



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

Circuit Court
(New Candidate)

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1. Why do you want to serve as a Circuit Court judge?

I want to be a Circuit Court judge because I have dedicated my career to giving back to our legal community and bettering it through the education and training of our future lawyers. As a judge, I believe that I can both continue and expand that mission of serving our legal community, our civic community, and the citizens that seek the safe harbor of our courts.

I have known since I was young that I wanted to be a judge, given the opportunity. Growing up in Texas, judges are elected in public elections like any other political office. I never viewed that as a proper method of selecting a judiciary. In South Carolina, we select our judges based on qualification and merit through an exhaustive process with the goal of selecting the best person for the job. The goal, I believe, is to find those who truly want to serve the public as judges, who want to better our legal and civic communities, and who don't have aspirations beyond serving. I meet those criteria.

I also bring a wealth of experience and vision to the bench, given my career and service to the Bar to date. I exhaustively prepare for every court appearance—from the most minor settlement hearing to the most complex trial. I expect to bring that level of preparation to the bench for everything from simple hearings to complex litigation and criminal matters. I will be prepared to fully understand the issues and legal matters and rule in accordance with our laws.

At the end of the day, I believe our courts exist to provide a forum where parties can have their legal disputes or criminal allegations decided in a fair, just, and equitable manner. Parties will find all three of those principles in my courtroom.

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

Yes. I plan to serve from election until retirement. I also do not plan to seek any

higher court (e.g. Court of Appeals or Supreme Court) as I believe I can and will best serve at the trial court level.

3. Do you have any plans to return to private practice one day?

No.

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

Yes.

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

Ex parte communications are to be avoided and are not permitted except where allowed by our laws (for example, in the issuance of an emergency temporary restraining order without notice pursuant to Rule 65, SCRCP). Further, as a judge I would follow and be bound by the Code of Judicial Conduct Canon 3B. Canon 3B(7) does not permit *ex parte* communications. However, Canon 3B(7) goes further by prohibiting a judge from initiating, permitting, or considering any *ex parte* communications or any other communications made outside the presence of the parties concerning impending litigation.

Canon 3B(7) does contemplate limited circumstances where *ex parte* communication is permitted (for example, scheduling or with consent of the parties). Even in scenarios where I initiate *ex parte* communication consistent with Canon 3B(7)(a)-(e), I would notify all other parties of the communication either before it occurs or as soon as it occurs.

To the extent needed, I would also rely on Rule 501 SCACR (Code of Judicial Conduct) and the commentary to Canon 3B(7). In general, if an *ex parte* communication issue arose, I would strictly construe the rules and follow the applicable Canon, rule, or law. I believe a judge should err on the extreme side of caution when it comes to any *ex parte* issue or anything that could result in the appearance of impropriety.

6. If you disclosed something that had the appearance of bias, but you believed it would not actually prejudice your impartiality, what deference would you give a party that requested your recusal? Would you grant such a motion?

Any matter that requires a disclosure automatically may come with an appearance of bias. As noted in my PDQ responses, I have three areas where I plan to recuse

myself without any request by any party. However, for any other matter where I am not automatically recused, whether I believe it would actually prejudice my impartiality is irrelevant. If a party asks that I recuse myself following a disclosure, I will recuse myself consistent with Canon 3B, 3E, and 3F.

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

Consistent with Canon 3E(1)(c) and (d), I would disclose any such matter to the proper party and to the parties involved in a case. Canon 3E requires that a judge “shall” disqualify himself in a proceeding where the judge’s impartiality might be questioned, including but not limited to instances where the judge’s spouse has an economic interest or more than a de minimis interest in the proceeding. Further, a judge “shall” disqualify himself if a spouse is a party to the proceeding, is acting as a lawyer in the proceeding, is known to have a more than a de minimis interest in the proceeding, or is likely to be a material witness in the proceeding. “Shall” is not optional and exist in our rules and laws for specific purposes. Where a rule, law, statute, or Canon requires something “shall” be done, I am bound by the drafters’ language. Accordingly, any matter which involves the appearance of impropriety because of financial or social involvement of my spouse or close relative means that I shall and will recuse myself from such proceeding.

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

I will not accept any gifts from lawyers who may appear in front of me as a judge. I do, from time to time, receive a token gift from students I teach (for example, a small plaque, a book, or a coffee mug). To the extent these tokens are consistent with Canon 4D(5), I would accept those but will disclose to all parties the prior professor-student relationship should that person ever appear in front of me (as noted in my PDQ, this is one of the possible conflicts I will always alert parties to).

In the event I am asked to speak at a conference, I would accept an offer of at-cost lodging or travel but otherwise pay my own way. At all times, I would make sure to follow the letter and the intent behind Canon 4D. If at any point I believe an offer or gift is not consistent with Canon 4D, I would reject such an offer.

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

In the event I become aware of misconduct or appearance of infirmity of a lawyer or a fellow judge, I am compelled to immediately raise the issue of misconduct or infirmity with that specific lawyer or judge. If it is a matter that I am required to report as judge, lawyer, or member of the Bar, I would give the lawyer or judge the opportunity to self-report the misconduct prior to making my own report. Should the

lawyer or judge not self-report, I would make a report to the Commission on Lawyer Conduct/Office of Disciplinary Counsel or the Commission of Judicial Conduct in accordance with their respective reporting standards. Rule 8.3, RPC and Rule 407, SCACR govern both instances of a lawyer or judge misconduct and the requirements for reporting and I would follow such rules.

10. Are you a member of any organization or association that, by policy or practice, prohibits or limits its membership on the basis of race, sex, religion, or national origin? If so, please identify the entity and explain if this organization practices invidious discrimination on any basis.

No.

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

No.

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

No.

13. If elected, how would you handle the drafting of orders?

I believe that proposed orders from the parties play an important role in helping to hone and frame the issues before the court. In a case that could not be resolved on a Form 4 Order, I will request proposed orders within a reasonable period of time (preferably, they will have been submitted prior to the hearing). I will use those proposed orders as well as established legal precedent to craft an order that reflects my finding in the case. In many cases, I will likely allow my law clerk to draft the aggregate proposed order as I believe in giving judicial law clerks the full judicial experience. I will then personally edit, revise, and file my order in the case reflecting the decision made.

14. If elected, what methods would you use to ensure that you and your staff meet deadlines?

I will set deadlines with lawyers that are attainable but also reasonably permit me to timely rule on matters. Either I or my law clerk will follow up if materials have not been timely submitted. The key to timely meeting deadlines is having the necessary materials to do so. Once those materials have been provided by the parties, a deadline will be set and adhered to so as to avoid a large MUA list with court administration. I believe it is best practice to set ambitious deadlines so as to allow for time to get matters in rather than run up on deadlines that can delay cases and

justice for the parties.

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

I most closely associate the idea of “judicial activism” with the more common phrasing “making law.” Judges do not “make law.” When it comes to issuing rulings, a judge has one job—to interpret and enforce the laws as written by the Legislature and General Assembly. Further, a judge is to give deference to superior court rulings (Court of Appeals and Supreme Court). I also believe in the “law of the case” doctrine and stare decisis—the idea that the judge(s) who came before me on a case have made rulings and those rulings are binding absent an appeal or a change in law.

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

I have dedicated a large portion of my legal career to the betterment of the legal profession in the form of teaching, training, and mentoring law students and young lawyers. I believe it is important for all lawyers to engage in activities which better the profession. However, I believe it is incumbent on all judges to do the same. A judge is in a unique position to share wisdom, experience, and confidence in the judiciary and our system of justice. I want to leave our state in a better place than when I arrived—and I want to leave the legal profession in a better place than when I was admitted to the Bar.

I plan to continue speaking at as many CLE and events as I can that focus on the training and betterment of the profession. I likely will seek out additional opportunities to do so as well.

My work with the USC School of Law will continue and, possibly, expand as possible. The role of judges participating in our law school cannot be understated. Students getting immersive interaction with members of our judiciary can be an invaluable experience and can help promote positive educational experiences. I have spoken with several professors about expanding 1L experiential learning through beginning motions and oral discovery practice. I think that is an area we can continue to improve on. I am also a big supporter of the Judicial Observation Experience (JOE) program and would support its continued expansion for our law students to get day to day immersion with judges. I also support continued expansion of clinical and capstone experiential learning and believe judges and the judiciary can continue to support those programs to give law students more and more practical experiences prior to graduation.

I plan to continue serving through LRE and any other committees I would be

permitted to serve on to help with Bar programs that further legal knowledge and education in our communities.

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

The pressure of serving as a judge would not strain my personal relationships. My family has supported and encouraged me through a career which so far has involved being a litigation partner at a large law firm, teaching at the law school, and spending 50-60-70 hours a week training and coaching law students in the art of trial advocacy. Without the support of my family in pursuing those goals—and in pursuing a judgeship—I would not be able to do even half of the things I do now. This decision to run for a judgeship was not made alone. It was made with the full support and confidence of my family and I would make sure to keep that in the forefront of any issues that could arise.

18. The following list contains five categories of offenders that would perhaps regularly appear in your court. Discuss your philosophy on sentencing for these classes of offenders.

As an initial response, I have a very fundamental belief that our criminal justice system—especially the punishment phase—should be fair, equitable, and restorative to the extent possible. Punishment is proper, and sometimes necessary—excessive punishment is not. We should not punish for punishment’s sake. At the most recent Bar Convention, Judge Thomas W. Cooper spoke during the criminal portion of the conference. And during that presentation he ended with a story about a man who had stolen about \$10 worth of clothes and was sentenced to 13 years in prison. He noted the sentence was within the confines of the law (it allowed up to 20 years) but addressed the Court of Appeals concern—namely the proportionality. And what he read was moving and encapsulates my general principles when it comes to criminal sentencing. Generally (this is paraphrased because I don’t have the exact quotes), Judge Cooper noted that “mercy” is a judicial attribute. Our function is to measure justice, not to withhold it and not to overuse it. Discrete administration of justice is better than extreme rigor. He noted that justice should be firm, but never fierce and that suffering should never be inflicted by the court except what is absolutely necessary to protect the public. He said that if society could be safe without chastising its members, we would have no right to punish at all...punishment without necessity is without justification. Judge Cooper ended with a mantra he follows: “in the exercise of judicial discretion, always follow your conscience.”

- a. Repeat offenders:

Repeat offenders must be considered on a case by case basis. The prior crimes (violent v. non-violent), the time frame, the circumstances are all

relevant and must weigh on any determination. Our Legislature has codified a number of statutes that apply to repeat offenders and applicable sentencing. Insofar as I am bound by law to a minimum or maximum sentence for a repeat offender, I will follow those laws. If given the opportunity to sentence within a range, especially a wide range, I believe it is imperative to consider the defendant, the prior crimes, the circumstances, the victims, and the impact the various sentences may have on the victim, the defendant, the families, and the public. Repeat offenders who have shown no ability to follow our laws or comply with terms of prior sentences—for example probation or parole—may be ineligible for consideration of a probationary sentence. However, investigation and inquiry into the reason why a prior sentence may have been unsuccessful is also important (for example, did certain restrictions like restitution, probationary fees, etc. make compliance all but impossible). I believe consideration of the spirit of compliance is always relevant. But, if our laws require imposition of a harsh sentence, including a mandatory life sentence, I am bound to sentence in the manner consistent with our laws.

b. Juveniles (that have been waived to the Circuit Court):

Juveniles who have been sent to the Circuit Court have gone through consideration at the Family Court level and are, generally, only before the Circuit Court because the crime is one of our most severe offenses in our state. I would follow the Constitution, Supreme Court precedent, and our laws in sentencing juveniles but if the crime charged is commensurate with being tried in Circuit Court, I would sentence in the same manner as any other offender charged and convicted of a similar serious offense. If the crime is non-violent in nature, I would also heavily consider that in sentencing including considerations for non-incarceratory sentencing to the extent our laws permit. I also believe juveniles are uniquely positioned for consideration of alternative sentencing, where appropriate and permitted by our laws.

c. White collar criminals:

White collar criminals should not be treated differently from any other criminal defendant in terms of generalized handling. However, considerations in broad sentencing ranges are likely to be different. Specifically, the level of harm caused by the crimes and the impact to the victims and public. Even where restitution may be possible, or even likely, incarceration may be required to protect the public and deter similar conduct. The greater the harm to the victims and the public coupled with the less chance for restitution can help to form an appropriate sentence. One consideration would also be the victim(s) wishes on the matter in terms of restitution and the ability for such restitution to come to pass. Where

appropriate, for non-violent crimes, alternative sentence arrangements or restrictions may be proper with consent of the victim(s).

d. Defendants with a socially and/or economically disadvantaged background:

I believe all aspects of a defendant's background are relevant to the consideration and imposition of sentence. Family issues, social issues, and economic issue all start to form who we are and our path in life at an early age. While some can overcome extremely disadvantaged conditions, many can't. Often times, severe social and/or economical disadvantages turn into a cycle of disadvantage from generation to generation. The role these disadvantages can play in the life of a criminal defendant are very real. The consideration of sentencing for these individuals is one largely borne out of the nature of the crime. In other words, some crimes cannot be excused due to disadvantage and sentencing is required. However, many crimes that may be lower level offenses or non-violent in nature while not excused, can form the basis for punishment that is restorative or rehabilitative rather than punitive. Someone should not be sentenced to prison because of an inability pay restitution or fees. Sentencing someone to prison where others without those disadvantages would be pled down or given probationary sentences for the same crime only serves to reinforce the cycle of disadvantage. In many cases that sets the defendant on the path to becoming a repeat offender. I would also give consideration of criminal past, if any, and what prior sentencing and opportunities were given in response to those prior convictions.

e. Elderly defendants or those with some infirmity:

Much like my answer above regarding white collar criminals, elderly or infirm defendants should not be treated differently from any other criminal defendant in terms of generalized handling. However, the sentencing of an elderly or infirm defendant comes with some possible different considerations. For example, the nature of the offense, the impacts on the victim (both as to the crime and as to the idea of not imprisoning the defendant), and the realities of the purposes of criminal punishment. I believe this type of sentencing requires an incredibly fact intensive review of the situation—the crime, the facts, the infirmity, the victim, the situation a defendant may be released into, etc. As with the other categories of offenders, there are some crimes which are so serious that the consideration of age or infirmity is either not relevant or is immaterial to the sentence.

19. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?

No.

20. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved?

In all instances, I would disclose the interest pursuant to Canon 3. If I felt I could not hear the case, I would not hear the case and state my reasons. If I felt like the interest did not affect my ability to hear the case, I would inform the parties and permit the parties to conduct a meeting pursuant to Canon 3F. If any party asked for recusal, I would recuse myself to avoid any appearance of impropriety.

21. Have you met the mandatory minimum hours requirement for continuing legal education courses for the past reporting period?

Yes.

22. What do you feel is the appropriate demeanor for a judge and when do these rules apply?

A judge at all times must be neutral, fair, and equitable. This includes qualities like humility, respect, and empathy. A judge should have a passion for the law and a desire to make everyone appearing before the court feel welcome. These passions are what make a judge listen, learn, and rule appropriately. It permits a judge to seek to do justice while allowing all parties an opportunity to be understood. When seeking that, the parties are treated with respect and deference whether they are a pro se defendant, a first year lawyer, or a seasoned litigator.

A judge's job is to maintain control over the courtroom while giving parties the latitude and respect to ardently advocate for their positions. It is not a judge's job to interrupt proceedings or stop a party from presenting their case as long as the parties are acting in accordance with the rules.

I view being a judge in the courtroom as, essentially, calling balls and strikes. No sides are taken, no opinion is expressed. A judge merely applies the rules and law to the facts set out before him. And above all, a judge's job is to interpret and apply the laws as written. This is true whether it is a motion, evidentiary ruling, jury trial, or bench trial.

Finally, a judge can be a neutral in helping to resolve disputes between parties. Through that, a judge can instill confidence in the judiciary and the judicial system by treating everyone before it with an equal application of respect and helping the parties to resolve their disputes in a neutral fashion.

23. Do you feel that it is ever appropriate to be angry with a member of the public, especially with a criminal defendant? Is anger ever appropriate in dealing with attorneys or pro se litigants?

No. Anger toward a party, especially a criminal defendant, calls into question the neutral, impartial position of the judge. Anger further calls into question the nature of a sentence, the propriety of a sentence, and the validity of rulings on everything from motions to evidence. Having experienced a number of pro se litigants (and having been sued by the same one eight times), I do understand some of the unique issues that arise in cases involving pro se litigants. Many times they do not understand the procedure or the rules and do not understand why certain things happen. I believe it is a judge's job to help educate litigants, without crossing into advice, on matters occurring before the court. I believe a judge can be patient and can accommodate the inexperience of a pro se litigant who is simply trying to exercise their rights to access to the courts. When I clerked, we handled a full pro se sovereign citizen trial. I observed the full trial from the bench and learned from watching Judge Cooper how to best handle and accommodate those cases. Judge Cooper showed extreme patience and compassion to the litigant in permitting her to learn the rules and procedure and present her case to the jury.

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

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

(Signature)

(Print Name)
Notary Public for South Carolina
My Commission Expires: _____