



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

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

Full Name: Alan Delk Clemmons

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

2. If appointed, do you have any plans to return to private practice one day?
No.

3. Have you met the statutory requirements for this position regarding age, residence, and years of practice? Yes.

4. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated?
There are very limited situations where I would allow *ex parte* communications, such as those envisioned in Section 3B(7) of the Rules of Judicial Conduct, to facilitate scheduling and other administrative purposes, to accommodate emergencies, or in a circumstance where the judge, with the consent of the parties, confers separately with the parties and their attorneys in an effort to mediate or settle matters pending before the court. Circumstances allowing for such communications, however, are few and narrow and, to the extent possible, a judge must discourage *ex parte* communication and allow it only if all the criteria stated in Section 3B(7) of the Rules of Judicial Conduct are clearly met.

5. If you disclosed something that had the appearance of bias, but you believed it would not actually prejudice your impartiality, what deference would you give a party that requested your recusal? Would you grant such a motion?
A judge must make every effort to avoid the appearance of impropriety and avoid words or conduct that manifest bias or prejudice in the performance of his judicial duties. In this hypothetical, I would give wide

deference to the party that requests the recusal and would likely grant the motion.

6. What standards have you set for yourself regarding the acceptance of gifts or social hospitality?
I would employ the standards set out in Section 4D(5) of the Rules of Judicial Conduct.
7. How would you handle a situation in which you became aware of misconduct or appearance of infirmity of a lawyer or of a fellow judge?
In such a circumstance, I would take appropriate action pursuant to the requirements of Sections 3D(1) and 3D(2) of the Code of Judicial Conduct. Depending upon the circumstance, the warranted action may include direct communication with the judge or lawyer who has committed the violation, other direct action if available, and reporting the violation to the appropriate authority. If the actions raise a substantial question as the offending judge's fitness for office, or the offending attorney's honesty, trustworthiness, or fitness as a lawyer in other respects, the appropriate authority must be informed.
8. Are you affiliated with any political parties, boards or commissions that would need to be evaluated if you are appointed? I am currently an appointed member of the board of the South Carolina Bureau of Economic Advisors and the South Carolina Revenue and Fiscal Affairs Office. I intend to resign from the board prior to service on the bench, if appointed.
9. Have you engaged in any fund-raising activities with any political, social, community, or religious organizations? Please describe.
Yes, I have been involved in fundraising for my own campaign funds while serving in, and running for, elected office. Those activities have come to an end. I have also been engaged in fund-raising for the Boy Scouts. I shall discontinue such activity if appointed to serve as Master in Equity.
10. If appointed, how would you handle the drafting of orders?
In most cases, I will likely invite a prevailing party to submit proposed findings of fact and conclusions of law, with opposing counsel invited to respond to the proposed findings and conclusions, with the final order, of course, issuing from my hand.

11. If appointed, what method would you use to ensure that you and your staff meet deadlines?
We would maintain a calendaring system much like, if not the same as, that currently employed by the Master in Equity for Horry County.

12. What is your philosophy on “judicial activism,” and what effect should judges have in setting or promoting public policy?
I believe that judicial activism from the bench must be avoided. Public policy should be established by the legislature, not the courts, The court’s role is to interpret and to apply the law

13. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. What activities do you plan to undertake to further this improvement of the legal system?
I plan to invite youth groups into the court and to work with them to acquaint them with the legal system and the administration of Justice to help them gain an appreciation for the law at an early age.

14. Do you feel that the pressure of serving as a judge will strain personal relationships (i.e. spouse, children, friends, or relatives)? How would you plan to address this? No.

15. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality? No.

16. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved?
I would disclose the interest to the parties and offer remittal, allowing the parties an opportunity to proceed if they wish to waive the disqualification. Without waiver, I would recuse myself.

17. Are you a member of any organization or association that, by policy or practice, prohibits or limits its membership on the basis of race, sex, religion, or national origin? If so, please identify the entity and explain if this organization practices invidious discrimination on any basis.
No.

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

the mandatory minimum hours requirement for continuing legal education courses for 2020.

19. What do you feel is the appropriate demeanor for a judge and when do these rules apply?
A judge should act with integrity and impartiality and comport himself in a manner that promotes public confidence in the judiciary. This behavior extends well beyond the courtroom and into the daily life of the judge.

20. Do you feel that it is ever appropriate to be angry with a member of the public appearing before you? Is anger ever appropriate in dealing with attorneys or a pro se litigant?
I have always labored, in my personal and professional life, under the premise anger is never an appropriate emotion; I strive to employ kindness in all my endeavors. One voice of anger tends to spurs additional anger, whereas kindness tends to dampen anger. Anger, in my opinion, is never appropriate in dealing with attorneys or *pro se* litigants. Anger, however should never be confused with being firm; a kind, yet firm, hand can be very effective in assuring the efficient operation of the court.

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

Sworn to before me this ____ day of _____, 2021.

Notary Public for S.C.
My Commission Expires: _____