



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

**Master-in-Equity
(Incumbent)**

Full Name: Steven Coleman Kirven

Business Address: Anderson County Courthouse
100 South Main Street
Anderson, SC 29624

Business Telephone: 864 260-4052

1. Do you plan to serve your full term if re-appointed? Yes
2. Do you have any plans to return to private practice one day?

Doubtful
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?

Ex parte communications in almost every situation are not permissible and should be avoided. Any effort initiated to engage in such should be immediately halted and appropriate admonishment given. The only possible exceptions would be those strictly limited to administrative or emergency matters with care given to insure no advantage to any party and prompt notification and opportunity to be heard to other parties. In most instances administrative matters should be handled by staff to the fullest extent possible. Emergency type situations should be strictly limited to the minimum extent necessary and with precise adherence to the applicable rules and safeguards.

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?

I lean toward giving deference to such a party by recusal in order to avoid any appearance of impropriety provided there was no reasonable basis to conclude that the party's position was taken merely as a delaying tactic and no significant hardship would be caused to the other parties involved. This has consistently been my approach since becoming a judge.

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

I do not accept gifts nor do members of my household (which is only my wife) unless there is absolute confidence that such are specifically permissible under provisions and guidelines of the Judicial Code of Conduct. Even in those instances special care must be taken to insure that such a gift could not be reasonably perceived to be offered in order to assert influence or adversely affect my impartiality in carrying out my judicial duties. Ordinary social hospitality in the context of usual and customary social interactions would be permissible absent any circumstances which could be construed to impede my impartiality in carrying out my judicial responsibilities.

7. How would you handle a situation in which you became aware of misconduct or appearance of infirmity of a lawyer or of a judge?

If the knowledge indicated a substantial likelihood of misconduct I would be obligated to take appropriate action which might range from direct communication with the offending party, in an effort to clarify and dissuade, to reporting the incident to the applicable authority. If the knowledge rose to the level of a violation rendering the offender unfit to carry out their professional responsibilities there would be no alternative but to inform the appropriate authority.

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

During my career as a practicing attorney I sometimes volunteered for fund raising or membership campaigns for certain community organizations such as the YMCA and Chamber of Commerce. None since becoming a judge and a good while prior.

9. How do you handle the drafting of orders?

In uncontested matters the plaintiff's attorney routinely submits a proposed order, or, at the hearing, I request one be submitted. After I review it and am satisfied with the content with any revisions I may make, I sign it.

In contested matters I generally request that the prevailing party draft a proposed order consistent with my ruling and submit it to opposing counsel for review and comment and then deliver it to me in electronic form (Word or similar format) with a report as to any unreconciled issues among counsel. If none, I review and revise as necessary. If there are unresolved issues I first determine if there is need for further input from counsel to me such as memoranda or additional hearings and then proceed accordingly. This process is subject to a reasonable, defined timeline and all communications copied to all counsel. Ultimately, I make the final determination as to the wording and content of the order and then sign it. On occasion when I am not satisfied with the submitted proposed order I simply draft one myself.

10. What methods do you use to ensure that you and your staff meet deadlines?

I utilize multiple calendar approaches, some electronic and some manual incorporating reminders at predetermined times in advance of deadlines. Each week one of my assistants prepares for me a schedule of activities for the coming week or two. The assistant also maintains a list of cases requiring additional or follow-up attention. On a monthly basis a report is prepared and submitted to Court Administration specifying the status of pending cases.

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

A judge should not trespass upon the legislature's province of creating and enacting laws. He should apply the law as intended by the legislature. If there is any lack of clarity as to the legislative intent he must endeavor to ascertain that intent and apply the law accordingly. In situations involving common law, a judge should adhere to the applicable precedents as faithfully as possible. A judge should never attempt to legislate from the bench.

12. 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 have actively explored ways to make the Master's court resource available in any way permissible and consistent with the desires and preferences of the circuit judges, clerks of court and court administration officials through discussion with them and by offering my participation and assistance when desired. I attend judicial conferences and bar meetings to keep abreast of evolving issues and needs within our judicial system. I interact on a regular basis with the other Masters-in-Equity to discuss and address timely issues within our system. I endeavor in each case coming before me and at every other opportunity to make our legal system available and understandable to the citizens who come into contact with the system or may need to do so. I firmly believe that our legal system is only as strong as the level of confidence our citizens have that it is fair and available.

13. Do you feel that the pressure of serving as a judge strains personal relationships (i.e. spouse, children, friends, or relatives)? How do you address this?

This has not been a problem for me. My marriage is solid and my only son is fully independent and living in Greenville. While I enjoy spending time with my three granddaughters that is not an everyday occurrence. I utilize my after work time, holidays and weekends to enjoy family activities and gatherings. I have never been inclined toward needing constant interaction with friends. I have tended toward having a few very close friends with whom I visit by phone or in person on a fairly frequent basis and a larger number of more casual friends and acquaintances I see from time to time in social settings.

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

No

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

While the term *de minimis*, by definition, indicates that the interest would not be such as to render me biased, I normally disclose the existence of that interest. If a legitimate concern is expressed I normally lean toward recusal absent an indication of a delay motive or the danger of significant negative impact or inconvenience to other parties.

16. 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 these bases. No

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

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

A judge should be courteous and respectful to all who come before him and those who work with him. He should exhibit a pleasant, dignified demeanor and maintain patience. He should be firm enough to maintain order in his courtroom without resorting to anger, rudeness or intimidation. A little sense of humor in the proper context is not a bad thing.

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

No, anger is a counter-productive emotion and has no place in a courtroom or directed at any of the participants. It robs the mind of the ability to apply reason and logic. A judge may at times need to be firm, but he must remain patient and fair to all. Every person who enters the courtroom is entitled to respect and courteous treatment.

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.

(Signature)

(Print Name)

Notary Public for South Carolina

My commission expires: _____