



1226 Pickens Street  
Columbia, South Carolina 29201  
[info@garberreporting.com](mailto:info@garberreporting.com)  
Telephone: (803) 256-4500 | Fax (803) 256-1999

## **PUBLIC HEARINGS**

*November 16, 2020*

### **Judicial Merit Selection Commission**

**REPORTER: Patricia Bachand**

1 STATE OF SOUTH CAROLINA )  
2 COUNTY OF RICHLAND )  
3

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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.  
10 SENATOR RONNIE A. SABB  
11 REPRESENTATIVE CHRIS MURPHY  
12 REPRESENTATIVE J. TODD RUTHERFORD  
13 HOPE BLACKLEY-LOGAN  
14 LUCY GREY MCIVER  
15 ANDREW N. SAFRAN  
16 J.P. "PETE" STROM  
17 SENATOR SCOTT TALLEY  
18 ERIN B. CRAWFORD, CHIEF COUNSEL

19 \* \* \* \* \*

20 DATE: November 16th, 2020  
21 TIME: 9:30 a.m.  
22 LOCATION: Gressette Building, Room 105  
23 1101 Pendleton Street  
24 Columbia, South Carolina 29201  
25 REPORTED BY: PATRICIA G. BACHAND, COURT REPORTER

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Court Reporter's Legend:

dashes [--]      Intentional or purposeful interruption

...               Indicates trailing off

[sic]              Written as said

1                   CHAIRMAN RANKIN: All right. Folks, welcome  
2 to the start of the JMSC's screening. And I want to first  
3 have everyone -- starting from the bottom, introduce  
4 yourself. We all know you, but there are a face or two  
5 that may not. So take it away. And for the court  
6 reporter's benefit, she has asked us as we are speaking to  
7 the -- to the candidates, or to each other, to please lower  
8 your mask so that she will not garble your garbled-sounding  
9 words.

10                   MS. MCIVER: Thank you very much. I'm Lucy  
11 Grey McIver.

12                   MR. STROM: Good morning, all. I'm Pete  
13 Strom.

14                   MR. STROM: Good morning. Hope Black --  
15 good morning. Hope Blackley-Logan.

16                   CHAIRMAN RANKIN: Senator?

17                   SENATOR SABB: Good morning. Ronnie Sabb.

18                   SENATOR TALLEY: Good morning. Scott  
19 Talley.

20                   REPRESENTATIVE MURPHY: Chris Murphy

21                   MR. SAFRAN: Andy Safran.

22                   REPRESENTATIVE RUTHERFORD: Todd Rutherford.

23                   CHAIRMAN RANKIN: And I'm Luke Rankin. And  
24 we want to welcome our newest member, that's Scott Talley  
25 sitting in front of us here. We look forward to your

1 having as much fun with us as a human can stand.

2 With that, the JMSC is called pursuant to  
3 Chapter 19, Title 2 of the South Carolina Code of Laws  
4 requiring the review of candidates for judicial office.

5 The function of the Commission is not to  
6 choose between candidates, but rather to declare whether or  
7 not the candidates who offer for positions on the bench in  
8 our judgement are qualified to fill the position they seek.

9 The inquiry we undertake is a thorough one  
10 centered upon the Commission's nine evaluative criteria,  
11 which involves a complete personal and professional  
12 background check on each candidate.

13 These hearings are convened for the purpose  
14 of screening those candidates. Today -- well, overall, we  
15 will screen two seats for the reelection and one open seat  
16 for the South Carolina Court of Appeals, fourteen seats for  
17 reelection and four open seats on the Circuit Court, one  
18 open seat on the Family Court and one seat for reelection,  
19 and an open seat for the Administrative Law Court, six  
20 seats for reelection, and one open seat for Master in  
21 Equity, and one retired judge.

22 And with that, we have a little bit of  
23 housekeeping to do. Erin?

24 MS. CRAWFORD: Mr. Chairman, I just wanted  
25 to introduced the screening attorneys. I think most of

1    them are here; some may be Zooming.  For the Senate we have  
2    Andy Fiffick.  Paula Benson is not in here, currently.  
3    John Hazzard, Bob Maldonado, Donna Barton, Maura Baker,  
4    Meredith Ross -- I'm sorry, she's now officially a House  
5    screening attorney.  Madison Faulk, Sharon Wilkinson, J.J.  
6    Gentry.

7                   For the House attorneys, we have Emma Dean,  
8    Jimmy Hinson, Patrick Dennis, Haley Mottel, Julia Foster,  
9    Bryan Triplett, Roland Franklin, and Richard Pearce.  I'd  
10   also like to thank Senate Staff.  Maxine Henry is our  
11   proofer.  Michelle McGee, Kate Maroney, and Lindi Putnam.

12                   Mr. Chairman, at this time I'd like to  
13   request a vote on the cover page for the draft report.  It  
14   shows that the report will be delivered on Thursday,  
15   January 14th, 2021.

16                   The 48-hour period ends at noon on Tuesday,  
17   January 19th, 2021.  And currently, we have the election  
18   scheduled for noon Wednesday, February 3rd, 2021, pending  
19   passage of a concurrent resolution.

20                   CHAIRMAN RANKIN:  All right.  And is there a  
21   motion for that change?

22                   (Motions by Representative Murphy and Mr. Strom.)

23                   CHAIRMAN RANKIN:  All right.  Senator -- or  
24   Representative Murphy, seconded by Pete Strom.  All those  
25   in favor say "aye."



1 (At this time the members audibly say "aye.")

2 CHAIRMAN RANKIN: Ayes. Any opposition?

3 (Hearing none.)

4 (Off-the-record discussion.)

5 CHAIRMAN RANKIN: So for the record, Murrell  
6 is appearance via Zoom. And we have a full compliment of  
7 our JMSC members physically and appropriate virtually. So  
8 Erin.

9 MS. CRAWFORD: Mr. Chairman, at this I'd ask  
10 Lindi to distribute the signature page for Commission  
11 members for the draft report, if that's okay.

12 CHAIRMAN RANKIN: All right.

13 MS. CRAWFORD: And, Mr. Chairman, at this  
14 time I'd like to suggest that we move into executive  
15 session, to discuss matters regarding legal advice.

16 CHAIRMAN RANKIN: All right. All in favor  
17 say "aye."

18 (At this time the members audibly say "aye.")

19 CHAIRMAN RANKIN: The ayes have it.

20 (Off the record from 10:09 a.m. to 10:19 a.m.)

21 CHAIRMAN RANKIN: All right. Thank you,  
22 Ladies and Gentlemen. We are back on the record. And for  
23 the record, I'd like to state that while in executive  
24 session, no decisions had been made, no votes were taken.

25 Now at this time I'd like to present the

1 Commission with the judicial seats that we expect to screen  
2 again for the 2021 elections. Erin?

3 MS. CRAWFORD: Mr. Chairman, I would like to  
4 offer, and have made exhibits to the record, the following  
5 2020 Citizens Committee Reports from the Low Country  
6 Citizens Committee, Midlands, Pee Dee, Piedmont, and  
7 Upstate, as well as the 2020 South Carolina Bar's Judicial  
8 Qualifications Report.

9 CHAIRMAN RANKIN: All right. Any objections  
10 to those being made a part of the record?

11 (Hearing none.)

12 CHAIRMAN RANKIN: All right.

13 MS. CRAWFORD: Mr. Chairman and Members of  
14 the Commission, as we have discussed, we have a proposed  
15 amendment to Procedural Rule 8 of the Commission. And this  
16 is needed to update some outdated language and to clarify  
17 that electronic transmission of application materials is  
18 permissible.

19 CHAIRMAN RANKIN: All right. Those will be  
20 entered into the record as well.

21 (EXHIBIT NO. 1 - CITIZENS COMMITTEE REPORTS)

22 (EXHIBIT NO. 2 - SOUTH CAROLINA BAR REPORT)

23 CHAIRMAN RANKIN: Now we have again that  
24 motion, Procedural Rule 8, to update that language. Any  
25 discussion on that after we have a motion from

1 Representative Rutherford?

2 (Hearing none.)

3 CHAIRMAN RANKIN: All right. Motion made to  
4 adopt that change to Rule 8. Is there a second? There's a  
5 second by a number of folks. All right. All in favor --  
6 any discussion on that point first?

7 (Hearing none.)

8 CHAIRMAN RANKIN: There being none, all in  
9 favor say "aye."

10 (At this time the members audibly say "aye.")

11 CHAIRMAN RANKIN: Any opposition?

12 (Hearing none.)

13 CHAIRMAN RANKIN: There being none. All  
14 right.

15 MS. CRAWFORD: Mr. Chairman, scheduled as  
16 the last candidate today on the schedule is The Honorable  
17 James E. Lockemy, the Chief Justice of the Court of  
18 Appeals. He turns 72 next year, so even though he's  
19 running for another term, he can only legally serve for six  
20 months of the new term, to December 31st of next year.

21 Judge Lockemy has been thoroughly vetted by  
22 staff and was screened by the Judicial Qualifications  
23 Committee of the Bar, as well as the Citizens Committee.  
24 No complaints were filed against him and no concerns were  
25 seen with his financial or credit reports. There were no

1 ballot box concerns and no complaints were brought.

2 CHAIRMAN RANKIN: All right. Under Title 2-  
3 19-40, which reads, "Notwithstanding the provisions of this  
4 chapter, when there is no known opposite to the candidate  
5 and there appears to be no substantial reason for having a  
6 public hearing, whether or not a candidate is an incumbent  
7 and no request is made by at least six members of the JMSC  
8 for a public hearing, the Commission Chairman, upon  
9 recommendation of you the Commission, may determine that a  
10 public hearing is unnecessary and may not be held."

11 In the regard with regard to The Honorable  
12 James E. Lockemy, that candidate has been thoroughly  
13 reviewed. And I would ask now if there are six members of  
14 the Commission that request a public hearing on this  
15 candidate.

16 (Hearing none.)

17 CHAIRMAN RANKIN: There being a lack of six  
18 hands shown or votes to request screening, we would now --  
19 we don't need to vote because we've effectively voted -- or  
20 not having six members and not obtaining the threshold of  
21 six, then I as Chair deem the public hearing is unnecessary  
22 with regard to The Honorable James E. Lockemy.

23 MS. CRAWFORD: And, Mr. Chairman, at this  
24 time I would ask that Judge Lockemy's PDQ and sworn  
25 statement be made an exhibit in the public hearing record.

1 CHAIRMAN RANKIN: All right. Without  
2 objection.

3 (EXHIBIT NO. 3 - JUDICIAL MERIT SELECTION  
4 COMMISSION PERSONAL DATA QUESTIONNAIRE OF THE  
5 HONORABLE JAMES E. LOCKEMY)

6 (EXHIBIT NO. 4 - JUDICIAL MERIT SELECTION  
7 COMMISSION SWORN STATEMENT OF THE HONORABLE JAMES  
8 E. LOCKEMY)

9 CHAIRMAN RANKIN: Now if that's all the  
10 business we have from the Commission, we will proceed with  
11 the candidate portion of this hearing. And the first  
12 attorney -- the first candidate is Aphrodite Konduros.

13 WHEREUPON,

14 THE HONORABLE APHRODITE KONDUROS, being duly  
15 sworn and cautioned to speak the truth, the whole truth and  
16 nothing but the truth.

17 CHAIRMAN RANKIN: Welcome. And have a seat.

18 JUDGE KONDUROS: Thank you.

19 CHAIRMAN RANKIN: This is not a dark  
20 chamber, but it halfway kind of is.

21 JUDGE KONDUROS: It's very nice. Thank you.

22 CHAIRMAN RANKIN: I'm not sure why. But if  
23 we keep the lights off, it will stay cooler in here.

24 JUDGE KONDUROS: I understood that, yes.

25 CHAIRMAN RANKIN: All right. Before you,

1 you have your personal data questionnaire and the sworn  
2 statement that you have submitted to the Commission. I'll  
3 ask you if you need to review them, make any edits, or are  
4 they correct and complete at this time?

5 JUDGE KONDUROS: They are correct and  
6 complete at this time.

7 CHAIRMAN RANKIN: And is your green light on  
8 in front of you, in front of that mic?

9 (Off-the-record discussion.)

10 CHAIRMAN RANKIN: You don't need any  
11 corrections or --

12 JUDGE KONDUROS: No, sir.

13 CHAIRMAN RANKIN: -- or additions to those?  
14 And do you have any objection to those being paid a part of  
15 the record and your sworn testimony?

16 JUDGE KONDUROS: No, sir.

17 CHAIRMAN RANKIN: All right.

18 (EXHIBIT NO. 5 - JUDICIAL MERIT SELECTION  
19 COMMISSION PERSONAL DATA QUESTIONNAIRE OF THE  
20 HONORABLE APHRODITE KONDUROS)

21 (EXHIBIT NO. 6 - JUDICIAL MERIT SELECTION  
22 COMMISSION SWORN STATEMENT OF THE HONORABLE  
23 APHRODITE KONDUROS)

24 CHAIRMAN RANKIN: The Judicial Merit  
25 Selection Commission has thoroughly investigated your

1 qualifications for the bench. Our inquiry has focused on  
2 nine evaluative criteria, and has included a ballot box  
3 survey, a thorough study of your application materials,  
4 verification of your compliance the state ethics laws, a  
5 search of newspaper articles in which your name appears, a  
6 study of previous screenings, a check for economic  
7 conflicts of interest.

8 And we've received no affidavits filed in  
9 opposition to your election, and no witnesses are present  
10 to testify. And now I offer to you an opportunity to make  
11 a brief opening statement, if you'd like, to start this  
12 inquiry.

13 JUDGE KONDUROS: Based on your schedule, I  
14 do not make a statement.

15 CHAIRMAN RANKIN: We appreciate that. And  
16 it is my fault that you are sitting there waiting to get  
17 started. So, all right, John Hazzard.

18 MR. HAZZARD: Yes, sir.

19 CHAIRMAN RANKIN: Take it away.

20 EXAMINATION BY MR. HAZZARD:

21 Q. Good morning, Judge.

22 A. Good morning.

23 Q. Judge, after serve -- serving twelve years on the  
24 Court of Appeals, why do you want to continue to serve as a  
25 Court of Appeals judge?

1           A.     Serving on the Court of Appeals has -- and the  
2     judiciary, in general, since 2002 has been the honor of my  
3     professional life. And the chance to continue to do it  
4     feels like Christmas every day.

5           **Q.     Thank you, Judge.**

6           A.     It's wonderful. I recommend it to you. Some of  
7     you practice in front of us and it's -- it's -- it's --  
8     it's a wonderful life. It's engaging. The law clerks and  
9     the staff attorneys are so smart and interesting.

10           A colleague -- the other night I was working on a  
11    case, and I texted one of my co-panelists at like 11:40 at  
12    night. And she answered. And so we called each other and  
13    talked about it. We texted the third one, who was also up,  
14    and the three of us worked on that case for about an hour,  
15    on a conference call on a Friday night.

16           Now, for professional happiness, it doesn't get  
17    much better than that on the nerddome scale.

18           CHAIRMAN RANKIN: Can we call that a  
19    byproduct of Covid living?

20           **Q.     Judge Konduros, the Commission received 1,025**  
21    **ballot box surveys regarding your candidacy, with 103**  
22    **additional comments. The ballot box surveys contained many**  
23    **positive comments, including that you are a wonderful asset**  
24    **the to Court of Appeals, you have excellent temperament and**  
25    **intellect, and you are a credit to the Judicial Merit**



1 Selection process, and that her opinions are well  
2 researched and well written.

3 MR. HAZZARD: None of the written comments  
4 expressed any concerns about Judge Konduros. Mr. Chairman,  
5 I would note that the Upstate Citizens Committee found  
6 Judge Konduros qualified in the evaluative criteria of  
7 constitutional qualifications, physical health and mental  
8 stability, and they found her well qualified in the  
9 evaluative criteria of ethical fitness, professional and  
10 academic ability, character, reputation, experience, and  
11 judicial temperament.

12 BY MR. HAZZARD:

13 Q. Judge Konduros, just all we have left is some  
14 housekeeping questions. Since submitting your letters of  
15 intent, have you contacted any members of the Commission  
16 about your candidacy?

17 A. No, sir.

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

21 A. Yes, sir.

22 Q. And since submitting your letter of intent, have  
23 you sought or received a pledge of any legislator, either  
24 prior to this date or pending the outcome of your  
25 screening?

1           A.    No, sir.

2           Q.    Have you asked any third parties to contact  
3 members of the General Assembly on your behalf, or are you  
4 aware of anyone attempting to intervene in this process on  
5 your behalf?

6           A.    No, sir.

7           Q.    And, finally, have you reviewed and do you  
8 understand the Commission's guidelines on pledgings in S.C.  
9 Code 2-19-70, Subsection E?

10          A.    Yes, sir.

11                   MR. HAZZARD:  Mr. Chairman, I have no  
12 further questions.

13                   CHAIRMAN RANKIN:  All right.  Any questions  
14 by the Commission members?

15                                   (Hearing none.)

16           EXAMINATION BY CHAIRMAN RANKIN:

17           Q.    Judge Konduros, surely there's something you  
18 would change.  It can't be all Christmas.  Is there a bad  
19 apple on a -- not to the person, but is there something  
20 that you would have us -- not this commission, but the  
21 General Assembly do to improve your service, or the Court  
22 of Appeals' service?

23           A.    Lifetime appointment.

24                   JUDGE KONDUROS:  Let the record reflect they  
25 did laugh.

1           A.    I'm serious.  I love this job.  I've enjoyed it  
2 thoroughly.

3           Q.    Well, and some get there and they don't -- we've  
4 heard of examples in the past, where it is kind of a quiet,  
5 lonely, impersonal exercise.  How do you put the  
6 personalities there, except at 11:40 at night with your  
7 text?

8           A.    The thing is, is that because -- you do give up -  
9 - you do give up, you know, your -- especially as a Family  
10 Court judge, where you sit as judge and jury, you give up  
11 the right to be the top of the heap on your decision, at  
12 least at that level, when you go to a three-man panel of  
13 the Supreme Court or a five-man panel.

14                   'Cause at the first, you say, "Well, certainly,  
15 the answer is A."  And the other two will look at you and  
16 go, "No, it's B, you know," and then the talk begins about  
17 your case.

18                   And I think there's a learning curve in the first  
19 year for a new judge with that, to give up that autonomy of  
20 being a single judge on a case, like a Circuit Court judge  
21 or a Family Court judge.  That takes a little bit of time.

22                   But then it becomes it's so wonderful to have  
23 other people to talk to about it.  Because of the  
24 importance of the decision it's -- you know, if you were a  
25 Family Court judge in Greenville, you heard 6600 cases a

1 year. And they mattered to those people a great deal, but  
2 it wasn't a body of law for other people to follow.

3 So when you do sit with two other people, who you  
4 adore them and you adore their mind and you adore their law  
5 clerks and the -- and the work that goes into it, and the  
6 give-and-take to make sure it doesn't have an unforeseen  
7 circumstance come out of the case or whatever, it's almost  
8 like getting to cook with somebody you really love, that's  
9 a great cook all the time. You know, maybe I'm just  
10 particularly suited to it. I just love it.

11 **Q. Very good.**

12 CHAIRMAN RANKIN: All right. Any questions?

13 (Hearing none.)

14 CHAIRMAN RANKIN: There being none, I want  
15 to take this opportunity to remind you that -- how this  
16 works. You've screened how many times now?

17 JUDGE KONDUROS: This is the eighth.

18 CHAIRMAN RANKIN: Eighth time. So this is  
19 rote memory for you. I have to put it in the record, but -  
20 -

21 JUDGE KONDUROS: It's been six years, so  
22 please do.

23 CHAIRMAN RANKIN: Very good. We are now at  
24 the conclusion of this portion of your screening process.  
25 And you are reminded that pursuant to our evaluative

1 criteria, we expect candidates to follow the spirit as well  
2 as the letter of the ethics laws. And we will view  
3 violations or the appearance of impropriety as serious and  
4 potentially deserving of heavy weight and screening  
5 deliberations.

6 On that note, and as you know, the record  
7 will remain open till the formal release of the report of  
8 qualifications, and you may be called back at such time as  
9 the need would arise. We pray it doesn't.

10 Thank you again for being first up, your  
11 brevity, and your engagement and enthusiasm in the service  
12 that you have pursued.

13 JUDGE KONDUROS: Thank you. And I  
14 appreciate you, Mr. Chairman and the Committee, for the  
15 opportunity to continue to serve. Thank you.

16 CHAIRMAN RANKIN: Very well. Take care.

17 (Candidate excused.)

18 CHAIRMAN RANKIN: Welcome, Judge Benjamin.  
19 All right. Judge Benjamin, if you will stand, please, and  
20 raise your right hand.

21 JUDGE BENJAMIN: Yes, sir.

22 WHEREUPON,

23 DEANDREA GIST BENJAMIN, being duly sworn and  
24 cautioned to speak the truth, the whole truth and nothing  
25 but the truth.

1 CHAIRMAN RANKIN: All right. So good  
2 morning.

3 JUDGE BENJAMIN: Good morning.

4 CHAIRMAN RANKIN: All right. You have  
5 before you, Judge Benjamin, the PDQ -- personal data  
6 questionnaire and sworn statement, somewhere there, right?  
7 You've got that before you?

8 JUDGE BENJAMIN: I do.

9 CHAIRMAN RANKIN: Any changes that need to  
10 be made to that?

11 JUDGE BENJAMIN: There was some changes, but  
12 I did send those to the Chief Counsel on October 21st.

13 CHAIRMAN RANKIN: Do you have any objection  
14 to us making those a part of your record in addition to  
15 your sworn testimony?

16 JUDGE BENJAMIN: No objection.

17 CHAIRMAN RANKIN: They are as they need to  
18 be; nothing to change, right?

19 JUDGE BENJAMIN: Yes, sir. That's correct.

20 CHAIRMAN RANKIN: Okay.

21 (EXHIBIT NO. 7 - JUDICIAL MERIT SELECTION  
22 COMMISSION PERSONAL DATA QUESTIONNAIRE OF THE  
23 HONORABLE DEANDREA GIST BENJAMIN)

24 (EXHIBIT NO. 8 - JUDICIAL MERIT SELECTION  
25 COMMISSION AMENDED PERSONAL DATA QUESTIONNAIRE OF

1 THE HONORABLE DEANDREA GIST BENJAMIN)

2 (EXHIBIT NO. 9 - JUDICIAL MERIT SELECTION  
3 COMMISSION SWORN STATEMENT OF THE HONORABLE  
4 DEANDREA GIST BENJAMIN)

5 CHAIRMAN RANKIN: Okay. You've been here  
6 how recently?

7 JUDGE BENJAMIN: I believe two years ago, I  
8 was up for reelection to my seat -- my current seat.

9 CHAIRMAN RANKIN: Very well. And you have a  
10 guest with you, who keeps coming with you.

11 JUDGE BENJAMIN: Yes. That is -- that is my  
12 -- my fan club, my husband: Steve Benjamin.

13 CHAIRMAN RANKIN: For the record, he has  
14 never looked better.

15 JUDGE BENJAMIN: Thank you.

16 CHAIRMAN RANKIN: That mask does you  
17 wonders. All right.

18 Judge, you are familiar with this, of  
19 course. But for the record, the JMSC has investigated your  
20 qualifications, and our inquiry has focused on nine  
21 evaluative criteria, which includes a ballot box survey, a  
22 thorough study of your application materials, verification  
23 of your compliance with the state ethics laws, a search of  
24 newspaper articles in which your name appears, a study of  
25 previous screenings, and a check for economic conflicts of

1 interest.

2 We've received no affidavits in opposition  
3 to your election, and no witnesses -- unless your husband  
4 changes his mind -- have made themselves available to  
5 testify. You have to opportunity to give a brief opening  
6 statement, if you would like to do so at this time.

7 JUDGE BENJAMIN: All right. Thank you.  
8 Thank you all for having me here this morning. As stated  
9 earlier, I was here two years ago for reelection to my  
10 seat. Just a little bit about me:

11 I have been practicing law for 23 years.  
12 Over the last 23 years, I have practiced in pretty much all  
13 of the courts. I've practiced in Family Court. I was a  
14 former Family Court prosecutor. I've served on the Family  
15 Court Juvenile Parole Board.

16 I have also practiced before the Family  
17 Court in private practice, handling everything from  
18 divorces to child support cases and custody cases. I also  
19 served as a municipal judge for the City of Columbia, prior  
20 to my husband being the mayor. When he became the mayor, I  
21 found -- I had to get a new job because I did not want to  
22 work for him.

23 So but I served on the municipal bench for  
24 seven years, and handled every -- you know, traffic  
25 offences, DUIs, mobility court.



1                   Then I was elected to the Circuit Court,  
2                   where I've been for the last nine and a half years. I have  
3                   handled civil -- civil cases. I've been the Chief  
4                   Administrative Judge for civil. I've also been the Chief  
5                   Administrative Judge for criminal. I'm at the end of my  
6                   two-year term, and I'm very excited about that.

7                   I'm Chief Administrative Judge for criminal  
8                   court in Richland County. As you can imagine, it is a --  
9                   it is a -- it is a handful dealing with cases, anywhere  
10                  from DUIs or shopliftings to murders.

11                  I probably average -- try about -- I don't  
12                  know if that's a -- in Richland County, I probably try  
13                  about five or six murder cases a year. I've not had any  
14                  death penalty cases, because we have not had any death  
15                  penalty cases since I've been on the bench.

16                  But I have tried an enormous -- enormous  
17                  amount of cases while on the bench. And I also have  
18                  practiced -- I also tried civil cases, everything from a  
19                  simple wreck case to complex litigation and medical  
20                  malpractice cases over the last nine and a half years.

21                  Prior to going on the bench, I was in  
22                  private practice with my father. And we practiced in  
23                  Federal Court, handling employment matters, so we practiced  
24                  before employment agencies.

25                  I have appeared before the 4th Circuit Court

1 of Appeals in Richmond, and I handled agency -- agency  
2 cases work -- workforce -- I guess it used to be to  
3 Unemployment Security Commission when I was there. But now  
4 it's called the Department of Workforce, I guess, now. So  
5 we've handled -- handling all of those types of cases.

6 And I've also done some workers' comp work  
7 while in private practice. I think that's -- I think  
8 that's -- that's everything over 23 years. I do believe  
9 that I am prepared to serve on the Court of Appeals.

10 I have the experience. I have the  
11 temperament. And if you look at my reviews, I believe my -  
12 - every -- everyone says great things about my demeanor, my  
13 timeliness in handling a docket.

14 CHAIRMAN RANKIN: Very good. Thank you for  
15 that brief statement.

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

22 EXAMINATION BY MS. DEAN:

23 **Q. Judge Benjamin, why do you now want to serve on**  
24 **the Court of Appeals?**

25 A. I do -- I have -- having -- it's funny you asked

1 that. I was laughing my -- my youngest daughter said,  
2 "Mom, you're going to miss the excitement if you get this  
3 new job."

4 But I have -- but I've enjoyed serving on the  
5 Circuit bench. My experience -- I think I -- I've had the  
6 opportunity to -- and the experience to contribute to the  
7 Court of Appeals. And I think it will be a -- a wonderful  
8 opportunity to sit on the Court of Appeals.

9 **Q. Thank you, Judge. And building on that, you**  
10 **talked earlier about your many years of experience, and**  
11 **also on the circuit, lots of experience there. How do you**  
12 **think that experience will translate in helping you on the**  
13 **Court of Appeals to be effective?**

14 A. Having some perspective on -- on different  
15 courts, when reviewing transcripts and making decisions, so  
16 I think that's the greatest advantage of having that  
17 experience.

18 **Q. Thank you, Judge. And, Judge, how would you**  
19 **describe your general judicial philosophy?**

20 A. I'm very good at being prepared. And being on  
21 the Court of Appeals, I think, is going to require much  
22 preparation, lots of reading. And so I'm a stickler when  
23 it comes to setting a schedule. And so I think my being  
24 prepared, my being fair to both side.

25 **Q. Thank you, Judge. What is your vision for the**

1 future of our judicial system? And what changes would you  
2 advocate, and why?

3 A. Well, you know, it's interesting you ask that.  
4 They -- now we -- not because we necessarily wanted it to -  
5 - to be here, but the judicial system has -- is having to  
6 transform the way we do a lot of things because of Covid.  
7 And some of those things, I think we've learned that we may  
8 not go back to the way we have done them in the past.

9 So just technology, transforming -- transforming  
10 from the way we used to do things using technology -- a  
11 focus on technology and being efficient and getting things  
12 done.

13 Q. Thank you, Judge. What extent do you believe the  
14 a judge should or should not defer to the actions of the  
15 General Assembly?

16 A. Well, and I -- I think I answered this in my  
17 sworn statement. You know, it's not the judge -- it's our  
18 job to interpret the law. And that is what -- the General  
19 Assembly makes the law, and our job is to interpret the  
20 law.

21 Q. Thank you, Judge. Judge Benjamin, with your many  
22 years on the bench -- as you said a few minutes ago, nine  
23 and a half years -- you have received some reversals, or at  
24 least partial reversals --

25 A. I have.

1           Q.    -- from the Appellate Court.  Could you please  
2 address those, and what you learned from that experience,  
3 and what you would take to the Appellate Court because of  
4 having that experience?

5           A.    Yes.  So I've made -- over the, what, nine and a  
6 half years, I've probably had about six or seven.  And the  
7 interesting thing about some of those are reversals where  
8 the court -- the Supreme Court reversed themselves, and  
9 others are -- were somewhat novel issues that went before  
10 the court.

11                   And so I -- you know, I read over them, I look at  
12 the analysis as to how they came to a conclusion, and so  
13 that -- and that's how I learn from them.

14           Q.    Judge Benjamin, with Commission received 749  
15 ballot box surveys regarding you, with 85 additional  
16 comments.  The ballot box survey, for example, contained  
17 the following positive comments:

18                   "An exceptional judge with a perfect  
19 temperament;" "fair, good temperament, knowledgeable about  
20 the law;" and "Good judge.  Civil to all.  Thoughtful.  
21 Organized.  Diligent."

22                   Twenty-seven of the written comments expressed at  
23 least partial concerns.  Comments included concerns about  
24 your ability to stay current on developments in the law and  
25 to make legally sound rulings.  How would you respond to

1     **those concerns?**

2           A.     I don't -- I research -- I read the advance  
3     sheets and I research issues. And if there's an issue in a  
4     case, I research the issue. So I'm not quite sure how to  
5     respond. I'm assuming that's probably somebody I ruled  
6     against and wasn't happy about it.

7           **Q.     Thank you. Others raised concerns over perceived**  
8     **bias towards prosecutors, for example. How would you**  
9     **address those concerns?**

10          A.     I don't have a -- I don't have a bias for either  
11     side.

12          **Q.     Thank you. Judge Benjamin, your SLED report**  
13     **indicated that you were -- that there were two prisoner**  
14     **lawsuits naming you as a party. Both of these cases have**  
15     **been dismissed, and it's my understanding you don't have**  
16     **any further information about those lawsuits where the**  
17     **prisoner was listed as the plaintiff.**

18          A.     I have -- I -- until you mentioned that to me  
19     before, I had no idea that I had been sued. So I'm not  
20     even sure why they were dismissed. Maybe because they  
21     didn't serve me, because I was -- I wasn't aware of.

22          **Q.     Thank you, Judge.**

23                   MS. DEAN: I would note that the Midlands  
24     Citizens Committee reported that Judge Benjamin is  
25     qualified in the areas of constitutional qualifications,

1 physical health and mental stability. The Committee found  
2 her well qualified in the areas of ethical fitness,  
3 professional and academic ability, character, reputation,  
4 experience, and judicial temperament.

5 The Committee stated, "Presented herself in  
6 all respects being fully qualified for the Appellate  
7 bench."

8 BY MS. DEAN:

9 Q. I just have some housekeeping questions now.  
10 Since submitting your letter of intent to run for this  
11 seat, have you contacted any members of the Commission  
12 about your candidacy?

13 A. No, ma'am.

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

17 A. Yes, ma'am.

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

22 A. No, ma'am.

23 Q. Have you asked any third parties to contact  
24 members of the General Assembly on your behalf, or you are  
25 aware of anyone attempting to intervene in this process on

1     **your behalf?**

2             A.     No, ma'am.

3                     MS. DEAN:   I would just note for the record  
4     that any concerns raised during the investigation regarding  
5     the candidate were incorporated into today's questioning.

6                     Mr. Chairman, I have no further questions.

7                     CHAIRMAN RANKIN:   All right.   Thank you.  
8     Any questions by the Commission?   Mr. Strom.

9                     MR. STROM:   I don't have a question, but I  
10    do have a comment.   I obviously practice in the circuit  
11    where you serve, and I want to say that you've done an  
12    outstanding job.   I think you call the balls and strikes  
13    like they should be.

14                    Practicing in the 5th Circuit is a tough  
15    job; you've got to set bonds on difficult cases.   I'm  
16    familiar with a lot of the things you've done.   I don't  
17    have a problem with any of the cases that I've seen you  
18    handle.   I think you're very experienced.   You've got a  
19    diverse experience, unlike a lot of the candidates that we  
20    see, and I think you'll make an excellent member of the  
21    Court of Appeals.

22                    JUDGE BENJAMIN:   Well, thank you.

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

24                    CHAIRMAN RANKIN:   All right.   Thank you.  
25    Anything else?   Anyone else?   Representative Rutherford.



1                   REPRESENTATIVE RUTHERFORD: I just want to  
2 echo what Attorney Strom said. And I'm not -- I don't ever  
3 try and delay these meetings any longer than necessary, but  
4 hearing some of the things that appear to be criticism, you  
5 know, I -- I've practiced in front of you many times. You  
6 and I have disagreed many times. But I don't find that any  
7 of your rulings have ever been just done without thinking.

8                   I think that you are on the more  
9 conservative side. And people view that as being -- as  
10 kowtowing to the prosecutor, I'd disagree. It's just  
11 you're conservative. And in Richland County, certainly,  
12 someone should know that before appearing in front of you,  
13 that you are a conservative judge.

14                  I'm not saying that you're a Republican  
15 judge, but you are just not one of those that you're going  
16 to give any bond that anybody requests, or just kowtow to  
17 the Defense Bar. And so I kind of bristled when I heard  
18 that, because that's not who you are. And I wanted you to  
19 know that, you know, for those of us who do appear in front  
20 of you.

21                  And I appear in front of you a lot, and have  
22 even been on the side of rulings that maybe I didn't agree  
23 with. And we'll have to work on those. But I think that  
24 you are an excellent judge.

25                  And, again, I know that we've got other

1 candidates for this. But I think you're an excellent  
2 judge. You've done a great job. And kudos to you for all  
3 that you've done.

4 JUDGE BENJAMIN: Well, thank you. I  
5 appreciate it.

6 CHAIRMAN RANKIN: All right. Anybody else.

7 (Hearing none.)

8 EXAMINATION BY CHAIRMAN RANKIN:

9 Q. Judge, the description of the Court of Appeals is  
10 vastly different than the world you live in right now.

11 A. It is. It is.

12 Q. What do you see on the attractive side that --  
13 perhaps, other than not having to appear regularly with  
14 Pete Strom and Todd Rutherford?

15 A. I think -- you know, just being able to sit down  
16 and have, you know, time to analyze. You know, in the  
17 Circuit bench, you -- you -- everything's before you, and  
18 it's -- it's like this, this, this, this. But having the  
19 opportunity to analyze cases, you know, and have to make a  
20 decision right then having -- just having that opportunity  
21 to analyze the law and research the law is exciting to me.

22 CHAIRMAN RANKIN: All right. If there's  
23 nothing else.

24 (Hearing none.)

25 CHAIRMAN RANKIN: Judge, again, two years

1 ago you did this, you've heard this.

2 JUDGE BENJAMIN: Yes, sir.

3 CHAIRMAN RANKIN: But we are now finished  
4 with this portion of the screening. I want to remind you  
5 that pursuant to our evaluative criteria, the Commission  
6 expects you as a candidate to follow the spirit as well as  
7 the letter of the ethics laws. We will view any violation  
8 or the appearance of impropriety as serious and potentially  
9 deserving of heavy weight and screening deliberations.

10 As you know, the record will remain open  
11 until the formal release of the report of qualifications.  
12 You may be called back if -- such time if the need arises.  
13 And we pray that doesn't happen.

14 Again, thank you for your willingness to  
15 move up --

16 JUDGE BENJAMIN: Yes, sir.

17 CHAIRMAN RANKIN: -- and offer yourself as a  
18 candidate for the Court of Appeals, and again bringing your  
19 husband with you.

20 JUDGE BENJAMIN: All right. Thank you.

21 CHAIRMAN RANKIN: Thank you all both so  
22 much.

23 JUDGE BENJAMIN: All right. Thank you. And  
24 thank you all for being here today.

25 (Candidate excused.)

1                   CHAIRMAN RANKIN: Judge, let me just get you  
2 to stand and raise your right hand first.

3                   WHEREUPON,

4                   DEBORAH BROOKS DURDEN, being duly sworn and  
5 cautioned to speak the truth, the whole truth and nothing  
6 but the truth.

7                   CHAIRMAN RANKIN: Thank you and have a seat.  
8 And welcome.

9                   JUDGE DURDEN: Thank you.

10                  CHAIRMAN RANKIN: You were here before the  
11 JMSC, how long ago?

12                  JUDGE DURDEN: Just last year.

13                  CHAIRMAN RANKIN: Very good. You have  
14 before you, the very memorable PDQ and economic statements  
15 and sworn statement. Do you have any changes that need to  
16 be made to those?

17                  JUDGE DURDEN: I do not.

18                  CHAIRMAN RANKIN: And do you have any  
19 objection to us putting those in the record --

20                  JUDGE DURDEN: I do not.

21                  CHAIRMAN RANKIN: -- in addition to your  
22 sworn testimony?

23                  JUDGE DURDEN: Thank you.

24                  CHAIRMAN RANKIN: All right. And that --  
25 they will be made a part of the record. Thank you, Lindi.

1 (EXHIBIT NO. 10 - JUDICIAL MERIT SELECTION  
2 COMMISSION PERSONAL DATA QUESTIONNAIRE OF THE  
3 HONORABLE DEBORAH BROOKS DURDEN)

4 (EXHIBIT NO. 11 - JUDICIAL MERIT SELECTION  
5 COMMISSION SWORN STATEMENT OF THE HONORABLE  
6 DEBORAH BROOKS DURDEN)

7 CHAIRMAN RANKIN: You are again well  
8 familiar with this. We investigate your qualifications for  
9 the bench and position that you're seeking. And we focus  
10 on nine particular criteria, which includes a ballot box  
11 survey, a thorough study of your application materials,  
12 verification of your compliance with the state ethics laws,  
13 a search of newspaper articles in which your name appears,  
14 a study of previous screenings, and a check for economic  
15 conflicts of interest.

16 No affidavits have been filed in opposition  
17 to your election, and no witnesses are present to testify.  
18 With this, at this very early hour, we are thirty-five  
19 minutes ahead of schedule. You were supposed to be here at  
20 11:30, you have thirty-five minutes to make an opening  
21 statement.

22 JUDGE DURDEN: Well, I won't impose on your  
23 patience quite -- quite to that extent, but I would like to  
24 make a brief introductory statement.

25 My name is Deborah Brooks Durden, for those

1 of you who don't know me. For the last eleven years I've  
2 served on the Administrative Law Court, where 60 percent of  
3 my docket is appellate work done with very similar standard  
4 reviews, very similar procedures to the ones used by the  
5 Court of Appeals.

6 During that time, I've issued over 3,300  
7 final orders. I have only been reversed twelve times. And  
8 in doing that, I am very proud of how up-to-date I have  
9 kept my docket. I really feel like justice delayed is  
10 justice denied to somebody who's in front of me.

11 And so I -- I'm just very proud of the work  
12 that I've done. And I would like to take that same work  
13 ethic and level of professionalism to the Court of Appeals  
14 and serve there. Thank you.

15 CHAIRMAN RANKIN: Okay. Thank you. And now  
16 J.J. Gentry will ask you some questions and get this  
17 started. Thank you so much.

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

24 EXAMINATION BY MR. GENTRY:

25 Q. Good morning, Judge Durden.

1           A.    Thank you.

2           **Q.    Why do you now want to serve on the Court of**  
3 **Appeals?**

4           A.    I'm just kind of ready for a new challenge.  I'm  
5 -- I would -- I think I would be good at it.  I've got a  
6 lot of experience the last eleven years, and just very  
7 interested in serving in that -- our state in that way.

8           **Q.    Judge Durden, how do you feel your legal and**  
9 **professional experience you just mentioned thus far will**  
10 **assist you in being an effective judge on the Court of**  
11 **Appeals?**

12          A.    I feel like I have a pretty broad base of --  
13 types of experience.  When I was a lawyer, I represented  
14 all different kinds of clients.  I never did criminal law  
15 as a -- as a lawyer, but as -- as many of you know, we have  
16 a lot of cases at the Administrative Law Court, that deal  
17 with inmates and their Constitutional rights.

18                So I feel like I do -- I feel like I've covered  
19 most all of the bases of the areas of South Carolina, that  
20 I'd be -- that I'd be expected to have a fundamental  
21 understanding of as a Court of Appeals judge.

22          **Q.    How would you describe your general judicial**  
23 **philosophy?**

24          A.    I think there are kind of two prongs to my  
25 judicial philosophy.  One I mentioned a little bit in my --

1 in my opening statement, that justice delayed is justice  
2 denied.

3 I feel like it's very important for me to bring a  
4 work ethic to the job every day and to -- you know, not to  
5 rush a decision, to give it all the thought and  
6 deliberation necessary, and study and research to come to a  
7 good decision, while at the same time trying to be as  
8 prompt as I possibly can in getting a decision made.

9 The other aspect of my judicial philosophy is  
10 very much -- I'm very -- stay very concerned about not  
11 overreaching my authority in deferring to the statutes and  
12 to the case law, and not -- not trying to be an activist.

13 **Q. What's your vision for the future of the judicial**  
14 **system in South Carolina? And what changes would you**  
15 **advocate, if any, and why?**

16 A. Wow, that's a -- that's quite a question. I  
17 really don't -- can't think of any changes that I -- that  
18 I'd like to advocate. I think that, overall, we have a  
19 very respected and -- and very well functioning judiciary  
20 in this state.

21 **Q. All right. Judge, to what extent do you believe**  
22 **that a judge should or should not defer to the actions of**  
23 **the General Assembly?**

24 A. The only time a judge would not defer to the  
25 actions of the General Assembly would be in the case of



1 something being clearly unconstitutional. So in other  
2 words, always.

3 I mentioned earlier that I -- you know, I feel  
4 very strongly about not being an activist. And I think a  
5 judge has a lot of power, already. And then to overreach  
6 that power to -- to do something beyond what the General  
7 Assembly has laid out in this -- the statutes or -- you  
8 know, or the precedence that our Supreme Court have -- has  
9 laid out to me, seems a gross overreach.

10 Q. Judge, the Commission received 198 ballot box  
11 surveys regarding you, with 35 additional comments. The  
12 ballot box survey, for example, contained the following  
13 positive comments:

14 "Judge Durden is a fair and eloquent judge.  
15 She's an excellent candidate for judicial -- with judicial  
16 and practical experience."

17 Six of the written comments expressed concerns.  
18 Three comments indicated concerns about your attitude and  
19 behavior in the courtroom. What response would you offer  
20 to this concern?

21 A. The only response I could make to that is, as a  
22 judge, you can't make everybody happy. I do try very hard  
23 to make everybody in my courtroom feel comfortable with the  
24 procedures and -- and like they're going to be fairly  
25 heard.

1           At times you have to be firm with people in order  
2 to keep things fair for everyone. You know, I always try  
3 to do that in a respectful way. So I -- you know, I really  
4 can't think of any -- any circumstance that I've had, that  
5 I feel like I have handled badly. But it's hard to keep  
6 every -- make everybody happy when you're ruling against  
7 somebody.

8           **Q. Three other comments indicated concerns about**  
9 **bias. What response would you offer to this concern?**

10          A. Well, I don't feel like I'm biased. If I felt  
11 like I were -- if I felt like I had any bias, of course I  
12 would recuse myself in a case. But I don't feel like I  
13 have a bias, and I feel like I go to great lengths to try  
14 to demonstrate that to folks that are appearing in my  
15 court.

16          **Q. Thank you, Judge Durden.**

17                 MR. GENTRY: I would note that the Midlands  
18 Citizens Committee reported that Judge Durden is qualified  
19 in the evaluative criteria of constitutional  
20 qualifications, physical health and mental stability, and  
21 well qualified in the evaluative criteria of ethical  
22 fitness, professional and academic ability, character,  
23 reputation, experience, and judicial temperament.

24                 The Committee stated in summary, "Extremely  
25 qualified and will be an asset on the Court of Appeals."

1 BY MR. GENTRY:

2 Q. Judge, just a few housekeeping issues. Since  
3 submitted your letter of intent to run for the seat, have  
4 you contacted any members of the Commission about your  
5 candidacy?

6 A. No.

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

10 A. I am familiar with it, yes.

11 Q. Have you or anyone on your behalf contacted any  
12 members of this commission --

13 A. No.

14 Q. -- or members of the board?

15 A. No.

16 Q. Are you -- are you aware of the penalties  
17 involved if you were to ask for a pledge prior to  
18 commitment?

19 A. I am very aware of that.

20 Q. Thank you, Judge.

21 MR. GENTRY: I have no further questions.

22 CHAIRMAN RANKIN: All right. Questions from  
23 members of the Commission?

24 (Hearing none.)

25 EXAMINATION BY CHAIRMAN RANKIN:

1           Q.    Judge Durden, I note in your letters of  
2 reference, that you were a Koala?

3           A.    A Columbia College Koala, yes.

4           Q.    Did you -- were you fortunate enough -- though I  
5 know you're young, so I'm not trying to act my way into  
6 asking on the record what I know. But Ms. Ludy, did you  
7 ever meet her?

8           A.    I did meet Ms. Ludy. She was very elderly when I  
9 was at Columbia College, but she was still teaching tennis  
10 lessons. And she was quite a -- quite a prize for Columbia  
11 College. We celebrated her every year with a foot --  
12 Powder Puff Football game, the Ludy Bowl.

13          Q.    My sister was a graduate there, and I met Ms.  
14 Ludy as a punk. And either she came on the Mayflower, or  
15 she -- was she in the 1930-something Olympics? 1930?

16          A.    Or '27. It was -- it was a long time ago. She  
17 was very old by the time I met her, and probably even older  
18 when you met her.

19          Q.    Yeah. Well, incredible story with her. And so  
20 why in the world would you want to become an Appellate  
21 Court judge?

22          A.    I think my main motivation is sort of a legal  
23 nerdy thing. Because I just think it would be fun to  
24 debate the cases with two of my colleagues, and sort of  
25 come to a consensus decision, as opposed to the way I do it

1 now by myself.

2 Q. You are more informed with people as compared to  
3 what the role of a Court of Appeals judge would be in terms  
4 of the interaction, I guess, somewhat more so. Do you see  
5 it as a more impersonal, perhaps, service?

6 A. In some ways maybe. But in other ways more  
7 personal. I think, you know, the relationships with my  
8 colleagues on the court would be closer because of what I  
9 just mentioned, about, you know, sitting as a panel. It  
10 wouldn't -- thirty percent of my cases right now are bench  
11 trials where I have witnesses.

12 And so that part of -- that part of  
13 interaction with the public would go away. And, you know,  
14 that may be something that I would miss. But I think right  
15 now, we don't usually have hearings with the lawyers in our  
16 appellate cases. We usually do those on the briefs.

17 So I think it would sort of be replaced by  
18 more interaction with the Bar, more interaction with my  
19 colleagues. I don't really anticipate it being a lonely  
20 kind of endeavor.

21 CHAIRMAN RANKIN: Thank you. Questions?  
22 Senator Sabb.

23 SENATOR SABB: Thank you, Mr. Chairman.

24 EXAMINATION BY SENATOR SABB:

25 Q. Good morning.

1           A.    Hi.

2           Q.    And thank you for offering for this position.  
3   It's good to see you.  I do remember when we screened you  
4   not long ago.  I was curious, I noted that you admitted to  
5   practice law in Alaska?

6           A.    I am.  I went to Alaska right after I finished  
7   law school.  And I clerked for a judge up there, and then I  
8   stayed up there for two or three years, worked for an  
9   insurance defense firm in Anchorage before I finished  
10  sowing all my wild oats, and came home.

11          Q.    Well, welcome back.  I just kind of found that  
12  just a wee bit interesting.  And just from that standpoint  
13  of your view, I guess, of people when they're arguing  
14  appellate-type cases, how do you compare the litigants when  
15  it comes to them and -- and arguing appellate-type cases  
16  versus just being in the heat of a trial?  How do you  
17  manage the lawyers?  Do you find them more difficult?

18          A.    Usually not.  I think most of the more difficult  
19  courtroom management situations that I have had come up  
20  have generally been with pro se litigants or -- you know,  
21  there's some particular members of the Bar who have  
22  reputations that precede them often for being very  
23  passionate in letting their emotions run away with them.

24                But for the most part, I find that when I -- when  
25  you're dealing with lawyers, you don't have as much of a --

1 for lack of a better term, disciplinary role as the judge,  
2 that they sort of deal with that themselves. They know how  
3 to behave in the courtroom and -- and they honor their  
4 obligations.

5 SENATOR SABB: Thank you, Mr. Chairman.

6 CHAIRMAN RANKIN: Anyone else?

7 (Hearing none.)

8 CHAIRMAN RANKIN: All right. Judge Durden,  
9 thank you again for your willingness to serve. And this  
10 now concludes this portion of your screening. You remember  
11 the next few lines, but we want to remind you that pursuant  
12 to our criteria, we expect you as a candidate to follow  
13 both the spirit as well as the letter of the ethics law.  
14 And any violation or the appearance of impropriety will be  
15 viewed as serious and potentially deserving of heavy weight  
16 in the screening deliberations.

17 As you know, this record will remain open  
18 till the formal release of the report of qualifications,  
19 and you may be called back at such time if the need arises.

20 Again, thank you for offering. Thank you  
21 for your service. And we'll see you another day.

22 JUDGE DURDEN: And thank y'all so much for  
23 gathering here so early this morning to hear me out. I  
24 appreciate it.

25 CHAIRMAN RANKIN: Very well. Thank you.

1 And for the record it is 11:09.

2 (Candidate excused.)

3 CHAIRMAN RANKIN: Judge, good morning.

4 JUDGE VINSON: Good morning.

5 CHAIRMAN RANKIN: If you will raise your  
6 right hand.

7 WHEREUPON,

8 JERRY DEESE VINSON, JR., being duly sworn  
9 and cautioned to speak the truth, the whole truth and  
10 nothing but the truth.

11 CHAIRMAN RANKIN: Very well. Have a seat.  
12 Good morning to you. Judge, you were through these halls  
13 not that long ago in screening. How long ago was that?

14 JUDGE VINSON: '18 for the '19 race.

15 CHAIRMAN RANKIN: All right. As you  
16 remember, you've done it again this time, you have a PDQ  
17 there, a personal data questionnaire and a sworn statement.  
18 Any changes that need to be made to that? Any amendments?

19 JUDGE VINSON: I made an amendment last  
20 week, and I think that took care of all the things that I  
21 needed to change from my original PDQ.

22 CHAIRMAN RANKIN: All right. And you have  
23 no objection to those being made a part of this record in  
24 addition to your sworn testimony?

25 JUDGE VINSON: Certainly not. Certainly



1 not.

2 (EXHIBIT NO. 12 - JUDICIAL MERIT SELECTION  
3 COMMISSION PERSONAL DATA QUESTIONNAIRE OF THE  
4 HONORABLE JERRY D. VINSON, JR.)

5 (EXHIBIT NO. 13 - JUDICIAL MERIT SELECTION  
6 COMMISSION AMENDED PERSONAL DATA QUESTIONNAIRE OF  
7 THE HONORABLE JERRY D. VINSON, JR.)

8 (EXHIBIT NO. 14 - JUDICIAL MERIT SELECTION  
9 COMMISSION SWORN STATEMENT OF THE HONORABLE JERRY  
10 D. VINSON, JR.)

11 CHAIRMAN RANKIN: Judge, you know how this  
12 works. We have investigated your qualifications for the  
13 bench and the position that you're seeking. We have  
14 focused on nine evaluative criteria, which includes a  
15 ballot box survey, a study of your application materials,  
16 verification of your compliance with state ethics laws, a  
17 search of newspaper articles in which your name appears,  
18 past screenings and your -- a check for economic conflicts  
19 of interest.

20 No affidavits have been filed in opposition  
21 to your election, and no witnesses are present to testify.  
22 We're very early, and I appreciate your being here so early  
23 ahead of your appointed time. You have the opportunity, if  
24 you'd like to, to make brief opening statement before the  
25 questions begin by Mr. Fiffick.

1 JUDGE VINSON: Certainly. Certainly. Well,  
2 thank you for allowing me to appear here today. And thank  
3 you all for your service on the Judicial Merit Selection  
4 Commission. I know it must be a thankless job at times,  
5 and a difficult job all of the time. And those of us who  
6 serve on the bench appreciate your service and what you do,  
7 and realize how important that is for our bench and for our  
8 state.

9 I've served on the Family Court since 2004,  
10 and in that time I've had an opportunity to learn a great  
11 deal about what it means to be a member of the judiciary  
12 and what it means to be a judge. And I have to say after  
13 sixteen and a half years, I still love my job. It's  
14 challenging. And sometimes it's rewarding and sometimes  
15 it's sad. Sometimes it's happy.

16 But all in all, it's such an honor and a  
17 privilege to serve. And I, in no way, would want to give  
18 up the job that I have now except, perhaps, for an  
19 opportunity to serve on the Court of Appeals.

20 I say all that because I don't want anybody  
21 to think that I'm -- I want to get off it Family Court  
22 bench 'cause I'm tired of it or I've had enough or -- you  
23 know, it just -- it just -- just for any reason other than  
24 the fact that I think having an opportunity to serve on the  
25 Court of Appeals presents new challenges and new

1 opportunities.

2                   When I rule on a case in Family Court, that  
3 ruling affects just the litigants in front of me, and  
4 unless and until it's appealed to the Court of Appeals.  
5 And if a published opinion is issued by the Court of  
6 Appeals, then what I did in my Family Court case may have  
7 an impact on other cases before the bench. And that would  
8 make that instructive to attorneys and to the bench, about  
9 how to handle cases like that.

10                   On the Court of Appeals, you have that  
11 opportunity all the time to think about what's in front of  
12 you, to think about what the impact is, to work  
13 collaboratively with other judges, to formulate opinions  
14 that are instructive and appropriate and useful to the  
15 bench and the Bar. And that's an opportunity I think that  
16 I would very much enjoy.

17                   CHAIRMAN RANKIN: All right. Thank you.  
18 Mr. Fiffick.

19                   MR FIFFICK: Thank you, Mr. Chairman. I  
20 note for the record that based on the testimony contained  
21 in the candidate's PDQ, which has been included in the  
22 record with the candidate's consent, Judge Vinson meets the  
23 constitutional and/or statutory requirements for this  
24 position, regarding age, residence, and years of practice.  
25 EXAMINATION BY MR FIFFICK:

1           Q.    Judge Vinson, you touched on this already, but  
2 would you like to elaborate why that you now want to serve  
3 as a judge on the Court of Appeals?

4           A.    Thank you. I think I have said that -- how  
5 important I think that the Court of Appeals work is. It is  
6 a court that handles most of the appellate work that comes  
7 out of our courts, and gives us instruction as judges and  
8 as attorneys about what we should be doing, how we should  
9 be handling certain cases.

10                   I recall when Judge Morehead was on the Court of  
11 Appeals for a period of time, and was wanting to run again  
12 for the Court of Appeals and for the Supreme Court, I asked  
13 him why he would want to do that. And of course his  
14 response is, "I feel like I've had such an impact. Lawyers  
15 say, 'I read your opinion and it was so helpful in helping  
16 me understand how to handle cases and what to tell my  
17 clients and what to tell the court about cases.'"

18                   So having that opportunity to use different  
19 skills, perhaps to relearn things that I've learned in the  
20 past, and then to apply those things and bring my  
21 experience as an attorney and as a Family Court judge to  
22 the court, I hope would be useful to the court in  
23 researching those kinds of decisions.

24           Q.    Thank you, Judge. Judge Vinson, how do you feel  
25 your legal and professional experience thus far will

1    **assisting you in being an effective judge on the Court of**  
2    **Appeals?**

3            A.    Well, obviously, I had an opportunity to clerk  
4    for Judge Waller when I got out of law school, and enjoyed  
5    that experience very much. It exposed me to a great deal  
6    in Circuit Court, both criminal and civil. I had an  
7    opportunity to observe three death penalty cases, which is  
8    unusual in and of itself.

9            I then went into private practice with Turner,  
10   Padget, Graham & Laney for five and a half years, and was  
11   involved in litigation, not just automobile wrecks but  
12   construction litigation and medical malpractice.

13            Of course I was in a practice with my wife for  
14   about thirteen years, and handled all sorts of different  
15   types of things. When you're in -- and it was just two  
16   people practicing, and you've got to get food on the table,  
17   you're busy trying to take in work that ordinarily you  
18   might not have done. That's how I became involved in doing  
19   Family Court work, and that eventually led me to go on to  
20   the bench.

21            On the Family Court bench, I have an opportunity,  
22   of course, to handle all sorts of things in terms of what  
23   we look at: property, tax, looking at retirement plans,  
24   looking at how to divide those, in addition to dealing with  
25   issues concerning custody and the best interests of

1 children.

2 Of course I handled abuse and neglect cases,  
3 which I did both as a practicing attorney when I worked  
4 part-time and represented DSS in Florence County in  
5 handling abuse and neglect cases. And then on the bench  
6 now, I've been involved in doing that for some sixteen and  
7 a half years.

8 Also, I handle cases involving juvenile justice.  
9 And so that has given me a lot of experience that perhaps I  
10 didn't have as much of when I went on the bench in handling  
11 criminal matters. Because with the exception of the method  
12 by which we deal with juveniles and the penalties or  
13 sanctions for what they do, it's the same law that applies  
14 as far as the criminal process is concerned.

15 **Q. Thank you, sir. Judge Vinson, how would you**  
16 **describe your general judicial philosophy?**

17 A. Well, I guess my -- the first thing I'd say is I  
18 try to think about what it's like to be in front of the  
19 court, both as an attorney and as a litigant. And I try to  
20 remember that what's happening to those litigants maybe  
21 have never -- has never happened before.

22 They're concerned. They're worried. These  
23 things are very important to them. They're distraught  
24 sometimes. Sometimes they're angry. Sometimes I've heard  
25 it said that criminal court is bad people on their best

1 behavior, and Family Court is good people on their worst  
2 behavior. And so, you know, I think about that as I'm in  
3 court, and I try to treat people the way I would want to be  
4 treated as a litigant or a lawyer in court.

5 I don't consider myself an activist in any way;  
6 that's not my role. That's the role of the Legislature to  
7 make law. I simply follow the law as it has been given to  
8 the court by the Legislature and interpreted by our  
9 Appellate courts. And so I guess that would be -- kind of  
10 sum up my judicial philosophy about how I handle things in  
11 my court.

12 **Q. Thank you, sir. Judge Vinson, what is your**  
13 **vision for the future of our judicial system? And what**  
14 **changes would you advocate for, and why?**

15 A. That's a very difficult question to think about  
16 in the grander scheme. I remember hearing from a futurist  
17 one time at a conference I was at, a legal futurist, and he  
18 talked about what he saw -- excuse me -- the court being in  
19 ten, fifteen, twenty-five, one hundred, and even five  
20 hundred years in the future.

21 And I can see our courts changing pretty  
22 dramatically over that period of time. But I've seen our  
23 courts change dramatically over the last eight months,  
24 since the Covid virus came in, and it's changed so much  
25 that we do. I think it's helped us realize that there was

1 ways to handle cases, ways to move things through our  
2 system, that will in the long run prove to be helpful.

3 For instance, in Family Court, we do a lot of  
4 things without having hearings now. We can handle  
5 uncontested matters by affidavits and things like that.  
6 That in that long run frees up a lot of time in Family  
7 Court to handle other types of cases.

8 In talking with judges and lawyers about how  
9 they've been handling things in General Sessions court, I  
10 had a lawyer tell me -- tell me that he handled more cases  
11 in the last six months than he handled in the last two  
12 years, because there's a push on to get things taken care  
13 of.

14 And he says he's never seen such -- I won't call  
15 them deals, but I'll call them nice outcomes for his  
16 clients. And I told him, "Don't tell them anything  
17 differently. They'll think you're the greatest lawyer in  
18 the world."

19 But all that said, I think we're experiencing  
20 things because of what we're going through now, that  
21 indicate there's some changes that can be made. It's  
22 always good to streamline practices. One of the things  
23 I've learned in the last three years is the use of digital  
24 monitoring in a courtroom as opposed to a court reporter,  
25 which kind of caught me off guard, because I didn't think I



1 would like it at all.

2 I was -- I was on the Chief's commission about  
3 that. But even sitting through the Commission meeting and  
4 things -- things like that, I just was not a big proponent  
5 of it, but I found that it worked so much better than I  
6 ever thought that it would.

7 And it's amazing because, for instance, I can go  
8 into -- after a hearing at the -- the next day I can go on  
9 my computer and listen to the -- to the hearings. And  
10 there are marks, so it's easy for me to find where they  
11 are. I never would have thought about doing all those  
12 things ten years ago.

13 So there's some things that we're learning with  
14 technology, which is a big way to change and improve our  
15 court system is the use of technology. And we're kind of  
16 catching up with that, we're learning about Zoom right now.  
17 And for us, Webex -- and Webex has changed the way that we  
18 do things.

19 And there's so much more that we could learn from  
20 what we've done so far in using Webex, to kind of hone that  
21 as well. Because they're going to be continuing needs for  
22 that.

23 I can recall in the past, I've done hearings -- I  
24 did an adoption from Korea one time, and I had to get  
25 permission from the court administration to put a Zoom-type

1 meeting on to my computer, that I could only put on for  
2 that one hearing, then I had to take it back off.

3 But I was able to accomplish that adoption from  
4 Korea. It was a service member who had three children from  
5 foster care, and they'd not completed the adoption before  
6 he went to Korea, and so I was able to accomplish using  
7 that technology.

8 Now it's something we're becoming more and more  
9 familiar with. But it's also something I think that we can  
10 make better than what it is right now, maybe figure out  
11 ways to make our -- our connections work better, our  
12 technology work better.

13 It's very frustrating, sometimes, when you have a  
14 Zoom meeting or a Webex meeting and your -- you're not --  
15 your equipment's not working right or the broadband's not  
16 working right. And so there are things I think that we  
17 could do to make that better.

18 I don't know that we'll ever reach the point -- I  
19 say that -- I don't know that we'll ever reach the point  
20 that we'll be able to try cases -- literally try cases with  
21 Zoom or Webex, but the technology that we have right now  
22 isn't really very good for that. But who knows?

23 If we work on that technology, and improve that  
24 technology, we may be able to accomplish that as well.  
25 That will certainly make having certain types of hearings

1 with out-of-state witnesses and out-of-state litigants  
2 easier for us to accomplish, easier for us to schedule and  
3 to make those arrangements.

4 Q. Thank you, sir. Judge Vinson, what -- to what  
5 extent do you believe a judge should or should not defer to  
6 the actions of the General Assembly?

7 A. Well, I mean, if the General Assembly passes a  
8 law, then it's my responsibility to follow that law in my  
9 court. If there's a -- if there's a defect of problem in  
10 that law, it's not my responsibility to change that. My  
11 responsibility is simply to follow that.

12 If there's something that needs to be corrected  
13 or challenged or done about that -- if there's something  
14 that needs to be done about that, then that would be  
15 handled by the Supreme Court. And in the meantime, I'm  
16 going to follow the law as its handed down from the General  
17 Assembly.

18 Q. Thank you, sir. Judge Vinson, the Commission  
19 received 527 ballot box surveys regarding you, with 85  
20 additional comments. The ballot box survey, for example,  
21 contained the following positive comments:

22 "Smart. Very experienced. Excellent judicial  
23 temperament. Active in community and legal circles. Judge  
24 Vinson is a tremendous asset to the bench and would be an  
25 excellent addition to the Court of Appeals."

1           Seven of the written comments expressed concerns.  
2 Six of the seven negative comments indicated a problem with  
3 judicial temperament, and that you might be conceited and  
4 speak down to attorneys and litigants. What response would  
5 you offer to this regarding your temperament?

6           A. Well, I clerked for Judge Waller in 1986 to 1987.  
7 I remember he got a letter from then Chief Justice Ness,  
8 and it went to all of the judges -- all of the Circuit  
9 Court judges, and it was talking about robitis.

10           And I didn't know what robitis was. And so Judge  
11 Waller explained to me what robitis was, what it  
12 represented. And I quickly learned then, the difference  
13 between judges who were courteous and appropriate, made  
14 litigants feel comfortable, made litigants feel as if they  
15 were being treated fairly, listened to and -- and just gave  
16 them a feeling that they're getting their day in court,  
17 that they're seeing justice.

18           I don't really know where that comes from without  
19 knowing about specific instances. I will say, as I said at  
20 the beginning about my judicial philosophy, I've always  
21 felt like it's important to treat the litigants and lawyers  
22 as I would want to be treated. I do not talk down to  
23 lawyers in a courtroom, especially not in front of their  
24 clients.

25           But I don't do that. If I have to say something

1 to the attorneys, I take them outside of the courtroom,  
2 outside of the presence of their clients. I don't want to  
3 do anything that would damage that attorney-client  
4 relationship; it creates more problems than it could ever  
5 solve.

6 And -- and so I would talk to them outside of the  
7 courtroom. And I try to do that in a respectful way to  
8 them, as I would do to a litigant as well. But I don't  
9 have to do that very often, thankfully. It's a rare  
10 occurrence that I have to have a word of prayer with a  
11 lawyer.

12 But that's the way I've always handled that.  
13 Litigants, you know, I try to be very respectful towards  
14 litigants at all times. I always address them as Sir or  
15 Ma'am. And I use their last names, Mister, Missus, Miss.  
16 And so that's -- that's always been the way that I've tried  
17 to handle cases. So that's all I can say in speaking to  
18 that, without knowing any more specifics about it.

19 **Q. Thank you, sir. Judge Vinson, one comment**  
20 **indicated you may request and/or schedule a light docket**  
21 **for yourself, and avoid working on -- you know, on**  
22 **afternoons. What response would you offer to this concern?**

23 A. I really -- first of all, I have no ability to  
24 control what my docket looks like at home, and especially  
25 out of town, even when I'm Chief Judge. And I've been

1 Chief Judge this year. But even as Chief Judge, I don't  
2 get involved in what goes on the dockets.

3 And it's always been my practice that if I finish  
4 up early, if I had a case settle and the backup settles and  
5 my day is free, I always check with the other judges to see  
6 if there's anything I can do to help them.

7 You know, maybe they need some time in chambers  
8 because they've been away for a week or something, they've  
9 got a bunch of orders piled up and they need to get to  
10 those. Well, I'm happy to take their docket and work on  
11 that.

12 I can't say that I can ever recall a time when I  
13 have wanted to lighten my docket for any reason other than  
14 if I had some kind of meeting or something that was related  
15 to work. For instance, I was on the Bench Bar Committee,  
16 and still on the Bench Bar Committee, and have been for  
17 about twelve or thirteen years now.

18 So we have meetings, occasionally, and  
19 subcommittee meetings, different things like that. And,  
20 occasionally, I'll be -- I'll speak at seminars. And so  
21 those are the only times that I would mark a day off or  
22 take time away from being on the bench.

23 **Q. Thank you, sir. The same comment alleged that**  
24 **you're prone to continuing hotly contested or controversial**  
25 **cases. What response would you offer to this concern?**

1           A.    I don't even -- I don't really know what to say  
2 to that. Because I don't mind trying a highly contested  
3 and controversial case. Usually, I find that those are the  
4 most challenging. I won't say that I want to try them  
5 every day; everybody needs a break sometimes.

6                   But again, especially as Chief Judge, and being  
7 aware of what it does to our numbers, and we're always  
8 concerned about wanting to meet the Supreme Court's Bar, I  
9 don't continue cases unless there's a good reason.

10                  I suppose there are -- there are occasions when  
11 there's a lawyer who's particularly opposed to a  
12 continuance, and doesn't think that the other attorney or  
13 his client has a good reason for that continuance, and may  
14 disagree with my decision. But it's not because it's a --  
15 it's a contentious or a complicated case.

16           **Q.    Thank you, sir. One final comment alleges that**  
17 **you did have a bias against women before you. What**  
18 **response would you offer to this concern?**

19           A.    That would be a great surprise to my wife, who I  
20 practiced law with for years, and she's now on the Federal  
21 Administrative Law Court. And I'm very proud of her. But  
22 I've been a member of the South Carolina Women Lawyers  
23 Association since 2002. And I stayed a member. I'm not as  
24 active as I -- as I guess meeting members are.

25                  But I like to show my support for the Women

1 Lawyers Association and its goals. And I can't really tell  
2 from that comment if that's about litigants or lawyers.

3 So let me speak as to litigants as well. I mean,  
4 the outcome in cases is always going to be an unhappy  
5 outcome for at least one party. Most of the time for both  
6 parties who are going to be unhappy about something.

7 And I was kind of surprised when you -- when you  
8 told me about that particular comment, because I thought if  
9 there was any comment that was going to be made, it might  
10 be the reverse. But I cannot recall an occasion when I  
11 have had a bias against someone because of their gender.

12 **Q. Thank you, sir. Judge Vinson, you've amended**  
13 **your PDQ to indicate that you were a plaintiff in the 1995**  
14 **action captioned as Jerry D. Vinson, Jr. and Flo Lester**  
15 **Vinson v. Roger Herdt and Gressette Pest Control. Could**  
16 **you briefly explain the nature and disposition of this**  
17 **lawsuit?**

18 A. Sure. Flo and I purchased a house and had a  
19 termite letter done. And about three years after we were  
20 in the house, and were starting to do some remodeling, they  
21 discovered extensive termite damage that should have been  
22 reflected in the -- in the termite letter, and it was not.

23 And so we didn't really want to file that  
24 lawsuit, but the statute of limitations was approaching and  
25 we were negotiating with the insurance carrier at the time,



1 and so we filed the lawsuit to avoid the consequences of  
2 the statue of limitations. And we settled the case with  
3 the carrier shortly after that, for the cost of the repair  
4 of the damages.

5 Q. Thank you, sir. You've also amended your PDQ to  
6 indicate that you were a named defendant in a U.S. District  
7 Court case in 2009, captioned Franklin C. Reaves v. Sherry  
8 R. Rhodes, Jerry Vinson, Marion County Sheriff's Office and  
9 Mark Richardson, et al.

10 Please explain the nature and disposition of this  
11 lawsuit.

12 A. I really don't know too much about that lawsuit.  
13 I was never served with the pleadings in that case, and it  
14 was a surprise to me that it was in existence. So I don't  
15 really know anything about it except I was never a party to  
16 it. According to the -- to the records from the state law  
17 enforcement division, it was dismissed.

18 Q. You've also amended your PDQ to include you being  
19 a named defendant in a U.S. District Court 2013 lawsuit  
20 captioned Tyquan Jared Amir Jones, et al -- I'm sorry, not  
21 et al -- Jones EL, Prisoner vs. Florence County of South  
22 Carolina, Stephen Hill and Jerry Vinson.

23 Please briefly explain your knowledge and nature  
24 of the disposition of this lawsuit.

25 A. Again, it was a lawsuit that I was never served

1 with. I don't really know anything about the lawsuit,  
2 other than what was in the information from the state law  
3 enforcement division investigation. And I -- on both of  
4 those federal cases, I know who the litigants are, but I  
5 don't know what the litigation was exactly about, as it was  
6 presented to -- by the federal courts. And that -- and  
7 that case, as I understand, was dismissed as well.

8 And I meant to say as to the first case involving  
9 my wife and I, quite frankly, had forgotten about that  
10 case. Because I never really thought too much of it as  
11 being a case. I thought more of it as just being a claim -  
12 - settled with an insurance company. And I apologize for  
13 my oversight.

14 **Q. Thank you, sir.**

15 MR FIFFICK: I would note that the Pee Dee  
16 Citizens Committee reported Judge Vinson to be well  
17 qualified as to the evaluative criteria of ethical fitness,  
18 professional and academic ability, character, reputation,  
19 experience, and judicial temperament, and qualified in the  
20 evaluative criteria of constitutional qualifications,  
21 physical health and mental stability.

22 The Committee further commented Judge Vinson  
23 is a highly respected -- there were no concerns voiced  
24 about his potential move from the Family Court to the Court  
25 of Appeals.

1 BY MR FIFFICK:

2 Q. I've got some housekeeping issues here. You've  
3 amended the PDQ to answer this question, but since  
4 submitted your letter of intent to run for this seat, have  
5 you contacted any members of the Commission about your  
6 candidacy?

7 A. I did amend that. And immediately after filing  
8 closed, I sent out an e-mail to the folks who supported me  
9 the last time. I included in the PDQ an actual copy of the  
10 e-mail I sent out. I didn't ask for any support. I asked  
11 for -- other than to say, "Thank you for your prayers and  
12 thoughts."

13 And I did end by saying I would seek assistance  
14 at the appropriate time. I had unfortunately forgotten  
15 that Mr. Strom, who was not on the Commission at the time,  
16 is now on the Commission, was one of people that I had sent  
17 that e-mail to.

18 So I when I sent it back out, it went to Mr.  
19 Strom. And he immediately sent an e-mail back that said  
20 that he's on the Commission, and he had not read my e-mail  
21 and wanted to alert me to that.

22 And I immediately self-reported to Ms. Crawford  
23 and sent her a copy of what I had sent. And I wanted to  
24 send Mr. Strom an apology for doing that, but I was -- that  
25 would have just made things worse.

1 JUDGE VINSON: (To Mr. Strom) So I didn't  
2 send you an apology, but I do make an apology now for that.  
3 And it was inadvertent, and I do apologize for that.

4 Q. Thank you, sir. Are you familiar with Section 2-  
5 19-70, including the limitations on contacting members of  
6 the General Assembly regarding your screening?

7 A. Yes.

8 Q. Since submitting your letter of intent, have you  
9 sought or received the pledge of any legislator either  
10 prior to this date or pending the outcome of your  
11 screening?

12 A. No.

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

17 A. No.

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

23 CHAIRMAN RANKIN: Thank you. Are there any  
24 questions by members of the Commission? Ms. McIver.

25 MS. MCIVER: Thank you.

1 EXAMINATION BY MS. MCIVER:

2 Q. Judge Vinson, I've looked at the letter here on  
3 your behalf from Carl Folkens, who I know does a good deal  
4 of mediations, and he notes, "An example of this man's  
5 resolve is his conduct during the current pandemic. We  
6 were all faced with the imminent shutdown of the judicial  
7 system and the resulting paralysis to the practice of  
8 family law. Judge Vinson took the lead, locally and  
9 statewide, to engage the practicing Bar in ways which  
10 allowed citizens access to the court system, and revamped  
11 the manner in which hearings and mandatory mediations could  
12 be handled."

13 You talked a little bit about your use of Zoom  
14 and Webex. Could you speak additionally to just other of  
15 your efforts with regard to keeping the courts moving? I  
16 know in Family Court, as much as anywhere else, that's so  
17 important to the litigants.

18 Because pandemics don't stop families from having  
19 disputes, as we all know. And so I would just like to hear  
20 some more about what you did to keep the courts open and  
21 moving forward.

22 A. Certainly. When we first began to do hearings  
23 pursuant to the Chief Justice's instructions, one of the  
24 things we were doing, we were trying to do temporary  
25 hearings by Webex. And that worked great. I liked it very

1 much because we required the attorneys on both sides to  
2 provide all the affidavits to us ahead of time. And that  
3 allowed us to read them, to think about them, to actually  
4 make what I considered to be better decisions --

5 (Off-the-record discussion.)

6 A. So it worked really well. So all we did when  
7 got on Webex, was just to ask any questions we had after  
8 reading the affidavits, and take any arguments from  
9 counsel.

10 And, you know, the surprise element of motions  
11 for temporary relief, where no one's seen anything, and you  
12 worry sometimes about am I making the best decision, they  
13 don't have a chance to respond very well to what's in those  
14 affidavits.

15 But one of the things that became immediately  
16 clear is we were running into problems with having self-  
17 represented litigants involved in these motions for  
18 temporary relief, we had no real mechanism for doing that.

19 Some counties were choosing to do kind of a -- an  
20 elaborate method of giving them notice to appear, and what  
21 they would do and that kind of thing. And we were kind of  
22 concerned about that.

23 But we are very fortunate in Florence County, to  
24 have a relatively new facility. And without knowing at the  
25 time, the facility was built in a way that was very

1 conducive to allow us to hold court and do social  
2 distancing at the same time. So we immediately came up  
3 with a method to do that.

4 We don't use a lot of the glass screens because  
5 there's so much space in our courtroom. We require  
6 everybody to wear masks. We only allow ten people in the  
7 courtroom, including myself and the court monitor. So it's  
8 very limited.

9 And we schedule those cases so that not many  
10 people can be in the building at any particular time. So  
11 there's time in-between the hearings to clean the tables  
12 and take care of that, and so that we don't have, you know,  
13 three cases congregated outside, waiting to come in. That  
14 has allowed us to do social distancing in an effective way.  
15 And we haven't had any Covid in our courthouse since it  
16 started, in any area.

17 So we've been very lucky. And I'd like to think  
18 some of it's not just luck; some of it's because we really  
19 have made an effort to social distance as much as possible.  
20 So we started doing that all the way back in April. And  
21 we've been doing it since then, and we're trying two- and  
22 three-day cases and things like that.

23 Unfortunately, I know from experience, because I  
24 was scheduled to be in Columbia twice for the week and hold  
25 court, both times it was cancelled because of a Covid

1 outbreak at the courthouse. So some courthouses have more  
2 of a challenge in trying to go back to a normal schedule.

3 **Q. Thank you.**

4 **A. Thank you.**

5 MS. MCIVER: Thank you, Mr. Chairman.

6 CHAIRMAN RANKIN: Thank you, Ms. McIver.

7 Any other questions? Senator Sabb.

8 SENATOR SABB: Thank you, Mr. Chairman. Mr.  
9 Chairman, I actually have more of a comment than I do a  
10 question-question. I do a lot of practicing down in the  
11 Williamsburg-Florence area, and I think -- and my favorite  
12 number is 32. And I just happen to be the senator from  
13 District 32. When I played basketball back in the day, I  
14 was No. 32. So, anyway, I'm a 32 kind of guy.

15 And it was 32 years ago when I met Judge  
16 Vinson, trying my first real civil case that I had gotten  
17 ready, and he was gentleman and a scholar on the other  
18 side, and I obviously learned a lot from that experience.

19 But, you know, I walked away just knowing  
20 that lawyers could litigate fiercely, but yet be civil to  
21 each other. And bonds are the ultimate result of those  
22 kinds of adversarial situations. And so we go back 32  
23 years.

24 JUDGE VINSON: I haven't forgotten the  
25 licking either.



1                   SENATOR SABB: Well, I got lucky. We were  
2 in Williamsburg County. But I've just gotten an  
3 opportunity to observe him, both as a lawyer and as a  
4 judge. And I would make one correction to one of the  
5 things that the attorney indicated when he said that there  
6 were really no concerns expressed as it relates to him in  
7 being a Family Court. But there actually were a few.

8                   But the interesting thing about those few  
9 was that they were concerned that he was offering for the  
10 Court of Appeals, because they recognize the level of judge  
11 that they would be losing in the Family Court. And I think  
12 that speaks volumes in terms of how you've carried yourself  
13 before the litigants and before the people that appear  
14 before you.

15                  And then my last comment would be more along  
16 the lines of his humanity. We had an incredible tragedy to  
17 occur in Florence, where a couple of our officers lost  
18 their lives. And of course many of us were moved by that  
19 tragedy.

20                  And I was at the homecoming service for  
21 Farrah, and one of the people that they wanted to speak was  
22 Judge Vinson. And, you know, being a lawyer, I just  
23 appreciated how the people look at him as just being  
24 somebody who's just nice and kind, and the opposite of what  
25 robitis means. And so I also remember his words.

1                   And so he's been a credit to the bench, a  
2 credit to our profession, and I'm extremely proud of him.

3                   JUDGE VINSON: Thank you very much

4                   CHAIRMAN RANKIN: Judge Vinson, I appreciate  
5 your thoroughness in your responses. And I am -- harken  
6 back to the first -- at least that I understand your  
7 hearing the term "robitis," and that being in a letter from  
8 Chief Justice Bubba Ness. You didn't define what the  
9 message from Chief Justice Ness was. And you don't have to  
10 if you don't want to.

11                  JUDGE VINSON: Well, let's just say he made  
12 it perfectly clear what he thought of judges who acted like  
13 that.

14                  CHAIRMAN RANKIN: So that letter was  
15 addressed to the Circuit Court judge that you were working  
16 for: Johnny Waller?

17                  JUDGE VINSON: It was addressed to all of  
18 the Circuit Court judges. He wasn't picking out any  
19 particular person. He was just issuing kind of a blanket  
20 letter, reminding everybody. I'm sure he had somebody in  
21 mind, and maybe more than one, but he was issuing what he  
22 considered to be a blanket letter to remind everybody about  
23 what is appropriate and what's not for judges.

24                  CHAIRMAN RANKIN: Well, I didn't suspect  
25 that it was addressed specifically to Johnny Waller.

1 JUDGE VINSON: No.

2 CHAIRMAN RANKIN: But I know just as Lucy  
3 Grey McIver's noted, one of your other letters of  
4 reference, that you have one from Johnny Waller.

5 JUDGE VINSON: I do.

6 CHAIRMAN RANKIN: Who exhibited while  
7 serving, perhaps, the most -- I'm going to call it light  
8 touch, interacting with people. And if ever he  
9 demonstrated robitis, he must have done it at home.

10 JUDGE VINSON: I never saw him demonstrate  
11 that at all. And he's been an inspiration and a model to  
12 me, knowing him all these years. The oddest thing was when  
13 he retired from the Supreme Court and went back into  
14 practice, was to have my judge appear in front of me. And  
15 the first time I ruled against him, he looked like I just  
16 shot him or something. He was just so hurt that I actually  
17 ruled against him on something.

18 But at any rate it's -- he's -- he's fully  
19 retired now. But when I hold court in Marion, we usually  
20 have lunch. So I enjoy seeing him.

21 CHAIRMAN RANKIN: Tell me -- and, again, a  
22 number of us are from that political world, some of us have  
23 had recent brushes with elections and things said. Not  
24 ballot box surveys, but perhaps Facebook posts, maybe no  
25 less credible, no less attributable to a person as these

1 ballot box surveys are, for good or bad, that you as a  
2 candidate get.

3 Speak to the comments -- and they are very  
4 few in number, and very few even larger or even more remote  
5 in percentage of those who have said kind things about you,  
6 but speak to those who do take issue with you.

7 Again, in any other context that you can.  
8 Personality -- your wife would have been -- any category or  
9 description of you not treating women fairly. But how do  
10 you speak to your critics?

11 JUDGE VINSON: Well, you know, the first  
12 thing I would want to know is specifically what it was that  
13 they felt that I had done that warranted that criticism.  
14 But I'm not above taking criticism and changing. If I've  
15 done something that was wrong, I really want to address  
16 that. And it may have been something that I said  
17 carelessly or thoughtlessly. I hope it wasn't.

18 But if someone doesn't tell me exactly what  
19 it is, it's hard for me to address that and improve. And  
20 if I did do that, my first -- my first reaction would be:  
21 I'm sorry. I apologize.

22 I'd like to think that I'm a better person  
23 than that, and that I'm a better judge than that. And I  
24 can assure you that's not going to happen in the future.  
25 Because if the criticism has any merit, then I want to

1 address it and correct it.

2 And if it doesn't have merit, then maybe  
3 it's just a reminder of how important it is to think about  
4 what people are saying about you, to make sure that you're  
5 not making careless or thoughtless mistakes in your  
6 comments or in your actions from the bench.

7 CHAIRMAN RANKIN: Ms. McIver mentioned,  
8 again, the letter from Carl Folkens, who you worked for, in  
9 addition to your wife, for some period --

10 JUDGE VINSON: Only for -- only before she  
11 went on the bench, yes.

12 CHAIRMAN RANKIN: Florence is a small Bar.  
13 You worked with Turner Padget while Flo was working with  
14 Carl?

15 JUDGE VINSON: No. Flo and I were both at  
16 Turner Padget at the same time. In fact, Flo -- Flo and I  
17 left Turner Padget, went and formed our own firm, shortly  
18 after we practiced with a plaintiff's lawyer for a short  
19 period of time. And that was not the best experience.

20 And so we formed our own firm and practiced  
21 together. And then I left that firm -- we severed our  
22 practice and I joined McDougal and Self, and practiced with  
23 them for about two years before I went on the bench. And  
24 that's when Carl -- Flo went to Carl's office.

25 CHAIRMAN RANKIN: Who, again speaking of

1 Carl Folkens, is perhaps not just a lawyer's lawyer, but  
2 perhaps a judge's lawyer, or perhaps a law school  
3 professor's lawyer. And I can just keep going on up. And  
4 I would have him very close to the Pearly Gates as well in  
5 terms of his gift that he has, not dead but living, in his  
6 approach to the law and his approach to people and his  
7 approach to working out differences between people who  
8 would be as far away as Trump and Biden, perhaps, with a  
9 unique ability to bring them together.

10 And he compliments you, not just this screening  
11 but the last one, but to me is, to borrow the term from  
12 Senator Sabb, very impactful, very meaningful to me.

13 And so I appreciate your, as he described  
14 it, not embracing the complacency of, perhaps, some judges  
15 sitting back and not being proactive during the initial  
16 onset of this pandemic, and the ripples that it cast  
17 throughout that judiciary, but being a leader and being  
18 aggressive. Zoom specifically. So I want to commend you  
19 for that.

20 JUDGE VINSON: Thank you. I have to say  
21 that during those first few weeks of the quarantine, I  
22 worked as hard, I think, then as I'd worked at any point in  
23 time since I've been on the bench, trying to figure out how  
24 we're going to do things and coming up with practices,  
25 talking to the other judges about it, talking to other

1 judges around the state to see what they were doing, and to  
2 the lawyers around the state, to see what their needs and  
3 problems were.

4 So, you know, a lot of folks were going, "Oh,  
5 you're taking time off now." Well, my administrative  
6 assistant will tell you that I made her work eight or nine  
7 hours a day, right along with me, as we were working  
8 through those issues.

9 And I felt it was a responsibility I had as  
10 Chief Administrative Judge, but a responsibility that all  
11 of should have to make our justice system do what its  
12 intended to go, and that is the provide a resource and a  
13 forum, and to provide justice and an opportunity to be  
14 heard, and to be heard promptly, as promptly as possible.  
15 And so it was a duty I thought that I had as a judge.

16 CHAIRMAN RANKIN: And some, perhaps, maybe  
17 very few in the -- serving on the -- in the judiciary  
18 seemed to lack the sense of urgency. Perhaps, maybe they  
19 were caught unawares of how to be more nimble and how to be  
20 responsive.

21 But the willingness to -- and, again, the  
22 nimbleness that you as a chief judge apparently put into  
23 practice there again wasn't just to clear your docket, it  
24 was to address folks who had conflicts, lawyers, litigants,  
25 and the whole system. So that -- that he is complementing

1 you on that, and particularly for your reaching out to him,  
2 again, is a feather in your cap.

3 JUDGE VINSON: Well, thank you. I will say  
4 to Ms. McIver's comments, that one of the things that we  
5 did, that I'd never done as much of, is I had more status  
6 conferences than I've ever had. I would have ten to  
7 twelve, fifteen status conferences a day, trying to keep  
8 cases moving along, trying to figure out what we could do,  
9 and when we would talk about having a hearing on it, trying  
10 to help them get to mediation, working with Carl and other  
11 mediators as they were talking about using Zoom as a way to  
12 handle mediation, and kind of watching how that developed  
13 and how effective it became.

14 And so it was -- it was -- it was  
15 challenging. It was exciting. It was frustrating  
16 sometimes, but it -- but it was -- it was a very different  
17 kind of year.

18 CHAIRMAN RANKIN: Very good. All right.  
19 Unless there's anything else from anyone -- Commission  
20 members, I want to again thank you for being here.

21 JUDGE VINSON: Thank you.

22 CHAIRMAN RANKIN: And this will conclude  
23 this portion of our screening process. You're reminded  
24 that pursuant to our evaluative criteria, that we expect  
25 candidates to follow both the spirit and the letter of the



1 ethics law, and we view any violation or the appearance of  
2 impropriety as serious and deserving of heavy weight and  
3 screening deliberations.

4 As you know, this record will remain open  
5 until the formal release of the report of qualifications.  
6 You may be called back at such time if the need arises. I  
7 pray that doesn't happen.

8 Again, thank you for offering. Thank you  
9 for your answers. And thank you for your willingness to  
10 join us and be here early, and be finished -- and be  
11 finished, long ahead of your schedule.

12 JUDGE VINSON: Yeah, I will -- I'll head  
13 back now and relieve Judge Brigman. She was taking my  
14 docket today, so she'll be happy to see me come back  
15 through the door. Because I've got pro se's all afternoon.

16 CHAIRMAN RANKIN: Thank you. Tell your  
17 bride "Hello."

18 JUDGE VINSON: I will. I will. I will.  
19 She was busy working -- getting ready for hearings all day  
20 tomorrow. The Social Security Administration shut down all  
21 offices in March, and so they've been doing all of their  
22 hearings from home, so our sun porch has been both her  
23 chambers and hearing room since March.

24 And I don't know -- I think she's starting  
25 to get a little bit weary of it and she's ready to get back

1 to something that's a little more normal. But I don't  
2 think that's going to happen anytime soon. So at any rate,  
3 I'll give her your best.

4 CHAIRMAN RANKIN: Take care. Thank you.

5 (Candidate excused.)

6 CHAIRMAN RANKIN: We're going to take a  
7 five-minute break.

8 (Off the record from 1:10 p.m. to 1:15 p.m.)

9 CHAIRMAN RANKIN: We are back on the record.  
10 Judge Jocelyn Newman. It is four o'clock somewhere, but  
11 not here.

12 JUDGE NEWMAN: All right.

13 CHAIRMAN RANKIN: We appreciate your being  
14 able to get here so quickly, well ahead of your four  
15 o'clock screening. Let me first ask you to stand and raise  
16 your right hand.

17 WHEREUPON,

18 THE HONORABLE JOCELYN NEWMAN, being duly  
19 sworn and cautioned to speak the truth, the whole truth and  
20 nothing but the truth.

21 CHAIRMAN RANKIN: And as with so many, we've  
22 seen you recently.

23 JUDGE NEWMAN: Yes.

24 CHAIRMAN RANKIN: Remind me how long ago you  
25 were before that JMSC.

1 JUDGE NEWMAN: That was actually five years  
2 ago, 2015 -- fall 2015.

3 CHAIRMAN RANKIN: It's a fresh memory for  
4 me. I remember you well and fondly. So you have before  
5 you, the personal data questionnaire and your sworn  
6 statement. Do you need to edit, amend, correct anything in  
7 there?

8 JUDGE NEWMAN: I don't believe so. No.

9 CHAIRMAN RANKIN: All right. Those are  
10 ready to go. And you have no objection to them being made  
11 a part of the record with your testimony, correct?

12 JUDGE NEWMAN: I do not.

13 (EXHIBIT NO. 15 - JUDICIAL MERIT SELECTION  
14 COMMISSION PERSONAL DATA QUESTIONNAIRE OF THE  
15 HONORABLE JOCELYN NEWMAN)

16 (EXHIBIT NO. 16 - JUDICIAL MERIT SELECTION  
17 COMMISSION SWORN STATEMENT OF THE HONORABLE  
18 JOCELYN NEWMAN)

19 CHAIRMAN RANKIN: All right. And, again,  
20 very recent for me, but maybe a little longer ago to you,  
21 you are aware that we highly investigate what our criteria  
22 are. But let me just wheel through those. There are nine,  
23 which include a ballot box survey, a thorough study of your  
24 application materials, verification of your compliance with  
25 the state ethics laws, a search of newspaper articles in

1 which your name appears, and a study of previous  
2 screenings, and finally, a check for economic conflicts of  
3 interest.

4 No affidavits have been filed in opposition  
5 to your election, and no witnesses are present to testify.  
6 You now have the opportunity, if you like, to make a brief  
7 opening statement before questions begin by our able staff.

8 JUDGE NEWMAN: No, I don't really have one.  
9 I thank you for having me. Thank you for having me early,  
10 today, that works out really well. And I'm glad to be  
11 here.

12 CHAIRMAN RANKIN: All right. Are you  
13 presently holding court in --

14 JUDGE NEWMAN: In Richland County?

15 CHAIRMAN RANKIN: In Richland County.

16 JUDGE NEWMAN: Yes, sir.

17 CHAIRMAN RANKIN: What docket are you  
18 working this week?

19 JUDGE NEWMAN: I have a General Sessions  
20 dockets, so today was just jury qualifications. It takes a  
21 whole day now, due to Coronavirus, 'cause we've split  
22 things up. So I will go back and finish qualifying the  
23 jury this afternoon, and then start a trial tomorrow  
24 morning, a criminal trial.

25 CHAIRMAN RANKIN: Very good. All right.

1 Ms. Foster, take it away, please, ma'am.

2 EXAMINATION BY MS. FOSTER:

3 Q. Judge Newman, after serving five years on the  
4 Circuit Court, why do you want to continue serving as a  
5 Circuit Court judge?

6 A. I'm having a great time doing it. I've got a lot  
7 to learn. Five years is, in my opinion, not nearly long  
8 enough to do the work that needs to be done and feel like  
9 I'm satisfied in it.

10 I don't have children, but I tend to compare or  
11 describe my experience the way a lot of people describe  
12 parenthood; and that is, that it is one of the most  
13 stressful things that you can do but one of the most  
14 rewarding as well. And so I'd like to keep on forging  
15 ahead and doing that.

16 Q. Judge Newman, in your -- you indicated in your  
17 PDQ that since your last screening, two lawsuits have been  
18 filed against you in your official judicial capacity by  
19 incarcerated individuals. The first was a state court  
20 action in 2019, it was captioned Duren v. Newman, et al.  
21 Can you briefly explain the nature of that action?

22 A. Mr. Duren -- David Duren had filed a -- an  
23 application for post-conviction relief. I heard his PCR.  
24 I forget when it was, but at the of that PCR hearing -- and  
25 I should say he was, I believe, represented maybe by

1 standby counsel.

2 But at the end of that PCR hearing, I told him  
3 that I would mail him a copy of my order. And I said it  
4 sort of that way, but I would send him a copy of the order,  
5 really meaning that the clerk's office would ensure -- or  
6 his counsel would ensure that he had a copy of it.

7 I didn't mail it to him personally. And so he  
8 sued me because I did not ever personally mail him a copy  
9 of his -- the final order in this case. He initially filed  
10 it, I believe, in Greenville. I don't remember why, but it  
11 was changed to Sumter. And then the lawsuit was dismissed.

12 **Q. Thank you. The other suit that you -- or that**  
13 **you noted in your PDQ was a federal action, LaConey v.**  
14 **Newman, et al. And you told me a little bit Mr. LaConey**  
15 **making some death threats and whatnot. Would you describe**  
16 **-- briefly explain that nature of that action?**

17 A. I actually don't recall the allegations in that  
18 case. That was filed in Federal Court. And of course in  
19 Federal Court, after an inmate files a lawsuit, the clerk's  
20 office then has to issue the summonses and authorize  
21 service of process. That was not done in this case. It  
22 was actually dismissed before it was served, and so I don't  
23 know the substance of those allegations, or don't recall.

24 I do note Mr. LaConey is -- has -- is in the  
25 court, frequently. He has had a number of criminal cases.

1 And I -- at the time, I believe, was assigned to preside  
2 over all his criminal actions in Richland County. One of  
3 his cases was a -- regarding a threat to blow up the  
4 Richland County Judicial Center. The case was assigned to  
5 me because he made those threats before I was elected, and  
6 every other judge had considered themselves a victim.

7 And so Mr. LaConey is an interesting guy. He has  
8 a blog that's not been updated in many years, where he  
9 indicates that my father is a member of the Illuminati and  
10 that -- you know, lots of crazy things.

11 He has also sent me some death threats. And so  
12 I've reported him to SLED. But at that point he was  
13 already on a SLED watch list, so I don't know where he is  
14 now. I know that lawsuit was dismissed. But I'm not  
15 surprised that he filed it.

16 **Q. Thank you, Judge Newman. Judge Newman, what do**  
17 **you think your reputation is among the attorneys that**  
18 **practice before you?**

19 A. Well, that's a good question. What do I think it  
20 is? I'd like to think that I have a good reputation as  
21 someone who listens and fairly considers everything that's  
22 put before that court. But I don't know. You know, I only  
23 hear whispers.

24 But I would -- I would hope that I am known to  
25 have a smile on my face, I do hear that. Of course, that's

1 before mask-wearing. But someone who's -- who pleasantly  
2 greets everyone who appears before the court, but also is  
3 fair and equitable and -- in all my decisions.

4 Q. Judge Newman, the Commission received 790 ballot  
5 box surveys regarding you, with 56 additional comments.  
6 The ballot box survey, for example, contained the following  
7 positive comments:

8 "I've seen no other judge with better judicial  
9 temperament than Judge J. Newman. Judge Newman is smart  
10 and fair. She treats everyone with respect. An asset to  
11 the bench. One of the most prepared and knowledgeable  
12 judges. Judge Jocelyn Newman is one of the most  
13 intelligent judges that I've been before in my 27 years of  
14 practice. I am incredibly impressed with Judge Newman."

15 Nine of the written comments expressed concerns.  
16 Several of those comments indicated concerns with judicial  
17 temperament. What response would you offer to this  
18 concern?

19 A. I've been thinking about that for some time. And  
20 I really don't know how to respond to that, other than to  
21 say, you know, nine people out of 700-something -- I mean,  
22 that's just over one percent. It would not surprise me if  
23 it was someone who I ruled against, and they -- they just  
24 didn't appreciate that for whatever reason.

25 Q. Judge Newman, a few comments expressed concerns



1 of inconsistent rulings. What response would you offer to  
2 that concern?

3 A. I've been thinking about that too. And I can't  
4 imagine where that would come from other than, perhaps, a  
5 situation that on its surface may be two cases that look  
6 identical to one another, but, in fact, are not.

7 You know, for example, if I'm doing guilty pleas  
8 or something -- I mean, there could be two people both  
9 convicted of a domestic violence, for example, and one gets  
10 probation and the other goes to prison. And on their face  
11 they seem identical, but in reality one is a first-time  
12 offender, you know, with no criminal record, and the other  
13 has -- had the same victim and been convicted of domestic  
14 violence ten times against the same victim. And so the  
15 outcomes would be different. So sometimes things that look  
16 on the surface to be the same are, in fact, not.

17 Q. Thank you, Judge Newman.

18 MS. FOSTER: I would note that the Midlands  
19 Citizens Committee found Judge Newman qualified in the  
20 evaluative criteria of constitutional qualifications,  
21 physical health and mental stability. The Committee found  
22 her well qualified in the evaluative criteria of ethical  
23 fitness, professional and academic ability, character,  
24 reputation, experience, and judicial temperament.

25 The Committee stated in summary: "Excellent

1 interview."

2 BY MS. FOSTER:

3 Q. Now I just have some housekeeping issues. Judge  
4 Newman, since submitted your letter of intent, have you  
5 contacted any members of the Commission about your  
6 candidacy?

7 A. No.

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

11 A. Yes.

12 Q. Since submitting your letter of intent, have you  
13 sought or received a pledge of any legislator, either prior  
14 to this date or pending the outcome of your screening?

15 A. No.

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

20 A. No.

21 Q. Have you reviewed and do you understand the  
22 Commission's guidelines on pledging in S.C. Code Section 2-  
23 19-70, paren E?

24 A. Yes.

25 MS. FOSTER: I would just note for the

1 record that any concerns raised during the investigation  
2 regarding the candidate were incorporated into the  
3 questioning of the candidate today. Mr. Chairman, I have  
4 no further questions.

5 CHAIRMAN RANKIN: All right. Thank you.  
6 Questions from members of the Commission?

7 (Hearing none.)

8 EXAMINATION BY CHAIRMAN RANKIN:

9 Q. Judge Newman, obviously, you are from a family of  
10 jurists, and walk into the -- to this role, as you did five  
11 years ago, with a great name and a great birth of respect  
12 that you now have been working to earn for your own legacy,  
13 right?

14 A. Absolutely.

15 Q. I would imagine that the mentor you would have  
16 said, and probably did on the record -- forgive me for not  
17 remembering it -- as you came into this role, was your  
18 father?

19 A. I believe that I did not say that. I believe  
20 that --

21 Q. You can correct the record now if you'd like to.

22 A. Even though he was in the room at the time, I  
23 believe that I said Judge Goodstein -- Diane Goodstein,  
24 because I was always -- had appeared before her, impressed  
25 with her temperament, her liveliness, and her ability to

1 say "no" with a smile. And so of course, you know, my  
2 father as well. Of course. Of course. Right?

3 **Q. You were describing him in my view.**

4 A. Maybe so.

5 **Q. Liveliness and "no" with a smile, has never felt**  
6 **so good to be told "no."**

7 A. Well, I never appeared before him, so, you know,  
8 I don't know.

9 **Q. So as you are now five years in, tell me what**  
10 **you've learned in the sense of becoming the mentor for the**  
11 **next generation.**

12 A. You know, I guess I've learned that the job is  
13 much more difficult than anyone can describe. And I think  
14 that I had a pretty good description of it going into it.  
15 There's a lot more to it than anyone ever tells you.

16 But I've also learned and -- I guess not learned,  
17 but become acutely aware that people are always watching.  
18 Always, always, always, someone is always watching.  
19 Whether that's the attorneys, the litigants, the jurors,  
20 the small child who has come for their minor settlement,  
21 who is looking to see what court is and what court's about  
22 and how people are treated.

23 There are always people watching. Which is fine  
24 and good. But, you know you become acutely aware of that.  
25 And it maybe alters the way you move in the space

1 sometimes, just, you know, trying to be a good role model  
2 at all times.

3 Q. In terms of the -- one of the raps on you, I will  
4 say, and it was again very distinct in the minority, but  
5 the theme of which is that you are unpredictable. Is that  
6 a negative or is that a positive? If it's true at all.

7 A. I would think that for attorneys, sometimes it's  
8 a negative. I don't know that I'm unpredictable. I think  
9 that people -- the masses just don't know how to predict  
10 what I'm going to do. I think that I'm quite predictable,  
11 actually. But you would have to know me and talk to me and  
12 figure out the way I see things, to be able to predict.

13 I don't do things in a cookie-cutter fashion.  
14 And so -- and I think that's a good thing. I don't think  
15 that each case needs to be treated identically. But, you  
16 know, attorneys -- particularly, you know, on guilty pleas  
17 and things like that might think that, that's the negative  
18 because they want to be able to predict the outcome. But I  
19 don't think it's that difficult to do.

20 Q. Do you enjoy the criminal General Sessions  
21 practice as much as the civil, or vice versa?

22 A. I enjoy them both. They're different. Criminal  
23 is more exciting; civil is more interesting. I don't know.  
24 That's the way I've always described them. Criminal, I  
25 think, for me is a little -- maybe easier. There are fewer

1 rules in the criminal world, but the stakes are higher.

2 So, you know, I'm sort of more on edge. You've  
3 got to make sure that you do things correctly 'cause it --  
4 you're depriving someone of their freedom, their liberty.  
5 But I enjoy them both.

6 Q. One of that comments is offered by, again an  
7 anonymous person, but I hope you will take it as a  
8 compliment, that you are very much like your father, "Well  
9 educated, ethical, with an excellent temperament. You show  
10 tremendous promise and always greet people with a smile."

11 A. That is absolutely a compliment.

12 Q. What more would you want said of you than that?

13 A. I'll take it.

14 CHAIRMAN RANKIN: All right. Any questions  
15 from anybody else?

16 (Hearing none.)

17 CHAIRMAN RANKIN: Thank you very much. And,  
18 Judge Newman, you again are familiar with this process. We  
19 now conclude this portion of it. You are reminded that our  
20 commission has this evaluative criteria which we both  
21 expect you to follow the spirit as well as the letter of,  
22 and that any violation or the appearance of impropriety  
23 will be deemed serious and deserving, potentially, of heavy  
24 weight and deliberations.

25 On that note, you know that this record will

1 remain open until the formal release of the report of  
2 qualifications. And, hopefully, it wouldn't happen, but  
3 you may be called back at such time if the need arises.  
4 You're familiar with all of that, right?

5 JUDGE NEWMAN: Yes, sir.

6 CHAIRMAN RANKIN: Very good. And, again,  
7 thank you for your being nimble, both in getting here way  
8 early, and by smiling so broadly and infectiously. And I  
9 hope that you continue the great service on the bench.

10 JUDGE NEWMAN: Well, thank you very much.  
11 Thank you. Good to see you all.

12 CHAIRMAN RANKIN: Thank you.

13 (Candidate excused.)

14 CHAIRMAN RANKIN: Raise your right hand.

15 WHEREUPON,

16 THE HONORABLE CLIFTON NEWMAN, being duly  
17 sworn and cautioned to speak the truth, the whole truth and  
18 nothing but the truth.

19 CHAIRMAN RANKIN: Thank you, Judge. Have a  
20 seat. We are tickled that you are here so early. And you  
21 wouldn't believe what your daughter had to say about you.  
22 And don't -- don't ask it, but I encourage to read the  
23 transcript.

24 JUDGE NEWMAN: Yes, I will.

25 CHAIRMAN RANKIN: It will be a wonderfully,

1 warm Thanksgiving.

2 Judge, you are familiar with this process.  
3 And thank you for being here and willing -- your  
4 willingness to continue to serve the State of South  
5 Carolina.

6 You have before you, the PDQ, personal data  
7 questionnaire, the sworn statement. Any changes that need  
8 to be made to those?

9 JUDGE NEWMAN: No, not that I know of.

10 CHAIRMAN RANKIN: All right. And you don't  
11 object to those being made a part of the record in addition  
12 to your sworn testimony?

13 JUDGE NEWMAN: I do not.

14 (EXHIBIT NO. 17 - JUDICIAL MERIT SELECTION  
15 COMMISSION PERSONAL DATA QUESTIONNAIRE OF THE  
16 HONORABLE CLIFTON NEWMAN)

17 (EXHIBIT NO. 18 - JUDICIAL MERIT SELECTION  
18 COMMISSION SWORN STATEMENT OF THE HONORABLE  
19 CLIFTON NEWMAN)

20 CHAIRMAN RANKIN: How long ago were you  
21 here?

22 JUDGE NEWMAN: Six years ago. 2015, I  
23 guess.

24 CHAIRMAN RANKIN: Well, I'd like to  
25 introduce you to a few members of this commission. One is



1 a fellow by the name of Ronnie Saab. I don't know if you  
2 know him.

3 JUDGE NEWMAN: Very well.

4 CHAIRMAN RANKIN: Another is Todd  
5 Rutherford.

6 JUDGE NEWMAN: Very well. I know him too.

7 CHAIRMAN RANKIN: And there's this young man  
8 on the front -- okay, well, he's not that young. Anyway,  
9 Judge, I'm cutting up here. But I appreciate your smiling.  
10 Maybe not quite as broadly as your daughter's smile,  
11 though. I wonder --

12 JUDGE NEWMAN: No, it's interesting, I  
13 actually know everyone here. I've had encounters with  
14 everyone.

15 CHAIRMAN RANKIN: Super. Super. Judge, the  
16 Commission looks at the -- your qualifications for  
17 continued service on the bench. You're familiar with the  
18 nine evaluative criteria which we look at. And you again  
19 are familiar with the ballot box survey. We look at your  
20 application materials, study them as closely, thoroughly as  
21 we can. A verification with your compliance with the state  
22 ethics laws, and a search of newspaper articles in which  
23 your name appears. Past screenings are looked at as well,  
24 and then a check for economic conflicts of interest.

25 We have received no affidavits in opposition

1 to your election. No witnesses -- other than your daughter  
2 are present who may testify -- and none other. And of  
3 course I am being jestful.

4 You have the opportunity, if you like,  
5 Judge, to make a brief opening statement. Again,  
6 recognizing that your screening time was at 3:15, you've  
7 made yourself available nearly three hours beforehand, you  
8 can talk as much or as little as you want before we open it  
9 up to John Hazzard for questions.

10 JUDGE NEWMAN: Well, it's certainly an honor  
11 and a privilege to be here. I'm privileged to serve as a  
12 judge. Especially privileged to serve at this point in  
13 time when my daughter is also serving as a judge. The  
14 highlight of my career as a lawyer has been on the bench,  
15 and it reached greater height when my daughter become a  
16 judge as well. I try to do my best to carry out our  
17 purposes as a member of the bench, and to do it to the best  
18 of my ability.

19 CHAIRMAN RANKIN: Very well. All right.  
20 John?

21 EXAMINATION BY MR. HAZZARD:

22 Q. Good afternoon, Judge.

23 A. Afternoon.

24 Q. I'm going to amplify what your -- your brief  
25 statement. After 20 years of judicial service why do you

1 want to continue serving as a Circuit Court judge? And  
2 anything you hope to accomplish on the -- in your next  
3 term?

4 A. Well, you know, it's kind of hard to say what  
5 more I would like to accomplish. Every day is a new  
6 challenge. Every counter with me as a judge and as a  
7 litigant, defendant, prosecutor, or other folks, it's  
8 always a new experience. I pride myself in trying to be as  
9 thorough as I can be, as fair as I can be. And I want to  
10 continue doing that.

11 Q. Thank you, Judge. Judge Newman, the Judicial  
12 Merit Commission received 1,154 ballot box survey regarding  
13 your candidacy, with 118 containing additional comments.  
14 The ballot box surveys, for example, contained many  
15 positive comments, including:

16 "One of the most intelligent judges on the bench.  
17 One of the state's best. As honorable and polite as they  
18 come. And unbiased and unafraid."

19 Fourteen of that comments -- written comments  
20 expressed some level of concern. Judge Newman, including  
21 in those comments were several that referenced your  
22 questioning of criminal defendants. These commenters  
23 thought that you maybe tried to elicit responses from those  
24 pleading guilty to use against them in your sentencing --  
25 in their sentencing. What response would you offer to

1     **these concerns?**

2           A.     Well, when a defendant pleads guilty, he gives up  
3     his right to remain silent.  So therefore, you know, I'm  
4     not violating any rights once a defendant pleads guilty.  
5     You know, it's an unfortunate thing.

6                     And, you know, someone told me the other day that  
7     in Greenville, they did -- someone did three hundred guilty  
8     pleas in a day, or something to that effect -- I may have  
9     my numbers wrong -- and sort of a herd mentality, grouping  
10    people together and rushing them through.

11                    And I look at each person, individually.  And  
12    when someone pleads guilty, that's a high moment.  You  
13    know, it's a moment in which their lives can be turned  
14    around, if I can reach them.

15                    And oftentimes, I discover that -- you know, the  
16    prosecutor doesn't know that much about a defendant.  The  
17    defense attorney, public defender -- I mean, someone other  
18    than Pete Strom or someone.  A public defender doesn't know  
19    that much about them, a defendant.

20                    So the first time, the truth of the whole matter  
21    comes to fruition, quite often is when they are before the  
22    judge, before me.  And I believe it's my obligation to  
23    learn as much as I can about a person before imposing a  
24    sentence.

25                    And in many instances -- and I guess the comment

1 wouldn't reflect it, in many instances, you know, things  
2 are revealed to me that's most helpful to the person who is  
3 about to be sentenced. And I'm frustrated to some extent  
4 when people are brought before me and they want me to just  
5 agree with -- you know, you have a solicitor who is maybe  
6 two years out of law school, and he wants to tell me what  
7 the defendant's sentence should be, and they've worked out  
8 a deal and given probation and -- you know, I'm not into  
9 the running the people through the mill.

10 I want to -- it to be what its intended to be,  
11 and for the judge to play the role that the judge is  
12 supposed to play. And I've done it a long time. And so I  
13 -- I know it can frustrate some defense lawyers sometimes  
14 when I might sort of take over and ask them questions of  
15 their person before imposing a sentence. But it's never  
16 with the intent of doing anything improper.

17 Q. Thank you, Judge. Judge, I would like to note  
18 that the Midlands Citizens Committee found you qualified in  
19 the evaluative criteria of constitutional qualifications,  
20 physical health and mental stability. The Committee found  
21 you well qualified in the evaluative criteria of ethical  
22 fitness, professional and academic ability, character,  
23 reputation, experience, and judicial temperament.

24 The Committee concluded by saying that your  
25 lengthy experience makes you extremely qualified. Finally,

1 Judge Newman, we have some housekeeping issues.

2 Since submitting your letter of intent, have you  
3 contacted any members of the Commission about your  
4 candidacy?

5 A. I have not.

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

9 A. Yes, sir.

10 Q. And since submitting your letter of intent, have  
11 you sought or have you received the pledge of any  
12 legislator, either prior to this date of pending the  
13 outcome of your screening?

14 A. No, sir.

15 Q. Have you asked any third parties to contact  
16 members of the General Assembly on your behalf, or are you  
17 aware of anyone attempting to intervene in this process in  
18 your behalf?

19 A. No, sir.

20 Q. And, finally, have you reviewed and do you  
21 understand the Commission's guidelines on pledging in S.C.  
22 Code 2-19-70, Section E?

23 A. Yeah, I'm most familiar with it.

24 Q. Thank you.

25 MR. HAZZARD: I would like to note for the

1 record that any concerns raised during the investigation  
2 regarding Judge Newman were incorporated into the  
3 questioning of Judge Newman today. With that, Mr.  
4 Chairman, I have no further questions.

5 CHAIRMAN RANKIN: All right. Thank you,  
6 John. Questions by the Commission members? Mr. Safran.

7 EXAMINATION BY MR. SAFRAN:

8 Q. Judge, I hadn't had the pleasure of having, I  
9 guess, much interaction with you of late. But what I  
10 heard, I think, was something that kind of goes back. I'm  
11 sure when you basically were practicing law, that when you  
12 went and plead somebody out, that certainly you wanted to  
13 judge to have a full flavor of what was going on.

14 A. Yeah. Yeah.

15 Q. And really have an opportunity to see the good  
16 things. And, hopefully, to understand that your client was  
17 recognizing the bad things and wanted to make a difference.  
18 I'm assuming that you don't see as much of that anymore  
19 being volunteered to you, so you need to kind of often  
20 delve into that yourself, just based on your experience.  
21 I mean, isn't that essentially, really, for you to do what  
22 you're supposed to do as a sentencing judge?

23 A. I think so. You know, I was a solicitor for 17  
24 years before becoming a judge, and five years before that I  
25 was a defense attorney. So I've run the gamut as far as

1 experience.

2 And, you know, I -- most defense lawyers who are  
3 good defense lawyers, they know how to do their jobs and to  
4 protect their clients. And, you know, if the judge becomes  
5 to aggressive in asking questions, they intervene on their  
6 client's behalf, or at least attempt to.

7 But I go back to the time when the roles were  
8 less -- more clearly defined; the role of a judge was to  
9 impose a sentence and not the role of the solicitor to  
10 impose a sentence.

11 I know it's essential with plea bargaining and  
12 all in the moot cases, that you have to have some level of  
13 negotiations. And I typically follow whatever is  
14 negotiated, but I don't like for the lines to be crossed.  
15 Many solicitors, I think, approach defendants and believe  
16 that they have to right to dictate a sentence. And that's  
17 the role of a judge.

18 **Q. Well, and it sounded like earlier, when you were**  
19 **making the comment about what you heard in Greenville, that**  
20 **I'm assuming you like to avoid the cattle call-type plea**  
21 **situations.**

22 A. And I don't want to be unfair to anyone from  
23 Greenville. I'm just telling you what someone told me the  
24 other day. I haven't experienced that. That's a -- that  
25 would be a level beyond my imagination. But, you know,



1 I've had many judges would come in and swear everyone in  
2 who's pleading guilty that morning, you know, just in  
3 unison, give them their Constitutional rights and then come  
4 up and impose a sentence based on agreement. And it takes  
5 a lot of work to individualize everyone who appears.

6 **Q. And you're willing to do it.**

7 A. And I do that work. Yes, sir.

8 **Q. Thank you**

9 CHAIRMAN RANKIN: Mr. Strom.

10 MR. STROM: Judge Newman, I just -- I was  
11 just thinking about all the circuit judges around the  
12 state, and I think that I put you on the very top when you  
13 think about the quality of service, the temperament in the  
14 courtroom, in chambers.

15 If there's a Bar event, you're always  
16 present. It's so important for young lawyers to get to  
17 know judges outside of the courtroom. And I know the  
18 Supreme Court assigns you many of the new judges to train  
19 with you. And I would just encourage you to take as many  
20 new judges as you possibly can, because you really do it  
21 the right way. Your attitude is perfect. And thank you  
22 for your service.

23 JUDGE NEWMAN: Thank you.

24 CHAIRMAN RANKIN: Senator Sabb.

25 SENATOR SABB: Thank you, Mr. Chairman. And

1 of course I have more of a comment than a question. And I  
2 think it sort of goes without saying that, you know, Judge  
3 Newman has been a mentor for me, for years and years and  
4 years. You know, he and I are both from Greeleyville, and  
5 he was the first lawyer that I met.

6 And the question when I got ready to -- when  
7 I was thinking about going to law school, I called him up  
8 and asked him for advice on how you go about it. And of  
9 course he recommended the BARBRI and everything. And he  
10 didn't hear back from me after that.

11 And I was in Florida at the time, and so I  
12 came home for -- during the Christmas holiday. And, you  
13 know, when I contacted him, he was practicing law in  
14 Cleveland at the time. But in-between me contacting him  
15 and starting law school, he had relocated to South  
16 Carolina.

17 And so I bumped into him at one of the local  
18 establishments and discovered that he was home. And of  
19 course he offered me a job that summer. And Lord knows, I  
20 needed to money back in those days. And so, you know, that  
21 was sort of what -- I heard on a cartoon one time, it said,  
22 "That was the beginning of a beautiful relationship."

23 And of course I graduated and practiced law  
24 with him for years and years, until he went to the bench in  
25 2000. But he's been a role model for me and a number of

1 other folks over the years.

2 One of the things that Covid did to us -- it  
3 did a lot of things to us, but one of the things is it had  
4 postponed a celebration, because the Bar has decided to do  
5 a portrait in honor of Judge Newman in his many years of  
6 service, and we were to celebrate that in Hilton Head. And  
7 so just as someone indicated earlier that justice delayed -  
8 - it will not be justice denied. So a celebration delayed  
9 will not be a celebrate denied. So we look forward to  
10 celebrating him on that occasion.

11 CHAIRMAN RANKIN: Very good. Yes, ma'am.

12 MS. BLACKLEY-LOGAN: Hello, Judge Newman. I  
13 can tell you I've been on the other end of these cattle  
14 call pleas, having been a former clerk in the Upstate. So  
15 I appreciate your thoughtfulness on looking at that.  
16 Because I don't think people have a clue of what time and  
17 effort and paperwork goes into numerous of -- I've been in  
18 court where we've done five hundred pleas in a week, and  
19 just lined them up like cattle.

20 And my staff -- my former staff had to work  
21 way into the night, to make sure everything was ready and  
22 entered, and then be back and ready for court the next day.  
23 So I appreciate that we've had to honor of working  
24 together. You're highly respected and just well informed.  
25 And thank you for what you do.

1 JUDGE NEWMAN: Very good. I was very  
2 pleasantly surprised to encounter Ms. Hope Blackley at the  
3 time, now Hope Blackley-Logan. I showed up in Spartanburg  
4 to hold court, and she was the clerk of court. And we had  
5 a wonderful time working together.

6 CHAIRMAN RANKIN: Thank you, Madam Clerk.  
7 Any other questions?

8 (Hearing none.)

9 CHAIRMAN RANKIN: So two areas for me,  
10 Judge. And the, perhaps, more professional first, and that  
11 being the comments offered by those who are watching, those  
12 who observe, and those who take note of your service.  
13 Again, not all glowing. But those that are not are in the  
14 distinct very few, which pale in comparison to the overall  
15 theme of what folks say of you, "Great judge. Great  
16 person. Very experienced and very fair. Listens well to  
17 all sides of an issue."

18 As Pete Strom said, this person comments,  
19 "Widely known and trusted by everyone. One of if not the  
20 very best Circuit Court judges in South Carolina. Complex  
21 cases. You show wisdom judgement in fairly managing those  
22 trials. Setting a fine example of excellence. A credit to  
23 our bench."

24 Another one again: "Your willingness to take  
25 on most challenging cases and handling them with knowledge

1 and diligence. You're prepared. You understand the  
2 subject matter. And you have an earnest understanding of  
3 the legal theories, yet are kind and respectful to the  
4 lawyers and litigants."

5 So that's just a smattering of the positive  
6 that they say about you. That's not necessarily a  
7 question, but you can comment on that if you like. You  
8 don't have to.

9 JUDGE NEWMAN: Well, I certainly appreciate  
10 the compliments. You know, we deal with a lot of complex  
11 issues. And from the -- of course my view of cases that  
12 are -- many people believe to be overly complex, they  
13 typically have some of the best lawyers. And they -- and  
14 their role is to make it understandable for the judge.

15 And so I kind of approach what's designated  
16 as a complex case the same as I approach what some would  
17 say is a simple case. You know, when you're dealing with,  
18 say, a jury trial, some of the cases that you think might  
19 be the simplest end up being the most complex for a jury to  
20 decide.

21 You know the solicitor believes that this is  
22 a slam-dunk, that quite often ends up with a hung jury, you  
23 know, because it's a -- you know, it's all very -- the law  
24 itself is a -- you know, a great system. You know, it's a  
25 beautiful thing when justice prevails. And I think as long

1 as we play our part, the helps move the ball forward.

2 CHAIRMAN RANKIN: And I have observed you, I  
3 have tried cases before you, and I can attest to your deft  
4 handling of very difficult, perhaps, lawyer -- which might  
5 be me -- to deal with in your courtroom. But very --  
6 again, as authored by another former now long-retired  
7 judge, light touch in the courtroom, and how disarming that  
8 is, I think, for all parties, particular the jury, as they  
9 are trying to carry out what your charge to them is to do.

10 So then finally to the personal, and I note  
11 at the outset, your sense of pride and honor is to see one  
12 of your four children elevated to the very position that  
13 you now have had for so long, and the sense of as a child -  
14 - now my parents have both passed, but that just spot-on  
15 sense of pride and love and -- effectively, not patting  
16 yourself on your back, but you've done it.

17 You've educated four, two of whom have  
18 become lawyers, one of whom has become a judge. So I am  
19 moved by that personal pride as a parent, and that, that  
20 child of yours who happens to be a judge is now taking note  
21 of this. She might need to have a word at Thanksgiving  
22 over just how much she is loved by you.

23 JUDGE NEWMAN: Well, I must confess -- of  
24 course my grandfather had a fourth grade education, and his  
25 -- his thing that he wanted to instill in all of us is to

1 apply common sense. And so common sense takes me a long  
2 ways.

3 But I must confess that she's a lot smarter  
4 than I am, you know, being a -- you know, she's a member of  
5 MENSA. She's a -- she's just -- you know, the earlier you  
6 get -- you lose a little of it edge when it comes to that  
7 sharp thinking. And she's on top of her game right now.

8 CHAIRMAN RANKIN: Well, you're to be  
9 commended for the legacy you have created in the  
10 willingness to serve, and that which she has picked up the  
11 baton for too. So thank you very much.

12 Any other comments? Questions?

13 (Hearing none.)

14 CHAIRMAN RANKIN: If not, Judge Newman, this  
15 concludes this portion of the screening. Any closing  
16 words? I don't want to cut you off, but --

17 JUDGE NEWMAN: No. Just a memory that I  
18 have, and that is when you tried your case before me, I  
19 think it's the only case where the opposing lawyer decided  
20 to play a video as part of his closing argument. But that  
21 had nothing to do with the case. So that will always stick  
22 in my mind.

23 CHAIRMAN RANKIN: And mine too. Mine too.  
24 Anyway, judge, again this concludes this portion of our  
25 screening process. And again you're reminded that pursuant

1 to our evaluative criteria, we expect both compliance with  
2 the spirit as well as the letter of the ethics laws. We  
3 view violations or the appearance of impropriety as serious  
4 and deserving of heavy weight in screening deliberations.

5 This record will remain open until the  
6 formal release of the report of qualifications. You may be  
7 called back at such, if that need arises.

8 And, again, thank you for your presence.  
9 Thank you for being here so quickly, and for the service  
10 you've provided to our state, and a role model not just to  
11 your daughter, but to so many young attorneys who hope to  
12 make it on the bench themselves.

13 JUDGE NEWMAN: All right. Well, thank you  
14 all.

15 (Candidate excused.)

16 CHAIRMAN RANKIN: Good afternoon, Judge.

17 JUDGE YOUNG: Good afternoon.

18 CHAIRMAN RANKIN: Welcome. Stand up, if you  
19 will, if you don't mind one more time, and raise your right  
20 hand.

21 WHEREUPON,

22 THE HONORABLE ROGER M. YOUNG, SR., being  
23 duly sworn and cautioned to speak the truth, the whole  
24 truth and nothing but the truth.

25 CHAIRMAN RANKIN: And thank you for being



1 here a little early -- a lot early, actually.

2 JUDGE YOUNG: I like being early.

3 CHAIRMAN RANKIN: All right. You, Judge,  
4 are familiar with this process. You have for us, this time  
5 prepared a personal data questionnaire and a sworn  
6 statement. Do you need to change, correct, or alter those  
7 in any way?

8 JUDGE YOUNG: No, sir.

9 CHAIRMAN RANKIN: Do you have any objection  
10 to those being made a part of to record in addition to your  
11 sworn testimony?

12 JUDGE YOUNG: No, sir.

13 CHAIRMAN RANKIN: All right, sir.

14 (EXHIBIT NO. 19 - JUDICIAL MERIT SELECTION  
15 COMMISSION PERSONAL DATA QUESTIONNAIRE OF THE  
16 HONORABLE ROGER M. YOUNG, SR.)

17 (EXHIBIT NO. 20 - JUDICIAL MERIT SELECTION  
18 COMMISSION SWORN STATEMENT OF THE HONORABLE ROGER  
19 M. YOUNG, SR.)

20 CHAIRMAN RANKIN: This investigation, our  
21 vetting of you, as you are familiar, includes our  
22 investigation of your qualifications for continued service  
23 on the bench. We have nine evaluative criteria that we  
24 look at, which include the ballot box survey, a thorough  
25 study of your application materials, verification of your

1 compliance with the state ethics laws, a search of  
2 newspaper articles in which your name appears, a study of  
3 previous screenings, and a check for economic conflicts of  
4 interest.

5 We've received no affidavits filed in  
6 opposition to your election. No one has asked to be  
7 present to testify. And you, sir, have the opportunity, if  
8 you'd like, to make a brief opening statement before we  
9 turn it over to Mr. Maldonado.

10 JUDGE YOUNG: Well, just very briefly. I  
11 just want to thank y'all for doing what you do, 'cause, you  
12 know, every time I come in here -- it was a long, long time  
13 ago when I was very young man, four years ago, when I got  
14 elected across the sidewalk to the House. And everything  
15 was different back then, the way we selected judges was  
16 different, and -- you know, change -- nobody likes change.

17 But this is a good process. And I've gone  
18 through it now, I'm thinking, about five times total,  
19 between being Master in Equity, running for the Circuit  
20 Court, unsuccessfully once, but then successfully, I think,  
21 three times now. And, you know, the process is good. It  
22 keeps people on their toes.

23 But it's so much better than every other way  
24 that people get elected to be judges in different states.  
25 It's no fun, but it's a good process. And it works. And

1 it takes people like y'all to give up some time and come in  
2 here and do it. And, you know, you don't get paid any  
3 extra to do it, but it's a -- it's a valuable process. And  
4 I think it's good because I think it produced good judges.

5 CHAIRMAN RANKIN: Very good. Thank you.

6 JUDGE YOUNG: Can I ask one favor? My  
7 hearing is not the best. And I had one hearing aid go out  
8 here recently, and it's off to the shop. So I can hear  
9 you, but if you could talk into the microphone, it will  
10 help me a little bit better. I'm on vacation the next  
11 couple weeks, and when I get back, hopefully, that thing's  
12 back too.

13 CHAIRMAN RANKIN: Very good. Very good. So  
14 Mr. Maldonado will be the -- your questioner. And we'll go  
15 from there.

16 JUDGE YOUNG: Good. Thank you.

17 MR. MALDONADO: Thank you. Judge, can you  
18 hear me?

19 JUDGE YOUNG: Very well.

20 EXAMINATION BY MR. MALDONADO:

21 **Q. Judge, after serving 17 years with the Circuit**  
22 **Court, why do you want to continue serving as a Circuit**  
23 **Court judge?**

24 **A.** Well, the thing that I like most about it, having  
25 done it now for -- I'll just say I'm in my 17th year, I

1 like to think I'm getting good at it, finally. But, you  
2 know, as I'm starting to look at the better part of my  
3 career being behind me, I look around and I see what it was  
4 like to be a young judge.

5 And I just enjoy working with young judges and  
6 helping them along, remembering what it was like to be new  
7 to the bench. Me thinking, though, you come into the  
8 screening committee and tell everybody you're prepared, and  
9 you really do believe you are, and then it's like nothing  
10 that you ever really can prepare for until you've done it.

11 And so I like working with the new judges and  
12 helping them assimilate on building up their confidence.  
13 'Cause, you know, what you guys do is pretty much regularly  
14 try to identify aptitude and temperament. Everything else  
15 is experience in this job. And until you've done it, you  
16 don't get the experience.

17 And you -- you know, you -- a lot of people  
18 think, well, just being a judge, you're sitting on a bench  
19 and conducting trials all day long, five days a week. That  
20 is seldom what our job is like. I mean, there's times when  
21 you have multi-week trials and you literally walk in the  
22 office and you don't get on the bench until it's time to go  
23 home.

24 But there's a vast amount of paperwork. There's  
25 a vast amount of administrative work. And then there's

1 what I call thinking time, which my wife identifies as "It  
2 looks like to me like you're not doing anything, and would  
3 you mind getting up and taking the trash out?"

4 But helping judges identify -- the young people  
5 identify -- you know, it seems to be an overwhelming task;  
6 here's how we break it down, here's how you become a good  
7 decision-maker, and here's how you do things. I like that  
8 part.

9 And, you know, I like it when they call me up and  
10 they feel like they're comfortable enough to ask me for  
11 advice on how to do something, and maybe what to do, and  
12 you help them work through that problem.

13 The other reason why I like doing it is -- you  
14 know, I've been on -- the business court, we started up  
15 twelve years ago. I've been the chief admin for it for, I  
16 guess, four years now. And, you know, you -- I think you  
17 had Judge Newman in just now, and he and I have been  
18 working on the Business Court together for a long time.

19 But we're both getting, you know, that age where  
20 we need to start looking at the future. And so he and I  
21 have been talking for the last couple years about what's  
22 successful, what's not successful, and trying to figure out  
23 what is that going to look like in five years, what's it  
24 going to look like in ten years, and identifying young  
25 talent.

1           And so I'd like to see -- help that process along  
2 and continue to figure out what's successful about that and  
3 what it's going to look like ten years from now when I'm  
4 not here.

5           **Q.    Thank you, judge. Judge Young, your SLED report**  
6 **indicated that there was a lawsuit filed against you since**  
7 **your last screening in 2017, in the U.S. District Court, by**  
8 **Michael James Kline, an inmate. Can you please describe**  
9 **the nature and disposition of the lawsuit?**

10          A.    Is that the one you talked to me about the other  
11 day? I told you I had no idea what that case was about. I  
12 think I never got served with it. I don't really have any  
13 idea. Is that the one where like a -- on the sovereign  
14 citizen cases?

15          **Q.    That's an excellent -- yeah.**

16          A.    Those are special.

17          **Q.    You were never served with that?**

18          A.    I never got served with that. I have no  
19 recollection of that. The name means nothing to me.

20          **Q.    Also, there's a second one. Your SLED report**  
21 **indicated another 2017 case filed in the U.S. District**  
22 **Court by a Damien Pinckney Bay, an inmate. Is there any --**  
23 **do you have any knowledge of that case?**

24          A.    No, the name means nothing.

25          **Q.    You were never served with that?**

1           A.    Never got served with that. That's one of those  
2 sovereign citizen cases. And, you know, those folks are  
3 kind of special. I had one of those in Marion here  
4 recently, where I was presiding in Marion County, and --  
5 you know, that guy just wanted to argue with me. I ruled  
6 in his favor. And I was just like, "Look, I ruled in your  
7 favor. You don't have to argue with me anymore."

8                   But, you know, you can't help some of those  
9 folks. If that's what it was, that's what it was.

10           **Q.    Thank you, Judge. What do you think your**  
11 **reputation is among attorneys that practice before you?**

12           A.    Well, I hope it's good. They keep wanting to  
13 come back and schedule stuff in front of me, you know.  
14 Hopefully, at the end of the day, I think most people  
15 realize judges have to make a ruling. It's not always  
16 going to be with them.

17                   Some you just -- from the very beginning, I  
18 always heard the lawyers say, "You know I don't -- I'd like  
19 you to rule in my favor, but most of all we'd just like you  
20 to rule. And so don't take forever to keep something under  
21 advisement. Just rule. We can adjust and move on."

22                   So, you know, we have monthly matters under  
23 advisement sheets, that we have to report cases that we've  
24 had under advisement more than thirty days. I try to have  
25 zero to report every month. Things don't get better with

1 age.

2 So, hopefully, they'll understand that it's  
3 difficult sometimes. You do the best you can and rule, and  
4 then you move on the to next one.

5 Q. Thank you, Judge. The Commission received 793  
6 ballot box surveys regarding you, with 111 additional  
7 comments. The ballot box survey, for example, contained  
8 the following positive comments:

9 "Great judicial temperament. Fair. Highly  
10 qualified." And "brilliant, compassionate and just. New  
11 judges should spend some time with Judge Young to learn how  
12 to be a great job."

13 Eight of the written comments expressed concerns.

14 A couple of the comments indicated that you were not fair  
15 in sentencing, and were rude to family members of a  
16 defendant. What response would you offer to this concern?

17 A. Well, you know, I've been doing this for 18  
18 years, and I really can't think of much that I can say to  
19 give comfort to the family of the defendant. Because  
20 chances are, if they're standing in front of me, I'm having  
21 to put their family member in jail.

22 And, you know, I look back at it, when I started  
23 this job my children were both young teenagers. And I  
24 remember starting out just -- when I'd have the victims  
25 there and their families, and then you have the defendants



1 there, a lot of them don't have any family members with  
2 them. And that's a terrible thing.

3 But some of them had their family members with  
4 them. And I could just think, going, "Lord, I don't know  
5 how they do that."

6 How do you stand beside your child or your family  
7 member in front of a Circuit Court judge, by the time you  
8 get to that league, chances are you might be going to jail.  
9 And sometimes it's a year, it might be two years, it might  
10 be life.

11 And I don't know what you can say to those folks.  
12 I don't think anything. I don't even know how you go on  
13 with the rest of your life if you've had to stand there  
14 with your child being put in this penitentiary by a Circuit  
15 Court judge.

16 I at best try to keep a poker face on it and not  
17 give out, one way or the other, what I'm going to do and  
18 how I feel about something. But I'll be honest with you,  
19 there's been times when it's just torn me apart. And I was  
20 like, "Man, I'm glad I did not have to be there standing  
21 beside my kid in front of a Circuit Court judge."

22 **Q. Judge, a second concern indicated that you had a**  
23 **poor work ethic, that you could drag a case out and fail to**  
24 **give a hard ruling. What response would you offer to this**  
25 **concern?**

1           A.    I could drag a case out? I don't know how you do  
2   that. I'm trying to get them over with as quick as  
3   possible, because we usually got another one behind it. So  
4   like I said my -- my method is I try to prepare. That's  
5   the best thing you can do. I teach that to young lawyers.  
6   I teach it to my son, my kids: The number one thing you can  
7   do the beat somebody is to be prepared.

8           You might have -- the other side might be a  
9   smarter lawyer, but I'd much rather have somebody that  
10  works. It's good to have the law and the facts on your  
11  side, but you can outwork a smart, lazy lawyer.

12          And so I prepare ahead of time. It's what I do  
13  almost every evening. Especially when I'm in trials, I'm  
14  reading something for the next day. But I can't imagine  
15  why anybody would ever come up with the thought that I  
16  would try to drag a trial out.

17          Because we -- I mean, I'm in one of that busiest  
18  counties there is, and we just move it along because we  
19  probably are going to try to get in two cases that week.  
20  So I'm sorry someone feels that way. I can't imagine what  
21  those circumstances were.

22          **Q.    Thank you. Finally, one last concern indicated**  
23 **that you might play favorites and are not always impartial.**  
24 **How would you answer this concern?**

25          A.    Well, you know, I gave that question some

1 thought. And the only thing that I can come up with is I  
2 do favor lawyers that are prepared. There is nothing that  
3 beats a well prepared lawyer that knows what they're doing.  
4 If they have good law, they have good facts and they are  
5 prepared, they almost always prevail. And I do prefer  
6 them, I'll be honest with you.

7 Now, if they think it's because somebody is more  
8 famous than them? Well, I guess the best story I could  
9 ever tell on that was about -- over ten years ago, now, my  
10 daughter was going to the mountains or something -- oh, I  
11 know. She wanted to borrow my car, go to a concert in  
12 Asheville, so I drove her little car.

13 And sure enough on a Friday evening, I was in a -  
14 - something Perry Buckner had in Walterboro, and my car  
15 wouldn't start. And I had -- and Perry Buckner says, "Oh,  
16 you can get a ride the Gedney Howe and Alan Horn. And they  
17 just left. I'll call them and get them."

18 I said, "Man, I just had a hearing with Gedney a  
19 couple weeks ago on a fee dispute case out of a probate  
20 court matter," and I said, "I just took \$50,000 out of his  
21 pocket. And I'm afraid that if he picked me up, he'd leave  
22 me stranded."

23 But Gedney picked me up and he took me home, and  
24 I didn't get stranded in Round O, so I guess -- you know, I  
25 would say I -- it doesn't matter to me who's on the other

1 side.

2            Luckily, being -- after you've done this for a  
3 while, you tend to get some of the harder cases. And some  
4 of the harder cases had the best lawyers. And I just  
5 finished one up that -- you know, it was a big case down  
6 that way, a big utility thing, and on both sides of it,  
7 man, there were great lawyers involved. I mean, this is  
8 big money stakes.

9            But the lawyers on both sides were just  
10 unbelievably good. You go, Well, who do you favor in that  
11 case there? There are -- they're both famous, they're both  
12 getting paid a lot of money. You just rule how you think  
13 you're going to rule.

14            And, you know, often, somebody you think's -- I  
15 don't know. I hope they often -- they don't think that I'm  
16 ruling because of who was on the other side. But that's  
17 about the only thing I can say about that.

18            **Q.    Thank you, Judge.**

19            MR. MALDONADO: I would note that the Low  
20 Country Citizens Committee found Judge Young to be well  
21 qualified as to ethical fitness, professional and academic  
22 ability, character, reputation, experience, and judicial  
23 temperament.

24            The Committee reported that Judge Young  
25 qualified as to constitutional qualifications, physical

1 health and mental stability. The Low Country Citizens  
2 Committee also commented, "Very experienced. Excellent  
3 demeanor. Handles complex cases well. Smart. Works well  
4 with lawyers. Well liked and extremely well regarded.  
5 Super judge. Super experience."

6 BY MR. MALDONADO:

7 Q. I'll finish up with some housekeeping issues.

8 A. I didn't hear that last part. Did you hear that?

9 Q. Yes. "Super judge. Super experience."

10 Judge Young, since submitting your letter of  
11 intent, have you contacted any members of the Commission  
12 about your candidacy?

13 A. No, sir.

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

17 A. Yes.

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

22 A. No.

23 Q. Have you asked any third parties to contact  
24 members of the General Assembly on your behalf, or are you  
25 aware of anyone attempting to intervene in this process on

1 your behalf?

2 A. No, sir.

3 Q. Have you reviewed and do you understand the  
4 Commission's guidelines on pledging in section S.C. Code  
5 Section 2-19-70(E)?

6 A. Have I read it? Is that what you asked?

7 Q. Yes.

8 A. Yes.

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

14 CHAIRMAN RANKIN: All right. Thank you.  
15 All right. Any questions or comments from any members of  
16 the Commission? Representative Murphy.

17 REPRESENTATIVE MURPHY: Thank you, Mr.  
18 Chairman.

19 Judge, thank you. I just wanted to thank  
20 you -- I really don't have a question for you. I just  
21 wanted to thank you for your willingness to serve again in  
22 this capacity and role.

23 And from personal experience, I've appeared  
24 in front of you, you know, civil cases, General Sessions  
25 cases, and I've always -- some of these comments -- these

1 negative comments, they're not played out by what I've  
2 experienced in your courtroom.

3 I did appreciate, also, your willingness to  
4 state how you try to act as a mentor towards some of that  
5 younger judges out there. And again from personal  
6 experience, I know when my wife calls and has a question,  
7 you're always willing to pick up to phone and walk through  
8 those questions and different scenarios.

9 So I appreciate what you do on the bench.  
10 And I know the citizens of Charleston and Berkeley County  
11 do as well. So thank you again for offering your service  
12 here today.

13 JUDGE YOUNG: Well, thank you for those  
14 remarks. I appreciate it.

15 CHAIRMAN RANKIN: All right. Anyone else?  
16 Mr. Safran.

17 EXAMINATION BY MR. SAFRAN:

18 Q. I also just certainly want to commend the number  
19 of years that you've been serving, Judge Young, and our  
20 classmates. And, boy, those days seem to have passed  
21 pretty fast. I can't believe that we've both been out this  
22 long.

23 But I guess the thing is, is this: As a judge  
24 aren't you basically always going to be inclined for people  
25 to be prepared, for people to have the law, for people to

1 be able to present the facts? I mean, isn't that what a  
2 lawyer is supposed to do if they're doing their job?

3 A. You know, the answer to that is obviously "yes."  
4 The number of times when it's not done still stuns me, when  
5 people just come into court they seem to be completely  
6 unprepared. And I still scratch my head, going, "How do  
7 these people make a living when they don't know what  
8 they're doing?"

9 But I know of no way other than to do what I do  
10 than to be prepared. And, you know, we often -- you know,  
11 people that haven't done it, don't quite understand that  
12 process.

13 And, you know, we don't get cases assigned to us  
14 like they do in federal court, except for some complex ones  
15 occasionally. But usually on Friday, I find out what I'm  
16 doing on Monday. You get a -- you get a pretrial brief and  
17 some memos on Friday evening, you've got to read them  
18 sometime over the week. That's about all the preparation I  
19 usually get.

20 And then if that case settles, well, then you  
21 don't even get that on the next one, 'cause they just hand  
22 you to next file or hand you the next indictment. And  
23 you're -- and you're just kind of winging it at that point.  
24 But that's when experience really kicks in.

25 But to me there's just no substitute for



1 preparation. And I just stress it to young people, young  
2 lawyers, young judges. I've told them before, it's like,  
3 you know, "I know this is the first time you've probably  
4 handled a med-mal case, but think of it in these terms:  
5 Take the file home and prepare."

6 And the people -- people will respect you, they  
7 know you're a new judge. But if you show up and act like  
8 you have done your background work on it, they will respect  
9 that and treat you accordingly. And, you know, we still  
10 have to treat with respect, the lawyers that are  
11 unprepared. But I still am stunned by the number of times  
12 that you get somebody that clearly is not prepared for  
13 court.

14 **Q. Let me ask this. I mean, do you see that as a**  
15 **trend more so than maybe what you ran into twenty years**  
16 **ago?**

17 A. Well, I would say that amongst some of the  
18 younger, less experienced lawyers. It's a way you become a  
19 more experienced lawyer; you learn the hard way. The good  
20 lawyers that are older and more successful, well, they  
21 figure it out.

22 I'm not telling them anything new. They know how  
23 to become good lawyers and have good reputations and win  
24 cases. They figured that out. The younger ones sometimes  
25 -- I don't know. You know, I'm stunned by some of the

1 stuff that I read when I go, "Man, did they not -- do they  
2 not teach legal writing anymore? Do they not teach grammar  
3 in grammar school anymore?"

4 I mean, I'm just -- so when you see something  
5 that's written really well, you appreciate that more. And  
6 so I -- there's fundamentals that I see lacking on both  
7 sides. But, you know, I'd like to think, well, it's just  
8 part of the maturation process.

9 And, you know, from the time -- when we graduated  
10 from law school, we have a couple hundred new lawyers come  
11 out. Well, now you've got five, six hundred coming out of  
12 two different law schools. And it's just a whole bunch of  
13 different people coming in. So the numbers sometimes seem  
14 a little larger.

15 I'm glad I'm not starting off right now. I'll be  
16 honest with you, it's -- there's a lot of competition out  
17 there. And it's really, really hard, I think, for a young  
18 person to come out of law school and just put a shingle out  
19 with the amount of debt that these folks that are coming  
20 out.

21 I go man -- I don't really think it's healthy to  
22 ask people to go through what they have to go through to  
23 become a lawyer and take on \$150,000 worth of debt. And  
24 it's like -- what are you going to do? I mean, that's the  
25 way the world is right now.

1           Q.   Well, it sounds like to me, you're at least  
2   sensitive to all that going on for sure.

3           A.   Well, you try. And you -- you know, I look back  
4   at it and go, "Man, sometimes I felt like I must have been  
5   the dumbest person they let out of that law school down the  
6   street." But, you know, you just kind of get it after a  
7   while.

8           Q.   Thank you. We do appreciate your service and  
9   your candor.

10          A.   Thank you.

11                   CHAIRMAN RANKIN: All right. Judge Young,  
12   I'm am struck by the letters of reference that you have,  
13   and the breadth of those from coach and neighbor to your  
14   predecessor. And then, lastly, to the retired Supreme  
15   Court Justice Pleicones.

16                   And so I -- you chose those folks that each  
17   offer a unique insight into your skills, your exposure and  
18   your training to get up to the job, and then how you've  
19   performed it since. So I -- you've got great folks singing  
20   your praises. I want a neighbor like Jimmy Hair.

21                   JUDGE YOUNG: He is special. Let me tell  
22   you something, one of these days I hope you can meet him,  
23   because he is something else. He really is something  
24   special.

25                   CHAIRMAN RANKIN: You approach this with an

1 obvious humility and -- and that is an attractive character  
2 and characteristic. And so I do want you to be aware, as  
3 you stated at the outset, you are commending us on the way  
4 we are doing this, the way it is now from when you were  
5 earlier elected to the House, and how that process was then  
6 with Judge Pleicones' admonition that we change the way  
7 we're doing this. You may not know that he has a slightly  
8 different opinion. Do you know that? And if you --

9 JUDGE YOUNG: Well, I don't really know in  
10 particular what his opinions are that differ. I mean, he  
11 and I have become close over the years, we have lunch on a  
12 fairly regular basis, and so we share a lot. And, you  
13 know, I remember one time some years ago, somebody said,  
14 "You know, you're good at what you do. And maybe in  
15 another ten years you'll be as good as Costa Pleicones was  
16 when he was on the Circuit Court."

17 And I was like, "Man, if I could ever have  
18 somebody say I was as good as Costa Pleicones was, then  
19 that's the best -- that's the standard in my book."

20 And so I don't know what his difference is.  
21 But all I would say is, well, if he thinks that we should  
22 be doing something different, then it certainly deserves  
23 some consideration. But I personally -- you know, as I  
24 said, this isn't any fun to go through and all that  
25 paperwork.

1                   And I remember starting the -- when I first  
2 got the instruction sheets, and there was some question  
3 about how you -- it said "had not" or some -- some  
4 conjugation of the verb to be. And I said, "Man, I hate to  
5 think that if I answer this -- if I don't use the conjugate  
6 the verb to be right, I could lose my job."

7                   But, you know, I know the way government  
8 works, too, having worked for the government for a long  
9 time, and you tend to just add on things rather than take  
10 things out. And, you know, that's -- that's another one of  
11 that interesting aspects is if you've gone from private  
12 practice, where maybe you were your own boss or something,  
13 to working for the government. You just have to learn a  
14 lot of patience, and go, well, there's a process.

15                   It may not always appear to make sense to  
16 you, but it made sense to somebody. So just go with the  
17 flow for a little while and see if it doesn't make sense to  
18 you. And then if not, then talk to the person who makes  
19 the rules, and say, "Well, maybe you ought to consider  
20 this."

21                   CHAIRMAN RANKIN: Very well. Very well.  
22 And you're aware that for us, "conjugation" is a term used  
23 in redistricting. Isn't it a conjugation of interests?  
24 And note for the record, no one laughed except the  
25 candidate himself.

1 JUDGE YOUNG: Well, I went through a couple  
2 of those in the early '90s. And, man, you guys got your  
3 hands full.

4 CHAIRMAN RANKIN: All right. Unless I get  
5 in any more trouble, unless you have anything else to --

6 JUDGE YOUNG: I will -- I will exercise my  
7 right to remain silent, if that's all right.

8 CHAIRMAN RANKIN: Super. Well, thank you.  
9 And this concludes this portion of our screening process.  
10 You're familiar with our criteria and our expectation that  
11 you follow both the spirit and the letter of that law of  
12 the ethics laws. And any violation or the appearance of  
13 impropriety will be deemed deserving of heavy weight on our  
14 screening deliberations.

15 As you know, this record will remain open  
16 until that formal release of the report of qualifications.  
17 You may be called back if it need arise. We pray not --  
18 hopefully not. But you are aware of that and those rules,  
19 correct?

20 JUDGE YOUNG: (The witness nods head up and  
21 down.)

22 CHAIRMAN RANKIN: For the record, he is  
23 nodding his head. Madam Court Reporter?

24 JUDGE YOUNG: Cross my fingers and nod my  
25 head.

1 CHAIRMAN RANKIN: Very good. Again, Judge,  
2 thank you for being here early. And thank you for your  
3 testimony and your service to the state.

4 JUDGE YOUNG: Thank you, Senator.  
5 Appreciate it.

6 (Candidate excused.)

7 CHAIRMAN RANKIN: Welcome. Raise your right  
8 hand, if you will. We're going to get right to it.

9 WHEREUPON,

10 THE HONORABLE MICHAEL S. HOLT, being duly  
11 sworn and cautioned to speak the truth, the whole truth and  
12 nothing but the truth.

13 CHAIRMAN RANKIN: Good afternoon. Thank you  
14 for being here well ahead of your appointed time. How are  
15 you, sir?

16 JUDGE HOLT: I'm good. How are you?

17 CHAIRMAN RANKIN: Good. You have before  
18 you, the -- a PDQ, personal data questionnaire and your  
19 sworn statement. Are those ready to be introduced in the  
20 record?

21 JUDGE HOLT: Yes, sir. I know of nothing  
22 else that needs to be changed or amended.

23 CHAIRMAN RANKIN: Very well. Thank you.  
24 And in addition to your sworn testimony today, it will go  
25 in the record.

1 (EXHIBIT NO. 21 - JUDICIAL MERIT SELECTION  
2 COMMISSION PERSONAL DATA QUESTIONNAIRE OF THE  
3 HONORABLE MICHAEL S. HOLT)

4 (EXHIBIT NO. 22 - JUDICIAL MERIT SELECTION  
5 COMMISSION AMENDED PERSONAL DATA QUESTIONNAIRE OF  
6 THE HONORABLE MICHAEL S. HOLT)

7 (EXHIBIT NO. 23 - JUDICIAL MERIT SELECTION  
8 COMMISSION SWORN STATEMENT OF THE HONORABLE  
9 MICHAEL S. HOLT)

10 CHAIRMAN RANKIN: Judge, you were last  
11 screened by this commission when?

12 JUDGE HOLT: Last year.

13 CHAIRMAN RANKIN: It seems like five years  
14 ago, or yesterday?

15 JUDGE HOLT: Yesterday. And then the year  
16 before that.

17 CHAIRMAN RANKIN: Well, let me just suggest  
18 to you that Erin predicted that you would be wearing a  
19 bowtie. And true to form, she collects.

20 Thank you again for being here. And you are  
21 familiar with the last two years running, the spiel I'm  
22 about to give you. But for the record, you know that we  
23 have nine evaluative criteria that we look at you as a  
24 candidate to take this position, and they included the  
25 ballot box survey, a thorough study of your application



1 materials, a verification of your compliance with the state  
2 ethics laws, a search of newspaper articles in which your  
3 name appears, a study of previous screenings -- which again  
4 there have been two, the ink's very dry on those -- a check  
5 for economic conflicts of interest.

6           You have no witness that has asked to  
7 testify here today, and no one has filed an affidavit in  
8 opposition to your candidacy. And, apparently, no one  
9 thinks that anyone but you should have this position,  
10 because you are running unopposed; is that correct?

11           JUDGE HOLT: That's right.

12           CHAIRMAN RANKIN: Does that bring a smile to  
13 your face? For the first time, let the record reflect the  
14 candidate is smiling.

15           JUDGE HOLT: I've seen one-horse races where  
16 the horse didn't finish the race, so...

17           CHAIRMAN RANKIN: Well, unless you handicap  
18 yours, you do have an opportunity to make a brief opening  
19 statement. And how shall you take advantage of that?

20           JUDGE HOLT: I'm happy to be here, and  
21 prepared to answer any questions the Commission may have.

22           CHAIRMAN RANKIN: Very good. Erin Crawford  
23 will be your screening attorney. She, too, is smiling for  
24 the record.

25           MS. CRAWFORD: Good afternoon, Judge. Thank

1 you for being here early. Mr. Chairman, I note for the  
2 record that based on the testimony contained in the  
3 candidate's PDQ, which has been included in the record,  
4 Judge Holt meets the constitutional and statutory  
5 requirements for this position regarding age, residence and  
6 years of practice.

7 EXAMINATION BY MS. CRAWFORD:

8 Q. Judge Holt, you have been a Family Court judge  
9 for over ten years. And how do you feel that, that  
10 experience and your prior legal and professional experience  
11 before serving on the bench renders you qualified and will  
12 assist you to become an effective Circuit Court judge?

13 A. Well, certainly being on the bench as a trial  
14 judge, you've been there and you've -- you've been in the  
15 courtroom, and know your way around the courtroom, and  
16 comfortable there. I think that you develop a temperament  
17 -- not a style, but certainly a method to how you handle  
18 matters.

19 And I think that over the course of that time,  
20 I've grown. I think I'm a better judge today than I was  
21 when I started. So I do believe that having been on the  
22 Family Court bench for the last eleven years has prepared  
23 me. And I'm excited about the opportunity.

24 Q. Thank you. Judge Holt, the Commission received  
25 393 ballot box surveys regarding you, with 59 additional

1 comments. Some of the positive comments include:

2 "Judge Holt would do a good job. The Family  
3 Court will miss him. He is a good trial judge. He knows  
4 how to control the courtroom and understands the law.  
5 Judge Holt is very smart but not off-putting. He is gentle  
6 but not phony. His courtroom feels peaceful. He puts  
7 litigants at ease and I've never gotten the impression he  
8 thinks he is any better than anyone else. He doesn't  
9 overtly complicate matters, and I felt his decisions are  
10 based on a thorough understanding of that law and plain  
11 common sense. As a Family Court lawyer, I hate to see him  
12 go, as it was always a pleasure to appear before him."

13 Three of the 59 written comments expressed  
14 concerns, two of which indicated that you are influenced by  
15 the identify of the lawyers that appear before you, and  
16 that you may play favorites. What response would you offer  
17 to that concern?

18 A. That was brought to my attention, previously.  
19 And it's a concern that I did not realize was out there.  
20 In the domestic Bar, most of the lawyers know one another.  
21 And certainly in my circuit, everyone's very familiar. And  
22 so there really are -- there are no favorites.

23 The only thing that I can conclude is, is that if  
24 it's someone from outside the circuit -- which there again,  
25 most of the time they're domestic practitioners, so you

1 sort of know one another. It's a fairly small fraternity,  
2 I would say.

3 But you just have to be reminded that, that's  
4 somebody's perception. And you can't -- you have to be  
5 careful. And I try to do that. I try to be fair. And if  
6 there's a lawyer that I don't know, you know, I certainly  
7 want to put them at ease and know that they -- they're  
8 going to have an opportunity to be heard.

9 And I certainly try to welcome them. One of the  
10 practices of having Family Court, that they'll come into  
11 the courtroom, they'll be seated, and on the docket, if  
12 they're representing the defendant, maybe their name hasn't  
13 been added to the docket yet.

14 And so they come in, it's the first time I'm  
15 seeing them, they haven't filed any pleading, I didn't know  
16 that they were going to be representing, I don't have their  
17 name yet. So I always try to find out who they are before  
18 I call the case to order, 'cause I want their client that  
19 know that I know who their lawyer is.

20 Because it's discouraging when you show up for  
21 court and the judge asks the lawyer their name on the  
22 record. And I think that, that -- that would concern me as  
23 a litigant, that the judge doesn't know who my lawyer is.

24 So I always try to do that, make sure that, you  
25 know, they -- that I appear that I'm familiar with them,

1 just like I am every lawyer that appears in front of me on  
2 a weekly basis.

3 Q. Thank you, Judge. Your SLED report indicated a  
4 2015 watercraft violation. Can you address the nature of  
5 this charge?

6 A. It was early in the spring, I lived on a lake in  
7 Hartsville. And we had a little john boat, and it had been  
8 -- it had sat there all winter. And I didn't think it  
9 could crank. I went out and -- the water was low and I  
10 pushed it out a little bit. I got it cranked. I didn't  
11 think it would.

12 Well, because it was the first day my son and I  
13 were taking it out, he was still inside gathering the life  
14 jackets and the paddles. I got it cranked. So I started  
15 running it, just trying to get it so it wouldn't cut off  
16 again and -- right there in front of my house. I pulled  
17 back to the bank and here comes a DNR officer. And I said,  
18 "Isn't this great."

19 You know, so in front of my house, I get a  
20 hundred dollar life -- no life jacket ticket. So that was  
21 the sum of my criminal past. But I paid the ticket and  
22 learned a lesson.

23 Q. Thank you, Judge.

24 MS. CRAWFORD: I'd like to note that the Pee  
25 Dee Citizens Committee found Judge Holt to be qualified in

1 the evaluative criteria of constitutional qualifications,  
2 physical health and mental stability, and well qualified in  
3 the remaining evaluative criteria of ethical fitness,  
4 character, and professional academic ability, reputation,  
5 experience and judicial temperament.

6 The Committee did not have any related  
7 comments. Moving on to some housekeeping.

8 BY MS. CRAWFORD:

9 Q. Judge Holt, since submitting your letter of  
10 intent, have you contacted any members of this commission  
11 about your candidacy?

12 A. No, ma'am.

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

17 A. No, ma'am.

18 Q. Are you familiar with South Carolina Code Section  
19 2-19-70, including the limitations on contacting members of  
20 the General Assembly regarding your screening?

21 A. I am.

22 Q. Have you asked any third parties to contact  
23 members of the General Assembly on your behalf?

24 A. No, ma'am.

25 Q. Aware of anybody doing so?

1           A.    If they've done so, they've done it without my  
2 knowledge or my instruction.

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

6           A.    I am.

7                   MS. CRAWFORD: Mr. Chairman, I would note  
8 for the record that any concerns raised during the  
9 investigation by staff regarding the candidate were  
10 incorporated into the questioning of the candidate today.  
11 I have no further questions.

12                  CHAIRMAN RANKIN: All right. Questions by  
13 anybody on the Commission?

14                  REPRESENTATIVE RUTHERFORD: I have one, Mr.  
15 Chairman.

16                  CHAIRMAN RANKIN: Yes.

17                  REPRESENTATIVE RUTHERFORD: When you got  
18 stopped by the fun police, did you look like you were  
19 having fun? Is that why they pulled you over? Because  
20 that is my experience with DNR. If you look like you're  
21 having fun, you're going to get pulled over.

22                         And did you challenge that ticket in court  
23 as to the lack of probable cause? Which I have brought up  
24 with them on many occasions, because you don't have  
25 probable cause just 'cause you see somebody having fun.

1 You can't tell that they don't have their life jacket on.

2 So you don't have to answer any of that.

3 But that's just my little two cents with all of the lack of  
4 probably cause and the lack of constitutionality that DNR  
5 continually just runs right over. But thank you, Judge,  
6 for appearing here today.

7 JUDGE HOLT: Thank you. I thought about all  
8 those things.

9 CHAIRMAN RANKIN: Hoping that one day, you'd  
10 never be asked about those things, years later. I  
11 appreciate your not answering that or taking the bait.  
12 Often, many a unsuspecting candidate takes the bait by  
13 Representative Rutherford. And so to your credit, you did  
14 not.

15 EXAMINATION BY CHAIRMAN RANKIN:

16 Q. It is of note that you are unchallenged. And  
17 that's no accident, obviously. And not just the ballot box  
18 surveys, but the folks who you have asked to write letters  
19 of recommendation for you, speak of the same effective  
20 quality, personality, the temperament that you're going to  
21 bring to this.

22 What do you see as a challenge, other than the  
23 day-to-day operation and jury -- jurors that you'll be  
24 encountering, but in terms of your role as a Circuit Court  
25 versus Family Court?



1           A.    I think the biggest challenge that I've spent  
2 time thinking about is, is that it's been over ten years  
3 since I've been a litigant in Circuit Court. Now, at the -  
4 - at the start of the hearing, I indicated, well, I've been  
5 in the courtroom, I've got trial court experience as a  
6 judge. But it's been a long time. And so I recognize  
7 that.

8                   And I think that's one of -- it's a disadvantage  
9 that I don't know how any judge gets around when they run  
10 for another court that they haven't practiced in, in a long  
11 time. That's my concern. And I know that there's a --  
12 there's a training process and a grooming process that they  
13 go through in order to get you reacclimated.

14                   When I was elected to the Family Court bench, I  
15 had gone straight from private practice onto the bench.  
16 And so everything was very, very fresh to me. So I've been  
17 spending time trying to reacclimate myself.

18                   And I thought that this seat was not going to be  
19 open for while, and I didn't know that I would be -- I  
20 don't know that anybody's ever run for a judicial spot  
21 three years in a row. That was not my intent, but here I  
22 am.

23                   So I was planning on following Judge Henderson  
24 around for a while. We share -- you know, we're in the  
25 same circuit and we are -- he's always been a mentor to me.

1 So I planned on being a sponge to him.

2 But that's my -- the thing that I'm concerned the  
3 most. But I think I'm prepared to meet it. I mean, I'm  
4 excited about it. I'm enthusiastic. And I look forward to  
5 the opportunity. It's a -- it's been a while, but I still  
6 -- I still remember my way around the courtroom.

7 Q. Your mentor -- you've mentioned Judge Henderson.  
8 Who else -- and you don't need to name any others. But who  
9 do you look to be compared to when you come back now -- and  
10 one of our earlier candidates did suggest that these become  
11 lifetime roles.

12 If you have a lifetime of serving in the Circuit  
13 Court, and you're not challenged hereafter, who do you want  
14 to be compared to favorably? Who would you like to be held  
15 up to as the standard?

16 A. So I think the judges who you try cases in front  
17 of, especially when you're a young lawyer, those are the  
18 judges who -- the ones that were -- that treated you with  
19 compassion, and they were kind and they respected you and  
20 they -- those are the judges that I remember. And they  
21 were in my circuit.

22 And I was blessed with Family Court judges and  
23 Circuit Court judges in my circuit, that took the time to -  
24 - they were patient with young lawyers, and certainly with  
25 me. And Jamie Murdaugh, who passed away about ten years

1 ago, was a Family Court judge, he was a prince of a man.

2 And I had just gotten elected to the Family Court  
3 bench, and our relationship had changed really overnight as  
4 I became a judge and we were -- we were peers. And then he  
5 was taken from us very suddenly with pancreatic cancer. He  
6 was certainly one.

7 Judge Jimmy Spruill was a -- who was always kind  
8 to me, and I had a deep respect for him. That was the  
9 position that I took when I was elected to the Family Court  
10 bench. Roger Henderson is one of the best judges in the  
11 State of South Carolina, and I would hold him up to  
12 anybody.

13 Mike Baxley is a -- is a -- holds -- you know,  
14 everybody, they'll ask me, "What are you -- what are you  
15 running for?" And you try to explain to lay-people, and I  
16 say, "Running for a -- to be a judge like Mike Baxley."  
17 And he's still held in very high regard in my community.

18 And so those are -- those are to name a few,  
19 they've been in my circuit. And so that's where I -- I  
20 think -- I think I reflect them as a judge. I mean, you --  
21 and that's how I was treated. And that's how I hope I  
22 treat lawyers and litigants who come before me.

23 **Q. Well, you've certainly named the who's who of**  
24 **those that are again in our part of the world. And to the**  
25 **person I think you described a personal touch, a personal -**

1 - not approachability, because you can't talk to them in  
2 the hallway, but that openness to be humble, personable,  
3 and recognize that, again, you're there to serve and to try  
4 to fill the charge of -- really the Micah 6:8, right, to do  
5 justly? And so I wish you well. I think you're going to  
6 have a successful campaign. I'm just thinking.

7 CHAIRMAN RANKIN: But in the event that  
8 something were to happen, and unless there are any  
9 questions by any other members of the Commission, on a  
10 serious note, we want to remind you of the evaluative  
11 criteria that -- specifically, the expectation that you  
12 follow both the letter and the spirit of the ethics laws.  
13 And any violation or the appearance of impropriety will be  
14 given heavy weight and screening.

15 So you are aware again now the third time  
16 being the charm, I pray, that this record will remain open  
17 until the formal release of your report of qualifications.  
18 And you may be called back. And let's pray that doesn't  
19 happen.

20 So with that any -- you don't have to say  
21 one other word. We thank you for your, again, willingness  
22 to offer, and wish you Godspeed in your hopefully  
23 successful tenure that will flash like a blink of an eye.  
24 Thank you so much.

25 JUDGE HOLT: Thank you. I appreciate your

1 service.

2 CHAIRMAN RANKIN: That's it. Thank you.

3 JUDGE HOLT: Thank you. Y'all have a good  
4 day.

5 (Candidate excused.)

6 CHAIRMAN RANKIN: All right. We are going  
7 to go into executive session on Pete Strom's motion, and  
8 seconded by Senator Talley.

9 (Off the record from 1:38 p.m. to 2:41 p.m.)

10 CHAIRMAN RANKIN: Let me say for the record,  
11 we are now back on the record. During executive session no  
12 decisions, no votes, no business was taken. We're back on  
13 the record.

14 And before us is Judge Mullen. If you'll  
15 raise your right hand, please.

16 WHEREUPON,

17 THE HONORABLE CARMEN TEVIS MULLEN, being  
18 duly sworn and cautioned to speak the truth, the whole  
19 truth and nothing but the truth.

20 CHAIRMAN RANKIN: Welcome. Have a seat.

21 JUDGE MULLEN: Thank you.

22 CHAIRMAN RANKIN: You, Judge, are before our  
23 commission. And you screened most recently, how many years  
24 ago?

25 JUDGE MULLEN: Six years ago. Prior for

1 other seats, though, earlier than that.

2 CHAIRMAN RANKIN: Okay. Very good. So  
3 before you is your PDQ and your sworn statement. Do you  
4 need to make any changes to those?

5 JUDGE MULLEN: I don't.

6 CHAIRMAN RANKIN: You don't object to them  
7 being made a part of the record?

8 JUDGE MULLEN: Of course not.

9 CHAIRMAN RANKIN: Very good.

10 JUDGE MULLEN: Thank you.

11 (EXHIBIT NO. 24 - JUDICIAL MERIT SELECTION  
12 COMMISSION PERSONAL DATA QUESTIONNAIRE OF THE  
13 HONORABLE CARMEN TEVIS MULLEN)

14 (EXHIBIT NO. 25 - JUDICIAL MERIT SELECTION  
15 COMMISSION SWORN STATEMENT OF THE HONORABLE  
16 CARMEN TEVIS MULLEN)

17 CHAIRMAN RANKIN: You are familiar with our  
18 role here and our investigation which, as you know,  
19 includes nine evaluative criteria, including a ballot box  
20 survey, a study of your application materials, verification  
21 of your compliance the state ethics laws, a search of  
22 newspaper articles in which your name appears, a study of  
23 previous screenings, and a check for economic conflicts of  
24 interest.

25 No affidavit have been filed in opposition

1 to your candidacy, and no witnesses are present to testify  
2 for you or agin you. And with that, you, ma'am, are  
3 welcome to make an ever-so-brief opening statement, if you  
4 like.

5 JUDGE MULLEN: Thank you. Well, I just want  
6 to say how much I love my job. I think I do it well. And  
7 I really do appreciate having an opportunity to continue to  
8 serve. It really has been very rewarding. And I hope I've  
9 done some things to help people in South Carolina. So I'm  
10 grateful to be here. And I'd be grateful to have another  
11 six years.

12 CHAIRMAN RANKIN: Very good. All right.  
13 Erin Crawford will ask you some questions and move us right  
14 along.

15 MS. CRAWFORD: Hi, Judge. Patrick had a  
16 conflict, so I don't know if he told you. So that's why  
17 I'm questioning you.

18 JUDGE MULLEN: Okay.

19 EXAMINATION BY MS. CRAWFORD:

20 Q. I think you addressed why you want to serve --  
21 continue to serve. Judge Mullen, what do you think your  
22 reputation is among attorneys that practice before you?

23 A. I hope it's that I'm fair. I hope that it's open  
24 -- I'm open and I definitely think my mind can be changed.  
25 I don't think I come in with any preset thoughts or

1 intentions. I know there are probably times where patience  
2 is challenged when we're on the bench.

3 And I've been doing this fourteen years. So, you  
4 know, no one's perfect, but I certainly try to do what's  
5 right at the time. And understanding a lot of what we do  
6 is pretty controversial, which is often difficult, you  
7 know, I try to remember that, you know, I have to rule  
8 against, you know, half the people every time I'm there.

9 And, obviously, there's some difficulties. And I  
10 think sometimes, too, you know, you can have maybe a little  
11 bit of a personality conflict with a few attorneys. But I  
12 think in general, I think my reputation is pretty good.

13 I know I have a tough time with a couple of  
14 people. But other than that I -- I hope that it's -- that  
15 I'm pretty -- pretty easy and pretty approachable. I've  
16 always said that when I went on the bench -- or when I was  
17 lucky enough to get elected, that I can remember what it  
18 was like to practice law.

19 Because I think sometimes judges forget that, and  
20 they forget how difficult it is and how difficult it is to  
21 try cases and appear in court. And I hope that I'm user-  
22 friendly with lawyers and their clients, so they remember  
23 and -- you know, just to make it an easier process.

24 **Q. Thank you, Judge. The Commission received 654**  
25 **ballot box surveys regarding you. There were 84 additional**



1 comments. Some of the positive comments, for example --  
2 well, I don't have them right now. I'll get to them in  
3 just a second. The vast majority are positive:

4 "One of the best. She's one of my favorite  
5 judges. She's bright and personable. Keeps a great energy  
6 to the courtroom, and experience. She's astute and fair  
7 and curious in a way that serves that highest good for all.  
8 Never shies away from the tough cases. Serves with  
9 integrity, personally and professionally. Excellent  
10 experience, temperament, preparation, and intellect."

11 Like I said, the vast majority of the 84 comments  
12 were positive. Thirteen of the written comments expressed  
13 concerns, and the primary concern raised through those were  
14 a poor demeanor at times when on the bench.

15 How would you address this, or what would your  
16 response be?

17 A. I don't know exactly what a poor demeanor would  
18 be. I don't know -- you know, like I said, you know, it's  
19 -- sometimes patience is difficult. My joke is that my  
20 screensaver on my computer is "Patience is a virtue."

21 Because sometimes it's very difficult when -- you  
22 know, I understand what lawyers are trying to do. But, you  
23 know, when come in front of me and I'm hearing a lot of  
24 motions and they want to tell me what the standard is for  
25 summary judgement, you know, respectfully, I hear that

1 motion every single day, all day long. Don't tell me what  
2 the -- what the law is. I know the law in something  
3 that's, you know, pretty straightforward. Talk to me about  
4 your case. Talk to me about your facts.

5 And so I would hope -- and I will say this, over  
6 time -- and I used to say this about judges as well, you  
7 know, I think we get tired. And I try to remind myself  
8 that when things kind of break down and you get tired, it's  
9 time to get off the bench.

10 And with my law clerks, you know, I have a little  
11 -- you know, tell me when it's time for a break, you know.  
12 If right now is the time, you know, maybe it is. We could  
13 be hungry. We could be tired. You know, we could have a  
14 difficult lawyer who won't stop talking or that constantly  
15 interrupts, or possibly a lawyer who will never answer a  
16 question you ask; they just want to give what they believe  
17 is what they need to say.

18 So, you know, I would agree that maybe I could do  
19 better. And I think we could all always do better. And I  
20 think just taking a break usually helps me. And then I  
21 also wonder if one of those groups of them are my husband,  
22 too, because I'm sure he -- there are lots of accusations  
23 like that against me. So I'm going to have to go back and  
24 ask.

25 But I think, overall, I try -- I try to be fair

1 and I try to be easy and -- you know, I don't think I'm too  
2 stodgy, that's for sure. I think I like to be, you know,  
3 pretty approachable, so --

4 **Q. Some of these concerns with temperament talked**  
5 **about eye-rolling and facial expressions. What do you**  
6 **think about that comment?**

7 A. Well, I have a 13-year-old and she knows how to  
8 eye-roll. I hope not eye-rolling, certainly. I did get  
9 accused one time of a -- by a criminal defense attorney,  
10 saying that she thought I was over-solicitous or friendly  
11 to a child victim of criminal sexual conduct.

12 And I said I didn't think I was overly  
13 solicitous. I was just -- you know, she was little and she  
14 was young. And, you know, she was 9 years old and this was  
15 a big, difficult thing that she was having to do. And I  
16 don't think I was in any way bending over backwards or  
17 trying to -- you know, I just wanted to make sure she could  
18 get in and get out, tell what she needed to say, and go.

19 So I hope not. Maybe I can try to -- try to pull  
20 back any -- any potentially eye-rolling. But that would  
21 really surprise me if I did.

22 **Q. And thank you, Judge.**

23 MS. CRAWFORD: Mr. Chairman, I note that the  
24 Low Country Citizens Committee found Judge Mullen qualified  
25 in the evaluative criteria of constitutional

1 qualifications, physical health and mental stability. The  
2 Committee found her well qualified in the evaluative  
3 criteria of ethical fitness, professional and academic  
4 ability, character, reputation, experience and judicial  
5 temperament.

6 Mr. Chairman, I'll just go over some brief  
7 housekeeping issues.

8 BY MS. CRAWFORD:

9 Q. Judge Mullen, since submitting your letter of  
10 intent, have you contacted any members of this commission -  
11 -

12 A. No.

13 Q. -- about your candidacy?

14 A. No.

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

18 A. I am.

19 Q. And since submitting your letter of intent, have  
20 you either sought or received the pledge of any legislator  
21 prior to this date or pending the outcome of your  
22 screening?

23 A. No.

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

1           A.    No.

2           Q.    Are you aware of anybody attempting to do that?

3           A.    No.

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

7           A.    I do.

8                   MS. CRAWFORD: I would note for the record  
9 that any concerns raised during the investigation regarding  
10 the candidate were incorporated into the question --  
11 questioning of the candidate today. And I have no further  
12 questions, Mr. Chairman.

13                   CHAIRMAN RANKIN: Okay. Thank you.  
14 Questions by members of the Commission?

15                   MR. STROM: I don't have a question, but I  
16 do have a comment. First, I'd say that probably anything  
17 that you've done that's of poor taste probably dates back  
18 from your clerkship with Judge Manning -- Casey Manning.

19                   So on a serious note, you know, a lot of us  
20 have followed you. And you've had some really high-profile  
21 cases over the last six years and, you know, a lot of  
22 difficult issues and -- I think you've done an excellent  
23 job. You've made us proud that you're one of our judges.

24                   I don't want to make any comment, since some of  
25 that still may be pending, but I think you've done an

1 excellent job handling those high-profile cases.

2 JUDGE MULLEN: Thank you.

3 CHAIRMAN RANKIN: Anyone else?

4 (Hearing none.)

5 CHAIRMAN RANKIN: I want to comment about  
6 something that I didn't know about you. And this in  
7 reference to one of your letters of reference, and that  
8 from New Vistas Consulting and your work with an orphanage  
9 in Tanzania.

10 JUDGE MULLEN: I do.

11 CHAIRMAN RANKIN: Tell us about that.

12 JUDGE MULLEN: So some dear friends of mine,  
13 Rick and Joni Vanderslice, built and established an  
14 orphanage -- a whole child orphanage in Tanzania. So every  
15 year, my daughter and I go. And it's just become a pet  
16 project of ours.

17 The children are absolutely amazing.  
18 Clearly, I can't raise money for them, but as they always  
19 tell us we can give plenty of money for them. And it's  
20 just been a great experience. It's just really -- these  
21 are children that can't be adopted, they can't be taken out  
22 of Tanzania. They have no families to care for them.

23 And right now the home has 29 children.  
24 They educate them in a public school setting, which is  
25 amazing. It is a faith-based orphanage. And it's just

1 really doing great work. And there's such a need for it in  
2 Tanzania.

3           There are others somewhat like it. We're  
4 hoping to grow right now, and part of the work we're doing  
5 is construction. And of course I chaired the construction  
6 committee portion of it for new buildings, because our kids  
7 are continuing to grow.

8           And we started out with most of the children  
9 at the age of about 3, 4, or 5. We now have some of our  
10 older girls who are now 12, 13, and becoming young  
11 adolescents. And our boys are not far behind. And we just  
12 need more space. So if we think getting anything built in  
13 the United States is difficult, you can only imagine in  
14 Tanzania how difficult it is. And it just takes a long  
15 time.

16           They've recently in a building they have  
17 finished, and were mostly paid for, stopped building. And  
18 I couldn't understand why the back and forth and back and  
19 forth. And it turns out that the city now wants to take  
20 the property that the orphanage is on, and convert it for a  
21 public bus stop.

22           So it's one of those things that are  
23 constantly just trying to work through, and to figure out  
24 what we're doing. So they halted construction because they  
25 thought it was a waste of time and money, should we

1 continue to build that newest dormitory that we were  
2 building.

3 So it's just something that has become  
4 important to me, certainly. And I want my daughter, it to  
5 be important to her. And, certainly, the group of friends  
6 and I, they really are involved, we hope that our children  
7 will grow up and continue to support it and care for the  
8 people.

9 CHAIRMAN RANKIN: Have you ever heard of  
10 Beautiful Feet Ministry in Tanzania?

11 JUDGE MULLEN: I haven't.

12 CHAIRMAN RANKIN: Well, I'm going to connect  
13 you to them. The Valentine Project, though, is what you're  
14 associated with.

15 JUDGE MULLEN: Yes. Yes.

16 CHAIRMAN RANKIN: And that's K12 or --

17 JUDGE MULLEN: Actually, it's -- so it's  
18 children anywhere from 2 through 18. And that's one of the  
19 things we're trying to figure out right now, because we're  
20 having kids going through their national exams right now,  
21 we have five girls taking them, and so the question is what  
22 do we do afterwards. You know, what are we doing?

23 Some of them will be able to go on and  
24 hopefully get further schooling, but some of them will need  
25 to develop a trade. And we're trying to decide exactly,



1 you know, what we can to help them and, you know, make them  
2 -- you know, solid, contributing citizens.

3 One of that things that we've looked at a  
4 lot is the hospitality industry. Because they all are  
5 going to an English-speaking school, so obviously they  
6 speak Swahili there, but they also be being taught English,  
7 which affords them a lot of opportunity in Tanzania because  
8 they can speak English, and that's where a lot of that  
9 good-paying jobs are. So that's what our hope is.

10 So that's kind of our end result. We're  
11 just trying to figure it out. And we just had our first  
12 really group of kids that are getting up there, so we're  
13 starting to be concerned about what it is they're going to  
14 do when they're done.

15 CHAIRMAN RANKIN: Beautiful Feet Ministries  
16 of Tanzania started in Conway. J. Rubin Long --

17 JUDGE MULLEN: Oh, okay.

18 CHAIRMAN RANKIN: -- the detention center --

19 JUDGE MULLEN: Yeah.

20 CHAIRMAN RANKIN: -- the grandson of the  
21 name, John Long, is involved with that. And, anyway, y'all  
22 might have --

23 JUDGE MULLEN: I'll definitely look that up.  
24 Absolutely. Yeah, it's -- it's challenging to get a lot  
25 done there. It's very hard.

1 CHAIRMAN RANKIN: Well, very good. All  
2 right. Questions, anybody, specifically relating to her --  
3 Judge Mullen and her judgeship, aside from her benevolence?

4 (Hearing none.)

5 CHAIRMAN RANKIN: All right. Well, thank  
6 you very much for being here. This will conclude this  
7 portion of our screening process. Unless you have anything  
8 else you'd like to say, I'll close the record with this  
9 reminder: You are familiar with the expectation that we  
10 have, that candidates follow both the spirit and the letter  
11 of the law regarding ethics laws. Any violation or the  
12 appearance of impropriety will be deemed serious and  
13 deserving of heavy weight in the screening deliberations.  
14 You're familiar with this, I know.

15 JUDGE MULLEN: I am

16 CHAIRMAN RANKIN: The record will remain  
17 open until the formal qualification report is released.  
18 You may be called back at such time if the need arises. We  
19 pray that will not be the case.

20 With that, again we thank you for your  
21 service. And as Mr. Strom said, you have taken on  
22 incredibly difficult cases, you have handled them both to  
23 the public eye and to those who review the decisions that  
24 you are making with great aplomb.

25 So God bless you. Thank you for your

1 willingness --

2 JUDGE MULLEN: Thank you.

3 CHAIRMAN RANKIN: -- to continue serving.

4 JUDGE MULLEN: I appreciate it. Thank you.

5 (Candidate excused.)

6 CHAIRMAN RANKIN: Judge McFaddin, if you  
7 will raise your right hand, please.

8 WHEREUPON,

9 THE HONORABLE GEORGE M. MCFADDIN, JR., being  
10 duly sworn and cautioned to speak the truth, the whole  
11 truth and nothing but the truth.

12 CHAIRMAN RANKIN: Very good. Have a seat.  
13 And you have with you, some guests.

14 JUDGE MCFADDIN: Yes, sir.

15 CHAIRMAN RANKIN: So if you would like to  
16 tell us who you've got with you.

17 JUDGE MCFADDIN: I have my longtime friend,  
18 Paul Reeves, a lawyer --

19 CHAIRMAN RANKIN: Come up -- come up. Let's  
20 get you on the mic, Judge.

21 JUDGE MCFADDIN: Oh, I'm sorry. I'm sorry.

22 CHAIRMAN RANKIN: Go ahead and have a seat.  
23 They can stand up.

24 JUDGE MCFADDIN: Paul Reeves.

25 CHAIRMAN RANKIN: If you'll speak into the

1 mic, that's my point. Have a seat. We want these names on  
2 the record.

3 JUDGE MCFADDIN: I'm so sorry, sir.

4 CHAIRMAN RANKIN: Lean in and speak on the  
5 record. Who is it?

6 JUDGE MCFADDIN: I have Paul Reeves I just  
7 introduced, a lawyer here in Columbia. Beth Atkins from  
8 Columbia here. And Jennifer Zimmalis. They're good  
9 friends of mine, all three.

10 CHAIRMAN RANKIN: Very good.

11 JUDGE MCFADDIN: I just don't know their  
12 last names.

13 CHAIRMAN RANKIN: Well, welcome, guests.  
14 And welcome, Judge McFaddin. You have before you there,  
15 the PDQ, personal data questionnaire and sworn statement,  
16 do you not?

17 JUDGE MCFADDIN: Yes, sir.

18 CHAIRMAN RANKIN: Any changes that need to  
19 be made to those?

20 JUDGE MCFADDIN: The only change is I --  
21 since I submitted this application, my younger daughter  
22 moved to Germany from California, with her Coast Guard  
23 husband. And I think that's the only one, sir, that I can  
24 think of.

25 CHAIRMAN RANKIN: And that's changed? Or

1 you're changing it on the record?

2 JUDGE MCFADDIN: I'm changing it on the  
3 record today, sir.

4 CHAIRMAN RANKIN: Very good.

5 JUDGE MCFADDIN: It was a very recent move.

6 CHAIRMAN RANKIN: Super. We'll make those a  
7 part of the record in addition to your sworn testimony.

8 JUDGE MCFADDIN: Yes, sir.

9 CHAIRMAN RANKIN: You didn't have any  
10 objection to that, did you?

11 JUDGE MCFADDIN: No, sir.

12 CHAIRMAN RANKIN: Okay.

13 (EXHIBIT NO. 26 - JUDICIAL MERIT SELECTION  
14 COMMISSION PERSONAL DATA QUESTIONNAIRE OF THE  
15 HONORABLE GEORGE M. MCFADDIN JR.)

16 (EXHIBIT NO. 27 - JUDICIAL MERIT SELECTION  
17 COMMISSION SWORN STATEMENT OF THE HONORABLE  
18 GEORGE M. MCFADDIN JR.)

19 CHAIRMAN RANKIN: Judge, you have --  
20 obviously have fond memories of both Murrell Smith and,  
21 perhaps, Todd Rutherford. How long ago did you last  
22 screen?

23 JUDGE MCFADDIN: My last screening was the  
24 latter part of 2016, and I was elected to the Circuit Court  
25 bench in February of 2017, sir.

1 CHAIRMAN RANKIN: Well, very good. Not much  
2 has changed in what we do, but I do need to put on the  
3 record what we do, and make sure you're familiar with that.

4 JUDGE MCFADDIN: Yes, sir.

5 CHAIRMAN RANKIN: And that is the nine  
6 evaluative criteria that we look at as we investigate your  
7 continued service on the bench, which includes a ballot box  
8 survey, a study of your application materials, verification  
9 of your compliance with state ethics laws, a search of  
10 newspaper articles in which your name appears, a study of  
11 the past screenings, and then a check for economic  
12 conflicts of interest.

13 No affidavits have been filed in opposition  
14 to your election. No witnesses have desired to be present.  
15 And you, sir, with the introduction of your friends, have  
16 the opportunity, if you'd like, to make an ever-so-brief  
17 introductory remark. The floor is yours if you'd like to  
18 make any comments.

19 JUDGE MCFADDIN: Yes, sir. A very short  
20 remark. When I was elected to Family Court in 2002, I made  
21 a personal pledge to myself to try every day in court to  
22 make our South Carolina Legislature proud of what I do, and  
23 did. I didn't want to embarrass you, collectively, the  
24 Legislature. And I vow that I will never forget what it's  
25 like to practice law. It's a hard job, sir.

1                   CHAIRMAN RANKIN: Very good. All right.  
2                   Ms. Benson.

3                   MS. BENSON: Thank you, Mr. Chairman.  
4                   EXAMINATION BY MS. BENSON:

5                   Q. Judge McFaddin, after serving for four years as a  
6                   Magistrate, fifteen years on the Family Court, and almost  
7                   four years on the Circuit Court, why do you want to  
8                   continue serving as a Circuit Court judge?

9                   A. Ma'am, it's a challenge every day. It's a chance  
10                  for me to serve others. The triangle I live in and try to  
11                  live in is -- picture a triangle. I'm not at the top,  
12                  ma'am. You turn it upside down and I'm at the bottom, and  
13                  I'm serving a much wider base of people. And I truly  
14                  believe that. And I'm not ready to stop.

15                  Q. Thank you, Judge. Judge, what do you think your  
16                  reputation is among that attorneys that practice before  
17                  you, and also the court personnel with which you work --  
18                  with whom you work?

19                  A. Ma'am, I hope it's reasonably good. I hope. I  
20                  do. I do.

21                  Q. Wonderful. Judge, the Commission received 428  
22                  ballot box surveys regarding you, with 59 of them making  
23                  additional comments. And I would point out that none of  
24                  the additional comments were negative. Some of the  
25                  positive comments included:

1           "Excellent. Great. Incredible. Well reasoned.  
2   Exceptional in all categories. Hate to lose him on the  
3   Family Court. Courteous. Makes everyone feel at ease.  
4   Hard worker. Fair. Makes the right decision even if I  
5   don't agree. Generous. Morally and ethically pure. Great  
6   temperament. Retains a humble spirit. And love his  
7   puppy."

8           Judge, I wonder if you might want to tell the  
9   Commission a little bit about Moose and Boo Boo and the  
10  special days that you bring them into your courtroom.

11          A. Well, Moose was my first Dachshund. A beautiful  
12  animal, loved children. And I would take him to adoption  
13  days when I was in Family Court, and he was the best ice-  
14  breaker that you could find. Even that adults loved Moose.

15          And Moose died tragically in 2015. It took me  
16  two years to replace Moose -- well, not replace him, but  
17  get another Dachshund. And now I have Boo Boo. Boo Boo  
18  appeared last year at Adoption Day. And Monday coming will  
19  be Adoption Day and Boo Boo will be there to great the  
20  children and the adults.

21          Q. And, Judge, you're specially permitted to serve  
22  on the Circuit Court that day on Adoption Day --

23          A. Yes, ma'am.

24          Q. -- correct?

25          A. Chief Justice Beatty is kind enough and gracious



1 enough to give me that one day of jurisdiction every year  
2 to continue that process, and I am eternally thankful to  
3 him for doing that.

4 Q. Thank you, Judge. Judge, I would note that the  
5 Pee Dee Citizens Committee found you qualified in the  
6 evaluative criteria of constitutional qualifications,  
7 physical health and mental stability. And the Committee  
8 found you well qualified in the evaluative criteria of  
9 ethical fitness, professional and academic ability,  
10 character, reputation, experience, and judicial  
11 temperament.

12 Judge, just a few housekeeping issues. Since  
13 submitting your letter of intent, have you contacted any  
14 members of the Commission about your candidacy?

15 A. No, ma'am.

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

19 A. Yes, ma'am. Very much so.

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

24 A. No, ma'am.

25 Q. Have you asked any third parties to contact

1 members of the General Assembly on your behalf, or are you  
2 aware of anyone attempting to intervene in this process on  
3 your behalf?

4 A. No, ma'am.

5 Q. Have you reviewed and do you understand the  
6 Commission's guidelines on pledging in Code Section 2-19-  
7 70(E)?

8 A. Yes, ma'am.

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

14 CHAIRMAN RANKIN: All right. Very well.  
15 Other Commission members? Any Commission members with  
16 questions or comments? Senator Sabb.

17 SENATOR SABB: Thank you, Mr. Chairman. I  
18 do have a comment. Of course I practice law in the 3rd  
19 Judicial Circuit, and became familiar with Judge McFaddin  
20 when he was a Family Court judge. And the only Family  
21 Court cases I liked to do was the adoption. And so the  
22 only time I would come around, for the most part, was when  
23 he held is Adoption Day.

24 And it was just a beautiful, you know, kind  
25 of a thing where everybody is just happy. I mean, it's one

1 of the few days that you go in Family Court and everybody  
2 comes out smiling and feels good. And he went to great  
3 lengths to make that a special day for those families. And  
4 the other thing that he used to do is take pictures with  
5 everybody. And so it's just a great thing that he did.

6 And I'll tell you I -- I've looked through  
7 the ballot box surveys so far, and I don't think I've found  
8 any others where there were no negative comments. And I  
9 think that just speaks volumes about what he has brought to  
10 the Circuit Court bench.

11 And even a guy like Murrell is proud of him,  
12 so if you know if Murrell's proud of somebody, then they  
13 must be doing something really, really good. And so I just  
14 want to commend Judge McFaddin on the way that he carries  
15 himself.

16 The other thing that I'll put out, and then  
17 I'm finished, is the predictability of his arrival. When  
18 he arrives at the courthouses, people know that he's going  
19 to be the same guy -- same judge, pardon me, that he is all  
20 the time. He's not one of these folks that come in, you  
21 know, different. His demeanor has been constant and it's  
22 been good. And we're just proud of him down our way.

23 JUDGE MCFADDIN: Thank you, Sir.

24 CHAIRMAN RANKIN: Very good. Any other --  
25 Representative Rutherford.

1                   REPRESENTATIVE RUTHERFORD: For those of you  
2 that are new to the commission when -- and I think that  
3 might be everybody but me and staff -- when Judge McFaddin  
4 came in to run for this seat, he was standing at the podium  
5 and he was shaking like a leaf. I mean, shaking so bad  
6 that we had to go, "Are you okay?"

7                   And he said, "Yeah, I'm just nervous. I'm  
8 just nervous." And he was a sitting Family Court judge at  
9 the time. And I was here and Murrell was here, and we both  
10 know him, but literally shaking like a leaf. So when  
11 Senator Rankin asked him for the peoples' names, I said,  
12 "He's not going to know it."

13                   Because out of deference to this body, out  
14 of deference to your service, I've seen you in court, I've  
15 been there, and what you said about you being at the  
16 bottom, I know that you truly feel that. You're a good  
17 judge. You're a good judge to the people of Sumter and to  
18 the state. And I appreciate what you do. So thank you.

19                   JUDGE MCFADDIN: Thank you, Sir. Thank you.

20                   CHAIRMAN RANKIN: Very good. Mr. Safran.

21                   MR. SAFRAN: Judge, I had the -- I guess the  
22 pleasure of meeting you, I think when we were both on the  
23 Judicial Conduct Commission.

24                   JUDGE MCFADDIN: Yes, sir.

25                   MR. SAFRAN: And you actually were a leader

1 there. We shared another thing that -- frankly, I lasted  
2 with Judge Peeples about three weeks, and you -- you  
3 basically took much longer. But fortunately, I was just on  
4 an interim basis.

5 JUDGE MCFADDIN: Yes, sir.

6 MR. SAFRAN: I can say this, that you do  
7 approach this daily with things that too many times are  
8 lost: humility and decency. And that has not changed.

9 JUDGE MCFADDIN: Thank you.

10 MR. SAFRAN: And I think when -- we've said  
11 this before, when you get ballot box results like this,  
12 it's incumbent upon us to say you're doing a great job.  
13 Because it is the exception by far; nowhere close to the  
14 rule.

15 JUDGE MCFADDIN: Thank you, sir.

16 MR. SAFRAN: And, honestly, in my limited  
17 experience with you, since you've been on the bench, you  
18 have done exactly what these folks say. You give everybody  
19 an opportunity to be heard, you are deliberative, and you  
20 ultimately try to make the right decision.

21 And, frankly, I didn't know about what was  
22 going on with Adoption Day, but the fact that you're still  
23 doing that, it speaks volumes, anything, for the kind of  
24 character that you've got. And again it is something that  
25 -- not the in any way diminishes what other people do, but

1 it needs to be something that certainly highlights for you.  
2 And again we're happy you're offering again, and appreciate  
3 your service.

4 JUDGE MCFADDIN: Thank you, sir. Thank you.

5 CHAIRMAN RANKIN: Very good. A couple  
6 questions from me.

7 JUDGE MCFADDIN: Yes, sir.

8 CHAIRMAN RANKIN: Gable, South Carolina.  
9 How do I get there? And I'm from Conway, so don't act --  
10 don't think I'm putting Gable down.

11 JUDGE MCFADDIN: Gable is a -- was  
12 originally a logging town in eastern Clarendon County.  
13 It's 20 miles north of Kingstree and six miles from my  
14 community at Salem Black River. It's a mere crossroads,  
15 sir. Everything that was once there is now gone away.

16 CHAIRMAN RANKIN: Home for you is Sumter?

17 JUDGE MCFADDIN: No. Well, Sumter County.  
18 I'm just across the Clarendon County line. I live fourteen  
19 miles east of Sumter.

20 CHAIRMAN RANKIN: When you were made a  
21 magistrate in '98. Who was your -- who was in the Senate  
22 delegation then?

23 JUDGE MCFADDIN: That would have been  
24 Senator Leventis and Senator Land.

25 CHAIRMAN RANKIN: Do you keep in touch with

1 either of those statesmen?

2 JUDGE MCFADDIN: Well --

3 CHAIRMAN RANKIN: For humor or for beer.

4 JUDGE MCFADDIN: Well, they're both retired.  
5 I rarely see Senator Leventis, but I will see Senator Land.  
6 When I go to Manning for court, he's often around. He's  
7 still about. He's still practicing.

8 CHAIRMAN RANKIN: I spoke to him this  
9 morning on my way up here and got -- and had the most  
10 laughter by a mile that I've had in a long time coming to  
11 Columbia.

12 JUDGE MCFADDIN: That's Senator Land, sir.

13 CHAIRMAN RANKIN: Super. The move from to  
14 Family Court to the Circuit Court -- again, it's not a  
15 uncommon path -- but that you hold on to, as these folks  
16 have mentioned, something that's so meaningful to you --  
17 that's a tribute to the fact that you are still engaged,  
18 and that, that's not judicial economy, that is your heart -  
19 -

20 JUDGE MCFADDIN: Yes, sir.

21 CHAIRMAN RANKIN: -- on display, it would  
22 seem to me.

23 JUDGE MCFADDIN: Yes, sir.

24 CHAIRMAN RANKIN: Well, I appreciate your  
25 willingness to be here. And these ballot box comments --

1 as Mr. Safran said, Judge Peeples would have to be proud of  
2 your temperament. And in the final vein, you've had four  
3 years as Circuit Court judge, who in another screening when  
4 you're here again, unless this is a -- becomes a lifetime  
5 appointment, which -- if you continue to serve as you  
6 you've done, who do you want to be remembered as most  
7 emulating as a judge? Whether it's circuit, family,  
8 supreme, whatever.

9 JUDGE MCFADDIN: May that person be  
10 fictional, sir?

11 CHAIRMAN RANKIN: Well, let's go both. You  
12 obviously have --

13 JUDGE MCFADDIN: Fictional, and if he were a  
14 judge, it would be Atticus Finch. In real life, Judge  
15 Tommy Cooper from Manning.

16 CHAIRMAN RANKIN: Who I see occasionally.  
17 And every time I see him, I remind him that someone else  
18 has held him to the same position you just have. So great.

19 JUDGE MCFADDIN: Yes, sir.

20 CHAIRMAN RANKIN: All right. Well, unless  
21 there are any other questions, or you have any other  
22 comments you'd like to make.

23 JUDGE MCFADDIN: I would certainly like to  
24 say, sir, that I've heard good things about me today. But  
25 please be mindful that with that comes the obligation to



1 continue to earn those accolades for the balance of my  
2 career. And I promise you that I will do so, sir.

3 CHAIRMAN RANKIN: Very good. Well, thank  
4 you. This will conclude this portion of your screening and  
5 our process today. You're familiar with our charge and our  
6 taking seriously the expectation that you, as a candidate,  
7 and all others, abide by both the letter and the spirit of  
8 the ethics laws, and that we view any violation or the  
9 appearance of impropriety very serious and deserving of  
10 very heavy weight in our deliberative process. You're  
11 aware of that, correct?

12 JUDGE MCFADDIN: Yes, sir.

13 CHAIRMAN RANKIN: As you know, this record  
14 will remain open until the final qualifications has been  
15 released, the formal report. And should the need arise, we  
16 would call you back. Again, I don't expect that to be the  
17 case.

18 JUDGE MCFADDIN: I hope not.

19 CHAIRMAN RANKIN: Very well. Judge  
20 McFaddin, thank you so much, and your guests. Y'all stand  
21 up and say your names on your own, a little louder, please.

22 MS. ATKINS: Beth Atkins.

23 MR. REEVES: Paul Reeves.

24 MS. ZIMMALIS: And I'm Jennifer Zimmalis.

25 CHAIRMAN RANKIN: And those are difficult

1 names. I struggle with your first names, let alone. Thank  
2 you all for being here. Judge, thank you so much.

3 JUDGE MCFADDIN: Thank you. I thank all of  
4 you very much.

5 (Candidate excused.)

6 CHAIRMAN RANKIN: Raise your right hand, if  
7 you will.

8 WHEREUPON,

9 THE HONORABLE R. KIRK GRIFFIN, being duly  
10 sworn and cautioned to speak the truth, the whole truth and  
11 nothing but the truth.

12

13 CHAIRMAN RANKIN: Have a seat, sir. Good  
14 afternoon. Tell us your name.

15 JUDGE GRIFFIN: My name is Kirk Griffin.

16 CHAIRMAN RANKIN: And you are a Circuit  
17 Court judge. You are running for reelection.

18 JUDGE GRIFFIN: That's correct.

19 CHAIRMAN RANKIN: And you have a guest.

20 JUDGE GRIFFIN: I do. That is my wife,  
21 Suzanne.

22 CHAIRMAN RANKIN: Suzanne, stand up for us.  
23 Take off your mask and let's just see that smile. Thank  
24 you both for being here.

25 And, Judge, you've screened most recently,

1     how long ago?

2                     JUDGE GRIFFIN:  I believe I screened in  
3     2018.

4                     CHAIRMAN RANKIN:  Very good.

5                     JUDGE GRIFFIN:  I was elected in 2019, and  
6     back again because I assumed an expired term.

7                     CHAIRMAN RANKIN:  Right.  Well, very good.  
8     So just for the record, you have before you, your statement  
9     of -- excuse me -- your PDQ and your sworn statement; is  
10    that correct?

11                    JUDGE GRIFFIN:  Yes, sir.

12                    CHAIRMAN RANKIN:  Any changes that need to  
13    be made before they're made a part of the record?

14                    JUDGE GRIFFIN:  No changes.

15                    CHAIRMAN RANKIN:  No objection to those  
16    being included?

17                    JUDGE GRIFFIN:  No objection at all.

18                    (EXHIBIT NO. 28 - JUDICIAL MERIT SELECTION  
19    COMMISSION PERSONAL DATA QUESTIONNAIRE OF THE  
20    HONORABLE R. KIRK GRIFFIN)

21                    (EXHIBIT NO. 29 - JUDICIAL MERIT SELECTION  
22    COMMISSION SWORN STATEMENT OF THE HONORABLE R.  
23    KIRK GRIFFIN)

24                    CHAIRMAN RANKIN:  Very good.  This is very  
25    familiar to you and, perhaps, your wife, if you were with

1 us before. You're aware of our role in investigating your  
2 continued service and the evaluative criteria we look at,  
3 nine of them, including a ballot box survey, a study of  
4 your application materials, verification that you've  
5 followed the state ethics laws, and newspaper articles in  
6 which your name appears, previous screenings, and finally  
7 your -- a check of economic conflicts of interest, which we  
8 have found none.

9 No one has filed an affidavit in opposition  
10 to your candidacy, nor has anyone requested to be present  
11 to testify. The floor is yours if you'd like to make an  
12 opening comment or two before we turn it over for  
13 questioning by Donna.

14 JUDGE GRIFFIN: I just want to say I  
15 appreciate the opportunity to be back before this body  
16 again. It is certainly an honor to be a circuit judge in  
17 the State of South Carolina. And I look forward to  
18 continuing to serve the people in this state in that  
19 capacity.

20 CHAIRMAN RANKIN: Very well. All right.  
21 Ms. Barton.

22 MS. BARTON: Thank you, Mr. Chairman.  
23 EXAMINATION BY MS. BARTON:

24 Q. Judge Griffin, after serving a year on the court  
25 -- or right at a year on the Circuit Court bench, why would

1     **-- why do you want to continue serving as a circuit judge?**

2           A.     Well, the reason I want to continue is the same  
3     reason that I ran in the first place. I have been a public  
4     servant for the majority of my legal career, having served  
5     as a -- an assistant solicitor and then a deputy solicitor.

6           I have always enjoyed being in the courtroom.  
7     And I feel like my education and experience have prepared  
8     me well to serve as a circuit judge. So it's primarily to  
9     be a public servant, continue that part of my career, and  
10    just because I truly enjoy trial work.

11          **Q.     Thank you, Judge. Judge Griffin, what do you**  
12    **think your reputation is among attorneys that practice**  
13    **before you?**

14          A.     I think my reputation is that I am knowledgeable.  
15    I think my reputation is that I am patient, that I'm  
16    courteous, that I'm fair-minded, and that I will look at  
17    issues without bias or prejudice. Especially knowing that  
18    I have served primarily as a prosecutor in the past, I  
19    think that people that appear in front of me know that,  
20    that has no bearing on my decision-making as a judge.

21          So in sum, I would say that I'm knowledgeable,  
22    patient, courteous, fair. I think that's what -- how folks  
23    would describe me. Or at least I hope that's how they  
24    describe me.

25          **Q.     Thank you. Judge, the Commission received 419**

1 ballot box surveys regarding you, with 18 additional  
2 comments. That ballot box survey, for example, contained  
3 the following positive comments:

4 "Judge Griffin is an excellent jurist. He's very  
5 smart. He's a wonderful judge. Has a high level of  
6 integrity, fitness, and most qualified and an inexhaustible  
7 work ethic."

8 Of the written comments, only one expressed  
9 concern that "he may favor prosecutor's information and  
10 schedule above others." What response would you offer to  
11 this concern?

12 A. Well, I think based on the sheer numbers, that,  
13 that response is certainly an outlier. You know, as far as  
14 prosecuting -- prosecutor's scheduling things, that's a --  
15 at least up until this point, has been the way things have  
16 been done in criminal court in South Carolina.

17 I know the Chief Justice has ordered to clerk's  
18 office to become more involved in setting the schedule. I  
19 think, like I said, that, that's an outlier. I think when  
20 you gauge the positive responses versus the one negative, I  
21 would -- I would say that -- my math isn't really good, but  
22 I -- that's a very high percentage of positive versus  
23 negative.

24 So I can only attribute that to, potentially,  
25 someone who disagreed with one of that rulings that I made.

1 But I think if that were an issue, you would see that in  
2 more of the responses to the surveys.

3 Q. Thank you, Judge.

4 MS. BARTON: Mr. Chairman, I would note the  
5 Pee Dee Citizens Committee found Judge Griffin qualified in  
6 the evaluative criteria of constitutional qualifications,  
7 physical health and mental stability. The Committee found  
8 him well qualified in the evaluative criteria of ethical  
9 fitness, professional and academic ability, character,  
10 reputation, experience, and judicial temperament.

11 BY MS. BARTON:

12 Q. Judge, just a few more questions. Since  
13 submitting your letter of intent, have you contacted any  
14 members of the Commission about your candidacy?

15 A. I have not.

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

19 A. I am.

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

24 A. I have not.

25 Q. Have you asked any third parties to contact

1 members of the General Assembly on your behalf, or are you  
2 aware of anyone attempting to intervene in the process on  
3 your behalf?

4 A. I've not asked anyone to contact anyone on my  
5 behalf, nor am I aware of anyone who has attempted to  
6 intervene on my behalf.

7 Q. Have you reviewed and do you understand the  
8 Commission's guidelines on pledging in South Carolina Code  
9 2-19-70(E)?

10 A. I have reviewed them and I am familiar with it.

11 MS. BARTON: I would just note for the  
12 record, Mr. Chairman, that any concerns raised during the  
13 investigation regarding the candidate were incorporated  
14 into the questioning of the candidate today. I have no  
15 further questions.

16 CHAIRMAN RANKIN: Very good. All right.  
17 Questions by Commission members of Judge Griffin? Senator  
18 Talley.

19 SENATOR TALLEY: Judge, good afternoon.

20 JUDGE GRIFFIN: Good afternoon.

21 SENATOR TALLEY: I wanted to ask you a few  
22 questions about our time together at Wofford. And the  
23 question would be: Do you think there are more people  
24 surprised that you're sitting there or that I'm sitting  
25 here? You don't have to answer that.



1 JUDGE GRIFFIN: I'll defer to your wisdom,  
2 Senator.

3 SENATOR TALLEY: Well, I would just say,  
4 Judge, that the comments that were made are all highly  
5 positive, as Ms. Barton pointed out. You were the one  
6 throwing the curve when we were in college on our exams,  
7 and I see that your work ethic and intellect stays with you  
8 today. So job well done.

9 JUDGE GRIFFIN: Thank you, Senator.

10 CHAIRMAN RANKIN: Any others?

11 (Hearing none.)

12 CHAIRMAN RANKIN: All right. Judge Griffin,  
13 I want to compliment you on the fairly quick take that you  
14 have made within your service and the Bar, anonymous though  
15 they be, taking to you. It's not a surprise.

16 And I remember you from prior screenings and  
17 your kind of progression in your practice. You have been  
18 kind of a journeyman attorney, taking what you have to work  
19 with and doing well with it, and ever maintaining your  
20 student's curiosity that has equipped you well to become a  
21 judge now for -- how many months?

22 JUDGE GRIFFIN: Eleven and a half.

23 CHAIRMAN RANKIN: Eleven and a half months.  
24 So not quite an anniversary to celebrate, but those who  
25 were commenting about you are giving you the kudos that you

1 would hope to get. So I'm proud of you in that respect.

2 JUDGE GRIFFIN: Thank you very much.

3 CHAIRMAN RANKIN: And, likewise, the  
4 Citizens Committee couldn't have given you any higher  
5 marks. And so you're on your way to serving, you serve  
6 well, and I hope great things await you in your service in  
7 the tough cases that you will get.

8 The last question, and this in the realm of  
9 who do you want to be remembered as being like when you  
10 come back before this commission. What circuit, family,  
11 supreme, whatever judge would you like to be compared to in  
12 a favorable light?

13 JUDGE GRIFFIN: Oh, that's -- that's  
14 probably the easiest question that I've ever been asked as  
15 I've sat and stood before this body. My mentor and the  
16 person I try to model myself after, in many aspects of my  
17 life, is Thomas W. Cooper, Jr. from Manning. I served as  
18 his clerk for a year back in the years 2000 to 2001.

19 I think he is the epitome of what a judge  
20 should be. I think he's the epitome of what a man should  
21 be. And if I can come close to being -- if I can come  
22 anywhere close to being as good a judge as he has been, I  
23 think I will have exceeded my expectations.

24 CHAIRMAN RANKIN: Very well. All right.  
25 And for the record, that name continues to circulate

1 through these transcripts of that short period of time that  
2 I've been doing, Todd, as long as you've been doing, and  
3 Andy, that seems to be a name that's at that very top. So  
4 good pick.

5 All right. Judge, unless you've got  
6 anything else you'd like to say, we're going to close this  
7 record. Anything you'd like to --

8 JUDGE GRIFFIN: I just want to thank you all  
9 again for the opportunity to be here. And just reiterate  
10 how honored and blessed I feel the serve as a circuit judge  
11 in the State of South Carolina. I look forward to doing it  
12 for a long time to come.

13 CHAIRMAN RANKIN: Very well. We will close  
14 this portion of our screening process. You are reminded of  
15 our very serious adherence to both the letter and the  
16 spirit of the South Carolina ethics laws. And you are  
17 aware of any violation or appearance of any impropriety,  
18 that we as a commission take that very seriously, and would  
19 put great weight on that in the deliberations.

20 And you also are aware, having done this not  
21 that long ago, of the fact that this record will remain  
22 open until the formal release of the report of  
23 qualifications. I don't expect it, but you could be called  
24 back. You understand that, right?

25 JUDGE GRIFFIN: Understood.

1 CHAIRMAN RANKIN: Thank you and your wife  
2 for being here. And happy rest of the day and Happy  
3 Thanksgiving to you all.

4 JUDGE GRIFFIN: Thank you very much.

5 (Candidate excused.)

6 CHAIRMAN RANKIN: If you could raise your  
7 right hand.

8 WHEREUPON,

9 THE HONORABLE J. MARK HAYES II, being duly  
10 sworn and cautioned to speak the truth, the whole truth and  
11 nothing but the truth.

12 CHAIRMAN RANKIN: Welcome. Have a seat.

13 JUDGE HAYES: Thank you.

14 CHAIRMAN RANKIN: You've got some paperwork  
15 that Lindi's going to put in front of you. And make sure  
16 you're speaking into the mic.

17 JUDGE HAYES: Yes, sir.

18 CHAIRMAN RANKIN: Any changes that need to  
19 be made to those -- or PDQ or your sworn statement?

20 JUDGE HAYES: Not that I'm aware of. No,  
21 sir.

22 MR. CHAIRMAN: All right. No objections to  
23 those being made part -- made part of the record?

24 JUDGE HAYES: No objection.

25 (EXHIBIT NO. 30 - JUDICIAL MERIT SELECTION

1 COMMISSION PERSONAL DATA QUESTIONNAIRE OF THE  
2 HONORABLE J. MARK HAYES II)

3 (EXHIBIT NO. 31 - JUDICIAL MERIT SELECTION  
4 COMMISSION SWORN STATEMENT OF THE HONORABLE J.  
5 MARK HAYES II)

6 MR. CHAIRMAN: All right, sir. And as so  
7 many have, you, too, have been through this process. And I  
8 want to ask how long ago were you here?

9 JUDGE HAYES: It's hard to believe, but try  
10 about 17, 18 years ago.

11 MR. CHAIRMAN: Wow. Capital W-O-W --

12 JUDGE HAYES: Yeah.

13 MR. CHAIRMAN: -- for the record.

14 JUDGE HAYES: Yes, sir.

15 MR. CHAIRMAN: All right. So a refresher,  
16 you've done all the paperwork and you know what we're  
17 looking at. But for the record, in your particular  
18 screening, you are aware that we look at nine evaluative  
19 criteria, correct?

20 JUDGE HAYES: correct.

21 MR. CHAIRMAN: Which includes your ballot  
22 box survey, a thorough study of your application materials,  
23 verification of your compliance with state ethics laws, a  
24 search of newspaper articles in which your name appears,  
25 previous screenings, which again got a little dust on them,

1 and a check for economic conflicts of interest.

2 No affidavits have been filed in opposition  
3 to your candidacy. No witnesses have asked to be present  
4 to testify against you. You have the right to make a brief  
5 opening statement, if you'd like. Otherwise, Mr. Pearce  
6 will open with the questions. The floor is yours.

7 JUDGE HAYES: Thank you, Mr. Chairman. Just  
8 briefly, as you mentioned, it's been 17 years that I've  
9 been a Circuit Court judge. I will finish up with 18 years  
10 with this term. And I have considered the last 17 years to  
11 be the highest honor of my professional life.

12 And I want to thank this committee, the  
13 Commission, as well as the General Assembly, for the trust  
14 that they placed in me. And I've tried every day of my  
15 professional life to live up to that trust. Not been  
16 perfect every day, but at least I've tried.

17 And if given the opportunity to earn the  
18 trust of this commission as well as the General Assembly, I  
19 will pledge to devote myself to that same level of  
20 justifying and the worthiness of the trust. Thank you, Mr.  
21 Chairman.

22 CHAIRMAN RANKIN: Very good. All right, Mr.  
23 Pearce.

24 MR. PEARCE: Thank you, Mr. Chairman.

25 EXAMINATION BY MR. PEARCE:

1           Q.    Judge, how are you this afternoon?

2           A.    Doing well, Mr. Pearce.  Thank you.

3           Q.    After serving for 17 years on the circuit bench,  
4 can you share with the Commission why you want to continue  
5 to serve as a Circuit Court judge?

6           A.    Gladly.  I enjoy -- I say -- I use the word --  
7 enjoy the job more today than I ever have been in the past,  
8 but I -- but I think "enjoy" probably cheapens that way  
9 that I feel about this position.

10                   I have strived and grown into this position, but  
11 I've strived to not only do the best job that I can with  
12 any litigant, citizen, or attorney that comes in front of  
13 me, but I've also tried to raise to level of what I  
14 perceive or what I understand the -- a judge's job is,  
15 which is to also be an advocate for the rule of law.

16                   I have started a essay contest for high school  
17 students in Spartanburg, that has now -- for Spartanburg  
18 County, we've been doing it for, I think, 12 years.  And  
19 it's all 9th, 10th, 11th, and 12th grade students.

20                   The State Bar Association has not taken over that  
21 same program, and we now -- I direct or lead the State  
22 Essay Contest for the senior division of the Bar, and it's  
23 all to 9th, 10th, 11th, and 12th graders in the state.

24                   And this year I -- probably due to Covid, and  
25 teachers looking for alternative ways to educate their

1 children, we had the largest participation -- large -- if  
2 you measure it by schools across the state, we had the  
3 largest participation this year than we've ever had. So I  
4 think that's important.

5 So I try to do my day job with -- with this  
6 position, the best I can do, but I also try to raise it to  
7 another level as well. And I would like to continue those  
8 efforts.

9 **Q. What do you think your reputation is amongst the**  
10 **lawyers who practice before you, as well as the court**  
11 **personnel who work with you?**

12 A. What they say to my face is probably -- is  
13 probably great. I feel that my reputation is one of  
14 cooperation from the courthouse staff. I frequently get a  
15 knock on the door when that other judges have  
16 administrative matters, saying, "How can I approach this,  
17 Judge, or what can I do?"

18 And so I feel like that they trust me and they  
19 know that I have an open door policy when it comes to court  
20 management. Even if something's not assigned to me, I'm  
21 willing to help out.

22 I hope that from the lawyer's perspective, that  
23 my reputation has matured since I started this job.  
24 Because I need to help of lawyers. And I think I recognize  
25 that today more than ever, that I actually need lawyers to



1     come into court and to be prepared.

2             I need lawyers to educate me as to their  
3     positions, both factually and legally, because I want to  
4     make the best decision that I can make. And I can only  
5     make that decision if, in fact, lawyers feel confident that  
6     they're not going to anger me or they were not going to be  
7     -- or not going to make them feel bad for taking a  
8     particular position in a case, because I actually need  
9     their help.

10            And I think justice -- the ultimate goal of  
11     justice is better served if you have lawyers that have that  
12     ease with the judge when they come in front of him.

13            **Q.     The Commission received 952 ballot box surveys**  
14     **regarding you, with 73 additional comments being shared.**  
15     **The ballot box survey, for example, contained a large**  
16     **number of positive comments including:**

17                    **"Great man. A great judge. Scholarly. An**  
18     **excellent judge. Worth of reelection."**

19                    **Amongst that additional comments were some areas**  
20     **of concern. Eight comments in total expressed concern**  
21     **about you. The first concern expressed was just what you**  
22     **referred to, your temper in the courtroom and your**  
23     **temperament towards litigants, some describing a time in**  
24     **court when you displayed anger.**

25                    **What would you share the with Commission in**

1 **response to that concern?**

2 A. My response is I'm disappointed in myself if a  
3 lawyer has perceived that anger would be something that  
4 they would see from me from that bench. I might be stern.  
5 I might be quick in making responses. But I -- I'm  
6 disappointed in myself if a lawyer felt that I was angry.

7 An old law -- one of my first law partners taught  
8 me a -- an adage that I try to incorporate into my life:  
9 Whom the gods destroy, they first make angry. And so I  
10 don't believe that needs to be present on the bench from a  
11 judge.

12 So I'm disappointed in myself, and I'm glad that  
13 -- I'm glad that this process that we go through, with  
14 selecting judges affords the community, the lawyer  
15 community, the citizens community, the opportunity to  
16 express those comments.

17 Because we don't hear them -- at least I don't  
18 have the ability to hear them, sitting on the bench. So if  
19 there is something that has been revealed, like your  
20 comments through this process, I think is a good thing.  
21 And I think it's something that I'm now going to be more  
22 conscious of.

23 **Q. One other area of concern was your impartiality**  
24 **with parties or matters before that court. One commenter**  
25 **particularly mentioned whether the identify of the**

1 attorneys appearing before you influenced your decision.

2 And another specifically expressed a concern about a  
3 perceived judicial bias towards plaintiffs in civil suits.

4 What response would have to share with the  
5 Commission about those concerns?

6 A. Again, I am -- I will be more conscious of it. I  
7 will take better -- I'll have my antennas up better to  
8 watch it. But I cannot change -- by the same token someone  
9 might perceive that I favor one party over another, and I  
10 would challenge them -- I would -- on their conclusion.

11 But like the -- but by like token, if I cannot  
12 change my view of something, and simply just do not favor  
13 one side when that side has the better part of law and  
14 facts to them, I'm going to have to make the decisions that  
15 I have to make as I call them.

16 But again, I am glad that this process revealed  
17 those things. And I'll take them under -- I'll take them  
18 to heart.

19 Q. Judge, thank you.

20 MR. PEARCE: I would note the that Upstate  
21 Citizens Committee found Judge Hayes to be qualified in the  
22 evaluative criteria of constitutional qualifications,  
23 physical health and mental stability. The Committee found  
24 him well qualified in the evaluative criteria of ethical  
25 fitness, professional and academic ability, character,

1 reputation, experience, and judicial temperament.

2 BY MR. PEARCE:

3 Q. Just a few housekeeping matters, Judge Hayes.

4 Since submitting your letter of intent, have you contacted  
5 any members of the General Assembly about your candidacy?

6 A. I have not.

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

10 A. Yes.

11 Q. Since submitting your letter of intent, have you  
12 sought or received the pledge of any legislator, either  
13 prior to this date or pending the outcome of your  
14 screening?

15 A. I have not.

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

20 A. I have not, and I'm not aware of.

21 Q. Have you reviewed and do you understand the  
22 Commission's guidelines on pledging in South Carolina Code  
23 Section 2-19-70(E)?

24 A. I do.

25 MR. PEARCE: I would note for the record

1 that any concerns raised during the investigation regarding  
2 this candidate were incorporated into the questioning of  
3 the candidate today.

4 Mr. Chairman, I have no further questions.

5 REPRESENTATIVE RUTHERFORD: Does any member  
6 of the Commission have any questions? Any comments? Hope.

7 MS. BLACKLEY-LOGAN: I have a comment. It's  
8 good seeing you, Judge Hayes.

9 JUDGE HAYES: Good to be seen.

10 MS. BLACKLEY-LOGAN: I would let this  
11 commission know that I consider you a friend as well as a  
12 colleague, and have had the pleasure of working with you  
13 very closely, and have watched you. And I think your  
14 positive reputation precedes you.

15 JUDGE HAYES: Well, thank you.

16 MS. BLACKLEY-LOGAN: As far as temperament,  
17 I'm not sure where that comment came from. I have spent  
18 probably 80 percent of my time with you in court, and when  
19 you had to be firm and correct someone, that's what that  
20 was. It wasn't a nasty attitude or robitis. I've seen  
21 that, but I've not seen that in you.

22 So I do want to commend you on continuing  
23 the essay contest with the youth of Spartanburg. I've had  
24 to pleasure of reading some of those essays, which are more  
25 like dissertations versus essays. I don't know how you

1 continue to do all that you do and do that. And I also  
2 want to say thank you, publicly.

3 I have an Institute for Youth Justice, that  
4 I work with 11th and 12th graders in Spartanburg County, to  
5 learn about the justice system, all privately funded. And  
6 we do a skit with opening this institute, and Judge Hayes  
7 has been the judge in that opening court session for these  
8 11th and 12th graders, which they have thoroughly enjoyed.  
9 And they're taken by surprise, because they don't know,  
10 they think we're getting ready to have court.

11 So thank you for what you do for the youth  
12 of the Upstate and throughout the state. I really  
13 appreciate that. And I couldn't think of a better  
14 qualified candidate.

15 JUDGE HAYES: Thank you for your kind words,  
16 Hope. Thank you.

17 REPRESENTATIVE RUTHERFORD: Senator Talley.

18 SENATOR TALLEY: Thank you, Mr. Chairman.  
19 And I want to -- I want to say, Judge, thank you for your  
20 service. I've had a chance to score some of those essays  
21 in the past when you've done that competition. It's  
22 something that I think not only the community -- as you  
23 mentioned the state, but I know our local Bar looks forward  
24 to that. And that's a great thing that you do outside of  
25 what you refer to as your day job.

1 I, too, would just say for the commission's  
2 standpoint, beyond my jury trials or non-jury hearings or  
3 pleas that you have handled over the years, I've sat in  
4 your courtroom, waiting on my chance, not through your  
5 fault, but back pre-Covid days when we were able to  
6 actually show up in person, and never once have I observed  
7 you get angry on the bench. If anything, I've seen you try  
8 to ask the right questions, to try to understand the  
9 position that sides were taking, take matters under  
10 advisement, but also be very timely in your rulings.

11 So I appreciate your willingness to continue  
12 service, and I hope it lasts a long time.

13 JUDGE HAYES: Thank you, Senator. I  
14 appreciate that.

15 SENATOR SABB: Mr. Safran.

16 MR. SAFRAN: Good afternoon, Judge Hayes.

17 JUDGE HAYES: Good afternoon, Mr. Safran.

18 MR. SAFRAN: I have known Judge Hayes for  
19 over 30 years, and I can honestly say that he is as good as  
20 they come. I have shared some mentors with him, and,  
21 frankly, I know he's done a better job of adhering to their  
22 advice than I have.

23 But truly, I've appeared in front of him,  
24 although it's been some time, and I have never heard from  
25 anyone that he has treated anybody with less than respect

1 and patience and dignity in the courtroom. And so anything  
2 I hear or read here is certainly inconsistent with my own  
3 personal experience and everything that I've heard people I  
4 trust.

5 So, again, we're happy you're offering  
6 again. I guess we're both sitting here, now, with facial  
7 hair and wondering about whether or not we'd still have  
8 that if one of our folks was still around.

9 JUDGE HAYES: It's a Covid thing.

10 MR. SAFRAN: Yeah, it's a Covid thing. But  
11 thank you again. And just we want to make sure that you  
12 know that we appreciate all you do.

13 JUDGE HAYES: Thank you for those words, Mr.  
14 Safran.

15 REPRESENTATIVE RUTHERFORD: Any further  
16 questions? Any further comments?

17 CHAIRMAN RANKIN: Judge Hayes, I just want  
18 to commend you for, again, the willingness to keep at it.  
19 And the energy and enthusiasm that you bring to it, that is  
20 obvious to those who are observing and taking the time to  
21 comment about you.

22 And what they might not know, and that's  
23 what we're talking about here today, in terms of your  
24 giving and teaching and grading. And so thank you for  
25 being involved in all respects of this service. It's not



1 just a job for you, it appears to be a passion. And it  
2 shows. Thank you.

3 JUDGE HAYES: Thank you, Senator. I  
4 appreciate that.

5 CHAIRMAN RANKIN: All right. With nothing  
6 else, we will close the record. And this completes this  
7 portion of the screening record itself. You are aware of -  
8 - and at that outset, it couldn't have been that you have  
9 not been before this commission in 17 years. That's when  
10 you were first elected.

11 JUDGE HAYES: Yeah. Right.

12 CHAIRMAN RANKIN: Your last screening might  
13 seem like 17 years ago, but you are familiar with how we do  
14 this, and particularly at this point, my needing to remind  
15 you of our expectation that you abide by both the letter  
16 and the spirit of the ethics laws. Any violation of that -  
17 - them or any appearance of impropriety will be given very  
18 serious consideration and worthy of heavy weight and  
19 deliberations. You're aware of that, correct?

20 JUDGE HAYES: Yes, sir.

21 MR. CHAIRMAN: We don't expect that to be  
22 the case. But as you know, this record will remain open  
23 until the formal release and final release of the report of  
24 qualifications. You could be called back if the need were  
25 to arise. Again, we don't expect that.

1                   So with that, unless you have anything else  
2 to say. And I'll give you the opportunity, but you don't  
3 have to.

4                   JUDGE HAYES: I do not. Thank you.

5                   MR. CHAIRMAN: Very good. We will close the  
6 record. Again, thank you. And I appreciate you being here  
7 so quickly today.

8                   JUDGE HAYES: Thank you.

9                   (Candidate excused.)

10                  MR. CHAIRMAN: Raise your right hand, if you  
11 will.

12                  WHEREUPON,

13                  THE HONORABLE WILLIAM HENRY SEALS, JR.,  
14 being duly sworn and cautioned to speak the truth, the  
15 whole truth and nothing but the truth.

16                  MR. CHAIRMAN: Have a seat. She's got it.  
17 Welcome back, sir.

18                  JUDGE SEALS: Thank you.

19                  MR. CHAIRMAN: We are about to start.  
20 You've got your PDQ before you, and your sworn statement.  
21 Any changes need to be made before those are put in the  
22 record?

23                  JUDGE SEALS: No, not at all.

24                  MR. CHAIRMAN: Okay. And so if you'll hand  
25 those in to Lindi, if she's not already got them. We'll

1 make them a part of the record.

2 (EXHIBIT NO. 32 - JUDICIAL MERIT SELECTION  
3 COMMISSION PERSONAL DATA QUESTIONNAIRE OF THE  
4 HONORABLE WILLIAM HENRY SEALS, JR.)

5 (EXHIBIT NO. 33 - JUDICIAL MERIT SELECTION  
6 COMMISSION SWORN STATEMENT OF THE HONORABLE  
7 WILLIAM HENRY SEALS, JR.)

8 CHAIRMAN RANKIN: Judge, the last time you  
9 screened for -- through that JMSC was when?

10 JUDGE SEALS: 2009.

11 MR. CHAIRMAN: Well, that might be the  
12 longest time of anybody.

13 JUDGE SEALS: It was the last time I came  
14 here. I screened after that one time.

15 MR. CHAIRMAN: So, Judge, in 2009 and the  
16 time thereafter, you're very aware of our process in the  
17 efforts --

18 JUDGE SEALS: That's right.

19 MR. CHAIRMAN: -- to screen your candidacy.  
20 We have nine evaluative criteria, which includes the ballot  
21 box survey, a thorough study of your application materials,  
22 a verification of your compliance the state ethics laws, a  
23 search of newspaper articles in which your name appears, a  
24 study of previous screenings, and a check for economic  
25 conflicts of interest. And you're aware of all of that,

1 correct?

2 JUDGE SEALS: Yes.

3 MR. CHAIRMAN: You know that we have no one  
4 who has filed an affidavit in opposition to your election,  
5 and no witnesses have requested to be present to testify  
6 against you.

7 You have the opportunity to make a brief  
8 opening statement, if you like. Otherwise, we will have  
9 Emma take it away with questions for you. Welcome, Judge  
10 Seals.

11 JUDGE SEALS: Thank you. It's just nice to  
12 be here. I didn't prepare any opening statement.

13 MR. CHAIRMAN: That is that best one we've  
14 heard yet.

15 MS. DEAN: Thank you, Mr. Chairman.

16 EXAMINATION BY MS. DEAN:

17 Q. Thank you, Judge. And thank you so much for your  
18 help with the schedule today too.

19 A. Thank you.

20 Q. And I just wanted to first ask, Judge Seals,  
21 after serving 11 years on the Circuit Court, why do you now  
22 want to continue serving as a Circuit Court judge?

23 A. You know, I knew that question was coming. And I  
24 thought I'd come up with some great constitutional answers,  
25 but I don't have any. I like my job. And I like the

1 lawyers and the people. And I hope it shows in my demeanor  
2 and in my productivity.

3 Q. Thank you, Judge.

4 A. Thank you.

5 Q. What do you think your reputation is among  
6 attorneys and the staff -- the court staff?

7 A. I would hope good. I would think good.

8 Q. We were asking you about your reputation. And  
9 could you say your response again?

10 A. I would think it was good -- would be good.

11 Q. Okay. Great. The Commission received 447 ballot  
12 box surveys regarding you, with 71 additional comments.  
13 The ballot box survey included the following positive  
14 comments, along as others. But just to quote these:

15 "Judge Seals in my opinion sets the gold standard  
16 for judicial temperament and judgment in the state. He  
17 illustrates how a judge should behave and treat people,  
18 both on and off the bench. We are lucky to have him."

19 Secondly, "Judge Seals is an excellent judge.  
20 Even when you lose, you know that he has -- he has  
21 carefully reviewed and studied the issues. His character  
22 is beyond reproach."

23 Four of the written comments expressed concerns.  
24 However, several of the concerns indicate that you do not  
25 read the briefs or the law, or lack the experience to take

1 on complicated cases.

2 What response would you have for this -- those  
3 concerns?

4 A. You know, I've read a lot of briefs and I've read  
5 a lot of law. I think I have the experience to take on  
6 complicated cases.

7 Q. Great. Thank you, Judge. Another comment  
8 indicated that you show favoritism for civil defendant  
9 attorneys. How would you address that?

10 A. That's not true. I call it based on the law and  
11 the facts.

12 Q. Thank you, Judge.

13 A. Many of the lawyers in this room know that.

14 Q. Great. And one final comment was concerned that  
15 you left the courtroom prior to a case being over. Any  
16 response to that?

17 A. That was a PCR done in Beaufort, it was a very  
18 cantankerous lawyer. We didn't finish it in day one, so it  
19 had to go into day two. I called him up front. Since I  
20 had to be back, anyway, the Attorney General had to be  
21 back, I said, "You pick the time and we'll come back and  
22 suit your schedule."

23 And he chose 9:15 in the morning to get it done  
24 before his clients came in. And I showed up, his clients  
25 showed up, everybody showed up. He didn't show up. So we

1 sat there and waited a while, and then we just decided to  
2 go ahead and move ahead with the other PCRs.

3 It was the last day of the week, and we completed  
4 the full day, and he still hadn't showed up. So we called  
5 him up, nicely, and asked him to come down and finish his  
6 case. And he came and he was sort of agitated, like he was  
7 the first day.

8 And I tried to calm him down, and I did calm him  
9 down, and we finished the day and then we finished the  
10 case. And I had ruled and everything was over, and he just  
11 started trying to barb, kind of get my goat -- I guess he's  
12 known for that, from what I understand. So I just didn't  
13 enter into it with him. I was done, so I just left.

14 **Q. Thank you, Judge.**

15 MS. DEAN: I just move to the Citizens  
16 Committee now. Mr. Chairman, I would note that the Pee Dee  
17 Citizens Committee found Judge Seals qualified in the  
18 evaluative criteria of constitutional qualifications,  
19 physical health and mental stability. The Committee found  
20 him well qualified in the criteria of ethical fitness,  
21 professional and academic ability, character, reputation,  
22 experience, and judicial temperament.

23 The Committee stated in summary, "Judge  
24 Seals is without a doubt one of the most liked and  
25 respected judges that we interviewed. The feedback from

1 the community was glowing. And one person finished his  
2 comments with, 'Five stars. Give him whatever he asks  
3 for.' "

4 BY MS. DEAN:

5 Q. Now just for some housekeeping issues. Judge  
6 Seals, since submitting your letter of intent, have you  
7 contacted any members of the Commission about your  
8 candidacy?

9 A. No.

10 Q. Are you familiar with Section 2-19-70, including  
11 the limitations on contacting members of the General  
12 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, either  
16 prior to this date or pending the outcome of your  
17 screening?

18 A. No.

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

23 A. No.

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



1     **Section 2-19-70(E)?**

2             A.     Yes.

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

8                     MR. CHAIRMAN: All right. Thank you. Any  
9     questions of the Commission members? Mr. Rutherford.

10                    REPRESENTATIVE RUTHERFORD: Judge Seals,  
11     have you all built that law library yet in Florence?

12                    JUDGE SEALS: I knew that was coming. We  
13     are in the process of building that.

14                    REPRESENTATIVE RUTHERFORD: I bet you are.  
15     So for the Commission's clarification, I was in Florence  
16     one time, and I plead a young man to a marijuana charge.  
17     And the clerk proceeded to write down under the fees, she  
18     created her own line, and she told my client that he had to  
19     pay for this.

20                    And I said, "Well, we're not paying that,  
21     because fees in this state are statewide and they're all  
22     across that state. So we're not paying that."

23                    And I knew I was in court and I was  
24     whispering, and she said, "Yes, you are."

25                    And I said, "No, we're not."

1 And she said, "Yes, you are."

2 And the judge said, "Todd."

3 And I'm like, "It's not me. She's yelling  
4 at me." So me and the judge and Ed Clemmons are in the  
5 back, hiding while we're trying to figure out where this  
6 fee came from. Because fees are stateside, they're  
7 uniform. Well, not in Florence County.

8 Because in 1998, somebody in Florence --  
9 some senator, I won't say his name, added on a fee for the  
10 Florence County law library, which they collected about  
11 \$300,000 a year. Well, it doesn't exist. They're getting  
12 about \$300,000 a year that county council spends down. And  
13 it took us about an hour to figure this out.

14 But the clerk refused to come back to work  
15 until I came back out and apologized. And the judge was  
16 like, "Todd, please go and apologize. Please."

17 So I finally had to go back out and  
18 apologize so that they could continue to have court. And  
19 I've never forgotten about that. But you were a statesman  
20 that day, and I appreciate it. And I'm disappointed to  
21 know that there's still no Florence County law library.  
22 But I guess I'll get over it.

23 JUDGE SEALS: If you need to look something  
24 up, you call me and I'll help you out.

25 REPRESENTATIVE RUTHERFORD: That's right.

1 Thank you, Judge. Tell that clerk I said "hello."

2 MR. CHAIRMAN: All right. Anybody else?  
3 Senator Sabb.

4 SENATOR SABB: Thank you, Mr. Chairman. I  
5 just have a comment. I heard the -- I guess it was part of  
6 the ballot box comments relating to Judge Seals and showing  
7 partiality towards the defense. And I can just say, based  
8 on my experiences, that nothing could be farther from the  
9 truth. He has been fair and impartial in every case that  
10 I've tried in front of him, and the cases that I've  
11 witnessed other lawyers try in front of him. So I've  
12 enjoyed appearing before him.

13 I think Todd's absolutely right in terms of  
14 the demeanor that he brings to the courtroom. And in my  
15 opinion, it's the gold standard. And I could not be more  
16 prouder to watch a jurist like him perform as our Circuit  
17 Court judges and how we expect for them to perform. So I  
18 just wanted to add that in, Mr. Chairman.

19 JUDGE SEALS: Well, I appreciate that.

20 MR. CHAIRMAN: Thank you. Judge, your  
21 father and my father --

22 JUDGE SEALS: That's right.

23 MR. CHAIRMAN: -- were roommates in -- or at  
24 law school at the same time.

25 JUDGE SEALS: They were. That's right.

1                   MR. CHAIRMAN: I don't know whether my  
2 father would have been older or --

3                   JUDGE SEALS: I don't know. I think you --  
4 we're about the same age, I think.

5                   MR. CHAIRMAN: Thirty-eight?

6                   JUDGE SEALS: Yeah.

7                   MR. CHAIRMAN: Very good

8                   JUDGE SEALS: Thirty-seven.

9                   MR. CHAIRMAN: Well, and, obviously, I don't  
10 think I've had the chance to screen you before. Obviously  
11 not, if you were last here in 2009. I think you didn't get  
12 on here until four years ago. So but my father's voice  
13 rings true on so many things, but I will forever remember  
14 hearing him hold your father in very high regard.

15                   And so it's a pleasure to meet you, with me  
16 getting to put you under oath and ask you questions instead  
17 of the other way around, or at least my clients. And so I  
18 can attest as well to what others have said you -- in  
19 particularly Horry, you have taken some very difficult  
20 cases. You've not run from them, and you have handled them  
21 perfect. And so I got to believe your father would be  
22 extremely proud of you --

23                   JUDGE SEALS: I appreciate it.

24                   MR. CHAIRMAN: -- in your role serving the  
25 people of South Carolina, and doing it with a robe on. So

1 thank you for your willingness to continue serving and of  
2 your being here today.

3 JUDGE SEALS: Thank you.

4 MR. CHAIRMAN: All right. Unless there are  
5 any other comments, this will close this portion of that  
6 screening process. And I will remind you of what you are  
7 well familiar with, and that being this commission's very  
8 strict adherence to both the letter and spirit of the  
9 ethics laws. And any violations or appearances of  
10 impropriety in the regard, it will be deserving of heavy  
11 weight and screening deliberations, should we have to take  
12 that up. I do not expect that to be the case with you.

13 But in that vein, this record will remain  
14 open until the formal release of the report of  
15 qualifications. Should we need to, we would call you back.  
16 Again, I don't expect that to be the case. So, Judge,  
17 thank you.

18 JUDGE SEALS: Thank you.

19 MR. CHAIRMAN: And God bless you. See you  
20 down the road and see you in Horry.

21 JUDGE SEALS: Sounds good. Thank you. It's  
22 good to see you. Have a good day.

23 (Candidate excused.)

24 CHAIRMAN RANKIN: A motion by Representative  
25 Murphy to go into executive session, seconded by Lucy Grey

1 McIver. We will go into executive session now.

2 (Off the record from 4:02 p.m. to 4:08 p.m.)

3 MR. CHAIRMAN: All right. We're back on the  
4 record. And while in executive session, I'd like to state  
5 that no decisions have been made and no votes were taken  
6 during executive session. And now we will go to Erin and  
7 today's candidates.

8 MS. CRAWFORD: Yes, sir. For the Court of  
9 Appeals, we had Chief James Lockemy, Chief Judge for the  
10 Court of Appeals. And then for reelection and also for  
11 Seat 6, Judge Aphrodite Konduros.

12 MR. CHAIRMAN: I move they be found  
13 qualified and nominated.

14 REPRESENTATIVE RUTHERFORD: Second.

15 MR. CHAIRMAN: All those in favor say "aye."

16 (At this time the members audibly say "aye.")

17 MR. CHAIRMAN: No opposition?

18 (Hearing none.)

19 MR. CHAIRMAN: All right.

20 MS. CRAWFORD: And for the Court of Appeals,  
21 Seat 8, there were three candidates: The Honorable DeAndrea  
22 Gist Benjamin, The Honorable Deborah Brooks Durden, and The  
23 Honorable Jerry Deese Vinson, Jr.

24 MR. CHAIRMAN: And we nominate of the three  
25 -- and there are only three?

1 MS. CRAWFORD: Correct.

2 MR. CHAIRMAN: I move that we find the  
3 candidates qualified -- well, let me ask is there a motion  
4 for finding the candidates qualified and nominated?

5 REPRESENTATIVE RUTHERFORD: So move.

6 MR. CHAIRMAN: All hands in support. All in  
7 favor of that say "aye."

8 (At this time the members audibly say "aye.")

9 MR. CHAIRMAN: No opposition?

10 (Hearing none.)

11 MR. CHAIRMAN: Okay. Nominated and  
12 qualified.

13 MS. CRAWFORD: Mr. Chairman, for the Circuit  
14 Court 4th Circuit, Seat 2, we had one candidate. The  
15 Honestly Michael S. Holt.

16 MR. CHAIRMAN: Is there a motion?

17 REPRESENTATIVE MURPHY: Move to find him  
18 qualified and nominated.

19 CHAIRMAN RANKIN: Seconded by Representative  
20 Rutherford. All in favor say "aye."

21 (At this time the members audibly say "aye.")

22 MR. CHAIRMAN: None in opposition?

23 (Hearing none.)

24 CHAIRMAN RANKIN: Okay. He's found  
25 nominated and qualified.

1 MS. CRAWFORD: Mr. Chairman, for the  
2 reelection Circuit Court, we have Roger M. Young, Sr.,  
3 reelection Seat -- 9th Circuit, Seat 3; The Honorable  
4 Carmen Tevis Mullen, reelection Circuit Court, 14th  
5 Circuit, Seat 2; The Honorable Georgia McFaddin, Circuit  
6 Court At Large, Seat 1; The Honorable Kirk Griffin of the  
7 election Circuit Court At Large, Seat 2; and The Honorable  
8 Clifton Newman, reelection Circuit Court At Large, Seat 3;  
9 The Honorable J. Mark Hayes, II, reelection Circuit Court  
10 At Large, Seat 5; The Honorable William Henry Seals, Jr.,  
11 reelection Circuit Court At Large, Seat -- what seat is  
12 that? What seat is Judge Hayes -- I mean, Judge Seals?

13 MR. CHAIRMAN: At Large.

14 MS. CRAWFORD: Seat 6. I'm sorry. The  
15 Honorable Jocelyn Newman, reelection Circuit Court At  
16 Large, Seat 10. Those are all the elections unopposed.

17 MR. CHAIRMAN: All right. A motion by  
18 Senator Sabb, and seconded by Todd Rutherford. All in  
19 favor finding them both qualified and nominated say "aye."

20 (At this time the members audibly say "aye.")

21 MR. CHAIRMAN: Any opposition?

22 (Hearing none.)

23 REPRESENTATIVE RUTHERFORD: And, Senator  
24 Rankin, for the -- for the record, I am also voting the  
25 proxy of Murrell Smith on the above votes.



1 MR. CHAIRMAN: Very well. All right.

2 MS. CRAWFORD: No further business for me,  
3 Mr. Chairman.

4 MR. CHAIRMAN: If there's no other business,  
5 than you all, folks. We'll see you tomorrow morning.

6 (OFF THE RECORD AT 4:12 P.M.)

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1 CERTIFICATE OF REPORTER  
2

3 I, PATRICIA G. BACHAND, COURT REPORTER AND NOTARY  
4 PUBLIC IN AND FOR THE STATE OF SOUTH CAROLINA AT LARGE, DO  
5 HEREBY CERTIFY THAT THE FOREGOING TRANSCRIPT CONSISTING OF  
6 220 PAGES IS A TRUE, ACCURATE, AND COMPLETE RECORD TO THE  
7 BEST OF MY SKILL AND ABILITY.

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 22ND DAY OF NOVEMBER 2020.  
14  
15  
16  
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21 PATRICIA G. BACHAND, COURT REPORTER  
22 MY COMMISSION EXPIRES MARCH 8, 2027  
23  
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