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PUBLIC HEARINGS

November 19, 2020

Judicial Merit Selection Commission

REPORTER: Patricia Bachand

1 STATE OF SOUTH CAROLINA)
2 COUNTY OF RICHLAND)
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5 JUDICIAL MERIT SELECTION COMMISSION
6 TRANSCRIPT OF PUBLIC HEARINGS

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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 19th, 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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1 CHAIRMAN RANKIN: We are on the record. And
2 on the motion of Senator Talley, seconded by Ms. McIver, we
3 are going to go into executive session.

4 (Off the record from 10:01 a.m. to 10:22 a.m.)

5 CHAIRMAN RANKIN: Good morning, sir.

6 MR. BUCKINGHAM: Good morning.

7 CHAIRMAN RANKIN: All right, sir. If you
8 don't mind again, stand up and raise your right hand.

9 WHEREUPON,

10 MR. BUCKINGHAM, being duly sworn and
11 cautioned to speak the truth, the whole truth and nothing
12 but the truth.

13 CHAIRMAN RANKIN: Very well. State your
14 name for the record, please.

15 MR. BUCKINGHAM: My name is Steven Edward
16 Buckingham. Steven with "v."

17 CHAIRMAN RANKIN: Very well. The court
18 reporter loves you already. And you are clear as can be.

19 You have before you the personal data
20 questionnaire and the sworn statement that you have signed.
21 Do you have any additions that need to be made to that?

22 MR. BUCKINGHAM: No, sir.

23 CHAIRMAN RANKIN: All right. And you don't
24 object to those being made a part of the record?

25 MR. BUCKINGHAM: Not at all.

1 (EXHIBIT NO. 1 - JUDICIAL MERIT SELECTION
2 COMMISSION PERSONAL DATA QUESTIONNAIRE OF STEVEN
3 EDWARD BUCKINGHAM)

4 (EXHIBIT NO. 2 - JUDICIAL MERIT SELECTION
5 COMMISSION SWORN STATEMENT OF STEVEN EDWARD
6 BUCKINGHAM)

7 CHAIRMAN RANKIN: Very well. We, in our
8 investigation of your qualifications for this position,
9 focus on nine evaluative criteria, and we look at your
10 ballot box survey, a thorough study of your application
11 materials, verification of your compliance with state
12 ethics laws, a search of newspaper articles in which your
13 name has appeared, a check for economic conflicts of
14 interest, and a study of previous screenings of which you
15 have not had, correct?

16 MR. BUCKINGHAM: That is correct. This is
17 my first.

18 CHAIRMAN RANKIN: Very well. All right. No
19 affidavits have been filed in opposition to your election,
20 and no witnesses have asked to testify for you or against
21 you.

22 And we are going to allow you an opportunity
23 to make a brief opening statement after, Mr. Buckingham, I
24 state that we are back on the record. And during our brief
25 executive session we made no decisions and cast no votes.

1 Now, with that, sir, you're welcome to make
2 an opening statement. Otherwise, we'll turn it over to
3 questions.

4 MR. BUCKINGHAM: I don't really have an
5 opening statement, so I'll waive that. But I do have a
6 benediction. Just first of all, thank you for the
7 opportunity to be here. I know that this is a thankless
8 job that you guys undertake, and especially since you're so
9 busy. So thank you.

10 And I do want to thank Mr. Franklin. This
11 is a mysterious process for the first time of something
12 going through it. And he has been exceptionally helpful.

13 (Off-the-record interruption.)

14 CHAIRMAN RANKIN: All right. Go ahead. I'm
15 sorry. There was something about a benediction. Start
16 that again.

17 MR. BUCKINGHAM: Yeah. So I was just
18 thanking you guys for making time available for me, and for
19 giving of your time to be on this committee. I know it's
20 largely thankless. And I was thanking Mr. Franklin for his
21 help and guidance through this process.

22 CHAIRMAN RANKIN: Very well. Thank you.
23 All right. Roland, take it away, sir.

24 MR. FRANKLIN: Thank you, Mr. Chairman.
25 Good morning, Mr. Buckingham.

1 MR. BUCKINGHAM: Good morning.

2 MR. FRANKLIN: I note for the record that
3 based on the testimony contained in the candidate's PDQ,
4 which has been included in the record with the candidate's
5 consent, Steven Buckingham meets the constitutional and
6 statutory requirements for this position regarding age,
7 residence, and years of practice.

8 EXAMINATION BY MR. FRANKLIN:

9 Q. Mr. Buckingham, how do you feel your legal and
10 professional experience thus far renders you qualified and
11 will assist you to be an effective Circuit Court judge?

12 A. Yeah, of course. So of course the Circuit Court
13 is a court of general jurisdiction, which means that a
14 trial judge is going to see a wide variety of cases. On
15 the civil side it will from fender-benders on up to
16 complicated trade secrets cases. And on the criminal side,
17 everything up to capital murder.

18 So to me what's important in anyone who serves as
19 a trial judge and in the capacity of a trial judge, is
20 having the mental acuity to jump frequently between very
21 diverse and complicated areas of law.

22 For the most part in my practice, I have run the
23 gamut of civil practice. I have -- I've never done a
24 fender-bender case, that's not my type of practice, but
25 I've done everything from simple property disputes between

1 neighbors on up to the complicated trade secrets cases.

2 And then in addition to that, as you might have
3 noticed from my PDQ, I am a two-time federal law clerk.
4 And so in that capacity I have seen, again, a wide variety
5 of civil cases and a wide variety of criminal cases.

6 I've participated in criminal cases and civil
7 cases on the judicial side as a clerk, but on a variety of
8 matters through those -- through those capacities.

9 So I think that my experience over the course of
10 my career has been broad and would adequately equip me to
11 be ready on day one to be a trial judge.

12 Q. Thank you. The Commission received 120 ballot
13 box surveys regarding you, with 24 additional comments.
14 The ballot box survey, for example, contained the following
15 positive comments:

16 "Steve will be a great judge. He loves the law,
17 is fair, compassionate, displays empathy and exhibits
18 character becoming of a judge."

19 Secondly, "Steve would make an excellent well
20 mannered, highly qualified, and impartial judge. He
21 upholds the highest levels of civility and respect for the
22 practice of law."

23 Thirdly, "Steven Buckingham is a first-rate
24 lawyer, an experienced litigator. He is very sharp and has
25 a great temperament. He would make a fine judge."

1 On the other hand, three of the written comments
2 expressed concerns. First, with respect to your colleagues
3 in the legal profession, one comment asserts that you are
4 unnecessarily argumentative and inflexible with opposing
5 counsel, and that you have a liberal approach to the
6 pleadings. What response would you offer that concern?

7 A. It is difficult to respond to these, because they
8 are anonymous and there's no context with it. I regret
9 that there is someone who believes that I am unnecessarily
10 combative. That is certainly not my style of practice.

11 It does not surprise me that in the nature of
12 what I generally do, which is business litigation, that
13 there can be occasions, particularly in the course of
14 discovery, where I've pushed back on opposing counsel
15 overreaching and trying to make the process of litigation
16 unnecessarily painful.

17 I presume that's what this comment arises in
18 connection with, but I can't say. I do -- like I said, I
19 regret that someone has that opinion of me. But that is
20 not reflective of me. At least, I don't believe that it
21 is.

22 With regard to the comment about taking a liberal
23 approach to pleadings, I am somewhat perplexed by that
24 comment. Most of us in here are practicing lawyers, or
25 have been, and I think that we've seen all kinds of

1 pleadings where specious claims and causes of action are
2 included. And that is not my style of practice.

3 When I -- particularly on the plaintiff's side,
4 or even on the defendant's side, by way of counterclaim or
5 a third party complaint, if I make allegations in a
6 pleading, they are supported by cards that I already have
7 in my deck.

8 So I -- again, I regret that someone perceives
9 that I take unnecessary liberties with my pleadings. But
10 that is not at all how I practice. I don't take a kitchen
11 sink approach to my pleadings. Ultimately, you have to
12 prove some of that stuff that you allege in the complaint.

13 **Q. And as a followup to part of this criticism, do**
14 **you believe that you would encounter any problems moving**
15 **from your role as an advocate to a new role as a judge?**

16 A. I don't perceive so. I'm sure there will be an
17 adjustment period where I've got to realign my mind, but I
18 don't perceive that there will be any difficulty with that.

19 In fact, I started off my career as a law clerk,
20 having to be mindful of the fact that the judge that I
21 served, and by association the way that I conduct myself,
22 must be impartial.

23 **Q. A second concern indicates that you need more**
24 **experience before becoming a judge. What response would**
25 **you offer to this concern regarding your experience?**

1 A. Sure. My response would be that even the finest
2 wines get better with more age. And I am certain that with
3 more time, I could hopefully become an even better
4 practitioner. But in terms of where I am today and how I
5 sit here today before you, I do think that I'm prepared.

6 And I'm ready to serve. Sure, I think I will get
7 better over time. And that will be true regardless of
8 whether I'm on the bench or continuing to serve at the Bar.

9 **Q. Could you give the steps of how you would prepare**
10 **yourself to handle cases involving unfamiliar areas of the**
11 **law?**

12 A. Yeah. Of course. So you might have seen from my
13 PDQ, that some of what I do is appellate practice. And in
14 a lot of these circumstances, it's cases that have been
15 tried that are now on appeal, where the lawyers that
16 handled the trial have come to me and said, "Will you do
17 the appeal?"

18 So I'm kind of parachuting into the record that's
19 already been built through trial, the facts and law that
20 maybe I know and maybe I don't. And I'm under the gun to
21 learn that law swiftly, and communicate it effectively and
22 efficiently.

23 The way that I approach those is -- you know,
24 it's rooted in how I approached law school. If I'm
25 presented with a novel area of law, I go straight to the

1 treatises. And I read as much as I can through treatises
2 and learned commentators about what the law is. And then
3 from there, break it down further into specific cases that
4 have been reported, hopefully in the state, but certainly
5 maybe it's not uncommon to have to stray beyond.

6 So I would -- I would take that same approach if
7 I'm on the bench.

8 **Q. And a final concern is that your perceived**
9 **political bias makes you unfit to be a judge. What**
10 **response would you offer to that concern?**

11 A. I don't -- frankly, I don't really care for
12 politics that much. What I care about is the rule of law.
13 What I care about is the proposition that there is equal
14 justice under the law.

15 And as long as -- as long as everyone is
16 operating within those parameters, I don't really have much
17 of a care about what the ultimate policy decisions are.
18 Republican, Democrat, Independent, I don't care. That has
19 no bearing whatsoever on the integrity of the rules of law.

20 **Q. All right. Mr. Buckingham, your SLED reported**
21 **indicates that in 2012, a lawsuit was filed in the United**
22 **States District Court, entitled FDIC v. Emig Construction**
23 **Company. You were listed as the guardian ad litem**
24 **defendant. But for the record you were actually counsel**
25 **for an incarcerated defendant in that case, is that**

1 correct?

2 A. That's correct.

3 Q. All right. And is that case still ongoing?

4 A. No, no. That's been resolved -- I believe that
5 was resolved in 2012.

6 MR. FRANKLIN: I would note that the Upstate
7 Citizens Committee report -- reported that Steven
8 Buckingham is well qualified in the categories of
9 experience, judicial temperament, ethical fitness,
10 professional and academic ability, character and
11 reputation.

12 The Committee found him to be qualified in
13 the areas of constitutional qualifications, physical health
14 and mental stability.

15 BY MR. FRANKLIN:

16 Q. Now for a few housekeeping issues. Mr.
17 Buckingham, are you aware that as a judicial candidate you
18 are bound by the Code of Judicial Conduct as found in Rule
19 501 of the South Carolina Appellate Court Rules?

20 A. I am.

21 Q. Since submitting your letter of intent, have you
22 contacted any members of the Commission about your
23 candidacy?

24 A. No, I've not.

25 Q. Since submitting your letter of intent, have you

1 sought or received the pledge of any legislator, either
2 prior to this date of pending the outcome of your
3 screening?

4 A. No, I have not.

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

8 A. Yes, I am.

9 Q. Have you asked any third parties to contact
10 members of the General Assembly of your behalf, or are you
11 aware of anyone attempting to intervene in this process on
12 your behalf?

13 A. No, I've not requested that. And I'm not aware
14 of anyone attempting to intervene.

15 Q. Have you and do you understand the Commission's
16 guidelines on pledging in S.C. Code Section 2-19-70(E)?

17 A. I do.

18 MR. FRANKLIN: Mr. Chairman, I would note
19 for the record that any concerns raised during the
20 investigation by staff regarding the candidate were
21 incorporated into the questioning of the candidate today.

22 Mr. Chairman, I have no further questions.

23 CHAIRMAN RANKIN: Thank you, Roland.
24 Questions by members of the Commission? Senator Talley.

25 SENATOR TALLEY: Thank you, Mr. Chairman.

1 Good morning, Mr. Buckingham. Nice to see
2 you. We've known each other for several years. I just
3 wanted to offer a comment and then give you a chance to
4 expand a little bit on something that wasn't covered before
5 the commission yet today.

6 One, you have some very strong letters of
7 recommendation from some folks that I would consider
8 pillars of our -- not only legal, but obviously civil
9 community in the Upstate Citizens Committee as well.

10 So that speaks volumes for you.

11 The other thing -- and our interaction over
12 the years has been more in your role as a mediator, you've
13 actually mediated some cases for me. And so I just want to
14 give you an opportunity to explain to the Commission your
15 role as a mediator, and some of the cases that you've
16 mediated in your experience that way, and how you feel like
17 that may translate into your service on the bench.

18 MR. BUCKINGHAM: Yeah. Of course. Thank
19 you, Senator. So there is a wide perception that I
20 perceive among litigators, that the ultimate and best use
21 of the judicial system is -- is for their time that they
22 can try cases.

23 It's not about actually getting to a
24 resolution and getting people to move on with their lives
25 and their businesses in a productive manner, it's just how

1 can I get another bite at the apple in front of the -- a
2 judge or a jury.

3 I suppose I am somewhat of a strange
4 litigator in the sense that. Certainly, for the majority
5 of my time being a practicing lawyer, I have been most
6 concerned with how do we get to a resolution that makes
7 sense for everyone. Maybe it's not ideal, but maybe it's
8 something that everyone can live with.

9 So as I've gotten older in my practice, and
10 I've had the opportunity to be a mediator, to use my
11 experience and insight to talk to litigants who I don't
12 represent, and who were represented by fine lawyers, but to
13 be able to talk to everyone and say, "Listen, this is what
14 I've seen. This is what the road ahead of you looks like.
15 Let's see if we can't find some common ground to get on
16 with your lives and start doing something that is more
17 important than just fighting with each other, so that you
18 could ultimately get a day in court that may or may not
19 give you what you ultimately want."

20 And so in my experience as a mediator --
21 well, first of all, I'd like to say I've got a great track
22 record of getting cases resolved. That's always a great
23 thing for a mediator. But second, it allows me -- allows
24 me to flex that muscle, that instinct, that desire to get
25 to a resolution and get people back to a position of peace

1 and stability.

2 Frankly, I try to practice like that, and
3 work with opposing counsel to get to a resolution between
4 ourselves. Obviously, you can't always get there. And
5 that's why the role of a mediator is so important.

6 And so it is -- it has been a privilege of
7 mine knowing that -- you know, I'm only fifteen years into
8 my career, but that people are calling on me to mediate
9 cases for them. Because I presume they trust my judgment,
10 they know that I'm going to speak the truth to them and
11 their clients, and that I'm going to work hard to get to a
12 resolution that everyone can live with.

13 CHAIRMAN RANKIN: Senator Talley, anything
14 further?

15 SENATOR TALLEY: Nothing further.

16 CHAIRMAN RANKIN: Okay. All right.
17 Representative Murphy.

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

20 EXAMINATION BY REPRESENTATIVE MURPHY:

21 Q. And thank you, Mr. Buckingham, for offering to --
22 your service in this position. And the fact that you
23 graduated from Furman, I will not hold that against you. I
24 graduated from The Citadel. And back in the day, if the
25 two of us ended up in a room together, only one of us was

1 walking out. And I will not hold that against you.

2 A. Thank you.

3 Q. One of the things that you stated in your opening
4 was that you believe that you would be ready from day one
5 to serve on the bench. And as I look through your PDQ and
6 your CLEs, your experience and everything, one thing that
7 stands out to me, you practice a lot of -- 50 percent of my
8 practice, if not more, is in the court of General Sessions.
9 And I do not see anywhere, other than the one Appellate
10 Court criminal case that you represented the appellant on,
11 where you have any criminal experience.

12 The only CLE that I noted that you attended, that
13 had any criminal aspect to it was on criminal appeals back
14 in -- I think that was in 2014.

15 So how would you alleviate any concerns for
16 members of the Bar that practice predominantly in the court
17 of General Sessions, when you state that you can -- you'd
18 be ready to hit the ground from day one? How would -- how
19 would you get yourself ready to preside over a General
20 Sessions case?

21 I mean, you may walk into a courtroom in Pickens
22 County, and they have a -- they have a death penalty case,
23 or it could be an armed robbery. It could be a criminal
24 sexual conduct with a minor. It could be a drug charge.
25 But how would you alleviate the concerns of the -- of the

1 criminal Bar as far as your ability to preside over that
2 matter?

3 A. Yeah. Of course. And that's a great question.
4 And thank you for the opportunity to address that.
5 Certainly, since I've been a practitioner, the focus of my
6 practice has been on the civil side.

7 Q. And there's nothing wrong with that.

8 A. Sure. Absolutely. With regard to my experience
9 on the criminal side, it's not that it's lacking at all.
10 As I mentioned previously, being a law clerk to two federal
11 judges, I participated in several criminal trials and
12 hundreds of criminal sentencings.

13 And I've seen from the judicial side what the
14 mechanisms that are that go on with the criminal practice,
15 both during the course of a person's phase as a criminal
16 defendant, and then once they are sentenced on the other
17 side of what it looks like to be convicted, and the post-
18 conviction remedies and reliefs that might be available to
19 them.

20 Additionally, I probably have a somewhat unique
21 perspective on criminal practice because I actually served
22 on a jury since I've been a lawyer in a case -- it was a
23 criminal sexual conduct with a minor case. Frankly, it was
24 mystifying to me that as a lawyer who knew both of the
25 attorneys, that I was seated on the jury. But I was.

1 And so it is a unique perspective, I think, to
2 have actually been in a jury room, to see how jurors
3 perceive how a case is conducted and how the staging of a
4 trial happens, how the judge operates, how the counsel
5 operates, and how the entire courtroom operates from the
6 perspective of the box.

7 And then, certainly, you brought up the criminal
8 appeal that I've done. That was a particularly complicated
9 criminal appeal. That involved some pretty thorny
10 questions arising under the Fifth and Sixth Amendments,
11 particularly with the right to confront witnesses who had
12 made incriminating statements about you when you were on
13 trial with those very witnesses as co-defendants.

14 So that involved not just the thorny
15 constitutional questions under the Fifth and Sixth
16 Amendments, but also some pretty thorny evidentiary
17 questions under the hearsay rules, which of course can
18 themselves be byzantine.

19 So to get back to your question about how I would
20 make sure that I am reasonably prepared from day one as I
21 possibly can be, it goes back to how I would prepare for
22 learning an area of law that I don't necessarily know:
23 hitting the books, reading all I can about it.

24 But not just that. One of the reasons why I
25 submitted the letters of recommendation that I did was to

1 give a broad cross-section of different types of
2 practitioners of different political persuasions, to let
3 you know that, in their estimation, since they're some of
4 the preeminent lawyers in the Upstate, that they think that
5 I've got the mental agility and acuity to undertake this
6 endeavor.

7 One of my letters of recommendation was from
8 Frank Eppes. And I would imagine that one of my first
9 calls, if I am elected to the bench, is to call Frank and
10 say, "Frank, I need you to tell me everything that you know
11 about the criminal practice of law."

12 And I would do that for solicitors also. I need
13 to know from the solicitor's side how this looks. Frankly,
14 I'd like to talk with law enforcement from their
15 perspective.

16 And because of different cases that I've been
17 appointed to, frankly, I can reach out to folks that have
18 been criminal defendants and ask them what their
19 perspective is of going through the system, and how from
20 all those perspectives I can be the most complete judge I
21 can be, and ready to go on day one.

22 **Q. So you mentioned the federal criminal experience,**
23 **or witnessing that. Of course, in the federal system you**
24 **have sentencing guidelines, you have a judge that is taking**
25 **a guilty plea has the benefit of a in-depth, pre-sentence**

1 report by the federal probation department. You don't have
2 those tools in state court.

3 A person comes up in front of a judge, they take
4 responsibility for their actions. Typically, on a routine
5 case, maybe a 30-minute hearing, maybe an hour, if
6 particular facts are difficult, or depending on the type of
7 crime.

8 So what is your philosophy? And in state court
9 and the judges, if it's -- if it's not a negotiated
10 sentence where a judge can basically follow the
11 negotiation, or the just refuses to take the guilty plea.
12 If it's a recommendation, that is all that is; it's a
13 recommendation.

14 Ultimately, it's up to the Circuit Court judge to
15 impose a sentence on a case that it's a case of first
16 impression, that the judge just walks in and -- you know,
17 the docket -- the solicitor starts calling the cases.

18 So what is your -- I guess your sentencing
19 philosophy regarding -- your philosophy regarding
20 sentencing of criminal defendants? What factors would you
21 consider for a particular case?

22 A. Sure. That's a great question. So in general,
23 my philosophy which is guided by my federal experience, is
24 that a sentence should be sufficient but not greater than
25 necessary in order to achieve the goals of punishment,

1 deterrence, and hopefully, to some extent, rehabilitation.

2 When it comes to how to do sentence a particular
3 defendant, you know, I don't think there's a one-size-fits-
4 all way to approach it. I think -- I mean, certainly, you
5 start with what the crime is or what the totality of the
6 criminal conduct is, and then start to consider from that,
7 further aggravating or mitigating factors.

8 And depending on the circumstances, particularly
9 with whatever recommendation may be offered by the
10 solicitor or the defense attorney, if they can get to a
11 negotiated resolution, then to be guided by the different
12 presentations of those aggravating and mitigating
13 circumstances. And certainly the defendant's acceptance of
14 responsibility, I think that's an important thing to
15 consider.

16 So I would -- I would love to be able to say that
17 there's a one-size-fits-all analysis that I could provide
18 to you, but I don't -- I don't know that I can. And I
19 don't know that, that's a -- that's a fair way to approach
20 any individual in their circumstances of criminal conduct.

21 **Q. Well, I just -- that's a concern. I know it**
22 **would be a --**

23 **A. Yes, sir.**

24 **Q. -- concern of my colleagues in the criminal**
25 **defense Bar. And I would just encourage you, as you go**

1 forward to -- you know, right now a lot of the CLEs, if not
2 all the CLEs are on-line, and to take advantage of the
3 criminal law CLEs that are available. 'Cause they are a
4 great resource.

5 And you mentioned Frank Eppes. He is also a
6 great resource going forward. But I appreciate your
7 willingness to answer the questions, and your offering
8 yourself for service.

9 A. Thank you, sir.

10 Q. Yes, sir.

11 CHAIRMAN RANKIN: All right. Senator Sabb.

12 SENATOR SABB: Thank you, Mr. Chairman. I
13 just have a comment or two.

14 When I first came to the Senate, I received
15 a phone call about Leadership South Carolina, and
16 participating in it. And so I respectfully declined,
17 because I felt that I needed to be working and doing all
18 kinds of other things. And then it was said to me that the
19 reason why I was selected was because it was the place that
20 Senator Clementa Pinckney held.

21 And so, immediately, I had to change my
22 mind. And so I then decided that I would participate in
23 Leadership South Carolina in honor of Senator Pinckney,
24 just as a -- I don't know, it's just -- I just absolutely
25 could not say "no" at that point.

1 But, anyway, I'm saying all that to say
2 that's how I met this gentleman that's before us. And I
3 was extremely impressed with him when I met him for the
4 first time. I think we developed a friendship as a result
5 of that encounter. And to his credit, we had some
6 extraordinary people in our class, and we had to choose a
7 leader, we had to choose a president.

8 And so that's why when he walked in the
9 room, I referred to him as "Mr. President." But he is an
10 extraordinary person, a great lawyer in his own right at a
11 young age.

12 When we look at the letters of
13 recommendation that were written on his behalf, I was
14 particularly interested in one of them. I got to see who
15 the author of it was. Thomas Traxler. And, you know, if
16 we paid attention to what he says in the body of the
17 letter, I think it just kind of hits the nail on the head.

18 And I won't -- I won't read it, but it
19 really hits the nail on the head, both about what we need
20 in a judge, and how the need is filled by Steve Buckingham.
21 And so I just -- I'm always delighted when I see persons
22 like him offering for a position like this. And so, young
23 man, thank you for offering.

24 MR. BUCKINGHAM: Thank you, sir. It's good
25 to see you.

1 CHAIRMAN RANKIN: Very well.

2 EXAMINATION BY CHAIRMAN RANKIN:

3 Q. We have said it of other candidates, a day in
4 your life -- this is your life, or some may have described
5 them as "love fests." You have an incredibly impressive
6 resume. And as Senator Sabb said, the comments within the
7 most recent -- you mentioned Judge Traxler's letter. And
8 then Jill Rothstein wickedly -- not smart, but wickedly
9 funny.

10 My daughter is a student at Emerson College in
11 Boston, "wicked" is a very local term up there. In
12 addition, though, to being wickedly funny, many of those
13 who speak of you in the anonymous surveys as well, speak to
14 your intellect and your ability to master.

15 As Representative Smith -- or Murphy was asking
16 about your lacking in criminal practice exposure, I believe
17 you'd be a quick study to get it down.

18 One other comment: Youth. This is the -- you
19 might call this the judgeship of youth instead of the
20 Fountain of Youth. There have been so many young attorneys
21 who have applied and have chosen this one as the one to go
22 for, like you, for the first time.

23 Your willingness to do this, to effectively put
24 on hold your great earning potential that you have before
25 you as a not yet 40-year-old, right? You're 39?

1 A. I'm 39. I'll be 40 in February.

2 **Q. So give us a little color there of why you would**
3 **forsake what, again, would be clearly a upward trajectory**
4 **of your earning capacity.**

5 A. Sure. And that's really the heart of the issue,
6 right, why am I sitting here today? And, candidly, I feel
7 called to do this. I feel called to the bench. And as I
8 have engaged in a great amount of self-reflection, both
9 before I filed my application and since then, I have taken
10 a critical examination of my life and what's important to
11 me and what I would like to accomplish.

12 And in looking back at the course and trajectory
13 of my life that has brought me to this very moment, I see
14 the same themes over and over again. Whether I was
15 developing them consciously or subconsciously, the idea
16 that the rule of law is critical to the success of our
17 Republic, the idea that there is no greater way to ensure
18 the dignity of the individual than to promote, defend and
19 protect the proposition of equal justice for all
20 individuals under law, and, you know, the idea that -- how
21 much of a blessing it is, that we live in a country where
22 there's an independent judiciary that is looking out for
23 those very things.

24 And so as I move into the phase where I submitted
25 my application and I've continued on this journey, I become

1 more firmly convinced than ever that none of this works,
2 none of those things that I care about work unless good men
3 and women are willing to step away from what could be a
4 more lucrative private practices or whatever, and serve the
5 higher interest that we would all like to believe that
6 America represents.

7 And I don't think it's fair for me to look at
8 other folks and say, "Well, I wish so-and-so would run for
9 judge because I'd like to have a good judge on the bench."

10 I perceive that I have the skill set to do this
11 job and to do it well. I've got the passion to do it well.
12 And there is no reason -- as I was reflecting, well, do I
13 run or do I not, there was no reason that I could come up
14 with where I would not toss my hat in the ring, at least to
15 stand or sit before you and say, "Here I am. I'm ready to
16 serve if you'll have me."

17 So that's all I can do. And for all those
18 reasons, that's why I felt compelled to apply for this and
19 to run this race.

20 **Q. Ever so briefly, touch on your case in 2016**
21 **against the Greenville County Election Commission in their**
22 **prohibiting someone from registering to vote.**

23 A. Yeah. Absolutely. So there were a couple of
24 Furman students that I knew some -- well, two of them were
25 South Carolina residents; one was not, but had grown up

1 here. And they were trying to register to vote by having
2 their residence be considered their dormitory at Furman,
3 which has been the law of the United States since, I
4 believe, 1973. There was a seminal Supreme Court decision
5 about that very issue.

6 And for whatever reason, the local election
7 commission refused to acknowledge that those individuals
8 were constitutionally residents of where their dormitories
9 were. And so they came to me, and said, "Can you help?"
10 And I could.

11 And so, you know, I may be one of the few lawyers
12 in this state, that has gotten a temporary restraining
13 order against the government on a constitutional case
14 involving voting rights. And the case was over shortly
15 after that, as soon as we got the TRO.

16 And it -- you know, it wasn't hard. All you had
17 to do was point at the Supreme Court decision and say,
18 "This is the law. Let's follow the law."

19 And Judge Stillwell, who's seat I'm running for,
20 is the one that followed the law. So I was glad to be a
21 conduit for that.

22 CHAIRMAN RANKIN: Very good. Very good.
23 All right. Unless there are other questions and comments
24 from you, this will close this portion of our screening
25 process. And pursuant to our role here, and our evaluative

1 criteria, in addition to our very strict adherence to both
2 the letter and the spirit of the South Carolina ethics
3 laws, any violation of those laws or the appearance of
4 impropriety would be deemed very serious and deserving of
5 heavy weight in our deliberative process in this screening.

6 You're aware of that. But I just wanted to
7 put that on the record and get your verbal acknowledgment
8 of that.

9 MR. BUCKINGHAM: Yes, sir. I acknowledge
10 that.

11 CHAIRMAN RANKIN: And that in the event
12 there were to be any issues there, you understand that you
13 would be called back, because this record does not close
14 until the formal release of the report of qualifications.

15 MR. BUCKINGHAM: Yes, sir.

16 CHAIRMAN RANKIN: All right. Mr.
17 Buckingham, thank you so much for your candidacy and your
18 enthusiasm as you have answered and interacted with us
19 today.

20 MR. BUCKINGHAM: Thank you all very much.

21 (Candidate excused.)

22 SENATOR TALLEY: Before we get started, I
23 need to swear you in. So if you will remove your mask.
24 We're going to allow you to do that throughout the duration
25 of your testimony. It helps the court reporter, obviously.

1 MR. CRICK: Yes, sir.

2 SENATOR TALLEY: If you would raise your
3 right hand.

4 WHEREUPON,

5 A. LANCE CRICK, being duly sworn and
6 cautioned to speak the truth, the whole truth and nothing
7 but the truth.

8 SENATOR TALLEY: All right. Before you sit
9 down, we see you have some guests with you today. So if
10 you want to take a moment and introduce who's with you,
11 feel free to do so.

12 MR. CRICK: Thank you. First of all, my
13 wife Cindy Crick is here, the most amazing person I know
14 and the most talented lawyer I know.

15 MS. CRICK: He's not under oath yet.

16 SENATOR TALLEY: He is under oath. This is
17 in the record.

18 MR. CRICK: And so I'm really happy that
19 she's here today. Jason Peavy is a colleague of mine, we
20 worked together in the U.S. Attorney's Office, he's here
21 with me as well. And then my friend from Wofford, and my
22 law school roommate, Richard Lackey, who's from Orangeburg,
23 is also here.

24 SENATOR TALLEY: Very good. Welcome,
25 everyone. Feel free to sit down, Mr. Crick.

1 MR. CRICK: Yes, sir.

2 SENATOR TALLEY: You will see before you,
3 your personal data questionnaire as well as a sworn
4 statement that you submitted to the Commission. Are both
5 of those correct?

6 MR. CRICK: I would like to make one
7 correction, if I could.

8 SENATOR TALLEY: Yes, sir.

9 MR. CRICK: And it is in Question 57,
10 Subsection F. It was a typo on my part. It references my
11 service with the South Carolina YMCA Youth and Government
12 Team Serves Board of Directors, it currently shows 2014 to
13 present. I believe that my span on that board was not past
14 2016.

15 SENATOR TALLEY: Okay. All right.

16 MR. CRICK: It's the only thing I noticed.

17 SENATOR TALLEY: Thank you for that. We'll
18 accept that on the record. Other than that minor
19 amendment, everything else correct?

20 MR. CRICK: Yes, sir.

21 SENATOR TALLEY: Okay. Do you have any
22 objection to us making those documents part of the record
23 of this hearing?

24 MR. CRICK: None whatsoever.

25 SENATOR TALLEY: All right. We'll do that.

1 (EXHIBIT NO. 3 - JUDICIAL MERIT SELECTION
2 COMMISSION PERSONAL DATA QUESTIONNAIRE OF A.
3 LANCE CRICK)

4 (EXHIBIT NO. 4 - JUDICIAL MERIT SELECTION
5 COMMISSION SWORN STATEMENT OF A. LANCE CRICK)

6 SENATOR TALLEY: Now, Mr. Chairman, as you
7 probably know, the Judicial Merit Selection Commission has
8 thoroughly investigated your qualifications for the bench.
9 Our inquiry focuses on nine evaluative criteria, and
10 includes a ballot box survey, a thorough study of your
11 application materials, verification of your compliance with
12 state ethics laws, a search of newspaper articles in which
13 your name appears, a study of previous screenings, if
14 applicable, and then a check for economic conflicts of
15 interest.

16 We have received no affidavits filed in
17 opposition to your election to this position. No witnesses
18 are present to testify for or against you. At this point
19 you are welcome to make a brief opening statement, if you
20 wish.

21 MR. CRICK: Thank you, Senator. I just want
22 to thank this group for the opportunity to be here today.
23 And I look forward to answering any questions you may have.

24 SENATOR TALLEY: All right. Very good.
25 With that, I'll turn it over to Sharon Wilkinson, who does

1 have some questions for you at this time.

2 MS. WILKINSON: Good morning. Mr. Chairman,
3 I note for the record that based on the testimony contained
4 in the candidate's PDQ, which has been included in the
5 record with the candidate's consent, Mr. Crick meets the
6 constitutional and statutory requirements for the position
7 regarding age, residence, and years of practice.

8 EXAMINATION BY MS. WILKINSON:

9 Q. Mr. Crick, how do you feel your legal and
10 professional experience thus far renders you qualified and
11 will assist you to be an effective Circuit Court judge?

12 A. So I've been practicing law for approximately 20
13 years, and started in the Pickens County solicitor's office
14 in the 13th Circuit. I'm from Mauldin, South Carolina, and
15 I've remained in the Upstate. I currently live in
16 Greenville.

17 I joined the U.S. Attorney's Office,
18 approximately three weeks before 911 in 2001, and have held
19 a number of different roles in that office and remain a
20 member of that office to-date. And so that's a brief
21 chrono of my legal history.

22 During my time in the solicitor's office, it was
23 a small office, four lawyers at the time, and I think I
24 second chaired a murder before I tried a DUS. And so we
25 had a unique opportunity to be in a smaller space, and also

1 an opportunity to sign up for some cases, quickly, and get
2 in the courtroom.

3 And so I enjoyed those three years there, and
4 tried a number of, you know, criminal cases, obviously, as
5 an assistant solicitor.

6 And I joined the U.S. Attorney's Office and was
7 hired under a Project Safe Neighborhoods grant. That
8 quickly shifted to a focus on terrorism after 2001. But
9 the program remained intact, and, in fact, remains intact
10 to present.

11 Part of my responsibilities there, we were
12 working very closely with our state and local partners, as
13 well as members of the community, in an effort to identify
14 cases, not only for enforcement but also cases that we
15 could look at in a deterrent factor, if you will, on the
16 front end of the spectrum to try to keep folks from
17 committing crimes; working with communities, working with
18 law enforcement; and also on the back end of the spectrum
19 with reentry and programs like Focus Deterrence.

20 And so that's something that I did for -- I still
21 do it today, to be honest with you. In 2015, I became the
22 Greenville U.S. Attorney's Office office manager, if you
23 will. So that gave me some exposure to administrative
24 duties and supervision responsibilities with our assistant
25 U.S. attorneys and support staff in the office.

1 In July of 2000 -- excuse me -- in January of
2 2017, I was asked by then interim U.S. Attorney Beth Drake
3 to be the First Assistant United States Attorney. And then
4 when now U.S. District Court Judge Lydon, when she was
5 appointed U.S. Attorney in May of 2018, she asked me to
6 remain in that capacity as First Assistant.

7 As First Assistant, I basically was the counselor
8 to the U.S. Attorney, and had purview and supervision over
9 our three divisions, which are the civil division, our
10 administrative division, as well as our criminal division.

11 We have approximately 150 employees, a \$12
12 million budget. And while the majority of our AUSAs are in
13 the criminal division, we also have some 16 AUSAs in the
14 civil division.

15 And that division is broken into two groups, both
16 the affirmative side as well as the defense of handling a
17 number of matters from qui tams to auto torts to med-mal to
18 healthcare fraud.

19 And so I had the fortunate pleasure to work very
20 closely with members of our civil division, and participate
21 in mediations. And I had settlement authority as First
22 Assistant, and I reviewed settlement memos, participated in
23 negotiations that they held between the parties on
24 significant, complex civil matters, and just really enjoyed
25 that facet of my responsibilities as First Assistant.

1 In December of 2019, when Judge Lydon ascended --
2 excuse me -- in '20 -- '19. Sorry. I became the acting
3 United States Attorney, courtesy of the vacants -- Vacancy
4 Reform Act, and remained as such until a former colleague
5 of this body, Mr. Pete McCoy, became our U.S. Attorney.
6 And he is doing a fine job.

7 During those four months as acting U.S. Attorney,
8 we had some challenges like the rest of the world did. We
9 experienced Covid. There really was no blueprint for that.
10 I don't think one exists yet.

11 So I mention all of that because I feel like the
12 number of -- the different responsibilities and
13 opportunities I've had in my state time, as well as my
14 federal times, having exposed me to all facets of the
15 practice of law.

16 And just very briefly, I'm the president elect of
17 the Greenville County Bar. And for several years prior to
18 that, I was our CLE coordinator. So I think -- of course,
19 everything is now virtual because of Covid, but prior to
20 our Covid scare -- excuse me -- scare and pandemic, we --
21 Greenville hosted the largest -- outside of the South
22 Carolina Bar Convention, the largest on-campus CLE of some
23 600 lawyers.

24 And so my responsibilities included planning
25 that, our plenary session for all of our lawyers, which

1 routinely included our Substance Abuse training and our
2 Mental Health training, as well as panels of various judges
3 from the state and federal level. And then in the breakout
4 sessions in the afternoon with civil litigation, corporate,
5 family law. We even added a probate leg as well as
6 criminal.

7 So in whole or in sum, I feel I've had a unique
8 opportunity, based on different roles I've been able --
9 I've had the fortunate opportunity to take in my current
10 capacity.

11 And just to finish, I'm currently the Executive
12 Assistant United States Attorney. So counselor to U.S.
13 Attorney McCoy. I'm also our Crime Deputy Chief over
14 crimes, as well as I remain our Greenville office manager.

15 **Q. Thank you. Mr. Crick, the Commission received**
16 **292 ballot box surveys regarding you, with 49 additional**
17 **comments. The ballot box survey, for example, contained**
18 **the positive comments:**

19 **"Lance is a tremendous lawyer, a tremendous**
20 **leader, and tremendous community member. He's actively**
21 **involved in the Greenville County Bar and has been a leader**
22 **across the state for several years. His temperament is**
23 **well suited for the position and his ethics are beyond**
24 **reproach."**

25 **Another positive comment stated, "Lance has been**

1 active in the Bar for years, which shows a commitment to
2 our legal community. He brings leadership experience and
3 civil and criminal experience to this position. His
4 skillset and experience in the federal law would translate
5 well. He has an excellent temperament and would be an
6 excellent judge."

7 Another comment stated, "Lance would bring a
8 wealth of uncommon experience and leadership to the bench.
9 The quantity and quality of civil and criminal he's both
10 participated in and supervised would be better equipped to
11 serve the court to handle the complex matters that continue
12 to come before it. His reputation is strong and he has an
13 ability to solicit and receive input in contested in close
14 calls before making a decision and executing on the same.
15 He would make the Circuit Court bench better, and I hope to
16 see him elevated to the same."

17 Ten of the written comments did express concerns.
18 There were two comments which voiced concerns regarding
19 your temperament. One comment stated a concern about being
20 vulnerable to political influence, and another comment
21 voiced concerned about your ethical standards in general.

22 How would you respond to the concerns about
23 temperament, and how would you respond to the concerns
24 about ethics?

25 A. Sure. I've always tried to be a collaborator and

1 work with everybody, regardless of political affiliation.
2 Part of my current capacity for the last 19-plus years is
3 to be a apolitical member of the Department of Justice.
4 We've had several administration changes while I've been
5 active in this office, and our job is to remain apolitical.

6 But furthermore, on a personal level, I enjoy
7 working with both sides of the aisle, if you will. I'm
8 close personal friends with our public defenders, with all
9 members of what I call our courtroom family, which is
10 certainly our judiciary but our clerk of court's office,
11 our court security, our members of probation.

12 I've always, I think, been very nice. I try to
13 add a little bit of humor every now and then. So I'm -- I
14 don't see temperament as being -- that's the last thing I
15 would think anyone would say about me as having
16 questionable temperament.

17 I try to resolve things and I try to get it
18 right. I try to make sure we pursue justice, but also that
19 we work together to get to a resolution as opposed to, you
20 know, going further in any sort of unnecessary adversarial
21 way, in my opinion.

22 So I'm surprised to hear those comments regarding
23 temperament. I'm the middle child in my family. I'd
24 really like everybody to get along. And I work -- I've
25 spent a lot of time with a lot of folks from various walks

1 of the practice, and I just -- I'm always open to a call or
2 a suggestion. I love to resolve things. I think that's
3 what I enjoy doing.

4 And I think I've touched on it, but the political
5 -- I think you said possibly susceptible to political
6 influence. Again, I just go back to what I've previously
7 stated that I don't have any issues there.

8 I have friends across the political spectrum. I
9 enjoy opposing viewpoints and dialogue and conversations
10 about various views and positions.

11 But in my capacity, and certainly if elevated to
12 be a Circuit Court judge, politics would never, you know,
13 color the lense or the optics of what I would be doing
14 every day.

15 **Q. Thank you. Mr. Crick, most of the concerns in**
16 **the ballot box regarded to the lack of civil experience and**
17 **a lack of state court experience. Of course these were**
18 **based on your long tenure with the United States Attorney's**
19 **Office. I know you've already talked about your work**
20 **experience, but would you like to elaborate?**

21 **A. Sure. So I was an assistant solicitor right out**
22 **of law school, for three years in Pickens County, in the**
23 **13th Circuit. So I did get a great experience there in a**
24 **small office as opposed to being in a bigger office, where**
25 **you're regimented or segmented into certain types of --**

1 whether it's white collar or financial crimes or violent
2 crime or sex offenses.

3 I feel like I've got a well rounded experience
4 there. Now, that was 17 years ago. So I recognize that,
5 certainly. But, however, when I was hired as an AUSA, I
6 basically was hired to work with state and local law
7 enforcement, and essentially adopt cases that were made on
8 the streets of Columbia or Greenville or Florence, or
9 elsewhere, for federal prosecution.

10 And so while I was not prosecuting those cases in
11 state court, in order to put those cases together for
12 federal prosecution, that would be mean going to the local
13 PD or the sheriff's office, meeting with victims, talking
14 with the agents assigned to those cases.

15 So, essentially, we were bringing cases. And we
16 do that to this day, through federal adoption of state
17 cases. So, yes, those were tried in federal court. Those
18 were plead in federal court. But those were cases that had
19 their origins from the streets and local communities.

20 MS. WILKINSON: Mr. Chairman, I would note
21 that the Upstate Citizens Committee found Mr. Crick
22 qualified in the evaluative criteria of constitutional
23 qualifications, physical health and mental stability.

24 He was found well qualified in the
25 evaluative criteria of ethical fitness, professional and

1 academic ability, character, reputation, experience, and
2 judicial temperament.

3 BY MS. WILKINSON:

4 Q. Mr. Crick, we have a few housekeeping issues to
5 go over, just for the record. Are you aware of the
6 judicial -- are you aware as a judicial candidate you are
7 bound by the Code of Judicial Conduct as found in Rule 501
8 of the South Carolina Appellate Court Rules?

9 A. Yes, ma'am.

10 Q. Since submitting your letter of intent have you
11 contacted any members of the Commission about your
12 candidacy?

13 A. No, ma'am.

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, ma'am.

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

22 A. Yes, ma'am.

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

1 **your behalf?**

2 A. No, ma'am.

3 **Q. Have you reviewed and do you understand the**
4 **Commission's guidelines on pledging in South Carolina Code**
5 **Section 2-19-70, Subsection E?**

6 A. Yes, ma'am.

7 MS. WILKINSON: Mr. Chairman, I would note
8 for the record that any concerns raised during the
9 investigation by staff regarding Mr. Crick were
10 incorporated into the questioning of him today.

11 I have no further questions.

12 SENATOR TALLEY: Thank you, Ms. Wilkinson.
13 Mr. Crick, at this point we open it up for members of the
14 Commission that may have comments or questions.

15 MR. CRICK: Yes, sir.

16 SENATOR TALLEY: Mr. Strom.

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

18 First, Mr. Crick, I have to tell you I
19 really -- I really questioned your judgment by bringing
20 Jason Peavy with you as a character witness. Strike that,
21 please.

22 Lance, I've obviously followed your career.
23 I believe Strom Thurmond hired you into the office.

24 MR. CRICK: Yes, sir.

25 MR. STROM: And as you've gone through your

1 resume and these earlier questions, and I won't spend a lot
2 of time going through that again, but it's obvious to me
3 that you've worked for Democrats and you've worked for
4 Republicans, you've stayed in leadership on both sides.
5 And that shows an awful lot about you.

6 I mean, sometimes people kind of get a
7 political appointment, but when it changes they get
8 banished to Florence or somewhere. But that's not
9 obviously been the case with you. You've stayed in --

10 MR. CRICK: Yes, sir.

11 MR. STROM: -- the leadership through
12 Democrats and Republicans. And, obviously, the Department
13 of Justice thought enough of you to appointment you as the
14 interim U.S. Attorney for a period.

15 And, you know, they obviously could pick
16 anybody in the office. And that's -- you know, that's a
17 high honor to have that job. And I think that says an
18 awful lot about your judgment, you know.

19 And I'm looking over your letters. You know,
20 Trey Gowdy, you know, who I take credit for hiring into the
21 U.S. Attorney's Office, is a -- you know, and then having a
22 reference from him. And Ben Stepp, the public defender up
23 there, to have somebody on the other side speak highly of
24 you is important.

25 You know, our federal Bar is small. I've

1 never heard of any temperament issue with you with anybody,
2 so I completely discount that. Any question about your
3 ethics, that's never been raised by anybody that I know.
4 So I -- you know, I completely discount that.

5 Your federal versus state experience, if it
6 were the other way around, I -- if you'd only practiced in
7 the solicitor's office, and you're trying to be a federal
8 judge, I'd have some concern. But, you know, obviously, I
9 believe that if you've worked in the federal system, you
10 can adapt to the state system.

11 And you're used to rules. The civil
12 experience is something that comes up all the time, or it's
13 the criminal experience with just about everybody we have
14 come in here, because most of us are in one track or the
15 other. There are few people that are such generalists that
16 they do both anymore. And, you know, so that's just -- you
17 know, that is what it is.

18 I will say -- and I know that as the First
19 Assistant and as the acting U.S. Attorney, you are involved
20 in serious civil litigation and -- you know, if you've
21 practiced in federal courts, it's rule-driven much more
22 than state court, much like civil procedure.

23 So I'm not concerned about those -- you not
24 -- you having those skills. And you're certainly smart
25 enough to pick up the rest of them. So I thank you for

1 offering. I think you'd make an excellent judge.

2 MR. CRICK: Thank you, sir.

3 SENATOR TALLEY: Representative Rutherford.

4 REPRESENTATIVE RUTHERFORD: Yeah. Mr.
5 Crick, I heard the comment about your temperament, and I
6 almost started to yell, "You lie." But I restrained
7 myself. I have known you since you were in law school.

8 MR. CRICK: Yes, sir.

9 REPRESENTATIVE RUTHERFORD: I've never heard
10 you raise your voice. I mean, you talk in the same tone
11 all day, every day that I've ever heard you speak. I don't
12 even know that you can actually run. You probably can run
13 really fast, I've just never seen you move. You move at
14 the same speed, the same clip, usually with a cup in your
15 hand, and you talk to people the same way all day.

16 So to hear somebody say that, they must have
17 had the wrong Lance Crick, or they just caught you on an
18 abnormally bad day. But I've seen you have bad days, too,
19 and I don't know what they could be talking about.

20 I got a text, because I understood that
21 Murrell nor I were here, and Murrell gave me a list of
22 things going back to your college days that he wanted me to
23 ask you about. So if we could start on number one. No,
24 I'm just kidding. Well, you brought Jason Peavy. And that
25 -- like Pete, I'm like, "You did what?" I'm like, "Is that

1 Jason?"

2 But, you know, you have been a credit to the
3 Bar. You certainly are a credit to the way that things
4 operate in Greenville; you do a great job up there. And I
5 think as well you'd make a great judge. So thank you for
6 offering to do this.

7 MR. CRICK: Thank you, sir.

8 SENATOR TALLEY: Any other member of the
9 Commission have any questions or comments?

10 (Hearing none.)

11 SENATOR TALLEY: If not, Mr. Crick, I just
12 have one question. And that is: Did you know that your
13 wife is one of the reasons I didn't finish first in our law
14 school class?

15 MR. CRICK: She did remind me of that on the
16 way down.

17 SENATOR TALLEY: She just won, right?

18 MR. CRICK: Yeah.

19 SENATOR TALLEY: But, no, I would just echo
20 what Mr. Strom and Representative Rutherford have said.
21 You know, we get a lot of comments in this ballot box, we
22 get a lot of information about candidates. We do read it.
23 And I appreciate you being here today.

24 Mr. Peavy, good to see you as well. I won't
25 tell some of our stories growing up to these folks that

1 know you in the room. Other than we were born on the exact
2 same day, which will never change, correct? Unlike some
3 things up in this place.

4 But, anyway, anybody else have anything else
5 for Mr. Crick?

6 (Hearing none.)

7 SENATOR TALLEY: Mr. Crick, do you have
8 anything else you want to say?

9 MR. CRICK: No, I just appreciate the time
10 and really appreciate all the questions and the comments.
11 I just thank you all for what you do.

12 SENATOR TALLEY: Very good. I do need to
13 take the opportunity to remind you that pursuant to our
14 criteria, we expect candidates to follow both the spirit as
15 well as the letter of the ethics laws, and we will view any
16 violations or the appearance of impropriety as serious and
17 potentially deserving of heavy weight in screening
18 deliberations.

19 On that note, and as you know, the record of
20 your candidacy will remain open until the formal release of
21 the report of qualifications. And you may be called back
22 at such time, if a need arises. I don't expect that to
23 happen, but we do note that. And can you acknowledge that
24 on the record?

25 MR. CRICK: Absolutely.

1 SENATOR TALLEY: Thank you, sir. With that,
2 we thank you for offering. We thank you for your service
3 to the State of South Carolina. And that will close this
4 portion of your screening for now.

5 MR. CRICK: Thank you all very much.

6 (Candidate excused.)

7 CHAIRMAN RANKIN: Stand, if you will. And
8 take your mask down for the court reporter's hearing
9 purposes.

10 WHEREUPON,

11 PATRICK C. FANT III, being duly sworn and
12 cautioned to speak the truth, the whole truth and nothing
13 but the truth.

14 CHAIRMAN RANKIN: Have a seat.

15 MR. FANT: Thank you.

16 CHAIRMAN RANKIN: And make sure that mic is
17 working. Very good. Before you, Mr. Fant, is your -- the
18 two forms you filled out for us, the PDQ and the sworn
19 statement. Do you need to make any changes to those before
20 we put them in the record?

21 MR. FANT: No, sir. Other than -- I mean, I
22 have amended and I've sent that in.

23 CHAIRMAN RANKIN: All right. You don't
24 object to them being made a part of the record.

25 MR. FANT: No, sir.

1 CHAIRMAN RANKIN: Very well.

2 (EXHIBIT NO. 5 - JUDICIAL MERIT SELECTION
3 COMMISSION PERSONAL DATA QUESTIONNAIRE OF PATRICK
4 C. FANT III)

5 (EXHIBIT NO. 6 - JUDICIAL MERIT SELECTION
6 COMMISSION SWORN STATEMENT OF PATRICK C. FANT
7 III)

8 CHAIRMAN RANKIN: Are you aware of our
9 investigation in all things that we have asked and have
10 looked at? And the questions and the interaction you've
11 had with your screening attorney has -- is Bob Maldonado,
12 right?

13 MR. FANT: Yes, sir.

14 CHAIRMAN RANKIN: So there are nine
15 evaluative criteria that we look at in addition to your
16 ballot box survey, a thorough study of your application
17 materials, a verification of your compliance with the state
18 ethics laws, a search of newspaper articles in which your
19 name appears, a study of previous screenings, and a check
20 for economic conflicts of interest.

21 No affidavits have been filed in opposition
22 to your campaign, and no witnesses are present to testify.
23 Unless you would have your wife say things about you under
24 oath. She is with you, though, correct?

25 MR. FANT: Yes, sir. She sure is.

1 CHAIRMAN RANKIN: And stand up, ma'am, and -
2 -

3 MR. FANT: My much better half, Jennifer.

4 CHAIRMAN RANKIN: Take your mask down so we
5 can see your bright smile. So we will --

6 MS. FANT: Here I am.

7 CHAIRMAN RANKIN: Very good. Thank you for
8 being with us. I saw you all out in front of the elevator
9 just a while ago. So thank you.

10 And you, Mr. Fant, have the opportunity to
11 make a brief opening statement, if you like.

12 MR. FANT: Thank you. I understand that --
13 I want to be respectful of your time, and so brief, but I
14 want to thank each of you all for your service. It's an
15 honor to be able to be here. I know that this is very time
16 consuming for you all, and I do respect your time.

17 I also just want to thank Ms. Crawford and
18 Mr. Maldonado, their staff, and particularly Lindi who kind
19 of, for all accounts, I think, keeps the trains running.
20 Thank you.

21 CHAIRMAN RANKIN: You're exactly right.
22 Otherwise, I cut you off.

23 MR. FANT: No, I'm finished.

24 CHAIRMAN RANKIN: Very good. Mr. Maldonado.

25 MR. MALDONADO: Thank you, Mr. Chairman. I

1 would note for the record that based on the testimony
2 contained in the candidate's PDQ, which has been included
3 in the record with the candidate's consent, Patrick
4 Cleburne Fant III meets the constitutional -- the
5 constitutional and statutory requirements for this position
6 regarding age, residence, and years of practice.

7 EXAMINATION BY MR. MALDONADO:

8 **Q. Mr. Fant, can you tell the Commission why it is**
9 **that you want to be a Circuit Court judge?**

10 A. Thank you. It's been laid on my heart to be -- I
11 guess a calling, and answer that calling to public service.
12 I would love to be a public servant and serve as a judge
13 for this great state. And I feel like I've got to judicial
14 temperament, I feel like I have the respect of my peers,
15 and I really would like to give back to the state.

16 I have -- and then you asked as far as
17 qualifications?

18 **Q. Yes, that's coming up.**

19 A. Oh, okay. But I really would like to give back.
20 And I feel a call for public service.

21 **Q. Thank you. Mr. Fant, how do you feel your legal**
22 **and professional experience thus far renders you qualified**
23 **and will assist you be an effective Circuit Court judge?**

24 A. Thank you. I was very fortunate to clerk for
25 Judge Pyle when I began my career, and I learned so much

1 from him. He was an incredible trial judge.

2 After that, I was fortunate to come to this
3 wonderful city and be with Ellis, Lawhorne & Sims. When I
4 was with Ellis, Lawhorne & Sims earlier in my career, I had
5 the opportunity to try three civil trials with David
6 Morrison, one of the senior partners in my firm.

7 After that, I primarily have practiced workers'
8 compensation defense. More recently, probably in the last
9 five to seven years, I've served as certified mediator.
10 And that has been incredible as far as just -- just looking
11 at things objective, being fair and neutral.

12 But I do feel like the experience that I've had,
13 particularly sitting the Judge Pyle, and just my
14 interaction throughout my career, dealing with attorneys
15 across the table from me, just the fact that I've litigated
16 numerous workers' compensation cases over my career, I feel
17 like it has prepared me.

18 Just workers' comp involves a lot of discovery,
19 sometimes more complex than others. It also, like I said,
20 involves interaction with other attorneys. We have a lot
21 of cases. At least in the past, we have.

22 And just the workers' comp context itself is
23 hearings, it's like mini-trials. And I do feel I that has
24 prepared me in just ways to be an appropriate trial judge.

25 **Q. Thank you. Mr. Fant, the Commission received 211**

1 ballot box surveys regarding you, with 23 additional
2 comments. The ballot box, for example, contained the
3 following positive comments:

4 "Mr. Fant has a wealth of applicable experience,
5 exceptionally keen intellect, and the personal traits to be
6 one of our finest judges."

7 Also, another statement mentioned, "I have known
8 this candidate for 30 years. He enjoys an outstanding
9 reputation among people who have known him for decades. He
10 would be outstanding judge."

11 Four of the written comments expressed concerns.
12 Two of the comments mentioned your lack of civil or
13 criminal experience. How would you respond to those
14 concerns?

15 A. Well, I would go back and say that I was very
16 fortunate to clerk for Judge Pyle. And while sitting with
17 Judge Pyle, I was able to observe a death penalty case from
18 beginning to end. I was able to observe several other
19 trials that were complex medical malpractice case, a
20 nursing home negligence case, a criminal sexual conduct
21 case that was up in -- up in Walhalla. And then, of
22 course, just observe Judge Pyle as he dealt with the Bar
23 and took pleas.

24 And so that was both a combination of both civil
25 and criminal. And then I would say, again, I've been

1 fortunate to, early in my career, have three civil jury
2 trials.

3 I would also say that, you know, my career has
4 been involving litigation in the workers' comp context,
5 which while it's not a jury trial, it certainly does
6 involve, like I've already alluded to, litigation. You
7 have examination. You have evidentiary stuff. You have
8 medical causation issues. So I feel like even though
9 that's administrative law, that in ways that's prepared me
10 from a civil standpoint.

11 I would also say that I've had to opportunity to
12 clerk -- or I'm sorry -- to be a mediator. And I've done
13 primarily workers' comp, but I've also been able to do
14 civil mediations.

15 I served on the board for the Upstate Mediation
16 Center, which is a mediation program up in Greenville,
17 South Carolina. And they also are -- they work with the
18 Greenville County Magistrate Mediation program, and so I've
19 been able to serve as a mediator in that program.

20 **Q. Thank you. Mr. Fant, two of the comments**
21 **expressed concerns about your temper and professionalism.**
22 **How would you answer these concerns?**

23 A. I hope that my peers would say that, that's not
24 an accurate reflection of who I am. I hope that I am known
25 as being caring, compassionate, worthy adversary. When you

1 shared those with me, I was a little taken back. But at
2 the same time, I never want to take a comment such as that
3 lightly.

4 And I just -- I don't think that -- that, that
5 reflects me. And I'm a -- I really was trying to reflect
6 back on who may have said that, just so if there's some
7 issue that I need to resolve with them, that I could -- you
8 know, could resolve. But I do not think that is
9 characteristic of who I am. So thank you.

10 MR. MALDONADO: I would note the that
11 Upstate Citizens Committee reported Mr. Fant is well
12 qualified as the ethical fitness, professional and academic
13 ability, character, reputation, experience, and judicial
14 temperament.

15 The Committee reported Mr. Fant is qualified
16 as to the constitutional qualifications, physical health
17 and mental stability.

18 BY MR. MALDONADO:

19 Q. I'll finish up with some housekeeping issues.
20 Mr. Fant, are you aware that as a judicial candidate you
21 are bound by the Code of Judicial Conduct as found in Rule
22 501 of the South Carolina Appellate Court Rules?

23 A. Yes, sir.

24 Q. Since submitting your letter of intent have you
25 contacted any members of the Commission about your

1 **candidacy?**

2 A. No, sir. For the record, I would say that prior
3 to Senator Talley being appointed, I did send an
4 introductory letter. And then I made an introduction at
5 his office.

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

10 A. No, sir.

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

14 A. Yes, 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 on
18 your behalf?

19 A. No, sir.

20 Q. Have you reviewed and do you understand the
21 Commission's guidelines on pledging in South Carolina Code
22 Section 2-19-70(E)?

23 A. Yes, sir.

24 MR. MALDONADO: Mr. Chairman, I would note
25 for the record that any concerns raised during the

1 investigation by staff regarding the candidate were
2 incorporated into the questioning of the candidate today.

3 Mr. Chairman, I have no further questions.

4 CHAIRMAN RANKIN: Thank you, Mr. Maldonado.
5 All right. Questions of the Commission members? Senator
6 Talley.

7 SENATOR TALLEY: Thank you Mr. Chairman.
8 Good -- still morning, Mr. Fant. Nice to see you. You and
9 I have known each other for several years. And I just
10 wanted to make a comment. You know, we get these ballot
11 box surveys, and a lot of other information, as we vet
12 candidates for these positions. And I was surprised, too,
13 when someone referred to you as unprofessional or
14 temperamental.

15 Our dealings, even of late in certain
16 matters, have always been professional. Way above board.
17 Other than scheduling a doctor's deposition way too early
18 in the morning one time, I've always enjoyed working with
19 you.

20 And I would just say, too, for the record,
21 while your experience of late has been thoroughly in
22 workers' compensation, I know your intellect, I know your
23 acumen. I know that you would be able to adapt at handling
24 the role of a Circuit Court judge well. So I appreciate
25 you offering.

1 MR. FANT: Thank you.

2 SENATOR TALLEY: And I wish you the best as
3 this process continues.

4 MR. FANT: Thank you, Senator.

5 CHAIRMAN RANKIN: Representative Murphy.

6 REPRESENTATIVE MURPHY: Thank you, Mr.
7 Chairman.

8 EXAMINATION BY REPRESENTATIVE MURPHY:

9 Q. Thank you, Mr. Fant, for your offering to serve.
10 And looking through your resume, and it's been -- and
11 you've discussed as predominantly, if not your entire
12 practice, has revolved around workers' compensation?

13 A. Yes, sir.

14 Q. And I know that one of the comments that -- or
15 two of the comments were that you have little to no
16 experience in criminal or civil law, and you responded that
17 workers' compensation is essentially civil litigation. So
18 I would say 50 to 60 percent of my practice as a solo
19 practitioner is in the court of General Sessions.

20 A. Yes, sir.

21 Q. So how would you alleviate the concerns of my
22 colleagues in the criminal defense Bar, that you are
23 unprepared from day one to be able to preside over a
24 General Sessions trial --

25 A. Yes, sir.

1 Q. -- and the complexity that goes with that? How
2 would you alleviate those concerns?

3 A. That's a very fair question. And thank you.

4 Q. Yes, sir.

5 A. I would just tell you -- I would go back to the
6 incredible experience that I had with Judge Pyle and the
7 opportunity to observe there. I would also let you know
8 that since I have announced for my intention for this
9 candidacy, over the last couple of months I have had -- I
10 think four times I have gone and observed court with Judge
11 Hayes, I've observed his pleas.

12 I have also observed HIP revocations with Judge
13 Miller. I have observed Judge Verdin take pleas. I also
14 observed a three-quarter day criminal trial with Judge
15 Verdin up in Oconee County. I also have gone in front of
16 Judge Gravely, and watched him do pleas.

17 Q. Wow, that might be an issue. That might be an
18 issue.

19 A. Am I allowed -- am I allowed to laugh? But I
20 would just say that everybody else's going to have a
21 learning curve. Part of this is always continuing to
22 learn.

23 I would just submit to you that I desire to -- or
24 one of the things that excites me about the potential for
25 this is the intellectual stimulation and that you do have

1 to learn. And I -- and I realize that I am going to have
2 to study hard.

3 But I do feel like I can be fair, that I can be
4 impartial. I do feel -- I try to read the advance sheets.
5 I know this may come across crazy, but even before I was
6 judicial candidate, I would not read the Family Court cases
7 or the Master in Equity cases, but of course I immediately
8 look for any workers' comp cases and then I would look at
9 the criminal and the civil.

10 I do know, just in preparing for when we had the
11 questions for the South Carolina Bar, I did spend time
12 looking at just criminal cases over the last year.

13 One thing that Judge Pyle taught me and instilled
14 in me was just he always read the advance sheets, and he
15 would always take excerpts out of those cases, which he
16 would utilize for his charges.

17 So I just -- I would promise to you, I would
18 study hard and do everything I can to prepare.

19 Q. Well, and I would just -- and I commend you on
20 those steps that you've taken. And I think I noted in your
21 PDQ, your son is a law clerk for Judge Verdin?

22 A. Yes, sir.

23 Q. And then your two other children are currently in
24 law school. One at Georgia and one at Carolina?

25 A. That's correct. My daughter's going to be coming

1 back to Greenville, to work for Dority & Manning. I call
2 that not really practicing law, doing that intellectual
3 property and patent stuff. And then my son's here at USC
4 in his first year.

5 Q. Well, good for you. And then I would just, you
6 know, also tell -- just, you know, avail yourself of the
7 on-line CLEs that -- currently everything is on-line.

8 A. Yes, sir.

9 Q. And video. Particularly the criminal law CLEs
10 and everything. But I want to -- and I was just informed
11 that your son also clerked for judiciary --

12 A. Yes, sir. Yes, sir. And I also would add --
13 just when you had commented on CLEs, I have from time to
14 time in the past even done criminal CLEs. And this year at
15 the Greenville CLE, I did -- I did the breakout session
16 that did pertain to some discovery of victims and the
17 defendants in just criminal cases.

18 And Judge Verdin also spoke, I think, it was like
19 -- but it's not like every CLE. Obviously, I've been
20 practicing workers' comp, so I go to workers' comp CLEs.
21 But I have -- when there's been like a multiple offering,
22 tried to avail myself of CLEs. And I certainly will do,
23 you know, what you --

24 Q. Thank you. And I appreciate -- and, again, thank
25 you for your willingness to serve.

1 A. Thank you.

2 CHAIRMAN RANKIN: Any other questions of
3 anybody? Mr. Safran. Thank you.

4 MR. SAFRAN: Mr. Fant, happy to see you
5 today.

6 MR. FANT: Thank you.

7 MR. SAFRAN: And, basically, I think you've
8 heard what is pretty standard from this group, at least in
9 the last several years, in that when you look at a Circuit
10 Court job, there are issues that come up in terms of what
11 your focus has been up to, to that point.

12 And, certainly, I'm very, very aware of that
13 fact that when you get into a certain area of practice, and
14 you get proficient in it, you tend to kind of stay there.
15 I think there are ways to remedy it. And you've certainly
16 tried to do that.

17 You've gone and done these observations of
18 trials. And that's something that's important to us.
19 Because I think, repeatedly, we find people haven't even
20 made the effort. And certainly, you have.

21 We see often, you know, folks kind of coming
22 in and saying, you know, "I really want to do it," but they
23 don't necessarily always take the steps to really try to
24 prove it. And I think you have.

25 I agree with you, having done a lot of

1 workers' comp myself, that in a lot of ways there's very
2 little difference in terms of how those cases may progress
3 as compared to other civil cases. So I really didn't think
4 you're at any major disadvantage in the respect.

5 And, again, you know, the fact that you've
6 stuck with this stuff, you've done well, you've established
7 a good reputation over the course of a lot of years speak
8 very highly.

9 And I will agree with Senator Talley. I've
10 dealt with you, periodically, over a number of years. I've
11 never found you to be anything other than cordial,
12 respectful, and very up front. And somebody that I can
13 trust. And that's really what you look for in these kind
14 of situations.

15 So I think you've got a lot of assets that
16 you can basically point to in terms of your candidacy, and
17 we hope that you continue on and see where we go with it.

18 MR. FANT: Thank you. That means a lot
19 coming from you, Mr. Safran.

20 CHAIRMAN RANKIN: Other questions?
21 Comments?

22 (Hearing none.)

23 CHAIRMAN RANKIN: Mr. Fant, I am impressed
24 with you. I don't know you that well, but I know you. And
25 I don't know why I know you, other than perhaps by

1 reputation. But I'm struck by a couple of things. And one
2 of which includes the legacy of lawyers that you and your
3 wife have created; one a clerk, and two active law
4 students.

5 The tuition at Georgia versus the tuition at
6 South Carolina dramatically different? Your wife has
7 nodded already, so you don't need to say a word. You don't
8 need to say a word.

9 MR. FANT: It's true. And Lillian, my
10 daughter, was a physics major at Wofford -- and, again,
11 wanting to be brief -- but they offered her just great
12 incentives. And they had a -- I think it's called a
13 Tuition Equalization Program.

14 And she has really thrived down there.
15 She's the Student Bar president, and but it has been a
16 great opportunity for her. And she's loved it down there.

17 And, actually, Professor Shipley, who used
18 to teach at South Carolina, was the dean down there at UGA
19 and I ran into him. And I heard the name Shipley, and I
20 was like, I wonder if that's the -- that's the same one.

21 CHAIRMAN RANKIN: We are a year apart in law
22 school. And I -- we had a book called The Face Book back
23 in the day. The young people in this room, and anyone that
24 might read this record, it literally was a paper book that
25 we had our faces and names in it. And I, again, had

1 forgotten that we were that close. You're much, much
2 younger than me.

3 But one other little quick aside, and that
4 is your personality and what, clearly, Frank Eppes would
5 applaud, and that being highlighted in a letter that you
6 have from Major General U.S. -- from the Marines, Mastin
7 Robeson.

8 MR. FANT: Robeson.

9 CHAIRMAN RANKIN: Robeson. Who I know most
10 of you all have read this, but I did want to include it in
11 the record. How did you two meet? You introduced yourself
12 to him on an airplane flight to Washington D.C. So that is
13 a -- that is a wonderful trait. And, obviously, it landed
14 you a bride and a wonderful career. So I want to commend
15 you for your extroverted personality.

16 MR. FANT: Thank you.

17 CHAIRMAN RANKIN: All right. Unless there's
18 anything else, we will at this time end this portion of the
19 screening process. Mr. Fant, you are to be reminded of our
20 expectation that the Commission, both in the letter and the
21 spirit of the law adheres very closely to the South
22 Carolina ethics laws.

23 Any violation or the appearance of
24 impropriety will be deemed serious and potentially
25 deserving of heavy weight in our screening deliberations.

1 You're aware that our record is not closed
2 and won't be until the final report of qualifications is
3 issued. In the event -- the unlikely event that we would
4 need to ask you further questions, you understand that we
5 could do that and this record is not closed until that
6 point, correct?

7 MR. FANT: Yes, sir.

8 CHAIRMAN RANKIN: All right. Thank you for
9 being here, and for your bride joining us. And we are now
10 off the record.

11 (Candidate excused.)

12 CHAIRMAN RANKIN: If you will, raise your
13 right hand.

14 WHEREUPON,

15 WILL GROVE, being duly sworn and cautioned
16 to speak the truth, the whole truth and nothing but the
17 truth.

18 CHAIRMAN RANKIN: Have a seat. And you have
19 the documents that you have worked long and hard to fill
20 out, the PDQ and the sworn statement before you. Do we --
21 or do you need to make changes to those before we hand them
22 over to Caroline to put in the record?

23 MR. GROVE: No, sir. I don't have any
24 changes. I do have one addition that I'd like to make,
25 verbally. I didn't know where in my PDQ to include it. On

1 my driver record, I believe my license was suspended for
2 about 24 hours back in 2011. And that was for a delayed
3 resolution on an expired registration ticket that was
4 issued out of Society Hill, that was supposed to be
5 resolved and it wasn't. And they sent me a notice and it
6 got resolved within 24 hours. I didn't find a question
7 that appropriately addressed that, but I did want to
8 include that.

9 CHAIRMAN RANKIN: All right, sir.

10 MR. GROVE: Other than that, I have no
11 objection to that being made a part of the record.

12 CHAIRMAN RANKIN: Great. All right.

13 (EXHIBIT NO. 7 - JUDICIAL MERIT SELECTION
14 COMMISSION PERSONAL DATA QUESTIONNAIRE OF WILL
15 GROVE)

16 (EXHIBIT NO. 8 - JUDICIAL MERIT SELECTION
17 COMMISSION AMENDED PERSONAL DATA QUESTIONNAIRE OF
18 WILL GROVE)

19 (EXHIBIT NO. 9 - JUDICIAL MERIT SELECTION
20 COMMISSION SWORN STATEMENT OF WILL GROVE)

21 CHAIRMAN RANKIN: We have thoroughly
22 investigated your qualifications for the bench. And we've
23 looked, as you know, at the nine evaluative criteria.
24 We've also looked at your ballot box survey, a study of
25 your application materials, verification of your compliance

1 with the state ethics laws, a search of newspaper articles
2 in which your name appears. And this is your first
3 screening, correct?

4 MR. GROVE: That's correct.

5 MR. CHAIRMAN: So no prior screenings. But
6 we obviously look at those, too, if it applies. And then a
7 check for economic conflicts of interest. No affidavits
8 have been filed in opposition to your -- to your election,
9 and no witnesses are here to testify. Unless the young
10 lady you've got behind you to the right wants to come
11 forward. We can accommodate her, if she's got something to
12 say.

13 MR. GROVE: Oh, I don't think that will be
14 necessary, Senator.

15 CHAIRMAN RANKIN: For the record, young
16 lady, stand up and -- Mr. Grove, if you'll tell us who this
17 person is.

18 MR. GROVE: Thank you. Yes. This is my
19 wife, Katie.

20 CHAIRMAN RANKIN: Katie, take the mask down.
21 We make everybody do it so we can see the smile. We want
22 to make sure you're smiling instead of frowning.

23 MS. GROVE: I am smiling. It is an honor to
24 be here.

25 CHAIRMAN RANKIN: Well, welcome. You can

1 put the mask back on and start frowning all you want.

2 MS. GROVE: Thank you.

3 CHAIRMAN RANKIN: Mr. Grove, you have the
4 opportunity, if you like, to make an opening statement.
5 You are early, as we said, and you've really got an hour
6 and five minutes to take up. No, make it brief.

7 MR. GROVE: I don't have anything. Just a
8 general appreciation for the effort and consideration that
9 goes on to making these sorts of decisions. And I am
10 grateful to be here and even to be considered.

11 CHAIRMAN RANKIN: Super. Ms. Mottel will
12 take it away from here.

13 MS. MOTTEL: Thank you, Mr. Chairman. And I
14 do note for the record that based on the testimony
15 contained in the candidate's PDQ, which has been included
16 in the record with the candidate's consent, that Mr. Grove
17 meets the constitutional and statutory requirements for
18 this position regarding age, residence, and years of
19 practice.

20 EXAMINATION BY MS. MOTTEL:

21 Q. Mr. Grove, how do you feel your legal and
22 professional experience thus far renders you qualified and
23 will assist you to become an effective Circuit Court judge?

24 A. I think I've had a fairly varied experience, and
25 not just with a combination of civil and criminal law, but

1 a varied experience across the state of South Carolina.

2 I've been fortunate to practice in three
3 different circuits, seven counties and counting, which
4 means that I have practiced in front of a number of Circuit
5 Court judges.

6 I've practiced with a number of different
7 practitioners through the civil Bar and the criminal Bar.
8 I think that's given me a wide and varied experience, and a
9 lot of different situations to draw on in terms of making
10 the right decisions and lots of different variations of
11 legal analysis that have been made, and lots of different
12 variations of situations that I've ever been in or had
13 witness to.

14 And that's an invaluable thing that I'm not sure
15 could be gathered with an experience in just one limited
16 area of the law or one limited area of the state.

17 **Q. Thank you, Mr. Grove. The Commission received**
18 **215 ballot box surveys regarding you, with 50 additional**
19 **comments. The ballot box survey, for example, contained**
20 **the following positive comments. And I'd like to highlight**
21 **those for the record.**

22 **"Will is one of that smartest, most thoughtful**
23 **and compassionate attorneys I know. He is the exact sort**
24 **of person we need on the bench. Will would be a fair**
25 **jurist with an ability to empathize with all sides. He has**

1 vast amounts of experience in the criminal law arena, and
2 would bring a wonderful perspective to this position."

3 And finally, "Mr. Grove is an outstanding
4 attorney, an innovative thinker, and as fair and
5 compassionate an individual as we could ever have on the
6 bench."

7 Three of the written comments expressed concerns.
8 Two of the comments involved your level of experience to be
9 a judge, whether it be in civil matters or your age. What
10 response would you offer to this concern?

11 A. One, I hope that my relative youth can be looked
12 at as a positive rather than a negative. This past week
13 made eleven years since I was licensed. I started
14 practicing the day after I was sworn in, and so I guess
15 Tuesday of this week made eleven years of practice.

16 That means I've got a lengthy career ahead of me.
17 At least I hope. And I'd like to be considered as a member
18 of the bench for a significant portion of that.

19 I'm hopeful that a younger jurist can bring fresh
20 ideas to the bench, a new perspective to the bench, and
21 also the opportunity to serve as a judge as a career rather
22 than a halfway point or even sort of on the tail end of a
23 career, but that a judicial seat can be one that is looked
24 at as a career choice rather than an afterthought.

25 Q. Thank you. Mr. Grove, what would you do if you

1 had to master an unfamiliar are of the law in a relatively
2 short amount of time?

3 A. "Study" is the short answer to that. And that's
4 just the hard work of not just being a jurist but being a
5 lawyer. You know, there are often times where even as a
6 practitioner you're put into a situation where you have to
7 learn something and you have to learn it quickly. I think
8 that, that's equally applicable from the bench.

9 Fortunately, I've had a lot of experience in
10 criminal law. So I'd like to think that I'm fairly well
11 versed in most if not all the aspects that might be
12 presented to me there.

13 In civil law, I would have the benefit of those
14 filings being placed ahead of time and having an
15 opportunity to review them in advance of a hearing. And if
16 I didn't feel comfortable with my own level of preparation,
17 I certainly also would have the benefit of the local bench
18 in the 13th Circuit, where there is a wealth of experience
19 and knowledge, already, that I could call on if needed.

20 Q. Thank you. Mr. Grove, the second concern that
21 was raised in one comment indicated that you lack
22 fundamental fairness and an understanding of both sides in
23 a criminal case. How would you respond to that?

24 A. I've probably got a lengthy list of clients that
25 might disagree with that approach or consideration. But I

1 can understand, with 215 people who issued a survey, that
2 one person might have an opinion like that.

3 I don't know who it was or what situation they
4 were talking about. I would point out that three of my
5 five letters of recommendation come from former prosecutors
6 that I've worked with.

7 And I imagine at least some, if not lots of the
8 comments, the other 50 comments that were issued can come
9 from former prosecutors. I do think that I have a deep
10 empathy. I think I'm a good advocate for my own clients,
11 and so sometimes that's misinterpreted.

12 But I also think that I have an ability to see
13 both sides of an argument. I think that makes me a good
14 advocate for my client in a -- with an ability to
15 anticipate what another argument might be, or appreciate
16 another person's position.

17 I try not to put myself in a situation where I'm
18 before the court asking for something unreasonable, or even
19 approaching a prosecutor with something that's
20 unreasonable, so that my client and I don't lose
21 credibility in our situation.

22 So I can't really change that comment. But I
23 would take exception to it, though. I don't know. Maybe
24 that's a one-off.

25 **Q. Thank you. And, Mr. Grove, your SLED report**

1 indicated that you -- that there was a prisoner-related
2 lawsuit filed against you by -- in January 2014 in U.S.
3 District Court, by Derrick L. Jones. The suit was
4 terminated in March 2014.

5 You were not served in this matter, and you were
6 not aware that you were named as a defendant until your
7 candidate interview; is that correct?

8 A. That's correct.

9 Q. Do you have any additional information that you
10 would like to share with the Commission about this case?

11 A. No, ma'am.

12 Q. Thank you.

13 MS. MOTTEL: I would note that the Upstate
14 Citizens Committee reported that Mr. Grove is well
15 qualified in the evaluative criteria of ethical fitness,
16 character, professional and academic ability, reputation,
17 experience, and judicial temperament. And he was found
18 qualified in the criteria of constitutional qualifications,
19 physical health and mental stability. The Committee had no
20 other comments.

21 BY MS. MOTTEL:

22 Q. I now have a few housekeeping questions that I
23 have for you. First, are you aware of the -- as a judicial
24 candidate you are bound by the Code of Judicial Conduct as
25 found in Rule 501 of the South Carolina Appellate Court

1 Rules?

2 A. I am.

3 Q. Since submitting your letter of intent have you
4 contacted any members of the Commission about your
5 candidacy?

6 A. I have not.

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

11 A. I have not.

12 Q. Are you familiar with South Carolina Code Section
13 2-19-70, including the limitations on contacting members of
14 the General Assembly regarding your screening?

15 A. I am familiar.

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

20 A. I have not, nor am I aware.

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. Yes, ma'am.

25 Q. Thank you.

1 MS. MOTTEL: Mr. Chairman, I would note for
2 the record that any concerns raised during the
3 investigation by staff regarding Mr. Grove were
4 incorporated into the questioning today.

5 And, Mr. Chairman, I have no further questions.

6 CHAIRMAN RANKIN: Any questions by members
7 of the Commission? Senator Talley.

8 SENATOR TALLEY: Thank you, Mr. Chairman.

9 Mr. Grove, nice to see you. Ms. Grove, nice
10 to see you again as well. I just wanted to comment on
11 something that is spoken to in some of these ballot box
12 surveys we've gotten, but also your letters of
13 recommendation, and that is your service to the Bar in our
14 profession.

15 You and I have corresponded numerous times
16 over the last couple of years, as you engage in our
17 profession, trying to make us all better, more collegial,
18 and grow relationships amongst the local Bar.

19 So I appreciate that. And it shows your
20 commitment to this profession outside of your own practice
21 for that of us. So I commend you for that.

22 MR. GROVE: Thank you.

23 SENATOR TALLEY: You made an interesting
24 comment, too, in response to some of the ballot box
25 surveys. Obviously, most of those are overwhelmingly

1 positive. And we're aware of the anonymity of those,
2 obviously, and can read through all of those. But with
3 your youth, I think it -- I still consider myself young,
4 and I hope I never lose that.

5 But you have a lot of positive comments that
6 I think go beyond your eleven years or practice. And
7 you're to be commended for that as well.

8 So there are, obviously, multiple people in
9 this race that we have to consider as we go through this
10 process, but I appreciate your willingness to step up and
11 further serve this state in this role

12 MR. GROVE: Thank you, Senator. And I would
13 point out that there are quite a number of assistant public
14 defenders in Greenville that would take exception with my
15 description as being young.

16 EXAMINATION BY CHAIRMAN RANKIN:

17 Q. Mr. Grove, I want to comment on one of the -- or
18 explore, rather, one of the comments offered by Lucas
19 Marchant, in which you referenced generally, but not
20 specifically, as to though lacking in civil trial practice
21 experience.

22 Your familiarity with the Circuit Court and being
23 in front of a judge and dealing with people equips you in
24 his view -- and I'm paraphrasing -- to be on par with
25 someone who may have just as much civil practice exposure.

1 **That's not the great equalizer, necessarily, but do you --**
2 **how do you see that? And do you agree with that?**

3 A. I do. Thank you for that. I think one of the
4 things that's worth noting is in my work as a public
5 defender. My frequency with which I appear in front of the
6 Circuit Court sort of magnifies the eleven years of
7 experience that I do have.

8 I'm sure that there are plenty of people in
9 private practice that have been in for the same amount of
10 time that I have, that haven't appeared or had nearly as
11 much experience in interacting with the bench or the bench
12 with the frequency that I have.

13 When I started in the 4th Circuit, I was working
14 a little bit in all four of those counties, which meant
15 that we had court every week, and that we were in front of
16 the court every week.

17 Then I moved to Florence, and we were on a
18 rotation of maybe every -- about half the time, two or
19 three weeks at a time, with two or three weeks off in-
20 between. And that's a similar schedule that we have in
21 Greenville now.

22 But the frequency and that -- that sort of
23 accumulation of experience in such a short amount of time
24 can equalize to some degree what might otherwise look like
25 a limited level of experience. And those rules of evidence

1 are generally applicable through civil court and the court
2 of General Sessions. And so I'll have that advantage as
3 well.

4 It's worth noting that at the beginning of my
5 career, I did work in civil practice. I tried a case to a
6 jury there, and participated in discovery. So I'm
7 generally familiar, already, with the inner workings of
8 common pleas. And I'd like to think that I'd be able to
9 take the experience with me to the bench, if I was deemed
10 fit.

11 Q. A similar line of questioning that we had in this
12 race as well as others, this one, likewise, attracted young
13 attorneys aspiring to an early ascension to the bench. You
14 were born in '83. You practiced, you said, eleven years?

15 A. That's correct.

16 Q. There have been younger, perhaps, but why would
17 you want to forego what clearly will be an upward
18 trajectory of an earning capacity at such an early age to
19 offer for this position?

20 A. I was given some advice when I applied to law
21 school, that if I was doing it for the money, I was doing
22 it for the wrong reason. And I'm not sure that I fully
23 appreciated how true that was at that time. But over the
24 last eleven years, I've come to find out that, that's very
25 real. At least for me.

1 I had a little, what I sometimes joke, as a cup
2 of coffee in civil court before I found my home as a public
3 defender, and I've been doing that for over ten years now.
4 And that really is my passion is public service. So I'd
5 like to continue that public service.

6 And I think that I'd be well equipped to do that
7 from the bench. If that means potentially foregoing an
8 earning capacity, or that I might otherwise limit myself in
9 that way, I don't even view that as a sacrifice.

10 But I suppose that's a sacrifice I'm willing to
11 make. I think that the passion that I have for public
12 service. And the rewards that I get that come from that,
13 that aren't financial, far outweigh any money that might be
14 earned.

15 Q. And the lack of civil experience, again, you
16 referenced in your ability to, I guess, catch up with that
17 and reach out to the -- to the local Bar or others.

18 Obviously, you're a quick study. Given the
19 advent of mediation more and more, it is a motions practice
20 that occupies the Circuit Court judge's time, which either
21 to the chagrin of some or to the pleasure of others, you
22 often don't rule from the bench.

23 So there is an opportunity to study it and ponder
24 and research and rely upon the competing briefs, I guess,
25 or orders to make the right decision. But other than that,

1 how do you see yourself able to go on a dime, to turn from
2 a General Sessions' more active roster to the civil?

3 A. Could you clarify that question?

4 Q. Well, in other words, other than just reaching
5 out to the local Bar, and taking time to review the
6 competing submissions before you, how are you going to get
7 up to speed quickly?

8 A. Again, I think it really is just the grunt work
9 of studying. I think that there's no real substitute for
10 that. And at that end of the day, it's the judge's
11 responsibility to make sure that they're the one that's
12 prepared.

13 I'd like to think that I'm always prepared or --
14 I try to be to most prepared person in the courtroom when I
15 have to appear there. And as a jurist, I would take that
16 same discipline to the bench, and make sure that I was
17 educating myself, whether that is through the advance
18 sheets or just generally studying the case law.

19 Or, obviously, preparing based on the pleadings
20 that have been filed and presented that I'm getting ready
21 to preside over, to make sure that I'm educated, to
22 understand what the arguments are going to be, anticipate
23 where I think those things will go, and be prepared to
24 issue a ruling.

25 It's nice to have the security blanket of taking

1 things under advisement, but it's also important to make
2 sure that things are resolved quickly and that they're
3 moving forward at a regular pace.

4 And so I think it might be an attractive
5 consideration to think that you can just hear a motion and
6 then wait and decide later, but that tends to drag on cases
7 unnecessarily, perhaps.

8 So I think it's also important to make sure that
9 a judge is prepared to rule as quickly as possible so that
10 litigants can have their resolutions, good, bad, or
11 otherwise, but that their cases can be heard and can be
12 resolved in a timely manner.

13 Q. Well, very well. Very well. And to your two
14 children, Mary and Margaret --

15 A. Mary Mack and Maggie. Yes, sir.

16 Q. Mary Mack and Maggie. So those are strong names
17 and strong nicknames too. So I'm proud that you are here
18 with your bride.

19 CHAIRMAN RANKIN: And unless there are other
20 questions by anybody from the Commission, we will at this
21 time, unless you have -- I'm sorry, Mr. Safran.

22 EXAMINATION BY MR. SAFRAN:

23 Q. Mr. Grove, we appreciate you being here. I just
24 had a few questions. It looked like that at least in your
25 journey as a public defender, you went to several different

1 circuits. And what kind of moved you around from the 4th
2 and over to the 12th, and kind of where you are now?

3 A. Sure. I started in the 4th Circuit. I was
4 living in -- right outside of Darlington, and commuting to
5 Bennettsville, that's where my office was. When I wasn't
6 in court in either Chesterfield or Dillon or Darlington, I
7 was driving to Bennettsville every day.

8 An opportunity presented itself, a former
9 coworker of mine from the 4th Circuit had moved to
10 Florence, and a job opening came open in the public
11 defender's office there. And so I readily took that
12 opportunity to move to what at the time was the big city of
13 Florence as far as I was concerned.

14 I was there for about three and a half years
15 before I left. And I'd probably still be there today but
16 for the lady sitting behind me. She and I met. Matt
17 Ozment, who wrote one of my letters of recommendation, a
18 former prosecutor from Florence, we actually met at his
19 wedding. And he's now godfather to one of our daughters.

20 I wasn't from Florence. Katie is from
21 Greenville. So that was a easy decision for the two of us
22 to come to on who should relocate. And I was fortunate
23 enough to find an opening in the Greenville public
24 defender's office, so I could continue my public service
25 there.

1 While at Greenville in the public defender, I
2 started as an assistant public defender. At some point in
3 the last year, year and a half, two years ago maybe, I was
4 promoted to what was considered a senior level lawyer. I'm
5 now serving as the deputy public defender there.

6 Q. Let me ask also -- you did have a short period of
7 time in civil practice, and I think you said you at least
8 had some involvement in discovery and some trial work.
9 Have you found as a public defender, that at least the
10 basics are tremendously different in terms of what you have
11 to do going to court?

12 A. I don't think so. There is a lengthy discovery
13 process, through both civil and criminal law. Preparation
14 is certainly key. I know that some states perform
15 depositions in criminal law. And sometimes I wish that we
16 did. It's a -- because sometimes it feels like you're not
17 exactly sure what an individual is going to say when they
18 get up there. You might have a general idea.

19 But I think the general tenants from both
20 branches of the Circuit Court are similar enough, that
21 those skills are readily transferrable from one to the
22 other.

23 Q. And what I'm hearing from you, at least it seems
24 like that having made the switch, and apparently found, as
25 you said, your home, you're kind of in it for the duration.

1 Is that basically it? If for some reason this time it
2 wasn't successful as far as your candidacy, I'm assuming
3 you're going to remain being a public defender, at least in
4 the near future?

5 A. I don't have any intentions of leaving right now.
6 Having been in there for ten and a half years, it's hard
7 for me to imagine doing anything else.

8 Q. Okay. Well, we appreciate your appearance. And
9 thank you very much.

10 A. Thank you.

11 CHAIRMAN RANKIN: All right. Anything else?

12 (Hearing none.)

13 CHAIRMAN RANKIN: Mr. Grove, thank you
14 again. And now this concludes this portion of our
15 screening process. You're so familiar with this
16 Commission's work in our evaluative criteria. Perhaps you
17 also know, but I do need you to acknowledge this on the
18 record, if you don't, that we expect both a strict
19 adherence to the letter and the spirit of the South
20 Carolina ethics laws.

21 Any violation or the appearance of
22 impropriety would be deemed serious and potentially serving
23 of heavy weight in our screening deliberations.

24 This record does not close until the report
25 of the qualifications and our release of that. And you

1 understand that we could call you back should there be any
2 questions about your potential. And certainly we don't
3 expect any violation or the appearance of impropriety of
4 that.

5 MR. GROVE: I understand, Chairman. Thank
6 you.

7 CHAIRMAN RANKIN: Very well. All right,
8 sir. So again, thank you all both for being here. And you
9 all have a safe trip back. Again, I appreciate your being
10 here early today.

11 MR. GROVE: Happy to oblige. Thank you so
12 much.

13 CHAIRMAN RANKIN: Thank you.

14 (Candidate excused.)

15 MS. CRAWFORD: So we'll start back up at
16 one.

17 (Off the record from 12:17 p.m. to 1:35 p.m.)

18 CHAIRMAN RANKIN: All right, folks. We're
19 now back on the record. And for the record, during our
20 executive session, no decisions were made and no votes were
21 taken.

22 And now we will proceed to Mr. G.D. Morgan,
23 who stands with us. Sir, if you will raise your hand.

24 WHEREUPON,

25 G.D. MORGAN JR., being duly sworn and

1 cautioned to speak the truth, the whole truth and nothing
2 but the truth.

3 CHAIRMAN RANKIN: Very well. Have a seat,
4 sir. And thank you for being here early. And we are --
5 you've been here a while, I know. And we are ten minutes
6 ahead of your appointed schedule, so if you're successful
7 as a judge, please remember that I was early.

8 MR. MORGAN: Noted. I'll remember.

9 CHAIRMAN RANKIN: Mr. Morgan, you have
10 before you that PDQ, personal data questionnaire and your
11 sworn statement. My question to you is: Do you need to
12 make any changes, or are they ready to go into the record
13 as is?

14 MR. MORGAN: I do not.

15 CHAIRMAN RANKIN: Okay. Caroline will get
16 those.

17 (EXHIBIT NO. 10 - JUDICIAL MERIT SELECTION
18 COMMISSION PERSONAL DATA QUESTIONNAIRE OF G.D.
19 MORGAN JR.)

20 (EXHIBIT NO. 11 - JUDICIAL MERIT SELECTION
21 COMMISSION SWORN STATEMENT OF G.D. MORGAN JR.)

22 CHAIRMAN RANKIN: And now, sir, as we
23 investigate your qualifications, we look at the nine
24 evaluative criteria, of which Erin can remind each of us of
25 at length if you'd like to go through those. But you're

1 very familiar with those, correct?

2 MR. MORGAN: Yes, sir.

3 CHAIRMAN RANKIN: In addition to which we
4 look at the ballot box survey, a thorough study of your
5 application materials, a verification of your compliance
6 with the state ethics laws, a search of newspaper articles
7 in which your name appears.

8 And you have not screened before, have you?

9 MR. MORGAN: That's correct.

10 CHAIRMAN RANKIN: So and a check for
11 economic conflicts of interest. No affidavits have been
12 filed in opposition to your campaign, and no witnesses are
13 present to testify for you or against you.

14 And, sir, with that I'll open it up -- the
15 record up for you to make any opening remarks that you
16 would like before we turn it over to Emma for questions.

17 MR. MORGAN: I'll waive any opening. I just
18 appreciate the opportunity to be here.

19 CHAIRMAN RANKIN: Thank you, sir.

20 MS. DEAN: Great. Thank you, Mr. Chairman.
21 Thank you, Mr. Morgan. I note for the record that based on
22 the testimony contained in the candidate's PDQ, which has
23 been included in the record with the candidate's consent,
24 Mr. Morgan meets the constitutional and statutory
25 requirements for this position regarding age, residence,

1 and years of practice.

2 EXAMINATION BY MS. DEAN:

3 Q. Mr. Morgan, how do you feel your legal and
4 professional experience thus far renders you qualified and
5 will assist you to be an effective Circuit Court judge?

6 A. I think the fact that I've been doing this for 35
7 years is a big factor. And I think it's going to give me a
8 lot of experience on the bench, experience of being in the
9 trenches.

10 And I think it kind of can be divided, too, into
11 professional and legal. The legal part of it, the fact
12 that I have been practicing 35 years, I've tried a ton of
13 cases in state and federal court. Mainly state court. But
14 I've argued hundreds of motions.

15 I've taken probably over a thousand depositions.
16 I've participated in over hundred mediations. So I think
17 from a legal standpoint, that really, I think, gives me the
18 experience to be on the bench.

19 And I think the profession is a little bit --
20 there's somewhat related, but I think it's a little bit
21 different as well. From a professional part of it, I look
22 at it from a business standpoint. I've been in two law
23 firms in my career.

24 I started out with a Columbia firm, McCutcheon,
25 Blanton, Rhodes and Johnson, many years ago. We were a

1 small eight-, nine-person firm. And, you know, we did
2 everything. We ran the business. We practiced law. But
3 we ran a business from everything to how many pencils we
4 need to get and what -- paper for the legal assistants and
5 everything like that, making a -- you know, meeting a
6 payroll. So that gave me the experience there for doing
7 that for 16-plus years.

8 And then I switched over to McAngus, Goudelock &
9 Courie. And I've been with them almost 20 years now. It's
10 hard to believe. And I've been in the Greenville office --
11 I started here and then I moved back to Greenville about 13
12 years ago.

13 I'm from Greenville, born and raised up there.
14 And I've managed that office up there for about -- well, 14
15 years, ever since I've been up there. And we've got --
16 we're up to probably, if you total lawyers and staff, close
17 to 45, 50 people.

18 So I've -- while I'm practicing law, I've also
19 done the business part of it. And so I think I -- that's
20 sort of part of the professional part. And then the legal
21 part is just 35 years of trying cases and being in the
22 trenches.

23 And I think there may be one more thing, too, is
24 sort of the life experience. I know you've got your
25 professional, you've got your legal experience. Just as

1 you can probably tell I'm not young, I'm 60, so I've got
2 some life experience that I think will bode well for me if
3 I'm very lucky and fortunate to get on the bench.

4 Q. Thank you, Mr. Morgan. Moving on to the ballot
5 box questions. The Commission received 232 ballot box
6 surveys regarding you, with 48 additional comments. The
7 ballot box survey, for example, contained the following
8 positive comments:

9 "Doc is well respected by all lawyers. He would
10 have the prefect temperament for the bench. Mr. Morgan has
11 the intelligence, judgment, and proper temperament to be an
12 excellent judge. And Doc has an amazing amount of trial
13 experience, is unflappable, smart, fair, and would be an
14 excellent judge."

15 Two written comments notes your lack of civil
16 experience. First, before you address that, I should note
17 that those two were actually very positive comments with
18 just a -- that sandwiched the notation that you had limited
19 civil experience. And I was wondering if you could --

20 MR. CHAIRMAN: Criminal.

21 MS. DEAN: Thank you. Criminal. Thank you.

22 MR. CHAIRMAN: That was almost like the
23 waive in the stadium.

24 MR. MORGAN: Yeah, I figured I had a little
25 bit of civil experience.

1 BY MS. DEAN:

2 Q. Could you address that concern of limited
3 criminal --

4 A. Yeah, I'd be glad to. And first of all, I accept
5 service on that. I have not been a criminal lawyer. And I
6 did when I was a young lawyer, when we all did, I did
7 little small criminal stuff. But that was a long time ago.

8 But I have been a civil trial lawyer for all
9 these years. And, again, I accept service. And I think
10 it's a -- it's a fair question to ask.

11 I can tell you this: I will work hard at it.
12 I've been working hard at it for 35 years. I've been
13 working 60-plus hours a week for all these years, and I'm
14 not going to stop -- I'm not going to stop, you know,
15 working hard at it. So I can guarantee you, and put any
16 concerns to bed on that, that I'll work hard at it.

17 I think one good thing is it -- is that we've got
18 -- if I am very fortunate and lucky to get elected, I'll
19 probably have about five more months. Judge Stilwell is
20 not retiring until July, as I understand, so that gives me
21 a good five months to really kind of, you know, work on it
22 and study it.

23 And I've already talked to -- I've got several
24 good criminal defense lawyer friends of mine, as well as a
25 couple of the judges that I've talked to, and so they are

1 willing to, you know, work with me and help me with that.

2 And I will work hard on that. It's a -- you
3 know, in any kind of field, and even in the civil field --
4 I mean, things that I've done in the past, where I might
5 not have had experience -- I can remember when I first
6 started my old law firm, I did a decent amount of medical
7 malpractice.

8 And one of -- I started out with a -- probably my
9 mentor was a guy named Jeter Rhodes. And Jeter kind of got
10 me involved to start doing some medical malpractice. Well,
11 just as I got involved and started handling some cases with
12 him, he unfortunately was killed in an accident.

13 And so those cases that I had just started doing
14 med-mal work with him all of a sudden fell on me. And I
15 had not tried medical malpractice cases, I had not done
16 medical malpractice cases and -- but I took on the
17 challenge and I studied.

18 And med-mal, as some of y'all have done, it's not
19 an easy area of the law. I mean, it's a difficult area of
20 the law. And so I took that challenge on, studied it and
21 worked hard at it, and tried a number of med-mal cases.

22 So I think any area of that law, you're going to
23 have that challenge.

24 And, you know, I have not had the criminal
25 experience, but I'll learn it. I think a good -- if I can

1 follow his example, is a classmate of mine from college and
2 law school, who's now Justice James. Justice James did the
3 same exact work that I did.

4 And we were -- obviously knew each other and went
5 -- were roommates in law school, so I know him well. So I
6 know the practice he had. In fact, we did a lot of the
7 same kind of cases. He and I were one of the few lawyers
8 that did a lot of arson -- did a lot of arson. I still do
9 a lot of arson work.

10 In fact, I just tried an arson case last year.
11 So he did all civil, he did the same exact thing that I
12 did. And, you know, from what I know when he got on the
13 bench -- on the trial bench, you have -- you know, you've
14 never heard anything but good things about how good he did
15 and how he adapted as a criminal trial judge.

16 And I think that's a good -- if I can emulate him
17 and follow him, I'd be very lucky. I know this is public
18 record and he's going to see this, so he's probably going
19 to get the big head.

20 But in all honesty and seriousness, I think that
21 is a good example. It shows that even though somebody like
22 Justice James, who did all civil work like me, and on the
23 same side for the most part -- and I've done plaintiffs
24 work too -- he was able to achieve what he did and become a
25 good trial judge and now a Supreme Court justice.

1 So the bottom line is, I'm going to work hard.
2 Always have and always will.

3 Q. Great. Thank you, Mr. Morgan. And, again, just
4 to clarify for the record, those two comments were actually
5 primarily positive, one stating -- praising your experience
6 as a civil litigator, and stating you'd be an outstanding
7 judge on the bench, and the other said you'd be a fantastic
8 judge and can learn what was needed quickly. So just for
9 clarification. But thank you for addressing --

10 A. Thank you.

11 Q. -- those concerns.

12 MS. DEAN: I would note the that Upstate
13 Citizens Committee reported that Mr. Morgan is qualified in
14 the criteria of constitutional qualifications, physical
15 health and mental stability. The Committee found Mr.
16 Morgan well qualified in the criteria of ethical fitness,
17 professional and academic ability, character, reputation,
18 experience, and judicial temperament.

19 The Committee stated in summary, "Mr. Morgan
20 is very well respected among the Bar, statewide and in his
21 community. His demeanor is exactly what one looks for in a
22 judicial candidate."

23 BY MS. DEAN:

24 Q. Mr. Morgan, we're just going to move to some
25 housekeeping issues, briefly. Are you aware that as a

1 judicial candidate you are bound by the Code of Judicial
2 Conduct as found in Rule 501 of the South Carolina
3 Appellate Court Rules?

4 A. I am.

5 Q. Since submitting your letter of intent have you
6 contacted any members of the Commission about your
7 candidacy?

8 A. No, I have not. Now, before -- let me -- I do
9 want to disclose. Before Senator Talley was made a member
10 of the Commission, I had -- had a cup of coffee with him.
11 But that was before he was on the Commission. And that's
12 all we did. I didn't -- we just had a cup of coffee is all
13 we did.

14 Q. Thank you for disclosing that. Since submitting
15 your letter of intent have you sought or received the
16 pledge of any legislator, either prior to this date or
17 pending the outcome of your screening?

18 A. I have not.

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

22 A. I am familiar with it.

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

1 your behalf?

2 A. I have not.

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

6 A. I'm very familiar.

7 MS. DEAN: Mr. Chairman, I would note for
8 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 Mr. Chairman, I have no further questions.

12 CHAIRMAN RANKIN: All right. Questions of
13 the Commission members? Representative Smith.

14 EXAMINATION BY VICE CHAIRMAN SMITH:

15 Q. Mr. Morgan, let me kind of go back through some
16 of your testimony that caused me some concern. And the
17 first one was when you mentioned that you wanted to emulate
18 Justice James. I've got a lot of concerns about that. And
19 so while you said he's going to look at this and get a big
20 head, why don't I help humble him for you.

21 And so I do want to tell the story -- I know the
22 people who have been on here with me for a while. But he
23 was a great criminal judge and he -- and people had a lot
24 of respect for him, but he was a real bad criminal lawyer.

25 And let me tell you the story about his one foray

1 into the criminal arena. I was watching him when we all
2 used to get appointed to probation violations -- I'm sure
3 you had the pleasure too -- and they line up every lawyer
4 in Sumter, and we go over there and we have to handle
5 probations.

6 And you knew Buck James. He didn't sometimes
7 have the greatest perspective on everything, and so he goes
8 up there. And we had a judge who started chiding his
9 client and asking him why his client didn't do this and
10 didn't do that.

11 And I'll never forget he said, "Judge, look, I'm
12 not up here as a character witness. I'm up here as the
13 attorney. And if you want to put him in the clink, that's
14 your decision. It's not my job to do that."

15 A. That sounds real familiar.

16 Q. So he took about enough. So his one client that
17 he represented in criminal court, that I saw during the
18 years I practiced with him, went off to what we call across
19 the river in Sumter County.

20 So I hope you take that and you correct your
21 testimony you will make a judge and not the type of
22 attorney that he was in criminal cases.

23 A. That's right. So corrected.

24 Q. So, Mr. Morgan, let me just tell you a couple of
25 things. And I say this in all sincerity is -- you know,

1 we've struggled through the years in this commission, with
2 candidates coming before us who really don't have the
3 requisite amount of legal experience.

4 And there were times we that come and watch this
5 and say there are candidates here who, while they are
6 energetic and while they may one day be a good judge,
7 they're just not that ones that are what we are looking for
8 in South Carolina.

9 And so now, you know, this go around we see
10 people like you that come back and bring a wealth of
11 experience to the bench, who are well respected members of
12 their Bar and their -- and their communities and throughout
13 the state.

14 And, you know, I -- I'm just interested from the
15 perspective of you, now 60 years old, you're a managing
16 partner at a successful law firm that's, I think, all over
17 the Southeast, as I believe now. But what attracts you --
18 why do you want to come back and do this?

19 A. And that's a good question. I have been asked
20 that question a lot here in the last couple of months. And
21 it comes down to this: It really, in all honestly, it's --
22 I've been in the trenches for 35 years, I've been doing
23 this, I've had a good career, and I still enjoy it.

24 I mean, I still love being in the courtroom. And
25 it's something I really love to do. And I started thinking

1 -- to be honest with you, I had not thought about being a
2 judge. And when Judge Stilwell made the announcement that
3 he was going to retire, you know, I got to thinking about
4 it.

5 I am 60. I'm 35 years old -- I mean, 35 -- been
6 practicing 35 years, so I've done a lot in the practice,
7 and what can I do to sort of give back. And that's really
8 what it's all about.

9 It may sound hokey, but it really is the truth.
10 I got to a point, I guess, in my life, well, what can I do?
11 I can keep doing this for the next decade and love it.

12 And I get a lot of satisfaction out of practicing
13 law. I think all of us do that -- you know, we're all in
14 here to do this. But what could I kind of give back? How
15 can I contribute to the judicial system? Which I have --
16 I've only been a lawyer for all these years, but how can
17 give back?

18 And the with experience -- you know, your comment
19 about, you know, at times there may be lack of experience
20 on the bench, I think this is an opportunity to sort of,
21 you know, give back and give my years of experience to the
22 system. And hopefully that would help out.

23 I would like to see more of us do it. I know for
24 various reasons people don't, but I wanted to do it. And
25 it was a matter of public service, to be honest with you,

1 to use my experience to see if I can help out the next --
2 and if I'm very fortunate and lucky to get elected, and if
3 I get on and were to get elected again, it gives me a good
4 12 years -- almost 12 years on the bench. And I think I
5 can really contribute and give back.

6 Q. And you started practicing in the '80s, I guess,
7 if you graduated sometime around Buck James. So, you know,
8 I started practicing in the early '90s, and I -- back then
9 the judges seemed to be a little more grayer, a little more
10 seasoned. And that curve kind of inverted on itself in the
11 last decade, I would think.

12 And, you know, I'm not casting aspersions on any
13 judge. You know, people got all sorts of abilities and
14 talents that they bring to the bench. But it's refreshing
15 to see people who had -- I just can remember when I was a
16 young lawyer when judges say, "Oh, I remember I had this
17 case and I did that."

18 The people with experience always made the better
19 judges in my opinion. Wouldn't you agree with that?

20 A. A hundred percent. I mean, you've got to have
21 been somebody that's been in the courtroom. And, you know,
22 that only comes with age.

23 And especially now with -- you know, we were
24 trying -- several of us in here were trying cases all the
25 time when we started in the '80s and '90s. I mean, on a

1 Monday morning, I may be in -- on the roster in Richland.
2 I may in Orangeburg. I may be in Florence. So we were
3 just trying cases all the time. And it went on for years.

4 And then it's -- you know, especially over here,
5 the last ten, fifteen years with mediation, unfortunately -
6 - and I'm a big fan of trying in ABOTA, and so -- you know,
7 we all like trying cases. We're all trial lawyers.

8 And I hate -- I mean, I think mediation is great,
9 there's no question about it. It does settle cases and it
10 does get rid of cases, but I think it's really hurt that
11 trial bench -- I mean, and our trial Bar.

12 'Cause we've got -- even in our firm, we've got
13 lawyers who have been out ten or fifteen years and hardly
14 tried a case. And I think that's going to get worse and
15 worse.

16 And what the effect of that is the lawyers aren't
17 trying the cases. And then at some point those lawyers are
18 going to be trying to get on the bench, so they hadn't
19 tried cases, and you're going to have judges that have not
20 tried cases.

21 And so I think it's a -- again, I'm not knocking
22 mediation, 'cause I think mediation has its -- its good
23 points. But I really hate to see how the -- how the trials
24 are going now. There are very few of them.

25 **Q. I couldn't agree with you more. I did similar**

1 work, much insurance defense work, and every Monday morning
2 you had two or three cases on the roster, and you just
3 crank it up and go.

4 And now I -- you know, I've got young associates
5 handling all those, and they haven't seen the inside of a
6 courtroom in four or five years of doing it.

7 A. That's right.

8 Q. So I mean --

9 A. The biggest thing, too, you'd be on those rosters
10 in three different places, and it was whoever got you. You
11 know, so you would -- you'd spend that weekend getting
12 ready for three trials, 'cause you don't know where you're
13 going to be. You may get that call from Williamsburg
14 County or somewhere, "Hey, you're up."

15 And it just depends on, you know, who get -- who
16 would get you back then. Now, that's a heck of a way to
17 live life. It's tough. It was tough. We all did that.

18 And it's a little bit easier now, a little bit
19 less stress-free, But I think we all look back on it and --
20 you know, that was pretty good.

21 Q. That's those good old days.

22 A. Yeah, good old days. I kind of miss the days,
23 too, where, you know, you're back in the chambers with the
24 judges, you all are in there drinking a cup of coffee.
25 And, you know, I think the young lawyers today are going to

1 miss that. They're not going to have what we all had, and
2 that experience. And I hate to see that.

3 Q. Yeah. And the old adage I have to say -- you
4 probably remember Rusty Weinberg as fondly as I remember
5 him, is when I was on those rosters, he would always say,
6 "Son, you can only be in one courtroom at a time. So don't
7 worry about it."

8 A. That's right.

9 Q. A couple questions I ask everybody through this
10 just -- you've been through it, you've seen judges as
11 tyrants, and judges who don't control their courtrooms
12 throughout the process. And, you know, if you had to model
13 yourself after a judge, you've had 35 years of experience,
14 who would that be?

15 And then the followup questions just to save some
16 time is -- you know, I also am always concerned the
17 stresses that you have. You've described them on lawyers
18 and the demands to move cases, and continuances come in
19 front of you for a mediation, which doesn't take priority
20 in anything, or I got this deposition of this out-of-state
21 witness or -- you know, I've got my kid's dance recital
22 this weekend. How are you going to handle those things if
23 you're successful at that?

24 A. To your first question, judges -- gosh, there are
25 so many. Especially all of them in Greenville -- all the

1 judges in Greenville.

2 Q. It's a great day where we can always vote for the
3 losing Circuit Court judge.

4 A. So many judges that I do respect. You know,
5 Judge Cooper -- Tommy Cooper in Manning. Tommy Cooper, you
6 know, I've tried cases back in the day. I don't think you
7 can get a better, you know, example to follow there.

8 Judge Joe Anderson. In fact, I just tried a case
9 -- it was that arson case last year. You know, Judge
10 Anderson. Both of those I think are very similar. They're
11 a -- they let you try your case. They're respectful in the
12 cases I've tried in front of both of them.

13 And a number of other judges that are very
14 polite, respectful, and they let you try your case. But
15 most importantly, they're prepared. Both Judge Cooper and
16 Judge Anderson, you know, they're pretty tough to beat.

17 The second question, I think times have changed.
18 And I think when most of us were coming up there wasn't the
19 work/life balance thing out there. You know, that --
20 judges didn't really care about the -- you know, the
21 work/life balance thing. You got a conflict, you know,
22 rearrange your vacation. "And sorry that you got that
23 birthday, you know. She'll have another birthday next
24 year." That kind of stuff.

25 And I think fortunately it has changed and -- I

1 mean, society has changed, and probably for the better. We
2 do need to have to work/life balance. I don't disagree
3 with that at all.

4 So I think you've got to really now -- you know,
5 I -- the Covid thing has kind of put it all into
6 perspective, and, you know, the importance of family and
7 being around family and things like that, and the diseases
8 that people are having. But you've got to give them a
9 break.

10 You've got to give lawyers -- what we do is hard
11 a job in my opinion as there is. And I know there are
12 other professions out there, that say they're stressful and
13 tough. But I just think as a -- especially as trial
14 lawyers, it's tough and stressful.

15 And we do need a break and we need -- when we
16 have a vacation, or when our kids got a baseball game or
17 something, we need to -- for a judge to give you a break.

18 Now, I understand if there's something in the
19 trial or in the court that just can't be done, and that's,
20 you know, going to be an unfortunate thing. But if we can
21 give -- if I were lucky enough to be on the bench, if I can
22 give lawyers the opportunity to do whatever they got to do,
23 whether it's vacation, if their kids have a ball game --
24 that kid has a ball game that night, you know, if it's not
25 going to really hurt the situation too much, I think we got

1 to do that.

2 Q. Well, and I'll conclude and let others ask
3 questions. But again, looking at your bench Bar surveys.
4 In 35 years of practicing law, you're bound to make some
5 enemies from time to time. But it appears to me you've
6 found very few -- you made very few enemies over that.

7 And so I always want to point out -- while, you
8 know, I know they're anonymous and they're easy to hide
9 behind or say don't -- you know, "They don't really reflect
10 what my colleagues think of me," sometimes I think that
11 they do.

12 And then when you look at yours, it is obviously
13 you're overwhelmingly qualified, you're overwhelmingly
14 respected, you're an esteemed member of not only the Bar in
15 the Upstate, but in South Carolina. And I appreciate you
16 offering your service to the state in this capacity.

17 A. Thank you, Mr. Smith.

18 MR. CHAIRMAN: Senator Talley.

19 SENATOR TALLEY: Mr. Morgan, good afternoon.

20 MR. MORGAN: Good afternoon, Senator.

21 SENATOR TALLEY: I just want to follow up on
22 what Representative Smith said. You and I, I think, first
23 had a case together years and years ago. And one thing we
24 all do is, the first time I got a case with this guy, and
25 tell me about him.

1 And these ballot box surveys reflect exactly
2 what I was told some -- probably fifteen years ago when we
3 first had a case. So I echo the thanks to you for offering
4 for the position.

5 The only thing I was sad to see is in your
6 list of five most significant litigated matters, you didn't
7 put our Charter Communications case on here that we had
8 both planned to retire on.

9 MR. MORGAN: That's right. Yeah.

10 SENATOR TALLEY: But thank you for offering,
11 sir. I wish you the best.

12 MR. MORGAN: Thank you, Senator.

13 CHAIRMAN RANKIN: Mr. Strom.

14 MR. STROM: Mr. Chairman. I just want to
15 add a "me too." I've known Doc since he was in law school
16 and when he practiced in Columbia. And I can't think of a
17 finer person to be on the bench. And thank you for
18 offering.

19 MR. MORGAN: Thank you, Pete. Thank you.

20 CHAIRMAN RANKIN: Mr. Safran.

21 MR. SAFRAN: Thank you. I have -- I'm
22 overjoyed to see that you finally got out of the office and
23 came over here and going to do something constructive with
24 your life. I have known Mr. Morgan, pleasantly, for almost
25 30 years. And, frankly, he is everything that these

1 comments reflect.

2 MR. MORGAN: Thank you.

3 MR. SAFRAN: You know, and when he says that
4 they did the long hours, they did that long hours, 'cause
5 we used to commiserate about that a little bit.

6 MR. MORGAN: Yes, we did.

7 MR. SAFRAN: We were down the street from
8 each other. And with many an afternoon, I'd stop over
9 there about seven o'clock, between him and Mr. Johnson, and
10 we'd all still be there.

11 MR. MORGAN: Yeah.

12 MR. SAFRAN: I think you are exactly what we
13 have been seeking in terms of candidates that have the
14 experience, and that not only have gained from it but have,
15 basically, created an atmosphere among the Bar of respect
16 and admiration.

17 When these people say this -- I'm sure a lot
18 of the folks who are commenting are people who have been on
19 the other side of cases from you. And I sit and think if
20 it was me, and I'd go, God Almighty, I'd be ducking more
21 than I -- you could ever imagine, how somebody can be as
22 good a lawyer as Doc Morgan and not have people having some
23 of the sour grapes comments is really beyond me.

24 Because it's a tough -- particularly with
25 the kind of cases you do. Arson cases are hard-fought,

1 med-mal. And I can honestly say that in the time that I've
2 known him, he has impressed me, immensely.

3 And we've talked for years about what we're
4 looking for, Doc Morgan is exactly that. And I have no
5 doubt whatsoever, based upon what you've proven during the
6 course of your career, that doing the job with criminal
7 cases, you will be as good as Justice James.

8 And that's a tall order, but I think you'll
9 certainly be up to it. And, again, we are very
10 appreciative of the fact you've offered. And I wish you the
11 best of luck.

12 MR. MORGAN: Thank you, Andy.

13 CHAIRMAN RANKIN: Mr. Rutherford.
14 Representative Rutherford.

15 REPRESENTATIVE RUTHERFORD: I just want to
16 jump in, if I could. Because I haven't met you before, but
17 I can tell you I've been on this commission for years and
18 you are exactly the reason why we raised the pay.

19 You are who we wanted to attract and not
20 make it so that the people that came in, that were your
21 age, that when we looked at their resume there was a reason
22 why they were here, and it was to get pay raise because
23 they had never made that much money in their life.

24 You are exactly the type of person that
25 young lawyers need to be looking to, to receive guidance,

1 to say "Your Honor" to, rather than some of the people that
2 we've gotten in the past, that had no experience
3 whatsoever, don't remember what it was like.

4 And even I remember what it was like to try
5 cases in single-wide trailers and double-wide trailers, and
6 have to have the bench Bar conferences in the kitchen of
7 the trailer. That's a -- it's a dying breed.

8 We were talking to one of the new House
9 members the other day, and I was recalling how politicians
10 used to always get up and say, "Don't worry, crowd, I'm
11 going to treat you like Elizabeth Taylor did her last
12 husband. I'm not going to keep you long."

13 And he laughed a little bit. And I said,
14 "Do you know who Elizabeth Taylor is?"

15 He said, "No."

16 I said, "Dear God, have we gotten to that
17 point now?"

18 But I think the past four years, I believe
19 I've been on here, what we got were typically -- and I'm
20 not going to call all of them bad, but I mean it just was
21 not the cream of the crop. But you are.

22 And I'll be honest with you, over the past
23 days that we've been here, that's what we've seen. We've
24 seen cream of the crop lawyers, who their time was slated,
25 they came early, and they were out of here early because we

1 weren't looking at their resume going, "But you've never
2 tried a case. But you've never picked a jury and you want
3 to be on the Circuit Court? But you've never done blah,
4 blah, blah, blah or blah, blah, blah, blah," and trying to
5 convince them that maybe this is not the right move at the
6 right time.

7 But for you it's more of a situation where
8 we're looking at in what your -- what your stepping down
9 from, saying, "Wow, this is why we raised the pay. This is
10 why we do this. This is why all of us sit here to try and
11 get like you."

12 And so kudos to you. And thank you again
13 for doing it.

14 MR. MORGAN: Thank you, Mr. Rutherford.

15 REPRESENTATIVE RUTHERFORD: Absolutely.

16 CHAIRMAN RANKIN: Senator Sabb.

17 SENATOR SABB: Thank you, Mr. Chairman. I
18 just want to lend my voice to the discussion as well. I
19 think I've known Doc for 32 years, ever since I've been
20 practicing law. And he's just been a prince of a guy, a
21 worthy adversary. But certainly somebody that young
22 lawyers should look up to. And I, like the rest of you
23 all, have been excited about the quality of people that
24 have offered at this time.

25 Obviously, we're but one fraction of the

1 process. But I think for us to screen people who we know
2 and have extreme confidence that our system's going to be
3 in good hands if they're elected, I think is something that
4 we all take joy and pride in.

5 And so my only problem with you is when I
6 saw G.D. Morgan Jr., I had no idea who it was.

7 MR. MORGAN: Nobody knows my real name.

8 SENATOR SABB: Nobody knows your real name.
9 But your reputation precedes you. And I've been honored
10 and privileged to try cases with you.

11 MR. MORGAN: Thank you, Senator.

12 CHAIRMAN RANKIN: You've done so much for
13 Representative Smith today, I'm just telling you.
14 Continue, please. I offer the proxy of Mr. Smith.

15 REPRESENTATIVE MURPHY: Thank you, Mr.
16 Chairman. But, Mr. Morgan, thank you for your offering to
17 serve. And I just want to make an observation here. We
18 started this screening for this seat with a Furman grad, we
19 had a Winthrop grad. Unfortunately, we followed that up
20 with two Wofford grads.

21 And so I am thankful that we have finally
22 gotten to a Citadel grad. So I wish you the best. And if
23 you're able to follow in Judge Stilwell's footsteps,
24 another Citadel grad, I knew based on your experience that
25 you will be a wonderful addition to the -- to the bench.

1 So thank you for your willingness to serve.

2 MR. MORGAN: Thank you, Mr. Murphy.

3 CHAIRMAN RANKIN: And it's not J.D., but
4 it's "Doc."

5 MR. MORGAN: That's just an old nickname.

6 CHAIRMAN RANKIN: I mean, not J.D. But
7 "Doc."

8 VICE CHAIRMAN SMITH: You're not going to
9 tell us what G.D. stands for, are you?

10 MR. MORGAN: I can't in a public hearing.

11 CHAIRMAN RANKIN: Gosh darn it, Murrell.

12 MR. MORGAN: I think Mr. Murphy will know
13 this. You know, at The Citadel, when you're a Knob, you
14 have to -- when you have to go by an upperclassman, you
15 have to what we call "pop off," you know, Cadet Morgan and
16 your initials. So my initials were Cadet Morgan G.D. And
17 so you can imagine the hard time that I got. They didn't
18 like that. So I was glad to get that Knob year out of the
19 way.

20 VICE CHAIRMAN SMITH: Hell Night probably
21 wasn't a lot of fun.

22 MR. MORGAN: No, it wasn't.

23 CHAIRMAN RANKIN: J.D. is what you have.
24 G.D. is what you are legally, but everyone knows you as
25 "Doc."

1 MR. MORGAN: That's right. That's right.

2 CHAIRMAN RANKIN: And I've never heard of
3 G.D. Morgan either.

4 EXAMINATION BY CHAIRMAN RANKIN:

5 Q. I am interested in your five significant cases
6 you listed, and I just -- I don't want you to tell us what
7 firm you beat in a plaintiff-friendly venue --

8 A. You noticed how I worded that.

9 Q. And I not asking who it is. But however did you
10 prevail representing that trucking company?

11 A. I was very lucky. I had an elderly couple, who
12 was from New Jersey, that witnessed it. And it was a
13 terrible -- it was a terrible accident on I-95. They were
14 going to see their son graduate from Parris Island, and
15 missed the exit, and I believe backed up and -- my client,
16 a trucking -- a trucker hit it and killed them. And it was
17 a terrible, terrible thing.

18 But I had a couple from -- an elderly couple from
19 New Jersey, who I found and convinced them to come down.
20 And they didn't have to, obviously. They were -- I
21 couldn't subpoena them or anything like that. And they
22 agreed to come down and testify. Because had I not had
23 them, it was -- it would have been terrible.

24 Because this was the first of -- and there was
25 another death. So they agreed to come down. And they

1 testified. And even with them, I was in this particular
2 county, and it was a very tough jury. I just got lucky.
3 Just lucky. I was very lucky. You know, we all get lucky
4 in some trials sometimes. And that was just one of them.

5 Q. And I'm familiar with Jones v. Winn Dixie of
6 Greenville. And I just had to refresh my memory, Judge
7 Shaw affirming the motion that you made, and reversing the
8 judge's not granting it as he should have. If you're
9 successful on the bench, I bet you will not forget this
10 case either.

11 A. I will not. That was a -- that was over in
12 Winnsboro. And we tried that in Fairfield County, and that
13 was an interesting -- an interesting case.

14 And the judge -- I won't name that judge either.
15 But he sua sponte, made me -- elect remedies. I had a -- I
16 got a verdict -- it was a plaintiff's case. I got a
17 verdict on assault and battery and false imprisonment. And
18 he sua sponted, made me elect the remedies, which I
19 objected to.

20 And so I took it up. And, fortunately, the court
21 agreed and said you shouldn't have had to do that. So I
22 got both -- both of my -- I got a verdict on assault and
23 battery, and I got a verdict on the false imprisonment. So
24 it worked out pretty well.

25 Q. Your early exchange with a number of our

1 Commission members here reminded me of my early days as
2 well, and the approachability of the Circuit Court judge,
3 which afforded everyone who would avail themselves of it,
4 either socially when the clerk took the judge out to
5 supper, or the "come on back in chambers and let's talk"
6 kind of camaraderie, an education in a sense of confidence
7 that you could have in approaching the judge.

8 Now, that wasn't to a judge, necessarily. Some
9 you wouldn't want to be anywhere near, let alone go have a
10 cup of coffee with them, for fear of their style, perhaps.
11 But those days are gone, unfortunately.

12 You can't get back to see the judge, with
13 security at the -- maybe the more modern courthouses, and
14 the judge is not going to want to necessarily talk to the
15 person for fear of being accused of an ex parte
16 communication.

17 So how do you get back to the way it was before
18 it got to the way it is, without violating either security
19 or the canons of ethics?

20 A. I tell you that's a tough thing. And I've been
21 thinking about that. 'Cause that's one thing I really do
22 want to do if, I'm able and fortunate and lucky enough to
23 get on, is I want to somehow figure out a way to bring that
24 back.

25 Now, it's tough because -- as we all know, those

1 roster meetings on Mondays, you know, you got thirty
2 lawyers. That's where we all got to be friends. That's why
3 there's Pete, Andy -- we were all in a group we even saw
4 each other, waiting on -- especially on Mondays, we saw
5 each other and we became friends and we'd go across the
6 street to the Elite, and eat breakfast and -- you know,
7 just we all, you know, were close.

8 And the difficult thing, I think -- and, again, I
9 hate to blame mediation again, but you go over to -- over
10 on Monday morning to a roster meeting, it's -- you know,
11 you got a case over there and you're -- you may be the only
12 one. There may be another one.

13 And so there are no lawyers there. Whereas, we
14 would go over here in Richland County and there would be
15 thirty of us. And they'd be running two courts at the same
16 time, and we'd go back into chambers and all. So I have
17 been thinking about that.

18 And, obviously, the canons -- you've got to be
19 careful on that. But if I can figure out a way to somehow
20 get the lawyers back into chambers, you know, just try to
21 get back to that in some way, I'm going to figure it out.

22 I don't know right now how I'm going to do it,
23 but I'd just like to figure it out. 'Cause I tell you, I
24 learned so much doing that, just as a young scared-to-death
25 lawyer, you know, sitting back and listening to the guys

1 that were our age now, and interacting with the judge and
2 other lawyers, you could learn just sitting there in the
3 corner, you know, scared to death, just listening to --
4 just the banter back and forth, and the things you learn.

5 But more than anything is the war stories, you
6 know. You get -- you know, get back there and everybody
7 would talk about, "Remember that time I was trying a case.
8 Judge, you know directed that verdict?" Just those kind of
9 things.

10 You know, you just -- I miss that. And I think
11 the young lawyers just -- they're not going to have the
12 benefit of that. So if I can somehow figure out a way to,
13 you know, bring that back in some fashion, I'm going to
14 try.

15 Q. You mentioned the other point of mediation that I
16 was going to raise again. And Judge Anderson has written
17 about this. Joe Anderson has written about it,
18 effectively, bemoaning the death of the jury trial and the
19 voice of the community rendered by or spoken by a jury
20 verdict, and how mediations are just effectively taking
21 that away.

22 Now, again, you've got two willing and able
23 litigants agreeing to accept, agreeing to pay -- and,
24 again, as a Circuit Court judge, I'll attack a little
25 differently on the reality of mediations now effectively

1 wiping out your jury trial roster, and it becomes now more
2 a non-jury civil docket and a criminal docket.

3 Where effectively -- I don't know if trials are
4 fewer and fewer. But it's a plea practice now. How do you
5 effectively not discourage mediation, but how do you
6 encourage in your role of the guy who's needing justice,
7 and getting the case moved along, how do you encourage
8 someone absent -- as you've mentioned in two of your cases,
9 effectively a no-offer case, what do I have to lose, how do
10 you encourage people to try the case?

11 A. I tell you it's a difficult thing to do. And
12 I'll tell you one of the main reasons, and it gets back to
13 exactly what you're talking about, mediation has taken away
14 all the trials, and lawyers are not getting experience, or
15 just scared to try cases.

16 I mean, I think that's why most of these case --
17 I know to some degree the carriers are scared of big
18 verdicts, the plaintiffs lawyer are getting pretty good --
19 plaintiffs lawyers are getting pretty good offers, 'cause
20 the carriers are a little hesitant to try cases in big
21 verdicts.

22 It doesn't happen all the time, but I think
23 because of that, lawyer -- young lawyers and medium-age --
24 middle-aged lawyers are not trying cases, I think they're
25 to some degree a little -- don't want to get in there. I

1 know a bunch of them that don't want to try a case.

2 So that's -- that's a difficult thing. If you
3 try and you want to get those lawyers, you want to try to
4 encourage them, don't -- obviously, we can't encourage them
5 not to settle, but to try to foster of getting back in a
6 courtroom and trying cases.

7 I think the problem we may have is lawyers,
8 themselves, may not want to get in there. Because, again,
9 we've all tried cases and we're not scared of going in
10 there, where I think -- because not many lawyers are trying
11 cases anymore, the young ones, that may be kind of tough.

12 But I think the mediation, Senator, in all
13 honesty, is -- that's tough. It really is. You know,
14 again, when you go into a roster meeting on Monday, and
15 you've got one case over there -- I served jury duty in
16 Greenville, you know, not too long ago, and we were
17 dismissed on Tuesday.

18 And that was nice I didn't have to sit there all
19 week, but I kind of wanted to. I wanted to be there, be a
20 part of the process. But in Greenville, and the same thing
21 here in Richland or anywhere else, on a Monday morning and
22 you got one case to try, or two maybe.

23 So I think to answer your question, it's going to
24 be a difficult process to get the trials back as long as
25 the mediation has taken over, which it has. So I don't

1 know what the solution to that is. It really --

2 Q. Well, and a final comment, and I'm going to turn
3 it -- I think there was another question coming up. But I
4 do well remember before mediation was required, that
5 effectively the judge played the mediator, and those who --
6 judges who were not afraid to try the case were able to
7 move the people together, perhaps sensing weakness on one
8 side or the other, but the judge effectively -- we're not
9 going to get this resolved, but you all got to do better
10 than this, again, to either side.

11 You know, you're demanding too much or you're
12 demanding too little -- I mean, you're not offering enough.
13 Again, it worked on both sides. But perhaps there's a
14 sense that some attorneys might have, that the judge
15 doesn't want to take the time to try that case. That's a
16 long memory, a distinct memory --

17 A. I agree. Yeah.

18 Q. So the judge's sense of investment in that case,
19 to not just want to move it along, again, it takes the
20 willing parties on all sides. But I don't sense that
21 you're going to be a judge that will be afraid of trying a
22 case as a judge.

23 A. Absolutely not. I mean, that's why I'm doing
24 this. That really is. I don't want to -- I'm not doing
25 this to come sit back in chambers. I want to get out there

1 on the bench and try cases.

2 CHAIRMAN RANKIN: All right. That's it for
3 me. Senator Sabb has another question.

4 SENATOR SABB: Actually, Mr. Chairman, I
5 wanted to share a war story. So when I started practicing
6 law 33 years ago, there was a judge named Dan Laney. And
7 in those days, it was not uncommon for judges to yell at
8 the lawyers.

9 And I was watching a case being tried, and
10 Billy Jenkinson was one of the lawyers on the -- it was a
11 criminal case, and so Billy was defending it. And Judge
12 Laney just yelled at him throughout the course of the
13 trial.

14 I mean, just -- and in my mind, you know, I
15 was a young lawyer, it just wasn't called for. I couldn't
16 understand it. But the beauty of it was, the lawyer never
17 raised his voice, was always respectful to the court.

18 And so I had an appreciation for the way
19 that the lawyer responded to the Court, and couldn't
20 understand what the Court was doing. But what was
21 fascinating was in those days to have what they call court
22 suppers.

23 So on that Thursday, the Bar would take the
24 judge to usually a lawyer's cabin or something like that,
25 and they'd just eat and enjoy refreshments and those kinds

1 of things. And what amazed me was how well the judge and
2 Billy Jenkinson got along out of the courtroom setting.

3 I mean, they were just having fun and, "Oh,
4 I gave you a hard time, didn't I?" I mean, it was just --
5 it was really -- as a young lawyer, it was good for me to
6 see that.

7 And so when I listen to you all talk about
8 the chamber conversations and those kinds of things, then
9 one of the things that we know -- I mean, when we look at
10 education, and education is not only taught in the
11 classroom.

12 And when I think when it comes to practicing
13 law and understanding relationships and all of those kinds
14 of things, that's not always seen in the courtroom. A lot
15 of that takes place in the chambers and the other
16 interactions that lawyers and judges have.

17 And I heard a comment by one of the members
18 of this body, that one of the other candidates when they
19 talked about -- yeah, a candidate, but it was a person with
20 a judge, and they talked about the importance of the judge
21 coming to social events, and availing himself to meet other
22 lawyers and let other lawyers kind of see the judge away.

23 Would you be inclined, should you be
24 elected, to engage in that kind of social --

25 MR. MORGAN: Absolutely. And one judge, and

1 the one I mentioned that I would think that I would like
2 the follow, is Judge Anderson. Joe Anderson goes to -- he
3 goes to -- you know, he goes to all kinds of things. I
4 mean, he is always there.

5 And that's another thing that I like about
6 Judge Anderson is he is -- you know, he goes to those
7 things and he wants to interact with lawyers. And I think
8 that's -- we ought to do that.

9 I mean, even a -- even though he's -- a
10 judge is a judge on the bench, he was a lawyer -- he or she
11 was a lawyer at one point. So, you know, we were all --
12 we're all lawyers. We're all from the same cloth. So I --
13 just because somebody gets on the bench, I don't think they
14 need to stop interacting with other lawyers.

15 And I think that's an important thing. I
16 agree a hundred percent with that. And so, yes, I will --
17 if I'm very lucky and fortunate to get on, I will try to do
18 that.

19 CHAIRMAN RANKIN: Representative -- Mr.
20 Safran.

21 MR. SAFRAN: Just I know we've gone a long
22 ways, but I'll say this -- and thank you, Mr. Chairman.
23 But it can happen exactly the way that we would expect it
24 to, where you can have a cordial meeting with a judge, with
25 the coffee or whatever, before you start.

1 I had an experience many years ago with
2 Judge Bristow, who some of us may remember, and basically
3 we had done exactly that: sit around, everybody's talking.
4 As soon as we got on the record, he looked at me and said,
5 "Mr. Safran, you can stay here till tomorrow, you'll never
6 convince me that this is the way it's going to be."

7 And that was the end of the story. But we'd
8 all had a great time leading up to it. And so it can
9 happen and it can work.

10 MR. MORGAN: Yeah.

11 MR. SAFRAN: Thank you.

12 MR. MORGAN: Thank you.

13 CHAIRMAN RANKIN: All right. Representative
14 Rutherford for a few more questions.

15 VICE CHAIRMAN SMITH: Mr. Chairman, I just
16 want to make one remark.

17 Mr. Morgan, I'm going to tell you this, is
18 this is the longest screening that we've probably had this
19 entire session this year, and there's nothing negative
20 that's coming out of this screening.

21 So, again, I appreciate your willingness to
22 kind of tell war stories, and for us to enjoy and yearn for
23 the good old days of practicing law. So thank you for
24 coming.

25 MR. MORGAN: Thank you, Mr. Smith.

1 CHAIRMAN RANKIN: Mr. Morgan, have you met
2 Lucy Grey McIver? She's on the front here. She might have
3 a question or two. In fact, she's got some questions for
4 you. Fire away, Lucy Grey.

5 VICE CHAIRMAN SMITH: He knows her daddy.

6 CHAIRMAN RANKIN: So for the record, Todd
7 Rutherford is leaving the boardroom. And now we wrap up,
8 Mr. Morgan, unless you have anything further you'd like to
9 say to Mr. Rutherford as he is making his way out.

10 MR. MORGAN: Nothing further.

11 CHAIRMAN RANKIN: Very well. We are going
12 to close this portion of the record. And you know this
13 well, but we take very serious any violations or the
14 appearance of violation of the South Carolina ethics laws,
15 and you know that we could call you back, should we need
16 to, in the unlikely event that something along those lines
17 were to arise.

18 This record is not closed until the formal
19 release of the report of qualifications. And so, again,
20 you understand that, that could happen if we would need to.

21 MR. MORGAN: I do.

22 CHAIRMAN RANKIN: Very well. Mr. Morgan,
23 thank you for being here. And thank you for being here
24 early. For the record, it is 4:38. We've been going 80 --
25 no, anyway.

1 VICE CHAIRMAN SMITH: No, it's 2:30 p.m.

2 CHAIRMAN RANKIN: Thank you so much. Take
3 care.

4 (Candidate excused.)

5 CHAIRMAN RANKIN: Raise your right hand, if
6 you will. We're going to swear you.

7 WHEREUPON,

8 ANTHONY R. GOLDMAN, being duly sworn and
9 cautioned to speak the truth, the whole truth and nothing
10 but the truth.

11 CHAIRMAN RANKIN: Very well. Come on down
12 here. And make sure that this mic is picking you up. Have
13 a seat there. And we appreciate your being here early. We
14 are right on time. And that is a rare statement.

15 You have before you the PDQ and the sworn
16 statement, correct?

17 MR. GOLDMAN: Yes, sir.

18 CHAIRMAN RANKIN: All right. Any changes
19 that need to be made to those before they are put in the
20 record?

21 MR. GOLDMAN: No, sir.

22 CHAIRMAN RANKIN: And no objections to them
23 being included with your testimony?

24 MR. GOLDMAN: No, sir.

25 MR. CHAIRMAN: Very well.

1 (EXHIBIT NO. 12 - JUDICIAL MERIT SELECTION
2 COMMISSION PERSONAL DATA QUESTIONNAIRE OF ANTHONY
3 R. GOLDMAN)

4 (EXHIBIT NO. 13 - JUDICIAL MERIT SELECTION
5 COMMISSION SWORN STATEMENT OF ANTHONY R. GOLDMAN)

6 CHAIRMAN RANKIN: Mr. Goldman, we in our
7 efforts to investigation your qualifications for this
8 position, have looked at and focus on the nine evaluative
9 criteria. And we also look at the ballot box survey, a
10 thorough study of your application materials, verification
11 of your compliance with the state ethics laws, a search of
12 newspaper articles in which your name appears.

13 And have you previously screened for a
14 position with the state?

15 MR. GOLDMAN: I have not.

16 CHAIRMAN RANKIN: Okay. So no prior
17 screenings. But also a check for economic conflicts of
18 interest. No affidavits have been submitted in opposition
19 to your election, and no witnesses have been asked to be
20 present to testify.

21 With that, we now offer to floor to you, to
22 make some brief introductory comments before Mr. Pearce has
23 some questions for you. Take it away.

24 MR. GOLDMAN: This would be the culmination
25 of my legal career. I've worked at the Administrative Law

1 Court for 13 years. And in that time, I've cultivated an
2 expertise in the Administrative Procedures Act. And
3 through the recommendations of some of my coworkers and
4 peers, and my own career interests, I find myself today
5 here before you. And I look forward to this process. And
6 I appreciate -- I appreciate everybody who's helped me
7 along to get here today.

8 CHAIRMAN RANKIN: Very well. Thank you.
9 All right. Mr. Pearce.

10 MR. PEARCE: To your knowledge, Mr. Chairman
11 and members of the Commission. I note for the record that
12 based on the testimony contained in the candidate's PDQ,
13 which has been included in the record with the candidate's
14 consent, Mr. Goldman meets the constitutional and/or
15 statutory requirements for this position regarding age,
16 residence, and years of practice.

17 EXAMINATION BY MR. PEARCE:

18 Q. Good afternoon, Mr. Goldman.

19 A. Good afternoon.

20 Q. Why do you want to serve as an Administrative Law
21 Court judge, and how do you feel your legal and
22 professional experience thus far will assist you to be an
23 effective judge?

24 A. As I stated in my preliminary comments, I've
25 worked at the Administrative Law Court for 13 years. And

1 in that time I've worked very closely with General
2 Counsel's office as a staff attorney.

3 I worked for Judge -- the retired Judge -- The
4 Honorable Judge McLeod from Winnsboro, who is now retired,
5 and I've worked for The Honorable Judge Milton G. Kempson
6 for three and a half years.

7 And as anybody who's ever clerked for a judge
8 knows, it's a very intimate relationship, you work very
9 closely on cases, do a lot of research, review records,
10 draft decisions.

11 And I have gained an expertise in the law at the
12 Administrative Law Court, which is a very specialized area
13 of practice in the State of South Carolina. Not too many
14 attorneys make a career of it. And I have thoroughly
15 enjoyed every minute that I've gone into work at the court
16 over the past 13 years.

17 Prior to starting my career at the Administrative
18 Law Court, I had a career in banking. I have a masters in
19 economics. And I worked at Bank of America at their
20 headquarters in Charlotte. And I thought that, that was
21 the career I wanted until I went to law school and I
22 started working at the court.

23 And I truly can say that I love what I do. And I
24 would like to continue to grow my career at the court. And
25 I feel like I have a lot to offer the State of South

1 Carolina. So that is why I would like to be an
2 Administrative Law Court judge.

3 **Q. Are there any areas of the law for which you**
4 **would need additional preparation in order to serve as an**
5 **Administrative Law Court judge? And how would handle that**
6 **additional preparation?**

7 A. Well, every day at the court, sometimes seems
8 like law school. Because just when you think you've seen
9 it all, sometimes a new issue comes up. But as far as
10 preparation to be a judge on the court, I don't think that
11 there's any more that I need to know about other areas of
12 the law.

13 I think that working under the Administrative
14 Procedures Act for the past 13 years has given me the tool
15 set that I need to be an effective judge, and produce the
16 type of work that I need to, to make sure that cases are
17 adjudicated fairly and properly.

18 **Q. Please explain the types of cases you've handled**
19 **with the Administrative Law Court, and what experiences**
20 **specifically qualify you for the Administrative Law Court.**

21 A. Well, in my 13 years at the court, I think I've
22 seen a case from almost every state agency that we have
23 jurisdiction over. I've sat in many hearings involving the
24 certificate of need cases.

25 I've worked very diligently on cases from the

1 South Carolina Department of Revenue, including sales tax
2 cases, county tax matters, matters involving the
3 applications for alcohol licensing in the state, matters
4 dealing with violations for illegal gambling in locations
5 holding alcohol licenses.

6 I've reviewed and drafted orders in many cases
7 from the South Carolina Department of Employment and
8 Workforce over the years. The South Carolina Department of
9 Motor Vehicles, involving habitual offenders, DUIs.

10 I could go on and on. But the point I'm trying
11 to make is, I'm very familiar with all the state agencies,
12 and very familiar with their procedures below that, in how
13 cases come before us.

14 **Q. What is your vision for the Administrative Law**
15 **Court? And what changes would you want to see, and why**
16 **would you want to see those changes made?**

17 A. I think my only vision for it court is for the
18 State of South Carolina to understand how fairly the judges
19 at the Administrative Law Court preside over cases, and how
20 objective they are in making their decisions.

21 And every day that I work at the court, I
22 interact with the public. Because I am the liaison to
23 Judge Kimpson's office, and I think the only vision that I
24 try to live every day, is to let every litigant that's
25 before the court in that we are going to review their case

1 thoroughly and fairly.

2 And as far as changes to the court, I don't know
3 if I'm in a position, really, to give an adequate answer.
4 Because in my position as a law clerk, I'm not necessarily
5 privy to some of the discussions that go on behind the
6 scenes. But I think that the court as it is structured is
7 a great place.

8 **Q. What instances do you see appropriate for the**
9 **judiciary to work in cooperation with other branches of**
10 **government? And in what areas must the judiciary stand**
11 **apart from the other branches of government?**

12 A. As far as working with the other branches of
13 government, I think it's -- the court is in a good position
14 to know where the laws are clear and where the law or
15 procedure could be improved. But I don't think it is the
16 court's position or a judge's position to make rulings
17 beyond what laws have been written for us to follow.

18 **Q. You're a candidate in a judiciary race that has**
19 **generated a lot of interest, with a lot of applicants**
20 **announcing their candidacy as well. If you were elected**
21 **Administrative Law Court judge for this seat, how would you**
22 **describe a successful first term? And what goals would you**
23 **set in order to achieve those successes?**

24 A. The goals that I would set would be to preside
25 over cases and issue decisions in an efficient manner, to

1 do it fairly, and treat everybody courteously.

2 I'm sorry, could you repeat the second half of
3 the question? My apologies.

4 **Q. The first part of the question is: How would you**
5 **describe a successful first term as an Administrative Law**
6 **Court judge?**

7 A. I think a successful first year would entail me
8 just adjudicating the cases that come before me, and
9 meeting my responsibilities on a day-to-day basis, coming
10 into the office and working cases and doing my job.

11 And then maybe after my first term if I were to
12 be reelected, which I'd be thankful for, to try to
13 contribute more to the growth of the court.

14 **Q. Mr. Goldman, the Commission received 137 ballot**
15 **box surveys regarding you. There were 38 additional**
16 **comments. The ballot box survey, for example, contained**
17 **the following positive comments:**

18 "Long administrative court experience. Well
19 qualified. High moral character. Energetic. Very
20 familiar with the workings of Administrative Law Court, and
21 would be a great addition to the Administrative Law Court
22 bench."

23 Five of these written comments expressed
24 concerns. One comment indicated you have spent your entire
25 legal career as an Administrative Law Court law clerk, and

1 have never tried a case. That commentor further went on to
2 say that you would benefit from some years in private
3 practice. What response -- what responses would you have
4 to these expressed concerns?

5 A. Well, I have 13 years of experience at the
6 Administrative Law Court. And as I mentioned earlier, it's
7 a very specialized are of practice. We have our own court
8 rules, which are supplemented by the South Carolina court
9 rules.

10 And in my 13 years, I've become very similar with
11 the substantive law for each of the state agencies. For an
12 attorney who's concerned that I haven't practiced law, I
13 talk with attorneys on a daily basis, and I understand the
14 demands of their offices and how they're trying to run a
15 business themselves.

16 We often get continuances, requests -- other
17 requests for opening up time frames for discovery if they
18 have issues come up with their case. And I'm very
19 sensitive to their needs. And I often, in communicating
20 with them, will make recommendations to the judge.

21 We've never really denied an attorney, and I
22 think that really speaks to the testament to the legal
23 community and the individuals who practice before the
24 court.

25 But I think as far as practicing law, I

1 understand what it entails. And I think as a judge, I
2 would be sensitive to that in meeting my goals as well.
3 But I'm familiar with the law. And they can rest assured
4 that I understand the case law that's coming before me.
5 And they're going get a fair decision.

6 **Q. A second concern indicated you maybe have too**
7 **cozy of a relationship with lawyers who appear before the**
8 **Administrative Law Court. What response would you offer to**
9 **this concern?**

10 A. Well, I'd never want there to be a perception
11 that there's any imbalance in how people are treated at the
12 court. But we do have attorneys, I think, from time to
13 time, who appear more often than others. And that's the
14 only reason I could think that somebody would have this
15 concern.

16 And I like to keep things informal. I want
17 attorneys who practice before the court to feel comfortable
18 communicating with the court. And maybe at times I've been
19 too informal and used first names. And that communication
20 might have involved an attorney who's new to the court, and
21 might perceive things to be -- need to be more formal.

22 And so maybe there was a perception that I was
23 too friendly with an attorney appearing before the court.
24 But that's all I could really say to explain that concern.

25 **Q. Mr. Goldman, since submitting your letter of**

1 intent have you sought or received the pledge of any
2 legislator, either prior to this date or pending the
3 outcome of your screening?

4 A. I have not.

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

9 A. I am not.

10 Q. Since submitting your letter of intent to run for
11 this judicial seat, have you contacted any members of the
12 Commission about your candidacy?

13 A. I have not.

14 Q. You understand that you are prohibited from
15 seeking a pledge or commitment, directly or indirectly,
16 until 48 hours after the formal release of this
17 Commission's report, and are you aware of the penalties for
18 violating it pledging rules as set forth under South
19 Carolina Code Section 2-19-70(E)?

20 A. Yes, sir. I am aware of those rules.

21 MR. PEARCE: Mr. Chairman, I would note that
22 the Midlands Citizens Committee found Mr. Goldman qualified
23 in the evaluative criteria of constitutional
24 qualifications, physical health and mental stability. They
25 found him well qualified in the evaluative criteria of

1 ethical fitness, professional and academic ability,
2 character, reputation, experience, and judicial
3 temperament.

4 The Committee also added in summary,
5 "Experienced," underlining that word, dash, "well
6 qualified."

7 I would note for the record that any
8 concerns raised during the investigation regarding this
9 candidate were incorporated into the questioning of him
10 today.

11 And, Mr. Chairman, I have no further
12 questions at this time.

13 VICE CHAIRMAN SMITH: Mr. Chairman, would
14 you like to preside?

15 CHAIRMAN RANKIN: No.

16 VICE CHAIRMAN SMITH: All right. Well, Mr.
17 Goldman, I guess I assume the mantle of Chairman over here
18 for a little bit. Any members have questions of Mr.
19 Goldman? Representative Rutherford.

20 EXAMINATION BY REPRESENTATIVE RUTHERFORD:

21 Q. Mr. Goldman, tell me, if you would -- there are a
22 lot of people that would say that -- in a lot of your
23 ballot box surveys, because you've been a law clerk and
24 have not had the pleasure, and sometimes displeasure, of
25 representing someone in front of a judge, that you may not

1 know what that feels like, and because you don't, that
2 would make a difficult transition for you becoming a judge.
3 Can you speak to that?

4 A. Well, I feel like I would treat everybody fairly.
5 And I've been in the courtroom for hundreds of cases. And
6 I can understand what it's like to feel the pressure when
7 you're in the moment and have to perform. And I feel I
8 that I have the understanding to give attorneys their
9 opportunity to present their case to the court.

10 So I don't think that my 13 years at the court is
11 detrimental to this opportunity. I feel like, if anything,
12 the 13 years in sitting in the courtroom with the judge
13 would give me more experience to understand how the bench
14 operates. Particularly in this instance, we don't have
15 jury trials, we have bench trials.

16 And so, you know, I would be in charge of the
17 courtroom and I would give attorneys every opportunity that
18 they need.

19 Q. But sometimes it's that feeling of having a
20 client that may not have a case, and you're standing there
21 next to them and you really need to judge to explain to him
22 that he does not have a case, while being very careful to
23 demonstrate that the lawyer has done about as fine a job as
24 possible, but the client simply doesn't have a case.

25 And sometimes having been on the receiving end of

1 that, or having been on the receiving end of a judge that
2 simply ignores the lawyer and speaks to the client in a
3 very demeaning way, and then having to go outside and
4 explain to the client what the judge really meant, having
5 been through that kind of gives you a feel that you can't
6 get while always sitting on the side of the bench. Can you
7 speak to that?

8 A. Firstly, I would never speak to another member of
9 the Bar in a demeaning manner. And I would be very
10 respectful of every attorney that appears before me. And I
11 can tell you that we have cases all the time where the
12 client doesn't have a case, and we would never put an
13 attorney in that position.

14 We are always mindful that the attorney's just
15 trying to do the best they can for their client. And I
16 would never put an attorney in the position with his
17 client.

18 We -- I mean, we just had a case the other day,
19 and I can speak to it now because the order's been issued,
20 but we recently put somebody in jail. And we knew from the
21 very beginning that the attorney's client had no case. But
22 the attorney appeared before us, doing the best that he
23 could to represent his client.

24 And we made that attorney feel as if the -- we're
25 not trying to present a situation where there's smoke and

1 mirrors, but we want to generally have the client and the
2 attorney understand that we're here to hear everything that
3 they have to say.

4 Because the client's file documents with the
5 court when they request a case before us, whether it's an
6 appeal or a contested case. But you need to hear
7 everything that a party has to say because you never know
8 what's going to come up at trial.

9 And so I would never have a perception of the
10 case from the beginning, and I would want to hear
11 everything the attorney and his client has to say, in a
12 dignified manner.

13 REPRESENTATIVE RUTHERFORD: Yes, sir. Mr.
14 Safran.

15 EXAMINATION BY MR. SAFRAN:

16 Q. Mr. Goldman, first of all, let me tell you that
17 we are extremely appreciative of your offering. I have
18 read the comments that have been made about you in terms of
19 your character, and they are impeccable. I think you are
20 not only described as somebody who is well versed in the
21 law, hardworking and capable, but compassionate and decent.

22 And just hearing your response to Mr.
23 Rutherford's question, I get the same impression that you
24 would have empathy in terms of people that appear in front
25 of you, as well as the people who -- you know, I guess it's

1 not just the clients, but it's the lawyers too. And I get
2 that completely.

3 What I'm concerned about, and what I need you to
4 kind of help me with is this: You have apparently done an
5 outstanding job in the capacity of a staff attorney and a
6 law clerk, and they have very defined roles. And there's a
7 lot of what you did in those position, certainly lend
8 themselves to being a good judge.

9 What I think the question really is, though, is
10 does not a judge really need to have been someone who
11 experienced it -- not just watched it, but experienced it
12 from the standpoint of the litigant side of having prepared
13 a case as an advocate and then ultimately presented a case,
14 and more or less kind of had to see the practical aspects
15 of it as opposed to purely the academic or the behind-the-
16 bench aspects of it.

17 I know that there have been many people over the
18 years, myself included, that when I finished clerkship many
19 years ago, I thought I was ready for the bench, I could do
20 this, I'd be great. And then over the course of years, the
21 more I practiced, the more I realized I was completely
22 wrong. I would have been abysmal. Because I hadn't lived
23 it from the standpoint of a practitioner, I hadn't been out
24 in the world, had to put the case together, and had
25 developed, I guess, the sense of it from the other side of

1 the bench.

2 And I know over the course of time judges, and
3 the ALJ court is no different, have become more included to
4 keep people long-term, quote, career clerks. Because they
5 find somebody that works for them, they find somebody that
6 they're happy with, that really serves the purpose.

7 But I guess from my standpoint, there's a
8 fundamental aspect of being a lawyer that requires you to -
9 - as the gentleman before you, who's not in this race
10 talked about being in the trenches, being in the pit,
11 basically having had to go out and experience the other
12 aspects of the case.

13 And I found, personally, that in order to be the
14 kind of judge that you would need to be in any
15 circumstance, that you have to have that experience in
16 order to be able to truly be empathetic, to truly
17 understand some things that maybe go beyond the academic
18 and the book side of it.

19 And so what I'm asking is -- again, I cannot say
20 anything derogatory about you, because I think you sound
21 like you're a fine person and you're a very bright -- very
22 bright guy.

23 But how do you compensate for not having that
24 aspect of what we, as lawyers, all kind of consider to be
25 many times an essential part of being a judge, that, that

1 **experience from the other end?**

2 A. Thank you for the question. And I appreciate it.
3 I think empathy -- I can have empathy for the attorneys
4 who've gone through the trenches and are practicing before
5 the court.

6 I understand what the needs are in a practice of
7 law. I have many friends who are members of the bench. I
8 communicate the attorneys on a daily basis, and -- you
9 know, not ex parte but we have communicates regarding their
10 needs.

11 And, you know, often, I'll go back to them and
12 tell them to talk to opposing counsel and come back to us
13 with a proposal. But I understand how hard it is for them
14 to balance a practice. And I understand how hard it is for
15 members of the General Assembly, who are attorneys and
16 practice before us, and then have to serve the state.

17 And I think sometimes, yes, in certain instances
18 in life you need to suffer with other people to understand
19 their suffering. I don't think that, that's the same
20 instance at the Administrative Law Court.

21 It's a very unique area of law under to
22 Administrative Procedures Act, and I have a very sound
23 understanding of it in the 13 years I've been with the
24 court. And I can be very fair and understanding to the
25 attorneys.

1 Now, they -- an attorney might go through a very
2 difficult time in a discovery matter, or producing evidence
3 to the court, but what I can do to the best of my ability
4 is give them an opportunity to build their case. And I
5 don't think that it's necessary that I have suffered
6 practicing property law or doing insurance defense.

7 What I bring to the table is that I feel that I
8 can be an excellent judge and serve the State of South
9 Carolina, with my knowledge of the law that we practice on
10 a daily basis, and that I have used in helping the judges
11 adjudicate cases.

12 Q. Well, and I guess again, that's the question.
13 Really, the entire sum of the career has been helping the
14 judges. And I think to kind of take a little bit of a next
15 step from Representative Rutherford's question is, you
16 don't believe that there is a certain aspect of the
17 practical experience that comes with representing a client,
18 with comes -- that comes with having to go through the
19 process of preparing a case, of having to deal with the
20 human element of the client, and all the different ends
21 that may necessarily come up in the context of litigation?
22 I mean, isn't there something to be gained from doing that?

23 A. There is certainly that type of experience can
24 prepare you for certain instances. But as far as with the
25 Administrative Law Court, which has bench trials, I think

1 that as long as I'm -- have an understanding of the demands
2 that an attorney has, in working with his client and
3 bringing his case to the court, what they need from me is
4 my expertise in the procedure and the law, to make the
5 fairest decision for them that I can.

6 Q. Well, and I guess the other question is, is
7 aren't there many instances where you are having a question
8 brought before that court, where you've got to look at not
9 just what the black letter of the law may be, but also what
10 the practical implications of it -- the application with
11 would?

12 A. I'll give you a very good example of that will
13 get to the heart of your question. Recently we had a case,
14 and I'm still referring to the same one, where we had to
15 put an individual in jail, and we ordered that the client
16 appear before the court. And the attorney appeared before
17 the court without his client, and had to stand before the
18 court and explain that he had asked his client to be
19 present.

20 And I think that's an instance where I've never
21 been in that position practicing law, where I have a matter
22 where my client's about to go to jail, and I ask him to be
23 present and before the court, so that the court might find
24 it its way to be a little bit more lenient.

25 But I understand what the attorney's going

1 through, because we have delved very deep into the record
2 of this case, and the character of this individual, and I
3 feel that I have enough understanding of the case and the
4 client and his attorney, to make sure that we still give
5 him a very fair decision based upon the facts and the
6 record and the law that we have to work with.

7 Q. Well, and, again, I don't want to belabor it. So
8 let me finish it up with this. But again, you talked to
9 me, as you should at this time, in the context of "we."
10 Meaning, at the end of the day you're not making the
11 decisions.

12 Up to now, these decisions have been made where
13 you certainly have made contributions to the decision-
14 maker. But do you not see that there's a different role
15 between the one who's putting the information in front of
16 the decision-maker, and becoming the decision-maker
17 himself?

18 A. Certainly, the judge at the end of the day is the
19 individual who renders the decision. But I can tell you in
20 my experience at the Administrative Law Court, especially
21 as I've added to my tenure there, that I have worked cases
22 very thoroughly to the point where I put it before the
23 judge for his review and my recommendation is most often
24 followed, if not most of the time.

25 And I'm not saying that the judges aren't doing

1 the work. The judges work incredibly hard. We all do.
2 But I have been given a great responsibility as the clerk
3 over the years.

4 Q. Sure. No, and I think with good reason. Because
5 I'm sure you have demonstrated to them, a level of
6 confidence that they want to -- that they feel very
7 comfortable relying on. But I appreciate your responses
8 and certainly thank you for offering.

9 REPRESENTATIVE RUTHERFORD: Mr. Goldman,
10 thank you so much. And this concludes that portion -- this
11 portion of your screening process. And I want to take this
12 opportunity to remind you that pursuant to the Commission's
13 evaluative criteria, the Commission expects candidates to
14 follow the spirit as well as the letter of the ethics laws.

15 And we will view violations or the
16 appearance of impropriety as serious and potentially
17 deserving of heavy weight in screening deliberations.

18 On that note, as you know, the record will
19 remain open until the formal release of the report of
20 qualifications. And you may be called back at such time as
21 the need arises.

22 And I thank you for offering and I thank you
23 for your service to South Carolina.

24 MR. GOLDMAN: Thank you very much for having
25 me here today.

1 (Candidate excused.)

2 (Off the record from 3:31 p.m. to 3:42 p.m.)

3 CHAIRMAN RANKIN: Ms. Lawrence?

4 MS. LAWRENCE: Hello.

5 CHAIRMAN RANKIN: Stephanie Lawrence? Is
6 that correct?

7 MS. LAWRENCE: That's correct.

8 CHAIRMAN RANKIN: If you will, please stand
9 for me and raise your right hand.

10 WHEREUPON,

11 STEPHANIE LAWRENCE, being duly sworn and
12 cautioned to speak the truth, the whole truth and nothing
13 but the truth.

14 CHAIRMAN RANKIN: Thank you, ma'am. Before
15 you, as you sit back down, thank you, you have your
16 personal data questionnaire and sworn statement; is that
17 correct?

18 MS. LAWRENCE: Yes, I do.

19 CHAIRMAN RANKIN: Any changes need to be
20 made to those?

21 MS. LAWRENCE: There were two changes. One
22 -- at the time I filled this out, my son was 18. And he's
23 since turned 19. So that needs to be changed.

24 CHAIRMAN RANKIN: And you can make that
25 change on the record, as you just had. We don't need to

1 write that in. Other than that, any other changes?

2 MS. LAWRENCE: Not that I can recall.

3 CHAIRMAN RANKIN: You don't object to those
4 being made a part of the record?

5 MS. LAWRENCE: No, I do not.

6 CHAIRMAN RANKIN: Caroline will grab those
7 from you now.

8 (EXHIBIT NO. 16 - JUDICIAL MERIT SELECTION
9 COMMISSION PERSONAL DATA QUESTIONNAIRE OF
10 STEPHANIE LAWRENCE)

11 (EXHIBIT NO. 17 - JUDICIAL MERIT SELECTION
12 COMMISSION AMENDED PERSONAL DATA QUESTIONNAIRE OF
13 STEPHANIE LAWRENCE)

14 (EXHIBIT NO. 18 - JUDICIAL MERIT SELECTION
15 COMMISSION SWORN STATEMENT OF STEPHANIE LAWRENCE)

16 CHAIRMAN RANKIN: Ms. Lawrence, our
17 investigation of your qualification has included and
18 focused on the nine evaluative criteria, and has included a
19 ballot box survey, a thorough study of your application
20 materials, verification of your compliance with state
21 ethics laws, a search of newspaper articles in which your
22 name appears, and a check for economic conflicts of
23 interest. You have not screened before?

24 MS. LAWRENCE: I have not. This is my first
25 time.

1 CHAIRMAN RANKIN: Very well. I look forward
2 to hearing from you, here in just a moment. No affidavits
3 have been filed in opposition to your campaign or election,
4 and no witnesses are present to testify for you or against
5 you.

6 I do note that you have a couple folks with
7 you, perhaps.

8 MS. LAWRENCE: I do.

9 CHAIRMAN RANKIN: Have those folks stand and
10 introduce themselves, if you will

11 MS. LAWRENCE: This gentleman here is my
12 husband, Anthony Lawrence.

13 CHAIRMAN RANKIN: F.A.?

14 MS. LAWRENCE: Anthony Lawrence.

15 CHAIRMAN RANKIN: I'm sorry. I'm old and
16 can't hear. Mr. Lawrence, take your face mask down. Let's
17 see your good-looking face. I haven't had that opportunity
18 -- I haven't had the opportunity to say that about a
19 husband. It's been the wives that I -- so an equal
20 opportunity --

21 MR. LAWRENCE: It's all because of her.

22 CHAIRMAN RANKIN: That smile is bright.
23 Thank you.

24 MR. LAWRENCE: Good to see everyone. Thank
25 you so much.

1 CHAIRMAN RANKIN: Yes, sir. And?

2 MS. LAWRENCE: And this is my friend and
3 colleague, Kristian Cross. She and I used to practice
4 together and Dickie McCamey.

5 CHAIRMAN RANKIN: Very good. Welcome. I
6 recognize you. Super. Thank you all both for being here.

7 All right. Now, Ms. Lawrence, you have the
8 opportunity to make a brief opening statement, if you like.
9 Otherwise, we'll turn it over to Ms. Barton for questions.

10 MS. LAWRENCE: No, it's pretty late. Thank
11 you for having me. And I appreciate your service.

12 CHAIRMAN RANKIN: Thank you very much. Ms.
13 Barton?

14 MS. BARTON: Thank you, Mr. Chairman. I
15 note for the record that based on the testimony contained
16 in the candidate's PDQ, which has been included in the
17 record with the candidate's consent, Candidate Stephanie
18 Lawrence meets the constitutional and statutory
19 requirements for this position regarding age, residence,
20 and years of practice.

21 EXAMINATION BY MS. BARTON:

22 Q. Ms. Lawrence, why do you now want to serve as the
23 Administrative Law Court judge, and how do you feel your
24 legal and professional experience thus far will assist you
25 to be an effective judge?

1 A. Well, I want to be a judge because of the
2 tremendous respect I have for our judicial system and the
3 role that judges play in that. I want to be an
4 Administrative Law Court judge, because my preference is
5 administrative law is what I'm interested in and is what I
6 like -- what I like to do.

7 My experience thus far, I think, collectively,
8 has prepared me for this role. I started off practicing at
9 Boykin & Davis Law Firm as an education attorney. I
10 represented school districts, higher education
11 institutions, and small municipalities across the State of
12 South Carolina.

13 That litigation initially started off at an
14 administrative level. It would be before school boards,
15 hearing officers, reviewed by the South Carolina Human
16 Affairs Commission, reviewed by EEOC.

17 Also during that time, I was assigned to work
18 with an attorney who came to us from LLR, who prosecuted
19 OSHA citations. Those matters were before administrative
20 agency was before LLR, and they were appealable to the
21 Administrative Law Court.

22 I sat second chair with that attorney, her name
23 was Shunna Vance, on a couple of those matters having to
24 deal with serious and other-than-serious OSHA citations for
25 excavation sites.

1 Also during that time, I appeared before LLR for
2 life -- issues for administrators of long-term healthcare
3 facilities. And then from there I went on to practice
4 workers' compensation defense before the South Carolina
5 Workers' Compensation Commission.

6 And anyone who's practiced workers' compensation
7 law, or knows anything about workers' compensation law in
8 the state, would know that our commission is very similar
9 to the Administrative Law Court in the way the proceedings
10 are handled and the way the practice is done there.

11 In addition to the South Carolina Worker's
12 Compensation Act, as guided by the Administrative
13 Procedures Act, South Carolina Rules of Civil Procedure,
14 and although they're not obligated to the South Carolina
15 Rules of Evidence they're -- their commissioners are
16 attorneys and everyone follows those rules.

17 And then now I sit as a hearing officer -- as an
18 administrative hearing officer for one of our state
19 agencies, the South Carolina Department of Education. I
20 preside over matters for them concerning teacher
21 certifications revocations and suspensions for
22 unprofessional conduct matters. That too -- those are full
23 evidentiary hearings that I preside over.

24 And there Administrative Procedures Act, as
25 followed in the South Carolina Rules of Civil Procedure,

1 the South Carolina Rules of Evidence. I prepare a report
2 and recommendations following those hearings which are
3 being considered and reviewed by the State Board of
4 Education for their final decision. And then those final
5 decisions are directly appealable to the Administrative Law
6 Court.

7 So I'm already hearing matters, now, that are
8 heard before our Administrative Law Court. And I feel
9 collectively -- those things all position me and qualify me
10 for a seat on this court.

11 **Q. Thank you. Ms. Lawrence, are there any areas of**
12 **the law for which you would need additional preparation in**
13 **order to serve as an Administrative Law Court judge? And**
14 **how would you handle that additional preparation?**

15 A. Well, sure. As you know, our Administrative Law
16 Court, the scope of this jurisdiction is very broad. It's
17 probably easier to name the types of cases it doesn't hear
18 than to remember the exhaustive lists of cases that come
19 before it.

20 So I'm sure that there is going to be a learning
21 curve there. It's not one that I'm concerned about. I've
22 had to transition between different areas of law before. I
23 plan to do it the same way, and that is with a diligent
24 review of law, to actively research, and with a commitment
25 to doing a great job.

1 I also plan to observe hearings and call on other
2 more senior leaders of the bench as needed. And I've
3 already started reviewing decisions by that court.

4 **Q. Thank you. Ms. Lawrence, please explain the**
5 **types of cases that you have handled before the**
6 **Administrative Law Court, and what experience specifically**
7 **qualify you for the Administrative Law Court.**

8 A. So cases I've handled before the Administrative
9 Law Court, the ones I mentioned earlier, I sat second
10 chair, of course, on OSHA citation issues that came before
11 the Administrative Law Court.

12 And I now hear cases as an administrative hearing
13 officer for the Department of Education, those cases are
14 appealable to the Administrative Law Court.

15 **Q. Thank you. Could you tell us what is your vision**
16 **for the Administrative Law Court, and what changes would**
17 **you advocate, and why?**

18 A. Well, my vision for the court is basically to
19 continue its current mission, which is to provide a new --
20 a neutral arena for persons who are affected by decisions
21 or possible action of state agencies to have an opportunity
22 for a fair and prompt hearing.

23 As far as changes, I don't know if I will presume
24 any changes without having an opportunity to observe the
25 court, serve on the court, and at least have conversations

1 with those members who have been long-term serving to see
2 what the needs are.

3 Q. Thank you. Ms. Lawrence, the Commission received
4 90 ballot box surveys regarding you, with 13 additional
5 comments. The ballot box survey, for example, contained
6 the following positive comments:

7 "Temperament is unmatched. She is a brilliant
8 lawyer and a kind person. She is -- she is very organized,
9 thorough, patient, and a zealous advocate. Her attention
10 to detail along with her calm, steady demeanor would be
11 well served on the bench. And she has an amazing work
12 ethic."

13 One of the written comments expressed
14 concern about your lack of experience before the ALC. What
15 response would you offer to this concern?

16 A. I think that my experience -- my long-term
17 experience practicing before the South Carolina Workers'
18 Compensation Commission more than make -- makes up for
19 that.

20 As I said before, practicing before the
21 Commission is very similar, if not the same, as practicing
22 before the Administrative Law Court. And also my
23 experience now as an administrative hearing officer, I
24 think, offsets that.

25 Q. Thank you. A few remaining housekeeping things.

1 Since submitting your letter of intent have you sought or
2 received the pledge of any legislator, either prior to this
3 date or pending the outcome of your screening?

4 A. No, I have not.

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

9 A. No, I have not. And no, I am not.

10 Q. Since submitting your letter of intent to run for
11 this seat, have you contacted any members of the Commission
12 about your candidacy?

13 A. I have. Initially, before he was a member of
14 this commission, I sent a introductory letter to Senator
15 Talley.

16 Q. That was prior to him being announced as a
17 member.

18 A. Yes, it was.

19 Q. Do you understand that you are prohibited from
20 seeking a pledge or commitment, directly or indirectly,
21 until 48 hours after the formal release of the Commission's
22 report, and are you aware of the penalties for violating
23 the pledge -- pledging rules?

24 A. I do. And I am.

25 MS. BARTON: I would note that the Midlands

1 Citizens Committee found Ms. Lawrence qualified in the
2 evaluative criteria of constitutional qualifications,
3 physical health and mental stability. The Committee found
4 her well qualified in the evaluative criteria of ethical
5 fitness, professional and academic ability, character,
6 reputation, experience, and judicial temperament.

7 The Committee stated in summary, "Very
8 extensive experience with ALC."

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

14 CHAIRMAN RANKIN: All right. Questions by
15 members of the Commission? Senator Talley.

16 EXAMINATION BY SENATOR TALLEY:

17 Q. Good afternoon, Ms. Lawrence. Thank you for
18 being here. I was just looking at your PDQ, and the AFR
19 Hearing Services entity you started earlier this year. And
20 you've talked about conducting hearings for the Department
21 of Education. Are you currently doing that for any other
22 state agencies?

23 A. I'm not. I'm doing it for the Department of
24 Education, currently.

25 Q. And you're acting as the hearing officer for the

1 Department of Education; is that correct?

2 A. I am.

3 Q. I was just wondering when I read this, are you
4 serving as counsel or for other agency hearing officers?

5 A. Am I serving as counsel for other agencies?

6 Q. For hearing officers of other agencies.

7 A. No, I'm not.

8 Q. Okay. All right. Thank you. And, you know, I
9 just made this other comment to one of the questions that
10 you were asked. We obviously look at a lot of information
11 that's submitted, and that ballot box comment was sort of a
12 one-offer.

13 You didn't have anybody that spoke or responded,
14 that said that you were unqualified as far as experience or
15 temperament. And I think that speaks volumes much more
16 than one other comment. So thank you for offering and
17 being here today.

18 A. Thank you. It's always good to hear what people
19 say about you when they don't have to say who they are.

20 CHAIRMAN RANKIN: Representative Smith.

21 EXAMINATION BY VICE CHAIRMAN SMITH:

22 Q. This is probably not so much towards your
23 qualifications as it is to my own curiosity. What is AFR
24 Hearing Services? I understand you're a hearing officer.
25 They have a -- is that a -- do they contract it out to

1 **somebody?**

2 A. So that is my company that I started this year.
3 And I started it for the purpose of getting some judicial
4 experience. I knew the I wanted to run for a judicial
5 seat.

6 And I'm a planner. I wanted to kind of try the
7 role on a little bit. And so it's a -- AFR stands for A
8 Firm Resolution Hearing Services. And I do contract out as
9 an attorney hearing officer.

10 I've been contracting out with the South Carolina
11 Department of Education for their teacher certification
12 matters, and I started doing some of their special
13 education due process. It just -- they were looking for
14 someone, I had the background, and I just -- I was able to
15 help them out.

16 Q. And I have the unenviable task of sitting next to
17 Representative Rutherford, who talks the entire time that I
18 sit over here, so forgive me if this -- if you answered
19 this question.

20 A. That's okay.

21 Q. But so are you also practicing law outside of
22 that hearing service?

23 A. No, I'm not.

24 Q. Okay. Well, I was looking at your PDQ, and it
25 looked like you stopped in January of this year, and then

1 you start -- was it to start this service?

2 A. It was.

3 Q. Okay. That's interesting. What did the -- what
4 did the Department of Education do before that? Did they
5 have a dedicated hearing officer?

6 A. Well, they've always contracted out with
7 different hearing officers. And they had a spot that came
8 open -- they had a couple people leave, I guess, and a spot
9 came open.

10 And a colleague of mine knew that I was stopping
11 practice, and that I wanted to run for a judicial seat, and
12 knew about their need and kind of connected us. And it --
13 I knew some of those people from working before in
14 educational law, and so it was just a matter of coming back
15 in but from a different perspective.

16 Before, I used to be representing the school
17 districts at those hearings. And now I sit and preside
18 over them.

19 Q. Well, I always say I thought I had a lot of
20 knowledge about state government. But, you know, I learned
21 something, today, I never knew, that you had -- your
22 hearing officers were contracted out.

23 I'm sure you said this, but, you know, you look
24 at your career and -- you know, you graduated law school, I
25 think, 2003? Is that right?

1 A. 2006.

2 Q. '6. But you practiced with Boykin & Davis, which
3 is -- you know, I've handled a number of cases with them in
4 the past, doing insurance reserve fund work and school
5 district work. And so you got a lot of experience.

6 Were you doing that type of defense work? Or
7 were you also doing -- advising school districts too?

8 A. Yes. I was doing the defense work for school
9 districts, for some higher ed institutions, some technical
10 colleges, South Carolina State University at the time, and
11 some small towns and municipalities.

12 But we were also handling the day-to-day needs of
13 the school districts. Which it's like being general
14 counsel, there's always something going on. It's a 24/7
15 job. And it's actually what -- how I ended up going to
16 workers' comp.

17 It's kind of -- the nature of the practice, and
18 then that guy's fault, 'cause we had a second child, and
19 then all of a sudden it wasn't so feasible to do -- you
20 know, at board meetings at midnight in Allendale County.
21 And so I had to shift my practice.

22 Q. Okay. And then, obviously, I saw you shifted
23 your practice toward where most young lawyers go, McAngus,
24 to learn how to do workers' comp work. And then you went
25 there and, again, had to learn the APA and everything that

1 goes with that.

2 And is that where -- and the last, were you of
3 counsel the last firm, again, where you just mainly were
4 practicing workers' comp and employment law? I think you
5 already said --

6 A. Is that Dickie McCamey?

7 Q. Yeah.

8 A. Yeah. So since I went to McAngus, since then I
9 only practiced workers' comp after that.

10 Q. Have you ever appeared in front of the
11 Administrative Law Court before?

12 A. I have during my time at Boykin & Davis.

13 Q. All right. I made one appearance one time. And
14 I embarrassed myself, so I've never come back. So you
15 won't ever worry about seeing me over there. All right.

16 And lastly, we talked about this and -- you know,
17 to some degree it's also here with Administrative Law
18 Courts, and, you know, I -- you've got a family, you've got
19 a law practice, and you've got a life outside of it law.

20 And, you know, when you -- I'm always interested
21 when people are judges and -- you know, all of us lawyers
22 get busy.

23 And I'm from Sumter, so I do a small-town
24 practice where I do a little bit of everything. I had
25 courts -- I'm in magistrates court, or I could be in a

1 General Sessions court, or I could be in a civil court.
2 I mean -- and so we all get stretched thin to practice law.

3 Unfortunately, I think the hourly rate of
4 practicing law goes down instead of going up these days.
5 So, you know, oftentimes I'm faced with a situation that I
6 get a couple weeks' notice that I've got a motion over
7 here, or we're going to be on a trial roster. And, you
8 know, unfortunately our calendars don't work in one-week
9 increments, they work in months and years ahead about.

10 And so I -- if we have a deposition where we're
11 all having to go to Florida to take an expert's deposition,
12 or we got things that come up, and even in the personal
13 life where the -- you know, you got a child who's got a
14 soccer game at five o'clock, but the hearing's going on at
15 five.

16 How are you going to handle those conflicts of --
17 and stressors that we all feel as lawyers, and how are you
18 going to work -- handle that when those are presented to
19 you?

20 A. I'm sensitive to that. That happened to me
21 plenty as a practicing attorney, practicing workers'
22 compensation all across the state of South Carolina. So
23 I've had that happen a time or two. And balancing that
24 with the needs of my family, I'm sensitive to it.

25 I'm the type of person who will accommodate and

1 consider those needs of the attorneys practicing in front
2 of me, and just as long as I'm sensitive to the docket as
3 well.

4 Q. And I presume what you're saying is you've got to
5 balance, you know, what's before you, and also you've got
6 to dispose of cases.

7 A. Yes.

8 Q. They can't sit over there and grow mold. Okay.
9 All right. Well, I appreciate you offering. I appreciate
10 your service to the State of South Carolina. And I also
11 appreciating you educating me on the hearing officer
12 process over at the Department of Education.

13 CHAIRMAN RANKIN: Representative Murphy.

14 REPRESENTATIVE MURPHY: Thank you, Mr.
15 Chairman.

16 And thank you, Ms. Lawrence, for offering to
17 serve. But I just want to commend you for realizing a
18 dream that you wanted to be a judge. That's something that
19 you aspired to after your career in private practice. And
20 you started the AFH business in order to get the judicial
21 experience; is that correct?

22 MS. LAWRENCE: That's correct.

23 REPRESENTATIVE MURPHY: And we see a lot of
24 candidates that -- you know, we also talk to them and say,
25 you know, "Maybe you need to try to do something to get to

1 experience, you know, to make yourself more rounded."

2 And so I just want to commend you for that.
3 I think that's -- that's just great. And I appreciate you
4 doing that. I just was looking through your PDQ, and I
5 noticed you were born in Vicksburg?

6 MS. LAWRENCE: Yes.

7 REPRESENTATIVE MURPHY: And you went to
8 Hinds Community College about the -- I was at Mississippi
9 College School of Law.

10 MS. LAWRENCE: Oh, you were right down the
11 street, around the corner.

12 REPRESENTATIVE MURPHY: Yes, ma'am. At the
13 same time. So I was curious as to what brought you to
14 South Carolina after. 'Cause you went to Southern
15 University, then Mississippi State University, and then
16 finished up at Carolina. So what brought you to South
17 Carolina?

18 MS. LAWRENCE: I'm laughing because I'm
19 going to have to turn again.

20 REPRESENTATIVE MURPHY: That guy?

21 MS. LAWRENCE: That guy. Yeah. We started
22 dating our senior year at Mississippi State, and he
23 interviewed up and down the East Coast and ended up
24 settling on an architectural firm here in Columbia. He
25 took that job and I followed him here.

1 REPRESENTATIVE MURPHY: Okay. Well, I'm
2 from here, met my wife -- she's from Texas, in law school
3 in Jackson, and she followed me back. So it was a win-win
4 situation for both of us. So thank you for offering to
5 serve.

6 MS. LAWRENCE: Thank you.

7 VICE CHAIRMAN SMITH: I'll just ask her one
8 question. You went to Mississippi State?

9 MS. LAWRENCE: Go Dogs.

10 VICE CHAIRMAN SMITH: Okay. I just -- did
11 you ring all those obnoxious cowbells when y'all beat
12 Carolina?

13 MS. LAWRENCE: I ring it every time we
14 scored a touchdown. Ask the guys at McAngus, it used to
15 drive them crazy. I carried it to the office.

16 CHAIRMAN RANKIN: Was that the team that
17 came to South Carolina and beat Spurrier so badly his last
18 year?

19 VICE CHAIRMAN SMITH: No, that was A&M.

20 MR. CHAIRMAN: Texas A&M. Good God.

21 VICE CHAIRMAN SMITH: That name is worse.

22 MR. CHAIRMAN: Yeah, there was no cowbells.
23 But Good God, there was a stampede. Ms. Lawrence, I
24 remember you. And I'm fast and furious trying to recall --

25 MS. LAWRENCE: We had a case together.

1 CHAIRMAN RANKIN: -- the name of the case.
2 And I knew when I saw Dickie McCamey, I knew instantly. I
3 can't find my client's name. But anyway, I remember you
4 fondly at the deposition, and a wonderful resolution with a
5 smile.

6 VICE CHAIRMAN SMITH: You must have paid
7 him.

8 CHAIRMAN RANKIN: I'm talking about your
9 smile. It does not pain me -- it does not pain me to
10 mention your smile. But anyway, I remember. And I
11 literally have your cell number. I will not publish it for
12 the record, but I looked to see.

13 You have been in the throws of an active,
14 active, killer defense practice. You and your partner,
15 frontiersman, frontiers ladies with a wonderful reputation.
16 And Kenya -- the two of you set off and opened that office
17 with them, correct?

18 MS. LAWRENCE: Well, we left McAngus
19 together to start our own practice, and had no idea that we
20 would end up merging the Dickie McCamey. We were minding
21 our own business and we had, had some clients in contact
22 with another firm out of Charlotte.

23 And a member of the firm contacted us
24 because Dickie McCamey wanted a South Carolina office. And
25 so they'd heard about us, they came to us, courted us for

1 about a year, and then we decided to merge with them.

2 It was kind of a blessing that happens in
3 the middle of your plan. And it's been great. I mean,
4 that experience has allowed me to be able to sit before you
5 guys today and feel qualified for this seat.

6 CHAIRMAN RANKIN: Well, again, a personal
7 sense of incredible professionalism. You're doing a great
8 job fighting for your client. But you have that human
9 quality that, again, allowed you to be as fair to the
10 opponent as you would want to be treated by the other side.

11 So I was -- I would be impressed. And I'm
12 so glad your husband did come here, because otherwise we
13 wouldn't be seeing you here. So will you give him a little
14 love for that right now? Just a little love on the record.

15 All right. Pete Strom.

16 MR. STROM: Just quickly. Thank you, Mr.
17 Chairman. I just want to say I was looking through your
18 letter -- reference letters, and I see that you have one
19 from Commissioner Aisha Taylor, a workers' comp
20 commissioner. And I hold her in very high regard. And she
21 wrote a very kind letter about you. That goes a long way
22 with me, so --

23 MS. LAWRENCE: Thank you. She's the best.

24 MR. STROM: Yeah, she is. Please tell her I
25 said "Hello."

1 MS. LAWRENCE: I will.

2 CHAIRMAN RANKIN: All right. Senator Sabb.

3 SENATOR SABB: Thank you, Mr. Chairman. And
4 it's interesting that Mr. Strom highlighted that letter,
5 because I was going to highlight it as well. I agree with
6 him, I think it speaks volumes. Very well written.

7 You know she talks about the 17 years the
8 two of you have known each other and all of that, so I
9 really enjoyed mentioning it. So I guess it bears
10 repeating.

11 And so I'm glad to see you. Glad that
12 you're offering. And I also wanted to echo the sentiments
13 of Chris, who talked about this idea of preparing for a
14 moment. And I think that was very insightful on your part.

15 And the other thing that I noticed is your
16 Greek-dome. And so I wanted to let you know, although I
17 wear purple and gold, I wore pink and green for a long
18 period until after the election, okay? And so --

19 MS. LAWRENCE: Thank you.

20 SENATOR SABB: I was in AKA for a period of
21 time in my life.

22 MS. LAWRENCE: I have it with me here today.
23 Yes.

24 SENATOR SABB: Amen. Thank you, Mr.
25 Chairman.

1 CHAIRMAN RANKIN: Very good. All right.
2 Unless there are other comments from the Commission
3 members, Ms. Lawrence, this will conclude this portion of
4 your screening process. And you are to be reminded that we
5 in this commission are very serious about both the letter
6 and the spirit of the South Carolina ethics laws.

7 Any violation or the appearance of
8 impropriety will be deemed very serious and deserving of
9 heavy weight in a subsequent screening deliberation.
10 You're aware of that. I just want to get your
11 acknowledgment of that on the record.

12 MS. LAWRENCE: I am aware.

13 CHAIRMAN RANKIN: And you understand that
14 this record will remain open until the formal release of
15 the report of qualifications. We could call you back in
16 the unlikely event that, that would occur.

17 And with that, Ms. Lawrence, and your most
18 lucky husband, and your dear friend, we thank you all for
19 being a part of this today and being with us.

20 MS. LAWRENCE: Thank you all. I appreciate
21 it.

22 (Candidate excused.)

23 VICE CHAIRMAN SMITH: All right. We're
24 going to go back on the record. And, Mr. Reibold, I
25 appreciate you being here today. How are you doing?

1 MR. REIBOLD: I'm good. Thank you very
2 much.

3 VICE CHAIRMAN SMITH: It doesn't appear that
4 you brought anybody. I think when we've seen you before,
5 you bring your wife every once in a while, or probably
6 every time.

7 MR. REIBOLD: I have brought my wife. But
8 she was supposed to have a job interview today. She's a
9 Covid job casualty, so she had to go try to find work.

10 VICE CHAIRMAN SMITH: Well, sorry to hear
11 that, but certainly understandable. So will you raise your
12 right hand, please, sir.

13 WHEREUPON,

14 ROBERT L. REIBOLD, being duly sworn and
15 cautioned to speak the truth, the whole truth and nothing
16 but the truth.

17 VICE CHAIRMAN SMITH: You can have a seat,
18 Mr. Reibold. Hopefully, before you -- they probably did
19 that while we were talking -- you have your PDQ and your
20 sworn statement. Are those both documents that you
21 submitted to the Commission?

22 MR. REIBOLD: Yes, sir.

23 VICE CHAIRMAN SMITH: Are there any
24 amendments or updates that need to be made to those at this
25 time?

1 MR. REIBOLD: I have one slight amendment.
2 Since I submitted my application, I've taken a CLE that
3 would not have been reflected in my report. It was
4 Administrative Regulatory Law CLE on regulation of the
5 liquor industry.

6 VICE CHAIRMAN SMITH: Okay. We'll let that
7 be an amendment that will be on the record. And do you
8 have any objection to us making these two documents a part
9 of your sworn testimony here today?

10 MR. REIBOLD: No, sir.

11 VICE CHAIRMAN SMITH: Okay. Without
12 objection, we're going to mark those as exhibits.

13 (EXHIBIT NO. 19 - JUDICIAL MERIT SELECTION
14 COMMISSION PERSONAL DATA QUESTIONNAIRE OF ROBERT
15 L. REIBOLD)

16 (EXHIBIT NO. 20 - JUDICIAL MERIT SELECTION
17 COMMISSION SWORN STATEMENT OF ROBERT L. REIBOLD)

18 VICE CHAIRMAN SMITH: All right. Mr.
19 Reibold, the Judicial Merit Selection Commission has
20 thoroughly investigated your qualifications for the bench.
21 As you know, our inquiry focuses on the nine evaluative
22 criteria. And I believe you've familiar with those.

23 And so, also, in addition to those
24 evaluative criteria we've include -- we've reviewed a
25 ballot -- your ballot box survey, a thorough study of your

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

5 There are no affidavits that have been filed
6 in regards to your election, and there are no witnesses
7 here to testify today. So do you wish to make a brief
8 opening statement?

9 MR. REIBOLD: No, you all are here on --
10 it's been a long day and a long week, so let's go ahead and
11 get to it.

12 VICE CHAIRMAN SMITH: All right. Thank you
13 very much. Answer any questions Counsel may have for you.

14 MS. BENSON: Thank you, Mr. Chairman. I
15 note for the record that based on the testimony contained
16 in Mr. Reibold's PDQ, which has been included in the record
17 with that candidate's consent, he meets the constitutional
18 and statutory requirements for this position regarding age,
19 residence, and years of practice.

20 EXAMINATION BY MS. BENSON:

21 **Q. Mr. Reibold, why do you want to serve as an**
22 **Administrative Law Court judge? And how do you feel that**
23 **your legal and professional experience thus far will assist**
24 **you to be an effective judge?**

25 A. A two-part question. Well, I'll start with the

1 first -- the first one. To me this is not about a job or a
2 title. I've got a comfortable position where I am. The
3 robe is not a cloak of authority. The robe is a mantle of
4 responsibility in my view.

5 Judges do meaningful work. They protect the law.
6 They protect our rights. And I have always felt, as you
7 can see by the fact that I'm here again, that this is
8 important work, it's meaningful work, it's work that I want
9 to do.

10 I want to do a meaningful work with my life. And
11 the administrative law judge position provides an avenue
12 for it, and I think it does fit with my training and
13 experience.

14 **Q. Thank you. Is there any additional preparation**
15 **that you feel that you need in order to serve as an**
16 **Administrative Law Court judge, and how would you go about**
17 **obtaining it?**

18 A. Well, let me go back. Because the second part of
19 that question was how does my training and experience
20 prepare me to an be an ALJ, I think these go together. And
21 the Administrative Law Court judges handle essentially
22 three types of matters: one is appeals of administrative
23 decisions; one is they preside over contested cases from
24 administrative agencies; and the third is, they play a
25 small role in the promulgation of regulations.

1 I'll take the appellate level first. My very
2 first job out of law school was a law clerk for Judge
3 Kinard. And at that time, which unbelievable to me is 25
4 years ago, appeals from agencies came straight to the
5 Circuit Court.

6 And so right out the gate I handed several
7 appeals of administrative decisions the Judge Kinard, and
8 became real familiar with the substantial evidence
9 standard.

10 In private practice I've done a varied amount of
11 appellate work. I've argued cases, appeals of magistrates
12 court decisions, in Circuit Court. I've argued in front of
13 the Court of Appeals.

14 I've argued in front of the South Carolina
15 Supreme Courts. I've even argued a patent appeal in front
16 of the United States Court of Appeals for the Federal
17 Circuit in D.C.

18 I can't tell you how many briefs I've been a part
19 of. I've got three pending appeals right now. So I feel I
20 have a fair amount of appellate experience that could apply
21 to that role at the ALJ.

22 The other facet that they do is the contested
23 cases. And these are -- in these matters, they're the
24 judge of law and the facts, and so it's a -- it's very
25 similar to a Circuit Court judge motion hearing or non-jury

1 trial. And I have done a multitude of that kind of work.

2 Obviously, with the judge, I handled those things
3 from the bench -- that point of view of the bench. And I
4 don't know what Judge Kinard did to displease someone when
5 I was with him, but we had seven consecutive weeks of non-
6 jury motions in Richland County. So I got a baptism by
7 fire, again, right out the gate.

8 But I have argued hundreds of motions in Circuit
9 Court. And I tried non-jury cases -- most recently some of
10 my law partners and I tried a two-week trust dispute in a
11 non-jury matter in front of Judge Toal. So I feel that I
12 have plenty of experience in those matters.

13 The same rules of evidence that I'm used to
14 applying every day, apply in the Administrative Law Court.
15 The same rules of civil procedure that I'm intimately
16 familiar with apply in a supplementary capacity at the ALJ.
17 So on those levels, I feel I have strong experience that
18 qualifications me for the position.

19 But let me also address some specific
20 administrative law issues. You wouldn't know it unless you
21 practice with me, but when you represent business clients
22 and some individuals, they have disputes with
23 administrative agencies.

24 I have represented contractors in licensing
25 disputes before the LLR. I have been involved in

1 unemployment matters, both as a -- as counsel and as an
2 employer at the Department of Employment and Workforce,
3 including appeals of those issues within the agency.

4 And I do some work for car dealers, and I've
5 helped some of them through the licensing process at DMV.
6 And many people may not know this, but just like you and I
7 can get points on our drivers license from the DMV, the DMV
8 can put points on a dealers license. And I've navigated
9 those disputes with the agency for my clients as well, so I
10 do have some direct administrative experience.

11 **Q. And have you ever actually appeared in an**
12 **Administrative Law Court proceeding?**

13 A. I've not been counsel of record in an
14 Administrative Law Court proceeding. I have been involved
15 in two cases -- I made a point of it, getting involved in
16 two cases that my firm has handled. And I've gone over
17 there, but I was not counsel of record on those occasions.

18 **Q. Thank you. Mr. Reibold, what is your vision for**
19 **the Administrative Law Court? And what changes would you**
20 **advocate, and why?**

21 A. Well, I think that the Administrative Law Court
22 is going to take on an increasing role, I foresee, with the
23 administrative state that we have. That will be more and
24 more of a role to play for the court.

25 When you look at the roster, I see lawyers that I

1 know appearing more and more frequently over there. So I
2 think that going forward, we need to be cognizant of the
3 fact it's going to play a greater role.

4 Now, it may take some more resources. One of the
5 issues that I see -- or that I would like to -- like to do
6 for the court is to sort of reconnect it. I think that,
7 that Bar and the court can be insulated from the rest of
8 our practice, the rest of the judges, and the rest of the
9 lawyers. And I think it would benefit if we could be more
10 connected.

11 I've been fortunate to be in the House delegates
12 and serve our Bar committees. If elected, I would want to
13 continue doing that and to promote that interaction. I
14 think all of us could benefit from that.

15 **Q. Mr. Reibold, let me follow up a little bit on**
16 **that, and ask what kind of instance would it be appropriate**
17 **for the Administrative Law Court and the judiciary to work**
18 **in cooperation with other branches of government? And what**
19 **areas must the judiciary stand apart from other branches of**
20 **government?**

21 A. Well, that's a -- that's a pretty general and, to
22 some extent, constitutional question. So, you know,
23 obviously, the judiciary's role is to decide cases on facts
24 and apply the law as it exists. It's the role -- in my
25 view, the role is not to create the law.

1 And so there's a lot of demarcation there between
2 the members of the General Assembly and the judiciary.
3 That would be a role that the Administrative Law Court and
4 the judiciary in general should not undertake.

5 But there are ways to work together. Members of
6 the Administrative Law Court, lawyers who practice in
7 administrative law, can serve and have valuable
8 contributions to make on other Bar committees.

9 Access to justice. For example, people need
10 representation in these areas as well as they do in other
11 areas. So I think there is a lot of opportunity for
12 coordination.

13 Q. Thank you. Mr. Reibold, the Commission received
14 158 ballot box surveys regarding you, and twenty -- there
15 were 27 additional comments. Following are some of the
16 positive comments that were contained in the ballot box
17 survey:

18 "Excellent candidate. Extremely well qualified.
19 Hardworking. Intelligent. Smartest candidate. Perfect.
20 Wonderful temperament, and fair."

21 Four of the written comments expressed some
22 concerns, and one of them indicated that you were involved
23 in an ex parte communication in a case. That's all the
24 information that I have. Would you want to make a response
25 to that?

1 A. I have no idea what that's a reference to. I'm a
2 rules guy. I'm very familiar with Rule 3.5 of the Rules of
3 Professional Ethics. I don't -- I don't do that. I know
4 what I'm not supposed to do, and I don't engage in ex parte
5 communications. I wish I knew more what was behind this,
6 'cause I could give you a better response, except to say,
7 "No."

8 Q. Thank you. The other three concerns indicated
9 that they were concerned about your lack of experience with
10 administrative law. You've already addressed this issue.
11 Is there anything that you'd like to add?

12 A. I anticipated this. And to address it, I went to
13 some sitting members of the Administrative Law Court and
14 asked, "Here's my background, here's my experience, what
15 would I need to do to be better prepared to be a judge
16 here?"

17 And I was told a few things. One was get
18 involved in some cases. And I've done that. Like I said,
19 I've worked -- in the past six months, I've worked in two
20 cases in my office that are before the ACL.

21 One was, "Come watch us." And I've done that.
22 I've gone over and sat in three different ALJ hearings,
23 now, in front of three different judges. I feel like I'm
24 getting my 403's all over again. But that was a valuable
25 experience.

1 One was, "Read the advance sheets." Which I have
2 done. One was, "Take CLEs." Which I've done. So I -- all
3 of the things that I was told to do to prepare for myself
4 for that position, by sitting members of the bench, I have
5 done.

6 Q. Thank you, Mr. Reibold. A few housekeeping
7 issues, please. Since submitting your letter of intent
8 have you sought or received the pledge of any legislator,
9 either prior to this date of pending the outcome of the
10 screening?

11 A. I have not.

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

16 A. I am not. I'm very clear with the restrictions
17 on candidates when I have discussions with other people.

18 Q. Since submitting your letter of intent to run for
19 this seat, have you contacted any members of the Commission
20 about your candidacy?

21 A. No, I have not.

22 Q. Do you understand that you're prohibited from
23 seeking a pledge or commitment, directly or indirectly,
24 until 48 hours after the formal release of the Commission's
25 report, and are you aware of the penalties for violating

1 the pledging rules in South Carolina Code Section 2-19-
2 70(E)?

3 A. You all have drilled that well into my head.

4 MS. BENSON: Mr. Chairman, I would note the
5 that Midlands Citizens Committee found Mr. Reibold to be
6 qualified in the evaluative criteria of constitutional
7 qualifications, physical health and mental stability. The
8 Committee found him well qualified in the evaluative
9 criteria of ethical fitness, professional and academic
10 ability, character, reputation, experience, and judicial
11 temperament.

12 The Committee stated in summary, concerns
13 about his previous six attempts at being elected to the
14 Circuit Court bench.

15 BY MS. BENSON:

16 Q. Mr. Reibold, would you like to offer a response
17 to that concern?

18 A. I'm not sure I understand that concern. Is the -
19 - is that point that I would be a better candidate if I had
20 run less times? I'm not sure I get that concern. In fact,
21 the fact that I've done it so often should be evidence of
22 my commitment to this process.

23 Q. Thank you.

24 MS. BENSON: I would just note for the
25 record that any concerns raised during the investigation

1 regarding the candidate were incorporated into the
2 questioning today.

3 Mr. Chairman, I have no further questions.

4 VICE CHAIRMAN SMITH: Thank you. Any
5 questions for Mr. Reibold?

6 (Hearing none.)

7 EXAMINATION BY VICE CHAIRMAN SMITH:

8 Q. Mr. Reibold, let me just ask you a few myself. I
9 was remarking with Representative Rutherford up here -- you
10 know, I guess when I look over the type of lawyers who have
11 progressed their way to the Administrative Law Court, I
12 don't see that -- I mean, they're all very fine judges now.
13 But they are not people who routinely represented solely in
14 Administrative Law Courts.

15 So, you know, I -- as I see the Administrative
16 Law Court is someone that -- as long as you understand the
17 APA -- you're familiar with the Administrative Procedures
18 Act?

19 A. Yes, I am.

20 Q. You have experience in courtrooms and litigation
21 around the state in different areas; is that right?

22 A. Absolutely.

23 Q. Okay. And is the -- is the procedural aspect of
24 it -- I mean, the APA is an unusual creature, in and of
25 itself, but the procedural aspects of a hearing is still

1 due process with examination of witnesses and briefs and
2 exhibits and all that. You're familiar with that?

3 A. Yes, I am.

4 Q. And is that what you routinely do on a -- on a
5 day-to-day basis?

6 A. That is what I routinely do on a day-to-day
7 basis.

8 Q. And you generally, I presume also -- I think you
9 -- from the practice I -- when I run across you, you do a
10 lot of arbitration --

11 A. I do.

12 Q. -- work? And so --

13 A. I'm a certified arbitrator, actually.

14 Q. Right. And so you practice in those areas in the
15 non-traditional courtrooms around the state too.

16 A. Yes, sir.

17 Q. All right. And is there anything that you think
18 -- you said you learned going to seminars is that -- you
19 know, I guess the ultimate question is, is you've run for
20 Circuit Court judge, we've heard six times, and now you're
21 running for the Administrative Law Court.

22 There was -- there was an open seat for Circuit
23 Court again, so you chose Administrative Law Court. Just
24 tell us why you felt the Administrative Law Court would be
25 your --

1 A. Sure. As I'm sure almost everyone in this room
2 knows, it takes more to become a Circuit Court in South
3 Carolina than ability and desire to serve. There are a lot
4 of factors that are simply out of the candidate's control.

5 And it's no secret I tried and I tried. I've
6 tried hard before. But at some point you have to look and
7 say is there -- is there a viable path forward for that
8 position.

9 And I'll be honest, I thought that, you know,
10 maybe -- maybe I had to put this behind me, that there
11 wasn't a viable path forward. But a few things happened in
12 the last year in my life that changed my mind. One was I
13 did Leadership South Carolina.

14 Senator Talley came and spoke to our class at the
15 Spartanburg -- new Spartanburg high school. But I saw
16 other people out there in the state, in all areas, still
17 committed, still energized. And to some extent, that re-
18 energized me.

19 I had an interesting conversation with my
20 daughter, which I kind of took as a sign. My daughter's 9
21 now. She was 8 then. This was pre-Covid, January of this
22 year. We were in the grocery store and I ran into a lawyer
23 that I knew. And as we pushed the carts away from each
24 other, he called back to me and said, "Rob, you really
25 should run again."

1 And my daughter said, "Daddy, what's he talking
2 about?"

3 I said, "Well, he's encouraging me to try one
4 more time to be a judge."

5 And she said, "Daddy, you should."

6 And I said, "I tried long and I tried hard. And,
7 you know, sometimes things don't work out the way you want
8 them to."

9 And her answer was, "Daddy, that's in the past.
10 You need to think about the future." And to hear this
11 pearl of wisdom come from my 8-year-old girl, it kind of
12 took me aback.

13 And the third thing was there are a couple of
14 members on the court that have been encouraging me to run,
15 and still are encouraging me to run, so I took a look at
16 it.

17 I went over, I watched it and talked to people,
18 and got involved in some cases, and decided this is
19 something I can do, this is something that I can enjoy.
20 And when the opportunity presented itself, I took it. I
21 hope that answers your question.

22 **Q. That answers my question. And, you know, I guess**
23 **I, too, as you are, baffled by the commentary from the**
24 **Citizens Committee noting this is your sixth time to run.**
25 **I see that as a dedication to the -- to the aspiration to**

1 be a judge more than I take it as a not.

2 You know, I go back to the old Teddy Roosevelt
3 quote, you know, is "The man that's in the arena with his
4 face marred with blood, sweat, and tears." And you
5 certainly have been in that situation, haven't you?

6 A. I sure have.

7 Q. All right.

8 A. No permanent scars.

9 Q. No permanent scars. That's the way it should be.

10 VICE CHAIRMAN SMITH: All right. Anyone
11 else have any questions?

12 (Hearing none.)

13 VICE CHAIRMAN SMITH: Mr. Reibold, I think
14 all of us up here are familiar with you, all of us have
15 been through a screening with you, so don't interpret the
16 lack of questions as anything other than we are very
17 familiar with you.

18 MR. REIBOLD: I understand.

19 VICE CHAIRMAN SMITH: All right. Mr.
20 Reibold, this concludes this portion of your screening
21 process. I want to take this opportunity to remind you
22 that pursuant to the Commission's evaluative criteria, the
23 Commission expects candidates to follow the spirit as well
24 as the letter of the ethics law, and we will view
25 violations or the appearance of impropriety as serious and

1 potentially deserving of the heavy weight in screening
2 deliberations.

3 As you are aware, the record will remain
4 open till the formal release of the report of
5 qualifications. And you may be called back at such time,
6 if it need arises. I thank you for you offering for this
7 position. I thank you for your service to the State of
8 South Carolina.

9 MR. REIBOLD: And thank you all for the
10 same.

11 VICE CHAIRMAN SMITH: All right. See you
12 soon, Rob.

13 (Candidate excused.)

14 VICE CHAIRMAN SMITH: All right. Ms.
15 Rookard? Am I pronouncing it right: Rookard?

16 MS. ROOKARD: Yes, that's correct.

17 VICE CHAIRMAN SMITH: Ms. Rookard, I
18 appreciate you being here today. If you'll please stand
19 real quick and let me swear you in, please, ma'am.

20 WHEREUPON,

21 THE HONORABLE CRYSTAL ROOKARD, being duly
22 sworn and cautioned to speak the truth, the whole truth and
23 nothing but the truth.

24 VICE CHAIRMAN SMITH: All right. Have a
25 seat, please. Before you is your personal data

1 questionnaire and your sworn statement. Are these both
2 documents that you have submitted to this Commission?

3 MS. ROOKARD: Yes, sir.

4 VICE CHAIRMAN SMITH: Are there any further
5 updates or amendments that you need to make at this time?

6 MS. ROOKARD: I don't think so.

7 VICE CHAIRMAN SMITH: Do you have any
8 objection to us marking these as exhibits to your sworn
9 testimony here today?

10 MS. ROOKARD: That's perfectly fine.

11 VICE CHAIRMAN SMITH: All right. Without
12 objection we'll mark those as exhibits to your testimony.

13 (EXHIBIT NO. 21 - JUDICIAL MERIT SELECTION
14 COMMISSION PERSONAL DATA QUESTIONNAIRE OF THE
15 HONORABLE CRYSTAL ROOKARD)

16 (EXHIBIT NO. 22 - JUDICIAL MERIT SELECTION
17 COMMISSION AMENDED PERSONAL DATA QUESTIONNAIRE OF
18 THE HONORABLE CRYSTAL ROOKARD)

19 (EXHIBIT NO. 23 - JUDICIAL MERIT SELECTION
20 COMMISSION SWORN STATEMENT OF THE HONORABLE
21 CRYSTAL ROOKARD)

22 VICE CHAIRMAN SMITH: The Judicial Merit
23 Selection Commission has thoroughly investigated your
24 qualifications for the bench. Our inquiry have focused on
25 the nine evaluative criteria, and this also includes a

1 ballot box survey, a thorough study of your application
2 materials, verification of your compliance with state
3 ethics laws, a search of newspaper articles in which your
4 name appears, a study of previous screenings, and checks
5 for economic conflicts of interest.

6 We've received no affidavits today in
7 opposition to your candidacy, and we also do not have any
8 witnesses here present to testify.

9 MS. ROOKARD: That's good to hear.

10 VICE CHAIRMAN SMITH: Just observers today.
11 And so you wish make a brief opening statement to the
12 Commission?

13 MS. ROOKARD: I don't want to make a lengthy
14 opening statement for the sake of time. I just want to say
15 that I'm honored to be here. Thank you for your
16 consideration. And I'm glad to appear before you today. I
17 appreciate the opportunity. Thank you.

18 VICE CHAIRMAN SMITH: Thank you very much.
19 Answer questions that Counsel may have for you, please.

20 MS. ROOKARD: Yes, sir.

21 MS. BAKER: Thank you, Mr. Chairman. I note
22 for the record that based on the transcript contained in
23 the candidate's PDQ, which has been included in the record
24 with the candidate's consent, Judge Rookard meets the
25 constitutional and our statutory requirements for this

1 position regarding age, residence, and years of practice.

2 EXAMINATION BY MS. BAKER:

3 Q. Judge Rookard, why do you now want to serve as an
4 Administrative Law Court judge? And how do you feel your
5 legal and professional experience thus far will assist you
6 to be an effective judge?

7 A. Well, first of all, I've dedicated my legal
8 career to public service and state government. For 20
9 years I've served as a state government attorney, handling
10 a variety of legal issues, including administrative law.

11 I believe that my institutional knowledge and
12 experience in state government will be useful in
13 Administrative Law Court.

14 Q. Thank you, Judge. Are there any areas of the law
15 for which you would need additional preparation in order to
16 serve as an Administrative Law Court judge, and how would
17 you handle that additional preparation?

18 A. Well, the first area that comes to mind is tax --
19 complex tax cases. I do believe I'd have to come up to
20 speed on those type of issues. Of course, I would do what
21 I've normally done my entire career with novel issues, I'd
22 study. Study. Research. The same that I've done my
23 entire career since law school.

24 Of course, I could rely on the attorneys who are
25 performing to brief the cases, but it would be my

1 responsibility to study and learn that area of law, so that
2 I could apply the law to the facts that are presented
3 before me.

4 Q. Thank you. Judge Rookard, please explain the
5 types of cases that you have handled before the
6 Administrative Law Court, and what experiences specifically
7 qualify you for the Administrative Law Court.

8 A. Thank you. Like I said earlier, I've spent 20
9 years in state government as an attorney for three
10 different state agencies.

11 In addition, I have been an actual HR director
12 and Chief Human Resources officer in state government. I
13 have extensive experience and knowledge of state Human
14 Resource regulations and laws, including a working
15 knowledge of state benefits and retirement; two specific
16 issues that appear before the Administrative Law Court.

17 During my tenure at the Department of
18 Corrections, I defended SCDC against inmate litigation.
19 The inmate litigation was appealed to the Administrative
20 Law Court. I drafted and filed briefs, prepared documents,
21 and submitted them to the court.

22 I am active with the Administrative Law Court
23 staff. I handle inmate cases involving prison disciplinary
24 appeals, sentence calculations, custody, and liberty
25 interests. And the appeals were handled pursuant to the

1 Administrative Procedures Act and the Administrative Law
2 Court rules.

3 Also, I represented SCDC against inmate
4 litigation in Circuit Court for Richland County. I also
5 have working knowledge of the State Employment Grievance
6 process.

7 I argued and defended SCDC in employee grievance
8 hearings before the State Employee Grievance Committee. I
9 conducted employee grievance investigations. I handled
10 employee mediations, arbitrations, and hearings.

11 And this included hearing preparation, oral
12 arguments, legal document preparation, witness prep,
13 opening and closing arguments and questioning witnesses on
14 direct and cross.

15 In addition, I've handled various legal matters
16 with other state agencies on behalf of my client. So I've
17 interacted extensively with the South Carolina Human
18 Affairs Commission, the South Carolina Technical College
19 system, the Commission on Higher Education, the Department
20 of Probation Parole and Parole -- I'm sorry, the Department
21 of Probation, Parole, and Pardon. And DSS, DHEC, LLR.

22 And from 2015 until the present, I've served as
23 an associates substitute Municipal Court judge. In that
24 role I have conducted bench trials, I've adjudicated cases
25 in criminal court, traffic court, domestic violence court,

1 homeless court, quality of life court.

2 I've handled preliminary hearings. And until
3 recently, I've presided over bond court. We no longer
4 handle bond court at the city. I've ruled on motions,
5 drafted orders.

6 During the bench trials, I listen to the
7 testimony and review evidence from both parties and then I
8 make decisions. And I think based on all of that -- all
9 those experiences, I'll be well suited for the
10 Administrative Law Court.

11 **Q. Judge Rookard, what is your vision for the**
12 **Administrative Law Court? And what changes would you**
13 **advocate, and why?**

14 A. I spent a lot of time reviewing the
15 Administrative Law Court website, and I spent a great deal
16 of time reading previous decisions. I don't know if
17 there's a whole lot I would change. I think sometimes we
18 can make changes for the sake of changing, just so you can
19 say, "Hey," put your stake in the ground and say, "I did
20 this."

21 I think a lot of what the Administrative Law
22 Court is doing is being done correctly. What I would be
23 focused on is what can I do as an individual judge. And
24 that means being impartial, fair, unbiased, promoting a
25 prompt and efficient court. No different than any other

1 judge in this state.

2 So I really would be focused on -- early on, how
3 can I be the best judge I can be.

4 **Q. Judge Rookard, in what instances is it**
5 **appropriate for the judiciary to work in cooperation with**
6 **other branches of government? And when it -- and in what**
7 **areas must the Judiciary stand apart from other branches?**

8 A. I think the role of the judiciary, especially in
9 regards to the Legislature -- the Legislature pass --
10 passes the laws. It's my role as the judge to enforce
11 those laws that the Legislature has passed.

12 I don't -- I do not think it's my role to set
13 public policy. I'm just applying the law that has already
14 been passed. I definitely want to avoid making decisions
15 that are heavily influenced by my own personal opinions or
16 my own political influences.

17 I do think, however, that we can work together to
18 make the court more efficient. And that's really the
19 focus. What I said earlier about being the best judge I
20 can be, is working with other branches of government to
21 make the process more efficient, more prompt for those who
22 appear in court.

23 **Q. Thank you. Judge Rookard, the Commission**
24 **received 158 ballot box surveys regarding you, with 16**
25 **additional comments. The ballot box survey, for example,**

1 contained the following positive comments:

2 "Absolutely outstanding. I've seen her in her
3 capacity as a magistrate, and she shines. She is the
4 epitome of what a judge who be like. A credit to the Bar
5 and bench. Judge Rookard is a worth communicate for
6 Administrative Law Court. I've known her as counsel and
7 general counsel for several state entities and as a
8 magistrate judge. This judgeship is perfectly tailored to
9 her background and experience."

10 A couple of the written comments expressed
11 concerns regarding lack of experience in front of the
12 Administrative Law Court, or in trial court. What response
13 would you offer to this concern regarding your experience?

14 A. I understand people have opinions. Everybody
15 does. And I obviously would disagree, or else I would not
16 have applied. I think that I have the experience to
17 adjudicate cases.

18 My most recent experience as a sitting part-time
19 judge is that I've had to spend a lot of time reviewing
20 court rules, the rules especially in regards to criminal
21 matters, to make sure I'm to speed.

22 So I am -- I am prepared to do that. I'm
23 prepared to do what I'm already doing. So I understand
24 people have opinions. And obviously, I disagree with them.
25 But I think that my experience is well suited, as I've

1 already stated.

2 Q. Your SLED report indicated that there were two
3 lawsuits filed against the Department of Corrections, which
4 named you as a co-defendant. Both were filed in 2003 in
5 the U.S. District Court by Kenneth Green, a prisoner at the
6 Allendale Correctional Institution. Please explain the
7 nature and disposition of the lawsuit.

8 A. This is -- well, the unfortunate part of being a
9 in-house counsel for the Department of Corrections is you
10 may be sued a lot. And often, you're sued in your official
11 capacity.

12 I don't remember, because my name probably was
13 listed on numerous cases. The case has been dismissed.
14 But it kind of goes with the territory as being in-house
15 counsel for the Department of Corrections.

16 Q. Thank you. Your SLED report also indicated there
17 were two lawsuits filed against Midlands Technical College,
18 which named you and other employees of the college as co-
19 defendants. The cases were filed in 2011 and 2012 in the
20 U.S. District Court, both by Myrtle Cooper. Please explain
21 the nature and dispositions of these.

22 A. Well, the -- when I say going with the territory
23 as far as Department of Corrections, well, going with the
24 territory in higher ed is, you often get sued by unhappy
25 faculty members.

1 And this particular faculty member sued all of us
2 in our official capacity. The case was settled. But there
3 were repetitive cases -- I think there may have even been a
4 third one. I'm not sure off the top of my head. But the
5 case was settled.

6 And no different than what I mentioned about the
7 Department of Corrections, this is sort of the typical
8 process when someone is unhappy with their position and
9 then they end up suing all of us in our official
10 capacities.

11 **Q. Thank you.**

12 MS. BAKER: I would note that the Midlands
13 Citizens Committee reported the Judge Rookard is well
14 qualified in the evaluative criteria of ethical fitness.
15 The Committee reported that Judge Rookard is qualified in
16 the evaluative criteria of constitutional qualifications,
17 professional and academic ability, character, reputation,
18 physical health, mental stability, experience, and judicial
19 temperament.

20 BY MS. BAKER:

21 **Q. Judge, I have a few housekeeping questions.**

22 A. Yes, ma'am.

23 **Q. Since submitting your letter of intent have you**
24 **sought or received the pledge of any legislator, either**
25 **prior to this date or pending the outcome of your**

1 screening?

2 A. No, I have not sought the pledge of anyone.

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

7 A. No, not to my knowledge.

8 Q. Since submitting your letter of intent to run for
9 this seat, have you contacted any members of the Commission
10 about your candidacy?

11 A. Yes. I accidentally sent a letter of
12 introduction, I think, to two members. I was sending out a
13 mass group of -- letters of introduction, and I
14 accidentally sent it to -- as soon as I realized my
15 mistake, I contacted Erin Crawford. And then subsequently,
16 I spoke to you, Ms. Baker, about this error.

17 Q. Do you understand the you're prohibited from
18 seeking a pledge or commitment, directly or indirectly,
19 until 48 hours after the formal release of the Commission's
20 report, and are you aware of the penalties for violating
21 the pledging rules?

22 A. Yes.

23 MS. BAKER: I would just note for the record
24 that any concerns raised during the investigation regarding
25 the candidate were incorporated into the questioning of the

1 candidate today.

2 Mr. Chairman, I have no further questions.

3 VICE CHAIRMAN SMITH: All right.

4 Representative Talley.

5 EXAMINATION BY SENATOR TALLEY:

6 Q. Good afternoon, Judge Rookard.

7 A. Good afternoon.

8 Q. I was looking at your PDQ, and I see that you
9 were born in Spartanburg.

10 A. I was, yes.

11 Q. very good. And when you went to Lander in 2017,
12 was that a new position?

13 A. Yes.

14 Q. It was. Okay.

15 A. Prior to my arrival they did not have in-house
16 counsel. The new president implemented a lot of best
17 practices, and on his agenda was to hire a general counsel.

18 Q. Got you. And when you left Midlands in 2017, was
19 your successor Carlos Johnson?

20 A. It was.

21 Q. Yeah, he -- he's our classmate --

22 A. Yeah, he's a good friend of mine.

23 Q. -- in law school.

24 A. Well, now he's --

25 Q. I noticed -- I thought that was about the time he

1 was in private practice in Spartanburg. And, actually, my
2 firm assisted in some of his files after he left. So nice
3 to meet you. I've never had a chance to meet you, but I'm
4 impressed by your --

5 A. I appreciate that.

6 Q. -- resume. And, certainly, you've got some very
7 positive comments, people who think a lot of you in our
8 profession.

9 A. Well, I appreciate that.

10 Q. So thank you for offering. Yes, ma'am.

11 A. Thank you.

12 CHAIRMAN RANKIN: All right. Other
13 questions of Ms. Rookard?

14 MS. MCIVER: I have a question.

15 CHAIRMAN RANKIN: Ms. McIver.

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

17 EXAMINATION BY MS. MCIVER:

18 Q. Ms. Rookard, it's nice to meet you.

19 A. Nice meeting you too.

20 Q. Thank you. I've noticed in your PDQ, you listed
21 a couple of businesses that you were involved with, or in
22 the early stages of developing. Can you tell us a little
23 bit about those businesses?

24 A. Of course. So weird, I keep looking down at my
25 face. I don't want to see my face.

1 Yes, I have a couple -- well, it's not really a
2 company -- a consulting training business, Crystal Rookard
3 Consulting. I do a lot of training on higher education
4 issues, employee law, Human Resources, state government.

5 Primarily, it's training with the employees about
6 different legal issues that come up in higher ed. And I've
7 been doing that for probably, I don't know, five years.
8 Some years I may do a couple of trainings, and then some
9 years I do nothing.

10 The Business Assist is just something I just
11 started. I haven't quite fleshed it out yet. I'm trying
12 to get prepared for retirement. I can retire in a couple
13 of years, so I'm trying to position myself to do something
14 after I leave state government. Unless I'm so fortunate to
15 become a judge, and then of course I'll put that to the
16 wayside. But I'm trying to be mindful as I approach
17 retirement.

18 **Q. Great. Thank you very much.**

19 A. Thank you.

20 CHAIRMAN RANKIN: All right. Other
21 questions?

22 (Hearing none.)

23 EXAMINATION BY CHAIRMAN RANKIN:

24 **Q. Ms. Rookard, I want to comment as well in terms**
25 **of your bench Bar ballot box survey responses: You're**

1 always prepared, you do a great job analyzing the issues,
2 effectively assess both sides. And that is in your role as
3 a mediator? Or this is perhaps from someone who has
4 observed you mediating cases for you?

5 A. They're probably thinking of my role as general
6 counsel and as a judge. So I always tell people being a
7 Human Resources director made me a better lawyer. I'm more
8 apt to try and resolve issues in-house, rather than let
9 them escalate beyond to organization.

10 I find that it's cheaper for us. It makes --
11 makes sense. And so I often am the mediator, or I would
12 say the neutral party. I know that's odd to be in-house,
13 but sometimes I have competing interests. And sometimes I
14 have to bring people together and say, "Okay, what can we
15 do to resolve this to move forward?"

16 And then they may also be referring to my role as
17 a judge. I do try to get the parties to resolve an issue.
18 I guess that's the reoccurring theme. Maybe it's my
19 personality. I don't know.

20 I'm a middle child. But it's just something that
21 I have a knack for, is getting people to come together and
22 resolve issues. So that's probably what they're referring
23 to, I hope.

24 Q. And you are an associate substitute municipal
25 court judge.

1 A. Yes, sir.

2 **Q. What does a substitute portion of the title mean?**

3 A. I'm not really sure. I really feel like I'm just
4 their fill-in judge. So they have full-time judges, but
5 obviously they can't fill every opportunity there is court.

6 They can't do it all, so I -- we serve as sort of
7 the second bench, so to speak. It's just there's not as
8 many full-time judges as you would think, so they --
9 they've had several substitute judges over the years.

10 **Q. Forgive me for re-plowing this, perhaps, but as**
11 **the General Counsel and Vice President for Lander**
12 **University, since 2017, how much time does that require of**
13 **you in a months' time or a weeks' time or --**

14 A. It just depends. Usually, it's about twice a
15 month. I would be busier on the weekends when we had bond
16 court. But since Covid-19, they're no longer having bond
17 court. Usually, in and around the holidays, it may pick up
18 a little bit more because the full-time judges are out
19 vacationing. But usually it's about twice a month.

20 CHAIRMAN RANKIN: All right. Unless there
21 are other questions that any of the other Commission
22 members have, this will conclude this portion of our
23 screening process. And as with every candidate that comes
24 before us, you, ma'am, are reminded of our commission's
25 adherence to both the letter and the spirit of the ethics

1 laws here in South Carolina.

2 JUDGE ROOKARD: Yes, sir.

3 CHAIRMAN RANKIN: Any violation or the
4 appearance of impropriety will be deemed very serious and
5 deserving of heavy weight in our screening deliberations.
6 Should that occur, which we certainly expect not, because
7 this record is not closed we would have the right to bring
8 you back for further questions under oath. You understand
9 that, right?

10 JUDGE ROOKARD: Yes, sir. I understand.

11 CHAIRMAN RANKIN: Very well. Ms. Rookard,
12 thank you so much for being with us today.

13 JUDGE ROOKARD: Thank you.

14 (Candidate excused.)

15 CHAIRMAN RANKIN: Debra Sherman Tedeschi?

16 MS. TEDESCHI: Tedeschi. Yes.

17 CHAIRMAN RANKIN: Very well. If you will
18 raise your right hand, please.

19 WHEREUPON,

20 DEBRA SHERMAN TEDESCHI, being duly sworn and
21 cautioned to speak the truth, the whole truth and nothing
22 but the truth.

23 CHAIRMAN RANKIN: Very well. Have a seat
24 there, please, ma'am. And thank you for joining us. And
25 we are three minutes early to start. Unfortunately, that's

1 not going to help you with the traffic later. But the PDQ
2 and the sworn statement you have before you, are those
3 ready to go in the record, or do you need to amend them?

4 MS. TEDESCHI: There are two amendments that
5 I've made, that are here. So this looks complete.

6 CHAIRMAN RANKIN: Very well. And in
7 addition to your sworn testimony, they're be made a part of
8 the record, okay? No objection by you, right?

9 MS. TEDESCHI: No objection.

10 CHAIRMAN RANKIN: Thank you.

11 (EXHIBIT NO. 24 - JUDICIAL MERIT SELECTION
12 COMMISSION PERSONAL DATA QUESTIONNAIRE OF DEBRA
13 SHERMAN TEDESCHI)

14 (EXHIBIT NO. 25 - JUDICIAL MERIT SELECTION
15 COMMISSION AMENDED PERSONAL DATA QUESTIONNAIRE OF
16 DEBRA SHERMAN TEDESCHI)

17 (EXHIBIT NO. 26 - JUDICIAL MERIT SELECTION
18 COMMISSION SWORN STATEMENT OF DEBRA SHERMAN
19 TEDESCHI)

20 CHAIRMAN RANKIN: Ms. Tedeschi, in our
21 efforts to investigation your qualifications, we focus on
22 the nine evaluative criteria, in addition to a ballot box
23 survey, a thorough study of your application materials,
24 verification of your compliance the state ethics laws, a
25 search of newspaper articles in where your name appears, a

1 check for economic conflicts of interest. And you've not
2 screened before.

3 MS. TEDESCHI: I have, sir.

4 CHAIRMAN RANKIN: Okay. Forgive me. It's
5 late and I'm --

6 MS. TEDESCHI: That's quite all right. I
7 screened in 2016.

8 CHAIRMAN RANKIN: Very well. I may not have
9 been with you at that moment, that's why I'm a little thin
10 on that. So nonetheless, we also look at the prior
11 screenings. No affidavits have been filed in opposition to
12 your election. No one has desired to be present as a
13 witness to testify in your appearing.

14 I do note that you've got three
15 accompaniments. Have these folks stand up and tell us who
16 they are, if you will. Or you tell us who they are.

17 MS. TEDESCHI: Thank you. This is my
18 husband. He's Dr. David Tedeschi. He's a professor at
19 USC.

20 CHAIRMAN RANKIN: What does he teach?

21 MS. TEDESCHI: He teaches physics and
22 astronomy.

23 CHAIRMAN RANKIN: Well, sir, take your mask
24 down so I can see what that looks like. You don't look
25 anything like Mr. Safko.

1 MR. TEDESCHI: A good friend of mine.

2 CHAIRMAN RANKIN: Great guy. He taught me
3 astronomy in the self-pace class back in 1981. Or maybe it
4 was '83. I finished undergrad in '84. Welcome, sir.

5 All right. Who else?

6 MS. TEDESCHI: My eldest son, Louis
7 Tedeschi.

8 CHAIRMAN RANKIN: Louis, take off your mask
9 and let's see your bright smile. Thank you for being here.
10 Yes, sir.

11 MS. TEDESCHI: And my younger son is Daniel
12 Tedeschi.

13 CHAIRMAN RANKIN: Very well, Daniel. Glad
14 you all are here. Thank you very much. Ms. Tedeschi, you
15 have the right to make a very brief opening statement, if
16 you like, before we turn it over to Ms. Foster for
17 questions of you. The floor is yours, if you'd like.

18 MS. TEDESCHI: Thank you, sir. I just
19 wanted to very briefly say thank you for all your public
20 service, everybody here on this commission, because it's
21 such an important job to thoroughly screen judicial
22 candidates. And I appreciate the thorough screening that
23 is done as a -- as a South Carolina citizen. So I wanted
24 to thank you all for your service. And I appreciate being
25 here.

1 CHAIRMAN RANKIN: Very well. And you
2 screened in 2016 for ALJ?

3 MS. TEDESCHI: Yes. It was Seat No. 2, I
4 believe.

5 CHAIRMAN RANKIN: Very well. All right.

6 MS. FOSTER: I note for the record that
7 based on the testimony contained in the candidate's PDQ,
8 which has been included in the record with the candidate's
9 consent, Debra Sherman Tedeschi meets to constitutional
10 and/or statutory requirements for this position regarding
11 age, residence, and years of practice.

12 EXAMINATION BY MS. FOSTER:

13 **Q. Ms. Tedeschi, why do you now want to serve as an**
14 **Administrative Law Court judge? And how do you feel your**
15 **legal and professional experience thus far will assist you**
16 **to be an effective judge?**

17 A. Yes, ma'am. An important part of my legal career
18 has been to serve the public in some way. And I have been
19 very fortunate in my 24 years as a practicing attorney to
20 have spent the overwhelming majority of those years in
21 public service. Mostly, with the State of South Carolina.

22 And I feel that I can bring a -- both a breadth
23 and a depth of experience to this position. And it is
24 largely because of my professional experience. I've been a
25 litigator with private firms, two large private firms.

1 I've been a litigator with my own firm.

2 But as I said, the majority of my large practice
3 has been with -- 18 years, approximately, with the State of
4 South Carolina. I've worked for almost ten years for the
5 South Carolina Supreme Court, so I'm very well versed in
6 appellate advocacy and appellate matters.

7 I've also -- for about seven years, I worked in
8 an executive branch agency, the Department of Employment
9 and Workforce. During that time period, I was -- I would
10 say 99 percent of my practice was administrative law.

11 I've done -- I've had some dealings with the
12 Administrative Law Court in all their different -- all the
13 different jurisdictions that it handles.

14 I'm also a member of the Supreme Court's
15 Character and Fitness Committee. This is a committee that
16 essentially assists the Supreme Court Justices in their
17 evaluation of incoming Bar applicants, as well as attorneys
18 who are seeking reinstatement.

19 And the Supreme Court Justices appointed me to
20 the committee in 2010, and I've been serving since --
21 continuously since 2010, so I've been re-upped several
22 times. And so I've been entrusted by the Justices to judge
23 the character and fitness of fellow attorneys as well
24 incoming Bar applicants.

25 So given the appellate experience, litigation

1 experience, government experience, both in the private
2 sector and the public sector. As well as my current job
3 which is I'm an Army Civilian Attorney with the Department
4 of the Army.

5 I work here at Fort Jackson with the Office of
6 the Staff Judge Advocate. And I work with JAGs and I deal
7 with the civilian workforce, with employment and labor law
8 matters. And I've been doing that for the past couple of
9 years. And so that's been another extension of my
10 experience in administrative law.

11 So I would say a combination of my experience and
12 a desire to serve is -- would be the answer.

13 **Q. Ms. Tedeschi, are there any areas of the law for**
14 **which you would need additional preparation in order to**
15 **serve as an Administrative Law Court judge, and how would**
16 **you handle the additional preparation?**

17 A. So I don't believe that I'd need any additional
18 preparation, in part because of the experience that I was -
19 - I was just detailing. However, obviously, you can't be
20 an expert at everything.

21 And the Administrative Law Court has a wide
22 ranging jurisdiction with different agencies, such as DHEC,
23 the tax, LLR. I mean, there's just all -- all the
24 different agencies. So there's a lot of different subject
25 matter.

1 So if I'd be unfamiliar with something,
2 certainly, I would resort to what every good lawyer does,
3 and I'm sure every good judge does as well, which is
4 diligently do my research, read the laws, the case law,
5 statutory law, anything that you'd have to go to get up to
6 speed on an area that I wasn't familiar with.

7 **Q. Ms. Tedeschi, please explain the types of cases**
8 **that you have handled before the Administrative Law Court,**
9 **and what experiences specifically qualify you for the**
10 **Administrative Law Court.**

11 A. So as I've already mentioned, I have had
12 extensive experience in front of the Administrative Law
13 Court -- the South Carolina Administrative Law Court,
14 pretty solidly for -- from the seven years when I was with
15 the Department of Employment Workforce.

16 I had an active appellate docket, where I would
17 defend the Department's appellate panel's decisions to the
18 Administrative Law Court. So in that vein, I was a
19 frequent -- a frequent customer of the Administrative Law
20 Court, handling a full docket of appellate cases to the
21 different judges.

22 I would -- I've appeared before all the judges
23 that are currently on the court, well versed in the
24 administrative court -- law court's rules. I've also done
25 a contested case for -- in front of the Administrative Law

1 Court under the Set Off Debt Act.

2 So that's your contested case type jurisdiction.
3 I currently -- I'm doing administrative law in the federal
4 sector, so I'm actively litigating in administrative law
5 cases.

6 And in addition -- in addition, during my time at
7 the Department of Employment and Workforce, there was -- I
8 handled a regulatory public hearing and the -- all the --
9 all the research and writing that went along with that in
10 terms of passing some regulations.

11 **Q. Ms. Tedeschi, what is your vision for the**
12 **Administrative Law Court? And what changes would you**
13 **advocate, and why?**

14 A. So my vision for the Administrative Law Court
15 would be to continue its good reputation in being a fair
16 and independent forum for matters where the citizens of
17 South Carolina interact with the executive branch agencies.

18 In my experience as an advocate before the court,
19 it is run quite well, efficiently. I would hope to
20 continue in that vein. I think that's -- I think that will
21 do for now.

22 **Q. Yes, ma'am.**

23 A. Unless you want me to expand on that.

24 **Q. No. Ms. Tedeschi, in what instances is it**
25 **appropriate for the judiciary to work in cooperation with**

1 other branches of government? In what areas must the
2 judiciary stand apart from other branches?

3 A. So thank you for that question. One of the
4 reasons that I have found, that I have enjoyed practicing
5 administrative law so much, is because it is very much at
6 the interplay between the three branches of government.

7 That's the bedrock of our -- of our system. And
8 it's -- so there's -- the first part of that interaction is
9 that the Administrative Law Court is inherently working
10 together with the judiciary branch, because the
11 Administrative Law Court is actually a creature of statute
12 by the Legislature, and is actually part of the executive
13 branch. So it's its own hybrid entity, shall I say.

14 So that it's actually a great example of
15 cooperation. And, of course, the -- looking at it as a --
16 as a judicial entity, there's -- there's the appropriate
17 cooperation with respecting how the law is written, not
18 going beyond the statutes when interpreting or being guided
19 by the language of the statute, and just a -- just a
20 general healthy respect for the interplay between the three
21 branches of government.

22 Q. Ms. Tedeschi, the Commission received 125 ballot
23 box surveys regarding you, with 22 additional comments.
24 The ballot box surveys, for example, contained the
25 following positive comments:

1 "She is extremely smart, an excellent writer, and
2 has the perfect temperament for the job. Her combination
3 of administrative law and appellate experience makes her
4 particularly qualified and well suited to the ALC. Ms.
5 Tedeschi is very bright and would make an excellent judge
6 of any type. She gives selfishly of her time to many law-
7 related activities, including the Commission on Character
8 and Fitness. She is a very experienced lawyer and her
9 character is beyond reproach."

10 One of the written comments expressed a concern
11 about lack of experience. What response would you offer to
12 this concern?

13 A. So my response to that is an assumption that
14 whoever made that comment wasn't -- wasn't fully aware of
15 the extent and the length of my service -- of my experience
16 as an attorney. I've been an attorney for 24 years.
17 Twenty-three of those have been in South Carolina.

18 But I didn't go to law school here and I didn't
19 grow up here, so -- and for the majority of my first, say,
20 twelve years of practice, I was with the South Carolina
21 Supreme Court for about ten of those years.

22 And as a staff attorney and judicial law clerk,
23 you are governed by a canon of ethics similar to a judicial
24 canon of ethics in our state.

25 And so I just attribute that to maybe somebody

1 maybe not realizing that I've been kicking around South
2 Carolina a lot longer than they -- than they think.

3 Q. Thank you, Ms. Tedeschi. Some housekeeping
4 issues. Since submitting your letter of intent have you
5 sought or received the pledge of any legislator, either
6 prior to this date or pending the outcome of your
7 screening?

8 A. No, ma'am.

9 Q. Have you asked any third parties to contact
10 members of the General Assembly on your behalf, or are you
11 aware of anyone attempting to intervene in this process on
12 your behalf?

13 A. No.

14 Q. Since submitting your letter of intent to run for
15 this seat, have you contacted any members of the Commission
16 about your candidacy?

17 A. I have. Inadvertently, I sent an e-mail to
18 Representative Murphy. That is actually the subject of my
19 second amendment to the PDQ. I realized my oversight
20 pretty quickly. It was an introductory-type e-mail to the
21 Judiciary -- the House Judiciary members, where I
22 introduced myself and announced my candidacy and attached a
23 resume.

24 Within about 30 or 40 minutes, I did a cross-
25 reference and realized that I had mistakenly sent a

1 communication to a member of this commission. So I
2 immediately sent a retraction e-mail to Representative
3 Murphy.

4 I self-disclosed and I copied Counsel Erin
5 Crawford, the Commission's counsel, and self-disclosed the
6 contact. Other than that? No, ma'am.

7 **Q. Do you understand that you are prohibited from**
8 **seeking a pledge or commitment, directly or indirectly,**
9 **until 48 hours after the formal release of the Commission's**
10 **report, and are you aware of the penalties for violating**
11 **the pledge -- pledging rules? See South Carolina Code**
12 **Section 2-19-70, Paren E: It is a misdemeanor, and upon**
13 **conviction the Violator must be fined not more than \$1,000**
14 **or imprisoned not more than 90 days.**

15 A. Yes, I am aware. Thank you.

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

23 The Committee stated in summary, "Very well
24 qualified. Some concern as to whether she could not let
25 her political views influence her decision."

1 BY MS. FOSTER:

2 Q. Ms. Tedeschi, do you have any response to that?

3 A. Yes, ma'am. So I found that to be a very
4 interesting comment. Certainly, the South Carolina Supreme
5 Court Justices have entrusted me with judging character and
6 fitness for the past ten years.

7 And for it ten years prior to that, I worked for
8 the South Carolina Supreme Court. And I'm quite at ease
9 with putting aside my own personal views, and especially
10 political views.

11 I'm very well versed in our ethical rules and the
12 canons, again, both on the judicial side and the attorney
13 side because of my activity, professionally, with working
14 for the court both as a staff attorney and a -- and a law
15 clerk for about ten years, and having served as a character
16 and fitness committee member, giving recommendations to the
17 Supreme Court since 2010.

18 So my response to that would be that I'm well
19 aware of the requirement -- unqualified requirement to put
20 aside your personal biases, your personal politics when --
21 when becoming a judge and when judgment.

22 MS. FOSTER: I would note just for the
23 record that any concerns raised during the investigation
24 regarding the candidate were incorporated into the
25 questioning of the candidate today.

1 Mr. Chairman, I have no further questions.

2 CHAIRMAN RANKIN: Thank you, Ms. Foster.

3 Questions by members of the Commission? Mr. Safran.

4 EXAMINATION BY MR. SAFRAN:

5 Q. Ms. Tedeschi, it's good to see you again. I
6 recall that you were here back on my first year of doing
7 this. And I don't have any doubt that your record is more
8 than adequate to be able to serve in this position.

9 I think you've done a number of things that show
10 that you've got a very strong legal background. I think
11 that, if anything, you've maintained a lot of different
12 positions. But I was getting the impression that each has
13 been done in a very exemplary fashion.

14 Tell me a little bit about what you're doing now
15 for the Fort, in terms of kind of how that plays into what
16 you're -- you would necessarily be doing as an
17 administrative law judge.

18 A. Sure. So currently, I am a Senior Labor Attorney
19 GS14 at the -- at Fort Jackson. I'm an Army civilian. I
20 practice, as I said, solely administrative law with a focus
21 on employment law and labor law.

22 What I do is a wide variety of both representing
23 the Army in litigation, as well as advising all levels of
24 the Command, from the lowest levels supervisors to the
25 Human Resources, all the way up through the Commanding

1 General.

2 I'm overseeing different arbitrations on the Fair
3 Labor Standards Act litigation. Essentially, I am a
4 practicing administrative law lawyer.

5 **Q. And where -- what forms are you generally**
6 **litigating in right now?**

7 A. EEOC, Equal Employment Opportunity matters, which
8 can run the gamut from -- I'll usually get it when there's
9 a formal complaint. So throughout the administrative
10 process, if there's a hearing, a summary judgment motions,
11 and all the way up to appeals to the -- to the EEOC.

12 Also, I would serve as a liaison if any of those
13 cases eventually make their way to the District of South
14 Carolina here in federal court, where I would then team up
15 with our -- an Army litigation division attorney, as well
16 as a -- an Assistant U.S. Attorney, taking that.

17 So I'm -- the other forum that I'm predominantly
18 in is called the Merit Systems Protection Board, the MSPB.
19 Which is similar -- which is where people take their
20 disputes about their employment if they get suspended over
21 a certain number of days, or if they're removed.

22 And they have due process rights. And that's
23 also an administrative law forum where I have hearings,
24 mediations, settlement. So I'm an active litigator in that
25 sense.

1 Q. So, basically, what you've kind of transitioned
2 to is very similar to what you have been doing, at least
3 administratively, when you were practicing before the
4 Administrative Law Court, albeit it's in the federal system
5 now.

6 A. That's correct. That's correct. And it's a --
7 in addition, it's a little bit more trial-oriented, whereas
8 when I was with the Department of Employment and Workforce,
9 it -- there was a mixture of trial when I was Direct of
10 Appeals. But I did a lot of appellate work.

11 Q. Right. And I got that. And I guess let me just
12 ask quickly, a couple of things. Do you feel like that
13 your experience as a practicing attorney was something that
14 assisted you in your -- or would assist you as a judge?

15 A. I absolutely think that the -- that the biggest
16 prerequisite to becoming any kind of worthy judge is to be
17 an experienced attorney first. And because I've had
18 different types of experience in my -- in my 24 years,
19 including large firm experience where I was a litigator,
20 both in Pennsylvania and here in South Carolina as a
21 litigator.

22 I've had my own firm. So I've been a business
23 owner and I've gotten a taste of what it's like to litigate
24 on your own.

25 And then my various government experiences, which

1 include, as I've said, the Supreme Court. I don't think
2 I've mentioned my time at the Attorney General's Office,
3 where I prosecuted criminal cases.

4 I know that there are a lot of inmate cases that
5 are heard by the Administrative Law Court, so I absolutely
6 think that my -- that my experiences have prepared me to be
7 a judge.

8 And it's important, I think, for judges to have
9 the practice experience, to understand the pressures of
10 litigation, to understand the pressures of clients, of
11 dealing with pro se clients which I've had in all aspects
12 of my career as well. A lot of attorneys don't have that.

13 But I've had that from my court time as well as
14 currently, and my time at the Department of Employment and
15 Workforce. So absolutely, I think that's a valuable asset
16 that I bring to this position.

17 Q. So I'm safe in saying that you, as one who had an
18 extended period of time as clerkship -- or as a clerk -- or
19 in a clerkship with Justice Waller, for instance, you
20 weren't ready to become a judge when you left him, correct?

21 A. I was not.

22 Q. Okay. And, really, the time you spent since then
23 as a private practitioner, working for this different
24 agencies, all of that really allows you to continue to
25 develop and get to a point where, as a judge, you now can

1 understand everything other than just necessarily what you
2 may have learned as a law clerk, correct?

3 A. Absolutely.

4 Q. All right. Thank you very much.

5 A. Thank you, sir.

6 CHAIRMAN RANKIN: Senator Sabb.

7 SENATOR SABB: Thank you, Mr. Chairman.

8 Ms. Tedeschi, it's good to see you.

9 MS. TEDESCHI: Good to see you too.

10 SENATOR SABB: I, like Mr. Safran, met you
11 doing screening, I guess, four years ago. And of course
12 I've bumped into you from time to time after that. Your
13 son, Louis, and our daughter, Lindsay, graduated from the
14 Governor's School together, and I see he chose USC and
15 Lindsay chose Clemson.

16 But I'm sure he, like she, are both doing
17 well. But what an extraordinary class of kids. I mean, I
18 was just so proud of all of them. And I know that they're
19 going to do great things for our nation.

20 But, you know, I had forgotten that you
21 graduate Magna Cum Laude from law school, which I think is
22 admirable. And, you know, when I look at your career, in
23 my mind you've engaged in what I consider to be a scholarly
24 career.

25 With your writing skills, you've taught

1 writing. You've done, you know, appellate work. And you
2 continue to practice in the areas of -- that you've just
3 described to Mr. Safran.

4 And it's good to see you again. I'm glad
5 that you're offering for the position. And, obviously, in
6 my mind you're highly qualified. And I just wish you luck.

7 MS. TEDESCHI: Thank you, Senator Sabb. I'd
8 like to add a plug for my son, Daniel, who is also at the
9 Governor's School, a science and math graduate. And they
10 are -- they both pursued USC Honors College. So but we
11 welcome Tiger fans, also, in our family.

12 SENATOR SABB: So was Daniel in the group?
13 Because I know shortly after Lindsay and Louis graduated, I
14 saw where -- it seems like it was a football -- not
15 football. It was the basketball team and the volleyball
16 team, or something like that, all of them started winning
17 championships. Was he a part of that group? Do you
18 recall?

19 MS. TEDESCHI: So yes -- yes and no. So the
20 Governor's School for Science and Math has had some really
21 great wins in recent years: track and field, cross country,
22 volleyball, soccer. I'm very proud of my son being on the
23 Governor's School basketball team. The basketball team,
24 however, is -- was not one of that championship-winning
25 teams.

1 SENATOR SABB: I remember some of those
2 painful years. Because Lindsay played basketball, and we
3 didn't do too well.

4 MS. TEDESCHI: I always enjoyed the games.

5 SENATOR SABB: I did too.

6 CHAIRMAN RANKIN: Ms. Tedeschi, did,
7 perhaps, Senator Sabb demonstrate any of his Clyde the
8 Glide-like moves on the court during maybe breaks during
9 the kid's games?

10 MS. TEDESCHI: I may have been too focused
11 on my own son to have -- to have seen.

12 CHAIRMAN RANKIN: Well, you need to watch
13 him in action. It is art.

14 MS. TEDESCHI: Excellent.

15 CHAIRMAN RANKIN: It is artistic, I'll
16 assure you. And I want to go straight to the -- to your
17 kids. And as I was reading this, both of whom are present,
18 Honors College students; is that correct?

19 MS. TEDESCHI: That's correct. USC Honors
20 College.

21 CHAIRMAN RANKIN: All right. And so Louis
22 is a rising junior or senior?

23 MS. TEDESCHI: He's currently a junior in
24 college. And my son, Daniel, is currently a freshman.

25 CHAIRMAN RANKIN: My son finished in the

1 Honors program last year, it would have been May, extended
2 to August. But nonetheless, a wonderful experience there.

3 MS. TEDESCHI: Congratulations.

4 CHAIRMAN RANKIN: And then the other -- to
5 the -- perhaps not just the intellect and the academic
6 prowess you have demonstrated, but the humility which
7 warrants Tina Cundari, in her letter, to comment on your
8 winning with grace.

9 And so that is just -- speaks so highly of
10 you not wearing your ability on your sleeve, and having to
11 boast about it. You've demonstrated it, but you, more
12 importantly, demonstrated humility. And that's just a
13 wonderful -- probably unexpected attribute or comment that
14 you got. So that's one you want to cherish.

15 MS. TEDESCHI: I do, sir. Thank you.

16 CHAIRMAN RANKIN: All right. Ms. Tedeschi,
17 can you tell me, if I were to look outside right now, where
18 I would look in what direction to find the Milky Way?

19 MS. TEDESCHI: Can I phone a friend back
20 here?

21 CHAIRMAN RANKIN: Well, appropriate --
22 appropriate answer. Appropriate answer. All right.
23 Unless there's anything else from any members of the
24 Commission, I want to thank you for your -- fun being the
25 last one of the day, being perhaps the most unique in your

1 entourage and your responses and your unique
2 qualifications.

3 So we will conclude this portion of our
4 screening process. And I want to remind you that our
5 commission views very seriously both the letter and the
6 spirit of the South Carolina ethics laws. And any
7 violation or the appearance of impropriety would be deemed
8 very serious and deserving of heavy consideration by us and
9 further deliberations.

10 This record, as you know, will remain open
11 until the formal release of the report of qualifications.
12 And as such, you could be called back should there, in the
13 unlikely event we would need to, ask you questions about,
14 perhaps, any violation or the appearance of any violation.

15 You understand that, correct?

16 MS. TEDESCHI: I do, sir. Thank you.

17 CHAIRMAN RANKIN: All right. Ms. Tedeschi,
18 thank you and your family. And you all have a wonderful
19 day.

20 MS. TEDESCHI: Thank you. Stay safe,
21 everybody.

22 (Candidate excused.)

23 (Off the record from 5:28 p.m. to 6:33 p.m.)

24 CHAIRMAN RANKIN: We are back on the record.
25 And during executive session, no votes were cast and no

1 decisions were made.

2 Now we will proceed to the ballot, starting
3 with the most recently screened. And that being the ALJ
4 position. And Ms. Crawford, please.

5 MS. CRAWFORD: Mr. Chairman, as a reminder,
6 I am going to call out the names of each of the candidates
7 in the Administrative Law Court Seat 3. In each race, I
8 will -- each commission member has three votes. This is
9 for qualified and nominated.

10 Any candidate that receives six or more
11 votes for qualified and nominated will be considered
12 qualified and nominated at the end of that vote, unless
13 there's a tie. And if there's a tie, then we would go to
14 the next.

15 Any candidate that does not get any ballot
16 votes will be removed from consideration of the subsequent
17 ballot. And I neglected to say, first, you determine
18 whether they're qualified or not. You're to vote on that.

19 We'll start the with Administrative Law
20 Court Seat 3. There are five candidates in the race. And
21 I'll just say them real quickly:

22 Anthony R. Goldman; Stephanie N. Lawrence;
23 Robert L. Reibold; The Honorable Crystal Rookard; and Debra
24 Sherman Tedeschi.

25 VICE CHAIRMAN SMITH: Mr. Chairman, I ask --

1 I ask that we find with whole slate qualified.

2 CHAIRMAN RANKIN: All those in favor say
3 "aye."

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

5 CHAIRMAN RANKIN: Any opposition?

6 (Hearing none.)

7 CHAIRMAN RANKIN: There being none. All
8 right.

9 MS. CRAWFORD: Mr. Chairman, I'll now move
10 the names of the candidates in alphabetical order. This is
11 your votes for if they're qualified and nominated. Anthony
12 R. Goldman.

13 (The Commission members vote.)

14 MS. CRAWFORD: Zero votes. Stephanie N.
15 Lawrence.

16 (The Commission members vote.)

17 MS. CRAWFORD: Nine votes. Is there a
18 proxy?

19 CHAIRMAN RANKIN: I don't know.

20 MS. CRAWFORD: No? Nine?

21 MR. STROM: Not on this one.

22 MS. CRAWFORD: Nine votes. Robert L.
23 Reibold.

24 (The Commission members vote.)

25 MS. CRAWFORD: Eight or nine?

1 VICE CHAIRMAN SMITH: I think it's nine.

2 CHAIRMAN RANKIN: Wait a minute. Wait a
3 minute. Recount, y'all. Hands up.

4 (The Commission members vote.)

5 CHAIRMAN RANKIN: And a proxy. She's voting
6 for -- Pete?

7 MR. STROM: Yeah.

8 CHAIRMAN RANKIN: She's voting for Reibold,
9 or not?

10 MR. STROM: No, she's not voting.

11 CHAIRMAN RANKIN: Okay.

12 MS. CRAWFORD: Okay. The Honorable Crystal
13 Rookard.

14 (The Commission members vote.)

15 MR. STROM: All right. She is voting for
16 Rookard.

17 MS. CRAWFORD: Two votes.

18 MR. STROM: I'm voting by proxy, not me.

19 MS. CRAWFORD: Debra Sherman Tedeschi.

20 (The Commission members vote.)

21 MS. CRAWFORD: Okay. Mr. Chairman, the
22 qualified and nominated candidates: Stephanie N. Lawrence,
23 Robert L. Reibold, and Debra Sherman Tedeschi.

24 CHAIRMAN RANKIN: Now we will proceed to
25 Circuit Court 13th Circuit, Seat 3.

1 MS. CRAWFORD: Mr. Chairman, the candidates
2 in that race, Circuit Court, 13th Circuit, Seat 3: Steven
3 Edward Buckingham; A. Lance Crick; Patrick C. Fant; Will
4 Grove; G.D., or "Doc," Morgan Jr.

5 REPRESENTATIVE RUTHERFORD: Mr. Chairman, I
6 make a motion to find all of them qualified.

7 CHAIRMAN RANKIN: Seconded?

8 REPRESENTATIVE MURPHY: Seconded.

9 CHAIRMAN RANKIN: All right. All those in
10 favor say "aye."

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

12 CHAIRMAN RANKIN: Any opposition?

13 (Hearing none.)

14 CHAIRMAN RANKIN: There being none, we will
15 proceed to a vote.

16 MS. CRAWFORD: Steven Edward Buckingham.

17 (The Commission members vote at this time.)

18 MS. CRAWFORD: A. Lance Crick.

19 (The Commission members vote.)

20 MS. CRAWFORD: Is that eight or nine? Nine.
21 Patrick C. Fant.

22 (The Commission members vote.)

23 MS. CRAWFORD: Will Grove.

24 (The Commission members vote.)

25 MS. CRAWFORD: G.D. Morgan Jr.

1 (The Commission members vote.)

2 MS. CRAWFORD: Mr. Chairman: A. Lance Crick,
3 Patrick C. Fant, G.D. Morgan Jr.

4 For the Circuit Court At Large Seat 12, let
5 me read the candidates. We have fourteen candidates:

6 Erin E. Bailey; Brett H. Bayne; The
7 Honorable Daniel McLeod Coble; Meredith Long Coker, H.
8 Steven DeBerry IV; B. Alex Hyman; Regina Hollins Lewis;
9 William Vickery Meetze; David W. Miller; Derek A. Shoemake;
10 Franklin G. Shuler Jr.; Kate Whetstone Usry; The Honorable
11 Dale E. Van Slambrook; S. Boyd Young.

12 REPRESENTATIVE RUTHERFORD: Mr. Chairman, I
13 made a motion to find all of them qualified.

14 CHAIRMAN RANKIN: All in favor say "aye."

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

16 CHAIRMAN RANKIN: Any opposition?

17 (Hearing none.)

18 CHAIRMAN RANKIN: There being none. Now we
19 can proceed to a vote.

20 MS. CRAWFORD: Erin E. Bailey.

21 (The Commission members vote.)

22 MS. CRAWFORD: Brett H. Bayne.

23 (The Commission members vote.)

24 MS. CRAWFORD: The Honorable Daniel McLeod
25 Coble.

1 (The Commission members vote.)

2 MS. CRAWFORD: Meredith Long Coker.

3 (The Commission members vote.)

4 MS. CRAWFORD: H. Steven DeBerry IV.

5 (The Commission members vote at this time.)

6 MS. CRAWFORD: B. Alex Hyman.

7 (The Commission members vote.)

8 MS. CRAWFORD: Regina Hollins Lewis.

9 (The Commission members vote.)

10 MS. CRAWFORD: William Vickery Meetze.

11 (The Commission members vote.)

12 MS. CRAWFORD: David W. Miller.

13 (The Commission members vote.)

14 MS. CRAWFORD: Derek A. Shoemake.

15 (The Commission members vote.)

16 MS. CRAWFORD: Franklin G. Shuler Jr.

17 (The Commission members vote.)

18 MS. CRAWFORD: Kate Whetstone Usry.

19 (The Commission members vote.)

20 MS. CRAWFORD: The Honorable Dale E. Van

21 Slambrook.

22 (The Commission members vote.)

23 MS. CRAWFORD: S. Boyd Young.

24 (The Commission members vote.)

25 MS. CRAWFORD: And, Mr. Chairman, having

1 received eight votes: Steven DeBerry, qualified and
2 nominated. B. Alex Hyman received four. Regina Hollins
3 Lewis, three. Franklin D. Shuler, four. Kate Whetstone
4 Usry, two. Van Slambrook, four. Boyd Young, one.

5 We move to a second ballot.

6 MR. STROM: We get two votes this time,
7 correct?

8 MS. CRAWFORD: Correct. And those that
9 didn't get any votes, I do not repeat. The Honorable
10 Daniel McLeod Coble.

11 (The Commission members vote.)

12 MS. CRAWFORD: B. Alex Hyman.

13 (The Commission members vote.)

14 MS. CRAWFORD: Regina Hollins Lewis.

15 (The Commission members vote.)

16 MS. CRAWFORD: Derek A. Shoemake.

17 (The Commission members vote.)

18 MS. CRAWFORD: Franklin G. Shuler Jr.

19 (The Commission members vote.)

20 MS. CRAWFORD: Kate Whetstone Usry.

21 (The Commission members vote.)

22 MS. CRAWFORD: The Honorable Dale E. Van
23 Slambrook.

24 (The Commission members vote.)

25 MS. CRAWFORD: S. Boyd Young.

1 (The Commission members vote.)

2 MS. CRAWFORD: Okay. So the qualified and
3 nominated would be Alex Hyman and The Honorable Dale E. Van
4 Slambrook.

5 For Circuit Court At Large, Seat 4
6 reelection, The Honorable Ned Miller.

7 CHAIRMAN RANKIN: All right. We are going
8 to take this up. I want to ask this committee -- and I'm
9 going to put it to a vote. But for Bryant -- Ricky Bryant
10 and his -- well, actually, it's only actually him.

11 The complaint that he filed, it would be my
12 view that this is not new material, that this has been
13 litigated before, presented before.

14 We heard testimony that the only difference
15 was the actual submission of records that was presented to
16 us, which we accepted in the record. Mr. Bryant testified
17 that he had effectively testified to the same material
18 before.

19 It would be my view that, again, we don't
20 need to allow a re-litigation of a prior and dismissed
21 complaint, six, eight years later ad nauseum. And so I
22 would put that to the vote, to the committee to decide,
23 whether or not we dismiss that as violating precedent and
24 prior rulings by this commission.

25 SENATOR SABB: Mr. Chairman.

1 CHAIRMAN RANKIN: Senator Sabb.

2 SENATOR SABB: Mr. Chairman, I would just
3 state for the record that you literally took the words out
4 of my mouth in terms of what you have shared. I think that
5 it was appropriate for us to receive the information, to
6 see whether or not there were new matters. It was clear
7 that it was not. And so I would so move at this time that
8 the complaint be dismissed.

9 CHAIRMAN RANKIN: Seconded. All those in
10 favor say "aye," or a show of hands.

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

12 CHAIRMAN RANKIN: Todd?

13 REPRESENTATIVE RUTHERFORD: Abstaining.

14 CHAIRMAN RANKIN: Abstaining. Okay.

15 MR. SAFRAN: I'm abstaining also.

16 CHAIRMAN RANKIN: Very well. So by a
17 majority vote, save two abstentions, that matter is
18 dismissed.

19 MR. STROM: You know what, I'm going to
20 abstain. But Hope is going to vote "yes."

21 CHAIRMAN RANKIN: All right. Three
22 abstentions. And the rest vote to dismiss.

23 Now on to Mr. -- or Dr. Field and his wife,
24 Ms. Taillon, or Tally-on. I've never understood quite the
25 correct pronunciation. We will receive that as

1 information, and make a decision on that within our purview
2 of the nine evaluative criteria that we are charged with.
3 Obviously, everyone was here and heard the testimony.

4 Again, whether or not it meets within our
5 purview and those nine evaluative criteria, is really a
6 question. I think I have my own view of that. But
7 nonetheless, we will receive that as information and now
8 proceed to a vote on Mr. Miller in terms of his
9 qualifications and nominations.

10 So do I have a motion for Judge Miller's
11 qualifications -- qualifications to serve and be reelected?

12 SENATOR SABB: Mr. Chairman, I would move
13 that we find Judge Miller both qualified and nominated.

14 CHAIRMAN RANKIN: Seconded. All right. Any
15 opposition to that?

16 (Hearing none.)

17 CHAIRMAN RANKIN: All right. All those in
18 favor of both qualification and nomination of Judge Miller,
19 say "aye."

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

21 CHAIRMAN RANKIN: Or raise your hands,
22 please.

23 MR. STROM: And one for Hope.

24 CHAIRMAN RANKIN: All right.

25 SENATOR SABB: Two abstentions.

1 CHAIRMAN RANKIN: Two abstentions on that.
2 Okay.

3 MS. CRAWFORD: Mr. Chairman, the next race
4 would be the 14th Circuit Court -- 14th Circuit, Seat 1.
5 We had two candidates: Robert Bonds and Tameaka Legette.

6 REPRESENTATIVE MURPHY: Mr. Chairman, I
7 without move that we find Mr. Bonds and Ms. Legette
8 qualified and nominated.

9 CHAIRMAN RANKIN: Secondly. All those in
10 favor, please raise your hand.

11 (The Commission members raise their hands.)

12 MS. CRAWFORD: Mr. Chairman, I believe the
13 last candidate we have wanting to be screened to serve in
14 active retired capacity, The Honorable Robin B. Stilwell.
15 And you just vote on where he would be qualified or not
16 recommended to the seat.

17 VICE CHAIRMAN SMITH: I make a motion that
18 we find Judge Stilwell qualified, Mr. Chairman.

19 CHAIRMAN RANKIN: All right. Motion made
20 and seconded. All in favor, please raise your hand.

21 (The Commission members raise their hands.)

22 MS. CRAWFORD: I think that covers it.
23 Emma, did we get everybody?

24 CHAIRMAN RANKIN: And a unanimous vote on
25 that. So all those on Monday have been voted out. And if

1 you will get your sign-in sheets and vote tallies.
2 Anything else to come before us today? If not, we'll see
3 you all on the 30th of November.

4 (OFF THE RECORD AT 6:50 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
6 247 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 1ST DAY OF DECEMBER 2020.
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