



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

**Master-in-Equity  
(New Candidate)**

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1. Do you plan to serve your full term if appointed?

Yes.

2. If appointed, do you have any plans to return to private practice one day?

Undecided. A return to private practice would largely depend on whether I was able to serve for more than one term and my age at the end of my last term.

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?

Ex parte communications related to substantive matters or issues on the merits of any pending or impending case should not be engaged in, permitted or considered. While ex parte communication might be acceptable in certain circumstances (i.e. scheduling, administrative or emergencies), the better practice is to include all parties or their attorneys in communications related to a matter. See Canon 3B(7), CJC, Rule 501, SCACR; Rule Rule 65(b), SCRCP; and *Burgess v. Stern*, 311 S.C. 326, 330–31, 428 S.E.2d 880, 883 (1993) (“It is rarely possible

to prove to the satisfaction of the party excluded from the communication that nothing prejudicial occurred. The protestations of the participants that the communication was entirely innocent may be true, but they have no way of showing it except by their own self-serving declaration. This is why the prohibition is not against 'prejudicial' ex parte communications, but against ex parte communications.").

In short, I would act in accordance with the law and Judicial Canons regarding ex parte communications and would ensure that my staff was aware of the rules and my position regarding the same.

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?

While I believe it would be improper to suggest a ruling on a motion without hearing all the relevant issues and arguments, all parties to an action are entitled to a fair and impartial adjudication. *See generally*, Canon 1, CJC, Rule 501, SCACR ("An independent and honorable judiciary is indispensable to justice in our society.") and Canon 2, CJC, Rule 501, SCACR (A judge "shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary."). A ruling on such a motion would not be based solely on what I believed regarding my impartiality but would have to take into consideration the appearance of any impropriety or partiality and the moving party's position. Canon 3E CJC, Rule 501, SCACR ("A judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned. . . .").

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

At a minimum, I would look to the provisions of Canon 4D(5), CJC, Rule 501, SCACR and act in accordance with the same. In general, if the acceptance of a gift or social hospitality would raise questions as to my integrity or impartiality, it would be rejected.

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?

My approach would be governed by Rule 8.3(c) and (d), RPC, Rule 407 SCACR and/or Canon 3D, CJC, Rule 501, SCACR. An assessment of the misconduct and the information would be critical. If I had "information indicating a substantial likelihood" of a violation, I would communicate directly with the judge or lawyer in an effort gain additional information about the potential violation. Depending on the said communications, additional action or reporting might be required.

If I had actual knowledge "that another judge has committed a violation of this Code that raises a substantial question as to the other judge's fitness for office" or "that a lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects," I would first discuss my concerns with the lawyer or judge, suggest self-reporting and comply with the applicable reporting requirements.

8. Are you affiliated with any political parties, boards or commissions that would need to be evaluated if you are appointed?

I do not believe so; however, as contemplated by Canon 4C(3), CJC, Rule 501, SCACR, I would regularly examine the activities of the organizations to determine if my continued affiliation is proper.

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

I have assisted Open Door Baptist Mission (Greenville, South Carolina) with an annual golf tournament. The tournament generates funds for ODBM through sponsorships, entry fees, and/or donations. For the last several years, my role has been limited to purchasing prizes for the tournament (generally I am reimbursed by ODBM for the items purchased), hole sponsorship, and/or participation as one of the golfers.

In the past, I served on the Board for the March of Dimes Upstate Division and made contributions and participated in fund raising events.

My firm is often asked to support local charitable organizations, legal organizations, community organizations and political campaigns. While not all the requests result in contributions, my firm has

donated varying amounts to these organizations/campaigns over the years.

10. If appointed, how would you handle the drafting of orders?

I anticipate that I would prepare some orders myself; however, I also can foresee utilizing the following process:

- (a) I would simultaneously inform all the parties of my ruling.
- (b) I would ask the attorney for the prevailing party(ies) to prepare a proposed order.
- (c) Prior to submitting the proposed order to me for consideration, the attorney responsible for preparing the proposed order would need to send the proposed order to the other parties for review and comment.
- (d) If there was a disagreement between the parties as to whether the proposed order was consistent with my ruling, I would invite comments from the parties.
- (e) I would then review the comments, if any, and the proposed order to ensure that it was consistent with my ruling.
- (f) I would make any necessary revisions to the proposed order before executing the final order.

11. If appointed, what method would you use to ensure that you and your staff meet deadlines?

First, I would consider the procedures utilized by my predecessor and, if necessary, make revisions believed to be appropriate to insure accountability, timeliness and efficiency. Much like my current practice I would anticipate that some combination of digital and paper calendars would be used. Consistent with Canon 3C, CJC, Rule 501, SCACR, I would ensure that my staff was aware of the need to dispose of matters diligently and promptly.

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

Black's Law Dictionary defines judicial activism as "[a] philosophy of judicial decision-making whereby judges allow their personal views about public policy, among other factors, to guide their decisions, usu. with the suggestion that adherents of this philosophy tend to find constitutional violations and are willing to ignore governing texts and precedents." A more common definition of judicial activism

might be a decision by a judge/court that ignores legal precedents and the plain language of the applicable statutory law.

"At its simplest, the constitutional division of powers can be described as '[t]he legislative department makes the laws; the executive department carries the laws into effect, and the judicial department interprets and declares the laws.'" *Hampton v. Haley*, 403 S.C. 395, 403, 743 S.E.2d 258, 262 (2013) quoting *State ex rel. McLeod v. Yonce*, 274 S.C. 81, 261 S.E.2d 303 (1979).

I believe that judicial activism, as commonly defined, is inconsistent with the purpose of the judiciary. The General Assembly, not the judiciary, is the primary source of the state's public policy. *See Taghivand v. Rite Aid Corp.*, 411 S.C. 240, 244, 768 S.E.2d 385, 387 (2015) (recognizing that the "primary source of the declaration of the public policy of the state is the General Assembly; the courts assume this prerogative only in the absence of legislative declaration." (quoting *Citizens' Bank v. Heyward*, 135 S.C. 190, 204, 133 S.E. 709, 713 (1925))).

13. 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?

I have enjoyed the opportunities I have had to speak at seminars and clinics. I have also helped to facilitate an annual field trip for a local school to meet with various judges and observe the judicial system in action. To the extent time allows, I would like to continue similar activities.

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

I do not have any reason to believe that serving as a judge will strain personal relationships. My wife and I have been married for over 25 years. She has been by my side throughout my legal education and career. My two sons are both intelligent and mature young men. They will understand and adjust to any challenges that might arise from me serving as a judge. In short, I would not be seeking this position without the support and encouragement of my wife and children.

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

Most of my investments are in mutual funds or publicly traded companies. As such, I do not believe those investments would impair my appearance of impartiality.

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

Disqualification is not specifically required under Canon 3E(1)(c) or (d), CJC, Rule 501, SCACR, in such a situation. Nevertheless, I believe the safer approach would be to disclose the interest to the parties on the record and allow the parties to consider how they wished to proceed. See generally, Canon 3F, CJC, Rule 501, SCACR.

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

No.

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

Yes.

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

As set forth in Canon 3B(4), CJC, Rule 501, SCACR, “[a] judge shall be patient, dignified and courteous to litigants, jurors, witnesses, lawyers and others with whom the judge deals in an official capacity. . . .” I believe this demeanor is to be applied in every aspect of a judge’s life. See Canon 3A, CJC, Rule 501, SCACR (“The judicial duties of a judge take precedence over all the judge’s other activities.”).

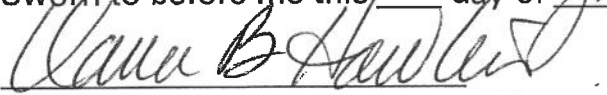
20. Do you feel that it is ever appropriate to be angry with a member of the public appearing before you? Is anger ever appropriate in dealing with attorneys or a pro se litigant?

While anger is an emotion that might arise in a given situation, a judge should not display anger toward any litigants, jurors, witnesses, lawyers or others with whom the judge interacts. Likewise, a judge's emotions should not be permitted to erode the "public confidence in the integrity and impartiality of the judiciary." Canon 2A, CJC, Rule 501, SCACR.

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 16 day of July, 2020.



Notary Public for S.C.

My Commission Expires: 4/3/2027

