, 2020.

(Signature)

(Print Name)
Notary Public for South Carolina
My commission expires: _____