



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

**Administrative Law Court**  
(Incumbent)

Full Name: Sebastien Phillip Lenski

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1. Do you plan to serve your full term if re-elected? 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?  
While I am aware that there are limited exceptions permitting a judge to have an *ex parte* communication if it involves scheduling or administrative matters, I do not engage in *ex parte* communications with parties. In my opinion, permitting any *ex parte* communications opens up the possibility that a matter may come up that cannot be the subject of such a communication, or at a minimum, it creates the appearance of impropriety. Therefore, I have not engaged in any *ex parte* communications about any matter with parties in any matter I have handled.
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?  
If the matter had the appearance of bias, then even though I personally believed it would not actually prejudice my impartiality, I would give great deference to any party requesting that I recuse myself, and would, most likely, grant the motion.
6. What standards have you set for yourself regarding the acceptance of gifts or social hospitality?  
I do not accept any gifts or offers of social hospitality.

7. How would you handle a situation in which you became aware of misconduct or appearance of infirmity of a lawyer or of a fellow judge?  
If I became aware of an attorney's or judge's misconduct or infirmity, I would address the matter with the attorney or judge (if practicable), and then, if the person did not agree to self-report, I would be compelled to report to the matter to the appropriate disciplinary body.
8. Have you engaged in any fund-raising activities with any social, community, or religious organizations? Please describe.  
I have not engaged in any fund raising activities.
9. How do you handle the drafting of orders?  
For less complex matters, I draft my own orders, with the assistance of my staff attorney and law clerk. For more complex cases, I often request the parties submit proposed orders. I then review, revise, and draft my own order from the proposed orders, again with the assistance of my staff attorney and law clerk.
10. What methods do you use to ensure that you and your staff meet deadlines?  
My staff and I record deadlines in the file and then we meet regularly to ensure that cases are being processed in a timely manner and within necessary timelines.
11. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy?  
I believe that a judge must apply the facts of any given case to the existing law and make a determination within the law. If a judge does this, there is rarely the opportunity to step outside the law and engage in judicial activism. While results may sometimes seem harsh, if the law mandates a result, given the facts of the case, then that result must be ordered. On the rare occasions when the law is unclear, or when there has is not an established precedent regarding an issue, then a judge must carefully weigh many factors in reaching a decision. Certainly, in those rare situations, promoting public policy is one consideration I would consider in rendering my decision.
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? Since being elected to the Administrative Law Court, I have made myself available to participate in continuing legal education seminars and conferences, as well as other meetings, courses of instruction, etc. to speak about the Administrative Law Court, administrative law, or other legal issues that I am familiar with and that may be relevant to the seminar or conference. I

hope that my efforts have improved people's understanding of the law and the legal process.

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?

Generally, I do not believe that my duties as a judge have strained my personal relationships with my family, friends, or relatives. However, I try not to bring my frustrations home to my family, and I try to avoid discussions with friends and relatives that could become contentious.

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?  
No.

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 this reporting period?  
Yes.

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

To answer the second part of the question first, I believe that a judge must behave in a professional, responsible manner at all times. Even when not sitting on the bench or not in my office, I always try to conduct myself in a professional manner. When performing judicial duties, a judge's demeanor should be professional, respectful, and calm. It should also exhibit confidence, control, and firmness. A courtroom is a venue where all parties and participants should be on their best behavior, should respect all involved in the process, and treat the location, the people, and the process with respect. While I do not believe a judge should engage in behavior that would intimidate or frighten any party or participant, a judge must present a demeanor that communicates that the courtroom setting is a serious place, where matters of importance are being determined in a fair setting for all parties.

19. Do you feel that it is ever appropriate to be angry with a member of the public appearing before you? Is anger ever appropriate in dealing with attorneys or a pro se litigant?

My experience is that anger is an emotion that is almost always detrimental. I have had cases where certain people appearing in my courtroom have engaged in less than appropriate behavior. However, displaying anger towards that person is not productive. Instead, I have found that being firm and stern with such misbehavior allows me to maintain control of the courtroom and rapidly put an end to such behavior.

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

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

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

\_\_\_\_\_  
(Print name)  
Notary Public for South Carolina  
My Commission Expires: \_\_\_\_\_