



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

Circuit Court
(New Candidate)

Full Name: Regina Hollins Lewis

Business Address: GaffneyLewis, LLC, 3700 Forest Drive, Suite 400, Columbia, South Carolina 29204

Business Telephone: 803.790.8838

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

A position as a Circuit Court judge would allow me to apply my thirty-two (32) plus years of legal experience to serve the public in a role with the most profound duty of working to ensure the fair implementation of the rule of law. I have had the privilege of practicing in a broad range of areas as an advocate for both defendants and plaintiffs in the trial and appellate courts. I have also served in neutral capacities as a mediator and member of the South Carolina Ethics Commission. A judicial position would be the culmination of my legal career. My commitment, passion, knowledge of the law, ability to analyze the facts and apply the law would enable me to be a deliberate, compassionate and effective member of the judiciary.

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

Yes.

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

Not at this time.

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?

In my current practice, my philosophy is to avoid ex parte communications with a judge. Accordingly, I am very careful to avoid engaging in any type of ex parte communication and am always vigilant about informing opposing counsel of all communications, even when procedural and not substantive. I believe in erring on the side of caution to avoid any appearance of impropriety.

If elected, I would act in accordance with Canon 3(B)(7) of the SC Code of Judicial Conduct and would not “initiate, permit or consider ex parte communications, or consider other communications made...outside the presence of the parties concerning a pending or impending proceeding” unless one of the exceptions set forth in Canon 3(B)(7)(a)(b)(c)(d) and (e) was applicable to the circumstances.’ Such circumstances would include communications regarding scheduling, administrative purposes, or emergencies where the circumstances require.

For example, if a lawyer were to call the chambers to report that he or she could not attend a pending hearing due to a health emergency, an ex parte communication could be tolerated if the judge reasonably believes that no party would gain a procedural or tactical advantage and the parties are promptly notified of the ex parte communication and are allowed to respond.

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?

I would grant the motion based on Canon 2 of the SC Code of Judicial Conduct which provides that a judge “shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.” Because I identified an issue and determined that it had the appearance of bias, I will have acknowledged the potential for an appearance of impropriety. Although I may not personally believe the issue would prejudice my impartiality, because the disclosure was met with a request for recusal, I would grant the motion to avoid the appearance of impropriety.

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

I would apply the standard set forth in the Canon 3(E) of the SC Code of

Judicial Conduct, which requires a judge to disqualify herself where her impartiality might reasonably be questioned. Because there is financial or social involvement of a spouse or close relative, and the relationships are not far removed, my involvement would likely “create in reasonable minds a perception that [my] ability to carry out judicial responsibilities with integrity, impartiality and competence is impaired.” As such, I would disclose the relationship and, given the close nature of the relationships, would recuse myself.

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

I would comply with the provisions of Canon 4(D)(5) of the SC Code of Judicial Conduct and would not accept and would urge members of my family residing in my household not to accept gifts or social hospitality except for the circumstances allowed by Canon 4(D)(5)(a)(b)(c) and (d), which would allow, for example, attendance at a law firm sponsored dinner at a Bar convention, attendance at an ordinary social function such as a cook-out, or receipt of a gift for a birthday or other special occasion as long as the gift is “fairly commensurate with the occasion and the relationship.”

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

The manner in which I would handle such a situation would depend on the particular circumstances. In accordance with Canon 3(D)(2) of the SC Code of Judicial Conduct, if I receive “information indicating a substantial likelihood that a lawyer has committed a violation of the Rules of Professional Conduct,” I would assess the conduct to determine the appropriate action. Similarly, if I receive “information indicating a substantial likelihood that another judge has committed a violation” of the Code of Judicial Conduct, I would assess the circumstances to determine the appropriate action in accordance with Canon 3(D)(1). In each instance, the appropriate action would depend on the circumstances and could include speaking directly with the lawyer or judge who committed the violation and reporting the violation to the appropriate authority.

If there is a concern about the possible impairment of a lawyer or another judge, (e.g., mental condition, drugs or alcohol), I would take action in accordance with Canon 3(G) of the SC Code of Judicial Conduct with the intent to assist the lawyer or judge and help them to address the impairment while preventing harm to the justice system as set forth in the commentary to the Canon, including a possible referral to an assistance program or notifying a superior. The level of the action would be determined by the gravity of the conduct or impairment as set forth in the commentary to Canon 3(G).

If I had knowledge that a lawyer has committed a violation of the Rules of Professional Conduct that “raises a substantial question as to the lawyer’s honesty, trustworthiness, or fitness as a lawyer in other respects,” I would inform the Office of Disciplinary Counsel in accordance with Canon 3(D)(2). If I had knowledge that a judge committed a violation of the Code of Judicial Conduct that “raises a substantial question as to the other judge’s fitness for office,” I would inform the Commission on Judicial Conduct in accordance with Canon 3(D)(1).

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.

I am a member Delta Sigma Theta Sorority, Incorporated, an organization of college-educated women who are committed to improving our communities through public service with a focus on the African-American community. The sorority limits its membership to female students enrolled in college who meet certain requirements and females who have earned baccalaureate degrees. The organization does not practice invidious discrimination and meets the criteria set forth in the Commentary to Canon 2(C) of the SC Code of Judicial Conduct, which provides that certain organizations are not considered to discriminate invidiously. Specifically, Delta Sigma Theta is a sororal organization that does not stigmatize any excluded persons as inferior and therefore unworthy of membership. Rather, it focuses on providing a sisterhood for women who have a common goal of improving the community.

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

I contribute to a golf tournament organized by my church each year. I have also engaged in fund-raising activities with my sorority, including cotillions and other social events to raise money to support scholarships and other charitable efforts by the sorority.

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 envision that I would handle drafting of orders in a variety of ways, depending on the circumstances, including the nature and complexity of the order. In some instances, I may request that a prevailing party draft a proposed order and in other instances, may draft the order in its entirety myself or with assistance of legal staff.

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

In accordance with Canon 3(C)(2) of the SC Code of Judicial Conduct, pursuant to which a judge must require staff to observe standards of diligence, I would implement a docketing system similar to that currently used in my private practice to calendar deadlines and reminders to ensure that deadlines are met. I would also conduct regular staff meetings to discuss the caseload and status of pending matters to monitor progress and ensure that my staff and I meet deadlines.

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

I consider “judicial activism” to be an attempt by a judge to achieve an outcome based upon the judge’s personal beliefs or desire to impact public policy. My philosophy is that trial judges should not engage in judicial activism as the role of a trial judge is to analyze the facts and apply the law as it exists. I would not attempt to use the law to promote my personal beliefs or a public policy agenda.

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 always been passionate about mentoring young lawyers and have devoted considerable time working with younger lawyers to assist them in molding their careers to become excellent members of the bar. I anticipate that I would continue to mentor young lawyers where appropriate to do so. I also enjoy public speaking and teaching and to the extent I am able, would participate in Continuing Legal Education programs and similar educational seminars and programs.

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?

I do not anticipate that the pressure of serving as a judge would strain my personal relationships. I have managed to maintain enduring relationships including my nearly thirty year marriage, relationships with my daughters and dear friendships while managing a legal career that including taking the Bar exam in two states, working to become a partner at a large firm, and starting and managing my own law firm for the past thirteen years along with my partners.

If elected, I would be cognizant of the fact that I would be a public official and must always be mindful of my conduct and uphold the integrity and independence of the judiciary as set forth in Canon 1 of the SC Code of Judicial Conduct. I believe that I will be able to uphold the high standards without straining my personal relationships.

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.
- a. Repeat offenders:
 - b. Juveniles (that have been waived to the Circuit Court):
 - c. White collar criminals:
 - d. Defendants with a socially and/or economically disadvantaged background:
 - e. Elderly defendants or those with some infirmity:

I have not developed a philosophy on sentencing with regard to any of the classes of offenders listed. To the extent that I had a personal philosophy on sentencing for any of these categories, it would not impact my decision-making process. I would approach sentencing in the same manner that I would approach all judicial proceedings, in accordance with the Canon 3 of the SC Code of Judicial Conduct, which sets forth the adjudicative responsibilities of a judge. Each matter must be given due consideration based on the particular facts and circumstances, whether it is the nature and extent of a criminal history, the nature of the crime or circumstances such as white-collar crime, age, infirmity or background that may be offered in mitigation or enhancement of sentencing. I would assess the facts in every instance and apply the law.

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?

No. Although Canon 3(E)(c) of the SC Code of Judicial Conduct appears to exclude a de minimis interest, 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?

As set forth in Canon 3(B) of the SC Code of Judicial Conduct, a judge must display a demeanor that is courteous, dignified and patient. These responsibilities apply when a judge is adjudicating matters. However, as set forth in Canon 2 of the SC Code of Judicial Conduct, a judge must always act in a way that "promotes public confidence in the integrity and impartiality of the judiciary." In this vein, a demeanor that is courteous, dignified, and professional should be displayed to the public at all times.

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?

It is not appropriate for a judge to display anger toward a member of the public, including a criminal defendant or pro se litigant. A judge must act in accordance with Canon 3(B), which as discussed, requires a judge to be patient, dignified, and courteous to all with whom the judge deals in an official capacity.

A judge also has the responsibility of requiring order and decorum in proceedings and, as set forth in Canon 3(b)(3) and (4), and must require patient, dignified and courteous conduct by lawyers and staff. However, the maintenance of order and decorum must be achieved in a professional

manner, without anger.

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: _____