



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

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

Full Name: Jason Thomas (Tommy) Wall

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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? 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?  

My philosophy regarding *ex parte* communications is to prohibit impermissible *ex parte* communications as set forth in Canon 3 B (7). While certain *ex parte* communications are permissible under Canon 3 B (7) (a)-(e), my philosophy is to avoid permissible *ex parte* communications whenever possible. Any impermissible *ex parte* communications must be immediately shared with all parties, giving them an opportunity to respond and present motions. *Ex parte* communications permitted by 3 B (1) (a) and (b) must be immediately shared with all parties and all parties must be given an opportunity to respond.
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?  

Judges must avoid actual bias and the appearance of bias. Since the question states that the matter disclosed “ha[s] the appearance of bias,” I would defer to the party requesting the recusal and grant the above described motion.
6. What standards have you set for yourself regarding the acceptance of gifts or social hospitality?  

Since becoming a judge, my standard regarding the acceptance of gifts or social hospitality is to follow Canon 4 (D) (5) of the South Carolina Code of Judicial Conduct.

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?

These are serious matters that I would handle with the care and precision required by the Code of Judicial Conduct and the general responsibility to maintain confidence in the legal system. First, I would evaluate and determine the type of information that has caused me to become “aware of misconduct or appearance of infirmity.” Second, I would evaluate and determine the necessary actions pursuant to the Code of Judicial conduct. Third, I would take the necessary and required actions. For purposes of my answer, I am separating the misconduct aspect of the question from the part of the question regarding an appearance of infirmity.

Regarding the question wherein I “became aware of misconduct,” I would refer to Rule 501, section 3 D and determine whether and how 3 D (1) and (2) apply to the alleged misconduct of a lawyer or fellow judge and take the appropriate action. If the information indicates a substantial likelihood that another judge has committed a violation of the Judicial Code or a lawyer has committed a violation of the Rules of Professional Conduct, then I would take appropriate action as required by the Judicial Code. My actions would likely include direct communication with the judge or lawyer to determine the circumstances and encourage them to take corrective action. If I have actual knowledge that a judge committed a violation of the Code of Judicial Conduct that raises a substantial question as to the judge’s fitness for office, then I will inform the office of disciplinary counsel pursuant to the requirements of the Code. If I have actual knowledge of a lawyer committing 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, then I will inform the office of disciplinary counsel pursuant to the requirements of the Code.

The question regarding an “appearance of infirmity” is governed by 3 G, which states that “A judge having a reasonable belief that the performance of a lawyer or another judge is impaired by drugs or alcohol, or by a mental, emotional, or physical condition, shall take appropriate action, which may include a confidential referral to an appropriate lawyer or judicial assistance program.” The first step is to assess the type of conduct that has come to my attention and determine whether what I “became aware of” constitutes a reasonable belief that the performance of the lawyer or judge in question has been impaired.” If I do have a reasonable belief that the performance has been impaired, then I would take action on a case by case basis with the intent of helping the judge or lawyer in question address the issue and protect the justice system from harm. Depending upon the circumstances, I may speak with the judge or lawyer, make a referral to an assistance program, or notify a person with supervisory authority over the person involved. As outlined in 3 G commentary, however, the “gravity of the conduct” that has come to my attention may require reporting the impaired judge or lawyer to the appropriate disciplinary authority.

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

No.

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

Since becoming a judge, I have not solicited funds of any kind for any purpose. Since becoming a judge, I have not made any political contributions. I have prior to and after becoming a judge made personal donations to various charities.

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

For routine orders I will develop and use templates. In more complex matters, I will ask the prevailing party to submit a proposed order and copy the other party with any correspondence. If such a request is made, I will ask that the proposed order be submitted in a digital format so that I may make any necessary changes. I will give both sides an opportunity to comment on the proposed order before issuing a final order.

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

The first step of meeting a deadline is to identify the deadline. Therefore, I would identify all relevant deadlines and communicate them to court staff. Once those deadlines are identified, I would institute a system of controls to ensure that all deadlines are met, to include a shared electronic calendar with the court staff and a physical list of pending matters. Additionally, I would regularly review case management system reports to review the status of cases that have not been resolved. Although the staff is essential to a court system running smoothly, the judge is ultimately responsible for ensuring that all deadlines are met. The best method for meeting deadlines, of course, is to complete the work well ahead of any deadline.

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

In my view, trial judges in South Carolina should constrain themselves to the text of the applicable statute or regulation, the applicable sections of the Constitution, and controlling precedent from superior courts. Therefore, my philosophy is that a judge should not engage in judicial activism. It is the role of the legislature, rather than the judiciary, to set and promote public policy.

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 plan to continue to speak to the Spartanburg Citizens Academy, the Institute for Youth Justice, and students that tour the courthouse about the legal system. It is my belief that the best way for judges to improve the legal system is to conduct court and themselves in an open, fair, and efficient manner that instills confidence in the legal system.

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 feel that the pressure of serving as a judge will strain my personal relationships. This has not been an issue during my fifteen years as a magistrate judge.

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

No. I do own a very small number of shares in two publicly traded banks. Since a master-in-equity presides over foreclosures and these banks could be involved in foreclosures, I would sell the stock before becoming a master-in-equity. While my interest in these banks is likely *de minimis* and would not require a disqualification, I would sell the stock just to remove the potential issue.

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

Yes, unless there are other factors that cause a recusal to be appropriate. I would disclose any such interest to all parties and carefully consider any subsequent recusal motions.

Rule 501 defines *de minimis* as “an insignificant interest that could not raise reasonable question as to a judge’s impartiality.” To answer this question, I assumed that the financial interest is in fact only *de minimis* as stated in the question. Based on the Code stating that a reasonable question could not be raised as to a judge’s impartiality regarding a *de minimis* financial interest and the question stating that the interest is in fact *de minimis*, then a disqualification or recusal would not be necessary. However, I would carefully consider any recusal motions as the basis of the motion may extend beyond the *de minimis* financial interest.

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?

The appropriate demeanor for a judge is to “act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.” Canon 2 A. As set forth in the Code, these rules apply at all times.

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?

No. It is never appropriate for a judge to be angry with anyone appearing before the judge, including when dealing with attorneys or pro se litigants.

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.

\_\_\_\_\_  
Notary Public for S.C.

My Commission Expires: \_\_\_\_\_