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**HEARING PROCEEDINGS**

*December 01, 2021*

**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

7 \* \* \* \* \*

8 BEFORE: G. MURRELL SMITH, JR., CHAIRMAN

9 SENATOR LUKE A. RANKIN

10 SENATOR RONNIE A. SABB

11 SENATOR SCOTT TALLEY

12 REPRESENTATIVE J. TODD RUTHERFORD

13 REPRESENTATIVE JEFFERY JOHNSON

14 ANDREW SAFRAN

15 LUCY GREY MCIVER

16 HOPE BLACKLEY

17 PETER STROM

18 ERIN B. CRAWFORD, CHIEF COUNSEL

19 \* \* \* \* \*

20 DATE: December 1st, 2021

21 LOCATION: Gressette Building

22 1101 Pendleton Street

23 Columbia, South Carolina 29201

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25 REPORTED BY: PATRICIA G. BACHAND, COURT REPORTER

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1                   SENATOR RANKIN: Good morning, guys. We're  
2 going to call this meeting to order. And on Senator  
3 Talley's motion we are going to go into executive session.  
4 Seconded by Mr. Safran. And we'll go into executive  
5 session at this time.

6                   (Off the record.)

7                   CHAIRMAN SMITH: Mr. Safran moves that we  
8 come out of executive session. All in favor signify by  
9 saying "aye."

10                  (At this time the members audibly say "aye.")

11                  CHAIRMAN SMITH: All opposed?

12                  (Hearing none.)

13                  CHAIRMAN SMITH: The ayes have it. Let me  
14 state while we were in executive session there were no  
15 votes taken and no matters decided. We will stand at ease  
16 for the first candidate.

17                  (Off the record.)

18                  CHAIRMAN SMITH: Judge, how are you doing  
19 today?

20                  JUDGE SANDERS: I'm good. Good morning.

21                  CHAIRMAN SMITH: Good morning. Will you  
22 raise your right hand, please, sir.

23                  WHEREUPON,

24                  WALTER H. SANDERS, JR., being duly sworn and  
25 cautioned to speak the truth, the whole truth and nothing

1 but the truth, testifies as follows:

2 CHAIRMAN SMITH: Before you, you have your  
3 personal data questionnaire and your sworn statement. Are  
4 those both documents you submitted to the Commission?

5 JUDGE SANDERS: Yes, they are.

6 CHAIRMAN SMITH: Are they both correct?

7 JUDGE SANDERS: I do have one correction, a  
8 typographical correction on the -- on my amendment to the  
9 Judicial Merit Selection Commission Personal Data  
10 Questionnaire 2021, Question 47 on page 2 of that  
11 amendment. The very bottom of the page -- of the case,  
12 there's a case number that is incorrect. It was a typo  
13 error.

14 CHAIRMAN SMITH: And can you just make a  
15 subsequent amendment to that and give that your screening  
16 attorney for me, please?

17 JUDGE SANDERS: I can. Yes.

18 CHAIRMAN SMITH: Other than that amendment  
19 is everything else correct?

20 JUDGE SANDERS: Everything is correct.

21 CHAIRMAN SMITH: Any other changes or  
22 amendments that you need to make at this time?

23 JUDGE SANDERS: There are none.

24 CHAIRMAN SMITH: Do you have any objection  
25 to us making that as an exhibit to your sworn testimony

1 here today?

2 JUDGE SANDERS: I do not.

3 CHAIRMAN SMITH: Without objection. If  
4 you'll hand that to Lindi, please, sir. And we'll make  
5 that as a record -- as an exhibit to the record of your  
6 sworn testimony.

7 (EXHIBIT NO. 1 - JUDICIAL MERIT SELECTION  
8 COMMISSION PERSONAL DATA QUESTIONNAIRE OF THE  
9 HONORABLE WALTER H. SANDERS, JR.)

10 (EXHIBIT NO. 2 - JUDICIAL MERIT SELECTION  
11 COMMISSION AMENDED PERSONAL DATA QUESTIONNAIRE OF  
12 THE HONORABLE WALTER H. SANDERS, JR.)

13 (EXHIBIT NO. 3 - JUDICIAL MERIT SELECTION  
14 COMMISSION SWORN STATEMENT OF THE HONORABLE  
15 WALTER H. SANDERS, JR.)

16 (EXHIBIT NO. 4 - JUDICIAL MERIT SELECTION  
17 COMMISSION AMENDED SWORN STATEMENT OF THE  
18 HONORABLE WALTER H. SANDERS, JR.)

19 CHAIRMAN SMITH: Judge Sanders, the Judicial  
20 Merit Selection Commission has thoroughly investigated your  
21 qualifications for the bench. Our inquiry are obviously  
22 focused on the nine evaluative criteria. In addition,  
23 we've reviewed a ballot box survey, a thorough study of  
24 your application materials, verification of your compliance  
25 with the state ethics laws, a search of newspaper articles

1 in which your name appears, a study of previous screenings,  
2 and checks for economic conflicts of interest.

3 There are no affidavits filed today in  
4 opposition to your candidacy.

5 JUDGE SANDERS: That's good.

6 CHAIRMAN SMITH: And there are no witnesses  
7 present to testify. Do you wish to make a brief opening  
8 statement to the Commission?

9 JUDGE SANDERS: I do not.

10 CHAIRMAN SMITH: Thank you very much.  
11 Answer any questions your screening attorney may have.

12 EXAMINATION BY MS. ANDERSON:

13 Q. Good morning, Judge Sanders.

14 A. Good morning.

15 Q. Judge Sanders, after serving nearly 30 years as  
16 Allendale County's Master-in-Equity, why do you want to  
17 continue serving?

18 A. Well, I enjoy doing it. Of course being from  
19 Allendale County which is -- we're probably the smallest  
20 county, population-wise, in the state. It's a very part-  
21 time job, but I enjoy it. And I enjoy serving the people.

22 Q. Judge Sanders, you indicated in your PDQ, and  
23 your SLED report indicates that since your last screening  
24 you've been a named party in a few lawsuits. So we can  
25 either talk about those -- I can call them out

1 individually, or if you want to briefly describe each of  
2 those.

3 A. Whichever you --

4 Q. I'll tell you what, I have a list. So if you  
5 just kind of want to walk through and if you will just give  
6 a brief description about the nature and the disposition of  
7 each of these lawsuits. So are you ready?

8 A. I'm ready.

9 Q. All right. Let's start with 2016, then. You  
10 were named as a defendant in Sharroll Aldrich v. Straight  
11 Shot Express, LLC.

12 A. What was the name of that one now? I'm looking  
13 at my -- I've got them listed in my personal data form.

14 Q. In your PDQ, this is one -- it's Sharroll Aldrich  
15 v. Straight Shot Express. This is one where I believe you  
16 were named as Special Administrator.

17 A. Special Administrator. Okay. Do you have a case  
18 number?

19 Q. I believe it's 2016-03-00189. And it was --

20 A. 189?

21 Q. -- in Allendale County.

22 A. There are actually, one, two, three, four --  
23 five cases where I was appointed as a special  
24 administrator. And those were all auto accident cases.  
25 There is a provision in the state law, where if a person

1 has passed away and someone wants to bring a lawsuit  
2 against them, they can partition the probate court to  
3 appoint a special administrator for the specific purpose of  
4 determining insurance liability. And in all those cases,  
5 that's what was going on.

6           Actually, the plaintiff's attorney requested that  
7 I be appointed special administrator, and they opened the  
8 estate. And then once -- once I was served with papers, I  
9 turned the documents over to the insurance lawyer. And I  
10 don't -- and from there it gets resolved or whatever.

11           **Q. And then there was -- there were two other cases**  
12 **in addition to the ones that you just talked about as**  
13 **special administrator. And this was filed in Barnwell**  
14 **County, and the plaintiffs were Stephen and Hunter Youmans.**  
15 **Can you please explain the nature and disposition of those**  
16 **suits?**

17           A. Yes. I'm very familiar with that. That was  
18 actually a malpractice case. That's the -- I've been  
19 practicing for 40 -- almost 45 years and the first time  
20 I've ever had a case like that. But it was a malpractice  
21 case which has -- it has been amicably resolved with a  
22 confidential agreement as to how it was resolved.

23           But it was a -- it involved a deed that I had  
24 done in 1988 for my clients, a family and who had -- and a  
25 man who had four children. And it -- and I assume that

1 most of you all are lawyers. Most of you all are lawyers.  
2 And it was based on -- there's a case in South Carolina  
3 what's called a Fabian Case, which is a fairly recent case  
4 which -- where our courts found that third-party  
5 beneficiaries may have in certain situations the right to  
6 sue a lawyer for malpractice if they were harmed in any  
7 way.

8           And that was an estate case. But my case was a  
9 deed where a father actually did four deeds to his four  
10 children, and he put stipulations in there that they were  
11 to follow.

12           And that was where the case -- one of the sons  
13 sold some property that was in that deed, that was subject  
14 to the stipulations, to actually another attorney in  
15 Allendale County. And that's where it all came from.

16           They felt like I had breached my duty to their  
17 father in '88, by not following through with what the deed  
18 called for. But it was very complicated, the legal issues.

19           But we felt like we had done what we were  
20 supposed to. And the son who was selling it had gotten the  
21 permission of all the other three to do it, but they still  
22 -- instead of suing him, they sued me. But it's been  
23 resolved.

24           **Q. Judge Sanders, what do you think your reputation**  
25 **is among attorneys that practice before you?**

1           A.    Well, I'm hoping that it's a good reputation.  
2    You know, I think I'm fair and I'm respectful of the court.  
3    You know, I've always judged -- because I still practice  
4    law. I've always judged judges by their temperament in the  
5    court, you know, how they treat the parties and treat  
6    everybody that's involved, you know.

7                    So I have try -- I've tried, you know, over the  
8    years to be respectful of everyone and to hear everybody  
9    out before I make my decisions.

10           **Q.    Judge Sanders, the Commission received 261 ballot**  
11 **box surveys regarding you, with 6 additional comments. The**  
12 **ballot box survey, for example, contained the following**  
13 **positive comments:**

14                    **"Well qualified. Impeccable reputation in the**  
15 **community. Judge Sanders has been at this job for a long**  
16 **time and knows how to do this work well."**

17                    **None of the written comments expressed any**  
18 **concerns.**

19                    MS. ANDERSON: I would note that the Low  
20 Country Citizens Committee found Judge Sanders qualified in  
21 the evaluative criteria of constitutional qualifications,  
22 physical health and mental stability.

23                    The Committee found him well qualified in  
24 the evaluative criteria of ethical fitness, professional  
25 and academic ability, character, reputation, experience,

1 and judicial temperament.

2           The Committee further stated, "Judge Sanders  
3 is a seasoned Master-in-Equity and Allendale County is very  
4 lucky to have him."

5 BY MS. ANDERSON:

6           **Q. Judge Sanders, since submitting your letter of**  
7 **intent have you contacted any members of the Commission**  
8 **about your candidacy?**

9           A. I've contacted none of the legislators. I asked  
10 my attorney assigned to me, "Should I call them and tell  
11 them I'm running for reelection?"

12           And she said, "That's left up to you." So I  
13 weighted not to. I don't have any opposition so -- but I  
14 will contact them once I'm allowed to.

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

18           A. Yes.

19           **Q. Since submitting your letter of intent have you**  
20 **sought or received the pledge of any legislator either**  
21 **prior to today or pending the outcome of your screening?**

22           A. No.

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

1 your behalf?

2 A. No.

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

6 A. Yes.

7 MS. ANDERSON: I would note for the record  
8 that any concerns raised during the investigation regarding  
9 Judge Sanders were incorporated into the questioning of him  
10 today. Mr. Chairman, I have no further questions.

11 CHAIRMAN SMITH: Judge Sanders, let me just  
12 say I've looked through your ballot box, and was reading  
13 with interest your PDQ and all that, and you've served as  
14 Master-in-Equity for a long time in Allendale County. So I  
15 just wanted to thank you for your service.

16 Obviously, you've developed a wonderful  
17 reputation down there among the people who appear in front  
18 of you. And with the ballot box surveys, they're all  
19 glowing and no negatives.

20 And rarely there are no negatives on a  
21 ballot box survey. As you may know, they're anonymous and  
22 anyone can say what they want to without any retribution.

23 So when we see judges whose ballot box  
24 surveys demonstrate that there are no negatives, I always  
25 want to bring that to the attention of them and tell them

1 thank you, keep up good work. And if in 30 years you  
2 haven't ticked off anyone as your -- as your Master-in  
3 Equity, so I hope you continue that record. I appreciate  
4 your service.

5 JUDGE SANDERS: Thank you.

6 CHAIRMAN SMITH: Any questions for the  
7 judge?

8 (Hearing none.)

9 CHAIRMAN SMITH: This will conclude this  
10 portion of your screening, Judge Sanders.

11 JUDGE SANDERS: Okay.

12 CHAIRMAN SMITH: And let me take this  
13 opportunity to remind you that pursuant to the Commission's  
14 evaluative criteria, the Commission expects candidates to  
15 follow the spirit as well as the letter of the ethics laws,  
16 and we will view violations or the appearance of  
17 impropriety as serious and potentially deserving of heavy  
18 weight in the screening deliberations.

19 As you may be aware, the record will remain  
20 open until the formal release of the report of  
21 qualifications, and you may be called back at such time if  
22 the need should arise.

23 I thank you for your service to the State of  
24 South Carolina. And thank you for appearing for us today.

25 JUDGE SANDERS: Thank you all.

1 CHAIRMAN SMITH: Safe travels home.

2 JUDGE SANDERS: I appreciate what you all  
3 do.

4 CHAIRMAN SMITH: Thank you. You too.

5 JUDGE SANDERS: And thank you all. Pick  
6 good judges.

7 CHAIRMAN SMITH: Thank you.

8 (Candidate excused.)

9 CHAIRMAN SMITH: Mr. Clemmons, how are you  
10 doing today?

11 MR. CLEMMONS: Good morning. I'm doing  
12 great.

13 CHAIRMAN SMITH: I see you brought a guest  
14 with you. Would you like to introduce your guest to the  
15 Commission?

16 MR. CLEMMONS: I would love to introduce my  
17 guest. This is my bride of nearly 38 years, Laura  
18 Clemmons. And she's the one that has put up with all of my  
19 shenanigans for so long.

20 CHAIRMAN SMITH: Well, thank you for your  
21 patience and your understanding for dealing with Mr.  
22 Clemmons. Welcome. All right. Mr. Clemmons, will you  
23 raise your right hand, please, sir.

24 MR. CLEMMONS: Yes.

25 WHEREUPON,

1 ALAN CLEMMONS, being duly sworn and  
2 cautioned to speak the truth, the whole truth and nothing  
3 but the truth, testifies as follows:

4 CHAIRMAN SMITH: Before you, you have your  
5 personal data questionnaire and your sworn statement. Are  
6 both of those documents to which you have submitted to this  
7 commission?

8 MR. CLEMMONS: Yes.

9 CHAIRMAN SMITH: Are both of them correct?

10 MR. CLEMMONS: Yes, they are.

11 CHAIRMAN SMITH: Any changes or amendments  
12 that may need to occur at this time?

13 MR. CLEMMONS: No, changes or amendments.

14 CHAIRMAN SMITH: Do you have any objection  
15 to us making those as exhibits to your sworn testimony here  
16 today?

17 MR. CLEMMONS: No objection.

18 CHAIRMAN SMITH: Without objection. Will  
19 you hand them to Lindi, please, sir. And we will mark  
20 those as exhibits to your sworn statements today.

21 (EXHIBIT NO. 5 - JUDICIAL MERIT SELECTION  
22 COMMISSION PERSONAL DATA QUESTIONNAIRE OF ALAN  
23 CLEMMONS)

24 (EXHIBIT NO. 6 - JUDICIAL MERIT SELECTION  
25 COMMISSION SWORN STATEMENT OF ALAN CLEMMONS)

1                   CHAIRMAN SMITH: Mr. Clemmons, the Judicial  
2 Merit Selection Commission has thoroughly investigated your  
3 qualifications for the bench. Our inquiry, as you know, is  
4 focused on the nine evaluative criteria. They also include  
5 a ballot box survey, a thorough study of your application  
6 materials, verification of your compliance with state  
7 ethics laws, a search of newspaper articles in which your  
8 name appears, a study of previous screenings, and checks  
9 for economic conflicts of interest.

10                   We've had no affidavits filed in opposition  
11 to your testimony today and there are no witnesses here to  
12 testify. Do you wish to make a brief opening statement to  
13 the Commission?

14                   MR. CLEMMONS: Just to say thank you for  
15 your service on the commission.

16                   CHAIRMAN SMITH: Well, answer any questions  
17 that your screening attorney may have for you, please, sir.

18                   MR. CLEMMONS: Thank you.

19                   MR. MALDONADO: Thank you, Mr. Chairman. I  
20 note for the record that based on the testimony contained  
21 in the candidate's PDQ, which has been included in the  
22 record with the candidate's consent, the Honorable Alan D.  
23 Clemmons meets the statutory requirements for this position  
24 regarding age, residence, and years of practice.

25 EXAMINATION BY MR. MALDONADO:

1           **Q.    Representative Clemmons, why do you -- after your**  
2 **many years of public service, why do you now want to be a**  
3 **Master-in-Equity?**

4           A.    It meshes well, number one, with my experience  
5 over the past 30-plus years, having been a real estate  
6 attorney and dealing with matters in the master's court on  
7 many occasions.

8                    Of the twenty-nine hundred cases that I've --  
9 more than twenty-nine hundred cases that I've been a part  
10 of over the course of my career, the majority of those have  
11 been before the Master-in-Equity.

12                   And I do have a passion for public service.  And  
13 I can think of no better way to cap that career and my  
14 profession of public service than serving as Master-in-  
15 Equity.

16           **Q.    How do you feel that your legal and professional**  
17 **experience thus far renders you qualified and will assist**  
18 **you to become an effective Master-in-Equity?**

19           A.    Well, as I said, most of my practice has been  
20 before the Master-in-Equity, particularly during the last  
21 15 years.  I believe that my experience bodes well for  
22 serving in that position.

23                   And I consider myself to be an organized person,  
24 which is certainly needed in that -- in that office to  
25 continue the good work that the current Master is

1 performing.

2 Q. Representative Clemmons, the Commission received  
3 255 ballot box surveys regarding you, with 43 additional  
4 comments. The ballot box survey, for example, contained  
5 the following positive comments:

6 "Alan possesses all the knowledge and experience  
7 to be an effective and excellent Master-in-Equity. He is  
8 also a very hard worker. He has devoted his professional  
9 life to public service and is actively involved in many  
10 worthwhile charities."

11 Also, "Extremely smart and well versed in the  
12 law, patient, thoughtful, and truly cares about people. It  
13 will be a pleasure to be in his courtroom."

14 Twenty-seven of the written comments expressed  
15 concerns. Several comments indicated that you do not have  
16 the requisite courtroom litigation experience to be an  
17 effective jurist. What response would you offer to this  
18 concern?

19 A. As I stated before, I've been an attorney either  
20 on the plaintiff side or defense side in over twenty-nine  
21 hundred cases during my career, with the majority of those  
22 again being in the master's courtroom. I believe that my  
23 experience both in the courtroom and outside the courtroom  
24 bodes well for my service as Master-in-Equity.

25 Q. A second concern indicated that you might have

1 some political biases, that you can be petty or vindictive,  
2 and that you might seek retribution against your enemies.

3 What response would you offer this concern?

4 A. I don't know what basis that's drawn on. That's  
5 not the way I operate.

6 Q. Another concern raised questions regarding you,  
7 suggesting a sexist or chauvinistic treatment of women.

8 How would you respond to this concern?

9 A. That it's false.

10 Q. Representative Clemmons, according to your SLED  
11 report you've been involved in numerous lawsuits. Can you  
12 please explain the nature and disposition of the following  
13 lawsuits? To summarize, there's 22 that I have and most of  
14 these are convictions. Can you briefly describe to the  
15 Commission why you have so many convictions?

16 A. Yeah.

17 Q. Evictions. Sorry.

18 A. Yeah, there are a number of ejection actions. I  
19 think 17, maybe. But the ejection actions go to a mobile  
20 home park that my wife and I purchased that's adjacent to a  
21 small farm that we had in Myrtle Beach, with the intent of  
22 turning that 50-year-old mobile home park, with 50-year-old  
23 falling apart mobile homes on it, into pasture.

24 So in order to remove the derelict and unoccupied  
25 trailers, we had to go through the ejection process. And

1 that's the majority of it.

2 Q. There was a case where you were involved, Alan  
3 Clemmons v. Theresa Freda Jordan, a 2014 Claim and  
4 Delivery. Can you please describe --

5 A. Yeah, that was a dispute with my wife's sister  
6 over furniture that had been loaned and family heirloom  
7 furniture not returned. It was amicably resolved.

8 Q. There was also a 2013 case, RBS Citizens National  
9 Association v. Alan Clemmons, a lis pendens and  
10 foreclosure. Can you please describe the circumstances?

11 A. That was a foreclosure action on our home that  
12 was a carryover from the downturn in 2007/2008, when our  
13 income at the law firm went down considerably during that  
14 time.

15 And we quickly went through our savings to  
16 support the law firm and to maintain our employee salaries,  
17 and we got behind on our personal mortgage. And in the  
18 end, that mortgage was paid off in full.

19 Q. In 2004 there was a case, Anthony Nelson v.  
20 Plantation Vacations Incorporated. The named defendants  
21 included your law office, and you personally, unfair trade  
22 practices. Can you please describe the circumstances for  
23 me?

24 A. Yes. I was trustee for a timeshare developer.  
25 And the plaintiff was a disgruntled timeshare purchaser

1 that named me in my capacity as trustee of the resort. It  
2 was -- the case was settled as a nuisance case.

3 **Q. And it was dismissed by the court?**

4 A. And dismissed, yes.

5 **Q. There was also another case in 1993, Sears**  
6 **Mortgage Corp v. David Corcoran, Coastal Cooling &**  
7 **Refrigeration.**

8 A. I had represented Mr. Corcoran in a divorce  
9 action and the court had awarded attorney's fees as a part  
10 of the order. And I was named as a party defendant because  
11 -- as a potential creditor of Mr. Corcoran.

12 **Q. And in 1992 there was a case Alan Clemmons v.**  
13 **Jack Richard Cox Jr., a breach of contract.**

14 A. That was a landscaper that failed to perform  
15 after having been paid.

16 MR. MALDONADO: I would note that the Pee  
17 Dee Citizens Committee reported Mr. Clemmons to be well  
18 qualified in ethical fitness, professional and academic  
19 ability, character, reputation, experience, and judicial  
20 temperament.

21 The Committee reported that Mr. Clemmons is  
22 qualified in the constitutional qualifications, physical  
23 health and mental ability.

24 And I'll finish up with some housekeeping  
25 questions.

1 BY MR. MALDONADO:

2 Q. Mr. Clemmons, are you aware that as a judicial  
3 candidate you're bound by the code of judicial conduct  
4 that's found in Rule 501 of the South Carolina Appellate  
5 Court Rules?

6 A. I am.

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

10 A. I have not.

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. I am.

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

19 A. I have not.

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

24 A. I am not.

25 Q. Have you reviewed and do you understand the

1 Commission's guidelines on pledging in South Carolina Code  
2 Section 2-19-70(E)?

3 A. I am.

4 MR. MALDONADO: Mr. Chairman, I would note  
5 for the record that any concerns raised during the  
6 investigation by staff regarding the candidate were  
7 incorporated into the questioning of the candidate today.  
8 I have no further questions.

9 EXAMINATION BY CHAIRMAN SMITH:

10 Q. Mr. Clemmons, let me just ask you a couple of  
11 questions. You know the ballot boxes, anybody can write  
12 what they want to about them. And I just want to clear up  
13 some things.

14 Like, one of them says you just don't have any  
15 experience. And you said you practiced real estate for 30-  
16 plus years, and it says you don't know anything about  
17 foreclosures. Have you done foreclosures?

18 A. Thousands.

19 Q. Have you -- and other things I know Master-in-  
20 Equity's do, you have to quiet title at times. Have you  
21 ever done quiet title actions?

22 A. Of course.

23 Q. And have you done supplemental proceedings  
24 before?

25 A. Yes, of course.

1 Q. Have you handled collections and --

2 A. Yes.

3 Q. -- non-jury motions?

4 A. Yes.

5 Q. So you know -- and, again, you know, you take  
6 them with a grain of salt when you look at these things.  
7 But, you know, you got to look at them and determine. But  
8 your -- basically, your career has been doing real estate.  
9 In what type of actions have you done in the master's  
10 court?

11 A. A lot of foreclosure actions. You just named  
12 some: Collections, a partition.

13 Q. Partition gets fairly complex --

14 A. It does.

15 Q. -- and complicated, doesn't it?

16 A. It does. I've only had one partition case, that  
17 actually survived to make it through the process. But they  
18 -- they are very complicated. But for title -- for people  
19 that love doing title work, it's the kind of stuff you  
20 thrive -- you love to do.

21 And when I started practicing law, the first  
22 place I was sent to practice or to learn the ropes was the  
23 Registrar of Deeds Office, to learn how to search titles.  
24 And that has -- title work has always been a passion for  
25 me.

1           But other types of matters I've handled, I've  
2 been involved in construction cases -- construction  
3 litigation cases that were tried by the master.

4           **Q.    And your real estate practice, I presume, has**  
5 **consisted of closings, commercial and residential?**

6           A.    Yes.

7           **Q.    And I presume up in the Myrtle Beach, you**  
8 **probably did some timeshares and things to that effect?**

9           A.    I represented several timeshare developers. So,  
10 yes, I did development work as well as representing them in  
11 closings.

12          **Q.    Have you ever served as a special referee in**  
13 **cases before?**

14          A.    I don't recall having served as a special  
15 referee.

16                   CHAIRMAN SMITH: That's all the questions I  
17 have. Any questions of the Commission? Mr. Rutherford.

18                   REPRESENTATIVE RUTHERFORD: Thank you, Mr.  
19 Chairman. It's funny because I served for years on the  
20 judiciary with Alan, and I used to say that he didn't  
21 practice law. But in reality, he practiced this kind of  
22 law.

23                   CHAIRMAN SMITH: That's not real law.

24                   REPRESENTATIVE RUTHERFORD: It's not real  
25 law to me. But it is, in fact, Master-in-Equity stuff. So

1 I'm glad you asked those questions, because this is what I  
2 accused him of doing all those years. And come to find  
3 out, that it's exactly what he was doing. Which I don't  
4 call the practice of law. But apparently that's what  
5 Master-in-Equity-type people do.

6 MR. CLEMMONS: In fact, I think I recall  
7 Representative Rutherford once commenting, "We have 23  
8 lawyers on the Judiciary Committee, and Clemmons."

9 REPRESENTATIVE RUTHERFORD: I probably did  
10 that multiple times.

11 CHAIRMAN SMITH: Any further questions of  
12 the Commission?

13 (Hearing none.)

14 CHAIRMAN SMITH: Mr. Clemmons, this  
15 concludes this portion of your screening process. Let me  
16 take this opportunity to remind you that pursuant to the  
17 Commission's evaluative criteria, the Commission expects  
18 candidates to follow the spirit as well as the letter of  
19 the ethics laws, and we will view violations or the  
20 appearance of impropriety as serious and potentially  
21 deserving of heavy weight in the screening deliberations.

22 As you're aware, the record will remain open  
23 until the formal release of the report of qualifications  
24 and, if necessary, you will be called back if the need  
25 shall arise.

1 I thank you for offering for this position.  
2 And I thank you for your service to the State of South  
3 Carolina.

4 MR. CLEMMONS: Thank you, Mr. Chairman,  
5 Members of the Commission, and staff. I appreciate it.

6 CHAIRMAN SMITH: Take care.

7 MR. CLEMMONS: You too.

8 CHAIRMAN SMITH: Safe travels back.

9 MR. CLEMMONS: Thank you.

10 (Candidate excused.)

11 CHAIRMAN SMITH: Mr. Jordan, good morning.

12 MR. JORDAN: Good morning.

13 CHAIRMAN SMITH: Will you raise your right  
14 hand, please, sir.

15 WHEREUPON,

16 CHARLES B. JORDAN JR., being duly sworn and  
17 cautioned to speak the truth, the whole truth and nothing  
18 but the truth, testifies as follows:

19 CHAIRMAN SMITH: You have before you, your  
20 personal data questionnaire and your sworn statement. Are  
21 those both documents that you have submitted to the  
22 Commission?

23 MR. JORDAN: Yes, sir, they are.

24 CHAIRMAN SMITH: Are they both correct?

25 MR. JORDAN: They are correct. Yes.

1 CHAIRMAN SMITH: Any amendments or changes  
2 you need to make at this time?

3 MR. JORDAN: No.

4 CHAIRMAN SMITH: Do you have any objection  
5 to us making those as exhibits to your sworn testimony  
6 here?

7 MR. JORDAN: No objection.

8 CHAIRMAN SMITH: Without objection. Will  
9 you hand them to Lindi, please, sir. And we will mark  
10 those as exhibits.

11 (EXHIBIT NO. 7 - JUDICIAL MERIT SELECTION  
12 COMMISSION PERSONAL DATA QUESTIONNAIRE OF CHARLES  
13 B. JORDAN, JR.)

14 (EXHIBIT NO. 8 - JUDICIAL MERIT SELECTION  
15 COMMISSION SWORN STATEMENT OF CHARLES B. JORDAN,  
16 JR.)

17 CHAIRMAN SMITH: Mr. Jordan, the Judicial  
18 Merit Selection Commission has thoroughly investigated your  
19 qualifications for the bench. Our inquiries have been  
20 focused on the nine evaluative criteria, and also has  
21 included a ballot box survey, a thorough study of your  
22 application materials, verification of your compliance with  
23 state ethics laws, a search of newspaper articles in which  
24 your name appears, a study of previous screenings, and  
25 checks for economic conflicts of interest.

1                   We've received no affidavits today in  
2                   opposition to your candidacy and no witnesses are here to  
3                   testify. Do you wish to make a brief opening statement to  
4                   the Commission?

5                   MR. JORDAN: Yeah. I'm glad you all -- I  
6                   guess this is what this means being in the well, I guess,  
7                   right? You're kind of here.

8                   This was a -- I've practiced law for 25  
9                   years. I'm from Horry County. I've always lived in Horry  
10                  County. I practiced law, basically, in the same  
11                  neighborhood of Horry County, in Myrtle Beach. This is an  
12                  opportunity, I think, that has opened up for me at this  
13                  time in my life, which I think is a good opportunity for  
14                  me.

15                  You know, when I looked at applying for the  
16                  job, I think it was one of these matters where I felt that  
17                  -- "called," I think is the best word to say, to better  
18                  serve the judicial system and the people of Horry County,  
19                  by applying for this position and, hopefully, getting this  
20                  position.

21                  I know that I can -- I'd like to go through  
22                  a little bit as to why I think I would be a good Master-in-  
23                  Equity. I think that's kind of the question before the --  
24                  before this body. If you want me to skip on to that  
25                  question.

1 CHAIRMAN SMITH: Sure.

2 MR. JORDAN: You know, I practiced -- like I  
3 say, I practiced law for 25 years. In that practice one  
4 thing that I have seen is what makes an effective attorney  
5 and what is not an effective attorney -- well, what's an  
6 effective judge and not an effective judge, I guess I  
7 should say.

8 And when I look at where judges are  
9 effective, the first place where judges are effective is  
10 judges are hot. And I hope this committee is hot. And  
11 what we mean by a "hot judge" or a "hot court" is that they  
12 understand the case before them, before the case comes  
13 before them.

14 Nothing is worse than an attorney and you  
15 show up before a judge, and the judge says, "Mr. Jordan,  
16 tell me a little about your case. I haven't read anything  
17 about it yet."

18 At that moment you know if you're the -- if  
19 you're the one that's the plaintiff or you're the one  
20 that's trying to get the judge to make a decision in your  
21 favor, it's going to be very difficult because he doesn't  
22 know anything about your case.

23 And a judge that hasn't read your briefs or  
24 hasn't at least read the case file is not prepared to  
25 actually make a ruling on the motion before him. He

1 doesn't do a very good job, I don't believe, in actually  
2 hearing the trial if he doesn't know what the case is about  
3 before the first witness starts to speak. So I think an  
4 effective judge, one, is hot.

5           The second thing is an effective judge is  
6 always diligent. Nothing is worse as an attorney to go try  
7 a case, to go hear a motion, and six weeks later I don't  
8 have a ruling, six months later I don't have a ruling, or  
9 in one case, two years later I don't have a ruling.

10           I think an effective -- an effective judge  
11 is a judge who is diligent after the hearing, and giving  
12 cogent reasons for their decision. That's what judges are  
13 supposed to do.

14           Again, I've been before judges and they will  
15 say, "Mr. Jordan, you win the case. You win the motion.  
16 Write me an order that's being held up on appeal."

17           That doesn't -- the judge didn't make the  
18 decision. Judges need to make decisions. I've been in  
19 front of good judges who have made decisions, where I will  
20 get letters from them that are two or three pages long, and  
21 will say, "Here's why I ruled in your favor Mr. Jordan,"  
22 one, two, three, four, "Write me an order now that makes  
23 this decision in the proper format." And I'm basically a  
24 scrivener for the judge.

25           That's what attorneys should be. Attorneys

1 shouldn't be writing final orders based on whatever they  
2 think the judge may have thought. They need to be  
3 scriveners where the judge tells them, "Here's what I  
4 believe. Here's what I'm thinking. Write me the order.  
5 Put the right caption on it and make sure you make the case  
6 cites correct." That's what effective judges are.

7           Effective judges are hardworking. The one  
8 thing I know, I think Judge Beatty came out with an order  
9 recently that says magistrates have to work at least 40  
10 hours a week. You know, I know I'm a practicing attorney.  
11 We work -- attorneys that work 40 hours a week aren't  
12 successful.

13           As a practicing attorney, you need to be  
14 working 50 hours a week. You need to be up every now and  
15 then, at least in your office, on the weekends preparing  
16 for what's going to happen during the next week. There's  
17 no reason a judge shouldn't have that same standard.

18           There's no reason we shouldn't have hearings  
19 start at 9:30. There's no reason that hearings have to  
20 stop at five o'clock unless the parties want them to.

21           A judge needs to be hardworking. I've been  
22 in front of hardworking judges. And as a hardworking  
23 attorney it's good to have a hardworking judge with you,  
24 because you know you're going to get a good result.

25           Even if you lose, you know you got the right

1 result and a just result. Because the judge knows his  
2 case, the judge is working hard for you and at the end of  
3 the trial, at the end of the motion hearing, you know the  
4 right result's been reached because everybody's put forth  
5 their best effort.

6 Another aspect I think of an effective judge  
7 is that effective judge is independent. We've all been in  
8 front of judges, I've been in front of judges where you  
9 know if somebody else is on the other side, you're going to  
10 lose that case.

11 I looked through other PDQs before I filled  
12 mine out other -- the submissions. One of the questions  
13 you all ask is whether or not being a judge would affect  
14 your relationships. And half the people who answered  
15 always say, "No, I don't see any difference." I think  
16 that's wrong. I think if you're -- if you're a judge, your  
17 relationship with attorneys should necessarily change.

18 I have personal relationships with some  
19 attorneys, some that may appear before me if I'm a Master-  
20 in-Equity, I think I need to pull back from those  
21 relationships. Because a judge needs to be independent and  
22 needs to have -- needs to be seen as independent.

23 You know, it's not just that a judge is  
24 bias, but a judge needs to have no indication of biased at  
25 all, no appearance of impropriety.

1                   And the final thing about what an effective  
2 judge is, and I think South Carolina does this effectively  
3 of most judges I've been in front of, is a judge has to be  
4 respectful. When somebody walks into your courtroom, at  
5 that moment the entire judicial system rests on that judge.

6                   The entire system that we have, our  
7 Constitution, the laws that you all passed, the common law  
8 that comes down to us from England, rests on the shoulders  
9 of that judge.

10                  That may be the only contact those litigants  
11 will have with the judicial system in their entire life.  
12 And at that moment that judge needs to represent the  
13 judicial system as best he can, by showing those litigants  
14 the respect that they deserve.

15                  One thing that we like to talk about is  
16 that, you know, everyone is created in the image and  
17 likeness of God, and you owe everyone -- you owe a respect  
18 towards everyone, commensurate with that image and likeness  
19 that they bear. So much more so if you're in a position of  
20 authority. And a judge being in that position of authority  
21 has that responsibility to show people respect.

22                  And so I applied for the position because I  
23 know what a effective judge is, and I think I can be a  
24 damned good, effective judge.

25                  The second reason I would say that I -- that

1 I wanted this position is a vision for the Master-in-  
2 Equity's office that I think it has now lost. And I don't  
3 -- I don't fault Judge Howe for this. When she became  
4 master, it was during the foreclosure process where she  
5 barely kept her head above water. In Horry County, we were  
6 the center of the foreclosures, I think, in all of South  
7 Carolina. One of the major centers in the -- in the  
8 country at the time.

9           When I first started practicing law when  
10 Horry County was a little bit smaller, the master's office  
11 was a little bit smaller, the master played a key role in  
12 alleviating some of the backlog in the Circuit Court for  
13 non-jury issues.

14           The master -- Judge Cross, he would hear  
15 motion hearings if you want, if you referred motions to  
16 him. We would often refer non-jury matters to them,  
17 particularly business litigation. Business litigates want  
18 to move on. They don't want their lawsuit to linger for  
19 three years, which is what the backlog is in Horry County  
20 right now. Let's refer it to the master. Let's get a  
21 hearing. Let's get a ruling and let's move forward.

22           I think that the Master-in-Equity's office  
23 can do that right now. I think that the Master-in-Equity's  
24 office, if you're hardworking, can make more room for more  
25 cases to be heard within that office, both within the

1 litigation context.

2 I do a lot of HOA work. I would love the --  
3 love the opportunity to refer cases out in HOA work.  
4 Because again I know -- I know you all hear about HOAs all  
5 the time. If you're from the Coast at least, I know you  
6 hear about it all the time -- is to be able to be available  
7 for these other types of hearings beyond simple mortgage  
8 foreclosures in order to help alleviate the judicial -- the  
9 backlog in the Circuit Court.

10 That is something the master, I think, is  
11 uniquely suited to do. And the master should be able to  
12 take that on. I believe -- I believe that, that's  
13 something they should do. That's my vision for the office,  
14 it's why I applied -- is one of the reasons I applied for  
15 the job.

16 The final aspect is -- is the -- the one  
17 reason I didn't want to apply, I will tell you -- the one  
18 reason I thought long and hard about whether or not I  
19 wanted to do this and come before you all today was to go  
20 through the evaluation process.

21 It's easy if I ask Senator Rankin what does  
22 he think of me, and he's going to pat me on the back and  
23 say I'm a great guy. It's a different question when he  
24 goes back in executive session and he talks to you all. I  
25 don't know what he's going to say.

1           The same thing with the lawyers I practiced  
2 with in Horry County. I practiced for 25 years in Horry  
3 County. I am certain I made lawyers mad. I am certain I  
4 made mistakes. I'm certain there are things that I have  
5 done that I wish I could take back, that I haven't done.  
6 You just don't know your reputation with others until they  
7 can talk about you behind your back and they come out with  
8 the evaluation.

9           Before the Bar came out with this  
10 evaluation, I had a conversation with my wife and had a  
11 conversation with my law partners, and I told them unless I  
12 was well qualified, I wasn't going to go through with the  
13 process, that unless I was well qualified to be the Master-  
14 in-Equity there was no reason for me to come to Columbia,  
15 and no offense, take the day off, take yesterday afternoon  
16 off to kind of read through my stuff and prepare. Unless I  
17 was well qualified for the position, there was no reason  
18 for me to show up here today.

19           The Bar found me well qualified. I'm glad  
20 that my fellow attorneys think highly of me in Horry County  
21 and other parts of the state.

22           So when you ask, you know, why do I want to  
23 be the Master-in-Equity, those are the reasons. I think I  
24 could be an -- a damned good, effective judge. I have a  
25 good vision for what the Master-in-Equity's office should

1 be, and the Bar's found me well qualified to be in this  
2 position.

3 CHAIRMAN SMITH: All right. Thank you very  
4 much. Answer any questions your screening attorney may  
5 have for you, please, sir.

6 MS. ROSS: Good morning.

7 MR. JORDAN: Good morning.

8 MS. ROSS: I note for the record that based  
9 on the testimony contained in the candidate's PDQ, which  
10 has been included in the record with the candidate's  
11 consent, Charles Jordan meets the statutory requirements  
12 for this position regarding age, residence, and years of  
13 practice.

14 EXAMINATION BY MS. ROSS:

15 Q. Mr. Jordan, you've answered my first question  
16 which is: Why do you want to do this job? And I'm going to  
17 go ahead and skip on to your ballot box. Mr. Jordan, the  
18 Commission received 175 ballot box surveys regarding you,  
19 with 10 additional comments. The ballot box survey, for  
20 example, contained the following positive comments:

21 "Charlie is exceptionally qualified to serve as  
22 Master-in-Equity. His extensive experience and patient  
23 demeanor make him the most qualified candidate. I have  
24 worked with Charlie -- I've worked both with Charlie and as  
25 opposing counsel on matters over the years, and it is my

1 opinion that he would do a great job as master for Horry  
2 County. Charlie Jordan would be an asset to the bench. He  
3 has a vast range of experience dealing with matters that  
4 come before the Master-in-Equity. He is well respected in  
5 the community."

6 Only one of the comments expressed concern  
7 regarding your demeanor and ability to treat everyone  
8 equally with respect. And what would -- and what would you  
9 offer in response to this concern?

10 A. I would say we've all sinned and fallen short of  
11 the glory of God. And I probably have done that in -- I  
12 would imagine in 25 years of practicing law, that is --  
13 that's probably happened. I don't know.

14 What I will tell you is that, again, I've always  
15 tried to treat everyone with the respect and dignity that  
16 they deserve. I've always tried to treat both attorneys,  
17 my clients, and particularly the opposing parties, with  
18 that respect that they deserve as citizens of the United  
19 States of America, and as, you know, people created in the  
20 image of God, that, that's -- that's the respect that they  
21 deserve.

22 And, you know, it concerns me that someone said  
23 that about me. Not surprising. Because people -- you  
24 know, things happen. But I don't know -- I wish I kind of  
25 -- when you told me this a couple weeks ago, I kept going

1 back in my brain and thinking, okay, you know, who -- what  
2 situation did that occur in. I can't figure it out. But  
3 that's what I would say, that would be an error on my part  
4 if that occurred.

5 **Q. Thank you.**

6 MS. ROSS: I would note that the Pee Dee  
7 Citizens Committee found Mr. Jordan qualified in the  
8 evaluative criteria of constitutional qualifications,  
9 physical health and mental stability, and well qualified in  
10 the evaluative criteria of ethical fitness, professional  
11 and academic ability, character, reputation, experience,  
12 and judicial temperament.

13 The Committee has no related or summary  
14 comments. I just have a few housekeeping issues.

15 BY MS. ROSS:

16 **Q. Mr. Jordan, are you aware that as a judicial**  
17 **candidate you are bound by the code of judicial conduct as**  
18 **found in Rule 501 of the South Carolina Appellate Court**  
19 **Rules?**

20 A. Yes.

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

24 A. No.

25 **Q. Are you familiar with Section 2-19-70, including**

1 the limitations on contacting members of the General  
2 Assembly regarding your screening?

3 A. Yes.

4 Q. 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.

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. Have you reviewed and do you understand the  
15 Commission's guidelines on pledging in South Carolina Code  
16 2-19-70(E)?

17 A. Yes.

18 MS. ROSS: Mr. Chairman, I would note for  
19 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 And I have no further questions.

23 CHAIRMAN SMITH: Thank you very much.

24 EXAMINATION BY CHAIRMAN SMITH:

25 Q. Mr. Jordan, I listened to your opening statement,

1 and one thing you talked about is, you know, the hesitancy  
2 or the reticence to go through this process, due to the  
3 fact that you didn't know what people were going to say  
4 about you.

5 Well, let me tell you -- I just want to go  
6 through this, because this is the process to which you're  
7 going to learn, that people have great things to say about  
8 you.

9 I looked through your ballot box and -- you know,  
10 you see patterns in these ballot boxes. They're not  
11 determinative. And you're right that anyone can hide  
12 behind the anonymity and say whatever they want about you.

13 And you've practiced law, I think I heard you say  
14 25 years, and you've probably -- I would presume you've  
15 been in tough cases. And if you haven't ticked a lot of  
16 people off in your career, then either you're a real nice  
17 guy or you're not practicing much law when I go through  
18 this.

19 But you apparently have not ticked off a whole  
20 lot of people, because the unqualified -- I mean, you have  
21 like one and two, and those are some of the lowest scores  
22 that we see.

23 So I just wanted to assuage some of your  
24 concerns, that your peers who know you and took the time to  
25 fill out this ballot box think very highly of you. And

1 that's a well-earned reputation. And you ought to be proud  
2 of that.

3 A. Thank you.

4 Q. When I look through this too -- in looking  
5 through, you had some wonderful recommendations -- you  
6 know, letters from Mr. Calamari over at Nelson Mullins and  
7 Henrietta Golding, some of the deans of the Horry County  
8 Bars, I would call them, and -- you know, and they talk  
9 about your practice and what you've done. And you've had a  
10 varied practice.

11 And I congratulate you for having the temperament  
12 to put up with homeowners. Though, I guess is a very  
13 lucrative area of practice for you lawyers on the coast,  
14 but I don't know how you deal with it.

15 But one thing I ask is -- I think either  
16 Henrietta probably said that you do a lot of foreclosures.  
17 Has that been a routine part of --

18 A. I do --

19 Q. -- your practice?

20 A. I do a good number of commercial foreclosures. I  
21 don't work for the large banks and do sort of what you  
22 would call the mill foreclosures. I do foreclosures for  
23 private lenders, primarily, is who I've done those for.

24 I've done some commercial foreclosures for banks  
25 back in the day, primarily. And we do of course some HOA

1 work, which always involves foreclosing on somebody's condo  
2 somewhere.

3 Q. So your experience -- I wouldn't know how to  
4 bring a foreclosure. If I had someone ask me to do it, I'd  
5 have to shop it out to somebody. But you've had experience  
6 doing foreclosures and appearing before the master?

7 A. I do. And the Bar has a great book on it now.  
8 If you want to get involved in a book, they do have a great  
9 -- they do put out a book on foreclosures.

10 Q. I ordered the book because I want my -- because  
11 someone wanted me to do foreclosures, and I realized I'm  
12 not smart enough to do that. So I turned it -- the book is  
13 on the shelf gathering dust right now.

14 A. I have a lot of those as well. I have a lot of  
15 those as well. But, yes, I do -- I do a good number of  
16 commercial foreclosure work. Which get's -- which gets to  
17 be interesting. You know, we had one where we ended up  
18 having to appoint a receiver, and the -- our lender was a  
19 majority shareholder -- was a majority owner in a condo  
20 complex.

21 And so the condo complex didn't have insurance  
22 because he never paid his dues. And so we had to get a new  
23 property manager put in. And you had to actually,  
24 eventually ended up get the sheriff to go kick him out of  
25 his Grand Dunes condo. So it was a -- it provides a lot of

1 variety.

2 Q. So also, do you do like -- do you do real estate  
3 work and quiet title or partition or other things that  
4 routinely appear in front of a master?

5 A. I do. I do. My primary practice would be  
6 construction law. I grew up -- my dad's a contractor and  
7 my brother is a contractor. I grew up in the construction  
8 industry, digging ditches. And that's why I'm not a  
9 contractor, because that's where I grew up. That's why I  
10 became a lawyer to try to get out of it.

11 But I do a good number of real estate. I do have  
12 -- I have a small real estate practice, that I do have some  
13 real estate, and we have brought -- I have brought  
14 partition foreclosures and those kind of actions as well.

15 Q. So you routinely appear in front of the master --

16 A. I do.

17 Q. -- in Horry County.

18 A. I do.

19 CHAIRMAN SMITH: Any other questions?

20 Senator Rankin.

21 SENATOR RANKIN: Just to answer a rhetorical  
22 question: Charlie, both to your face and behind your back,  
23 I'm going to say the same thing.

24 MR. JORDAN: All right.

25 SENATOR RANKIN: You've used the word twice,

1 I'll add for the third time, you're a damned good guy.

2 MR. JORDAN: Thank you. Thank you.

3 SENATOR RANKIN: And, obviously, a neighbor.  
4 And your family, wonderful people.

5 MR. JORDAN: Thank you.

6 SENATOR RANKIN: Brilliant kids too. So  
7 they take after your wife.

8 MR. JORDAN: So I will say if I -- if I have  
9 two seconds, if I can tell one quick story on Luke Rankin.

10 SENATOR RANKIN: No, you can't.

11 MR. JORDAN: I turned 18 --

12 CHAIRMAN SMITH: I'm chairing this. You can  
13 tell us all about it.

14 MR. JORDAN: All right. I turned 18 in  
15 1989. I'm from Conway. I turned 18 in 1989. The first  
16 primary I got to vote in was 1990. Back in the day -- I  
17 know politics has changed, but back in the day Democrats,  
18 if you wanted to vote in the local election, you had to  
19 vote in the Democratic primary. Teddy Henry was running  
20 for sheriff. And my mother said, "Luke Rankin is running  
21 for Senate. And you need to go vote for him because Luke  
22 Rankin is cute."

23 SENATOR RANKIN: Your mother has impeccable  
24 taste.

25 MR. JORDAN: My mother has impeccable taste,

1 Senator.

2 SENATOR RANKIN: I've always had a strong  
3 affinity for your mother's good taste, in a Baptist kind of  
4 way.

5 MR. JORDAN: In a Baptist kind of way.  
6 Right.

7 CHAIRMAN SMITH: Any other questions for Mr.  
8 Jordan?

9 (Hearing none.)

10 CHAIRMAN SMITH: Mr. Jordan, this shall  
11 conclude this portion of your screening process. Let me  
12 take this opportunity to remind you that pursuant to the  
13 Commission's evaluative criteria, the Commission expects  
14 candidates to follow the spirit as well as the letter of  
15 the ethics law, and we will view violations or the  
16 appearance of impropriety as serious and potentially  
17 deserving of heavy weight in the screening deliberations.

18 As you may know, the report on  
19 qualifications -- this record will remain open until the  
20 formal release of the report and you may be called back at  
21 such time if the need arises.

22 We thank you for offering for this position  
23 and for your service to the State of South Carolina. And  
24 wish you safe travels back to the Independent Republic of  
25 Horry.

1 MR. JORDAN: Republic of Horry. All right.  
2 Thank you, Chairman.

3 CHAIRMAN SMITH: Thank you.

4 MR. JORDAN: Appreciate it.

5 CHAIRMAN SMITH: Take care.

6 (Candidate excused.)

7 CHAIRMAN SMITH: Mr. Zayicek. Am I  
8 pronouncing that correctly?

9 MR. ZAYICEK: Yes, sir.

10 CHAIRMAN SMITH: Your screening attorney did  
11 a great job of making sure I could pronounce it. It's kind  
12 of like I would say, people can't pronounce Murrell. But  
13 if you can't pronounce Murrell from living in Horry County  
14 near Murrells Inlet, then you haven't been there long  
15 enough.

16 MR. ZAYICEK: Yeah. Zayicek is not actually  
17 an Horry County name. So I've had it said all kinds of  
18 different ways.

19 CHAIRMAN SMITH: Well, Mr. Zayicek, welcome.  
20 I appreciate you being here today. Will you raise your  
21 right hand, please, sir.

22 MR. ZAYICEK: Yes, sir.

23 WHEREUPON,

24 DOUGLAS M. ZAYICEK, being duly sworn and  
25 cautioned to speak the truth, the whole truth and nothing

1 but the truth, testifies as follows:

2 CHAIRMAN SMITH: Before you, Mr. Zayicek,  
3 you have your personal data questionnaire and your sworn  
4 statement. Are both those documents you've submitted to  
5 the Commission?

6 MR. ZAYICEK: Yes, they are.

7 CHAIRMAN SMITH: And are they both correct?

8 MR. ZAYICEK: Yes, they are. And there's an  
9 addendum. Exhibit 10 is an addendum.

10 CHAIRMAN SMITH: Other than the addendum,  
11 are there any other changes or corrections that you may  
12 need to be make in those documents?

13 MR. ZAYICEK: No, sir.

14 CHAIRMAN SMITH: Do you have any objection  
15 to us making those documents as an exhibit to your sworn  
16 testimony here today?

17 MR. ZAYICEK: I do not.

18 CHAIRMAN SMITH: Will you hand those to  
19 Lindi, and without objection we will make those exhibits to  
20 the sworn testimony.

21 (EXHIBIT NO. 9 - JUDICIAL MERIT SELECTION  
22 COMMISSION PERSONAL DATA QUESTIONNAIRE OF DOUGLAS  
23 M. ZAYICEK)

24 (EXHIBIT NO. 10 - JUDICIAL MERIT SELECTION  
25 COMMISSION AMENDED PERSONAL DATA QUESTIONNAIRE OF

1 DOUGLAS M. ZAYICEK)

2 (EXHIBIT NO. 11 - JUDICIAL MERIT SELECTION  
3 COMMISSION SWORN STATEMENT OF DOUGLAS M. ZAYICEK)

4 CHAIRMAN SMITH: Mr. Zayicek, the Judicial  
5 Merit Selection Commission has thoroughly investigated your  
6 qualifications for the bench. Our inquiry is focused on  
7 the nine evaluative criteria, and has also included a  
8 ballot box survey, a thorough study of your application  
9 materials, verification of your compliance with state  
10 ethics laws, a search of newspaper articles in which your  
11 name appears, a study of previous screenings, and checks  
12 for economic conflicts of interest.

13 There have been no affidavits filed in  
14 opposition to your candidacy today and there are no  
15 witnesses here to testify. Do you wish to make a brief  
16 opening statement to the Commission?

17 MR. ZAYICEK: Other than thanking everyone  
18 for their time and effort. I know you got a busy schedule.  
19 I will waive opening, otherwise.

20 CHAIRMAN SMITH: Thank you very much.  
21 Answer any questions your screening attorney may have for  
22 you, please, sir.

23 MR. ZAYICEK: Yes, sir.

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

1 MR. ZAYICEK: Good morning, Mr. Franklin.

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, Douglas Zayicek meets the statutory requirements  
6 for this position regarding age, residence, and years of  
7 practice.

8 EXAMINATION BY MR. FRANKLIN:

9 Q. Mr. Zayicek, how do you feel your legal and  
10 professional experience thus far renders you qualified and  
11 will assist you to be an effective Master-in-Equity?

12 A. For the last 20 years the majority of my work has  
13 been in the master's office, whether it's in Horry County  
14 or Georgetown, Berkeley, Charleston -- I just saw Judge  
15 Scarborough out in the hall, actually, and talked with him  
16 -- and several inland counties.

17 So for the last 20 years, whether it's been  
18 foreclosure actions of mortgage foreclosures, mechanics  
19 liens foreclosures, security interest foreclosures, the  
20 majority of my work has been in the master's office. So I  
21 think I have a good understanding of all the issues that  
22 will be before the master on a day-to-day basis.

23 I also think that I have actually a fair amount  
24 of judicial experience already. I've been appointed as  
25 Special Referee in probably 40 to 50 cases, so I have been

1 the judge in those cases in both Horry County and Marion  
2 County.

3 I served as a law clerk for a Circuit Court  
4 judge, Judge John Breeden. I was his first law clerk when  
5 he -- when he got on the bench, and I was able to sit next  
6 to him every day. And that's an invaluable experience  
7 that's immeasurable in terms of the education and  
8 experience that you get doing that.

9 I'm also -- since 2009, I've been a member of the  
10 Commission on Lawyer Conduct. For those that may not know,  
11 that is 34 attorneys appointed by the South Carolina  
12 Supreme Court, who are the judge and jury for all matters  
13 before the Office of Disciplinary Counsel. So any charges  
14 that are brought by the Office of Disciplinary Counsel are  
15 ruled on by the Commission on Lawyer Conduct.

16 It's been an honor to be on that. I've been a  
17 chairman of several panels. When I joined that in 2009, I  
18 was lucky enough to be put on Panel No. 1 with Senator  
19 Sabb. He may not remember me.

20 I was kind of quiet the first couple of years,  
21 and just learning to get my feet wet and learning the  
22 ropes, so I didn't say too much. And then a couple years  
23 after that, he got elected to the General Assembly.

24 I've also been a member of the Fee Dispute  
25 Resolution Board and been the chairman of several of those

1 panels. So I think I have a fair amount of judicial  
2 experience already, and have had those opportunities and  
3 enjoyed them and taken them very seriously.

4 The other -- a couple of other things that I  
5 think are relevant. I'm on the Board of Governors at the  
6 Bellamy Law Firm. We have about 75 people at our law firm,  
7 and there's five of us that run the day-to-day operations  
8 as the Board of Governors.

9 And more importantly I am on -- I'm in charge of  
10 the staff. The staff is my responsibility. And we've got  
11 about on any given day about 50 employees. So my partners  
12 have given me that opportunity, and trust me to handle  
13 delicate situations with staff members that come up.

14 I've been doing that for about five years. And  
15 they certainly wouldn't have left me in that position if  
16 there was any concerns about my ability to handle those  
17 types of situations.

18 So I think I've had good experience and I'm well  
19 versed in the areas of law. And I think I've had those  
20 other experiences that allow -- would allow me to manage  
21 people and be effective as a Master-in-Equity, if I'm  
22 fortunate enough to get the job.

23 **Q. Mr. Zayicek, the Commission received 208 ballot**  
24 **box surveys regarding you, with 35 additional comments.**  
25 **The ballot box survey, for example, contained the following**

1 positive comments:

2 First, "Doug will make a wonderful judge. He is  
3 careful, thorough, intentional, and he maintains a sense of  
4 intellectual curiosity that will serve him very well. He  
5 is even-tempered and a good, kind man. He is the kind of  
6 person who lawyers look forward to seeing on the bench."

7 Second, "What a sterling example of ethics,  
8 competency, and morality. Doug will be such an asset in  
9 his position. His work ethic is beyond reproach. He is  
10 extremely qualified and knowledgeable in this area of law,  
11 and regularly appears before the master. Such a pleasure  
12 to work with and against in the courtroom."

13 Finally, "Attorney Zayicek has experience as both  
14 a Special Referee, treating parties with the utmost  
15 respect, regardless of whether the parties appear via  
16 counsel or as self-represented litigants, and he has  
17 participated in litigation representing both plaintiffs and  
18 defendants in numerous cases with the Master-in-Equity.  
19 His demeanor as well as his preparation in these matters  
20 demonstrate his ability to serve as Master-in-Equity,  
21 ruling in a fair, impartial, and equitable manner."

22 However, eight of the written comments expressed  
23 concern, with the majority of them raising temperament  
24 concerns. Specifically, several of the comments indicate  
25 that you lack respect for and are condescending to staff,

1 **attorneys, non-attorneys, and litigants.**

2 **What response would you offer to these concerns**  
3 **about temperament?**

4 A. It was a -- it was a very humbling experience to  
5 hear those things. I don't know how you all do it. I  
6 don't know how you all put your names on the ballots and  
7 put yourself out there and get voted on as much as you do.  
8 But it was a humbling experience. And I take those  
9 comments to heart.

10 And, actually, some of them I probably agree. I  
11 do not agree that I've mistreated anyone in any capacity  
12 whatsoever improperly.

13 Judge Cross, the last Master-in-Equity, wrote a  
14 letter of recommendation for me. And in his letter he  
15 specifically commented about the wonderful relationship I  
16 had with his staff.

17 When his secretary got married, I let them use my  
18 sound equipment and my speakers at her daughter's wedding.  
19 When my fiancée's father passed away, she came to the  
20 funeral. And that was -- and Judge Cross has been out of  
21 the office for 12 years.

22 I've also had a great relationship Judge  
23 Breeden's secretary, Mary Alice Hendricks, for the last 20  
24 years ever since I stopped clerking. So I disagree with  
25 that.

1           With some of the comments that may have been  
2 geared towards being difficult to deal with and being  
3 uncompromising, I probably, actually would agree with some  
4 of those comments.

5           For those who may not know, when I was done  
6 clerking, I was trained -- I went to the Bellamy Law Firm,  
7 and I was trained by Skeets Bellamy and Henrietta Golding.  
8 And they are both bulldog attorneys, and they trained me in  
9 their image. And I had to adapt and survive.

10           But after I practiced for a few years and I  
11 started getting my own clients and developing my own  
12 practice area, I saw that, that's not necessarily the way  
13 everybody acts, nor is it the way that I wanted to act. So  
14 I've changed dramatically over the last 20 years.

15           I hope some of those comments actually go way  
16 back in time, and hope that they are not recent. But I was  
17 -- I was probably a little difficult to deal with when I  
18 was a young attorney.

19           But every day I am going to work to eliminate  
20 that. My hope and my goal would be to come back here in  
21 five or six years, if I'm fortunate to get the job, and,  
22 hopefully, have two negative comments or no negative  
23 comments. I know that's probably not realistic, but that's  
24 my goal every day.

25           And my mentor is Judge Breedon. If anybody knew

1 Judge Breeden, appeared in front of Judge Breeden, he's one  
2 of the nicest, kindest, most compassionate and patient  
3 people you will ever meet. Every day I am going to strive  
4 to be like him.

5 **Q. Another concern is that you view the identity of**  
6 **parties and attorneys as more important than the issues in**  
7 **a case, and that you lack impartiality. How would you**  
8 **respond to this concern?**

9 A. I'm not really sure what the basis of that  
10 complaint is. I've been fortunate enough to represent a  
11 lot of banks and a lot of developers and commercial --  
12 well, retail centers and shopping centers and malls and  
13 things like that. And so they set their own kind of  
14 standards when it comes to settling cases.

15 For anyone who may not know when a bank -- in a  
16 foreclosure action, the bank is going to -- going to go  
17 ahead and do the debt-to-income ratio and the loan-to-value  
18 ratio and figure all that stuff out. So I'm really just a  
19 mouthpiece for the bank.

20 They have a certain framework that they have to  
21 work within, and regulators that they have to comply with  
22 and regulations they have to comply with, so I'm just the  
23 mouthpiece for them.

24 So I hope I can get the folks who may have made a  
25 couple of complaints about that to understand that, you

1 know, when I say the bottom line that was -- that's just  
2 the bottom line, that's the bank's bottom line, that's all  
3 they can do from a regulatory standpoint. It's not me  
4 being obstinate or difficult to deal with any way, shape,  
5 or form.

6 **Q. Thank you, Mr. Zayicek. A search of the Horry**  
7 **County records revealed the existence of a 2007 condo**  
8 **utility lien in the amount of \$2,040 maintained by the**  
9 **Grand Strand Water and Sewer Authority. Please tell the**  
10 **Commission about the nature of this lien.**

11 A. You reminded me of that when we met. And that's  
12 the reason for the addendum on my PDQ. That was to simply  
13 finance the cost of the tap fee and the grinder station  
14 when they -- when they made those connections at my house.  
15 So I financed that.

16 It was -- they charged me -- I can't even  
17 remember what it was -- 80 or 90 dollars a month for two  
18 and a half to three years. And when it was paid off, the  
19 lien was satisfied. There was never any litigation.

20 And I had, frankly, forgotten at the time that I  
21 did the financing, that I'd even signed a lien or that it  
22 had been filed. I never had checked the records to see.  
23 So that was simply for the financing.

24 **Q. Mr. Zayicek, do you anticipate any difficulties**  
25 **transitioning from your role as an advocate to the role of**

1 a judge?

2 A. I don't. I think a -- I think there's a big,  
3 huge difference, actually, between being an advocate for a  
4 client and being an attorney for somebody in an adversarial  
5 proceeding versus being a judge; those are two totally  
6 different things.

7 As I said, I've had a little bit of experience  
8 being a judge. And I hope that will carry over. One of  
9 the things I'm going to do is rely on the staff that exists  
10 in the Master-in-Equity's office, and certainly not create  
11 any kind of pressure by making any big changes or doing  
12 anything like that. So I want there to be a seamless  
13 transition for the attorneys and the staff.

14 And the other thing that I'm really going to do  
15 is I'm going -- I'm going to try to pick Judge Howe's brain  
16 as much as humanly possible, as much as she'll let me  
17 before she retires, if I'm fortunate enough to get the  
18 position.

19 She was -- she was, I think, even a tougher  
20 litigator than I ever was. When she worked for Jim Van  
21 Osdell at the Van Osdell Law Firm, she was a very tough  
22 litigator. Very well prepared. Thought well on her feet.  
23 Researched everything thoroughly. So she was very tough.  
24 So I'm going to ask her how she dealt with it and overcame  
25 those kinds of obstacles when she became master.

1           Q.    In August of 2021, after you filed to be a  
2 candidate for Master-in-Equity, you made a \$250 campaign  
3 donation to Henry McMaster, and also a \$250 campaign  
4 donation to Solicitor Jimmy Richardson. Are you aware that  
5 Canon 5A(1)(e) of the Code of Judicial Conduct prohibits a  
6 candidate for election to judicial office from making  
7 contributions to political candidates?

8           A.    Yes. And if memory serves me correctly, I didn't  
9 have an opportunity to go back and pull the check  
10 registers, but I believe strongly that those checks were  
11 probably done in May or early June, and they may not have  
12 posted until whenever they posted -- I think you said  
13 August -- so after the process began. But I did not have a  
14 chance to go back and pull the check registers and find  
15 out.

16                    But I have -- I have known Jimmy Richardson for  
17 20 years. We go to the same gym. And it would have been  
18 odd for me not to have given him anything. But I'm almost  
19 certain it was done before it actually posted in August.

20           Q.    Thank you, Mr. Zayicek.

21                    MR. FRANKLIN: I would note that the Pee Dee  
22 Citizens Committee found Douglas Zayicek qualified in the  
23 evaluative criteria of constitutional qualifications,  
24 ethical fitness, reputation, physical health and mental  
25 stability.

1           The Committee found him well qualified in  
2 the evaluative criteria of professional and academic  
3 ability, character, and experience. The Committee found  
4 Mr. Zayicek to be unqualified with respect to judicial  
5 temperament.

6           The Committee stated in summary, "There were  
7 sufficient concerns expressed by the community which  
8 required this committee to find the candidate unqualified  
9 as to judicial temperament. Additionally, there were  
10 sufficient community concerns regarding the candidate's  
11 lack of impartiality to require finding of qualified as to  
12 ethical fitness."

13           Now for a few housekeeping issues.

14 BY MR. FRANKLIN:

15           **Q. Mr. Zayicek, are you aware that as a judicial**  
16 **candidate you are bound by the code of judicial conduct as**  
17 **found in Rule 501 of the South Carolina Appellate Court**  
18 **Rules?**

19           A. Yes, sir.

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

23           A. No, sir.

24           **Q. Are you familiar with Section 2-19-70, including**  
25 **the limitations on contacting members of the General**

1 Assembly regarding your screening?

2 A. Yes, sir.

3 Q. Since submitting your letter of intent have you  
4 sought or received the pledge of any legislator either  
5 prior to this date or pending the outcome of your  
6 screening?

7 A. No, sir.

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

12 A. No, sir.

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

16 A. Yes, sir.

17 MR. FRANKLIN: Mr. Chairman, I would note  
18 for the record that any concerns raised during the  
19 investigation by staff regarding this candidate were  
20 incorporated into the questioning of the candidate today.  
21 Mr. Chairman, I have no further questions.

22 CHAIRMAN SMITH: Thank you very much.  
23 EXAMINATION BY CHAIRMAN SMITH:

24 Q. Mr. Zayicek, the same questions I've been asking  
25 all the candidates, I think you've answered it, though, is

1 that your practice has primarily been in the master's court  
2 --

3 A. Yes, sir.

4 Q. -- is that correct?

5 A. Yes, sir.

6 Q. I pulled your website, too, and looked through  
7 there. And you've -- it looked like you have handled 20 or  
8 20-plus appellate cases, seems to be mostly of a real  
9 estate or foreclosure, or something that would appear in  
10 front of the master's court?

11 A. Yes, sir. And a lot of them appeared in front of  
12 Judge Cross, previously, and against Ms. Howe, who is  
13 currently the Master-in-Equity. So that's how I know she's  
14 a very tough litigator.

15 Q. So you know in essence, I guess since you started  
16 practicing law with the -- it looks like you've been at the  
17 Bellamy Law Firm continuously since you completed your  
18 clerkship with Judge Breeden.

19 A. Yes, sir. It's the only place I've worked. Yes,  
20 sir.

21 Q. And by the way, I went to law school with Howell  
22 Bellamy -- not Skeets, but Howell. And certainly I have  
23 not seen him in a long, long time. So please send my  
24 regards to him when you see him.

25 A. I will do that. He's a character.

1 Q. Yeah. Mutually-shared destruction is what I call  
2 it whenever he talks about --

3 A. That's about right.

4 Q. -- law school and college. So next we look at  
5 this, and as it goes to your -- to your temperament. And  
6 you've addressed some of that, but -- you know, I presume  
7 that it was the Citizens Committee or the Bar? The  
8 Citizens Committee. So generally help me understand. I  
9 presume they discussed with you, your temperament while you  
10 were in there?

11 A. Absolutely not, sir.

12 Q. Okay.

13 A. Not in any way, shape, or form. I was the last  
14 person to go. Because they did it in alphabetical order,  
15 and it's one of the joys of having a last name that starts  
16 with a "Z," so I was the last person to go on Friday. It  
17 was after three o'clock. I was only in there for about 15  
18 minutes. It was very cordial, just a lot of -- a few  
19 softball questions, so to speak, "Why do you want to run  
20 for office?" and things like that.

21 But I was never given an opportunity to address  
22 any concerns that any of them may have had. And I would  
23 have liked to have addressed any of those concerns, because  
24 I think a lot of it is a misunderstanding of me just being  
25 able to do my job.

1           And I've been fortunate enough, like I said, to  
2 represent banks and developers and other perceived, you  
3 know, bad guys, so to speak. So I think if I'd had the  
4 opportunity to address that with the folks and the members  
5 of the public, and, hopefully, got them to understand,  
6 hopefully, there might have been a different outcome.

7           But I was never put on any notice whatsoever of  
8 any issues, or given any kind of opportunity to respond.

9           **Q. All right. So one thing I -- you started**  
10 **practicing law in the '90s, and, you know, I was a little**  
11 **bit ahead of you. And so we all know what it's like when**  
12 **the old school judges chewed people out and embarrassed**  
13 **them in front of their clients, were difficult to jurors,**  
14 **difficult to litigators. And do you understand that**  
15 **temperament is a major part of your ability to be an**  
16 **effective and a good judge?**

17           A. Absolutely. Yes, sir. As I said, Judge Breeden  
18 is going to be my mentor. And I understand the difference  
19 between an adversarial role as a litigator and the neutral  
20 as a judge who takes no position as to anyone.

21           And, again, Judge Breeden and Judge Cross, the  
22 last two Masters-in-Equity in Horry County before Judge  
23 Howe, going back to 1981, from 1981 to 2009 both of them  
24 wrote me letters of recommendation. So they're the folks  
25 who know the job, and more importantly, know me and know my

1 heart and my competence and my integrity.

2 And the hundreds of people that have appeared  
3 before them, those gentleman could have easily have taken  
4 the sideline and said they're not going to, you know, do a  
5 letter of recommendation for anybody. But they have both  
6 written me very glowing letters of recommendation.

7 And I understand, as I said, those two roles are  
8 completely different and separate. And they will never  
9 cross.

10 Q. And I was going to commend you on your letters of  
11 recommendation. I don't know Judge Cross. I know Judge  
12 Breeden. I appeared in front of him numerous times as a  
13 Circuit Court judge. And, actually, that's one of the  
14 first court appearances I ever made was in front of him as  
15 a master, when he told me, "I'm getting ready to be a  
16 Circuit Court judge in a month or two," and we had some  
17 mutual acquaintances that we knew.

18 But, you know, he had one of the best  
19 temperaments of anyone that I've ever seen on the bench.  
20 Very kind to everybody and very -- but controlled his  
21 courtroom and was very sharp in the way he handled things.  
22 So I was going to commend you on those areas.

23 If you didn't get an opportunity to express the  
24 concerns to the Citizens Committee that they had about your  
25 temperament, is there anything else you want to tell this

1 **commission about why you feel that you have the suitable**  
2 **temperament to be a judge?**

3 A. Well, if I could have -- if I could have spoken  
4 to them and kind of explained to them my role and my  
5 position in representing those perceived bad guys, I have  
6 been -- I've been cussed at numerous times. I've been told  
7 that God's going to punish me. I've been lunged at by a  
8 gentleman in court, so -- just for doing my job. And if  
9 somebody -- if I didn't do it, somebody else would have.  
10 There's no question about that.

11 So if I could have explained that, you know,  
12 foreclosure matters and domestic matters and some criminal  
13 matters are very hotly contested and very emotionally  
14 charged, and I understand that and know that. So I think I  
15 can see why some members of the public may say, "Well, you  
16 know, you're the bad."

17 But I don't think that should be viewed as a  
18 negative. I think it should be viewed as a strength and a  
19 positive for having to have gone through that. So I really  
20 would have liked to have had the opportunity to discuss  
21 with them what I've done over the last 20 years.

22 Q. Well, as I often say or remind people, we don't  
23 get to pick our clients. We have our practice and if you  
24 do an insurance practice, which you do -- I presume you all  
25 do, and you do a lot of foreclosures, you get assigned to

1 cases.

2 And so, you know, and our job as attorneys are  
3 not to pick who's got -- who's on the right side  
4 politically or PR-wise, our job is to represent people. So  
5 certainly, I don't think anyone should fault you for who  
6 you represent. Somebody's going to represent them; that's  
7 the nature of the practice of law. And the critics out  
8 there who don't understand that, that's not -- they don't  
9 understand the ethical obligations we have.

10 Lastly, let me move onto the -- to the -- to the  
11 contributions. You made contributions to two fine men. I  
12 know both of them well. But you signed something in the  
13 beginning that said you were bound by the rules of  
14 professional -- I mean, the judicial canons, and in that  
15 it's no political activity and no political contributions.

16 And I heard you say that, you know, you may have  
17 written it before. But weren't those cashed in August or  
18 September?

19 CHAIRMAN SMITH: When were those checks?

20 MR. FRANKLIN: August.

21 Q. So about a couple weeks afterwards. I mean,  
22 when did you pick up your packet? Do you think you had  
23 picked up your packet and you had signed the acknowledgment  
24 when you wrote those checks?

25 A. I do not believe I did. And Mr. Franklin, you

1 know, didn't -- we talked about it briefly this morning,  
2 and if I'd had -- if I'd known about it a little bit more  
3 beforehand, I could have checked my check registers. But I  
4 honestly believe those would have been written well before  
5 the packet was picked up.

6 Q. So one of the beauties of being a judge is you  
7 don't have to get bothered for campaign contributions  
8 anymore, because you're not ethically allowed to give them.  
9 So I presume if you're successful in this candidacy, that  
10 you will -- you understand that, and you won't engage in  
11 any political activity, or you won't be making any more  
12 campaign contributions.

13 A. Never again.

14 Q. And I know that's --

15 A. I can assure you --

16 Q. -- going hurt your feelings.

17 A. -- in any campaign anywhere. Never again. As I  
18 said, Mr. Richardson, I've known him for 20 years. And we  
19 go to the gym together, and it would have been odd for me  
20 not to have given him something. But I don't practice  
21 criminal law. That was just helping a friend. And I  
22 believe it was done beforehand.

23 Q. Okay. All right. Well, fair enough. Well, let  
24 me just say this, is you have an impressive resume. And I  
25 appreciate you offering for this position. And thank you

1 **for answering our questions.**

2 A. Thank you, sir.

3 MR. ZAYICEK: Thank you, everyone.

4 SENATOR SABB: Mr. Chairman.

5 CHAIRMAN SMITH: I'll let you two figure it  
6 out. You senators figure out who goes first.

7 SENATOR RANKIN: Ronnie First.

8 SENATOR SABB: I was wondering why Zayicek  
9 looked familiar. And then when he mentioned our service  
10 together on the Commission on Lawyers Conduct, you know,  
11 that's one of the things that I had to give up when I got  
12 elected to the House, and one of the things that I  
13 regretted having to give up, because it's such an important  
14 function. And so I just wanted to express my appreciation  
15 to you for giving your time.

16 I mean, it's basically give up a day every  
17 time. And it's more than one in some weeks, depending on  
18 how much work we have to do. And so I've got an  
19 appreciation for it, because it allows us the opportunity  
20 to weigh in on the good lawyers that might make a mistake,  
21 and the ones that would do harm. And so we're on the front  
22 line of all of that.

23 So I just wanted to express my appreciation  
24 for you and volunteering in that way.

25 MR. ZAYICEK: Thank you, Senator. I

1 appreciate that. I was the chairman on two panels that  
2 disbarred an attorney. So we take these things very  
3 seriously. And we diligently and very seriously think  
4 about the repercussions of our actions. Our decisions go  
5 to the South Carolina Supreme Court. We are the -- we're  
6 the arbitrator of those actions.

7 MR. SABB: Absolutely. Thank you.

8 CHAIRMAN SMITH: Senator Rankin.

9 EXAMINATION BY SENATOR RANKIN:

10 Q. Briefly, Doug, just a similar comment as Chairman  
11 Smith made about your letters of endorsement and  
12 recommendation. Not unlike the other two candidates in  
13 this case, each has "star power" letters of recommendation  
14 for this position.

15 Of course, it's a quick aside, an early case that  
16 I tried in front of Judge Breeden, you could never be upset  
17 at him in his rulings when he was ruling for you or against  
18 you. Judge Cross, a family friend of my deceased parents  
19 now, gives you a glowing personal reference in terms of  
20 your helping them, he and his wife, who has passed.

21 And so I -- and then of course Skeets, everybody  
22 knows Skeets. So to the degree of, perhaps, a very brief  
23 interaction with the Citizens Committee, how long of a  
24 meeting did you have with them in that interview?

25 A. I was about 15 minutes.

1           Q.    So the comments made by those folks who have seen  
2 you in action would certainly attest to a different  
3 reputation.  So as Representative Smith said, I, too,  
4 applaud your effort and willingness to be in this race and  
5 seeking this position.

6           A.    Thank you, Senator Rankin.

7                   CHAIRMAN SMITH:  Any further questions for  
8 Mr. Zayicek?

9                           (Hearing none.)

10                  CHAIRMAN SMITH:  Hearing none.  Mr. Zayicek,  
11 this will conclude this portion of your screening process.  
12 Let me take this opportunity to remind you that pursuant to  
13 the Commission's evaluative criteria, the Commission  
14 expects candidates to follow the spirit as well as the  
15 letter of the ethics laws, and we will view the violations  
16 or the appearance of impropriety as serious and potentially  
17 deserving of heavy weight in the screening deliberations.

18                  As you may be aware, the record will remain  
19 open until the formal release of the report of  
20 qualifications and you may be called back at such time if -  
21 - should the need arise.

22                  I thank you for offering for this position.  
23 And I thank you for your service to the State of South  
24 Carolina.

25                  MR. ZAYICEK:  Thank you, Mr. Chairman.

1 Thank you, everyone.

2 CHAIRMAN SMITH: Safe travels back to the  
3 Independent Republic of Horry.

4 MR. ZAYICEK: Thank you. Thank you, sir.  
5 (Candidate excused.)

6 SENATOR RANKIN: Good morning, Judge, or  
7 early afternoon.

8 JUDGE SCARBOROUGH: Good morning.

9 SENATOR RANKIN: Luke Rankin. We know each  
10 other. We're going to switch out here in a moment.  
11 Chairman Smith will be back momentarily.

12 JUDGE SCARBOROUGH: Okay.

13 SENATOR RANKIN: Let me first have you raise  
14 your right hand.

15 WHEREUPON,

16 MIKELL R. SCARBOROUGH, being duly sworn and  
17 cautioned to speak the truth, the whole truth and nothing  
18 but the truth, testifies as follows:

19 SENATOR RANKIN: You got your PDQ and your  
20 sworn statement. Are those ready to be entered into the  
21 record without additions or amendment?

22 JUDGE SCARBOROUGH: Yes, sir. I did send in  
23 one amendment in October. October the 18th. But they all  
24 look correct to me.

25 SENATOR RANKIN: If you'll hand those to

1 Lindi, we'll put them into record.

2 JUDGE SCARBOROUGH: All right, sir.

3 (EXHIBIT NO. 12 - JUDICIAL MERIT SELECTION  
4 COMMISSION PERSONAL DATA QUESTIONNAIRE OF THE  
5 HONORABLE MIKELL R. SCARBOROUGH)

6 (EXHIBIT NO. 13 - JUDICIAL MERIT SELECTION  
7 COMMISSION AMENDED PERSONAL DATA QUESTIONNAIRE OF  
8 THE HONORABLE MIKELL R. SCARBOROUGH)

9 (EXHIBIT NO. 14 - JUDICIAL MERIT SELECTION  
10 COMMISSION SWORN STATEMENT OF THE HONORABLE  
11 MIKELL R. SCARBOROUGH)

12 SENATOR RANKIN: Judge, you've screened  
13 before.

14 JUDGE SCARBOROUGH: I have.

15 SENATOR RANKIN: You know this process. In  
16 our investigation of your candidacy for reelection to the  
17 Master-in-Equity position, we look at nine evaluative  
18 criteria, focusing on and including the ballot box survey,  
19 a study of your application materials, verification of your  
20 compliance with state ethics laws, a search of newspaper  
21 articles in which your name appears, a study of previous  
22 screenings, and a check for economic conflicts of interest.

23 No affidavits have been filed in opposition  
24 to your election and no one is here to testify for you or  
25 against you. And so you have the opportunity to make an

1 ever-so-brief opening statement, if you would like.  
2 Otherwise, we will turn it over to Ms. Foster for  
3 questions. So the floor is yours or the floor is hers.

4 JUDGE SCARBOROUGH: All right, sir. The  
5 only thing I would say is I love my job and I'd like to  
6 keep it.

7 SENATOR RANKIN: Very good. Ms. Foster.  
8 EXAMINATION BY MS. FOSTER:

9 Q. Judge Scarborough, after serving 18 years as a  
10 Master-in-Equity, why do you want to continue serving?

11 A. Well, because I love my job and I'd like to keep  
12 it.

13 Q. Thank you. Judge Scarborough, you have indicated  
14 in your PDQ that since your last screening two lawsuits  
15 have been filed against you. The first in 2015 in  
16 Charleston County captioned Henderson v. Scarborough, which  
17 you reported was a matter brought by one of your cousins,  
18 to challenge the estate planning arrangements of his  
19 mother. Please explain the nature or disposition of that  
20 lawsuit.

21 A. The nature of the lawsuit was his mother changed  
22 her will after about 20 years. And I'd been managing most  
23 of her affairs about that time, to keep her from going  
24 bankrupt. But anyway, so he went from a hundred percent  
25 owner or potential heir to a 70 percent potential heir.

1 And he was not happy about that. It took a long time to  
2 resolve, but it was eventually resolved.

3 There were two issues in the matter. One was an  
4 LLC, which was created and he seemed happy to join it at  
5 the beginning, but not happy when his momma died about it.  
6 And the other was a codicil that changed the terms of the  
7 will.

8 The lawsuits were resolved. I think the -- I  
9 think the codicil was resolved first, if I remember right.  
10 That was in 2018, and the LLC issue in 2020. So the  
11 lawsuits themselves were resolved.

12 **Q. Thank you. The other suit was brought in 2019,**  
13 **in Charleston County, as captioned Cynthia Holmes a/k/a**  
14 **Jane Doe v. Becker, et al. Please explain the nature and**  
15 **disposition of this matter.**

16 A. Ms. Holmes is a lawyer and a doctor. She resides  
17 on Sullivans Island. She had gotten -- she had gotten  
18 involved with some litigation involving her termination of  
19 services. The underlying case was the termination of her  
20 medical services, I believe, at the East Cooper Hospital.  
21 She's apparently hard to deal with.

22 The law firm of Haynsworth -- the Haynsworth law  
23 firm got a judgement against her for their attorneys' fees  
24 in the nature of like \$400,000, and they were chasing her  
25 into my courtroom for supplemental proceedings to try and

1 collect on their judgment.

2 The only thing she had was a half-interest in her  
3 house. And she brought this lawsuit to try and get me off  
4 the case. She took that thing all the way to the U.S.  
5 Supreme Court before they finally said, "No, we're not  
6 going to hear this case."

7 So that happened just late last year. She's a  
8 very interesting and litigious lady. That's the best I can  
9 say for her.

10 **Q. Thank you, Judge Scarborough. What do you think**  
11 **your reputation is among attorneys that practice before**  
12 **you?**

13 A. I think it's good. I try to be prepared when I  
14 go into court. I try to be active and involved insofar as  
15 making sure I understand the issues that are before the  
16 court. I tend to ask questions of the lawyers as well as  
17 the witnesses as a non-jury judge.

18 And so what I try to do is at least put my  
19 thoughts and my questions on the record as I go through the  
20 process, so people have an idea of where I am and why I  
21 rule the way I do, ultimately.

22 **Q. Judge Scarborough, the Commission received 699**  
23 **ballot box surveys regarding you, with 61 additional**  
24 **comments. The ballot box survey, for example, contained**  
25 **the following positive comments:**

1           "Judge Scarborough does an excellent job and is  
2 vital to the efficient functioning of the Charleston County  
3 judicial system."

4           Another stated, "Master-in-Equity Mikell  
5 Scarborough is probably the most knowledgeable real estate  
6 judge in the state. His experience, knowledge, and prior  
7 rulings on real estate issues qualify him to serve in this  
8 important position. He is courteous to litigants and their  
9 lawyers, fair in his rulings and is highly regarded as the  
10 Charleston Bench and Bar -- in the Charleston Bench and Bar  
11 as a very fine jurist."

12           Eight of the written comments expressed concerns  
13 regarding your reputation and character. Several of these  
14 comments indicated concerns that you use your position for  
15 personal or financial gain, citing a Post and Courier news  
16 article concerning travel expenses charged to the county.  
17 What response would you offer to this concern?

18           A. Well, I was active in traveling to a number of  
19 national judicial college seminars around the country. I  
20 thought I was doing that for the purposes of continuing my  
21 judicial education. But apparently that was not the gist  
22 of the story.

23           So I have -- one, I'm not traveling out of state  
24 anymore. We've got our own judicial -- the judiciary has  
25 put together their own in-house education system.

1           However, I will tell you that if you spend days  
2 on the issue of evidence in a courtroom somewhere, which  
3 it's a much better program than you spend an hour of it or  
4 even a -- even sometimes a day of it at a -- at one of our  
5 CLEs that we do here, that's been my experience and I think  
6 that's been very helpful to me.

7           I thought I was doing everything within the  
8 guidelines or within the parameters of my budget. But  
9 according to the County, I was not. And so once I got  
10 reported in the newspaper, I self-reported that to the ODC  
11 and talked about that kind of stuff, okay?

12           MS. FOSTER: Mr. Chairman, I'd like to  
13 request that we now go into executive session to handle a  
14 matter.

15           CHAIRMAN SMITH: All right. Mr. Safran  
16 moves that we go into executive session. All in favor  
17 signify by saying "aye."

18           (At this time the members audibly say "aye.")

19           CHAIRMAN SMITH: All opposed?

20           (Hearing none.)

21           CHAIRMAN SMITH: The ayes have it. We're in  
22 executive session.

23           (Off the record.)

24           CHAIRMAN SMITH: Mr. Strom moves that we  
25 come out of executive session. Let me state while we were

1 in executive session we discussed a confidential matter,  
2 and there were no votes taken and no matters decided.

3 With that being said, Julia, continue your  
4 questioning.

5 MS. FOSTER: I would note that the Low  
6 Country Citizens Committee found Judge Scarborough  
7 qualified in the evaluative criteria of constitutional  
8 qualifications, physical health and mental stability.

9 The Committee found him well qualified in  
10 the evaluative criteria of ethical fitness, professional  
11 and academic ability, character, reputation, experience,  
12 and judicial temperament.

13 The Committee made the following comment  
14 related to ethical fitness: "One Committee member had  
15 someone in the community reach out regarding a civil matter  
16 involving one of Judge Scarborough's businesses. In  
17 reviewing his questionnaire, it is possible that one of his  
18 businesses was not adequately described. This  
19 communication is passed on for information only, as this  
20 Committee is not in a position to determine the validity of  
21 this assertion."

22 BY MS. FOSTER:

23 **Q. Judge Scarborough, do you have a response the**  
24 **Citizens Committee comment?**

25 **A. I don't know what -- I don't know what it is.**

1 I'm not sure what the question is. Or I'm not sure what  
2 the entity is that they're addressing, so I can't respond  
3 to something I don't know what it is.

4 Q. I have a few housekeeping issues. Judge  
5 Scarborough, since submitting your letter of intent have  
6 you contacted any members of the Commission about your  
7 candidacy?

8 A. No.

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

12 A. Yes.

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

17 A. No.

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

22 A. No.

23 Q. Have you reviewed and do you understand the  
24 Commission's guidelines on pledging in S.C. Code Section 2-  
25 19-70(E)?

1           A.    Yes.

2                       MS. FOSTER:  I would just note for the  
3 record that any concerns raised during the investigation  
4 regarding the candidate were incorporated into the  
5 questioning of the candidate today.  Mr. Chairman, I have  
6 no further questions.

7                       CHAIRMAN SMITH:  Thank you very much.

8 EXAMINATION BY CHAIRMAN SMITH:

9           **Q.    Judge Scarborough, let me just follow up on that**  
10 **last question.  You have, obviously, some outside business**  
11 **entities?**

12           A.    Yes.

13           **Q.    And what do they pertain to?**

14           A.    Family matters.  Family affairs.

15           **Q.    Just family?**

16           A.    Different number of LLCs that I'm involved with,  
17 all family-related.

18           **Q.    For real estate or --**

19           A.    All real estate.  But principally, raw land,  
20 timber, sand and dirt sales.  I've got a -- I've got an  
21 uncle I take care of now, he's in a nursing home, running  
22 me about 10K a month.  But he's got plenty of assets, okay?

23           **Q.    But there are no -- but there are no businesses**  
24 **that interfere with your duties as serving as Master-in-**  
25 **Equity for Charleston County.**

1 A. Not yet. And, hopefully, never will.

2 Q. Yes, sir. All right. And let me just say this,  
3 as I tell all the folks, especially sitting judges, you  
4 know, the Commission -- the one thing that we're very  
5 concerned with is your reputation, your character, and your  
6 temperament. Those are important issues that we look at  
7 when we assess how you're doing on the bench. When we look  
8 through yours, we think it's important.

9 And we got these ballot box surveys, and as you  
10 know, they're anonymous, anyone can say whatever they want  
11 about you, and you can hide behind that anonymity. But,  
12 you know, one thing I'll say with you, you've served  
13 almost, I think, since 1999. Is that what I saw when you  
14 became master in Charleston County?

15 A. 2003.

16 Q. 2003. Okay.

17 A. Yes, sir.

18 Q. So you've been over there for about 18 years and  
19 you're -- and you had 500 responses -- or more than that,  
20 probably about 700 responses. And the vast majority of  
21 them give you glowing remarks, reviews. And so I want to -  
22 - there's patterns you can establish and see from here.  
23 And when we see those, we want to bring those to the  
24 attention of the sitting judge, especially those sitting  
25 judges, tell you either you got a -- you know, your -- the

1 people who appear in front of you got concerns or either  
2 they have -- or they have accolades. And in your case,  
3 they have accolades. So I think it's important that we  
4 recognize that.

5           You have a handful of unqualified. I mean, it's  
6 just -- on your judicial temperament, four people. So  
7 you've sat on the bench for 18 years and four people say  
8 you're unqualified with your judicial temperament, while  
9 the vast majority of them, almost 500 say you have  
10 excellent judicial temperament. So you have reviews on  
11 your professional and academic ability, almost 500 people  
12 there too.

13           So I think it's important for us to tell you keep  
14 up the good work. Thank you for your service to the State  
15 of South Carolina. And I hope when you return, if you  
16 return here in six years, that you have similar reviews on  
17 your ballot box. Because that's going to be something  
18 that's important.

19           CHAIRMAN SMITH: So with that, Mr. Safran.

20           MR. SAFRAN: Very briefly. I've known Judge  
21 Scarborough for a long time. I looked at Tom White  
22 yesterday, and I didn't open my mouth because the only  
23 thing I was thinking was, how did we get so old and gray so  
24 fast?

25           So I will say this: I had the opportunity of

1 appearing in front of Judge Scarborough some years ago,  
2 when he was sitting as a special circuit judge, and just to  
3 highlight what these ballot boxes say, he was unflappable  
4 in a very contentious situation. And, candidly, things  
5 were getting almost out of hand.

6 But at the end of it, you know, I will say  
7 this: He didn't call anybody down during, but when it was  
8 over, he certainly let somebody know they weren't going to  
9 behave like that in that courtroom again.

10 And I do think that he was complying really  
11 with what we want, and that on the record during kind of  
12 the heat of the fray, he maintained his calm in a situation  
13 that clearly was certainly inflammatory in some sense. And  
14 on top of that, he still did not allow it to just be  
15 unaddressed.

16 Once we had finished he made clear that,  
17 that's not how you behave in his courtroom. But he did it  
18 in a very respectful way but a firm way. And I was very,  
19 very grateful for that.

20 And I think that everything I've read  
21 certainly meshes with that, and that, you know, he's  
22 somebody that doesn't just limit it when, at least I was  
23 involved with it, to just doing the master foreclosures.

24 He has sat in cases that really required a  
25 great deal of insight in areas that they don't normally

1 see, and done a very good job with it. So we're very  
2 appreciative of your continued service. And I certainly  
3 think that, you know, you are doing an exemplary job.

4 JUDGE SCARBOROUGH: Thank you, Mr. Safran.

5 CHAIRMAN SMITH: Any further questions? Mr.  
6 Strom.

7 MR. STROM: Just quickly. I've known Mr.  
8 Scarborough since law school, the 11th Circuit Solicitor's  
9 Office. And, you know, we obviously have all seen this  
10 news report that we've discussed. And that's an  
11 unfortunate thing.

12 I know the last time you came up, there was  
13 a news article talking about all the cases you had handled,  
14 and, obviously, your reputation is just outstanding down  
15 there.

16 You've mentioned in the prior portion that  
17 you don't know if you're going to travel out of state  
18 anymore. I would encourage you to travel. In my  
19 experience as a lawyer, I've learned a lot more at out-of-  
20 state CLEs, how other people do it in other places, and  
21 I've been able to bring that back to our firm and also  
22 teach CLEs on it.

23 And, you know, whether it's a good thing or  
24 a bad thing, CLEs sometimes are in nice places. The  
25 Judicial College is in Reno, Nevada. And so, you know,

1 obviously, you know, it's something we got to be conscious  
2 of. And you are going forward about the appearance of  
3 that.

4 I would not shut down your education  
5 process. I think you bring a lot back to the state. And  
6 I'd encourage you to continue to be a leader in that  
7 regard. Thank you for what you do.

8 JUDGE SCARBOROUGH: Thank you, Mr. Strom.

9 CHAIRMAN SMITH: Any further questions?

10 (Hearing none.)

11 CHAIRMAN SMITH: Hearing none. Judge  
12 Scarborough, this will conclude this portion of your  
13 screening process. Let me take this opportunity to remind  
14 you that pursuant to the Commission's evaluative criteria,  
15 the Commission expects candidates to follow the spirit as  
16 well as the letter of the ethics law, and we will view  
17 violations or the appearance of impropriety as serious and  
18 potentially deserving of heavy weight in the screening  
19 deliberations.

20 As you may be aware, the record will remain  
21 open until the formal release of the report of  
22 qualifications and you may be called back at such time  
23 should the need arise.

24 I thank you for offering for this position.  
25 I thank you for your service to the State of South

1 Carolina. I wish you safe travels back to Charleston.

2 JUDGE SCARBOROUGH: Thank you, Mr. Chairman.  
3 Thank you all very much.

4 CHAIRMAN SMITH: Take care.

5 JUDGE SCARBOROUGH: Good to see you.

6 (Candidate excused.)

7 CHAIRMAN SMITH: All right. With that,  
8 Senator Sabb moves we go into executive session. All in  
9 favor signify by saying "aye."

10 (At this time the members audibly say "aye.")

11 CHAIRMAN SMITH: All opposed?

12 (Hearing none.)

13 CHAIRMAN SMITH: The ayes have it. We're in  
14 executive session.

15 (Off the record.)

16 CHAIRMAN SMITH: Well, let's go back on the  
17 record. And being back on the record, Ms. Blackley moves  
18 that we come out of executive session. All in favor  
19 signify by saying "aye."

20 (At this time the members audibly say "aye.")

21 CHAIRMAN SMITH: All opposed?

22 (Hearing none.)

23 CHAIRMAN SMITH: The ayes have it. We're  
24 out of executive session. Let me state while we were in  
25 executive session there were no votes taken and there were

1 no matters decided.

2 Judge Kirven, how are you doing today?

3 JUDGE KIRVEN: I'm doing good. How are you  
4 doing?

5 CHAIRMAN SMITH: I am well. Will you raise  
6 your right hand, please, sir.

7 WHEREUPON,

8 STEVEN C. KIRVEN, being duly sworn and  
9 cautioned to speak the truth, the whole truth and nothing  
10 but the truth, testifies as follows:

11 CHAIRMAN SMITH: Judge Kirven, before you,  
12 you have your personal data questionnaire and your sworn  
13 statement. Are both of those documents that you have  
14 submitted to the Commission?

15 JUDGE KIRVEN: Yes.

16 CHAIRMAN SMITH: Are they both correct?

17 JUDGE KIRVEN: Yes, sir.

18 CHAIRMAN SMITH: Any changes or amendments  
19 that need to occur at this time?

20 JUDGE KIRVEN: No, sir.

21 CHAIRMAN SMITH: Do you have any objection  
22 to those being made as an exhibit to your sworn testimony  
23 here today?

24 JUDGE KIRVEN: No objection.

25 CHAIRMAN SMITH: Without objection. If

1 you'll hand them to Lindi, please, sir. And we're going to  
2 make those as exhibits to your sworn testimony.

3 (EXHIBIT NO. 15 - JUDICIAL MERIT SELECTION  
4 COMMISSION PERSONAL DATA QUESTIONNAIRE OF THE  
5 HONORABLE STEVEN C. KIRVEN)

6 (EXHIBIT NO. 16 - JUDICIAL MERIT SELECTION  
7 COMMISSION AMENDED PERSONAL DATA QUESTIONNAIRE OF  
8 THE HONORABLE STEVEN C. KIRVEN)

9 (EXHIBIT NO. 17 - JUDICIAL MERIT SELECTION  
10 COMMISSION PERSONAL DATA QUESTIONNAIRE OF THE  
11 HONORABLE STEVEN C. KIRVEN)

12 CHAIRMAN SMITH: Judge Kirven, the Judicial  
13 Merit Selection Commission has thoroughly investigated your  
14 qualifications for the bench. Our inquiry is focused on  
15 the nine evaluative criteria. In addition, we review a  
16 ballot box survey, a thorough study of your application  
17 materials, verification of your compliance with state  
18 ethics laws, a search of newspaper articles in which your  
19 name appears, a study of previous screenings, and checks  
20 for economic conflicts of interest.

21 There have been no affidavits filed in  
22 opposition to your candidacy today, and no witnesses are  
23 here to testify. Do you wish to make a brief opening  
24 statement to the Commission?

25 JUDGE KIRVEN: Well, I'm glad to be here. I

1 appreciate everybody's time and efforts. And I'm glad  
2 we're getting to the end of the process.

3 CHAIRMAN SMITH: Yes, sir. So are we. So  
4 answer any questions that your staff attorney -- I mean,  
5 your screening attorney may have, please, sir.

6 MS. FAULK: Thank you, Mr. Chairman.

7 EXAMINATION BY MS. FAULK:

8 Q. Good afternoon, Judge. After serving five years  
9 as Master-in-Equity, why do you want to continue serving as  
10 a Master-in-Equity?

11 A. Well, quite frankly, I enjoy doing it. In a lot  
12 of ways it's a perfect job for me, based on my experience  
13 and my personal work traits and so on. But it's a very  
14 enjoyable job. I feel honored to have it. And it's a real  
15 -- a real privilege.

16 Q. Thank you, sir. You indicated in your PDQ that  
17 since your last screening a lawsuit was filed against you  
18 this year by Stanley Odell Moss. Can you please tell us a  
19 little bit about the nature and disposition of the lawsuit,  
20 and the two additional actions that are associated with Mr.  
21 Moss?

22 A. Well, Mr. Moss was a -- he was a defendant in a  
23 foreclosure action. And I would describe him as not a  
24 sovereign citizen per se, but somewhat akin to that. And,  
25 you know, he filed a lot of things, and we dealt with it

1 and we moved forward. And ultimately -- and I think he  
2 filed bankruptcy two or three times.

3 And, ultimately, we got to the point of having  
4 the final hearing and the foreclosure was ordered. And,  
5 ultimately, the property was sold and -- sort of a happy  
6 ending. There were surplus funds generated from the sale,  
7 so he ended up getting some cash money out of the deal  
8 after the debt was paid.

9 The associated thing, he filed a suit at some  
10 point against the plaintiff's attorney, and me as the  
11 judge. It was very difficult to make a lot of sense out of  
12 it, but basically, his argument was that since I didn't  
13 rule in his favor that I became civilly liable to him in  
14 some fashion. I never really understood.

15 But I got representation through Anderson County,  
16 with an excellent attorney, Jim Jolly. And he filed a  
17 motion to dismiss, and a few days before that was to be  
18 heard, Mr. Moss went into the clerk's office and dismissed  
19 the case. And that was the end of it.

20 **Q. Thank you very much, sir. What do you think your**  
21 **reputation is among attorneys that practice before you?**

22 A. Well, I hope it's good. You know, I've gotten  
23 feedback from the Bar and the Upstate, the committee -- the  
24 Citizens Committee. And most of that was very positive, I  
25 felt. And, you know, the negative parts of it, which were

1 not very many, I felt like that was information that was  
2 helpful to have, and things for me to work on, maybe, and  
3 improve.

4 Q. Judge, the Commission received 273 ballot box  
5 survey responses, with 9 comments. Some of the positive  
6 comments includes as follows. The first reads:

7 "Judge Kirven is a thoughtful and meticulous  
8 jurist. Time spent in his courtroom is always time well  
9 spent."

10 The next reads: "Judge Kirven is one of the  
11 finest judges I have ever had the pleasure of appearing  
12 before. He's extremely intelligent and very objective in  
13 his handling of cases."

14 The final comment reads: "I practice regularly in  
15 front of Judge Kirven and find him to be competent, fair  
16 and well qualified for the position."

17 Three comments expressed some concerns. How  
18 would you respond to the two comments that expressed  
19 concerns regarding the accuracy and consistency of your  
20 rulings?

21 A. I'm not sure what the concerns would be. You  
22 know, I try to be as accurate and as correct as possible.  
23 And I try to be consistent. Now, each case is different  
24 and the facts of each case can be very different. And when  
25 I get a contested case, you know, I sort of look at it like

1 if I do a good enough job writing an order, then they won't  
2 appeal.

3 And I think I've had maybe one case that was  
4 appealed, and it ended up getting settled after the appeal  
5 was filed. So other than that, I don't know exactly how I  
6 would respond, unless I had some particulars.

7 **Q. One comment expressed concern that you may try to**  
8 **advocate for absent parties who were in default. How would**  
9 **you respond to this concern?**

10 A. Well, I don't think I advocate for parties that  
11 are in default. They do have certain rights, even though  
12 they are in default, and I feel an obligation to try to  
13 protect those. I do realize the significance of the  
14 default is that they have admitted the material allegations  
15 in the complaint. And that has significance.

16 But at the same time, they're certainly entitled  
17 to participate in the damages aspects of the case. And so  
18 then you also -- you know, you have issues about proper  
19 notice and all these things that you want to make sure that  
20 are covered properly.

21 **Q. Thank you, Judge.**

22 MS. FAULK: I would note that the Upstate  
23 Citizens Committee found Judge Kirven to be well qualified  
24 in the evaluative criteria of ethical fitness, professional  
25 and academic ability, character, reputation, experience,

1 and judicial temperament.

2           The Committee also found Judge Kirven to be  
3 qualified in the evaluative criteria of constitutional  
4 qualifications, physical health and mental stability.

5           Finally, Judge, I'm going to move on to a  
6 couple of just housekeeping questions, and that will be all  
7 for me at this point.

8 BY MS. FAULK:

9           **Q. Judge Kirven, since submitting your letter of**  
10 **intent have you contacted any members of the Commission**  
11 **about your candidacy?**

12           A. No.

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

16           A. Yes.

17           **Q. Since submitting your letter of intent have you**  
18 **sought or received the pledge of any legislator either**  
19 **prior to this date or pending the outcome of your**  
20 **screening?**

21           A. No.

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

1           A.    No.

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

5           A.    Yes, I have.   And I do.

6                       MS. FAULK:   I would just note for the record  
7 that any concerns raised during the investigation regarding  
8 Judge Kirven were incorporated into the questioning of the  
9 candidate today.   Mr. Chairman, I have no further  
10 questions.   Thank you, Judge.

11                      JUDGE KIRVEN:   Thank you.

12                      SENATOR SABB:   Thank you, ma'am.   Any  
13 questions or comments from any members of the Commission?

14                                       (Hearing none.)

15                      SENATOR SABB:   Well, Judge we certainly want  
16 to thank you for your service and all that you do.   We  
17 wouldn't want you to view the absence of questions by any  
18 of my colleagues on the Commission as any kind of negative  
19 thing.   In fact, it's just a positive, the fact that you  
20 got glowing recommendations and comments from the ballot  
21 box survey.

22                                       As you well know, the survey is such that  
23 anybody can say anything because it's anonymous.   And,  
24 obviously, the fact that you've gotten no more than you've  
25 gotten, I think is a clear indication that you're doing a

1 great job. And we just -- on the one hand, we're obligated  
2 to let folks know when things are going south, and on the  
3 other hand we're obligated to let folks know when things  
4 are going well.

5                   And so we appreciate all that you're doing.  
6 And, obviously, your reputation, we think, proceeds you in  
7 terms of you coming before us. So thank you very much for  
8 your service.

9                   JUDGE KIRVEN: Well, thank you. And let me  
10 assure you that the lack of questions does not hurt my  
11 feelings at all.

12                   SENATOR SABB: We appreciate that. And,  
13 Judge, we want to take this opportunity to remind you that  
14 pursuant to the Commission's evaluative criteria, the  
15 Commission expects candidates to follow the spirit as well  
16 as the letter of the ethics laws, and that we will view  
17 violations or the appearance of impropriety as serious and  
18 potentially deserving of heavy weight in the screening  
19 deliberations.

20                   On that note, as you know, the record will  
21 remain open until the formal release of the report of  
22 qualifications and you may be called back at such time as  
23 the need may arise.

24                   We just want to thank you for offering and  
25 thank you for your service to the State of South Carolina.

1 JUDGE KIRVEN: All right, sir. Thank you.

2 SENATOR SABB: Thank you, sir.

3 (Candidate excused.)

4 SENATOR SABB: Judge Coffey, welcome.

5 JUDGE COFFEY: Thank you.

6 SENATOR SABB: I appreciate seeing you.

7 Please raise your right hand.

8 WHEREUPON,

9 JOSEPH K. COFFEY, being duly sworn and  
10 cautioned to speak the truth, the whole truth and nothing  
11 but the truth, testifies as follows:

12 SENATOR SABB: Thank you so much. The  
13 personal data questionnaire and the sworn statement before  
14 you, the documents that you submitted to the Commission,  
15 do you have any corrections or additions or anything that  
16 needs to be changed?

17 JUDGE COFFEY: No, Senator. I'm not aware  
18 of any corrections that need to be made.

19 SENATOR SABB: So do you object to us making  
20 these documents and anything else a part of your sworn  
21 testimony today?

22 JUDGE COFFEY: No, I have no objection.

23 SENATOR SABB: That will be done at this  
24 point and made a part of the transcript.

25 (EXHIBIT NO. 18 - JUDICIAL MERIT SELECTION

1 COMMISSION PERSONAL DATA QUESTIONNAIRE OF THE  
2 HONORABLE JOSEPH K. COFFEY)

3 (EXHIBIT NO. 19 - JUDICIAL MERIT SELECTION  
4 COMMISSION SWORN STATEMENT OF THE HONORABLE  
5 JOSEPH K. COFFEY)

6 SENATOR SABB: Judge Coffey, the Judicial  
7 Merit Selection Commission has thoroughly investigated your  
8 qualifications for the bench. Our inquiry has focused on  
9 the nine evaluative criteria and have included a ballot box  
10 survey, a thorough study of your application materials,  
11 verification of your compliance with the state ethics laws,  
12 a search of newspaper articles in which your name appears,  
13 a study of previous screenings, and a check for economic  
14 conflicts of interest.

15 We've received no affidavits filed in  
16 opposition of your election. No witnesses are present to  
17 testify. Do you have a brief statement that you'd like to  
18 make to the Commission at this time?

19 JUDGE COFFEY: Other than to say, Senator,  
20 I appreciate the opportunity to do this once more. I  
21 appreciate everybody that has -- that I've met with and  
22 gone through this process with. And it's been a fulfilling  
23 undertaking serving in this position these past couple of  
24 years. And I, hopefully, look forward to continued  
25 service.

1                   SENATOR SABB: Thank you, sir. If you would  
2 please answer any questions from your staff attorney.

3                   MS. BARTON: Thank you.

4 EXAMINATION BY MS. BARTON:

5           **Q. Judge Coffey, after serving six years as the**  
6 **Master-in-Equity, why do you want to continue serving?**

7           A. Again, I feel like it's a fulfilling position.  
8 It's a necessary position. I enjoy the opportunity to  
9 enter into that forum and meet with some of the attorneys  
10 that I have the opportunity to meet with in the various  
11 cases.

12           **Q. Thank you. What do you think your general**  
13 **reputation is among the attorneys that practice before you?**

14           A. I hope that they would consider me to be honest  
15 and fair and understanding to their clients, and also  
16 knowledgeable about the law that's to be applied.

17           **Q. Thank you. Judge, the Commission received 263**  
18 **ballot box surveys regarding you, with 5 additional**  
19 **comments. The ballot box survey, for example, contained**  
20 **the following positive comments:**

21                   **"Has done and will continue to do a great job.**  
22 **Joe is a great Master-in-Equity and he has a good grasp of**  
23 **all legal issues." None of the comments expressed concern.**

24                   MS. BARTON: I would note that the Pee Dee  
25 Citizens Committee found Judge Coffey qualified in the

1 evaluative criteria of constitutional qualifications,  
2 physical health and mental stability.

3           The Committee found him well qualified in  
4 the evaluative criteria of ethical fitness, professional  
5 and academic ability, character, reputation, experience,  
6 and judicial temperament.

7 BY MS. BARTON:

8           **Q.    Just a few more questions, Judge.**

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

17          A.    I have reviewed it and -- yes, ma'am.

18          **Q.    Since submitting your letter of intent have you**  
19 **sought or received the pledge of any legislator either**  
20 **prior to this date or pending the outcome of your**  
21 **screening?**

22          A.    No, ma'am, I have not.

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

1 your behalf?

2 A. No, ma'am, I have not.

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

6 A. Yes, ma'am.

7 MS. BARTON: I would just note for the  
8 record that any concerns raised during the investigation  
9 regarding the candidate were incorporated into the  
10 questioning of the candidate today. Mr. Chairman, I have  
11 no further questions.

12 SENATOR SABB: Thank you, ma'am. Any  
13 members of the Commission have any questions or comments?  
14 Lucy Grey.

15 MS. MCIVER: Thank you, Mr. Chairman.  
16 Thanks for being with us today.

17 JUDGE COFFEY: Thank you, ma'am.

18 MS. MCIVER: I've looked through some of  
19 your letters, and I have seen that you have letters of  
20 reference from a couple of folks that we hold in pretty  
21 high esteem over here. One from Tommy Cooper over in  
22 Manning, and the comments that he makes about you certainly  
23 are a credit to everything you've done for Manning and in  
24 your position.

25 We ask folks that come through a good bit

1 who they would like to be like, what's a judge that they  
2 look up to or see as a mentor, and it seems almost without  
3 fail that people go back to Judge Tommy Cooper.

4 And so because of the wonderful things that  
5 he said about you, your work ethic, your integrity, your  
6 character, your service to your community, I just wanted to  
7 say you're obviously doing a good job. And keep up the  
8 good work. And thank you for continuing to offer --

9 JUDGE COFFEY: Well, I must add to this. It  
10 is a privilege to have the personal and professional  
11 relationship that I've been able to have with Judge Cooper,  
12 and also his family. His son is one of my very close  
13 friends. So yes, he's a fine, fine person.

14 MS. MCIVER: He says the same of you.

15 JUDGE COFFEY: Well, thank you.

16 SENATOR SABB: Anybody else?

17 (Hearing none.)

18 SENATOR SABB: And of course, Judge Coffey,  
19 I'm very familiar with you as well. I don't appear in your  
20 court that much, but we're all members of the -- of the  
21 mighty 3rd Circuit. And so we appreciate you and all you  
22 do.

23 I sort of figured that we would set the  
24 record with your screening, and finish it quicker than any  
25 other, because I knew that it would sail without any real

1 issues. Any other comments or anything from anybody else?

2 SENATOR TALLEY: Senator, just one.

3 SENATOR SABB: Please, Senator Talley.

4 SENATOR TALLEY: I can't help myself. Did  
5 you get your hair cut to come over here today? Because the  
6 last time I saw you --

7 JUDGE COFFEY: Senator, actually, I had to -  
8 - I had to crown the homecoming queen about a month or so  
9 ago at the --

10 SENATOR TALLEY: I was hoping it was not for  
11 us.

12 JUDGE COFFEY: -- at the local school, and I  
13 felt it necessary to at least adhere to the same --

14 SENATOR TALLEY: There are some over here  
15 that would encourage me to go to your barber.

16 SENATOR SABB: Well, Judge Coffey, thank you  
17 so much. That concludes this portion of our screening  
18 process. I want to take this opportunity to remind you  
19 that pursuant to the Commission's evaluative criteria, the  
20 Commission expects candidates to follow the spirit as well  
21 as the letter of the ethics laws, and we will view  
22 violations or the appearance of impropriety as serious and  
23 potentially deserving of heavy weight in the screening  
24 deliberations.

25 On that note, and as you know, the record

1 will remain open until the formal release of the report of  
2 qualifications and you may be called back at such time if  
3 the need arises.

4 But we want to thank you for offering and  
5 thank you for your service to the State of South Carolina.

6 JUDGE COFFEY: Thank you, Senator. Thank  
7 you all. Thank you.

8 (Candidate excused.)

9 SENATOR SABB: Judge Chellis.

10 JUDGE CHELLIS: Good afternoon. How are  
11 you?

12 SENATOR SABB: Good afternoon, sir. Doing  
13 well. How are you doing?

14 JUDGE CHELLIS: I'm doing well. Thank you.

15 SENATOR SABB: Well, good. Good. Thank you  
16 for being here. Will you please raise your right hand.

17 WHEREUPON,

18 JAMES E. CHELLIS, being duly sworn and  
19 cautioned to speak the truth, the whole truth and nothing  
20 but the truth, testifies as follows:

21 SENATOR SABB: Now, do you have a personal  
22 data questionnaire you completed?

23 JUDGE CHELLIS: Yes, sir.

24 SENATOR SABB: And it's a sworn statement.  
25 You have other documents that are associated with it. Are

1 they both correct?

2 JUDGE CHELLIS: Yes, sir.

3 SENATOR SABB: And any changes or updates to  
4 anything you need to make at this time?

5 JUDGE CHELLIS: Not that I can think of.  
6 No, sir.

7 SENATOR SABB: So do you object to our  
8 making those documents a part of the record and your sworn  
9 testimony?

10 JUDGE CHELLIS: I do not object.

11 SENATOR SABB: That suits you okay?

12 JUDGE CHELLIS: Yes, sir.

13 SENATOR SABB: All right. And so we'll have  
14 that done and make it a part of the transcripts of these  
15 proceedings.

16 (EXHIBIT NO. 20 - JUDICIAL MERIT SELECTION  
17 COMMISSION PERSONAL DATA QUESTIONNAIRE OF THE  
18 HONORABLE JAMES E. CHELLIS)

19 (EXHIBIT NO. 21 - JUDICIAL MERIT SELECTION  
20 COMMISSION AMENDED PERSONAL DATA QUESTIONNAIRE OF  
21 THE HONORABLE JAMES E. CHELLIS)

22 (EXHIBIT NO. 22 - JUDICIAL MERIT SELECTION  
23 COMMISSION SWORN STATEMENT OF THE HONORABLE JAMES  
24 E. CHELLIS)

25 SENATOR SABB: Judge Chellis, the Judicial

1 Merit Selection Commission has thoroughly investigated your  
2 qualifications for the bench. Our inquiry has focused on  
3 the nine evaluative criteria and have included a ballot box  
4 survey, a thorough study of your application materials,  
5 verification of your compliance with state ethics laws, a  
6 search of newspaper articles in which your name appears, a  
7 study of previous screenings, and a check for economic  
8 conflicts of interest.

9 We've received no affidavits filed in  
10 opposition of your election. No witnesses are here present  
11 to testify. Do you have a brief opening statement that  
12 you'd like to make to us at this time?

13 JUDGE CHELLIS: I would like just to thank  
14 the persons that are involved in the process of the  
15 judicial merit selection. The Citizens Committee did an  
16 excellent job, I thought. My screening attorney with the  
17 Commission, Mr. Triplett, did a very good job. And I'm  
18 very thankful for the opportunity to appear before this  
19 Committee, and I appreciate your participation in this  
20 process.

21 SENATOR SABB: We appreciate you as well.  
22 If you will just answer Mr. Triplett's questions.

23 JUDGE CHELLIS: All right.

24 EXAMINATION BY MR. TRIPLETT:

25 Q. Good afternoon, Judge Chellis.

1           A.    Yes, sir.  How are you doing?

2           **Q.    Doing well.  After serving seven years as Master-**  
3 **in-Equity, why do you want to continue to serve?**

4           A.    Well, this is probably the best job in South  
5 Carolina, that I can think of, where I get to utilize my  
6 education as a lawyer and apply it on a day-to-day basis.  
7 There's the intellectual part of being a judge, and there's  
8 also the opportunity to hear from folks and understand  
9 their circumstances.

10                   I weigh that against -- in many of the cases that  
11 I hear, of course there's a big old bank out there looking  
12 for something to -- looking for payment of their loan  
13 obligations.

14                   But I get the opportunity to hear from people.  
15 And many times some of the folks that come before me aren't  
16 represented.  And they, I think, get a -- I think they are  
17 looking for that opportunity to be heard.  And I enjoy  
18 listening to the -- to some of the problems and empathizing  
19 with their issues.

20                   And, actually, this has been a godsend of a job  
21 for me.  After 36 years of practicing law, a general  
22 practice where I did everything you could think of, and  
23 every year would try to -- or every couple of years would  
24 try to add a new area of law to go into so that I would  
25 broaden my scope of work that I did.

1           And it was usually because somebody asked me to  
2 do something. It wasn't just -- I wasn't just saying, all  
3 right, I'm going to pick up this kind of law because I need  
4 to do -- need to go into it. But I would select an area of  
5 law and go study it and help people.

6           And not only that but I was also the managing  
7 partner in my firm, a small firm, eight or nine or ten  
8 employees. I heard all those problems of their employment,  
9 plus clients. And after 36 years of doing the very best I  
10 could to represent the people that came to hire me, the  
11 opportunity to become a master in Dorchester County arose,  
12 and I thought it would be a good fit for me. And I can  
13 tell you, it's absolutely been a really, really good fit.

14           **Q. Thank you, Judge. Judge Chellis, you've**  
15 **indicated in your PDQ that since your last screening, a**  
16 **lawsuit was filed against you in 2017 in the Dorchester**  
17 **Court of Common Pleas. That case is captioned Stacey**  
18 **Taylor v. Edward Grimsley, et al. Please explain the**  
19 **nature or disposition of that lawsuit.**

20           A. Is that the one with the lis pendens? We entered  
21 an order of judgment of default. The case went away, as I  
22 recall. I'm not sure if I'm answering the correct  
23 question.

24           Mr. Grimsley's a lawyer. He's a -- he  
25 represented a party who came before me. That party filed a

1 lis pendens, as I recall. Did not -- and then we had an --  
2 then we had a hearing subsequent to the filing of the lis  
3 pendens, and there was never a lawsuit filed by that party  
4 who filed a lis pendens.

5 She was a defendant in the lawsuit. I entered  
6 judgment of foreclosure against her. We sold the property.  
7 The case was ended.

8 **Q. Judge Chellis, your SLED report indicated there**  
9 **was a lawsuit filed against you since your last screening,**  
10 **that was filed in 2017 in the Federal District Court by**  
11 **Patrice and Julius Wyman. Please explain the nature and**  
12 **disposition of that lawsuit.**

13 A. The Wymans were defendants in some suit in my  
14 court. Apparently, they filed a federal lawsuit. The  
15 master -- it was assigned to a -- to the master in the  
16 federal case -- this federal master. The review of the  
17 case by that master determined there was no justiciable  
18 issues or there was nothing to be decided, and ordered or  
19 recommended to the Circuit Court -- or the District Court,  
20 rather, that no summons be served.

21 So hence, there was no lawsuit ever filed or  
22 served. There was no lawsuit really initiated against me,  
23 because there was no summons ever issued. But at any rate,  
24 the District Court accepted the recommendations of the  
25 master. And that ended the -- ended the matter.

1           Q.    Judge Chellis, what do you think your reputation  
2 is among attorneys that practice before you?

3           A.    Excellent.

4           Q.    The Commission received 328 ballot box surveys --  
5 survey responses regarding you, with 11 survey comments.  
6 The ballot box survey, for example, contained the following  
7 positive comments:

8                        "He's been an excellent master and should return.  
9 Very knowledgeable for this job.  Excellent presence on the  
10 bench.  Mr. Chellis is a fine gentleman, a knowledgeable  
11 jurist, good lawyer, and a decent human being in great  
12 contrast to many judges in South Carolina."

13           Three of the written comments expressed concerns.  
14 One comment expressed concern with your demeanor towards  
15 pro se litigants.  What response would you offer to that  
16 concern?

17           A.    I'm surprised about that.  I don't understand  
18 that particular concern.  I think I give pro se litigants a  
19 very broad rein to express their concerns.  I try to treat  
20 every pro se litigant very liberally in terms of what they  
21 are able to -- I mean, without the lawyers, they don't  
22 really understand the procedure.

23                        I explain the procedure before we get started.  I  
24 do my very best to hear from them.  If there is a  
25 complaint, it may be that I probably told the pro se

1 litigant, three or four times, a particular point or made a  
2 point. And they insist on pursuing it and I may try to --  
3 I may just say, you know, "That's enough of that. I don't  
4 want to hear any more of that." So something along those  
5 lines.

6 But at some point you got to stop it. And so  
7 that would be the only thing I could think of. But I'm  
8 always looking to improve. So if there's something I need  
9 to do, I'll be glad to try to do it.

10 **Q. Another comment expressed concern with a bias**  
11 **against enforcing consumer protection laws. What response**  
12 **would you offer to that concern?**

13 A. Not true. I know where that comes from. There  
14 was a single case in my court in which a consumer had  
15 brought a claim for violations of the Consumer Protection  
16 Act. The case ended up in my court by consent of parties,  
17 so it was before me.

18 Strangely, before we got started in the case --  
19 not really strange. I said do you -- I asked the litigants  
20 if they would like to have a status conference on the case.  
21 And during the course of the status conference, I brought  
22 up the concept of risk benefit in bringing and pursuing  
23 lawsuits, the cost -- the economic cost to bring to a suit,  
24 the economic cost of losing a suit.

25 Apparently, the lawyer who represented the

1 consumer thought that, that expressed a bias against the  
2 consumer. I guess thinking that, perhaps, if I ruled  
3 against him, he was not going to get attorney's fees  
4 awarded to him.

5 And, frankly, I think that lawyer, in my opinion,  
6 just stepping back from it after a number of months, was  
7 probably using the circuit -- the court system in a way in  
8 which they were trying to exert the consumer protection  
9 laws as a -- not in the form of a protection, a shield, but  
10 more like a dagger to the lending institution to -- I  
11 hesitate to use the word "extort," but it's essentially  
12 that when someone is using a law to try to diminish the  
13 amount of an obligation that is due from a party to another  
14 party.

15 And so I thought that, you know -- now, this is  
16 stepping back. I never expressed that in the case itself.  
17 But looking back on it -- and he did make a comment about  
18 that. During the course of the proceedings, he did -- this  
19 particular lawyer did say, "Well, I've brought these cases  
20 before in a number of instances, and we usually just get a  
21 good settlement from the -- from the lending institution."

22 Well, this particular lending institution wasn't  
23 going to play that -- play that game. And they were going  
24 to assert their rights, which they had a right to do. And  
25 I think that's how the issue of me having a quote/unquote

1 bias against consumers may have been hatched. But it's  
2 totally untrue.

3 **Q. Thank you, Judge Chellis.**

4 MR. TRIPLETT: I would note that the Low  
5 Country Citizens Committee reported that Judge Chellis was  
6 qualified in the evaluative criteria of constitutional  
7 qualifications, physical health and mental stability, and  
8 well qualified in the evaluative criteria of ethical  
9 fitness, professional and academic ability, character,  
10 reputation experience, and judicial temperament.

11 The Committee noted that Judge Chellis  
12 possesses a great sense of humor and personality for  
13 handling lawyers and the general public during some of the  
14 most difficult times.

15 Just a few housekeeping issues.

16 BY MR. TRIPLETT:

17 **Q. Judge, since submitting your letter of intent**  
18 **have you contacted any members of the Commission about your**  
19 **candidacy?**

20 A. No.

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

24 A. Yes.

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 or pending the outcome of your  
3 screening?

4 A. No.

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.

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

13 A. Yes, sir.

14 MR. TRIPLETT: I would note for the record  
15 that any concerns raised during the investigation regarding  
16 the candidate were incorporated into the questioning of the  
17 candidate today. Mr. Chairman, I have no further  
18 questions.

19 SENATOR SABB: Thank you, sir. Any  
20 questions from any other members of the Commission, or  
21 comments?

22 (Hearing none.)

23 SENATOR SABB: Well, I'll sort of start us  
24 off. It's always interesting, Judge Chellis, when we hear  
25 comments about pro se litigants. It tends to be just one

1 of those areas where I don't think anybody has the exact  
2 right answer in terms of how to make them feel comfortable  
3 on the one hand and feel good about the process, but  
4 enforcing the rules on the other hand.

5 We had one situation where some of the  
6 lawyers complained about a family court judge who took too  
7 much time with the litigants, trying to make sure. And so  
8 the delicate balance of that, we know is just one of the  
9 challenges that our members of the judiciary handle.

10 And so we just urge folks to continue to --  
11 you know, to follow your best judgment in terms of how on  
12 one hand to make them feel comfortable, but on the other  
13 hand, you know, we are a court of laws and not of people.

14 And so I think we all appreciate the  
15 difficulty it is, dealing with issues of that sort.

16 SENATOR SABB: Judge Chellis, we absolutely  
17 appreciate the service that you've rendered. And I noticed  
18 in some of the comments that they're happy that you are  
19 offering yourself once again for this position.

20 And so I think the absence of comments or  
21 questions by my colleagues just is evidence of their -- how  
22 pleased they are, I guess I should say, in the fact that  
23 we've got jurists like you willing to continue to do the  
24 good work on behalf of the people.

25 And so, Judge Chellis, if there are no other

1 comments from you, then I just want to thank you. And this  
2 concludes this portion of our screening process.

3 I want to take this opportunity to remind  
4 you though, that pursuant to the Commission's evaluative  
5 criteria, the Commission expects candidates to follow the  
6 spirit as well as the letter of the ethics laws, and that  
7 we will view violation or the appearance of impropriety as  
8 serious and potentially deserving of heavy weight in the  
9 screening deliberations.

10 On that note, as you know, the record will  
11 remain open until the formal release of the report of  
12 qualifications and that you may be called back at such time  
13 as the need arises.

14 But thank you for offering. And I thank you  
15 for your service to the people of the State of South  
16 Carolina.

17 JUDGE CHELLIS: It's my pleasure. Thank you  
18 very much. Take care.

19 (Candidate excused.)

20 SENATOR SABB: Judge Jordan, if you would  
21 please raise your right hand.

22 JUDGE JORDAN: Yes.

23 WHEREUPON,

24 MICHAEL M. JORDAN, being duly sworn and  
25 cautioned to speak the truth, the whole truth and nothing

1 but the truth, testifies as follows:

2           SENATOR SABB: Are the personal data  
3 questionnaire and the sworn statement before you, and the  
4 documents that you've submitted to the Commission, are they  
5 both correct?

6           JUDGE JORDAN: They are.

7           SENATOR SABB: Is there anything you need to  
8 add or update at this time?

9           JUDGE JORDAN: No, not that I -- not that  
10 I'm aware of. I looked at them this morning. I do not.

11           SENATOR SABB: Do you have any objections to  
12 those documents being made a part of your sworn testimony  
13 and this record?

14           JUDGE JORDAN: I do not.

15           SENATOR SABB: So they'll become a part of  
16 the transcript.

17           (EXHIBIT NO. 23 - JUDICIAL MERIT SELECTION  
18 COMMISSION PERSONAL DATA QUESTIONNAIRE OF THE  
19 HONORABLE MICHAEL M. JORDAN)

20           (EXHIBIT NO. 24 - JUDICIAL MERIT SELECTION  
21 COMMISSION SWORN STATEMENT OF THE HONORABLE  
22 MICHAEL M. JORDAN)

23           SENATOR SABB: Judge Jordan, the Judicial  
24 Merit Selection Commission has thoroughly investigated your  
25 qualifications for the bench. Our inquiry has focused on

1 the nine evaluative criteria, and has included a ballot box  
2 survey, a thorough study of your application materials,  
3 verification of your compliance with the state ethics laws,  
4 a search of newspaper articles in which your name appears,  
5 a study of previous screenings, and a check for any  
6 economic conflicts of interest that you have.

7 I wanted you to know that we have no  
8 affidavits filed in opposition to your election. There are  
9 no witnesses here to testify. Would you care to make a  
10 brief opening statement at this time?

11 JUDGE JORDAN: Nothing other than to say  
12 just thanks to all of you for accepting my application and  
13 taking the time to interview me.

14 SENATOR SABB: Yes, sir.

15 JUDGE JORDAN: And, hopefully, you will come  
16 to the conclusion that I'm a three-and-a-half out of five  
17 stars.

18 SENATOR SABB: Amen, somebody. If you don't  
19 mind answering the questions of your screening attorney.

20 JUDGE JORDAN: Okay.

21 EXAMINATION BY MS. HALL:

22 **Q. Judge Jordan, after serving about two and a half**  
23 **years on the Master-in-Equity Court, why do you want to**  
24 **continue serving as the Master-in-Equity?**

25 A. Well, I've enjoy it. It's kind of been a

1 pinnacle point in my practice. I got asked by, I think the  
2 citizen -- Pee Dee Citizens Committee why I was even  
3 interested. And so somewhere along the way, about maybe 10  
4 years ago, maybe 17 or 18 years into practice, I  
5 interacted with the former Master-in-Equity for Sumter  
6 County, Dick Booth. And he pulled me to the side and kind  
7 of said, you know, "I think you did a good job."

8 And it was kind of, you know, showed appreciation  
9 and it just kind of left a mark in me. And I thought, you  
10 know, we're all striving to see what the next juncture or  
11 point in our career is, and so that just stuck out in my  
12 mind and made me want to do it.

13 And since I've been doing it, I found it  
14 enjoyable. It's certainly not, you know, attractive work,  
15 foreclosing on people's homes. But I get a sense of  
16 accomplishment and satisfaction from it. And so I've  
17 enjoyed it and that's why I want to continue to do it.

18 **Q. Judge, what do you think your reputation is among**  
19 **the attorneys that practice before you?**

20 A. Hopefully, it's a good one. But maybe a little  
21 too laid back. You know, I've practiced in all different  
22 courts for a long time. And, unfortunately, a lot of  
23 judges -- sometimes you get fussed at, you get -- you get  
24 challenged.

25 You know, I think a large perception of the

1 judiciary is that the judiciary is -- you want to avoid the  
2 -- you know, they become easily frustrated and criticize  
3 lawyers. And so, you know, I try -- I strive not to do  
4 that.

5 And, unfortunately, maybe at times it appears  
6 less formal than Circuit Court. But I don't want anybody  
7 to appear in front of me and their first thought to be, "Is  
8 this guy having a bad day and is he going to -- is he going  
9 to, you know, insult me or challenge me?"

10 I just don't think that's the way to handle it.  
11 Even though -- even though, I think, you know, that may  
12 affect lawyers who are in there who, you know, believe  
13 that's the way it should be. So you try to strike a  
14 balance. But that's an ongoing challenge, I think.

15 Q. So the Commission received 95 ballot box surveys  
16 regarding you, with 10 additional comments. And the ballot  
17 box survey, for example, contained the following positive  
18 comments:

19 "Smart and effective judge. His courtroom  
20 demeanor is excellent. He makes people feel comfortable."

21 Also, "Judge Jordan is very respectful of pro se  
22 litigants. He makes sure that everyone who wants to be  
23 heard is, in fact, heard."

24 And lastly, "Judge Jordan is doing a great job  
25 and is always a pleasure to work with."

1           A.    Sounds like I owe somebody something.

2           **Q.    Only one of the written comments expressed**  
3 **concerns.**

4           A.    Okay.

5           **Q.    The overall concern indicated was in regards to**  
6 **your attitude towards the rules in court.  How would you**  
7 **respond to this concern?**

8           A.    Well, I do try to be -- I do try to be flexible.  
9 I certainly abide by the rules.  I mean, that's what we  
10 live by, and that's what we have to -- and that's what  
11 court is about.

12                    So, you know, I'm not sure if that was somebody  
13 who was, you know, made uncomfortable by maybe the less  
14 formal nature.  But certainly, I don't have a negative  
15 attitude or failure to abide by the rules.

16                    But how I apply them is dictated by those  
17 particular circumstances.  So on occasion I do relax the  
18 rules just -- you know, so sometimes maybe somebody is late  
19 on their filing, but if they believe or it appears that  
20 they've got a ruling on the merits, sometimes that's  
21 preferable to simply telling somebody, "You're out of time  
22 and out of luck."

23                    So, you know, that may be the case.  If I knew  
24 the specifics, I might could address it better.  You can't  
25 make everybody happy, certainly.

1           **Q. Thank you, Judge. We're going to move onto the**  
2 **Citizens Committee.**

3           A. Okay.

4                       MS. HALL: I would note that the Pee Dee  
5 Citizens Committee found Judge Jordan qualified in the  
6 evaluative criteria of constitutional qualifications,  
7 physical health and mental stability.

8                       The Committee found him well qualified in  
9 the evaluative criteria of ethical fitness, professional  
10 and ethic ability, character, reputation, experience, and  
11 judicial temperament. The Committee had no additional  
12 comments.

13                      Lastly, we just have a couple of  
14 housekeeping issues.

15 BY MS. HALL:

16           **Q. Judge Jordan, since submitting your letter of**  
17 **intent have you contacted any members of the Commission**  
18 **about your candidacy?**

19           A. No, I have not.

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

23           A. I am.

24           **Q. Since submitting your letter of intent have you**  
25 **sought or received the pledge of any legislator either**

1 prior to this date or pending the outcome of your  
2 screening?

3 A. No, I have not.

4 Q. Have you asked any third parties to contact  
5 members of the General Assembly on your behalf, or are you  
6 aware of anyone attempting to intervene in this process on  
7 your behalf?

8 A. No, I'm not.

9 Q. Have you reviewed and do you understand the  
10 Commission's guidelines on pledging in S.C. Code 2-19-70  
11 Subsection (E)?

12 A. I have.

13 MS. HALL: I would just note for the record  
14 that any concerns raised during the investigation regarding  
15 the candidate were incorporated into the questioning of the  
16 candidate today. Mr. Chairman, I have no further  
17 questions.

18 CHAIRMAN SMITH: Thank you very much. Judge  
19 Jordan, let me just -- looking over your ballot box survey,  
20 and they always -- you know, it's anonymous and so you can  
21 say whatever you want in these things. But I just looked  
22 through one of these comments, and I just want to get your  
23 position on this.

24 JUDGE JORDAN: Sure.

25 CHAIRMAN SMITH: It says, "Judge Jordan

1 sends text messages that he -- with jokes that he thinks  
2 are funny, and they really are not funny." Do you do that  
3 often?

4 JUDGE JORDAN: Guilty. That would -- that  
5 would be true.

6 CHAIRMAN SMITH: Who do you usually send  
7 them to?

8 JUDGE JORDAN: Whoever I can find in my  
9 contacts list.

10 CHAIRMAN SMITH: Oh, goodness. So, Judge  
11 Jordan, I also want you to know that Senator Sabb over here  
12 also was part of the Wade Kolb regime, as we were public  
13 defenders way back when, so, you know, I want -- he wants  
14 you to -- talks about your time as a public defender under  
15 Solicitor Kolb.

16 JUDGE JORDAN: Well, it was enjoyable. You  
17 know, I learned a lot from Wade. We used to say, "Why do  
18 you -- why do you have to be so hard on everything?"

19 And of course he pulled me to the side one  
20 time and said, "When this act affects you and your life,  
21 I'll make sure I take it easy." And that stuck with me a  
22 long time. So but other than that, man, he was tough.

23 SENATOR SABB: Over in Williamsburg, we  
24 didn't exactly do it that way.

25 CHAIRMAN SMITH: He keeps trying to say

1 that. I need independent verification on that.

2 SENATOR SABB: There will be nothing but  
3 independent verification if you ask anybody over in that  
4 area, I promise you.

5 CHAIRMAN SMITH: So the last thing I want  
6 is, obviously, you put on a good act when you're a judge,  
7 because I do look through -- in all seriousness, I looked  
8 through your comments and your qualifications. And I have  
9 not appeared in front of you, and I'm thankful -- or you're  
10 probably thankful that I haven't. But, you know, I do -- I  
11 want to commend you.

12 In all seriousness, what we do when we look  
13 at this is, especially for sitting judges, we want to -- we  
14 look at these ballot boxes and try to see if there's a  
15 pattern in there. And sometimes there's patterns of people  
16 who have some issues, whether it's with professional or  
17 academic ability or temperament, and we look at those and  
18 think they're important.

19 And when I go through and look at these, I  
20 mean, you know, your -- you have zero unqualified on most  
21 of these -- you've obviously ticked one person off, because  
22 one person does not think your judicial temperament is  
23 good. But other than that you have outstanding ballot box  
24 responses.

25 So, you know, it's easy to criticize when

1 there's anonymity there, but also when there is -- when  
2 they have the opportunity, you get glowing remarks or  
3 glowing reviews. I think it's important for us to tell you  
4 that and tell you we appreciate the way you handle your  
5 courtroom. And please keep up the good work in that  
6 regard, if you're reelected. And, you know, if you come  
7 back six years from now -- it's six years, I believe.

8 JUDGE JORDAN: I think so.

9 CHAIRMAN SMITH: And we hope to see similar  
10 ballot box remarks. So I appreciate the work you're doing.

11 JUDGE JORDAN: The only thing I'd like to  
12 say is once upon a time, early on, I caught a case of self-  
13 importance. And the members of the Bar in Sumter helped me  
14 realize that you're just part of an overall picture. And  
15 that's true whether you're wearing the black robe or just a  
16 lawyer.

17 CHAIRMAN SMITH: The secretary of Sumter  
18 County --

19 JUDGE JORDAN: I think that was it. So, you  
20 know, everybody -- everybody answers to somebody. And  
21 we're just all part of a --

22 CHAIRMAN SMITH: Keep up the good work,  
23 Judge Jordan.

24 JUDGE JORDAN: Thank you.

25 CHAIRMAN SMITH: Any further questions for

1 Judge Jordan?

2 (Hearing none.)

3 CHAIRMAN SMITH: Judge Jordan, this  
4 concludes this portion of your screening process. I want  
5 to take this opportunity to remind you that pursuant to the  
6 Commission's evaluative criteria, the Commission expects  
7 candidates to follow the spirit as well as the letter of  
8 the ethics law, and will view violations or the appearance  
9 of impropriety as serious and potentially deserving of  
10 heavy weight in the screening deliberations.

11 As you know, the record will remain open  
12 until the formal release of the report of qualifications  
13 and you can be called back at such time if the need arises.

14 We appreciate you being here today.  
15 Appreciate your service to the State of South Carolina.

16 JUDGE JORDAN: Thank you so much.

17 CHAIRMAN SMITH: Take care.

18 (Candidate excused.)

19 CHAIRMAN SMITH: Judge Buckhannon, how are  
20 you doing today?

21 JUDGE BUCKHANNON: I'm good. How are you,  
22 sir?

23 CHAIRMAN SMITH: I am well. I see you've  
24 got a lot of people in here. Do you want to --

25 JUDGE BUCKHANNON: Yeah, some of them kind

1 of surprised me when I got here.

2 CHAIRMAN SMITH: Maybe your family, or  
3 whomever you want. I'll turn the floor over to you, if  
4 you'd like to recognize anybody.

5 JUDGE BUCKHANNON: Well, my husband, Tommy  
6 Buckhannon, is here. I will recognize him. And then the  
7 rest of them, that's a group from Horry County. And  
8 Georgetown. I'm sorry.

9 CHAIRMAN SMITH: Well, welcome everybody.  
10 Judge Buckhannon, will you please raise your right hand.

11 WHEREUPON,

12 MELISSA J. BUCKHANNON, being duly sworn and  
13 cautioned to speak the truth, the whole truth and nothing  
14 but the truth, testifies as follows:

15 CHAIRMAN SMITH: Before you, you have your  
16 personal data questionnaire and your sworn statement. Are  
17 both of these documents which you have submitted to the  
18 Commission?

19 JUDGE BUCKHANNON: Yes, sir.

20 CHAIRMAN SMITH: Any changes or amendments  
21 that may need to be made at this time?

22 JUDGE BUCKHANNON: No, sir. Not at this  
23 time.

24 CHAIRMAN SMITH: Are they both correct?

25 JUDGE BUCKHANNON: Yes, sir.

1                   CHAIRMAN SMITH: Do you have any objections  
2 to us marking those as exhibits to your sworn testimony  
3 today?

4                   JUDGE BUCKHANNON: I do not.

5                   CHAIRMAN SMITH: Without objection. If  
6 you'll hand those to Lindi for me, please, ma'am.

7                   (EXHIBIT NO. 25 - JUDICIAL MERIT SELECTION  
8 COMMISSION PERSONAL DATA QUESTIONNAIRE OF THE  
9 HONORABLE MELISSA J. BUCKHANNON)

10                  (EXHIBIT NO. 26 - JUDICIAL MERIT SELECTION  
11 COMMISSION SWORN STATEMENT OF THE HONORABLE  
12 MELISSA J. BUCKHANNON)

13                  CHAIRMAN SMITH: Judge Buckhannon, the  
14 Judicial Merit Selection Commission has thoroughly  
15 investigated your qualifications on the bench. Our inquiry  
16 is focused on the nine evaluative criteria. In addition,  
17 we reviewed a ballot box survey, a thorough study of your  
18 application materials, verification of your compliance with  
19 state ethics laws, a search of newspaper articles in which  
20 your name appears, a study of previous screenings, and  
21 checks for economic conflicts of interest.

22                  We've have one affidavit that was filed in  
23 opposition to your election. And one witness advised the  
24 Commission that they were going to testify and -- yeah,  
25 pursuant to the affidavit.

1                   So we've received a complaint from Justin  
2 Fulmer. For the record, he submitted a letter dated  
3 November 18th to the Commission in response to our letter  
4 saying that we cannot -- you're required under the judicial  
5 canons, you cannot testify as to any pending matters.

6                   JUDGE BUCKHANNON: Yes, sir.

7                   CHAIRMAN SMITH: And I understand that  
8 matter was pending.

9                   JUDGE BUCKHANNON: Yes, sir.

10                  CHAIRMAN SMITH: And so we advised both you  
11 and Mr. Fulmer that we could not -- you could not address  
12 those, and we would not receive testimony to that effect,  
13 so you would not violate the judicial canons.

14                  JUDGE BUCKHANNON: Yes, sir.

15                  CHAIRMAN SMITH: Mr. Fulmer responded back  
16 advising that he will not be attending the hearing on  
17 December 21st, 2021, in regards to Judge Buckhannon: "I was  
18 not aware that neither myself -- either myself nor Judge  
19 Buckhannon could speak about the pending litigation. I  
20 will stand by the allegations filed in my complaint and  
21 would ask that the Commission base its decision on the  
22 information."

23                  And so with that, part of the rules of the  
24 Commission is that if you -- if you file a complaint, you  
25 must appear and must testify. And so is there a Justin

1 Fulmer in this Committee room?

2 (Hearing none.)

3 CHAIRMAN SMITH: Hearing none. Pursuant to  
4 that, a failure to appear results in a dismissal of the  
5 complaint. And so Mr. Strom moves to dismiss the  
6 complaint. All in favor signify by saying "aye."

7 (At this time the members audibly say "aye.")

8 CHAIRMAN SMITH: All opposed?

9 (Hearing none.)

10 CHAIRMAN SMITH: The ayes have it. That  
11 complaint is dismissed. All right. From that point,  
12 please answer any questions that your screening attorney  
13 may have.

14 JUDGE BUCKHANNON: Thank you, sir.

15 EXAMINATION BY MR. TRIPLETT:

16 Q. Good afternoon, Judge,

17 A. Good afternoon.

18 Q. Judge Buckhannon, after serving seven years on  
19 the Family Court, why do you want to continue serving as a  
20 Family Court judge?

21 A. Well, prior to becoming a Family Court judge, I  
22 was a Family Court attorney for approximately 20 years.  
23 And my passion in the law is Family Court. I love it. I  
24 enjoy my job. I look at my job as I don't have to get up  
25 and go to work in the morning; I get to go to work in the

1 morning and do this job. And I enjoy it.

2 I try to be as fair and as open as I can with the  
3 people in front of me. I get along well with my Bar -- I  
4 mean, for the most part. And so it's just a joy to me,  
5 seeing a difference that I make in the lives of others.

6 And I remember what it was like -- we were having  
7 a discussion, I remember what it was like to be an  
8 attorney. And my goal when I took the bench is, one,  
9 keeping in mind what it's like to be representing someone  
10 and talking to someone, maybe sometimes convincing someone  
11 to enter into an agreement, and my job is to enforce that  
12 agreement. And I said my goal was to remember what it was  
13 like to be an attorney and never make a liar out of an  
14 attorney.

15 So it's the job of the court to uphold the law  
16 that the General Assembly sets, and to enforce orders that  
17 the court orders, and to do it to the best of my ability.  
18 And so I enjoy it. And I hope I can continue to do that.

19 **Q. Thank you, Judge. What do you think your**  
20 **reputation is among attorneys that practice before you?**

21 A. I think I have a good reputation. I am  
22 frequently asked to speak at CLEs and different seminars.  
23 And we have an open-door policy in Horry County, I have a  
24 lot of attorneys that will come and sit down and say, "Can  
25 we talk about something?"

1 I have no problem. I mean, I advise them. I  
2 said, "I'll help you with the question. I'll help you see  
3 if we can come up with a solution. I may not be able to  
4 hear it, but let's discuss it."

5 Because I would much rather them come and talk to  
6 me about it at the front end and get it right than  
7 embarrass themselves in front of the court and their  
8 clients in the courtroom.

9 And so I think that, that has developed a good  
10 rapport between myself and the Bar. And like I said, I  
11 practiced with them for so long before I took the bench,  
12 and I had their support when I took the bench. And I think  
13 I still have their support now.

14 Q. Judge Buckhannon, the Commission received 406  
15 ballot box surveys regarding you, with 42 additional  
16 comments. The ballot box survey, for example, contained  
17 the following positive comments:

18 "She's a perfect combination of character and  
19 compassion for this position. Judge Buckhannon is simply  
20 the best of the best that serves on the Family Court bench.  
21 Judge Buckhannon cuts right to the heart of the issues  
22 before her. She tries to formulate rulings that people can  
23 actually comply with."

24 Twelve of the written comments expressed  
25 concerns. Judge Buckhannon, multiple comments suggest that

1 you have poor temperament towards attorneys and litigants.

2 What response would you offer to this concern?

3 A. When you and I discussed that earlier during my -  
4 - I really gave that some thought. And I received that  
5 well because that's something that I take a huge effort to  
6 do to communicate well. Because I take the job so  
7 seriously, and I do make every effort to try to be fair, to  
8 try to be consistent and to convey why I'm doing it.

9 Because I used to be a practicing attorney, when  
10 we would leave a temporary hearing and a cop would look at  
11 me and go, "Why did they do that?" and I'd go, "I don't  
12 know."

13 Because, I mean, sometimes there's no rhyme or  
14 reason when a judge is seeing both sides of what's going  
15 on, and so I try to explain it.

16 Now, I explain it with a good heart. I might not  
17 always explain it with the best tact. And as my momma  
18 would say, "The girl's got a good heart but sometimes her  
19 mouth."

20 So I might not have all the tact in the world,  
21 and so I've received that comment and that is something  
22 that I'm really being conscious about, that when I am  
23 conveying something in the courtroom and I am talking to  
24 litigants -- because sometimes I talk to them -- I've been  
25 through a divorce myself. I've been through what they're

1 sitting through. And I know how hard it is what they're  
2 sitting through. And sometimes I try to convey that.

3 I might not always do it -- it may seem  
4 judgmental to them. It may seem that I'm fussing at them.  
5 But that's not my intent. And that's not the reason I'm  
6 trying to talk to them. I'm trying to talk to them to say,  
7 "You can get through this. Been where you're at. And this  
8 is what the law says and it's got to apply."

9 And so in explaining it, I may lack tact. But  
10 I'm not doing it with an intent to embarrass anybody or  
11 have poor temperament. But I've received that comment.  
12 And I'm really doing -- trying to make sure that I'm very  
13 aware of that each time in the courtroom.

14 **Q. Judge Buckhannon, several comments suggest that**  
15 **you show favoritism in your courtroom. What response would**  
16 **you offer to this concern?**

17 A. I would deny that because I will tell you, I've  
18 lost friends over the fact that I will not show favoritism  
19 in the courtroom. We do have people here that came and  
20 supported me, some of them -- I mean, I really didn't know  
21 they were all coming. But I can tell you every one of them  
22 they have -- they have prevailed in my courtroom or they've  
23 lost in my courtroom, every one of them, because I ruled on  
24 the facts.

25 I'm very consistent. I'm a rules person. If

1 you've got the rules, I mean -- and I'll ask -- I'll ask an  
2 attorney, like I'll call them up in an effort to not  
3 embarrass them. I'll say, "The Rule -- Rule 17 says this.  
4 How can we reconcile your facts to what the rule says?"

5 Now, that's kind of went over a client's head,  
6 but if the attorney looks down and realizes made a mistake  
7 they can say, "Judge, can we continue this?"

8 And we step back. Absolutely. And then they can  
9 go tell their client whatever they want to tell their  
10 client to save their embarrassment. But I'm a rule-  
11 follower. And some people see that as a -- as showing  
12 partiality. But it's not. because to me the great  
13 equalizer in court is the rules.

14 A first-year attorney and a 20-year attorney are  
15 following the same rules. And that's the equalizer. As  
16 long as you're following the rules and you're doing what  
17 the rules are saying and you're following that procedure,  
18 you can prevail no matter where you're at in your career.

19 And sometimes that looks like -- if I'm saying I  
20 can't go forward with that, it may look, well, you took  
21 their side.

22 I didn't. And so I -- and like I said, I've had  
23 -- I've had friends that I practiced with for a long time,  
24 that came in front of me expecting, "Well, can you overlook  
25 it this time?"

1            "No." So I would deny that. Because I have lost  
2 friends over not showing partiality.

3            **Q. And, Judge Buckhannon, you spoke to this**  
4 **previously, but to reiterate, one comment suggests you have**  
5 **a poor reputation in your community. What response would**  
6 **you offer to that concern?**

7            A. I don't agree with that at all. I'm very active  
8 in my community. As the supporting documentation that I  
9 provided, the letter, I had someone from the school  
10 district, the attendance clerk, the one in charge -- I'm  
11 the truancy judge. They have me come out and talk to their  
12 parents and talk to the at-risk students.

13            I was the keynote speaker at the South Carolina  
14 Attendance Clerk Organization. I didn't even know there  
15 was such. I'm a part the Attorney General's Sex  
16 Trafficking Committee, and I go and I travel the state and  
17 I'm invited to go and speak on that with that group.

18            I help train lay-guardians for the abuse and  
19 neglect process. I am one of the trainers for the new  
20 judges asked by -- I'm on the Commission for Profession,  
21 and we started a new training system for the new judges.

22            So I would challenge that. Because I am invited  
23 to a lot of different things within the community -- not  
24 just the legal, but within the community -- to participate  
25 and to be a part of. And I enjoy doing that. And so I

1 think I have a good reputation within my community.

2 **Q. Thank you, Judge.**

3 MR. TRIPLETT: I would note that the  
4 Pee Dee Citizens Committee reported Judge Buckhannon to be  
5 well qualified as to the evaluative criteria of ethical  
6 fitness, professional and academic ability, character,  
7 reputation, experience, and judicial temperament. Judge  
8 Buckhannon was found qualified in the evaluative criteria  
9 of constitutional qualifications, physical health and  
10 mental stability.

11 And just a few housekeeping issues.

12 BY MR. TRIPLETT:

13 **Q. Judge Buckhannon, since submitting your letter of**  
14 **intent have you contacted any members of the Commission**  
15 **about your candidacy?**

16 A. No, sir.

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

20 A. Yes, sir.

21 **Q. Since submitting your letter of intent have you**  
22 **sought or received the pledge of any legislator either**  
23 **prior to this date or pending the outcome of your**  
24 **screening?**

25 A. No, sir.

1 Q. Have you asked any third parties to contact  
2 members of the General Assembly on your behalf, or are you  
3 aware of anyone attempting to intervene in this process on  
4 your behalf?

5 A. No, sir, I'm not.

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

9 A. Yes, sir.

10 MR. TRIPLETT: I would just note for the  
11 record that any concerns raised during the investigation  
12 regarding the candidate were incorporated into the  
13 questioning of the candidate today. Mr. Chairman, I have  
14 no further questions.

15 CHAIRMAN SMITH: Thank you very much.

16 EXAMINATION BY CHAIRMAN SMITH:

17 Q. Judge Buckhannon, let me start off by just talk -  
18 - we look at these ballot box surveys, and you've been  
19 asked about some of these. And, you know, I tell  
20 everybody, especially sitting judges, that, you know, you  
21 hide behind anonymity.

22 A. Right.

23 Q. These are lawyers. But these are the people who  
24 are your peers, for lack of a better term. And so, you  
25 know, they don't -- they're not determinative of what we do

1 here today, but they show us patterns of people who do well  
2 or who have -- who are obviously well respected and that  
3 provide -- well respected by the people that appear in  
4 front of them.

5 But also when you look at these things, too, you  
6 kind of -- one thing that we look at, and I, in particular,  
7 is temperament. And so you have a -- the vast majority of  
8 them say your temperament's -- you're well qualified.

9 A little bit -- you're more than what we're  
10 seeing with normal people, normal folks through the  
11 screening who are in the Family Court, is yours is a  
12 little bit higher than everybody else's.

13 And so, you know, I look at this and you got a  
14 lot -- you know, not a lot, but you got more unqualified  
15 than we've had, and then qualified. So, you know, I've  
16 obviously read the complaint that was filed before we got  
17 here --

18 A. Yes, sir.

19 Q. -- thinking we're going to deal with that. I  
20 just want to point out that, you know, I don't know what's  
21 going on here. But I think you need to have some self-  
22 reflection some, and how -- what are you going to do to try  
23 to improve that where we -- where you're aware of the level  
24 of other members of the Bar as it relate -- I mean, other  
25 members of the judiciary as it relates to Family Court are

1 **with these temperament issues?**

2 A. Well, and like I said when I first met with Mr.  
3 Triplett and we discussed that, I mean, that's something  
4 that -- I know I am considered to be a tough judge because  
5 I will make the decisions. And that's one of my  
6 reputations is if you got a tough case, you come before  
7 Judge Buckhannon. And because sometimes they're hard  
8 decisions to make.

9 And I intend to work on the issue of the tact of  
10 coming across. I don't like to -- and in all honesty, I  
11 share more of myself on the bench than I do when I'm  
12 explaining to somebody because -- I mean, I'll look at a  
13 parent and say, "I've been where you're at."

14 But I don't like for it to come across as  
15 judgmental and was not aware that it did. But that's  
16 definitely something that I am taking to heart and will be  
17 conscious -- more conscious of as going forward. Because I  
18 have some attorneys that will come and say, "I've got a  
19 difficult client and they need a Buckhannon speech."

20 But then I understand that some attorneys may not  
21 appreciate that. And I'm going to become more aware of  
22 that while I'm on the bench, of not being so, for lack of a  
23 better term, preachy to them, saying you all -- "You all  
24 hurting your children" or "you're doing this to your  
25 children." I'll be more aware of that. And that's

1 something that I certainly take in and acknowledge and will  
2 definitely work on.

3 Now, on the other hand there's -- I mean, growing  
4 up in the law, we had -- I had tremendous respect for the  
5 law. And, unfortunately, we've got some young ones that  
6 come out and they don't have the respect of the court that  
7 you and I would have going in.

8 I had one attorney, I looked at him one time and  
9 I said, "If you yell at me one more time, I'm going to have  
10 to hold you" -- because he was yelling at this side,  
11 yelling at this side. And I mean -- and you try to help.

12 I had another young attorney that came in, he had  
13 falsified a custody order to get custody. There was no  
14 custody order. He used law enforcement to help him. He's  
15 in my courtroom. I'm doing my best to try to convey to him  
16 you can't do this. His response was, "It's just Family  
17 Court."

18 So it is a hybrid of I fully realize and own the  
19 comments about me, but there's also a level of respect that  
20 I demand in the courtroom that's sometimes not appreciated  
21 by some of the members of the Bar that do not show that  
22 respect to the court.

23 **Q. Well, it's not about the respect to the judge.**  
24 **It's about respect to the --**

25 **A. The court.**

1 Q. -- judgship --

2 A. Exactly.

3 Q. -- and the court. And I certainly understand  
4 that. And when I look at this, you know, I -- you know, I  
5 look on the positives -- on some of the positive comments.  
6 And one of the comments that struck me is, "She's a great  
7 judge who has courage to run her courtroom and make tough  
8 decisions."

9 So you know, not everything's bad. And then you  
10 got someone else who says, "Love her but she tends to have  
11 a hot head."

12 A. Right.

13 Q. And so, you know, I just want to convey to you,  
14 as what I've been telling every judge with this, is your  
15 temper and your demeanor are the most important things that  
16 you have. And obviously, you know, we look at professional  
17 and academic ability and we -- and we want to make sure we  
18 sure we have judges who have that capability.

19 And there's no doubt you have that capability;  
20 you have a wealth of experience with that. But then the  
21 second component of it that's going to make you a great  
22 judge or a judge that we -- that's going to have cause for  
23 concerns with us and with the public is the temperament.  
24 And so, you know, I just -- you know, just tell you, as I'm  
25 telling every judge this.

1           A.    I understand.

2           Q.    But we have to -- you know, we're going to have  
3 to expect to see good temperament. And the way you treat  
4 litigants, the way you treat the personnel at the court,  
5 and the way you treat lawyers are very, very important.  
6 Because just like you say, the lawyers must have a respect  
7 for the court, you are -- you are the court when you zip up  
8 that black robe.

9           A.    I absolutely agree.

10          Q.    You represent the South Carolina Judiciary and  
11 you represent the ideals that we all expect from them, and  
12 those of us who are lawyers revere and have -- and have --  
13 and are very proud of judges in South Carolina.

14                   And what I -- what I want to just, you know,  
15 bring to your attention and tell you how this Commission  
16 really takes that into consideration as we move forward, is  
17 that we expect the best out of our judiciary.

18          A.    Yes, sir.

19          Q.    Not so-so. Not, you know, having people complain  
20 continuously about the way you're running your courtroom,  
21 and the way you're treating the people that are in the  
22 courtroom. And so, you know, I just want to express that,  
23 which we've expressed of every judge.

24                   But, you know, this Commission is looking at  
25 those very closely and scrutinizing that. And we expect --

1 you know, I don't expect you to get run over by litigants.

2 A. Yes, sir.

3 Q. And we don't want that.

4 A. Yes, sir.

5 Q. And you know -- or lawyers. And you know there  
6 are lawyers -- you hit the nail on the head, because people  
7 I know who are judges say that the respect that we had --  
8 it was more fear, I guess --

9 A. Right.

10 Q. -- when I was coming up of the court is kind of  
11 lost upon the new generation of lawyers, and that they are  
12 more demanding and all that. And you've got to -- you've  
13 got to run your courtroom.

14 A. Right.

15 Q. But also you got to remember that you need to --  
16 you embody what we want to project as judges of this state.  
17 And you need to do it in a manner that -- we call it over  
18 here, Senator Sabb and I, Tommy Cooper. If you've ever  
19 appeared in front of him, he just absolutely has one of the  
20 most gentle and common demeanors, and he is -- he runs a  
21 courtroom as tight as anyone I've ever seen.

22 A. Yes, sir.

23 Q. And so that can be done. And the days of tyrants  
24 and the days of people who are humiliating litigants and  
25 lawyers need to be well in the rearview mirror in our

1 judiciary.

2           So I will stop preaching. I've been telling  
3 everybody this, but I want to make sure that you understand  
4 that as we move forward.

5           A. Thank you, sir.

6                   CHAIRMAN SMITH: Senator Rankin.

7                   SENATOR RANKIN: Judge, welcome.

8                   JUDGE BUCKHANNON: Thank you.

9                   SENATOR RANKIN: Tommy, welcome. A host of  
10 folk from Horry and Georgetown, welcome. The man with the  
11 camera, welcome.

12 EXAMINATION BY SENATOR RANKIN:

13           Q. These are the toughest judgeships to screen, I  
14 will tell you. And I have an acute awareness of this. My  
15 great attorney, one of the host of the Hearn team, George,  
16 is sitting in this audience. So he knows that I speak of  
17 the difficulties that Luke the Litigant, not Luke the  
18 Lawyer, not Luke the Legislator, experienced back in the  
19 day. Fortunately, well behind me. And I've been blessed  
20 and my children have been blessed ever since.

21                   But it is a difficult thing for me to see and  
22 read some of the comments. I'll be honest. And because I  
23 don't appear before you, George taught me never to go back  
24 into a Family Courtroom, and so I've abided that since.  
25 But what I know of you is largely represented here by the

1 good.

2 But as you have heard alluded to, what appears to  
3 be more broad and widespread than I had hoped is a  
4 temperament problem. And so whether it's a litigant who  
5 didn't win, they're not participating in these --

6 A. Right.

7 Q. -- ballot box surveys. These are attorneys, our  
8 peers that are participating. You might say, "Well, you  
9 can game the system, we can work up a flurry of folk to say  
10 bad things about a judge." And that may be in your case.  
11 But help me, if anybody's reading this transcript, to --  
12 and not the litigant, the lawyer --

13 A. Right.

14 Q. -- but the litigant. Help me and help yourself  
15 with a record that says you are not hot-headed, quick to  
16 make a decision in a minority of comments, but that -- to  
17 kind of mirror this, doesn't read the affidavits,  
18 necessarily, kind of quick -- I'm paraphrasing -- quick to  
19 make a decision, facts be damned. Help me help the general  
20 public say, "That's not who I am."

21 A. That's not who I am. I read everything that's  
22 presented in front of me. Because like I said, I remember  
23 what it's like to practice law. I remember what it was  
24 like to sit with clients and their witnesses and help them  
25 prepare those affidavits and how important they are.

1           And I'm one of those judges that will read it in  
2 front of them. I don't take it under advisement. Those  
3 people -- unless there is just -- I mean, I probably could  
4 count on one hand how many temporary hearings I've taken  
5 under advisement in the last seven years. I read it in  
6 front of them. It might put me late on my docket, but I  
7 want them to know, one, I've read it, and, two, I explain  
8 my ruling.

9           And it's like I -- and some attorneys don't  
10 receive that well, because they don't want their -- they  
11 don't want their client talked to. But a lot of times --  
12 and I did this yesterday, I told a woman, I said, "Your  
13 attorney can pretty-up an affidavit for you. However, what  
14 you post on Facebook at two o'clock in the morning, what  
15 you text, what you e-mail out and what you put on social  
16 media, calling your child's father all these names, or  
17 calling other people all these names, that's who I see you  
18 are."

19           And so not only do I read it, I explain to them  
20 why I'm ruling the way I'm ruling. And it does upset some  
21 attorneys. Because they argue -- because one of the  
22 vantage points -- and I remember practicing law, I was so  
23 sure my client was on the side of righteousness going in,  
24 and had all the witness statements and everything going in,  
25 but then when you're on the bench and you're seeing both

1 sides of it, and you see a lot of times there is no clear  
2 good guy.

3           And so a lot of attorneys say, "Well, you must  
4 not have considered this." Well, I did consider that. But  
5 did you see what happened here? So they might not agree  
6 with it, and they might see it as a problem with  
7 temperament as I'm explaining this is what's going on.

8           But it is amazing the attorneys that will argue  
9 back. And I know some of my fellow people on the bench  
10 say, "Well, I have to remind them that they're not allowed  
11 to argue back with us."

12           And they argue back and they get mad. And that's  
13 -- and I will tell you, I can't live in fear of letting  
14 someone yell at me in my courtroom. Because I take very  
15 seriously what I represent in that courtroom.

16           Now, I don't think I'm the most important person  
17 in the courtroom, because if the court reporter doesn't  
18 show up, I can't do my job. I have a very good  
19 relationship with my staff. And I have one attorney -- I  
20 mean, one sheriff's deputy that's assigned to me, and we  
21 have -- I mean, we have a very good relationship.

22           And so I can tell you that I read the stuff. I  
23 consider it. When I rule, if I've had a trial, I try to  
24 bring everybody back in and I go through all the factors  
25 and I give an explanation.

1 I'm not one that will just send out a letter and  
2 say, "This is what I've decided." I bring them back in and  
3 give them an opportunity to hear what I've decided and why  
4 I've decided and what impressed me on the bench.

5 And so I mean, maybe that's just a way that some  
6 people don't appreciate the explanation part, and they  
7 think that I've got a lack of temperament in doing that.  
8 But I can tell you it is not coming from a place of being  
9 hot-headed or mad or angry at anybody in the courtroom.

10 Q. We've heard -- and, again, and I see Martha Hamel  
11 here too. Isn't that Martha? Yeah. Thank you, Martha.  
12 The Family Court judges, I think, yesterday -- Monday,  
13 anyway, one was criticized for being too thorough and  
14 paying more attention to the pro se litigant. And it was a  
15 compliment and, perhaps, a tongue-in-cheek --

16 A. Right.

17 Q. -- slight to the -- to the judge by an attorney.  
18 But her attitude was that of all people, they need more  
19 grace --

20 A. Absolutely.

21 Q. -- and more time. There is a complaint -- and,  
22 again, take it with a grain of salt -- that you are not as  
23 deferential to pro se litigants, and that you may have more  
24 impatience with them. Is that --

25 A. That is not true. I am the judge each week that

1 handles the pro se, because I will take more on. Because  
2 the judges tend not to like pro se litigants. And so  
3 tomorrow I will have a morning of pro se litigants. And to  
4 that end during the time of COVID, when everything was  
5 virtual and courts were shutting down, a lot of those  
6 judges were discussing about how we were doing things, and  
7 the sentiment about the pro se litigants was they're just  
8 going to have to wait.

9           And my response to that is, that's not fair to  
10 deny access to justice to pro se litigants. So myself and  
11 my scheduling clerk sat down and created documentation that  
12 would allow the pro se litigants to have their hearings,  
13 just like anybody else that had an attorney hold their  
14 hand.

15           It took a couple of extra steps, because we had  
16 to make sure notice was done to the defendant, and access  
17 was provided and explained about how to get into a virtual  
18 courtroom.

19           But she and I sat down -- and Horry County was  
20 the pilot county for that, and I created those documents.  
21 Once we saw that it worked in Horry County, we distributed  
22 it.

23           And so a lot of the pro se litigants across the  
24 state, that had access to the court system during COVID to  
25 get their cases heard, was because of documentation that

1 myself and my scheduling clerk out of Horry County did.

2 So I take it very seriously that a pro se  
3 litigant should have access to justice. And I can tell you  
4 I've had trials with pro se litigants, opposing attorneys,  
5 and the pro se's have prevailed. So that is absolutely not  
6 the case.

7 **Q. And I'm going to hush because, perhaps, there are**  
8 **other questions. I don't want to end this on a note of**  
9 **negativity, because that's, again, not the prevailing view.**

10 A couple of little hits. One writes that you favor female  
11 litigants over male litigants.

12 A. No, sir.

13 **Q. You probably can point to as many upset --**

14 A. I can. I can point to as many female upsets as  
15 male upsets. I mean, a lot of people come in with the  
16 attitude that for some reason -- and when I practiced law,  
17 a lot of the male clients would come in and say, "Well, I  
18 know she's going to win. I'm just trying to get the best I  
19 can."

20 That sentiment is no longer present in court.  
21 Because in all honestly, we've got just as many bad mommas  
22 as we got bad daddies in Family Court. And so that's just  
23 -- there's no preference. I try to look out for the best  
24 interest of the child, especially. So there's just no  
25 preference.

1 Q. You succeeded who on the bench?

2 A. Lisa Kinon.

3 Q. And so I knew Lisa, I worked with Lisa.

4 A. Yes, sir.

5 Q. And I think I still avoided going to court in  
6 front of Lisa. But a wonderful temperament, as I recall.  
7 And there are others in our Family Court system who you may  
8 hold in high regard.

9 A. Yes.

10 Q. Who would your mentor be, or mark for the  
11 Goldilocks approach of law, the criteria that we look at in  
12 all things?

13 A. Well, Judge Kinon. Judge Kinon went on the bench  
14 in, I want to say, August or maybe July. I started  
15 practicing law, I clerked for Judge Lockemy, and I came to  
16 Horry County and started practicing law that August. And  
17 so she kind of herded me along. She was the one that I  
18 looked to.

19 And I mean -- and she had a good blend of being  
20 very tough, being very oriented. I mean, we always knew  
21 you had the law on your side, you go in front of Judge  
22 Kinon. But she maintained control of her courtroom, but  
23 she did it with grace.

24 And so I might be a bumbling follow-up to her,  
25 but she was definitely someone that I learned from and

1 followed. And she was a great mentor to me throughout my  
2 time of practicing law.

3 Q. Last question. Again, not the negative now but  
4 the positive. You have wonderful letters of reference, you  
5 have wonderful comments of your not being afraid to make  
6 the hard decisions, and a work ethic that is appreciated.  
7 From this exchange in this process with these -- this  
8 screening, if you're successful -- again, you're not  
9 challenged, you're not opposed.

10 A. Right.

11 Q. -- and your back hereafter, what would you hope  
12 we'll be looking at when your term ends? What differences  
13 do you hope that we will see, or things that you're working  
14 on that you're most proud of that you'd like to see  
15 through?

16 A. Well, the thing I'm -- one of the things I'm most  
17 proud of is the training that we're doing for the new  
18 judges now. I'm on the Commission for Profession. And the  
19 initial thing the task that the judge -- Justice Kittredge  
20 is our chair -- gave us is saying we need some help with  
21 pro se litigants. We need to train the new judges coming  
22 on for pro se litigants.

23 Well, when I took that on and started revamping  
24 it, I was like we actually need training across the board  
25 more for new judges, because new judges come on at

1 different levels of experience in Family Court. And so the  
2 old system was you go sit with the judge for two weeks,  
3 that judge -- and I remember my training, we had a trial  
4 scheduled for the week it settledm and so literally I had -  
5 - he was trying to grab stuff just for me to see throughout  
6 the week. And I said, "We need to revamp that."

7 And so we revamped -- we've got an actual  
8 training team in Family Court now, and we assign the new  
9 judges to these training judges that will actually take the  
10 time to do a full docket and let them see everything.

11 So I'm proud of that. And I mean, I'm proud of  
12 my work in the community with the sex trafficking that  
13 we're doing, and the presentations that we're doing, and  
14 raising awareness on that.

15 But, Senator, I will tell you one of the things  
16 that I hope that will be an improvement the next time I'm  
17 in front of you, if I'm successful this time is the  
18 comments on the temperament.

19 I understand he said there was 12 comments that  
20 were negative comments, but those 12 comments are just as  
21 important to me as any positive comment that has been made.  
22 And that hits home with me more than any positive comment  
23 that was made.

24 And so that's definitely something I'm going to  
25 take home and work on. And I've got people -- you said

1 Miss Martha. I've got people that I trust to say, "Give me  
2 some feedback."

3 And I constantly look at my deputies and the  
4 people that are in my courtroom, and we have such a good  
5 rapport because I know I'm not all-knowing. And they see  
6 things in the courtroom that I don't see. And so I have  
7 feedback from them, and I'll say, "What do you think about  
8 that? What is that?" Because I value their opinion just  
9 as much as I value my own.

10 And so that's things I'm going to work at in  
11 building that relationship. And I mean, yes, I do have the  
12 reputation of making the tough decisions. I think that's  
13 our job. Sometimes the law is tough to follow, and people  
14 don't understand that the law is what the law is. And as  
15 the deliverer of the ruling based on the law, sometimes  
16 that's not well received.

17 But that's something that I'm going to definitely  
18 work on is my presentation of the rulings. Because I can  
19 tell you, it comes from a love of the law and an adherence  
20 to what has been set out in front of us and an absolute  
21 respect for the judiciary. And so I want to make sure that  
22 I'm doing my part to raise the level of the judiciary to  
23 where it should be.

24 CHAIRMAN SMITH: Ms. Blackley.

25 EXAMINATION BY MS. BLACKLEY:

1 Q. Good afternoon, Judge.

2 A. Good afternoon.

3 Q. We all know that Family Court can be high  
4 emotion.

5 A. Yes, ma'am.

6 Q. And there's just so many different aspects that  
7 come from different cases, so I want to applaud you for  
8 being able to keep control of your courtroom. But like  
9 both the senators have stated, there is a big concern with  
10 this commission in regards to temperament. And, you know,  
11 I won't hash -- rehash some of the comments that have been  
12 made, but I can tell you some were a little concerning.

13 And I appreciate your feedback, and especially  
14 you make your way back to the Commission to have considered  
15 those. But I do want to ask you your opinion -- or what is  
16 your perception of support staff of you in Horry County?

17 A. Support staff?

18 Q. Like the clerk's office, the deputies, the  
19 bailiffs. What is your perception of your working --

20 A. I couldn't do my job without my support staff. I  
21 love my support staff. And fortunately in Horry County,  
22 our two Family Court clerks are on the same floor with us.  
23 And we have an excellent relationship.

24 Like for example, when I said about the forms  
25 with the pro se litigants, instead of sitting down and

1 going, "Okay, this is what we're going to do," I sit down  
2 with my clerk, who would actually be the one intaking that,  
3 and said, "Let's work through this. What is easiest for  
4 you?"

5           And for example, I'm going into the Chief  
6 Administrative Judge position in January, and our Chief  
7 Justice is reinstituting our 365 Day Rule. And that's --  
8 so my scheduling clerk is already coming in, and she said -  
9 - and we sat down this week and we had a meeting about,  
10 okay, this is the progress of it.

11           I have a huge respect for my court. And my  
12 deputy is one of the training deputies. And so we have a  
13 good rapport. And the deputies love to come in and sit and  
14 watch.

15           And this is a complete aside, but I married my  
16 first deputy that ever took care of me in Family Court one  
17 time. So I have a good respect of the people in my  
18 courtroom.

19           And but I have -- and our clerk of court, before  
20 we institute anything -- before she institutes anything, we  
21 have a conversation. And she comes up and -- we have a  
22 open door with her, because she doesn't necessarily --  
23 she's not an attorney and she doesn't know Family Court, so  
24 she comes and sits down.

25           And I mean, we were really put to task through

1 the COVID and the pandemic, of working very closely with  
2 the staff to make sure, one, were servicing and we were  
3 making sure everybody was staying safe. Because that was  
4 one of the concerns is, well, we need to hold court because  
5 we are -- we're protected, we have out back entrance coming  
6 in, they can't approach us, we have a separate thing.

7 But I took very seriously and I voiced my  
8 concern, I said, "When I'm on that bench and I'm safe, that  
9 means I'm putting other people at risk. Because there's  
10 somebody out there screening people to come in. There's  
11 somebody that's checking them in. There's somebody that's  
12 calling the cases. There's somebody that's sitting beside  
13 me doing the court reporting."

14 I said, "There's a deputy that might have to be  
15 dealing with them," I said, "so I take that very  
16 seriously." So I was one that was -- tended to do more  
17 virtual than I was doing in-person.

18 And so I love my court staff. And I mean, this  
19 morning one of the first texts I got was from my court  
20 staff saying, "I love you and I'm with you today." That  
21 was from my clerk. That was from -- not the clerk of  
22 court, but my clerk that works with me. I love my staff.

23 **Q. All right. Thank you.**

24 CHAIRMAN SMITH: Senator Sabb.

25 SENATOR SABB: Thank you, Mr. Chairman.

1 Judge, good to see you.

2 JUDGE BUCKHANNON: Judge, good to see you.

3 SENATOR SABB: I stand convinced that we  
4 made the right decision in voting for you and having you as  
5 one of our Family Court jurists.

6 JUDGE BUCKHANNON: Thank you, sir.

7 SENATOR SABB: And I've tried to just listen  
8 to both the questions of my colleagues on the one hand, and  
9 the answers that you've given on the other. And to me, I  
10 think every opportunity we get in any profession to have a  
11 day-after-day experience, it's an opportunity for us to get  
12 better.

13 And so just as I view the idea of practicing  
14 law as being a practice, and practice is supposed to make  
15 perfect, I think we've got to evaluate and reevaluate what  
16 we do.

17 And in listening to how you rule, it just  
18 reminds me of what my grandmother used to tell me all the  
19 time, "Sometimes it's not what you do, it's how you do it.  
20 Sometimes it's not what you say, it's how you say it."

21 And I guess I would just suggest this as an  
22 observation -- and I don't do Family Court anymore.

23 JUDGE BUCKHANNON: Yes, sir.

24 SENATOR SABB: I leave that to my good  
25 friends, George and others. But I wonder if reading

1 affidavits on the spot -- and, you know, I just view Family  
2 Court as being one of the most emotionally-charged  
3 situations we can find ourselves in. And I just wonder  
4 whether or not reading affidavits, and discerning in your  
5 mind which way you need to go, isn't a part of a buildup.

6 And when you speak right after, whether or  
7 not that's not a reaction to what you've experienced as  
8 opposed to being who you are and how you present. And so I  
9 don't know whether or not you've attempted to issue your  
10 prompt rulings in different ways, but to me that's worthy  
11 of a thought.

12 JUDGE BUCKHANNON: Yes, sir.

13 SENATOR SABB: Because I mean, I'm satisfied  
14 that you take this to heart. I mean, I feel your responses  
15 in addition to hearing you. And so I just wanted to share  
16 that as an observation, perhaps, as something that you  
17 might try and see how it works for you.

18 JUDGE BUCKHANNON: And, see, that's a  
19 challenge. Because when you're reading it and it's -- I  
20 mean, rarely does ever a 15-minute take 15 minutes or a 30-  
21 minute hearing take 30 minutes because --

22 SENATOR SABB: Sure.

23 JUDGE BUCKHANNON: -- when you've got all  
24 that.

25 SENATOR SABB: Sure.

1 JUDGE BUCKHANNON: And it's like a two-edged  
2 sword almost. Because if you don't rule right then, you  
3 can't -- and I remember having clients that I could never  
4 convince that the judge actually read their affidavits if  
5 they didn't read it right in front of them. And then we  
6 got the ruling in the letter, and they go, "They didn't  
7 read it. They didn't read it."

8 And so it's like I try to let them see me  
9 reading it, I'm flipping the pages. And it's funny because  
10 I've seen some litigants flip the pages, I flip the page.  
11 So they know where I'm at. And I'm very conscious of that.

12 And so I want them to make sure that I'm  
13 reading it, and then I want them to know why I'm doing it.  
14 Because like I said, some attorneys say, "I need you to --  
15 we need a Buckhannon speech."

16 And because I'll tell them, "Your attorney  
17 cannot fix for you what you do at midnight when you're on  
18 that -- when you're texting. There's no magic wand that  
19 your attorney can fix and there's no magic wand that I can  
20 fix."

21 But then I can also see your point of maybe  
22 taking a minute back. And so it's sometimes very  
23 difficult, because I want them to know they've had their  
24 access to the court and I've read it and I've received it.

25 And a lot of times when we're making

1 decisions, we've got people that if a child goes to school,  
2 one's going to go snatch that child until there's an order.  
3 And then when that child goes to school, then the other  
4 one's going to go snatch the child. So I'm trying to make  
5 decisions to give them some temporary guidelines  
6 immediately to go through to give a child some peace.

7 I mean, and I completely see what you're  
8 saying. And it's almost like which way is the way to go?

9 SENATOR SABB: Sure. Sure. Sure. And I  
10 completely appreciate what you've just shared. I would  
11 say, though, in terms of -- and I don't know where the  
12 answer lies. But to me, one of the things that I've always  
13 focused on in a number of situations is something I read  
14 where it said, "To thine own self be true. And this must  
15 follow as day does the night."

16 And so to the extent that one does  
17 something, and another questions whether or not they did  
18 what in fact they did, there's an inner peace in terms of  
19 knowing you did what you were supposed to do, even if they  
20 don't appreciate it.

21 So I don't know where the balance is. I  
22 just would encourage you to put that in the "for what it's  
23 worth" department.

24 JUDGE BUCKHANNON: Yeah. And I appreciate  
25 that. I'm a woman of faith. And every morning on my way

1 to work is my time. And I'm like, I don't know what all's  
2 going on. I know a little bit. And as I explain to  
3 people, you've had 30 years of marriage or you've had 15  
4 years of marriage, and you've got a child that's this old,  
5 and I'm seeing about ten minutes of that 30 years to make a  
6 decision. And so my prayer is, "Help me to be fair."

7 Now my prayer is, "Help me to be nicer when  
8 I'm ruling." Because if that's my problem, I receive it.  
9 Because I'm not going to stand here and say, "Well, that's  
10 just not true."

11 Now, I can stand here and say there are some  
12 attorneys that I wish I could put in front of you all, too,  
13 and let you all talk to them about their temperament. But  
14 that's -- that's my problem. And I receive that. Thank  
15 you.

16 SENATOR SABB: Well, thanks. And my last  
17 comment, when you said what you said it reminded me of a  
18 plaque that a guy had, and I wish he had me in his will so  
19 that he could give it to me so it would be a daily  
20 reminder. But it basically says, "Lord, nothing will  
21 happen today that you and I can't handle."

22 JUDGE BUCKHANNON: Amen.

23 CHAIRMAN SMITH: Senator Talley.

24 SENATOR TALLEY: Judge Buckhannon, it's nice  
25 to see you.

1 JUDGE BUCKHANNON: Nice to see you, sir.

2 SENATOR TALLEY: I think I've only been in  
3 front of you one time, several years ago when you were in  
4 the Upstate.

5 JUDGE BUCKHANNON: Okay.

6 SENATOR TALLEY: Good, bad, indifferent, I  
7 wear the badge of the only Family Court practitioner on  
8 this commission. So I just -- I encourage you to take to  
9 heart, as my colleague Senator Sabb said, you know, some of  
10 these comments. But I want you to know it's not lost on  
11 us, the struggles of running a Family Court docket.

12 I made the comment to somebody yesterday  
13 that, you know, one of the things that maybe this is coming  
14 from, from time to time is because you get behind, because  
15 you take time to read the affidavits, and my hearing is  
16 scheduled at three o'clock.

17 You know, all we ask is when we walk into  
18 your courtroom for a three o'clock hearing at four or 4:30,  
19 that you realize that it's our client's time.

20 JUDGE BUCKHANNON: Exactly. Exactly.

21 SENATOR TALLEY: And so I just wanted to  
22 throw that out there to you, not to give you the impression  
23 that it's lost on us. We talk about that with folks  
24 running for Family Court, be they sitting judges or  
25 candidates for the first time, of how we graph that

1 problem.

2 I mean, it's a -- it's a systemic problem  
3 that needs to be addressed. But I for one would say I  
4 appreciate you doing that in the courtroom. Because those  
5 clients pay us a lot of money to put those packets together  
6 and come before you. And, you know, whether it's an  
7 afternoon or two days or five days, those temporary matters  
8 need to be decided then and there.

9 Is it the perfect process? Absolutely not.  
10 It's what we've got right now. So I appreciate you taking  
11 the time to do that, and give them the sense that they are  
12 being heard --

13 JUDGE BUCKHANNON: Yes, sir.

14 SENATOR TALLEY: -- or at least read in that  
15 regard. So thank you for that.

16 JUDGE BUCKHANNON: Thank you.

17 CHAIRMAN SMITH: Mr. Strom.

18 MR. STROM: Thank you, Mr. Chairman. Judge,  
19 I've never appeared before you. I have met you a few  
20 times. And, you know, we've gone around this room, all of  
21 us.

22 JUDGE BUCKHANNON: Yes, sir.

23 MR. STROM: And I get if you don't care and  
24 you don't have any emotion, you probably shouldn't be on  
25 the bench. Because it's a tough job and you're dealing

1 with real life problems -- children, money, making the hard  
2 the decisions. But I think trying to summarize what we're  
3 all saying is, some of your numbers are skewed on the -- on  
4 the temperament.

5           And we're probably going to have some judges  
6 who have been on the bench a long time, that have come  
7 through this time that are not going to be a judge anymore,  
8 and it's primarily because of temperament. You're not in  
9 that situation in my view.

10           We've had judges who've had scores worse  
11 than yours. I'll call his name, Greg -- Judge Greg  
12 Siegler. A Citadel grad, he had a way about him. And  
13 folks had a conversation with him, and his numbers are  
14 remarkably better and he came through this time.

15           So this is something that it's just a style-  
16 thing, that -- you know, we've all said it. Because we  
17 don't want to be here, or whoever is on this Commission in  
18 six more years, and the numbers have gotten worse. So this  
19 is -- this is our focus, you know, is the temperament.

20           And, you know, you got a lot of great  
21 lawyers who came with you that this commission all knows  
22 and respects. And that means a lot that they took the time  
23 to drive up from the beach to sit back there. That tells  
24 us that you are a good judge.

25           So, you know, keep up the good work, but

1 work on the style.

2 JUDGE BUCKHANNON: And I appreciate that.  
3 It is a shame that you go every six years before you get a  
4 -- because in most jobs you get a review every year and get  
5 the update. And it's a shame that we go six years because  
6 this is my first -- well, I went through it one time, and I  
7 filled an unexpired term and went through the next year.  
8 But I was still in my honeymoon period, so it's been a  
9 while.

10 And so but I will tell you, I take great  
11 stock in what I'm hearing. And I don't just say "phfft"  
12 and walk out the door. I feel it. And I mean -- because  
13 that's not who I feel like I am. and that's certainly not  
14 what I want to portray on behalf of the bench.

15 Because I care. I've been where they're at  
16 and I care. And I want to do a good job. I love Family  
17 Court. I dedicated my life to Family Court. And so I want  
18 to make sure I am doing the best I can for Family Court.

19 SENATOR RANKIN: I have to end this with not  
20 a joke, but what is it, many a truth is said in jest. And  
21 I'm reminded of this from long, long ago, Dottie Jones --  
22 Dottie Mobley Jones, who said one of two things happens at  
23 the end of a domestic case, this is the attorney hearing  
24 this: One, your client hates you; two, your client hates  
25 you. You are in a very difficult world of making no one

1 happy.

2 JUDGE BUCKHANNON: Yes, sir.

3 SENATOR RANKIN: So I hear that you get it.  
4 And I appreciate the humility that you have. And, again,  
5 not the majority of the comments. But we won't see you  
6 again if it goes according -- it appears to go. And so  
7 that's what we are hoping. And so we've heard things about  
8 -- on multiple judges, no question that this judge, male or  
9 female, the kids are what their focus is. I'm hearing that  
10 from you.

11 JUDGE BUCKHANNON: Absolutely.

12 SENATOR RANKIN: I can't wait to see that as  
13 the unanimous comment again. And so you got it. I know  
14 you had it. It's just --

15 JUDGE BUCKHANNON: And my joy is the  
16 children that come in front of me. One of the judges and I  
17 were talking, and they said, "Well, what is your joy of  
18 Family Court?" They said they had gotten that question.

19 And I said, my joy -- I said, of course, I  
20 did Adoption Day last week, so I mean, that's always fun.  
21 But my joy is my juveniles. Because that's not something I  
22 did before, because we got a public defender system. And  
23 dealing with the juveniles, and sometimes holding them  
24 accountable and being -- but having them come back.

25 I went through a Dunkin' Donuts the other

1 day, and he said, "You're Judge Buckhannon, aren't you?"

2 And I just looked at him, and I said, "Yes."

3 And he said, "You held my feet to the fire,  
4 but I've got my GED and I've got a job now. And I'm  
5 clean."

6 And having kids come back to me. I've been  
7 in there long enough now, they're cycling back and having  
8 them come back to me. Because that's my joy is seeing that  
9 I am making a difference in some of these children's lives,  
10 that they are stopping a cycle and that they are being put  
11 first.

12 Because there's a lot of times that the  
13 parents get so caught up in the fight they forget there's a  
14 child involved. And a lot of times with the juveniles,  
15 they get so caught up in a bad situation.

16 But that's my joy is having juveniles come  
17 back and say, "You made a difference in my life." And I  
18 decided -- because I had one that said, "When that judge  
19 looked at me, and she must have been important because she  
20 was sitting on the bench" -- I had her guardian come back  
21 and tell me this, she said, "When she said you are worth  
22 more than you're doing for yourself and you're a smart  
23 girl," she said, "She must have -- she must be smart if  
24 she's there and she thought I was smart then I got to do  
25 better." So that's my passion about Family Court.

1                   CHAIRMAN SMITH: Judge Buckhannon, this  
2 concludes your screening process today.

3                   JUDGE BUCKHANNON: Thank you, sir.

4                   CHAIRMAN SMITH: I appreciate you being  
5 here. And I want to take this opportunity to remind you  
6 that pursuant to the Commission's evaluative criteria, the  
7 Commission expects candidates to follow the spirit as well  
8 as the letter of the ethics law, and we will view  
9 violations or the appearance of impropriety as serious and  
10 potentially deserving of heavy weight in the screening  
11 deliberations.

12                   And as you may be aware, the record will  
13 remain open until the formal release of the report of  
14 qualifications and you may be called back at such time  
15 should the need arise.

16                   I thank you for your service. And I thank  
17 you for -- thank you for coming. And I wish you safe  
18 travels back to what I'm calling the Independent --

19                   JUDGE BUCKHANNON: -- Republic of Horry.

20                   CHAIRMAN SMITH: Republic Horry County.

21                   JUDGE BUCKHANNON: Thank you, sir. You all  
22 have a good evening.

23                   CHAIRMAN SMITH: All right. Thank you.

24                   (Candidate excused.)

25                   CHAIRMAN SMITH: Ms. Frazier, how are you

1 doing today?

2 MS. FRAZIER: I'm good. How are you?

3 CHAIRMAN SMITH: I'm well. Ms. Frazier,  
4 please raise your right hand.

5 WHEREUPON,

6 MELISSA M. FRAZIER, being duly sworn and  
7 cautioned to speak the truth, the whole truth and nothing  
8 but the truth, testifies as follows:

9 CHAIRMAN SMITH: Before you, you have your  
10 personal data questionnaire and your sworn statement. Are  
11 those both documents you have submitted to the Commission?

12 MS. FRAZIER: They are, Your Honor.

13 CHAIRMAN SMITH: Are they both correct?

14 MS. FRAZIER: Yes, they are.

15 CHAIRMAN SMITH: Any changes or amendments  
16 need to be made at this time?

17 MS. FRAZIER: No.

18 CHAIRMAN SMITH: Do you have any objection  
19 to us making those as exhibits to your sworn testimony  
20 today?

21 MS. FRAZIER: No, sir.

22 CHAIRMAN SMITH: Without objection. We're  
23 going to make those exhibits to the testimony.

24 (EXHIBIT NO. 27 - JUDICIAL MERIT SELECTION  
25 COMMISSION PERSONAL DATA QUESTIONNAIRE OF MELISSA

1 M. FRAZIER)

2 (EXHIBIT NO. 28 - JUDICIAL MERIT SELECTION  
3 COMMISSION AMENDED PERSONAL DATA QUESTIONNAIRE OF  
4 MELISSA M. FRAZIER)

5 (EXHIBIT NO. 29 - JUDICIAL MERIT SELECTION  
6 COMMISSION SWORN STATEMENT OF MELISSA M.  
7 FRAZIER)

8 CHAIRMAN SMITH: Ms. Frazier, the Judicial  
9 Merit Selection Commission has thoroughly investigated your  
10 qualifications for the bench. Our inquiry is focused on  
11 the nine evaluative criteria. They also include a ballot  
12 box survey, a thorough study of your application materials,  
13 verification of your compliance with state ethics laws, a  
14 search of newspaper articles in which your name appears, a  
15 study of previous screenings, and checks for economic  
16 conflicts of interest.

17 There was one affidavit filed in opposition  
18 to your election, and one witness notified the Commission  
19 that they wished to testify concerning your candidacy. We  
20 sent a letter to the complainant, and I think as well as  
21 you, advising that we were not going to hear testimony as  
22 it relates to ongoing litigation.

23 And so we received a letter from Mr. Fulmer  
24 -- I think it was addressed about Judge Buckhannon, but  
25 probably related -- to give him the benefit of the doubt,

1 we will say it's related to your complaint too. Mr. Fulmer  
2 has decided not to appear. As a result of that, he rests  
3 on what his complaint was.

4           Again, our rules require that the  
5 complainant that files must be present to testify in order  
6 to do that. So being that he is not here, I do not see  
7 anyone -- Mr. Fulmer in this room. I do not see him.

8           So with that being said, Mr. Strom moves  
9 that we dismiss the complaint of Mr. Fulmer. All in favor  
10 signify by saying "aye."

11           (At this time the members audibly say "aye.")

12           CHAIRMAN SMITH: All opposed?

13                           (Hearing none.)

14           CHAIRMAN SMITH: The ayes have it. That  
15 complaint is dismissed. So with that, would you like to  
16 make a brief opening statement to the Commission?

17           MS. FRAZIER: I know you all have a long  
18 night ahead of you all, and so I would -- and I know I'm  
19 the last but, hopefully, not the least. So I would just  
20 say thank you for this opportunity. And I appreciate you  
21 all listening to me today.

22           CHAIRMAN SMITH: And I failed to -- I think  
23 you may have brought somebody. All the faces look familiar  
24 from staying in here, so I don't know. But is there anyone  
25 you would like to introduce to the Commission?

1 MS. FRAZIER: I certainly would like to -- or  
2 introduce my paralegal, Tammy Van Dale.

3 CHAIRMAN SMITH: Hey, Tammy.

4 MS. FRAZIER: And for the rest of them, I  
5 think you -- do you want me to go through and reintroduce  
6 the part of the village from Horry County?

7 CHAIRMAN SMITH: That's what we call the  
8 Independent Republic of Horry County. All right. Well,  
9 with that, will you answer any questions that your  
10 screening attorney may have for you, please.

11 MS. FRAZIER: Thank you.

12 MS. WILKINSON: Good afternoon, Ms.  
13 Frazier.

14 MR. FRAZIER: Good afternoon.

15 MS. WILKINSON: Will you please state for,  
16 the record the city and circuit in which you reside.

17 MS. FRAZIER: Little River, South Carolina,  
18 the 15th Circuit.

19 MS. WILKINSON: Mr. Chairman, I note for the  
20 record that based on the testimony contained in Ms.  
21 Frazier's PDQ, which has been included in the record with  
22 her consent, Ms. Frazier meets the statutory requirements  
23 for this position regarding age, residence and years of  
24 practice.

25 EXAMINATION BY MS. WILKINSON:

1           **Q. Ms. Frazier, why do you want to serve as a Family**  
2 **Court judge? And why do you feel that your legal and**  
3 **professional experience qualify and will assist you to be**  
4 **an effective judge?**

5           A. Well, I think that Family Court judges have one  
6 of the hardest jobs in the state. I think it takes a lot  
7 of passion to -- in family law. I think you have to have  
8 that passion. I've wanted to be in family law ever since I  
9 -- before I went to law school, I knew that was the path I  
10 wanted to take.

11           I have been exclusively practicing in family law.  
12 I've worn a couple of different hats over the last 25  
13 years. But I have litigated family law cases, I've acted  
14 as a guardian ad litem in custody visitation cases as well  
15 as mediated family court cases.

16           So I feel like all of that, plus my demeanor and  
17 my work ethic, would make for a good Family Court judge.

18           **Q. Are there any areas of the law for which you**  
19 **would need additional preparation in order to serve as a**  
20 **Family Court judge, and how would you handle that**  
21 **additional preparation?**

22           A. Well, I haven't done juvenile since I was first  
23 practicing law, so I would probably need to get up to speed  
24 with some juvenile issues. However, I don't think that  
25 would be too hard to get up to speed. I would probably sit

1 in with some Family Court judges, at their discretion, to  
2 sit in on some juvenile issues to see. But I don't think  
3 it would take me long to get up to speed on that.

4 **Q. Please briefly describe your experience in**  
5 **handling complex contested Family Court matters, and**  
6 **specifically discuss your experience with the financial**  
7 **aspects of Family Court work.**

8 A. Well, since I've been practicing for 25 years,  
9 I've seen kind of the gamut of Family Court cases. You  
10 have your simple divorce cases with very little in the way  
11 of assets. In fact, you're dividing up debts as opposed to  
12 assets. But then you also have your multimillion-dollar  
13 cases that I've certainly handled in my career over the  
14 last 25 years.

15 In those particular instances, I have had to  
16 employ forensic accountants to value businesses, I've had  
17 to handle issues involving transmutation of marital assets,  
18 I've handled premarital and post-marital annulment  
19 questions.

20 So I believe that with all of that experience,  
21 that, that would serve me well as a Family Court judge.

22 **Q. The Commission received 291 ballot box surveys**  
23 **regarding you, with 41 comments. The ballot box surveys,**  
24 **for example, contained the following positive comments:**

25 **"Melissa is a diligent and intelligent Family**

1 Court attorney. She has found a unique balance in family  
2 law of representing her clients' interests zealously, but  
3 doing so with compassion and sensitivity. She would  
4 certainly be an asset to the Family Court bench."

5 Another comment stated: "Ms. Frazier will bring a  
6 wealth of experience to the bench. She is an excellent  
7 attorney and a fantastic advocate, always operating audibly  
8 and within the rules. Because she works hard and is  
9 prepared, she is successful. Even in tough cases, Ms.  
10 Frazier does not lose her cool or push the envelope. She  
11 is humble when she prevails for a client and gracious with  
12 opposing counsel."

13 There were eight comments that did express  
14 concerns. These eight comments focused on concerns  
15 regarding laziness, a perceived bias towards your friends,  
16 temperament issues, such as being catty or discourteous,  
17 and issues of being untrustworthy and lacking ethics.

18 How would you respond to the concerns that you  
19 are lazy?

20 A. Well, I'm disappointed by the comment. But I  
21 don't think that, that properly characterizes me. I'm a  
22 military Army brat; we learned a very strong work ethic  
23 growing up. And I think I work very hard to try to do  
24 everything for my clients that I can do.

25 I've been asked -- as an example, I've also been

1 asked to serve on various boards and commissions. I'm  
2 currently on the Family Law Section Council. I'm on the  
3 Family Law -- or Horry County Executive Committee.

4 I'm also -- I was an officer in the Horry County  
5 Bar Association. I'm a treasurer for the Coastal Inn of  
6 Court. So I don't think that if I was lazy that I would be  
7 asked to serve in those capacities.

8 **Q. How would you respond to the concerns that you**  
9 **are biased towards your friends?**

10 A. Well, I don't think it is the judge's  
11 responsibility to -- or the judge's job to weigh a case  
12 based on who the attorney is before them. I think we look  
13 at the facts and circumstances before us to determine.

14 So if I felt like I did have too big of a  
15 connection with a -- with a Family Court attorney that was  
16 appearing before me, I would certainly recuse myself as  
17 required by the Judicial canons.

18 **Q. And how would you respond to the concerns**  
19 **regarding your temperament?**

20 A. I'm a little perplexed by that, because I think I  
21 do have a pretty even keel. I don't get too upset over  
22 little issues. I certainly think I look at everything  
23 fairly and reasonably.

24 I think in particular in mediations, that has  
25 certainly taught me to take my time and make sure that I

1 appear with a good demeanor. And that's one of the ways I  
2 get cases settled.

3 **Q. And lastly, how would you respond to the concerns**  
4 **regarding trustworthiness and a lack of ethics?**

5 A. I think that does not describe me as well. I  
6 feel like your integrity is probably the most important  
7 thing that you have going for you.

8 In particular, as a -- as not only a lawyer but  
9 in particular a Family Court lawyer, I think your integrity  
10 is everything. And I think I have worked really hard to  
11 keep my integrity intact throughout my career.

12 And I believe that I -- I think the  
13 characteristics that describe me are more that I work  
14 really hard. I think I'm a hard worker. I think I have a  
15 good demeanor. And I think that I certainly can fulfill  
16 the position of a Family Court judge.

17 **Q. Ms. Frazier, you self-reported that your law firm**  
18 **is one of several defendants in a recently filed suit**  
19 **brought by the father of a child whose mother you**  
20 **represented in a prior custody case. You also reported**  
21 **that your law firm has filed an answer and counterclaim to**  
22 **that lawsuit.**

23 MS. WILKINSON: Mr. Chairman, all of these  
24 documents can be assessed on your laptop that are before  
25 you.

1           **Q. Ms. Frazier, is there anything you would like to**  
2 **tell the Commission regarding this lawsuit?**

3           A. I don't think so. I think the answer and  
4 counterclaim speaks for itself. I would say that I  
5 certainly deny having any improper ex parte communications  
6 with any Family Court judge.

7                           MS. WILKINSON: Mr. Chairman, I would note  
8 that the Pee Dee Citizens Committee found Ms. Frazier to be  
9 qualified in constitutional qualifications, physical  
10 health, and mental stability. They reported her well  
11 qualified in ethical fitness, professional and academic  
12 ability, character, reputation, experience, and judicial  
13 temperament.

14                           At this time, I only have housekeeping  
15 issues left.

16 BY MS. WILKINSON:

17           **Q. Ms. Frazier, are you aware that as a judicial**  
18 **candidate you are bound by the code of judicial conduct as**  
19 **found in Rule 501 of the South Carolina Appellate Court**  
20 **Rules?**

21           A. Yes, ma'am.

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

25           A. No, I have not.

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

4 A. I am.

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

9 A. No, ma'am.

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

14 A. I have not.

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

18 A. I do.

19 MS. WILKINSON: I would just note for the  
20 record, Mr. Chairman, that any concerns raised during the  
21 investigation regarding Ms. Frazier were incorporated into  
22 the questioning of the her today. And I have no further  
23 questions.

24 CHAIRMAN SMITH: Ms. Frazier, let me just  
25 follow up with a couple of things. It's getting towards

1 the end of the day, and so I'll be quick with this.

2           You know, I look at this and I -- you know,  
3 I can look at a judge and look at the ballot box surveys  
4 and get some concerns when they reach a certain percentage.  
5 And you're close to that percentage, but I also got to take  
6 into account that you're a lawyer in Family Court, in a  
7 very stressful and very contentious area. And so, you  
8 know, I -- you know, I don't put much stock in a handful of  
9 people who say that your temperament is not -- that you're  
10 unqualified in your temperament.

11           With that being said, though, I just want to  
12 remind you, if you're successful in the candidacy, that  
13 temperament is one of the issues that we closely  
14 scrutinize, especially for sitting judges who come back.

15           And also for those who are trying to aspire to be  
16 a judge, we want to make sure we're not putting you  
17 -- you've practiced law for a while, I've read your PDQ,  
18 you know how the law has kind of progressed or the -- to  
19 where in the old days judges were much more authoritative.  
20 I think that's maybe a kind way to put it than they -- than  
21 they are now.

22           But the Bar doesn't -- they expect more and  
23 better judges with a temperament than they did back 20  
24 years ago.

25           MS. FRAZIER: Absolutely.

1                   CHAIRMAN SMITH: So I just want to let you  
2 know that, you know, that is something that we closely  
3 scrutinize, that we are concerned with. And if you're  
4 successful in this candidacy, then I would tell you that  
5 what we expect is for when -- you represent not yourself  
6 but you represent the South Carolina Judiciary.

7                   And when you do that and the way you treat  
8 people and the way you come off to litigants and to the  
9 court staff and to the lawyers is either enhancing the  
10 reputation of the judiciary or either degrading it.

11                  And so I would just caution you when you get  
12 on the bench and you got to -- we're all used to it. I  
13 used to do the Family Court, and, you know, generally, we  
14 all get hot-tempered. We got difficult clients. It's just  
15 -- it's a contentious area. And, you know -- and you've  
16 got to advocate for your clients, even if they take silly  
17 positions. And I know that.

18                  And so but when you -- once you become a  
19 judge, if you're successful, or any candidate, you got to  
20 put that contention aside. Because that's no longer your  
21 role in the -- in the process of the Family Court process.

22                  Your process is a judge that instils  
23 confidence to the litigants, to the lawyers and everybody  
24 else, that you are taking time and you're ruling in  
25 accordance with the law, and you are taking your job

1 serious and your taking that case serious.

2 I always tell lawyer -- I mean, clients this  
3 all the time: You may see me with another lawyer in a  
4 deposition, and we may be joking around or, you know, we --  
5 you may not like -- you may not think I'm taking the case  
6 serious when I do that. But I take everyone's case real  
7 serious.

8 And I've learned a long time ago that what  
9 is second nature to me is going and sitting in a deposition  
10 is a very difficult process for a litigant; they're not  
11 aware of it, they're not familiar with it, they're not  
12 familiar with going into a courtroom and having to take the  
13 stand and ask questions. So, you know, part of what brings  
14 them at ease is the way they're treated by the judge who's  
15 basically the presiding officer over the whole courtroom.

16 So I just really think it's important as we  
17 move forward, there's a little indication and there's some  
18 ballot box comments about your temperament, and I hope  
19 that's just part of your process of having a -- having the  
20 contested nature of cases over in the Family Court.

21 And I hope that those -- that these greatly  
22 improve, if you're successful in your candidacy and you  
23 come back to us. And if you're not, then obviously I don't  
24 think any of us will still be here. I think our shelf life  
25 will be over at some point over here on the Judicial Merit

1 Selection Commission.

2 But I can probably guarantee that the future  
3 Commissions will be looking at this and scrutinizing this.  
4 And I hope that you -- if you're successful that you have  
5 raving reviews as a judge.

6 MS. FRAZIER: Thank you, Chairman.

7 CHAIRMAN SMITH: Senator Rankin.

8 EXAMINATION BY SENATOR RANKIN:

9 Q. Melissa, I know you and I have encouraged you  
10 over the years to consider running for Family Court. And  
11 I'm tickled that you're doing it. Again, every screening I  
12 participated with Family Court judges, I don't go there,  
13 and was there as a litigant years and years ago.

14 But similar to what Chairman Smith is saying in  
15 terms of what we're looking at, and what you had the  
16 opportunity to develop a legacy of, albeit for a -- again,  
17 one term, what is it that you would want the world to see  
18 and the -- this process reveal in terms of how you serve as  
19 a judge?

20 A. Well, I hope people would describe me as being  
21 fair and respectful to the litigants that appear before me,  
22 and that I come to a -- I help them reach a decision that  
23 they weren't able to reach on their own.

24 Q. You've been complimented in one particularly  
25 relevant point to me, that -- if I can find it -- your

1 advocacy in very difficult cases. But this obviously from  
2 an attorney, because these are all we allow these surveys  
3 to come in from -- but that throughout, while advocating  
4 aggressively for your position, you exhibit the highest  
5 degree of professionalism and ethics. And so you've got  
6 one -- that's just one of many.

7 So in terms of tough cases and -- your focus  
8 would be the litigants, but would there be a particular  
9 litigant -- not male, husband and wife -- but I mean,  
10 walking down the road, would the child be the most  
11 important focus for you?

12 A. I think -- I think the children are always the  
13 first and foremost, you're always looking for the best  
14 interest of those children. So even though the litigants  
15 can't get along and they're having to provide -- especially  
16 if it's a custody or visitation case, if the litigants  
17 aren't able to come to a resolution on their own, then  
18 they're looking to you to assist you. And absolutely, the  
19 best interest of the children are always first and  
20 foremost.

21 Q. We've had other judges that have served and have  
22 come back through this week, a number that the comments  
23 reflect could not be a stronger advocate for children.  
24 And, again, you've got lots of different context for that  
25 child, whether it's a visitation, whether it's custody,

1 whether it is in a DJJ vantage point.

2           Again, what equips you in your walk in life,  
3 other than having walked this professional life, for an  
4 affinity for looking out for the kids?

5           A. For kids, I've served as a guardian ad litem for  
6 over 15 years now. I feel that, that has equipped me. Not  
7 only that, I'm also a parent. I have two children, they've  
8 made it to college. So I feel like I've done a good job, I  
9 hope, with those.

10           So I think that, that certainly gives me  
11 something to -- before you have kids, you think you know  
12 everything about children. And then you have kids and you  
13 realize you don't know anything. So I think that, that  
14 does certainly give you a perspective that you really need  
15 to have.

16           And I would certainly carry that over onto the  
17 bench and realize that children are very important in  
18 anything that goes on. And especially with juvenile  
19 issues. If something -- if a juvenile came before me, I  
20 think our focus there is to try to rehabilitate those  
21 children and make them productive members of society. So I  
22 think that certainly plays through.

23           I have participated in middle school mock trial.  
24 I've taught -- I was the attorney coach for a middle school  
25 team for seven years, and then I also participate. So

1 that's given another unique perspective where I've seen  
2 children and the importance of them having a good base.

3 Q. A final comment, and this -- this person's only  
4 concern -- again, I hate to kind of shift this love fest in  
5 these comments -- their only concern would be that the Bar  
6 would lose one of its better family law attorneys. So I  
7 think that says very well, the regard they hold you in.

8 And so wear lightly that robe. Read the term  
9 "Robitis." Wear that robe lightly. It's a heavy  
10 responsibility, but if you can wear it lightly you will  
11 live a long time and make a lot of people happy. So thank  
12 you.

13 A. Thank you.

14 CHAIRMAN SMITH: Any other questions?

15 (Hearing none.)

16 CHAIRMAN SMITH: Ms. Frazier, this concludes  
17 this portion of your screening process. Let me take this  
18 opportunity to remind you that pursuant to the Commission's  
19 evaluative criteria, the Commission expects candidates to  
20 follow the spirit as well as the letter of the ethics law,  
21 and we will view violations or the appearance of  
22 impropriety as serious and potentially deserving of heavy  
23 weight in screening the deliberations.

24 As you may be aware, the record will remain  
25 open until the formal release of the report of

1 qualifications and you may be called back at such time if  
2 the need arises.

3 I thank you for offering for this position.  
4 And I thank you for your service to the State of South  
5 Carolina.

6 MS. FRAZIER: Thank you for your time.

7 CHAIRMAN SMITH: You all take care.

8 (Candidate excused.)

9 CHAIRMAN SMITH: While we're on the record,  
10 Senator Talley moves that we go into executive session.  
11 All in favor signify by saying "aye."

12 (At this time the members audibly say "aye.")

13 CHAIRMAN SMITH: All opposed?

14 (Hearing none.)

15 CHAIRMAN SMITH: The ayes have it. And  
16 we're in executive session.

17 (Off the record.)

18 CHAIRMAN SMITH: We'll come to order. And  
19 Representative Rutherford is going to make a motion that we  
20 come out of executive session. All in favor signify by  
21 saying "aye."

22 (At this time the members audibly say "aye.")

23 CHAIRMAN SMITH: All opposed?

24 (Hearing none.)

25 CHAIRMAN SMITH: The ayes have it. We are

1 out of executive session. While we were in executive  
2 session there were no votes taken and no matters decided.  
3 So we're going to proceed to ballot on the races. And I'll  
4 hand it over to you, John, to call the roll.

5 MR. HAZZARD: The first would be The  
6 Honorable William McKinnon, Reelection, 16th Circuit, Seat  
7 1.

8 REPRESENTATIVE RUTHERFORD: I move that he  
9 be found qualified.

10 CHAIRMAN SMITH: Representative Rutherford  
11 moves he be qualified, and seconded by Senator Talley. All  
12 in favor signify by raising their hands.

13 (The Commission members vote.)

14 CHAIRMAN SMITH: Let the record reflect  
15 that's unanimous. And both the proxy of Jeff Johnson.

16 SENATOR SABB: I'm sorry, Mr. Chairman, was  
17 that motion that he be qualified, or qualified and  
18 nominated?

19 CHAIRMAN SMITH: Qualified and nominated.

20 SENATOR SABB: Qualified and nominated.

21 REPRESENTATIVE RUTHERFORD: I wasn't sure  
22 which one it had to be.

23 CHAIRMAN SMITH: We're going to do qualified  
24 and nominated. I amend that motion.

25 SENATOR SABB: I so move.

1 CHAIRMAN SMITH: All right. He amends a  
2 motion. And Senator Sabb also asked unanimous consent to  
3 apply the roll from the previous votes.

4 MR. HAZZARD: The second would be Eugene  
5 Warr, Family Court, 4th Circuit, Seat 3.

6 REPRESENTATIVE RUTHERFORD: I move that he  
7 be qualified and nominated by acclamation.

8 CHAIRMAN SMITH: Seconded by Senator Talley.  
9 All in favor, raise a hand.

10 (The Commission members vote.)

11 CHAIRMAN SMITH: And the proxy of Jeff  
12 Johnson.

13 MR. HAZZARD: The next race would be The  
14 Honorable Michael H. Murphy III, Family Court, 1st Circuit,  
15 Seat 2.

16 REPRESENTATIVE RUTHERFORD: I move that he  
17 be qualified and nominated by acclamation.

18 CHAIRMAN SMITH: Seconded by Senator Talley.  
19 All in favor?

20 (The Commission members vote.)

21 CHAIRMAN SMITH: Ten-zero.

22 MR. HAZZARD: The Honorable Daniel E. Martin  
23 Jr., Reelection, Family Court, 9th Circuit, Seat 1.

24 REPRESENTATIVE RUTHERFORD: I move that he  
25 be qualified and nominated by acclamation.

1 CHAIRMAN SMITH: Seconded by Senator Talley.

2 All in favor?

3 (The Commission members vote.)

4 MR. HAZZARD: Ten to nothing. He's  
5 qualified and nominated.

6 The Honorable C. Vance Stricklin Jr.,  
7 Reelection, Family Court, 5th Circuit, Seat 1.

8 REPRESENTATIVE RUTHERFORD: I move that he  
9 be qualified and nominated by acclamation.

10 CHAIRMAN SMITH: Seconded by Senator Talley.  
11 Any objections?

12 (Hearing none.)

13 CHAIRMAN SMITH: Ten-zero.

14 MR. HAZZARD: The Honorable Gwendlyne Young  
15 Jones, Reelection, Family Court, 5th Circuit, Seat 4.

16 REPRESENTATIVE RUTHERFORD: I move that she  
17 qualified and nominated by acclamation.

18 CHAIRMAN SMITH: Seconded by Senator Talley.  
19 Any objection?

20 (Hearing none.)

21 CHAIRMAN SMITH: Hearing none. A vote ten  
22 to zero.

23 MR. HAZZARD: The Honorable Usha J. Bridges,  
24 Reelection, Family Court, 7th Circuit, Seat 3.

25 REPRESENTATIVE RUTHERFORD: I move that she

1 be qualified and nominated by acclamation.

2 CHAIRMAN SMITH: Any objection?

3 (Hearing none.)

4 CHAIRMAN SMITH: And unanimous ten-zero.

5 Let me state that unless I state otherwise, I've got the  
6 proxy of Representative Johnson. And he will be voting  
7 with -- voting in the affirmative unless indicated  
8 otherwise. All right. Next.

9 MR. HAZZARD: The Honorable Karen F.  
10 Ballenger, Reelection, Family Court, 10th Circuit, Seat 2.

11 REPRESENTATIVE RUTHERFORD: I move that she  
12 be qualified and nominated by acclamation.

13 CHAIRMAN SMITH: Seconded by Senator Talley.  
14 Any objection?

15 (Hearing none.)

16 CHAIRMAN SMITH: All right. Passes ten to  
17 zero.

18 MR. HAZZARD: The Honorable William Gregory  
19 Seigler, Reelection, Family Court, 11th Circuit, Seat 1.

20 REPRESENTATIVE RUTHERFORD: I move that he  
21 be qualified and nominated by acclamation.

22 CHAIRMAN SMITH: Seconded by Senator Talley.  
23 Any objection?

24 (Hearing none.)

25 CHAIRMAN SMITH: It passes by a vote of ten

1 to zero.

2 MR. HAZZARD: The Honorable Michele Patrao  
3 Forsythe, Reelection, Family Court, 9th Circuit, Seat 3.

4 REPRESENTATIVE RUTHERFORD: I move that she  
5 be qualified and nominated by acclamation.

6 CHAIRMAN SMITH: Seconded by Senator Talley.  
7 Any objection?

8 (Hearing none.)

9 CHAIRMAN SMITH: It passes by ten -- a vote  
10 ten to zero.

11 MR. HAZZARD: The Honorable Katherine Hall  
12 Tiffany, Reelection, Family Court, 13th Circuit, Seat 3.

13 REPRESENTATIVE RUTHERFORD: I move that she  
14 be qualified and nominated by acclamation.

15 CHAIRMAN SMITH: Seconded by Senator Talley.  
16 Any objection?

17 (Hearing none.)

18 CHAIRMAN SMITH: It passes by a vote of ten  
19 to zero.

20 MR. HAZZARD: The Honorable Karen Sanchez  
21 Roper, Family Court, 13th Circuit, Seat 4.

22 REPRESENTATIVE RUTHERFORD: I move that she  
23 be qualified and nominated by acclamation.

24 CHAIRMAN SMITH: Any objection?

25 (Hearing none.)

1                   CHAIRMAN SMITH: Hearing none. That motion  
2 passes by a vote of ten to zero.

3                   MR. HAZZARD: The Honorable Jessica Ann  
4 Salvini, Reelection, Family Court, 13th Circuit, Seat 6.

5                   REPRESENTATIVE RUTHERFORD: I move that she  
6 be qualified and nominated by acclamation.

7                   CHAIRMAN SMITH: Seconded by Senator Talley.  
8 Any objection?

9   (Hearing none.)

10                  CHAIRMAN SMITH: That passes by a vote of  
11 ten to zero.

12                  MR. HAZZARD: The Honorable Douglas L.  
13 Novak, Reelection, Family Court, 14th Circuit, Seat 2.

14                  REPRESENTATIVE RUTHERFORD: I move that he  
15 be qualified and nominated by acclamation.

16                  CHAIRMAN SMITH: Seconded by Senator Talley.  
17 Any objection?

18   (Hearing none.)

19                  CHAIRMAN SMITH: Hearing none. That passes  
20 by a vote of ten to zero.

21                  MR. HAZZARD: The Honorable Thomas H. White  
22 IV, Reelection, Family Court, 16th Circuit, Seat 1.

23                  REPRESENTATIVE RUTHERFORD: I move that he  
24 be qualified and nominated by acclamation.

25                  CHAIRMAN SMITH: Seconded by Senator Talley.

1 Any objection?

2 (Hearing none.)

3 CHAIRMAN SMITH: Hearing none. That vote  
4 passes by ten to zero.

5 MR. HAZZARD: The Honorable Elizabeth  
6 Biggerstaff York, Family Court Seat 3.

7 REPRESENTATIVE RUTHERFORD: I move that she  
8 be qualified and nominated by acclamation.

9 CHAIRMAN SMITH: Seconded by Senator Talley.  
10 Any objection?

11 (Hearing none.)

12 CHAIRMAN SMITH: Passed by a vote of ten to  
13 zero.

14 MR. HAZZARD: The Honorable Holly Huggins  
15 Wall, Family Court, 12th Circuit, Seat 3.

16 REPRESENTATIVE RUTHERFORD: I move that she  
17 be qualified and nominated by acclamation.

18 CHAIRMAN SMITH: All in favor -- I mean, any  
19 objection? Seconded Senator Talley. Any objection?

20 (Hearing none.)

21 CHAIRMAN SMITH: Hearing none. We'll pass  
22 it by a vote of ten to zero.

23 MR. HAZZARD: The Honorable Walter H.  
24 Sanders Jr., Reelection, Master-in-Equity, Allendale  
25 County.

1                   REPRESENTATIVE RUTHERFORD: I move that he  
2 be qualified by acclamation.

3                   CHAIRMAN SMITH: Any objection? Seconded by  
4 Senator Talley.

5   (Hearing none.)

6                   CHAIRMAN SMITH: No objection. It passes by  
7 a vote of ten to zero.

8                   MR. HAZZARD: Alan Clemmons, Master-in-  
9 Equity, Horry County.

10                   REPRESENTATIVE RUTHERFORD: I move that he  
11 be qualified by acclamation.

12                   SENATOR TALLEY: Second.

13                   CHAIRMAN SMITH: Seconded by Senator Talley.  
14 Any objection?

15   (Hearing none.)

16                   CHAIRMAN SMITH: That votes passes by a vote  
17 of ten to zero. No, let me say this: Representative  
18 Johnson was not here, so he's not going to vote on that  
19 one. So that's a vote of nine to zero.

20                   MR. HAZZARD: Charles B. Jordan Jr., Master-  
21 in-Equity, Horry County.

22                   REPRESENTATIVE RUTHERFORD: I move that he  
23 be qualified.

24                   CHAIRMAN SMITH: Seconded by Senator Rankin.  
25 All in favor signify by raising a hand.

1 (The Commission members vote.)

2 CHAIRMAN SMITH: All opposed?

3 (Hearing none.)

4 CHAIRMAN SMITH: He's qualified by a vote of  
5 nine to zero.

6 MR. HAZZARD: Douglas M. Zayicek, Master-in-  
7 Equity, Horry County.

8 REPRESENTATIVE RUTHERFORD: I move that he  
9 be qualified.

10 CHAIRMAN SMITH: And seconded by Senator  
11 Rankin. All in favor signify by raising their hand.

12 (The Commission members vote.)

13 CHAIRMAN SMITH: All opposed?

14 (Hearing none.)

15 CHAIRMAN SMITH: And that's a vote of nine  
16 to zero.

17 MR. HAZZARD: The Honorable Mikell R.  
18 Scarborough, Reelection, Master-in-Equity, Charleston  
19 County.

20 REPRESENTATIVE RUTHERFORD: I move that he  
21 be found qualified by acclamation.

22 CHAIRMAN SMITH: Seconded by Senator Talley.  
23 Any objection?

24 (Hearing none.)

25 CHAIRMAN SMITH: That will pass by a vote of

1 nine to zero.

2 MR. HAZZARD: The Honorable Steven Coleman  
3 Kirven, Reelection, Master-in-Equity, Anderson and Oconee  
4 Counties.

5 REPRESENTATIVE RUTHERFORD: I move that he  
6 be found qualified by acclamation.

7 CHAIRMAN SMITH: Any objection? Seconded by  
8 Senator Talley.

9 (Hearing none.)

10 CHAIRMAN SMITH: Hearing no objection, that  
11 passes by a vote of nine to zero.

12 MR. HAZZARD: The Honorable Joseph K.  
13 Coffey, Reelection, Master-in-Equity, Clarendon County.

14 REPRESENTATIVE RUTHERFORD: I move that he  
15 be found qualified by acclamation.

16 CHAIRMAN SMITH: Seconded by Senator Talley.  
17 Any objection?

18 (Hearing none.)

19 CHAIRMAN SMITH: Hearing none. That passes  
20 by a vote of nine to zero.

21 MR. HAZZARD: The Honorable James E.  
22 Chellis, Reelection, Master-in-Equity, Dorchester County.

23 REPRESENTATIVE RUTHERFORD: I move that he  
24 be found qualified by acclamation.

25 CHAIRMAN SMITH: Seconded by Senator Talley.

1 Any objection?

2 (Hearing none.)

3 CHAIRMAN SMITH: Hearing none. That vote  
4 passes by nine to zero.

5 MR. HAZZARD: The Honorable Michael M.  
6 Jordan, Reelection, Master-in-Equity, Sumter County.

7 REPRESENTATIVE RUTHERFORD: I move that he  
8 be found qualified by acclamation.

9 CHAIRMAN SMITH: And seconded by Senator  
10 Talley. Any objection?

11 (Hearing none.)

12 CHAIRMAN SMITH: Hearing none. That vote  
13 passes by ten to zero -- I mean, nine to zero.

14 MR. HAZZARD: The Honorable Melissa J.  
15 Buckhannon, Reelection, Family Court, 13th Circuit, Seat 2.

16 CHAIRMAN SMITH: Let me state at the  
17 beginning, Representative Johnson was not here, but he  
18 wanted to make sure that he was recused from this vote. So  
19 he will not be voting in this.

20 REPRESENTATIVE RUTHERFORD: I move that she  
21 be found qualified and nominated.

22 CHAIRMAN SMITH: Seconded. All in favor --  
23 or being found qualified, raise their hand.

24 (The Commission members vote.)

25 CHAIRMAN SMITH: All opposed?

1 (Hearing none.)

2 CHAIRMAN SMITH: Let the record reflect  
3 that's a vote of nine to zero.

4 MR. SAFRAN: And that's nominated also?

5 CHAIRMAN SMITH: Nominated and qualified.  
6 Or was it qualified and nominated?

7 REPRESENTATIVE RUTHERFORD: Qualified and  
8 nominated.

9 MR. HAZZARD: Melissa M. Frazier, Family  
10 Court, 15th Circuit, Seat 3.

11 REPRESENTATIVE RUTHERFORD: I move that she  
12 be found qualified and nominated by acclamation.

13 CHAIRMAN SMITH: And seconded by Senator  
14 Rankin. Any objection?

15 (Hearing none.)

16 CHAIRMAN SMITH: Hearing none. That passed  
17 by a vote of nine to zero.

18 All right. So we're going to stand at ease  
19 and come back. Mr. Safran moves that we go into executive  
20 session. All in favor signify by saying "aye."

21 (At this time the members audibly say "aye.")

22 CHAIRMAN SMITH: All opposed?

23 (Hearing none.)

24 CHAIRMAN SMITH: The ayes have it.

25 (Off the record.)

1                   CHAIRMAN SMITH: We're back on the record.  
2 And Ms. McIver moves we come out of executive session. All  
3 in favor signify by saying "aye."

4                   (The members audibly say "aye.")

5                   CHAIRMAN SMITH: All opposed?

6                   (Hearing none.)

7                   (Hearing none.)

8                   CHAIRMAN SMITH: So with that, Senator  
9 Talley moves we adjourn. All in favor signify by saying  
10 "aye."

11                   (The members audibly say "aye.")

12                   CHAIRMAN SMITH: All opposed?

13                   (Hearing none.)

14                   CHAIRMAN SMITH: The ayes have it. We stand  
15 adjourned.

16                   (OFF THE RECORD AT 7:20 P.M.)

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CERTIFICATE OF REPORTER

I, PATRICIA G. BACHAND, COURT REPORTER AND NOTARY PUBLIC IN AND FOR THE STATE OF SOUTH CAROLINA AT LARGE, DO HEREBY CERTIFY THAT THE FOREGOING TRANSCRIPT CONSISTING OF 210 PAGES IS A TRUE, ACCURATE, AND COMPLETE RECORD TO THE BEST OF MY SKILL AND ABILITY.

I FURTHER CERTIFY THAT I AM NEITHER ATTORNEY NOR COUNSEL FOR, NOR RELATED TO OR EMPLOYED BY ANY OF THE PARTIES CONNECTED WITH THIS ACTION, NOR AM I FINANCIALLY INTERESTED IN SAID CAUSE.

IN WITNESS WHEREOF, I HAVE SET MY HAND AND SEAL THIS 10TH DAY OF DECEMBER 2021.



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PATRICIA G. BACHAND, COURT REPORTER  
MY COMMISSION EXPIRES MARCH 8, 2027

<b>Exhibits</b>	<b>211201PB.</b> <b>JMSC_Zayicek_</b> <b>Exh 10</b> 5:15 55:9,24	6:23 105:3 <b>211201PB.</b> <b>JMSC_Chellis_</b> <b>Exh 20</b> 7:3 112:16	8:9 180:5 <hr/> <b>\$</b> <hr/> <b>\$2,040</b> 64:8	<b>13th</b> 202:12,21 203:4 208:15
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