



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

**Master-in-Equity  
(Incumbent)**

Full Name: Charles B. Simmons, Jr.

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Business Telephone: (864) 467-8556

1. Do you plan to serve your full term if re-appointed? Yes.
  
2. Do you have any plans to return to private practice one day? No.
  
3. Have you met the statutory requirements for this position regarding age, residence, and years of practice? Yes.
  
4. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated? Should not be allowed. Under certain circumstances, procedural questions could be answered (preferably by staff).
  
5. If you disclosed something that had the appearance of bias, but you believed it would not actually prejudice your impartiality, what deference would you give a party that requested your recusal? Would you grant such a motion? Would hold on-the-record hearing and then balance legitimacy of request against desire of movant to delay the case or "judge shop".
  
6. What standards have you set for yourself regarding the acceptance of gifts or social hospitality? I don't accept from attorneys.
  
7. How would you handle a situation in which you became aware of misconduct or appearance of infirmity of a lawyer or of a judge? If serious or criminal misconduct, would report the judge. Otherwise, would go and talk with other judge(s) I trust and ask if they have seen the same

situation(s). If so, then I/we would informally approach the judge to share our concerns. If things continued, would report judge.

8. Have you engaged in any fund-raising activities with any political, social, community, or religious organizations? Please describe. No.
9. How do you handle the drafting of orders? Typically ask prevailing attorney to email a draft (copy to opposing atty/pro se litigant) and then revise as needed.
10. What methods do you use to ensure that you and your staff meet deadlines? I have multiple "tickler systems" set up in my office.
11. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy? "Judicial activism" is not the role of the judge.
12. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. What activities do you plan to undertake to further this improvement of the legal system? Continued speaking at CLE's, etc.
13. Do you feel that the pressure of serving as a judge strains personal relationships (i.e. spouse, children, friends, or relatives)? How do you address this? Yes. When first on the bench, there is strain on existing relationship with attorney friends who may have cases in front of you. Best to not hear those cases for a year or so. Then, as to other relationships, at times friends may not understand the ruling you had to make and may strain relationships. Only "remedy" is to strive to do the right things for the right reasons realizing someone may criticize you anyway.
14. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality? No.
15. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved? If direct investment, then No. If own small percentage in nationally traded public stock, then would disclose and then hear the case.

16. Are you a member of any organization or association that, by policy or practice, prohibits or limits its membership on the basis of race, sex, religion, or national origin? If so, please identify the entity and explain if this organization practices invidious discrimination on these bases. No.
  
17. Have you met the mandatory minimum hours requirement for continuing legal education courses for the past reporting period? Yes.
  
18. What do you feel is the appropriate demeanor for a judge and when do these rules apply? Treat others as you would like to be treated. And, realize there is a great responsibility on a judge to represent the system of justice we have by being fair, impartial, kind, respectful and prompt.
  
19. Do you feel that it is ever appropriate to be angry with a member of the public who would appear before you? Is anger ever appropriate in dealing with attorneys or a pro se litigant? Controlled anger in rare circumstances may be appropriate.

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

\_\_\_\_\_

Sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print Name)

Notary Public for South Carolina

My commission expires:\_\_\_\_\_