



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

Master-in-Equity
(New Candidate)

Full Name: Charles Bernhart Jordan, Jr.

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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?

In our adversarial judicial system, a court's decision on any matter should only be based upon the evidence and arguments presented to the court when all parties or their counsel are present. Having all parties and/or their counsel present when the court receives any evidence or argument also preserves public trust in our judicial system that any decision will be based upon the facts and the law and not on other bases such as personal preference. *Ex parte* communications undermine both our judicial system and the trust in that system. This is the reason for the general prohibition on *ex parte* communications in Canon 3B of our Code of Judicial Conduct.

I would not permit *ex parte* communications, except in the very limited circumstances recognized by law and only when absolutely necessary. For example, Canon 3B(7)(a) permits *ex parte* communications for scheduling purposes; however, with modern means of communication, such as multiparty emails, circumstances requiring *ex parte* communications for scheduling should be rare if not non-existent. Canon 3B(7)(e) would also permit *ex parte* communications for emergency temporary restraining orders. Under those and

similar circumstances, I would strictly comply with the applicable Rule of Civil Procedure, such as Rule 65.

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?

Canon 3E requires a judge to disqualify himself in a proceeding in which the judge's impartiality might reasonably be questioned. Actual bias or partiality is not the standard. Rather, the standard is whether there is a reasonable basis to question a judge's impartiality. Although every motion needs to be decided on a case by cases basis, I would give great deference to the party requesting the recusal. If that request had a reasonable basis, then I would recuse myself.

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

Our judicial system depends upon judges having not only actual impartiality but also the appearance of impartiality. The minimal requirements concerning the acceptance of gifts or social hospitality are set forth in Canon 4D(5). I would not accept any gifts from any person who is likely to appear before me as a party or as counsel. I would also not accept any social hospitality from any party that may appear before me, and would only accept social hospitality from counsel if that hospitality was part of a larger gathering.

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?

The standards for handling these situations are set forth in Canon 3D. These matters would be addressed in one of two ways. First, if the misconduct or appearance of infirmity did not raise a substantial question as to the judge's fitness for office or an attorney's honesty, fitness, or trustworthiness, then I would address the situation directly and privately with the judge or the attorney. However, if the misconduct did raise a substantial question as to the fitness of the judge or the attorney, then I would report the matter to the appropriate authority.

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

No.

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

Yes. As a member of the relevant Boards, I currently actively participate in fund-raising for New Directions, the WES Foundation, and the Church of the Messiah.

If appointed, I would resign from these Boards. Additionally, in accordance with Canon 4C(3)(b), I would refrain from any future fundraising and other prohibited activities regarding these and other organizations.

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

The means of the drafting of orders is dependant upon the nature of the dispute. Most administrative and non-dispositive orders can be disposed of through the use of Form 4, which I would draft. Routine foreclosure matters have standard form orders. In that situation, I would have counsel draft the orders for my review.

In other cases, I would employ one of two methods. In those matters where I have made my decision, I would instruct all counsel as to my decision, the factual and legal basis for that decision, and request that the prevailing attorney write an order in strict accordance with those findings. In those matters where I am uncertain as to my decision, I would request either post-trial briefs or proposed orders from all sides. In all cases, I would afford all parties the opportunity to review and comment on any proposed order submitted.

In all circumstances, I would work to insure that orders be prepared “promptly, efficiently, and fairly,” as required under Canon 3(B)(8).

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

All deadlines would be calendared and the primary responsibility of a specific staff person would be to insure compliance with all deadlines.

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

My philosophy on judicial activism is in line with that of Chief Justice John Robert’s statement during his confirmation hearing: “If I am confirmed, I will confront every case with an open mind. I will fully and fairly analyze the legal arguments that are presented. I will be open to the considered views of my colleagues on the bench, and I will decide every case based on the record, according to the rule of law, without fear or favor, to the best of my ability, and I will remember that it’s my job to call balls and strikes, and not to pitch or bat.” Under no circumstances should public policy be set by a master-in-equity or other trial judge. Under our system of government, that duty lies primarily with the legislative and executive branches acting pursuant to their constitutional authority or the Supreme Court in the evolution of the common 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?

There are three ways in which I would engage in activities to further the improvement of the legal system. First, courts should always be open to improving their operation. I would seek out opportunities to learn how to improve my position. This would include being in communication with the bar and other masters-in-equity and participating in and attending seminars and other similar events. Second, as the face of the judicial system, judges should be aware that everything they do – good or bad, in private, public, or online – reflects on the judicial system as a whole. I would try to always maintain a demeanor commensurate with my position. Third, I would remain engaged in my community (to the extent allowed for under Canon 4), and would seek opportunities through civic and similar organizations to speak on our judicial system. I would also remain active in the Bar’s mock trial and similar education programs.

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

I anticipate that the pressure of serving as a judge is similar to the pressure of serving as an attorney. Justice Joseph Story wrote that the law is a jealous mistress. As an attorney, my obligations to my clients and the court must often take precedence over all other obligations and relationships. As a judge, my obligations to the litigants and the judicial system will likewise take that jealous precedence. I also anticipate that my friendship with other attorneys will wane. A judge’s duty is to the law. I have seen and experienced how friendships between judges and attorneys adversely affect a judge’s objectivity. My friendships with other attorneys would need to be solely on a professional and not a personal basis.

The pressures of serving as a judge are addressed similarly to the pressures of serving as an attorney. These are to be addressed through communication with the party to the relationship as to my duties as a judge and the reasons why those duties take precedence.

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

In general, I am not involved in any active investment that would impair by the appearance of impartiality. However, I am engaged in certain specific investments as disclosed on my confidential financial statement that would require by recusal if matters concerning those investments came before me. Pursuant to Canon 4D(4), I would immediately begin taking those steps to divest myself of any investment that might require frequent disqualification.

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

This potential conflict is addressed in Canon 3E(1)(d). Under the Canon, a person within a three-degree relationship to a judge who has more than a de minimis interest that could be substantially affected by the proceeding requires the judge to be disqualified. If the interest is a mere de minimis financial interest, then I would disclose the interest, if known, on the record and inquire of the parties as to whether that interest represents an objectively reasonable basis to call into question my impartiality. I would resolve the motion based on the specific circumstances of that matter, keeping in mind that the standard is not actual bias but whether there is a reasonable basis to question my impartiality.

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.

Yes. I am a member of The Episcopal Church of the Messiah which restricts its membership to people who have been baptized in any Christian denomination and restricts its lay leadership to people who have been confirmed in The Episcopal Church. This is the general practice across most Christian denominations. Otherwise, I am not a member of any such organization.

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

Yes.

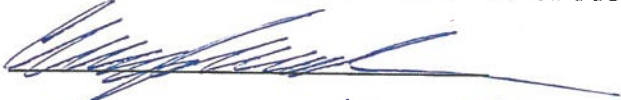
19. What do you feel is the appropriate demeanor for a judge and when do these rules apply?

At the most basic level, a judge must afford everyone in his presence – litigants, attorneys, court personnel, and staff – the inherent dignity and respect as a bearer of God’s image. A judge should always have a professional demeanor and exhibit the virtues of patience and self-control. A judge must approach his work with humility and the understanding that no two cases are identical and that every decision necessarily impacts the parties to that decision. These rules apply everywhere and at all times.

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

No, anger is never appropriate in dealing with anyone. A fundamental duty a judge owes to anyone is the exercise of his rational faculties. Whenever any emotion, including anger, overcomes a judge’s reason or otherwise causes a judge to lose control, then a judge has violated this duty.

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 19th day of July, 2021.

Tonia J. Barnett
Notary Public for South Carolina
My Commission Expires: 1/27/2025

TONIA J BARNETT NOTARY PUBLIC State of South Carolina My Commission Expires Jan. 27, 2025
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