



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

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

Full Name: **Douglas Michael Zayicek**

Business Address: **1000 29th Avenue North
Myrtle Beach, SC 29577**

Business Telephone: **(843) 448-2400**

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?

A judge should never be involved in any *ex parte* communications involving any substantive matters of a case, without exception. *Ex parte* communications, however, may occur with the Master-in-Equity's staff for scheduling purposes. For example, the Horry County Master-in-Equity's staff schedules all hearings. In addition, members of the public frequently contact the Master-in-Equity's office, and the staff must be friendly and accommodating, without giving legal advice.

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?

If I disclosed something that had the appearance of bias, I would grant the motion for recusal. A judge must maintain impartiality.

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

My standard will be that gifts should not be accepted by a Judge unless from family members or office staff on special occasions (Christmas, birthdays, retirement, birth of a child, etc.) As for social hospitality, the issue is more complex. My standard will be that I may attend birthday parties, holiday parties, and weddings involving attorneys provided the parties are not for me (in other words, I am just a guest), and any attorneys/parties involved do not then currently have a case before me. The key is to avoid the appearance of impropriety. If there is any doubt, the situation must be avoided. Faith in the impartiality of the judicial system is paramount.

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?

I would immediately report a matter of misconduct to the Commission on Lawyer (or Judicial) Conduct, or the Office of Disciplinary Counsel.

As for an appearance of infirmity, it depends on the specific circumstances. If the infirmity appears minor, I would discreetly address the matter with the person before making any determination. If the infirmity is substantial (clearly intoxicated or under the influence of some substance, etc.), I would immediately report the matter to the Commission on Lawyer (or Judicial) Conduct, or the Office of Disciplinary Counsel.

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

No. I currently serve on the Foundation Board for the Horry County Disabilities and Special Needs Board. I would resign from that Board if elected. I previously served for several years on the Grand Strand Humane Society Board of Directors, but did not run for another term when my last term expired.

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

I currently serve on the Foundation Board for the Horry County Disabilities and Special Needs Board. I would resign from that Board, if elected. I previously was involved in fund-raising activities for the Grand Strand Humane Society, but am no longer on that Board.

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

In most cases, I would email the parties, and ask the attorney for the prevailing party to draft the necessary order. If the prevailing party is pro se, I would draft the necessary order.

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

I do not know what, if any, scheduling/calendaring programs the Horry County Master-in-Equity office currently uses, but I would use that or obtain one, and have a paper-calendar back up system.

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

Judges in South Carolina should not be judicial activists, and should not set public policy in any way. The members of the General Assembly, and Governor, are the elected officials who have to answer to the citizens of South Carolina. It is their exclusive duty and power to set and promote public policy in South Carolina.

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 do not currently have any plans to undertake any such activities, but I would certainly participate if asked by the South Carolina Supreme Court, the General Assembly, or the Governor.

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

I do not feel serving as a judge will strain any personal relationships, whatsoever. My fiancé is very supportive, and I do not have any children. Also, whether by luck or design, all of my close friends are of high character.

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?

No. I believe the recusal rules allow a judge to hear a case unless the judge or a family member has more than a *de minimus* interest and the outcome of the case could affect that interest. However, to avoid any appearance of impropriety, I would recuse myself even in cases that only involve a *de minimus* interest.

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

No.

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

Yes.

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

A judge should always appear calm, friendly, compassionate, helpful, and impartial, and should not take any action that shows any bias for, or against, any attorney, witness, or litigant. I had the honor of clerking for the Hon. John L. Breeden, Jr. (Retired), and I will always strive to treat everyone the same way that he did--with respect and dignity, regardless of the circumstances.

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?

Anger is never an appropriate reaction in public, or with a member of the public. Should a judge ever need to be frank with an attorney, it should be done in chambers, only. The deputies and bailiffs are present to assist with any unruly member of the public.

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 12 day of July, 2021.

Maria J. Butler
Notary Public for S.C.

My Commission Expires: 9/20/26