



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

Circuit Court
(New Candidate)

Full Name: Heath Preston Taylor

Business Address: 3227 Sunset Boulevard, Building E, Suite 101
West Columbia, South Carolina 29169

Business Telephone: (803) 926-2205

1. Why do you want to serve as a Circuit Court judge?

I believe it is important for our judiciary to be comprised of competent, experienced members of the South Carolina Bar. I have enjoyed a successful legal career and have experience in virtually all aspects of Circuit Court. While I am proud of my legal accomplishments and could certainly continue in private practice, I believe it is important for capable lawyers to consider serving in the judiciary. I feel that it is important to give something back to a profession that has given me a significant sense of pride and the ability to positively affect the lives of so many individuals. I am ready for a new challenge and serving as Circuit Court judge would enable me to contribute to my chosen profession while continuing to make meaningful impacts on citizens who find themselves in our civil and criminal justice systems.

2. Do you plan to serve your full term if elected?

Yes

3. Do you have any plans to return to private practice one day?

At the present time, if elected, I plan to serve until retirement assuming I am re-elected to successive terms. Upon retirement, I do not foresee returning to full-time private practice but would consider a return to private practice in a limited capacity.

4. Have you met the Constitutional requirements for this position regarding age, residence, and years of practice?

Yes

5. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated?

Ex parte communications should not occur except in the limited circumstances provided by Canon 3B(7) of the Code of Judicial Conduct and any permitted *ex parte* communications should be promptly disclosed to all interested parties not privy to the original communication.

6. 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 would give great deference to a party requesting recusal. Not only must a judge be neutral, detached and impartial, he or she must be perceived by the litigants and lawyers as neutral, detached and impartial. I believe Canon 3E of the Code of Judicial Conduct requires recusal if the judge's impartiality might reasonably be questioned and I would grant such a motion.

7. How would you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative?

A judge must inform his or her family of the judge's obligations to avoid the appearance of impropriety and other applicable ethical considerations imposed by the Code of Judicial Conduct. I would make every effort to discourage my family's involvement in financial arrangements or social interactions which would reflect negatively upon my ability appear fair, impartial, neutral and detached.

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

The standards I would adhere to with regard to gifts and social hospitality are set forth in Canon 4D(5) of the Code of Judicial Conduct. Subject to the exceptions in Canon 4D(5) of the Code of Judicial Conduct, I would not accept gifts and would discourage my family members from accepting gifts any way related to my role as a member of the judiciary except as specifically permitted. Under no circumstances should a judge accept gifts or favors from lawyers, their firms or their clients who have come or are likely to come before the

judge.

While "ordinary social hospitality" is not specifically defined in Canon 4 of the Code of Judicial Conduct, I believe social hospitality could be treated differently depending on the nature of the offer and prior existing relationships. Significant offers of social hospitality where no prior personal relationship existed should be avoided.

9. 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?

It would be incumbent upon me to report the lawyer or judge to the Commission on Lawyer Conduct or Commission on Judicial Conduct pursuant to Canons 3D and 3G of the Code of Judicial Conduct.

10. 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

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

I have participated in fund-raising activities for wildlife conservation groups, community groups and other groups primarily related to the extra-curricular activities of my children. I have contributed to political candidates and attended political functions where the primary objective was to raise funds for a candidate. I understand the significant limitations imposed on judges with respect to civic and charitable activities and fundraising by Canon 4C of the Code of Judicial Conduct and the specific prohibitions related to political activities and fund-raising set forth in Canon 5A of the Code of Judicial Conduct.

12. Do you have any business activities that you would envision remaining involved with if elected to the bench?

I assist in the management of a hunting club known as Devil's Orchard Hunt Club in Calhoun County, South Carolina. The hunting club is located on property owned by or leased from my family. All funds collected through memberships are used to pay real property taxes, insurance, lease payments, maintenance and agricultural expenses. I

am not compensated by the hunting club and realize no economic benefit other than the recreational use of the hunting club property. I plan to remain involved in the hunting club if elected to the bench and do not believe my participation would be in conflict with Canons 4D(1), (2) or (3) of the Code of Judicial Conduct.

13. If elected, how would you handle the drafting of orders?

I would handle the drafting of orders on a case by case basis. I believe it would be appropriate for counsel for the parties to draft orders addressing administrative or scheduling issues but complex and substantive orders should be drafted by the court.

14. If elected, what methods would you use to ensure that you and your staff meet deadlines?

Throughout my legal career, I have had active criminal and civil litigation practices. I am accustomed to calendaring deadlines with appropriate reminders prior to deadline dates and would implement a similar system that has served me well during my nearly 23 years of practice.

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

In my opinion, the Code of Judicial Conduct discourages “judicial activism.” Canon 2A of the Code of Judicial Conduct requires a judge to “. . . respect and comply with the law” and Canon 3B(2) of the Code of Judicial Conduct requires a judge to “. . . be faithful to the law.” “Law”, in the context of the Code of Judicial Conduct, includes court rules, statutes, constitutional provisions and decisional law. I do not believe the judiciary should have a significant role in setting or promoting public policy. Judges are not elected to legislate and great deference should be shown to both the plain meaning of legislative enactments as well as legislative intent. *Stare decisis* is one of the foundational principles of our judicial system and should be strictly followed as it provides continuity and consistency for both judges and lawyers as they navigate complex legal and factual issues. I do not believe decisions should be “result” oriented but instead governed by adherence to applicable statutory authority and existing precedent. Further, Canon 2B(2) of the Code of Judicial Conduct states that “[a] judge shall not be swayed by partisan interests, public clamor or fear of criticism.” Assuming a statute is not repugnant to the constitution, I believe it is the duty of judges to strictly construe statutes and constitutional provisions regardless of his or her personal belief with

regard to the outcome.

16. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. If elected, what activities do you plan to undertake to further this improvement of the legal system?

I have frequently lectured and presented at seminars and continuing legal education programs over the course of my career. I believe the education and instruction of lawyers in the practical aspects of our legal system is essential to the proper functioning of our courts and the competent representation of clients. If invited, I will continue to participate in continuing legal education programs subject to the requirements found in Canon 4 of the Code of Judicial Conduct.

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

I do not believe the pressure of serving as judge would strain personal relationships any more than the private practice of law. I believe I have been successful in separating my personal life from my professional life. My family is my top priority and I will continue to make the necessary time and effort to foster healthy relationships with my wife and children while at the same time diligently attending to the duties of my office if elected.

18. The following list contains five categories of offenders that would perhaps regularly appear in your court. Discuss your philosophy on sentencing for these classes of offenders.

- a. Repeat offenders:
- b. Juveniles (that have been waived to the Circuit Court):
- c. White collar criminals:
- d. Defendants with a socially and/or economically disadvantaged background:
- e. Elderly defendants or those with some infirmity:

It is my opinion that discussion of sentencing philosophies for these classes of offenders would violate Canon 5A(3)(d)(ii) of the Code of Judicial Conduct because any response could be perceived as “. . .

statements that commit or appear to commit the candidate with respect to cases, controversies or issues that are likely to come before the court.” Sentencing in each case must be decided on its own individual facts with due consideration of relevant aggravating and mitigating factors as well as the seriousness of the offense. Further, the classes of offenders cited above do not exist in a vacuum and some, or potentially many of the characteristics cited above, may exist in a single case making an intelligent response to this question nearly impossible in the event a response is not prohibited by Canon 5A(3)(d).

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

No

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

While a *de minimis* interest is not mandatory grounds for recusal, I believe it is appropriate to disclose the interest to all parties and permit the parties to confer in accordance with Canon 3F of the Code of Judicial Conduct with regard to whether recusal is necessary. In the event the parties feel recusal is warranted, I would recuse myself.

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

Yes

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

A judge should at all times be patient and courteous to all parties when acting in a judicial capacity. In his or her personal capacity, a judge should not conduct himself or herself in a manner that would demean his or her office.

23. Do you feel that it is ever appropriate to be angry with a member of the public, especially with a criminal defendant? Is anger ever appropriate in dealing with attorneys or pro se litigants?

While judges are human and anger is a common emotion, it would never be appropriate to exhibit anger toward any litigant or attorney. Publicly exhibiting anger would be antithetical to the requirement to

maintain the high standards of conduct set forth in Canon 1 of the Code of Judicial Conduct and requirements of Canon 2 of the Code of Judicial Conduct to promote public confidence in the integrity and impartiality of the judiciary.

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: _____